

**FAILED SOCIAL REENTRY  
FACTORS BEHIND CONDITIONAL  
RELEASE VIOLATIONS,  
SUSPENSIONS  
AND REVOCATIONS**

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# **Failed Social Reentry**

## **Factors behind Conditional Release Violations, Suspensions and Revocations <sup>1</sup>**

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# **Failed Social Reentry**

## **Factors behind Conditional Release Violations, Suspensions and Revocations**

### **Introduction**

Successful completion by an offender of a period of conditional release is not necessarily proof of his/her successful social reintegration. However, failure to complete a period of conditional release (parole or a mandatory/statutory supervision) amounts to a failure on the part of the offender to reintegrate into society. The successful completion of a period of conditional release by offenders depends on their compliance with the various conditions attached to their conditional release, and whether they manage to refrain from committing another offence – or at the very least manage not to get caught for committing one. Success on conditional release, it is generally assumed, depends in large part on the offenders themselves, but also on the quality of the supervision and assistance they receive.

In order to reduce offender recidivism and thereby increase public safety, we need to examine the factors that contribute to the successful social reintegration of offenders, both at the time of re-entry into society after a period of incarceration and later. We also need to look at the policies and practices of releasing and supervising authorities, both in cases of discretionary early release and in cases of mandatory release involving some form of supervision.

In a typically large percentage of cases, the parolees' attempts at social reintegration are interrupted by violations of the conditions of their release or by the commission of a new offence, and therefore by parole suspensions, recalls, or revocations. In fact, in many countries, a large proportion of the prison population is there because of the offenders' failure under community supervision. This may not necessarily be due to an increase in re-offending among offenders on conditional release, but rather to the strict enforcement of other release conditions by supervisors (Padfield, 2007). A significant proportion of the offenders returned to institutions are indeed returned solely for violations of parole conditions - acts, such as missing treatment sessions, breaking a curfew, breaching no-go/exclusion zones - and not for having committed a new offence (Hughes, Wilson, and Beck, 2001; Stickels, 2007).

In the United States, these so-called “technical” or “condition” violators account in some States for more than half of all those returned to prison (Hughes, Wilson, and Beck, 2001). The main reason behind the substantial growth in incarceration has not been higher crime rates, but rather stricter sentencing and releasing policies (Burke, Gelb and Horowitz, 2007).

Other countries also have reasons to be concerned about the growing rates of recalls and revocations, even if it is clear that the violations vary widely in terms of severity and risk to the community. Looking ahead, one might reasonably predict further increases in the recalled prisoners’ population of many jurisdictions. Unfortunately, available statistics do not always provide a clear estimate of the proportion of offenders who are returned to prison for conditional release violations that involve solely breaking the rules of supervision or that involve significant new criminal behavior. We know that in some jurisdictions, some of the cases that could be handled as new criminal prosecutions are, instead, processed administratively as conditional release violations, often to avoid the delays and costs involved in initiating new criminal proceedings.

In many jurisdictions, conditional release failures have also had a definite impact on the prison population. In many countries, the recalled prisoner population is indeed exacerbating the problem of prison crowding (Tonry, 1990; Thompson, 2007: 147). The U.S. and the U.K. are experiencing a growing prison population due in part to the number of offenders violating conditions of their release. Currently in the United States, the fastest growing segment of the prison population is made of offenders who have violated the terms of their parole or probation (Petersilia, 2004). The number of offenders being recalled back to prison in the United Kingdom has more than trebled between 2000 and 2005, with recalled prisoners accounting at the end of that period for 11 percent of local prison population (Collins, 2007; 159; also, Fletcher, 2003). In England and Wales, recalled prisoners already count for eleven percent of the prison population (Padfield, 2005).

As recall rates continue to rise, “the prison population [will be] increasingly shaped by those who return by the ‘back door’” (Padfield, 2005; 276). In addition to the impact on the prison population, there is concern for the rights of recalled offenders within the recall procedure, as well as their experience with a return to prison. Research has shown that the suicide rate for recalled prisoners is increasing in England and Wales, where the experience of recalled offenders is not positive, as they are often upset, uncertain, and distressed, and where they may not know why they have been recalled to prison or how long they will remain in confinement (PRT, 2005; Liebling, 1992). This problem can be exacerbated by the lack of access recalled offenders have to legal advisers.

The increase in the number of offenders failing to complete a period of conditional release is problematic for a number of reasons. As was just mentioned, it clearly has an impact on the prison population, but it can also affect the public credibility of the whole conditional release system, raise questions about the release decision-making process that leads to returning offenders to the community who are apparently incapable of readjusting to life in society. It also calls into question the efficacy of the community corrections agencies responsible for assisting and supervising the released offenders.

Even though a conditional release and supervision system may be perceived as a “small cog in the large wheel we call our criminal justice system” (Padfield and Liebling, 2000; 125), its influence on the correctional system and on the credibility of the whole justice system, as well as its impact on communities, offenders, victims and their families should not be underestimated. Conditional release is a key component of the corrections system of many jurisdictions and it probably deserves far more research attention than it has received so far. Academic interest in parole peaked in the 1970s, with the debate about Martinson’s (1974) “nothing works” statement with respect to the rehabilitation of offenders and with the heightened public concern about apparent sentencing disparities. The increased scrutiny resulted in proposals for sentencing reform, for tightened conditional release systems, and in some cases the abolition of parole (Hanrahan, Gibbs, and Zimmerman, 2005). Since then, there has been relatively little systematic research on parole systems, particularly when compared to the vast amount of literature written about front-end agencies in the justice system (Morgan and Smith, 2005).

Concern over the rise in the number of recalls is not new, as research dating back to the 1980s describes the recalled offender problem in the California prison system, where it was found that “parole supervision [had] evolved to be little more than a gateway back to the institution, given extremely high recidivism rates, decreased flexibility in case management, and growing caseloads” (Messinger, Berecochea, Berk, and Rauma, 1988; 77).

There are clearly many factors at play in determining whether an offender will successfully complete a period of conditional release, and more important successfully reintegrate society. Individual factors and the nature and extent of the individuals’ criminal involvement are important. So is the availability of treatment and rehabilitation programs for the offenders both before and after their release, as well as the availability and accessibility of support services to help offenders deal with the difficult challenges they face at the time of social re-entry (Griffiths, Dandurand, and Murdoch, 2007; Borzycki and Makkai, 2007). Finally, one cannot underestimate a number of factors related to the supervision of offenders on conditional release,

including supervision policies and procedures, the style of supervision, the nature of the conditions imposed, and the manner in which these conditions are enforced.

