RESEARCH ARTICLE

MONTANA EARLY RELEASE PROGRAM

Too early is too soon

Lessons from the Montana Department of Corrections Early Release Program

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In their seminal work, *Reaffirming Rehabilitation*, Cullen and Gilbert (1982: 176) issued a warning that "in the face of teeming penitentiaries, alternative release procedures could and undoubtedly will be evolved. Yet these adaptations are likely to be hastily instituted and to create new inefficiencies and inequalities in the administration of justice." Nearly three decades later, their premonition has proved to be correct as state correctional administrators have struggled in efforts to combat the "incompatible and powerful forces" (Cullen, Wright, and Applegate, 1996: 70) of underfunding and overcrowding (see, e.g., Lane, 1986). Indeed, by year-end 2009, 19 states and the federal government had prison systems operating at more than 100% of their highest inmate capacity with 27 operating at more than 100% of their lowest capacity (West, Sabol, and Greenman, 2010).[1] Additionally, the current economic crisis has led to significant, across-the-board cuts in the seemingly untouchable sphere of state correctional budgets (Engel, Larivee, and Luedeman, 2009). The task, then, is for researchers, policy makers, and practitioners to find ways to alleviate these strains without compromising the goals of corrections or the safety of the general public.

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1. The highest capacity is the sum of the maximum number of beds across three capacity measures (rated, operational, and design), whereas the lowest capacity is the minimum of these three capacity measures (see West et al., 2010).

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In general, three approaches have been taken to reduce the spatial and fiscal constraints faced by the U.S. correctional system (Blumstein, 1988). The first, and perhaps most straightforward, is to increase prison capacity (i.e., build our way out of the problem). This approach was favored in the 1990s and is likely less of an option in a time of fiscal uncertainty and increased prison populations. The second approach is to decrease prison admissions through "front-end" solutions where offenders are diverted to sentences other than prison (e.g., probation). The challenge in doing so is to develop a range of sentences that leave judge, victim, and community satisfied while also avoiding "widening the net of social control" (Tonry and Lynch, 1996). Finally, an increasingly used group of strategies is that of "back-door" solutions—including modifications to parole release and good-time policies, and the use of emergency-release mechanisms to reduce current populations. These options can be implemented in a shorter time frame than front-door strategies and have the added benefit to administrators of often occurring outside of public and judicial view.

Back-door strategies essentially reduce the amount of time served by offenders and thus have historically been a controversial approach to reducing overcrowding. Austin (1986) identified a "dark side" of early release in the form of potential financial and nonpecuniary costs for victims of crimes committed by inmates released early. Furthermore, he noted that these strategies provide an excessive amount of discretion to correctional administrators, which subverts the principles of equity and certainty in sentencing by the court and often leads to public outcry over leniency in punishment. Given that early release often occurs behind closed doors, little is known about the extent to which these unintended consequences outweigh the benefits of immediate population reduction. To be sure, despite the increased popularity of these approaches, relatively few empirical assessments of early release procedures have appeared in the criminological literature (cf. Austin, 1986; Joo, Ekland-Olson, and Kelly, 1995).

Taken together, these concerns signal the need for a more rigorous examination of the consequences of early release as a mechanism to reduce correctional populations. As the state of California searches for ways to comply with a federal court order to release more than 40,000 inmates by 2011 (Archibold, 2010), it is imperative that assessments of existing release programs are made available to guide release policies properly. The purpose of the current study is to take a step in this direction by evaluating an early release program in Montana designed to mitigate the effects of a $9 million budget shortfall. Specifically, we use frailty-adjusted Cox proportional hazard models to compare the reoffending rates of an early release subgroup with that of more traditional releases. Although recidivism is admittedly a limited and often debated measure of policy success, we believe that it is critically important to the long-term goals of reducing prison populations and correctional spending.[2] To that end, we conclude the article by providing a detailed discussion of possible explanations for our findings and their policy implications with special attention given to

2. See, for example, the discussions by Maxwell (2005) and Lynch (2006).

an issue that has thus far escaped much of the early release literature: the importance of evidence-based offender reentry.

Early Release as a Correctional Tool

The difficulty in reviewing the existing literature on early release stems from deciding which studies should be included based on definitional considerations. For example, accelerated release via an increased leniency on the behalf of a parole board could qualify as early release; similarly, the accumulation of good-time credits and corresponding shorter time served could be considered an early release.[3] Nevertheless, without specific mention of a concentrated effort to relieve strains on the correctional system, it would be nearly impossible to ascertain whether early release was, in fact, occurring. Given the scope of the current study, this problem is somewhat avoided by only reviewing those works that examine explicitly an early release procedure designed to alleviate spatial or financial strains.[4] This restricts the pool of available studies considerably, but the dynamics present under these conditions are different compared with a standard early release mechanism triggered by good behavior while institutionalized. Only three published studies examining recidivism among early releases were identified and are examined in more detail in this article.

Sims and O'Connell (1985) assessed six cohorts of early released inmates from 1979 to 1984 in Washington State. More than 1,600 inmates were paroled an average of 6 months early to comply with a court decision (*Hoptowit v. Ray,* 1982) designed to reduce prison crowding. Each cohort varied in terms of composition (e.g., the percentage of violent offenders), as well as the legal authority on which early release was granted. The recidivism analyses compared each group with historical recidivism rates in addition to a control group comprising 1,867 traditional releases. Of the four groups for which information was available for at least 3 years after release, three cohorts alleviated overcrowding somewhat with minimal risk to public safety (in terms of percentage reincarcerated, percentage reincarcerated within the early release period, etc.) compared with controls. The other cohort had higher recidivism rates than the traditional releases—a finding that the authors suggested was because of the higher overall number of inmates released at one time, as well as because of the higher percentage of prior recidivists in that group compared with the others. Sims and O'Connell concluded that early release can provide only a temporary relief to overcrowding and that the risk to the general public is contingent on the availability of low-risk inmates for early release.

3. These two examples represent the most general types of early release for states with indeterminate sentencing (accelerated release via parole board) and for those with determinate sentencing (increased application of good-time credits).

4. These criteria preclude the inclusion of analyses that sought to determine the impact of court-ordered early release for reasons other than crowding or budget concerns (see, e.g., Eichman, 1966; Malak, 1984; see Guzman, Krisberg, and Tsukida, 2008, for a broader review of accelerated release programs).

A series of studies by Elkland-Olson, Kelly, and colleagues (Ekland-Olson, Kelly, Joo, Olbrich, and Eisenberg, 1993; Joo et al., 1995; Kelly and Ekland-Olson, 1991) provided some additional insight into early release through their assessment of four parolee cohorts in Texas. In *Ruiz v. Estelle* (1980), a federal court ruled that prison conditions in Texas were unconstitutional because of severe overcrowding. The state legislature passed the Prison Management Act (PMA) in 1983 to comply with the court's ruling. When populations exceeded capacity, the PMA triggered the administration of more liberal good-time credits in addition to the advancement of parole eligibility. The preceding studies therefore represent recidivism analyses during a time of accelerated release in the Texas prison system.[5]

The four cohorts were composed of releases from 1984 to 1987 who were followed during a 36-month period using surviving analyses to document reincarceration. The 1984 and 1985 cohorts paralleled national trends, and the authors concluded that changes in the administration of justice were unimportant for these groups. The 1986 and 1987 cohorts, however, differed substantially from the other cohorts. Each departed from the baseline in unique ways, but in general both cohorts performed worse (e.g., a greater percentage recidivated or did so more quickly) than the 1984 and 1985 cohorts. The authors speculated that a combination of reduced deterrence and increased strain placed on parole officers may have been responsible for the results of the latter cohorts (to be discussed more fully in the Conclusions section).

One additional analysis of the Texas overcrowding response supplemented these initial works. Joo et al. (1995) added a specific early release cohort to determine the impact of the PMA. The 1987 version of the PMA required that the prison director award 30 days of good time to all eligible inmates when the population reached 95% of capacity. If this measure did not reduce the population sufficiently, then the prison director was to award additional time (up to 90 days), and the Board of Pardons and Paroles was to advance the parole eligibility and review dates of eligible inmates by an equal amount of days. A 1987 cohort released under these provisions was compared with a similar traditional release cohort from the same year. The early cohort was more likely to be reincarcerated at 12, 24, and 36 months, with the first 12 months producing the greatest difference in recidivism between the two groups (76% survival of the early cohort vs. 83% of the baseline cohort). It is important to note that there were some compositional differences between the two groups, but taken as a whole, these studies indicated that the early release process in Texas may have actually contributed to an increased incarceration rate (Kelly and Ekland-Olson, 1991).[6]

5. Indeed, Kelly and Ekland-Olson (1991) noted that prison releases increased to 30,102 in 1989, which was up from 7,180 in 1980. Additionally, nearly 80% of inmates were released on parole after their first hearing in 1989, which was up from 40% in 1983.

