

## ***A Call for Evidence-Based Evaluation for Parole***

*Authored by the Criminal Justice Policy Coalition Board of Directors*

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When a horrific criminal act is committed, the immediate emotional reactions of fury, anguish, and abhorrence surge as no surprise, certainly not when the act involves the killing an officer trying to preserve public safety. When society's equilibrium is broken, our ability to reason is often broken as well, and we are consumed with the desire for revenge. However, we must be careful not to let our emotions dictate how we view, and shape, the futures of countless individual lives and public safety for all.

Tragic as it ended, Cinelli's total trajectory was not typical of parolees, especially those serving life sentences. There exists abundant evidence that the recidivism rate for paroled lifers is significantly lower than that for the overall population of individuals with criminal convictions [e.g., Haas & Fillion (2010)<sup>1</sup>]. In Cinelli's case, the real failure of the system is not that he was *eligible* for parole, but rather that he was paroled when he was still likely at a high risk to re-offend. Furthermore, it is possible that treatment—including post release supervision—Cinelli received was inadequate given his individual circumstances.

Beyond the reams of empirical evidence in support of the positive effects of parole are the innumerable anecdotes about parolees who are now making constructive contributions to society. The longtime partner of an ex-prisoner released after 37 years recently expressed frustration over the social stigma that many parolees encounter. Her partner, now working as a community activist for justice, lives with the burden of continual negative stereotyping:

*"One of the main reasons people don't hear more about successful parolees—besides the fact that bad news sells better—is that hard-working, law-abiding parolees who have earned respect in their communities are afraid that people would turn their backs on them if they knew about their histories."*

Instead of degradation, the great majority of individuals released on parole who lead law-abiding lives deserve the proper initial supervision and ongoing counseling to which they are entitled by our legal system.

The shooting of Officer Maguire provoked justified outrage. It could open an important discussion. Once the emotions have abated, we should engage in a candid and evidence-based analysis about the functioning of the criminal justice system in our commonwealth. Several reforms could be enacted that would enhance the restorative effects of corrections while decreasing the likelihood that similar tragedies will occur in the future.

Specifically, the Parole Board could be strengthened, either by the addition of individuals from more diverse backgrounds, or through the creation of independent advisory panels. Advisers with expertise in the fields of psychology, sociology, criminology, and other disciplines could complement the perspectives of those familiar with law enforcement already serving on the Board. Data surrounding ex-offenders with successful records of reintegration in the community could be examined to better understand the factors that predict success. Meanwhile, improved assessment measures based on the results of social science research should be introduced to more objectively determine which prisoners should be eligible for parole, and when.

As Lawrence Harmon details in his January 9, 2011 column in the Boston Globe, in 2009 the Massachusetts Parole Board introduced a measure for risk assessment that had long been validated in other states—the Correctional Offender Management Profiling for Alternative Sanctions (COMPAS). This tool—employed to inform decisions about which prisoners are at relatively higher risk of re-offense and therefore for parole eligibility—was brought to the Commonwealth too late to evaluate Cinelli. And although COMPAS may have discerned that Cinelli was not yet ready for parole, it is also an instrument that could benefit from refinement, based on a study prepared for the California Department of Corrections and Rehabilitation (Skeem & Loudon, 2007)<sup>2</sup>.

Perhaps this is the case that will spur evaluation of areas in which the Massachusetts criminal justice system lags behind the innovations of contemporary social science and the evidence-based methodologies already installed in other states. Hopefully a new strength will be born out of

the tragedy involving Officer Maguire, encouraging us to foster a more restorative rather than retributive culture of justice in the commonwealth.

<sup>1</sup>Haas & Fillion (2010) is available at <http://www.cjpc.org/2010/Haas-Fillion-LWOP.pdf>

<sup>2</sup>Skeen & Loudon (2007) is available at

[http://www.cdcr.ca.gov/adult\\_research\\_branch/Research\\_Documents/COMPAS\\_Skeem\\_EnoLouden\\_Dec\\_2007.pdf](http://www.cdcr.ca.gov/adult_research_branch/Research_Documents/COMPAS_Skeem_EnoLouden_Dec_2007.pdf)

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