

FINDING DIRECTION:

Expanding Criminal Justice Options by Considering Policies of Other Nations

APRIL 2011

FACTSHEET: PAROLE AND REENTRY

Other nations protect public safety without imprisoning as large a percentage of their population, handle law-breaking behavior in ways less reliant on incarceration, and have different approaches to addressing complex social issues. This factsheet, derived from the longer report, *Finding Direction: Expanding Criminal Justice Options by Considering Policies of Other Nations*, considers the criminal justice policies of five nations, Australia, Canada, Finland, Germany and England and Wales, alongside those of the U.S.



Parole, reentry and supervision policies and practices have some commonalities; however, the details about how each of these systems works are somewhat difficult to uncover. In other words, there is no

central, international repository for parole and reentry information and statistics.

Nonetheless these practices have an important effect on the number of people in prison. This section attempts to aggregate information and compare statistics to show how differences in parole, reentry, and supervision affect prison population. In particular, this section includes a summary of some of the philosophies and policies associated with these criminal justice practices related to three areas of interest:

- 1) **Early, conditional releases** from prison to parole or supervision can reduce the number of people in prison.
- 2) **Surveillance practices** and "tail 'em, nail 'em, jail 'em" philosophies of supervision can send people back to prison for violations of supervision (i.e., failing to report to a parole officer, difficulty keeping steady employment, etc.).
- Reentry services and practices can help people successfully return permanently to their communities, thereby reducing the number of people entering prison.

Releasing more people to supervision would reduce the number of people in prison.

Release processes across comparison nations vary and appear to be uniformly complicated. Some nations, including Finland, Australia, and Germany, have automatic parole dates after some proportion of the sentence is served. For example, in Finland, the general rule is that a person who has not been in prison in the previous three years is paroled after serving half of the sentence.1 also Recently, Finland implemented а "supervised probationary period" for people in prison with long sentences who need more support and services while in the community.²

Other nations, including England and Wales, allow the courts to make some decisions about the proportion of the sentence served in prison, and the Parole Board to determine eligibility for parole in other cases. Canada also tends to rely on Parole Boards to determine eligibility for parole. In the U.S., "truth in sentencing" and mandatory minimum sentencing laws in some states have eliminated the ability of parole boards to determine release eligibility.

Australia and Finland, the only two nations considered here with automatic parole dates after a certain proportion of the sentence is served, also have the highest release rates. The other comparison nations which use a more

FIVE THINGS TO KNOW ABOUT SUPERVISION IN OTHER NATIONS

All of the comparison nations have some type of supervision practice when a person is released from prison. As will be discussed, there are differences in the way supervision is carried out across nations. But perhaps more importantly, there are differences in the general implications of supervision that stretch across the entire section.

Here are five things to know about parole, reentry, and supervision in the comparison nations:

- 1) Automatic releases before the end of a sentence are routine in Australia, Finland, and Germany.
- 2) People are rarely held in prison until they complete the entire sentence.
- 3) Reentry services are more automatically, widely, and routinely available.
- 4) People released from prison without supervision are not excluded from receiving services or the support of a parole agency.
- 5) Although all nations commonly use the word parole to describe the conditional release of a person from prison, probation is sometimes used to describe the agency that provides supervision.

discretionary release strategy have more similar rates of release.³ Despite these differences in conditional release rates, crime rates do not vary significantly across nations.

Some states in the U.S. are using different release mechanisms, some of which are already in use in countries like Finland. For example, medical leave is possible in some states, by which people in prison who are very ill can be released, and some states are relying more frequently on risk assessments to determine eligibility as soon as it is possible within the rubric of mandatory sentences.

Surveillance practices are likely to contribute to the number of people in prison.