6. More specifically, the high-risk group of the early release cohort produced a higher risk score than the high-risk group of the baseline cohort (see Joo et al., 1995: 403).

Finally, perhaps the most comprehensive study to date on the impact of an early release procedure was Austin's (1986) evaluation of the Illinois Department of Corrections (IDOC) program that released more than 21,000 inmates early between 1980 and 1983.[7] Extreme overcrowding—leading to unsafe and inhumane facilities and an eventual riot that killed three guards—was cited as the leading concern in the need to reduce populations in a relatively short time period. Early release was then accomplished by two mechanisms. First, a more formal procedure described as "forced release" identified inmates who were nearing sentence completion as candidates to receive good-time credits (awarded by the Director of Corrections) to accelerate their release. This policy occurred on a weekly basis to best accommodate the impact of prison admission fluctuations on the overall prison population. Inmates selected for early release were primarily property offenders who had been within the custody of the IDOC for at least 90 days and had been approved for release by the warden of the institution. A second, less formal mechanism was the awarding of good-time credits to *any* (i.e., not necessarily near release) inmate by the Director based on the recommendation of the wardens. These recommendations were based on satisfactory work and disciplinary records, and the overall time served was effectively shortened by a sizeable proportion of the inmate population. Of the two mechanisms, the informal procedure was responsible for the bulk of good-time credits awarded by the Director and contributed most heavily to the overall early release program. On average, 105 days were deducted from the sentence of early release inmates, which represented a 12% reduction in their expected length of imprisonment (Austin, 1986).

Using a random sample of 1,500 inmates released during the period of 1979–1982, Austin compared early releases and traditional releases on two forms of recidivism (official arrests and parole violations) using multiple types of analyses (e.g., survival analyses and risk model simulations). He observed that early release had no impact on the overall rates of rearrest or parole violations for all released offenders and that offenders released early actually had lower rearrest rates and were arrested for fewer violent offenses than non–early releasees.[8] Additionally, substantial savings were recorded (approximately $1,480 per early release), and the early release program was partially responsible for avoiding additional overcrowding. Despite these positive findings, early release increased the total amount of crime reported to police in Illinois, and the costs incurred by victims offset a substantial portion of the total savings. Nevertheless, Austin (1986: 469) concluded, "Relatively minor

7. The state of Illinois is again at the forefront of early release controversy as two programs supported by Governor Pat Quinn were suspended amid concerns over public safety. Quinn recently signed a bill requiring the Department of Corrections to post photographs online of offenders who were released early.

8. It is important to note that the early releases represented better public safety risks because of the criteria for inclusion in the program (i.e., good conduct within the institution and held at lower security levels before release) (see Austin, 1986: 443–446, for a discussion of the additional differences between the two groups).

adjustments in time served have little influence on the probability of recidivism compared to the more powerful factors predictive of recidivism."

The IDOC early release program therefore had the intended effect for state officials—substantial overcrowding was avoided and early releases were no more likely to recidivate than traditional releases. The program was not, however, well received by a general public concerned over the increasing amount of crime suffered and by criminal justice system actors who felt their work was undermined. It also must be recognized that the program was just one part of a three-pronged approach to reducing overcrowding that included front-end procedures (e.g., diversion to intensive supervision) and prison capacity expansion. Accordingly, Austin could reach no definitive conclusions on whether the program represented good correctional policy. He advised that early release could provide no more than a short-term remedy—not a permanent solution—for prison crowding.

The overall lack of empirical evaluations of early release procedures should not come as a surprise. As stated, the general public (and researchers in particular) often are not privy to the potentially unpopular decisions made to reduce correctional populations. The paucity of studies should, however, come as a disappointment to researchers and correctional officials who have much to gain from an understanding of the outcomes of these decisions. Currently, little agreement exists in the literature on early release procedures and their consequences; yet it can be expected that they will be implemented to an increasing degree in the face of budget crises.[9] Adding to the appeal of early release strategies are recent Bureau of Justice Statistics data that indicate a lack of relationship between length of stay and recidivism rates, which suggests that prison terms could conceivably be reduced without any major spike in reoffending (Langan and Levin, 2002; see also Austin, 2010). Accordingly, the current study evaluating the Montana Department of Corrections (MDOC) early release cohort assumes an importance beyond that of the typical recidivism analysis.

Early Release in Montana

The MDOC is one of the smaller state correctional systems in the United States. At the time of the release program, it was ranked 44th among state prison populations with 3,340 inmates (Harrison and Beck, 2004). Montana is a large, rural state that also ranked 44th in total population with slightly more than 900,000 total residents in 2000 (U.S. Census, 2000).[10] At mid-year 2010, Montana had 12,983 offenders under supervision with 2,570

9. At the time of writing, Michigan, Kentucky, and Ohio were among states considering early release proposals to alleviate financial strains.

10. A legitimate concern is the extent to which a small, relatively homogenous state like Montana could generalize to a larger, more heterogeneous state like California. Although the states clearly differ in terms of size and demographics, they share similar characteristics regarding criminal justice procedures. In particular, both states count more than 50% of their prison admissions as being parole violators—a sizeable portion of which are composed of technical violations specifically (Travis and Lawrence, 2002). Nevertheless, the subsequent findings should be interpreted with this important limitation in mind.

in a prison; 918 in a prerelease center; 338 on intensive supervision; 8,367 on probation or parole; and 790 in treatment programs. The average time served in prison for released inmates in 2010 was 21.2 months for males and 15.5 months for females (MDOC, 2010a).

The parole process is run by the Montana Board of Pardons and Parole (BOPP). All inmates, including those placed by the prison in prelease centers and on intensive supervision, are eligible for parole except those serving life without parole or a death sentence. Parole eligibility dates are calculated by the MDOC using current statutes and court criteria, although inmates are only considered for parole if they have at least 120 days clear conduct prior to their eligibility date (Montana Board of Pardons and Parole, 2010a). The parole process itself begins with an inmate's application and development of parole plan to include housing, employment or education, and treatment programs coupled with a budget schedule to pay fines, fees, and restitution (Montana Board of Pardons and Parole, 2010b). Additionally, only inmates released from a prison facility are given gate money (Montana Department of Corrections, 2010b). Parole revocations are performed through a hearing process initiated by a parole officer through a revocation report. Offenders are allowed to have counsel, use evidence, and call witnesses to contest the revocation. The BOPP can then dismiss the revocation, revoke the offender back to prison, or use other intermediary sanctions at its discretion (Montana Board of Pardons and Parole, 2010c).

In June 2002, the MDOC began releasing several hundred inmates early in the hopes of mitigating a $9 million budget deficit. The intention of this early release program was to reduce the costs associated with high levels of imprisonment in Montana. Offenders deemed to be a "low risk" toward reoffending were selected for this early release—with the main qualification being that their crime was not of a violent or sexual nature. Contrary to standard release procedures (e.g., parole board review for release), these offenders were released from prison or a community program at the discretion of the MDOC and placed under the supervision of its Community Corrections Division. The only individuals who were eligible for this release were part of a sentencing option known as a "DOC Commitment" in which offenders are sentenced to a maximum of 5 years to the MDOC in lieu of a longer sentence in prison.[11] Thus, these offenders could be considered to pose a lesser threat toward members of society as they are mainly composed of nonviolent, drug, and property offenders.

Not surprisingly, a public battle among the MDOC and legislators, judges, and prosecutors ensued over the appropriateness of the early release program in Montana. The Director of the MDOC at the time attempted to justify to the general public the effectiveness and safeness of the early release strategy. He noted that of the 298 offenders released early as DOC Commitments—only 18 of them (6%) had been returned to prison

11. The "DOC Commitment" sentencing option was created in 1993 by the Montana Legislature that allowed a judge to sentence an offender to the MDOC for appropriate placement within its system rather than sentencing an offender directly to prison. Excluding deferred and suspended probationary sentences, approximately 80% of prison and community admissions to the MDOC are DOC Commitments (MDOC, 2010a).

for violating the rules of the release (Slaughter, 2002). He also attempted to put at rest the idea that violent offenders, as well as offenders with substantial time to serve remaining, were being selected for early release. The early release decision process was characterized by a "dynamic system of checks and balances" (Slaughter, 2002, para. 6) in which multiple levels of the correctional system were involved in selecting appropriate individuals for release. At the time, the conditional release program was said to be achieving the dual objectives of saving taxpayer dollars without impacting public safety in a negative manner.

