Original Article

Parole Rules in the United States: Conditions of Parole in Historical Perspective, 1956–2020

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Abstract

This article reports the results of our census of standard conditions of parole throughout the United States in 2020. Using *in vivo* qualitative content analysis, we coded standard conditions of parole for each of the United States' 52 jurisdictions into categories that follow the model of the previous five censuses. Comparing our census with the previous five, we outlined the ways the standard conditions of parole have expanded significantly across the last 7 decades. Through this analysis, we identified four trends in the evolution of parole: the ever-expanding reach of technology in parole management, the increasing prevalence of fees and restitution imposed upon people on parole, a dramatic rise in the overall number of standard conditions, and an emergence of conditions related to reentry and rehabilitation.

Keywords

parole, community supervision, law, history, United States, reentry

The Standard Conditions of Parole

Standard conditions of parole are imposed on all people on parole throughout the United States and cover such matters as when to report, maintaining a known address, and abiding by restrictions on movement and travel. Special conditions may be added, often designed to deter certain behaviors (e.g., random drug and alcohol testing) or to provide tangible treatment or assistance related to the reentry of formerly incarcerated people (e.g., outpatient, community-based programming). But while termed "standard" in both the legal literature and in the documents that outline these conditions for people on parole, the standard conditions of parole display considerable variability in scope and breadth at the jurisdictional level (the 50 states, District of Columbia, and Federal). In practice, they serve as the focal point of supervision informing where parole officers direct the lions' share of their attention. The monitoring and enforcement of standard supervision conditions carries

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enormous implications for people on parole as they seek to navigate the transition from prison to the community.

This article reports the results of our census of standard conditions of parole throughout the United States in 2020, compares the results to five previous censuses of standard conditions of parole, and sketches some of the ways the development of standard conditions of parole are significantly impacting the criminal-justice system (Arluke, 1956, 1969; Hartman et al., 1996; L. Travis & Latessa, 1984; L. Travis & Stacey, 2010). Despite these previous five censuses and our sixth, there has been little analysis of the standard conditions of parole or their significant expansion and complexity since the ascendancy of mass penal control and the growth of mass community supervision. This is an oversight in need of correction. Continuing to outline the nature and volume of parole rules, especially given their substantial growth and escalating restrictiveness, is imperative. Only in the last decade has some awareness emerged that such rules, as constituted, present an issue of significant consequence for criminal-justice practice and reform (Corbett, 2015; Klingele, 2013).

This attention is centered on concern over the capacity of parole conditions to undermine rather than reinforce the postrelease prospects of people on parole to achieve a successful transition to the community. Confronting this possibility, national calls for the reform of parole have as part of their agenda for change focused attention on the salience and impact of the conditions currently imposed. What follows is a continuation of the effort to build a foundation for this overdue discussion through our sixth census of parole rules in the United States. After placing our census in historical perspective, we highlight three trends revealed in our survey that stand in tension with efforts to reform parole supervision conditions alongside another that appears more supportive of reentry. Our discussion then places these trends in the larger context of advocacy that aims at facilitating positive reintegration postrelease, in part, through a fundamental rethinking of the terms and conditions of parole supervision.

Parole in the United States

The concept and practice of parole is inclusive of both paroling authorities and parole or postrelease supervision. As influential agencies within corrections, they typically function autonomously relative to each other. They remain, however, functionally connected by virtue of their shared responsibilities for the enforcement of parole-related obligations. Paroling authorities impose wide-ranging supervision conditions setting the terms of release applicable to people on parole subsequent to imprisonment. They also play a pivotal role in the decision chain associated with the parole violations and revocation process (Reitz & Rhine, 2020).

Across the nation, parole field services agencies are responsible for formerly incarcerated people subject to postrelease supervision. The translation of this mandate into action occurs mainly through parole officers' monitoring and enforcement of wide-ranging conditions. In discharging their duties, officers exert substantial leverage in determining if and when to initiate the violations process against people on parole believed to be in noncompliance with any of their conditions of supervision. This is a consequential matter that may and all-too-often does result in revocation and reimprisonment. Over time, and given pronounced population growth, the postrelease supervision function has come to occupy a prominent niche within the realm of penal control, one that may engineer upward or downward changes in states' prison populations.

As is well known, the rate of imprisonment has shown a robust increase for over 4 decades, a historically unparalleled phenomenon referred to as mass incarceration (Alexander, 2010; Gottschalk, 2015; J. Travis et al., 2014). Though modest declines have occurred for the past several years (Carson, 2018), the exponential rise in the U.S. prison population is without comparison (Enns, 2016). During this same period, the boundaries of parole supervision also experienced a notable

expansion giving rise to what some more recently have referred to as "mass community supervision" (Corda et al., 2016; Corda & Phelps, 2017). This term encompasses similar trends in probation.

The dramatic nature of the expansion may be mapped from 1965 onward, at which time 102,036 people on parole were under supervision at the state and federal levels (Cahalan, 1986). At year-end 1982, the parole population stood at 243,880 (Kalish, 1983). This figure rose appreciably to 531,407 by 1990 (Jankowski, 1991). Since the turn of the century, the number of individuals on parole has for the most part shown steady, incremental growth. A total of 725,000 people were on parole by year-end 2000. By 2016, the number had jumped to 874,800, increasing by nearly 21%. In each of the years subsequent to 2007, roughly 825,000 people on parole or more fell under parole supervision (Kaeble, 2018). Reitz observes that during the late 20th and early 21st centuries, accounting for population growth, the U.S. experienced a quintupling in its parole supervision rate (Reitz, 2018).

Incarcerated people exiting onto parole do so via different postrelease supervision pathways, including parole supervision, mandatory release, and supervised release. All involve some period of supervision following release from prison, the length of which is a function of the particular type of release. Drawing from 2016, a total of 377,506 incarcerated people entered parole across the states under one of the three options. The largest number, 187,052 (56%), left prison through discretionary release to parole supervision. Mandatory releases, inclusive of those whose release was not granted by a parole board, accounted for 116,303 (35%). The smallest group consisted of supervised releasees at 30,794 (9%). Apart from the states, another 45,180 incarcerated people were transitioned to such supervision at the federal level (Kaeble, 2018).

It is evident that the mission, discourse, and practices associated with criminal justice in the United States have become vastly more punitive (Garland, 2001, 2017; Tonry, 2013) across the last half of the 20th century. In the field of criminology, the "nothing works" review of correctional treatment (Martinson, 1974) helped the demise of the rehabilitative ideal (Allen, 1981). The "law-and-order" rhetoric of Barry Goldwater transformed into the "get-tough" policies of Ronald Reagan's administration. The "War on Crime," the "War on Drugs," and the "Three-Strikes and You Are Out Laws" ushered in more severe penalties toward people exposed to criminal-justice adjudication. And at each point in this transformation, the state agencies and legislators from across the political spectrum further entrenched systemic discrimination against people of color, especially Black Americans (Alexander, 2010; Hinton, 2020). Of course, parole supervision agencies and their staff were not immune from these broad developments and, in numerous ways, reinforced them.

The rise of mass community supervision incorporated this spirit and escalating harshness in tone and application. Through much of the 20th century, parole supervision exhibited a commitment to brokering community resources and counseling. The emphasis was on completing rehabilitative efforts initiated in prison. In the 1980s, however, there occurred a discernible refocusing in the philosophy and practice of parole supervision. In line with the requisites of the "New Penology" (Feeley & Simon, 1992; Simon, 1993), parole supervision systems began adopting formal tools targeting the sorting-out and management of the perceived risks of people on parole. People on parole fell under supervision systems that deployed strategies calling for their monitoring, surveillance, and control.

