

## **Response to the Urban Institute Report – *Does Parole Work?***

### **Response from the American Probation and Parole Association**

The American Probation and Parole Association (APPA) suggests that readers of the Urban Institute's report titled *Does Parole Work?* should not fall into despair or be tempted to throw the baby out with the bath water because their findings indicate that parole supervision may not matter. The report, although hampered by ignoring state-level differences, using decade old raw data, and poor conception of low risk offenders, points to what many parole experts have recognized for sometime – that parole must balance treatment, surveillance, and enforcement to work with offenders, their families, and community providers to more effectively reduce recidivism.

The lack of large recidivism differences between the three studied groups leads the authors to suggest that parole is not as effective as expected. However, the authors do not provide an ideal number of offenders that are expected to recidivate. How much less recidivism is needed in parole for it to be effective? Do there need to be large differences between parolees and those released unconditionally? Or do small differences suggest that parole does have a positive effect in reducing reoffending? This report uses decade-old data when control-based, enforcement-oriented parole methods were intensifying and therefore “practices of the day” may have weakened parole as a rehabilitative force.

#### **The data used is more than a decade old and may offer little insight into contemporary parole effectiveness.**

That is, as people in parole understand, parole policies have gone through numerous changes since its inception. It is plausible, therefore, that these data do not reveal anything about whether parole works today as much as it speaks to things that happened over a decade ago. Upon first glance, this may not seem that important of an issue; however, when one considers the changes in parole policies and practices over the past ten years it becomes paramount.

The report suggests that parole is ineffective at diminishing rearrests. It asserts that parole supervision has limited effects on preventing recidivism when compared to unconditionally released offenders. Although APPA finds the report telling of practices and policies ten years ago and views it as an opportunity to more effectively incorporate parole into reducing recidivism, the finding that parole is ineffective needs to be qualified. To make sense of these findings it is necessary to consider the weaknesses of the report: the data is more than a decade old, does not consider state-level variations, and parole is seen only in isolation from other justice system activities.

#### **The question of whether parole works or not is oversimplified.**

The Urban Institute's findings need to be understood in their proper context. This is not the first time that research has ignored state-level variation among correctional and parole policies and programs, preferring instead to aggregate findings nationally. This may not be so problematic for other justice system branches, but when discussing parole it is crucial to identify such variation. For those working in or around parole it is clear that state agencies function very differently from one another.

APPA does not see the dilemma with parole as one so easily answered as parole works or it does not work. The title of the report could just as easily have been *Does the Criminal Justice System Work?* or *Does Prison Work?* It is not so much that parole is ineffective or that it does

not work. Rather, what is important for parole and probation is to start to identify particular programs and policies that work, when they work, and upon whom they work best. APPA and its constituents are dedicated to identifying specific programs and policies that most effectively meet offenders' needs. Although APPA is not necessarily in full agreement with the Urban Institute's assessment of parole, we do agree with their suggestion that parole functions return to their traditional purpose as a segue between incarceration and the community.

The more important questions are what parts of parole work? How can we make parole work better? How can the entire criminal justice system begin to understand the inevitable feedback loop that exists between prisons and parole?

**The report's authors appear to ignore the traditional underpinnings of parole as an extension of the rehabilitation process that should have begun during incarceration and the need for prisons and parole systems to work in tandem, not isolation.**

The authors state that "the traditional approach to parole supervision is conceptually ill-suited to reduce recidivism among released prisoners" (17). Unfortunately, the authors are not that clear on what is meant by traditional approach as contemporary parole practices have wavered from their historical roots with the advent of tough on crime one-dimensional, enforcement-oriented approaches. Consider that U.S. parole emerged at the end of the 19<sup>th</sup> century focusing on rehabilitation and not so much punishment, not to mention that during this time there was limited prison space to hold offenders. Joan Petersilia mentions that the earliest attempts to institute parole in this country were predicated on a "two-pronged strategy for managing prison populations and preparing inmates for release: indeterminate sentencing coupled with parole supervision."

Parole, therefore, was not viewed traditionally in isolation from the court or the penal system. Through good behavior and involvement in various programs offenders could reduce the amount of time they spent in prison under indeterminate sentencing guidelines. More recently, however, the criminal justice system has operated much differently. To be sure, there is a strong emphasis on punishment coupled with law-and-order responses to most offenses. This does not fit well when ignoring parole's origins. Parole was not conceived as a way to further punish offenders and simply hold them accountable, but assist them in making a successful transition from incarceration to the community. So, as the authors of the report concede, parole alone cannot be effective at reducing recidivism. There must be a coordinated effort between the penal system, the community and parole to develop pre-release plans, not 30 days before release, but on the day an offender is sentenced. That is, offenders, correctional workers, community members and probation and parole officers all need to have a more concrete understanding of what is expected of each offender, an offender's need to understand that what they do with their time while incarcerated matters and that all involved have responsibilities to assist the offender in making a successful transition to the community.

