SUMMARY OF REPORTING TIPS

Reporting Tip #1 The terms probation, parole, and community corrections refer generally to a range of punishments for offenders outside prison walls. Every state’s system is different. Make sure you know how it works in your jurisdiction and the legal status of people you mention in stories; probation and parole are not the same.

Reporting Tip #2 At one time it was routine for probationers and parolees to be jailed for minor rules violations. States increasingly are devising more sophisticated risk assessment tools and “graduated sanctions” to keep more convicts from repeatedly returning to prison. Is this happening in your area?

Reporting Tip #3 More than 700,000 prisoners are released every year nationwide. A new federal Second Chance Act is supporting programs that work with ex-convicts on key problems like housing, jobs, education, and drug treatment. How is this money being spent in your state?
Introduction

When most people think about corrections in America, they picture high-security prisons encircled with electric fencing, or jails teeming with inmates watched by uniformed guards. At last count, the nation housed 2.3 million people in its sprawling network of federal, state and local lock-ups. That means 1 in 100 adults is behind bars, an incarceration rate vastly exceeding that of any other country, the Public Safety Performance Project of the Pew Center on the States reported in 2008.

Such statistics are startling. But a far greater number of supervised offenders—more than two-thirds—are not behind bars. Instead, they live among the rest of us in the community, either on parole, probation, house arrest or under some other form of correctional watch. During the past quarter century, the number of offenders under correctional supervision in the community has skyrocketed, and now totals a staggering 5.1 million.

All the attention paid to long sentences like “three strikes and you’re out” life terms have masked the reality that most inmates serve relatively short stints in custody; the average length of stay was about 2 ½ years as of 2003, said a U.S. Bureau of Justice Statistics report in 2007. That means that more than 700,000 people are released each year, many of them into the strained community supervision system.

**Despite such high numbers, the vast array of programs and neighborhood-based sanctions collectively described as “community corrections” has received comparatively little coverage by the news media.**

With federal and state budgets badly strained by the reeling economy starting in 2008, lawmakers are scrambling to cut correctional costs that ballooned during a two-decade build-up of the incarcerated population. Their quest is putting a new focus on community corrections, an alternative that costs dramatically less than housing offenders under 24-hour guard behind bars.

On average, prisons cost state governments about $79 per inmate, per day—or $29,000 per year. In contrast, supervising offenders on probation runs as low as $1.38 per day in Mississippi. Parole supervision costs a bit more, but still tops out at only $13.28 per day in Colorado, statistics collected by the Pew Center on the States for a 2009 report on probation and parole show. Layering drug treatment,
job training or electronic monitoring on top of such supervision increases the cost, but not so high as the price of round-the-clock incarceration. Moreover, offenders in many states are now required to pay a portion of their community supervision costs, as well as paying restitution to victims.

For journalists, the expanding interest in community supervision creates an opportunity to explore a corner of the correctional world that has been overshadowed—even neglected—for years. So far, much of the coverage has focused on ex-convicts who committed serious crimes while on probation or parole, or the released sex offender who stirred an uproar by moving into a peaceful residential neighborhood.

Crimes by those under supervision is a legitimate subject for coverage, but reporters have devoted surprisingly little sustained attention to the management of the millions of offenders who ride our buses, shop in our grocery stores, walk our park trails, and live right in our midst. Even less journalistic effort has been invested in assessing the effectiveness of community corrections programs and the science that underlies them.

Simply defined, community corrections refers to a range of alternative punishments for offenders, often those convicted of property and drug offenses.

The centerpiece of supervision is probation and parole. But also under the community corrections umbrella are drug courts and residential drug treatment facilities, home detention with electronic monitoring, day reporting centers and other options. In some instances, programs are used on the “front-end” of the criminal justice system – to divert convicts away from prison or jail onto probation and into a community-based setting offering rehabilitation services.

In other cases, judges use halfway houses or other facilities as a “back-end” or post-custody alternative for parolees who need assistance, treatment or extra monitoring upon release from prison.

In recent years, community corrections options have proliferated dramatically, especially since prison overcrowding starting in the late 1980s spurred new interest in alternative sanctions. While the number of offenders under correctional watch in the community has soared, sufficient funding has rarely followed. The result: probation and parole agencies often lack the resources they need to monitor convicts effectively, let alone ensure they receive quality drug treatment,
mental health care, job training or other services to reduce the odds they will reoffend.

On March 12, 1999, University of Pennsylvania political scientist John J. Dilulio summed up the state of affairs this way when he wrote in the Wall Street Journal: “Currently we spend next to nothing on community corrections. We get what we pay for.”

More than a decade later, not much has changed.

