



PolicyPerspective

Ten Tips for Policymakers for Improving Parole

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Key Points

- The criteria for deciding who is paroled should be objective and focused on reducing risks to public safety going forward.
- Parole boards should possess a diverse range of relevant areas of expertise and provide opportunities for meaningful participation by parole candidates and others with an interest in the outcome.
- Parole supervision and reentry should emphasize removing barriers to employment, incentives for performance, quality interactions between parole officers and those they supervise, and avenues for community-based organizations to assist people coming out of prison.

Introduction and Concept of Parole

In 2016, about 875,000 Americans were on parole supervision ([Horowitz et al., 4](#)). This compares with only 220,000 in 1980, an increase that has come despite the fact that many states abolished parole during this period ([ProCon](#)).

Parole originated in 1840 when Englishman Captain Alexander Maconochie implemented a system of earned release for prisoners at the English penal colony of Norfolk Island, which is near the Australian coast. Maconochie replaced a system of flat time with one where “marks” could be earned through hard work and good behavior in prison, which could be used to purchase goods or reduce the sentence ([Law Library – American Law and Legal Information](#)). Later in 1854, Sir Walter Crofton, an Irishman, introduced a similar indeterminate system in Ireland through which people could move from solitary confinement to regular custody and ultimately release through exemplary behavior ([Law Library – American Law and Legal Information](#)). By 1944, every U.S. state had some sort of parole or indeterminate release statute ([Law Library – American Law and Legal Information](#)). However, in 1976, starting with Maine, states began abolishing parole as calls heightened to get tough on crime ([Rhine et al. 2018](#)). By 1989, eight states had abolished discretionary parole and that number increased to 16 by 2000 ([Hughes et al.](#)).

There are several justifications for parole. First, as Maconochie and Crofton realized, it provides an incentive for self-improvement in a setting where hopelessness can fester. Second, as all major faith traditions recognize, people can change over time. As Friedrich Hayek urged, we must recognize our own imperfect knowledge, which is especially limited in predicting at sentencing how a person will change over many years ([Richman](#)). While some scholars have argued in favor of a “truth-in-sentencing” regime in which sentences could theoretically be proportionally reduced if parole was abolished, political reality suggests sentences are unlikely to be correspondingly adjusted. Indeed, states that abolished parole such as Florida and Arizona continued to adopt harsher sentencing laws and have largely persisted on this path. Finally, parole serves as a feedback mechanism for an interconnected system that relies on discretion. Parole boards may be more inclined to release people if they go through effective treatment programs in prison and if the board has confidence in the level of supervision, which in turn puts useful pressure on elected officials to both fund and demand performance from prison and parole supervision programs.

Notably, supervision following release from prison can occur either through parole or post-release supervision that is in addition to the prison term, rather than a carve out. A Pew report found that in 2012, some 22 percent of prisoners maxed out their terms and were released without supervision ([Gelb et al., 1](#)). This compares with only 14 percent in 1990 ([Gelb et al., 3](#)). When someone maxes out,

that typically means that not only is there no supervision upon release, but in most cases the communities receiving these individuals do not know they are arriving. In Texas, someone approved for parole cannot be released until they have a valid home plan, which can be arranged through a subsidized halfway house if necessary, but those who complete their sentences may be released to homelessness.

This raises the question of whether parole or post-release supervision works. A Pew study in New Jersey compared

otherwise comparable individuals released from prison on parole with those timed out and found 36 percent fewer new offenses among those on parole ([Pew 2013a, 2](#)). However, due to technical revocations, the total number of returns to prison was about the same ([Pew 2013a, 3](#)). This suggests parole can benefit public safety, but also that, at least as it is used now in many places, it results in many people going back to prison.

Ten Recommendations for Improving Parole

These tips are designed not just to lead to better outcomes for public safety, employment, and cost control, but also to recognize the dignity of people released from prison as they seek to regain relative freedom as citizens.

1. Develop treatment and release plan soon after incarceration and deliver recidivism-reduction programming prior to earliest parole date with seamless transition through reentry and supervision.

