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Parole and Public Safety in Pennsylvania

A Report to Governor Edward G. Rendell

EXECUTIVE SUMMARY

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PAROLE AND PUBLIC SAFETY IN PENNSYLVANIA

A Report to Governor Edward G. Rendell

Purpose of the Review: Improvement in the Handling of Violent Offenders Returning to the Community after Incarceration

This report describes the results of a review of the public safety implications of the correctional and parole processing of offenders returning to the community that was requested by Governor Edward G. Rendell. The Governor initiated the review on September 28, 2008, in reaction to violence by persons under parole or correctional pre-release supervision that resulted in killings of police officers in Philadelphia. The purpose of the review was to identify current policies or practices that could be improved in the processing and handling of offenders returning to Pennsylvania communities after incarceration in state corrections facilities with the goal of reducing the chances that such incidents could occur again. At the same time the Governor requested this review, he also sought a temporary moratorium on all parole releases. The Parole Board then held a special executive meeting and supported the Governor's call for such a moratorium pending recommendations from the review. The moratorium, which became the backdrop against which this inquiry was conducted, subsequently was lifted in stages until full parole processing was restored in the early spring of 2009.

The suggestions for improvements offered in the report (and in previous reports) are made in light of an overall assessment that both Corrections and Parole in Pennsylvania are known to be rated within their fields as among the relatively well-functioning systems in the United States. Moreover, both are committed to "evidence-based" strategy development and adoption, and both regularly participate in research designed to examine aspects of their performance in key areas. Both agencies traditionally have given a high priority to issues relating to prevention of violent behavior among individuals who pass through their respective areas of responsibility as they prepare for return to the community. In particular, the leadership and staff of both agencies have cooperated fully with this inquiry throughout its duration, while continuing to address issues that could be remediated as they have come to their attention and responding to recommendations from this review process on an ongoing basis. The report notes recommendations that already have been adopted by these agencies to address concerns for violence among offenders released into the community on pre-release or parole as earlier recommendations were conveyed to them.

The violent incidents, the parole moratorium and the review of practices occurred at a point in time when Pennsylvania correctional institutions were at or very near capacity with upward trends already taxing the Commonwealth's confinement capacity. To place the importance of parole in context, the full report highlights the direct connection between the parole function and the correctional population. It appears unavoidable that in the near term, as Pennsylvania's institutional population is high (and not declining as in some other states), the capacity to manage large or even increasing numbers of offenders in the community effectively and safely will be critical. Given this state of affairs, the sometimes detailed recommendations in this report are made with an eye to an evolving and strengthened parole function, which balances

the challenges of supervising increased numbers of transitioning offenders in the community with ensuring the safety of all its citizens.

Minimizing Public Safety Threat in Parole: Looking to the Near-Term Future

At the request of Governor Rendell, this inquiry sought to identify ways in which the processing and supervision of parolees could be improved or enhanced to prevent the occurrence of violence by parolees in the community. The suggestions for improvements that may enhance the correctional and parole processing of potentially violent offenders have been framed as recommendations which, if adopted or incorporated into existing procedures and practices, can add to the protection of the public safety without disrupting the positive functioning of the two core agencies involved, Parole and Corrections. Generally stated, the recommendations presented focus on the following themes:

- **Review of parole decisionmaking policies:** The parole decision is central to all areas related to improving safe management of parolees in the community. Review and revision of the current agency-based decisionmaking guidelines and input into the Sentencing Commission's forthcoming guidelines should be considered a high priority. This includes reviewing not only the substance of the parole decision and decision practices, but also the importance of providing complete and accurate information supporting decisionmaking in a timely and strategic manner.
- **Strengthening supervision:** Strengthening Parole's supervision capacity is central to minimizing the risk of violent crime by parolees in the community. A strategy to improve parole supervision capacity and supervision effectiveness needs to incorporate a variety of concerns relating to information capacity, procedures for linking supervision to offender risk levels and support services, reexamination of caseload and caseload management procedures, development of needed support services where they are not available, and ongoing input from the field (agents and supervisory staff). Efforts to improve the art of supervision need to be empirically grounded and tested according to rigorous standards in the field so that effective methodologies are employed to safeguard community safety.
- **Strengthening information capacity and use:** Information capacity needs are evident at a number of stages critical to the processing, decisionmaking, and supervision of parolees in the community. Satisfying these needs well is a necessity to be addressed on an urgent basis in areas from preparation for the parole decision, to the parole decision, to transition from Corrections to Parole responsibility, and to supervision and response to problems in offender behavior in the community. Some issues relate to inadequate infrastructure; others relate to information needed to support substantive policy guiding practice. The forthcoming Integrated Offender Case Management System (IOCMS) system will address some of the systematic concerns, as long as a number of different agencies with reliable information capacity are tapped, but, even if this is carried out successfully, the IOCMS approach will not

address all of the important needs critical to supervision in the field. In this area, a great deal of information support is needed to assist in a variety of on-the-ground field functions.

- **Translating “risk” into useful tools at successive stages of decisionmaking:** “Risk” determinations are made at a number of key stages: during corrections, parole preparation, and the parole decision itself; in linking parole conditions to supervision and services in the community; and during the dynamic process of transition that occurs as parolees reenter the community. By “risk” we mean an empirically derived or clinically determined estimate of the probability that an offender will engage in proscribed behavior, including but not limited to violence. The use of risk assessment at each stage and its relation to successive stages of risk assessment should be reviewed and recognized as an ongoing, differentiated but thematic function. While the best available risk instruments, home-grown or imported, should be deployed, the limitations of these assessments and their error margins should be acknowledged as well and dealt with as a matter of policy and supplemented by qualitative study of parole failure. When involving behavior during parole, risk estimates should take into account the setting and circumstances of the offenders’ return to the community (context) and the effects of the estimates on the nature and level of supervision associated with the offenders on the basis of which risk estimates have been made.
- **Reentry as involving difficult challenges for long-term prisoners recently released to the community:** Discussion of supervision capacity and risk somehow fail to capture the full and multidimensional challenges facing prisoners who transition to the community as parolees after many years of institutionalization. Substantially more resources and effort need to be directed not only toward finding, developing and directing supportive reentry services to assist an offender’s prospects of returning to community life without crime, but also toward understanding a great deal more about the challenges presented to offenders in and *by* the reentered communities themselves. One recommended strategy is to regularize a program of qualitative feedback that aims to identify the problems that unsuccessful parolees have encountered in their efforts to return to society. It makes sense to spend a certain amount of effort in understanding “what went wrong” in failed cases to inform strategies intended to maximize the chances of successful parolee reentry. This feedback would greatly assist in the targeting of supervision and supportive services designed to prevent violent and other crime among returning parolees.