The new economic pressures ravaging state and local governments are only exacerbating this reality, creating a wealth of potential stories for reporters on the changing correctional landscape. Journalists also can find a bonanza of stories in the emergence of “techno-corrections”—the brave new world of devices and techniques that allow ever more intensive surveillance of offenders. From ignition interlocks to sophisticated, real-time GPS satellite monitoring, government has an expanding box of tools to track paroled sex offenders, gang members and others on the streets.

The advancing science of risk assessment—or determining whether an offender’s characteristics and history make him or her suitable for community supervision and, if so, what sort of programs best fit the needs—is also a natural target for investigation by the press.

Corrections agencies love to toss out figures showing how a pet program reduces recidivism, claims that often coincide with requests for additional funding from the Legislature. Journalists should beware of such reports, and never take them at face value. What do the data really say? Did the study include a control group? And how strong is the science behind it? Experts say that any program that claims to have reduced recidivism by more than 10 to 15 percent is suspect. Community corrections is an evolving and expanding field that is ripe for scrutiny by industrious journalists. And when it comes to public safety, no other piece of the nation’s byzantine correctional system matters more.

Nuts and Bolts

Probation
The vast majority of offenders supervised in the community are on probation or parole. The two practices share some common elements but are distinctive in one important respect: in general, probationers remain in the community in lieu of prison, while parolees have served time behind bars. [Some “split sentences” involve incarceration that is followed by probation.] Because of their extensive use, and because they are often misunderstood by the news media and the public, probation and parole deserve a careful look.

Probation is a court-imposed punishment that allows a convict to remain free in the community under a suspended sentence. Offenders placed on probation—derived from the Latin word *probatum*, for the “act of proving”—typically have committed lower-level crimes and are required to meet certain conditions and standards of behavior while reporting to a probation officer.

These conditions vary according to the offense, but may include drug testing and treatment; regularly scheduled meetings with a probation officer; mandatory employment; payment of restitution to crime victims; community service; rules limiting travel outside the jurisdiction, and participation in anger management or domestic violence classes.

The probation process starts when a defendant pleads guilty or is found guilty by a jury, when a probation officer prepares a pre-sentence report. This is based on interviews with the defendant, his family members, and others who can offer background on the defendant’s skills and health issues, among other things. The officer also does a thorough criminal record check. If the penalty isn’t set by state sentencing guidelines, the report may include a risk assessment and will recommend whether probation should be granted.

Judges have significant discretion in imposing probation, and generally make their determination after considering the nature of the offense and the offender’s criminal history. In ordering probation, a judge implicitly threatens the imposition of more serious sanctions—either more stringent conditions or a term in custody—should a probationer violate the terms set by the court.

Probation’s origins in this country date to the mid-19th century, and are generally linked to a Boston boot-maker and philanthropist named John Augustus. Augustus, often referred to as the nation’s first probation officer, appeared as counsel for defendants in Boston police court and also provided bail and found housing for the accused. A pioneering figure in the correctional field, he
conceived the ideas of supervision conditions, social casework, reports to the
court and revocation of probation.

Eventually, probation spread to other states and to the federal justice system.
Ultimately, the humanitarian approach put forth by Augustus—whose principal
goal was behavior reform and guidance of offenders toward a law-abiding
existence—came under challenge by those who emphasized more of a law
enforcement model. As criminologist Todd Clear of John Jay College of Criminal
Justice has written, “The strain between the so-called law enforcer role of
probation, which emphasizes surveillance of the offender and close controls on
behavior, and the social worker role, which emphasizes provision of supportive
services to meet offenders’ needs, remains today – with no resolution in sight.”

Either way, probation is a highly popular sanction within the criminal justice
system – and not just for misdemeanants. Nationally, about 28 percent of felony
defendants in state courts were put directly on probation as of 2004, the U.S.
Bureau of Justice Statistics (BJS) said in this report:

More recent BJS numbers show that nearly 4.3 million American adults
were on probation at the end of 2007.

Almost half had been convicted of a felony. The most common offenses
committed by probationers were drug and property crimes, followed by driving
while intoxicated and other criminal traffic violations.

Probation numbers and practices vary greatly from state to state. A BJS report
showing data as of year-end 2006 showed that the numbers on probation per
100,000 adult population ranged from 6,059 in Georgia (including cases
assigned to private agencies) to 450 in New Hampshire.

Most adult probationers share characteristics such as low educational
attainment, limited employment history or job skills, mental illness, or gang
involvement. Studies show that about 70 percent of probationers have used
illegal drugs, and about half were under the influence of drugs or alcohol at the
time of their arrest.
While most probation departments are operated at the state level, often in combination with parole, in a handful of states, including California, probation is a county government function, while parole is operated by the state.

