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No. 9

When Prisoners Return to the Community: Political, Economic, and Social Consequences

by Joan Petersilia

State prisons admitted about 591,000 people in 1999 and released almost the same number. If Federal prisoners and young people released from secure juvenile facilities are added to that number, nearly 600,000 inmates arrive yearly on the doorsteps of communities nationwide.¹

Virtually no systematic, comprehensive attention has been paid by policymakers to dealing with people after release, an issue termed “prisoner reentry.”² Failure to address the issue may well backfire, and gains in crime reduction may erode if the cumulative impact of tens of thousands of returning felons on families, crime victims, and communities is not considered.

Inmates have always been released from prison, and officials have long struggled with helping them succeed. But the current situation is different. The numbers of returning offenders dwarf anything known before, the needs of released inmates are greater, and corrections has retained few rehabilitation programs.

A number of unfortunate collateral consequences are likely, including increases in child abuse, family violence, the spread of infectious diseases, homelessness, and community disorganization. As victim advocates are well aware, the implications for public safety and risk management are major factors in reentry. For large numbers of people in some communities, incarceration is becoming almost a normal experience. The phenomenon may affect the socialization of young people, the power of prison sentences to deter, and the future trajectory of crime rates and crime victimization.



Parole: Managing more people less well

Changes in sentencing practices, coupled with a decrease in prison rehabilitation programs, have placed new demands on parole. Support and funding have declined, resulting in dangerously high caseloads. Parolees sometimes abscond from supervision; more than half of all parolees are rearrested.³



DIRECTORS' MESSAGE

It is by now a commonplace that the number of people under criminal justice supervision in this country has reached a record high. As a result, the sentencing policies driving that number, and the field of corrections, where the consequences are felt, have acquired an unprecedented salience. It is a salience defined more by issues of magnitude, complexity, and expense than by any consensus about future directions.

Are sentencing policies, as implemented through correctional programs and practices, achieving their intended purposes? As expressed in the movement to eliminate indeterminate sentencing and limit judicial discretion, on the one hand, and to radically restructure our retributive system of justice, on the other, the purposes seem contradictory, rooted in conflicting values. The lack of consensus on where sentencing and corrections should be headed is thus no surprise.

Because sentencing and corrections policies have such major consequences—for the allocation of government resources and, more fundamentally and profoundly, for the quality of justice in this country and the safety of its citizens—the National Institute of Justice and the Corrections Program Office (CPO) of the Office of Justice Programs felt it opportune to explore them in depth. Through a series of Executive Sessions on Sentencing and Corrections, begun

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DIRECTORS' MESSAGE

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in 1998 and continuing through the year 2000, practitioners and scholars foremost in their field, representing a broad cross-section of points of view, were brought together to find out if there is a better way to think about the purposes, functions, and interdependence of sentencing and corrections policies.

We are fortunate in having secured the assistance of Michael Tonry, Sonosky Professor of Law and Public Policy at the University of Minnesota Law School, and Director, Institute of Criminology, University of Cambridge, as project director.

One product of the sessions is this series of papers, commissioned by NIJ and the CPO as the basis for the discussions. Drawing on the research and experience of the session participants, the papers are intended to distill their judgments about the strengths and weaknesses of current practices and about the most promising ideas for future developments.

The sessions were modeled on the executive sessions on policing held in the 1980s and 1990s under the sponsorship of NIJ and Harvard's Kennedy School of Government. Those sessions played a role in conceptualizing community policing and spreading it. Whether the current sessions and the papers based on them will be instrumental in developing a new paradigm for sentencing and corrections, or even whether they will generate broad-based support for a particular model or strategy for change, remains to be seen. It is our hope that in the current environment of openness to new ideas, the session papers will provoke comment, promote further discussion and, taken together, will constitute a basic resource document on sentencing and corrections policy issues that will prove useful to State and local policymakers.

Julie E. Samuels

Acting Director

National Institute of Justice
U.S. Department of Justice

Larry Meachum

Director

Corrections Program Office
U.S. Department of Justice

Determinate sentencing means automatic release

Parole has changed dramatically since the mid-1970s. At that time, most inmates served open-ended, indeterminate terms, and a parole board had wide discretion to either release them or keep them behind bars. In principle, offenders were paroled only if they were rehabilitated and had ties to the community—such as a family or a job. This made release a privilege to be earned. If inmates violated parole, they could be returned to prison to serve the balance of their term—a strong disincentive to commit crime.