While preventing new offenses from occurring is important, it is also important to ensure that people are not returning to prison for violations of parole that include missing appointments with parole officers, being unemployed, or failing a drug test.⁴ In the U.S., for example, approximately 16 percent of people on parole are returned to prison because parole was revoked for a violation of the conditions of parole.⁵

The philosophy that guides parole practice may have a significant effect on the number of people who are returned to prison for parole violations. For example, the United States and England and Wales use a supervision-heavy parole system which relies on frequent contact and lots of rules which must be obeyed. While some U.S. jurisdictions are increasing the availability of other resources, such as job training, drug treatment and program referrals, these vary greatly between different states and even different cities. In other words, the parole system seems to be designed to catch a person doing something wrong, rather than provide the services to prevent an offense.

By contrast, Germany and Finland primarily use parole and probation services as a way of ensuring that the person leaving prison is receiving appropriate services and treatment to help ensure reintegration into the community.6 In fact, in Finland, only one in five people on parole have a supervision or surveillance component to their release (although that does not mean they do not have access to services through a parole officer) and even in the cases of new offenses, the person does not necessarily go back to prison.7 Canada and Australia use a more combined parole modality that uses both supervision and service.

Even though the U.S. as a whole tends to use a surveillance-heavy approach for parole, some states are increasingly shifting toward a more supportive parole balanced, system that incorporates more reentry services. Under budgetary pressure and realizing that prison populations were growing while people were being returned to prison for violating parole, Kansas, Georgia, and New Jersey began instituting a philosophy shift in parole and incorporating graduated responses to behaviors that violate parole.8

A universal shift to a parole system in all states and localities that includes more of a social work modality rather than one focusing on policing and surveillance modality would ensure that fewer people return to prison for technical violations, thus reducing the number of people in prison. Such a shift will also facilitate the delivery of more reentry services, as discussed in the next section.

PAROLE INNOVATION IN THE UNITED STATES

Kansas: In 2001, people whose parole was revoked for violating conditions of parole made up 44.4 percent of prison admissions. In order to reduce the number of people returning to prison for violating the terms of parole, Kansas began by implementing evidence-based practices and relying more heavily on risk and needs assessments. Rather than focusing on the quantity of meetings with people on parole, parole officers were to focus on quality, using a strengths-based approach and the community as a resource for services and supports. Parole officers use a case management strategy, rather than a law enforcement, surveillance strategy when working with people on parole. As a result of the state's efforts, parole revocations resulting from violating the terms of parole decreased to 39 percent of admissions to prison in 2004.

Georgia: Even though Georgia had made efforts to build a "Results Driven Supervision" process, people were still returning to prison for technical violations of parole. To address this issue, Georgia undertook a variety of changes to its parole system, but one of the most sweeping was a matrix of violations that ensured that the response to a behavior was proportionate to the seriousness. For example, failing to appear for a meeting did not have the same response as an arrest for a felony. The matrix also includes a system of rewards for following the conditions of parole. The Board of Pardons and Paroles made an effort to change the general tone of parole by changing language used by parole officers and in policies and providing training. As a result of these efforts, parole revocations dropped approximately 11 percent.

New Jersey: The State found that parole revocations were contributing to prison overcrowding and half of the people returning for parole revocations had not committed a new offense. To help address the issue, New Jersey began by clarifying the mission, vision, and goals of parole to state the importance of promoting successful reentry into the community. Specific tools include graduated responses to violations of parole, tying services, supports, and resources to the community and community organizations, and changing expectations for staff to promote case management over surveillance. Staff are evaluated on their ability to carry out a service-based philosophy along a rubric called the "Performance Assessment Review" system. From 2003 to 2004, New Jersey decreased parole revocations 22.3 percent.

Source: National Institute of Justice, "Parole Violations Revisited: Innovations in Four States," January 14, 2011. www.paroleviolationsrevisited.org/4states

