

TUNE IN TO THE
SOUND OF DEMOCRACY

Justice Talking Radio Transcript

Probation and Parole: In Need of a Big Fix? – Air Date: 3/6/2006

Over four million convicted criminals are on probation or parole in the United States. The number is likely to grow due to strict sentencing laws, over-crowded prisons and the desire of cash-strapped states to reduce the number of incarcerated inmates. Unfortunately, the antiquated system with severely understaffed and poorly trained probation officers can't keep up with the workload. On this edition of Justice Talking we look at state systems of probation and parole and ask: What's the best way to reduce recidivism, rehabilitate convicts and safeguard the public?

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MARGOT ADLER: I'm Margot Adler. As our society has gotten tough on crime, we are sending more people to prison than ever before, but as the prison population grows so does the number of people coming out of prison. The majority of them are on probation or parole, but does it help? Does being supervised after incarceration actually reduce the likelihood that an ex-con will commit another crime? Does reporting to a probation or parole officer help a person get on the right track? Today we take a look at the challenges for ex-prisoners as they reenter society and how our criminal justice system does or doesn't prepare them for life on the outside. Stay with us.

MARGOT ADLER: This is Justice Talking. I'm Margot Adler. For years society has focused on reducing crime by locking people up. But now with over 2 million people in prison and more than 600,000 leaving prison every year, the issue of how to reintegrate prisoners into our communities is suddenly on the front burner. Reentry is the criminal justice system's new buzzword. But many studies say that our systems of probation and parole are broken.

On today's show we'll look at what happens when prisoners are released. We'll hear from a parole officer about his experience in Massachusetts. We'll ask two experts how the system does and doesn't work, and I'll talk with some former prisoners about their experiences on parole. But first to get a better understanding of probation and parole I talked with Jeremy Travis, the president of John Jay College of Criminal Justice. He has worked on many levels of the criminal justice system and is an expert on prisoner reentry issues. Jeremy Travis remembers a moment when he was talking to former Attorney General Janet Reno. In a meeting she asked him and a colleague what they were doing about all the people coming out of prison. He says he didn't have an adequate answer and it started him on a journey that lasted him five years and resulted in a book called "But They All Come Back: Facing the Challenges of Prisoner Reentry." Jeremy Travis, thank you for joining me today from New York.

JEREMY TRAVIS: I'm pleased to be here.

MARGOT ADLER: Let's start with some basics. What's the difference between probation and parole?

JEREMY TRAVIS: Parole is considered to be a form of criminal justice supervision in the community for people who are coming out of prison. Probation is a form of criminal justice supervision in the community for people who typically don't go to prison, so it's seen as an alternate sanction to being sent off to prison.

MARGOT ADLER: In general how long do parole and probation usually last?

JEREMY TRAVIS: Well the typical parole period is three years, although we've as a nation been much more sort of expansive in thinking about the term parole, and we have things such as lifetime parole in some states for sex offenders. But a typical parole period is three years after the release from prison.

MARGOT ADLER: I know that sometimes they have to undergo drug tests and sometimes certainly they have to report to parole officers. What other regulations are they under?

JEREMY TRAVIS: When somebody is released from prison and placed on supervision they in essence enter into a contract with the parole system where the parolee is required to do certain things: keep a fixed address, typically not travel—interstate travel without permission of a parole officer, maintain a job, stay out of trouble. In other words, not get rearrested and not use drugs, and that is often forced by drug testing. Sometimes there are additional conditions like maintaining a curfew or drug treatment. But what has happened over the last 20 years or so is that the philosophy of supervision has moved much more in the direction of being surveillance-oriented and enforcement-oriented and less so being service-oriented or re-integrative in its philosophy, so the conditions are much more onerous than they had been in the past and they are much more strictly enforced.

MARGOT ADLER: Now how many people in the United States are currently on parole?

JEREMY TRAVIS: Well we have about 700,000 or so people who are under parole supervision that have left prison.

MARGOT ADLER: Because I saw a figure that something like 4.8 million people were either on probation or parole. Is that possible?

JEREMY TRAVIS: Probation is much larger than parole in terms of people who are under supervision.

MARGOT ADLER: Now not everyone who comes out of prison gets supervised in a parole environment. What percentage gets supervision?

JEREMY TRAVIS: There's enormous variation across the country in terms of parole supervision. As a national average about four out of five people are placed on supervision, but 80 percent of the people coming out of prison have to meet the parole officer and do all those sorts of things. But there are some states such as Massachusetts or Florida or others where it is about half the people coming out of prison are placed on supervision, and other states, California and New York being typical examples, where virtually everybody coming out of prison is placed under supervision. So there's a lot of national variation and the 80 percent figure is higher than it used to be, so the national trends are more people coming out of prison than ever before. And more of them, a higher percentage of them, are placed under supervision so that the reach of the criminal justice system is far more extensive than it's been before in our nation's history.

