# Save Parole Supervision

BY ROBERT MARTINSON, PH.D., AND JUDITH WILKS*

THE INCREASING attacks on the institution of parole in the United States today fail to distinguish between parole as a method for releasing offenders from (or returning offenders to) imprisonment and parole as a method for supervising offenders in the community. These two distinct functions need to be separately evaluated for an overall assessment of the usefulness of parole and its fairness in our system of criminal justice.

The parole release (and revocation) decision is inseparable from the indeterminate sentence. Decisionmaking is a quasi-judicial process carried on by small groups of appointed officials organized into Parole Boards. Parole supervision, on the other hand, is not dependent on the indeterminate sentence. It is a method for controlling, helping, or keeping track of offenders in the community. For hundreds of thousands of convicted offenders, it is a major institutional alternative to extended periods of imprisonment. The supervision functions of parole are carried on by an extended network of thousands of agents organized into parole district offices and divisions.

The essential criterion of parole as a quasi-judicial process is simple fairness and equity. Such issues are especially critical when unreviewed discretion involves deprivation of liberty. Many critics have rightly argued that the parole decisionmaking process is lamentably brief for such an important decision, lacking in essential elements of due process, frequently arbitrary and subject to political interference, and based in part on a myth that parole boards have the ability to accurately predict when a particular offender is "ready" for parole.

The usual criterion for assessing parole supervision has been how *effective* it is in reducing the criminal behavior of those under supervision. Such effectiveness need not be gained at the price of unfairness. On the contrary, since the consequence of engaging in criminal behavior is to be reimprisoned, supervision which is effective directly contributes to fairness in the sense that fewer offenders are deprived of their liberty. By preventing or inhibiting criminal behavior, effective parole supervision insures that fewer offenders will be rearrested, convicted, and returned to prison.

Unfortunately, in their haste to restrict or eliminate the Parole Board decisionmaking function (and the indeterminate sentence on which it rests), some critics propose to throw the baby out with the bath water. Yet there is no reason why a mandatory and definite parole sentence could not be substituted for the present system of parole board discretion and conditional release under threat of revocation for rule-breaking.[1] And those who propose such radical surgery would do well not to speak in the name of the offender for there is grave danger that the overall consequence of abolishment of parole supervision would be to consign larger numbers of offenders to prison.

One critical empirical question that must be answered is: Would the abolition of the present system of parole supervision increase or decrease the rates at which persons released from incarceration would be reprocessed into the criminal justice system? Previous research has not addressed this question. Such research deals primarily with variants of parole supervision within the existing system.[2] Inferences from such research are speculative and do not permit a " . . . direct comparison of offenders under parole supervision with offenders set entirely free."[3]

Parole has never been a universal method for releasing offenders from incarceration, and therefore in most jurisdictions in the United States some persons are released on parole supervision while others are released at the expiration of their terms, i.e., "set entirely free." Clearly, the most

[1] See, J. Wilks and R. Martinson, "Is the Treatment of Criminal Offenders Really Necessary?," FEDERAL PROBATION, March 1976, pp. 3-9.
[2] See, for example, D. Lipton, R. Martinson, and J. Wilks, The Effectiveness of Correctional Treatment. New York: Praeger Publishers, 1975, sections on Probation and Parole.
[3] D.T. Stanley, Prisoners Among Us: The Problem of Parole, The Brookings Institution, Washington, D.C., 1976, pp. 181-2.

obvious research method, available to researchers since parole was established in the United States, would be controlled comparisons of persons released under parole supervision with comparable persons released directly from imprisonment without parole supervision. This is the method to be used in the present analysis.

## The Survey

The data presented in table 1 are taken from a larger survey of criminal justice research. The survey was designed to provide a standard procedure for maximizing the accumulation of existing information so that substantive questions can be answered and decisions taken on matters of public policy. For a description of the search procedure, the classification of documents received, and the variables coded, it is necessary to read the preliminary report.[1] The present substudy illustrates the utility of the procedure adopted.

Two key concepts were employed in collecting, coding, and organizing the data taken from more than 600 recent documents: the "batch" and the "computable recidivism rate."

*Batch.*—A "batch" is any number of persons at some specifiable location in the criminal justice system for whom a "proper" recidivism rate is computable. A proper recidivism rate must specify what *proportion* of a batch are recidivists. The term "parent batch" refers to a universal set which contains two or more batches. For example, a universal set of, say 1,000 male and female parolees may be broken into one batch of 800 *male* parolees and one batch of 200 *female* parolees. Each of these batches is coded as "exclusive" since together they exhaust the parent batch and have no members in common. All batches in table 1 are exclusive batches with an N of 10 or more.