**Parole**

Parole derives from the French term *parol*, meaning "word," as in word of honor. Parole is similar to probation in that offenders promise to meet certain conditions in order to stay free in the community. Unlike probationers, parolees have spent time in prison and are released to serve the remainder of their sentence under supervision by a parole agent.

Parole supervision generally lasts one to three years, though it can stretch considerably longer in some states. Figures from the Bureau of Justice Statistics show more than 824,000 American adults are on parole, nearly all of them set free after serving at least one year in prison.

The most common type of offense among parolees? Drug crimes.

Parole’s early development is usually credited to Alexander Maconochie, who ran the English penal colony at Norfolk Island, off the coast of Australia, beginning in 1840. Described as a visionary, Maconochie believed rewards for good conduct, labor and study would motivate prisoners, and he established a system to gradually prepare them to reenter society. Prior to that time, prison sentences were all stick, no carrot. “When a man keeps the key of his own prison he is soon persuaded to fit it to the lock,” Maconochie reportedly said.

In the United States, Michigan penologist Zebulon Brockway became the first to introduce a system of indeterminate sentencing and parole release, at a youth reformatory in New York, criminologist and parole expert Joan Petersilia of the University of California Irvine writes. The dual concepts spread quickly across the country, and by 1927, Petersilia says, all but three states had established a parole system.

**Discretionary Parole**

In some cases, parolees are released by appointed parole boards that consider various factors in assessing an offender’s readiness to rejoin society. This practice is called *discretionary parole*. As late as 1977, three out of four inmates were released from prison in this fashion.
In evaluating an inmate’s suitability for release, parole boards typically hold a hearing and consider prison record, various risk factors, insight into causes of criminal conduct, future plans, prospects for employment, housing and family support.

Eligibility for such a hearing varies widely among the states. Often, inmates are referred for parole consideration at the end of a minimum term, minus “good time” earned through a clean record and completion of educational classes or other prison programs. In other states, eligibility is at the discretion of the board or is calculated after a portion of the maximum sentence is completed.

Despite the presence of guidelines and criteria for evaluating inmates, subjective factors, including politics, can often influence parole decisions. As appointees, parole commissioners are sensitive to public perceptions, and may even receive direct or indirect pressure from those who name them to the board.

In California, for example, Gray Davis, who served as governor from 1999 to 2003, made headlines when he announced that no murderers would be released on his watch—no matter the nature of their crime, their prison record or other mitigating circumstances, such as a battered woman who killed her abusive spouse. “If you take someone else’s life,” Davis said in an April 1999, interview with the Los Angeles Times, “forget it.”

Davis’ parole commissioners got the message. During his tenure, the parole rate declined markedly in the state. Even when the board granted parole to those convicted of murder, Davis used his veto power to overturn the decisions. His right to do so was challenged but upheld by the California Supreme Court in 2002.

A high-profile crime committed by a convict can also make parole board appointees—many of whom hail from law enforcement backgrounds—more cautious. Massachusetts, home of the infamous Willie Horton case, underscores this point.

Horton, a convicted murderer who raped a woman while released on a weekend furlough, became a household word during the 1988 presidential campaign, when Republican candidate George H.W. Bush used the incident to portray his Democratic opponent, Massachusetts Governor Michael Dukakis, as soft on crime. Dukakis lost, Bush became president, and between 1990 and 1999, the Massachusetts parole grant rate dropped from 70 percent to 38 percent.
The power to grant parole, according to criminologist Petersilia, historically “was believed to contribute to prisoner reform, by encouraging participation in programs aimed at rehabilitation.” Representing a light at the end of the proverbial tunnel, parole encourages good conduct inside prison, giving wardens a tool for maintaining control.

And, though politicians have been loathe to admit it, parole’s use has often served as an important release valve for prison overcrowding. At one time, discretionary parole represented the exit door through which more than 95 percent of prisoners returned to society.

Beginning in the late 1970s, states began moving toward determinate sentencing as parole boards came under criticism from the political right and left. Conservatives argued that parole commissioners were releasing too many inmates too early. Liberals argued that the subjectivity of the process led to disparities in prison time served, and in particular, created bias according to race and class. More generally, critics questioned whether parole release and supervision reduced recidivism.

Parole boards in most states still exercise discretion on when some inmates should be released, but each state’s law is different. In many states, a convict must serve some specified percentage of his stated term before being considered for release. Among violent offenders, many states require serving 85 percent of the term before parole may be granted.

A typical procedure is mandatory release to parole. This occurs after an inmate has served time equal to his total prison sentence, minus any good time. If the parole board does not have the discretion to judge whether an inmate has matured in prison and is prepared to rejoin society, mandatory release is merely a function of bookkeeping. Precise national figures are not available, but experts agree that many more convicts are released in this way than formerly was the case, when parole boards made most of the decisions.