MARGOT ADLER: Now you talked about the trend being much more towards surveillance as opposed to let's say treatment and rehabilitation. But what was the origin of parole? When was it first used, and what was the vision behind it?

JEREMY TRAVIS: Parole was originally thought to be a system of earned release. So somebody who was in prison, if he or she did well while in prison, would be able to earn the dispensation of being released early, and as a condition of being released would have to serve the rest of their sentence in the community. So it was a continuum of supervision. We came up with that idea. It was an American reform based on some models from Australia and Ireland, and we came up with the idea about 120 years ago. But over this period of time it's evolved significantly so that it's not now tied as it used to be to this notion of earned release. So states now around the country, many of them, have abolished this discretionary release mechanism and release people automatically at the end of a fixed period of time, but still place them on supervision once they get out. So there's an open question as to whether we've lost something valuable by doing away with this system that we call "indeterminate sentencing" in many states. The thing of value is that there is incentive to do well in prison, to stay on the right side of the rules in prison, and to participate in programmatic activity while you are in prison so that if you do those things you are granted the privilege, in essence, of early release. And then you serve the rest of your sentence on the outside.

MARGOT ADLER: And what do you think? Do you think that when judges had more discretion and there was indeterminate sentencing, was it better?

JEREMY TRAVIS: It was better in many ways. It was good for society in the sense that it created incentives for people to think about their own reentry and reintegration, and we've lost that to the extent that we've lost indeterminate sentencing. There's an irony here which is that the philosophy of indeterminate sentencing came under attack in the 70's as being soft on crime. Judges were criticized for sentencing people to sentences that were too short and parole boards were criticized for letting people out before their time. But in states that have actually abolished indeterminate sentencing the actual time served in those states is on average shorter. So there's an irony here, which is that the reason for the attack, which is that it was letting people out too early, turned out not to be founded in fact as the reforms were implemented. So we now face a situation where the nation does not have a unifying sentencing philosophy as we did under indeterminate sentencing. For 50 years every state, including the federal system and the system in Washington, DC, followed the indeterminate sentencing model, and in the 70's that came unraveled and we now have this patchwork quilt of different sentencing systems.

MARGOT ADLER: You've even called this a Tower of Babel in one of your articles, I noticed.

JEREMY TRAVIS: We don't speak a common language anymore so it is like a Tower of Babel. We don't have a unifying purpose for sending someone to prison and thinking about how they should be prepared for the ultimate release from prison. We've forgotten in all of this discussion over the last generation about sentencing reform. We've forgotten what I call the "iron law of imprisonment," which is that except for people that die of either natural causes or by execution, except for those few, and there are only 5 percent of them, everybody that was sent to prison comes out.

MARGOT ADLER: Now how many people are released from prison each year?

JEREMY TRAVIS: The federal data on this I think are quite astounding. We have about 630,000 people being released each year from our state and federal prisons.

MARGOT ADLER: Now prisons have been a growth industry in America for the past few decades. Have the numbers of probation and parole officers grown in proportion to the numbers of people being incarcerated and released?

JEREMY TRAVIS: Nowhere near. We have caseloads well over 70 per parole officer on average. In some jurisdictions, particularly in probation caseloads, there are caseloads of a couple hundred per probation officer. So we've invested as a nation a lot more in the criminal justice system, but it's mostly gone to prisons.

MARGOT ADLER: You've written extensively about prisoners coming home in your book "But They All Come Back: Facing the Challenges of Prisoner Reentry." You argue for what you call universal supervision. What does it mean and why do you think it would make a difference?

JEREMY TRAVIS: I've been struck by the fact that as a national average, one out of five people coming out of prison is not released to any form of supervision. They are just released; they're just shown the door and expected to find their way home and to stay out of trouble and reunite with family and get a job and all that we expect of people. It seems to me that is a very shortsighted public policy. Some people coming out of prison have serious mental health challenges; some people who max out of prison—which is the phrase we use to talk about running your sentence out while you're in prison—have been in solitary confinement, perhaps for disciplinary reasons; some of them have serious health or addiction problems; some of them may have trouble reuniting with family or even finding a roof over their heads the first night they get out.

So it seems to me that there is a social, societal obligation to assist and support people that return home, and for those who are dangerous, to watch and make sure that they don't cause any harm. But at the same time I also urged that our states adopt policies allowing people to earn their way off release. So if somebody is doing well and they have a three year parole term and they are doing really well by the end of their first year let's say, they should be able to go back to court and say I've done it, I'm doing fine, I don't need to be under supervision anymore. That way we can tailor the conditions of supervision, including the length of term of supervision, to the individual circumstances of the person coming out of prison. But we shouldn't start, it seems to me, with the wrong-headed premise that some people can just be released and there's no supervision required.

