

Federal PROBATION

*a journal of correctional
philosophy and practice*

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Parole System Anomie: Conflicting Models of Casework and Surveillance

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PAROLE IS GRANTED to an offender after a period of time in prison; it allows the individual to serve the remainder of his or her time in the community under supervision. The parole system has evolved since its inception in the 18th century; however, until the 1970s, it had consistently centered its practices on a medical model of casework, treatment, and community reintegration. A relatively rapid change to a more punitive system of corrections, beginning in the 1970s, forced parole agencies to emphasize risk management and surveillance without a corresponding change in their rehabilitative mission and ideology. Today, the assumed goals of the mission of parole boards and parole officers are 1) to supervise offenders, 2) to rehabilitate treatable offenders, and 3) to protect society from at-risk individuals (Seiter and West 2003; Morgan, et al. 1997). These competing and therefore often conflicting objectives have created a confusing state of affairs in the parole system that has resulted in a weak collective consciousness and anomie.

There has been some evidence that successful paroles are increasing in certain jurisdictions; or rather, that failure rates are declining in certain states (Austin 2001). But the cause is unclear. Some believe it is attributable to longer terms of incarceration and the associated aging of the prisoner release cohorts. It may also be due to greater numbers of low-risk offenders going to prison instead of probation; mere changes in revocation practices due to overcrowded prisons have also been cited (Austin 2001; Seiter 2002). However, fewer failures are not synonymous with success, and these explanations do not represent a successful system of parole. They are side effects of America's correctional policies and practices.

According to noted criminologists Jeremy Travis (2001) and Joan Petersilia, the per capita rate of imprisonment in America remained at about 110 per 100,000 from 1925 to 1973, with little variation. Since 1973, the rate of imprisonment has grown steadily so that our current rate is close to 490 per 100,000—more than four times the 1973 level and up by 18 percent since 1995 (U.S. Bureau of Justice Statistics). At the beginning of 2005, there were more than 2.1 million people in federal or state prisons or in local jails—an increase of 2.6 percent from the year before. More than half of these inmates were charged with non-violent drug abuse or property crimes (U.S. Bureau of Justice Statistics).

Parole officers are downstream of the socially and politically difficult problem of overcrowded prisons. They are forced to respond to the symptoms of an increasing prison population without adequate resources and public support. The parole system's primary response to larger caseloads and a more punitive and unforgiving public is at odds with its traditional medical model of casework, rehabilitation and reintegration. Statistics that are often used to criticize parole practices emphasize short-term failures rather than the more difficult to measure long-term successes.

Nevertheless, almost any rate of recidivism among parolees can enrage the public and jeopardize the political careers of public officials.

A fundamental failure of today's parole system is that success has not been adequately defined. What masquerades as success is the unobtainable standard of perfection, all the time. Context is important because looking only at absolute numbers can be misleading. For instance, a 70 percent failure rate in baseball is considered successful because a 300 (out of 1000) batting average is quite good. On the contrary, failing 70 percent of the time in school is not at all impressive. A student with such an academic record would be wise to make changes to improve his grades, but allocating resources to increase a baseball team's batting average to 80 or 90 percent is irrational because it is unobtainable. Unwarranted criticisms and some very bad choices are made when goals and standards are unclear. It is impossible to effectively implement and evaluate changes to the parole system without an agreed-upon standard of success. The lyrics of George Harrison, former member of The Beatles, nicely capture this existing dilemma in the U.S. parole system: "If you don't know where you're going any road will take you there."

This article has two main parts that are designed to further this discussion. First, a retrospective analysis of the traditional philosophies of parole agencies historically derives current parole practices in the United States and shows how the paradigm has shifted from an emphasis on casework to an emphasis on surveillance. This relatively rapid transition has created a confusing and unstable system of parole in the United States, resulting in a state of mind defined by Emile Durkheim as anomie. Second, this paper concludes with a prospective analysis describing how the parole system can begin to correct its current state of affairs. This "retrospective" analysis is the first step towards implementing ingenious and successful parole practices in the 21st century.

