

PAROLE

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1. Core Definition

Parole is fundamentally a legal and correctional mechanism, constituting the supervised release of a prisoner before the completion of their maximum sentence term, contingent upon their promise to adhere to specific behavioral conditions and legal requirements. This system serves as a bridge, transitioning individuals from the highly restrictive environment of incarceration back into the complexities of civil society. The authorization for parole is typically granted by a designated administrative body, known as a parole board, which assesses the inmate's institutional conduct, their demonstrated capacity for rehabilitation, and the perceived risk they pose to the community if released. Crucially, parole remains distinct from **probation**, which is a sentence imposed in lieu of incarceration; parole only applies to individuals who have already served a period of time within a correctional facility. The goal of this conditional release is multifaceted, encompassing elements of public safety monitoring, continued supervision, and support for successful social reintegration.

The definition of parole also extends, particularly within forensic psychology and psychiatry, to include a sustaining provision for individuals whose remediation or care is mandated by a court but who are not currently subject to the restrictions of a limited or institutionalized environment, such as a specialized shelter or a mental hospital. In this specialized context, the individual is released into the community but remains under strict supervisory monitoring, often managed by psychiatric or social services rather than purely correctional authorities. A defining characteristic, noted explicitly in both correctional and psychological applications, is the ease and rapidity with which the conditional freedom can be revoked. A person under parole supervision--whether from prison or a mandated psychiatric release--might be returned to the confining facility at any point in time without the necessity of an official, lengthy judicial procession by a court, provided there is sufficient evidence of a condition violation or behavioral relapse. This potential for immediate return underscores the fact that the legal custody of the state is merely suspended, not terminated, during the parole period.

The granting of parole is not a right but a privilege, reflecting a determination by authorities that the rehabilitative efforts undertaken during incarceration have rendered the individual fit for community supervision. This determination relies heavily on institutional reports, psychological evaluations, victim impact statements, and the parole board's interpretation of legal statutes designed to balance punitive goals with restorative justice. The overarching concept underpinning parole is the belief that certain offenders can be safely and effectively supervised outside of prison walls during the concluding phase of their sentence, thereby offering them an opportunity to prove their commitment to law-abiding behavior while simultaneously reducing the financial and societal

burden of prolonged incarceration.

2. Legal and Historical Foundations

The modern concept of parole emerged in the 19th century as part of a broader movement toward penal reform, shifting away from purely punitive models toward systems that emphasized inmate rehabilitation and structured release. Key figures instrumental in the development include Captain Alexander Maconochie, who developed the 'mark system' in the 1840s at the Norfolk Island penal colony. Maconochie's system allowed prisoners to earn marks based on good conduct and labor, which, once accumulated, led to graduated release. This innovative approach introduced the principle that the duration of incarceration should depend not solely on the original crime, but on the prisoner's demonstrated capacity for reform and responsibility, laying the groundwork for conditional release mechanisms worldwide.

Following Maconochie's work, Sir Walter Crofton implemented the 'Irish system' in the 1850s, which refined the concept into three distinct stages of confinement leading to a conditional release known as a 'ticket-of-leave.' This ticket-of-leave functioned virtually identically to modern parole, requiring the individual to report periodically to the police and adhere to strict behavioral rules. The Irish system was highly influential and was subsequently adopted and adapted by American correctional reformers. The Elmira Reformatory in New York became the first facility in the United States to utilize an indeterminate sentencing structure coupled with a formal parole system in 1876, cementing its role in American penology.

Throughout the 20th century, parole became an integral component of the indeterminate sentencing model prevalent across the United States and many Western nations. Indeterminate sentencing meant a convicted person was given a minimum and a maximum sentence (e.g., 5 to 15 years), and the parole board had the discretion to determine the actual release date, provided the minimum term was served. However, starting in the 1970s and 1980s, criticism mounted regarding the perceived arbitrariness and potential bias in parole board decisions, coupled with a national political shift toward stricter 'tough on crime' policies. This led many jurisdictions, particularly at the federal level and in numerous U.S. states, to move toward **determinate sentencing**, which assigns fixed terms and severely limits or eliminates the use of traditional, discretionary parole, replacing it instead with forms of mandatory supervision or 'good time' release. Despite these changes, discretionary parole remains active for specific populations or offenses in many jurisdictions, and the principles of conditional supervision persist universally.

