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The relationship between parole and recidivism in the criminal justice system



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Abstract

From 1990 to 1999 the criminal justice system experienced a fifty percent increase in the inmate population, which included recidivated parolees. Critics claimed the parole process was not working and lobbied legislature to take action. The system responded by decreasing parole agency budgets, increasing prison sentences, and reducing rehabilitation services for paroled inmates. Research pertaining to parole and recidivism indicates two variables: there is or isn't a direct association. The objective of this study is to compare the data and decide if parole is a viable solution for decreasing recidivism rates.

Introduction

In July 1965, President Lyndon Johnson appointed the National Crime Commission to make the most comprehensive study of crime in the history of our country at that time. This report took over two years to develop and when completed, it so frequently referred to all the components involved (law enforcement, judicial, and correctional) as the "system" that it created the concept of a criminal justice system. The report, *The challenge of crime in a free society*, gave us an exceptional insight into the nature of crime and criminal justice in America. Also outlined in the report was the basic sequence of events in the criminal justice process. It also illustrated that relationships between the police, courts, and corrections are interrelated and interdependent. The report included a reference to the importance of and need for a far broader, and more profound, range of treatment. *The challenge of crime in a free society* was considered, at that time, the blueprint for building a successful crime prevention system. Even though it suggested that the need was for all ages, it insisted treatment was especially crucial for the young. President Johnson's report explained that the generation of teenagers during that time was the largest in U.S. history, and he foresaw a rise in juvenile delinquency in the decade to follow unless drastic changes were implemented in the effectiveness of the criminal justice system, as well as in economic and social conditions of the United States.

One specific component in the report that caught my attention was recidivism of offenders on parole. The report stated that many offenders, the young most of all, stood a better chance of being rehabilitated in their home communities, rather than in ordinary confinement. Included in the report were the findings of a study completed by the California Youth Authority. This



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study concluded a five year experiment, which tested various methods of treatment. In this research, the convicted juvenile delinquents were assigned to two groups. One cohort consisted of community placement. The other cohort consisted of placement in a regular institution of confinement. Only 28 percent of the experimental group from community placement had their parole revoked. More than half of those in the group assigned to prison later had their paroles revoked and were returned to confinement (Johnson, 1966).

In the nearly 40 years since the report was published, the problem of recidivism hasn't changed nor has there been any decrease. In fact, the rising numbers in the prison systems suggest an increase in recidivism. The Bureau of Justice Statistics estimates that parolees are currently responsible for between 10 to 12 percent of all arrests for serious crimes in the United States (cited in Petersila, 2003). Also in 1999, 22 percent of those in state prisons reported being on parole at the time they committed the crime that landed them in prison. It is now well-documented that the high parole revocation rate is one of the major contributing factors to the growing U.S. prison population (Travis & Lawrence, 2002).

Parole is the status of an offender who has been conditionally released from prison prior to the expiration of his or her sentence. This conditional freedom is granted by a paroling agency to a convicted offender, as long as the person meets certain conditions of behavior while incarcerated (Schmallegger, 2003, p. 753). The concept of rewarding well-behaved prisoners with a reduction in sentence was first formalized in 1817 by the New York State legislature. In that year, the first "good time" law was passed. This law authorized a 25 percent reduction in length of term for those inmates serving five years or more who were well-behaved and demonstrated

industry in their prison work. By 1869, twenty-three states had good time laws, and prison administrators supported the concept as a method of keeping order and controlling the prison population size (Serrill as cited in Allen, Eskridge, Latessa, & Vito, 1985).

The first parole systems were controlled by state legislatures that, in general, rigidly defined which prisoners could be paroled. Most legislation authorizing parole release restricted it to first time offenders convicted of less serious crimes. Through the passage of time and a gradual acceptance of the idea of discretionary early release, the privilege was eventually extended to serious offenders. By the late nineteenth and early twentieth century, criticism of parole practices began to surface. The basic arguments against parole were the lack of supervision of parolees, which put the community in danger, and the parole authorities who were not following proper procedures in releasing deserving inmates (Allen, Eskridge, Latessa, & Vito, p. 30-31).