The observed increase in the frequency of recalls cannot be attributed solely to the worsening of behaviour among offenders under supervision in the community, although the conduct of offenders does affect the rate to a certain extent. Equally important, perhaps, is that, the number and rate of recalls is most affected by parole supervisors' sensitivity to condition violations (Reitz, 2004). As noted by Thompson in the U.K., it seems reasonable to contend that the reason for the rise in recalls for breach of other licence conditions "lies not in the behaviour of the offenders themselves, but in the legislation and the professional practice of those involved in the process" (Thompson, 2007; 150).

Comparative research is required to further explore this phenomenon. Researchers should consider investigating the rising revocation rate for breach of conditions, as well as changes that may have to be made to accommodate the increasing number of revoked offenders returning to prisons (Murdoch, 2006). The nature of the experience of parolees in the community, the kind of supervision and assistance they receive, and their compliance with release conditions should also be part of the research agenda. In particular, attention should be given to the decision-making process with respect to parole suspensions and revocations.

This review and the broader study that it accompanies examine some of the possible factors behind the failure of many offenders to successfully complete a period of conditional release. It focuses particularly on factors related to releasing decisions and the types of offenders being released on parole, the conditions imposed on the offenders at the time of their release, and the supervision and assistance provided to parolees after their release.

The issues are somewhat different when the offenders' conditional release is a discretionary one (e.g. parole), as opposed to a mandatory or statutory release to which conditions and supervision are attached. The research that was reviewed as part of this study, however, did not always distinguish clearly between the two. We will therefore focus here more generally on "conditional releases", as opposed to parole, so as to include all cases where offenders are conditionally released from an institution and are placed under some form of community-based supervision.

This review will focus on: conditional release and the release decisions; the support and assistance required by offenders at the time of their re-entry into society; the supervision of released offenders; the enforcement of the release conditions; and, some proposed strategies to improve supervision and facilitate offenders' social reentry.

## Conditional Releases

Offenders' reentry into society after a period of incarceration can take place at the end of their sentence (unconditional release), as a mandatory release, or as a result of a discretionary parole decision (Clear and Cole, 2000). Unconditional release is when an offender is authorized release with no further correctional supervision, which occurs when the offender has served the entirety of their sentence. Discretionary parole release is a conditional release that is granted by a parole board and is governed by a number of conditions. Discretionary releases are used to different extents in different jurisdictions, sometimes not at all. In certain jurisdictions a mandatory release is authorized for inmates who have served their full sentence *minus* good time. In Canada, inmates are customarily released on statutory release at the two-thirds point in their sentence if they were not granted a discretionary release. In England and Wales, offenders sentenced to more than twelve months, but not an extended sentence, are automatically released on license into the community at the halfway point of their sentence. In the U.S., mandatory release is used by the federal government and States that operate under a determinate sentencing structure (Clear and Cole, 2000). In 2002, 52 percent of all state inmates were released because it was mandatory and based on a statutory requirement, whereas only 39 percent of all state inmates were released due to a parole board decision (Glaze and Palla, 2004). In many jurisdictions, offenders who are released on mandatory release must also comply with a number of conditions and are subject to community supervision during the remaining part of their sentence.

Parole is often a contentious public issue because it operates in an environment where citizens are inundated with sensationalized news accounts of crime, and where politicians win votes for their 'tough on crime' approach to reducing the 'crime problem' (Chevigny, 2003). The majority of citizens in jurisdictions that utilize parole do not understand the principles and objectives of parole, the authority of and the criteria utilized by releasing authorities, or the mandate and activities of supervising agencies and personnel. Simply stated, most citizens do not understand the legislative and policy frameworks within which paroling and supervising authorities operate, nor the potential of these strategies for reintegrating and rehabilitating offenders (Murphy, Johnsen, and Murphy, 2002). It is not surprising therefore that parole is often misunderstood, neither is it completely surprising that many States in America have opted to abolish their discretionary conditional release system.

The purpose of the parole process within the criminal justice system is often somewhat ambiguous. Although its purpose can be inferred from official documents and operational procedures of Parole Boards, its purpose is rarely defined unequivocally (Ellis and Marshall, 2000). Multiple purposes

are evoked such as: reducing correctional expenditures by providing a mechanism for the early release of prisoners, addressing prison overcrowding (Ryan, 1997); offering a behavioural “carrot” to prisoners to encourage them to abide by prison rules and regulations and to participate in programs designed to alter their attitudes and behaviours, both of which possibly contributing in turn to the maintenance of order and control in prisons (Reitz, 2004); and, the rehabilitation of offenders, the facilitation of their re-entry into society (Park, 1985). The parole system apparently pursues several goals, including reducing the costs of the prison system, helping manage prison populations more effectively; providing support for the rehabilitation of offenders and their reintegration in society, and providing protection for the public (Padfield and Liebling, 2000).

Parole is based on three interconnected principles: privilege, contract, and custody (Clear and Dammer, 2003). Offenders are given the *privilege* of release because the correctional agency can keep them in the institution until a later release date. By applying for parole, the offender is entering into a *contract* with the releasing authority (most often a parole board) which states that he or she agrees to abide by parole certificate conditions, in exchange for being released early. Parole is viewed as an extension of the custodial period, as the offender is still under correctional authority in the community and if he or she violates the conditions of his/her release, he/she can be returned (recalled or suspended) to institutional *custody* (Clear and Dammer, 2003).

It is possible to distinguish between two phases of the parole process to reflect “the notion of a continuous flow from prison to community, with a focus on the endpoint of rehabilitation and reintegration” (Travis and Petersilia, 2001; 296). The first stage of the parole process is the release decision, which is most often made by a Parole Board; and the second stage is the supervision of the offender in the community, which is often conducted by probation, parole, or some type of community correction service.

### **Parole Board Decision Making**

Despite the fact that many jurisdictions - Australia, Canada, Japan, the U.S., and the U.K. - continue to rely on parole boards to release some offenders into the community, there is still relatively little systematic research on board decision making, including the processes by which persons are appointed to parole boards, training, the manner in which individual parole board members exercise discretion and the impact of this on decisions to release offenders from confinement, the legislative and policy frameworks within which release decisions are made, and the relations between releasing authorities and supervising authorities.



The primary role of most parole boards is to decide whether to grant or deny parole. In some cases guidelines are provided for these decisions; the U.S. Board of Parole has paroling guidelines that must be considered in parole decisions: time served, offense seriousness, and risk of recidivism (Morgan and Smith, 2005). In other jurisdictions, parole decisions can be informed by risk assessment instruments designed to evaluate the risk that an offender may re-offend.