Today, indeterminate sentencing and discretionary release have been replaced in 14 States with determinate sentencing and automatic release.⁴ Offenders receive fixed terms when initially sentenced and are released at the end of their prison term, usually with credits for good time. For example, in California, where more than 125,000 prisoners are released yearly, there is no parole board to ask whether the inmate is ready for release, since he or she *must* be released once his or her term has been served. After release, most California offenders are subject to 1 year of parole supervision. Generally, a parolee must be released to the county where he or she lived before entering prison. Since the vast majority of offenders come from economically disadvantaged, culturally isolated, inner-city neighborhoods, they return there upon release.

Indeterminate sentencing lost credibility in part because it is discretionary. Research revealed that there were wide disparities in sentencing when the characteristics of the crime and the offender were taken into account and that sentencing was influenced by the offender's race, socioeconomic status, and place of conviction. But most corrections officials believe *some* power to individualize sentences is necessary, since it is a way to take into account changes in behavior or conditions that occur during incarceration. Imprisonment can cause psychological breakdown, depression, or other mental illness or can reveal previously unrecognized personal problems. When this is discovered, the parole board can adjust release dates.

More parolees have unmet needs

The States and the Federal Government have allocated increasing shares of their budgets to building and operating prisons. California, for example, has built 21 prisons since the mid-1980s, and its corrections budget grew from 2 percent of the State's general fund in 1981 to nearly 8 percent in 2000. There are similar patterns nationwide, with spending on prisons the fastest growing budget item in nearly every State in the 1990s.

Increased dollars have funded operating costs for more prisons, but *not* more rehabilitation. Fewer programs, and lack of incentives to participate, mean fewer inmates leave prison having addressed their work, education, and substance abuse problems. Yet sentences for drug offending are the major reason for increases in prison admissions since 1980.⁵ In-prison substance abuse programs are expanding but are often minimal. The Office of National Drug Control Policy reported that 70 to 85 percent of State prisoners need treatment; however, just 13 percent receive it while incarcerated.⁶

Mental illness is another growing issue. As a result of deinstitutionalization, more mentally ill people are sent to prison and jail than in the past. Nearly 1 in 5 inmates in U.S. prisons reports having a mental illness.⁷ Confinement in overcrowded prisons and in larger, "super max" prisons can cause serious psychological problems, since prisoners in such institutions spend many hours in solitary or in segregated housing. The longer the time in isolation, the greater the likelihood of depression and heightened anxiety.⁸

Gang activity, a major factor in many prisons, has implications for in-prison and postprison behavior. The existence of gangs and the related racial tension mean that inmates tend to be more preoccupied with finding a safe niche than with long-term self-improvement. Gang conflicts that start (or continue) in prison also continue in the community after gang members are released. One observer of this phenomenon has noted, "There is an awful lot of potential rage coming out of

prison to haunt our future.”⁹ If these needs remain unmet, there will be effects not just for returning inmates, but for community members who are at risk for further crime victimization.

Parole supervision replaces services

Eighty percent of returning prisoners are released on parole and assigned to a parole officer. The remaining 20 percent (about 100,000 in 1998), including some who have committed the most serious offenses, will “max out” (serve their full sentence) and leave prison with no postcustody supervision. This means offenders who are presumably the *least* willing to enter rehabilitative programs are often *not* subject to parole supervision and receive no services.

For parolees, the parole officer plays a vital role. He or she enforces the conditions of release, including the prohibition on drug use and on associating with known criminals, and the requirement that the offender find and keep a job. Parole officers also provide crime victims with information about the offender’s whereabouts, conditions of parole, and other issues affecting victim safety.