Summary of Recommendations

The Report to the Governor, briefly reviews recommendations made in two interim reports to set the stage for the discussion and recommendations relating to four critical areas of importance in maintaining and improving safe paroling practices in Pennsylvania. These include parole decisionmaking and guidelines; the role of risk assessment; supervision capacity; and information capacity. The review process was conducted through interview of officials and staff at various levels, observation of relevant practices, review of existing reports, studies, agency

materials, and case files and, as discussed in this report, where possible, it draws on more in-depth empirical examination of samples of parole decisions and the performance of persons recently released on parole. Recommendations in these areas and their rationales are discussed in more depth in the full report. For greater clarification and understanding of these recommendations, we strongly urge referring to the full report.

Preliminary Recommendations from Interim Reports

The First Interim Report: Moving Forward with the Parole Review of Non-Violent Offenders

The first interim report made two straightforward recommendations. The first urged that parole processing for *non-violent* offenders be resumed as soon as feasible, making use of practices and procedures then in place.

A second recommendation dealt with the processing of offenders whose offenses were classified as violent and suggested that, in order for the processing of all offenders, including those with a violent offense, to resume, a first step should be to reconsider the definition of “violent” employed by the PBPP and DOC in its paroling process, which was mainly defined by an offender’s then current offense of conviction. While the existing approach was conservative in nature, in that it included broad categories of offenses as “violent,” it served as a fairly crude means of identifying offenders for whom the potential of future violence might pose a realistic and appropriate concern. The proposal to develop a more multi-dimensional working classification to differentiate classes of potentially violent offenders for the purposes of planning for release to the community was then detailed in the second report.

The Second Interim Report: Implementing a Working Classification of Potentially Violent Offenders for Differentiated Intervention

The second interim report moved to set in place a more multi-dimensional framework for defining and differentiating “violent” offenders. The working classification offered a preliminary framework for anticipating the needs and restraints appropriate to the different groups identified. The eight groups or “types” of offenders were identified based on such criteria as conviction offense, prior history of violent offenses, and risk ranking (according to the risk instrument then in use by the PBPP). The proposed framework was intended as an initial policy tool to facilitate organization and implementation of system improvements relating to supervision and program needs of offenders having some indicators of violence more selectively. Once in use, it was expected that modifications to the framework would be made based on field experience and empirical evidence relating to its utility. Such adjustments, for example, might include incorporating additional or different criteria for classifying violent offenders, adding distinct subgroups of violent offenders or fine-tuning to improve the efficacy of the overall framework.

On the basis of that recommended organizing framework, the second report aligned different recommended approaches with the different categories of violent offenders identified under the violent offender typology. Depending on how an offender was classified, the recommended approach would adopt one of the following processing and supervisory paths:

normal processing (treated as any offender facing parole might be treated), violence programming optional (violent markers noted, but special procedures optional—to be decided by the PBPP), or violence management programming presumed (for categories of offenders who would need special and ongoing supervision and support during parole). The overall goal was to move from a more global or broad-brush, violent vs. non-violent approach to processing offenders to one that allowed supervisory and supportive resources to be directed selectively and differentially to specific types of violent offenders.

For offenders classified as falling within categories calling for presumptive violence management measures, the second report recommended that enhanced programming should start with early correctional assessment and continue through subsequent reassessments in planning for programming in correctional institutions and in the adoption of appropriate interventions designed to address specific forms of violent behavior.

The second report also pointed to the current importance of the community correctional centers (CCCs) and community correctional facilities (CCFs) as staging grounds for the transition to release—either as a positive or negative experience in that transition. Fortunately, in this critical area, the Secretary of Corrections has been conducting a sweeping programmatic review of these community based centers at the time of this inquiry in order to assess the role of community corrections facilities and to optimize their use and performance. This inquiry supports the Secretary’s ongoing efforts to evaluate and continue to develop and strengthen the roles of these community facilities in serving as transitional centers as inmates move from prison custody to the community. Re-consideration of the role these centers can play for all transitioning offenders, but for potentially violent offenders in particular, can address a significant need.

The second interim report also emphasized that particular intensive supervision and programmatic procedures should be adopted for the first 90 days of release for offenders categorized as potentially violent (to be followed by phased stepping down, intensifying or maintaining the assigned interventions or requirements, as deemed appropriate). Thus, supervision and supportive services should be structured to start off with immediate, close and intensive contact, supervision and support. Once routine is established and both the parolee and the field supervision staff develop a firm working relationship, appropriate adjustments should be made, in line with public safety and reentry aims.

Prompt Adoption of Interim Recommendations by Corrections and Parole

In prompt response to the second report, both Corrections and Parole adopted and implemented recommendations immediately and over the next months, depending on the nature of the changes involved. Specifically, both agencies integrated the proposed policy tool (violent offender typology) into their classification of offenders for the purposes of targeting violence prevention programming in the DOC and violence prevention relapse aftercare programming during parole. All offenders with specified criteria now are required to complete this programming. Secondly, the PBPP incorporated the new classification into its parole decisionmaking instrument to more effectively distinguish and target potentially violent offenders for appropriate preventive interventions. The DOC implemented the recommendation

that a number of CCCs should be dedicated to the transition and supervision of potentially violent offenders (according to the violent offender or “OVRT” typology) to assist in their adjustment to the community. In addition, using the suggested approaches in the violent offender classification categories of mid- to high-risk, potentially violent parolees are targeted to receive intensive supervision for the first 90 days on parole, when they are subsequently reevaluated to assess their appropriate ongoing level of supervision.

Parole Decisions, Parole Guidelines and Their Implications for Violent Crime by Parolees

In addition to the significance of the correctional experience extending from admission up to the parole interview, parole decisionmaking can play a critically important role in efforts to minimize the likelihood that violent crimes will be committed by parolees—by shaping the terms of an offender’s reentry back into the community and non-incarcerated life. Responsible for one of most difficult and critical liberty decisions in the criminal justice process, parole decisionmakers have the job of determining if and when parole is appropriate and, if so, under what conditions.

In the full report, we recognize and underscore the importance of decisionmaker-oriented parole guidelines as an important resource for parole decisionmakers for a number of reasons, including but not limited to addressing the concern for public safety. The enactment of legislation establishing (revising) parole guidelines resonates with our recommendation that the current parole guidelines should be revisited and revised and the decisionmaker-based model be retained and improved.