In an attempt to understand the parole decision-making process, Morgan and Smith (2005) conducted a study of the factors that are correlated with parole release decisions. Using a sample from the State of Alabama, the researchers examined the influence of offender, offence, and institutional-related variables on parole release decisions. The most significant predictors of parole release were total felony convictions, the length of the original sentence, and the recommendations from the warden and senior parole officer. Offenders who had committed less serious offences, who were convicted of fewer felonies, and who had positive recommendations from the warden and senior parole officer, were more likely to be granted parole. Inmates with a high school education and beyond, who had served more of their original sentences, and who had gone several months without a disciplinary infraction, were also more likely to be granted parole (Morgan and Smith, 2005).

Using the “focal concerns” perspective, which is typically applied to court decision making, Huebner and Bynum (2006) described the intricacies of parole board decision making in terms of the three primary “focal concerns” typically considered in such decision making: community protection, offender blameworthiness, and practical constraints and consequences of the decision. Parole boards are the gatekeepers between the prison and the community and one of the primary functions of parole boards is to protect the community. This protection is often facilitated by the use of more systematic risk assessment instruments.

### **Release Criteria**

There is a lot of variation across jurisdictions in the criteria used to decide whether to release offenders from confinement. In Canada, the *Corrections and Conditional Release Act* (CCRA; 1992) states the purpose of conditional release “is to contribute to the maintenance of a just, peaceful and safe society by means of decisions on the timing and conditions of release that will best facilitate the rehabilitation of offenders and their reintegration into the community as law-abiding citizens” (s.100). This is similar to the original legislation in the Canadian *Parole Act* 1959, which provided that offenders should only be considered for conditional release

when they had taken all that they could from imprisonment, when their release would not pose an undue risk to society, and when any further reform and rehabilitation could only be aided by parole.

In order to meet the CCRA 1992 release criteria, the National Parole Board grants parole to an offender only if it believes that the following two criteria are met: first, that the offender will not, by re-offending, present an undue risk to society before the expiration according to the law of the sentence the offender is serving; and secondly, whether the release of the offender will contribute to the protection of society by facilitating the reintegration of the offender into society as a law-abiding citizen (CCRA, s.102).

In England and Wales the release criteria that must be applied by the Parole Board are contained in the Home Secretary's directions.<sup>2</sup> The Parole Board for England and Wales must decide whether it will release a determinate sentenced offender considering "primarily the risk to the public of a further offence being committed at a time when the prisoner would otherwise be in prison and whether any such risk is acceptable" (Home Secretary's Directions, 2004).<sup>3</sup> This risk "must be balanced against the benefit, both to the public and the offender, of early release back into the community under a degree of supervision which might help rehabilitation and so lessen the risk of re-offending in the future" (ibid). An additional emphasis is placed on risk, as the Board must "take into account that safeguarding the public may often outweigh the benefits to the offender of early release" (ibid).<sup>4</sup>

Members of the Parole Board for England and Wales are required to use additional criteria when they consider the release and recall of life-sentenced prisoners. The test of risk for prisoners serving a life sentence, for example, is more stringent than the test of risk for determinate-sentenced prisoners, as "the test to be applied by the Parole Board in satisfying itself that it is no longer necessary for the protection of the public that the prisoner should be confined, is whether the lifer's level of risk to the life and limb of others is considered to be more than minimal" (Padfield, 2006a; 11).

The recently created (January, 2007) Prisoners Review Board of Western Australia has the authority to conduct parole hearings throughout

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<sup>2</sup> Directions given by the Home Secretary to the Parole Board for England and Wales were originally authorized under s. 32(6) of the CJA 1991; however, they are now governed under the CJA 2003 s. 239(6) (Padfield, 2006a).

<sup>3</sup> These release directions are applicable to the residual cases of prisoners who were sentenced prior to 04 April 2005 and fall under the old discretionary release legislation.

<sup>4</sup> These directions were issued 01 May 2004.

Western Australia. In determining whether to grant, defer, or refuse parole, the Prisoners Review Board takes many factors into consideration. These include factors that affect the offender, victims of crime, and the safety of the community. Section 5A of the *Sentence Administration Act 2003*<sup>5</sup> sets out the release considerations that the Prisoners Review Board is required to follow:

In this Act a reference to the *release considerations*~ relating to a prisoner is a reference to these considerations;

(a) the degree of risk (having regard to any likelihood of the prisoner committing an offence when subject to an early release order and the likely nature and seriousness of any such offence) that the release of the prisoner would appear to present to the personal safety of people in the community or of any individual in the community;

(b) the circumstances of the commission of, and the seriousness of, an offence for which the prisoner is in custody;

(c) any remarks by a court that has sentenced the prisoner to imprisonment that are relevant to any of the matters mentioned in paragraph (a) or (b);

(d) issues for any victim of an offence for which the prisoner is in custody if the prisoner is released, including any matter raised in a victim's submission;

(e) the behaviour of the prisoner when in custody insofar as it may be relevant to determining how the prisoner is likely to behave if released;

(f) whether the prisoner has participated in programmes available to the prisoner when in custody, and if not the reasons for not doing so;

(g) the prisoner's performance when participating in a programme mentioned in paragraph (f);

(h) the behaviour of the prisoner when subject to any release order made previously;

(i) the likelihood of the prisoner committing an offence when subject to an early release order;

(j) the likelihood of the prisoner complying with the standard obligations and any additional requirements of any early release order;

(k) any other consideration that is or may be relevant to whether the prisoner should be released.

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<sup>5</sup> <http://www.prisonersreviewboard.wa.gov.au/>

## The Conditions Imposed

Most conditional release systems impose both mandatory/standard and special conditions on the offender. Mandatory conditions are usually those stipulated by law and imposed on all parolees. Special conditions are added, usually on a case-by-case basis. Parole Boards usually enjoy considerable discretion in determining these special conditions. In fact, a relatively unexplored area of parole board decision-making relates to the decisions to impose special/additional conditions on parolees' conditional release certificates.

In England and Wales, the Parole Board tailors the license conditions for the offenders they release using both standard and additional license conditions. A standard license includes the following conditions:

...While under supervision you must:

1. keep in touch with your supervising officer in accordance with any reasonable instructions that you may from time to time be given;
2. if required, receive visits from your supervising officer at your home at reasonable hours and for reasonable periods;
3. live where reasonably approved by your supervising officer and notify him or her in advance of any proposed change of address;
4. undertake only such employment as your supervising officer reasonably approves and notify him or her in advance of any proposed change in employment or occupation;
5. not travel outside the United Kingdom without obtaining the prior permission of your supervising officer (which will be given in exceptional circumstances only);
6. be of good behaviour, not commit any offence and not take any action which would jeopardize the objectives of your supervision, namely to protect the public, prevent you from re-offending and secure your successful reintegration into the community; ...