Parole policy cannot be divorced from the programming that is delivered while a person is incarcerated, which helps determine whether they are well-positioned to reenter society and, therefore, an attractive candidate for parole. Most, if not all, prisons assess incoming inmates to match their risks and needs with the appropriate programming, to the extent it is available ([Baer et al.](#)). The U.S. Department of Justice has recommended that an individualized treatment and reentry plan be created for each prisoner ([U.S. Department of Justice, 3](#)). Research indicates that such plans are most effective when they not only identify deficits, but are also strengths-based so that they pinpoint protective factors and positive sources of social support that can be built upon during incarceration and upon reentry ([Hunter et al.](#)). This planning can inform conditions of confinement, such as working to ensure a prisoner can stay in touch with family members, ministers, and other individuals who will play a key role in their reentry. In general, visitation has been found to substantially reduce recidivism ([MDOC, 18](#)).

There are often waiting lists for prison programs, which can mean a prisoner is not able to complete programs before their first parole date. A key component of Texas' justice reinvestment plan in 2007 was appropriating funds to clear out these backlogs. Additionally, there is often a disconnect between in-prison programming and post-release supervision. A meta-analysis of reentry programs found that they were most likely to reduce recidivism if they began well before release and continued seamlessly during the months following release ([Ndrecka](#)).

2. Make parole release decisions based on objective factors focused on forward-looking risk.

It is axiomatic that parole is discretionary, which means, by definition, that it is not automatic. However, there should be objective criteria and a rationale for the decision. Yet it is often unclear why parole is denied. In Oklahoma, the parole board is not required to provide a reason ([Oklahoman Editorial Board](#)), and in Texas, one of the most common reasons is the nature of the offense ([TBPP 2016](#)). Yet, the penalties prescribed in statute for offenses are largely based on the seriousness of those offenses, as is the decision by policymakers to make certain offenses eligible for parole but not others. Furthermore, statutes typically provide a range of years in prison for an offense, and the sentencing process ostensibly arrives at a point within that range, accounting for case-specific factors, including the nature of the particular crime, in determining the appropriate sentence within that range.

Therefore, parole decisions should be more transparent and oriented around an assessment of the risk to the public going forward, where parole has a comparative advantage over the court in having access to more recent information about the individual. However, the nature of a parole candidate's prior offenses remains relevant, particularly as it is predictive of the seriousness of the risk that the candidate poses going forward. Parole boards rightly may be willing to accept a higher risk of recidivism if the background of the candidate indicates that they have a proclivity for only non-violent offenses such as drug possession. Indeed, research indicates that recidivism often involves similar conduct. For example, official data on new offenses by those released from Wisconsin prisons finds that those originally incarcerated for a violent offense were substantially more likely to be re-convicted of a violent offense than those who had been incarcerated for a drug or property offense ([Wisconsin Department of Corrections](#)). Although the data also shows those who had originally been incarcerated for a violent offense were less likely to recidivate at all, parole boards

properly consider both the chance of recidivism and the degree of harm that the type of new offense will inflict ([Wisconsin Department of Corrections](#)). Another facet of crime specialization bears further study. In 2007, approximately 10,000 people were sentenced for drug felonies in Washington State, with none having had a prior violent offense ([SGC, 2](#)). Therefore, a question for future research is the degree to which those who enter prison with only a nonviolent offense record—but do commit a violent offense upon release—would have committed a violent offense had they been placed on probation or whether they were negatively affected by the prison experience.

In 2018, Michigan moved in this direction by adopting House Bill 5377, an objective parole law ([Arvidson](#)). Like most states, Michigan previously had a risk assessment scoring system that sorted those eligible for parole into groups as having a high, average, or low probability of success ([Arvidson](#)). However, a quarter of highly rated prisoners were denied release.

House Bill 5377 requires that there must be “substantial and compelling objective reasons for a departure from the parole guidelines for a prisoner with a high probability of parole” ([3](#)). These 11 reasons that can justify such a departure are:

- Pattern of misconduct while incarcerated.
- Refusal to participate in programming unless due to factors beyond prisoner’s control.
- Verified evidence of substantial harm to the victim that was unavailable at time of sentencing.
- Prisoner has threatened harm against another if released.
- Objective evidence of post-sentencing conduct not already included in the risk score that creates high risk to public safety.
- Suspect in unsolved case under investigation.
- Pending felony charge or detainer request from another jurisdiction.
- Release otherwise barred by law.
- Prisoner has not yet completed programming to reduce risk, the programming is not available in the community, and the risk cannot be adequately managed during the period of completion in the community, in which case parole must be considered again within 30 days of program completion.
- Prisoner has failed to present a plan for life after parole that addresses identified risks to public safety, in which case parole board must specify deficiencies to be fixed.

