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Parole and Public Safety in Pennsylvania

A Report to Governor Edward G. Rendell

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PAROLE AND PUBLIC SAFETY IN PENNSYLVANIA

A Report to Governor Edward G. Rendell

SECTION 1

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 Problem in Context

The problems facing corrections and parole in Pennsylvania are not unique but are shared by many other states with large populations of offenders under correctional supervision, most of whom eventually return to the community. In general, because of the policies fostering the incarceration of large numbers of offenders during the 1970's, 80's and 90's, large numbers of offenders are returning to communities across the nation, many of whom may be unprepared for life outside of incarceration. For example, California has recently been confronted with court-ordered release of large numbers of inmates before expiration of their sentences in order to address serious overcrowding in its correctional institutions, posing major challenges for its parole system.¹ The Pennsylvania Senate Judiciary Committee conducted hearings about Pennsylvania's overcrowded institutions (housing 51,000 inmates in institutions with a capacity designed for roughly 44,000 persons) as recently as November 16, 2009.² This has prompted a great deal of thinking and innovation focusing on "prisoner reentry"³—aimed at developing ways in which successful and crime-free return to the community can be promoted by addressing a variety of needs for support services as well as by effective supervisory measures. At the same time, this development has forced reexamination of parole and other versions of supervised

¹ See Gratett, Petersilia, and Lin (2008); PEW Center on the States (2008); Solomon et al. (2004); Travis and Lawrence (2002); and White and Knutson (2009). For data on California parole and corrections, see also www.cdcr.ca.gov/Reports_Research/Offender_Information_Services_Branch/Annual/CalPrisArchive.html.

² See, e.g., Jackson (2009).

³ See, e.g., Petersilia (1999, 2003); Travis, Solomon, and Waul (2001).

release nationwide to develop the capacity to deal with issues related to the return of released offenders most requiring attention.

As the recent dramatic economic recession has exacerbated these and related challenges facing corrections and parole systems, the large volume of returning prisoners has highlighted the critical need for effective public safety and support strategies that will best facilitate crime-free transitions from prison to community. In short, in this time of strained resources for basic government functions, and sparked by the recent killings of police officers by persons under correctional pre-release and parole supervision, Pennsylvania, like other states, is faced with a growing need for enhanced post-incarceration transition and supervision systems. Though now taking on added importance and urgency, these challenges relating to successful prisoner reentry and public safety are longstanding and have been at the heart of correctional and parole strategies in Pennsylvania and other states for decades.

The recommendations we present as a result of this inquiry are made with an awareness that violent crime among parolees falls within the larger category of violent crime generally—and that the factors contributing to crime are complex and often outside of the power of corrections and parole to affect alone. We have tried to limit the report’s focus to formulating practical suggestions for system improvements that could help minimize threats to public safety posed by potentially violent offenders who reenter the community on parole.

The scope of this inquiry is limited to the segment of the justice process that begins with admission of a convicted and sentenced offender to the custody of the Pennsylvania Department of Corrections and ends with termination of parole after completion of the term of incarceration. The primary focus is on returning offenders who are subject to supervision, monitoring and transitional services in the community.

The focus of this inquiry’s recommendations for improvement therefore mostly involves two key agencies of government: Corrections and Parole. The institutional relationship between corrections and parole agencies varies from state to state. In Pennsylvania both the Department of Corrections (Corrections or DOC) and the Pennsylvania Board of Probation and Parole (Parole or PBPP) are executive branch agencies, though the PBPP is independent of Corrections, with authority by law to determine release of parole-eligible offenders from state institutions and to set conditions of that release.

We would like to point out that this inquiry did not consider a particularly significant category of higher risk returning offenders—those released without parole supervision after completion of maximum sentences (unconditional or “maximum releases”). These offenders returning from prison without constraint form roughly one-fourth of all those gaining release from prison and represent an important area for policy review and crime prevention approaches.

We further note that this review also did not focus on a variety of issues that are closely related to those addressed, but which do not center directly on new crimes among paroled offenders. For example, technical infractions not involving new crimes are not covered in this report. Although concern about increased potential for, or unproved involvement in criminal behavior may prompt the filing and handling of violation actions by parole agents and board

members, this inquiry focused on arrests of paroled offenders for new criminal charges rather than charges of parolee misconduct that resulted solely in technical violations being lodged.

Cautions and Caveats Related to Recommendations in This Report

The utility of the recommendations stemming from this inquiry should be reviewed keeping in mind certain cautions and caveats.

First, 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.⁴ Both agencies 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 proceed to 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 simultaneously continuing to address issues that could be remediated as they have come to their attention. This report notes a number of changes that already have been adopted by these agencies to address concerns about potential for violence among offenders released into the community on pre-release or parole as earlier recommendations were conveyed to them.

Second, as we have undertaken this task, we have taken great care to anticipate and try to prevent adverse unintended consequences that can result from letting the singular concern driving this inquiry—preventing violent behavior among parolees—become a sort of “tail-that-wags-the-dog” or “bull in the china shop” approach that replaces the already useful with the theoretically possible. Each agency faces many other critical challenges within their spheres of responsibility, in addition to the one driving this inquiry.

Third, a highly significant caveat is often ignored because of the challenges involved: recent research, policy and practice point to the critical role of community setting, context, services, social capital and resources in reducing the prospects that returning parolees, including

⁴ For example, the PBPP has incorporated evidence-based practices consistent with the 2005 Report of the Re-Entry Policy Council of the Council of State Governments, entitled “Charting the Safe and Successful Return of Prisoners to the Community,” and recommendations of the National Institute of Corrections. The Pennsylvania parole system relies on parole guidelines, which have been periodically reviewed, using a validated risk assessment instrument. The agency has focused on reentry as a core mission of parole, establishing a Bureau of Offender Reentry, conducting ongoing training of parole agents to enhance the balance of enforcement and case management in supervision, and developed a Violation Sanctioning Grid to guide decisions regarding the management of technical parole violators. Similarly, from 2001 to 2003, research and evaluation staff from the Department of Corrections worked with outside experts to review and pilot-test several different risk and needs assessment instruments to determine which instruments best fit the needs of their particular population. Five different instruments were pilot-tested with incoming admissions at seven prisons across the state. After analyzing data from the pilot-tests the researchers recommended three instruments for use in PA correctional facilities: the Level of Services Inventory – Revised (LSI-R), the Criminal Sentiment Scale Modified (CSS-M), and the Hostile Interpretations Questionnaire (HIQ).

the potentially violent parolees, will engage in crime once back in the community.⁵ Examining and strengthening community connections to the experiences of returning parolees remains largely beyond the scope of this report, yet the efforts of Corrections and Parole and the risks associated with returning offenders cannot realistically be viewed as if they are played out in a vacuum.

