Chapter 13
Release from Prison, Parole, and Prisoner Reentry

Chapter Objectives
- Describe why the topics of release and reentry are so important to corrections and criminal justice.
- Differentiate the various methods of release from prison, and describe trends in the use of these methods.
- Differentiate prerelease and temporary release, and identify types of temporary release.
- Define parole, and distinguish it from probation.
- Describe the historical evolution of parole as well as the manner in which parole is organized and administered today.
- Describe the key phases of the parole release process, including consideration of the factors that influence release decisions.
- Describe the parole supervision and termination process.
- Critically analyze the major issues in parole, including the following:
  - rights of persons on parole
  - the movement to abolish parole release
  - liability of parole officials
  - the lack of resources for parole supervision and services
- Discuss what research shows about patterns of recidivism among those released from prison.
- Demonstrate understanding of (1) the challenges faced by prisoners upon reentry into the community, (2) approaches to improving reentry, and (3) what research shows about the effectiveness of reentry programs.
- Critically analyze the controversies surrounding prisoner reentry, including the following:
  - employment of ex-prisoners
  - the impact on families and communities
  - the reentry of sex offenders
  - the role of crime victims in reentry

Introduction
- Reentry has emerged as one of the most significant issues facing criminal justice.
- Each year, hundreds of thousands people exit jails, prisons, or other correctional facilities to return to life in the community.
- There are formidable barriers to successful reentry and overcoming these barriers is one of the keys to improving the criminal justice system.

Release from Incarceration
- The amount of time a person serves in prison can be affected by several considerations.
  - the sentencing system that is used in the jurisdiction
  - special laws such as “three strikes”
  - reductions due to good behavior or time previously served
  - criminal justice officials’ discretion
  - prison resources
Methods of Release

- Unconditional mandatory release
  - least common
  - released at end of maximum time allowed by sentence without supervision

- Conditional mandatory release
  - most common
  - released after serving a portion of sentences, with supervision

- Discretionary parole release
  - released at the discretion of an authority, with supervision

Pre- and Temporary Release Programming

- They make transitions into the community a gradual process.

- Prerelease programs
  - prepares prisoner for reentry
  - emphasizes
    - life skills
    - counseling
    - education
    - other areas
  - may take place in a low security facility
    - halfway house

- Temporary release programs
  - allows for release into community for specific activities
    - employment
  - may be used in conjunction with or in advance of prerelease programming
  - includes
    - work release
    - study release
    - furlough

Parole

Parole and Probation: A Comparison/Contrast

- Both parole and probation have similar goals.
  - protecting the community
  - assisting offender adjustment
  - gathering information about offender’s progress in reentry

- Parole has additional goals.
  - control and management of prisoners
  - assist in relieving prison crowding

- There are differences in parole and probation.
  - parole
    - continuation of prison sentence
    - parolees have greater adjustment problems
  - probation
    - community-based sentence
Historical Overview of Parole

- Predecessors of parole
  - transportation
    - select convicts sent to English colonies
    - authorized by English law in the sixteenth century
  - ticket of leave system
    - moved through a series of phases
    - supervised release into community
      - police
      - government officials
      - civilian volunteers
    - pioneered by Alexander Machonochie (1840s)
    - implemented by Sir Walter Crofton in Ireland
    - popularized in the US by Zebulon Brockway (1870s)
      - warden at New York’s Elmira Reformatory
  - medical model of corrections (1940s - 1950s)
    - crime viewed as something to be treated
    - criticism of model began in 1960s
      - soft on crime
      - public safety is compromised
      - Robert Martinson’s review of rehabilitation efforts
      - unfair to offenders due to disparities in time served
      - coerces prisoners to participate in rehabilitation programs
  - 1960s
    - must meet three conditions for public safety
      - must promote rehabilitation
      - must accurately choose correct inmate for program
      - adequate community supervision
  - 1980s
    - beginning of a trend of conservatism in corrections
    - curtailing or eliminating parole releases
    - increased levels of incarceration through “get tough on crime” policies

The Organization and Administration of Parole Today

- The decision to grant parole is administered by a parole board or similar authority.
- Parole supervision is administered by an authorized field services agency.
- States vary in the organization and administration of parole and probation services.
- Parolees’ responsibilities
  - abide by conditions of parole
  - avoid law violations
  - cooperate with parole agency
  - maintain legitimate employment