MARGOT ADLER: Jeremy Travis is president of the John Jay College of Criminal Justice. He is the author of the book "But They All Come Back: Facing the Challenges of Prisoner Reentry." Thank you so much for being with us.

JEREMY TRAVIS: Glad to help.

MARGOT ADLER: To learn more about probation and parole, visit our web site, justicetalking.org. Coming up, a debate about whether parole works—don't go away.

MARGOT ADLER: This is Justice Talking. I'm Margot Adler. Today we're looking at probation and parole and what the challenges are for former prisoners when coming home. Massachusetts has some 9,300 parolees and they are overseen at eight parole offices scattered around the state. One of them is in Springfield, a medium size city with big city problems like crime, corruption and a fiscal crisis. Francesca Rheannon went there to find out what the job of a Massachusetts parole officer is like.

FRANCESCA RHEANNON: Brad Burnett is a young-looking 45-year-old whose easy going manner and dry wit serve him well in his work in Springfield's regional parole office. After 16 years as a field parole officer, or PO, he was recently put in charge of the reentry program.

BRAD BURNETT: On an average day I would try to get out into the field first thing in the morning, trying to catch guys before they left for work or if somebody isn't working to go by their house to make sure they are up and looking for work.

FRANCESCA RHEANNON: He says the heart of being a PO is getting out from behind the desk and into the community.

BRAD BURNETT: Because if you are sitting behind a desk and you are just having the parolee report in to you, then all you can rely on is what they are telling you. But if you're out there and see them on the street corner, seeing who their hanging around with, seeing what they're up to, what they're doing, talking to their family members, you get a better sense of what they're doing. Talk to their employers. Are they showing up for work on time; are they showing up every day; are they doing a good job?

FRANCESCA RHEANNON: Burnett say officers get to know their parolees pretty well.

BRAD BURNETT: Sometimes you deal with them for years on one sentence or you'll have them once and see them again a few years later. You get to know them very well, and their wives, their girlfriends, their boyfriends, their mothers.

FRANCESCA RHEANNON: That involvement with parolees lives brings rewards like seeing an offender turn his or her life around, get and keep a job and stay out of trouble. But Burnett says it brings challenges too. The biggest one is balancing the two very different roles a PO plays.

BRAD BURNETT: As a parole officer you're wearing two hats. You're kind of half social worker, half cop, which can present a whole host of issues or problems when you're trying to supervise somebody. Because the individual knows that initially you're trying to help them but in the back of their mind they also know that you have the ability to lock them up.

FRANCESCA RHEANNON: That's because the primary mission of parole is safeguarding public safety. POs drive cruisers and carry guns, handcuffs and mace. Unlike probation officers, parole officers can arrest parolees or anyone interfering with the arrest or investigation of a parolee. And unlike police officers, they don't need probable cause to make an arrest. They only have to suspect a parolee is a threat to themselves or public safety. But Burnett says it's important not to overuse the power of arrest.

BRAD BURNETT: You want to talk to them. You want to try and be as fair as possible. You don't want to get a reputation out there as being someone who was just out there trying to lock everybody up.

FRANCESCA RHEANNON: POs have a host of tools other than arrest at their disposal. These include stepwise graduated sanctions or social services to help parolees get back on track.

BRAD BURNETT: We have the ability to put them in detox, or programming for substance abuse, mental health. There a variety of different sanctions we can utilize, like curfews and urine samples.

FRANCESCA RHEANNON: Ah, yes, those urine samples. Springfield is a hub of the drug trade corridor of the eastern seaboard, with some 85 percent of convictions in the region due to drug related crimes. Urine samples are a key item in a PO's tool box. Burnett brought me upstairs to the main parole office where urine samples are tested.

BRAD BURNETT: This is our urine testing area right here.

FRANCESCA RHEANNON: He unwraps a testing card and slides it into a cup.

BRAD BURNETT: This slides into here like this and what we'll do is we'll have the individual put one half a cup of urine in there and then we screw the cover on and then we wait. And what'll happen is down here, if a line forms across where it says cocaine, THC, benzanine and morphine, then we know the person is clean for those substances. If no line comes up then that individual would be considered positive.

FRANCESCA RHEANNON: Burnett says that keeping parolees with drug offenses in the community and out of jail depends on having enough treatment resources available. That's a problem.

BRAD BURNETT: If we get an individual upstairs who's got dirty urine and has been using illegal or illicit drugs, they might have been on parole for six months or a year, working and always given clean urines. We've got to start thinking about for a dirty urine: Do we want to send this person back to prison where we are going to pick up the tab there at 30 or 40 thousand dollars and probably have to support his kids, or do we want to try and keep him on the street where he's working, paying taxes, supporting his family?

