

Parole Pilfers People: How the parole system continues the incarceration system



By Brendan Philo and Ethan O'Clair

Introduction

Executive Summary:

Conditions of parole are keeping many of our parolees from re-integrating into regular life. Parole economically restricts parolees with policies like keeping them within a certain region or mandatory meetings during business hours, as well as charging them for services that they are required to use such as substance rehabilitation. Overly stringent rules around parole violations are problematic, often having good intentions such as alcohol restrictions, but are often just used to put a parolee back into prison tearing away the new life they were trying to build. Policies also prevent parolees from meeting with others who have a criminal background, which makes it impossible to find people who understand what they are going through and find meaningful community support.

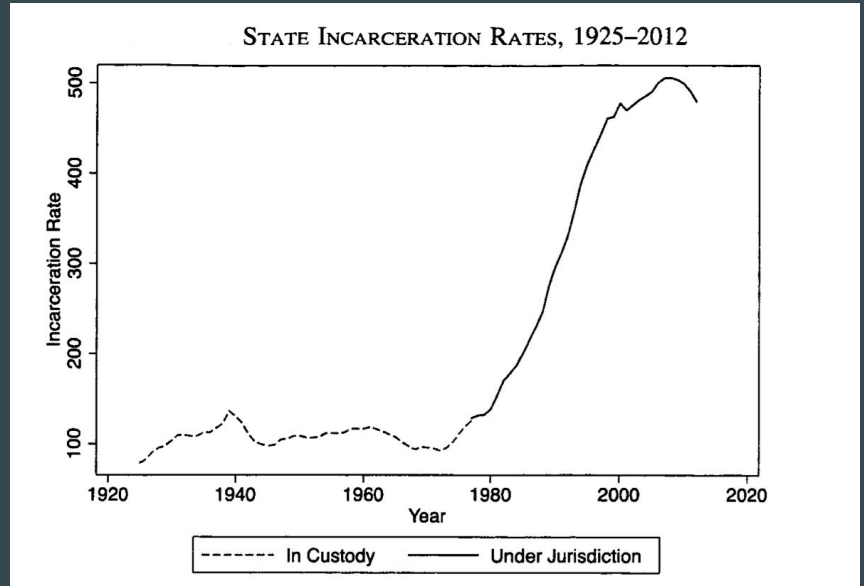
Policy Summary:

Policy goals should move away from restricting parolees actions toward enabling successful re-entry and rehabilitation into society. The main purpose of our policy solutions are to reduce recidivism, which is when parolees are re-incarcerated. Based on our research we have found that one of the main drivers of recidivism is the economic problems that parole causes for ex-convicts, and the best way of making a parolees succeed is to ensure that they have the support they need to build back their life before prison. This can be done by eliminating fees for supervision, providing support for employment and housing, and making sure restrictions and required meetings do not prevent parolees from getting gainful employment. The second focus is to reduce technical violations, which is when parolees violate the restrictions placed on them and are re-incarcerated for it. Some of the best ways to prevent this form of recidivism is to give caseworkers to parolees so they are fairly represented to the parole board and understand the rights and restrictions they have. Another is to reduce unnecessary parole restrictions and reduce punishment for violations. This policy report is directed towards people who are wanting to advocate for their communities, through legislation and community support the parole system can become manageable for people to navigate and learn to live as a citizen again.

Background

The United States's prison population exploded in the mid 1970s under campaigns like the Nixon administration's War on Drugs. During this time, the "prison population soared from about 300,000 to 1.6 million inmates" (Pfaff 2015). In less than a decade, the United States not only increased its prison population fivefold, it set the stages for today's current reality. As it stands, the United States has about 5% of the world's population, but 20% of the world's prison population (American Civil Liberties Union, n.d.).

While the arrests during the War on Drugs were originally tied to drug use—chiefly marijuana and coke—the truth is a little more complicated.



