

**MANAGING THE RISKS WITHIN THE PAROLE SYSTEM:
WHAT WORKS?**

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ABSTRACT

The parole system is responsible for rehabilitating prisoners and assisting them in their reintegration into the society successfully. Also, the system aims at protecting public safety and reducing recidivism or reoffending amongst the parolees through prudent public spending. However, the implementation of the system comes with a price tag as without any empirically informed strategies and practices, it will generate higher costs in the future, as the risks and the cycle of recidivism continues. This paper aims at examining the manner in which parole agencies manage the risks of recidivism and the risks to public safety within the constraints of their available human and financial resources. In particular, the paper will focus on the supervision strategy and practices as well as the challenges confronting parole officers in supervising the parolees. The conceptual paper employs a doctrinal approach in which secondary data comprising of the primary source involving the Prison Act 1995 and secondary sources including articles in academic journals, books, online database and Internet sources are analysed. The paper contends that managing the risks involved in the parole system is problematic, requiring not only internal and external support, but also the adoption of viable strategies such as risk targeting, evidence-based program and continuum care approach in a comprehensive manner.

Keywords: *Parole, Risks, Recidivism, Rehabilitation, Public Safety.*

Introduction

It is a truism to suggest that the high rates of recidivism among parolees will put public safety at risk and escalate expenditures on law enforcement and criminal justice (Mize, 2013). The parole agency, by virtue of their unique responsibilities under the parole system, has an opportunity to ease the transition of the prisoners from the prison into the community (Petersilia, 2003). This allows the agency to make significant contributions to enhance public safety and reduce prisoners' risks and likelihood of committing crimes (Burke, 2011). In light of the harsh economic realities of the day, both goals must be pursued through the wise use of public resources (Mize, 2013). In view of this predicament, this paper aims at examining the application and practices by the parole agency in managing the recidivism risk and the risks to public safety, while at the same time, ensuring prudent use of public resources. The first part of the paper highlights the emergence of the parole system in Malaysia under the Prison Act 1995. The second part further discusses the importance of internal and external support for the parole agency in managing the risks of reoffending by parolees and the risks to public safety as a consequence of the parole system. The third part of the paper examines the various strategies and practices focused on reducing risk of recidivism and the challenges faced by the parole agency and finally, the last section concludes this paper.

Parole System: The Malaysian Experience

Malaysia introduced the parole system in 2007 with the amendment to the Prison Act 1995, which established the system. In July 2008, the pioneer batch of 64 convicted prisoners was released under parole (New Sunday Times, 27 July, 2008). The parole system is also an alternative mode of sentencing and a non-custodial measure taken by Malaysia as a member state party to the United Nations Standard Minimum Rules for Non-Custodial Measures (The Tokyo Rules) (Rule 2.1, Tokyo Rules).

The legislative intent of introducing the Malaysian parole system was to alleviate prison overcrowding and operating costs, reduce the risk of recidivism and to rehabilitate the prisoners to ensure a successful reentry and reintegration into society, through the role of family, employers or community members (Parliamentary Hansard No 85, 2007). The objectives of the Malaysian Prison Department was not only to ensure effective rehabilitation of the prisoners within the community, but also to ensure the welfare of the community and reduce recidivism amongst the parolees (Malaysian Prison Department Handbook, 2008). The parole system adopts a combined model of both rehabilitation and surveillance in its approach of parole supervision (Malaysian Prison Department Handbook, 2008). In Malaysia, parole is viewed as an extension of the custodial period as the prisoner will be placed in the community under the correctional authority and supervision of parole officers.

Section 46J provides that the roles of a parole officer include the duties of taking custody, supervising and maintaining a register of the prisoners while they serve their parole period. The

Malaysian Prison Department is also responsible in developing a case plan to monitor and control the prisoners. The case plan will be categorized into maximum, medium or minimum in consideration of the level of seriousness of crime committed, the attitude and tendency of prisoners to recidivism and informal social surrounding and support from family, neighbours and employers. Hence, the case plan will determine the nature of rehabilitation and frequency of surveillance, including face to face contact and visits to places of residence and work places..