*Recidivism Rate.*—The primary unit of analysis in the survey is the computable recidivism rate. Each such rate specifies what proportion of any batch shall be identified as "recidivists" according to whatever operational definition of recidivism is utilized by the researcher. Such an operational definition will normally specify the length of time

which the batch was followed up in addition to the criminal justice action (arrest, suspension, conviction, return to prison, and so forth) which led to the decision to classify a particular person as a "recidivist." All such definitions were coded into seven categories. Three of these categories—arrest, conviction, and return to prison with a new conviction—were judged to be appropriate for a comparison of parolees and persons released from incarceration with no supervision ("max out").[5]

The term "system re-processing rate" specifies precisely what is being measured in table 1. An "arrest," for example, is an event that can occur to a person under the jurisdiction of criminal justice, and an arrest *rate* simply reports what proportion of any batch included in table 1 were reported as being reprocessed in this way in the documents coded in the survey.

Each recidivism rate in the survey has been coded with additional items of information. The coding system developed was guided by the primary aim of the accumulation of knowledge based on the existing state of the art in criminal justice research. Codes were designed to maximize the information produced by the standard procedures now used in the body of documents encountered. Many of the items specify critical methodological features of the study, such as whether the batch is a population or a sample, the type of research design utilized, months in followup, months in treatment, the type of population or sample (e.g., "termination" sample), and so forth. Since studies report information on the characteristics of batches in a bewildering variety of ways, a standard attribute code was developed so as to maximize the reporting of such information as educational attainment, current offense, race, class position, family status, and so forth.[6] In addition, it was possible to code a considerable number of batches (and therefore rates) with such information as mean age, months in incarceration, sex, whether the batch consisted primarily of narcotics cases or persons with alcohol problems, and so forth.

## Procedure

The procedure adopted was to exhaust the survey data base of all meaningful comparisons between adult offenders released from incarceration to parole supervision and comparable groups of adult offenders not released to parole supervision ("max out"). This was a simple sorting

[1] See, R. Martinson and J. Wilks, *Knowledge in Criminal Justice Planning, A Preliminary Report*, October 15, 1976, pp. 58 (processed).

[5] The other four categories were: 100% minus "success" rate; short of arrest (i.e., AWOL, absconding, suspension, and similar); return to prison for technical violation; and return to prison for technical plus new conviction. Three of these categories were eliminated because they cannot happen to max out groups. The fourth 100% minus "success" rate—was eliminated because of possible problems in interpreting the meaning of the measure.

[6] The proportion in which any attribute was present in a batch was coded as follows: 1 = 0-24.9%; 2 = 25-49.9%; 3 = 50-74.9%; and 4 = 75-100%.

