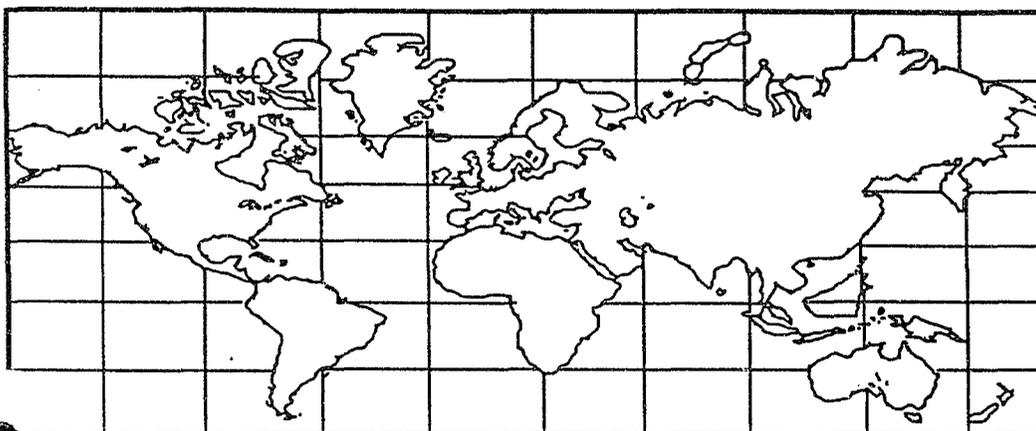


# OBSERVATIONS ON PAROLE:

A COLLECTION OF READINGS FROM  
WESTERN EUROPE, CANADA AND THE  
UNITED STATES



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ASSOCIATION OF PAROLING AUTHORITIES

INTERNATIONAL

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OBSERVATIONS ON PAROLE:  
A COLLECTION OF READINGS FROM  
WESTERN EUROPE, CANADA AND THE  
UNITED STATES

Proceedings of the First  
International Symposium on Parole  
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TABLE OF CONTENTS

	<u>PAGE</u>
Foreword	v
About the Contributors	vi
<b>Part I. International Perspectives on Parole . . . . .</b>	<b>1</b>
107832 Parole in the United Kingdom . . . . . Eric Morrell	3
The Parole System in Canada. . . . . Margaret Bensen	15
107833 Parole in the Netherlands. . . . . Hans Tulkens	19
Criminal Justice and Parole in Austria . . . . . Helmut Gonsa	27
107834 Crime, Prison and Parole in Denmark. . . . . William Rentzmann	33
107835 Imprisonment, Rehabilitation and Parole in Sweden. . . . . Bo Martinsson	43
<b>Part II. Parole in the United States: Current Issues and Trends.</b>	<b>49</b>
107836 Parole: Controversial Component of the Criminal Justice System . . . . . Barbara Krauth	51
The Status of Parole in Maine. . . . . Peter J. Tilton	59
107837 The Impact of Sentencing Guidelines on Parole in Minnesota and Florida . . . . . Donnie A. Lee	63
Parole and Determinant Sentencing. . . . . Richard T. Mulcrone	73
107838 Parole Risk Assessment: A Tool for Managing Prison Populations and Recidivism. . . . . Daryl R. Fischer	77
Parole Guidelines: An Effective Prison Population Management Tool . . . . . Michael P. Sullivan	83

	<u>PAGE</u>
<b>Part III. The Future of Parole . . . . .</b>	<b>87</b>
Parole: Part of the Solution to the Problem of Crime . . . . .	89
<b>John J. Curran, Jr.</b>	
Plus ca Change, Plus ca Pareil: Parole During the Next Quarter Century . . . . .	93
<b>William R. Outerbridge</b>	
The Renaissance of Parole. . . . .	105
<b>Allen F. Breed</b>	
 <b>Part IV. Epilogue . . . . .</b>	 <b>111</b>
Towards Systemic Change In Criminal Justice. . . . .	113
<b>Christopher Dietz</b>	

## FOREWORD

On April 6-9, 1986, the Association of Paroling Authorities International (APAI) hosted the first International Symposium on Parole at the Lyndon B. Johnson School of Public Affairs, University of Texas in Austin, Texas.

The Symposium brought together over 150 parole and criminal justice professionals from Europe, the United States and Canada. For three days the participants discussed the many complex issues, and problems impacting on their respective jurisdictions. Of significance were the attendance and presentations by representatives from five European countries and Canada.