Finally, in these times of very scarce resources, there is a concern that recommendations calling for intensive—or even more intensive—procedures to be applied to some categories of offenders might lay the groundwork for inadvertently or unnecessarily extending such procedures to all offenders facing release. This should be avoided for several reasons:

- a) The Commonwealth does not have the resources to apply the most intensive measures to all offenders and nationally recognized evidence-based practices do not support that approach in any event. Intensive supervision practices are intended to be applied selectively toward those presenting the greatest risk to public safety.
- b) In making recommendations, we recognize that agencies are tightly resourced and that additional resources supporting the community supervision function will indeed be essential in ensuring effective implementation. Yet, these recommendations are based on the assumption that before new resources are added, existing resources will have been redeployed, to the extent possible, to target more intensive supervision and related measures to the processing of potentially violent offenders. This assumption is made in recognition of the fact that many offenders pose less of a risk and require fewer supervisory and support resources. The major exception to the general approach of first relying on redeployment of existing resources relates to the immediate and critical need to provide the resources necessary to greatly strengthen the information capacity of the paroling function at various levels—even beyond the level now planned for the new overall management information system (Integrated Offender Case Management System or IOCMS).
- c) An especially critical caveat is that corrective measures adopted in the quest to minimize the public safety threat posed by parolee violence may be “*over-implemented*” based on the appealing but faulty reasoning that would assume, to use a medical analogy, that if an antibiotic is good for one group of concern, it is probably also good for other groups or, similarly, that if one dose of medicine is good for an ailment, then several doses will be even more effective. Over-intensively supervising paroled offenders has been shown to produce unfavorable results. Thus, over-application of intensive methods is not only wasteful of critical resources, but is also likely to “backfire.” This caution is noted here based on an awareness that the “art” of supervision has not yet reached the level of a “science,” and that there is little empirical guidance available providing certainty concerning what constitutes less-than-adequate, adequate, or overly-intensive supervision.⁶

⁵ See, for example, Petersilia and Turner (1993); Rubin, Gallo and Coutts (2008); Upper Manhattan Reentry Task Force (2009); Hipp and Yates (2009).

⁶ This is consistent with the “risk principle” rationale and with evidence suggesting that applying supervision to low or moderate risk offenders may actually increase offending. See Petersilia and Turner (1993) and Warren (2007).

Against this background of cautions, nevertheless, our recommendations are made in the spirit of identifying improvements and reinforcing well-chosen strategies already operational in the PBPP and DOC that may assist the two principal agencies involved as they face difficult challenges relating to prisoner reentry and preventing serious threats to public safety.

Organization of This Review

After briefly highlighting the basic thrusts of recommendations made to date (Section 2), this report outlines recommendations relating to the following key areas: parole decision/guidelines review (Section 3), role of risk assessment (Section 4), supervision capacity (Section 5), and information capacity needs (Section 6). The conclusions of this review are discussed in the final section (Section 7).

SECTION 2

Preliminary Recommendations from Interim Reports

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. To set the stage for the discussion of findings in this report, we briefly summarize earlier findings.

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

The structure of the review was partly governed by the need to take urgent steps that could assist the parole process while seeking to avoid additional problems that would accrue pending resumption of normal correctional release procedures. The need to develop and implement practical improvement strategies promptly was urgent.

At the time this inquiry was initiated, the Pennsylvania Board of Probation and Parole (PBPP) caseload had more than doubled over the last two decades, with parole board members making an average of 1,700 parole decisions per month, resulting in about 32,000 parolees under supervision annually leading up to September 28, 2008, when the moratorium on parole was announced.⁷ (See Figure 1.) Roughly 1,400 to 1,600 inmates were being admitted monthly to Pennsylvania correctional institutions prior to that date, with a slight upward overall trend in admissions, while releases were trending slightly downward, from about 1,500 to 1,300 inmates per month. Prior to the moratorium, the overall institutional population was trending slowly upwards, already near capacity. For example, the overall male population of Pennsylvania state correctional institutions was hovering between 46,000 to 47,000 inmates.⁸ By the spring of 2009, when the moratorium was lifted and parole release was fully reauthorized, the population of state facilities increased to over 50,000.⁹ (See Figure 2.)

Violent incidents by parolees during the months prior to the moratorium on releases had already been exerting an influence on parole decision trends in a more cautious direction. During the pre-moratorium period from January through April 2008, for example, the average percentage of parole decision hearings resulting in the release of inmates was at or above 60 percent. Then, with the first violent incident in the late spring of 2008, the rate dropped to levels below 55 percent. (See Figure 3.) With the moratorium in late September 2008, parole hearings continued to be conducted and tentative decisions made, though decisions on paper to release were not officially executed. The decisions to grant parole (to be effective with the lifting of the moratorium), dropped to around 40 percent of cases heard, reaching a low grant rate of 38

⁷ The PBPP supervised approximately 32,000 parolees on a given day—at different levels of intensity (minimum, medium, high, enhanced) with 435 field agents in 10 district offices, supplemented by 26 institutional parole agents in facilities across the Commonwealth.

⁸ Prior to the moratorium, the female institutional population ranged from roughly 2,400 to 2,800 inmates, according to DOC data.

⁹ See note 2, above, referring to recent crowding hearings focusing on an overall population exceeding 51,000 inmates in Pennsylvania state correctional institutions.

percent in February 2009. The rate of granting parole after the resumption of parole release generally remained at rates lower than those recorded prior to the moratorium and the violent incidents of the previous summer and spring. Thus, once the parole decision process resumed, the average rate of release had shifted and resettled to a level notably lower than before the moratorium.

Figure 1.

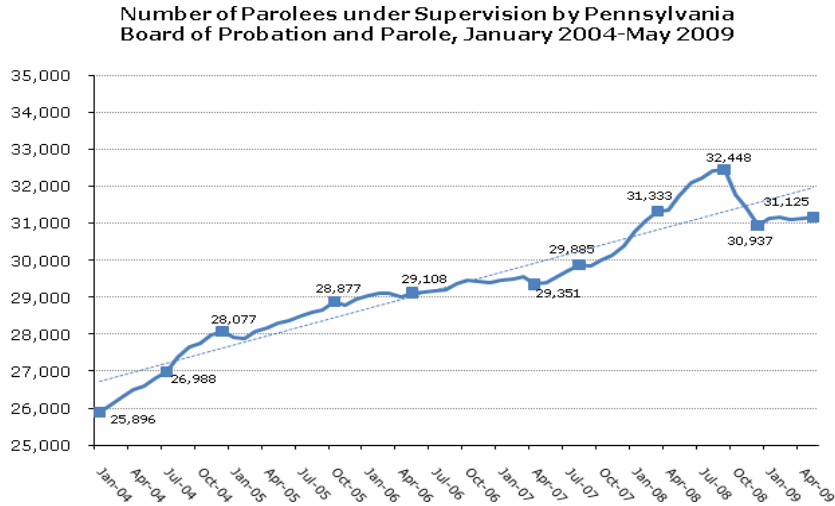
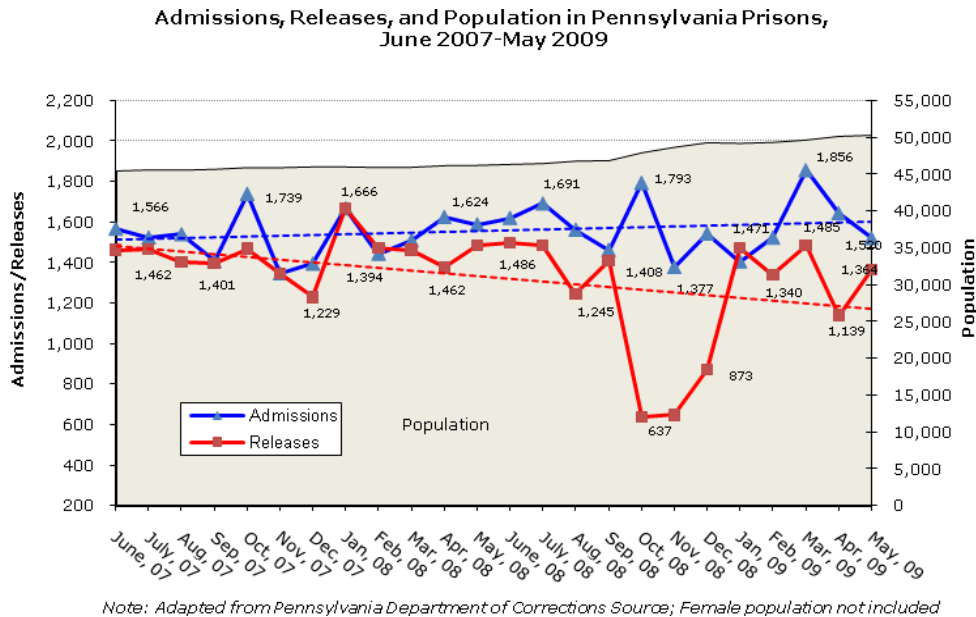