As with probation, the number of parolees per 100,000 adult residents varied greatly, from 863 in Arkansas to 3 in Maine.

**CAUTIONARY NOTE:** Be aware that the word “parole” has two different meanings in the correctional context. One refers to a discretionary release from prison. The other relates to an offender’s supervision in the community after prison. Journalists who refer to states or proposed
measures that “abolish parole” should specify whether this means only ending discretionary release of inmates or also applies to supervision after a convict is back in the community

**Enforcement**

**Officers and Agents**

They may not wear uniforms, but parole agents and probation officers are essentially the prison guards of the streets. In many ways, their fundamental mission is similar: oversee offenders to ensure they comply with the rules, help them succeed, but recommend a return to custody when warranted.

A deeper look shows that both are asked to play two sometimes conflicting roles: cop and social worker. On the enforcement side, they ensure compliance with conditions set by a parole board or court; restrict various aspects of an offender’s life; and initiate revocation if a slip-up merits it. They may search a parolee or probationer’s apartment without a warrant or cause; order drug testing without warning; or show up unannounced at the workplace.

On the humanitarian side, agents and officers are charged with linking offenders with drug treatment or other community services, aiding them in the hunt for a job and otherwise guiding them toward a crime-free future.

Parole agents typically receive training at a correctional officers’ academy, and are likely to carry weapons. Their salaries are often higher than those who handle strictly probation cases, and they are more likely to make arrests.

Probation officers often must have a degree in social work or criminal justice. Unlike parole agents, they may collect restitution and court-imposed fines.

**Caseloads**

Not all parolees and probationers are alike, and their level of supervision depends on the risk they pose to the community, their need for treatment and other factors. The average probation officer has about 100 offenders per caseload, while parole agents average about 60 parolees under their watch, the American Probation and Parole Association reports.
Higher-risk offenders, such as those convicted of driving under the influence, sex crimes, domestic violence or those who need extensive treatment for mental illness, are often placed on “specialized caseloads” that increase the supervision level. Probationers on a regular caseload might be required to undergo a face-to-face meeting as rarely as once a year, while offenders on specialized lists may receive two to four visits per month, sometimes more.

Probationers and parolees formerly reported in to a central location, but officers are more likely these days to visit their charges in the community, whether at their residences, work places, or other agreed-on locations.

In Washington, D.C., for example, officers are instructed to make half of their contacts in the community. Often, these are spot checks, in which a probation/parole officer will visit a convict unannounced, sometimes in the company of a police officer in case of trouble. Even if the offender is not home, the officer takes the opportunity to inspect his living arrangements and interview anyone else present.

The American Probation and Parole Association suggests a caseload of 50 probationers per probation officer for general supervision of moderate- and high-risk offenders, and caseloads of 20 to 1 for intensive supervision. But fiscal woes have starved probation departments, preventing most jurisdictions from realizing that goal. Thus, the quality of supervision invariably suffers.

Take San Francisco, where the caseload ratio for “general” probationers has periodically climbed as high as 400 to 1, says Jeanne Woodford, the county’s former chief probation officer. Aside from an annual address and background check, often done by telephone, she said, officers have virtually no contact with the offenders they are supposed to oversee, some of whom have been convicted of violent crimes. “When probation functions correctly, with small, intensive caseloads, it can do a tremendous job,” Woodford said. “But that’s the exception today. Probation is very, very broken.”

After several high-profile crimes by probationers and parolees in South Carolina, the Charleston Post and Courier published a series of articles in 2008 detailing how an average caseload of 109 was leaving officers very little time to check on the convicts assigned to them.
It was a similar story in North Carolina, where the Raleigh News & Observer found that 580 probationers had committed murders between 2000 and 2008. After the University of North Carolina’s student body president was killed in 2008 by a probationer, the Justice Department’s National Institute of Corrections was called in to audit the system. The agency found that local probation officers, with caseloads ranging from 90 to 140, were not keeping close track of the convicts who had been assigned to them.

Probation and parole officials are stretched further by various expansions of their duties. Sex offender laws, in particular, have added a host of new responsibilities, including DNA testing, mental health screening, GPS monitoring, risk assessment, and registration checks.

**Big Brother Helps Out**

Technology has delivered innovations designed to make the job of supervising offenders in the community easier. Drug testing, for instance, has become quicker and cheaper. And with the vast majority of offenders struggling with substance abuse, it is a staple of most offenders’ probation or parole programs.