Within this context, the organizational culture in agencies across the country shifted toward a risk-management narrative, viewing parole officers as primarily responsible for detecting and catching violators; a view embraced by many of the officers themselves (American Bar Association, 2007; Petersilia, 2003, 2008;van Zyl Smit & Corda, 2018). In these jurisdictions, the focus of postrelease supervision came to be and remains largely preoccupied with recidivism reduction and public safety through more contacts, enhanced surveillance (especially for those individuals deemed higher risk), more aggressive enforcement of conditions, and the immediate sanctioning of noncompliance. This highly salient shift in the narrative of parole supervision has produced a long-term impact on people on parole subject to revocation.

As prison populations have increased, it is apparent that one key driver has been a rather drastic increase in the number and percentage of parole violators returned to prison (Burke et al., 2007). This is best revealed in the staggering rise in parole violators subject to reincarceration which grew 918% from 1980 to 2008 (Jacobson, 2005). In 1980, 27,000 parole violators were returned to state prisons accounting for 17% of state prison admissions. In 2000, 203,000 parole violators were returned to prison representing 36% of admissions to state prisons. Even more, nearly two thirds of the parole violators were revoked and returned to custody for technical violations of the conditions of supervision, one third for a new crime (Travis, 2005). The numbers reached a high point in 2008 with over 248,000 parole violators returned to prison once again accounting for over one third (36.6%) of new admissions to prison (Hughes et al., 2001; Sabol et al., 2009; J. Travis et al., 2014).

More recently, the number and proportion of parole violators entering state prison has shown a modest decline. The figures for 2012 show that such individuals totaled 148,084 constituting 27% (down from 33% in 2011) of state prison admissions; nonetheless, a figure exceeding the volume of all state prison admissions in 1978–1979. The decrease is due mainly from changes associated with the Public Safety Alignment Act in California whose parole violations admissions dropped from 60,300 in 2011 to just 8,000 in 2012 (Carson & Golinelli, 2014). A subsequent study shows a slight uptick across the nation with parole violators representing 28% of total prison admissions, albeit with very substantial state-by-state variation, in 2014 (Alper, 2016).

Some form of postrelease supervision is experienced by most incarcerated people leaving prison with one notable exception: those individuals who "max out" as a result of the expiration of their sentence (Pew Charitable Trusts, 2014). Excluding this category of unconditional releasees, in carrying out the supervision function, the field-services agency in a majority of states is charged with enforcing the decision goals set by the parole board. The goals are given content and specificity by the imposition of the conditions of supervision. What this means is that a sizable percentage of incarcerated people exiting prison are bound to comply with the range of conditions that accompany and sometimes result in conflicting expectations governing their conduct postrelease.

Standard Conditions of Parole Conditions in Historical Perspective

The act of subjecting incarcerated people to postrelease conditions and/or supervision by some government entity stretches back centuries. But the modern systematization of parole has its origins in the 1840s when the British introduced a phased system of release to manage their penal colonies in Australia. In the third phase of the system, incarcerated people were released from the physical structure of the prison but were subjected to a system of conditions and supervision through which their liberty could either be revoked or ultimately granted (Maconochie, 1846; Morris, 2003). In the United States, Massachusetts passed a parole-like law in 1837, which granted the Governor of the Commonwealth the ability to attach conditions—which, if violated, would result in a return to prison—to the release of incarcerated people he pardoned or commuted (Commonwealth of Massachusetts, 1837; U.S. Department of Justice, 1939). But only in 1855 did this power move from the governor and to Massachusetts's wardens and other overseers of houses of corrections (Commonwealth of Massachusetts, 1855; U.S. Department of Justice, 1939). Across the Gilded Age, states began to empower county and state boards to make parole decisions, began to appoint specialized officers to track compliance with the terms of condition releases, and began to allow judges to set indeterminate sentences (U.S. Department of Justice, 1939). By the middle of the 20th century, not only had parole spread throughout most of the country's jurisdictions, but—owing to the federalism of the United States' system of governance—its rules also began to take on a significant degree of variation.

Recognizing the proliferation of and variation in the system, Nat Arluke (1956), an officer in the New Jersey Bureau of Parole, undertook a census of the standard conditions of parole in the United States in 1956. Arluke surveyed the parole rules in each of the 48 states and qualitatively constructed

unique classes of conditions that people on parole must obey. Notably, Arluke found some states to have upwards of 20 conditions of parole and yet no single condition appeared in all 48 states. These findings led Arluke to criticize the excessive number of regulations as well as their inconsistency.

In 1969, Arluke (1969)—then Chief of the New Jersey Bureau of Parole—repeated his survey. Many of the same issues that plagued the system were still present and in some cases even exacerbated in the 13 years that had passed. The rules continued to lack anything resembling uniformity (no single rule was present in all 50 states), the majority of states increased the number of conditions people on parole were to abide by (including expanded restrictions on narcotics usage, travel, indebtedness, and approval of marriages), and the number of "technical" rules (rules that restrict people on parole beyond regular laws) had expanded.

Arluke clearly held strong opinions about what parole should look like and had an insider's credibility to advocate for significant changes. His reformist vision was well summarized in the following passage:

> Some parole conditions are moralistic, most are impractical, others impinge on human rights, and all reflect obsolete criminological conceptions. On the whole they project a perception of a man who does not exist. Nevertheless, prisoners are required to sign the agreement, obviously with many reservations, before being paroled. The most tangible result is the growing number of violations of the conditions imposed. Conditions should be regarded as aids to successful adjustment rather than as punitive restrictions.

But Arluke's hopes for a simplified, reintegration-centered system of parole conditions was not realized. We know this because, following in Arluke's footsteps, University of Cincinnati–affiliated criminologists Lawrence Travis, Edward Latessa, Jennifer Hartman, and James Stacy continued Arluke's censuses of conditions of parole in the United States at 13-year intervals in 1981, 1995, and 2008 with publication of the results shortly after each census (Hartman et al., 1996; L. Travis & Latessa, 1984; L. Travis & Stacey, 2010).

L. Travis and Latessa introduce their 1984 article with the preamble, "we must echo Arluke's conclusions from his 1956 and 1969 summaries" (p. 592). Conditions of parole, they found, were still too numerous to be of real value, lacked consistency, represented boundary-pushing interpretations of penal law, and were often unrealistic or unenforceable. However, in their census of the 1981 conditions, Travis and Latessa do find a modest reversal of the proliferation of conditions. They find 24 distinct conditions of parole in their scan—a drop from the 29 that Arluke found in his 1969 analysis. And in the majority of the categories of parole rules, states dropping conditions outnumber those adding them. The Hartman, Travis, and Latessa census of 1995 parole rules shows a modest increase in the number of conditions overall with the complexity and inconsistency of the parole rules increasing slightly, too.

