SHOULD PAROLE BE ABOLISHED? : A COMPARATIVE ANALYSIS

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ABSTRACT

The debate over whether to eliminate parole is a nuanced and contentious matter encompassing criminal justice, public safety, and reintegration into society. This research paper conducts a thorough analysis of the arguments both for and against the removal of parole from the criminal justice system. Through an extensive exploration of legal frameworks, historical perspectives, empirical research, and ethical considerations, this study investigates the various aspects of parole and its effects on individuals, communities, and society as a whole. This analysis covers crucial areas, such as the historical progression of parole, its primary objectives of rehabilitation and reintegration, the effectiveness of parole programs in reducing repeat offenses, and the potential hazards linked to releasing offenders prior to completing their sentences, this research probes the socio-economic consequences of parole, evaluating its role in addressing issues such as mass incarceration, racial disparities, and the difficulties faced by formerly incarcerated individuals upon reentry. Additionally, the paper critically assesses the use of discretion in parole decision-making, addressing concerns related to bias and transparency, this study explores global viewpoints on parole, drawing comparisons between its utilization and outcomes in different nations, which provide valuable insights into its potential advantages and disadvantages. Ethical considerations pertaining to the idea of second chances, the rights of victims, and the overall societal cost of parole are also analyzed, the objective of this examination is to offer a comprehensive understanding of the arguments supporting and opposing the abolition of parole. By elucidating the intricacies of parole as a tool in the criminal justice system, this research contributes to the ongoing dialogue concerning its reform and alternative approaches in the pursuit of a just and effective justice system.

1. INTRODUCTION –

The topic of whether parole should be abolished within the legal system is a complex and hotly debated issue. Parole is a system where certain prisoners are released before serving their full sentences, with the aim of helping them become law-abiding citizens again. This research paper explores whether this system is still effective and fair in today's world. We'll look at the history of parole, what it's meant to achieve, and whether it really helps people stay out of trouble after they've been in jail. We'll also see if getting rid of parole would change how long people stay in prison and if it would make the legal system better for everyone. At a time when people are talking about making the legal system fairer and helping those who've been in trouble with the law, this research will help we understand if keeping or getting rid of parole is a good idea.

2. RESEARCH DESIGN

2.1. Research Problem

• Exploring the Impact of Parole on Recidivism Rates in the Indian Context: Investigate whether the current parole system effectively reduces reoffending among released individuals, considering the unique socio-cultural dynamics of India.

• Assessing the Equitability of Parole Decisions: Examine the fairness and consistency in granting parole, focusing on potential biases based on factors such as

gender, socio-economic status, or regional variations, and their implications for justice.

● Balancing Public Safety and Rehabilitation: Analyze the delicate balance between protecting society from potential harm and promoting the rehabilitation of offenders through parole, considering the evolving nature of criminal justice practices in India.

2.2. **Objectives –**

This research paper tries navigating and analyzing whether the parole is effective in reducing re-arrest and impact on the individuals in changing the mentality of the offenders from re-committing the same crime. Is parole effective in achieving it or not.

2.3. **Research question –**

● Whether parole is effective in mitigating recidivism?

● What is the relationship between parole and recidivism rates, and how does the presence or absence of parole impact an offender's likelihood of reoffending?

● How does presence of parole influence sentencing practice, what would be the potential impact of its abolition.

2.4. **Literature Review –**

2.4.1. Ms. Kishita Gupta (2021) in this article titled Parole in India and laws related to it, the article discusses parole laws in India. It outlines the eligibility criteria for granting parole, which includes a requirement for convicts to have served a certain portion of their sentence and to have displayed good behavior during imprisonment. The article also mentions that parole can be granted for urgent reasons, such as family emergencies or medical issues. It highlights the distinction between regular parole and emergency parole. The process for applying for parole is explained, involving the submission of an application to the competent authority. The article emphasizes that parole is not a right but a discretionary measure. Additionally, it discusses the conditions that

parolees must adhere to during their release, and the consequences of violating these conditions. Finally, the article emphasizes the importance of a balanced approach, considering both the rights of convicts and the interests of society while granting parole. The research gap is the lack of in-depth exploration into the effectiveness of parole implementation in India.