Additional license conditions may include:

- attendance at appointments with a named psychiatrist/ psychologist/ medical practitioner and co-operation with recommended care or treatment;
- not to take work or organized activities with people under a certain age;
- a residence condition;
- a requirement not to reside in the same household as children under a specific age;
- a requirement not to approach or communicate with named people;
- a requirement to avoid a particular area;
- a requirement to address alcohol/drug/sexual/gambling/solvent/ abuse/anger/ debt/offending behaviour problems at a specified centre;
- a drug testing condition (Padfield and Maruna, 2006; p. 336-337).

In Canada, the National Parole Board imposes both mandatory and special conditions on parole certificates.

The Mandatory Conditions are set by regulation and include:

- (a) on release, travel directly to the offender's place of residence, as set out in the release certificate respecting the offender, and report to the offender's parole supervisor immediately and thereafter as instructed by the parole supervisor;
- (b) remain at all times in Canada within the territorial boundaries fixed by the parole supervisor;
- (c) obey the law and keep the peace;
- (d) inform the parole supervisor immediately on arrest or on being questioned by the police;
- (e) at all times carry the release certificate and the identity card provided by the releasing authority and produce them on request for identification to any peace officer or parole supervisor;
- (f) report to the police if and as instructed by the parole supervisor;
- (g) advise the parole supervisor of the offender's address of residence on release and thereafter report immediately
  - (i) any change in the offender's address of residence,
  - (ii) any change in the offender's normal occupation, including employment, vocational or educational training and volunteer work,
  - (iii) any change in the domestic or financial situation of the offender and, on request of the parole supervisor, any change that the offender has knowledge of in the family situation of the offender; and,
  - (iv) any change that may reasonably be expected to affect the offender's ability to comply with the conditions of parole or statutory release;
- (h) not own, possess or have the control of any weapon, as defined in section 2 of the *Criminal Code*, except as authorized by the parole supervisor; and
- (i) in respect of an offender released on day parole, on completion of the day parole, return to the penitentiary from which the offender was released on the date and at the time provided for in the release certificate. (*CCR Regulations Section 161 (1)*).

*Section 133 (3)*, of the *CCRA* stipulates that “the releasing authority may impose any conditions on the parole, statutory release or unescorted temporary absence of an offender that it considers reasonable and necessary in order to protect society and to facilitate the successful reintegration into society of the offender”. Special conditions typically include:

- Avoiding certain persons (either a specific person such as a co-accused or people with criminal records in general)
- Completing the treatment plan
- Abstaining from intoxicants
- Undergoing psychological counselling
- Avoiding certain places

In the Canadian system, an offender has the ability to challenge the special conditions that are imposed.

We need to better understand the process of imposing conditions, as the conditions of a parole certificate/license ultimately impact an offender's success or failure on conditional release. For example, do parole board members 'check all of the boxes' on the certificate/license in order to be able to claim that they have taken all of the necessary precautions should the parolee re-offend? As Padfield and Maruna (2006) explain, it may feel safer for parole board members "to err on the side of over-caution than to risk the media attention that might surround" (339) the recidivism of an offender who was released from prison early. This overabundance of caution, however, may merely set the offenders up to fail once they are released.

This is a particularly important question, since releasing authorities have begun in recent years to impose an increasing number of license conditions, in addition to imposing more stringent conditions (Padfield and Maruna, 2006). As one may reasonably assume, this trend may make an increase in parole failures quite inevitable. The conditions do not always constitute reasonable expectations. Special conditions are sometimes imposed that cannot be observed in spite of the best intentions of an offender, of conditions that are not specific to the individual risks posed by the applicants or their needs. For example, a releasing authority may impose a 'no drinking clause' even though the offender's past behaviour does not necessitate the imposition of such a condition. In fact, some observers have argued that one of the partial explanations for the rise in the number of recalls in the Parole Board for England and Wales system is that the Parole Board has increased the number and stringency of conditions imposed on offenders (Padfield and Maruna, 2006).

### **Support and Assistance**

The individual characteristics of the offenders are of course related to various extents to the offenders' likelihood of success while on conditional release. Assessing the needs of offenders as well as the risk that they may re-offend is usually a key part of the release decision and the planning for the offenders' social reentry.

Many of the current assessment tools used to determine factors that indicate an individual's risk of recidivism and recommitment are not theoretically based. This is because those who investigated recidivism were often content to merely identify correlates of recidivism, as opposed to understanding the reasons for the recidivism. One researcher (Langton, 2006) examined parole failure based on the etiological theory of crime developed by Gottfredson and Hirschi (1990). The study suggested that low self-control is positively and significantly related to parole failure. Other important correlates of parole failure were: age, type of offence, and offence history. Older individuals were more likely than younger individuals to successfully complete parole, property and non-violent offenders were more likely to violate their parole, and first time admittees were more likely to succeed on parole (Langton, 2006). Furthermore, the study did not find a significant link between low self-control and the length of time elapsed between release and parole revocation.

The importance of understanding the needs of newly released offenders cannot be underestimated. By use of concept mapping, Brown (2004) was able to identify factors that lead to ex-prisoners' success on parole during their first three months in the community. The identified needs were "income, education, employment, and community support," in addition to, "realistic pro-social expectations and a solid plan for handling difficult situations" (Brown, 2004; 104). These findings are important because they provide an understanding of parolee needs, which, with further research, may lead to the development of community support structures, which could potentially decrease recall rates.

Offenders confined in correctional institutions are confronted by a range of social, economic and personal challenges that tend to become obstacles to a crime-free lifestyle (Borzycki and Baldry, 2003; Visher, Winterfield, and Coggeshall, 2005). Some of these challenges are a result of the offenders' past experiences and others are more directly associated with the consequences of incarceration and the following difficult transition back to the community (Borzycki, 2005).

Offenders may have a history of social isolation and marginalization, physical or emotional abuse, poor employment or unemployment, and involvement in a criminal lifestyle that began at an early age. So too may offenders be challenged by physical and mental disabilities and health issues that may be related to substance abuse and drug addiction. Many offenders are challenged by skills deficits that make it difficult for them to compete and succeed in the community: poor inter-personal skills, low levels of formal education, illiteracy or innumeracy, poor cognitive or emotional functioning, and/or a lack of planning and financial management skills. There are also several practical challenges that must be faced by offenders at the time of their release, including finding suitable

accommodation with very limited means, managing financially with little or no savings until they begin to earn some lawful remuneration, accessing a range of everyday necessities, and accessing services and support for their specific needs.