FRANCESCA RHEANNON: With prisons crowded and the cost of incarceration skyrocketing, Burnett says he's seen attitudes changing.

BRAD BURNETT: Back when I first started in parole there was a lot of talk about locking people up and throwing away the key and stuff. In the last couple years there has been a greater focus on the end of the criminal justice system, which is the parole aspect of it.

FRANCESCA RHEANNON: He says that the community suffered when prisons cut rehabilitation programs.

BRAD BURNETT: You know, when you lock somebody up for four or five years and don't work towards a reentry plan for them, you are gonna release an animal to the community and they are just going to come back through the system again.

FRANCESCA RHEANNON: For Brad Burnett the new accent on reentry is a welcome change. He's always liked helping people. Before becoming a PO he ran a homeless shelter. So between the two roles of parole work, cop or social worker, it's the social work aspect of the job he likes the best. It's also taught him to trust his instincts.

BRAD BURNETT: A wise old parole officer told me when I first started, he said: Brad, there's no right way to do this job, there's no wrong way to do this job. He said whatever way you find for yourself is the way to do it.

FRANCESCA RHEANNON: For Justice Talking, I'm Francesca Rheannon.

MARGOT ADLER: We've just heard about the experience of Brad Burnett who has worked in the parole system for over 16 years in Springfield, Massachusetts. Listening to his story, he seems like just the kind of guy you might want for a parole officer. He takes a personal interest in his clients, he checks on their jobs, what they do in the morning, and gets to know their families. But how well do parole and probation officers work around the country. Today I've invited two people to give us a larger picture. Barbara Broderick is the chief probation officer of the Maricopa County Adult Probation Department in Arizona. This department is the sixth largest probation department in the United States. She is also vice president of the American Probation and Parole Association. She joins me from Phoenix. And Amy Solomon is a senior research associate at the Urban Institute, a research and policy organization in Washington, DC. She recently co-authored a report "Does Parole Work?" The report analyzes the impact of post-prison supervision on re-arrest outcomes. She joins us from Washington, DC. Barbara, Amy, thank you for joining me today on Justice Talking. Barbara, can you tell me how the jobs of a probation officer and parole officer differ.

BARBARA BRODERICK: Sure. Probation officers really work with people who are first time offenders and are just going through the system. Having been both a probation and a parole person, I can tell you the parole aspect is much more difficult. By and large most people who go onto parole are people who have served some years in prison and are removed from the community for about, on the average, about three years. So they'll be transitioning back into the communities after long periods of stay someplace else.

MARGOT ADLER: Am I right that parole officers can arrest and probation cannot?

BARBARA BRODERICK: No, that really varies across the United States. Probation officers, for example here in Maricopa, we are full peace officers. We have the power to arrest, we have the power to search, and we have the power to execute warrants and we have the option to be armed. So we are very similar to parole agents in that respect. But in other jurisdictions that's not true. One of the interesting things about probation is the fact that it really varies across the United States.

MARGOT ADLER: I'd like to ask both of you, in supervision programs like probation and parole, do you think there is a rehabilitative affect or do these programs just exist to monitor a person's behavior and punish them if they stray? I'll start with you, Amy.

AMY SOLOMON: More and more supervision today is more surveillance-oriented. Parole officers are often using technology to test and see if someone is using drugs, to see where they are located. They are using lots and lots of rules to see how and monitor how parolees are doing. Often this is the impact of having very large caseloads and this is all they can do. At the same time the literature is very clear that it takes a mix of surveillance and treatment to make a difference and to impact the parolee's behavior. So I think that we have along way to go.

MARGOT ADLER: Barbara?

BARBARA BRODERICK: I would tend to agree, except one of the things I think my colleagues who are in jurisdictions that are different than Phoenix really have to talk about is the lack of resources and the ever-increasing caseload sizes that both probation and parole agents are seeing. As you move to large caseloads, all you can actually do is surveillance and what I call paper management. That's trying to do paper trails to basically show compliance with the conditions that have been established either by the prison or the parole boards or by the judges. And then because we are always in search of more dollars we've become major fee collectors.

MARGOT ADLER: And when you say fee collection, you mean that some programs are now charging former prisoners for these programs? Is that what you mean?

BARBARA BRODERICK: There are a lot of different types of things. Fines are piled on top of people. There are fees if you wind up in electronic monitoring, for your drug testing, your global positioning testing, any co-pay that you may have towards therapy, restitution and just the simple cost of probation or parole. For example, in our jurisdiction we charge everybody \$50 every month for being on probation, and it offsets my budget.

MARGOT ADLER: Amy, in your experience what is the general caseload that most parole and probation officers have?

