



Crime & Punishment

James Alan Fox on criminal behavior and the justice system

PROBATION AND PAROLE

Parole failure - Glass 1/3 empty or 2/3 full?

Posted by James Alan Fox, Crime and Punishment June 19, 2011 01:00 PM

The *Boston Globe* [analysis](#) of Massachusetts recidivism data associated with paroled lifers will undoubtedly raise lots of eyebrows. It also raises lots of questions. Without greater specificity about the 201 parolees --and especially those 30 who were charged with new offenses, it is much too tempting to embrace the frightening notion that paroled lifers are indeed at high risk for committing serious crimes once released back to the community.

There is no shortage of critics who argue that a life sentence should indeed mean life, and that murderers -- even second degree murderers -- should never walk free. We must not overlook, therefore, a few important points surrounding the *Globe* report.

Although, overall, one-third of paroled lifers were re-incarcerated, more than half of the returnees involved revocations for technical violations of their parole conditions rather than for new crimes. Parole is indeed a privilege, not an absolute right, and the privilege can be terminated for reasons that fall far short of criminality, such as associating with known gang members, smoking marijuana, or even missing scheduled appointments with a parole officer.

Those who committed new offenses while on parole typically engaged in activity that was far less injurious than that which landed them in prison in the first place. Although the *Globe* story cites one case of a paroled murderer who killed again after his release, this is far more the exception than the rule. In fact, some of these new offenses are such that others who are not on parole would not be sent to prison for the same crime. For example, we may have decriminalized recreational marijuana use in Massachusetts, but certainly not for parolees.

The implications of this damning report turn on whether we see the glass as one-third empty or two-thirds full. Without question, there is always room for improvement and enhancement in the parole decision-making process, as well as in treatment and training services available to inmates and after care and employment services available to them once

they are released. The absolute worst response to this report would be to make parole for lifers a virtually unattainable reward for introspection and hard work.

* * * * *

Clarification on definition: From scanning reader comments on the *Globe* report, there seems to be confusion about the term "lifer." There are life sentences without parole eligibility (in Massachusetts all those convicted of first degree murder) and life sentences with parole eligibility (e.g., second degree murder). Parole able "lifers" actually have a sentence of 15 years to life.