Despite the essential work of parole officers, their numbers have not kept pace with demand. In the 1970s, one agent ordinarily was assigned 45 parolees. Today caseloads of 70 are common. Most parolees are supervised on “regular” rather than intensive caseloads, which means less than two 15-minute, face-to-face contacts per month.¹⁰ Parole supervision costs about \$2,200 per parolee per year, compared to 10 times that much per prisoner. The current arrangements do not permit much monitoring. Parole agents in California reportedly lost track of about one-fifth of the parolees they were assigned to in 1999.¹¹ Nationally, about 9 percent of all parolees have absconded.¹²

Most parolees return to prison

People released from prison remain largely uneducated and unskilled and usually have little in the way of a solid family support system. To these deficits are added the

unalterable fact of their prison record. Not surprisingly, most parolees fail and do so quickly: Most rearrests occur in the first 6 months after release.

Fully two-thirds of all parolees are rearrested within 3 years. The numbers are so high that parole failures account for a growing proportion of all new prison admissions. In 1980, they constituted 17 percent of all admissions, but they now make up 35 percent.¹³



Collateral consequences

Recycling parolees in and out of families and communities has a number of adverse effects. It is detrimental to community cohesion, employment prospects and economic well being, participation in the democratic process, family stability and childhood development, and mental and physical health and can exacerbate such problems as homelessness.¹⁴

Community cohesion and social disorganization

The social characteristics of neighborhoods—particularly poverty and residential instability—influence the level of crime. There are “tipping points” beyond which communities can no longer favorably influence residents’ behavior. Norms start to change, disorder and incivility increase, out-migration follows, and crime and violence increase.¹⁵

Sociologist Elijah Anderson explains the breakdown of cohesion in socially disorganized communities and how returning prisoners play a role in that process and are affected by it. Moral authority increasingly is vested in “street smart” young men for whom drugs and crime are a way of life. Attitudes, behaviors, and lessons learned in prison are transmitted to free society. He concludes that as “family caretakers and role models disappear or decline in influence, and as unemployment and poverty become more persistent, the community, particularly its children, becomes vulnerable to a variety of social ills, including crime, drugs, family

disorganization, generalized demoralization and unemployment.”¹⁶

Prison gangs have growing influence in inner-city communities. Sociologist Joan Moore notes that because prisons are violent and dangerous places, new inmates seek protection and connections. Many find both in gangs. Inevitably, gang loyalties are exported to the neighborhoods when inmates are released. “In California . . .” she commented, “I don’t think the gangs would continue existing as they are without the prison scene.”¹⁷ She warned that as more young people are incarcerated earlier in their criminal career, more will come out of prison with hostile attitudes and will exert strong negative influences on the neighborhoods to which they return.

Researchers explored similar effects by looking at crime rates in Tallahassee 1 year after offenders who had been sent to prison from there had returned to that community. Rather than reducing crime, releasing offenders in 1996 led to an increase the following year, even after other factors were taken into account.¹⁸ One explanation focuses on individuals—offenders “make up for lost time” by resuming their criminal careers with renewed energy. But the researchers who studied Tallahassee focus on the destabilizing effect of releasing large numbers of parolees. They argue that “coerced mobility,” like voluntary mobility, is a type of “people-churning” that inhibits integration and promotes isolation and anonymity—factors associated with increased crime.

Work and economic well-being

The majority of inmates leave prison with no savings, no immediate entitlement to unemployment benefits, and few job prospects. One year after release, as many as 60 percent of former inmates are not employed in the legitimate labor market. The loss of much of the country’s industrial base, once the major source of jobs in inner-city communities, has left few opportunities for parolees who live there. Employers are increasingly reluctant to hire ex-offenders. A recent survey in five major U.S. cities revealed that 65 percent of all employers said they would not knowingly hire an ex-offender (regardless of the

offense), and 30 to 40 percent said they had checked the criminal records of their most recent hires.¹⁹ It is possible, however, that current low unemployment may cause employers to reevaluate ex-offenders.

Unemployment is closely correlated with drug and alcohol abuse. Losing a job has similar effects. It can lead to substance abuse, which in turn is related to child abuse and family violence. Moreover, prisoners who have no income because they have no job are unlikely to be able to meet court-ordered restitution owed to their victims.

