

# Restore Justice Foundation

## Criminal Justice Issues and Prisoners' Rights

<https://restorejustice.org/learn/why-parole-matters/>

### Policy Issue Resources

In 1978, Illinois joined the minority of U.S. states that chose to abolish their discretionary parole. Since then, the prison population in Illinois skyrocketed by over 500 percent, from roughly 6,000 inmates in the 1970s to over 40,000 today. And while not the only reason, the abandonment of discretionary parole was [a certain factor contributing to our states current prison crisis](#).

At core, parole is a period of supervised, early release from prison. It is an alternative to incarceration that when done right can reduce prison costs and reduce crime. Yet there are no shortage of myths surrounding parole in Illinois, from the assumption that it doesn't work to the belief that Illinois already has parole in the form of determinate sentencing and mandatory supervised release (MSR).

Surprisingly (or maybe not), these myths are often held by the legislators who vote on parole bills.

We think it's important that people have answers. For that reason, Restore Justice has put together a primer on parole as it relates to Illinois. Some of the topics it touches on include:

And finally, [you can learn more about our current efforts to restore parole here](#).

*For a full printable copy of the Primer, including footnotes and the appendix Rules for parole eligibility and consideration in select states, download the PDF*

*April 2018*

In 1978, Illinois abolished discretionary parole system. Today, it remains one of just sixteen states (plus the District of Columbia) without any means for incarcerated people to earn parole. While not the only factor, the abandonment of parole has contributed directly to increased sentence lengths and more crowded prisons.

Parole describes the practice of releasing inmates before the completion of their maximum, court-appointed sentence. These released individuals or parolees then serve the remainder of their sentence under a period of supervised and conditional release, during which failure to follow certain rules may lead to the revocation of parole.

There are two types of parole: discretionary and mandatory that differ in how release is granted.

In discretionary systems, release is granted following a decision by a parole board, which grants or withholds parole based on its assessment of individual cases.

In contrast, mandatory systems automatically release individuals to parole (i.e. without a hearing) when certain legally binding conditions are met. This type of parole is reserved for individuals serving time for less serious offenses. Mandatory parole can also describe the practice of automatically releasing individuals to serve a pre-set final portion of a court-appointed sentence (e.g. the last 6 months) outside prison walls and under supervision.

Parole is related to the concepts of **indeterminate and determinate sentencing**. When a person is eligible for discretionary parole, they receive an indeterminate sentence range (e.g. 3 to 7 years, 45 to 170 years). Individuals become eligible for parole at the minimum of the sentence range and may remain behind bars without being granted parole for up to the maximum for the range, after which they are automatically released.

In contrast, determinate sentences are set terms (e.g. 8 years, 30 months). Because they are predetermined, individuals given determinate sentences cannot earn parole, though they still be released earlier than their court-appointed term through other mechanisms.

#### Other types of supervised or early release

Sometimes, the term parole is used to refer to other mechanisms of early release, or other types of post-prison supervision. A number of these practices and how they differ from parole are described below:

When state legislatures across the nation began abolishing parole in the late 1970s, their rationale was often that parole failed to increase public safety or reduce repeat offenses. And indeed, old data plus a few isolated cases of parolees committing new serious crimes did seem to suggest the inefficiency of parole.

More up-to-date research now shows discretionary parole can effectively reduce the likelihood of new crimes. The [Pew Charitable Trusts](#) found that parolees in New Jersey were 36 percent less likely to commit new crimes and return to prison compared to maxouts, or individuals released at the end of their term and without parole supervision. Separately, a 2005 study by the [Urban Institute](#) compared the benefits of discretionary parole to both unconditional releases and mandatory parole. The authors of the Urban study found that for black men with few prior arrests and women, parole could reduce the predicted likelihood of their rearrest by up to 20 and 34 percentage points, respectively, compared to unconditional release.

## Technical violations, not new crimes, drive most of parole rearrests

Some studies suggest parole does not effectively reduce recidivism. These studies point to the comparable rates of recidivism between parolees and individuals released without supervision at the end of their prison terms.