Country	Agency that Delivers Post- Release Supervision Services	Approach to Post-Release Supervision	Mechanisms of Release Decisions	Terms and Conditions of Parole
Australia	The State or Territory Department of Corrective Services delivers parole services via community corrections staff. ⁹	Designed to assist people moving back into the community with supervision and advice from parole officers. Large caseloads have led to more risk management strategies ¹⁰ over service due to some people on parole having insufficient contact with officers. ¹¹	For federal offenses, there is often a non- parole period. If the sentence is less than 10 years, the person is automatically released after the non-parole period without the discretion of government officials. If the sentence is over 10 years, the Minister makes the release decisions. ¹² At the state or territory level, there are similar practices related to non-parole periods and State or Territory Parole Boards make parole release decisions in states or territories. ¹³	Varies by jurisdiction and individual cases, but common conditions include: reporting to the parole officer, keeping changes of address or job up to date, requesting permission for travel (domestic and international), counseling for financial, emotional or marital problems and drug addiction treatment and testing. ¹⁴
Canada	The Correction Service of Canada ¹⁵ Local police jurisdictions through Integrated Police-Parole Initiative ¹⁶ Some community-based agencies and individuals ¹⁷	Parole is considered the bridge between incarceration and returning to the community by providing help and supervision during a gradual release process. ¹⁸ Public safety is the foremost consideration taken into account when making parole decisions and risk management strategies are used to formulate release plans. ¹⁹ Parole officers are expected to fulfill a dual role of enforcement agent and counselor. ²⁰	The Parole Board of Canada handles parole decisions for all Federal cases, State and Territory cases not under the jurisdiction of Ontario or Quebec (which have their own Parole Boards). ²¹ Release decisions are made based on three major factors: criminal history, institutional behavior and benefit from release plan programs. ²²	Standard conditions apply to every person paroled and include: reporting to parole supervisor, staying within specific geographic boundaries, reporting changes in financial, housing, or family situations; additionally, for people on day parole, they must return to the penitentiary at the specified date and time. ²³ Special Conditions take into account individualized risk and include conditions such as abstinence from alcohol and drugs or more stringent geographical/travel limitations. ²⁴
Finland	Probation Service delivers parole services – assigning conditions of release and supervision requirements. ²⁵ Different authorities, communities, workplaces, and private persons often assist the Probation Service with providing services. ²⁶	The goals of supervision and community sanctions are to help people adopt lives without crime, promote the reintegration of sentenced people back into society, and to reduce the chance of recidivism. ²⁷ Minimal focus is placed on risk management or supervision strategy – approach emphasizes reintegration.	People who have not been in prison at some point in the prior three years of the current offense, can be released after serving half of the sentence . If the offense was committed when under 21 years of age, the corresponding time is one-third. Otherwise, people sentenced to prison can be released on parole when they have served two-thirds of their sentence or half of the sentence if the offense was committed when the person was under 21 years of age. ²⁸ On certain conditions, people serving life sentences can be released after serving 5/6 but at least three years of the sentence. Helsinki Court of Appeal decides on the release. Only one out of every five people on post- release supervision are court ordered to supervision by the Probation Service; supervision is generally used if the parole period is more than one year, if the offense was committed when the person was under 21 years of age, or if the person requests supervision. ²⁹	People ordered to supervised release are required to participate in the formation of a supervision plan and to attend meetings with an assigned supervisor. ³⁰ During these meetings, the supervised person is required to provide information related to work, housing, education, and his/her current financial situation. ³¹ The supervised person is prohibited from attending supervision meetings under the influence of alcohol, but is otherwise not restricted from using alcohol unless agreed to in the supervision plan. ³²