The critical parole decisionmaking process sets the stage for safely managing large numbers of recently released offenders in the community. In devising and then implementing a reasonable transition plan for the offender, the successful “capstone” experience after incarceration should promote effective functioning by the released offender in the community, which includes avoidance of crime of any type. The tasks of addressing the challenges of successful parole decisionmaking and implementation of effective parole supervision in the case of persons with the potential for violent behavior fall within this general set of duties. Major recommendations from the full report that relate to parole decisionmaking and parole guidelines are summarized below, followed by a recapping of major findings and recommendations in the other major sections of that report. Note that some recommendations build on current practices in the PBPP and DOC, while others suggest new directions.

Recommendation 3.1: Revise PBPP Decision Guidelines. Independently of the legislature’s mandating of the Sentencing Commission to construct parole guidelines, this review suggests that the agency-based parole guidelines should be comprehensively reviewed and revised to incorporate the issues identified in this inquiry as focused on the potential for violent crime among parolees.¹

¹ We note that PBPP has revised its instrument a number of times through the use of national parole consultants. In 2003, the Parole Decisional Instrument was modified to include use of the Level of Service Inventory, Revised (LSI-R). In 2007, the guidelines and parole conditions were refined to more closely align with evidence-supported

Recommendation 3.2: Parole Guidelines Should Determine Policy Direction. Parole guidelines should suggest (a) whether and (b) under what regimen of conditions parole should be granted under “usual” circumstances and, in so doing, provide the policy direction that guides and informs decisionmakers. In addition, the guidelines should provide some guidance to candidates who are denied parole as to the steps they need to take (or conduct to avoid) in order to increase the likelihood of a future parole.

Recommendation 3.3: Retain and Strengthen the Decisionmaker-Based Parole Guidelines Methodology. The review and revision of the PBPP’s parole guidelines should retain the decisionmaker-based methodology² underlying current practices to integrate law, empirical evidence, and decisionmaker experience in shaping an effective and flexible tool for best managing the return of offenders to Pennsylvania communities and to craft effective strategies for prevention of violent crime.

Recommendation 3.4: Accountability, Feedback and Adjustment Functions Should Be Key Features of the Parole Guidelines. The revised guidelines should incorporate several features to ensure accountability in decisionmaking and to provide periodic category-specific empirical and experiential feedback to decisionmakers relating to the nature of the parole decisions made, the reasons given, and most importantly, to the performance of parolees released under specified conditions.

Recommendation 3.5: Decisionmaker Input Should Contribute to Shaping Parole Decision Guidelines. The structure of the parole decision guidelines should reflect the nature of the parole decision task, including its focus on potential future violent offending and drawing heavily on decisionmaker input derived from collective experience gained to date.

Recommendation 3.6: Provision of Reasons Should Continue to Be Given a High Priority in Subsequent Guidelines Revisions. Any updated parole decision guidelines should continue to require that specific reasons be given for decisions, particularly when decisions are inconsistent with or fall outside of the options suggested by the parole guidelines.

practices. Board Members now establish parole conditions based on the offenders’ highest identified criminogenic (crime producing) needs. The DOC created a static risk assessment tool, the RST, which is, now used by Corrections and by Parole. In 2009, the Board again revised its Parole Decisional Instrument to reflect the new definition of violent offenders recommended in interim reports from this review.

² By “decisionmaker-oriented” parole guidelines we mean to indicate a form of guidelines similar to those employed by the PBPP since 1981 (as updated periodically) that are derived by a combination of empirical study of parole decisionmaking, critical review, decisionmaker input and feedback and consideration of the goals expressed in law. The underlying aim is to focus, guide and support the decisionmaking process of parole officials who have complex decisions to make in often very different individual cases. The decisionmaker-oriented version of guidelines is seen as a policy tool for decisionmakers to produce optimal decisions on a consistent basis, while retaining flexibility as unusual circumstances arise and release options and methodologies change over time. Decisionmaker-oriented parole guidelines are intended to be dynamic, adjusting as realities change based on evidence relating to impact and parole board and field supervision experience and research. This may be particularly effective when targeting the problem of violence prevention among parolees, where incremental adjustments can be made to improve approaches focusing on potentially violent offenders.

Recommendation 3.7: Guidelines Should Promote Equitable Treatment. Parole decision guidelines should promote equitable treatment of parole candidates while incorporating strategies aimed at reducing threats to public safety posed in individual cases.

Recommendation 3.8: The Impact of Revised Guidelines Should Be Tested Empirically in Advance of Implementation. The revision of parole guidelines should draw on empirical analysis to examine how well the aims of the parole process are reflected in the information sources and criteria governing the parole decision. Draft revised guidelines should be “fitted” against data in recent cases to estimate the impact implementation might be expected to have on parole outcomes, on resources and on confinement when applied in the near future.

Risk in Corrections and Parole: Assessing the Potential for Violent Offenses by Parolees

Because of the emphasis placed on prediction in parole decisions, it may be useful to state a prior disclaimer that, despite some belief to the contrary, parole decisionmaking does not simply equate to prediction. Solving the problems of parole cannot be accomplished simply by improving prediction—as if that task were indeed simple. That caution notwithstanding, prediction nevertheless remains a central component of parole and pre-parole (correctional stage) planning, programming, and decisionmaking. Improvements in prediction are essential in promoting optimal decisionmaking about parolee candidates and in facilitating successful parole outcomes.

In addition to other concerns to be considered at the parole decision stage—such as proximity of sentence completion, satisfaction of the aims of sentencing, availability of support services required for successful reentry, etc.—the parole decisionmaker is asked to perform three implicit predictions:

- a) to assess the *likelihood* that an offender will offend again during the parole period, if released;
- b) to anticipate the *type of reoffense* that might occur, if release on parole were granted and the parolee were likely to reoffend; and,
- c) to estimate which *specific conditions* of parole ought best help neutralize the risks of reoffending that have been assumed.

A related issue concerns the effort to determine what may be the optimal time for release. Indeed, it is important to recognize that virtually all parole-eligible offenders will be released eventually since they cannot be held past their maximum sentences. In Pennsylvania, these unconditional or maximum release inmates, accounting for upwards of one-fourth of all releases, re-enter the community with neither supervisory constraints nor supportive services provided by the state. Half of all offenders released at their maximum sentence date had been previously paroled, and usually re-paroled several times, but continued to fail under parole supervision. This means that as parole decisionmakers consider what may be higher risk cases where the offenders involved also may be nearing completion of their sentences in the not too distant future, they are in part assessing the difference that might be made in assuring a successful reentry through well-

crafted supervision and services as compared to that person “maxing out” without such follow-up. More generally, there is a long record of research suggesting that parole supervision that includes needed supports and services can help facilitate smooth reintegration and reduce the likelihood of reoffending. Therefore, crafting appropriate parole release conditions and working to assure the availability of needed supports and services is an integral component of an effective parole system.

