



# Crime & Punishment

James Alan Fox on criminal behavior and the justice system

PROBATION AND PAROLE

## "American Parolee" - Not quite reality TV

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Imagine if you will, as the late Rod Serling used to say as the lead into episodes of *The Twilight Zone*, a world in which popular opinion rules. Imagine a society in which America votes to determine not only the best singer, the top model, the fanciest dancer and the funniest comic, but more serious matters as well.

How whimsical would it be to have a reality TV show for making parole decisions? On *American Parolee*,  hopeful inmates audition  for freedom, as viewers at home phone in or text message their votes for approval or disapproval. Given the pervasive "throw away the key" sentiment, it would likely be as difficult for an inmate to win release as it is for contestants to survive the weekly eliminations on real-life reality TV.

Of course, I'm not serious about this programming idea, nor do I envision the folks at FOX (no relation) running with the concept. It would be incredibly unfair to make such weighty decisions based on public opinion informed only by a brief performance on the tube.

Notwithstanding my facetiousness, countless residents of Massachusetts felt that they knew better than did the sitting parole board with regard to Dominic Cinelli's suitability for release. They knew better, just from reading news accounts and watching a brief video clip. They could easily tell that Cinelli was dangerous, without having to sit through a lengthy hearing, reviewing a thick file of documents or engaging in the kind of deliberative process that the parole board members undertook. Actually, the only way in which the average Joe knew any better than the six board members who recommended parole for Cinelli was an awareness of the tragic outcome.

I wonder how difficult it will be for Governor Deval Patick to identify a slate of skilled and impartial professionals to take the seats vacated by the five board members who were forced to resign amidst a firestorm of public outrage. The true villain in the December 26th shooting of Officer Maguire was dead, so someone had to take the blame.

At this point, who would want to be appointed to the parole board? Who would want this job, especially in a climate where decisions will be second-guessed and scrutinized so intensively that one could be kicked to the curb as quickly as Ellen DeGeneres was replaced as a judge on *American Idol*?

In the meantime, until the parole board can be replenished with a sufficient number of independent thinkers who will follow their conviction and not pander to public pressure, maybe letting the people vote isn't such a bad idea after all. At least then, the people will only have themselves to blame when the future doesn't turn out as anticipated.