Germany	Nearly all probation services are government run and under the jurisdiction of the respective state, with the exception being of Baden-Württemberg, which has contracted probation services through a private provider named NEUSTART. ³³	Less emphasis is placed on supervision as in other nations. The court does not require supervision in every case and parole officers are expected to assist and look after the person on parole. ³⁴ Even though compliance is monitored, not every new offense leads to a revocation of parole. Revocations only happen when the person shows that the expectations on which the parole was based have not been fulfilled. ³⁵	Incarcerated persons are automatically considered for parole after serving one half of their sentence if they have no previous sentences and the sentence is less than two years or after serving two-thirds of their sentence in other cases not involving a life sentence. ³⁶ Those serving a life sentence are automatically considered for parole after serving 15 years in prison. ³⁷ Parole decisions are made by the court system. ³⁸	Terms and conditions of parole vary by case; some examples are: supervision by a probation officer, community service, reparations for the injury caused, instructions regarding place of residence and regular reporting to a court. ³⁹
England and Wales	The Probation Service, located within the Ministry of Justice, is in charge of providing parole services. ⁴⁰ Services are chiefly delivered through probation staff but the private and voluntary sector are increasingly involved in the provision of services. ⁴¹	Both the Parole Board and the Probation Service are principally concerned with protecting public safety by managing the risk posed by releasing individuals on parole. The Probation Service highlights enforcement of parole conditions as a top priority. ⁴² Emphasis on risk management and supervision indicates a system based on surveillance and control rather than rehabilitation. ⁴³	The Parole Board makes parole decisions and attempts to help rehabilitate people where appropriate, however the main factor considered in parole decisions is the risk to public safety. ⁴⁴ People with a determinate sentence are allowed to apply as early as six months before the half way-point of a sentence. ⁴⁵ People with an indeterminate sentence such as a sentence to life can be considered for release by a Parole Board after serving the minimum amount of prison time required for their particular offense. ⁴⁶	Conditions vary by case but general requirements include: meeting with supervising officer, staying out of legal trouble, maintaining up to date records regarding address and phone number, being on time for supervised appointments and having probation staff home visits. ⁴⁷
United States	Parole service provision varies widely by jurisdiction. Supervision can be handled by a parole supervision agency which may be overseen by the Parole Board, housed under the State Department of Corrections, or within a separate state agency. ⁴⁸ Other State and Federal level agencies, community organizations, non-profit organizations, and local law enforcement are often involved in providing parole services. ⁴⁹	Focus is primarily on strengthening surveillance, limiting risk, and promoting punishment as opposed to emphasizing rehabilitation. Recently, however although recently there has been some indication that States are becoming more interested in treatment strategies that would reduce recidivism. ⁵⁰	Varies by jurisdiction but parole decisions are often made by state level parole boards. ⁵¹ In other places, courts determine sentencing by using mandatory minimum sentences. The method of making parole decisions can vary but an increasingly dominant paradigm involves using risk assessment tools to estimate the person's chances of returning to prison. ⁵²	Conditions vary by jurisdiction but can generally be divided into standard and special conditions. ⁵³ Standard conditions can include: restrictions on changing residence, maintenance of employment or enrollment in educational programs and home or work visits. ⁵⁴ Special conditions can include: participation in drug or alcohol treatment programs and psychological treatment programs. ⁵⁵

Widely available reentry services prevent returns to prison.

Reentry or reintegration programs after any type of release from prison, whether it be through parole services or not, can play an important role in helping people effectively integrate back into their communities and stay out of prison. Reentry services may help reduce barriers to obtaining employment, housing, or other services that reduce the chances that a person commits a new offense while out of prison.

Determining what proportion of people released from prison commit a new offense, or recidivate, is difficult because it is measured a number of different ways, including re-arrest, re-conviction and re-imprisonment, during different time periods, for different groups of people, or for type of offense. A comparison of rates across nations is not possible for two reasons. First, the United States tends to incarcerate more and "less risky" cases, while other comparison nations imprison less and when they do, it's in the cases with the highest risk of committing a new offense. Second, comparison nations measure recidivism differently. These particular differences make it difficult to say with certainty that one approach to preventing recidivism is more effective than another in absolute terms. A summary of the findings from those studies includes:

• A report from the **United States** Department of Justice followed 300,000 people from 15 states after they were released from prison, and found that 46.9 percent of people released from prison were reconvicted and 25 percent of the people who left prison in 1994 returned to prison in the subsequent three years.⁵⁶

- A longitudinal study in **Finland** examining those who returned to prison within 5 years of being released, shows that 59 percent returned to prison within that timeframe.⁵⁷
- A Canadian study of people in federal prison released between April 1, 1996 and March 31, 1997 shows a reconviction rate of 41 percent within the next two years.⁵⁸
- In the **United Kingdom**, a study of 50,085 adults released from custody in the first quarter of 2007 (Jan. 1 – March 31), showed that 39 percent committed another offense at least once during a one-year follow-up period where the offense resulted in a court conviction.⁵⁹
- A four-year longitudinal study of people who had previously been sanctioned with a prison term in **Germany** showed that 46.9 percent were sanctioned again within those four years.⁶⁰

Although it is difficult to say whether one approach works better than another given research about recidivism across nations, it is apparent that people who do return to prison after release are likely to do so soon after they are released. In addition, providing services to people coming out of prison in the United States, generally, has been shown to be effective in preventing them from returning to prison,⁶¹ thus providing such services widely and consistently can yield positive benefits.

