



Experts Suggest Broad Parole Reforms

Proposition 5, the Nonviolent Offender Rehabilitation Act (NORA), limits parole supervision to a maximum of 12 months for qualifying nonviolent offenders.

This reform is conservative when compared to reforms that numerous experts have recommended, and to proposals put forth recently by Gov. Arnold Schwarzenegger, including:

- Ending or dramatically reducing the imposition of parole on those who are least likely to reoffend (*Dr. Joan Petersilia, Professor of Criminology, Law & Society, UC Irvine; Special Advisor to Gov. Arnold Schwarzenegger, 2003-2007*).
- Waiving post-release supervision for certain low risk offenders with no history of violence (*Little Hoover Commission*).
- Waiving post-release supervision for low risk, nonviolent, non-sex offenders (*CDCR Expert Panel on Adult Offender Reentry and Recidivism Reduction*).
- Discharging parolees who are determined to be very low risk from parole three months after they are released from prison (*Corrections Independent Review Panel*).
- Eliminating active parole supervision (“summary parole”) for nonviolent and low-risk offenders (*Gov. Schwarzenegger*).
- Eliminating parole (“direct discharge”) for offenders never convicted of serious, violent, or sex offenses; offering earned early release after five months of clean time for those with prior, but not current, convictions for serious or violent crimes; earned early release after 16 months clean time for violent and serious offenders (*Senate Committee on Budget and Fiscal Review*).

The specific proposals regarding parole supervision are explained in more detail below.

NORA also changes the rules for nonviolent parolees who violate the terms of their supervision. Parolees with no serious or violent priors, no prior gang crimes and no prior sex offenses would be held accountable locally, not sent to state prison, for “technical” violations or misdemeanor conduct. For felony conduct, they could be returned to prison, as they are now, upon revocation.

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Major funding by George Soros and Bob Wilson • ID# 1302707 • Official Address: 555 Capitol Mall, Suite 1425, Sacramento, CA 95814
Contact: Drug Policy Alliance Network, 3470 Wilshire Blvd, Suite #618, Los Angeles, California 90010 • (213) 382-6400 • nora@drugpolicy.org

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Expert Recommendations on Parole

Dr. Joan Petersilia (Professor of Criminology, Law & Society, UC Irvine; Special Advisor for Policy, Planning and Research, Gov. Arnold Schwarzenegger, 2003-2007. "Understanding California Corrections," 2006.

Petersilia recommends ending or dramatically reducing the imposition of parole on those who are least likely to reoffend, which wastes resources and provides a negligible benefit to public safety (pg. 78).

California's nearly universal application of parole supervision undercuts public safety and inflates California's figures on recidivism, she argues. The state's inmates quickly "churn" into and out of the correctional system in a nonstop game of catch-and-release. The imposition of short, determinate sentences for parole violations ensures that offenders will be dumped onto the street whether or not they show a propensity for rehabilitation, and the heavy use of parole supervision ensures that two-thirds of these same individuals will be thrown back into custody after a short time back in the community. It is a combination of correctional styles that unfortunately maximizes both risks to the community and state expenses (pg. 66).

California's system stands in sharp contrast to the approach used in most of the rest of the nation. Several states supervise only certain high-risk prisoners after release. A few states, including Maine and Virginia, have abolished parole supervision altogether. Only one other state in the nation – Illinois – follows the California model (pg. 64). If the use of supervision were less universal but more intensely focused on individuals who pose a serious risk of reoffending or absconding, recidivism rates could be improved (pg. 68).

Little Hoover Commission, "Solving California's Corrections Crisis," 2007.

The Little Hoover Commission recommends waiving post-release supervision for certain low risk offenders with no history of violence (pg. v). Many non-violent/low-risk parolees in California are being returned to prison based on technical parole violations, which imposes a heavy burden on the California correctional system's resources, including those available for supervision of violent offenders, resulting in a threat to public safety (p. 23).

California Department of Corrections and Rehabilitation – Expert Panel on Adult Offender and Recidivism Reduction Programming, "A Roadmap for Effective Offender Programming in California," 2007.

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The Expert Panel recommends development and implementation of a program using risk assessment instruments to flag low risk, non-violent, non-sex registrants as inappropriate to receive parole supervision.

Studies indicate that imposition of supervision conditions on offenders that were not, upon release, at a high risk to re-offend has the effect of making them more likely to recidivate. In lieu of a mandatory supervisory system for low risk-offenders, the Group recommends a “stabilization track,” a voluntary system in which recently released low risk offenders could be assisted with housing, job placement, and other referrals. These individuals would no longer be under the supervision of the Parole Division and, thus, not subject to revocation of parole (Pp 41-2).

Corrections Independent Review Panel (aka the Deukmejian Commission), “Reforming Corrections,” 2004.

The Corrections Independent Review Panel recommends discharging parolees who are determined to be very low risk from parole three months after they are released from prison (pg. 154).

This should include parolees who are employed or self-supporting, have a stable residence, and have no violations of their parole conditions after three months on parole (pg. 151). The Panel also questions the tenability of California’s current parole system, namely the length of supervision and the failure to distinguish between low- and high-risk offenders in determining supervision needs, by highlighting reform efforts in other states (pp. 151-2).

Governor Arnold Schwarzenegger “The Governor’s 2008-09 Budget May Revise”

The Governor has proposed a system of “summary parole” whereby nonviolent and low-risk offenders would not be subject to active parole supervision. On paper, they would still remain on parole and still be subject to search and seizure by law enforcement officials but could not be returned to prison for technical parole violations.

California Senate Committee on Budget and Fiscal Review, “Meeting on Corrections and other Open Issues,” June 5, 2008.

The committee approved a proposal providing:

- direct discharge for offenders never convicted of serious, violent, or sex offenses;
- earned early release after five months of clean time for those with prior, but not current, convictions for serious or violent crimes;
- earned early release after 16 months clean time for violent and serious offenders.

Local law enforcement would still have access to information about criminal history through databases.