The “get tough” movement of the 1980s increased employment restrictions on parolees. In California, for example, they are barred from the law, real estate, medicine, nursing, physical therapy, and education. Colorado prohibits them from becoming dentists, engineers, nurses, pharmacists, physicians, or real estate agents. Parolees are not barred from all jobs, but the list of proscribed professions suggests a contradictory approach.²⁰ The States spend millions of dollars to rehabilitate offenders, convincing them they need to find legitimate employment, but then frustrate what was accomplished by barring them from many kinds of jobs.

Underemployment of ex-felons has even broader economic implications. One reason the U.S. unemployment rate is so low is that 2 million mainly low- and unskilled workers—precisely those unlikely to find work in a high-tech economy—are in prison or jail and thus not part of the labor force. If they were included, the unemployment rate would be 2 percent higher than it is now.²¹ Recycling ex-offenders into the job market with reduced job prospects will increase unemployment in the long run.

There are, however, a number of organizations that help ex-offenders find employment. Prominent among them is the Chicago-based Safer Foundation, which offers a full range of services, including job counseling and placement, education and life skills training, and emergency housing. Since its establishment in 1972, the foundation has helped more than 40,000 participants find jobs; nearly

two-thirds have stayed on the job for at least 30 days.²²

Family matters

More than 1.5 million children in the United States have parents in prison.²³ Among incarcerated men, more than half are fathers of minor children. For women inmates the percentage is larger—about two-thirds have minor children. On average, women inmates have two dependent children.²⁴ Although women constitute only about 7 percent of the U.S. prison population, their incarceration rates are increasing faster than those of men, so the number of children whose mothers are incarcerated will rise proportionately.

Little is known about the effects of a parent’s incarceration on childhood development, but it is likely to be significant. When mothers are incarcerated, their children are usually cared for by grandparents or other relatives or placed in foster care. Roughly half these children do not see their mothers the entire time they are in prison. The vast majority of imprisoned mothers, however, expect to resume their parenting role and live with their children after release, although it is uncertain how many actually do.²⁵

Mothers released from prison encounter difficulties finding housing, employment, and such services as childcare. Children of incarcerated and released parents often become confused, unhappy, and socially stigmatized. The frequent outcome is school-related difficulties, low self-esteem, aggressive behavior, and general emotional dysfunction. If their parents are negative role models, children fail to develop positive attitudes toward work and responsibility. They are five times more likely to serve time in prison when they become adults than children whose parents are not incarcerated.²⁶

There are no data on parolees’ involvement in family violence, but it may be significant. Risk factors for child abuse and neglect include parental poverty, unemployment, substance abuse, low self-esteem, and ill health—attributes common among parolees. Concentrated poverty and social disorganization increase the likelihood of child abuse and neglect and

other problems related to life after prison, and these in turn are risk factors for other kinds of crime and violence.

Mental and physical health

Prisoners have significantly more medical and mental health problems than the general population, because they often live as transients or in crowded conditions, tend to be economically disadvantaged, and have high rates of substance abuse, including intravenous drug use. In prison, people aged 50 are commonly considered old, in part because the health of the average 50-year-old prisoner approximates that of the average 60-year-old person in the free community. While in prison, inmates have State-provided health care, but upon release most cannot easily obtain health care. In recent years, escalating health care costs, high incarceration rates and, in particular, the appearance of HIV and AIDS have made the health care of prisoners and soon-to-be-released prisoners a major policy and public health issue, one whose complexity can only be intimated here.

Inmates are particularly prone to spread disease (especially such conditions as tuberculosis, hepatitis, and HIV), and thus pose public health risks.²⁷ In New York City, a major multidrug-resistant form of TB emerged in 1989, with 80 percent of the cases traced to jails and prisons. By 1991, New York’s Rikers Island Jail had one of the highest TB rates in the Nation. In Los Angeles, a meningitis outbreak in the county jail spread to surrounding neighborhoods.

At year-end 1997, 2.1 percent of all State and Federal prison inmates were infected with HIV, a rate five times higher than in the general population.²⁸ Public health experts predict the rate will continue to climb, and eventually HIV will manifest itself on the street, particularly as more drug offenders, many of whom use drugs intravenously and share needles or trade sex for drugs, are incarcerated.²⁹

As noted before, larger numbers of mentally ill inmates are imprisoned—and released—than in the past. Even when mental health services are available, many people who are mentally ill fail to use them because they fear

being institutionalized, deny their condition, or distrust the mental health system.

