

UNIVERSITY OF MINNESOTA

RELEASING AUTHORITY CHAIRS:

**A Comparative Snapshot
Across Three Decades**



ROBINA INSTITUTE
OF CRIMINAL LAW AND CRIMINAL JUSTICE

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The Parole Release and Revocation Project

The Parole Release and Revocation Project of the Robina Institute of Criminal Law and Criminal Justice is committed to engaging releasing authorities in both indeterminate and determinate sentencing states in examining all aspects of the discretionary parole release and post-release violations process. A central goal of this project is to contribute to the enhancement of decision-making at every stage. To accomplish this goal, the Parole Release and Revocation Project partners with select jurisdictions on issues related to parole release decision-making; researches and publishes legal and statutory state parole profiles; and publishes survey and other findings focusing on releasing authorities.

Authors

Kaleena J. Burkes, Edward E. Rhine, Jason P. Robey, and Ebony L. Ruhland

*Production Manager: Monica Wittstock, Robina Institute of Criminal Law and Criminal Justice; Graphic Designer: Sysouk Khambounmy, Printing Services, University of Minnesota.

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Parole Release and Revocation Advisory Council

The Parole Release and Revocation Project Advisory Council is comprised of representatives from the Association of Paroling Authorities International (APAI), the U.S. Parole Commission, parole boards, the National Parole Resource Center (NPRC), and the academic and public policy community. The Advisory Council provides guidance and feedback on the project's goals, research agenda, and findings. To learn more about this distinguished advisory council, visit www.robainstitute.umn.edu/areas-expertise/parole-release-revocation.

Mark Bergstrom	Executive Director, Pennsylvania Commission on Sentencing, Harrisburg, Pennsylvania
Peggy Burke	Former Principal, Center for Effective Public Policy, Washington, D.C.
William D. Burrell	Corrections Management Consultant, Princeton, New Jersey
Thomas Combs	Administrator, Michigan Department of Corrections
Clark Harms	Board Member, Former Chair, Utah Board of Pardons and Parole
John Hodges	Chair, Iowa Board of Parole
Catherine McVey	Senior Policy Advisor, Council for State Governments, Washington, D.C.
Jeffrey L. Peterson	Executive Officer, Retired, Hearings and Release Unit, Minnesota Department of Corrections
Michelle Phelps	Assistant Professor, Department of Sociology, University of Minnesota
Michael Santos	Director, Earning Freedom Program, Irvine, California
Christine Scott-Hayward	Assistant Professor, California State University, Long Beach, California
Patricia W. Smoot	Chair, U.S. Parole Commission, Washington, D.C.
Richard Stroker	Director, National Parole Resource Center, Center for Effective Public Policy, Washington, D.C.

CONTENTS

- Acknowledgements** 2
- I. Introduction: Releasing Authorities and Their Chairs** 7
- II. Demographic Characteristics of Releasing Authority Chairs**..... 9
 - A. Age Composition..... 9
 - B. Gender Composition..... 9
 - C. Racial and Ethnic Composition..... 9
 - D. Educational Credentials 10
 - E. Educational Coursework Aligned to Criminal Justice 10
 - F. Previous Experience in Criminal Justice System 11
- III. Releasing Authority Chairs: What Do They Think?**..... 13
 - A. Goals Informing Parole Release 13
 - B. Agency Transparency..... 15
 - C. Relationship with Other Correctional Agencies..... 15
 - D. Use of Structured Tools in Release Decision-Making 16
 - E. Factors Considered at Parole Release 17
 - F. Opening-Up the Parole Release Process..... 18
 - G. Prison Overcrowding and Risk Aversion..... 19
 - H. Professional Standards and Accountability 20
 - I. Professional or Other Qualifications for Board Membership..... 21
- IV. Revisiting the Release Factors Ranked by the Chairs - 1988 - 2015**..... 23
- V. Releasing Authority Chairs: Open-Ended Responses** 27
 - A. Chairs’ Identification of Issues in 1988..... 27
 - B. 1988 Chairs’ Recommendations 29
 - C. Chairs’ Identification of Issues in 2015 30
 - D. 2015 Chairs’ Recommendations..... 31
- VI. Comparative Observations Regarding the Chairs**..... 33

TABLES, CHARTS, AND FIGURES

Chart 1: Age Composition of Chairs - 1988 and 2015.....	9
Chart 2: Racial-Ethnic Composition of the Chairs - 1988.....	9
Chart 3: Racial-Ethnic Composition of the Chairs - 2015.....	9
Chart 4: Highest Academic Achievement of Chairs - 1988 and 2015	10
Chart 5: Chairs' Educational Coursework - 1988 and 2015.....	10
Chart 6: Previous Work Experience in Criminal Justice - 1988 and 2015.....	11
Chart 7: Reducing Disparities in Prison Sentences - 1988 and 2015.....	13
Chart 8: Greater Public Safety - 1988 and 2015.....	13
Chart 9: Priority or Usefulness of Correctional Goals - 1988.....	14
Chart 10: Contributing to Offender Rehabilitation - 2015.....	14
Chart 11: Goal Because it Contributes to Public Safety - 2015	14
Chart 12: Goal Beyond Whether it Contributes to Public Safety - 2015.....	14
Chart 13: Transparency - 2015.....	15
Chart 14: Chairs' Views of Relationship with Correctional Partner - 2015.....	15
Chart 15: Use of Structured Tools in Release Decision-Making - 1988.....	16
Chart 16: Use of Structured Tools in Release Decision-Making - 2015.....	17
Chart 17: Factors Considered at Release - 2015.....	18
Chart 18: Opening-up the Parole Release Process: Input from other key parole personnel - 1988 and 2015	19
Chart 19: Prison Management and Pressure to Release - 1988 v. 2015	19
Chart 20: Fear of Parole Board Members - 1988.....	20
Chart 21: Accountability After Release - 2015.....	20
Chart 22: Value of Accreditation - 1988 and 2015.....	21
Chart 23: Professional Standards and Management Accountability - 2015	21
Chart 24: Professional Qualifications for Board Membership - 1988	21
Chart 25: Statutory Qualifications for Board Membership - 2015.....	22
Chart 26: Chairs' Ranking of Release Factors 1988	23
Chart 27: Chairs' Ranking of Release Factors 2015	24
Figure 1: Comparison of Rankings from 1988 to 2015	24
Table 1: Standardized Score Comparison.....	25

RELEASING AUTHORITY CHAIRS: A Comparative Snapshot Across Three Decades

I. Introduction: Releasing Authorities and Their Chairs

Paroling authorities operate at the state and federal level as public sector agencies located within the executive branch of government. Unlike many executive branch agencies in which the director or commissioner of the department is appointed by the governor, in a majority of states the governor nominates the entire membership of the parole board. This gubernatorial reach frequently extends, as well, to the appointment of the chair. Though variation is found, the chairs of releasing authorities are often responsible for wide-ranging administrative oversight, in effect, serving as the Chief Executive Officer of their agency's management and operations. They and the board members they direct are ultimately accountable for decision-making practices that affect the actual length of time individuals spend in prison or under supervision post-release.

While there is an evolving base of knowledge about the jurisdiction and leverage exercised by releasing authorities in their decision-making,¹ very little is known about the backgrounds of parole board chairs or their views of the challenges they confront. This is despite the centrality of their role in the governance of the agencies they lead, and the myriad concerns leveled at the scope and impact of their organizations. With respect to the latter, the most vexing issue facing releasing authorities continues to center on the "how" of the discretionary decision to grant or deny parole. Other issues are implicated each in its own way contributing to the ever-churning environment in which parole boards function.

For well over half a century there has been a notable constancy in the specific criticisms mounted against releasing authorities across the country.² This commentary expresses deep skepticism about parole boards' commitment and capacity to achieve fairness, openness, and transparency. Critics continually question the nature of the hearing process, the use of risk assessment tools, the value of parole guidelines informed by presumptive release, the standards and statutory qualifications for board membership, the lack of insulation of parole boards from political interference, and the directional pressures of both prison crowding and high-profile cases on parole grant rates.³

It is relatively easy to identify these criticisms concerning the performance of paroling authorities. Far less information is available to understand how the chairs of releasing authorities view or respond to such challenges. If it is reasonable to presume that the views they hold align to the steps they might take to address such issues now or in the future, then it is important to know what they think.

The aim of this report is to compare and contrast parole board chairs' views at two moments in time, 1988 and 2015. It seeks to answer the following questions: if these public sector agencies are shaped by the leadership in place, namely, the chairs, how did they respond to the challenges and issues confronting them, comparatively, in two surveys conducted nearly 30 years apart? What are their views and what recommendations did they provide? Even more, having mapped their responses, what are the implications for paroling authorities and the reconfiguration of paroling practices in the years ahead?

The answers to these questions come from two national surveys of releasing authorities. Both were conducted with the intent of shedding light on the many facets of the jurisdiction, structure, and operations of parole boards. These surveys, however, offer not only a comprehensive review and holistic description of the parole process from release through supervision to revocation; both include a unique focus on parole board chairs and their views.

The Shifting Landscape of Sentencing and Corrections

Much has changed in the sentencing and parole landscape of the nation from the publication of the first survey to the dissemination of the second many years later.⁴ Starting in the 1970s, but gaining even greater traction during the 1980s, an era of sentencing reform was ushered in calling for greater determinacy in sentencing, and the use of sentencing guidelines aimed at achieving fairness, consistency, and transparency in the sanctioning of criminal behavior. Though not recognized at the time, prison population growth was just beginning its steep upward

trajectory. Within this context, sharp questions were directed at the operation and value of parole boards at both the state and federal level.⁵ Concerns were raised about the very legitimacy of discretionary parole release evidenced by its spreading abolition across several jurisdictions.

The criticisms of paroling authorities continued in the 1990s, resulting in the abolition or curtailment of their discretionary authority to grant parole release in additional states. The “get tough” on crime era spilled over from the 1980s and continued through the 1990s fostering harsher sentencing practices, longer prison stays, and an emerging body of scholarship focused on the unparalleled growth and consequences associated with mass incarceration.

As the country has transitioned through the early decades of the twenty-first century, it has witnessed the ascendancy of a national conversation centered on sentencing and correctional reform. Markers of this change in discourse include: the enactment of the Second Chance Act in 2008, the apparent commitment expressed in the recent platforms of both major political parties to criminal justice reform, the presence of the Justice Reinvestment Initiative in at least 26 states, and prisoner reentry initiatives in numerous jurisdictions.

Within this context, and for over a decade, the fortunes of paroling authorities seem to have stabilized. The momentum to abolish discretionary parole release appears to have receded, but the credibility of paroling authorities remains fragile. Seldom recognized, a majority of states have retained the function of parole release, albeit in jurisdictions that display a wide continuum in degrees of indeterminacy (and determinacy to a lesser extent in others). Despite their continuing leverage and impact, research targeting parole boards and those making the decisions still remains rather scant.⁶

Two Surveys and Their Profiles of Parole Board Chairs

Both surveys were conducted within different contexts at two points in time. With respect to the first, the American Correctional Association formed a Task Force on Parole in the mid-1980s in response to the early stirrings of sentencing reform, accelerating increases in the nation’s prison population, and an emerging trend in several states and the federal system towards the abolishment of paroling authorities. The Task Force met from 1986 to 1988. During its tenure, it conducted a survey for parole boards posing a wide array of questions about their jurisdiction, administration, release, supervision, and revocation. The final section of the survey focused on the parole board chairs’

views of key issues then affecting the field. In the end, every state and the federal system responded (ACA Parole Survey). Its findings were featured in a publication by the American Correctional Association in 1991 called *Paroling Authorities: Recent History and Current Practice*.⁷

More recently, the Robina Institute of Criminal Law and Criminal Justice launched the Parole Release and Revocation Project. The project’s main objective is to understand and engage paroling authorities in both indeterminate and determinate sentencing states. It recognizes that the infrastructure of mass incarceration constructed over 40 years remains largely in place. It presumes that despite the dramatic changes in sentencing practices, the parole decision is itself a “sentencing” decision, and should be studied with the same care as sentencing reform and mass incarceration. Multi-faceted in nature, one of the key project goals is to complete a comprehensive national survey of releasing authorities, replicating many of the questions posed to the parole board chairs three decades before in the ACA Parole Survey.

Towards this end, an on-line survey was disseminated in March 2015. Expansive in scope, it was distributed to every state and the U.S. Parole Commission. The survey was divided into several sections, one of which targeted the structure and administration of parole boards, each jurisdiction’s sentencing framework, release decision-making, supervision, and violations – revocation processes. Another section queried only parole board chairs themselves soliciting their views on the issues and challenges confronting them, and their recommendations for improving or reforming the performance of parole. The response rate for the survey was 90% (45 states out of 50). The U.S. Parole Commission responded, as well.⁸ Results from the survey were published recently as *The Continuing Leverage of Releasing Authorities: Findings from a National Survey* (Robina Parole Survey) at www.robainstitute.umn.edu.

This report draws directly from the findings of the ACA Parole Survey and the Robina Parole Survey. The comparative profile that follows features the demographic backgrounds of the chairs. It also highlights the chairs’ responses to a broad diversity of issues, many considered germane and pressing to releasing authorities in 1988 and 2015. Their views were solicited on such topics as the goals of parole release, the use of structured decision tools, prison crowding and risk aversion, and the opening of the parole decision process. The report concludes with a summary of their recommendations for parole reform. The findings illustrate a fair measure of both constancy and change spanning roughly three decades in the collective thinking of releasing authority chairs.

II. Demographic Characteristics of Releasing Authority Chairs

This section describes selected demographic characteristics of the chairs of releasing authorities in 1988 and 2015. As the response rate for the ACA Parole Survey and the Robina survey varied, the number and percentage of chairs providing an answer to specific queries will be provided, as appropriate, across this and other sections of the report.

A. Age Composition

The age composition of the chairs has not changed significantly since 1988, as shown in Chart 1. All of the chairs in both 1988 and 2015 were over the age of 30. In 1988 more of the chairs were in their thirties and fifties, while a greater number of the 2015 chairs were in their forties and older than 60. The most significant difference is that one third of the chairs in 2015 were at or over the age of 60, compared to less than one fifth of the chairs in 1988.

B. Gender Composition

In 1988, 42 of the chairs were male, while just 9 were female. Of the 35 chairs who responded in 2015, 17 were male while 18 were female. This represents a shift from

18% female in 1988 to 51% female by 2015 revealing a significant change relative to gender equity in the composition of releasing authority chairs.

C. Racial and Ethnic Composition

Unlike the trend showing increasing gender equality within the chairs, the racial demographics of the chairs remained similar, as shown by Charts 2 and 3 covering 1988 and 2015, respectively. At both points in time, 70% or more of the chairs are white. In contrast, the percentage of black or African-American chairs decreased from 18% to 14%, while the percentage of Hispanic chairs decreased from 8% to just 3% from 1988 to 2015. However, the decrease of black and Hispanic chairs is likely due to the added category of bi-racial or mixed race.