A majority of the presentations made during the Symposium are included in this document. They have not been edited or revised. Rich in detail, they cover a wide array of topics confronting paroling authorities in much of the Western world. The articles offer a "sympathetic" assessment concerning the current status and future prospects of parole, as well as the relationship of parole to the other components of the criminal justice system. Together, the articles provide far-reaching proposals and insightful analyses--written from the point of view of policymakers and committed advocates of criminal justice reform.

The National Institute of Corrections is making these papers available so that those who did not attend the Symposium can review the proceedings. The presentations contained here offer an opportunity to reconsider the issues and concerns voiced during the First International Symposium on Parole in the United States.



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**PART I**

**INTERNATIONAL PERSPECTIVES**

**ON PAROLE**

IMPRISONMENT, REHABILITATION AND PAROLE IN SWEDEN

By  
Bo Martinsson

Population

Sweden is 450,000 square kilometers in area but has only 8.3 million inhabitants, for an average of 18 inhabitants per square kilometer. The biggest cities--Stockholm, Gothenburg and Malmo--have about 16 percent of the national population.

Social Services

Swedish society is highly organized and is characterized by a comprehensive social services network. Social insurance, working life, public authorities, organizations and politics are all part of this pattern. Sweden has developed relatively quickly into a welfare society. The country was industrialized at the end of the 19th century. At the same time people founded organizations such as trade unions, free churches, etc. and worked to improve their conditions. Today's mass movement date from that period. They are democratically organized and have played an important part in the development of Swedish democracy and welfare.

Government

Sweden has a parliamentary constitution. The Government must have the confidence of the Riksdag (Parliament) and all important proposals must be approved by the Riksdag. The Government executes the decisions made by the Riksdag. The Government members head ministries or government departments which are responsible for different fields. Unlike their counterparts in other countries, however, the Swedish ministries are relatively small. Day-to-day activities are administered by officials of more than 80 national boards and agencies. The National Police Board, the National Courts Administration, and the National Prison and Probation Administration, for example, are administrations coming under the Ministry of Justice.

Crime and Imprisonment

Parallel to transformations in society, criminal offenses have also changed. The crime rate has increased considerably during the last 20 years and criminality is concentrated in urban areas (i.e., the three biggest cities). Traditional crimes like theft and crimes of violence are now mixed with new offenses such as traffic offenses, drug offenses, and various forms of white collar crimes.

When a crime is brought to the notice of the police, they generally start by investigating the circumstances. If a more serious offense is committed, the investigation will be directed by a prosecutor. He decides whether a suspect is to be detained and confined to a remand prison or a police cell for the maximum time of five days. In case of a serious offense, the prosecutor can bring the case before the court which has to decide to remand the suspect into custody during the police investigation. If a court makes a remand order, charges have to be brought by the prosecutor within a two-week period. Main proceedings are held in the district

court, which comprises the chairman, a judge, and three to five jurors. This type of jury is a very ancient and a distinctive feature of the administration of justice in Scandinavia. The jurors are men and women elected by the political parties. In Sweden, however, the decision on possible sanctions for the offender is made by the judge together with the jurors. The district court's decision made by the Court of Appeal can also be contested in the Supreme Court in Stockholm, if the case is considered to be of special interest as a test case.

The Swedish penal system has also been transformed during the present century. Efforts have been made to avoid imprisonment as far as possible. The reform and the reorganization of the prison and probation system in 1973-74 united all the political parties in the Riksdag in the belief that deprivation of liberty is damaging to the individual and should not be imposed unless necessary. The 1974 "Act on Correctional Treatment in Institutions" provided for a more liberal treatment of prisoners with generous possibilities for leaves, visits and other contacts with society. The probation organization was also built up, resulting in 66 districts. The number of staff increased as well reaching 850.

Under the reform, the prison system was reorganized and divided into local and national prisons. The national prisons total 19 with the largest able to confine about 225 prisoners. National prisons admit offenders sentenced to more than one year's imprisonment. The local prisons total 56 and are rather small in size, averaging 20-40 inmates. Offenders in these facilities are serving less than one year's imprisonment. Offenders with long-term sentences are also transferred to local prisons towards the end of their term in order to prepare for release.

Imprisonment is always imposed for a specified length of time. Sentences may not be shorter than 14 days and only in exceptional cases may they exceed 10 years. This limit may be exceeded by two years in the case of consecutive punishments for more than one offense. In certain serious cases of recurring offenses, imprisonment may be imposed for up to 16 years. Life sentences do exist but in reality the offenders only serve between 7 and 10 years. In such cases, the offender can petition the Government for clemency to receive a fixed imprisonment term.