The Parole Release Process

- Prisoners must first become eligible for parole, meaning they will be considered but parole is not guaranteed.
- Eligibility can be hindered through mandatory minimum laws and truth in sentencing legislation.
• When approaching eligibility, prisoners must follow certain steps.
  o work with staff to prepare a parole plan
    ▪ describes postrelease plans
      □ housing
      □ employment
      □ education
  o have a pre-parole report prepared by institutional staff
    ▪ describes the prisoner’s behavior and progress made
  o attend a parole grant hearing
    ▪ factors that influence the decision
      □ nature and seriousness of offense
      □ prior legal history
      □ responsiveness to correctional efforts
      □ behavior in prison
      □ efforts towards rehabilitation
      □ victim considerations
      □ scores on tests of readiness for parole
    ▪ attempts made to bring greater structure, consistency and objectivity to process
      □ presumptive parole dates
      □ parole guidelines
    ▪ decision made at the end of the hearing, or much later
      □ not granted, prisoner may seek a hearing at later date
      □ granted, transition stage to parole supervision begins

Parole Supervision and Termination
• Adults under parole supervision increased, on average, 1.4% per year between 1995 and 2005.
• Over 784,400 were under supervision at the end of 2005.
• They had served time for different offenses.
  o 1/4 for violent crimes
  o 1/4 for property crimes
  o 1/3 for drug crimes
• The majority were male.
• Over eighty percent were White or African American.
• There are different types of parole.
  o straight parole
    ▪ released under supervision of field services agency
  o residential parole
    ▪ released into a community residential facility
• Politics and bureaucracy play important roles in shaping parole supervision.
• Parole supervision ends in three ways.
  o term of imposed supervision expires
  o authorities discharge ex-offender before expiration of the maximum term
  o may be revoked early
    ▪ revocation
      □ parolee commits new crimes
parolee commits technical violations

Parole Issues

- Those who defend parole have several arguments.
  - is necessary for prison management/prison crowding
  - reduces sentence disparity
  - gives more discretion to lawmakers/prosecutors
  - promotes community protection
  - promotes rehabilitation

- Parolee Rights
  - not entitled to same degree of constitutional protection as free citizens
  - lose certain civil liberties
    - voting
    - housing
    - certain employment opportunities
    - licenses
  - arguments that support
    - is necessary to protect community
    - protects moral and ethical standards
    - is part of the price of criminal behavior
  - critics argue limitations go against rehabilitation process

- Parole Official Liability
  - parole board officials
    - had full immunity
  - field service officers
    - had partial immunity
  - been increased effort to hold officials liable for decisions
    - lead to officials becoming more conservative
    - revoking parole more often for technical violations

- The Shortage of Resources for Parole Supervision and Services
  - number of persons on parole has reached record highs
  - officers working with extremely high caseloads
    - lowers ability to provide as much supervision
    - lowers ability to provide services needed
    - high recidivism partially due to resources shortages
    - resources devoted to construction and expansion rather than parole

Recidivism and Reentry

Recidivism of Released Prisoners

- An estimated 503,800 parolees were discharged from supervision during 2005.
  - over 45% completed successfully
  - over 38% re-incarcerated
    - new offenses
    - technical violations
  - 14.8% unsuccessfully discharged
    - absconding or other
those more likely to successfully complete community supervision
- recipients of parole release rather than conditional mandatory release
- those released from prison for the first time

  - 67.5% rearrested for new crimes
  - 46.9% reconvicted for new crimes
  - 51.8% returned to prison
    - new crimes
    - technical violations
  - nearly 30% rearrested in first six months of release
  - rearrest rates higher for
    - property crime convictions
    - men
    - African Americans
    - younger persons
    - those with prior arrest records

- Most of the increase in recidivism (1993-1997) found in a Tennessee study was due to technical violations of parole.