Chart 1. Age Composition of Chairs - 1988 and 2015

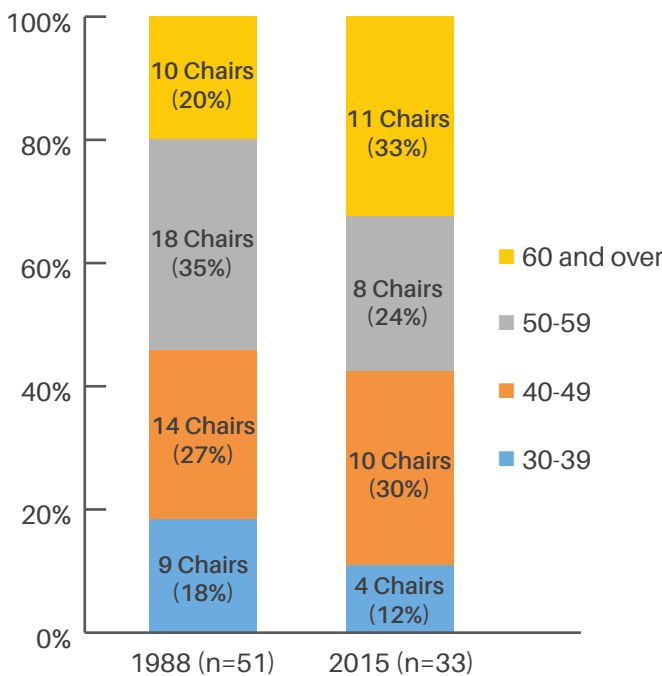


Chart 2. Racial-Ethnic Composition of the Chairs - 1988

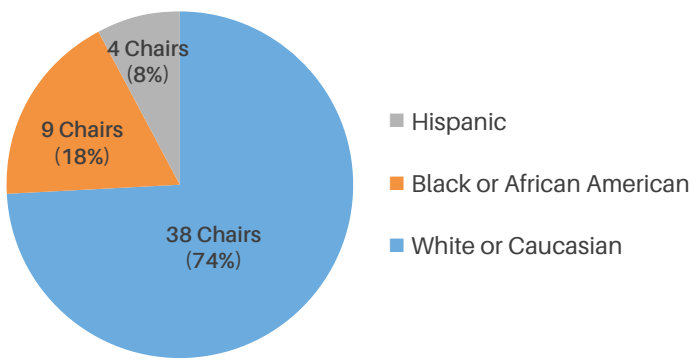
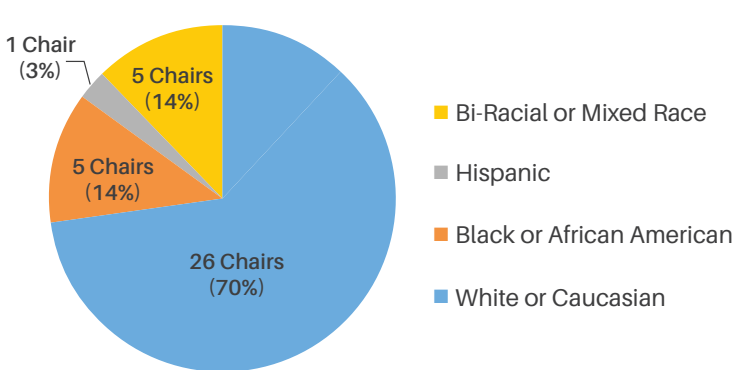


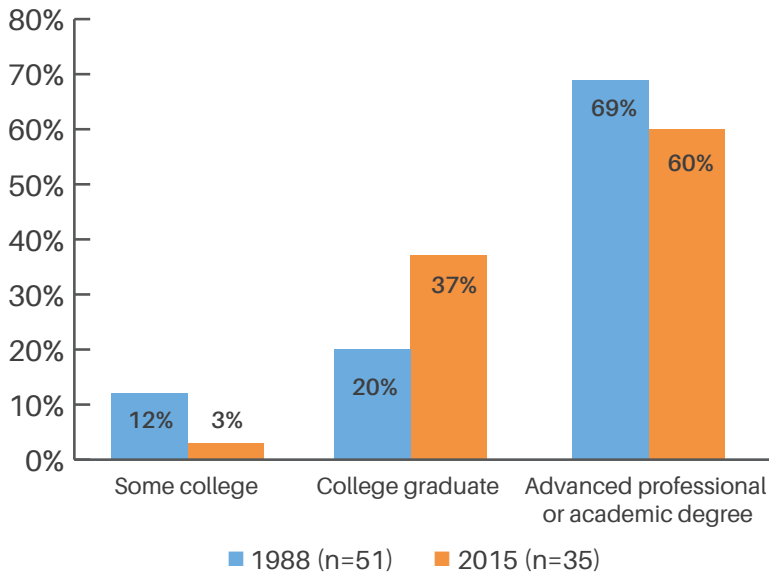
Chart 3. Racial - Ethnic Composition of the Chairs - 2015



D. Educational Credentials

In terms of their schooling, as revealed in Chart 4, the chairs are well-educated. Every chair in the ACA Parole Survey and the Robina Parole Survey had at least some college education, while nearly two-thirds had an advanced professional or academic degree. There has, however, been a slight decrease in the number of advanced professional or academic degrees, from 69% of the 1988 chairs to 60% of the 2015 chairs. At the same time, there has been an increase in the overall percentage of college graduates, from 89% in 1988 to 97% in 2015.

Chart 4. Highest Academic Achievement of Chairs - 1988 and 2015

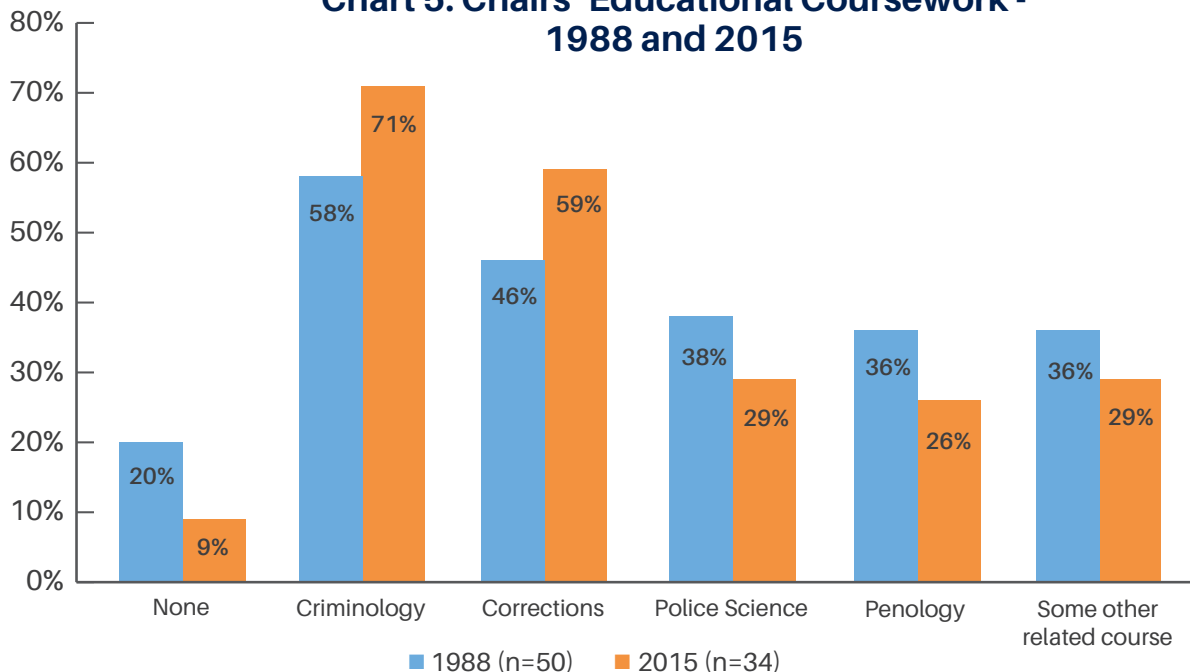


E. Educational Coursework Aligned to Criminal Justice

Alongside their educational credentials, the chairs also completed coursework pertaining to the field of criminal justice. Chart 5 shows the percentage of chairs who had taken a course in any of the following areas: criminology, corrections, police science, penology, and/or a related course. In 1988, 20% of the chairs had not taken a course in a related field. By 2015, this number fell to just 9%, which implies that 91% of the chairs pursued courses in one or more of the previously mentioned areas. The most common types of courses in both 1988 and 2015 were criminology and corrections. The chairs in 2015 were more likely to take courses in criminology and corrections, whereas the chairs in 1988 were more likely to take courses in police science and penology. Some of this change in coursework may simply be a shift in the terminology used at different universities or training facilities.

A significant number of chairs indicated in the “some other related course” response that they had taken various legal courses, either in pursuit of a J.D. or in comparable course work. Other subjects mentioned in these comments included sociology, psychology, criminal justice, social work, education, and victimology. Overall, the chairs possess significant educational experience in fields relevant to parole release decision-making.

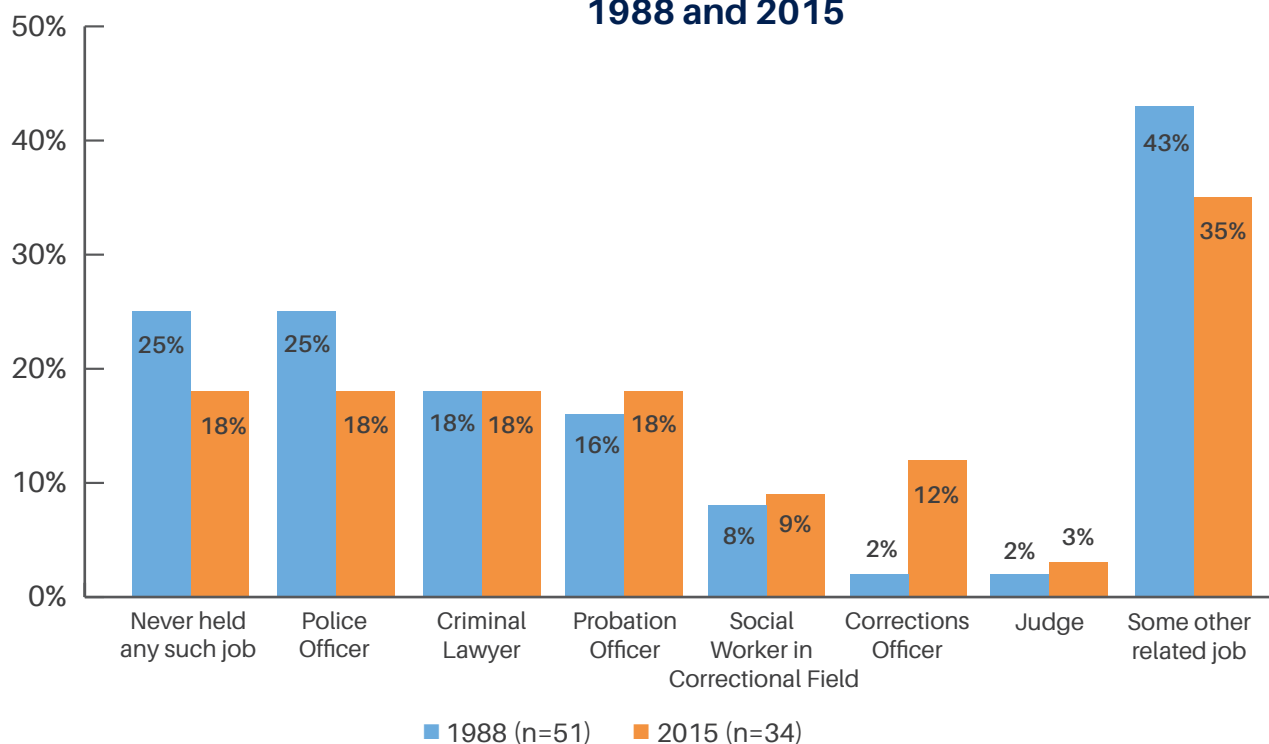
Chart 5. Chairs’ Educational Coursework - 1988 and 2015



F. Previous Experience in Criminal Justice System

Beyond educational achievement, it is important to assess the relevant work experience of the chairs. As noted in Chart 6, and shown in the ACA Parole Survey, 75% of the chairs had previously held a job related to the work of the parole board. This number increased slightly to 82% in the Robina Parole Survey. The three most common jobs prior to becoming a board member were police officer, criminal lawyer, and probation officer. There were also a number of social workers in the correctional field. In 1988 only 2% of the chairs had previously been a corrections officer, but by 2015 one in nine chairs had at some time been a corrections officer. In both 1988 and 2015, there was only one chair who was previously a judge. For this question, the most common response was "some other related job." These responses included non-criminal attorneys, criminal justice administrators, educators, hearing officers, counselors, victim advocates, and researchers.

Chart 6. Previous Work Experience in Criminal Justice - 1988 and 2015

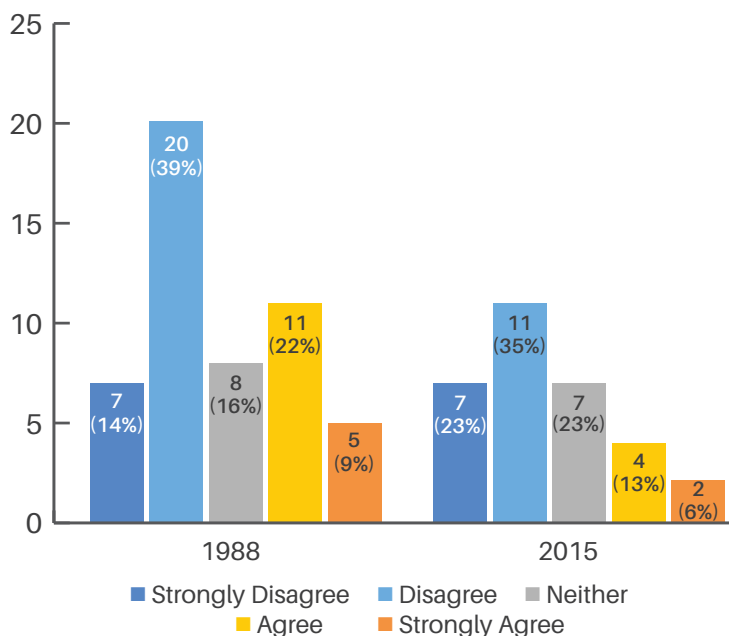


III. Releasing Authority Chairs: What Do They Think?

A. Goals Informing Parole Release

Both the ACA Parole Survey and the Robina Parole Survey asked the chairs of releasing authorities for their views on the importance of different and sometimes conflicting goals at release: reducing disparities in judicial prison sentences, contributing to public safety, supporting offender rehabilitation, and helping offenders become productive citizens. In terms of the first goal, as shown in Chart 7, there was notable variation in whether paroling authorities thought “reducing sentencing disparities is a legitimate function for parole boards to perform.” While 16 chairs (31%) agreed or strongly agreed that this was a legitimate goal in 1988, those feeling the same way dropped in 2015 to just six (19%). The majority of those surveyed disagreed or strongly disagreed that this was a legitimate function for them to perform, inclusive of 27 chairs (53%) in 1988 and 18 chairs (58%) in 2015.