3. Key Characteristics and Conditions

Parole is defined by several inherent characteristics that distinguish it from outright freedom or sentence completion. The most significant characteristic is its **conditional nature**. The release is

not a final discharge; rather, it is predicated entirely on the individual's promise to abide by a comprehensive set of rules established by the supervising authority. These rules are designed to protect the public, promote the rehabilitation of the parolee, and ensure accountability throughout the supervision period. Failure to comply with even one condition can trigger the revocation process, leading to the parolee's immediate return to custody to serve the remainder of the sentence.

A second core characteristic is the requirement of intensive **supervision**, which is typically managed by a probation and parole officer (PPO). The parolee must maintain regular contact with their PPO, often through scheduled in-person meetings, phone calls, and, increasingly, electronic monitoring. The PPO acts both as a monitor and, ideally, as a resource facilitator, helping the parolee secure essential services such as employment, housing, and mental health treatment. The level of supervision is often categorized based on the perceived risk level of the parolee, ranging from administrative (low risk) to intensive (high risk), with intensive supervision often involving unscheduled visits, strict curfews, and frequent drug testing.

The specific conditions imposed upon parolees are broad and restrictive, often covering every aspect of their life. These conditions are legally binding and non-negotiable once the parole is granted.

Mandatory Reporting: The parolee must notify the PPO immediately of any change in residence, employment, or marital status.

Criminal Conduct Prohibition: Parolees must not violate any law, state, federal, or local. Commission of a new crime usually results in automatic and swift revocation.

Association Restrictions: Parolees are often prohibited from associating with known felons or individuals engaged in criminal activity.

Substance Abuse Restrictions: If substance abuse was a factor in the original offense, mandatory participation in treatment programs and submission to random drug and alcohol testing are common conditions.

Weapon Prohibition: The possession of firearms or other dangerous weapons is strictly forbidden.

Geographic Limitations: Travel outside a specific county or state often requires explicit, written permission from the parole officer.

4. Types of Parole Systems

While the fundamental concept of conditional release remains consistent, different jurisdictions

utilize varying models of parole based primarily on how the release decision is made and whether it is discretionary or mandatory. These distinctions significantly influence the length of time served and the control exerted by correctional authorities versus judicial sentencing.

The most traditional form is **Discretionary Parole**, where an independent parole board holds hearings to determine whether an inmate is suitable for early release after serving the minimum term of an indeterminate sentence. The board has wide latitude in making this decision, weighing factors such as the severity of the original crime, the inmate's disciplinary record, evidence of remorse, participation in rehabilitation programs, and the feasibility of their release plan. This model is often lauded for its focus on rehabilitation but criticized for potential inconsistencies and subjective judgment.

In jurisdictions utilizing determinate sentencing, **Mandatory Parole** (often termed 'supervision release' or 'statutory release') is common. Under this system, an inmate is automatically released after serving a statutorily defined portion of their sentence--typically the total sentence length minus accrued 'good time' credits earned through compliant behavior. While the release itself is non-discretionary, the period following release is still characterized by supervision, mirroring the conditional requirements of discretionary parole. The key difference is that the parole board does not assess rehabilitative readiness; they merely confirm the calculation of time served.

Additionally, specialized forms of release address specific population needs. **Medical Parole** (or compassionate release) allows for the early release of inmates who are terminally ill, permanently incapacitated, or whose medical needs are so complex and costly that they cannot be adequately met within the correctional system, provided they do not pose an active threat to public safety. Similarly, **Geriatric Parole** addresses the needs of elderly inmates, often those over the age of 65 or 70, who have served extensive sentences and whose age and physical decline significantly reduce their likelihood of reoffending. These specialized paroles typically require rigorous medical documentation and assessment of the individual's physical capacity to commit new crimes.

5. Psychological and Sociological Implications

The transition facilitated by parole is fraught with significant psychological and sociological challenges, demanding intensive support and oversight, which directly relates to the concept of parole as a "sustaining provision." After years of institutional dependence, the abrupt requirement for self-sufficiency--finding employment, securing housing, managing personal finances, and rebuilding social networks--can overwhelm the individual, increasing the risk of relapse and recidivism. Forensic psychologists play a crucial role in evaluating the mental state and behavioral risks associated with this transition.