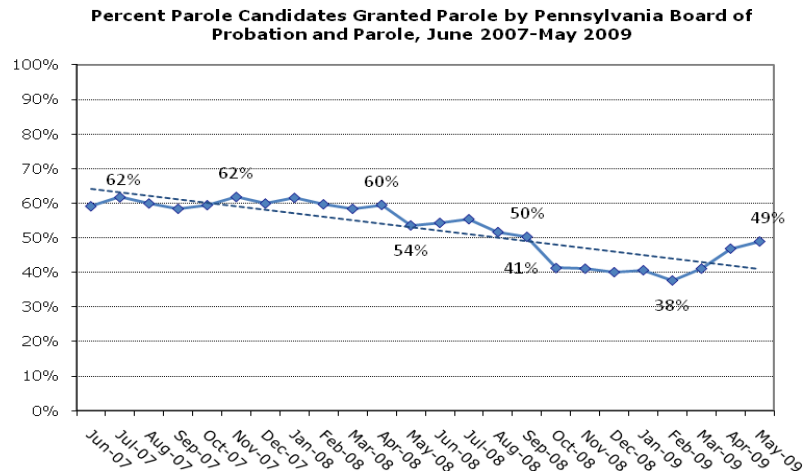
Figure 2.



These simple trends display the influence paroling practices have on the correctional population. For every week or month of the moratorium on releases, admissions to the already filled prison system easily outpaced the slowed release of inmates, adding significant pressures to the crowded institutions. The halt in parole release had wider effects on parolees that are not

so easy to portray. The statuses of prisoners already advancing in the parole process were frozen in place; promising candidates were returned from pre-release settings, where they waited to start over and arrangements for housing and employment already in place were strained or lost. The parole process risked losing credibility, while the delay contributed to lower inmate morale and potentially to the difficulty posed for corrections in managing a growing population.

Figure 3.



The parole board continued to review cases during the moratorium to be prepared for the resumption of parole releases. However, the release moratorium and proposed modifications to procedures and program requirements meant that an already sizeable set of cases awaiting various steps in the parole and pre-release processes quickly translated into a burgeoning backlog that would require more and more time to catch up with, despite reasonable preparation for resumption. This was all the more true in that the decisions and related processing measures in each case required time, attention and care and simply could not be conducted in a “hurry-up” atmosphere, given the concerns raised about parole by the recent tragic incidents in Philadelphia instigating the review and moratorium. These realities illuminate the significant interconnection between corrections and parole and, ultimately, the parole supervision process with which this inquiry is concerned.

These collateral pressures on the system necessarily structured the sequence of steps taken to meet the Governor’s request for an outside review of the handling of violent offenders in the corrections and parole process in Pennsylvania. The first interim report, therefore, made two straightforward recommendations. The first urged that regular parole release for *non-violent* offenders for whom the Board recommended the granting of parole be resumed as soon as feasible, making use of practices and procedures then in place.

A second recommendation dealt with the processing of violent offenders and suggested that, in order for the execution of parole grant decisions to resume within this segment of the parole-eligible population, a first step should be to reconsider the definition of “violent offender” employed by the DOC and PBPP in the paroling process. Until then, the primary determinant of

whether or not an offender was categorized as violent for purposes of parole consideration was mainly the current offense of conviction. While the existing definition employed was conservative, in that it included broad categories of offenses as “violent,” it failed to include consideration of earlier violent crimes in making the violent/non-violent categorization. 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 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 violent offenders were identified based on such criteria as conviction offense, prior history of violent offenses,¹⁰ and risk ranking (according to the risk instrument then in use by the PBPP). (See Figure 4.) The proposed framework was intended as an initial policy tool to facilitate organization and implementation of system improvements relating to violent offender supervision and program needs 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.¹¹ (Figure A1 in Appendix A illustrates how the recommended typology was adapted for implementation purposes.)

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 for whom the presumption would be that special and continual supervision and support during parole would be needed). (See Figure 4.) The overall goal was to move from a more global or

¹⁰ Note that prior criminal history appears in these criteria in several ways, including as prior violent history in the last 10 years and age of first violent offense. These refer to offenses resulting in conviction—appropriate for considering prior criminal record in a sentenced population when looking backward at documented prior violent behavior. From a strictly actuarial point of view, among determinants of risk prior arrests can appropriately be used as “predictors” of future misconduct behavior, simply on the basis of their potentially higher predictive power, such as when the task is to estimate the probability that an offender may commit a serious, violent crime in the future, while on parole. In determining which predictors to include in a predictive classification, however, it is important to evaluate items from several perspectives (ethical, policy, due process, and/or strictly actuarial) before adopting them. The distinction between employing prior convictions and prior arrests raises questions of policy purpose and fairness that need to be carefully reviewed prior to adoption of an approach.

¹¹ Due to data limitations, analysis of the potential implications of the projected use of this classification was not feasible as part of this inquiry.

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.

Figure 4.

Violent Offender Typology for Programmatic and Supervision Planning Proposed in Interim Report II		
	No Prior Violence History	Prior Violence History ***
Non-Violent Instant Offense	I. Normal process (any risk)	IIIa. Normal process (low risk)
		IIIb. Optional process (medium risk) *
		IIIc. Special process (high risk) **
Violent Instant Offense	IIa. Normal process (low risk)	IV. Special process (any risk) **
	IIb. Optional process (medium risk) *	
	IIc. Special process (high risk) **	

Keys:
 * *Violence protocol* depending on PBPP discretion
 ** *Violence protocol presumed mandatory*
 *** *Prior violence history* includes the following "markers" or criteria: any prior history of violent offense convictions within the last 10 years (excluding the instant offense), a prior conviction for a violent offense at age 15 or earlier ("early onset"), and/or use of a gun in a prior violent offense

Upon receiving the violent offender categorization framework reflected in Figure 4, the PBPP and DOC adopted that typology and established its use in the assessment process and for guiding and programming requirements in parole decision making, determining reentry transitional needs, and carrying out ongoing supervision of potentially violent offenders (effective December 2008). Specifically, the PBPP and DOC translated the recommended typology into an assessment tool named the Offender Violence Risk Typology (OVRT). That form classifies offenders by instant violent offense, prior violent history, and categories of risk and is used to redirect programming requirements of inmates and parolees under supervision, including for violence prevention programming, to determine reentry placement in specialized Community Corrections Centers (CCCs), and to adjust levels of parole supervision.