Under Section 46K of the 1995 Act, in managing the risks of reoffending and public safety and security, parole officers are under the duties to ensure that a prisoner reports to the parole office, apart from controlling the residence and movement of a prisoner. A parole officer is also under a duty to determine or endorse the employment of prisoners besides organizing or directing rehabilitation programs. He must also ensure that the prisoners comply with the conditions of the parole order or his instructions and directions. In this context, the Malaysian Prison Department Handbook (2008) states that the rehabilitating role of a parole officer includes managing intervention programs to help the prisoners and collaborating with other parties, to facilitate the treatment of prisoners.

Managing the Risks to Public Safety

As a vital component of a nation's justice system, the parole system is accountable to provide a cost-effective strategy for public safety (Burke, 2011). Parole agencies as the stakeholders of the prisoners in the community are expected to supervise and manage the prisoners safely and economically (Burke, 2001). However, it does not imply that parole agency are independently responsible for achieving this goal as parole outcomes involves other external factors as well. This is because the parole system is embedded within a larger multi-organizational justice system that incorporates prison institutions, law enforcement and the community (DeMichele, 2007). In managing the risk to public safety the importance of internal and external support for the parole agency is crucial.

Internal support

The parole agency's objectives and policies have immense potential to make a difference in terms of public safety and wise use of resources (Carter, 2001). Solomon et al. (2008) asserts the importance of parole agency leadership in defining their mission and objectives, criteria for success and setting benchmarks for its performance before engaging procedures and instruments to implement their policy. Carter et al.(2001) argue that, without a clear direction, a parole agency may adopt instruments that are incongruent with their jurisdiction's values, philosophy, or capacity. Vision, goals, and internal support will form the framework for the system and transparent policy will explain how it is to be implemented (Carter, 2001). Thus, the commitment from the parole supervision managers is prudent in working towards achieving the goal of public safety (Janetta et al., 2008).

Critical material is the support, motivation and encouragement to the parole officers. Such support would be invaluable to these officers in supervising the prisoners, in line with the visions and goals of the parole system (Carter, 2001).

External support

Public safety is the condition of a place, at times when people in that place are justified in feeling free of threat to their persons and property (DeMichele, 2007). However, Smith (2001) views that public safety is at risk whenever a vulnerable person or unprotected property is in the same place as a potential prisoner at a time when the place are all without guardians or people who have a protective relation to them. Taxman et al. (2004) highlight the importance of engaging a prisoner's natural web of support as a practical and a cost-effective way to complement the role of the parole supervision officer.

The significance of informal social control was highlighted by several commentators. For instance, Petersilia (2003) contends that the role of families as informal agents of control are more powerful than formal agents of control, in helping persons under community supervision achieve and maintain behaviour change. Burke and Tonry (2006) advocate that having the informal social control support such as family, at every stage of the supervision process will not only imply positive outcome for the prisoners and the community but also will enhance the parole officer's role as a rehabilitation agent. Mullins and Toner (2008) also recognised that families and social networks have an immensely significant role in the parole supervision process and forms part of a prisoner case management plan to achieve the goal of creating a safer community. Family support is essential given the reality that supervised prisoners' involvement with their family is a long-term relationship while their involvement with the parole agency lasts only during the parole order (Mullins and Toner, 2008).

Recognizing the powerful role that families and community social networks play in the lives of prisoners in helping them refrain from committing crimes, makes it imperative for the parole agency to collaborate and engage the informal social controls in the supervision of the prisoners in the community (Travis, 2005). It is essential to involve prisoner's natural web of support in the process of determining how best to resolve prisoners breaches of the norms in a manner which does not increase the risk in the community (Pranis, 2011). Broadly, Borzyki and Baldry (2003) contends that, without sufficient material and social support from the community upon the prisoner's release, the cycle of release and rearrest can become increasingly difficult to break.