- Psychological evaluation in previous three years shows high risk to public safety if paroled.

One important aspect of all of these criteria is that none of them are fixed at the time of the offense. Instead, decision-making is focused on current public safety risk, and prisoners are empowered to shape the process through their own behavior.

Unfortunately, the Michigan approach remains the exception rather than the rule. In a survey asking chairs of parole boards to rank the top factors they weigh in making release decisions, the majority cited the nature of the offense as the most important, followed by offense severity ([McVey et al., 8](#)). It is not clear from the survey whether parole boards are looking backward to determine whether additional punishment is warranted or merely using these factors to help assess the risk that any new offenses will be similarly serious. Only 20 of the 39 surveyed reported that their state uses parole guidelines that incorporate a risk and needs assessment ([McVey et al., 8](#)). The Robina Institute recommends that parole guidelines “incorporate a risk and needs assessment, ensure weighted factors are consistently applied in all cases, and require periodic evaluation of the parole guidelines and assessment tool(s)” ([McVey et al., 8](#)). Without guidelines that focus the review process on objective factors tied to the risk presented by the parole candidate going forward, decisions are likely to be rooted in personal predispositions, and parole rates will fluctuate widely as a board experiences turnover.

3. Ensure parole board members have diverse and relevant expertise and the independence and tools to make sound decisions.

In most states, there are few, if any, qualifications for serving on the parole board, such as experience in criminal justice or general educational or professional expertise ([Schwartz-apfel 2015a](#)). In a law review article entitled “Improving Parole Release in America,” professors Edward Rhine, Joan Petersilia, and Kevin Reitz observe:

Few formal credentials are required for appointment to the parole board. Once appointed, institutional vulnerability and personal job insecurity push parole boards toward risk aversion in their decision making ([Rhine et al. 2015](#)).

The Illinois Parole Board is an example of a parole board that rarely grants release and is heavily comprised of former prosecutors and police officers. While they bring relevant expertise, other backgrounds such as experience in behavioral health are equally relevant. In the case of the Illinois

Parole Board, which has been beset by a lack of transparency, two parole board members grant parole in less than 2 percent cases, with one being a former police officer and the other a former prosecutor ([Hoerner and Kuang](#)). In February 2019, Oklahoma Gov. Kevin Stitt broke the traditional mold of board appointees by selecting Adam Luck¹ and Kelly Doyle, each of whom serves in leadership roles for non-profit organizations that serve people with a criminal record in areas such as housing assistance and job training and placement ([Vicent](#)).

In addition to examining the criteria for filling parole board positions so that they lead to boards with a broad range of relevant knowledge and experience, policymakers should ensure that board members can only be removed for good cause during their terms so that their individual decisions are not subject to political vicissitudes ([Rhine et al. 2015](#)). In an attempt to insulate the parole process from politics, in 2012 Oklahoma voters approved a ballot measure that removed the requirement that the governor approve the parole board's decision to release prisoners incarcerated for a nonviolent offense ([Ballotpedia](#)).

Boards also must have the necessary resources, especially if parole candidates are to be given the opportunity to be heard through an interview. Studies have found parole boards are able to spend an average of only 3 to 20 minutes per case ([Schwartzapfel 2015b](#)). In-person interviews are ideal, though this is challenging to do in most cases in states such as Texas with large numbers of people eligible for parole and prisons sprawling across a large geographic area. States vary widely in this respect, as many state statutes provide the board the option of doing an in-person interview while some, such as Texas, prohibit it and others, such as Alabama, require it in every case ([Renaud 2019a](#)). In Texas, an institutional parole officer interviews the candidate and provides a written report to the board, but this does not allow board members to ask questions. Given the current ease with which video conferences can be held, prisoners should have the option of appearing by video if an in-person hearing is not feasible.