TABLE 1.—*Mean recidivism rates*

| BATCH CHARACTERISTIC | DEFINITION: ARREST | | | | | CONVICTION | | | | | NEW PRISON SENTENCE | | | | |
| | PAROLE | | MAX OUT | | | PAROLE | | MAX OUT | | | PAROLE | | MAX OUT | | |
| | X | N* | X | N | D** | X | N | X | N | D | X | N | X | N | D |
| 1. Batch N 100-499 | 26.9 | 81 | 32.8 | 12 | 5.9 | 20.5 | 68 | 25.9 | 22 | 5.4 | 11.0 | 227 | 14.7 | 44 | 3.7 |
| 2. Male | 25.2 | 174 | 39.5 | 32 | 11.3 | 19.1 | 85 | 29.6 | 21 | 10.5 | 11.3 | 393 | 14.3 | 58 | 3.0 |
| 3. % White 0 to 24.9 | 20.8 | 38 | 31.0 | 17 | 10.2 | 12.8 | 18 | 22.8 | 6 | 10.0 | 13.3 | 24 | 22.8 | 6 | 9.5 |
| 4. Total Population | 20.8 | 62 | 37.7 | 22 | 16.9 | 13.9 | 31 | 28.1 | 25 | 14.2 | 9.7 | 593 | 14.5 | 67 | 4.8 |
| 5. Termination Sets | 24.4 | 206 | 42.1 | 25 | 17.7 | 21.3 | 79 | 35.7 | 17 | 15.4 | 10.9 | 603 | 14.9 | 71 | 4.0 |
| 6. After-Only Research Design | 25.2 | 96 | 42.3 | 27 | 17.1 | 21.8 | 60 | 28.9 | 25 | 7.1 | 10.9 | 581 | 14.8 | 73 | 3.9 |
| 7. Research done in 1970's | 24.0 | 178 | 43.6 | 42 | 19.6 | 18.1 | 66 | 28.9 | 25 | 10.8 | 9.8 | 543 | 14.8 | 73 | 5.0 |
| 8. Standard Treatment | 27.4 | 129 | 43.0 | 39 | 15.6 | 19.3 | 96 | 29.9 | 26 | 10.6 | 10.3 | 584 | 14.9 | 72 | 4.6 |
| 9. 7-12 Months Follow-up | 24.6 | 85 | 43.7 | 12 | 19.1 | 15.6 | 66 | 22.8 | 6 | 7.2 | 8.7 | 250 | 5.2 | 15 | -3.5 |
| 10. 19-24 Months Follow-up | 28.4 | 41 | 57.5 | 10 | 29.1 | 20.9 | 11 | 32.5 | 5 | 11.6 | 11.0 | 170 | 11.2 | 15 | .2 |
| 11. 25-36 Months Follow-up | 28.9 | 25 | 49.5 | 4 | 20.6 | 17.8 | 15 | 27.5 | 10 | 9.7 | 15.5 | 79 | 18.9 | 16 | 3.4 |
| 12. Measured Only After Treatment | 28.3 | 8 | 43.4 | 36 | 15.1 | 46.3 | 11 | 33.2 | 15 | -13.1 | 14.9 | 48 | 13.9 | 62 | -1.0 |
| 13. % Property Offenders 50-74.9 | 16.6 | 39 | 34.5 | 6 | 17.9 | 13.0 | 70 | 22.8 | 6 | 9.8 | | | | | |
| 14. % First Offenders 0-24.9 | 29.5 | 32 | 37.5 | 10 | 8.0 | 13.8 | 14 | 22.8 | 6 | 9.0 | | | | | |
| 15. Not Primarily Narcotic Users | 32.5 | 5 | 32.5 | 5 | 0 | 5.9 | 7 | 22.8 | 6 | 16.9 | | | | | |
| 16. Not Primarily Alcohol Problems | 43.4 | 9 | 36.2 | 6 | -7.2 | 13.7 | 12 | 22.8 | 6 | 9.1 | | | | | |
| 17. % White 25-49.9 | 27.8 | 39 | 51.2 | 9 | 23.4 | 44.5 | 7 | 30.7 | 13 | -13.8 | | | | | |
| 18. Mean Age 25-34.9 | 22.2 | 51 | 40.5 | 25 | 18.3 | 20.9 | 28 | 23.1 | 7 | 2.2 | | | | | |
| 19. % High School Graduates 0-24.9 | 25.5 | 67 | 41.2 | 9 | 15.7 | 19.8 | 17 | 22.8 | 6 | 3.0 | | | | | |
| 20. Measured over Same Time at Risk | 22.6 | 26 | 44.0 | 19 | 21.4 | 18.7 | 55 | 18.9 | 9 | .2 | | | | | |
| 21. Months Incarcerated 12-17 | 17.3 | 36 | 40.8 | 8 | 23.5 | 17.5 | 10 | 28.2 | 19 | 10.7 | | | | | |
| 22. % From Broken Families 50-74.9 | 32.3 | 9 | 32.5 | 5 | .2 | 19.3 | 23 | 22.8 | 6 | 3.5 | | | | | |
| 23. Comparison Group | 28.3 | 79 | 42.5 | 15 | 14.2 | | | | | | 9.9 | 126 | 14.5 | 9 | 4.6 |
| 24. Batch N=50-99 | 20.9 | 53 | 64.5 | 1 | 43.6 | | | | | | 12.6 | 62 | 15.5 | 10 | 2.9 |
| 25. Sample | 25.9 | 62 | 48.1 | 22 | 22.2 | | | | | | 14.0 | 145 | 16.3 | 11 | 2.3 |
| 26. "E" Group | 23.7 | 84 | 42.5 | 5 | 18.8 | | | | | | | | | | |
| 27. % Property Offenders 25-49.9 | 21.1 | 29 | 48.5 | 10 | 27.4 | | | | | | | | | | |
| 28. Batch N=10-49 | 22.8 | 72 | 44.1 | 28 | 21.3 | | | | | | | | | | |
| 29. Primarily Narcotics Users | 29.0 | 20 | 29.5 | 6 | .5 | | | | | | | | | | |
| 30. Mixed Sex Batch | 28.6 | 39 | 51.7 | 9 | 23.1 | | | | | | | | | | |
| 31. % From Broken Families 0-24.9 | 29.3 | 31 | 51.2 | 3 | 21.9 | | | | | | | | | | |
| 32. % High School Graduates 25-49.9 | 33.5 | 10 | 37.0 | 4 | 3.5 | | | | | | | | | | |
| 33. Lowest Class | 34.1 | 22 | 45.8 | 8 | 11.7 | | | | | | | | | | |
| 34. Non-Random Research Design | 24.4 | 93 | 43.9 | 17 | 19.5 | | | | | | | | | | |
| 35. 1-6 Months Follow-up | 15.5 | 61 | 29.5 | 12 | 14.0 | | | | | | | | | | |
| 36. 13-18 Months Follow-up | 30.1 | 16 | 32.5 | 5 | 2.4 | | | | | | | | | | |
| 37. Months Incarcerated 24-29 | 29.5 | 32 | 31.2 | 3 | 1.7 | | | | | | | | | | |
| 38. Months Incarcerated 30-36 | 36.2 | 6 | 59.5 | 6 | 23.3 | | | | | | | | | | |
| 39. % Property Offenders 0-24.9 | | | | | | 20.5 | 15 | 30.5 | 10 | 10.0 | | | | | |
| 40. Highest Class | | | | | | 20.8 | 19 | 22.8 | 6 | 2.0 | | | | | |
| 41. Batch N=500+ | | | | | | | | | | | 9.3 | 378 | 13.9 | 18 | 4.6 |
| 42. 37-60 Months Follow-up | | | | | | | | | | | 13.5 | 87 | 18.4 | 18 | 4.9 |
| 43. 60+ Months Follow-up | | | | | | | | | | | 14.1 | 22 | 25.4 | 7 | 11.3 |
| TOTAL | 24.5 | 235 | 42.9 | 44 | 18.4 | 19.7 | 135 | 29.9 | 26 | 10.2 | 10.5 | 738 | 14.8 | 73 | 4.3 |

