



## **States Taking Action: Flipping the Script on Parole**

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State criminal justice systems have long histories of being pessimistic about the ability of the people they supervise to avoid reoffending. Nowhere is that pessimism more evident than in parole systems.

Most state parole systems operate under the assumption that people who are eligible to be paroled from prison shouldn't be released to community supervision unless there is a good reason to do so. But, with data to back them up, some states have started to challenge that way of thinking and turn pessimistic parole into "presumptive parole."

Leaders in Vermont recently passed legislation that enlists a burgeoning approach in state corrections systems related to parole. Presumptive parole flips the script, so to speak, by assuming that parole-eligible people should be released unless there is a good reason not to. This change helps ensure that corrections departments prepare people for release and incentivizes incarcerated people to participate in and finish any required programming before they are released onto parole.

Vermont's new legislation will require people to be released to supervision if they meet their minimum sentence requirement and key criteria—such as program participation—related to good behavior while incarcerated. The parole board is required to review all presumptive parole candidates within 30 days of the person's eligibility date. The board can cancel presumptive release and mandate a hearing if it determines that a victim should be notified and given the chance to participate in a hearing. Presumptive parole can also be denied for other circumstances, such as failure to maintain good behavior.

Vermont innovated further by adopting presumptive parole in two stages: first in 2021 and then in 2023. [The first stage](#) establishes presumptive parole only for people convicted of nonviolent offenses. [The second stage](#) in 2023 will expand to include more types of eligible offenses.

Other states have taken similar steps in recent years. Like Vermont, many of these states incorporated presumptive parole into their policy changes following [Justice Reinvestment](#), an approach to improve public safety, reduce corrections spending, and reinvest in strategies to reduce recidivism.

- In 2014, Mississippi passed [Justice Reinvestment legislation](#) that prevents parole hearings except in cases where people have not met parole release requirements, such as treatment and programming, or victims or law enforcement specifically request a hearing.
- In 2018, Michigan passed [legislation](#) stemming from a Justice Reinvestment effort in the state that restricted the parole board's ability to deny parole unless there are "substantial and compelling objective reasons."
- In 2019, Colorado passed [legislation](#) that requires the parole board to promptly release eligible incarcerated people with approved parole plans. Parole can only be denied through a majority vote of the entire parole board.
- Also in 2019, Pennsylvania passed [Justice Reinvestment legislation](#) that creates a presumptive parole mechanism for people with short prison sentences. Under this law, people who are sentenced to short stays in prison can be paroled and receive any necessary programming in the community instead of spending a few additional months in prison without receiving programming.

For more on presumptive parole, check out [Eight Keys to Mercy: How to shorten excessive prison sentences](#) by the Prison Policy Initiative. And to learn more about Vermont's Justice Reinvestment legislation, see [Explainer: The Significance of Vermont's Justice Reinvestment Legislation](#).