Although proposed as a means for better allocating preventive measures to well-differentiated categories of parole candidates based on a concern for violence potential, the violent offender typology recommended in the second interim report was meant to: a) be adjusted with experience, and b) assist in initial placement of offenders in the community. The classification of parolees was suggestive but not mandatory at the parole decision stage and was intended to be adjusted as offenders in the community demonstrated favorable (or unfavorable) progress during the parole period. Thus, adjusting the restrictiveness of a parolee's supervision and related program participation upward or downward would be expected based on feedback and evidence from field supervision staff as the parolee advanced through the parole process.

Many of the ingredients making up the approaches suggested under these early recommendations already existed in Corrections and Parole, though they would now be targeted

somewhat differently or given different weight. Examples of existing approaches that were enhanced or built upon in the new recommendations include use of assessment instruments to determine programming needs, such as the Level of Service Inventory-Revised (LSI-R) to determine if required programming needs in supervising parolees were being met and to establish conditions of parole for continued programming. Historically, the Board exclusively used the LSI-R to assess the offender's overall risk of reoffending, to determine the offender's level of supervision and to identify the offender's needs for specific types of conditions of parole. As noted above, the DOC and PBPP now use the new violent offender typology as recommended in the second interim report. More recently, in 2008, the DOC created the Risk Screen Tool (RST) and validated it on the state-sentenced population, which utilizes static factors to determine risk, and the Board began reviewing the RST score to enhance decisionmaking regarding the offender's risk. Pre-existing practice sought to make use of community correctional centers (CCCs) for placement of mid- to high-risk parolees for transitional stabilization; however, the CCCs did not specifically target programming for violent offenders—a new recommendation resulting from the review.

Certain recommendations in the second interim report focused on new or modified procedures for the re-targeting of resources implied by adoption of this framework. For example, conceiving of the entire correctional process as an opportunity for identifying and addressing the possibility of subsequent violent behavior, one ultimate aim of the use of the violent offender typology was to implement a common frame of reference that would apply from the earliest stages of corrections at classification and program planning through the parole decision and the parole supervision period. Thus, the second report viewed the task of addressing the risks of violent offenders as involving a corresponding series of “structured transitions” that would address the programmatic and supervisory needs of the different categories of violent offenders as they progressed through the corrections and planning processes.

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.

We note with emphasis that nothing in these recommendations suggests that a “one-size-fits-all” approach should be adopted for broad categories of parolees, either during parole itself or in the stages of correctional preparation and programming for eventual release. In fact, such an approach may have a negative impact, considering that bodies of knowledge from practice and research have shown promising directions in specifically addressing certain types of problem behaviors. For example, domestic abuse offenders might benefit from specialized programming designed for that specific form of abusive behavior; whereas generally assaultive behavior might be addressed through combinations of anger management and other programs. In fact, the DOC and PBPP should incorporate demonstrated programmatic strengths in meeting individual challenges for the purposes of violence prevention.

The thematic recommendation for differentiated treatment of potentially violent offenders throughout the process has clear implications for the parole decision, as well as for programming

and processing. Evidence relating to need- or problem-specific approaches, where available, should contribute important information to inform correctional program planning and formulation or modification of conditions of parole in individual cases. Such a capacity should be taken into account in thinking through the revision of parole guidelines now underway in the agency itself and through the efforts of the Pennsylvania Sentencing Commission by legislative mandate.

As a result of recommendations made in the interim reports from this review, the PBPP revised its Parole Decisional Instrument in June 2009 to incorporate the proposed violent offender classification as a policy tool. Therefore, the Board now considers explicitly factors such as early age of violence onset (age 15 or earlier), history of violent convictions, and possession or use of a gun in its determinations. We re-emphasize what we stated in proposing the violence targeting classification in the interim reports. The earlier reports specifically promoted the use of the violent offender typology as a policy tool on a temporary basis to help immediately in targeting resources differentially to address types of potentially violent offenders. The reports cautioned that this approach should be tested both empirically and through experience, so that its impact could be assessed and any reasonable and appropriate adjustments could be made—taking into account practical concerns. We again emphasize that adoption of some of the elements making up the classification as well as the classification overall should be tested for impact prior to permanent incorporation into any new guidelines or risk instruments.

Once the parole decision is made (that an offender should be released and under certain targeted conditions), the second interim report recommended adoption of measures intended to guarantee a more seamless and immediate transition from the correctional pre-parole stage to the parole release stage, emphasizing that immediate transition and supervision measures should be strengthened and put in place so that no gap in custody, supervision or support would occur between release from correctional custody and parole supervision. That gap—pointed to as potentially very significant by offenders, parolees and parole agents alike—provides the first opportunity to set the stage for a successful transition to life in the community or to start the process off “on the wrong foot,” with what may be viewed as a less than coordinated agency-to-agency handover and opportunities for an offender to get temporarily lost in the process. (This gap is discussed more fully in Section 5.)

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. Anecdotal accounts from institutional employees, agents and offenders suggested both types of experiences were salient. 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.

Focusing specifically on potentially violent offenders, the second report recommended that a number of community centers be retargeted to specialize in the programming and treatment of offenders (judged to require enhanced violence offender management) who are preparing for transition back to the community. This recommendation, accepted by the Secretary, requires significant preparation, including a stage of planning, developing procedures and programming, training different key personnel and making adjustments to current practices, all of which require planned and thoughtful implementation. Strengthened and revamped CCCs and CCFs should serve as an important asset in the careful supervision, monitoring and support of potentially violent offenders reentering the community. Section 5 below discusses criticisms and suggestions relating to these facilities raised by parole agents who are charged with the responsibility of supervising violent offenders in the community.

The second interim report further recommended that institutional and field parole agents receive special training on the handling of violent offenders on parole and on any new procedures affecting their duties resulting from ongoing enhancement of procedures. (The critical need to strengthen supervision capacity is discussed in more depth in Section 5.) In addition, that report recommended that the PBPP should set up parole offices in community centers so that parole supervision responsibilities can be coordinated with those of staff in the centers when an offender's parole plan first involves a stay in a CCC or a CCF prior to moving into the community.

In addition to these recommendations associated with enhanced supervision approaches to violent offenders, the second interim report emphasized that particular intensive supervision and programmatic procedures should be adopted for the first 90 days of release (to be followed by phased stepping down, intensifying or maintaining the assigned interventions or requirements, as deemed appropriate). Studies have shown that parolees may be at their highest risk of failure during the initial period of parole release.¹² Thus, supervision and support 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. This early report recommendation is further developed in Section 5 below.