But recidivism definitions are inconsistent. Some sources of data fail to differentiate technical violations from new crimes, rearrests from returns to prison, or new felony convictions from new misdemeanor convictions (for more on the topic of recidivism, you can check out our resource on understanding recidivism).

Only parolees and other individuals under parole-like supervision may be arrested and returned to prison for technical violations. This can include missing an appointment with a parole officer, alcohol consumption, or failing to find a suitable home.

When data sources distinguish between technical violations and other offenses, the benefits of parole become clearer. For instance, in their [2015 report](#), the Bureau of Justice Statistics (BJS) reported that while 34 percent of Illinois over 24,300 individuals exiting mandatory supervised release (MSR) or parole returned to prison, only 1 in 5 of these individuals were re-imprisoned for new crimes. That means that for all individuals in Illinois exiting parole-like supervision in 2015, only about 7 percent were reincarcerated for new offenses.

These data are especially noteworthy when one considers that the majority of parolees in Illinois are on MSR and not parole. This means that most of these released individuals were not granted release based on a careful assessment of their likelihood to reoffend.

## People convicted of violent offenses are less likely to reoffend

Many express concern that granting parole to individuals convicted of violent offenses means that should they offend these individuals will inevitably commit new violent crimes. But the data tells another story.

**Table 1** reports data from BJS on the rates at which individuals with different types of prior offense are rearrested, reconvicted or sent back to prison for new felony sentences within 3 years. [\[3\]](#)

### Table 1. Rates of rearrest, reconviction and returns to prison with new sentence within 3 years, stratified by number of prior arrests and offense type

These data suggest that:

What about the relationship between a person's original offense and subsequent ones? When they do commit new crimes, are people previously convicted of violent offenses more likely to commit new violent felonies upon release?

A study from BJS sought to answer this question by examining the correlation between a person's original committing offense and arrests for subsequent, post-release offenses. **Table 2** recreates a BJS table on 5-year rearrest rates for prisoners from 30 states, broken out by original and post-release offense.

### Table 2. Rate at which individuals are rearrested within 5 years for certain types of offense, based on type of original committing offense

Recall that rearrests do not automatically equate to new convictions or prison terms (as evidenced in **Table 1**).

No matter what an individual's original offense, BJS found that the most serious offense for over half of all rearrested individuals were for public order offenses, which include disorderly conduct, loitering, and similar crimes.

And while those convicted of violent crimes were more like than other individuals to be rearrested for a violent offense, they are also less likely than individuals convicted of property crimes from reoffending in the first place.

## Parole supervision costs less than incarceration

According to [a 2015 spokesperson](#) from the Illinois Department of Corrections, it costs Illinois roughly \$22,000 to house an inmate for one year, compared to the \$2,000 it costs annually to place that person on parole. This lines up with national data from a Pew study that put the cost of placing a person behind bars for a single day is on par with 10 days of parole supervision.

Among the 33 states that offer parole, there is wide variation in how parole systems operate. States differ in how they define parole eligibility, and how they address re-hearings following a decision by the board to deny parole. Still, a number of trends are evident:

### Are individuals convicted of violent offenses eligible for parole in these states?

States diverge on how individuals convicted of violent offenses are treated in terms of parole eligibility. Overall, many (but not all) of states require individuals to serve a longer portion of their court-dispensed sentence behind bars (as can be seen in the above examples). That said, most states do not allow parole for individuals who receive convictions for separate violent offenses.

A few more examples:

### How many times and how regularly may a person be reconsidered for parole following a denial in states that offer parole?

With few outliers, most states with parole do not limit the number of times a case can be reheard following a parole denial. Rather, reconsideration is restricted more by the limitations states place on the period of time individuals must wait before applying for rehearing. Some states grant parole boards the authority to determine that period, while others designate a time window.

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A few examples:

### **What sort of youth-specific parole (or parole-like) systems exist in other states?**

Many states have enacted policies that provide special consideration to individuals who enter prison as young people. A few examples:

A special thanks to Jean Snyder and the team at Project 1-11.

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