A number of risk assessment instruments currently are utilized by Corrections and Parole at various stages of the corrections and parole process. Some of these were not designed primarily to serve as aids to parole decisionmaking, but rather for use in making decisions about housing assignments, security designations or program planning. It therefore is important to assess the adequacy, utility and predictive value of these different instruments for the various purposes for which they are employed, as well as considering how their use, and the information they provide, can be coordinated to best advantage. Assessment tools also are used for such purposes as determining the level and kind of supervision to which parolees will be subject. Efforts are needed to validate and modify as appropriate the instruments employed for assigning parolees to specific supervision regimens and determining intervention strategies. Future efforts in this direction also should seek means of acknowledging and incorporating features of the community, family or other supports and other circumstances that may provide protective or supportive assistance to offenders seeking to readjust to community living, or conversely, that may pose greater obstacles to successful reentry that need to be surmounted.

Recommendation 4.1: Review Risk Assessment Tools Individually and as Part of a Multistage Risk Assessment Strategy. The use of risk assessment in the pre-parole (correctional) and parole process should be reviewed as a matter of overall policy or strategy. This review should include empirical testing of the utility, impact and effectiveness of existing and proposed risk assessment instruments. It should include consideration of their appropriateness in light of their limitations and contribution to achieving the goals at various stages, as well as whether they are reliable and supported by credible data. All instruments and the ways in which they are being used also should continue to be validated periodically. Adjustments should be made based on the results of the review.

Recommendation 4.2: Review Risk Assessment Tools for Their Value in Identifying Potentially Violent Offenders. The overall review of risk assessment at pre-parole and parole stages should specifically address the utility of instruments being employed in anticipating violent behavior among potential and actual parole releases and recommend possible improvement strategies.

Recommendation 4.3: Risk Assessment Should Take into Account Effects of Supervision and Community Context in Identifying and Weighting Predictors of Parolee Performance in the Community. The use of risk assessment should take into account the influence of justice system intervention and the influences of community setting and circumstances. Although the empirical basis for accomplishing this is currently weak, work should be undertaken to try to achieve this objective.

Recommendation 4.4: Ongoing Risk Assessment Should Take into Account Changing Parolee Circumstances with the Aim of Providing Increasingly “Real Time” Estimates of Likely Parolee Misconduct. The overall review of risk assessment and development of a multi-stage risk strategy should incorporate an ongoing capacity to take into account changing circumstances, problems, progress and other changes in performance of parolees to provide a timely and dynamic tool for assessing the public safety risks associated with parolees in the community during the supervision period.

Recommendation 4.5: Test the Use of Options/Interventions to Address Risk and Service Needs Empirically before Adoption. The use and development of interventions seeking to match risks and service needs with supervision and programmatic strategies should be tested empirically in actual community settings before widespread adoption.

Recommendation 4.6: Procedures for Linking of Supervision/Other Preventive Intervention to Risk Levels Should Be Reviewed and Effects of Risk-guided Supervision Tested against Performance during Parole. The utility of the current scheme for classifying and assigning parolees to various levels of supervision and the nature and extent of alternative supervision approaches as differentially applied to risk-grouped parolees should be re-examined to provide feedback for improving parole outcomes.

Implications from Predictive Analyses of Pennsylvania Parolee Performance

Notwithstanding limitations noted earlier, some general themes emerge from the empirical analysis presented in the full report of data relating to prediction of reoffending (as measured by rearrest for any offense) and of reoffending for serious crimes against the person (as measured by rearrest for serious crimes against the person, including but not limited to homicide) among Pennsylvania parolees.

- *Can we predict reoffending?* Unconstrained by any other goal than strictly to assess likely reoffending (here measured as rearrest), attributes *can* be identified whose effects, net of the effects of many other factors, appear to be related to either higher or lower probabilities of reoffending.
- *Do predictors serve as all-purpose predictors of rearrest on parole?* Analyses identifying the predictors of any rearrest and of rearrest for serious person crimes show that these share certain underlying themes, but also differ in notable ways. This may point to a need to differentiate the predictive task according to the specific aims of parole decisionmaking.
- *Are there specific attributes that reveal no or much less predictive capacity than conventionally assumed?* Risk instruments, such as the LSI-R, incorporate a variety of information items that decisionmakers might assume are in some way predictive of future crime by parolees. In some cases, some such assumptions appear unwarranted. For example, only one or two of the LSI-R items considered among the many others stood out as helpful predictors. Although items included in the LSI-R may be useful in determining areas of offender need that profitably could be addressed by supervision and

support strategies, this function should not be confused with that of prediction of risk of future offending. The PBPP has during the recent past relied on the LSI-R as a predictive (and condition-setting) tool. Although use of that instrument on a Pennsylvania population has been validated in the past, the illustrative analysis conducted for this review suggests that more effective, more current and/or more local, tools can be developed. The predictive findings point to the need for in-depth and periodic reexamination of the validity of predictive instruments for the various purposes for which they are employed on the Pennsylvania population of parolees.

- *Does the seriousness of the conviction offense serve as a good predictor of rearrest during parole, as in “the more serious the conviction offense the higher the risk of offending”?* It does not turn out to be true that the more serious the original conviction offense, the greater the likelihood of reoffending. Particularly in predicting “any rearrest,” the type, not the seriousness of the conviction offense was a strong predictor of reoffending (e.g., robbery vs. other; property offense vs. other). When the task was to predict rearrest for serious crime against the person, one offense type (robbery) again was a strong predictor. However, seriousness of conviction offense also helped predict reoffending, at least when broad groupings of most serious and medium serious offense gravity score (OGS) rankings used in the Sentencing Guidelines were employed. Parolees with offenses falling into those higher seriousness rankings had much higher probabilities of reoffending than parolees whose convictions were ranked in the lowest seriousness grouping.
- *Are correctional measures that are dominant in determining parole also predictors of rearrest on parole?* The answer is, basically, yes, with qualification. In predicting any rearrest, prison misconduct in the form of a record of threats was related to a higher probability of offending. In predicting serious crimes against the person, three measures of institutional misconduct figured into prediction. All of these measures are related to, but not the same as, the one adopted in the parole guidelines. In addition, prison program participation was important in prediction of both sorts of rearrest (for any type of offense and for serious offenses against the person). Finally, a favorable housing rating (behavior on the correctional housing unit) was related to lower chances of serious person reoffending, but prison housing or work reports were not useful in predicting reoffending for crime measured more generally (any type of offense).
- *Can dynamic (changeable) factors add importantly to prediction, over and beyond the predictive roles of fixed attributes from parolees’ backgrounds?* One limitation of some risk prediction approaches is that they are governed predominantly by fixed parolee attributes—such as information related to prior history (of crime, supervision, imprisonment, treatment, etc.). Notable in the empirical results of this review are predictors of reoffense that are of the dynamic or changeable type. A prisoner can influence and personally shape his or her record of program participation and completion as well as behavior in the institution (e.g., misconducts). In empirical analysis of both the parole decision and of rearrest among parolees, for example, participation in programs offered in the prisons emerged as influential, albeit measured in various and slightly different ways (completion, participation, violence programming). An important

implication of this general finding, given its role in the parole decision and in actual prediction of reoffending, is that efforts should be made within the correctional system to explore obstacles to offender enrollment and successful completion of programs. Such an investigation should include analysis of the availability, access to and quality of such programs, so that achievement in this area can be strongly facilitated.