In response to these recommendations, the PBPP instituted additional training and support to agents to supervise violent offenders. As a result, higher risk violent offenders are first managed by both DOC and Parole agents in specialized CCCs designated to handle this category. Staff have been trained to provide additional violence prevention and violence relapse prevention programming. Now, according to the targeting classification, designated offenders receive a violence prevention program and after their release a violence "booster" or relapse prevention program. Additional supervision and monitoring were added for all offenders in this category to include maximum supervision status and curfews until offenders have demonstrated behavioral stability. These restrictions are in place for the first 90 days of supervision, at which time offenders are reassessed and typically have their level of supervision modified.

¹² See generally Vera Institute (2009) suggesting modifying intensive initial focus from the first 12 months to the first six months of parole.

Other recommendations in the second interim report touched on themes that will be addressed in more detail in subsequent sections of this report. These include a rethinking of the use of risk tools and their periodic updating on recent populations of Pennsylvania parolees, the need for improved information resources at many stages and, more specifically, the need to reexamine and modernize the role of information technology and the nature of information provided at key stages. The earlier report also introduced the problem of resource implications for Parole and the need to review workload organization in light of the need to effectively target intensive supervision and monitoring of potentially violent offenders.

SECTION 3

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

The Parole Decision

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.

The decision as to whether or not to grant parole is potentially influenced by a number of factors, including the nature of the offense, the minimum and maximum sentence and other factors dictated by statute, the record of behavior overall and since incarceration, the quality and completeness of information assembled for decisionmaking in advance, the guidance provided by the guidelines in use, the offender’s behavior and responses in the parole interview, and the need to balance competing considerations. The decisionmaker may also be concerned that not granting parole at some point during an offender’s term may lead to sentence completion and mandatory release without any form of supervision, monitoring, or reentry support in the community after a lengthy prison term.

In this 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 the concern with public safety. By “decisionmaker-oriented” parole guidelines we mean to indicate a form of guidelines similar to those employed by PBPP that are derived by a combination of empirical study of parole decisionmaking, 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 is 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.

Decisionmaker-oriented parole guidelines may be contrasted to legislatively-imposed rules or other policies that eliminate or more severely restrict the possibility of taking into account more individualized or recent information, such as risk classifications or in-prison behavior, that was not available at the time of sentencing or that may be dynamic in nature. The guidelines of the PBPP reflect the attributes being recommended here in many features,

particularly because they are routinely reexamined and adjusted as necessary.¹³ Although the need for revision of the agency parole guidelines is not an original insight, given the PBPP practice of periodically reviewing its decisionmaking guidelines, as well as legislative action calling for development of modified policies along these lines,¹⁴ it is nevertheless a core element in the effort to address the public safety concerns related to parolees reentering the community. At the same time we stress that while information developed for this inquiry will have implications for revision of the parole guidelines, the review was not designed specifically to assist in the redevelopment of parole guidelines. It will focus instead on basic recommendations concerning decisionmaking and decision guidelines, keeping in mind the central concern for preventing violent behavior among released parolees.

In authorizing the release of incarcerated offenders on parole, the parole decision is setting the terms of the experience that parole represents for the offender and the community. Under what conditions, restraints, monitoring, support services, treatment programming, etc., does release of this convicted offender represent a “safe bet” that he or she will complete the parole process without major difficulty and without crime? In fact, however, in addition to anticipating prospective parolees’ likely future behavior (a predictive concern), the parole decision is guided by other concerns, such as seeking to honor the aims of the original sentence and to prepare the offender for life back in the community. To some significant extent, the success of offenders on parole will depend on the actual resources and services brought to bear on the reentry period.

Finally, parole concludes or resolves the offender’s sentence. It is not a re-sentencing process. Rather, it is the capstone or sentence completion decision. Therefore, the guidelines for parole decisions reflect the aims of sentencing but also involve different aims, including the aims of the parole release determination and the designation of possible conditions of the return to the community. The logic of parole addresses a different situation from sentencing in asking “given the boundaries determined by the judge’s sentence and other relevant law, should release prior to the expiration of the maximum sentence be authorized, and, if so, at what stage and under what conditions should release to the community be authorized?”

In setting minimum and maximum ranges under the Pennsylvania sentencing guidelines, judges might well expect that offenders would often gain release at or shortly after the minimum term, absent compelling reasons.¹⁵ Given the sentence parameters, the parole decision asks, “Why shouldn’t this offender be released as expected?” Certainly, strong reasons often exist to

¹³ We note that PBPP has revised its instrument a number of times through the use of national parole experts. In 2003, the Parole Decisional Instrument was modified to include the LSI-R. In 2007, the guidelines and parole conditions were refined to more closely align with evidence-supported practices. Board members now establish parole conditions based on the offenders’ highest identified criminogenic (crime producing) needs. As noted above, 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.

¹⁴ See PA ST 61 PA C.S.A. s 6102 [1] (2009) et seq. See generally provisions of four laws signed by the Governor in September 2008 (House Bills 4-7), referred to as the “Prison Package,” including provisions relating to administrative parole, and the establishment of parole guidelines by the Pennsylvania Sentencing Commission.

¹⁵ In fact, this assumption is supported via the PBPP routine practice in which specific recommendations regarding the release on parole of candidates are solicited from the sentencing judge and district attorney in the case. Quite often, no recommendations post-sentence are made.

deny an offender's release at first eligibility, including poor institutional adjustment and failure to complete risk reduction measures prescribed.

For those for whom parole release appears appropriate, the parole determination represents the gateway decision that will shape the prospects that offenders will succeed in the community. That critical decision 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 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.

Role of the PBPP Parole Decision Guidelines

The information prepared for the parole interview and subsequent board action includes the manual file concerning all available relevant documentation as well as a distillation of this information weighted in the form of a "Parole Decisional Instrument" (hereafter referred to as "parole guidelines.")¹⁶ This form basically summarizes the PBPP's evaluation of candidates for parole based on such salient features as the offenders' prior background, their risks and needs for services, and their experiences during incarceration and then "scores" candidates along these key dimensions, with various weights assigned to each dimension. The weighting reflects the different consideration given to those attributes considered central to estimating the likelihood that offenders will achieve the aims of parole during reentry into the community. More specifically, the "weighted factors" (those involved in scoring) include:¹⁷

- a) Type of conviction offense (non-violent or violent);
- b) Level of risk (as low, medium, or high) and raw risk score according to the Level of Service Inventory-Revised (LSI-R) actuarial risk instrument (ranking all parole candidates' risk of returning to prison for a new offense or violation), and a similar risk level and raw score used specifically for sex offenders (based on the Static 99 risk instrument);
- c) Institutional programming (unacceptable program completion or compliance with required programs); and
- d) Institutional behavior (a composite of five various measures of misconducts considered serious, all occurring within the last year or since the last review).

The Department of Corrections overall recommendation for parole (yes or no) is not scored but is presented prominently on the form, along with the total guidelines score. Other "unweighted" attributes of offenders or their offenses are also provided, but not in scored version (age, specific offense charges, and total sentence with minimum and maximum sentence

¹⁶ The two samples used for empirical analyses in this investigation covered two different sampling periods during which two slightly different versions of the guidelines forms were (successively) in use by PBPP. This is an example of the continuing need to adjust and update the parole decision policy tool—which has been carried out periodically by the agency.

¹⁷ This description is based on the most recent guidelines form used by PBPP.

expiration dates).¹⁸ The scores/weightings on the four critical dimensions are added to calculate an overall score (“Parole Suggestion”). Scores from 2 to 6 “suggest parole” while scores of 7 points or greater “suggest parole refusal.”