Those outside of the MDOC, however, did not have as much faith in the program. Montana attorneys in particular were incensed as they believed the policy undermined efforts to punish offenders properly for the crimes they committed (Montana County Attorneys Association [MCAA], 2002). They noted that the program was only in existence for 2 months, and thus, evaluations of recidivism rates were unwarranted because of the lack of an opportunity to reoffend. Images of Willie Horton were invoked as the early release program operated "without legislative approval, without administrative rules, and without public input or comment" (MCAA, 2002, para. 2). The safety of the public, therefore, was depicted as being in extreme jeopardy because of the MDOC early release program. Judges in Montana were equally upset with the policy, and many decided to sentence offenders to prison specifically (rather than to the DOC) to avoid them having eligibility for eventual early release (Associated Press, 2002). Ultimately, the early release program was depicted by outsiders as a selfish attempt by the DOC to overcome budget deficits and overcrowding with little regard for the possible unintended consequences on society. At issue, then, is whether the early release program alleviated the budget crisis without compromising public safety via increased recidivism.

Current Focus

Given the presence of overcrowding and underfunding within the U.S. correctional system, and the general lack of consensus regarding the findings of previous studies, the current work seeks to expand the knowledge base of the potential usefulness of early release policies. More specifically, we compare the reincarceration rates of the early release cohort in Montana with that of more traditional releases—both from institutional and community settings. We move beyond previous works by employing frailty-adjusted Cox proportional hazard models to account for the heterogeneity in propensity to fail across individuals. Finally, the current study adds to the literature by providing a more detailed discussion of the findings and their corresponding policy implications, with specific attention given to the problem of offender reentry.

Data and Measures

Data on all releases from both prison and community correctional facilities were obtained from the MDOC for the period between June 1, 2000 and January 1, 2007 (total

$N = 5{,}668$).The information provided included demographics, historical movements within the correctional system (including date of return to custody, if applicable), and sentencing information such as prior convictions. Most importantly, the data indicated whether an offender was part of the conditional release group. Using this information, the offenders were classified as one of four release statuses: (a) traditional parole from prison, (b) conditional release from prison, (c) traditional parole from a community setting, or (d) conditional release from a community setting. Releases from prisons included inmates from Montana State Prison, Montana Women's Prison, two regional prisons, and a private prison. Releases from community settings included inmates from six prerelease centers, multiple drug treatment facilities, and those on intensive supervision.[12] The bulk of offenders were released via traditional parole from community settings ($n = 2{,}365$, 42%), with similar percentages released via both conditional release from community settings ($n = 1{,}589$, 29%) and traditional parole from prison ($n = 1{,}250$, 22%). The smallest group was composed of offenders who were conditionally released directly from prison ($n = 464$, 8%). Collectively, then, 37% of the releases within this study were conditionally released. The final sample included 4,929 offenders accounting for 5,668 releases, with the large majority of offenders (4,245, 86%) having only been released once in the time frame.

Dependent Variable

The outcome of interest for the current analysis was defined as any return to the same level of custody or higher during the study time frame. Thus, the measure parallels the use of reincarceration as a measure of recidivism by previous studies (Joo et al. 1995; Wilson, 2005), and therefore it represents "a complex measure of criminal behavior combined with formal and informal policy and procedure mechanisms" (Wilson, 2005: 494). More specifically, the inclusion of technical violations within the recidivism measure allows for the examination of potential differential revoking practices across the four groups (e.g., the early release group experiencing more technical violations because of an unexpected, increased workload for parole officers).[13] Additionally, as will be shown in the subsequent discussion, technical violations led to the bulk of returns and removing them from the

12. Most offenders within the community were released from prerelease centers (78%), with smaller percentages of offenders being released from treatment programs (16%) and intensive supervision (6%). Importantly, regardless of placement, nearly all community offenders spent a significant amount of time in the community (i.e., rarely does an offender spend all of his or her time institutionalized).

13. It is critically important to identify any possible differences in revoking practices across the four groups. In particular, revocation decisions for inmates released on traditional parole from both prison and community setting were performed by the BOPP, whereas revocation decisions for inmates conditionally released from prison and community settings were performed by the MDOC. Revocation hearings performed by the BOPP followed formal processes as specified by statute, whereas those performed by the MDOC for conditional releases were informal, shifting the decision to revoke solely to the MDOC rather than to the BOPP. This notable difference likely impacts technical violation rates and is discussed in the Criminal Justice Thermodynamics section.

analyses would miss a large component of returning offenders. Perhaps most importantly, the intention of the early release policy was to remove some of the financial burden placed on the MDOC by an increased correctional population. Documenting offenders who return to custody is therefore the most appropriate assessment of the effectiveness of this policy.

Independent Variables

In addition to release status, we include several theoretically and empirically relevant individual-level characteristics of offenders in our analyses. Prior recidivism studies have documented that offenders who are male, younger, of minority status, and have extensive criminal histories are more likely to recidivate (see, e.g., Gainey, Payne, and O'Toole, 2000; Huebner and Berg, 2011; Spohn and Holleran, 2002). The current sample was primarily male (81.7%) with an average age of 35.2 years. Native Americans are the dominant minority in Montana, and the sample reflected this as 17.1% of the sample were identified as Native American. Whites comprised 77.0% of the sample, Hispanics 3.5%, African Americans 1.4%, and 0.9% were other or unknown. The sample also consisted of mostly nonviolent offenders with only 24.7% of the offenders having a conviction for felony assault, robbery, arson, kidnapping, sexual assault, or homicide. The average length of stay for offenders ranged from a low of 24 months for the conditional release from the community group to a high of 69 months for the traditional parole from prison group. On average, then, conditional release offenders were released approximately 22 months early from prison and 10 months early from the community (see Tables 1 and 2 for full sample demographics).

It is important to note that several additional statistically significant differences were found across groups in terms of demographics and prior criminal involvement. Most notably, the traditional parole from prison group differed from the other three on several dimensions, including gender (higher percentage of males), prior drug convictions (lower percentage), prior violent convictions (higher percentage), and age (older). In addition, the conditional release from prison group contained a substantially higher percentage of Native Americans (24%) than the other three groups. The conditional release from community group was also unique in that it contained a higher percentage of drug offenders than the remaining groups.

Analytic Strategy

The primary focus of the current analysis is to determine whether offenders who were released early in Montana were more likely to recidivate (and to do so more quickly) than offenders released in a more traditional manner. Accordingly, the analysis proceeds in several stages. First, we split the sample into releases from the community and releases from prison because of differences in demographics and release policies across these two categories. Next, we employ a one-to-one nearest-neighbor propensity score matching scheme to

TABLE 1

Comparison of Key Demographics for Prison Full Sample and Prison Propensity Score Matched Sample

	Prison Full Sample			Prison Matched Sample		
Variable	TP ($n = 1,250$)	CR ($n = 464$)	p Value[a]	TP ($n = 434$)	CR ($n = 434$)	p Value[a]
Offender						
Gender (1 = male)	89.0%	83.0%	<0.001	83.0%	83.1%	0.978
Mean release age	37.6	34.1	<0.001	34.6	34.2	0.373
Native American (1 = yes)	15.9%	23.9%	<0.001	24.4%	22.8%	0.576
Criminal History						
Length of stay (months)	69.4	47.0	<0.001	50.5	47.9	0.530
Drug[b]	31.0%	33.4%	<0.001	31.6%	33.4%	0.562
Theft	23.2%	25.0%	<0.001	24.9%	24.7%	0.937
Other nonviolent[c]	62.3%	67.7%	<0.001	63.6%	68.4%	0.132
Mean number of violent convictions[d]	0.5	0.3	<0.001	0.3	0.3	0.996
Mean number of nonviolent convictions	2.3	2.3	<0.001	2.3	2.3	0.378
Mean total convictions	2.8	2.7	<0.001	2.6	2.7	0.933

CR, conditional release; *TP*, traditional parole.

[a]*p* values are from chi-square tests for the categorical variables and Wilcoxon ranked sum test for the continuous and count variables.

[b]Drug possession and manufacture, sale, or possession with intent to sell were combined into a single drug offense variable as there was not enough information to discern whether an individual was involved in drug dealing or simple drug usage as plea bargaining may have been involved. Individually, drug possession and manufacture, sale, or possession with intent to sell were 15.3% and 9.4% of total convictions, respectively, with other types of drug offenses included.

[c]Other nonviolent convictions included burglary, check kiting, felony DUI, forgery, criminal endangerment, and other offenses deemed felony by Montana statute.