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Retrospective Analysis

The Origins of Parole and the Medical Model of Casework

The concept of parole was formulated during the juvenile justice movement of the 18th and 19th centuries. Interested in the problem of young people and crime, and familiar with the situation in prisons, key members of society became convinced that confining child and adult offenders together bred future criminals (Packel 1977). They advocated separate juvenile institutions that would stress reformation as much as the protection of society (Packel 1977). All juvenile reformatories constructed during this time aimed to transform neglected and incorrigible youth into law-abiding citizens by instilling in them order, self-control and discipline (Pisciotta 1984; Shichor 1983). In review of the Western House of Refuge's first 25 years of operation, Superintendent Fulton concluded in 1875 that, "the state would find itself reimbursed for the seemingly large expenditure, more than a hundred-fold" (WHR 1875, cited in Pisciotta 1984: 76).

The reformatory movement rapidly spread throughout the United States (Platt 1969; Shichor 1983; Pisciotta 1984). As the name implies, the purpose of reformatories was to encourage reformation rather than to punish. The principal characteristics were: indeterminate sentences, a grading system to measure each inmate's progress, and parole for those inmates who demonstrated that they benefited from the program of reformation (Packel 1977; Platt 1969). In both theory and practice, the parole system that emerged out of the juvenile justice reform movement incorporated ideals provided by a medical model, which regarded crime and delinquency as a product of sickness and disease and, therefore, amenable to treatment (McCarthy 1976-1977). An emphasis on prevention and treatment is significant because they are powerful rationales for organizing social action.

Adult correctional and parole authorities borrowed the imagery of pathology, infection and treatment from the medical profession (Kasinsky 1994; Platt 1969). Since the inception of prisons, correctional workers sought to identify themselves with the medical profession. They did not think of themselves merely as custodians of the underclass, as the tenets of Social Darwinism and Positivist theories would suggest. Anthony Platt (1969: 24) explained that the self-image of penal workers as doctors rather than guards helped to encourage the acceptance of therapeutic strategies in prisons and jails. In fact, some of the first American writers on crime and delinquency were physicians, like Benjamin Rush and Isaac Ray, who furnished the first official rhetoric of penal

reform (Platt 1969). Cesare Lombroso, a physician and author of *L'Uomo delinquente or The Criminal Man* (1876), became one of the most significant figures in 19th-century criminology by having claimed to discover the cause of crime. His original theory suggested the existence of a criminal type that was distinguishable from non-criminals by observable physical traits. He proposed that the criminal is morally retarded and instinctively aggressive and precocious unless restrained (Platt 1969).

By the late 1890s many criminal justice scholars and practitioners agreed that hereditary theories of crime were overly fatalistic (Platt 1969). Sociologist Charles Cooley (1896) observed that criminal behavior depended as much upon social and economic circumstances as it did upon the inheritance of biological traits. "The criminal class," Cooley said, "is largely the result of society's bad workmanship upon fairly good material" (Cooley 1896, cited in Platt 1969: 24). In support of this argument, Cooley suggested that many "degenerates" could be converted into "useful citizens by rational treatment."

Prisoner Reentry

For much of the 20th century, preparation for release from prison was considered an important part of the prison experience and most correctional systems provided programs to prepare inmates for the community transition. From the 1950s through the 1970s, education and vocational programs, substance abuse and other counseling programs, therapeutic communities and other residential programs, and prison industry work programs were important parts of prison operations (Seiter and Kadela 2003). Many of these programs were mandatory, but when they were voluntary inmates still participated to impress parole boards and to improve their chances of favorable parole decisions. Richard Seiter (2002: 50) explained in his article entitled *Prisoner Reentry and the Role of Parole Officers* that:

Prison counseling staff emphasized programs to prepare inmates to appear before the parole board. Parole consideration required inmates to make sound release plans. Inmates had to develop a plan, parole officers investigated the plans, and reports on the plans' acceptability were made to the parole board. If substantial support was not available in the community, halfway houses were routinely used to assist in the prison to community transition. If someone was granted parole, the parole board identified the conditions of supervision and the required treatment programs. After an offender was released, parole officers, whose primary responsibility was to guide the offender to programs and services, supervised offenders in line with the conditions mandated by the parole board.

The original intention of parole supervision was not to revoke parole, but to constantly assess the parolees' progress and to make necessary changes (Seiter and Kadela 2003).

Significant changes in the criminal justice system over the last three decades have modified much of the historically prevalent preparations for release as prisons and parole board administrators have instead emphasized managing risk and intensively monitoring inmates upon release (Seiter 2002). Prior to 1975, every state in the United States utilized indeterminate sentencing (Tonry 1999a; Griset 1996; Bernat, Parsonage & Helfgott 1994) and parole boards were given broad discretion to determine if an inmate should be released. The core features of indeterminate sentencing are 1) broad authorized sentencing ranges and 2) parole release (Tonry 1999a). Parole was based on the premise that rehabilitation of offenders is a primary goal of corrections and that decisions affecting inmates should be tailored to them on a case-by-case basis (Tonry 1999a; Bernat, et al. 1994; Turpin-Petrosino 1999; Hoffman 1994).