2.4.2. Varsha (2022) in this article titled Parole Laws in India: A Tool to Social Rehabilitation or Route Recidivism, the article "Parole Laws in India: A Tool to Social Rehabilitation or Route to Recidivism?" examines the effectiveness of parole in achieving social rehabilitation and reducing recidivism in India. It explores how parole, a temporary release of prisoners, can either aid in their reintegration into society or contribute to a cycle of reoffending. The article highlights that while parole can offer convicts a chance to address family needs, employment, and community reintegration, it also raises concerns about potential abuse and the risk of repeat offenses. The article discusses the eligibility criteria for parole, including the prisoner's behavior during incarceration and the completion of a certain portion of the sentence. It underscores the importance of a balanced approach to parole, considering both the welfare of the convict and the safety of society. However, it doesn't delve deeply into the specific outcomes or data regarding parole effectiveness. The author identifies a research gap in the form of a lack of comprehensive data on the impact of parole on recidivism rates in India. The article calls for empirical studies to analyze whether parole actually aids in social rehabilitation or inadvertently contributes to repeat offenses. By critically assessing the implementation, success stories, and challenges of parole, the article suggests that India's parole system can be refined to better serve its dual goals of rehabilitation and reducing recidivism. The Research gap is the lack of comprehensive empirical studies that examine the actual

impact of parole on recidivism rates in India.

2.4.3.   The article titled Why Parole Matters published on RestoreJustice.org discusses the significance of parole in the criminal justice system. It acknowledges that while some studies indicate that parole can contribute to reduced recidivism rates, there is a challenge due to inconsistent definitions of recidivism. The article emphasizes that despite varying definitions, the broader consensus supports the idea that individuals released on parole are less likely to re-offend compared to those released without supervision. The article underscores the importance of proper parole implementation, including support structures such as access to education, employment opportunities, and community reintegration programs. It highlights that well-executed parole can offer a chance for individuals to rebuild their lives while also benefiting public safety. In terms of research gaps, the article hints at the need for more standardized definitions of recidivism to allow for clearer comparisons across studies. It also suggests that more comprehensive and long-term studies are necessary to provide a deeper understanding of the role of parole in reducing repeat offenses. Overall, the article argues that parole matters because it has the potential to lower recidivism rates, support reintegration, and contribute positively to both individuals and society. It advocates for evidence-based policies and practices to maximize the benefits of the parole system. This alludes to a research gap concerning inconsistent definitions of recidivism.

2.4.4.   JEFFREY A. MEYER and LINDA ROSS MEYER (2007) in the article titled Abolish Parole the author argues for the abolition of parole in Connecticut's criminal justice system. The article points to the case of the Cheshire killings as a catalyst for reform, criticizing the decision to release the accused killers on parole shortly before the crime. Meyers suggests that parole, a predictive process, raises concerns about its ability to accurately forecast future dangerousness. He emphasizes

that criminal sentencing should be based on moral fault rather than uncertain predictions. The article highlights the federal system as an example, where felons serve sentences determined by judges and are subject to supervised release. Abolishing parole, the article contends, would lead to truth-in-sentencing, reduce the need for a "three strikes" law, and potentially refocus resources on reviewing pardon petitions and enhancing the integrity of the criminal process. The Research Gap research gap can be inferred from the article's emphasis on the limitations of predictive processes, such as parole boards' attempts to forecast future dangerousness.

2.4.5.   SOPHIA PAYSER [2021] in this article titled Parole; she proposes the idea of probation and argues against its abolition. In addition, the author provided examples of historical contexts rooted in drugs, war, racism, the aftermath, mass incarceration, free labor, and universal justice. This article focuses primarily on the creation of a parole system and reflects the need for parole as an initiative to promote rehabilitation and redemption. In restoration of parole and rehabilitation - such as education, substance abuse treatment, job preparation, and cognitive behavior. Therapy - inmates can use their time in prison to become law-abiding members of society. The author also emphasized the importance of probation in reducing recidivism, the financial aspect, and the need for extensive rehabilitation opportunities for prisoners. A weakness of the study may be that it should include more comparative and comprehensive assessments to address the key questions raised by the author, address more of the social consequences of mass incarceration, especially for minorities, and include more case studies or personal descriptions the impact of non-release on individuals and their families.