The War on Drugs promised to hold all drug users accountable to combat a growing epidemic. However, minority groups—particularly African Americans—bear the brunt of the arrests disproportionate to rates of drug use. As one group of researchers writes

Racial disparities in drug arrest are only partially explained by race differences in drug offending. Simply stated, roughly 85% of African-Americans' higher probabilities of drug arrest are *not* attributable to differences in drug use, drug sales, nondrug offending, or neighborhood context. Instead our findings are consistent with Beckett et al.'s explanation, which attributes African-Americans' higher probability of drug arrest to *racial bias* in law enforcement. (Mitchell & Caudy, 2015).

Most simply put, the War on Drugs resulted in a racial disparity, incarcerating African Americans at a significantly higher rate for drug use. Originally reported in Harper's Magazine, Nixon's Chief Domestic Policy Advisor and Watergate co-conspirator, John Ehrlichman, stated that this was not a side-effect but rather the intent:

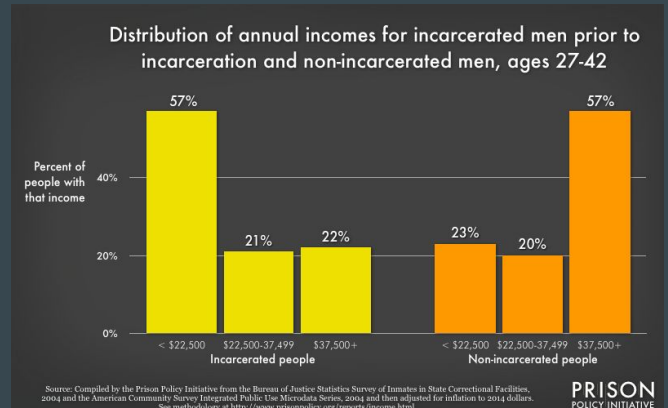
The Nixon campaign in 1968, and the Nixon White House after that, had two enemies: the antiwar left and black people. You understand what I'm saying? We knew we couldn't make it illegal to be either against the war or black, but by getting the public to associate the hippies with marijuana and blacks with heroin, and then criminalizing both heavily, we could disrupt those communities. We could arrest their leaders, raid their homes, break up their meetings, and vilify them night after night on the evening news. Did we know we were lying about the drugs? Of course we did. (Baum 2016)

The War on Drugs was never meant to be won; it was merely a political tool for Nixon's administration. While it is an egregious example of political policing, the War on Drugs just stands at an intersection of key factors.

Where are Parolees Coming from?

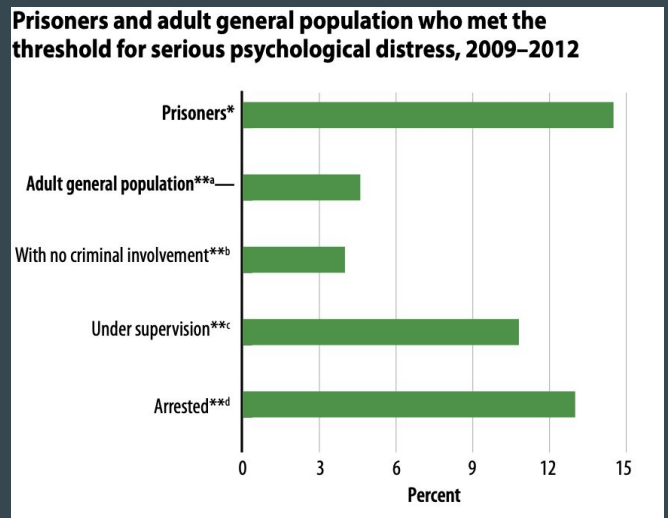
Economic Background:

The majority of prisoners are making under \$22,500 in annual income before they were imprisoned, over double the rate at which the non-incarcerated population has that income level.