Parole candidates should also be allowed to review the files in their case, with appropriate redactions where necessary to protect victim-related and other sensitive information, and the opportunity to demonstrate that any information there is incorrect. Many parole boards provide multiple ways for victims, survivors, and prosecutors to provide input, even if they cannot attend the hearing, but do not allow individuals who could be instrumental in the candidate's reentry to participate as easily. For example, in some

states the family members, clergy, and other individuals who would provide support upon reentry can only weigh in at the discretion of the board and only if they can come in person to the hearing, rather than being able to submit written comments ([Renaud 2019a](#)). Given the potential value of their input and the goal of facilitating citizen input in government decisions, parole boards should welcome such input in the most convenient way possible.

While some states have adopted long set-offs of several years between successive parole reviews with the understandable intention of avoiding re-traumatizing victims, this prevents parole boards from considering substantial progress that a candidate might have made over the next year or two. Instead, this legitimate concern can be addressed by ensuring input from victims, survivors, and others remains in the file and is considered in all future considerations, especially since some of these individuals may be unavailable in the future ([McVey et al.](#)).

4. Discontinue life without parole sentences for non-violent crimes and provide meaningful parole review process in life with parole cases.

More than 3,000 Americans are serving life without parole for nonviolent offenses ([ACLU, 2](#)). Many more are serving sentences of life with parole or other sentences that are so long that they are likely to die in prison. In the federal system, which no longer has parole, more than 40 percent of federal life sentences involve drug crimes ([Ingraham](#)). Undoubtedly, many of these individuals have a long record of criminal activity, but recidivism declines markedly with age ([Hunt and Easley](#)). At a minimum, life without parole should be abolished for nonviolent offenses.

A 2018 study examined the outcome of the 2012 *Unger* court case in Maryland, in which a court found that 188 individuals who were previously destined to serve life without parole for violent offenses had to be released due to improper jury instructions. Those released had served an average of 40 years and had an average age of 64. The results of these releases have been a 3 percent recidivism rate ([Justice Policy Institute, 17](#)).

The *Unger* decision represented a temporary departure from the ordinary course. As Maryland Circuit Court Judge Philip Caroom noted, over the past two decades each Maryland governor had "obliterated" the distinction between life with parole and life without parole, having "vetoed every Parole Commission decision in favor of eligible life inmates

¹ Luck served as the first Oklahoma director for Right on Crime, which is a project of the Texas Public Policy Foundation in partnership with Prison Fellowship and the American Conservative Union.

who offered proof of rehabilitation and of no further risk to public safety” ([Lomax and Kumar, 4](#)).

5. Ensure parole conditions are manageable and tailored to the individual and their risk level.

In Oklahoma, about two-thirds of prisoners decline the opportunity for parole review ([Chandler](#)). Similarly, in Georgia, some people waive their parole hearings, opting to stay in prison ([Cook](#)). While this is counterintuitive to most Americans who value their freedom, among the reasons prisoners provide are that they have nowhere to go and find the many conditions of parole to be daunting. In the case of aging prisoners and those who have spent decades behind bars, they may be particularly pessimistic about their ability to be self-sufficient and have the fewest family and other sources of support upon release.

Parole agencies can address part of this equation through avoiding excessive parole conditions that are not tied to public safety, instead tailoring them to the assessed risks and needs of the parolee. Brian Fischer, former commissioner of the New York State Department of Corrections and Community Supervision, noted: “Most of us could not live under the rules of parole because there are too many of them” ([Glazer](#)). Standard conditions often include not drinking alcohol and not traveling beyond a set distance ([Rhine et al. 2015, 102](#)). In fact, Kansas, Kentucky, and Hawaii prohibit all parolees from drinking alcohol and going to bars, and Pennsylvania applies this condition in 90 percent of cases ([Glazer](#)). Attempting to enforce such conditions on parolees who do not have a background of alcoholism distracts parole officers from activities that can reduce recidivism.