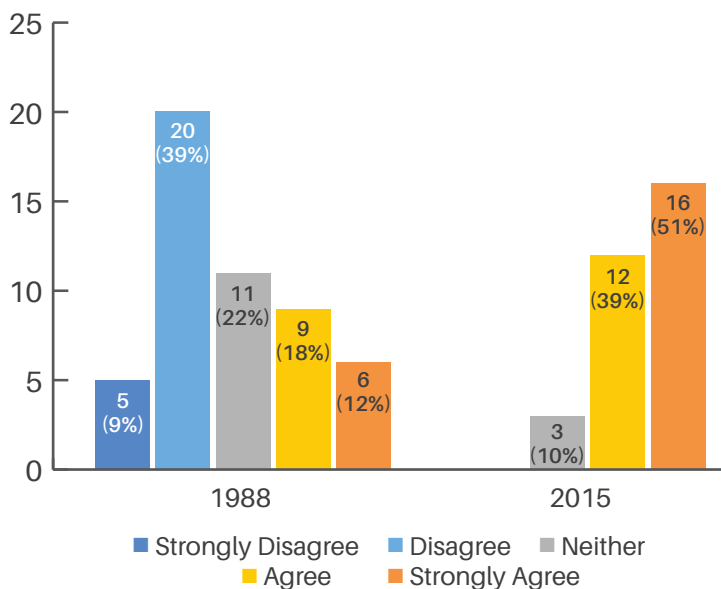
Chart 7. Reducing Disparities in Prison Sentences - 1988 and 2015



The chairs' views varied from 1988 to 2015 about whether parole release should seek to contribute to public safety (see Chart 8). In 1988, just under half, or 25 of the chairs (48%) strongly disagreed or disagreed that parole release guidelines serve to accomplish this function. A

total of 11 chairs (22%) neither disagreed or agreed, while 15 chairs (30%) agreed or strongly agreed. In 2015, none of the paroling authorities surveyed disagreed or strongly disagreed that parole release should contribute to public safety as its primary goal. At the opposite end of the continuum, 90% (28) of paroling authorities in 2015 either agreed or strongly agreed that public safety is the primary goal of parole release decision-making. Despite the variation in the wording of the survey questions at two points in time, this appears to mark a significant shift in the chairs' views.

Chart 8. Greater Public Safety - 1988 and 2015



While asking the question in different ways, both the 1988 and 2015 survey posed a query regarding offender rehabilitation. In the 1988 ACA survey, respondents were asked to rate the priority in importance of the following goal: “Rehabilitating offenders so that they might pursue non-criminal lives.” As shown in Chart 9, a total of 39 (76%) of the chairs responded that offender rehabilitation was a high or the highest priority of their goals, while 10 (20%) chairs responded that rehabilitation was an important goal. Another 2 (4%) chairs indicated that the goal was useful but not important. For 2015, as illustrated in Chart 10, 19 (61%) of the respondents selected “agree” or “strongly agree” when asked if “contributing

to offender rehabilitation in its release decision-making is the primary goal of the releasing authority.” Another 8 (26%) disagreed with this statement, while 4 (13%) of the chairs neither disagreed nor agreed. No one strongly disagreed.

Chart 9. Priority or Usefulness of Correctional Goals - 1988

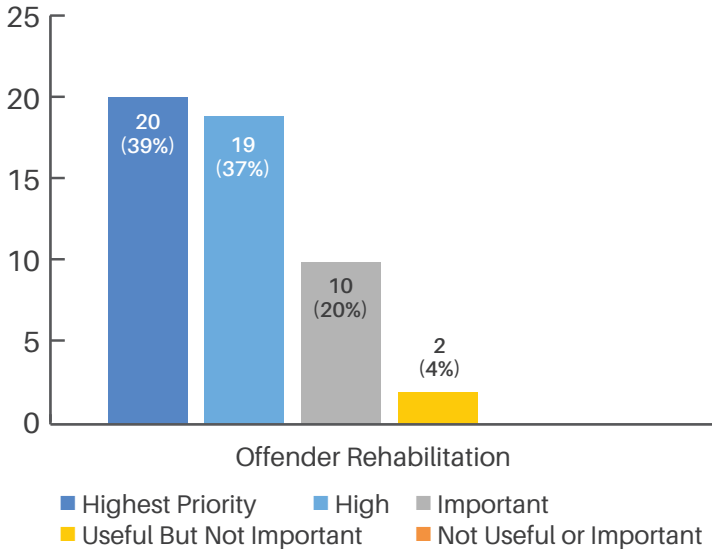
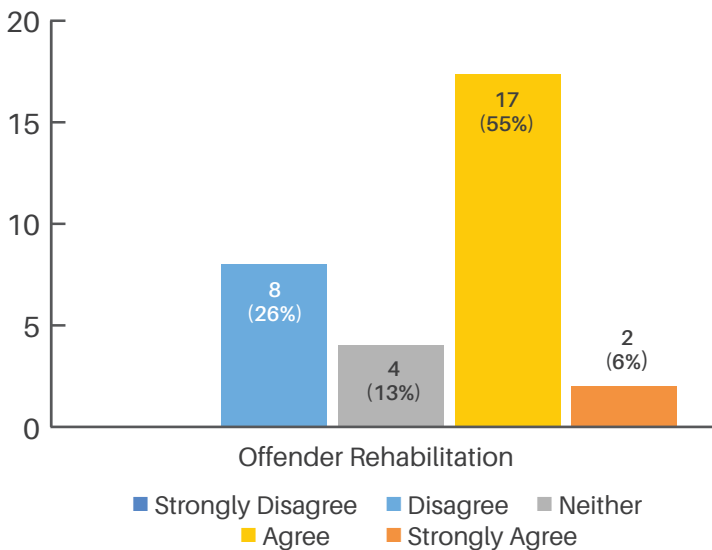


Chart 10. Contributing to Offender Rehabilitation - 2015



Two additional questions were posed about the issue of offender rehabilitation in the Robina Parole Survey. Chart 11 shows the chairs’ reaction to the statement that “rehabilitation and helping offenders become productive citizens is a goal of the releasing authority because it

contributes to public safety.” Chart 12 reveals the chairs’ views when the previous question is expanded to say “beyond whether it contributes to public safety.” Though nearly two-thirds of the chairs support both statements, an overwhelming total of 29 chairs (94%) responded they agreed or strongly agreed with the goal of helping offenders become productive citizens given its nexus to public safety. A smaller majority of the chairs, 18 (60%), believe this is a goal beyond whether it contributes to public safety.

Chart 11. Goal Because it Contributes to Public Safety - 2015

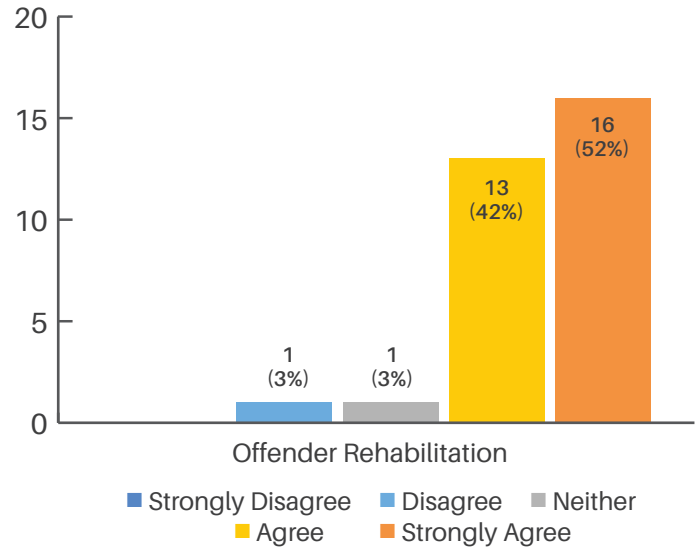
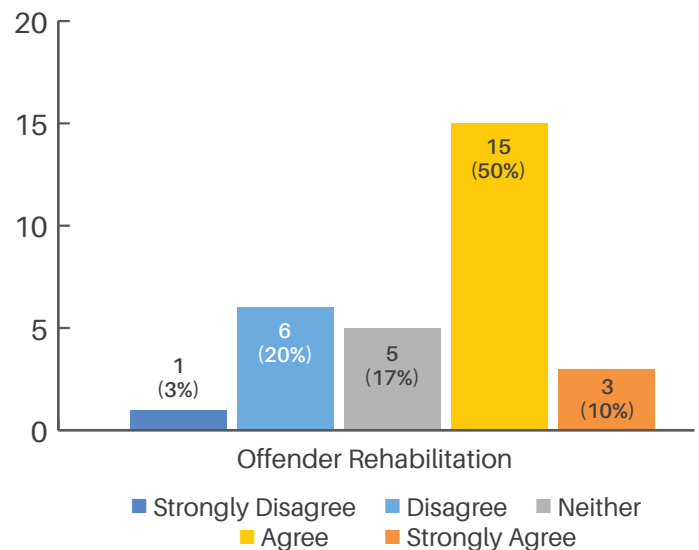


Chart 12. Goal Beyond Whether it Contributes to Public Safety - 2015



B. Agency Transparency: 2015

The Robina Parole Survey also queried chairs about their views with respect to agency transparency and whether their policies and decision tools relative to release and revocation should be made available for public review. Their responses to these two questions were nearly identical. As shown in Chart 13, when asked “should they publish release decision-making policies and tools used as a part of their routine operations,” 22 respondents (71%) agreed or strongly agreed they should do so. Another 7 respondents, just under one-quarter (23%), neither agreed nor disagreed. Likewise, 23 (74%) of the respondents agreed or strongly agreed that their revocation decision-making policies and tools should be published, while 7 chairs (23%) did not take a position on this issue.

C. Relationship with Other Correctional Agencies

According to the Robina Parole Survey, the chairs display largely affirmative views regarding the need to maintain collaborative relationships with their correctional partners. As revealed in Chart 14, 100% of the 30 chairs responding agreed or strongly agreed that releasing authorities and departments of corrections should coordinate their policies and actions “to facilitate reentry planning for offenders who are granted release.” In a similarly high response, 29 chairs (94%) agreed or strongly agreed that releasing authorities should always coordinate their policies and actions “to facilitate reentry planning for offenders who are granted release.” In a similarly high response, 29 chairs (94%) agreed or strongly agreed that releasing authorities should always act independently of the department of corrections when establishing their release policies and practices, while 13 chairs (42%) disagreed or strongly disagreed.

Chart 13. Transparency - 2015

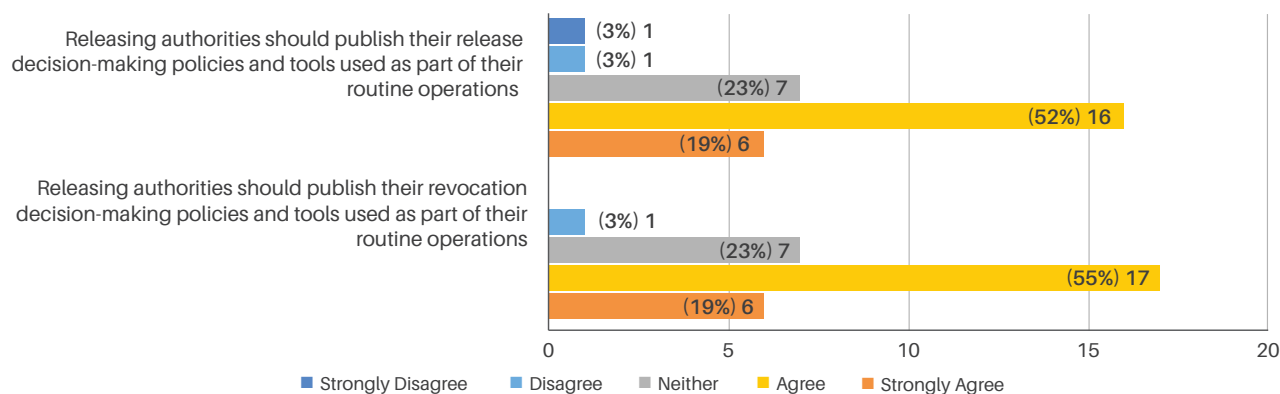
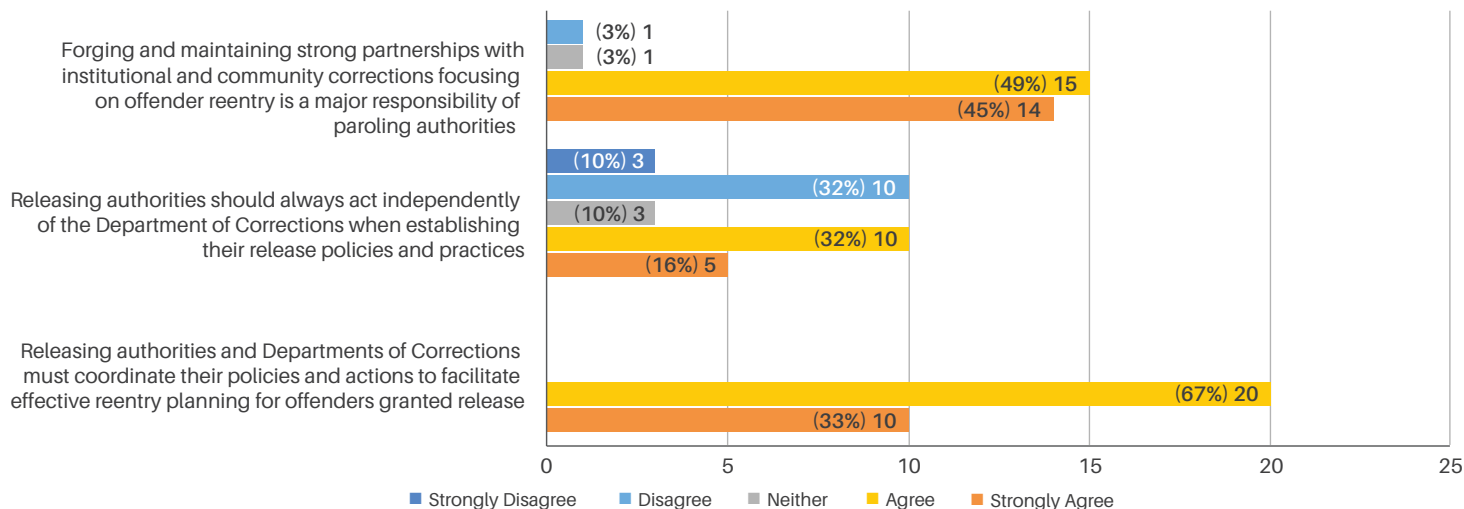


Chart 14. Chairs' Views of Relationship with Correctional Partners - 2015



Though not shown above, the results of the ACA Parole Survey showed sharply skewed outcomes in response to the statement that “parole boards should have primary responsibility for the treatment and rehabilitation of inmates while they are confined, while Departments of Corrections should have primary responsibility for their humane care, custody, and security.” An overwhelming majority of 41 of the chairs (80%) strongly disagreed or disagreed, while just 5 (10%) chairs noted their agreement.