AMY SOLOMON: Well nationally, parole officers' caseloads average about 70 parolees apiece, and that just translates to one or two 15 minute meetings every month. It's not much. Probation caseloads are much much higher. So in terms of having enough time

to do serious casework and to help prisoners and new parolees get jobs and access community resources that might help them turn their lives around, it's just not possible in most places.

MARGOT ADLER: And as the prison population has grown, has the number of parole officers and probation officers kept up with that or not?

AMY SOLOMON: It hasn't kept pace with the growth. There's been a fourfold increase in people coming out of prison and onto parole over the last 20 years. And parole agencies just haven't been able to keep up.

MARGOT ADLER: Barbara, do you think probation or parole has any affect in terms of lowering recidivism? The Urban Institute study which Amy was involved in gives a pretty pessimistic view of parole success.

BARBARA BRODERICK: Well, it's kind of interesting when you look at that particular study. Amy and I have been on panels before, and I guess one of the things that I always throw out is that one of the things researchers tend to do is look at those things that are readily available, like arrest rates. And it's true that does at least measure some type of criminal activity. The study shows that about 59 percent of the people who are arrested are rearrested over a two year period. The question I guess I have is that when you start looking at some of the other numbers, it goes down much lower in terms of only 36 percent being reconvicted of an offense.

Now the reason I'm raising that is that somehow we always say it's the parole responsibility. It never kind of tracks back to the prison. The person has actually stayed at least three years in prison and yet the reflection is what actually happens once the person comes in the community. Magically, an agent who just sees that individual has responsibility for everything that has happened prior to that. So, while I don't disagree that some of these results are not what I would like to see, and this isn't necessarily what the probation numbers show, it is really staggering when we try and deal with the myriad of problems that are presented to individuals when they've been removed from their community going back home with probably less than the resources they had when they first went in.

MARGOT ADLER: Amy, your study focuses on the different ways prisoners get released. There's unconditional release without supervision, there's mandatory release with supervision, discretionary release with supervision—tell us the differences in the way people are released and why it matters?

AMY SOLOMON: It matters for a couple reasons. One important reason is that only discretionary releases—those who are released because a parole board decided they were ready—they're the only ones who really have an incentive to change their behavior and to get prepared for release while they are in prison. And so I think that's very very important. Mandatory parolees have served their time, their whole sentence minus any good time credit they have gotten while they are in prison, so they are

released without any kind of screening or readiness for release, and they serve the remainder of their sentence in the community with supervision. Unconditional release is what really propelled us to do this study. We were assuming that some of the highest risk offenders, those who have the most serious crimes or have served the longest time behind bars or have had the worst behavior while they are in prison, may be the most likely to get out without any supervision at all. And to me that just doesn't make sense.

MARGOT ADLER: Barbara, how does that compare with your experience in the field?

BARBARA BRODERICK: Well, my experience in the field would kind of lead me to make a couple of major statements in terms of really needing to make sure that the research shows that it's treatment and surveillance that actually are what's working. And it doesn't necessarily mean that the agent itself has to provide the treatment.

MARGOT ADLER: Could you give us an example of how that would work?

BARBARA BRODERICK: I guess the best way to try to deal with it is if you think in terms of insurance. Insurance pools actually look to see those things that are related to a person having difficulties driving. The same thing should be done with probationers and parolees. What are those types of things that basically lead people to commit new crimes? For example, if a person has a substance abuse problem, if a person has mental health problems, or if they have poor attitudes in terms of how they address a superior or authority. It is really problematic.

MARGOT ADLER: But bottom line for both of you: Does parole and probation do anything more than just make people think that government is just keeping an eye on the bad guy? Let's start with you, Amy.

AMY SOLOMON: Sure. I wanted to make the point that our study doesn't conclude that parole can't work. In fact, I absolutely believe that it can work. There are innovative ways, and a lot of consensus around these ways, that parole and probation can make a real difference in offender behavior once they are back in the community. I think that if departments are aligning their resources with the risk to really focus on the high risk individuals, to focus on the time of when they're most likely to re-offend, which is the first days and weeks after release, and the highest risk neighborhoods, they can make a big difference in how they supervise their caseloads. I also think that there's a case to be made for supervising parolees in the neighborhoods where they live. It's very similar to community policing. So that they have a sense of knowing the context of where a parolee has lived and can actually make relationships with some of the people and social networks that are around the parolee.

MARGOT ADLER: And Barbara, from your own experience, do you see parole and probation working at least a part of the time?

BARBARA BRODERICK: I've seen it work a lot. In fact, one of the things I've been blessed with having been out here in terms of being the chief probation officer, we

actually have reasonable caseload sizes and the ability to place people into appropriate treatment. I know that a lot of my colleagues envy some of the things that we've been able to do in the State of Arizona and I would strongly suggest that people need to take a hard look at what Amy was talking about in terms of what does change recidivism rates. It really is that you have to go to the evidence-based programs and make sure that whether it's your own surveillance or your own treatment or those that you contract with, that you are actually using those things that work with defendants.