In some states, offenders must submit to random breath tests for alcohol through detectors installed in their homes. Also popular are “ignition interlocks” that prevent a person from starting the engine if alcohol is detected in their system. Another device checks an offender’s eye to detect signs indicating use of a controlled substance. And some offenders are equipped with bracelets that detect movement during sleep. This technology was spawned by studies showing that normal sleep patterns are disrupted by drug and alcohol abuse in predictable ways. If the bracelet senses an inconsistency, the offender is ordered to produce a urine sample for testing.

Many parole and probation agencies still use old-style electronic monitoring bracelets to conduct “passive” as well as “active” tracking that sends a continuous signal to a computer at a monitoring center. Meanwhile, the use of Global Positioning System (GPS) satellites is exploding within the field, especially for use in tracking sex offenders and gang members. First developed by the Department of Defense in the 1970s, GPS gives agents increasingly detailed information about an offender’s whereabouts, such as whether he wanders into territory that is off limits. While such an alert may not allow police the time to catch a criminal red-handed, GPS tracking can be a deterrent, and can supply information for possible use in later prosecutions.
This new wave of “techno-corrections” is changing the way offenders are monitored on the streets, and represents a big target for enterprising journalists.

Among the possible stories meriting a look:

- How does GPS monitoring work, and what does the evidence say about its effectiveness in safeguarding society from paroled sex offenders, gang members and other notorious criminals?
- What are the costs of such tracking?
- Are manufacturers of the monitoring devices funneling campaign contributions to lawmakers in states considering expansion of the technology?
- Does such “big brother” tracking give the public a false sense of security?
- Where has it been successfully used, and what defines success?
- What is life like for those under surveillance? How does it affect an offender’s habits?

**Violations**

Probationers and parolees frequently violate one or more conditions of their supervision in the community. Many infractions lead to increased supervision or some loss of privileges. In some cases, they start a process that can lead to a revocation and, in some cases, an arrest and subsequent term in prison. The first step is a hearing, either in court (probationers) or before a parole board or other administrative body (parolees). The accused have the right to testify on their own behalf, and usually may present witnesses and have an attorney present.

In recent decades, violators have been a key driver of prison populations in many states. More than 230,000 parole violators nationwide were admitted to prison in 2005, accounting for more than one-third of all admissions. Half the inmates in U.S. jails are there because they failed while on community supervision.

Readmissions to custody are administrative decisions that do not require the higher standard of legal proof of a new crime.
Statistics show probationers most often face revocation for absconding, or failing to stay in contact with their probation officer, and for committing a new offense. Other reasons include failure to pay fines or restitution, failure to attend or complete a drug or alcohol treatment program, failure to complete community service, or association with people involved in crime.

As for parolees, the National Institute of Corrections (NIC), an agency of the U.S. Department of Justice, estimates that as many as 80 percent are, at one time or another, in violation of some condition of their supervision. Those violations run the gamut from “technical” to serious, and whether they warrant a violation is often in the eye of the beholder.

As a result, patterns of violations and revocation decisions vary widely from state to state, and even from county to county. In many states, agents and officers operate with few firm criteria and little policy to guide them, creating widespread interpretation and discretion on the job. One agent’s standards may differ from another’s, leading to wildly varying rates within a single state. Obviously, this opens the door to questions of fairness—and a potentially rich vein of stories for journalists.

In the past, some probationers and parolees were sent back to custody for any violation, including flunking a drug test. A Bureau of Justice Statistics survey said that up to 16 percent of “at-risk” parolees in some agencies were reincarcerated for a single failure. Because a majority of criminals have some kind of drug problem, incarceration for violations like this has created a revolving door within some correctional systems, with offenders shuttling in and out of custody and making little or no progress toward rehabilitation.

Progressive probation and parole programs have adopted “graduated sanctions” models in which convicts are imprisoned only after committing an escalating series of violations. The idea is to use a version of the “carrot and stick” approach, giving offenders the opportunity to enjoy a gradual relaxation of restrictions if they can avoid new violations. Some reformers advocate giving probation/parole officers the power to impose swift, certain sanctions for violations as they occur instead of allowing an infraction record to accumulate until it virtually requires an offender’s return to prison.

One program that employs this strategy effectively in Hawaii is called HOPE – Hawaii’s Opportunity Probation with Enforcement. Created in 2004 by Circuit Court Judge Steven Alm, HOPE has essentially put some teeth into the rules of
probation. Those who fail to comply with frequent but random drug tests, office visits and treatment requirements receive an immediate sanction, typically a few days in jail. Those with legitimate jobs can serve the time over the weekend to avoid work disruption. Those who cannot abstain from drugs are placed in residential treatment.