Thirteen years on, when Travis and Stacey completed their 2008 census, the pair found a significant increase in the conditions of parole. They identified 127 distinct conditions of parole, falling into 60 categories, with a mean of 18.6 conditions in each jurisdiction. And while being less standardized than ever, for the first time, all 52 jurisdictions required at least one of the same conditions: comply with the law. In their analysis of the 2008 parole rules, Travis and Stacy found four trends in the data. First, they found a new emphasis on reentry, which aligns with the proliferation of "treatment" conditions such as required participation in educational or psychological programs. Second, they identified an increased emphasis on surveillance of and control over the behavior of people on parole with more reporting requirements and work or home visits from officers. Third, Travis and Stacey noted rules reflective of changes in society (e.g., limitations on telecommunications technology use) and the criminal-justice system (e.g., requirements that people on parole pay fees). Finally, the lists of conditions of parole grew to highlight or interpret already

applicable statutes such as the fate of time-served credit should a person on parole's parole be revoked. Over 50 years after Arluke's foundational work, Travis and Stacey found that parole rules had increased in both number and restrictiveness.

The increasing number of standard conditions for people on parole, especially economic sanctions—many under supervision are now expected to pay monthly supervision fees and program and treatment fees as well as more traditional financial sanctions such as fines, restitution, and court costs—can overwhelm a person on parole's willingness and capacity to comply (Corbett, 2015; Jacobson et al., 2017). This heightens the prospect of revocation, at the same time, it highlights the extent to which community supervision in the form of parole and its conditions appears to function squarely within the larger continuum of penal control. With these stakes in mind, we turn to our 2020 census of the standard conditions of parole across the United States' 52 jurisdictions.

Method

Since our study represents the sixth in a consistent lineage, we strove to reproduce the methodology of the five censuses that came before us while supplementing the efforts of our predecessors with some refinements to further improve the validity and accuracy of data gathering and coding.

Arluke's pair of studies are scant on details about the methodology he used to collect his data. But we can infer from his phrasing that he gathered the data for his surveys from each states' official document handed to the person on parole upon release from prison (Arluke, 1956, 1969). And given his role within the New Jersey Bureau of Parole, he likely had access to and the attention of parole authorities across the United States.

Travis and his collaborators, fortunately, present their data gathering methodologies in fine detail. Their first two studies followed the practice of contacting chairpersons of each parole authority in the United States requesting a copy of parole conditions imposed in their jurisdiction and followed up one or two times thereafter if they did not receive a reply within a month (L. Travis & Latessa, 1984). In their most recent study, Travis's team modified their initial pass at the data gathering by first searching parole authority or corrections department websites to obtain standard conditions of parole. Only after that failed in some instances did they contact the chairpersons of paroling authorities via post, email, and eventually—for those who failed to respond to written contact—via telephone (L. Travis & Stacey, 2010). In each case, the researchers were able to obtain standard conditions governing parole for every jurisdiction.

For this study, we identified a contact for each of the 52 paroling authorities and sent an email requesting "the most up-to-date standard conditions of parole or post-prison supervision for your jurisdiction." The request was sent from the generic email account of the Robina Institute for Criminal Law and Criminal Justice at the University of Minnesota Law School and was undersigned by three of the article's authors. The requests were first sent on August 6, 2019, and by March 11, 2020, 42 jurisdictions had shared their conditions with us. For the remaining 10 jurisdictions (District of Columbia, Alabama, Arizona, Illinois, Michigan, Mississippi, New York, Pennsylvania, South Carolina, and Wyoming) who did not reply, we obtained their standard conditions either from statutes or government websites. What resulted from this initial data collection work was a set of 52 documents that narratively outlined their jurisdiction's standard conditions of parole. We refer to these documents as the "raw text" of the 2020 standard conditions. These documents contain a combination of what we call "conditional language" and what we call "extraneous language." The former represents sentences or parts of sentences that relate to the standard conditions of parole such as Missouri's statement: "I shall pay a monthly intervention fee in an amount set by Missouri Department of Corrections pursuant to RSMo 217.690." The latter represents language that is not directly related to standard conditions such as that same document's introductory statement: "It is

therefore ordered that ___ be released on the day of ___, ___, upon the following conditions of parole release."

After obtaining standard condition documents from all 52 jurisdictions, Authors 3 (BC) and 4 (RT) coded this raw text into common categories. In Arluke's original study and update, he found 24 common categories of standard parole conditions. Arluke did not utilize the language of qualitative coding in his studies' brief methodological sections, but his method of grouping together narrative language from the raw text of documents in each jurisdiction was what is now called *in vivo* qualitative content analysis to generate what is now called grounded theory (Miles et al., 2014). In the censuses between 1968 and 1995, the authors employed between 24 and 29 categories with 14 categories consistently employed across each study. In the most recent study before ours, Travis and Stacey found a need to expand the unique categories of standard conditions dramatically to 60. To safeguard against arbitrarily inflating the number of common categories for standard conditions, Travis and Stacey deductively tried to fit each portion of the raw text into one of the previous study's 29 categories before inductively creating any new categories. And while highlighting that this more than doubling of the previous study's condition categories was likely due somewhat to increased precision in their qualitative coding, they reasoned that this precision reduced coder bias and, moreover, that there was an inarguable increase in novel, distinct standard conditions (L. Travis & Stacey, 2010).

Like all our predecessors, we used in vivo qualitative content analysis to transform the standard conditions we received from each jurisdiction into categories that connected their common meaning despite their varied wording. For instance, on the topic of alcohol, Indiana's standard conditions state:

> ABUSE OF ALCOHOL OR CONTROLLED SUBSTANCE—I understand that the following is a violation of my parole: a) Being intoxicated, or b) Using, possessing, or trafficking illegally in a controlled substance. Abuse of alcohol or drugs is not a defense for violation of the parole release agreement.

But on the same topic, South Carolina's standard conditions state:

> I shall not use controlled substances, except when properly prescribed by a licensed physician, not consume alcoholic beverages to excess nor visit establishments whose primary business is the sale and drinking of alcoholic beverages.

Though worded differently, each of these sentences reasonably fit into the common coding category that has been in use since Arluke's first study: "Liquor Use." And, like Travis and Stacey, we attempted to deductively code this raw text using the previous study's existing 60 categories before creating any new categories for standard conditions. While each coder strove to fit any conditional language from the raw text into one of the existing 60 categories, for reasons that will be explored further in our results and discussion, the inductive creation of new standard condition categories was necessary. Standard conditions in 23 jurisdictions in some way comment on the truthfulness of people on parole, which inspired us to create a "Tell Truth" category, the likes of which had not appeared in any previous study. And while our novel standard condition categories were rarely in as widespread use as the standard condition categories from previous studies, occasionally the raw text was so unique and direct that it required entirely new categories for only one jurisdiction. For instance, Alabama's statement that "He shall abandon Evil Associates and Ways" necessitated us to create an "Evil Ways" category to capture what was clearly conditional (rather than extraneous) language.

We found it necessary to construct 29 such new standard condition categories beyond the 60 of the last study. When either Author 3 (BC) or 4 (RT) suggested a new category, that category was reviewed by Authors 1 (BW), 2 (ER), and 5 (KM). If ratified, it was attempted to be combined with other novel categories. Once the structure of all new categories was ratified, Author 3 (BC) reviewed each state's conditions to double check for language relating to the novel category.

Since we could not find any conditional language in the raw text related to two of the 60 categories from the last study—"submit to polygraph" and "denial of bail"—we utilized 58 existing categories and created 29 novel categories for a total of 87 distinct categories that encapsulate the 2020 standard conditions of parole.