MARGOT ADLER: That was Barbara Broderick, chief probation officer of the Adult Probation Department in Phoenix, Arizona. Also with me is Amy Solomon, who co-authored the Urban Institute's report "Does Parole Work?" Just ahead on Justice Talking, more of our debate about the efficacy of parole, and a look at the barriers faced by both parole and probation officers and those they supervise. And, my conversation with a few former prisoners who are trying to turn their lives around. Stay with us.

MARGOT ADLER: This is Justice Talking. I'm Margot Adler. If you're just joining us, I've been talking with two experts about probation and parole and what they think is working and what isn't in helping prisoners reenter society. Barbara Broderick is chief probation officer of the Maricopa County Adult Probation Department in Phoenix, Arizona. Also with me is Amy Solomon who co-authored the report "Does Parole Work?" The report analyzes the impact of post-prison supervision on re-arrest outcomes.

I notice, Amy, that in the Urban Institute's report "Does Parole Work?" you write that Martin Horne, the commissioner of New York City's Departments of Corrections and Probation, has proposed abolishing parole altogether. He says there's a lack of evidence that it discourages criminal behavior. What's that all about and what do you say to that?

AMY SOLOMON: Commissioner Horne actually has an innovative approach here. He thinks that probationers should be given vouchers so that they actually can access the kind of treatment and resources they need and that it's beyond the government's duty to kind of dictate what they should be. So he believes that probationers and parolees actually do need some resources and connection to treatment and positive things that can help them, but he thinks that they should play more of a role in making that happen.

MARGOT ADLER: Amy, one of the things I want to ask you, since this has been relatively controversial when Marty Horne suggested it, is the following. We know from the research that coercive treatment or mandated treatment works. Is that correct?

AMY SOLOMON: That's my understanding.

MARGOT ADLER: And what does that mean for the layperson here?

BARBARA BRODERICK: Well part of what Commissioner Horne talks about is that it's the person's responsibility to go get the treatment. They need to be motivated, they need to do it voluntarily, and perhaps the government shouldn't be in it. But most of the research that I've seen, at least in the last 15 years, has shown very clearly that coercive treatment or mandated treatment by the court actually has tremendous results. So I would basically disagree with Mr. Horne in terms of the one premise that a person has to take responsibility and just be motivated internally instead of externally to go get treatment.

MARGOT ADLER: Amy?

AMY SOLOMON: I completely agree, I think there are lots of things that we can do to provide incentives that people might be more interested or more open to getting treatment and doing things that will be positive and help them move along. And I think that we should think more about those incentives and how to motivate people along the way.

MARGOT ADLER: Barbara, do you think that a prisoner should be able to decide to finish his or her sentence in order to forego supervision when he or she gets out?

BARBARA BRODERICK: That has a couple of different layers for me. In terms of a person's due process rights and actually selecting the type of punishment if we afford the defendant to do that, then I would say yes. However, when I kind of approach it from my firm beliefs of what actually public safety should be about, which is changing behavior, I would say no.

MARGOT ADLER: I'd like to ask both of you what you see as the biggest barriers to achieving successful probation and parole programs and reducing recidivism nationally. I'll start with you, Amy.

AMY SOLOMON: This is just a major cultural shift. Right now most probation and parole offices are under-resourced; they don't have the training to do effective communication styles. They don't know some of the community resources, traditionally they haven't worked in the neighborhoods or with some of the resources which could really help them expand their capacities and connect people to jobs and to help support their families and be a part of society. So I think part of this is funding, part of this is training, but a lot of it is really about a new paradigm. I think very much like policing, parole needs to move forward to think about adopting a public safety mission that's very clear about owning the recidivism problem and setting public safety benchmarks that can help guide their goals.

MARGOT ADLER: Barbara, biggest barriers to success?

BARBARA BRODERICK: I think the number one for me is the lack of treatment beds, whether it be outpatient, intensive outpatient, day reporting—the continuum of care and the amount of drug use that I'm facing and my colleagues face is just enormous. And

we need really good, strong, evidenced-based substance abuse programs that are available. I don't disagree with anything Amy said, including the fact that we actually have taken ownership of trying to reduce both violent and property crime in this jurisdiction. But the inability to find enough resources in the alcohol and other drug area is just enormous.

MARGOT ADLER: We'll have to end our discussion here. Amy Solomon is a senior research associate at the Urban Institute, where she recently co-authored the report "Does Parole Work?" analyzing the impact of post-prison supervision on re-arrest outcomes. And Barbara Broderick is vice president of the American Probation and Parole Association and is the chief probation officer of the Maricopa County Adult Probation Department in Arizona. Thank you so much for being with us.