Disparity in parole decisions, lack of support for rehabilitation, and public perceptions that the criminal justice system was too lenient led to widespread reform movements in the mid-1970s that sought to, among other things, reduce parole releases (Bernat, et al. 1994; Turpin-Petrosino 1999; Benekos 1992; Metchik 1992). As a result of this "get tough" movement, determinate sentencing—

fixed sentence lengths—and parole guidelines were introduced to replace indeterminate sentencing and to control parole release decision-making (Turpin-Petrosino 1999; Bernat, et al. 1994; Benekos 1992). In 1977, over 70 percent of prisoners were released on discretionary parole. By 1995 and 2002 this had declined to 50 percent and 39 percent, respectively. By the end of 2000, 16 states had abolished parole board authority for releasing all inmates, and another four states had abolished parole board authority for releasing certain violent offenders (U.S. Bureau of Justice Statistics). Mandatory releases based on statutory requirements increased from 45 percent in 1995 to 52 percent in 2002 (Seiter 2002; U.S. Bureau of Justice Statistics).

Longer time in prison juxtaposed with a decrease in pre-release planning and vocational and educational programs yields longer periods of detachment from family and social networks, which make eventual reentry more difficult. At the beginning of 2005, over 4.9 million adult men and women were under federal, state, or local community supervision programs; approximately 765,400 were on parole. Forty-five percent of state parole discharges in 2002 successfully completed their terms of supervision; 41 percent were returned to jail or prison, nine percent absconded, and the whereabouts of the remaining five percent were unknown. Comparable statistics for 2005 parolees are not yet available but will likely remain unchanged, as has been the case since 1995 (U.S. Bureau of Justice Statistics). “The inescapable conclusion,” explained Jeremy Travis and Joan Petersilia (2001: 300) “is that we have paid a price for prison expansion, namely a decline in preparation for the return to community. There is less treatment, fewer skills, less exposure to the world of work, and less focused attention on planning for a smooth transition to the outside world.” Rehabilitation and the medical model of corrections and parole are no longer functionally appropriate guidelines for the current demands on parole authorities and officers.

Casework, Surveillance and Public Safety

Parole supervision styles generally fall into either casework or surveillance approaches. The social casework approach, which emphasizes assisting parolees with problems, counseling, and working to make sure they succeed, has long predominated. But this style has shifted over the past 30 years to one of surveillance, which emphasizes law enforcement and the close monitoring of parolees to catch them if they fail and return them to prison (Seiter 2002; Travis and Petersilia 2001; Rhine 1997; Cohn 1997). In 1980, parole violators constituted 18 percent of prison admissions; they now constitute nearly 37 percent (Travis and Petersilia 2001). This means that 777,000 out of 2.1 million people admitted to prison during 2004 were parole violators: individuals who had either been returned to prison on a technical violation or for committing a new offense. Nationally on average, parole violators will serve another five months in prison. An increasing prison population has placed greater strains on the communities where inmates return and are concentrated. The philosophical, operational, and fiscal capacities of parole agencies to manage the higher number of released prisoners have not kept pace (Travis and Petersilia 2001).

Public rejection of leniency in corrections, loss of faith in the efficacy of treatment, and tightening state budgets are primarily responsible for contemporary parole practices that sacrifice casework and treatment to focus on risk management and administrative efficiency (Quinn and Gould 2003). In the 1970s, parole officers handled caseloads averaging 45 offenders; today it is up to 70 or more (Travis and Petersilia 2001). Significantly larger caseloads give parole officers very little time to focus on parolees as individuals and to provide counseling or referrals to community agencies. As a result, officers have little choice but to concentrate on surveillance and the impersonal monitoring of their clients (Seiter and West 2003; Petersilia 2001). Richard Seiter (2002: 51) explained that:

The emphasis on surveillance of community offenders results in a trend to violate releases [parolees] for minor technical violations, as administrators and parole boards do not want to risk keeping offenders in the community. If these minor violators later commit a serious crime, those deciding to allow them to continue in the community despite technical violations could face criticism or even legal action. This “risk-free” approach represents an “invisible policy” not passed by legislatures or formally adopted by correctional agencies. However, these actions have a tremendous impact on prison populations, cost, and community stability.