The period of transition from custody to community can be particularly difficult for offenders and contribute to the stress that is associated with being supervised in the community. The period of incarceration may itself have had several “collateral effects” (Borzycki, 2005: 36; Borzycki and Makkai, 2007:10; Griffiths, Dandurand, Murdoch, 2007) upon many offenders: they may have lost their livelihood, their personal belongings, their ability to maintain housing for themselves and their family; they may have lost important personal relationships and incarceration may have damaged their social networks; they may have experienced mental health difficulties or acquired self-defeating habits and attitudes. Homelessness, in particular, may place youth at risk of offending (Arnull *et al.*, 2007).

There is no consensus as to whether ex-offender reentry support programs are effective in assisting reintegration and reducing the rates of recidivism. To date, there have been few evaluations of existing programs (Visher, 2006; Griffiths, Dandurand, Murdoch, 2007). Many of the current initiatives were developed on the basis of somewhat conflicting program evaluation findings in related correctional areas (e.g., impact of drug treatment, employment training, counselling, and community supervision). While there is an abundance of ideas as to what, in theory, should work, the findings of program evaluations are often disconcerting. Further, the majority of reintegration programs have not been subjected to controlled evaluations and successful approaches remain to be identified and articulated. Often, research and practice seem to move on separate tracks (Petersilia, 2004).

The failed reentry of prisoners into society involves some significant costs for society, both financial and in terms of public safety. The costs of programs to support the reintegration of offenders must be assessed against the benefits of avoiding these significant future social and financial costs.

### **Supervision of Released Offenders**

While few studies have investigated conditional release supervision, those that did focused primarily on two issues. The first issue is how probation and parole supervisors engage in one of two types of supervision; either casework-oriented activities, or surveillance-oriented activities (Seiter, 2002; 2003). The second and related issue is how changes in conditional release supervision may have led to an increase in recalls and revocations.



## **Models of Parole/Conditional Release Supervision**

One can distinguish between at least four major models of parole supervision: 1) risk-based; 2) needs-based; 3) middle-ground; and, 4) strengths-based (Maruna and LeBel, 2002). Risk-based strategies operate on the premise that offenders are dangerous and need to be controlled and closely monitored. This control “suggests the need for an ‘electronic panopticon’ or the ‘pee ‘em and see ‘em’ approach to supervising offenders” (Gordon, 1991; Maruna and LeBel, 2002:164). Needs-based supervision strategies focus on offenders’ criminogenic needs, which means parole supervisors help offenders get appropriate treatment in programs such as cognitive skills training and addictions counselling (Burnett and Maruna, 2006). The body of evidence supporting this parole supervision strategy is stronger than that for the risk-based strategy, as recidivism rates have been found to decrease slightly when offenders and treatment programs are correctly matched (Maruna and LeBel, 2002).

The ‘middle-ground’ position is a combination of the two deficit models. The amalgamation is supposed to appease supporters of both models. However, the problem with this dual approach is that parole officers tend to experience uncertainty about which model they should be using and when (Maruna and LeBel, 2002). This problem was identified by Fogel, who asked: “A parole officer can be seen going off to his/her appointed rounds with Freud in one hand and a .38 Smith and Wesson in the other... Is Freud a backup to the .38? Or is the .38 carried to “support” Freud?” (Fogel, 1978: 10-11).

The final (and least-researched) supervision strategy is the ‘strengths-based’ model which views offenders as “assets to be managed rather than merely liabilities to be supervised” (Maruna and LeBel, 2002:167-68). This approach is based on the assumption that prisoners are stigmatized, and that it is this stigma, rather than any inherent dangerousness, that makes them more likely to commit further crime. These interventions provide ex-prisoners with the opportunity to experience success in support and leadership roles (Maruna, 2001; Sampson and Laub, 2001).

## **Roles of Supervisors**

Up until the late 1960s, parole supervision was primarily focused on restoring offenders to the community (Rothman, 1980), a process commonly referred to as “reintegration”. Over the past two decades, the nature of parole supervision has shifted, as parole officers have attempted (often with difficulty) to reconcile the conflicting objectives of a social-work oriented practice and a surveillance and control approach more akin to law-enforcement (Travis and Petersilia, 2001). It would seem that many parole

officers increasingly define their role in terms of enforcing release conditions and intervening when offenders fail to meet the requirements of their conditional release.

Many researchers and other observers have been very critical of recent developments in community corrections. Writing about what is often referred to as the “new penology”, Feeley and Simon’s (1992) argued that a systems approach to danger management has taken over criminal justice system administration during the past few decades. Its official discourse emphasizes risk and probability in relation to the criminal population; it is less concerned with punishing or normalizing deviants than it is with managing classes of offenders. New managerial surveillance techniques have developed, as well as statistical/actuarial risk prediction techniques, which assist in the classification and control of offenders’ risk. Managerialism, it would seem, has increasingly characterized professional practices within criminal justice and correctional systems, leading to the adoption of national standards of performance, the development of guidelines for decision-making and other aspects of professional practice, and the incremental restriction of the amount of the discretionary authority of correctional professionals (Loader and Sparks, 2002).

As part of this trend, processes, tools and methods for risk assessment and management have been developed which may have led many professionals to adopt risk-adverse attitudes and to tend toward overcautious, “defensive” decision-making (Kemshall, 1998; Tuddenham, 2000). The introduction of new surveillance technologies, such as urine testing and electronic monitoring, have increased the capacity of parole supervisors to detect parole violations and to proceed quickly with a suspension or revocation (Travis and Petersilia, 2001). In the current actuarial risk management regime, such technologies allow parole supervisors to “sort individuals into groups according to the degree of control warranted by their risk profiles” (Simon and Feeley, 1992; 459).

The reasons for the public’s support of the ‘new penology’ can be found in the public’s rejection of leniency in corrections, the belief that ‘nothing works’ with respect to correctional treatment, and decreasing resources (Quinn and Gould, 2003). However, with the arrival of this ‘new penology’, the goals of surveillance and control have replaced the traditional goals of parole (Petersilia, 1999). The current ‘culture of control’ in community supervision (Garland, 2001) encourages officers to report violations and revoke licensees (Ryan, 1997). In their discussion of ‘the new penology,’ Feeley and Simon (1992) discussed how the new penology’s paradigm is so focused on custody, risk assessment and control, that recidivism has all but been abandoned as the yardstick against which to measure parole success. In the past, high rates of revocation were an indication of program failure; however, such rates are now “offered as evidence of efficiency and

effectiveness of parole as a control apparatus” (Feeley and Simon, 1992; 455).