The average number of prisoners per day in Swedish prisons is about 3,400. The average staff to inmate ratio runs 1.2:1. However, there are considerable differences in staff members between small open prisons and closed high-security prisons. For the budgetary year 1984-85, about 14,600 persons sentenced to imprisonment were received into the various prisons. About 65 percent of the newcomers were sentenced to less than 4 month's deprivation of liberty and 12 percent to one year or more. The average costs per inmate is 200,000 Swedish Crowns a year for open prisons and 347,000 for closed prisons (U.S. \$1 = 750 Swedish Crowns; U.S. \$ 15,000 and 26,000).

### Rehabilitation

The "Act on Correctional Treatment in Institutions" provides for a variety of options directed at preparing offenders for their eventual release. The emphasis is on enabling the offender to maintain close contact with society. Sojourn away from the prison in accordance with Section 34 of the Act is one such option. Each year some 500-600 sojourns

are authorized. By far, the commonest reason for such a sojourn is to undertake a special form of treatment. For a majority of inmates, this means treatment for drug and alcohol problems. However, vocational or educational training which necessitates residence away from the prison and military service are other examples of sojourns in accordance with Section 34. According to a study of the outcome of Section 34 sojourns, two-thirds of all sojourns are completed successfully.

Another rehabilitative option is work and study release. It is primarily for inmates confined in local prisons, who may be permitted to work, to study or to participate in vocational training or other specially arranged activities outside the prison during their release. However, work and study release is not granted to prisoners as a reward for good behavior. Instead, consideration is given to the inmate's release situation and the extent to which work and study release may resolve his or her personal problems (e.g., unemployment, lack of training or education).

Work and study release are usually granted one to four months before the inmate's final release from prison. Special attention is given to finding employment which the inmate can maintain after final release. Approximately 1,400-1,700 inmates a year are granted release to work or study. According to a study on the outcome of work and study release, about 73 percent of the inmates still had some form of employment after six months in liberty.

Recall that inmates are often able to serve part of their sentence outside the correctional institution. The provisions for such a sojourn are given in Section 34 of the Prison Act. The determining factor in deciding whether an inmate should be allowed to serve outside prison is the degree to which this would help him readapt to society. Various types of placement can be considered, (e.g., boarding schools, therapeutic centers for drug abusers, carefully chosen private homes and military service). If the inmate is granted such a sojourn, he or she must accept all the special conditions required during his or her stay outside the prison. Inmates failing to do so are immediately transferred back to confinement. During the last year, about 600 prisoners served part of their prison terms outside the institutions.

#### Probation, Parole and Day-Fines

Probation is a sanction which is regarded as an alternative to imprisonment. A probation sentence does not entail loss of liberty though it does involve a substantial degree of intervention. A person sentenced to probation is supervised by a probation officer or a layman supervisor for a maximum period of three years. Supervision is normally discontinued after the first year of the trial period. In the budgetary year 1984-85, the total number of persons under probation supervision was about 8,200. In addition to these probationers, a further 2,890 persons were under supervision following conditional release from prison.

Conditional release (parole) has a long tradition in the Swedish correctional system, dating from the beginning of this century. In accordance with amendments to the Swedish Penal Code, which came into force on July 1, 1983, persons serving a prison sentence of more than two months but less than two years are always conditionally released after half of the sentence has been served. Matters of conditional release of persons

-serving prison sentences of more than two years are reviewed and decided on by a special board, the Correctional Services Board. This board, whose membership is approved by the Government, is headed by a judge. Conditional release is granted either after half the term or two-thirds of the sentence have been served.

In Sweden it has become a tradition since the turn of the century to avoid whenever possible the deprivation of liberty in the criminal justice system. The first laws on probation and conditional release were promulgated in 1906. The first organized probation service financed by the government was begun in 1944. Until that time, released prisoners and probationers had to stick to private charity. In 1973 and 1974, the government and parliament approved a new Prison Act and a new Probation Statute. These initiatives clearly stressed that the offender should be treated in the community to the extent possible. The deprivation of liberty should be used only in the most serious cases.

The Prison and Probation Administration, which in the beginning of the 70's had small funds for probation service, received better financial resources to organize a more efficient probation service. For example, the case load for a probation officer was 150 in 1970 but averages 30 today. This does not only depend on new resources. The supervision periods have also been shortened during the period.

Sweden has one of the lowest rates of confinement in the industrialized world, about 44 per 100,000 inhabitants, including pretrial detainees. Those offenders who by various reasons are referred to the prison system get shorter sentences than in most other countries. Given the extensive use of probation the daily number of probationers exceeds that of prisoners by more than three times.