- *What is the role of prior offending in predicting rearrest on parole?* The data we analyzed were weak in this category of predictors because of a limited availability of reliable criminal history measures. However, in the prediction of reoffending generally, having the first arrest before the age of 16 and having prior probation or parole revocations were predictive of higher probabilities of reoffending. Only the former emerged as a predictor of rearrest for serious crimes against the person. In a more comprehensive analysis, collection of a broader range of reliable measures of prior criminal history should be examined for impact. It is quite likely that an improved data source would show that additional measures of prior conduct figure into prediction of reoffending.
- *Indicators of community and family/support attributes (neighborhood, high crime areas, residence, family attributes, service resources, etc.) were not included.* The predictions in this report's analyses are made without the ability to take into consideration community contextual factors, which are known to have important influences on crime. This is a major weakness in risk assessment that will need to be addressed to improve the strength of prediction overall, as well as for the value it can provide in helping target factors that need to be addressed if risk is to be reduced and to develop strategies for strengthening or supportive attributes that can serve as protective factors.

For purposes of this inquiry and as described more fully in the report, two existing risk instruments now in use as well as data collected for this project were utilized to examine how well risk of reoffending could be predicted and how useful various risk classifications were in that process. A sample of parolees placed under supervision during 2008 was followed up for two and a half years in an analysis reoffending (as measured by rearrests) while on parole. The implications for risk classification and public safety are summarized in the full report. Even under an improved classification schema based on the current analyses, the margin of error in ranking parolees as high risk for reoffending was still notable. For example, of parolees ranked as being at high risk for reoffending, 22 percent were rearrested for serious crimes against the person. Yet, 78 percent of the parolees ranked as high risk did not reoffend in the serious person crime category at all. In other words, *for every hundred parolees ranked by the improved risk assessment as "high risk" for serious crime offending, about eighty will be treated as high risk unnecessarily. At the same time, for every hundred parolees ranked as "low risk" for serious person offenses under the improved classification, three of them would be mistakenly so identified and would go on to commit a violent crime.* In sum, although these error rates represent an apparent improvement over those associated with the LSI-R and RST risk classifications, at least for the purposes for which they were applied here, they still reflect large margins of error. This side-effect of risk classifications needs to be taken into account in operational applications of instruments designed to help estimate risk the risks of violent crime when applied to actual individuals.

In this review, the point of these analyses was not to rate the efficacy of one risk approach versus another, but rather to illustrate potential differences that should be considered in future planning—even when improvement in predictive analyses is possible. The difference in the way risk instruments classify parolees has great importance not only for ensuring the public safety and in targeting preventive interventions appropriately, but also beyond their respective error rates in affecting the chances that parole will be granted or denied for whole categories of offenders.

Recommendation 4.7: Current Risk Instruments Should Be Reexamined to Estimate Implications for Correctional Planning and Parole. The specific capabilities of the current risk instruments for predicting violent reoffending as well as the implications of risk findings for parole guidelines and performance outcomes overall should be examined as a priority.

Recommendation 4.8: Review of Risk Should Incorporate Implications of Dynamic Predictors. The review of predictive tools employed in the corrections and parole process should include consideration of the implications of certain “dynamic” risk factors, their appropriateness and strategies for strengthening and/or clarifying their influence.

Supervision Capacity: Its Critical Role in Managing Public Safety Threat among Parolees in the Community

The violent incidents involving offenders on parole or pre-release that sparked the Governor’s inquiry in September 2008 raise basic questions about the effectiveness of supervision of offenders released to the community from prison (whether through transitional settings, such as CCCs, CCFs, half-way houses or similar facilities, or directly to “the street”). Once released to the community, the responsibility for an offender’s criminal behavior is, fairly or not, ascribed to poor supervision of the responsible agency, at least in part. Under this heading, the full report discusses issues related to supervision capacity and effectiveness.

Supervision capacity is used in this review simply to refer to the Commonwealth’s ability to safely manage released offenders in the community through the necessary means. Understood as a relative ability to support the transition to the community and to prevent criminal behavior during the parole period, supervision capacity is produced by the additive effects of a number of key elements:

- a) availability and quality of field and supporting staff (including the agency “culture”),
- b) workload carried by field staff,
- c) availability and deployment of resources in the field,
- d) knowledge and efficient use of methods and techniques of supervision and monitoring,
- e) logistical and material support for supervision staff, including availability of relevant information and technology, and
- f) methods of accountability (i.e., “supervision of supervision”).

These, at a minimum, contribute to the prospects of successful (at least, crime-free) reentry of offenders into the community from incarceration and have a direct impact on the ability of the parole apparatus to prevent crime, not just serious, violent crime. The discussion and recommendations relating to supervision capacity draw on interviews and critical commentary of various parole personnel who were candid in the feedback they provided to the review team. The interviews conducted for this inquiry conveyed a high level of dedication and professional pride and interest among field personnel in what they do.

Process Issues: The Transition from Correctional Custody to Field Supervision

The transitioning of an offender between Corrections and Parole encounters a barrier or “gap” as the responsibility for the offender shifts from one agency to the other and from the world of incarceration to the community. This transition of custody includes periods during which responsibility is shared by the agencies (such as when paroled inmates begin parole in a CCC or CCF.) The gap appears to have informational, communication, physical custody and bureaucratic implications for safe management of reentering offenders.

The following recommendations mean to suggest that existing functions be strengthened or that new procedures be adopted, or both. Some of the following recommendations build on existing practices that should be adapted or strengthened. For example, the PBPP has made effective use of working groups in the past, and cross-sectional working groups are seen in these recommendations as useful tools in developing sound strategies for accomplishing improvement goals. A more involved recommendation, assigning certain CCCs to specialized violent offender transitional uses and having PBPP staff placed in the community facilities, has been carried out and expanded since early discussions of this recommendation. The PBPP has recognized the importance of the initial stages of transition of the offender to the community and has established positions, the TC (Transitional Coordinator) and ASCRA (Assessment, Sanctioning and Community Resource Agent), designed to assist in the intensive (“front-loaded”) launching of supervision services. This review recognizes that, since the earlier reports and discussions with the agencies, DOC and PBPP efforts to address strategies that could be helpful in preventing violent reoffending by parolees have been ongoing.