[d]Violent convictions included felony assault, robbery, arson, kidnapping, sexual assault, sexual abuse, and homicides. The most common violent conviction was felony assault, which consisted of 58.6% of all violent convictions. Robbery was next at 14.6% followed by sexual assault at 13.7%. Homicide and attempted homicide consisted of only 3.2% of the violent convictions.

reduce potential bias from imbalanced covariates and nonrandom group assignment within the community and prison release samples (Rosenbaum and Rubin, 1983; Stuart, 2010). In the one-to-one matching scheme, a logistic regression is fit modeling the likelihood of being a conditional release based on sex, age, gender, length of stay, and criminal history variables. The resulting predicted probability from the model for each conditional release observation is then matched with one observation from the traditional sample that had the nearest corresponding probability. If a match cannot be found, then the observation is omitted from subsequent analysis. Balancing the groups allows us to be more confident that our results are a result of the treatment condition (i.e., early release status) rather than of the sample selection bias (King, Massoglia, and MacMillan, 2010). The matching scheme

TABLE 2

Comparison of Key Demographics for Community Full Sample[a] and Community Propensity Score Matched Sample[a]

	Community Full Sample			Community Matched Sample		
Variable	**TP ($n = 2,365$)**	**CR ($n = 1,589$)**	***p* Value[b]**	**TP ($n = 1,422$)**	**CR ($n = 1,422$)**	***p* Value[b]**
Offender						
Gender (1 = male)	82.2%	74.9%	<0.001	76.4%	77.9%	0.326
Mean release age	35.0	34.1	<0.001	34.2	34.5	0.634
Native American (1 = yes)	16.7%	16.7%	0.995	16.7%	16.6%	0.919
Criminal History						
Length of stay (months)	33.3	23.5	<0.001	26.1	23.9	0.054
Drug[c]	37.2%	41.6%	0.005	40.1%	39.9%	0.567
Theft	26.6%	19.1%	<0.001	19.8%	20.5%	0.640
Other nonviolent[d]	64.2%	58.0%	<0.001	58.7%	58.9%	0.879
Mean number of violent convictions[e]	0.3	0.2	<0.001	0.2	0.3	0.727
Mean number of nonviolent convictions	2.5	2.0	<0.001	2.0	2.0	0.398
Mean total convictions	2.9	2.2	<0.001	2.3	2.3	0.586

CR, conditional release; *TP*, traditional parole.

[a] Community releases includes those from prerelease centers, treatment programs, and intensive supervision.

[b] *p* values are from chi-square tests for the categorical variables and Wilcoxon ranked sum test for the continuous and count variables.

[c] Drug possession and manufacture, sale, or possession with intent to sell were combined into a single drug offense variable as there was not enough information to discern whether an individual was involved in drug dealing or simple drug usage as plea bargaining may have been involved. Individually, drug possession and manufacture, sale, or possession with intent to sell were 15.3% and 9.4% of total convictions, respectively, with other types of drug offenses included.

[d] Other nonviolent convictions included burglary, check kiting, felony DUI, forgery, criminal endangerment, and other offenses deemed felony by Montana statute.

[e] Violent convictions included felony assault, robbery, arson, kidnapping, sexual assault, sexual abuse, and homicides. The most common violent conviction was felony assault, which consisted of 58.6% of all violent convictions. Robbery was next at 14.6% followed by sexual assault at 13.7%. Homicide and attempted homicide consisted of only 3.2% of the violent convictions.

reduced the final sample size used in the models from 3,954 releases to 2,844 releases in the community group and from 1,714 releases to 868 releases in the prison group.[14]

We then estimate Cox proportional hazard models to document differences in the overall recidivism rates between conditional release and traditional parole within the prison and community group matched samples separately. In a proportional hazards model, it is assumed that there is a common baseline hazard ratio for all subjects that changes with

14. An analysis of the 30 observations that were omitted from the prison conditional release group revealed that 29 were serving a driving-under-the-influence (DUI) sentence from the latter part of the 1990s and did not have the same criminal history as others that were retained in the sample. The traditional parole group had few of these DUI-only offenders. The other observation had only a deliberate homicide conviction and no other criminal history. These cases were atypical of those eligible for parole and thus had no match in the control group. Similar results were found for the community sample.

the inclusion of covariates in the model. The estimates of the covariate effects then can be reported as risk or hazard ratios proportional to the baseline hazard (Collett, 1994). The model gives estimates of the average time-to-failure results for the various groups in the study (in addition to the overall failure rates) and allows for speculations to be made about the possible reasons for differences in recidivism (Lynch, 2006). Finally, this method also allows for the handling of censored data where failure (in this case, return to custody) has not yet occurred.

Given that 13.9% of the sample consisted of offenders with two or more releases, we also add a frailty component to the models to account for the variance resulting from repeated measures. Frailty-adjusted proportional hazards modeling is a recent survival analysis method rooted in biomedical applications. The technique allows the proportional hazard model to be modified and, hence, the baseline hazard to be modified, by adjusting for the fact that some individuals are potentially more frail than others with respect to some outcome and, thus, more likely to fail (Shoukri and Pause, 1999). Similar to a random-effects general linear model, this frailty component is structured as an unobserved covariate that is incorporated into the survival model as a random effect and modifies the hazard function to allow for differing propensities to fail (Hougaard, 1995). Finally, with regard to our sample, we lack information on offender treatment, education level, family history, and other pertinent characteristics—the frailty component also adjusts the overall model to account for these unobserved covariates and creates better estimates for the main factors in the model. In short, the frailty-adjusted proportional hazard model allows us to determine the importance of release status for recidivism independent of any potential individual characteristic or risk factor not included in the analyses.

Results

Tables 1 and 2 present the results of the propensity score matching technique applied to the full sample for the prison releases and the community releases, respectively. As noted, offenders from the conditional release group were matched to offenders from the traditional parole group in an attempt to isolate the effects of early release on recidivism for the analyses presented in the subsequent discussion. Prior to matching, significant differences ($p < 0.01$) emerged between the conditional and traditional parole releases on nearly all the covariates in both samples. The propensity score matching method balanced these variables effectively to make the two groups more equal prior to the survival analyses. Given that we are most interested in the effect of early release, the final matched sample essentially produced two groups (traditional parole and conditional release) that were comparable with each other from a prison setting and two groups that were comparable with each other from community settings.

Table 3 presents the recidivism statistics from the survival analyses conducted on the separate matched samples. All groups had similar percentages of individuals who returned

TABLE 3

Percent Recidivated, Type of Return, and Time to Recidivism by Release Group, Matched Samples

Variable	TPP ($n = 434$)	CRP ($n = 434$)	TPC ($n = 1,422$)	CRC ($n = 1,422$)
Total returned	30.2%	36.4%	36.2%	34.2%
Returned new conviction	5.1%	5.2%	5.2%	5.1%
Mean days to failure	250.1	227.5	284.1	223.2
Median days to failure	199.0	164.0	201.0	184.0

CRC, conditional release from community; *CRP,* conditional release from prison; *TPC,* traditional parole from community; *TPP,* traditional parole from prison.

to custody with a new conviction (approximately 5%), which indicates that most offenders had their parole revoked for technical violations. The traditional parole from prison release group had the lowest overall recidivism rate (30.2%), and the conditional release from prison group had the highest overall recidivism rate (36.4%). This latter group also had the quickest median time to failure, with the average ex-offender returning to custody a little more than 5 months from his or her release date. In contrast, those who did recidivate from the traditional parole from prison group did so over a longer time period. Overall, then, the releases from the conditional release from prison group failed more often and did so more quickly than the remaining three groups.

Turning to the frailty-adjusted Cox proportional hazard models, it is again apparent that the conditional release from prison group performed poorly relative to traditional releases. Table 4 indicates that the DOC Commitments released from prison were two times more likely to recidivate than their traditional parole from prison counterparts. Offenders who were younger, male, and Native American were more likely to recidivate, yet none of the criminal history variables emerged as significant predictors of recidivism in the prison sample. Turning to the community sample, the conditional release offenders were somewhat *less* likely to recidivate than those released via traditional parole. Younger, male, and Native American offenders were again more likely to recidivate, and those who had a prior theft or other nonviolent conviction were more likely to fail (see Table 5).