SUPERVISION AND UNCONDITIONAL RELEASE

In the United States, approximately 200,000 people are released from prison without supervision because it is the end of their sentence or under some other type of mandatory release.¹ Because supervision, or parole, is usually the only or best way to have access to services like housing, employment assistance, or other reentry services, people who are released without supervision are left on their own to reintegrate into their communities.

By contrast, in Finland, everyone who is released from prison has access to those services regardless of whether or not they are supervised closely by a parole officer. Only one in five people released from prison in Finland are supervised. Finland also allows people who are released from prison to request supervision.¹

A fundamental difference between reentry services in the U.S. and in comparison nations such as Australia, Canada, Germany, and Finland is that reentry services are part of and are paid for by the parole system and viewed as either the primary function of parole or as a significant part of parole. The two charts included in this section of the report show that in those nations rehabilitation, attachments to the community, employment, and other connections are priorities of parole or probation services and their staff. Consequently, those services are also paid for by those agencies.

In contrast, reentry and social services in the United States are inconsistent, vary greatly across localities, and are frequently administered, if not paid for, by nongovernmental organizations. With some notable exceptions included in the section prior to this one, parole offices are first tasked with surveillance and then, secondarily, connecting people coming home from prison with services.

Of the reentry initiatives in place in the U.S., there is little attention to mental or behavioral health.

The United States also has a fundamentally different reentry philosophy. The reentry model is sociological,62 that is, concerned less with mental health and behavior and focused more on addressing environmental issues such as housing, education, and jobs. While comparison nations may address these issues as well, their reentry practices are also influenced by psychological principles, addressing some of the individual issues that culminated in incarceration. The combined sociological and psychological approach to reentry includes social learning techniques, positive reinforcements, and individualized treatment such as behavior modification therapy⁶³ in addition to connecting people to services like housing or jobs.64 Comparison nations Australia, Germany, Finland, and England and Wales, take such a rehabilitative approach to reentry, emphasizing both individual behavior and societal influences.65

Aside from philosophical differences in the approach to reentry, other nations have innovative methods of reducing the chances that a person returns to prison. For example, Finland has a short term program that is designed to connect people to the community through service work. By creating a sense of investment in the community, it is thought that a person will be less likely to commit another offense.⁶⁶

Although some reentry services are better than none at all, more effective models that include mental health and address specific behaviors may prove to be more cost effective for reducing the number of people returning to prison and more likely to improve life outcomes overall.

Policy Opportunities

Increase conditional releases to parole: Nations like Australia, Finland, and Germany routinely release people from prison after they have served a certain portion of their sentence. Short of sweeping changes to parole that increase conditional releases, releases on medical parole, which is also used by comparison nations, and increases in the use of good time credits for early release would reduce the number of people in prison.

Shift parole from a supervision modality to one of service and social work: A social work orientation related to parole will help a person access the services, like education and employment counseling that are integral to ensuring that a person is successful outside prison so that they do not return.

Routinely include mental health and behavioral services in reentry: Other nations successfully put into practice an approach to reentry that includes both mental and behavioral health, as well as sociological factors like housing, employment, and education. Such a holistic approach could be cost effective in terms of keeping people from returning to prison and improving life outcomes.

Ensure delivery of reentry services to all people returning to the community from prison, even if they are not on parole: In comparison nations, everyone leaving prison participates in services to reconnect them to jobs, education, housing, and the community. By comparison, in the U.S. whatever reentry services are available are offered in conjunction with parole supervision. Yet, about 100,000 people leave prisons in the U.S. at the end of their sentence, but are not on parole and are not likely to receive reentry services. Delivery of services to all people leaving prison, regardless, of whether or not they are on parole, is important to ensuring successful reentry to the community.