Another challenge is vague conditions, such as “abandon evil associates and ways.” In some cases, such conditions relating to associations can preclude someone on parole from living with a family member or benefiting from a mentor, if they have a criminal record or are on probation or parole. A 2019 piece entitled “Red states, blue states: What do these mean for people on parole?” found the opposite of what the author expected when comparing Texas and Massachusetts, in that it is Massachusetts which has a much higher technical probation revocation rate ([Renaud 2019b](#)). The writer, who successfully completed parole in Texas, notes that Texas has a far more nuanced approach to freedom of association for people on parole that better aligns with the goal of allowing the formerly incarcerated to assume their position as citizens in a free society ([Renaud 2019b](#)):

A final crucial difference between Texas and Massachusetts parole policies has a less quantifiable outcome, but surely affects individual success at rejoining civil society: In Texas, unlike Massachusetts, people under parole supervision are able to connect with other formerly incarcerated people, even if all are on parole, and draw on each other as a source of support. There are groups of individuals on parole and probation in Texas who are active politically, and whose voices and experiences are respected at meetings of city councils, commissioners’ courts, and at the Capitol. Massachusetts, in contrast, has a general parole condition that specifically prohibits anyone on parole from engaging “in a continuous pattern of association with persons known to have a criminal record...” and, in no uncertain terms, warns those on parole that they must, at the risk of revocation, tell their parole officer any time they are going to be in the presence of someone who has a criminal record. For those on parole, this policy not only isolates them from those who might best support and advise them as they move back into their communities — it gives any individual on parole the subtle message that they, too, are viewed with suspicion, and that others are warned against associating with them.

The more demanding the conditions of parole are, the more possible reasons that someone can face revocation to prison for technical violations. A recent report found that in Wisconsin, 39 percent of annual parole exits resulted in incarceration, compared to 28 percent nationally, and that 75 percent of the revocations to prison were for technical violations—those without a new conviction ([Williams et al., 9](#)). While those on parole who do not inform their parole officer that they are moving should face graduated sanctions such as closer monitoring and increasing reporting requirements, in Pennsylvania nearly half of motions to revoke included the violation of moving without permission ([Glazer](#)).

Jurisdictions should also address parole fees that may be a barrier to successful reentry, such as the \$30 per month parole supervision fee in Maryland. A majority of people on parole incur late fees because they are behind on paying this fee ([Diller et al.](#)). Citing the burden on parole officers in collecting a similar fee, Virginia abolished its parole supervision fee in 1994 ([Diller et al.](#)).

Finally, conditions should be adjusted based on ongoing assessment and to provide both sanctions and incentives in response to performance. Any surveillance-oriented conditions such as electronic monitoring should be frontloaded given that risk of re-offending is greatest in the time immediately following release. Absent a demonstrated need for such conditions, they should be set to terminate within six

to twelve months of release, recognizing that if the person backslides they can always be imposed again ([Rhine et al. 2015](#)).

6. Reexamine lifetime parole and utilize graduated responses, earned time, case banking, and early termination.

The insistence upon long stints on parole is undermined by data showing that recidivism is not further reduced and can even be increased by supervising low-risk people ([Lowenkamp and Latessa](#)) and that most recidivism occurs during the first few years after release ([Binswanger et al.](#)). For example, a study that tracked prisoners released in Virginia over 36 months found that only 9.5 percent of the revocations occurred in the final six months of the period ([Cross, 12](#)). Another analysis of an earlier cohort released from Virginia prisons that extended through 48 months found that just 4 percent of the total revocations occurred during the final six months ([Ali and Peyton, 16](#)).

Yet some states, such as Nebraska, require lifetime parole for certain serious offenses. For example, in 1984 Terry Taylor had an altercation with his lover and ultimately killed him. He was released from prison in 1995 after serving a little more than 11 years. Then in 2016, after 21 years of exemplary conduct on parole, he applied with the clemency board, consisting of the governor, attorney general, and secretary of state, to terminate his parole ([Johnson](#)). The surviving family members of the victim supported Taylor's exit from parole ([Young](#)). However, his application was denied, with one member saying he "likes the idea" of him being on parole even after more than 20 years.