A consistent picture emerged throughout the analyses in regard to the four release groups. The conditional release from prison group was more likely to recidivate and to do so in a quicker time period. This finding held even when balancing the groups on theoretically relevant control variables as well as when adjusting for unobserved heterogeneity via the frailty component. On the other end of the spectrum, those released via traditional parole from prisons performed considerably well overall. As noted, the parole process in Montana begins with an inmate demonstrating a parole plan that includes expected housing and employment details. This requirement could potentially create a preparation for reentry

TABLE 4

Frailty-Adjusted Cox Proportional Hazard Model Predicting Time to Failure, Prison-Matched Sample

Variable	*B*	SE	Relative Risk
Release Status			
Traditional parole from prison	—	—	—
Conditional release from prison	0.691***	0.136	2.00
Offender			
Gender (1 = male)	0.508*	0.212	1.65
Mean release age	−0.034***	0.008	0.97
Native American (1 = yes)	0.674***	0.158	1.96
Criminal History			
Length of stay (months)	0.002	0.001	1.00
Total number of convictions	−0.071	0.052	0.93
Drug conviction	0.000	0.176	1.00
Theft conviction	0.135	0.182	1.14
Other nonviolent conviction	0.279	0.185	1.32
Violent conviction	−0.162	0.186	1.08
Frailty Gamma*			

Notes. Likelihood Ratio Test = 312***; $df = 10$. $R^2 = 0.3$; $n = 868$ releases.*$p < 0.05$. ***$p < 0.001$.

that is not available to those released early from prison. Furthermore, the early release group from the community setting performed similarly to the traditional release group from the community setting. This finding may indicate a smoother transition into society for these conditional releases (compared with their conditional release from prison counterparts) because of a better plan for reentry via placement in the community. The early release from community cohort was slightly less likely to fail overall compared with the traditional releasees from community; yet early release failures returned more quickly than failures from the traditional group. Overall, we have clear indications that the early release procedure, particularly for those released directly from prison, may have exacerbated the financial strain problem in Montana as a result of increased recidivism.

Discussion

The primary focus of the current study was to determine the effectiveness of an early release policy in Montana designed to mitigate a budget deficit. The results indicated that early release offenders (particularly those from a prison setting) were more likely to recidivate than matched counterparts. Yet our analysis would be incomplete if we did not offer potential explanations for these specific findings in Montana. To that end, we address two dominant explanations within the literature for the effects of early release on offender recidivism. First, we assess the degree to which changes in one area of the justice system (i.e., release procedures) may have unintended effects on another (i.e., supervision

TABLE 5

Frailty-Adjusted Cox Proportional Hazard Model Predicting Time to Failure, Community-Matched Sample

Variable	*B*	SE	Relative Risk
Release Status			
Traditional parole from community corrections	—	—	—
Conditional release from community corrections	−0.133*	0.063	0.88
Offender			
Gender (1 = male)	0.403***	0.085	1.50
Mean release age	−0.014***	0.003	0.98
Native American (1 = yes)	0.566***	0.078	1.76
Criminal History			
Length of stay (months)	0.002	0.001	1.00
Total number of convictions	0.020	0.022	1.02
Drug conviction	0.070	0.081	1.07
Theft conviction	0.261**	0.086	1.30
Other nonviolent conviction	0.302***	0.082	1.35
Violent conviction	0.07	0.088	1.08
Frailty Gamma*			

Notes. Likelihood Ratio Test = 138**; $df = 10$. $R^2 = 0.24$; $n = 2{,}844$ releases.* $p < 0.05$.** $p < 0.01$. *** $p < 0.001$.

within the community). More specifically, we identify the concept of "criminal justice thermodynamics" as being a partial explanation for our findings. Second, we discuss the possibility that early release may have created a reduced deterrence effect in which the certainty and severity of serving a full sentence is undermined via early release. In doing so, we introduce an alternative explanation: Offenders are set up to fail through an early release procedure that does little to promote successful reintegration into society.

Criminal Justice Thermodynamics

The manifest function of back-end early release mechanisms is clear: to reduce correctional populations quickly (and quietly) in times of financial or spatial strain. Yet the latent functions of such an approach are numerous and potentially fatal to the overall intentions of administrators. Decisions made within the criminal justice *system* are likely to affect other actors and dynamics within that system. Walker (2006) described this process as the "law of criminal justice thermodynamics," which argues that actions within the justice system produce an equal and opposite reaction. The concept assumes a particular importance for studies of early release as the decision by administrators to release inmates early may be subverted by parole officers who cannot handle an increased caseload. In short, the early release of inmates can shift the burden of overcrowding unintentionally from an institutional setting to a community supervision setting.

Kelly and Ekland-Olson (1991) alluded to the concept of thermodynamics through their discussions of "administrative discretion effects." The authors noted that the increased

volume of parole releases potentially could affect the ability of parole officers to monitor releases. This relationship could present itself in either direction. An increased caseload could lead to overburdened officers who are more likely to "return" offenders to lessen their workload (Wilson, 2005). Alternatively, an increased caseload may lead to reduced surveillance of any one particular offender and, thus, to fewer observations of parole violations. Furthermore, it is likely that parole officers face increased scrutiny from individuals who may be apprehensive about the early release process. In any event, it is clear that the unscheduled early release of offenders would affect the ability of parole officers to do their job, and Kelly and Ekland-Olson (1991) speculated that parole officers may have responded to heightened public concern through the increased use of technical violations for at least one cohort studied.

These concerns point to a larger issue in that widespread discretion occurs in the administration of parole supervision (Austin, 2001; Bottomley, 1990). Indeed, when a violation occurs, the officer may return the parolee to prison, make note of the transgression and strengthen supervision, or take no action at all (Travis and Lawrence, 2002). The label of "early release" likely complicates these decisions even more. Are early releasees granted more leniency given the overall system goal of reducing correctional populations, or are they granted *less* leniency given the additional burden they place on a particular officer? Thus, it is important to determine whether early release outcomes are a product of the behavior of releases or by formal and informal system practices (Wilson, 2005).

The question then becomes to what extent are the results from Montana a function of criminal justice thermodynamics? Unfortunately without qualitative information from parole officers, we cannot determine definitively that adjustments were occurring. It is entirely possible, if not likely, that the label of being a conditional release may have influenced the differences in technical violations across the four groups—specifically for those released early from prison, which may invoke a different response than those released early who were already in the community. Thus, whereas early release procedures may not influence recidivism rates *directly* through the commission of new criminal acts or violations of parole by those released early, it is possible that recidivism rates may increase because of adjustments made by parole officers. Future research would do well to explore the impact of policies (such as early release) on the day-to-day operations of key criminal justice officials. Another observation does, however, merit mentioning. As noted, judges in Montana were modifying their sentencing practices as a result of the early release program. The law of criminal justice thermodynamics was thus taking place on the *front end* of the system as judges were reluctant to turn over placement decisions to the MDOC.

Reduced Deterrence

Another possible explanation for the relationship between early release and recidivism identifies a reduction in sentence length as leading to a weakened deterrent effect of criminal justice sanctions. This perspective is not a novel idea as indeterminate sentencing was

attacked by the political right in the 1970s for being too lenient on offenders (Cullen and Gilbert, 1982). Specifically, the charge was made that the existing system was "soft on crime" by mitigating the harshness of penal sanctions through early release policies such as parole. The certainty and severity components of deterrence theory were therefore diluted when offenders weighed the costs and benefits of engaging in criminal behavior. Not surprisingly, the same arguments remain persuasive today in evaluating the consequences of even more conspicuous early release practices.

A major component of the explanation of findings by Kelly and Ekland-Olson (1991) involved the possibility of a reduced deterrent effect among the parolees released early. In at least one cohort studied, the authors concluded that repetitious offending (i.e., engaging in the same crime as previously incarcerated for, specifically by property offenders and burglars in particular) was potentially indicative of reduced deterrence in that property offenders were most likely to make a rational calculation before engaging in criminal behavior. A more detailed analysis of the paroled property offenders by Joo et al. (1995) again suggested that the increase of repetitious offenders returning to prison from 1984 to 1987 was likely caused by a reduced deterrence effect. Furthermore, in those subsequent analyses, the specific early released property cohort was more likely to be returned to prison for another property offense within 3 years compared with a traditional release property cohort. The authors suggested that early release may lead to a "reduction in the deterrence influence on parolees," which may have accounted for the discrepancies in recidivism across cohorts and may have contributed to the overall increase in Texas incarceration rates (Joo et al., 1995: 405).

The preceding conclusions were largely speculative, and, appropriately, alternative explanations are equally prone to additional questioning.[15] Still, several observations lend to the credence of other interpretations of these findings. A sizeable body of research questions the empirical support of deterrence theory in general (Pratt, Cullen, Blevins, Daigle, and Madensen, 2006), with property offenders in particular unlikely to be swayed heavily in either direction by penalty severity on its own (Decker, Wright, and Logie, 1993). This knowledge coincides with research that suggests that longer sentences produce little gain in terms of reduced recidivism from both an incapacitation and a deterrence perspective (Austin, 1986, 2010; Blumstein, 1988; Blumstein and Beck, 1999; cf. DeJong, 1997). Thus, it is questionable whether the reduction of a previous sentence by a maximum of 90 days had any effect on future criminal behavior decision making by paroled property offenders. Additionally, although we are mindful of the body of work that suggests offenders do not specialize in types of offending (e.g., Piquero, Farrington, and Blumstein, 2007; cf. DeLisi et al., 2011; McGloin, Sullivan, Piquero, and Pratt, 2007), it is important to note that property offenders often are more likely to recidivate—independent of whether they were released early (Langan and Levin, 2002; Spivak and Damphousse, 2006; Wilson, 2005).