**Other results from the report.**

The report seeks to answer three questions comparing offenders who were released unconditionally (unconditional release or "maxing out" without any period of community supervision), released after a mandatory period of incarceration with some period of community supervision (mandatory release), and released based on the discretion of a parole board or releasing authority with some period of community supervision (discretionary release). The Urban Institute's report did not find any major differences between offenders released on parole and those who exited unconditionally. Despite the bleak assessment from the Urban Institute, it was determined that offenders placed on discretionary or mandatory release did slightly better than unconditional releasees, and females were about 16% less likely to be rearrested when on

parole. The lack of large recidivism differences between these groups is the evidence used to suggest that parole is ineffective—parolees were not more likely to be rearrested.

The report suggests that discretionary releasees should have much lower recidivism rates when compared to mandatory or unconditional releasees. This assumption is based upon the idea that parole boards only release low risk offenders to discretionary parole. The data does not confirm this assumption as there were no significant differences reported between releasee groups on criminal history, violent offences, and many other categories. This is not to say that discretionary releasees do not tend to be of lower risk, but rather to point out that this is not the case here.

### **Additional considerations**

#### **Parole practices are under-funded and under-studied.**

A variety of justice entities (e.g., police, prosecutors, courts) vie for and compete over finite budgetary appropriations. Although parole entities and the number of parolees have grown in significant numbers for several years now, there has yet to be a correspondingly equal increase in the funding levels for parole and allied resources (e.g., treatment programs, employment opportunities, housing).

Another disheartening trend facing parole is the general lack of research determining how well specific programs and practices work with certain offenders and why. The Urban Institute's report uses aggregate data from 15 states, which does not enable them to discern state-level program, policy and practice differences. Given this aggregation, there is no way to know what programs and practices work and how they do it. It is important to avoid a knee-jerk reaction to the report's less than optimistic findings for parole due to its neglecting significant state-by-state and jurisdiction-by-jurisdiction variations.

#### **Parole needs to recognize that it serves a particular criminal justice niche of offering short-term risk management and long-term behavioral change.**

The APPA understands and is concerned that many may view the results of the Urban Institute's study as pushing for an end to parole. Furthermore, the APPA recognizes that these results may shed a bad light on the profession (albeit ten years ago) and be utilized to condemn or pare back the parole practices of today. However, it is the hope of APPA that the Urban Institute's report may re-open the door to reshaping and enhancing parole functions in the future. If the goal truly is to have an effective parole system, then, what is needed is to identify clear, consistent, uniform practice outcomes that enhance public safety in the long run. Parole departments across the country need to concentrate on delivering or otherwise directing offenders to treatment and other needed services meeting their particular needs, providing surveillance and offender monitoring to ensure compliance, and consistently enforcing supervision conditions. In some places the opposite trend has been or is underway and the Urban Institute report may inadvertently fuel this trend further. Besides these direct organizational goals, policymakers must recognize that parole cannot do it alone or without adequate resources. There has to be a more concerted effort to clarify the mission of parole, depoliticize parole boards and give them adequate training, offer prerelease services, and engage in re-entry programming at the beginning of a sentence (not the end).

#### **Parole must guard against the erosion of their primary mandate from within.**

Unfortunately, in some jurisdictions parole and probation officers are pushing for change or are changing their organizational mandate. They have moved or are moving away from one centered on a balance between treatment, surveillance, and enforcement to achieve short- and

long-term goals of risk reduction and offender change respectively to one concerned with enforcement only. APPA recognizes a disheartening attitudinal and legislative shift for some parole officers. Currently, some parole and probation agencies and their officers are moving toward zero-tolerance policies, setting up drunk driver roadblocks, utilizing K-9 units, and other tactics once reserved for the law enforcement community while foregoing efforts to effect offender change. This is not to say that parole and probation cannot participate in those initiatives and still be more effective than they currently are. Rather, APPA is dedicated to community justice and public safety that requires a balance of treatment, surveillance, and enforcement, not just enforcement. Indeed, the very nature of parole services may be threatened right now if they abandon their historical origins for a myopic enforcement model.

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### **What Do We *Really* Expect from Parole?**

What do we *really* expect from unidimensional, get tough crime control strategies of the 1980-1990's? It is not surprising that researchers continue to find that these strategies are ineffective, and do not reduce the likelihood of recidivism. This is a recurring conclusion from both practitioners and researchers during the last decade. The strategy of removing people from society for periods of time, stacking on a number of conditions that raise the bar as to the expected behaviors (a bar that most law-abiding citizens would have difficulty meeting), punishing offenders for not being compliant from the day they leave prison (or are placed on probation), using the revocation to continue to punish offenders for the things they *should* have done (regardless of whether they have the means to do these things), and recycling offenders through the criminal justice system time and time again for non-criminal conduct is a no brainer—it will not work. The study *Does Parole Work?* should have been more appropriately titled “Would we expect anything different from old-fashion control-based parole policies?” The Urban Institute’s findings are no surprise. In fact, the only surprise is that we are still talking about this old strategy instead of looking at how supervision agencies can be administered as effective crime prevention strategy.