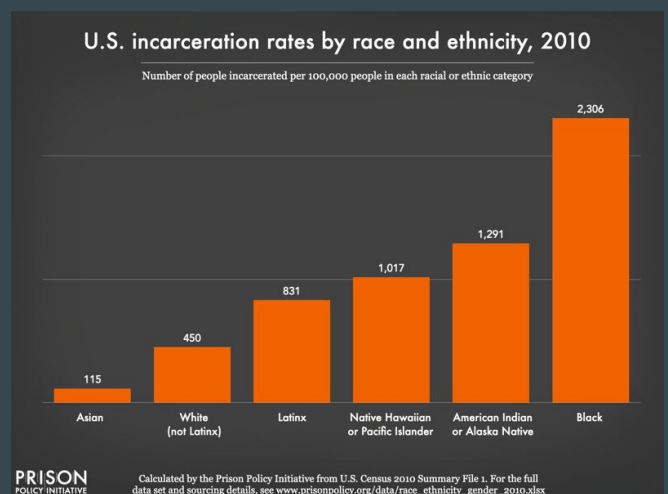
Mental Health:

Prisoners meet diagnosis criteria for serious psychological distress at three times the rate of the general population (Bronson & Berzofsky 2017). And offenders in the criminal justice system often experience one or two mental illness symptoms (Grisso, 1999; Powell et al., 1997).



Racial Injustice:

The justice system disproportionately incarcerates black americans, 35% of parolees are black and black americans are almost twice as likely as any other racial group to be incarcerated.



How The Justice System Impacts Everyone

The United States of America currently houses the largest number of prisoners in the world. We have the highest rate of incarceration out of any country and the worlds largest and most expensive prison system. The US justice system currently costs over 50 Billion to maintain, using tax dollars to keep people incarcerated. Parole significantly reduces the cost of punitive justice and allows for americans to get free sooner. correctional programs to save money, estimating dropping reincarceration costs by between \$.87 million and \$.97 million while only costing between \$140,000 and \$174,000 (Correctional Education Programs, p. 38).

Parole reform also reduces crime in all communities, after changes in their parole system Mississippi reduced crime rates by 6% (Marchese 2021). With changes to the parole system we can improve small communities across the country and create positive growth in low-income communities, safer neighborhoods, and economic opportunity.

We all hold a stake in the criminal justice system, because we all want to live in a safer, more reformed society. Giving people the opportunity to reform and recover from economic disparity gives us a better world to live in.



(Marchese 2021).

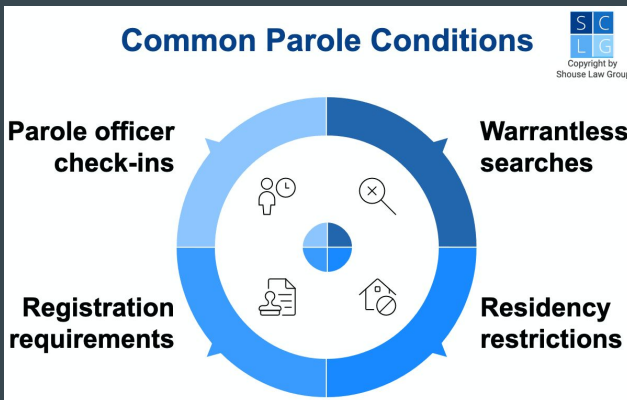
Difficulty Within the system

Parolees are made to live with restrictions in place that intend to reduce behavior that would result in reincarceration. Some of these conditions are rational, often parolees are put under stricter watch for criminal behavior and made separated from anyone involved in the reason for their arrest. Other conditions are build more like ideals for post-prison living, parolees are supposed to find employment and housing, which are extremely difficult for someone with a criminal record trying to recover from being out of the job market for months or years.