15. Indeed, the authors note that it is possible that shifts in the economy could be responsible for their findings.

Indeed, our findings from the community release sample analysis suggested that a prior theft or "other" nonviolent conviction increased the likelihood of recidivism.

Yet the findings of the study by Joo and colleagues were robust and were replicated here in the current study: Early release offenders from prison were more likely to fail, and to do so more quickly, than non–early release offenders from prison. Therefore, we wish to advance an alternative interpretation for the increased likelihood of reoffending by early releases. It is likely that these offenders were thrust back into society with little time to prepare for successful reintegration. Accordingly, the increased stress and trauma of returning to society unprepared may lead to subsequent criminal behavior (Richards and Jones, 1997; but see Minor and Courlander, 1979).[16] Joo et al. (1995: 407) recognized this plausibility: "A sudden, unexpected release for those in the [Prison Management Act] PMA cohort may have meant fewer prior arrangements for life on the outside and thus reduced support resources." We believe that an attention to the literature on successful reentry will aid both researchers and correctional officials in their efforts to understand better the consequences of early release programs.

Offender Reentry

The shock value of the statistic that more than 700,000 offenders will return to communities each year is beginning to dissipate (West et al., 2010). Yet an overlooked component of this oft-cited fact is the notion that the group of offenders returning is fundamentally different than in years past (Petersilia, 2003). These individuals have less programming available to them in prison, have fewer connections with community-based structures, and are overall less prepared to reintegrate back into society successfully (Petersilia, 2003; Travis and Petersilia, 2001). Furthermore, nearly three of four releasees never see a parole board and, thus, often are never required to demonstrate a plan for successful reintegration (Travis and Lawrence, 2002). Whereas previous studies (e.g., Austin, 1986; Sims and O'Connell, 1985) found early releasees to be no more likely to recidivate than non–early releasees, it is possible that the changing nature of the release cohort is responsible for our contrary findings from Montana.

States vary to a wide degree in terms of prerelease programming and resources provided (e.g., money and transportation) to inmates before and during release (Austin, 2001), but it is not uncommon for an inmate to have an experience similar to that described by Richards and Jones (1997; see also Richards, Austin, and Jones, 2004):

> These men walked out of prison wearing old, worn out prison uniforms, carrying a cardboard box containing their personal belongings, with $5 gate

16. We again make the admission that most reincarcerations in the current analyses were for technical violations. This fact does not, however, preclude the possibility that these technical violations were a result of being unprepared for reentry (e.g., inability to find employment or drug use to cope with stress).

> money in their pockets. . . . Some of these men, particularly those who served a long time in the penitentiary, had not been required to pay rent, purchase food, or look for employment in years. The problem was that they had not been properly prepared for release from prison. (pp. 10, 12)

It should come as no surprise, therefore, that parolees often cannot meet the relatively lofty goals of their parole requirements. Several structural impediments are in place that make it difficult, if not impossible, to maintain a conventional lifestyle after institutionalization. Finding employment is a particularly difficult requirement for parolees to meet (Richards et al., 2004)—especially with the stain of a criminal record warding off potential employers (Pager, 2007). The broader point is that whereas a technical violation could represent a serious form of misconduct, it also could indicate an issue that would do little to jeopardize public safety while thwarting plans for overcrowding reduction or budget savings.

Travis (2005) identified reintegration as the product of both the individual reentering society as well as the social context into which he or she has been released. To be sure, an emerging body of literature is indicating that ecological factors (e.g., concentrated disadvantage) play an important role in reoffending (Gottfredson and Taylor, 1986, 1988; Kubrin and Stewart, 2006; Mears, Wang, Hay, and Bales, 2008; Reisig, Bales, Hay, and Wang, 2007). This body of research also is notable for uncovering a differential impact of ecological factors on minorities (Kubrin, Squires, and Stewart, 2007), which assumes a particular importance given our findings on Native American offenders. Additionally, some support exists for the idea that community treatment programs that are high in therapeutic integrity may ease the transition process and lead to a reduction in recidivism (Lowenkamp, Latessa, and Smith, 2006). Unfortunately, the social services that are so vital to successful reintegration often are unavailable in the disadvantaged areas where they are needed most (Hipp, Jannetta, Shah, and Turner, 2011; Hipp, Petersilia, and Turner, 2010). Our findings confirm the need for a reinforcement of the link between prerelease preparation and postrelease supervision (Travis and Lawrence, 2002). Although we lack information on the exact location offenders returned to, it is plausible that the conditional release from prison group was placed at a disadvantage in linking up with social services because of inadequate preparation for release.

Implications

The lessons learned from Montana begin with the idea that early release from prison specifically produces several unforeseen consequences beyond that of reducing correctional populations.[17] Yet our research should not be taken to indicate a requirement for offenders

17. The MDOC made several adjustments as a result of the preliminary findings of the early release procedures. An overall change in placement philosophy put more offenders under community supervision and less behind bars. Indeed, although the total supervised population increased by

necessarily to serve the totality of their sentences. Nor does it advance the idea that an increase in incarceration and its severity would increase public safety. What we argue is that both short-term and long-term processes designed to alleviate correctional strain need to be viewed from a reintegration perspective. To that end, we offer three broad and interrelated implications based on the findings of the current analyses.

1. ***Early release as a short-term fix.*** It would be unwise to suggest that early release procedures should be done away with entirely. Immediate pressures on the U.S. correctional system may produce disastrous consequences for the safety of inmates and correctional officers if they are not ameliorated quickly (but see Franklin, Franklin, and Pratt, 2006). Furthermore, budget deficits have left administrators with few alternatives. The challenge, then, is to provide correctional officials with the best possible information going forward. In the most general sense, we join previous scholars (Austin, 1986; Sims and O'Connell, 1985) in stressing that early release mechanisms should be conceived of as only a short-term remedy for a long-term problem.

Montana, in particular, experienced a significant increase in the annual 3-year recidivism rate of releases as a result of the early release program. Thus, although the procedure solved the initial dilemma, it created additional correctional quagmires down the road. Guided by the next two recommendations, correctional administrators need to couple emergency short-term relief procedures with more long-term strategies for dealing with fluctuations in prison admissions and budget availabilities (Blumstein, 1988). Although this approach includes the need for better projections based on demographics in addition to emergency management planning, it also requires administrators to examine the relationships between prison (re)admissions and effective parole and reentry policies. Short-term emergency release procedures can be successful, but our research indicates that more attention needs to be paid to the transition process from both a supervision and a reintegration perspective.

2. ***Reconsider the nature of parole.*** The major functions of parole are twofold—it can be conceived of as a discretionary release mechanism or as postrelease supervision for ex-offenders. The current analysis has implications for both functions. First, evidence of success (i.e., higher survival rates) was found for the cohorts that were selected for release from prison via traditional parole. Indeed, only 30.2% of traditional parole releases from a secure facility failed within a 3-year period. Our findings support the contention that

approximately 20.0% since FY 2004, the percentage of offenders in hard cells dropped from 22.0% in FY 2004 to 18.9% in FY 2008. Additionally, DOC Commitments are now eligible to be placed on direct community supervision (similar to probation), whereas prior to 2003, they were only placed in prison, prerelease, or intensive supervision. Finally, conditional release is still employed but only for the DOC Commitments supervised in community programs. During the past 5 fiscal years, the MDOC reported that only 35.0% of these conditional releases have returned to prison—a finding that is consistent with the current analyses in regard to the initial early release cohort from community settings. Overall, the 3-year return rate to prison in Montana dropped from a high of 47.0% in 2003 to 44.0% in 2005 (Montana Department of Corrections, 2009).

success on parole is increasing in some jurisdictions (Austin, 2001), and they suggest that an increase in parole grant rates may do little to increase the rates of criminal behavior (Wilson, 2005).

Second, in Montana, more than 50% of prison admissions are parole violators, which parallels a national trend of an immense growth in parole violations during the past 20 years (Blumstein and Beck, 1999; Travis and Lawrence, 2002). Austin (2001) argued that the large variation in parole violations in the United States is caused by diverse policies among states in the imposition of technical violations specifically. To be sure, some states such as California return a sizeable proportion of parolees to prison for reasons other than a new arrest or conviction (Hughes, Wilson, and Beck, 2001). Nearly all the ex-offenders (early and traditional released) within the current study were returned for technical violations; yet significant differences existed across the groups that resulted in early release offenders being more likely to return to custody. Although the commission of a new crime clearly necessitates a strong formal response, relatively minor violations (e.g., failure to report and failed urinalysis) could be handled less punitively. Instead, a system of graduated sanctions could be created that resorts to reincarceration as a last option for repeat violators (Travis and Petersilia, 2001; see also Makkai and Braithwaite, 1994).[18] Such an approach is likely to reduce correctional populations as well as the costs associated with reincarcerating ex-offenders (Travis and Lawrence, 2002), and potentially it could provide more options and guidelines to parole officers that are charged with managing the extra burden of early release offenders.