BOTH: Thank you.

MARGOT ADLER: We've heard from a few experts about what they think of the probation and parole system, but now we will hear from those who are personally experiencing life after prison.

In 1967 the play "Fortune and Men's Eyes" was written by a former inmate, portraying life in prison. At the end of one performance, another former prisoner stood up and captivated the audience by talking about his experience in prison. It was so profound that civic organizations began holding forums where ex-prisoners could tell their stories. It was clear to David Rothenberg, the producer of the play, that former prisoners needed an advocate, and the Fortune Society was born. I spoke with JoAnne Page, president and CEO of the Fortune Society, and several men now residing in a home for 60 former prisoners. The home is called the Fortune Academy and is nicknamed "the Castle."

JOANNE PAGE: I've been at Fortune for almost 17 years and what we realized was we were losing good people to the streets and to prisons because they didn't have a safe place to land when they came home. If people were coming out and going to the large city shelters or going back to families that weren't ready for them, their chance of making it went down dramatically.

We were also finding that the reason so many of our clients who had violent convictions couldn't get into the decent housing there was because of their pasts. And those of our clients who had drug histories would come out of prison and would be told: we'll consider you after you have three or four months of clean time. So when people were at their greatest risk, at their greatest need, they couldn't find what they needed to anchor themselves. And so what we did was design the Fortune Academy, and we did it on a wing and a prayer. I have a sign on my door that I got at some cigarette store somewhere or something that says: "Sometimes you have to take the leap and build your wings on the way down."

And what we did with the Castle was we took the leap and we built our wings on the way down. We had never done housing, we had never owned property, and we had never done a capital campaign. It was all new to us. But given the miserable outcomes we saw for our good people, we knew we couldn't do worse than what was happening already, and we just decided we were going to do it. So we opened this place in 2002. We're just about three years into this and we've seen it change people's lives.

MARGOT ADLER: I'd love to get your name.

CASIMIRO TORRES: Casimiro Torres. I've been out from state prison since October 2003.

MARGOT ADLER: How long had you been in?

CASIMIRO TORRES: Well total, about 15 years.

MARGOT ADLER: Wow. So when you first came out, what happened and was there anything done to help pave the way or not?

CASIMIRO TORRES: Oh absolutely not. No, I came out and I actually was right where I left off, right where I left off.

MARGOT ADLER: Meaning?

CASIMIRO TORRES: Meaning I was right back in the projects getting high. And that wasn't my intention. There's nothing once you get off the bus. There's no arrows pointing you the right way, there's no hands to help you down, I mean, figuratively speaking. There's nothing to show you the way, you know what I mean? And if I knew the way obviously I wouldn't have wound up there in the first place, so there's no help. I helped myself and I did put myself in treatment.

I'm not on parole; I did this off parole. When I was on parole I could never do it. They had their own agenda and I don't think their agenda was anything having to do with benefiting me as far as helping me or transitioning me back into society. But once I showed up at 23rd Street, I told them I had no place to go. I told them I just came for rehab. I told them my intentions, and by three o'clock that afternoon I had a place to stay, I had food, I had shelter and clothing. And I had a structure, I had a format, I had things to help me on my way, you know?

And I hadn't seen my daughter in two years because of my drug use. At one point I wasn't allowed to write her, never mind see her. Now I see her. Her birthday was this past Thursday. We had a birthday party. I went to her therapist; I have a session with her therapist. Her therapist was very impressed and...

MARGOT ADLER: And how old is your daughter?

CASIMIRO TORRES: She just turned 10, and my daughter is really enthusiastic about our relationship right now and she's very understanding, very intelligent and she gives me a lift, a really big lift, you know? It's somewhere I've never been before, you know, and I'm very happy to be there.

HAMZAH HAKIIM: My name is Hamzah Hakiim.

MARGOT ADLER: And tell me a little bit about your history.

HAMZAH HAKIIM: Alright. Basically I grew up in the streets. Drug use, crime and all that stuff landed me in prison. I've served maybe approximately 18 to 19 years total in the prison system. I was just released September of last year. My story's a little different and my brush with parole is a little different because I'm on federal parole, however it is my parole officer that brought me to Fortune. And it's just been a great thing and even parole, my parole officer, is a great person. I mean she's very supportive. She stays in touch with me and the people at Fortune to make sure that I'm on the right track, you know? It works out good, it really works out good for me.

MARGOT ADLER: And what kind of things are you doing now?