Psychological assessments often focus on dynamic risk factors--those that can change over time, such as substance abuse patterns, emotional regulation capabilities, and social support systems.

Prior to release, inmates undergo assessments to determine their stability and commitment to continuing necessary therapies, such as cognitive-behavioral therapy for managing aggression or anxiety disorders. For those released under psychiatric provision, the parole functions entirely as a therapeutic mandate, ensuring the individual maintains medication compliance and attends mandatory counseling sessions, with the threat of revocation serving as a powerful incentive for adherence.

Sociologically, parole addresses the immense problem of **reentry** into communities. Successful reentry requires overcoming systemic barriers, including public stigma associated with a criminal record, which limits access to quality employment and housing--two vital components for preventing recidivism. The parole officer, therefore, often functions as a crucial mediator between the parolee and societal resources, navigating bureaucratic hurdles and advocating for the individual's basic needs. The quality of this supervision, combining firm enforcement with empathetic support, is often cited as a critical determinant of long-term success or failure.

6. Parole Revocation and Due Process

One of the most powerful and criticized aspects of the parole system is the state's unilateral power of revocation. Because parole is a privilege and not a constitutional right, the state retains substantial authority to return the individual to prison rapidly if parole conditions are violated. Revocation occurs either through the commission of a new crime (which leads to a new conviction and automatic revocation) or through a technical violation--a breach of any of the specific release conditions (e.g., failing a drug test, missing an appointment, or violating curfew).

While the initial decision to revoke is administrative and can be swift, the U.S. Supreme Court established due process requirements for revocation proceedings in the landmark 1972 case, *Morrissey v. Brewer*. This ruling mandated a two-stage process for revocation: first, a preliminary hearing to determine if probable cause exists that a violation occurred; and second, a final revocation hearing before the parole board. At the final hearing, the parolee must be afforded certain minimal rights, including written notice of the claimed violations, disclosure of evidence against them, the opportunity to present evidence and witnesses, and the right to confront adverse witnesses (unless the hearing officer finds good cause for non-disclosure).

Despite these due process protections, the threat of revocation remains potent because the standard of proof is lower than in a criminal trial (a preponderance of the evidence, not beyond a reasonable doubt), and the proceedings are administrative rather than judicial. This mechanism ensures that supervision maintains its disciplinary authority, allowing the state to quickly respond to behavioral deterioration or risk escalation, thereby maintaining public safety, though critics argue it often leads to the re-incarceration of individuals for non-criminal, technical failures related to challenges of poverty and access to resources.

7. Debates and Criticisms

Parole systems are subject to continuous criticism regarding their effectiveness, fairness, and consistency. A primary debate centers on the tension between the philosophical goals of **rehabilitation** and the practical demands of **public safety**. Critics often argue that discretionary parole boards, under pressure from public opinion and political mandates, prioritize risk avoidance over genuine rehabilitative progress, leading to inconsistent release standards and the prolonged incarceration of individuals deemed low risk but convicted of politically sensitive crimes.

A second major criticism targets the high rates of re-incarceration due to technical violations. Data frequently shows that a significant percentage of parolees returned to prison were not convicted of a new crime but violated conditions such as missing appointments or failing to pay supervisory fees. Critics contend that this practice essentially punishes poverty and administrative missteps rather than preventing criminal behavior, leading to a revolving door system that undermines reentry efforts and significantly increases correctional costs. This system effectively extends the punitive reach of the state long after the individual has left the prison walls.

Furthermore, the legal status of the parolee is often scrutinized. While conditionally free, the parolee experiences the "pains of supervision," encompassing heightened surveillance, restricted rights (such as limits on search and seizure that do not apply to the general public), and pervasive social stigma. This intermediate status creates an environment of instability and stress, making the already difficult task of societal reintegration even more arduous. Reformers advocate for systems that focus more heavily on providing resources--housing, employment assistance, and mental health care--as opposed to solely enforcing compliance, recognizing that supervision must be balanced with support to achieve genuine long-term success.

8. Further Reading

[Parole \(Wikipedia Entry on Legal and Correctional Concept\)](#)

[Morrissey v. Brewer \(Summary of Due Process Requirements for Parole Revocation\)](#)

[Alexander Maconochie and the Mark System \(Historical Context\)](#)