3. ***Prepare for reentry.*** The preceding suggestion comes as part of a broader argument to overhaul the parole system (see Travis and Petersilia, 2001). Rather than focus on parole as an extended sentence of supervision for offenders, it could be conceived of as a managed reentry mechanism with an explicit focus on successful reintegration. The number of ex-offenders who are released back into communities without any sort of supervision (and, thus, no support for successful reentry) is increasing. More than 100,000 offenders had unconditional releases in 2000, with a few states releasing more than half of prisoners without supervision requirements—some of which directly from maximum-security institutions (Austin, 2001; Travis and Lawrence, 2002). Although clearly a lack of supervision could potentially miss the opportunity to detect new crimes on the behalf of ex-offenders, it also neglects the possibility of preventing future transgressions through better preparing inmates for a successful transition back into society.

Our research indicated that the early releasees from prison may have not been adequately prepared to reenter society, with the expedited release likely the epitome of instances in which prisoners are unaware of their discharge date (Richards and Jones, 1997). Reentry

18. It is likely that offenders, often upset at having their parole revoked for minor violations after "doing good" otherwise, would be supportive of such an approach as well (see Richards et al., 2004: 253).

should thus begin within prison walls through specific planning for each offender.[19] After discharge, a system of managed reentry could "seize the moment of release" (Travis, 2005) by providing ex-offenders with the support needed to perform simple but necessary tasks such as obtaining an identification card. The system should be front loaded, with the bulk of services concentrated within the first 6 months of release (Petersilia, 2003) and should provide offenders with the opportunity to accomplish several requirements (e.g., housing, employment) in one location (Travis, 2005). Additionally, the opportunity for individuals to "graduate" from parole early would assure that resources were reserved for the ex-offenders most vulnerable for a return to crime (Petersilia, 2007).

Early release procedures will undoubtedly become more commonplace in corrections as a means to overcome budget shortfalls and prison crowding. It is therefore necessary that precautions be taken to ensure that offenders are fully prepared to succeed after reentry into society. A full appreciation for the complexities of early release from a reintegration perspective could indeed serve to save money and correctional space while increasing public safety through the reduction of future offenses. It also could lead to additional benefits such as decreases in child abuse, family violence, and community disorganization (Petersilia, 2001), and it would create an opportunity to save considerable time and money to treat social ills through the offender population (Travis, 2005). Indeed, offenders represent a significant cross section of individuals in need of health care, childcare, and general counseling and treatment. Perhaps most importantly, it could challenge the idea that even three decades later, we still do not know what works in reducing recidivism. All eyes will turn to California and states in similar situations to observe the outcome of various responses to the budget and spatial crises in corrections. In short, the manner in which these states choose to handle early release now could produce consequences that would reverberate off correctional walls for years to come.

References

Archibold, Randal C. 2010. California, in financial crisis, opens prison doors. *New York Times*. March 24, section A, 14.

Associated Press. 2002, November 12. State deficit: Department of Corrections. *Helena Independent Record (Helena, MT)*. Retrieved March 14, 2007 from helenair.com.

Austin, James. 1986. Using early release to relieve prison crowding: A dilemma in public policy. *Crime & Delinquency*, 32: 404–502.

Austin, James. 2001. Prisoner reentry: Current trends, practices, and issues. *Crime & Delinquency*, 47: 314–334.

Austin, James. 2010. Reducing America's correctional populations: A strategic plan. *Justice Research and Policy*, 12: 9–40.

19. See, for example, Wilkinson's (2001) discussion of the "The Ohio Plan for Productive Offender Reentry and Recidivism Reduction."

Blumstein, Alfred. 1988. Prison populations: A system out of control? In (Michael Tonry and Norval Morris, eds.), *Crime and Justice: A Review of Research*. Chicago, IL: University of Chicago Press.

Blumstein, Alfred and Allen J. Beck. 1999. Population growth in U.S. prisons, 1980–1996. In (Michael Tonry and Joan Petersilia, eds.), *Prisons*. Chicago, IL: University of Chicago Press.

Bottomley, Keith. 1990. Parole in transition: A comparative study of origins, developments, and prospects for the 1990s. In (Michael Tonry and Norval Morris, eds.), *Crime and Justice: A Review of Research*. Chicago, IL: University of Chicago Press.

Collett, David. 1994. *Modeling Survival Data in Medical Research*. London: Chapman and Hall.

Cullen, Francis T. and Karen E. Gilbert. 1982. *Reaffirming Rehabilitation*. Cincinnati, OH: Anderson.

Cullen, Francis T., John P. Wright, and Brandon K. Applegate. 1996. Control in the community: The limits of reform? In (Alan T. Harland, ed.), *Choosing Correctional Options that Work: Defining the Demand and Evaluating the Supply*. Thousand Oaks, CA: Sage.

Decker, Scott, Richard Wright, and Robert Logie. 1993. Perceptual deterrence among active residential burglars: A research note. *Criminology*, 31: 135–147.

DeJong, Christina. 1997. Survival analysis and specific deterrence: Integrating theoretical and empirical models of recidivism. *Criminology*, 35: 561–576.

DeLisi, Matt, Kevin M. Beaver, Kevin A. Wright, John P. Wright, Michael G. Vaughn, and Chad R. Trulson. 2011. Criminal specialization revisited: A simultaneous quantile regression approach. *American Journal of Criminal Justice*, 36: 73–92.

Eichman, Charles J. 1966. *The Impact of the Gideon Decision Upon Crime and Sentencing in Florida: A Study of Recidivism and Socio-Cultural Change*. Tallahassee, FL: Division of Correction.

Ekland-Olson, Sheldon, William R. Kelly, Hee-Jong Joo, Jeffrey Olbrich, and Michael Eisenberg. 1993. *Justice Under Pressure: A Comparison of Recidivism Patterns Among Four Successive Parole Cohorts*. New York: Springer-Verlag.

Engel, Len, John Larivee, and Richard Luedeman. 2009. Reentry and the economic crisis: An examination of four states and their budget efforts. *Corrections Today*, 71: 42–45.

Franklin, Travis W., Cortney A. Franklin, and Travis C. Pratt. 2006. Examining the empirical relationship between prison crowding and inmate misconduct: A meta-analysis of conflicting research results. *Journal of Criminal Justice*, 34: 401–412.

Gainey, Randy R., Brian K. Payne, and Mike O'Toole. 2000. The relationships between time in jail, time on electronic monitoring, and recidivism: An event history analysis of a jail-based program. *Justice Quarterly*, 17: 733–752.

Gottfredson, Stephen D. and Ralph B. Taylor. 1986. Person-environment interactions in the prediction of recidivism. In (James M. Byrne and Robert J. Sampson, eds.), *The Social Ecology of Crime*. New York: Springer Verlag.

Gottfredson, Stephen D. and Ralph B. Taylor. 1988. Community contexts and criminal offenders. In (Tim Hope and Margaret Shaw, eds.), *Communities and Crime Reduction*. London, UK: Her Majesty's Stationery Office.

Guzman, Carolina, Barry Krisberg, and Chris Tsukida. 2008. *Accelerated Release: A Literature Review*. Oakland, CA: National Council on Crime and Delinquency.

Harrison, Paige A. and Allen J. Beck. 2004. *Prisoners in 2003*. Washington, D.C.: Bureau of Justice Statistics.

Hipp, John R., Jesse Jannetta, Rita Shah, and Susan Turner. 2011. Parolees' physical closeness to social services: A study of California parolees. *Crime & Delinquency*, 57: 102–129.

Hipp, John R., Joan Petersilia, and Susan Turner. 2010. Parolee recidivism in California: The effect of neighborhood context and social service agency characteristics. *Criminology*, 48: 947–979.

Hougaard, Philip. 1995. Frailty models for survival data. *Lifetime Data Analysis*, 1: 255–273.

Huebner, Beth M. and Mark T. Berg. 2011. Examining the sources of variation in risk for recidivism. *Justice Quarterly*, 28: 146–173.

Hughes, Timothy, Doris James Wilson, and Allen J. Beck. 2001. *Trends in State Parole, 1990–2000*. Washington, D.C.: Bureau of Justice Statistics.