*N = NUMBER OF RATES          **D = MAX OUT MEAN MINUS PAROLE MEAN

operation with an IBM counter-sorter. From a total pool of 5,804 recidivism rates for batches of adult persons in the United States and Canada released under parole supervision, those rates which fell in the category of "arrest" (N = 235), "conviction" (N = 135), and "return to prison with a new conviction" (N = 738) were sorted out. A similar sort for adult max out rates resulted in 44 arrest rates, 26 conviction rates, and 73 return-to-prison-with-new-conviction rates. The total number of rates produced by these initial sorts are found at the bottom of table 1.

The cards were then sorted on the variables which had been coded in the survey making no distinction between items which were primarily methodological (e.g., time in followup) and those which were primarily descriptive of a batch (e.g., mean age, sex, percent property offenders). All code categories for which at least two rates were reported for both parole and max out were located. Mean rates for these code categories were computed, and are presented in table 1.[7]

### Discussion

Item 1 can be used to illustrate how the table should be read. For parole, there were 81 recidivism rates where "arrest" was the measurement of recidivism and for which the batch size fell between 100 and 199. The mean of these 81 rates was 26.9. For this same batch size (100-199), there were 12 max out rates, and the mean of these rates was 32.8. The difference between these two means is 5.9.

Reading across the table, for the "conviction" definition the mean rates for parole and max out were 20.5 and 25.9, respectively. For the "return to prison with new conviction" definition these means were 11.0 and 14.7. Turning to a different batch size of 50-99 (item 24), one notes that comparisons could only be made for two of the three definitions. For some variables comparisons were possible for only one definition.

This table presents data in a manner which is similar to the procedure of simultaneously controlling for adulthood, definition of recidivism, place in the criminal justice system (i.e., parole vs. max

out), and at least one additional variable. Given the number of rates available, it would have been possible to have controlled for one (or even more) variables in addition to the four specified above. For reasons of time, these additional controls were not attempted.