While Mr. Taylor's case is unusual in the sense that he served less prison time than many other homicide cases, it is not clear the rationale for continued lifetime parole has a connection to public safety. This case is not unusual in another sense. Lifetime parole is most often applied to those who committed violent and sex offenses. Such offenses lead society to rightfully express its moral condemnation at the harm caused which can never be undone. However, given limited supervision resources and parole supervision's proper mandate to restrict liberty only to the extent needed to achieve a successful transition, the benefits of endlessly supervising people who do not pose a threat are uncertain. As with other government programs, once the mission of supervision has been accomplished in a case, it should end. Accordingly, states should reconsider laws that require lifetime parole and that deny parole boards the ability to preclude administrative early termination by making clemency granted by elected officials the only available source of relief.

Colorado has also implemented an earned time provision. In this state, those on parole can earn 10 days for every 30 days of exemplary performance ([CO Rev Stat § 17-22.5-405](#)). A survey of research suggests that earned time can enhance the motivation of those under supervision and free up parole officers to closely supervise others who merit more attention, in light of findings that recidivism declines markedly after the first year or two following release ([Solomon et al.](#)). While it makes sense to simply discharge people from parole whose performance and assessment indicate they no longer need supervision, in some cases, including where the parole agency lacks authority to early terminate, the available option closest to that is what is referred to by some probation departments as an administrative caseload or case banking ([Solomon et al.](#)). In such cases, the person may report infrequently such as quarterly and can simply fill out an online form or send a letter if they are changing address.

Many states have been successful in reducing revocations, both for new crimes and technical violations. For example, from 2007 to 2017, Texas made changes to parole supervision such as increasing the use of graduated sanctions in lieu of revocation, connecting interested people on parole to religious congregations through parole chaplains, and providing immediate referrals to treatment to address addiction relapse and mental illness ([Levin and Reddy](#)). Despite there being more than 10,000 more Texans on parole in 2017 than in 2007—as the result of an increased parole rate—new offense revocations have fallen from 7,897 in 2007 ([TBPP 2011, 18](#)) to 5,452 in 2017 ([TBPP 2017, 22](#)). Technical revocations have fallen even more sharply, going from 4,912 to 1,043 ([TBPP 2011, 18](#); [TBPP 2017, 22](#)). Texas does use intermediate sanctions facilities (ISF) as one of its graduated sanctions, as well as in response to new misdemeanors, in which the person remains on parole during that period rather than being revoked. During this timeframe, Georgia and Michigan are among other states that have changed their approach to supervision and achieved significant reductions in parole revocations ([Bureau of Justice Assistance U.S. Department of Justice](#)).

7. Remove barriers to work, including making it easier to obtain occupational licenses, connecting prison programming with post-release employment opportunities, providing liability relief for employers hiring people on parole, and issuing certificates of rehabilitation.

Rapid attachment to work and maintenance of that employment is one of the most powerful factors in reducing recidivism ([Harer, 28-30](#)). Not only does employment promote stability of housing and familial relations, conversely

research suggests some who do not find work turn to the dark economy, leading to re-offending ([Harer, 28-30](#)). Research also indicates that those released from prison on parole are more likely to obtain employment than those released without supervision ([Clark et al.](#)).

Licensing is one barrier that people on parole face in finding work, especially good-paying jobs. A study by Arizona State University professor Stephen Slivinski found that states with high occupational licensing burdens, such as licensing of more occupation and broadly subjective “good character” provisions, have significantly higher recidivism rates among people released from prison ([Slivinski](#)). One out of five Americans needs a license to work, but since 2015 some 21 states have enacted varying reforms to make it easier for people with a criminal record unrelated to the occupation to obtain licenses ([Institute for Justice](#)). Some provide for regular licenses to be issued in most cases while Texas has adopted legislation similar to the American Legislative Exchange Council model policy that provides for provisional licenses that automatically become permanent after a period of compliance with supervision conditions and the rules of the occupation ([ALEC](#)). The National Employment Law Project has outlined key components of legislation that removes both substantive and procedural barriers to people with a criminal record from obtaining occupational licenses ([Avery et al.](#)).

Many prisons operate vocational programs in fields that require licenses such as cosmetology, which suggests that policymakers should consider allowing qualified individuals to obtain at least a provisional license that takes effect immediately upon release from prison. Prisons can also play a role in successful employment upon release through aligning vocational programs behind bars with available jobs in the economy and inviting employers into facilities. As an illustration of a seamless employment transitional initiative, the Department of Corrections and Governor Doug Ducey invited construction companies into prisons to provide training that segues into an immediate job upon release, and the state partnered with Uber to split the cost of ride-sharing to the construction sites until those released from prison earned enough money to buy their own cars ([Omeroyne](#)).