Revocations and suspensions of parolees are often presented as cost-effective components of the long-term management of a dangerous and “chronically troublesome population” (Feeley and Simon, 1992; 456). High rates of prison recalls are advocated as cost-effective strategies for crime control, allowing the system to avoid costly prosecution and judicial proceedings, even in the face of evidence to the contrary – evidence to the effect that the extensive use of parole revocations and suspensions is often “highly costly, discriminatory, and apparently ineffective as a strategy for crime reduction” (Padfield and Maruna, 2006; 11).

Discretion is in operation in parole officers’ decisions to suspend or to recommend conditional release revocation. Variations exist in terms of parole officers’ responses to violations of supervision conditions (Clear et al., 1992). Parole supervisors still enjoy a fair amount of discretion in making their decisions even if they do not all use it to the same extent (Simon, 1993). There is quite a lot of variability in the decisions of parole supervisors and the extent to which they apparently tolerate minor breaches of parole conditions. There is sometimes wide variability, even within a supervision agency or region, in the staff members’ interpretation of when revocation is appropriate (Burke, Gelb, and Horowitz, 2007). Little is known, however, about how supervising personnel exercise their discretion and what affects their decisions when parolees deviate from the conditions of their parole. It would seem indeed that responses to violations are shaped by a number of factors, including organizational policies, rules and procedures, and organizational culture (Collins, 2007; 161).

Research investigating parole supervisors, their performance, and their attitudes, has found that parole officers often feel very challenged in trying to achieve their dual goals of helping offenders successfully reintegrate into the community and protect society from at-risk individuals. This is partly the result of the tension between the two main aspects of their role as supervisors, the helping agent and policing agent aspects of their function (Stanley, 1976; Seiter, 2003).

In Lynch’s (1998) ethnographic study, parole officers explained how they felt they performed their job most effectively when they were in the field watching parolees - acting as enforcers of rules and conditions - ready to revoke parolees at the slightest infraction of one of their conditions. That attitude was justified by their belief that violations of conditions were “signals of more serious transgressions” (Lynch, 1998: 11). The main finding of this and other studies is that parole officers are apparently prioritizing their law-enforcement function over their rehabilitation function, as parole supervisors have consistently been found to be more involved in their enforcement role

than in the more complex and illusive role of supporting the offenders' social reintegration (Byrne, 1989; Baird, Wagner and DeComo, 1995; Lynch, 1998).

Some studies have also focused on the so-called "supervisory style" of parole supervisors, distinguishing between how supervisors define their role on some kind of continuum between control and assistance (Quinn and Gould, 2003). The styles are quite well described in the literature, but there is far less research on the factors which influence supervisory styles (Seiter and West, 2003). For example, to what extent are these styles influenced and/or guided by the correctional agency's policies or regulations? Or are they more directly influenced by political rhetoric, media reports, public pressure, or the agency's organizational structure? To what extent are these styles related to the personal characteristics of the supervisors themselves, gender, age, ethnicity, training, professional background?

In some jurisdictions, it would seem that officers have considerable flexibility in determining what activities and styles of supervision they will use on a case-to-case basis. In the State of Missouri, one study showed that an officer's age and time on the job were not predictive of the officers' style of supervision (Seiter and West, 2003). The study also showed that it was not uncommon for officers to report that the characteristics of the offenders and their criminal history primarily dictated their approach to supervision. However, the analysis nevertheless indicated that larger caseloads and increases in reporting requirements sometimes led parole officers to resort to a more surveillance-based approach to supervision. In some instances, officers admitted that they prioritized surveillance-type activities despite the fact that they thought that a casework/assistance approach was more likely in the long term to support offenders' social reintegration.

Another study looked at the characteristics of a group of parole officers in Texas and the relative importance they attached to the development of treatment resources for paroles (Quinn and Gould, 2003). Seniority, caseload size, and job type were found to be the strongest factors in predicting the extent to which the officers prioritize treatment. City size, race, gender, education, and political ideology also played a role, albeit smaller, in predicting a respondents' stated desire for more treatment resources (Quinn and Gould, 2003). In fact, one of the most important findings in recent research is that, despite a frequent policy emphasis on control and surveillance, supervising officers often continue to prioritize the need to develop treatment resources. Officers in the State of Missouri, for example, explained how they believed that the most effective functions they perform are structured to help and assist offenders under supervision (Seiter, 2002). These attitudes prevail despite the organizational environment these officers work within; an environment that encourages

officers to engage in intensive supervision, frequent urinalysis testing, specialized supervision, and electronic monitoring (Seiter, 2002).

### **The Relationship between Releasing Authorities and Supervising Authorities**

The conditional release process customarily involves two primary agencies working with one another to facilitate the early release of offenders into the community. The parole board makes conditional release decisions based on the information provided by correctional authorities while community corrections agencies provide supervision. Parole boards identify and impose the conditions they deem necessary to facilitate the offender's successful transition to the community, while simultaneously considering the risk to the public. Community corrections agencies' primary responsibility is to guide offenders to the programs and services required in their parole certificates/licenses, in addition to providing supervision and enforcing the conditions mandated by the releasing authority. Close collaboration between the releasing authority and the supervision authority is necessary (Burke, Gelb and Horowitz, 2007).

It is important to understand the reciprocal relationship and influence between the two agencies. Parole Boards' decisions may indeed influence the nature of supervision styles practiced by supervising agencies. For example, one may perhaps assume that the imposition of a greater number of parole conditions on the parolees' certificates/licenses may increase supervising officers' workloads. Similarly, when the releasing authorities mandate electronic monitoring, urinalysis testing, and no-go/exclusion zones, parole officers are in fact directed to engage in law-enforcement oriented supervision tactics as opposed to social-work oriented tactics.

Tensions may exist between releasing agencies and supervising agencies due to the increasingly managerialistic environment within which conditional release decisions are made. In that environment, parole supervisors may well be more hesitant to 'over-look' minor technical violations committed by offenders.

Responding to minor breaches of conditions without resorting to a suspension or recommending revocation is often more difficult for supervising officers, when such alternative responses are actively discouraged by the system or when the officers or their agency risk coming under unwanted and sometimes intense scrutiny for not suspending an offender at the first sign of misbehaviour.

On the other hand, when parole supervisors suspend offenders for every single digression from their license/certificate, the workload of the

releasing agencies may increase because they have to conduct recall/revocation hearings. It is possible that the releasing authorities may not view the minor digression from the parole certificate as a necessary cause for recall/revocation. This may create tension between releasing authorities and supervising authorities, as the releasing agency may become frustrated with their increased workload for what they view as unnecessary recalls.