Strategies and Challenges in Managing Recidivism Risks

Parole officers are responsible to intervene with non-compliant behaviour and to employ effective strategies to change prisoners' behaviour in reducing the risk of future crimes (Solomon et al., 2008). However, the parole officers are confronted with numerous difficulties in carrying out their

responsibilities. Consequently, a growing body of research is providing innovative strategies and guidelines toward supervision practices that are more effective in reducing recidivism as well as cost effective and ensuring wise use of public resources (Burke, 2011).

One of the main strategies is to develop a continuum of case plan approach (Taxman, 2007). Parole officers need to develop such plan that documents the prisoners' progress and identify the gaps in reducing the prisoners' risk in the community as well as meeting their needs outside the prison wall (Burke, 2011). Similarly, Stroker (2001) contends that this vital information would be useful in assisting the parole officers to prepare a successful transition of the prisoners as well as parole decision making. Travis (2005) opines that a more effective release and supervision plans should be developed collaboratively with inputs from corrections, law enforcement, victims, family members, and community-based organizations. With good assessments, the parole officers could focus and implement on the prisoners, a suitable supervision case plan that drives the prisoners' goals as well as setting expectations and intervention programs to address their risk to re-offend while under supervision (Burke, 2001).

Nevertheless, preparing an appropriate case plan for the prisoners, with appropriate intervention program that could be delivered by adequately trained staff is problematic (Taxman and Bouffard, 2000). In many countries, although various intervention programs were already in place in prisons to address the prisoners' needs, it is necessary to ensure the continuity of these programs in the community (Borzyki and Baldry, 2003). More importantly, in supervising that these programs fit together in a case plan, such an approach would both maximize resources and ensure that the prisoners would be able to address the barriers to a successful life outside the prison walls (Solomon et al., 2008). An effective supervision plans should reflect rehabilitation treatment priorities as well as surveillance. This is because both combination is more effective in reducing recidivism than surveillance alone (Mackenzie, 2006). However, Abadinsky (2009) contends that the dual role of a parole officer as a rehabilitation and surveillance officer makes it difficult and demanding on the parole officers.

Another approach is to adopt and incorporate scientific and evidence-based programs and practice (Andrew et al., 2006). Studies on the "what works" literature concludes that official punishment without scientific treatment has not been shown to be a deterrent to future criminal behaviour (Burke, 2001). Taxman et al. (2004) highlight the importance of utilizing scientific exploration or "state of the art" procedures as it is bringing positive outcome of a prisoner behaviour change and diminish the risk of recidivism. However, White (2007) cautions that shifting an organization to evidence-based practices cannot be mandated or forced, but must be embedded in the parole agency's office culture, especially "in the local office culture." Simialrly, Sachwald (2004) suggests that parole agencies should "do it, tell it, and sell it," with the "it" referring to shaping

policies, operations, and professional development within agencies around scientific principles related to evidence-based practices.

Practitioners and researchers have recognised that continuous rehabilitative treatments and support provided to the prisoners will help them confront a range of personal, economic and social challenges, which can minimise the prisoners' risk of re-offending (Borzycki and Baldry, 2003). Solomon et al. (2008) contend that rehabilitative interventions established on scientific assessment instruments, which are reliable and validated, are a better predictor of a prisoner's risk and criminogenic need factors than individual professional judgment. Such instruments also increase the chances that prisoners will be matched with the rehabilitation treatment and services, which will assist the prisoners with appropriate intervention programs that will reduce the risk of recidivism (Andrews and Bonta, 2006). Accordingly, the application of scientific evidence-based practice will establish a cost-effective use of public resources and raise the parole's credibility with the public that their approaches could play a pivotal role in controlling and reducing crime (Solomon et al., 2008).

Many barriers are standing in the way of actual implementations of scientific intervention programs and practices. For instance, Burke (2011) indicates that the process involves not only the development of assessment tools, but also adaptation of tools developed elsewhere, with subsequent piloting and validation upon the agency's own community. In the same vein, Cullen and Gendreau (2001) highlights that research on parole supervision demonstrate that scientific principles of effective interventions has not always guided parole practices. Walter et al. (2007) view that parole officers are not receptive to using the evidence-based program as they are guided by whatever method they were trained in or preferred. In addition, changes of this nature requires that parole agency organization committed to changing prisoners behaviour and creating an organizational culture that embraces evidence-based approaches to parole supervision (Solomon et al., 2008).