Early results of a controlled trial were encouraging, showing that HOPE probationers were less than half as likely to test positive for drugs or miss appointments. Says Judge Alm: “Our approach has brought integrity back to the probation system. Offenders know from the outset what the expectations are, and they know there will be consequences if they don’t meet those expectations.”

**Community Corrections Programs**

Housing and work arrangements for probationers and parolees can follow a wide range of models. Many are allowed to live at home if they have stable family arrangements. Depending on their conditions of release, they may be under house arrest (not allowed to leave except by permission) or are able to come and go freely. Some must appear at daily reporting centers.

Others live in community group homes often known as “halfway houses,” connoting halfway status between prison and freedom. They typically report to jobs, classes or drug treatment during the day and return to the halfway house for their overnight stay. (In the other direction, those who commit several violations may be sent to “halfway back” facilities as a threat to returning to custody.)

Advocates claim wide public support for these kinds of sanctions because they are less expensive than a prison cell and more likely to get a former inmate back on the right course. At the same time, corrections agencies have difficulty finding locations for such programs because of local “not in my backyard” opposition.

**The Prisoner Re-entry Movement**

As recently as a decade ago, the word *re-entry* was unheard of in the correctional world. Now, it is a staple in the industry’s lexicon, defining an entire
movement that reflects the fact that the vast majority of prisoners will eventually leave prison and return home.

Even former President George W. Bush, whom no one could describe as soft on street crime, acknowledged this reality—and the responsibility of society to accept those who have served their time. In his 2004 State of the Union address, Bush surprised more than a few onlookers by including some sympathetic words for ex-convicts.

“America is the land of second chances,” Bush said, “and when the gates of prison open, the path ahead should lead to a better life.”

He proposed to spend federal funds to help state and local programs that facilitate successful prisoner re-entry into society. Despite wide bipartisan support, it took more than three years for Congress to approve the idea. The pioneering Second Chance Act, signed by Bush in 2007, authorized more than $330 million over two years to help government agencies and nonprofit groups work with inmates returning home. For the first time in memory, Washington was moving to help ex-convicts transition to life on the outside, not erect barriers in their path. Even with the bill’s passage, it took at least a year more to appropriate money, and even then it was likely to be a modest amount by Washington standards when divided among the 50 states.

The federal legislation came as some state prison administrators were embracing an expanded mission, one that includes prisoner reintegration. In 2005, the California Legislature even changed the name of its prison agency to the California Department of Corrections and Rehabilitation (italics added) and defined an additional goal for managers – to achieve prisoners’ “successful reintegration back into society.”

A few states, notably Arizona, said they would start to prepare inmates for re-entering society as soon as they arrived in prison. Among other states paying more attention to inmate re-entry with special programs have been Kansas, Massachusetts and Michigan.

The shift was more than a little noteworthy. In earlier years, prison officials and policymakers spent little energy on what became of prisoners once they were released. As criminologist Petersilia put it, “We spent the last decade debating who should go to prison, for how long, and how we might pay for it, and we paid virtually no attention to how we would cope with prisoners after they left prison.”
Barriers to Re-entry

When prisoners first leave prison, their needs and challenges are many and daunting. Despite the recent attention to re-entry, only a minority of inmates are able to take part in meaningful vocational or educational programs behind the walls.

In most states, once it is time for release, they are given only clothes, a small sum of money, and instructions to report to their parole officer within 24 hours.

Not surprisingly, the first days after release may be the most difficult. Ex-inmates may not possess identification necessary to obtain a job or housing, such as a driver’s license, and may not have applied for basic benefits that are available to most citizens. Without family housing, they may be relegated to sleep in a shelter. Medicaid benefits that do not start for 30 days may leave them without medication.

Most are unskilled and may still be battling addictions. Many are estranged from family, poorly educated and ill-trained for the job market. Rejoining the free world, after years of a life in which every moment is dictated by their custodians, is unsettling. And while free, parolees face many continuing consequences of their conviction, as well as the constant threat of reincarceration for slip-ups, placing them in a sort of legal limbo.

They also are stigmatized with the indelible label of ex-con, which brings discrimination in everything from finding housing, getting a job and regaining parental rights to, at least initially, participation in the basic rite of democracy, voting. While some states restore voting rights once a felon has completed a prison term or parole, others strip the franchise from ex-convicts for life.

Barriers in the workforce may be the most painful for parolees to overcome, as they are both official and unspoken. Legal obstacles arise in part because certain occupations require licenses that are denied to any ex-convict—bans upheld in the courts. Beyond that, employers are suspicious of parolees, viewing a conviction as evidence of a character flaw. The result: the work options for ex-convicts are narrowed, adding to their struggle to regain their footing in the outside world.
Beyond employment, parolees convicted of drug crimes face barriers in obtaining food stamps and public assistance; public housing; and student loans and grants.