Employers are often reluctant to hire people with a criminal record, partly because of the liability risk associated with negligent hiring. In a national study on this topic, the Urban Institute noted that “the high probability of losing coupled with the magnitude of settlement awards suggest that fear of litigation may substantially deter employers from hiring applicants with criminal history records” ([Holzer et al., 9](#)). That fear is not without basis. Employers lose 72 percent of

negligent hiring cases with an average settlement of more than \$1.6 million ([Connerley et al.](#)). In 2013, Texas lawmakers passed House Bill 1188 that precludes employers from being held liable in nearly all such cases ([Mitchell and Flesher](#)).

Additionally, some states such as New York and Ohio allow certain people with criminal records, including those on parole, to obtain a certificate of rehabilitation upon completing programs. In many of these states, the certificate is the trigger for a waiver of negligent hiring liability. Recent research found that those who received certificates of rehabilitation in Ohio had a much higher chance of landing a job, making them virtually as likely to be employed as those who never had a criminal record ([Leasure and Andersen](#)).

8. Eliminate zoning and other restrictions that limit housing options for people on parole.

In some jurisdictions, local zoning laws make it almost impossible for halfway houses to locate. For example, in Lancaster, Pennsylvania, three or more unrelated people cannot live in one residence ([Glazer](#)). State laws are also a barrier. For example, as we noted in a 2009 report, Texas law requires that any halfway house that does not contract with the Texas Department of Criminal Justice go through extensive public notice and approval processes before locating within 1,000 feet of a residential area, park, place of worship, or school ([Deitch, 9](#)). In California, a similar process requires a 500-page application ([Deitch, 11](#)).

The housing challenge is particularly acute for those with a sex offense on their record, as exemplified by an area of tents and shanties in Miami to which they have been forced to resort due to such restrictions ([Schwartzapfel and Kassie](#)). However, research has found no connection between such residency limitations and recidivism ([Huebner et al.](#)) In addition to scaling back state laws that limit housing options for people on parole, states should consider overriding local ordinances to avoid a race to the bottom where one community effectively dumps onto another jurisdiction those on parole who originated from that community.

9. Emphasize parole officer training and evaluation strategies that foster positive relationships that are correlated with recidivism reduction.

Education research has found a powerful nexus between teacher quality and student success, even while other variables such as school funding largely fail to correlate ([Goldhaber](#)). It is perhaps not surprising then that new research has found that when those on parole report a positive

relationship with the officer supervising them, they recidivate at a lower rate ([Chamberlain et al.](#)). Accordingly, officers who receive training in techniques for fostering such positive relationships, such as motivational interviewing, are better positioned to reduce recidivism ([Walters et al.](#)).

The quality of interactions between a parole officer and those they supervise is much more difficult for an agency to measure than the number of times that officer met with those they supervised. Despite their ease, agencies should move away from, or at least supplement, volume-oriented measures to evaluate quality of interactions, whether through surveys of parolees, supervisors reviewing videos of these interactions, or other techniques. Proper training and manageable caseloads are also important in ensuring parole officers are equipped to deliver results.

10. Recognize that parole agencies are not always the best provider of every intervention and consider a role for non-profits with strong community ties.

In 2014, Colorado lawmakers enacted House Bill 4-1355 to overhaul the state's approach to parole and reentry. A key provision initiated a reentry grant program within the Department of Corrections, the Work and Gain Education and Employment Skills (WAGEES) program. Notably, rather than appropriate new funds, lawmakers used some of the money saved by another provision in the legislation that capped time served for certain technical parole violations ([Thomson et al.](#)). Through this program, a non-profit

general contractor selects community-based organizations through a competitive process at eight sites to provide reentry interventions such as peer mentoring and job placement.

A strength of this approach compared with a government entity delivering these services is that results are regularly monitored and providers can easily be replaced based on performance. The use of the general contractor is designed to enable smaller organizations to participate, who could not otherwise navigate complex requirements and paperwork for contracting directly with the state, but in many cases could bring deep connections to the people and areas being served. The results to date are promising. Just 2.5 percent of WAGEES program beneficiaries have returned to prison for new offenses while in the program ([Thomson et al.](#)).