We should note that this review was based on study of parole decision practices as they were carried out up to the time of the well-publicized incidents of violence that sparked the need for the Governor’s request for a review of parole and related practices. The aim was to characterize practices as they “normally” were occurring, rather than including periods of possible reactivity in the short-range aftermath of the violent incidents. Nonetheless, it is helpful to understand that, even as they were the subject of study and review, parole practices did not “stand still” during the review period itself. As findings were produced and strategies were discussed in earlier interim reports pending the completion of the full-length final report, the PBPP and DOC adopted recommendations made (as well as other interventions developed independently).¹⁹

A simple review of the parole guidelines instrument and the weights assigned to each dimension scored illustrates the types of offenders likely and unlikely to be recommended for parole. For example, an offender serving a sentence for a violent offense starts with a score of three (3).²⁰ If the parole candidate has unacceptable program compliance (3 points), the necessary addition of any points for the risk level (from 1 point for “low risk” to 3 points for “high risk”) puts the total score at or above 7, already totaling to a number qualifying for a negative recommendation (suggestion) for parole under the agency guidelines. In contrast, an offender serving time for a non-violent offense (1 point) ranked as high risk (3) and complying with required programs (0 points) would receive an overall score of 4 and could only be disqualified from a positive recommendation with a record of a serious misconduct during the past year (5 points). The principal ways candidates accumulate scores that move them beyond the range for a positive recommendation include (in the order of the weight given toward the total score): having a serious misconduct in prison during the last year (or a pattern of less serious misconducts); being rated as high risk under the LSI-R risk or Static 99 instruments, or not completing correctional programs in prison (the latter two have similar weight toward the total score).

Like other agency or decisionmaker based guidelines, these parole decision rankings represent a policy approach to parole decisionmaking, both summarizing key information and recommending (“suggesting”) that parole candidates be released or not. The board members

¹⁸ This discussion focuses on the part of the form containing the weighed factors. The form contains additional sections, not discussed here.

¹⁹ For example, based on recommendations in the second interim report, the Parole Decisional Instrument now has adapted the violent offender typology (OVRT) in place of its prior approach, relying more directly on: a) the violent-non-violent nature of the instant offense, and b) the level of risk using the LSI-R. The LSI-R continues to be used in the Parole Decisional Instrument to assess the offender’s criminogenic needs and to shape post release levels of supervision, along with the OVRT. Additionally, the scoring of the Parole Decisional Instrument has been modified so that the LSI-R score value has been reduced by 1 point and the score value of the OVRT or seriousness/violence of the offender has been increased by 1 point to yield a more conservative consideration for the violent-non violent factor.

²⁰ See the list of offenses defined as “violent” developed for classifying offenders for parole consideration and correctional programming in Appendix A, attached.

and/or hearing officers involved in deciding parole prepare for the decision by considering a wide range of file information and may find reasons to disagree with the “suggestions” of the parole guidelines. Experience with guidelines in a variety of contexts shows that decisionmakers tend to conform their decisions to the decisions suggested in a large majority of cases (e.g., from 70 to 75 percent of the time) when the guidelines are well designed. The guidelines approach also assumes that in a minority of cases decisionmakers will find other information convincing them to make decisions different from the guidelines suggestions. Provision of reasons for the denial of parole, a requirement of parole decisionmaking, not only provides the candidate for parole with an explanation of the decision made, but also provides critical feedback helpful to staff and the agency in evaluating the effectiveness of decisions and decisionmakers and in developing suggestions for policy modifications.

One way to determine why parole decisionmakers decide not to grant parole (when the decisional form produces a favorable recommendation) is to examine the checklist of reasons included with the form under the headings of “weighted” (those described above) and “unweighted” (other common and “unscored”) considerations. Reasons for not granting parole include, for example, a negative DOC recommendation, poor performance during a period of pre-release in a transitional facility, poor prior supervision history, high risk rankings, a bad impression during the parole interview, the offender’s failure to acknowledge the offense, show remorse and take responsibility, or a negative recommendation from the judge or prosecutor in the case. The PPBP reports monthly statistics relating to parole decisions, including the rates of agreement of actual decisions with the guidelines recommendations and, in checklist form, the kinds of reasons associated with both granting and not granting parole.

How Parole is Decided: Study of a Sample of Recent Parole Decisions

To supplement review of agency reports, agency parole guidelines and their structure, as well as observations and interviews, this inquiry examined parole decisionmaking through a study based on a large sample of 1,086 recent PBPP parole decisions made between January and April 2008.²¹ The review of parole decisions drew on available data drawn from a variety of agencies (Parole, Corrections, and court system) to help characterize and assess parole decisions. Among the inmates who had parole interviews and decisions during the first four months of 2008, roughly 58 percent were granted parole and 42 percent were not. Agreement with the parole guidelines was measured in two ways: agreeing with the guidelines’ suggestions when release was not suggested and agreeing with the guidelines when release was suggested. PBPP

²¹ The original sample size included 1,253 cases. However, 81 cases were excluded from analyses: 75 cases that were paroled to detainees, excluded because the decisions made were automatic and not of concern to this discussion, and 6 cases for whom interviews appeared to be set but for whom, many months later, decisions were “pending,” excluded because of interest were only cases about whom decisions were being made as a result of the parole interview. Additionally, in the predictive analyses, 86 cases had missing information on various pieces of data. The final sample for these analyses (1,086 cases) represents a sizeable cohort of parole decisions suitable for the purposes of this review. This sample of decisions could vary slightly but not meaningfully from other samples possibly picked at some other points in time. The sample was selected so that data would reflect reasonably recent parole decisions while still drawing on fully available data. The data presented a number of limitations (discussed elsewhere in the report), but appear sufficient to serve as a basis for the inferences we made related to the parole decision as recently conducted in Pennsylvania cases. The sample included both parole and re-parole decisions, all involving inmates who were seeking to gain release after having served their minimum sentences and were thus eligible for a parole review. For further information relating to these data and analyses, please contact the authors.

decisionmakers denied parole about 71 percent of the time when parole *was not suggested* by the guidelines, and granted parole about 68 percent of the time when parole *was suggested* by the guidelines. These rates of agreement show a fairly balanced (not biased in a particular direction) approach to deciding both recommended and non-recommended cases.

When looked at simply as agreement *overall*—regardless of the favorable or unfavorable direction of the guidelines’ suggestions—the decisions made during the period studied agreed with the guidelines *overall* about 69 percent of the time. (Thus, 31 percent of the decisions did not agree with the guidelines). This rate of overall agreement is near but slightly less than the expected level of agreement anticipated under guidelines theory, which would posit an agreement rate of about 75 percent and expect that about 25 percent of decisions would disagree in cases with unusual or special features not already built into the guidelines assessment.