“One has to question whether we are jeopardizing public safety by making it so difficult for prison releasees to succeed,” says Petersilia.

**Evaluating Prisoner Re-entry**

Before the Second Chance Act was passed, the federal government gave grants to state and local agencies starting in 2002 under a $110 million **Serious and Violent Offender Re-entry Initiative**. Each of 89 programs devised its own re-entry projects; researchers have been studying 16 of them in 14 states to learn lessons that might be applied nationwide.

Not surprisingly, the programs were dealing with a troubled population. Drug use was reported by 95 percent of participants, and more than half had been treated for a mental health or substance abuse problem; only 60 percent of the adults involved had finished 12th grade or had a GED.

In their evaluation of the reentry programs, researchers found that a higher proportion of convicts received drug treatment in custody than they did on the outside. But on a brighter note, participants in the community “were much more likely to receive a broad array of services” than those who didn’t take part and were 10 percent more likely to get jobs. Recidivism rates of participants in this program had not yet been calculated as of mid-2009.

However, Jeremy Travis, president of John Jay College of Criminal Justice and an authority on prisoner re-entry, told a congressional committee in 2009 that effective re-entry programs had the potential of reducing recidivism by 15-20 percent. Travis based his assessment partly on research by Steve Aos and colleagues at the **Washington State Institute for Public Policy**, who have studied recidivism reductions as a result of various education, job training, and drug treatment programs.

**Sex Offenders: Special Scrutiny**

The recent flurry of federal and state laws governing released sex offenders has created new and extraordinary challenges on the housing front. First came Megan’s Law, which required public disclosure of sex offenders’ information –
such as their name, picture, address and crime – on the Internet. The law was inspired by the rape and murder of four-year-old Megan Kanka in New Jersey.

Next came a series of laws passed after Jessica Lunsford, a nine-year-old Florida girl, was raped and murdered in 2005 by John Couey, a convicted sex offender. In addition to lengthening prison terms for sex offenders and subjecting them to lifetime monitoring, versions of Jessica’s Law in some states prohibited the offenders from living within a half-mile of a park or school. In California, this restriction has created a housing crisis that has driven numerous paroled sex offenders to live on the street – making them difficult to supervise -- or merely abscond. While many of these offenders are serious and dangerous criminals, others – say, a teenager guilty of statutory rape for having sex with an under-age girlfriend -- committed crimes that make them far less of a public threat.

Jeremy Travis calls such restrictions “invisible punishments,” and notes that at a time when prison programs to prepare parolees for life outside were dwindling, barriers hindering offender reintegration have proliferated.

That scenario sums up the overall tension within corrections – and community corrections, in particular. On the one hand, law enforcement officials have an overriding responsibility to protect public safety. On the other hand, society is obliged to protect the rights of ex-felons and help them begin a new and more productive life.
APPENDIX D
Resource Guide to Covering Probation and Parole

*note: for additional agencies, names, sources etc, updated periodically, please check The Crime Report’s Criminal Justice Resource Directory at www.thecrimereport.org

Organizations and Government Agencies (in alphabetical order)

American Correctional Association
www.aca.org
Professional organization for the prison managers. Standards, accreditation, etc.

American Probation and Parole Association
www.appa-net.org
International organization representing parole and probation practitioners. Good source for contacts.

Association of Paroling Authorities International
www.apaintl.org
Organization for parole boards and other release agencies. Good source for contacts in the state, trends, data

National Institute of Corrections (U.S. Department of Justice)
www.nicic.org/parole
Training, program development for correctional folks. Great clearinghouse for articles, other research on all aspects of the field.

New York State Parole Project – Vera Institute
www.vera.org/project/new-york-state-parole-project
Ongoing project by Vera Institute to improve parole outcomes in New York. Includes research, officer training and policy development.

Prisoner Reentry Institute, John Jay College of Criminal Justice
www.jjay.cuny.edu/centersandinstitutes/pri/1921.php
Promotes innovation and improved practice in the reentry field.

Washington, D.C.
See website for contact info: www.pew.publicsafety.org
Nonpartisan policy briefs, other reports on national and state-level trends related to corrections. Solid research on current topics.
Re-entry – U.S. Department of Justice, Office of Justice Programs
www.reentry.gov
Good source for statistics and other research along with news of new initiatives on reentry nationwide.

Serious and Violent Offender Re-Entry Initiative
www.svori.org
Large-scale program providing federal grants to reduce recidivism and improve employment, housing and health outcomes for released prisoners.

United States Parole Commission
www.usdoj.gov/uspc
Controls parole decisions and supervision for federal offenders and those in the Witness Protection Programs.