In 1997, Betsy Fulton, Amy Stichman, Lawrence Travis and Edward Latessa suggested that a strictly surveillance-oriented style of parole was not effective at reducing recidivism. They believed that a balanced role of both social worker and law enforcer provides the best results for parolees, parole officers, and society. In 2003, Richard Seiter and Angela West published results from their study which attempted to quantify and measure the outcomes of the transition from casework to surveillance styles of supervision. They focused on officers within the Eastern Probation and Parole Region (St. Louis) of the Missouri Department of Corrections. They found no evidence that the surveillance style of supervision decreases recidivism (Seiter and West 2003). According to parole and probation officer surveys and interviews, casework functions were reported to be the most effective in assisting parolees, while surveillance functions were ideal for catching those who violate conditions of supervision (Seiter and West 2003).

Recent efforts to enhance parole supervision have been limited to intensive supervision programs that use new surveillance technologies, as opposed to helping or rehabilitation technologies (Austin 2001). Technologies such as urine testing and electronic monitoring have enhanced capacities to detect parole violations and to increase the rate of parole revocations. If noncompliance with technical conditions of parole signaled that parolees were “going bad,” then returning them to prison might prevent future crime. However, research repeatedly disproves that violating parolees for technicalities reduces new criminal arrests (Travis and Petersilia 2001; Petersilia and Turner 1993). In fact, new criminal arrests linked to former inmates constitute less than 3 percent of all arrests nationwide (Austin and Hardyman 2004). In 2004, the Federal Bureau of Investigation’s Uniform Crime Reporting Program estimated the number of arrests in the United States for all criminal offenses at approximately 14 million. In 2004, there were 765,400 adults on parole. Half of these people on parole would have to be arrested for committing a new crime during 2004 in order to equal three percent of all arrests. This is very unlikely.

The competing goals of casework and surveillance have major implications for public safety and the rights of convicted offenders (Rudenstine 1975). Relative to public safety, it is not clear that parolees, in the aggregate, pose a significant public safety problem (Austin 2001). Nevertheless, the safety of the public is a legitimate concern of American parole agencies. Pennsylvania law, for example, requires that a parole board release inmates on parole “whenever in its opinion the best interests of the convict justify or require his being paroled and it does not appear that the interests of the Commonwealth will be injured thereby” (61 P.S. § 331.21). New Jersey requires that an inmate shall be released at the end of his/her minimum term of incarceration unless it is demonstrated “by a preponderance of the evidence that the inmate has failed to cooperate in his or her own rehabilitation or that there is a reasonable expectation that the inmate will violate conditions of parole” if released on parole (N.J.S.A. 30:4-123.53a). New Jersey is unique in that all adult inmates are presumed released at the time of parole eligibility unless the parole board can show that the inmate will be a risk to the public upon release. This presumed release clause is an example of a legislative “back door” that is used by many states with parole to relieve overcrowded prisons. It also represents how parole has become an extension of prison (albeit in the community) with an implicit responsibility to surveil, enforce laws, and manage risk. The parole system’s transition from casework to surveillance does not signify a renewed interest in actual public safety, per se. Instead, it is a short-term—quick fix—response at the behest of anxious elected officials and a frightened public. Traditional philosophies of parole are geared more towards seeking long-term and sustainable public safety outcomes through casework, rehabilitation and reintegration.

Parole Officer Attitudes

Line-level parole officers generally believe that the most effective functions they perform are to help those under their supervision (Seiter 2002). James Quinn (2003) and Larry Gould conducted a study of Texas parole officers to address the issue of officer orientation in a state that bases its response to crime primarily on deterrence and incapacitation. A factor analysis using data from 559 parole officers was used to examine the relationship between officers’ traits, work situation, and perceived needs. Results showed an overwhelming desire for more treatment resources; greater seniority and smaller caseloads were among the most powerful factors in predicting which parole officers would emphasize treatment resources. An earlier study by Whitehead (1992) and Lindquist showed that orientation to rehabilitation was rather high among Alabama parole officers, and that

punitiveness was inversely related to amount of client contact and directly predicted by size of caseloads. Fulton, et al. (1997) also found considerable support for rehabilitation, even among officers given reduced caseloads in a program designed to stress control and surveillance rather than the provision of treatment services. A more recent study by West (2004) and Seiter showed that parole officers believe that a balanced supervisory style should be the goal, and that current caseloads are forcing more of a surveillance approach. Officers who were surveyed for this study estimated that they spend about 54 percent of their time engaged in what experts classify as casework activities. However, these same officers perceived themselves as more surveillance oriented on a 10-point continuum (West and Seiter 2004). When the pendulum of public support gains momentum toward surveillance and risk-management, it is clearly difficult for parole officers to resist.