The analysis asked which factors, including “weighted” and any other factors from available file data, appeared to be influential in the decisionmakers’ determinations in the cases studied. Table B1 in Appendix B summarizes the results of a statistical analysis that considered the role of more than 100 descriptors of offenders and their backgrounds, their sentenced offense/s, prior criminal history (convictions and arrests records), prison performance, participation in correctional programs, institutional misconduct and other factors. The table shows the statistical significance and the magnitude of each factor’s contribution to influencing an offender’s chances for parole, *controlling for (or holding constant), all of the other items under consideration in the analysis.*²²

This description is intended to be non-statistical in its discussion. Statistical and other study considerations aside, the point of the analysis was to produce practical information relating to the review of Corrections and Parole practices affecting the potential to prevent violent crime by parolees in the community.²³ The analysis identified the following factors as being most central to the determination of parole (granting or denying).

²² Note that, in addition, this analysis controls for the proportion of the maximum sentence that a parole candidate had served at the time of the candidate’s interview.

²³ The purposes of this analysis should be kept in mind when trying to understand the implications of the findings. The analysis asks the following question: given the information (data) available to the decisionmakers at the time of the interview—as reflected by the manual and computerized file sources—which factors looked at collectively (not one at a time) stand out as most influential in determining parole? It would be helpful to keep two understandings in mind when reviewing the findings. First, each item identified as significant and influential in statistical analysis is so identified *after controlling for the effects of all other influential factors*. That is, among all the items of information available to be considered by parole decisionmakers, these particular factors appeared to be most influential in shaping decisions, *net of the effects of other possible factors*. Second, we recognize that there is a subjective element to decisionmaking that, if based on items of information or factors other than those recorded in available manual or computer sources, cannot be captured in this analysis. This analysis is therefore based on documentation not on assumptions about decisionmakers’ mental processes. This is appropriate and useful because the purpose of parole decision guidelines (“decisional” tools) is to provide full information for decisionmaker consideration and to obtain decisionmaking rationales once decisions are made. An explicit reason for the creation of parole guidelines is to structure and reduce—not eliminate—the role of the subjective in official judgments. While guidelines themselves expect that disagreement with the recommended policy options for parole will occur in a minority of cases, the role of unmeasurable subjectivity should be modest. Available information should explain many of the considerations and the judgmental weighing of various factors, hence the purpose of empirical analysis. With the role of uncharted and subjective decisionmaking lessened, the guidelines rationale posits that randomness in decisionmaking (inexplicable inconsistency) should be minimized and more equitable and effective decisions should result. The

Decisional Instrument Criteria (Factors Scored in the Parole Decisional Instrument). As one might expect, most of the criteria given weight in the “decisional” instrument (see above) were influential at some level in determining the probability of the granting of parole:

- *Sex offender risk:* candidates considered to pose such risk, as indicated by the administration of the Static 99, were less likely to be granted parole – **strong** effect;
- *LSI-R score:* the higher an inmate’s rated score, the lower his/her the probability of being granted parole – **medium** influence;
- *Institutional programming:* candidates deemed to have had unacceptable program compliance were less likely to be granted parole – **strong** effect;
- *Institutional behavior:* candidates with recent serious misconducts had a lower probability of being paroled –**strong** effect.

A notable exception from what one might expect was found with respect to the influence of one item:

- *Violence indicator:* the distinction between violent versus non-violent offender, as determined by PBPP **was not significant** in determining the probability of the granting of parole.

Other Criteria. In addition, a variety of criteria other than those “scored” in the parole guidelines scheme appear to be influential in determining the outcome of the parole decisions. These included:

- *Candidate having a theft offense as the conviction offense for the current sentence:* increased the probability of being granted parole – **strong** effect;
- *Candidate having a robbery offense as the conviction offense for the current sentence:* increased the probability of being granted parole – **strong** effect;
- *Candidate having a record of prior arrests, unspecified as to type:* increased the probability of being granted parole – **medium to strong** effect;
- *Candidate having a record of prison misconducts involving threats to other persons:* decreased the probability of being paroled – **strong** effect;
- *Candidate having any successful institutional program completion:* increased the probability of being granted parole – **very strong** effect;
- *Candidate participating in any violence reduction programming:* increased the probability of being granted parole – **strong** effect;
- *Candidate having family visits from any family member while incarcerated:* increased the probability of being paroled – **strong** effect; *Candidate being denied parole earlier:* increased the probability of now being paroled – **medium to strong** effect;
- *Candidate having Department of Corrections’ favorable recommendation:* increased the probability of having parole granted – **strong** effect.

appropriate individualized judgment of decisionmakers should be explained in accompanying reasons—and hence be transparent and have a rational, if exceptional, basis. In sum, the analysis is not intended to infer mental processes of decisionmakers, but rather seeks to identify the documented factors (items of information) which appear most determinative of their choices to grant or deny parole.

Implications of Analysis of Parole Decisions

The Role of Specific Criteria in Future Parole Guidelines and Decisionmaking. At a very broad level, these findings suggest that the information (factors, criteria or variables) influential in affecting the chances of parole generally appear reasonable and appropriate—under the law and from the perspective of sensible parole policy. A review of decisionmaking criteria necessary in the process of revising parole guidelines should consider the meaning, utility and appropriateness of each of these “most influential” criteria, as well as others thought to be important but not demonstrating significant effects.

A good example for the need for careful consideration of the role of the influential factors determining parole choices is the finding that, taking into account other factors, whether a candidate’s conviction offense is violent or non-violent is not in itself a notable predictor of the granting of parole. Although offenders serving terms for violent offense convictions are “scored” more negatively than those serving terms for non-violent offenses, apparently other factors outweigh what may be seen as a threshold or screening consideration. Given the fact that persons completing sentences for violent offenses are often granted parole at some point, it is not surprising that other factors about the offender may outweigh the conviction offense. Put another way, although the conviction offense may have been the major factor in determining the length of sentence the offender has been serving, other factors (about misconduct, program completion, etc.) may be considered more determinative by Board members of an inmate’s readiness for release to the community on parole.

Note that this finding (that violent conviction offense does not predict parole, net of other factors) does not mean that persons convicted of violent offenses are not processed quite differently from non-violent offenders. In fact, as we have explained previously, such offenders begin with a “scored disadvantage” in the decisional recommendation scheme. In addition, since the adoption of recommendations from interim reports, persons with violent instant offenses now are also classified selectively for differential supervision and preventive programming interventions. Thus, the differential scoring, classification and treatment of potentially violent offenders is not intended to disadvantage them or provide extra punishment; rather it is designed to provide better targeted protection for the community and supportive services for the offenders for succeeding on parole.

A second example warranting careful examination by those involved in re-designing parole guidelines for Pennsylvania is the apparently, or at first glance, surprising finding that persons completing terms for robbery convictions, net of the effects of other factors, had a greater likelihood of being paroled than offenders in other offense categories. Although our analysis could not address this question with certainty, due to limitations of the data available, the influence of robbery conviction as a predictor of parole might be explained by the fact that many robberies do not necessarily involve physical injuries to victims, and therefore such cases may have been considered somewhat less serious than the general category suggests.