D. Use of Structured Tools in Release Decision-Making

A shift may be observed in the views of the chairs on the use of structured decision-making tools in release decision-making from the ACA Parole Survey (see Chart 15) to the Robina Parole Survey (see Chart 16). In response to the statement that parole guidelines contribute to greater fairness in release decisions, Chart 15 illustrates that paroling authorities in 1988 generally disagreed with this statement, while those surveyed in 2015 generally agreed. More specifically, 36 of the chairs (70%) in 1988 disagreed or strongly disagreed that guidelines in parole foster greater fairness in release decisions. Of the responding chairs in the Robina Parole Survey, Chart 16 shows nearly the opposite was reported with 24 chairs (78%) agreeing or strongly agreeing with a similar question about fairness; only 2 chairs (6%) disagreed. When

presented with the statement that guidelines provide greater consistency relative to release decisions, of those surveyed in 1988, 39 chairs (76%) disagreed or strongly disagreed. Conversely, in 2015 the overwhelming majority, 27 chairs (87%), agreed or strongly agreed that they contributed to more consistency.

Both surveys also presented the chairs with the statement that “the adoption of parole guidelines for release decisions contributes to greater public safety.” In line with the findings above, albeit with a slight drop-off in intensity, 25 chairs (49%) in 1988 disagreed or strongly disagreed, while of the respondents in 2015, 22 chairs (74%), agreed or strongly agreed that the adoption of parole guidelines supports the accomplishment of greater public safety.

Across both surveys the chairs expressed some concerns about the use of parole guidelines limiting parole board discretion. In 1988, 29 chairs (57%) agreed or strongly agreed that such a tool limits their discretion. In 2015, just over half of those responding, 16 chairs (52%), claimed a similar impact. The next largest category, 8 chairs (26%), neither agreed nor disagreed with the statement.

The apparent change in parole board chairs’ views has thus far implicated the use of parole guidelines and their capacity when adopted to foster greater fairness, consistency, and public safety in release decision-making.

Chart 15. Use of Structured Tools in Release Decision-Making - 1988

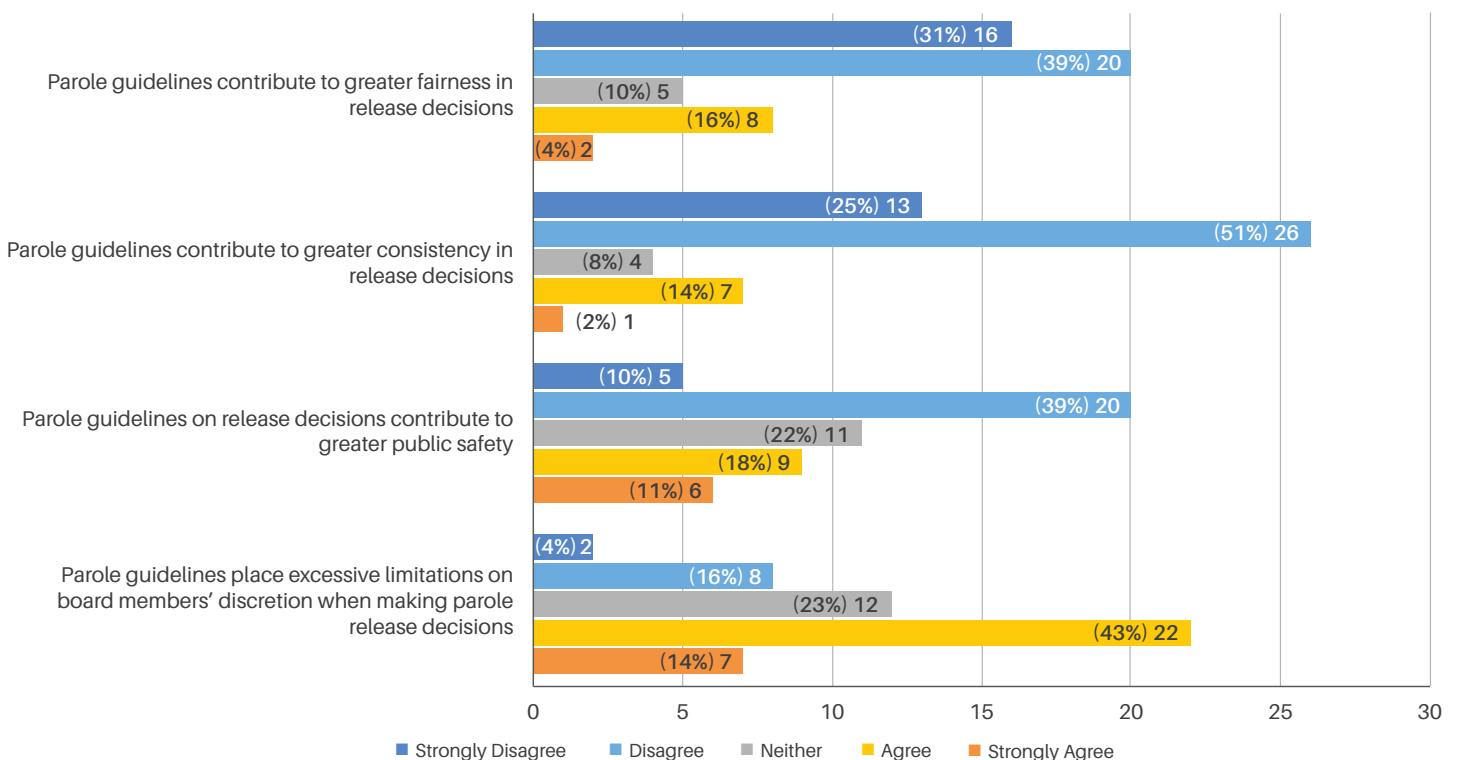
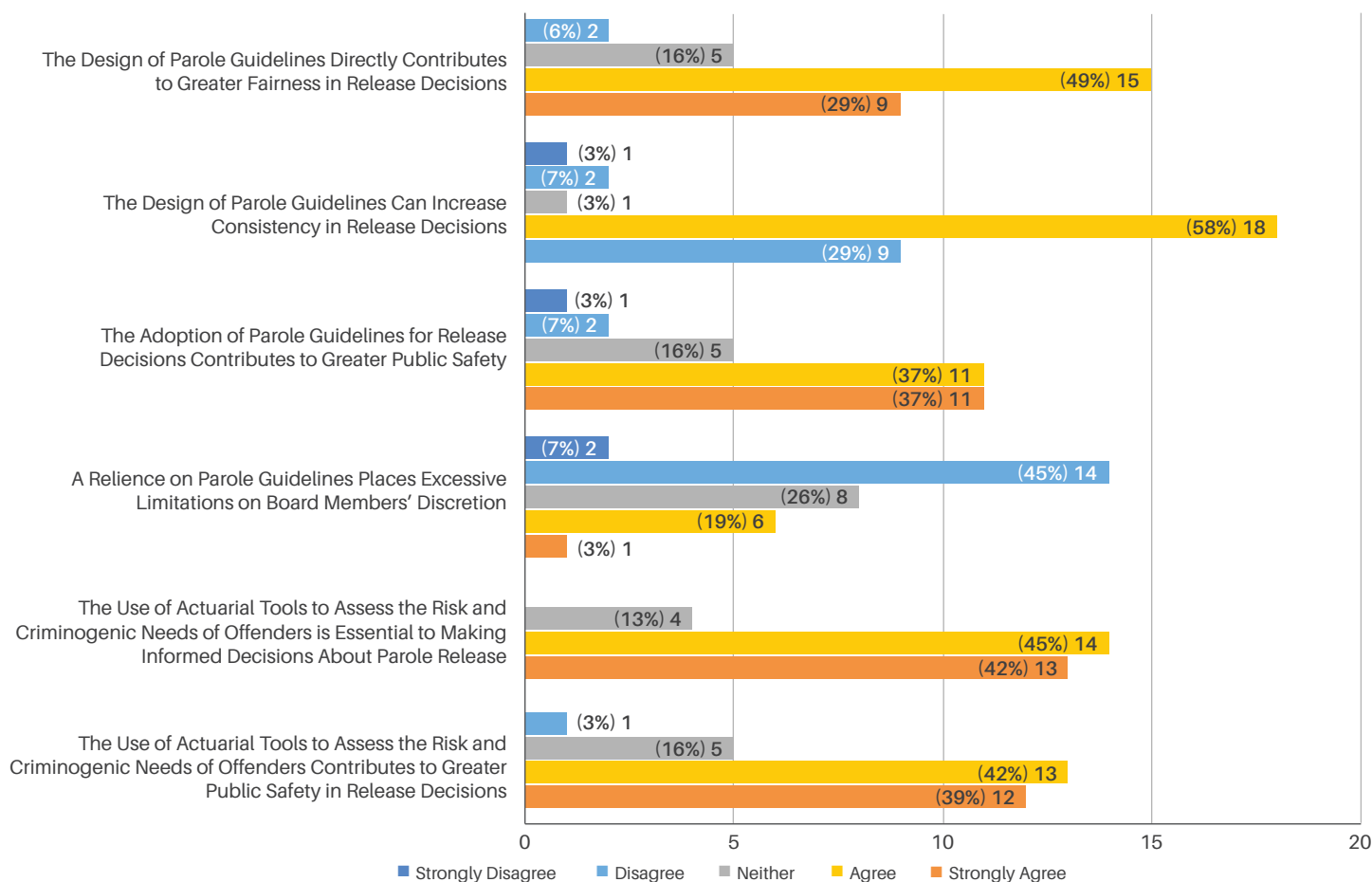


Chart 16. Use of Structured Tools in Release Decision-Making - 2015



The Robina Parole Survey probed further by asking about the use of actuarial or risk assessment tools. Two additional questions queried the chairs about their thoughts on the extent to which actuarial tools were essential to their decision-making role, and if their use contributed to greater public safety. In response to the statement “The use of actuarial tools to assess the risk and criminogenic needs of offenders is essential to making informed decisions about parole release”, 27 chairs (87%) responded affirmatively. Four neither agreed nor disagreed. Similarly, another 25 chairs (81%) agreed or strongly agreed that the use of actuarial tools contributes to greater public safety in release decisions.

E. Factors Considered at Parole Release: 2015

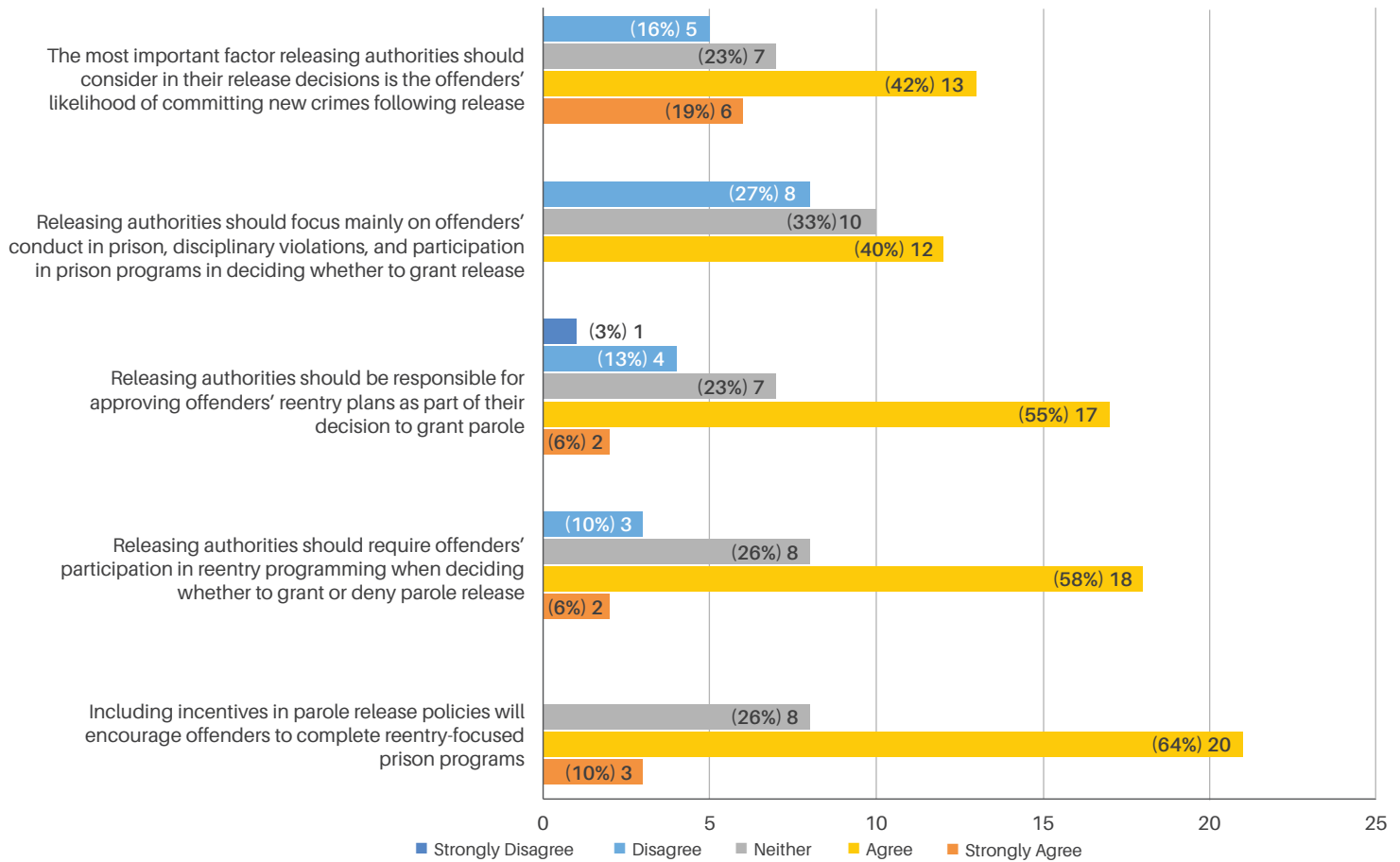
The Robina Institute’s Parole Survey queried the chairs regarding factors that “should be considered at release.” As noted in Chart 17, five questions were posed about offenders’ likelihood of committing new crimes, their behavior and conduct in prison, reentry plans, reentry programming, and the use of incentives to increase the

likelihood of offenders completing reentry-focused prison programs. There was some variation in the chairs’ responses to these questions. However, across each of the items covered, a majority of the respondents agreed or strongly agreed that the factors should be weighed during the release decision-making process.