Urban Institute
www.urban.org
Wide-ranging work includes activity on corrections, with emphasis on parole and reentry.

U.S. Bureau of Justice Statistics
Washington, DC
http://wv.mojp.usdoj.gov/bjs
Wealth of statistics on inmates, parolees, prisons, etc. Data usually two years behind.

The Vera Institute of Justice
New York City
212-334-1300
http://www.vera.org/
Extensive research on sentencing and corrections.

People

Austin, James
www.jfa-associates.com
(310) 867-0569
asstin@aol.com
Consultant and researcher who advises governments on population management in prisons, jails and parole systems. Data guru. Also expert in prisoner risk assessment.

Camp, George
GCamp@asca.net
Association of State Correctional Administrators. Great source for data.
Deitch, Michele  
512-328-8330  
University of Texas adjunct professor. Attorney expert in prison conditions, oversight, management.

Jacobson, Michael P.  
212-376-3163  
mjacobson@vera.org  
Director, Vera Institute of Justice. Former correction and probation commissioner for New York City. Author of *Downsizing Prisons: How to Reduce Crime and End Mass Incarceration*.

Love, Margaret Colgate  
http://www.pardonlaw.com  
(202) 547-0453  
Margaretlove@pardonlaw.com  
Specializes in executive clemency and restoration of convict rights, as well as sentencing and corrections policy. *Directs the American Bar Association’s Commission on Effective Criminal Sanctions*.

McGarry, Peggy  
212-334-1300  
pmcgarry@vera.org  
Director, Vera Institute Center on Sentencing and Corrections. Leads New York State Parole Project.

Petersilia, Joan  
jpeters@uci.edu  
UC Irving criminologist. Specialty: Parole, Re-entry. Has advised California governor on corrections, worked in many other states.

Scott-Hayward, Christine  
212-334-1300  
cscott-hayward@vera.org  
Vera Institute researcher who led project evaluating effectiveness of parole/probation reforms in Oregon.

Travis, Jeremy  
212-237-8600  
President, John Jay College of Criminal Justice, and author of *But They All Come Back: Facing the Challenges of Prisoner Reentry*. Former director of the National Institute of Justice. At the Urban Institute, a nonpartisan research and policy organization, Travis launched a national program focused on prisoner reentry.

Zimring, Frank  
510-624-0854  
fzimring@law.berkeley.edu  
UC Berkeley’s Boalt Law School professor. Expert on three strikes, California prisons, criminal sentencing.
Books, Reports, Research

James Austin
Reducing America’s Correctional Populations, A Strategic Plan
National Institute of Corrections, 2009
http://community.nicic.gov/forums/storage/95/16219/ReducingCorrectionalPopulations-Austin%20white%20paper.doc

Characteristics of State Parole Supervising Agencies, 2006
U.S. Bureau of Justice Statistics,
http://www.ojp.usdoj.gov/bjs/abstract/cspsa06.htm

Lawrence, Alison
Probation and Parole Violations-State Responses

Mackenzie, Doris Layton
What Works in Corrections: Reducing the Criminal Activities of Offenders and Delinquents

Petersilia, Joan,
When Prisoners Come Home: Parole and Prisoner Reentry
Oxford University Press, 2003

Pew Center on the States (2009)
One in 31: The Long Reach of American Corrections

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U.S. Bureau of Justice Statistics.
http://www.ojp.usdoj.gov/bjs/abstract/ppus06.htm

Report of the Re-Entry Policy Council:
Charting the Safe and Successful Return of Prisoners to the Community. Council of State Governments.

Solomon, A. L., Kachnowski, V., & Bhati, A
Travis, Jeremy
But They All Come Back: Rethinking Prisoner Reentry
U.S. Department of Justice, Office of Justice Programs, National Institute of Justice. 2000
www.ncjrs.gov/pdffiles1/nij/181413.pdf

Travis, Jeremy
But They All Come Back: Facing the Challenges of Prisoner Reentry
Urban Institute Press, 2005

NEWSPAPER ARTICLES

The Public at Risk: A Look at South Carolina’s Broken Probation and Parole System

Losing Track: North Carolina’s Crippled Probation System
Raleigh News & Observer, 2008
http://www.newsobserver.com/probation

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NOTES ON AUTHORS

Ted Gest is President of Criminal Justice Journalists, a national organization of reporters and editors who cover crime and justice. He covered crime and justice for the St. Louis Post-Dispatch and U.S. News & World Report, and is the author of “Crime & Politics.” (Oxford University Press, 2001)

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To learn more about the Public Safety Performance Project, please visit: http://www.pewpublicsafety.org/

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