“Why is Alcohol Addictive?” Rehab clinics Group

Even more of the conditions are punitive in nature rather than indicating proper reform. Parolees are made to abstain from alcohol, and often are considered in violation of their parole if they are even near open containers. Parolees can also be further limited in who they have contact with, some states do not allow parolees to have contact with anyone who has a criminal record. These conditions compound on previous ones, parolees are restricted in their housing by not being able to live with someone who drinks, and cannot find meaningful support from people that have been through the same system as them. Some of the most difficult parole situations is people suffering from substance addiction.



SHouse California Law Group

Many chronic substance abusers are put on parole with the condition that they must attend rehabilitation and fund it themselves and pay for their own testing, all of which costs thousands of dollars per month. Not only do these people have to learn to cope with recovery, but must also learn to support themselves under stringent parole conditions that are already a financial struggle for those who don't have additional expenses from addiction recovery.

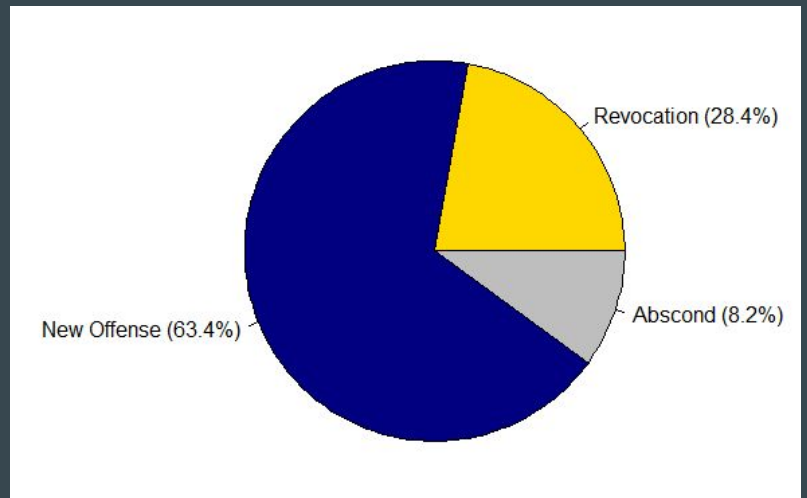


“What is Drug Addiction” WebMD

The Economic Burden

Parolees have larger financial burdens, among that have been incarcerated or convicted only 59% report any employment in the past 30 years compared to the 89% of the general population. Annual earnings for previously incarcerated average \$11,300 compared to \$35,000 for the general population (Holzer 2022). A study in Michigan found that shortly after beginning parole the employment rate was around 40%, which quickly fell to 20% with parolees earning only \$2,000 to \$3,000 per quarter (Holzer 2022). Parole forces individuals to obtain low-income jobs that do not contribute to their successful reentry into society, with low employment and low wages parolees have a hard time not just keeping up with the base level of income required to live, but also to afford expenses of parole.

Occupational requirements and structural discrimination hold parolees back from obtaining meaningful and sustained employment. Parolees struggle to find jobs that can support them under the conditions they are placed such as curfews and travel restrictions that would allow them to seek gainful employment. The economic burden of parole and difficulty to maintain gainful employment leads prisoners to use secondary markets and informal economies under which they are more likely to re-offend and be put through the incarceration system again.



Recidivism by type. ISCPSR National Parole Survey (2018)

Offense Type	Nonviolent				Violent		N/A
	Drug	Property	Other	Weapon	Violent	Sexual	Unknown
Parolees	210,326	138,743	94,264	36,549	158,724	56,209	7,646
Total	479,882				214,933		7,646

New offenses by parolees re-incarcerated. ISCPSR National Parole Survey (2018)

These burdens placed on parolees lead to them re-offending, committing crimes to make ends meet or to manage addiction habits that were not properly treated by prison or their parole conditions. Parole should prepare ex-cons for a life better than the one they had before, not driving them to commit crimes of desperation to try and cope with what they are left with after prison.