Another possible factor, which may create tension between releasing authorities and supervising authorities, occurs as a result of how the releasing authority uses the information provided by the supervising authority when they decide whether or not to release an offender. In many jurisdictions, such as Canada, supervising authorities provide releasing authorities with community assessment reports often making recommendations as to whether or not the offender should be released based on their proposed release plan. Such recommendations are not binding on the releasing authority and these agencies may ignore community corrections' recommendations. Therefore, it may be a source of tension between the releasing authority and supervising authority if the releasing agency consistently ignores the recommendations provided by the supervising agency. It is likely that this tension increases as a consequence of cases when offenders are revoked for further offences. As such, this is an area in need of further exploration.

Another issue deserving some attention is the extent to which public inquiries into high-profile offences committed by conditionally released offenders may affect the working relationship between releasing authorities and supervising authorities. Both agencies may face considerable public and political scrutiny for their decision-making throughout the duration of the individual offender's conditional release process (from the decision to release an offender through until their supervision).

### **The Enforcement of Release Conditions**

The work of the National Institute of Corrections (NIC), U.S. Department of Justice, on violations indicates that it is typical for 75 to 80 percent of offenders on conditional release to be, at one time or another, in violation of some condition of their supervision (Burke, 2004: 4). When these breaches result in a recall, someone made a decision to intervene.

There is no conclusive evidence demonstrating that non-compliance with technical conditions signals an offenders likelihood of further criminal behaviour, or that returning these prisoners actually prevents them from engaging in further criminal behaviour (Padfield and Maruna, 2006) Furthermore, Fulton, Stichman, Travis, and Latessa (1997) explained how

the surveillance method has not been effective in reducing recidivism. In fact, a balanced supervisory approach - incorporating social worker and law enforcer functions - was proposed to be the most effective method of supervision (Fulton *et al.*, 1997).

This is problematic, as control-oriented supervision roles take away from the parole officers' ability to 'help' parolees with their rehabilitation. Therefore, 'risk-based' techniques of increased surveillance and control that result in revocations are short-term 'solutions' to long-term problems. This 'solution' merely displaces offenders' criminal behaviour until they are released without supervision.

If recall does not help reduce offender recidivism, then it is important to question its use and the increasing reliance on this costly<sup>6</sup> approach.

### Recall/Revocation

*"Revocation is the parole officer's strongest weapon"*  
(Von Hirsch and Hanrahan, 1979; 60)

As Maruna (2004) explains, only 188 (less than 6 percent) of offenders released on parole (discretionary conditional release) were recalled for a further offence in the England and Wales system. Of the 1,480 offenders released on Home Detention Curfew (HDC), 54 percent were recalled for failure to comply with curfew conditions and 27 percent were recalled because it was not possible to monitor them, whereas only 16 percent of those on HDC were recalled and charged with a new offence (Prison Statistics 2002 cf. Maruna, 2004). In California, the rate of new crimes for recalled prisoners has remained stable at 17 per 100 releases from 1977 to 2000 while the recall rate has increased from 800 to nearly 90,000 offenders throughout this same time period (Maruna, 2004). This indicates that the rising recall rate is a function of revocations for 'technical violations', which in California are usually a consequence of dirty urinalysis tests.

Anecdotal evidence suggests that the transition from a "casework approach" to a "surveillance approach" to supervision was a pragmatic adjustment to circumstances. As Petersilia (2000) reports, it was not uncommon for parole officers in the 1970s to have caseloads of 45 offenders, whereas now, it is not uncommon for parole officers to supervise 70 offenders. One of the most shocking statistics reported by Petersilia (2000) was that in the early 1990s, some California parole officers had

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<sup>6</sup> With respect to correctional services, the costs of incarcerating a rising recall population are astounding. For example, in California, one calculation suggests that in 2002, incarceration of the 85,551 prisoners recalled in the system cost \$1 billion (Maruna, 2004).

caseloads of 500 offenders. With such large caseloads, it is understandable that parole officers have limited time to focus on individual offenders and provide them with individualized treatment. Instead, parole officers with large caseloads are required to engage in surveillance-based supervision, by impersonally monitoring offenders, sometimes through computer programs or EM (electronic monitoring), with little, or no, face-to-face contact. And with more surveillance-oriented supervision, it is inevitable that more breaches of conditions will be discovered, thereby creating higher recall/revocation rates.

One of the provisions likely to lead to an increase in recall rates in England and Wales is that offenders sentenced to prison terms of twelve months or more are now released at the half-way point of their sentence and are subject to community supervision until the end of their sentence. Early released prisoners have more opportunities to violate their conditions, as they are under community supervision until the end of their sentence rather than being under supervision until the three-quarters point in their sentence, which was the practice pre-*CJA (Criminal Justice Act) 2003* (Padfield and Maruna, 2006). Although this provision is likely to increase recalls in the Parole Board for England and Wales system, it is possible that the longer period of community supervision may actually be beneficial for offenders, as they spend less time in prison, which lessens the effects of prisonization.

The second provision that will potentially lead to a further increase in the recall rate is the *CJA 2003* sentencing framework. The courts are imposing more indeterminate sentences of 'IPP' (Imprisonment (or Detention) for Public Protection), which translates into an increasing number of indeterminate prisoners being released, and as this population increases, so too will the recalled prisoner population, as IPP prisoners have lengthier supervision periods. The recall rate for extended-sentence prisoners is also expected to increase because the Parole Board for England and Wales recommends their release during the second-half of their sentence, and if/once released, their supervision period can be extended by five years for violent offenders and eight years for sex-offenders (Padfield and Maruna, 2006).

The length of the supervision periods may also be a factor. Lengthy supervision periods are not uncommon. Although California abandoned its indeterminate sentencing system in 1977, it kept a system of parole (in California this is a form of non-discretionary release) that provides around 3 years of parole supervision for every person released from prison (Maruna, 2004). There is little wonder as to why the number of revocations has increased in California; especially when one realizes that the ultimate goal of this system is surveillance, as rehabilitative ideals were written out of the constitution of California in the 1970s (Maruna, 2004).



Sexual offenders under the jurisdiction of the Adult Parole Board in Victoria, Australia are subject to a supervision period of up to 15 years under the *Serious Sex Offenders Monitoring Act 2005*. Offenders released with an Extended Supervision Order are under stringent conditions and are subject to strict supervision from the Adult Parole Board and the Secretary to the Department of Justice. The following are conditions of the Extended Supervision Order: requirements to attend monitoring, assessment, or supervision as directed, notify any changes in employment, and no change-of-address without approval. Further potential conditions the Adult Parole Board can impose are: refusal of internet access, being accompanied by Corrections Victoria Staff when leaving one's residence, "no-go" zones, prohibitions on contact with children, electronic monitoring (to ensure one's compliance with curfew restrictions), and control over where the offender resides.