The day-fine system reflects an endeavor to create social and judicial equality between offenders from various incomes. The judge can give a sentence up to a total of 120 day-fines. In case of punishment for more than one offense the maximum is 180. The number of day-fines reflects the seriousness of the crime and the defendant's economic situation. The day-fine sanction is the most extensively applied punishment for most types of offenses against the penal code. Such offenses can be committed against property (e.g., shoplifting, and less serious crimes against a person) as well as for some cases concerning drunk driving and other traffic offenses. The number of cases in which offenders were punished with day-fines during 1984 was 80,000.

Conditional sentences may also be given instead of imprisonment. These sentences are mainly designed for offenders whose general situation does not require any particular support or control to prevent a further criminality. The convicted person is not subject to supervision during the trial period of two years. Under certain circumstances, the conditional sentence can however be combined with day-fines. The number of conditional sentences has increased significantly during the last few years. Ten years ago, approximately 6,000 such sentences were imposed. During 1984, there were 11,000 conditional sentences.

Probation can be ordered for crimes punishable by imprisonment. It resembles the conditional sentences in not entailing loss of liberty but differs from it to the extent that it results in a substantial degree of

intervention. Probation is a form of punishment which involves treatment. Supervision is mandatory, but it is normally discontinued after the initial 12 months of the two year trial period. The court may also combine the probation order with day-fines or even short-term imprisonment not less than 14 days nor more than three months.

In July 1983 a new parole system was implemented. Every inmate who is serving no more than two years is paroled on half time. Also, the so-called long-termers, which means those serving two years of imprisonment or more, are eligible for a half-time release with the exception of certain categories of inmates. Such categories are commercial drug dealers, repeat sex offenders, and violent persons who cannot on principle be paroled before two-thirds of their original sentence has been served. A parole board responsible for the whole country decides if an inmate belongs to one or more of these categories. Although inmates may belong to these categories, they can be released after having served between one half and two-thirds of their sentence.

The parole board is of very high quality. The chairman and the vice chairman are judges of the Supreme Court or of the Court of Appeal. Members are some parliamentarians, along with civil servants from the Ministry of Justice and the prison administration. Before 1983, we had a different system. For inmates who had to serve less than one year, the local parole boards had to make the decision if an inmate should be released after half or two-thirds of the sentence. The National Parole Board had to make decisions regarding all inmates who had to serve more than one year. At that time, the local parole boards had to make predictions on the future of the inmate. Now such predictions are limited to the National Parole Board and those special categories referred to above. The real short-timers, those who are sentenced to two months deprivation of liberty or less, cannot be conditionally released.

#### Parole (Conditional Release) Under Debate

The changes in sentence length and conditional release are currently being discussed. It is argued that the public will gradually lose confidence in the criminal justice system when people are sentenced to two years in confinement and are only obliged to serve one year. When they served two-thirds or five-sixths of the sentence, no one took issue. It may well happen that the judge, knowing that the prison sentence of one year in fact means nothing but six months, will impose a sentence of two years in order to keep the offender out of the streets for one year.

Against this background, a committee appointed by the Government is now working with a new system for conditional release. The committee will propose that the Parliament decrease the length of sentences for every crime and offense. The committee has reviewed the Criminal Act and other special criminal laws and has proposed significant changes. Generally, the length of sentences for most crimes and offenses will be decreased. In some parts of the Criminal Act, the length of sentences will not be changed, and in a few parts, the proposals will lead to longer sentences. To maintain the same prison population balance as today, the committee will propose that all offenders be released after having served two-thirds of the sentence. The committee has proposed that the changes not become law before July 1988.

If these proposals become reality, there will be no need for the National Parole Board. The more lenient rules will be used for all persons sentenced before the change.

The Swedish Ministry of Justice is now working with a proposal to implement a new community-based sanction called Conditional Imprisonment. That means that a fixed prison term of not more than two years might be suspended provided that the offender agrees to submit to a certain time of treatment prescribed by the court. The reason for this suggested sanction is a growing number of drug addicts among probationers as well as prisoners, and a serious drug situation in the correctional facilities. Instead of a period in prison where it is easy to become more involved in drugs and where a few addicts can be adequately treated, it is viewed as more reasonable to deal with those offenders whose real problem is not criminality but drug addiction via alternatives such as therapeutic communities or even policlinic treatment under necessary control.

### Conclusion

Since the amendments to the Penal Code on conditional release came into force, a debate has been maintained among politicians, scientists and the public and the media. Many of its critics express the opinion that the system of conditional release--as it is regulated today--only causes a great deal of confusion among the public about the criminal justice system and the effects of imprisonment on criminality. Some of the political parties represented in the Riksdag argue for a return to the previous system of conditional release after the offender has served two-thirds of the sentence.