

## FREQUENTLY ASKED QUESTIONS ABOUT THE LACK OF PAROLE FOR FEDERAL PRISONERS

### **Q1: What is parole?**

**A:** Parole is a hallmark of so-called “indeterminate” sentencing systems. When granted, parole is an agreement between the prisoner and a parole board that allows the prisoner to be released from prison before serving his entire prison term and serve the remainder of that term in the community, under strict supervision, as long as he follows certain conditions. Conditions are different for every person, but some common ones include:

- An agreement not to leave the state/district
- Frequent meetings with a parole officer
- An agreement not to be out past a certain hour (also called a curfew)
- An agreement not to use or possess drugs, alcohol, firearms, etc.
- Keeping a steady job
- Attending drug or alcohol addiction treatment programs
- Submitting to frequent or random drug tests
- Not associating with people with criminal records.

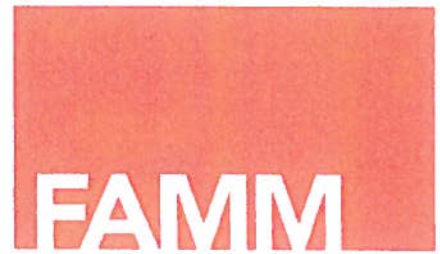
### **Q2: What happens in systems that do not allow for parole?**

**A:** The alternative is a system in which the sentence cannot be reduced by parole. A sentence must be served in its entirety (though often with reductions for good behavior, set by statute). This is sometimes called “truth in sentencing”; such systems are “determinate” sentencing systems. In these systems, regardless of a prisoner’s behavior, demeanor, and rehabilitation in prison, the person will never go before a parole board and must serve the full time given to him, minus any good time earned. As an example, let’s compare how a 10-year sentence might work in a system with parole and in a system without parole:

| <b>With parole (indeterminate)</b>  | <b>Without parole (determinant)</b>               |
|-------------------------------------|---------------------------------------------------|
| Sentence imposed: 10 years          | Sentence imposed: 10 years                        |
| Parole eligibility: Yes             | Parole eligibility: No                            |
| Parole granted: After 6 years       | Parole granted: Not applicable                    |
| Good time credit: Not applicable    | Good time credit: 15% (1.5 years) off of 10 years |
| Time served: 6 years                | Time served: 8.5 years                            |
| Time on parole supervision: 4 years | Time on parole supervision: Not applicable        |

### **Q3: Has there ever been parole in the federal system?**

**A:** Yes. From 1910 to 1984, nearly all federal prisoners received sentences that included parole eligibility after serving one-third of their sentences. During that period, most people convicted in federal courts were *only* given a maximum sentence, not a minimum, and would periodically appear before the parole board, which decided if the prisoner could be released on parole. On average, most federal prisoners served 58% of their maximum sentences before being paroled.



to behave differently. Consider the following example, and assume that both Case I and Case II involve federal defendants who committed the same crime and had similar criminal backgrounds:

**Case I**

Judge hands down 20-year sentence.  
Parole board denies parole for 15 years.  
Time served: 15 years.

**Case II**

Judge hands down 10-year sentence.  
Parole board grants parole at earliest time.  
Time served: 3 years, 4 months.

In Case I, the judge wants to sentence the prisoner to 10 years in prison, so he hands down a harsh, 20-year sentence because he knows that parole boards grant parole after 58% of time served, on average. But the parole board does not act as the judge expects and denies parole repeatedly. The prisoner serves 15 years instead of the 10 years the judge intended him to serve.

In Case II, the judge wants to sentence the prisoner to 10 years in prison and is confident the prisoner will not be granted parole, so he hands down a 10-year sentence. The prisoner becomes eligible for parole in 3 years, four months, and he is granted parole immediately. The prisoner serves less than half of his full sentence, and far less time than the prisoner in Case I.

Examples like this one led to a public perception that parole produced inconsistent and unpredictable results for prisoners who committed similar crimes and had similar criminal records.

Not having a certain, knowable date of release from prison could also cause frustration and anxiety among prisoners. Prisoners could go before the parole board multiple times, each time hoping for and being denied release. Often, prisoners had to wait months or even years for another chance to receive parole. Though parole boards were required to give the prisoner a list of reasons why parole was being denied, prisoners often did not understand why they were not paroled. Even amongst prisoners, the system could be seen as arbitrary or unfair.

**3. Fear of “releasing” prisoners early.** In the late 1970s, when lawmakers wanted to eliminate federal parole, many polls showed that the public favored longer sentences for prisoners. The public also believed that parole was “setting people free” who were still a danger to society. These beliefs may have been affected by some common misconceptions about the parole process. While parole boards did “release” prisoners by removing them from prisons, they also:

- Carefully considered each case to decide whether a prisoner was still a “danger to society.” Prisoners deemed too dangerous were not granted parole.
- Required prisoners to serve the remainder of their sentences in the community, under strict supervision from parole officers. Parolees who broke the rules or committed new crimes could be – and often were – sent back to prison.