Another possible explanation for the rise in recalls is that within a managerialist environment and its increased accountability requirements, parole boards are imposing more conditions, and conditions that are more stringent than in the past. As the number of conditions imposed on offenders increases, so too does the amount of surveillance behaviour parole officers engage in. This increased surveillance activity takes away from the field-agent's ability to provide counselling and other helping services (Petersilia, 1999).

An additional problem with regards to conditions is that they may be very broad, and result in the parole officer and offender having uncertainty as to their meaning. Dating back to 1979, research explains how broad and vague conditions mean that offenders are subject to re-imprisonment at the discretion of the parole board (Von Hirsch and Hanrahan, 1979).

### **Recall/Revocation Hearings**

Due to the increasing number of individuals being recalled, the United States Parole Commission developed an expedited revocation procedure for parole violators who had not committed a new felony offence (Hoffman and Beck, 2005). The majority of parolees are revoked due to technical violations that the parolees will not themselves, dispute. Therefore, the sole decision to be made is what the appropriate sanction should be for the offender (Hoffman and Beck, 2005).

In 1996, the U.S. Parole Commission implemented a pilot project with the objective of expediting the processing of parole violations which were misdemeanour, administrative, or felony charges. The goal of this project was to expedite the processing of parole violations, in addition to conserving resources while simultaneously ensuring that the due process rights of offenders were not violated. The pilot project allowed parole violators (who

were violated due to administrative, misdemeanour, and lesser felony charges), to waive the right to a revocation hearing, acknowledge responsibility for the charged violation, and accept a specified revocation penalty which was determined by the commission on the basis of the case record (Hoffman and Beck, 2005).

The pilot project was deemed a success and the Commission incorporated the expedited revocation procedure into its permanent regulations in 1998. Expedited revocation decisions accounted for 40 percent (711 out of 1,761 cases) of all of the commission revocation actions in 2003 and provided the commission with the opportunity to devote more resources to conducting revocation hearings for violators with more serious charges (Hoffman and Beck, 2005).

### **Re-releasing the Recalled Offenders**

Some jurisdictions have adopted legislation meant to facilitate the re-release of recalled offenders when appropriate. For example, in the U.K., new recall provisions were introduced with the option of re-release before sentence expiry date. The idea behind these new provisions was to create a more flexible risk management tool: allowing the use of the recall at a point when the risk of re-offending appears to rise, or when an offender appears to be close to reoffending. This could allow the supervisors to put in place other measures to manage the risk and then re-release the offender (Thompson, 2007). In practice, however, the Parole Board, has not been re-releasing offenders in the numbers envisaged (Thompson, 2007: 150).

### **Strategies to Enhance Parole Supervision**

There are some substantial issues with the observed increase in recall/revocation rates in most of the jurisdictions that have a conditional release system. Some have argued that it is necessary to 'reinvent' parole. Petersilia (2002) recommends four strategies to reinvent parole based on the data she gathered from interviews with U.S. correctional experts. The four strategies are as follows:

- Identify dangerous and violent parolees; these individuals should be a top priority in terms of human and technologically-based surveillance
- Commit to a community-based approach to parole supervision; partnerships should be formed among police, public service providers, community members, victim advocates, offenders, and their families. The goal of such partnerships should be to manage an offender's risk and increase their likelihood of success on parole supervision through the process of informal control.

- Implement intermediate sanctions for technical parole violators; these intermediate sanctions are a less expensive alternative to imprisonment
- Provide treatment opportunities for offenders; especially substance abuse treatment and job training for offenders upon their release in the community. Offenders should also have the opportunity to partake in education, work, and rehabilitation programs in-prison (Petersilia, 2002).<sup>7</sup>

Burke and Tonry (2006) wrote about the need to “reinvent” parole and offered some recommendations for change. Although their recommendations were focused on reinventing parole, they were applicable to the reentry process experienced by all offenders who are released with a period of post-custodial supervision. They recommended that key agencies and actors embrace the vision of community safety through successful reentry and develop a shared offender case management system supported by the capacity of the various agencies to share and update offenders’ information. They also stressed the importance of developing partnerships between various criminal justice system agencies in order to manage in-prison resources to facilitate successful transition and reentry (Burke and Tonry, 2006). Of further importance, and expanding on the final recommendation, is to engage in a process of investigating the dynamics between releasing authorities and supervising authorities. In order to do so, empirical evidence must be collected and analyzed to provide information about the nature of the relationship between these two co-existing agencies. Through a process of ongoing research, monitoring, and evaluation, agencies may develop the capacities to better address offender reentry issues. In addition to developing capacities to address issues, empirical evidence provides us with information about ‘best practices’ through the process of evaluation of “lessons learned”. Therefore, in order to facilitate successful reentry, we need to develop “best practices” based on the empirical evidence about “lessons learned”.

Burke, Gelb and Horowitz (2007) suggested that a more strategic approach is required; an approach focused on finding ways to enhance the likelihood of successful completion of supervision, with violations being used as opportunities to intervene with offenders and redirect their behavior. For these authors, the basic elements of such an approach should be:

- Close collaboration between releasing authority and supervision agency.

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<sup>7</sup> Wilkinson (2005) explains how providing guidance and assistance to paroled offenders is a necessary ingredient to the success of offender re-entry. The building block to connecting with the community is often found in the offender’s opportunity to attain consistent employment and acceptance in the workplace.

- Clarifying the goals of supervision and translating them into concrete policies and procedures.
- Developing and systematically using good risk assessment tools.
- Encouraging the structured use of discretion by supervisors. Supervision staff must be encouraged to use their discretion in order to respond appropriately to the different situations they encounter. On the other hand, clear policies are required to guide them, particularly as to when revocation should be pursued.
- Possibly requiring higher levels of approval to issue a warrant or begin the revocation process. This could include supervisory approval and the use of centralized “warrant units” that review requests and assure consistency and adherence to policy.
- Encouraging graduated responses to violations. The latter obviously vary in terms of severity and the risk they represent to the community. Sanctions should be scaled according to the severity of the breach of condition and the risk of the offender. Supervision agencies may develop alternatives sanctions for breach of minor conditions and support front-line supervisors with a continuum of practical, community-based sanctions.
- Ensuring swift and certain responses to violations.
- Offering positive reinforcement and supporting the offenders’ motivation to change.
- Remaining ready to identify violations that indicate a substantial risk and to remove offenders quickly from the community.
- Developing community resources to address the needs of offenders. (see: Burke, Gelb, and Horowitz 2007).

The critical first step for all jurisdictions interested in better handling of violations of conditions by offenders on conditional releases is a careful analysis of current policies and practices. A comparative analysis of these policies and practices across jurisdictions and their impact on offenders’ social reentry also seems like a good place to start.

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