Recommendation 5.1: *Establish A Working Group to Identify and Remedy Gaps in Information at Release:* The PBPP and DOC should establish a working group representing the users and providers of critical offender/parolee information between and within agencies addressing information needs relevant to the initial parole transition from corrections to field parole. Attention also should be given to how information is passed between these agencies when offenders are released through community correctional facilities. The aim of the working group would be to identify the key weaknesses in information exchange at this stage and to develop strategies that could address the weaknesses, particularly as they relate to preventing opportunities for, or reducing the likelihood of, crime.

Recommendation 5.2: *Address Issues in Physical Transition from Corrections (DOC) to Parole (PBPP) Custody.* Corrections and Parole should jointly review the “physical” transition of the offender from correctional custody to parole in the community as it occurs on the very first

day or two of release to eliminate the possibility that, even rarely, temporary loss of awareness of a parolee's location and status occurs.

Recommendation 5.3: Utilize Enhanced Supervision Procedures for Offenders Identified as Having High Potential for Violence During the First 90 Days of Release, Followed by Appropriate Adjustments in Supervision. Enhanced or intensified scrutiny, supervision and reentry support of offenders classified as being high risk exiting DOC facilities should be implemented during the first 90 days of parole in line with the suggestions deriving from the violent offender typology (as periodically fine-tuned) and other conditions of parole assigned by the PBPP.

- a) Continuing careful attention should be focused on further developing and strengthening an array of immediate supports and services, taking advantage of the roles of the Parole Transitional Coordinators and Community Resource Agents, as well as considering other interventions to help strengthen the transition from institutional confinement to parole release, given the importance of the early transition period between custodial confinement and conditional liberty in the community. This recommendation acknowledges that PBPP employs this approach toward all released parolees; however, it specifically addresses those identified under the violent offender typology for the purposes of focusing on preventing violence by parolees released to the community.
- b) The heightened supervision at the 90-day mark should be reevaluated to determine the appropriateness of “stepping-down” or adjusting the level and frequency of supervision, monitoring and service adjustments at the end of that time. The 90-day review and subsequent adjustments should also be examined empirically to provide feedback on “what works” to help align subjective practices with empirical evidence of effectiveness.

Recommendation 5.4: Avoid Over-broad Use of Selective, Intensive Procedures. The enhanced supervision of appropriate categories of parolees should be selectively targeted (see earlier reports) and should not be extended to all parolees in order to prevent dilution of the limited supply of “intensive” supervision resources or capacity and to avoid unintended consequences that may follow from applying intensive supervision to low-risk offenders. The continued and strengthened use of periodic “stepping-down” or “stepping-up” of parolee supervision statuses should be viewed as critical in ensuring the effectiveness of intensive approaches and the careful marshalling of intensive supervision resources toward prevention of violent conduct.

Recommendation 5.5: Review the Role of Parole Transition Coordinators (TCs). The PBPP should carefully evaluate the utility of using transition coordinators (TCs) in cases of potentially violent offenders. This review should be designed to assess how effectively use of personnel in this role strengthens rather than conflicts with the need of the supervising field officers to establish immediate contact with newly released parolees, to act quickly to establish a solid working relationship with the parolee and to begin the work of supervision during the parolee's initial period of adjustment in a community setting.

Recommendation 5.6: Clarify Supervision Responsibilities When Parole Involves Transitional Facilities. Corrections and Parole should jointly examine the issues of coordination and effective supervision of returning offenders placed in (“paroled to”) CCCs and CCFs, raised by field agents (and offenders in separate interviews), including the issues of appropriate agent access to clients, facilitation of the agent-parolee relationship, enforcement of rules and the provision of services and monitoring required by the parole decision as preparation for safe transition to community. In addition, such a review should address the special needs, requirements and procedures associated with pre-release (correctional pre-parole status) and the special issues raised by placing paroled offenders within the same facilities.

Effective Deployment of Parole Supervision Resources

Effective supervision capacity is based on several key elements: (a) the nature and size of the caseload; (b) the organization of supervision services according to the attributes of the caseload; (c) realistic differentiation and weighting of the supervision workload for accountability; and (d) optimal use of existing resources (such as agent supervision time).

To the extent that the offender violence typology (from earlier recommendations) has been tested and adjusted in the field, the classification and treatment of potentially violent parolees needs to be worked into the overall framework that designates the substance as well as the quantity of supervision plans for various types of newly entering parolees. This includes taking into account steps suggested specifically for preventing violent criminal behavior in the planning of caseload supervision and monitoring of parolees overall.

There are important implications in adopting a revised supervision classification framework that, incorporating the thrust of the violent offender typology, recommends intensive services (supervision, monitoring, programming) for certain categories and, by definition, not for others. The intensive targeting of services toward subgroups (e.g., of violent or sex offenders) implies more and more selective deployment of resources.

The “flip-side” of the strategy of more selective targeting of supervision is, obviously, that the kinds of cases classified as calling for minimal kinds of intervention are, logically, assigned fewer supervision and service resources. Thus, to some extent a trading or reassigning of existing resources is assumed, under ideal situations—which may or not currently apply. A frequent obstacle, or at least downside danger, to the success of such a selective strategy is that various forces pressure for parole authorities to assign “intensive supervision” to everyone. As one parole agent said: “Not all releases should be to mandatory intensive supervision.” Such an approach guarantees depletion of intensive resources by an unnecessary extension of the selective approach and/or rendering the strategy meaningless. Just as all offenders cannot, and should not, be confined, all parolees cannot be targeted for intensive interventions.

Fully implementing procedures for intensive supervision of potentially violent offenders as differentiated in the violent offender typology raises questions about how best to integrate this strategy into the overall approach to the parolee caseload entering the jurisdiction of PBPP districts each month and how such an updated and integrated classification of entering parolees should translate into effective workload deployment and accountability.

Recommendation 5.7: Re-examine Implications of the Violent Offender Typology for the Current Entering Parolee Caseload. The nature of the incoming parole caseload should be reviewed in depth, taking into account the implications of the violent offender typology in characterizing its attributes as they relate to supervision, monitoring and needs for services, and to the deployment of supervision resources and field agents' caseloads.

Recommendation 5.8: Align Staff Workload with the Attributes of Incoming Parolees. The allocation of the field supervision staff should be based on a deployment framework reflecting the supervision risks and needs associated with the incoming caseload.