Parole has a long history in the criminal justice system but along with the decision to parole there must also be the discussion of parolee recidivating. This idea of recidivism runs concurrent with parole. The Bureau of Justice Statistics compared the data from two studies which came the closest to providing national recidivism rates for the United States. One tracked 108,580 state prisoners released from prison in eleven states in 1983. The other tracked 272,111 prisoners released from prison in fifteen states in 1994. The prisoners tracked in these studies represented two-thirds of all prisoners released in the United States for those years. Sixty-seven percent of prisoners released in 1994 were rearrested within three years, an increase over the 62.5% for those released in 1983 (Bureau of Justice Statistics).

According to Joan Petersila (2000), in *Crime: Public policies for crime control* at the end of 1999 6.4 million adults were under some form of correctional supervision, and only 1.9 million of that number were in actual physical custody. In 1990, the number under correctional supervision was 4.3 million, which is an increase of 46.5 percent in only 10 years (Petersila, 2000, p. 483-484). Scholarly articles written by academics are filled with terms such as *best practice*, *effective practice*, and *what works*; these terms show that the critics are insisting that correctional services be more accountable and provide evidence of their effectiveness (Burnett & Roberts, 2004)

Literature Review

This literature review probes what we know about parole and recidivism and determines if there is, or is not, a direct association between parole and recidivism. It also presents factors affecting the recidivism of offenders on parole. Research on recidivism is scattered in three different disciplines: criminology, sociology, and psychology. This brief literature review is based on the findings in the scholarly journals and books from those disciplines. In the surveyed literature, it appears one can find support for a relationship between parole and recidivism. However, the strength of that correlation is controlled by other variables such as: community cohesion, social disorganization, employment, economic well-being, family support, mental and physical health, political alienation, housing, and homelessness (Petersila, June 2000).

Analysis

The method of study for this analysis was to focus on the findings of previous studies and make a decision based on those findings. Prior research indicates that the success rates of parolees are highly dependent upon the conditions

under which they are released. Although different models and characteristics were used in the studies that were reviewed, the underlying connection is the variables that appeared most significantly. It has been hypothesized that offenders who are released with a continued service plan for reentry are less likely to recidivate at the rates that are currently experienced by the criminal justice system.

Does Parole Work?

To assess the relationship between parole and recidivism, we have to look not only at when a prisoner was released, but also how they were released and the other variables that are involved in that release. Petersila (June 2000) looked at different conditions such as community cohesion, social disorganization, employment, economic well-being, family support, mental and physical health, political alienation, housing, and homelessness and their effect on parolees. These “unfortunate collateral consequences” of parole, as she referred to them, can and most likely will dictate whether a parolee is successful or not. Of the 500,000 parolees who leave U.S. prisons annually, 17.2%, or nearly 1 in 5, live in California (Petersila, June 2000).

Research has long documented how the social organization of neighborhoods particularly poverty, ethnic composition, and residential stability influences crime. Researchers have also written about *tipping points* , when communities are no longer able to exert stable influences over the behavior of residents. When these *tipping points* exist, the structure of a community changes, disorder and incivilities increase, out-migration follows, and crime and violence increase (Wilson as cited in Petersila, November 2000). The majority of inmates leave prison with poor prospects for employment. Survey data indicate that one year after being released, as many as 60% of former inmates are not employed

in the regular labor market (Holzer as cited in Petersila, November 2000). Unemployment directly influences crime, as well as two other social pathologies closely related to both violence and property crime: drug and alcohol abuse. Those who study life-course trajectories of criminal careers show that losing a job can lead to substance abuse, which in turn is related to child and family violence (National Research Council as cited in Petersila, June 2000).