Policy Solutions

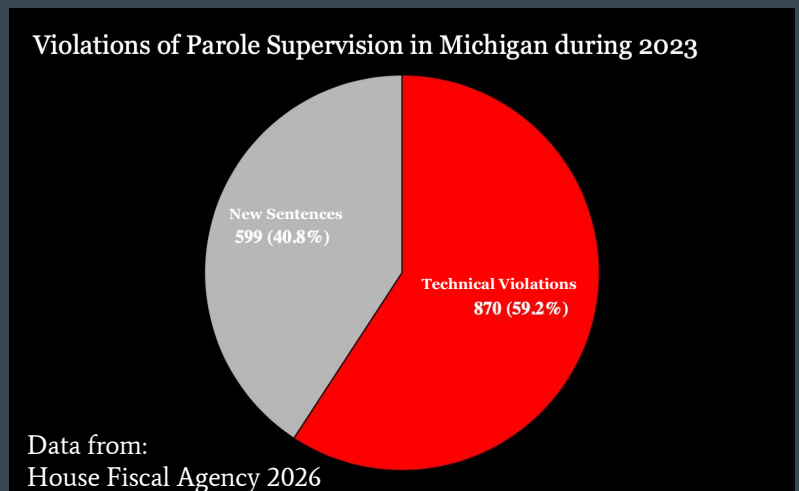
Rehabilitation stands at the centerpoint of many complicated and interconnected issues. The majority of criminals come from impoverished backgrounds, and the majority of crimes are related to desperation. Since parole often stands at the end of incarceration and at the start of re-entry, handling parole with proper care and intention stands paramount. To start, technical violations are both too broad and too rigid to mark an individual failing to be rehabilitated. We believe that in order to maximize the chances of successful rehabilitation parolees should be given caseworkers to help navigate their specific journey, government assistance restrictions on ex-cons should continue to be relaxed, and parolees should be given the opportunity to meet with each other in moderated support groups. Educational programs in correctional facilities can assist in raising employment prospects as well as reducing recidivism.

Technical Violations:

First, we've come to understand that the conditions of parole are both too broad and too rigid for a technical violation to be a meaningful mark of an individual failing to be rehabilitated. Parole boards possess massive discretion in being able to set conditions. They can ascribe special conditions to a parolee so long as they believe that someone else might be inspired to make a bad decision without the restriction—i.e., enforcing a 10pm curfew. Who

hasn't missed or delayed a meeting due to unforeseen circumstances or gotten home later than intended? For most of us, this would be little more than bad luck. However, for a parolee, such an event can mean re-incarceration.

While there is a purpose behind meeting with a parole officer or a curfew, the punishment is far too heavy-handed. If the intention of parole is to help ensure successful re-entry of an ex-convict, why should they be reincarcerated at the first mistake?



Policy Solutions

Employment and Housing:

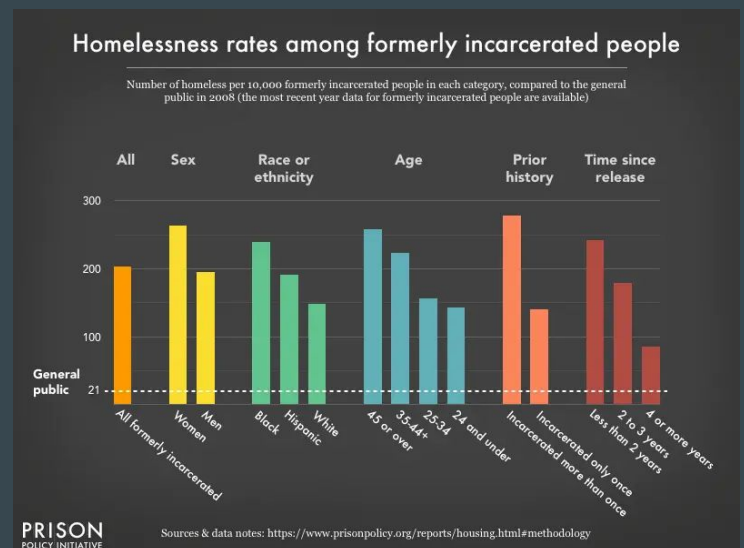
Additionally, people re-entering society from prison face decreased economic opportunity. Due to stigma, employers may be less likely to hire an ex-con, and employers who are willing to do so would be severely limited in the number they can hire due to the nonassociation condition of parole. The simplest fix would be to remove the nonassociation condition of parole, or at the very least offering a carve-out for the workplace. This would effectively expand the Second Chance Hiring programs already in existence by allowing willing employers to hire more ex-cons. Moreover, this could have a snowball effect as “if someone gives a former prisoner a chance or vouchers for them, others are also more likely to do so” as stigma is counteracted (Ricciardelli & Peters 2017, p. 42). In other words, allowing ex-cons to work together may snowball into better employment prospects overall, making it easier for them to “go legit.”