After coding the raw text into categories, we then, following the practice that has been in place since Arluke's original study, coded each text with one of the six numbers that describe the nature of the standard condition: (1) must have permission, (2) prohibited, (3) compulsory, (4) allowed but not to excess, (5) may receive, and (6) must report. To these six original codes on the nature of the standard condition, we found the need to add a seventh for our study—(7) "allowed"—in order to account for the conditions that were explicitly permissive. In the case of the standard conditions that were coded under "Alcohol Use" in Indiana and South Carolina, both received a code of "(4) allowed but not to excess" to signify the nature of the restriction since, though worded differently, each restricted the excessive consumption of alcohol but did not restrict a person on parole's ability to have alcohol so long as the person on parole did not reach a state of intoxication.

In addition to the six codes to signify the nature of the standard condition, we then, following the practice that has been in place since Arluke's second study, added letter codes to represent caveats on the nature of a standard condition. Arluke's second study introduced three caveat codes and in Travis and Stacey's most recent study the number of caveats had increased to 15: (a) if over 24 hr, (b) monthly, (c) firearms, (d) immediately, (e) within 24 hr, (f) within 48 hr, (g) within 72 hr, (h) 11 p.m. to 6 a.m., (i) midnight to 6 a.m., (j) set by PO, (k) if necessary, (l) 9 p.m. to 6 a.m., (m) if over 48 hr, (n) up to 6 months, and (o) within 30 days.

Not all standard conditions in previous studies or in our study received these letter codes. For example, while our coding in the Alcohol Use category made use of three number codes—(1) must have permission, (2) prohibited, and (4) allowed but not to excess—we found no need to utilize a single letter code across the category. However, many other standard conditions contained language with caveats of note that necessitated the specificity of these letter codes such as the category of First Arrival Report, which was always coded as "(6) must report" with some lettered caveat. Exactly which lettered caveat appeared in that category varied significantly by jurisdiction and occasionally necessitated two lettered caveats such as New York's statement that "A releasee will proceed directly to the area to which he has been released and, within 24 hours of his release, make his arrival report to that office of the Division of Parole unless other instructions are designated on his release agreement," which required the use of both "(e) within 24 hr" and "(k) if necessary." We found the need to expand these caveat codes with two new codes: (p) in advance and (q) within 36 hr. Notably, though, we did not make use of the previous study's codes for: "(a) if over 24 hr," "(l) 9:00 p.m. to 6:00 a.m.," "(n) up to 6 months," or "(o) within 30 days." Despite our two new caveat codes, because we found no need to use the above four caveat codes, we utilized only 13 total caveat codes. We chose to include these unused codes and extend the lettering of the new codes in order to facilitate comparison across studies.

Like Travis and Stacey before us, we employed two coders to code the raw standard conditions text we received from each jurisdiction. Each coder (Authors 3 [BC] and 4 [RT]) independently transformed the discrete portions of raw text into a common standard condition category, assigned it one of the seven codes to describe the nature of that standard condition and added between zero and two of the 17 possible caveat letters to further describe the specifics of that standard condition. Once each coder completed their review of the 52 jurisdictions, we compared their independent coding and found 88.7% agreement between their initial codes with the most common disagreements

between blanks and any code (usually representing an oversight by one coder) and between letter codes (usually in regard to the expansive "(k) if necessary" code). For the 11.3% of codes that were not a precise match, Authors 1 (BW), 3 (BC), and 4 (RT) collaboratively reviewed the original raw text in question and came to a consensus about which code to ultimately utilize; in a small subset of cases, Authors 2 (ER) and 5 (KM) reviewed and provided feedback on areas of disagreement. All five authors worked to reduce the number of potential new categories down to the set of 29 novel, discrete, standard condition categories that remain in the final data presented here. Additionally, all five authors made some slight modifications to the wording of a number of the 60 legacy categories to reflect incrementally more expansive or inclusive language in the raw text (e.g., the 2008 category of Weapons/Firearms/Dangerous Animals was expanded to Weapons/Firearms/Ammunition/Dangerous Animals in our 2020 census).

As careful as all five authors of this census were in coding the qualities of the raw text, individual codes can be debated. In the interest of transparency and open science, we have publicly posted our data in the Data Repository for the University of Minnesota so readers can access not only a .csv copy of our codes but also a complete coding matrix that allows readers to view for themselves how we matched each portion of the "raw text" we received from every jurisdiction to our standard condition categories, number codes on the nature of the standard condition, and letter codes with caveats for the standard condition.

The Sixth Census of Standard Conditions of Parole

On the whole, our 2020 census of current parole rules reveals that there are more standard conditions of parole in the United States than ever (see Table 1). This growth is all the more striking when cast in historical perspective.

Across the six censuses of conditions of parole, 98 distinct categories of parole rules have emerged. We found 11 of those categories no longer in use—for instance, a condition relating to "church attendance" disappeared after the 1956 census, a condition relating to "treatment for venereal disease" disappeared after the 1969 census, and the condition "submit to polygraph" appeared only in the 2008 census. But the growth of condition categories has been sharp since 1995. Following a slight simplification of rules between the 1969 and 1981 census (a reduction from 29 categories to 24), the 1995 census found a 25% increase in categories of rules over the original 1956 census, the 2008 census found a 150% increase over the original, and our 2020 census found a 262% increase over the original.

The rules responsible for this increase represent a wide range of conditions. The initial surge in standard conditions between 1995 and 2008 was thanks to these novel standard condition categories:

- employ/Ed. program
- release of confidential information
- change employment
- post bail/pretrial release
- abscond parole
- written report
- community service
- caller ID/police scanner/surveillance equipment
- finance vehicle/property business
- sign parole conditions
- submit to polygraph
- travel outside limits stated in conditions
- modification/change of conditions

Table 1. 2020 Census of Conditions of Parole.

Standard Condition	United States	District of Columbia	Alabama	Alaska	Arizona	Arkansas	California	Colorado	Connecticut	Delaware	Florida	Georgia	Hawaii	Idaho	Illinois	Indiana	Iowa	Kansas	Kentucky	Louisiana	Maine	Maryland	Massachusetts	Michigan	Minnesota	Mississippi	Missouri	Montana	Nebraska	Nevada	New Hampshire	New Jersey	New Mexico	New York	North Carolina	North Dakota	Ohio	Oklahoma	Oregon	Pennsylvania	Rhode Island	South Carolina	South Dakota	Tennessee	Texas	Utah	Vermont	Virginia	Washington	West Virginia	Wisconsin	Wyoming	Total
Abscond parole												2		2												2			2				2		2										2		2					9
Abusive/assaultive/ threat/violent behavior													2	2			2	2				2			2							2	2	2	2				2	2			2	2						17
Act as informer	2	1		1							2					4	2	2		2			1			1		2						1	2	1				1			1		2					12
Alcohol use	4	4		4		4		2			2			2		4	2	2		2					2		2	1	1	4		2		4	1		2			2	4	2	4			4		2		2	27
Answer all questions											3	3				3k	3			3						3d					3			3					3d		3	3						3		12
Approval of marriage or divorce																										6fk								6p			6e												3
Attend parole hearing for alleged violations																																											3k							1
Caller ID/police scanner/ surveillance equipment																												2							1															2
Carry parole ID if away from residence																					3																						3	3							3
Change residence	6f	6f		1		1	6p	6p		6g	1	1	1	1		1	1	1	1	1	6p	1	1		6	1	1	1	1	1	1	1	1	6dp	1	1	1	6e	1	1	1	1	1		1	6	1	1	1	1		45
Civil rights/suffrage																			2																2													1			2		4
Community accountability program					3k																																															1
Community service		3k			3k	3k			3k	3j										3k												3k										3k	3									9
Comply with court orders				3		3																							3		3	3															3				6
Comply with law	3	3		3		3	3	3	3		3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	49
Comply with special conditions				3k	3k	3k	3k	3k	3k	3k	3k	3k	3k			3k	3k	3k	3k	3k	3k	3k		3k	3k		3k	3k	3k						3k	3k	3k	3k	3k	3k	3k	3k		3k		3k	3k	3k	3k	3k	3k	3k	35
Contact codefendants																				2k																																	1
Contact victims																	1	1		2					1					1	2						2							2	1							9
Controlled substance abuse/usage	1	1		1		1		2	2	1	1		2	1		2	1	1	1	2		2				1	1	2	1	1	2	1	2	1	1	1	1	1	1	1	2	1	1			1		1		2	38
Curfew		3k								3j			3h				3j			3						3i															3j											7
Drug/alcohol/ psychological programming		3k		3jk	3k	3k			3j		3k	3k		3k			3k	3k		3k			3j											3k		3k	3k	3k	3j				3k	3k	3j				3k	3k	22