It is interesting to note that in 74 of the 80 comparisons contained in table 1, the mean of the recidivism rates for parole is lower than for max out. This is the case whether the final variable controlled is methodological or sociodemographic. For the arrest definition, the differences in favor of parole range from a low of 0.2 (item 22) to a high of 43.6 (item 24). For conviction, the differences in favor of parole range from 0.2 (item 20) to 16.9 (item 15). For new prison sentence, the differences in favor of parole range from 0.2 (item 10) to 11.3 (item 13).

In 6 of the 80 comparisons, the mean of the rates for max out is equal to or lower than the mean for parole. These six cases are unsystematically distributed throughout the table. In three instances the final control variable is methodological; in three it is sociodemographic. Two cases fall under the arrest definition; two under conviction; and two under return to prison. These six exceptions do not suggest to us any particular set of conditions which might be further explored to discover subgroups of offenders, or contexts, for which max out would be a superior policy for criminal justice.

Data contained in our Preliminary Report provided a starting point for this analysis. This initial data (based on 3,005 rates coded at that time) indicated that the mean of the rates for parole (25.4) was somewhat lower than the mean of the rates for max out (31.6). This six percentage point difference resulted from a comparison which did not further control for the definition of recidivism, for adult vs. juvenile, or for any of the other variables utilized in table 1. Increasing the total number of rates, and simultaneously controlling for four additional variables has led to the discovery of larger mean differences between parole and max out.[8]

### Summary

Those who propose the abolition of parole supervision in this country often speak of "fairness to the offender." It is difficult to detect in table 1 evidence of such fairness. On the contrary, The evidence seems to indicate that the abolition of parole supervision would result in substantial

[7] Multiplying the total number of coding categories (97) by the three definitions gives a total of 291 possible comparisons if sufficient data had been present. Eliminating 23 cases where data were reported as "unknown," 38 cases in which there were less than two rates in a category of either parole or max out, and 131 cases in which no data were reported, leaves the 80 comparisons reported in table 1.

[8] This method is an application of standard research procedures. See, for example, P.F. Lazarsfeld, "Interpretation of Statistical Relations as a Research Operation," in: The Language of Social Research (P.F. Lazarsfeld and M. Rosenberg, ed.), Glencoe, Ill.: The Free Press, 1955.

increases in arrest, conviction, and return to prison. Those who wish to eliminate the unfairness of parole board decisionmaking might well concentrate on finding a specific remedy for this problem, a remedy which would not increase the very "unfairness" they deplore.

At the very least, the data in table 1 should give pause to those policymakers and legislators

who have been operating on the unexamined assumption that parole supervision *makes no difference*. In face of the evidence in table 1 such an assumption is unlikely.

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EDITORS' NOTE: An extensive bibliography of the studies from which the data in table 1 were taken is available from the authors at The Center for Knowledge in Criminal Justice Planning, 38 East 85th Street, New York, N.Y. 10028.

# The Imprisonment of Bank Robbers: The Issue of Deterrence

BY JAMES F. HARAN AND JOHN M. MARTIN*

AT THE PRESENT, the atmosphere of self-examination and evaluation within the criminal justice system has cast serious doubt on its touted rehabilitative aspirations and goals of the past several decades. The Director of the Federal Bureau of Prisons, for example, has publicly declared that prisons are for punishment and should not be expected to rehabilitate. James Q. Wilson, in a pessimistic overview of the current state of corrections, opts for locking up offenders for community protection.

## The Concept of Deterrence

This development is a throwback to the deterrent model developed by the Classical School of Criminology in the 18th and 19th centuries which held up punishment of the criminal as the most effective way of deterring the individual offender from a repetition of his crime (primary deterrence). Similarly, punishment, that is, the assignment of an appropriate sanction or penalty, was also considered the best way to deter potential offenders (secondary deterrence).

This philosophical assumption in favor of deterrence so permeates our present-day systems of criminal justice, that it increasingly serves as a basis for our entire structure of law enforcement replacing the rehabilitation model in current debate.