Similarly, sponsoring correctional education or vocational programs can help the prospects of participating prisoners when they return to society. A meta-analysis of studies on correctional education programs found that “on average, the odds of recidivating among inmates receiving correctional education are 64% the odds of recidivating among inmates not receiving correctional education” (Davis et al. 2013, p. 29). The reduction in recidivism ties back to increased opportunity, both in opportunities presented and recognized. Additionally, the meta-analysis finds correctional programs to save money, estimating dropping reincarceration costs by between \$.87 million and \$.97 million while only costing between \$140,000 and \$174,000 (Davis et al. 2013, p. 38). Correctional education programs would not only boost the outlook of people’s lives, but reduce recidivism and provide a 4x return on taxpayer money.

In addition to boosting employment opportunities for parolees, costs can be cut to help create financial breathing room. To start, forcing parolees to pay for the parole program can prove an undue burden. As discussed earlier, previously incarcerated people earn a third of the annual income of the general population (Holzer 2022). If most people feel money is stretched thin, adding *more costs* to the people with a third of the money may prove an insurmountable burden. As such, parolees fees should be abolished.

The financial burden can be further loosened by providing housing assistance for parolees. Formerly

incarcerated people face homelessness at a rate ten times higher than the general public, in no small part due to their increased employment and earnings (Couloute 2018). Homelessness can come with a whole nother set of issues, including further charges and potential technical violations relating to a failure to update their address with their PO.



Implementation Considerations

Bilal Chatman's Story

Bilal Chatman was originally arrested for a nonviolent drug offense. While he was able to secure a well-paying job, he worked a shift that went beyond his parole officer's hours, and his parole office refused to meet with him outside of the usual hours. Recounting this story, Bilal says "I felt like I was set up to fail" (Duane De La Vega and Galloway 2016, as cited in Avery et al. 2015).

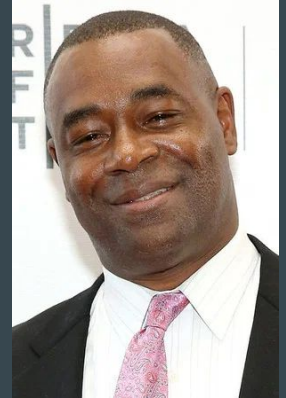


Image from TMDb

Caseworkers

Due to the nature of many interconnected, complicated variables, we recommend that caseworkers get assigned to parolees to help them navigate re-entry. Trained caseworkers could help parolees navigate resources, and act as an advocate to offset the power a parole officer has over their parolee. There needs to be someone in the parolee's corner, advocating for their success.

Conclusion

The number of incarcerated individuals exploded with Nixon's War on Drugs and other political campaigns. Stringent conditions emerged over time, and these conditions have limited the rehabilitative potential of the parole program. Typical parole conditions limit parolee's lives more than they enable parolee success.

Policy should focus on creating the conditions necessary for parolee success. Technical violations and limited economic opportunity are the driving forces behind reincarceration. As such, we recommend technical violations should no longer result in imprisonment. Additionally, correctional education programs and housing assistance should be implemented to enable parolee success.

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