(continued)

Table 1. (continued)

Standard Condition	United States	District of Columbia	Alabama	Alaska	Arizona	Arkansas	California	Colorado	Connecticut	Delaware	Florida	Georgia	Hawaii	Idaho	Illinois	Indiana	Iowa	Kansas	Kentucky	Louisiana	Maine	Maryland	Massachusetts	Michigan	Minnesota	Mississippi	Missouri	Montana	Nebraska	Nevada	New Hampshire	New Jersey	New Mexico	New York	North Carolina	North Dakota	Ohio	Oklahoma	Oregon	Pennsylvania	Rhode Island	South Carolina	South Dakota	Tennessee	Texas	Utah	Vermont	Virginia	Washington	West Virginia	Wisconsin	Wyoming	Total
Earn GED/participate secondary education												3k					3k	3k		3k																			3k														5
Electronic monitoring		3k			3k							3k					3j																											3k		3k			3k				7
Employ/Ed. program				3jk		3k		3k	3kj	3k				3k				3k		3k			3kj				3kj	3kj	3j	3kj			3k			3kj			3k	3k											17
Evil ways			2																																																	1
Finance vehicle/ property/business				6p												1												1														1									1		5
First arrival report	6g	6g		6e		6e	6ek	6dk	6j		6gj	6e		6dj		6dk	6d		6d	6f						6ek			6e			6dk		6ek		6j		6e			6e	6e		6g	6dj	6e		6g	6e	6ek			28
Frequent illicit/ immoral locations	2	2				2		2			2						2			2						2			2				2			1		2			2	2		2								15
Gambling																												2														2									2
Indebtedness														4														1	4j														1								1	5
Inform PO of activities/location													6										6		6				6						6								6								6j	7
Inform PO of communication technologies																													6																						1
Inform PO of prescribed medications		6d		6e																									6	6d	6																				5
Inform PO of programming status				6e		1, 6f				1																				1, 6d				6d	6dp					6g												7
Inform PO of technology passwords																													6																							1
Involuntary termination of employment	6f	6f		6e		6f	6g			6g			6d				6e		6	6d	6d		6e			6f	6f			6d		6e	6d	6d	6d			6e		6g	6d	6		6d			6	6d				26
Knives used for employment or home				4			7							7				7												1													7									6
Loss time served with new arrest/ violation																				5						5														5k	5k		5		5						5	7
Maintain employment	3k	3k		3		3k		3k	3k	3k		3	3	3k		3	3j	3k	3	3	3k	3	3k	3		3	3k	3	3k	3k	3		3		3	3k			3k		3	3	3	3				3		3		35
Marijuana use	1			1				2			1																			2																						5
Medical exam/drug test	3j	3j				3				3j	3k	3		3			3j	3j	3	3j				3j	3k	3k		3j	3k	3k	3j	3j	3j			3j	3k	3j	3k		3j	3k		3j	3	3j				3j	3k	31

(continued)

Table 1. (continued)

Standard Condition	United States	District of Columbia	Alabama	Alaska	Arizona	Arkansas	California	Colorado	Connecticut	Delaware	Florida	Georgia	Hawaii	Idaho	Illinois	Indiana	Iowa	Kansas	Kentucky	Louisiana	Maine	Maryland	Massachusetts	Michigan	Minnesota	Mississippi	Missouri	Montana	Nebraska	Nevada	New Hampshire	New Jersey	New Mexico	New York	North Carolina	North Dakota	Ohio	Oklahoma	Oregon	Pennsylvania	Rhode Island	South Carolina	South Dakota	Tennessee	Texas	Utah	Vermont	Virginia	Washington	West Virginia	Wisconsin	Wyoming	Total
Modification/change of conditions		5k							5k								5j			5k			5k																							5k	5k	10
Notify employer/ housemates of felony				3																																															1
Notify employ/ housemates of parole status																											3			3																				2
Obey/cooperate with all PO instructions		3	3	3		3	3	3	3		3	3				3			3			3	3		3	3	3	3	3	3	3			3		3	3	3	3	3	3	3	3	3			3				32
Obtain driver's license																1	1																								1											3
Open/use checking account																																										1										1
Operate motor vehicle				6p												1	1k															1	1									1								1		7
Out of state travel			1	1			1	1	1	1	1	1	1	1		1		1	1	1	1	1	1	1	1	1	1		1	1	1	1	1		1	1	1	1	1		1	1	1	1	1	1	1	1		1		41
Participate in development of rehabilitation plan												3																																							1
Pawning of items																																										1										1
Pay all legal financial obligations	3	3	3	3	3	3		3			3	3		3			3	3	3	3			3			3	3	3	3	3	3	3				3	3	3	3	3	3	3	3	3	3			3	3	3	36
Post bail/pretrial release											1									2k											6e									5k												4
Proceed to approved location upon release	3d	3d									3d			3d		3d																			3d							3d			3d							9
Provide financial information	3k	3k		3kj																			3																		6k											5
Provide proof of payment	3k	3k																																							3				3bj							4
Regular reporting	6b	6b		6bj		6j		6j		6j	6bj		6j	6b	6	6j	6j	6j	6bj	6bj	6j	6j	6k	6	6j	6j	6j	6j		6	6j	6j	6j	6k	6dj	6bj		6j	6j	6j	6j	6j	6j	6j	6k	6j	6j	6j	6j	6k	6	45
Release of confidential information				3k							3k						3k	3k					3																												3k		6
Report arrest/ questioned by law enforcement	6f	6f		6e		6e	6d		6f	6g		6d	6d		6de		6e	6q			6e	6d	6e		6e	6f	6f	6g	6d		6d	6e	6e	6d	6e		6e	6g		6g	6d	6		6d			6e	6g		6e	6g		35
Report eviction/ housing insecurity																		6e					6e											6d	6d															6g		5

(continued)

Table 1. (continued)