Recommendation 5.9: Revisit the Classification Framework Employed to Assign Levels of Supervision and Services. The use of the LSI-R for allocating parolees to levels of supervision and services in the field should be revisited, while an updated integrated framework should incorporate information from the violent offender typology.

We believe that staff-to-caseload or -workload statistics in their present form do not help sufficiently in determining the quality (or "intensity") of supervision delivered per supervision category. This makes it difficult to evaluate the selectivity and appropriateness of applying really intensive supervision, monitoring and service provision. To do this at a more "micro" level, a fair appraisal of the way hours are spent by agents per week per type of caseload will add to the effectiveness of supervision, provide for a system of accountability and provide more fully for an evaluation of the resources needed for managing the existing, and particularly higher risk, caseload entering the community.

Recommendation 5.10: Better Weight Caseloads for Realistically Delivering Supervision. The existing caseload weighting scheme should be reevaluated and a revised weighted (risk-adjusted) system for characterizing the caseload challenges of different types of parolees should be adopted to determine the average hours of staff time per week or per month actually required to supervise different types of parolees effectively. This same weighting system should be used to project resource implications of the cases of parolees entering the system, and should be used to promote accountability at several levels.

Recommendation 5.11: Apply the New Caseload Weighting Schema to Workload Assessments. More specifically, using an updated risk-adjusted case-weighting supervision system, caseload assignments and workloads should be reassessed and adapted realistically to available hours per staff member per month.

Recommendation 5.12: Review Time Allocated to "Office Time" Versus "Supervision Time." Using the above improvements, the role of "office time" should be reviewed and reduced in the interest of promoting more, and more effective, field time (supervision hours) to manage parolees in the community.

Recommendation 5.13: Address Local (Field) Information Needs for Greater Efficiency and Effectiveness in Supervision. The PBPP should provide information technology for use in the field and in the district offices to decrease the amount of time field agents are required to spend

in office-related work and to improve the timely availability of information related to the status of individual parolees.

Recommendation 5.14: Utilize a Working Group to Address Local Information Needs of Field Agents. A working group should be formed to review existing and proposed information collection, storage and reporting requirements and to consider efficiencies in satisfying these needs.

Recommendation 5.15: Review the Range and Nature of Duties Parole Field Staff Are Asked to Perform. A review of the functions parole agents now are carrying out should be conducted in order to recommend modifications as appropriate.

Recommendation 5.16: Employ a Variety of Regular Means of Obtaining and Utilizing Candid Line-staff Input. The PBPP should develop a means of obtaining feedback concerning practices in the field and their impact and involve a cross-section of line and supervising staff in developing suggestions for improving supervision effectiveness, particularly when it involves intensive supervision of high risk offenders.

Recommendation 5.17: Take Steps to Assure That Critical Support Services Can Be Accessed. The availability, accessibility, quality and funding implications of programs responsive to the needs of parolees should be systematically reviewed by district, region and on a statewide basis to assess the PBPP's ability to meet the mandates associated with the conditions of parole that they assign and to identify critical resource and funding needs related to supporting prisoner reentry.

Recommendation 5.18: Study the Reasons for Failure Among Parolees for Purposes of Policy Improvement. Qualitative in-depth study of the reasons that some parolees fail (commit new crimes) during parole should be carried out to provide input into supervision and reentry policy. Knowledge of "what went wrong" should play an important role in framing approaches to reduce the prospects for violence and other failures among parolees in the community.

Information Capacity and Safe Parole: Critical Information Needs

The weakness of existing information capacity in processing, preparing, deciding and managing potentially violent parolees in the community is thematic. Of the areas identified as in need of improvement in the handling of offenders who may pose a threat to public safety while on parole (and by extension, any parolee who requires careful planning and close supervision), the weakness of the information capacity in the PBPP is central. Each of the areas treated above and in earlier reports, in one form or another, requires the collection and communication of up-to-date and accurate data for critical functions to be carried out effectively and fairly. From the use of the violent offender typology, to parole planning, to guidelines revision, to classification of parolees to levels and types of supervision, to establishment of parole conditions and to the monitoring and tracking of parolees and the immediate reporting of incidents, information capacity issues are raised.

Up-to-date, timely, accessible and accurate data are critical to the preparations leading up to the parole decision, to the parole decision itself and to the agency's ability to monitor its own performance, as well as to the supervision and support of parolees in the community, and, finally, all of these are critical to the capacity to deliver real-time responses when parolee failures, like violent reoffending, occur. The systems that feed Parole's computerized information capacity—on which it has to rely to assemble critical basic data—have their own problems that contribute to the challenges that the Parole information function faces when trying to pull together and stay on top of the data central to its responsibilities.

To those who may comment that poor information capacity is commonplace among criminal justice and other social service agencies, this review takes the position that, given the nature of the responsibilities of the PBPP to ensure successful reentry and to safeguard the public safety, this is a critical area for improvement that may help the agency and the system to tie together and implement the body of recommendations described in this and earlier reports—as well as to accomplish improvements already identified by the agency itself.

In pointing to this area as in major need of improvement, we would also like to be clear about what we mean and what we do not mean:

- a) First, the manual records upon which case decisions rely and from which computer data should derive appear complete, accurate and well-organized. Good information is available for individual decisions and as a backup for computerized data. However, given the size and rapid pace of the challenges facing the PBPP in managing a large and growing caseload, the agency should be supported at various levels with the multifaceted computerized information capacity these challenges require.
- b) Second, in pointing to the need for major improvement in the information capacity of the PBPP, the issue is not one explained by individuals who are somehow failing to perform their important tasks—though certainly there are personnel and training implications associated with needed substantial updating of the management information function. In fact, the small core of staff responsible for meeting the PBPP's information needs make up in time and effort for what they lack in technological capacity and related support. Thus, our critique does not point to a personnel problem. It was our impression that the staff struggled mightily—perhaps the words “heroic” and “herculean” better convey their efforts given the tasks at hand—to produce needed information despite the major information capacity limitations they faced.

In making these suggestions for improvement, we are also aware of the plans for a corrections information system (the Integrated Offender Case Management System or IOCMS) to extend to parole functions and to be implemented in two years, with planning now underway. Parole is participating in development of that system and, to the extent that the new system, when it is implemented and finally working, addresses some of the problems we identify in this review, it will be a welcome corrective resource. *Yet, in facing Parole's current challenges, and assuming difficult implementation and design processes ahead in designing the larger system, it*

is unrealistic to expect that these plans will address all of the issues mentioned, particularly in addressing “local” or field information technology needs.