THEODORE DALRYMPLE [2018] in this article titled Let's Abolish Parole, the author believes that the parole system is flawed in theory and

practice. They argue that the system's attempts to predict the future behavior of condemned prisoners are imprecise and often result in false positives and false negatives. The author claims that rehabilitation work in prisons is ineffective and serves primarily as a condition for early release, rather than as a genuine attempt to change behavior. They continue to criticize the superficiality and unfairness of parole procedures, including the assessment of factors such as remorse. The author also points out that released criminals may continue to commit crimes with few consequences due to inadequate supervision. They further argue that the parole system is inconsistent with the rule of law because it makes decisions about liberty based on uncertain future behavior rather than established past actions. Alternatively, the author suggests replacing the current system with fixed-length sentences to avoid speculative predictions. They distrust the experts participating in the system and insist that the right not be transferred to them. Overall, the author argues that the parole system is deeply flawed and in need of significant reform. The author claims that rehabilitation programs in prisons are ineffective. Further research could delve into empirical studies that evaluate the outcomes of these programs and examine factors such as relapse rates, behavioral changes, and long-term success in preventing relapse. Examining the psychological and social factors that hinder or facilitate successful rehabilitation can provide insight into why certain programs are ineffective. Understanding the relationship between an offender's personal history, mindset and participation in rehabilitation could guide more targeted and effective interventions, and examining how other countries manage their probation

system could provide insights into the effectiveness or ineffectiveness of probation.

2.5. Hypothesis –

There is no benefit in releasing the criminals because of the criminal's tendency of recidivism, the parole should be abolished.

Eliminating parole from the criminal justice system may potentially lead to a decrease in repeat offenses, promote fairness and transparency in sentencing, and encourage the adoption of alternative methods for rehabilitating and reintegrating offenders, thereby contributing to a more equitable and efficient criminal justice system.

2.5.1.1. Research Methodology –

Research Approach: In this the researcher uses a mixed method combining both qualitative and quantitative methods to gain holistic understanding of the topic.

2.5.1.2. Data collection:

1 Quantitative Data: Collect quantitative data through surveys, data from criminal justice agencies and parole boards. This data can include recidivism rates, parole demographics, and parole board decisions.

2 Qualitative Data: Conduct in-depth interviews with parole officers, former parolees, victims and experts in criminal justice and rehabilitation to gain insights into the impact of parole on the individuals and society as a whole.

Sub topics/Chapters –

Data Analysis: Embarking on a data-driven exploration of the parole system involves employing statistical tools to unravel the intricate relationship between parole and recidivism rates. A crucial aspect of this analysis is the utilization of regression analysis, a method that allows for a nuanced understanding of how parole might impact the likelihood of individuals returning to

criminal behavior. By scrutinizing historical data, we can discern patterns and trends that shed light on the efficacy of parole as a factor in reducing recidivism. Regression analysis enables the identification of potential variables influencing recidivism rates, offering a quantitative lens through which to assess the impact of parole on individuals re-entering society. Factors such as the duration of parole, the quality of rehabilitation programs, and socio-economic conditions can be systematically analyzed to ascertain their significance in shaping recidivism outcomes. This methodological approach brings a level of precision to the discourse surrounding parole, providing empirical evidence to inform the ongoing debate about its effectiveness. As the statistical analysis unfolds, it becomes apparent that a comprehensive understanding of the parole-recidivism relationship requires careful consideration of various factors. Beyond merely scrutinizing the statistical significance of variables, the researcher must delve into the contextual nuances that influence these outcomes. Through a judicious application of regression analysis, we can not only quantify the correlation between parole and recidivism but also gain insights into the multifaceted dynamics at play within the criminal justice system.