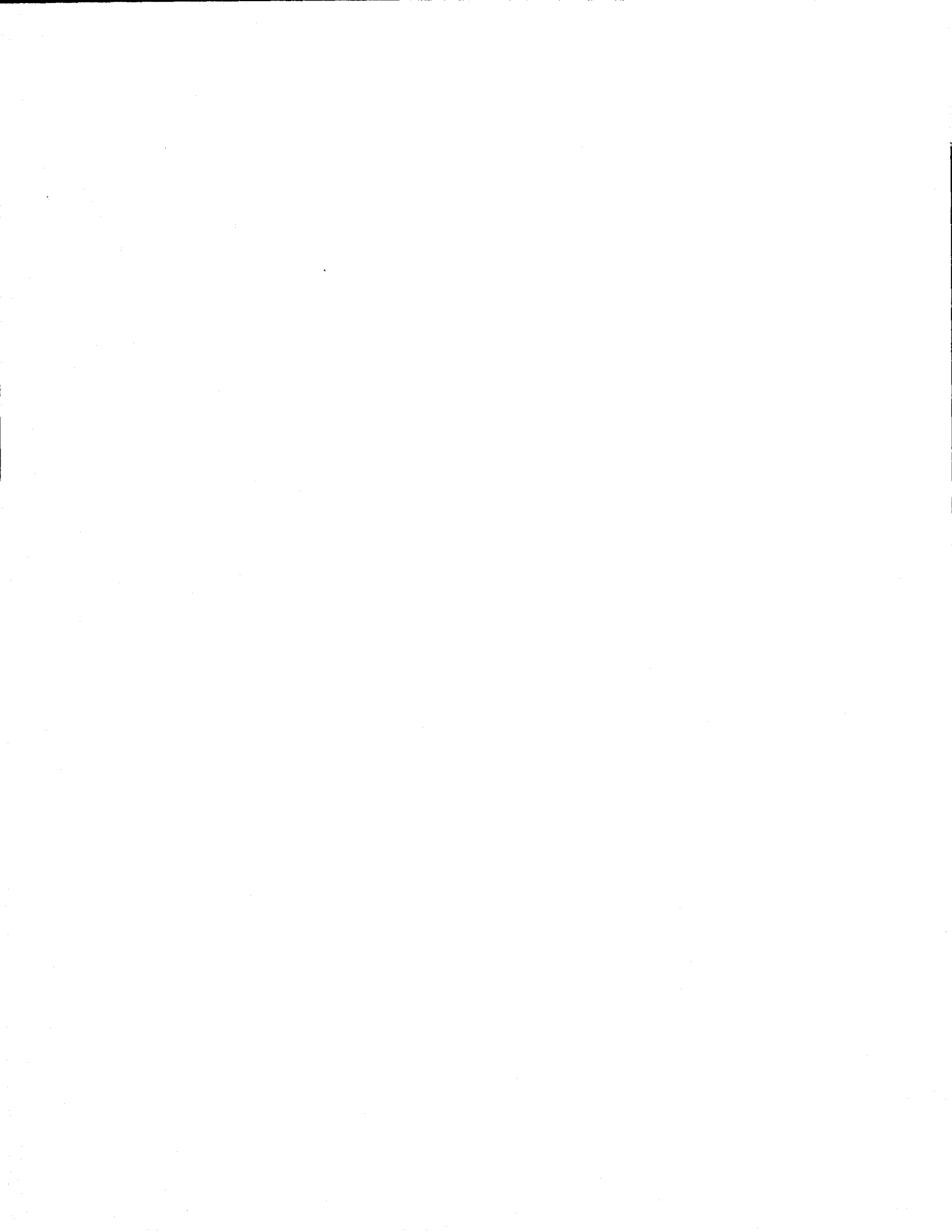Though crime rates continue to rise, it is nevertheless assumed that many potential criminals

are in fact deterred by the threat of the sanctions of the law. So strong is this assumption that it has taken on the aspects of a dogma. It is argued that if it were not for the deterrent effects of the law enforcement components of our criminal justice system, the crime rate would be even higher than presently recorded. There is in fact a substantial amount of theoretical writing which argues that deterrence is the primary purpose of State's sanctions against its erring citizens.

There are, of course, many who disagree with this position. There is certainly a lack of extensive data regarding the operation of the deterrent principle although the man in the street knows in his own mind that he is more cautious about speeding when he sees the traffic patrol car and knows that the speed limits are enforced. Nevertheless, there is a lack of definitive evidence either establishing or eliminating the purported effectiveness of the deterrence principle.

The long debate over capital punishment remains an outstanding example of the uncertainties involved in the issue. Dealing with this issue alone, opinions have ranged from one extreme to the other, and they all might be said to rest on "gut-feeling" value judgments that appear at times logical and most convincing, but remain unsupported by any factual data of significance. The French experience in Algeria; the long drawn out efforts of England to subdue the Irish; the American military experience with the Viet Cong; and the contemporary measures to control terrorism, all of which stress repression (sometimes large-scale), leave one with no conviction that

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