In response to the statement that “the most important factor releasing authorities should consider in their release decisions is the offender’s likelihood of committing new crimes following release,” 19 chairs (61%) expressed agreement or strong agreement. Seven chairs (23%) neither agreed nor disagreed, while 5 respondents (16%) disagreed.

Another statement noted that “releasing authorities should focus mainly on offenders’ conduct in prison, disciplinary violations, and participation in prison programs in deciding whether to grant release.” Only 12 chairs (40%) agreed, while 10 chairs (33%) remained neutral, and 8 chairs (27%) stated their disagreement.

Chart 17. Factors Considered at Release - 2015



Another statement declared that parole boards “should be responsible for approving offenders’ reentry plans as part of their decision to grant parole.” Again, 19 chairs (61%) expressed either agreement or strong agreement, while 7 chairs (23%) noted neither agreement nor disagreement. Another 5 chairs (16%) stated their disagreement or strong disagreement.

A follow-up query stated that an “offender’s participation in reentry programming should be required and considered when deciding to grant or deny parole.” Agreement or strong agreement was expressed by 20 chairs (64%), while 3 (10%) noted their disagreement, and 8 (26%) remained neutral on the issue.

Finally, a statement was made that “including incentives in parole release policies will encourage offenders to complete reentry-focused programs.” Here, a total of 23 chairs (74%) agreed or strongly agreed. None disagreed, while the remaining 8 respondents (26%) expressed neither agreement nor disagreement.

F. Opening-up the Parole Release Process

Both the ACA Parole Survey and the Robina Parole Survey asked the chairs about the value of input and the information obtained from key criminal justice and other stakeholders to assess an offender’s readiness for release, including victims, prosecutors, and sentencing judges. Once again, as noted in Chart 18, there were varying responses to the value added to the parole process by opening it up to such input. In 1988, a total of 22 chairs (44%) agreed that victims offer valuable input in the parole release. Another 37% of paroling authority chairs surveyed in 1988 disagreed or strongly disagreed that victims should have such input. In the 2015 survey, of 31 respondents, 18 chairs (58%) agreed or strongly agreed that valuable information was contributed by victims on an offenders’ readiness for release, while only 2 chairs (6%) disagreed or strongly disagreed. A total of 11 chairs (36%) expressed no opinion.

Chart 18. Opening-up the Parole Release Process: Input from other key parole personnel - 1988 and 2015

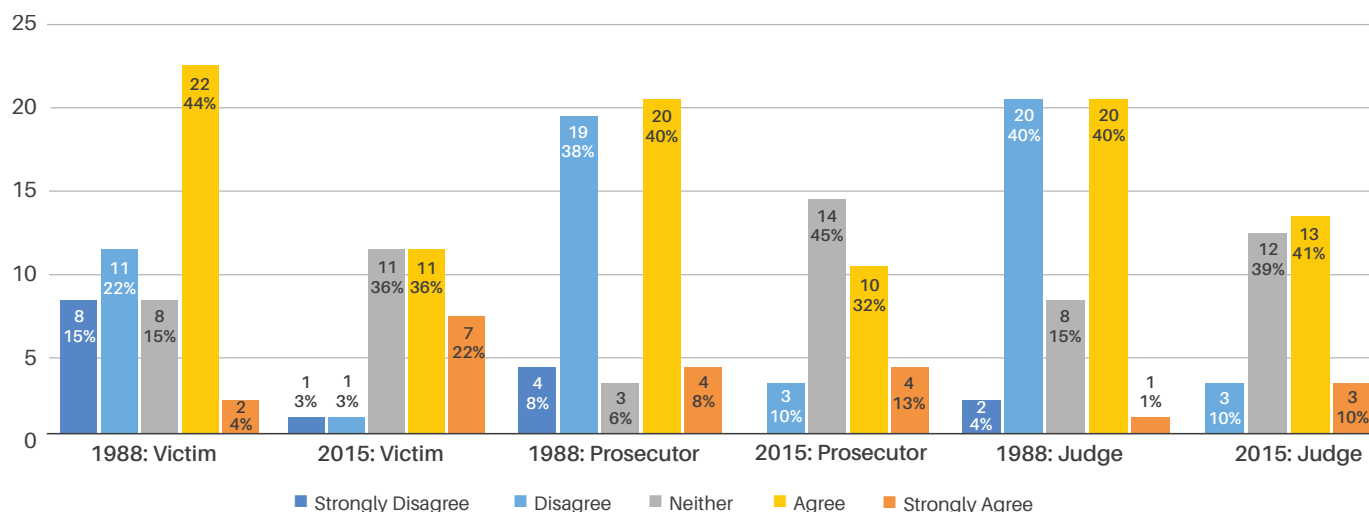
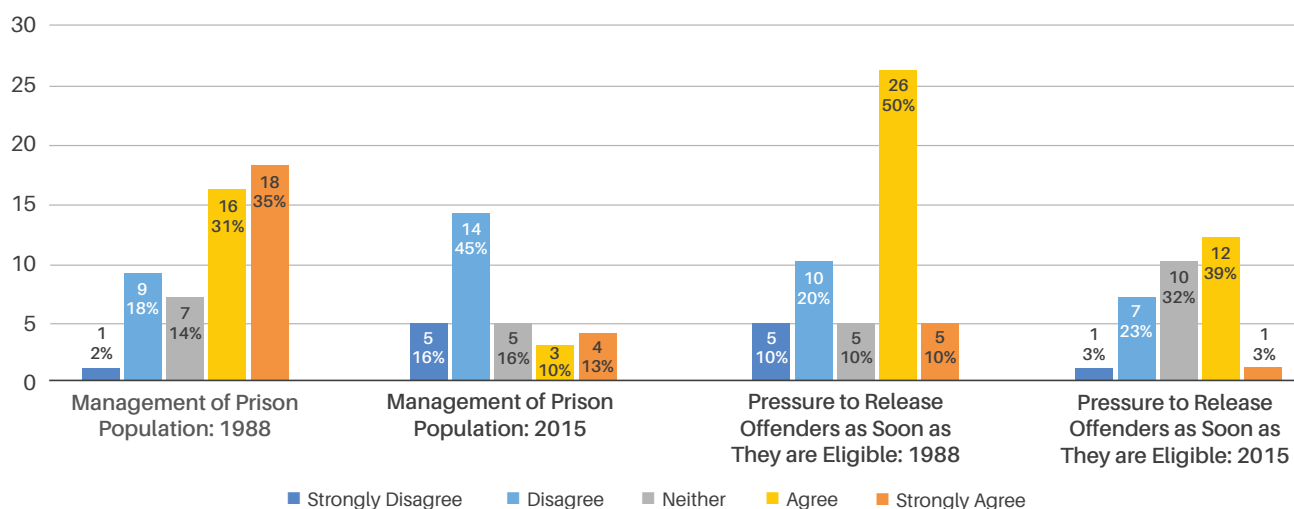


Chart 19. Prison Management And Pressure To Release: 1988 v. 2015



In the ACA Parole Survey, there is a division on the value of prosecutorial input into parole decision-making. A total of 23 chairs (46%) disagree or disagree strongly, while 24 chairs (48%) agree or strongly agree about the value of such input. Similar figures are found in the Robina Parole wherein 14 chairs (45%) agree or strongly agree on the value of the input provided by prosecutors. The largest category, however, consists of 14 chairs (45%) who neither agreed nor disagreed. Only 3 chairs (10%) disagreed. Finally, in terms of judges' input, in 1988 a total of 21 paroling authority chairs (41%) agreed or strongly agreed. Conversely, 22 chairs (44%) disagreed or strongly disagreed. In 2015 only 3 respondents (10%) disagreed or strongly disagreed, while 16 chairs (51%) concurred that judges' input added value to parole release consideration.

G. Prison Crowding and Risk Aversion

Correctional systems across the country have had to cope with prison crowding for over four decades. As shown in Chart 19, the ACA Parole Survey asked the chairs about the importance of managing prison populations as a responsibility of parole boards. A total of 34 chairs (66%) agreed or strongly agreed that such a responsibility fell under their jurisdiction to manage. Of the remaining respondents, 7 chairs (14%) expressed uncertainty, while another 10 chairs (20%) indicated disagreement. Their opinions shifted markedly downward in the Robina Parole Survey which showed that only 7 chairs (23%) agreed or strongly agreed with such an assumption of responsibility.

While 5 (16%) noted their uncertainty, another 19 chairs (61%) disagreed or strongly disagreed that prison population management was an important responsibility of parole boards to manage.

In 1988, 31 chairs (60%) agreed or strongly agreed that the main problem parole boards faced at that time was the pressure to release offenders as soon as they were eligible for release, while 15 chairs (30%) disagreed or strongly disagreed. The responses were more evenly distributed in the Robina Parole Survey. In 2015, 8 chairs (26%) disagreed or strongly disagreed, while 10 chairs (32%) neither disagreed or agreed. A total of 13 chairs (42%) noted their agreement or strong agreement that the “pressure to release” upon eligibility was a problem for paroling authorities.

The ACA Parole Survey asked the chairs to respond to the statement that “the biggest fear parole board members have are releasees committing new crimes and getting

media attention.” The results in Chart 20 indicate that while 29 chairs (58%) agreed or strongly agreed, another 17 chairs (34%) disagreed or strongly disagreed with this concern.

The Robina Parole Survey also posed a statement saying a critical concern facing parole boards is being held accountable for acts of serious reoffending committed by offenders once they have been released. As observed in Chart 21, there was a strong consensus among the chairs that this is a critical issue with 25 (80%) indicating they agreed or strongly agreed. Only 3 chairs (10%) disagreed, while another 3 (10%) remained neutral on this question.

H. Professional Standards and Accountability

National standards for the field of corrections, including releasing authorities, were created by the American Correctional Association in 1974 under the Commission on Accreditation for Corrections. The commitment to professional standards and management accountability offers another area in which both the ACA Parole Survey and the Robina Parole Survey presented statements to the chairs for their response.

As shown in Chart 22, and relative to abiding by professional standards, both surveys asked about parole boards undergoing accreditation as a means for increasing agency effectiveness. In 1988, 19 chairs (37%) expressed neither agreement nor disagreement, revealing uncertainty about the value of pursuing such standards. Another 8 chairs (16%) strongly disagreed or disagreed, while the remaining 24 chairs (47%) expressed strong agreement or agreement regarding the worth of accreditation. A similar query was posed by the Robina Parole Survey. In 2015, as noted in Chart 22, the chairs responded to the statement that “undergoing accreditation offers parole boards an indispensable management tool for improving the effectiveness of their operations.” The largest response came

Chart 20. Fear Of Parole Board Members - 1988

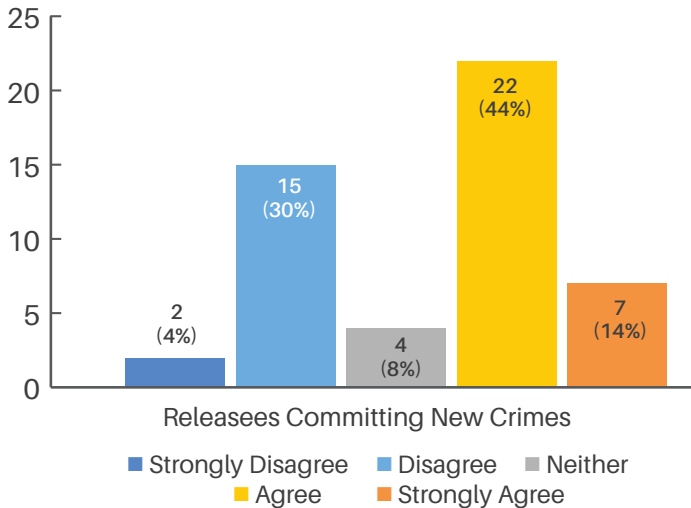


Chart 21. Accountability After Release - 2015

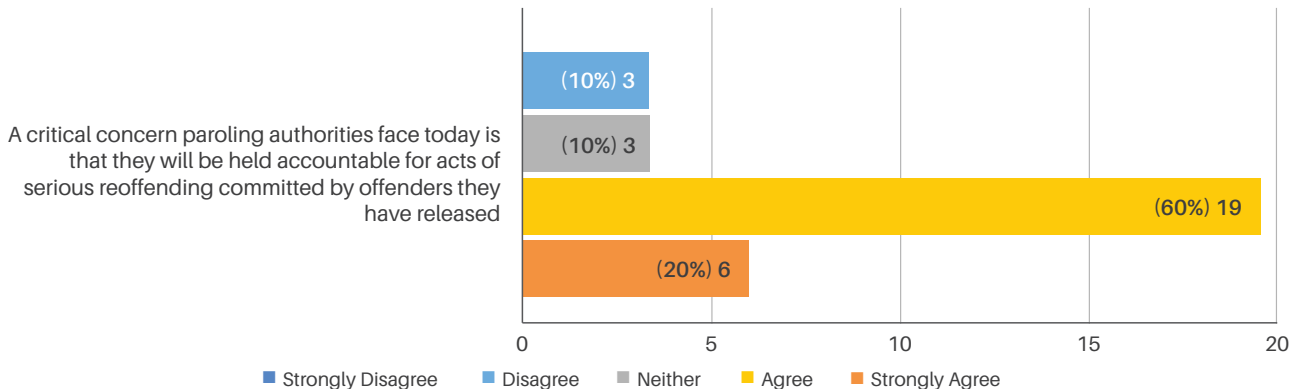
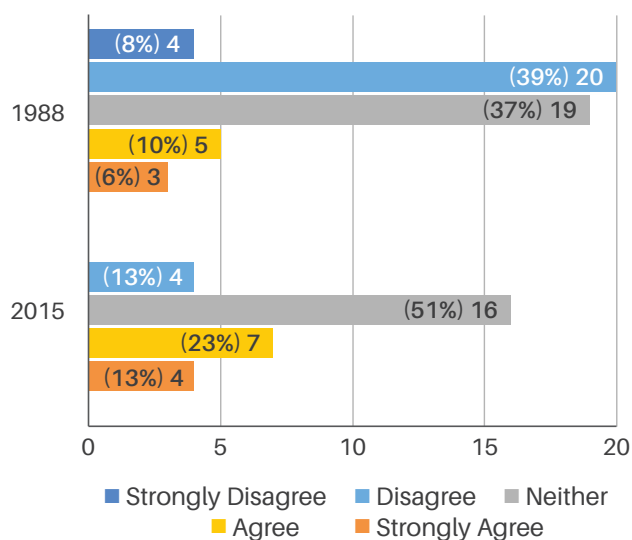


Chart 22. Value of Accreditation - 1988 and 2015



I. Professional or Other Qualifications for Board Membership

The chairs were asked about their views on the qualifications for parole board membership. The ACA Parole Survey queried about the need for such appointments to be based only on professional qualifications, and/or practical experience relevant to parole decision-making, combining both in the same statement. The Robina Parole Survey divided this question asking further about board member appointments based mainly on professional-education credentials and previous work experience relevant to parole decision-making. The former, shown in Chart 24, found that a sizable majority of the chairs, 29 (57%) agreed or strongly agreed with the requirement calling for professional qualifications. Another 3 (6%) chairs neither agreed or disagreed, while the remaining 19 (37%) disagreed or strongly disagreed.