Conclusion

The existence and effectiveness of parole is not without controversy. However, given that research has found that longer prison terms do not reduce recidivism ([Pew 2013b](#)), parole offers an important off-ramp that incentivizes self-improvement while people are incarcerated. Still, to achieve its potential, parole supervision should not just track people, but help transition them across an obstacle course of pitfalls to a lawful life of limitless opportunity. Fortunately, there are promising strategies for achieving positive outcomes through parole, which continue the move away from perpetual punishment toward a model that emphasizes accountability, public safety, and restoration. ★

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ABOUT THE AUTHOR



Marc A. Levin is the vice president of criminal justice at the Texas Public Policy Foundation and Right on Crime.

An attorney and accomplished author on legal and public policy issues, Marc began the Foundation's criminal justice program in 2005. This work contributed to nationally praised policy changes that have been followed by dramatic declines in crime and incarceration in Texas. Building on this success, in 2010, Levin developed the concept for the Right on Crime initiative, a Foundation project in partnership with Prison Fellowship and the American Conservative Union Foundation. Right on Crime has become the national clearinghouse for conservative criminal justice reforms and has contributed to the adoption of policies in dozens of states that fight crime, support victims, and protect taxpayers.

In 2014, Levin was named one of the *Politico 50* in the magazine's annual "list of thinkers, doers, and dreamers who really matter in this age of gridlock and dysfunction."

Marc has testified on criminal justice policy on four occasions before Congress and has testified before legislatures in states including Texas, Nevada, Kansas, Wisconsin, and California. He also has met personally with leaders such as U.S. Presidents, Speakers of the House, and the Justice Committee of the United Kingdom Parliament to share his ideas on criminal justice reform. In 2007, he was honored in a resolution unanimously passed by the Texas House of Representatives that stated, "Mr. Levin's intellect is unparalleled and his research is impeccable."

Since 2005, Marc has published dozens of policy papers on topics such as sentencing, probation, parole, reentry, and overcriminalization which are available on the TPPF website. Levin's articles on law and public policy have been featured in publications such as the *Wall Street Journal*, *USA Today*, *Texas Review of Law & Politics*, *National Law Journal*, *New York Daily News*, *Jerusalem Post*, *Toronto Star*, *Atlanta Journal-Constitution*, *Philadelphia Inquirer*, *San Francisco Chronicle*, *Washington Times*, *Los Angeles Daily Journal*, *Charlotte Observer*, *Dallas Morning News*, *Houston Chronicle*, *Austin American-Statesman*, *San Antonio Express-News* and *Reason Magazine*.

In 1999, Marc graduated with honors from the University of Texas with a B.A. in Plan II Honors and Government. In 2002, Marc received his J.D. with honors from the University of Texas School of Law. Marc was a Charles G. Koch summer fellow in 1996. He served as a law clerk to Judge Will Garwood on the U.S. Court of Appeals for the Fifth Circuit and staff attorney at the Texas Supreme Court.

About Right on Crime

Right on Crime is a national campaign of the Texas Public Policy Foundation, in partnership with the American Conservative Union Foundation and Prison Fellowship, which supports conservative solutions for reducing crime, restoring victims, reforming offenders, and lowering taxpayer costs. The movement was born in Texas in 2007, and in recent years, dozens of states such as Georgia, Ohio, Kentucky, Mississippi, Oklahoma, and Louisiana, have led the way in implementing conservative criminal justice reforms.

About Texas Public Policy Foundation

The Texas Public Policy Foundation is a 501(c)3 non-profit, non-partisan research institute. The Foundation promotes and defends liberty, personal responsibility, and free enterprise in Texas and the nation by educating and affecting policymakers and the Texas public policy debate with academically sound research and outreach.

Funded by thousands of individuals, foundations, and corporations, the Foundation does not accept government funds or contributions to influence the outcomes of its research.

The public is demanding a different direction for their government, and the Texas Public Policy Foundation is providing the ideas that enable policymakers to chart that new course.