Standard Condition	United States	District of Columbia	Alabama	Alaska	Arizona	Arkansas	California	Colorado	Connecticut	Delaware	Florida	Georgia	Hawaii	Idaho	Illinois	Indiana	Iowa	Kansas	Kentucky	Louisiana	Maine	Maryland	Massachusetts	Michigan	Minnesota	Mississippi	Missouri	Montana	Nebraska	Nevada	New Hampshire	New Jersey	New Mexico	New York	North Carolina	North Dakota	Ohio	Oklahoma	Oregon	Pennsylvania	Rhode Island	South Carolina	South Dakota	Tennessee	Texas	Utah	Vermont	Virginia	Washington	West Virginia	Wisconsin	Wyoming	Total
Report release to another jurisdiction														6d																													6								2
Reside at approved location								3	3				3		3		3	3		3			3	3				3	3			3	3			3	3							3	3			3	3			19
Respect others																	3																																				1
Schedule/keep treatment/ programming appointments																	3k																																				1
Seek mental health services																	3k																																					1
Sign/agree to parole conditions				3			3	3	3			3	3	3		3		3		3	3					3	3	3			3	3		3		3	3				3	3	3	3		3		3		3	3		28
State-provided transport to programming																																				3k																	1
Statement of release date/length of parole				5			5	5	5							5				5	5						5														5			5	5			5					12
Stay away from residence overnight						1							6dk													1						1																				4
Submit to identify (photo/DNA/ fingerprint)	3k			3k													3k											3										3k								3					3jk		7
Submit to risks and needs assessment																																						3j															1
Support dependents	3k	3k	3k	3k				3k	3k			3k	3k	3k					3k				3k			3k		3k	3k		3k				3k			3k			3k	3k	3k						3k			21
Take advantage of opportunities presented																																													3								1
Take prescribed medications				3k																																																	1
Tamper with drug test																		2															2																				2
Tell truth	3	3				3					3	3		3			3		3	3						3		3		3	3		3	3			3	3		3	3	3					3		3	3	3	23
Travel outside assigned county/ district						1	2m				1			1		1	1		1								1	1	1				1		1					1			1										14

(continued)

Table 1. (continued)

Standard Condition	United States	District of Columbia	Alabama	Alaska	Arizona	Arkansas	California	Colorado	Connecticut	Delaware	Florida	Georgia	Hawaii	Idaho	Illinois	Indiana	Iowa	Kansas	Kentucky	Louisiana	Maine	Maryland	Massachusetts	Michigan	Minnesota	Mississippi	Missouri	Montana	Nebraska	Nevada	New Hampshire	New Jersey	New Mexico	New York	North Carolina	North Dakota	Ohio	Oklahoma	Oregon	Pennsylvania	Rhode Island	South Carolina	South Dakota	Tennessee	Texas	Utah	Vermont	Virginia	Washington	West Virginia	Wisconsin	Wyoming	Total
Travel outside limits stated in conditions	1	1		1j			1																1k				1							1j								1					1		1			10
Undesirable associates/ correspondence	1	1	2	1, 6e		1			2		2		1	2		2	1		1	2			1	1		2	1		1	2	2		2	1		2	1	1			1	2	2	2	2	2						31
Visit prisoners or correctional facilities				2									1		1	1			1							1											1	1			1												9
Visit/search/seize	3k	3k				3k	3k	3k	3k	3k	3k	3k		3k	3k	3k	3k	3k	3k	3k			3k		3k			3k	3k		3k	3k	3k	3k	3k	3k	3k	3k	3k	3k	3k	3k	3k		3k	3k	3k	3k	3k	3k	3	41
Voluntary change of employment	6f	6f		1		1	6g			1	1		1	1		1			1		6p	1	1			1	1	1	1	1		1	6e	6d	6dp	1	1		6e	1	6g	1	1	1	1		6	6d		1	1		36
Waive extradition				3		3	3	3	3		3k	3		3k			3	3		3	3k					3		3			3	3		3	3	3	3	3	3	3	3	3	3	3			3					29
Waive right to cross-examine																																								3													1
Weapons/firearms/ ammunition/ danger animals	2	2		2		2	2	2	2	1	1	2	2	2	2	2	1	2	2	2		1		2	2	2	2k	2	2	1	2	2	2	1	1	2	2	2	2	2	2	2	2	1	2	2	2c	2	2	1		47
Work at approved location				3		3								3						3			3						3				3		3	3																	9
Written report	6b	6b						6j			6bj								6bj									6b		6b				6k		6b		6ej											6b	6b		12
Total	26	31	6	38	6	28	17	22	20	16	25	22	20	28	7	23	35	25	22	33	13	11	25	9	12	30	18	28	29	22	24	21	25	25	24	28	19	25	23	22	29	24	33	28	24	17	10	22	12	21	25	11	

Note. Key: 1 = must have permission; 2 = prohibited; 3 = compulsory; 4 = allowed but not to excess; 5 = may receive; 6 = must report; and 7 = *allowed*. a = if over 24 hr; b = monthly; c = firearms; d = immediately; e = within 24 hr; f = within 48 hr; g = within 72 hr; h = 11 p.m. to 6 a.m.; i = midnight to 6 a.m.; j = set by PO; k = if necessary; l = 9 p.m. to 6 a.m.; m = if over 48 hr; n = up to 6 months; o = within 30 days; *p* = *in advance*; and *q* = *within 36 hr*. PO = Parole Officer, Ed. = Education; New categories and codes are designated with italics.

- comply with court orders
- reside at approved location
- work at approved location
- open/use checking account
- termination of employment
- stay away from residence overnight
- statement of release date/length of parole
- knives used for employment
- electronic monitoring
- comply with special conditions
- earn GED/participate in secondary education
- notify employer of current/prior felony convictions
- denial of bail if arrested
- pawning of items
- carry parole ID card if away from residence
- submit to photograph for identification process

To those 2008 categories, we found the need to add 29 more. Our 2020 novel parole rule categories included:

- tell truth
- tamper with drug test
- inform PO of activities/location
- inform PO of programming status
- inform PO of communication technologies
- inform PO of technology passwords
- inform PO of prescribed medications
- participate in development of rehabilitation plan
- schedule/keep all appointments related to treatment/programming
- attend parole hearing for alleged violations
- submit to risks and needs assessment
- take advantage of opportunities presented during parole
- community accountability program
- seek mental health services
- marijuana use
- respect others
- contact codefendants
- take prescribed medications
- evil ways
- provide financial information
- provide proof of payment
- report eviction/housing insecurity
- notify employer/housemates of parole status
- proceed to approved location upon release
- report release to another jurisdiction
- state-provided transportation to programming
- obtain driver's license
- waive right to cross-examine
- gambling

The most common conditions of parole in our 2020 census related to "comply with law" (49 jurisdictions), "weapons/firearms/ammunition/dangerous animals" (47 jurisdictions), "regular reporting" (45), "change residence" (45), and "visit/search/seize" (41). The common categories also happen to be some of the most durable standard conditions as "regular reporting" and "weapons/firearms/ammunition/dangerous animals" have been present since the 1956 census and the other three categories have been present since the 1968 study. Of the categories of conditions that are novel to our 2020 census, "tell truth" is the most common (23), "inform PO of activities/location" (9), "proceed to approved location upon release" (8), "inform PO of programming status" (7), and "inform PO of prescribed medications" (6).