Country	Government Agency	Reentry Approach	Special Programs/Services
Australia	Attorney General's Department	 ⁶⁷Rehabilitative theory largely influenced by Canada Focus on tailoring programming to individual client needs 	 ⁶⁸Prison and Community Corrections falls under the responsibility of state and territory jurisdictions —each operates independently and under different frameworks—leading to a wide variation in programs and services. Each jurisdiction provides its own services and programming, some targeting special populations. Ex: Australian Capital Territory's Corrective Services collaborates with local Aboriginal Organizations in providing reentry services specifically for Indigenous people
Canada	Correctional Service of Canada (CSC)	 Cognitive Behavioral Treatment⁶⁹ Employ social learning techniques Positive reinforcements Treatment interventions should be used primarily with high risk offenders Personalized treatment and interventions 	 National programs focused on women and aboriginal population⁷⁰ CORCAN – special operating agency focused purely on employment training, skills development, and placement⁷¹ Design and implantation of reentry programming largely directed by Provincial Branches of CSC with services varying by Province.⁷²
Finland	Ministry of Justice - Criminal Sanctions Agency	Rehabilitative focus with strong emphasis on eliminating social marginalization ^{73,74}	 Community Sanction Work – short term programs designed to change criminal behavior motivations by connecting people to the community through service work⁷⁵ 2001-2009 WOP Program in Kerava Prison – male prisoners under 30 participated in a holistic rehabilitation program that began during incarceration and continued after release with the focus of advancing an individual's commitment to and occupation role in society⁷⁶
Germany	Federal Ministry of Justice	Rehabilitation and re-socialization – with large emphasis on in-prison rehabilitation services ⁷⁷	Day Fines ^{78,} - in lieu of short term incarceration an individual is fined based on the calculation of offense and the cost of an individual's day of freedom (the amount of income an individual would have forfeited if incarcerated for a day)
England and Wales	Ministry of Justice - National Offender Management Service (NOMS)	 ⁷⁹Rehabilitative theory focused on individual treatment (Behavioral treatment largely influenced by Canadian approach) 	 ⁸⁰NOMS Alliances: Corporate Sector – provide offenders with sustained work opportunities Civic Society – provide equality of access to mainstream local services, authorities, and organizations Faith, Voluntary, & Community Sector – build meaningful faith and community networks/relationships post-release
United States	Department of Justice - Office of Justice Programs	⁸¹ Evolved from a sociological approach – programs/treatment focus largely on the community and things around the offender (i.e. jobs, housing, education) and less inclined to treat the individual (i.e. behavioral modification)	

*Note – all countries provide reentry services that address housing, education, health issues, financial management, and job service needs.

Justice Policy Institute is a national nonprofit organization that changes the conversation around justice reform and advances policies that promote well-being and justice for all people and communities. To read the full report, *Finding Direction: Expanding Criminal Justice Options by Considering Policies of Other Nations,* please visit www.justicepolicy.org.

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⁸ National Institute of Justice, "Parole Violations Revisited: Innovations in Four States," January 14, 2011. www.paroleviolationsrevisited.org/4states

⁹ Maria Borzycki and Eileen Baldry, *Promoting Integration : The Provision of Prisoner Post-release Services* (Canberra, Australia: Australian Institute of Criminology, 2003). www.aic.gov.au/publications/current%20series/tandi/261-280/tandi262/view%20paper.aspx

¹¹ Maria Borzycki and Eileen Baldry, *Promoting Integration : The Provision of Prisoner Post-release Services* (Canberra, Australia: Australian Institute of Criminology, 2003). www.aic.gov.au/documents/B/E/1/%7BBE1D2200-9EC7-4939-8EDE-F63EECAB75D3%7Dtandi262.pdf

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³ See graph related to proportion of prison population released.

⁴ Dr. Kimora, "The Emerging Paradigm in Probation and Parole in the United States," *Journal of Offender Rehabilitation* 46, no. 3 (2008): 1-11.

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