2.5.1. Case Study: Embarking on a case study approach, the researcher delves into specific jurisdictions that have undertaken notable shifts in parole policies, either through abolition or reform. Examining real-world instances provides tangible insights into the potential effects of such policy changes on the criminal justice landscape. By scrutinizing the experiences of these jurisdictions, we can distill valuable lessons and gauge the practical implications of altering parole systems. One illuminating case study is that of a jurisdiction that opted for the abolition of parole. Here, the researcher scrutinizes the before-and-after scenarios, seeking to discern changes in recidivism rates, public safety, and

the overall functioning of the criminal justice system. Conversely, in jurisdictions that embraced parole reform, the analysis centers on identifying the specific adjustments made and their subsequent impact. This comparative exploration of different approaches offers a nuanced understanding of how policy decisions shape the trajectory of parole-related outcomes. Moreover, the case study methodology allows for an in-depth examination of the contextual factors influencing the success or challenges associated with parole changes. Factors such as cultural attitudes towards rehabilitation, the availability of support systems, and the nature of the criminal offenses prevalent in a region contribute to the intricate tapestry that shapes the impact of parole policies. Through this meticulous examination of real-world scenarios, the researcher aims to contribute concrete examples and insights that enrich the ongoing discourse on the feasibility and effectiveness of parole reform.

2.5.2. Comparative Analysis: Embarking on a comparative analysis, the researcher navigates the global landscape to examine parole systems and criminal justice outcomes across diverse countries and regions. By juxtaposing these varied approaches, valuable lessons and insights emerge, providing a comprehensive understanding of the impact of parole policies on the broader criminal justice framework. One dimension of this comparative exploration involves contrasting countries with distinct parole models. Nations emphasizing a rehabilitative approach may exhibit lower recidivism rates, showcasing the potential benefits of a parole system designed to facilitate reintegration. Conversely, jurisdictions with a more punitive stance, possibly marked by a reluctance to grant parole, may offer insights into the implications of an approach that favors a strict adherence to sentencing periods. The researcher delves into the intricacies of each country's legal and societal frameworks, considering how cultural attitudes and historical contexts influence the

effectiveness of parole. By unraveling these contextual nuances, the comparative analysis seeks to identify patterns and trends that transcend borders, shedding light on universal principles or challenges associated with parole systems. Furthermore, this chapter goes beyond quantitative metrics, incorporating qualitative insights into the analysis. By examining the lived experiences of individuals within different parole systems, the researcher aims to capture the human dimension of these policies. This approach adds depth to the comparative analysis, ensuring a holistic understanding of how parole, as a component of the criminal justice system, intersects with the diverse fabric of societies worldwide.

Ethical Considerations: In navigating the terrain of ethical considerations, the researcher conscientiously approaches the handling of sensitive data within the realm of parole analysis. Given the inherently personal nature of criminal justice data, ensuring the utmost respect for privacy becomes paramount. Stringent measures are implemented to anonymize and protect the identities of individuals involved in the study, safeguarding against any potential harm or unintended consequences. This commitment to ethical conduct extends to the responsible use of data, reinforcing the researcher's dedication to upholding the principles of transparency, integrity, and respect for the rights of participants. In tandem with safeguarding identities, the researcher places a strong emphasis on securing informed consent from all participants involved in the study. This ensures that individuals contributing to the research are fully aware of the study's objectives, methodologies, and potential implications. By fostering an environment of transparency and open communication, the ethical framework surrounding the research is fortified, promoting trust and cooperation between the researcher and participants. This chapter serves as a testament to the researcher's

unwavering commitment to conducting the study with the highest ethical standards, acknowledging the profound responsibility that comes with delving into the complex and sensitive realm of criminal justice data.

Expert Consultation: In the pursuit of a comprehensive understanding, the researcher dedicates a chapter to expert consultation, recognizing the multifaceted nature of the parole discourse. Legal scholars, criminologists, policymakers, and advocacy groups are invited to provide invaluable insights, offering diverse perspectives that enrich the study's depth and credibility. By engaging with experts in these fields, the researcher aims to validate findings and ensure the study benefits from a well-rounded examination of the complex interplay between parole policies and criminal justice outcomes. Legal scholars contribute their nuanced understanding of the legal frameworks surrounding parole, shedding light on the intricacies of legislation and its practical implications. Criminologists bring their expertise in analyzing crime patterns and rehabilitation strategies, offering a scholarly lens through which to interpret data and draw meaningful conclusions. Policymakers provide real-world context, sharing perspectives on the challenges and considerations involved in implementing parole policies. Finally, advocacy groups, often representing the voices of those directly impacted by the criminal justice system, contribute essential perspectives on the human aspects of parole, emphasizing the importance of fairness, equity, and rehabilitation in the pursuit of effective policies. This collaborative approach underscores the researcher's commitment to a well-informed and balanced analysis. By seeking input from a spectrum of experts, the study not only enhances its academic rigor but also acknowledges the real-world implications of parole policies, ensuring a holistic understanding that transcends disciplinary boundaries.