The categories with the most durability across surveys are rules about "alcohol use," "approval of marriage or divorce," "controlled substance abuse/usage," "curfew," "first arrival report," "indebtedness," "operate motor vehicle," "out of state travel," "regular reporting," "report arrest/questioned by law enforcement," "support dependents," "undesirable associates/correspondence," "waive extradition," and "weapons/firearms/ammunition/dangerous animals." Some version of each of these categories has appeared in all six censuses. Six of these categories are not only durable, but frequently used across jurisdictions with "alcohol use," "controlled substance abuse/usage," "out of state travel," "regular reporting," "undesirable associates/correspondence," and "weapons/firearms/ammunition/dangerous animals" employed by over 30 jurisdictions on average across the six censuses. Across time in these durable categories, parole rules relating to "alcohol use," "approval of marriage or divorce," "indebtedness," and "operate motor vehicle" are on the decline. Standard conditions relating to "controlled substance abuse/usage," "out of state travel," "regular reporting," "report arrest/questioned by law enforcement," and "weapons/firearms/ammunition/dangerous animals" are increasingly employed. And while the use of conditions related to a "curfew" is the least used of these durable conditions, its use is the most consistent. "Support dependents," "undesirable associates/correspondents," and "waive extradition" all have significant peaks and valleys in the jurisdictional use across the six censuses.

While the proliferation of distinct categories of standard conditions of parole across the United States is important, the country's federalism means that parole rules vary significantly by jurisdiction. Currently, Alaska imposes the most parole rules with 38 standard conditions, followed by Iowa (35), South Dakota (33), Louisiana (33), and District of Columbia (31). With just six standard conditions each, Alabama and Arizona have the fewest parole rules, followed by Illinois (7), Michigan (9), and Vermont (10). In the 2008 census, the range between the jurisdictions with the highest number of standard conditions (Wisconsin with 25) and the lowest (Massachusetts with 10) was much shallower than in our study (38 vs. 6). This variance is indicative of both the proliferation of standard conditions and increasing complexity of parole rules across the United States' 52 jurisdictions. On average, jurisdictions now impose 21.9 standard conditions—an increase from the mean of 18.6 in the 2008 census, nearly double the 11.5-condition average found in the 1995 census, and over twice that of the 9.8-condition average in the original 1956 census.

Alabama, Illinois, and Michigan are the only three states to actually decrease the number of standard conditions between the 1956 census and our current one. After originally requiring people on parole to conform to only nine conditions, Alabama imposed double-digit parole rules in each of the following censuses until our 2020 one, which finds the state requiring people on parole to follow only six standard conditions. Illinois began with 13, reached as high as 17, and now has a mere seven conditions. In the first census, Michigan set out 11 rules, increased to 17 in the second census, and now only outlines nine. On the other hand, the states with significant increases are largely the states with the most standard conditions. South Dakota has the largest quantity change of any state with 27 new rules in place since the 1956 census. Alaska (which was first included in the 1969 census because it was not a state in 1956) began with 12 standard conditions and now enforces 38. Louisiana began with eight and now has 33. And Iowa, likewise, has increased its standard conditions by 25

rules since the first census. Montana and West Virginia represent the largest percentage increases—933% and 1,050%, respectively—as the former began with a mere three standard conditions and now has 28 while the latter had only two rules and now has 21.

But quantitative changes in standard conditions tell only part of the history of the standard conditions of parole. Our discussion dives deeper into these statistics and also offers a qualitative analysis of these findings.

Contemporary Parole Conditions: Taking Stock

Placing our census into relief against the previous five, we've identified three trends that stand in tension with efforts to reform parole supervision conditions as well as a fourth that appears more supportive of reentry. The first trend may be referred to as the ever-expanding reach of technology in general on community supervision. It includes several features that, when combined, move the field closer to the enhanced micro-surveillance of people on parole. As this trend evolves, it has the potential to become one of the most consequential shifts over time reflecting the imprint of mass penal control on those subject to supervision in the community. Even more, as its features ripen into practice, they will serve to reinforce and sharpen a philosophy of supervision in jurisdictions already committed to the surveillance, monitoring, and the swift enforcement of parole conditions on people on parole.

Electronic monitoring emerged in earlier censuses (1995 and 2008) and is found now in the standard conditions of seven states. Its use amplifies the capacity of parole officers' efforts to monitor and respond to parole violations. DNA testing augments photographs and fingerprinting to form a new category in nine states, while provisions requiring the sharing of computer technologies and informing the parole officer of all passwords, two new categories in our survey, are found in at least one state. Three states also issue identification cards for people on parole. In combination, should the use of these techniques and technologies expand in the future, people on parole will experience increasingly minute and sophisticated forms of intervention and control in their lives.

The second trend involving the requirement to pay fees or restitution was first identified in both the 1995 and 2008 surveys in 24 and 39 jurisdictions, respectively. The present survey expanded this condition to read "Pay All Legal Financial Obligations" identifying 36 states, a slight drop from the previous census. For an appreciable period of time, such a requirement pertained only to the payment of court costs, fines, and restitution. Gradually, the meaning of financial sanctions broadened to include the expectation that people on parole pay monthly supervision fees and in a growing number of states, drug testing, counseling, program participation, and assessment fees. This is a striking trend illustrating the extent to which economic sanctions, including but not limited to the payment of supervision fees, have become embedded in postrelease supervision policy. Notably, this broadening occurred largely "under-the-radar" in the absence of any legislative or policy debate regarding its feasibility and implications for the ability (or inability) of people on parole to pay.

Numerous commentators have noted the extent to which parole conditions continue to be "layered on over time," a third trend that is illustrated by the present census when compared to earlier surveys. This trend shows the average number of conditions has increased from 9.7 in 1956 to 18.6 in 2008 and to 21.9 in 2020. The top five states with the highest number of standard conditions show a range from 31 to 38. These overall figures are exclusive of any additional special conditions that might be imposed within a given state.

The standard conditions of parole are often experienced as punitive and intrusive by people on parole (Phelps & Curry, 2017). As an increasing number of conditions are added to the mix of supervision, they frequently undermine the capacity of people on parole to routinely track the numerous rules with which they are expected to comply. The enforcement of such conditions, especially technical conditions, render those subject to supervision uniquely vulnerable to the

vicissitudes of revocation and subsequent reimprisonment, all too often setting in motion the eventual revocation of parole (Corbett, 2015; Jacobson et al., 2017; Klingele, 2013). Even more, such a dynamic highlights the extent to which mass community supervision, in this instance, parole, functions firmly within the continuum of penal control.

In their census, L. Travis and Stacey (2010) observed that the then emergent emphasis on reentry may have supported the increase of several conditions centering on the facilitation of reintegration. Our 2020 survey confirmed not just the standard conditions they identified but discovered 10 new categories. Some of the most frequent pertained to keeping the parole officer informed of programming status and the need to take prescribed medication. Other categories of note included participating in the development of their rehabilitation plan and taking advantage of the opportunities presented during the term of parole.

The increase in reentry-relevant conditions was likely spurred by the passage of the Second Chance Act in 2007. Enacted with bipartisan support, the Act triggered federal and state-local action relative to a wide array of initiatives designed to facilitate positive reentry transitions for formerly incarcerated people postrelease (Rhine & Thompson, 2011). Though significant barriers remain for individuals leaving prison (Petersilia, 2003; Western, 2018), the expansion of conditions relative to the discourse of reentry suggests that some agencies and parole officers may be offering rehabilitative support, and a connectivity to services for those on their caseloads (Cullen, 2013; Shah, 2017). Nevertheless, the expansion of these rehabilitation-related conditions signals a further enlargement of the prescriptive control of how people on parole must spend their time on parole.