Inmates with mental illnesses are also being imprisoned at higher rates and ultimately are released back into the community on parole. In 1998, the Bureau of Justice Statistics (1999) estimated that 16% of jail or prison inmates reported a mental condition or an overnight stay in a mental hospital. More to the point concerning mental illness and prisons is that mental illness can be agitated by incarceration, particularly chronic anxiety and depression. Psychologists believe that incarceration often breeds *global rage* , an impulsive and explosive anger so great that a minor incident can trigger an uncontrolled response. Lastly, mentioned in this report were the effects of homelessness on the crime continuum. While homelessness certainly affects homeless individuals and the rest of their families, transients, panhandlers, and vagrants also increase citizen fear, and that fear ultimately contributes to increased crime and violence. This phenomenon originally labeled *broken windows* by Wilson and Kelling (as cited in Petersila, June 2000), theorized that increased crime often results from a cycle of fear-induced behavior. For example, when law-abiding citizens begin to avoid using streets filled with transients, loitering youth, graffiti, and other signs of property damage, they are effectively yielding control of the streets to those who are not frightened by such signs of urban decay. As *broken windows* spread, businesses and law-abiding

citizens move from the area, disorder escalates, and serious crime often continues (Petersila, June 2000).

Petersila (June 2000) highlights the conditions that parolees are finding upon release into the community. Most are being released to parole systems that provide few services and impose conditions that more than likely guaranteed failure. Even though monitoring systems are getting better, the public tolerance for failure on parole is decreasing. The result is that many more parolees are being returned to prison, putting pressure on states to build more facilities—which limits money available for rehabilitation of parolees while in the community. This cycle ensures that parolees will continue to receive fewer services to help them address the *unfortunate collateral consequences* of parole. The relationship between parole and recidivism in this study shows a direct association when the significant factors such as homelessness, mental illness, etc. are not addressed.

The Pennsylvania Department of Corrections (DOC), in response to concerns that parole violators were becoming a driving force behind increasing prison admissions, conducted a needs assessment of its parole violator population (Bucklen, Zajac, & Gnall, 2004). To assess the needs of parole violators, the Pennsylvania DOC conducted a survey of technical and convicted parole violators who returned to prison in twelve state correctional facilities. The study by the Pennsylvania DOC was built around a similar study done in Canada in the late 1990s, which attempted to redirect attention from the general determinants of recidivism to an investigation into the individual processes of recidivism. Approximately 600 parole violators were used in this study which covered a two-month time span. The 600 violators selected represented 75 percent of the total parole violators readmitted to the system for the two-month period.

One of the first considerations of this survey was whether technical parole violators and convicted parole violators represented two significantly different populations with unique needs. The Pennsylvania DOC study revealed compelling evidence of just the opposite and showed the two groups to be statistically similar. The Level of Service Inventory-Revised (LSI-R) scores indicated a similar distribution of risk levels for both groups (Buckllen, Zajac, & Gnall, 2004). The survey answers revealed only two differences between the groups. Convicted parole violators indicated money management problems, while technical violators reported having trouble finding a place to live once released from incarceration. These two differences were marginal in importance and had no effect on the results of the survey (Buckllen, Zajac, & Gnall). The findings from this study were divided into four primary sections, basically the same ones used in the prior study: living arrangements, employment, financial situation, and drug and alcohol use. Nearly three-fourths of parole violators indicated they lived in low crime areas while out but this perception of low crime areas may have been influenced by their individual tolerance for crime levels. This group also reported encouraging information concerning employment. Eighty-two percent of parole violators indicated they were legally employed while seventeen percent reported difficulties in finding a job once out on parole. Some complained of available jobs being unsuitable and not sufficient to live on. Even though this could have been a legitimate complaint, further data revealed unreasonable expectations when it came to accepting jobs offered to some parole violators. According to the parole violators surveyed, money management problems was one of the strongest contributors to their recidivism. Survey results revealed a great number of parole

violators also had a problem with alcohol and drug abuse while on parole. For some violators, alcohol and other drug abuse proved to be a major obstacle and contributed greatly to their recidivism. However, those who participated in a prison substance abuse program before being released reported being able to better cope with substance abuse problems (Buckllen, Zajac, & Gnall).