Political alienation

As of 1998, an estimated 3.9 million Americans were permanently unable to vote because they had been convicted of a felony. Of these, 1.4 million were African-American men—13 percent of all black men. Assuming incarceration rates increase, the numbers of incarcerated black men will also increase. A young black man aged 16 in 1996 had a 29-percent chance of spending time in prison at some time in his life. The comparable figure for white men was 4 percent.³⁰

Some observers may see the disenfranchisement of felons as an acceptable part of the penalty for crime. Nevertheless, denying large segments of the minority population the right to vote is likely to cause further alienation. Disillusionment with the political process also erodes citizens' feeling of engagement and makes them less willing to participate in local political activities and to exert informal social control in their community.

Housing and homelessness

The most recently available figures indicate there are about 230,000 homeless people in the United States. The number is surely higher now, as many cities report a shortage of affordable housing. In the late 1980s, an estimated one-fourth of homeless people had served prison sentences. In California, 10 percent of all parolees are homeless, but in urban areas such as San Francisco and Los Angeles, the rate is as high as 30 to 50 percent.³¹

The presence of transients and vagrants, and the panhandling they sometimes engage in, increase citizens' fears, ultimately increasing crime and violence. Crime often becomes worse when people are afraid to go out on streets defaced by graffiti or frequented by transients and loitering youths. Fearful citizens eventually yield control of the streets to people who are not intimidated by the signs of decay and who often are those who created the problem. A vicious cycle then begins. Criminologists James Q. Wilson and George L. Kelling famously illustrated the phenomenon

by describing how a single broken window can influence crime rates. If the first broken window is not repaired, people who like to break windows may assume no one cares and break more. As "broken windows" spreads—as homelessness, prostitution, graffiti, and panhandling—businesses and law-abiding citizens move out and disorder escalates, leading to more serious crime.³²



Rethinking parole

Government officials voice growing concern about the problems posed by prisoner reentry. Attorney General Janet Reno called it "one of the most pressing problems we face as a nation."³³ In response, several jurisdictions throughout the country have launched a new approach to the public safety challenge posed by released offenders. In a project sponsored by the U.S. Department of Justice, eight jurisdictions are serving as pilot sites of the Reentry Partnerships Initiative, whose goal is better risk management via enhanced surveillance, risk and needs assessment, and prerelease planning. The Department's new Reentry Courts Initiative, with nine sites participating, is based on the drug court model and taps the court's authority to use sanctions and incentives to help released offenders remain crime free.

The usefulness of initiatives like these depends to a great extent on their grounding in scientifically sound analysis and debate. It is safe to say that parole has received less research attention in recent years than any other part of corrections.³⁴ I have spent many years working on *probation* effectiveness but know of no similar body of knowledge on *parole* effectiveness. Without better information, the public is unlikely to permit corrections officials to invest in rehabilitation and job training for parolees. With better information, it might be possible to persuade voters and elected officials to shift from solely punitive sentencing and corrections policies toward those that balance incapacitation, rehabilitation, and just punishment.

Revisiting the parole board

The eclipse of discretionary parole *release* also needs to be reconsidered. In 1977, more than 70 percent of all prisoners in the United States were released after appearing before a parole board, but 20 years later that figure had declined to less than 30 percent. Parole was abolished in many States because it symbolized the alleged leniency of a system in which hardened criminals were "let out" early. If parole were abolished, politicians argued, parole boards could not release offenders early, and inmates would serve longer terms. However, this has not happened. A recent study of inmates released in States that had abolished parole showed they served 7 months *less* than inmates released in States with discretionary parole.³⁵ Similar experiences in Florida, Connecticut, and Colorado caused those States to reinstate discretionary parole after discovering that abolition meant shorter terms served.

Parole experts have long held that the public is misinformed when it labels parole as lenient. By exercising discretion, parole boards can single out the more violent and dangerous offenders for longer incarceration. When States abolish parole or reduce the discretion of parole authorities, they replace a rational, controlled system of "earned" release for *selected* inmates with "automatic" release for nearly *all* inmates.³⁶ No-parole systems sound tough but remove a gatekeeping role that can protect victims and communities.