Chart 23. Professional Standards and Management Accountability - 2015

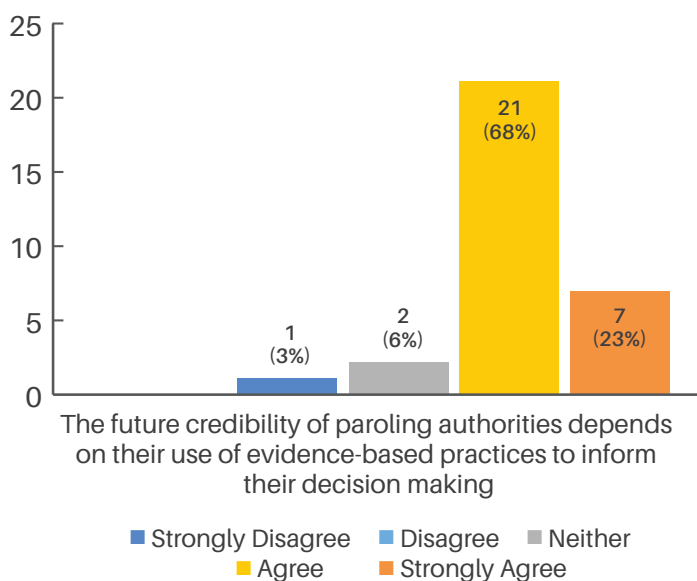
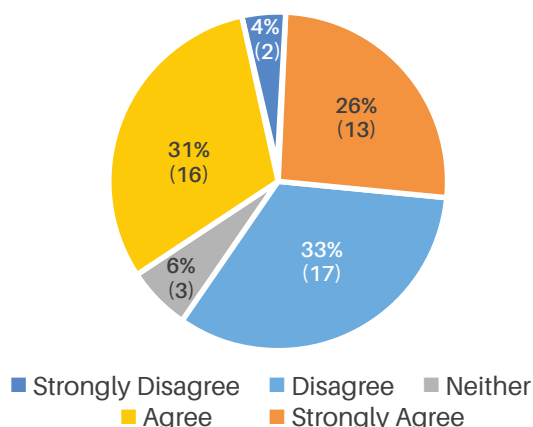


Chart 24. Professional Qualifications for Board Membership - 1988



from 16 chairs (51%) who neither agreed nor disagreed. Four (13%) chairs disagreed, while 11 chairs (36%) agreed or strongly agreed with this statement.

The Robina Parole Survey also asked about the importance of drawing on evidence-based practices to inform decision making and maintain agency credibility. As revealed in Chart 23, 28 chairs (91%) agreed or strongly agreed with the need to do so. Only one chair disagreed with this comment, while another two expressed no opinion.

The 2015 survey results illustrate greater variation in outcomes, as noted in Chart 25. In terms of support solely for professional qualifications, including a college education, a total of 14 chairs (45%) agreed or strongly agreed, with another 13 chairs (42%) occupying the other end of the continuum. When the statement queries basing appointments to the board mainly on relevant work experience, 13 chairs (42%) agree, while another 8 chairs (19%) disagree or disagree strongly. A total of 10 chairs (32%) remained undecided.

Chart 25. Statutory Qualifications for Board Membership - 2015



IV. Revisiting the Release Factors Ranked by the Chairs: 1988 and 2015

In both the ACA Parole Survey and the Robina Parole Survey, the Chairs were asked to rank a list of release factors in order of importance. Charts 26 and 27 show the average ranking for each factor based on the ratings of the individual chairs. In 1988, the chairs ranked 11 factors, but in 2015 the chairs ranked the same 11 items and 6 additional factors. In both surveys, the nature of the present offense was ranked the most important factor, while the prosecutor's input was rated the least important.

For Chart 26, in 1988, there appear to be three tiers of importance in the rankings. The first and most important tier represents the person's criminal background, including the nature of the present offense and the prior criminal record. The second tier of factors covers how the offender has behaved under supervision or confinement. This second tier includes previous parole adjustment, the inmate's disciplinary record, institutional program participation, psychological reports, and previous probation adjustment. The final and presumably least important tier captures the types of input considered at the release

hearing. This last tier includes input from the victim, sentencing judge, and prosecutor, as well as the inmate's demeanor at the hearing. Overall, the general rankings show that the nature and seriousness of the offense are the most important factors, followed by the inmate's conduct under confinement and supervision. The factors given less emphasis are constituted by the varied forms of input at the hearing.

For Chart 27, in 2015, the same general pattern follows, though the tiers are not quite as clear. The first tier of the most important factors still involves the nature and severity of the individual's present offense, but the inmate's prior criminal record seems to have dropped slightly. The tier of least important factors still involves the forms of input provided by the inmate, sentencing judge, inmate's family, and prosecutor. However, it should be noted that the importance of the victim's input increased significantly relative to the provision of other input. Although the most important and least important tiers of factors remained the same, there was some significant change in

Chart 26. Chairs' Ranking of Release Factors 1988

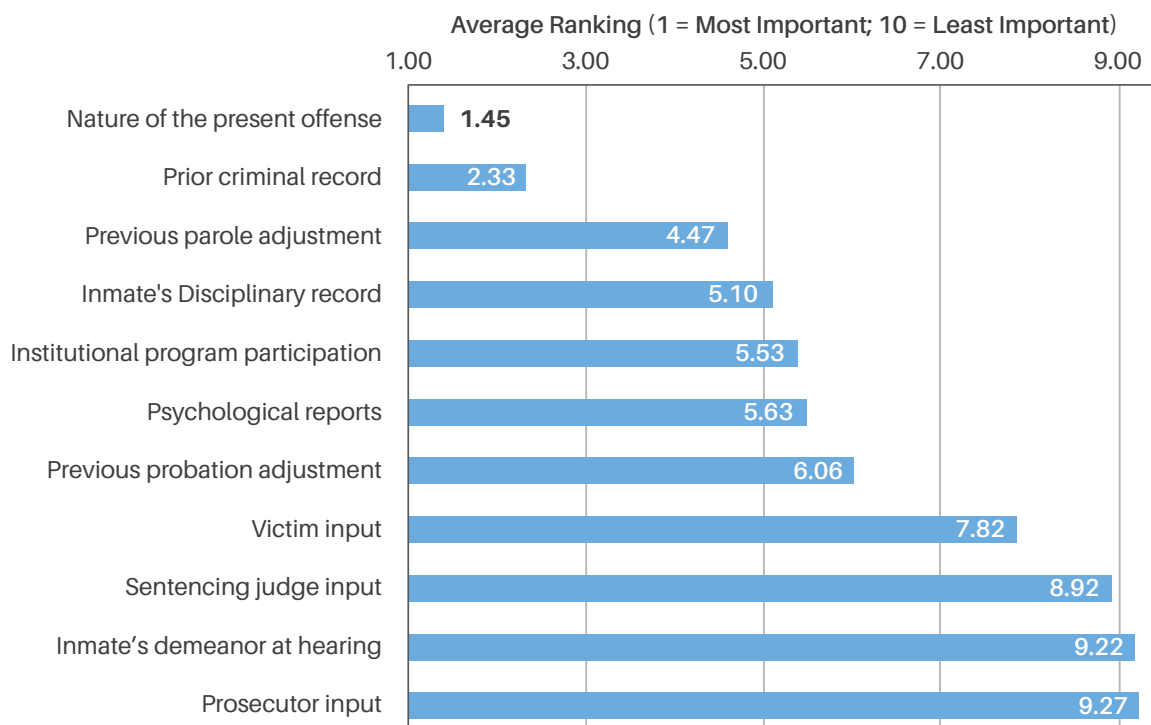
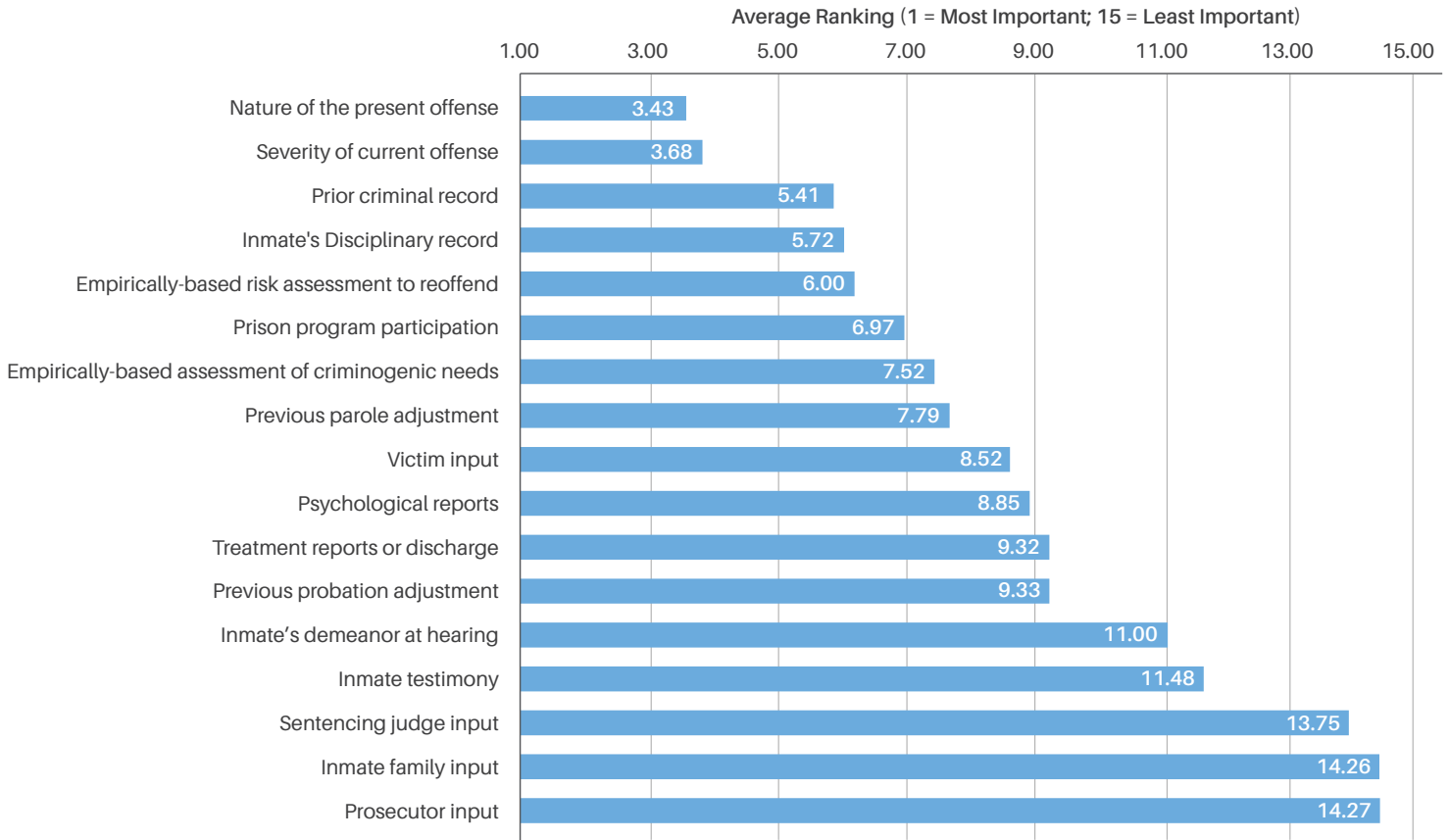


Chart 27. Chairs' Ranking of Release Factors 2015

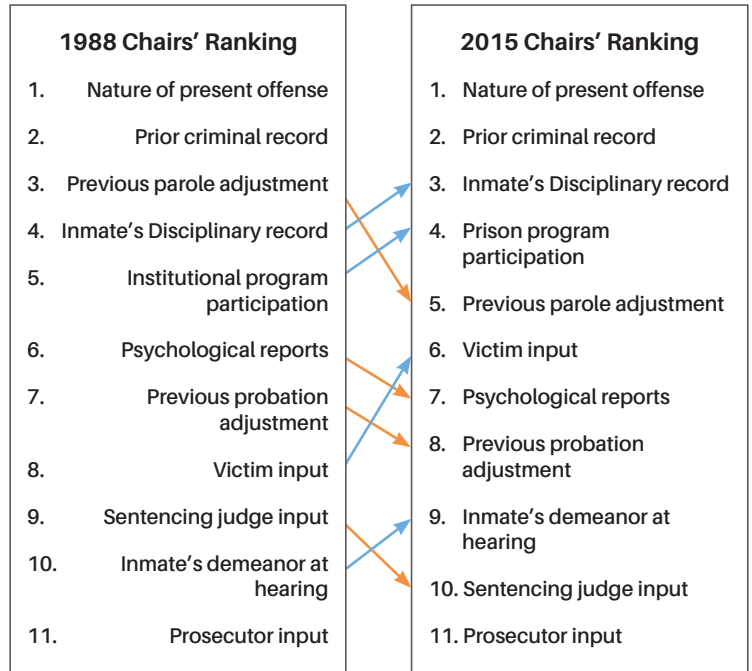


the medially ranked factors. Most notable is the addition of risk and needs based assessments which are ranked higher than many of the institutional conduct factors. This may demonstrate the growing importance of risk assessment and perhaps even risk-aversion in parole-decision making. This issue remains open, however, as risk and needs assessments were not included as factors in the 1988 rankings.