Another strong contributor to recidivism revealed by the Pennsylvania DOC survey was emotional problems, such as stress, depression, frustration, and worry. Examination of the data revealed three more important factors. First, many parole violators held unrealistic expectations about what life would be like outside of prison. Second, the majority of parole violators indicated strong antisocial attitudes. Thirdly, the most prevalent theme identified throughout the entire study was that parole violators indicated poor self-management, self-control, and problem-solving skills in the face of every day problems. This study supported programming specifically focused on cognitive-behavioral treatment as the deterrent to recidivism rates. Also, re-entry programs should focus on teaching parole violators life skills such as money management and financial responsibility. In addition, drug and alcohol abuse treatment programs should be intensely reinforced for those who have an obvious abuse problem. Finally, this study suggested parole violators should stay "rooted in reality" and maintain realistic post-release expectations (Buckllen, Zajac, & Gnall).

This study focused on addressing the needs of the parole violators through self-reported experiences of the recidivated parolees. Although there was definitely a relationship indicated, the approach of this study focused on needs assessment to prevent future parolees from recidivating. In reviewing this study, we have to consider that the

participants had the opportunity to give the information from their perception and view point.

Jeremy Travis (May 2000), in a study reported by the National Institute of Justice, concluded that parole does not reduce recidivism but does just the opposite. The numbers increase in the criminal justice system when parole is not successful and the parolee is returned to the system. He stated that most states still had and maintained some form of parole supervision; fourteen had actually abolished parole boards who previously had the responsibility to release parolees. This study attempted to compare the value of incarceration to the value of parole. In this author's view, the offender had the obligation to society to serve the sentence given and demonstrate an ability to live according to society's rules. They also felt, at the time of this study, that parole had been significantly weakened, and the system of parole supervision was struggling to find purpose (Travis, May 2000).

Travis (May 2000) found that rehabilitation programs are ineffective, along with faulty parole decisions. Parole supervision, no matter how intensive, was found not to be a contributor to reducing recidivism (Glaser as cited in Travis, May 2000). Further analysis revealed admissions resulting from parole violations are now the driving force behind prison growth. Parole violators constitute 34% of all admissions, a figure that almost doubled from 1980 to 1995 (Bureau of Justice Statistics, 1996). In 1984, 70% of those who left parole status were determined to be successful; but in 1996 less than half were successful in completing their parole terms (Petersila as cited in Travis, May 2000). Travis (May 2000) recommended, from his findings, that new ways had to be created to manage the parolee's successful re-entry into society.

Instead of treatment and programming being separate entities in correctional institutions and parole, the two should mix and become one process. For example, according to Travis and Lawrence (2000), the drug treatment continuum would combine treatment with the criminal justice process under one umbrella for a united effort at reducing drug use and recidivism. The basis for their report was that the challenge of reducing the numbers of returning parolees would build interagency relationships. This interagency relationship would be a conglomerate between incarceration and parole and probation.

Discussion

The goal of this brief literature review is to assess at an aggregate level whether the relationship between parole and recidivism is of any significance. As stated earlier, Travis and Lawrence (2000) showed a direct association between parole and recidivism. As the parole rates continued to go up so did the recidivism rates. I can only conclude that there is a definite relationship of significance between the two variables. Parole, when coupled with the unfortunate consequences of drug and alcohol abuse, unemployment, homelessness, and mental and physical illnesses, create the conditions for recidivism.

The three studies used for this report, out of the 50 surveyed, were chosen because of the variables included in reporting the major areas of interest and as examples of the literature surveyed. Although at this time, parole supervision is shown to have little effect on the recidivism rates, criminal justice scholars realize something must be developed to combat crime and recidivism. President Lyndon Johnson attempted to address the idea of a combined effort to win in this "war on crime" 40 years ago. Maybe it's time for it to be achieved.

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