The third strategy in managing recidivism risks is to ensure that the rehabilitative treatment must be matched to each prisoner (Andrew and Bonta, 2006). The style and methods of communication adopted by the officers should also be appropriate with the prisoner's level of readiness to change their behaviour (De Michele, 2007). All interventions, regardless of content, are best delivered as part of an integrated program designed to address and complement the prisoner's issues, disadvantages and problems (Borzycki and Baldry, 2003). Mize (2013) suggests that with correct treatment under parole supervision, prisoners will not re-offend and also receive the necessary interventions to refrain from re-offending once the period of supervision has ended. It is imperative that prisoners be assessed to determine their criminogenic risks and need factors as well as their supervision levels to ensure that appropriate interventions can be delivered (Cullen and Gendreau, 2000).

De Michele (2007) highlights that risks and needs assessments are essential in managing the parole officers growing caseloads, as they provide an objective measure of the prisoner's risk to

recidivate and determine the most appropriate interventions based upon the risks and needs presented by each prisoner. Stroker (2001) views that the application of a classification system, which match the prisoners' risk and needs will best determine which prisoners pose the highest risk of failing under supervision or committing new crimes. Accordingly, Solomon et al. (2008) suggest that focusing more attention on high-risk individuals and less attention on low-risk individuals allows the parole officers to devote effective and limited case management time to those who warrant it most. This strategy will eventually minimize the parole officers workloads and reduces long term costs for the agency (Solomon et al., 2008).

Nevertheless, it is problematic for the parole officers to address the needs of the prisoners and engage with the assessment tools, which adopt both the principle of dynamic risk factors and criminogenic needs (Andrew and Bonta, 2006). Solomon et al. (2008) highlight that the implementation process is as critical an issue as the program design itself. Bourgon et al. (2008) caution that although translating this principle into practice appears to be simple, in the 'real world' it is much more difficult. They also contend that translating these principles into everyday practices were presently one of the profession's most significant challenges. Also, Paparozzi and Gendreau (2005) indicate that parole officers find it difficult to manage their workload and spend the appropriate amount of time with the prisoners. In order to deal with this problem, Stroker (2001) suggests that parole officers should devote the majority of their time to the supervision of prisoners who appear to pose the highest risk of failing while under supervision. He further views that if the lower risk prisoners continue to be on an officer's caseload, the officer is expected to continue to spend a considerable amount of time in them. This is not an easy process, but it is necessary for parole agency to obtain valid and reliable tools to establish a foundation to move toward effective practice (Burke, 2011).

Conclusion

The parole agency has the potential to contribute significantly to a safer community and to reduce the risk of recidivism, which consequently could save the taxpayers' enormous sums in incarceration costs. Essentially, in upholding public safety, the parole agency does not function in a vacuum as their roles are interconnected with the prisoners in the supervision process and the community as whole. Thus, it requires not only the support from the leadership and management of the agency itself, but also closer collaboration with the prisoners' families and the social-community network as informal agents of control in promoting positive behaviour change of the prisoners. The involvement of the natural web of support in the development of release and supervision plans could, in some ways, enhance the likelihood of successful reintegration and strengthen the criminal justice system in the future. In reducing the risk of recidivism and in using public resources wisely, the parole agency should be guided by innovative strategies in its supervision practices. This include a

continuum of a treatment plan for the prisoners from the prison into the community, the availability of intervention programs incorporating scientific and evidence-based research as well as ensuring that the right prisoners receive the right treatment or intervention programs. Taken together, these innovative strategies could complement the comprehensive reentry approaches. Such strategies could also hold the prisoners accountable, reduce the risk of recidivism, promote safer communities and eventually save public spending on corrections.

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