Although the above rankings are useful for understanding the importance of release factors in 1988 and 2015, it is difficult to compare because 6 additional factors were included in the Robina Parole Survey. One way to address this is to exclude these 6 additional factors and simply compare the list of 11 factors ranked by the chairs across both surveys. Figure 1 compares these lists.

As shown in Figure 1, the nature of the present offense and the prior criminal record remain the two most important factors from 1988 to 2015. Of equal note, the prosecutor's input remained the least important factor. However, the other 8 factors shifted slightly. The four factors that moved up in the rankings, becoming more important, were the inmate's disciplinary record, institutional

Figure 1. Comparison of Rankings from 1988 to 2015



(prison) program participation, victim input, and the inmate's demeanor at the hearing. One particular factor, victim input, made the most significant progress, moving from eighth most important to sixth. The four factors that fell to lower rankings were previous parole adjustment, psychological reports, previous probation adjustment, and the input of the sentencing judge. Previous parole adjustment suffered the greatest fall, moving from third most important to fifth. Overall, the ranked list of importance remained very similar from 1988 to 2015, with some minor shifts in the medial rankings.

Table 1 compares the ranking of each factor to the other factors in their respective list, which allows a comparison between the 1988 and 2015.⁹ The larger the absolute value of the score shown the further it was from the mean, with negative numbers being closer to the top of the ranked list and positive numbers being closer to the bottom of the ranked list. A large negative number represents a very important factor, while a large positive number represents a very unimportant number.

This is useful for comparing 1988 to 2015 in a more meaningful way than just by the position in which the factor was ranked. For example, the nature of the present offense was ranked first overall in 1988 and 2015. However, in 1988 this factor received 39 of the 49 (80%) first place votes, but in 2015 it only received 13 of the 29 (45%) first place votes. This difference is reflected in the standardized score, which has a larger absolute value for 1988 than 2015. This reveals that despite being ranked first overall in both 1988 and 2015, the nature of the present offense actually decreased somewhat in importance.

For Table 1 below, any factor with a change highlighted in orange was considered less important in 2015 than in 1988. Any factor with a change highlighted in yellow was considered more important in 2015 than in 1988. This reveals that the prior criminal record saw the most significant decline in importance, despite remaining in the top 3 on this list. On the other hand, victim input made the most significant progress in importance, moving from significantly below average in importance to significantly above average in importance.

Table 1. Standardized Score Comparison

	1988 Survey	2015 Survey	Change
Nature of the present offense	-1.79	-1.58	0.21
Severity of current offense		-1.51	
Prior criminal record	-1.44	-0.98	0.46
Inmate's Disciplinary record	-0.35	-0.89	-0.54
Empirically-based risk assessment to reoffend		-0.80	
Prison program participation	-0.18	-0.51	-0.34
Empirically-based assessment of criminogenic needs		-0.35	
Previous parole adjustment	-0.60	-0.27	0.33
Victim input	0.72	-0.04	-0.77
Psychological reports	-0.14	0.06	0.19
Treatment reports or discharge		0.20	
Previous probation adjustment	0.03	0.20	0.17
Inmate's demeanor at hearing	1.28	0.71	-0.58
Inmate testimony		0.85	
Sentencing judge input	1.16	1.54	0.38
Inmate family input		1.69	
Prosecutor input	1.30	1.69	0.40

V. Releasing Authority Chairs: Open-Ended Responses – 1988 and 2015

In addition to answering the fixed statements covered in the sections above, parole board chairs were asked in both surveys to respond to a series of open-ended questions seeking to understand what they viewed as challenges facing releasing authorities at that time. Their recommendations for addressing these issues were queried as well.

More specifically, the 1988 survey asked chairs to address questions pertaining to parole boards at the national level and within their own jurisdiction.

- What are the three most important issues facing parole today? List them in order of importance.
- What are the three most important issues facing parole today in your jurisdiction? List them in order of importance and explain your response.

The chairs were then asked to offer recommendations for improving parole also focusing on their jurisdiction and across the country.

- List three recommendations you may have for improving parole in your jurisdiction. List them in order of importance and explain your response.
- List three recommendations you may have for improving parole in general. List them in order of importance and explain your response.

The 2015 Robina Parole survey posed two of these four questions for the responding chairs.

- What are the 3 most important issues facing releasing authorities today in your jurisdiction?
- List 3 recommendations you may have for reforming the overall performance of the releasing authority in your jurisdiction.

In both the 1988 and the 2015 surveys, the open-ended responses were analyzed for common themes. It is important to note that in the 1988 survey many respondents provided fairly detailed responses describing their viewpoints. However, in 2015 the respondents often answered in a more abbreviated manner.

This section summarizes the findings beginning with the 1988 ACA Parole Survey, followed by a synopsis of the results revealed in the 2015 Robina Survey.

A. Chairs' Identification of Issues in 1988

The chairs were asked what they considered the three most important challenges facing the field at that time, as well as within their own jurisdiction. As their responses were similar across both questions, they are merged below. Though numerous challenges were identified, a fair measure of consensus emerged among the responses that were given. Seven major issues were raised by the chairs. These included: 1) the public's perception and views of parole boards; 2) the identification of the goals to be accomplished by parole boards; 3) prison population growth and overcrowding; 4) changes in sentencing structures affecting parole boards; 5) the use of decision-making guidelines and risk assessments; 6) the professionalization of parole boards; and, 7) a lack of programming, resources, and funding.

Public Perception and Views of Parole Boards

The chairs in the 1988 survey were concerned about the public perception of parole boards. Two respondents felt that parole boards had a poor or negative public perception, coupled with "unrealistic expectations and knowledge." One respondent expressed concern that parole is viewed as a form of "leniency." Another six of the responses said there was a lack of "understanding" within the public-at-large about the role of parole boards, thereby contributing to the lack of support for their agencies. Some chairs felt more communication was needed so the public could better understand their work.

Identifying Goals of Parole

Several respondents felt that parole boards needed to define their goals. This included defining the mission of parole, as well as defining the role of parole in the criminal justice system. One chair noted the need to redefine the mission of parole stating clearly what its role is and is not in the criminal justice system in light of the differing goals and expectations individuals have of it, especially given prison crowding. One chair asked "whether parole

should continue to be used to control [the] inmate population," a comment that could just as easily have been placed in the next challenge below. Another individual stated that parole boards needed to communicate their goals "to the public in a far more open manner."

Prison Population Growth and Overcrowding

The steady growth of prison populations was on the minds of many of the chairs participating in the 1988 survey. One respondent said, "This is a relatively new issue we have to face." Another 10 respondents mentioned overcrowding as a concern but did not expand. However, roughly the same number of respondents provided more information in citing this issue, with nearly half saying that overcrowding puts additional pressure and stress on parole boards. Some felt there was heightened pressure to release whereas others mentioned that it increased their workload. One respondent thought parole was being used to "solve prison overcrowding." In the most detailed response provided, one chair stated the following:

"There is an increasing prison population across the county. Many parole boards have paroled the best candidates for parole. We all seem to be hitting a point where we may consider releasing persons earlier with a sex or violent crime and history. Some boards are under order to release prisoners, thus tainting the decision making process of release. Even states not under order and yet have prison overcrowding, may subconsciously feel some pressure to release an inmate they normally would not."

Changes in Sentencing Structures Affecting Parole Boards

The chairs frequently cited concerns about the transition then underway in a number of states moving from largely indeterminate sentencing structures to sentencing structures characterized by greater determinacy, and with the latter, the abolition or sharp curtailment of discretionary parole release. The "abolition movement" or abolishment of parole was mentioned by 8 respondents. Determinate sentencing was mentioned in 5 of the responses. Two chairs said determinate sentencing would mean the elimination of parole. One respondent noted, "If we are going to survive we are going to have to do a better job."

Decision Making Guidelines and Risk Assessments

Evolving developments at the time, the use of parole guidelines and, to a lesser degree, reliance on risk assessment instruments, were identified as important concerns. Though several respondents simply mentioned this issue, at least one acknowledged the emergence of a "significant debate on whether there should or should not be guidelines to alter [their decision-making] discretion," while another wondered about the use of guidelines in parole revocation. One respondent called for the development of a standardized risk assessment instrument and guidelines to aid in the release of inmates, while another stressed the need for data on the offender for predictive purposes. And one respondent observed, moving in this direction requires "balancing objective and subjective decision-making."

Professionalization of Parole Boards

Some of the respondents recognized the need to move towards the professionalization of all releasing authorities. Within this context, one respondent called attention to the accreditation standards for parole boards promulgated by the Commission on Corrections for the American Correctional Association. This individual stated that "achieving accreditation" would contribute to greater professionalization and provide paroling authorities with "consistency in developing policies and procedures, monitoring decisions, supervision, and Board-related program activities. It would assist in resolving interagency communication problems." Other respondents expressed the need for a national model for parole boards, and the development of sound policies and procedures, including explicit release and revocation policy. A final respondent noted that greater professionalization would "demonstrate the accountability of parole boards."

Lack of Programming, Resources, and Funding

Many respondents identified lack of programming, resources, and funding as an issue. This involved not having a sufficient number of treatment programs, diversion centers, and other community-based resources. Though most of the concerns focused on post-release considerations, several respondents mentioned the "lack of treatment for offenders in institutions, or the lack of prison resources for rehabilitation." Having adequate or quality programs was also an issue. Additional concerns surfaced about not having enough staff, particularly parole officers, to provide appropriate supervision and "to spend time with individual parolees to assist them in learning to live in society."

B. 1988 Chairs' Recommendations

The chairs were asked to list 3 recommendations they had for improving parole in their jurisdiction, as well as 3 recommendations for improving parole overall. Not surprisingly, the recommendations provided by the chairs were often related to the issues outlined above. Since their responses did not differ much between jurisdiction-specific and national level answers, the comments are merged in the discussion below. Many of the recommendations fell into one of the following categories: 1) professionalization, board member selection, training, and interagency cooperation; 2) improved media and public communication; 3) more programs, community resources, and funding; 4) development of guidelines instruments; and 5) legal, legislative, and policy changes.

Professionalization, Board Member Selection, Training, and Interagency Cooperation

The recommendations addressed under this theme targeted the professionalization of paroling authorities emphasizing changes ranging from making sure that board members possessed the proper qualifications and training to increasing salaries to national standards and greater uniformity in parole processes. One respondent recommended the appointment of professionally qualified board members, while another recommended the "selection of board members who have a good grasp of risk and the protection of the public and common sense, not political hacks." Several called for "comprehensive training and continued updated training", while another respondent urged the formation of a "national training center for parole board members." Additional responses revolved around the "increased use of ACA accreditation standards and changes in the structure of parole boards that incorporate more professional protections" over members who are "political opportunists," as well as the importance of collaboration with other departments. As one chair recommended, it is important to "continue to cooperate and work with the Department of Corrections and at the same time maintain and further insure the independence of parole board functions."

Improved Media and Public Communication

Several respondents recommended increased communication with the public and media to improve their view and understanding of the role and work parole boards perform. Some called for improved communication as well with the legislature and other criminal justice com-

ponents. One respondent recommended "more public education and awareness of our process and role in the system. More responses to critics of the Board with facts and figures." In terms of public education, several respondents recommended that boards "share the value of parole as an institution with clearly articulated policies and guidelines," while another noted that "Board chairpersons should meet at least semi-annually to establish a national agenda and take policy positions on major issues." A final respondent recommended an educational or marketing program to the legislature and the public demonstrating that "parole, if strengthened, supported, and used wisely, is a sound, practical, and cost-effective alternative to incarceration."

More Programs, Community Resources, and Funding

Many respondents recommended that consideration be given to expanding the number and range of offender-based programs in prison and during the period of post-release. This was often accompanied by a recommendation for more funding to support such an expansion. Specifically, respondents advocated for retraining programs to improve skill development (job skills, education), as well as treatment interventions for specific offenders: namely, sex offenders, substance abuse and mental health offenders, and non-violent offenders. At least one respondent recognized a need for "resource coordination within the community to provide reasonable program services to parolees."

Development of Guidelines Instruments

The recommendations provided here run parallel to the section above commenting on the need for guidelines and risk assessment or predictive tools as an issue confronting parole boards. While several respondents recommended the development of either parole guidelines and/or risk instruments, some recommended in those jurisdictions that have already adopted them, there was a need for their refinement or improvement. The expansion of reliance on parole guidelines was recommended as a means to achieve "more effective supervision," to "demonstrate fair and equitable treatment for all inmates," to "minimize litigation against the Parole Board," and to add "fairness and integrity to the system." One chair, however, commented that parole guidelines should be eliminated. Another responded by urging that parole take steps to understand the need and importance of guidelines.

Legal, Legislative, and Policy Changes

In this theme, the recommendations varied, but largely related to a call for policy changes, revisions in the law, or proactive measures directed at some sort of legislative action favorable to parole boards. Several respondents recommended legislation that would “update old parole statutes,” “return release discretion back to the Parole Board and eliminate statutory restrictions,” and “reform parole laws so that it [the parole function] is simple enough to be understood by judges, prosecutors, and victims at the time of sentencing.” One chair recommended that limits be placed on “frivolous writs and lawsuits by inmates disgruntled over unfavorable parole.” One chair also noted the need for parole boards to have protection from liability, while another recommended the “development of explicit release policy based on [the] goal of risk management.”

C. Chairs’ Identification of Issues in 2015

As was already mentioned, the chairs were asked in the 2015 Robina Parole Survey to identify 3 important issues facing releasing authorities in their jurisdiction. It appears that for many of the responses, there was even greater consensus on what constituted these issues than was present in 1988. The responses of the chairs most often fell into the following broad categories: 1) reentry services and program availability; 2) discretion and parole decision-making; 3) specialized offender populations; and 4) evaluation and reliance on accurate data.

Reentry Services and Program Availability

Similar to the 1988 survey, there was a concern over the lack of programming generally and for specific types of offenders, such as high risk offenders. The respondents also noted there was not a sufficient number or range of programs to deal with the diversity and specific needs that parolees often had such as housing, unemployment and substance abuse issues. The lack of reentry resources and programming which was cited frequently could be seen in the need to “connect reentry resources to offenders,” “having adequate . . . resources for the transition from the institution to the community,” and the paucity of available programming for offenders living particularly in rural areas. Concerns were also expressed over the lack of in-prison programs offering substance abuse treatment, vocational training, and training in various trades. One respondent pointed to “inmates being kept beyond their minimum because of waiting lists for sex offender treatment.”

