

## EARNED RELEASE: Making Incarceration Work for Rehabilitation



With recidivism rates up to 70%, correctional institutions too often fail to correct. Why?

Because prisoner release is based on time served, not on readiness to return to society.

At the end of a term of imprisonment, too many are released into the public without the support and protections they need to become honestly self-supporting. So they repeat and wind up back in cells.

Release from incarceration should be **criterion-based, not time-based**. Convicted criminals should be released only when they are no threat the public, can support themselves honestly, and can withstand temptations for future criminal activity.

A change to criterion-based terms of imprisonment would:

1. Avoid releasing unready inmates back into society;
2. Motivate all inmates to study, train, detoxify, get psychological help, and prepare for employment and life outside prison;
3. Discourage violence and misbehavior in prisons, improving correction officer safety;
4. Realize correction system cost savings by shortening long terms and reducing recidivism;
5. Motivate budgeters to invest in inmate services to obtain those savings and benefits;
6. Lower the cost to society of repeat offenders, including reductions in budgets for police;
7. Simplify the sentencing process in courts, reducing court burdens and speeding justice.

We label criterion-based sentencing "**earned release**." This term emphasizes the motivation laid on the inmate and the criterion for determining when release is earned.

### What is Earned Release?

It is a policy of releasing each inmate from prison when he is deemed to have met a set of criteria for his release. A practical implementation of this concept must answer two key questions:

- 1) what are the criteria? and,
- 2) who makes the determination that they have been met?

Clearly, the criteria would differ for petty thieves and violent criminals. For the latter, the criteria may be almost (but not quite) impossible to meet. But with only very rare exceptions, even the worst offenders could – with enough time and effort and with the needed support – meet the criteria applicable to them.

Since each case would be unique, only a juried determination can be institutionalized.

We propose a "parole jury" consisting of two professional correctional officers with no personal knowledge of the inmate being evaluated plus one member of the public chosen by the inmate and approved by those officers – usually a committed employer.

After a very abbreviated minimum term, each inmate would be able to request a parole jury by satisfying his warden that it would be warranted. He would do this by demonstrating behavior during his imprisonment and submitting a written case for earned release.

That case would have to claim that he would safeguard the public, support himself honestly, and avoid commission of any future crime. It would have to offer evidence of behavior in prison, including training and other self-improvement actions taken, that there is a high likelihood of those claims being found credible by a parole jury. It would also identify the member of the public to serve on that jury and, by that choice, add more or less credibility to the claims made.

Parole juries would meet to question the candidate for release in a video recorded session and make a determination of readiness for release promptly. The video would document the care and substance of the review and the evaluations of each jury member leading to their decision.

If the jury agreed to release, the prisoner would be released with a jury-decided period of parole reporting and supervision.

If the jury denied release, it would specify a minimum period of further detention and list the deficiencies in the case for release that would have to be rectified in any subsequent request.

### Support Services Needed within Prisons: Costs and Returns

Clearly, more investment than is currently typically made for inmate support, education, training, behavioral modification, and aid in finding employment and housing must be made to make a program of earned release practical.

Non-profit organizations such as [GOSO](#) have supported inmates and those recently released with such services at a cost of roughly \$8000 per person and have successfully cut recidivism rates from 70% to under 15%. If earned release programs could be modeled on that success and made available to all inmates, some similar success rates might be obtained.

The economics are simple.

Costs of incarceration vary widely, but are generally estimated at something over \$100,000 per inmate per year. If an average of half a year could be shaved off the terms of inmates with sentences over five years and if the recidivism rate were reduced from 70% to even 20% (less of an improvement than demonstrated by GOGO), a discounted present value of something over \$75,000 per inmate could be invested in the services and jury costs to implement an earned release program – well above the actual costs of the successful GOSO example.

If widely adopted, scale economies and learning curves would emerge for the jury operations, education, training, and other support services as investments in program design and operation could be spread over many prisons. Budgeters could expect a secular increase in the prospective cost:effectiveness of "earned release" programs.

### Conclusion

Earned Release can put the "correction" back at the center of correctional institutions, while saving taxpayer money and increasing public safety. It should be a no-brainer!