Parole boards can demand that released inmates receive drug treatment, and research shows that coerced treatment is as successful as voluntary participation.³⁷ If parole boards also require a plan for the released offender to secure a job and a place to live in the community, the added benefit is to refocus prison staff and corrections budgets on transition planning.

Involving victims in parole hearings has been one of the major changes in parole in recent years. Ninety percent of parole boards now provide victims with information about the parole process, and 70 percent allow victims to attend the parole hearing.³⁸ Parole boards

also can meet personally with the crime victim. Meeting victims' needs is a further argument for reinstating parole.

Perhaps most important, when information about the offense and the offender has been gathered and prison behavior observed, parole boards can reconsider the tentative release date. More than 90 percent of offenders in the United States are sentenced because they plead guilty, not as the result of a trial. Without a trial, there is little opportunity to fully air the circumstances of the crime or the risks posed by the offender. A parole board can revisit the case to discover how extensive the victim's injuries were and whether a gun was involved. The board is able to do so even though the offense to which the offender pled, by definition, involved no weapon. As one observer commented on this power of the parole board, "In a system which incorporates discretionary parole, the system gets a second chance to make sure it is doing the right thing."³⁹ Again, this can make a difference for crime victims.

Toward a balanced system

Ironically, no-parole systems also significantly undercut postrelease supervision. When parole boards have no authority to decide who will be released, they are compelled to supervise a parolee population consisting of more serious offenders and not one of their own choosing. Parole officers believe it is impossible to elicit cooperation from offenders when the offenders know they will be released, whether or not they comply with certain conditions. And because of prison crowding, some States (for example, Oregon and Washington) no longer allow parolees to be returned to prison for technical violations. Field supervision of parolees tends to be undervalued and, eventually, underfunded and understaffed.

No one would argue for a return to the unfettered discretion that parole boards exercised in the 1960s. That led to unwarranted disparities. Parole release decisions must incorporate explicit standards and due process protections. Parole guidelines, used in many States, create uniformity in parole decisions and can be used to objectively weigh factors known to be associated with recidivism.

Rather than *entitle* inmates to release at the end of a fixed time, guidelines specify when the offender becomes *eligible* for release.

The question of *who* should be responsible for parole release decisions is also worth rethinking. In most States, the chair and all members of the parole board are appointed by the Governor. In two-thirds of the States, there are no professional qualifications for parole board membership. While this may increase public accountability of parole boards, it also makes them vulnerable to political pressure. Ohio is an example of an alternative approach. There, parole board members are appointed by the director of the State's department of corrections, serve in civil service positions, and have an extensive background in criminal justice.



The public policy challenge

Parole supervision and release raise complex issues and deserve more attention. Nearly 700,000 parolees are "doing time" on the streets. Most have been released to parole systems that provide few services and impose conditions that almost guarantee failure. Monitoring systems are becoming more sophisticated, and public tolerance for failure is decreasing. All this contributes to the rising tide of parolees who are returning to prison. As the numbers increase, they put pressure on the States to build more prisons and, in turn, siphon funds from rehabilitation programs that might help offenders stay out of prison. Parolees will then continue to receive fewer services to deal with underlying problems, ensuring that recidivism rates and returns to prison (not to speak of crime victimization) remain high and public support for parole remains low.

This presents formidable challenges for policymakers. The public will not support community-based sanctions until they have been shown to "work," and they will not have an opportunity to work without sufficient funding and research. But funding is being cut, as California's situation exemplifies. In 1997, spending on parole services was cut 44

percent, causing caseloads to nearly double. When caseloads increase, services decline, and even parolees who are motivated to change have little opportunity to do so.

In 2001, there will likely be more than 2 million people in jail and prison in this country and more people on parole than ever before. If parole revocation trends continue, more than half the people entering prison that year will be parole failures. Given the increasing human and financial costs of prison—and all the collateral consequences parolees create for their families, victims, and communities—investing in effective reentry programs may be one of the best investments we make.

Notes

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Joan Petersilia, Ph.D., is Professor of Criminology, Law and Society at the University of California, Irvine.

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