Conclusions

Travis and Stacey conclude their analysis of the exponential growth of parole rules that they found in their 2008 census with a reminder that Arluke advocated for a single condition of parole: "be of good behavior and lead an industrious life." They recognize how quaint that sounds, but they also work to take that sentiment seriously and translate it into more meaningful terms, suggesting that "be of good behavior" is essentially represented in the condition "comply with law." Notably, they find "comply with law" as a condition in every jurisdiction in their 2008 census. What then, is to be made of the remaining 59 conditions of their study or the remaining 86 conditions of ours? Travis and Stacey state, rather generously, that the "remaining conditions are aimed at helping the parolee maintain good behavior [i.e., comply with the law], and empowering the parole authority to act in the event the parolee fails to behave properly." They interpret the above conditions to be a combination of redundant elaborations of what it takes to comply with the law and parole-specific rules that facilitate enforcement. Of course, more critical interpretations of these expansive conditions are reasonable. Foremost among those interpretations is that the "technical" nature of many of the standard conditions of parole hold people on parole to a more stringent set of laws beyond the law of their jurisdiction. What should be done to truly support people on parole in their efforts to reintegrate into American society after their term of incarceration? We offer here two provisional conclusions and offer a hope for many more.

First, with the possible exception of reentry, the trends identified above suggest that the current state of parole conditions may ultimately serve as a barrier to the successful navigation of a term of supervision. In a promising development, for the past decade and more, numerous voices have emerged calling for the comprehensive reform of community supervision. Though broad-based in their sweep, these advocates of reform have invariably targeted the standard conditions of supervision as a crucial component requiring change. All agree that enhancing the prospects for a person on parole to successfully complete a term of supervision will require a substantial reduction in the bewildering variety of obligations they confront (Corbett and Rhine 2020; Jacobson et al., 2017; Klingele, 2013; McVey et al., 2018; Pew Charitable Trusts, 2020; Solomon et al., 2008). Recently,

the American Probation and Parole Association (drawing on the work of Jacobson et al., 2017) published a "Statement on the Future of Community Corrections" recommending that "supervision conditions" be limited "to no more than required to achieve the objectives of supervision" (American Probation and Parole Association, 2017). And even more recently, the Pew Charitable Trusts' (2020) *Policy Reforms Can Strengthen Community Supervision* stresses the importance of establishing supervision conditions that are limited, effective, and appropriate.

This recent drive toward parsimony is housed within a larger framework of evidence-based practice, specifically the risk-need-responsivity model (Cullen, 2013). Researchers such as Amy L. Solomon and her collaborators have demonstrated the need to empirically assess the criminogenic needs presented by people on parole and tailor the conditions of parole to those individual needs (Solomon et al., 2008). If such tailoring were truly to be achieved, it would result in there being very few standard conditions—perhaps as few as Arluke's single "comply with the law" condition—because most conditions imposed would be individualized conditions based on the needs of the person on parole. In our current census, however, we find evidence that this is not yet occurring. First, only one jurisdiction displayed a condition requiring that individuals subject to postrelease supervision submit to a risk and needs assessment. While some agencies may, in fact, rely on such instruments when determining the level of classification or preparing a reentry plan, there appears to remain a sizeable disconnect between the case management of people on parole and the use of risk and needs assessment tools to inform the conditions of supervision. Second, the overall increase in standard conditions demonstrates a "one-size-fits-all" approach to supervision rather than the individually tailored approach called for by Solomon and others.

For the risk-needs-responsivity model to effectively inform the reform of standard conditions of parole, its practitioners must learn from the failure of risk assessment in policing practices and sentencing decisions (Johndrow & Lum, 2019; Lum & Isaac, 2016). Risk assessment tools have taken root throughout the criminal-justice system across the last century and these tools have significantly contributed to the racialization of mass incarceration and mass community supervision (Harcourt, 2007; Wiggins, 2020). As risk assessments based in social statistics deepen their data sets and refine their models, they tend to become increasingly biased and opaque (Eckhouse et al., 2019). Variables such as criminal history or last address become proxies for race or other protected classes and carry discriminatory biases forward in time even as laws and norms change and remove directly discriminatory information from evaluations of risk (Harcourt, 2015; Wiggins, 2020). However, in the wake of recent developments in computer science—particularly the founding of the Conference on Fairness Accountability and Transparency in Machine Learning (FAT/ML) and its more recent transformation into the Association of Computing Machinery's Fairness Accountability and Transparency Conference and Network (ACM FAccT)—a subfield committed to debiasing risk assessment algorithms has emerged. This research suggests that if risk assessment techniques and technologies are developed with responsibility, explainability, accuracy, auditability, and fairness as guiding principles, then the promise of statistically based risk mitigation holds promise to improve parole outcomes rather than further reinforce the systemic biases so entrenched upstream in the criminal-justice system of the United States (FAT/ML, 2014; Mitchell et al., 2019).

If the application of risk assessment in the arena of parole is recentered on the risks that people on parole face in their effort to reintegrate into American society, then these tools can better meet the needs of people on parole. Doing so will require a shift from a construction of the person on parole solely as a risk to public safety to a construction of the person on parole also as a citizen at risk in a nation with deep-seated structural inequalities. With that shift in mind, we might ask of each standard conditions of parole whether or not it helps or hinders reintegration. We might, for instance, calculate if and how the instant indenture that people on parole experience when required to pay the fees of their supervision improves the likelihood that they will successfully complete the term of their community supervision. Likely, it does not. Moreover, we might shift consideration away from

the "risk" side of the assessment and place greater emphasis on the "needs" side of the tool, which helps us identify those factors that lead to reoffending but that can be changed with social support structures—structures that need not be constructed as "conditions."

Further research, of course, is necessary to calibrate and implement policy reforms in standard conditions of parole or in the jurisdictional support structures for people on parole. It is our hope that in continuing this longitudinal study of standard conditions of parole into its 7th decade and in sharing—for the first time in any of the censuses—the complete data of our census as well as the coded data of the five previous censuses that our peers will build upon our descriptive our analysis with further empirical study (see Appendix). The fact that such conditions apply to all people on parole within a jurisdiction and vary considerably across jurisdictions and time offers social scientists the rare opportunity to longitudinally and cross-jurisdictionally compare postrelease outcomes for people on parole. These data should provide a heretofore-ignored-yet-important foundation from which to analyze postrelease reintegration in the United States and to build a more just and equitable future for it.

Appendix

Parole Rules in the United States, 1956–2020 - Complete Data Set

Please visit https://conservancy.umn.edu/handle/11299/217106

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Edward E. Rhine, PhD, directs the Parole Release and Revocation Project under the Robina Institute of Criminal Law and Criminal Justice, University of Minnesota Law School. This project is designed to engage paroling authorities and other key stakeholders in indeterminate sentencing states, and to a lesser extent, in states with determinate sentencing structures, in examining all elements of the discretionary parole release and postrelease violations process. Multistate profiles will be issued and a national survey of parole boards will be conducted, augmented by on-site work with selected jurisdictions, culminating in a final omnibus report showcasing effective strategies and reforms across the country. From 2004 to 2013, Rhine was the Deputy Director for the Office of Offender Reentry, Ohio Department of Rehabilitation and Correction. His career has included leadership positions in juvenile and adult corrections in New Jersey, Georgia, and Ohio. He has written and edited numerous publications addressing the work of paroling authorities, the impact of judicial intervention on prison discipline, change issues in probation and parole, the emergence of offender reentry, and correctional best practices. His most recent publications include a coauthored article (with Professor Anthony Thompson) on "The Reentry Movement in Corrections: Resiliency, Fragility and Prospects," in the *Criminal Law Bulletin*, and a chapter on "The Present Status and Future Prospects of Parole Boards and Parole Supervision" in *The Oxford Handbook of Sentencing and Corrections*.

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