Recommendation 6.1: Conduct Systematic Review and Upgrade Overall and Local Information Capacity. The information/data capacity of PBPP should be reviewed and addressed as a high priority to better support a variety of its key functions.

Recommendation 6.2: Install a “Real-time” or Immediate Response Information Capacity. The need to prevent the occurrence of serious or violent reoffending by parolees in the community requires that the upgrading of the PBPP’s (local) information capacity build in a “real-time” or “immediate response” capacity between the field and central agency to better anticipate serious incidents and/or to initiate emergency response procedures with relevant information when serious incidents appear to be unfolding.

Recommendation 6.3: Share Relevant Corrections Information with Parole for Managing Supervision. The upgrading of computerization as it relates to parole (decision and supervision) functions—including but not limited to PBPP’s own (local) computerized information management capacity—should include access to data related to offender risk, violent offender programming, special needs and other critical Corrections information that can better inform PBPP’s ability to deal with parolees they must supervise in the field. Beyond what is already available through the DOC’s DOCNET applications, this parole-based local information function should include, as per the earlier recommendation, incorporating the results of joint problem-solving by Corrections and Parole to eliminate information gaps affecting pre-parole planning, parole agents’ preparation for supervision and service delivery, and coordination between community facilities and parole agents.

Recommendation 6.4: Support the Parole Guidelines and Parole Decision Stage with Appropriate Information. The upgrading in the PBPP’s information management capacity should, as a high priority, address the special information and processing needs that will be associated with developing and implementing revised parole guidelines. This should include “automating” the parole preparation and decision process and instituting a computerized decision feedback mechanism relating to parole outcomes.

Recommendation 6.5: Provide the Information Capacity Necessary for Risk Assessment for Violence Prevention at Several Stages. The enhancement of the management information capacity of PBPP should take into account the various risk assessment functions, as well as the identification of needs for transitional services, as they relate to accomplishing effective parolee supervision and incorporate a capacity to integrate information in an ongoing risk assessment function in anticipating and seeking to address public safety threat.

Recommendation 6.6: Address Cross-agency Information Issues. The upgrading of the PBPP’s information capacity should address the issues identified by the joint work group (proposed above), identifying cross-agency information obstacles at the stage when an offender transitions from prison to Community Correctional Centers or Facilities to eliminate information “gaps” at the earliest stages of supervision and to facilitate establishment of supervision arrangements and safe supervision outcomes.

Recommendation 6.7: Address the Computer and Information Needs of Agents in the Field.

To enhance the agency's ability to keep track of a parolee's status in real time, the information needs of the agent in the field should be addressed with a computerization plan (accessible through a small laptop that can be used in remote sites) to facilitate the agent's information communication tasks and to ensure timely transmission of relevant data (back and forth) concerning a parolee's status. Such a plan should consider the input of agents, taking into account their note taking, log-book and accountability needs, as well as linking them with a local and even state database as appropriate.

Recommendation 6.8: Develop Immediate Response Capacity from Field to Office to Agency Central Offices in the Event of Incidents.

Although the bulk of the recommendations made as a result of this inquiry are aimed at preventing the occurrence of parolee violence, the improvement of information capacity at all of these levels, but particularly at the agent and district office level, should also enhance response time when parolee incidents appear to have occurred. This may include AWOL status at programs or agent contact sessions, immediate response to apparent crimes, or communication with other responding agencies to assist in apprehension or location of a wanted parolee who may be in custody elsewhere. This capacity would permit the PBPP Chairperson and other key personnel of the PBPP to quickly obtain an accurate picture of unfolding events as the need for coordinating with responding agencies becomes pressing.

Recommendation 6.9: Build in Capacity to Permit Outside Review for Purposes of Agency Strategic Planning, Program Development, and Impact Evaluation. When addressing the overall and local information needs of parole for the purposes of improved supervision and violence prevention intervention, the management information solutions should lend themselves to translation into a format usable in authorized or requested analyses of aspects of the parole function. Such a capacity forms a key element in the agency's ability to broaden its evidence-based methodology relating to program implementation, supervision enhancement and impact evaluation relating to parolee performance and reoffending in the community.

Challenges to Parole Relative to Unconditional or Maximum Releases and Supervision

Although this inquiry has focused on the return to the community of potentially violent offenders through the parole mechanism, we need also to point to the impact of an important type of post-incarceration release not covered by parole: Roughly one-fourth of returnees are persons who gain release from prison upon completion of their maximum terms of incarceration. As mentioned previously, over half of "max outs" had been previously released and failed on supervision. Of the remaining, many are sex offenders and/or offenders with serious mental health issues who had difficulty obtaining suitable living arrangements required for parole. These individuals are released directly to the community without supervision and in many cases have served long terms for serious crimes and chose not to participate in programs in the prisons. These generally serious offenders reenter to the community without any further form of state control.

Criticism of parole—and the debate about whether it should be eliminated—has a long history in the United States, dating back as far as the Wickersham Commission of the early 1930s. Some jurisdictions that have eliminated parole have had to reinstitute its functional equivalent under such approaches as mandatory supervision or supervised release. This does not change the essential role of a provisional and transitional function that follows an offender completing a sentence into the community and monitors his or her status for some period of time, as well as hopefully providing support for successful reintegration into the community. Initiatives calling for mandatory terms (and pre-ordaining mandatory release) sometimes also prescribe a term of mandatory supervision following mandatory release for an extensive period, ranging, in some proposals, from 15 years to life. In short, parole has not been eliminated, it has only been renamed; discretion for management of transitioning offenders has been removed and the need for a far greater capacity for parole supervision (or its equivalent) has been inadvertently created.

In closing, we call for a careful examination of the occurrence and impact of maximum release. We also express great concern for the piecemeal elimination of parole for categories of offenders in exchange for mandatory sentences, more maximum releases and, at the same time, inadvertent creation of a need for added supervision capacity by proposing policies of lengthy mandatory supervision after mandatory release. There is a useful literature on the experience of mandatory sentences and mandatory supervision, and on related collective and selective incapacitation policies, that could be consulted to inform the debates about parole and the public safety threat posed by certain parolees in the community. For some possible short term gains (delaying the return of some to the community), there are long term costs (more and more high risk offenders returning to the community) added to the need for community safety protection responses.

The implicit assumption underlying this review has been to ask how the paroling process and supervision of higher risk, potentially violent parolees in the community can be improved to reduce the threat of the commission of serious violent crimes in the community. Given the growing importance of the paroling function in safeguarding the community and returning offenders to normal, productive (and tax-paying) lives, a thematic finding of this inquiry is how poorly resourced the paroling apparatus currently is. The long term added costs of increased numbers of maximum release offenders, with or without mandatory and lengthy supervision, would be considerable.