

REAUTHORIZATION OF THE U. S. PAROLE COMMISSION

I. The U. S. Parole Commission's mandate should be extended.

Although the U. S. Parole Commission (hereinafter USPC) was supposed to go out of business in 1987, it has consistently been given extensions over the years because of the thousands of "old law" inmates remaining under its jurisdiction (either still incarcerated or under post-incarceration supervision) and because those convicted under District of Columbia statutes have been placed under USPC management after the demise of the old DC Board of Parole. Control of the aforementioned supervisees is administered by U. S. Probation Services. The same probation officers that direct "new law" supervisees handle those under the "old law" as well albeit under a different set of rules. Any new change in procedures for these thousands of ex-felons might very well raise *ex post facto* concerns.

If for no other reason than the sheer number of present and former inmates involved, it would be a monumental effort to legally change the rules and regulations that affect those supervisees presently being administered by the USPC. Moreover, many of those affected have not yet been given a release date by the USPC as provided by the Sentencing Reform Act of 1987.

II. The U. S. Parole Commission's mandate should be made permanent.

The USPC has been extended four times since it was supposed to wrap up business in 1987. It presently has a staff that exceeds 100 people and a budget of more than \$10 million yearly. However, the USPC is continually given supplementary tasks to accomplish. The original idea was for the USPC to establish a release date for each and every inmate, oversee those inmates after release, direct their conditions of parole, terminate parole at the appropriate time and revoke their freedom if a serious violation of parole regulations occurred. Two new tasks given to the USPC in recent years include command of District of Columbia inmates and authority over treaty transfer prisoners from foreign countries.

Some agency must continue all of this work and what better agency than the existing USPC - rather than reinvent the wheel with a new bureaucracy. It seems to make little sense to “reauthorize” and “extend” the USPC every few years rather than make them a permanent body continuing with the same responsibilities presently in place. New related responsibilities may also arise.

III. The U. S. Parole Commission should be expanded.

It is inevitable that some form of early release is looming. We have no reasonable alternative option. We cannot continue down the present path because it is cost prohibitive to build the necessary prisons to house the future population at our present rate of incarceration and it is unjust and inequitable to put mostly non-violent first-offenders in prison for the majority of their adult lives.

There are presently nearly 202,000 incarcerated federal inmates. The number has increased exponentially since 1987 with no end in sight for this significant growth – fueled by draconian sentences put in place by the U. S. Sentencing Commission’s reliance on guidelines and Congress’ mandatory minimums. More than half (55%) of federal prisoners are serving time for drug related crimes. Nearly three-fourths (72%) of the federal prison population are non-violent offenders. More than one-fourth (34.4%) are first-time non-violent offenders.

Even though 97% of federal inmates eventually are released, discharge may not occur for many years because better than nine out of ten inmates convicted of federal crimes will be released only after serving approximately 87.5% of their sentences under the new Sentencing Guidelines. “New law” inmates have no incentive to rehabilitate and are all painted with the same brush. Since the bulk of the population is “new law” the result has been prison overcapacity, facility instability and increased danger to both inmates and staff. The new system essentially doubled the sentences that judges were forced to impose with no chance for early release and these sentences have uniformly been initiated and determined by the charging decisions of prosecutors

In contrast, “old law” inmates have an opportunity (pursuant to USPC’s discretion) for early release from prison and early termination of parole. Historically, USPC has promoted public safety and justice by fairly exercising its authority to release and supervise offenders under its jurisdiction through a conscious application of its own guidelines in each case. It has done this by a willingness to give due regard to individual circumstances while applying the least restrictive sanction that is consistent with public safety and the appropriate punishment for the offense.

Lengthy sentences have an inordinate impact on inmates’ families, particularly on children who must be raised in broken families. Moreover, with the loss of a wage earner, inmates’ families are forced on to the welfare rolls with the resulting negative impact on state budgets. Depending upon whose numbers one wishes to use, the cost to the country to incarcerate our huge federal population runs approximately \$30,000 to \$40,000 per inmate per year. The total operational cost exceeds \$6 billion yearly and if one includes amortization of land and buildings total cost is more than \$8 billion. Our prison population is aging dramatically. The cost to house older inmates is twice that of younger inmates because of the increased medical costs.

CONCLUSION

Inmates can be rehabilitated and should have a second chance to lead positive lives. The fact that there are over 18,000 federal inmates with sentences longer than twenty years most of whom are non-violent and many of whom are first-time offenders indicates that review of these sentences by the USPC would be attractive and advantageous to reducing the burgeoning prison population and its attendant costs. An existing federal agency with inmate release expertise is standing by to take over supervision of this plan. The USPC should be extended, expanded and made permanent, not only to administer its present mandate, but also to be given a new mandate, namely to review lengthy sentences so as to cut costs and set fair release dates.