Retrospective Analysis Conclusions

The underlying problems that exist within the parole system are theoretical in nature (Cohn 1997). The combination of currently often incompatible supervision styles of casework and surveillance and an overwhelming societal concern for public safety, possibly compounded by fears of legal liability, have created an anomic state of parole in the United States (Durkheim 1951/1979). Emile Durkheim used the term anomie to refer to a state of normlessness, confusion, or lack of regulation in modern society.

The juvenile justice movement in the United States was one of the first responses to crime that attempted to treat the underlying (social) causes of crime and delinquency—for the purpose of long-term public safety. Parole was implemented during this time to assist inmates with their transitions from reformatories back into their respective communities. The parole system has evolved since its inception; however, it has historically centered its practices on a medical model of casework, treatment, and community reintegration. A relatively rapid change to a more punitive system of corrections in the mid-1970s forced parole agencies to emphasize risk-management and surveillance activities without a corresponding change in their rehabilitative mission and ideology. Durkheim (1951/1979) believed that rapid changes in technology and organization affect social structures because they alter human environments and expectations, which in turn decreases the effectiveness of mechanisms of social control and integration. This creates anomie. Anomie in the parole system has two causes. The first is confusion over the contemporary mission of the parole system, with evidence of a drastic variation from the past. The second stems from the first; it is the use of casework and surveillance models in a way that is uncoordinated with a mission upon which to guide and evaluate parole officer activities and to define success. If the parole system is to be effective, it must resolve this confusion and function with clear and mutually compatible goals that cannot be easily swayed by politics and fear.

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Prospective Analysis

Principles of a 21st Century Parole System

Recent studies by Seiter (2002), Quinn (2003) and Gould, and West (2004) and Seiter, have shown that parole officers continue to emphasize social casework activities and have a desire for more treatment resources. Yet, their large caseloads and the public's punitive sentiment force them into a surveillance approach. Resolving this conflict between casework and surveillance supervision styles of parole is not impossible, but the search for a solution must focus on the parole system as a whole, not the parole officers or other constituent components. In short, this is a systemic problem that requires a systemic solution. According to sociologist James Coleman (1990: 2) "The principal task of the social sciences lies in the explanation of social phenomena, not the behavior of single individuals. In isolated cases, the social phenomenon may derive directly, through summation, from the behavior of individuals, but more often this is not so." In this regard, it is not the behavior of parole officers that drives the parole system. It is the system of parole—its missions, goals and objectives—that dictates the behavior of officers.

If the collective consciousness of Americans remains punitive and unforgiving towards parolees,

then the fulfillment of parole officers' desires for greater rehabilitative resources will be impossible and the system of parole will become less efficacious over time (Durkheim 1951/1979). If members of society can agree that a system of parole is necessary, then they must, at the very least, establish a fundamental principle by which parole can function. This principle should be community reintegration.

Freedom from prison is a continuous process of liberation as individuals strive for the right to once again become members of society (Simmel 1950). A parolee who fails to successfully integrate into his or her community may continue to live and act as a member of society, but at a greater social cost. This is because ignoring the productive potential of ex-offenders after release from prison by withholding resources that can strengthen their social capital will ultimately lead to recidivism for many of them out of desperation to survive (Becker 1993; Adler and Kwon 2000). Eugene Kane (1999: 3) wrote in the *Milwaukee Journal Sentinel* that "If one of my kids had a drug problem, I wouldn't call the police or a prison warden to help him. I would find the best treatment possible, and if it didn't work, I'd find another one." Within necessary budgetary and legal limits, parole agencies should pursue a similar iterative goal of treatment, evaluation, and revised treatment.

In short, parole officer practices must be consistent with the parole system's ideological purpose. The first step toward reform is to recognize that there is a problem and that there is a need for change. The next step is to decide how to achieve systemic reform. This article is designed to help accomplish the former in the hope of hastening the latter.

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