Prisoner Reentry

- Challenges
  - prisoners reentering the community
    - leaving a structured and depriving environment
    - inadequate funds for survival upon release
    - socialized in manner contradictory to what is acceptable in normal society
    - discover prosocial ties in community have been severed
    - must deal with the stigma of being an “ex-con”
    - may return to disadvantaged neighborhoods
  - women
    - extreme poverty
    - physical and mental health problems
    - abuse trauma
    - drug dependency
    - gender stereotypes
    - responsibility for dependent children

- Improving Reentry
  - critical aspect of success is reintegration
    - reestablishing and building new prosocial ties to conventional society
    - key areas for reentry programming
      - prepare for reentry while in prison
        - prepare for meaningful work
        - attend to health care needs
        - strengthen family ties
        - involve community organizations
        - develop realistic expectations
- establish links between prisoners and their communities
- maximize the moment of release
- strengthen ex-prisoner’s supports
- foster a long-term successful transition

- programming for women
  - focus
    - survival skills
    - self-confidence
    - self-reliance
  - include
    - child care assistance
    - parenting education
    - monitoring by positive female role models

- not much research on special reentry challenges facing minorities

- reentry courts
  - similar to drug courts
  - assist transitioning from prison to community

- Research on Reentry Programming
  - has produced mixed findings
  - some favorable outcome studies
  - others have few positive effects
  - Ready4Work initiative
    - favorable preliminary results
    - builds partnerships between various community organizations
    - provides job training and placement
    - additional emphasis
      - housing assistance
      - health care
      - substance abuse treatment
    - provides mentors

- Project Greenlight
  - less encouraging results
  - targeted substance abuse and other needs
  - tried to alter patterns of criminal thinking and behavior

- Preventing Parolee Crime Program
  - focus
    - basic education
    - employment
    - housing
    - substance abuse
  - evaluation showed favorable results

- legislation / programs aiming to improve reentry success
  - Second Chance Act, 2005
  - Re-Entry Enhancement Act, 2005
  - Reentry Initiative
• Key Controversies Surrounding Prisoner Reentry
  o offender employability
    ▪ ex-prisoners employability restricted
      □ fears and stereotypes
      □ laws preventing ex-prisoners from obtaining certain licenses
      □ background checks
    ▪ proponents of restrictions argue
      □ needed to protect the public
      □ part of the price of crime
      □ deters further crime
    ▪ opponents of restrictions argue
      □ irrelevant to crime prevention
      □ poses unnecessary barriers to reintegration
  • The Impact of Incarceration and Reentry on Families and Communities
    o traditionally believed offenders need to be removed from families and communities
      ▪ to protect the family and community
      ▪ to punish and rehabilitate the offender
    o incarceration followed by inadequate reentry programming can harm families and communities
      ▪ removes wage earners from homes
      ▪ destabilizes marriages
      ▪ negatively affects child development
      ▪ removes taxpayers from communities
      ▪ contributes to disorganization and deterioration of communities
    o creates cycle of crime and recidivism
  • Sex Offenders
    o much media emphasis placed on sex offenders
      ▪ creating public fear and outrage
      ▪ Megan’s Law
      ▪ media programs such as To Catch a Predator
      ▪ sex offender registry
      ▪ sex offender notification laws
      ▪ other laws specific to sex offenders
        □ critics
          ▪ laws create false sense of security
        □ proponents
          ▪ communities have right to knowledge
          ▪ is fitting punishment
          ▪ may deter further crime
      ▪ research fails to show laws reduce recidivism
      ▪ policies
        □ PROTECT Act
        □ Adam Walsh Child Protection Act
        □ Operation Predator
        □ Project Safe Childhood
• Reentry and Crime Victims
  o much emphasis placed on victims’ rights
  o made provisions for victims or their families to have input during parole release decision-making
  o giving victims and/or victim organizations large role in reentry
    ▪ could work against offender reintegration
    ▪ others claim could be compatible with offender reintegration
  o Herman and Wasserman
    ▪ victims
      □ can be meaningfully involved in reentry

Application to Criminal Justice and Corrections
• Police agencies both affect, and are affected by, release decisions and reentry processes.
  o police workload affected by release of prisoners who pose a threat to community
  o police are in middle, between criminal justice system and community
• Courts are affected by release and reentry.
  o have authority to sentence guilty
  o negotiate sentence recommendations during plea bargaining
  o may have input into discretionary release decisions
  o administer field supervision functions
  o reentry courts
  o involved in due process rights decisions
• Case file information from police, court, and probation agencies affect parole decision making.