HAMZAH HAKIIM: Well the first thing I did was I got all my ID in order because that's the first thing. Upon being released from prison, you don't have any ID. And I tried to become acclimated with family. You know, you do a lot of things at one time. After that I started taking care of my medical needs, you know, because you have medical needs upon being released. I got Medicaid. And then I went and did the career development. It's a course that shows you how to do your resume, how to speak in an interview, how to even get around your conviction question, because they going to ask you that. Was you convicted of a crime? You have to know how to tactfully explain, yes I have, and then give them a however.

MARGOT ADLER: So before you got out, you could not have imagined any of this stuff happening?

HAMZAH HAKIIM: Actually I did a lot of imagining, you know, to the point maybe people thought I was crazy. I mean I really played how I wanted my life to go. I did a whole lot of imagining because they say if you can dream it, you know, you can do it. However the thing I didn't have is the how. I knew what I wanted to do but I didn't have the how. And I was blessed.

MUSTAFA GERALD TYSON: My name is Mustafa Gerald Tyson. I did 27 years in prison straight, and yes it was hard, because the first thing I learned was that I had to change. It was me. The world changed without me, it kept going on. It was very painful because during that long period of time I had no way to contact my family. They began to get their own lives. They just disappeared and I had to take care of myself in the prison system the best way I knew how. So I went to career development in prison because I had nowhere to go when I was going to be released.

And they gave me this big brochure about Wards Island. They was telling me how much Wards Island had a good helping hand, I could go there and get a job, you know, they had counseling, therapeutic programs. I said yeah, that was for me.

So when I was released, the strangest thing and the first thing that I noticed was 42nd Street had changed, and it looked like a scene out of Tokyo's Godzilla. You know, things were changed so much that when cars would go by I wouldn't even know what the car was, you know. I get to Wards Island, and the third day after I was there someone was murdered. And being that I'm so capable of adapting, from being from prison to prison and having to adapt from cell to cell or dorm to dorm, I was able to adapt to Wards Island. I actually enjoyed Wards Island because I can get mad and leave. One time I was so afraid to go into the city that one of the counselors asked me was I afraid to walk around the yard in Attica and I said, no. And she says: Well, why are you afraid to get on the bus to go to 125th Street? Because I watched you miss three buses.

MARGOT ADLER: Now when you came out after 27 years, was your sentence completely done? You weren't on parole?

MUSTAFA GERALD TYSON: No, I'm on life parole right now. I'm under the Rockefeller Drug Law. I've been out since 2002. The parole department to me is a really good thing to have in a way. I've seen it help people and I've seen it appear that it destroyed people. But me being on parole, I realized that one makes his own bed. You know, they tell me, oh don't worry about your past, just make sure you don't miss seeing me once a month.

MARGOT ADLER: Now why don't you give me your name?

DARYL ANDRE GILLIAM: My name is Daryl Andre Gilliam. I've in total spent close to 16 years in jail. I came out in July of 2004. I had goals and aspirations and things that I wanted to do, but it wasn't until actually I got out here and been out here close to six months, that I realized that the dreams of my reality that I had while I was incarcerated were nothing like reality when I came out. It was totally altogether different. Finding my way was confusing. I was in a halfway house for two months and through the time of my incarceration and when I got in the halfway house, they led me to believe that they were going to help with me with housing, they were going to help me find a job, they were going to help me whatever it was I needed. And that was a total farce, it was a total farce. If I didn't go out and find a job they were considering throwing me back inside to serve out the rest of my time, but I went and found a job because I wanted to stay out on the street after serving 14 years. Upon my release from the halfway house, I went to down to 23rd Street Fortune Society and they sent me up here to the Academy.

It's been hard and difficult for me because I'm a little older then most of the people here.

MARGOT ADLER: How old?

DARYL ANDRE GILLIAM: Forty-seven.

MARGOT ADLER: And what are your goals now?

DARYL ANDRE GILLIAM: Well I'm in school. I'm going to TCI, Technical Career Institute, and I'm studying to be in building maintenance and studying building maintenance management. Right now things are kind of alright.

JOANNE PAGE: Yeah, it's magic to see what living in a safe, caring, supportive place does to people's lives. You know, people come to Fortune with what we call the prison face.

MARGOT ADLER: What's the prison face?

JOANNE PAGE: That sort of tough, angry, don't mess with me look that people learn as a survival mechanism. My pleasure in this place is just watching people start melting around the edges. The challenge in this place and the thing that makes it so fascinating to me is that we have an absolute rule of no violence, no threat of violence. I think we have one of the safest buildings in New York City and we take people regardless of record if they're motivated to be in this community. And they live in a way that makes this one of the safest buildings in the city. And they help each other come home.

MARGOT ADLER: Tell us what you think about probation or parole and what should be done, if anything, to help prisoners reenter society by going to our web site, justicetalking.org. While there let us know your thoughts on the show; we're always looking for your feedback. Thanks for joining me. I hope you'll tune in next week. I'm Margot Adler.
