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The Case for Parole Reform Following COVID-19

As we have known for over the past year, the COVID-19 pandemic has radically affected the country in numerous ways. Schools and jobs shifted online, people were required to maintain appropriate “social distance” from others, and anyone in a public space was mandated to wear a mask. These changes, though important, were unequivocally disruptive for the vast majority of Americans. However, while our collective attention was focused on when restaurants would reopen or how much toilet paper we should purchase, it soon became evident that daily life was not the only aspect of society challenged by COVID-19. One crucial example is how the country’s carceral system floundered, being rapidly overrun with the virus, and placing correctional staff and residents alike at much higher risk of contraction and death than the average American. In fact, at the height of the pandemic, carceral residents were twice as likely to die from COVID-19 than their non-incarcerated counterparts according to data from the Marshall Project, the CDC, and the U.S. Bureau of Justice (Levenson, 2020).

Consequently, many states realized prison and jail facilities could no longer maintain the status quo, and thus enacted reforms to combat the spread in those institutions. Among such reforms were easing restrictions of parole as well as expanding parole for mostly individuals convicted of non-violent offenses and, in some instances, certain violent offenses. Underlying the decision for parole reform in these states was the notion that fewer bodies in confinement was the paramount strategy for curtailing infection rates. When one considers how the Bureau of Justice Statistics report for 2019 detailed approximately 1,430,800 prisoners were under state and federal jurisdiction in addition to 21 states and the Bureau of Prisons meeting or exceeding their

minimum bed capacity for residents, it seems prudent to facilitate parole for as many people as sensibly possible during a pandemic (Carson, 2020). In Maryland, Governor Hogan signed executive orders directing the Parole Commission to expedite parole for hundreds of carceral residents aged 60 years or older as well as those with records of good behavior while within incarceration with the hopes of stemming new infections. (*Hogan Orders Expedited Early Release for Some Inmates*, 2020). Similarly, California's Governor Newsom enacted executive reforms to release around 2,100 individuals on a three-month parole credit (Allyn, 2020). Though spurred to action by the virus, parole reform also serves to improve the criminal justice system well beyond the scope of reducing infection rates in prison and jail facilities. These additional benefits should be considered equally as important as the desire to mitigate COVID-19 when discussing the importance of and need for parole reform.

One extraordinary benefit parole reform brings to the table is the probable reduction of recidivism rates. Excessive recidivism plagues the American carceral symptom, and what makes matters worse is a plurality of those returning to state jurisdiction do so for technical violations of their parole rather than committing new crimes. Technical violations are when a supervised individual violates certain stipulations in their parole, such as arriving late to a meeting with a supervising officer, failing drug tests, or failing to pay recurring fines. Alarmingly, in 2017 the Council of State Governments reported around 25 percent of all state prison admittances were individuals charged for technical violations of their parole, highlighting the true extent of unnecessary recidivism (*Policy Reforms Can Strengthen Community Supervision*, 2020). The unfortunate reality of the American parole system is that the nature of parole has transformed since its inception from being primarily focused on providing social services for supervised individuals to simply surveilling them above anything else (Turner, 2016). By alleviating the

harshest conditions of parole, states can redirect punitive outcomes, namely recidivism, into successful community integration.

Two states that recently enacted laws aimed at streamlining the parole process are Louisiana and Mississippi. Louisiana's House Bill 77 outlines that all work schedules of supervised individuals must be accommodated and respected, which aids in preventing increasing recidivism based on technical violations. Furthermore, H.B. 77 bestows the option for parolees to attend virtual meetings with a supervising officer, replacing the longstanding tradition of requiring strictly physical meetings. A change as basic as enabling virtual meetings leads to a world of a difference for many supervised individuals, as now they are presented with the opportunity to satisfy their requirements for parole without having to leave potential employment or rehabilitative programs. Louisiana's parole reforms could not have been implemented soon enough, as the state currently experiences a three year resident rate of return of 35.6% according to a 2020 report from the Louisiana Department of Public Safety and Corrections. Likewise, Mississippi's Senate Bill 2795 mandates the parole board must work in tandem with the state's Department of Corrections to encourage rehabilitation in parole case plans, and that such case plans must be declared feasible prior to the any supervised individual's eligibility date, hearing date, or date of release. Expanding upon the focus on rehabilitation, S.B. 2795 also grants authority to the Department of Corrections to draft contracts with regional jails that offer rehabilitative programs to include state parolees. Mississippi actually suffers from a slightly worse rate than Louisiana, reaching around 35.9% overall return rate according to the most recent report conducted by the Mississippi Department of Corrections. Given that both states are traditionally conservative in their approach to criminal justice, the reforms brought

forth by H.B. 77 and S.B. 2795 are encouraging steps in the right direction and serve as an example that any state is capable of parole reform.

While the benefits of parole reform are numerous, there are critics who assert community safety will be endangered should states “release more criminals early.” Fear of parole reform is understandable, especially in certain areas of the country with a strong sense of law and order. However, there is no existing credible evidence revealing any correlation between significant rise in new crimes and the passing of parole reform. Indeed, evidence points to the contrary. The most effective antidote to prevent parolees from actually committing new crimes is successful integration back into society. Unnecessary and unyielding enforcement of surveillance and draconian requirements to parole only serves to prevent this integration and sends people back to prison where they will only become more radicalized criminals (Rizer, Bala & Mooney, 2020). Conditions such as mandatory fines at best do nothing to provide for public safety, and at worst pressure parolees to commit new crimes to obtain the money in order to pay them (Rizer, Bala & Mooney, 2020). Mississippi is an initial example of how parole reform can pay dividends for public safety. After their new reforms were set in motion, Mississippi witnessed a 6% decline in crime rate (Canaparo, 2020). Additionally, as of 2020 Texas has increased parole approvals and experienced a following drop in crime rates (McCollough, 2020).

Given the good parole reform can do for this country, it is more vital than ever following the pandemic for every state to engage in changing all factors of parole to emphasize rehabilitation and successful community involvement. Such engagement, however, requires participation from citizens residing in communities where reforms have either not been implemented or have not gone far enough. Therefore, every individual reading this should contact their congressional representative, senators, and governor advocating for sensible parole

reform as soon as possible. Using the evidence from the positive implementation of parole reform in your emails or letters will be effective in putting pressure on those with the authority to make the necessary change to our largely ineffective parole system.