

## SADHBHWALSHE

INSIDE STORY: THE US PRISON SYSTEM



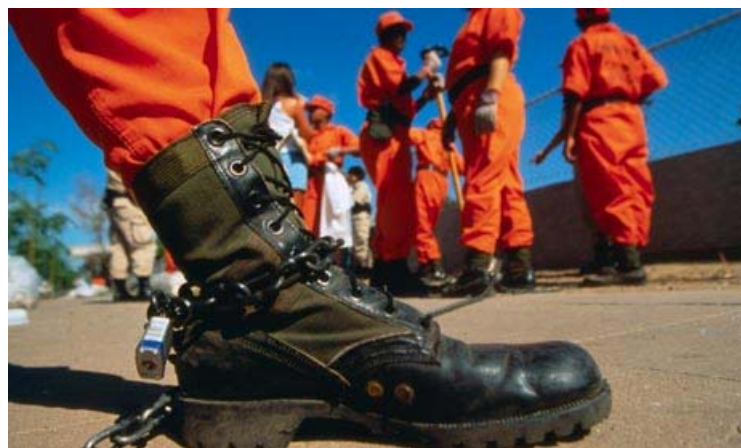
# Probation and parole: a study in criminal justice dysfunction

Probation and parole are intended to keep people out of prison, but poor administration means they just keep refilling it



**Sadbh Walshe**

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A female chain gang, Phoenix, Arizona. Photograph: Najlah Feanny/Corbis

The 2.3 million or so Americans currently doing time in prison have been getting a lot of attention of late, mostly because there are far too many of them and they are costing far too much. Far less attention has been paid to the additional 5 million Americans on parole, probation or some other form of correctional supervision. This is unfortunate as this latter group's numbers have been increasing at a much faster rate and, as it turns out, have been helping to swell, rather than shrink, the very prison population they are supposed to reduce.

Parole and probation are intended as alternatives to incarceration for eligible offenders not deemed a threat to public safety, with parole being granted at the end of a stint in prison and probation generally in lieu of one. But because the system, (or, more accurately, lack of a system) is overburdened, underfunded and haphazardly managed, it frequently functions just as well as a feeder system, ensuring prison beds do not stay empty for long. In fact, [according to a report compiled by the Pew Center for the States \(pdf\)](#), parole violators accounted for over a third of all prison admissions in 2005 and

"half the US jail population is the consequence of failure of community supervision."

This is an unfortunate state of affairs at a time when no one (and no state budget, certainly) has money to be wasting. The average daily cost of supervising a probationer in the fiscal year 2008 was \$3.42, while the average daily cost of keeping an inmate in prison is \$78.95. Obviously, if the offender is not a danger, it makes more sense to get him (it nearly always is "him") back on his feet and as far away from the dependency model that is prison as soon as possible.

Even the so-called "tough on crime" contingent is starting to see that rehabilitation is a more viable alternative, fiscally at least, than prolonged incarceration. Yet, in all but a few jurisdictions, little or nothing is done to help keep probationers on the straight and narrow, or to help former prisoners reintegrate. In some ways, the system seems guaranteed to fail both them and itself.

There are two ways parolees and probationers end up in prison: committing a new crime or committing a technical violation of their probation terms. Exact numbers are hard to come by, but analysts estimate that only about half of violations are the result of a new crime. Ideally, both scenarios can be avoided; the former by establishing adequate support systems to help offenders get jobs and get off drugs; the latter by exercising some common sense regarding what constitutes a violation.

Offenders who fail to show up at their meetings because they cannot pay the probation fees should not be sent to prison. Neither should drug-addicted offenders who cannot participate in the required treatment program because it is not available in their area; nor unskilled and uneducated offenders who can't find gainful employment; nor indigent offenders who are unable to establish a stable residence and support any dependents; nor illiterate offenders who cannot fill out the right forms. Yet, these kinds of "violations" are often enough to put people in prison or get them sent back to prison, as this story told by an ex-offender illustrates.

"When I was in the halfway house, a very nice man, James, living there was working at the Sacramento Bee as a janitor. James' wages supported his wife and children and he was well on his way to a successful re-entry. Because he had great difficulty with writing and arithmetic, he was late in turning in his reports to his probation officer three months in a row. One morning when he was at work, James was thrown over a desk, handcuffed, and dragged off to prison, costing him his job and leaving his family without his paycheck.

"James had not committed a new crime: he hadn't complied with the paperwork requirements of his parole. The decision to send him back to prison was a waste of taxpayers' money, and a tragedy for James and his family."

On the flip side, many offenders can, and do, get away with multiple violations without sanction, which encourages more bad behavior until the transgressions reach a tipping point and they get in front of the wrong judge in the wrong mood, who locks them up for 20 years. It was this inconsistency that led Judge Steven Alm to set up Hawaii's Opportunity Probation with Enforcement program (Hope), which has proven to be a highly effective means of reducing recidivism and getting offenders off drugs. Hope's success relies on the concept of swift and certain punishment, or "flash incarceration", so that a violation will result in a few days in prison (or a weekend in prison, if you have

a job), but will spare the offender years or even decades of prolonged and counterproductive confinement.

So far, however, other states have been reluctant to adopt Hope's model, even though it has succeeded in doing exactly probation is supposed to do: keep more people out of prison.

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