2.5.3.   Limitations: Within the chapter

dedicated to limitations, the researcher candidly acknowledges the constraints inherent in the study, recognizing the need for transparency and humility in the research process. One primary limitation lies in the scope of data collection, where certain factors may be beyond the researcher's control. Variability in data availability across different Jurisdictions, potential discrepancies in reporting practices, and limitations in the depth of historical data can impact the study's comprehensiveness. This acknowledgment serves as a reminder that despite meticulous efforts, the study operates within the confines of existing data realities. Furthermore, the researcher addresses potential biases that might arise during the data collection process. Recognizing that the availability and quality of data may differ across regions or jurisdictions, the study aims to mitigate bias through rigorous methodologies and transparent reporting. The researcher is attuned to the importance of maintaining objectivity and impartiality throughout the analysis, minimizing the risk of unintentional skewing of results. By openly discussing these limitations, the researcher aims to foster a nuanced understanding of the study's boundaries, encouraging future research endeavors to build upon and refine these insights.

Recommendations: Within the Recommendations chapter, the researcher distills insights from the comprehensive study to offer valuable guidance to policymakers and stakeholders in the criminal justice system. Drawing on the findings, the researcher advocates for a nuanced approach to parole policies, emphasizing the importance of balancing punitive measures with rehabilitative efforts. A key recommendation involves considering the implementation of evidence-based rehabilitation programs during parole, tailored to address specific needs identified in the study. By fostering targeted support, policymakers can enhance the prospects of

successful reintegration and reduce recidivism. Additionally, the researcher recommends a continual evaluation of parole systems, incorporating feedback mechanisms and adaptive strategies. Policymakers are encouraged to embrace an iterative approach that allows for ongoing adjustments based on evolving societal needs and emerging research insights. The study underscores the significance of flexibility in policy design, recognizing that a one-size-fits-all approach may not be conducive to addressing the dynamic nature of criminal justice challenges. Furthermore, the Recommendations chapter delves into potential alternatives and reforms. This includes exploring community-based initiatives, restorative justice practices, and enhanced collaboration between the criminal justice system and social services. By broadening the perspective beyond traditional paradigms, policymakers can foster a more holistic and effective approach to parole. The chapter serves as a roadmap for meaningful reform, aligning policy recommendations with the study's empirical findings to contribute to the ongoing evolution of the criminal justice system.

Discussion and Conclusion: Within the Discussion and Conclusion chapter, the researcher conducts a thorough analysis of the study's findings in the context of the initial hypothesis and existing research. The examination goes beyond a mere presentation of results, delving into the intricate interplay between parole policies and their broader implications on recidivism, sentencing, and societal outcomes. The discussion begins by revisiting the hypothesis, scrutinizing how the empirical data aligns with or challenges the initial expectations. By contextualizing the findings within the existing body of research, the researcher aims to contribute nuanced perspectives to the ongoing discourse on parole abolition or reform. This critical evaluation ensures a holistic understanding of the complex

dynamics at play in the criminal justice system. The implications of parole abolition or reform on recidivism take center stage in the discussion. The researcher navigates through the data, exploring how changes in parole policies correlate with trends in repeat offenses. Sentencing practices are also scrutinized, with an emphasis on whether reform efforts have influenced the duration and nature of sentences. Moreover, the discussion extends to societal outcomes, considering the broader impact on public safety, rehabilitation, and the overall functioning of the criminal justice system. In conclusion, the researcher synthesizes these analyses into a comprehensive understanding of the parole paradigm's effects. The chapter encapsulates the study's contributions, providing policymakers, scholars, and practitioners with valuable insights that can inform future reforms and advancements in the realm of criminal justice.