Discretion and Parole Decision-Making

The next most common category mentioned by the respondents centered on discretion in decision-making, mainly at release, but also with some reference to revocation. One chair called attention to legislative efforts aimed at limiting the discretion of releasing authorities. Another respondent mentioned the need to retain discretion with releasing authorities. With regards to decision making, one respondent wanted to ensure that releasing authorities were making fair decisions, while another raised the issue of “increased agency transparency.” Another respondent identified the need to “ensure victims have a voice in the parole process.” One chair cited the need for “ensuring parole board members receive complete information upon which to base their decisions at the time of hearings.” In terms of parole revocation, several respondents commented on the issue of returning offenders to prison for technical violations, developing alternatives to such revocations, and pursuing recidivism reduction through the use of risk assessment tools.

Specialized Offender Populations

The third most significant issue focused on specialized parolee populations. For the respondents, the specialized offender populations typically included inmates and parolees with mental health issues, elderly inmates, sex offenders, and those serving long sentences. Overlapping with the issue of reentry programming, one respondent cited the need for structured living placements (e.g., assisted living and nursing homes) for elderly offenders, and those suffering from “serious and persistent mental health issues.” Strategies for dealing with the aging population emerged as a concern on several occasions taking into account their health and risk to the community. In terms of sex offenders, one respondent noted the “lack of specialized information” on which to draw, pointing out as well that many of the risk assessment tools in use “do not work on sex offenders, nor is complete information available about their rehabilitative progress.”

Evaluation and Reliance on Accurate Data

Finally, the fourth largest category expressed a need for more evaluation of parole board decision-making. Several respondents mentioned the issue of ensuring that accurate data was being collected and used to inform board members’ understanding of their work. Several respondents cited the lack of such evaluations of their current practices and the pressing need to collect data about the decisions made at hearings to “better understand what works and/or does not work.” Another issue that was raised focused on the need for more research on “the effectiveness of programs and treatment delivered to inmates and parolees.”

D. 2015 Chairs' Recommendations

The following recommendations were provided by the chairs to reform the overall performance of releasing authorities. Their suggestions fell under four main categories: 1) reentry programming, evaluation, and reliance on evidence-based practices; 2) improving the quality of information for decision-making; 3) increased collaboration with other agencies; and 4) increased board member training.

Reentry Programming, Evaluation, and Reliance on Evidence-Based Practices

Several interrelated recommendations are included under this category. One respondent called for "a comprehensive audit and evaluation of all programs offered to inmates and parolees." Recommendations were also forthcoming regarding "enhancing reentry programs," focusing on high risk and high needs offenders, reentry programming for geriatric inmates, and "increasing access to affordable mental health and substance abuse treatment." Of note, several respondents recommended "increased awareness and use of evidence-based practices" by paroling authorities. Others recommended the use of parole guidelines informed by evidence-based practices. The latter reflects the desire by some to incorporate evidence-based practices into the decision-making process.

Improving the Quality of Information for Decision-Making

Several recommendations under this category called for the use of updated parole guidelines, inclusive of additional factors considered in release decisions, and structured decision-making instruments prepared and completed as part of parole consideration. One respondent recommended the development of "tools to provide the parole board with accurate data and assessments for sex offenders," as well as developing standard operating practices.

Increased Collaboration with Other Agencies

The respondents who spoke to this issue called for building partnerships and expanding their boards' collaboration with statewide agencies, community partners, and other paroling authorities. One respondent recommended "collaboration with partner agencies...in the community to increase successful offender reentry." Another urged the establishment of community partnerships statewide. Though these recommendations focus on ties to community partners, several chairs mentioned "working closely with the Department of Corrections." A final recommendation centered on increasing collaboration with other paroling authorities via regional or annual meetings, workshops, or training sessions.

Increased Board Member Training

There were several recommendations calling for additional and appropriate training for both parole board members and those within the correctional system. Two respondents mentioned that their commissioners needed more training. Others identified the need to take advantage of additional training opportunities recognizing a nexus to greater parole board professionalization as a result. Another recommended increased training "to ensure board members are able to see the 'whole picture' when reviewing a file and interviewing an offender."

VI. Comparative Observations Regarding the Chairs

The above findings from the ACA Parole Survey and the Robina Parole Survey highlight the extent to which releasing authorities have experienced both constancy and change over the course of three decades. For this report, the degree to which releasing authorities have evolved or remained in place has been solicited through the views of their chairs or chief executive officers. What follows offers a recounting of several key markers comparing the thinking of parole board changes at two contrasting points in time.

It is important to begin with a caveat. There is a marked turnover that affects the tenure of these critical decision makers. One of the recurrent features associated with paroling authorities in both 1988 and 2015 is the political nature of the appointment process affecting chair and board member appointments. Regardless of which period is chosen, both the chairs and the board members themselves are subject to gubernatorial appointment, as defined by statute. Though they may be reappointed, and, in some instances serve as the chief executive officer of their agency for more than a decade, the extent of the chairs' impact is often subject to an abbreviated tenure.

Another important and recurring consideration is the issue of professional or other qualifications for board membership. The continuing absence of statutory qualifications in many jurisdictions has been commented on elsewhere. Here it is worth recalling that in 1988 a majority of the chairs (57%) concurred with the need for such qualifications, while in 2015 there was a fairly even divide between those favoring professional qualifications, inclusive of a college degree, and those supporting relevant work experience, at 42% and 45%, respectively. This issue, as much as any other, has been a source of ongoing criticism of paroling authorities, their chairs, and their credibility within the criminal justice system in most states over many decades.

What has often been lost in this discussion, however, is the fact that parole board chairs possess impressive educational credentials. It is notable that 60% or more of the chairs reported having an advanced professional or academic degree in both 1988 and 2015. In fact, those with a college degree increased from the first survey to the next from 88% to 97%.

The chairs addressed the issue of professional standards in both their quantitative and open-ended responses. Though they raised concerns about professional standards, this represents an area that remains under-pursued by most paroling authorities. As mentioned earlier, accreditation through the American Correctional Association's Commission on Accreditation for Corrections has served as an important repository for such standards for several decades. When the query is posed, however, whether the development of professional standards serves the agency goal of achieving greater effectiveness, there remains a good deal of uncertainty by the chairs as revealed in 1988 and 2015. Of those in agreement about the value of adopting standards, the numbers fall under half, with the former displaying 47%, and the latter 36%. Nonetheless, in both surveys the chairs' open-ended responses endorsed the need for more professionalization of releasing authorities, more board member training, and an appointments process driven more by professional criteria for selection.¹⁰

Recall, for the 1988 ACA Parole Survey, parole boards by the mid-to-late 1980s functioned within a rapidly shifting correctional context. One hallmark of this era was the continued spiraling of prison population growth across the nation and the pressures this exerted on corrections and parole officials. When queried about this issue, parole board chairs (66%) largely agreed that the management of prison populations was an important responsibility of their agencies. Another 60% agreed that the main problem they faced was the pressure to release as soon as offenders reached eligibility for parole.

Similar questions were posed by the 2015 Robina survey, one in which the infrastructure of mass incarceration was firmly in place, with results showing less concern on the part of the parole board chairs. Compared to 1988, a much smaller cluster of chairs (23%) agreed that prison population management was an important responsibility that they shouldered. Despite operating under the long-term impact of mass incarceration, fewer parole chairs (42%) agreed with the statement that the pressure to release was a significant issue. It is revealing that the chairs' open-ended responses identified prison population growth as a new but important issue in 1988 citing it

as a “new concern,” and one exerting pressure not just to release, but to do so earlier. Prison crowding received few comments by the chairs in 2015.

One consequence of mass incarceration, albeit shaped by other influences as well, is the extent to which parole boards have grown more, not less, risk averse in their decision-making. The issue of releasing greater numbers of offenders sooner than they might otherwise have been granted parole, and the consequent accountability this presents should individual parolees go on to commit further crimes, especially acts of violence, are always on the minds of parole board chairs and members. The chairs were asked in both 1988 and 2015 about whether this represents a critical issue to them. Though the wording of the questions varied slightly, as noted in an earlier section, the recognition of the seriousness of this matter grew, respectively, from 56% to 80% over the two periods of time. However, though it was raised in some of the chairs’ open-ended responses in 1988, it was not mentioned in their responses in 2015.

The comparative profile of the chairs shows a certain measure of receptivity to, and several markers associated with, more explicit efforts to reform or improve parole. Perhaps the most prominent trend, albeit one with an unknown impact, has been the chairs’ support for the increasing deployment of more structured decision-making tools. Whether through the gradual adoption of parole guidelines, and/or the increasing reliance on risk assessment instruments, their historical evolution and use is striking, as is the chairs’ support for moving further in this direction.

In terms of parole guidelines, it seems that the views of parole board chairs have edged from an initial reluctance towards a firmer embrace of such tools, namely, as a means to facilitate greater fairness, consistency, and public safety in release decision-making. The 1988 survey yielded disagreement among a majority of parole board chairs that the use of parole guidelines contributed to any of these outcomes. By 2015, the chairs on the whole believed that a reliance on parole guidelines facilitated the accomplishment of all three of these objectives. The adoption of risk assessment tools was not asked about in 1988, but was queried in 2015. By 2015, at least 90% of paroling authorities had adopted risk assessment tools. The two statements presented to the chairs in the Robina Parole Survey showed that the vast majority of them concurred they were essential to making informed decisions, and that they contributed to greater public safety.

The adoption of structured decision-making instruments and the nexus they provide to more accurately discerning offenders’ risk and criminogenic needs arguably reflect the impact of evidence-based practices across the field of corrections. If the 1988 survey revealed an incipient trend towards the use of parole guidelines, by 2015 there was, in the chairs’ responses and their agencies’ practices, an even more visible deployment of risk assessment tools. This movement illustrates a heightened awareness by the chairs of the importance of relying on evidence-based practices to improve parole release decision-making. Relative to the Robina Parole Survey, 90% of the chairs noted agreement that the future credibility of releasing authorities depends on the use of evidence-based practices to shape their decision-making.

At the same time, it is necessary to be mindful that a changing discourse or seeming embrace of structured decision tools does not necessarily translate into a fairer, more just, or effective parole process. As the chairs’ rankings of release factors show, across two points in time nearly 30 years apart, the items that were considered important in 1988 still remain the top items in 2015. Across both periods, the most salient factor guiding the decision-making of the chairs was the nature of the present offense. The same emphasis likely occurs with other board members and parole decision-makers (e.g., hearing examiners). Such a focus reflects a predominantly retributive goal which often translates into a heightened concern with looking back to determine if the offender has served sufficient time for his or her crime of conviction. It also mirrors, to an unknown extent, the statutory language driving the factors releasing authorities are obligated to consider at the point of deciding whether to grant or deny parole.

There has been a significant shift acknowledging public safety as a primary goal driving the chairs’ deliberations. At the same time, it appears that paroling authority chairs also support rehabilitation as a key goal of their decision-making and of corrections more generally. Such a finding was observed in 1988 in the ranking of rehabilitation as the second highest priority (with “protecting society” first). This commitment is reflected as well in the 2015 responses noting it is a goal of release decision-making in itself, beyond whether it contributes to public safety. Similar affirmative expressions of support were scattered throughout the chairs’ open-ended responses in both surveys. With respect to the latter, the chairs identified the lack of treatment and other in-prison and community-based programming, alongside the absence of resources to address releases in general and specialized offender populations in particular, as major issues of concern.

It is apparent that there is more comfort expressed by the chairs today about the necessity to collaborate with departments of corrections, parole field services, and community corrections to facilitate offenders' prospects for successful reentry. In the 1988 survey, an overwhelming 80% of the respondents disagreed that paroling authorities bore primary responsibility for the treatment and rehabilitation of offenders. Though the wording of the question may have exerted an influence on the response, their answers in the 2015 survey affirm the importance of collaboration with correctional agencies if successful reentry outcomes are to be achieved. Even more, all of the chairs (100%) agreed that releasing authorities and departments of corrections must engage in the joint coordination of policies and actions to encourage, if not achieve, sound reentry planning for offenders granted parole.

This report, and the comparative profile it provides of parole board chairs, shows the challenges, many going back 30 years, others emerging more recently, that releasing authorities confront on a daily basis. It also presents, through the lenses of their chairs, a glimpse into how parole boards have viewed and responded to their myriad operational and statutory duties and sobering decisional responsibilities. It appears, in the complexity and shared views revealed by the releasing authority chairs, that there is a dawning recognition of actions that need be taken as part of a larger agenda driving parole reform.

END NOTES

- ¹ See, e.g., John C. Runda, Edward E. Rhine & Robert E. Wetter, Council of State Gov'ts, *The Practice of Parole Boards* (1994); Susan C. Kinney & Joel M. Caplan, Ctr. for Research on Youth & Soc. Policy, *Findings from the APAI International Survey of Releasing Authorities* (2008); Ebony L. Ruhland, Edward E. Rhine, Jason P. Robey & Kelly Lyn Mitchell, Robina Inst. of Criminal Law & Criminal Justice, *The Continuing Leverage of Releasing Authorities: Findings from a National Survey* (2016); Edward E. Rhine et al., Am. Corr. Ass'n, *Paroling Authorities: Recent History and Current Practice* (1991).
- ² See U.S. Dep't of Justice, *Attorney General's Survey of Release Procedures* (Wayne Morse ed., 1931); Andrew von Hirsch & Kathleen J. Hanrahan, *The Question of Parole: Retention, Reform, or Abolition?* (1979).
- ³ See Kevin R. Reitz, *The 'Traditional' Indeterminate Sentencing Model*, in *The Oxford University Handbook of Sentencing and Corrections* 270-298 (Joan Petersilia & Kevin Reitz eds., 2012); Edward E. Rhine, Joan Petersilia & Kevin Reitz, *Improving Parole Release in America*, 28 Fed. Sent'g Rep. 96 (2015).
- ⁴ Michael Tonry, *Sentencing Fragments: Penal Reform in America 1975-2025* (2016).
- ⁵ Von Hirsch & Hanrahan, *supra* note 2.
- ⁶ Edward E. Rhine, Joan Petersilia, & Kevin R. Reitz, *The Future of Parole Release*, 46 Crime & Just. 279 (Michael Tonry ed., 2017).
- ⁷ Rhine et al., *Paroling Authorities*, *supra* note 1.
- ⁸ The five states that did not respond include Maine, North Carolina, Tennessee, Vermont, and Wisconsin. See Ruhland et al., *supra* note 1.
- ⁹ Through the use of standardized scores, the analysis shows a more nuanced understanding of how the chairs ranked these factors. The analysis uses a z-score, which is a standardized measure of how "far" a number is from the mean. Thus, a z-score accounts for the difference in the total number of factors in the ranked list.
- ¹⁰ The responses to this issue may be influenced, in part, by the organizational location of the releasing authority. For those housed within departments of corrections, the decision to pursue accreditation may be impacted by the larger agency's willingness to assume such a commitment. This was suggested to two of the authors of this report during a session on parole board chairs at the 2016 ACA Mid-Winter Conference.



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