Joo, Hee-Jong, Sheldon Ekland-Olson, and William R. Kelly. 1995. Recidivism among paroled property offenders released during a period of prison reform. *Criminology*, 33: 389–410.

Kelly, William R. and Sheldon Ekland-Olson. 1991. The response of the criminal justice system to prison overcrowding: Recidivism patterns among four successive parolee cohorts. *Law & Society Review*, 25: 601–620.

King, Ryan D., Michael Massoglia, and Ross MacMillan. 2010. The context of marriage and crime: Gender, the propensity to marry, and offending in early adulthood. *Criminology*, 45: 33–65.

Kubrin, Charis E., Gregory D. Squires, and Eric A. Stewart. 2007. Neighborhoods, race, and recidivism: The community-reoffending nexus and its implications for African Americans. *SAGE Race Relations Abstracts*, 32: 7–37.

Kubrin, Charis E. and Eric A. Stewart. 2006. Predicting who reoffends: The neglected role of neighborhood context in recidivism studies. *Criminology*, 44: 165–197.

Lane, Michael P. 1986. A case for early release. *Crime & Delinquency*, 32: 399–403.

Langan, Patrick A. and David J. Levin. 2002. *Recidivism of Prisoners Released in 1994*. Washington, D.C.: Bureau of Justice Statistics.

Lowenkamp, Christopher T., Edward J. Latessa, and Paula Smith. 2006. Does correctional program quality really matter? The impact of adhering to the principles of effective intervention. *Criminology & Public Policy*, 5: 575.

Lynch, James P. 2006. Prisoner reentry: Beyond program evaluation. *Criminology & Public Policy*, 5: 401–412.

Makkai, Toni and John Braithwaite. 1994. The dialectics of corporate deterrence. *Journal of Research in Crime and Delinquency*, 31: 347–373.

Malak, Patricia A. 1984. *Early Release*. Denver, CO: Department of Local Affairs, Division of Criminal Justice.

Maxwell, Sheila Royo. 2005. Rethinking the broad sweep of recidivism: A task for evaluators. *Criminology & Public Policy*, 4: 519–526.

McGloin, Jean Marie, Christopher J. Sullivan, Alex R. Piquero, and Travis C. Pratt. 2007. Local life circumstances and offending specialization/versatility: Comparing opportunity and propensity models. *Journal of Research in Crime and Delinquency*, 44: 321–346.

Mears, Daniel P., Xia Wang, Carter Hay, and William D. Bales. 2008. Social ecology and recidivism: Implications for prisoner reentry. *Criminology*, 46: 301-340.

Minor, W. William and Michael Courlander. 1979. The postrelease trauma thesis: A reconsideration of the risk of early parole failure. *Journal of Research in Crime and Delinquency*, 16: 273–293.

Montana Board of Pardons and Parole. 2010a. Administrative Rule 20.25.305. *Administrative Rules*. Helena, Montana. Retrieved December 22, 2010 from mt.gov/bopp/adminrules/Admin_rule_20.25.305.asp.

Montana Board of Pardons and Parole. 2010b. Administrative Rule 20.25.306. *Administrative Rules*. Helena, Montana. Retrieved December 22, 2010 from mt.gov/bopp/adminrules/Admin_rule_20.25.306.asp.

Montana Board of Pardons and Parole. 2010c. Administrative Rule 20.25.801. *Administrative Rules*. Helena, Montana. Retrieved December 22, 2010 from mt.gov/bopp/adminrules/Admin_rule_20.25.801.asp.

Montana County Attorneys Association. 2002, December 13. Release policy dangerous. *Helena Independent Record (Helena, MT)*. Retrieved March 13, 2007 from helenair.com.

Montana Department of Corrections. 2009. *2009 Biennial Report*. Helena, MT: Author.

Montana Department of Corrections. 2010a. *2011 Biennial Report*. Helena, MT: Author.

Montana Department of Corrections. 2010b. Policy No. DOC 4.6.2: Release and Transfer Procedures. Helena, Montana. Retrieved December 22, 2010 from cor.mt.gov/content/Resources/Policy/Chapter4/4-6-2.pdf.

Pager, Devah. 2007. *Marked: Race, Crime, and Finding Work in an Era of Mass Incarceration*. Chicago, IL: University of Chicago Press.

Petersilia, Joan. 2001. Prisoner reentry: Public safety and reintegration challenges. *The Prison Journal*, 81: 360–375.

Petersilia, Joan. 2003. *When Prisoners Come Home: Parole and Prisoner Reentry*. New York: Oxford University Press.

Petersilia, Joan. 2007. Employ behavioral contracting for "earned discharge" parole. *Criminology & Public Policy*, 6: 807–814.

Piquero, Alex R., David P. Farrington, and Alfred Blumstein. 2007. *Key Issues in Criminal Career Research: New Analyses of the Cambridge Study in Delinquent Development*. New York: Cambridge University Press.

Pratt, Travis C., Francis T. Cullen, Kristie R. Blevins, Leah Daigle, and Tamara Madensen. 2006. The empirical status of deterrence theory: A meta-analysis. In (Francis T. Cullen,

John P. Wright, and Kristin R. Blevins, eds.), *Taking Stock: The Empirical Status of Criminological Theory—Advances in Criminological Theory*. New Brunswick, NJ: Transaction.

Reisig, Michael D., William D. Bales, Carter Hay, and Xia Wang. 2007. The effect of racial inequality on Black male recidivism. *Justice Quarterly*, 24: 408–434.

Richards, Stephen C., James Austin, and Richard S. Jones. 2004. Thinking about prison release and budget crisis in the blue grass state. *Critical Criminology*, 12: 243–263.

Richards, Stephen C. and Richard S. Jones. 1997. Perpetual incarceration machine: Structural impediments to postprison success. *Journal of Contemporary Criminal Justice*, 13: 4–22.

Rosenbaum, Paul and Donald Rubin. 1983. The central role of the propensity score in observational studies for causal effects. *Biometrika*, 70: 41–55.

Shoukri, Mohamed M. and Cheryl A. Pause. 1999. *Statistical Methods for Health Sciences*, 2nd Edition. Boca Raton, FL: CRC Press.

Sims, Brian and Jack O'Connell. 1985. *Early Release: Prison Overcrowding and Public Safety Implications*. Olympia, WA: Office of Financial Management.

Slaughter, B. 2002, December 1. A look at state prison policy. *Helena Independent Record (Helena, MT)*. Retrieved March 13, 2007 from helenair.com.

Spivak, Andrew L. and Kelly R. Damphousse. 2006. Who returns to prison? A survival analysis of recidivism among adult offenders released in Oklahoma, 1985–2004. *Justice Research and Policy*, 8: 57–88.

Spohn, Cassia and David Holleran. 2002. The effect of imprisonment on recidivism rates of felony offenders: A focus on drug offenders. *Criminology*, 40: 329–358.

Stuart, Elizabeth A. 2010. Matching methods for causal inference: A review and a look forward. *Statistical Science*, 25: 1–21.

Tonry, Michael and Mary Lynch. 1996. Intermediate sanctions. In (Michael Tonry, ed.), *Crime and Justice: A Review of Research*. Chicago, IL: University of Chicago Press.

Travis, Jeremy. 2005. *But They All Come Back: Facing the Challenges of Prisoner Reentry*. Washington, D.C.: The Urban Institute Press.

Travis, Jeremy and Sarah Lawrence. 2002. *Beyond the Prison Gates: The State of Parole in America*. Washington, D.C.: The Urban Institute Press.

Travis, Jeremy and Joan Petersilia. 2001. Reentry reconsidered: A new look at an old question. *Crime & Delinquency*, 47: 291–313.

U.S. Census Bureau. 2010. *2009 Population Estimates*. Retrieved December 19, 2010 from factfinder.census.gov.

Walker, Samuel. 2006. *Sense and Nonsense about Crime and Drugs: A Policy Guide*, 6th Edition. Belmont, CA: Thomson Higher Education.

West, Heather C., William J. Sabol, and Sarah J. Greenman. 2010. *Prisoners in 2009*. Washington, D.C.: U.S. Department of Justice.

Wilkinson, Reginald A. 2001. Offender reentry: A storm overdue. *Corrections Management Quarterly*, 5: 46–51.

Wilson, James A. 2005. Bad behavior or bad policy? An examination of Tennessee release cohorts, 1993–2001. *Criminology & Public Policy*, 4: 485–518.

Court Cases Cited

Hoptowit v. Ray, 682 F. 2nd, 1237 (1982).
Ruiz v. Estelle, 503 F. Supp. 1265 (1980).

Statute Cited

Prison Management Act, Texas Rev. Civ. Stat. Ann. art. 6184 (1983).

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