Most probation and parole executives, managers, and line staff are excited about the opportunities that are afforded today in the field—to do *real* supervision work. In this sense, the real supervision work is not the dichotomy of being either an enforcer or a social worker. Instead they are adopting a behavioral management approach that combines and recognizes the value of being clear about expectations (no criminal conduct), of providing the offenders with opportunities to develop skills to be productive citizens, and, for addressing the criminogenic needs (influences) that drive a person’s likelihood of being a criminal. Most importantly, the field recognizes that the current environment is looking to them to be professionals in offender management issues in a difficult and demanding field where the “get tough” talk often overtakes good practice.

Looking around the country there are so many agencies that are trying to change the landscape because they recognize the ill ways of the crime control only approach to supervision. Judith Sachwald in Maryland is spiriting a large change in operations that recognizes supervision staff must be proactive in the use of community resources to facilitate offender change (see the document *Tools of the Trade* that is available on the National Institute of Corrections web site <http://www.nicic.org/Library/020095>), Jim Camache in Virginia is charging ahead in four jurisdictions to adopt science into practice, Reginald Wilkinson in Ohio is working on integrating community resources into daily re-entry and parole practice, the National Institute of Corrections is sponsoring leaders in Illinois and Maine to develop their organizations to move supervision into the forefront of crime control practices by adopting science into practice, Robert Guy from North Carolina and Justin Jones from Oklahoma have established structures to ensure that supervision is augmented with the resources to address the drivers of

criminal behaviors—these are just a few of the many examples. Governor Schwarzenegger of California has spirited a revamping of the correctional system to address age-old inadequacies, and to equip agencies with the needed resources of treatment and services directed at offender accountability and rehabilitation. All are working on transforming the supervision staff to have a direct role in the prevention (offender change) process. This can only assist the offenders, their families, and their communities in realizing that the criminal justice system is legitimately interested in them becoming productive, law abiding members of the community.

The challenges these leaders and their staff confront are the desire for “quick fixes” for a supervision structure that for the last two decades has been plagued by demands to be “tough”. Yet, these organizations have not been given the resources to directly provide adequate services to assist the offender to make the transition to a productive citizen. And, supervision has not been valued as the front-end tool (probation) to prevent criminal behavior and demanding costs of incarceration. The current strategy recognizes the demands to hold offenders accountable but also the need to be “smart stewards of the taxpayers dollars” to operate organizations where supervision services are valued as crime prevention tools. Now is the time to look forward to support this transformation of an industry that has been so maligned. The future looks bright, we should not be saddled with going over the past.

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# News Release

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## **MD Parole and Probation is a National Leader** ***Maryland Parole Supervision Results Better Than National Average***

TOWSON, MD (March 30, 2005) In response to the Urban Institute's report released today that consolidates state conditional release data for 1994 collected by the Bureau of Justice Statistics, U.S. Dept. of Justice, the Maryland Division of Parole and Probation (DPP) reports that parole recidivism rates are below the national aggregated average.

"Parole supervision is often misunderstood and sometimes becomes an easy target if individual states and their programs are not taken into consideration," said Judith Sachwald, Director of the Maryland Division of Parole and Probation. "This is especially true in Maryland; as a result of the Division's proactive approach to community supervision, far fewer offenders on parole are being reincarcerated."

DPP FY 2004 statistics show that under Proactive Community Supervision, the Division's most innovative supervision approach (currently available in 4 areas of the State), 73% of discretionary parole cases are closed satisfactorily. DPP statistics also show that 64% of discretionary parole cases under general supervision are closed satisfactorily. This success rate is higher than the national average.

"Parole supervision works, if you work at it, and Maryland is working hard. Parole gives people the external support and the opportunity to become productive members of society. Without parole supervision, many offenders would never make the successful transition back to the community and to their families," says Carl Wicklund, Executive Director of the American Probation and Parole Association.

According to the Dept. of Public Safety and Correctional Services Repeat Incarceration Supervision Cycle (RISC) report, 31.4% of FY 2001 conditionally released offenders (parole and mandatory release) were returned to prison for a new conviction within two years. RISC statistics also show that in FY 2001 only 21.3% of paroled offenders (discretionary) were reincarcerated for a new conviction.

When asked about the value of parole supervision, DPSCS Secretary Mary Ann Saar said, "It makes sense to identify and release the individuals who are less likely to reoffend and focus our institutional resources on high-risk offenders." Parole provides significant savings to the State as an alternative to incarceration. Offenders who are released on parole are selected because of indicators that show they are more likely to make the transition to a crime-free lifestyle.

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