In fact, felony gradings of robbery offenses differentiate among types of robbery, with first degree felonies representing the less common but most serious type. Other, lesser graded robberies involve offenses that may not have involved serious injury to a victim. Offenders

whose lead conviction offenses were of the less serious variety of robbery would likely be seen by the supervising agencies as different (and less violent) in nature from offenders who were involved in the more serious robberies. This differentiation has been more clearly reflected in the implementation of the violent offender typology (OVRT) now in use by Corrections and Parole. Again, findings concerning the role of items appearing influential in the granting of parole in this empirical review of parole decisions should serve as the focus of questions to be taken into account in subsequent processes of revising parole guidelines.²⁴

A third illustration that can raise questions about the nature of the parole decision is the finding that offenders' chances for parole increase after having a prior denial of parole. Why are prior refusals for parole (relating to the instant conviction) influential in granting parole? This finding might be related to an assessment by decisionmakers that the punishment aims of the sentence were not satisfied at first review, but now, at subsequent review time, they have been fulfilled. Such a result also could reflect a first denial when required programs had not been completed—either because of noncompliance or minimum terms were too short for allowing program completion—but a more satisfactory track record in prison programs was evident at subsequent reviews. Once again, this finding merits additional exploration among those involved in revising parole guidelines. .

A final, apparently counter-intuitive example is the finding that persons having records of prior arrests generally appear to have increased chances of gaining parole compared to those without a history of arrests, net of the effect of other influential factors. There are at least a couple of possible explanations for this finding. First, this measure of prior arrests—whether an offender had any prior arrest—is simply too crude an indicator in the form we were able to consider in the analysis (for example, it did not distinguish between prior arrests for serious or minor offenses). A second possible explanation would suggest that what appears counter-intuitive, may in fact make sense: most persons sent to prison have prior records of justice system involvement and many may have exhausted lesser means of intervention for prior convictions, having already been on probation or served jail terms before being sentenced to prison. In fact, the category of offenders who are sentenced to prison terms on the first offense (with no prior records of arrest or conviction), logically, would likely include persons who have been convicted of extremely serious offenses—for which a prison term would be warranted, prior record or not.²⁵ This fact may explain the finding that offenders with prior arrests were more likely to be granted parole, *net of the effects of other factors*. Though these rationales may indeed explain the above counterintuitive findings, they warrant fuller investigation with more developed sources of data that might permit examination of finer distinctions in the process of devising revised parole decision guidelines.

Corrections Criteria. These findings also raise more thematic types of questions that ought to be considered in the revision of parole guidelines. A dominant theme of this sort reflected in the parole decision study findings is the major influence of correctional information in the probability that offenders will or will not be granted parole. The thematic influence of the

²⁴ PBPP reports that with the modifications to the decisionmaking process implemented since our interim reports, the parole rate for robbery offenders has decreased.

²⁵ PBPP reports that agency analysis of more recent parole decision interviews indicates that cases that did not have prior convictions were much more likely to have a violent instant offense.

parole candidates' correctional performance and experience is unsurprising in the sense that parole decisionmakers are expected to take such measures into account, at least to some extent. However, at the same time, the very central weight they appear to be given in parole decisions raises questions for reviewers and crafters of revised guidelines concerning not only the rationale for such influence but also about the nature, production and appropriateness of specific correctional measures. A major question centers around the extent to which behavior in prison effectively foreshadows behavior in the community, relative to other types of information. Related questions focus on the way in which prison performance is measured and reported for parole decisionmaking and the amount of weight such indicators should carry in the decision.

Specifically, findings from this review found that net of the effects of all other factors examined, criteria related to offenders' program participation and behavior while incarcerated dominate the choice of granting or denying parole. (Recall that the analyses of parole decisionmaking were not limited to the measures scored in the guidelines but included additional measures related to all information available to the decisionmakers at the time of their decisions. Factors that were not specifically scored in the decisional form's point rating scheme, similar though some may be to those included, are identified here as "non-scored" factors.)

- *Unacceptable program compliance reduces the chances of parole about 95 percent compared to acceptable compliance with required programs [guidelines factor];*
- *In addition, any successful program completion boosts the probability of parole about four times compared to a record of no program completion [non-scored factor];*
- *Violence program participation increases probability of parole about 2.5 times compared to non-participation in such programs [non-scored factor];*
- *Recent serious prison misconduct (within the last year) reduces the chances of parole about 95 percent compared to not having such a record of misconduct [guidelines factor];*
- *Prison misconduct involving threats to persons reduces chances of parole about 60 percent compared to having no such misconduct [non-scored factor];*
- *Finally, net of the effects of other factors, a favorable DOC recommendation ("superintendent's recommendation") increases chances of parole about 2.5 times compared to receiving an unfavorable recommendation [guidelines/but not scored].*

As noted above, several important questions are posed by the themes of these findings: Why and to what extent should correctional experience and correctional recommendation have an influence on parole decision making? Is the role of correctional input due to an emphasis on or the need for assisting corrections in maintaining correctional order? Certainly, the safety and order of correctional institutions is an important and appropriate concern, yet it is important to balance these interests with other aims of the parole decision. Is it believed that these correctional indicators are good predictors of the behavior of parolees once they achieve release, particularly as it concerns violent behavior? If so, is there solid empirical evidence supporting such a link? (See analysis of parolee performance and risk described below.)

Risk Criteria. A great deal of discussion about parole revolves around the notion of risk and "risk reduction." Two findings from this analysis of decisionmaking are of significance to the risk theme in parole.

- The *risk measure designed specifically for sex offenders* plays an important role in determining parole prospects;
- Net of other influential decision considerations, *the LSI-R ranking*, based on the widely used classification instrument imported from outside of Pennsylvania, *is only moderately influential*.²⁶ It is only the high scores that drive this influence in parole determination. Thus, being categorized as a “high risk” according to the LSI-R reduces by half the probability of having parole granted, when compared to the low risk category. (A flip side of this finding is that a low-risk ranking improves a candidate’s chances for gaining parole when compared to the high risk category.) Being designated as a medium risk candidate has no significant influence when compared with the low risk candidates.²⁷

In interpreting these findings, it is useful to recall that the discussion in this section does not focus on the utility of risk factors in predicting parole success; instead, the analysis in this part of the report simply asks which factors (including risk factors) “predict” or govern parole decisions themselves, i.e., the granting of parole in practice.

The first finding seems appropriate to parole decisionmaking. It suggests that the risk classification (scoring) of sex offenders under the specialized Static 99 instrument plays a role in parole determinations, net of controls for other effects. The second bulleted finding above concerning the LSI-R risk ranking, however, raises questions about the role this tool does and should play in release determinations.

It is logical for decisionmakers to be especially sensitive to extreme indicators among the information items considered, such as a high-risk ranking. One might also assume, however, that the medium risk ranking would also yield an equally important reaction among decisionmakers—i.e., that they would also differentiate meaningfully between the medium and low risk candidates. The finding that this does not appear to occur may indicate that parole decision makers simply look for the extreme “flags” and do not otherwise value risk differentiation. Thus, only indicators of “high risk” or “low risk” are influential in determining the denial or granting of parole and in shaping the conditions of parole release and supervision. In light of this finding, additional review of how decisionmakers are utilizing available risk level information is warranted.

Perhaps the use of the LSI-R has become so institutionalized that decisionmakers have come to discount the value of the full range of ways in which indicators of risk have relevance for the decisions at hand. It also might be the case that parole decisionmakers lack sufficient confidence in this particular risk assessment scheme and adoption of a more Pennsylvania-specific risk classification could prove more useful in assisting decisionmakers at parole.²⁸ Whatever the explanation, it is important to recognize that all risk designations have relevance

²⁶ Although the LSI-R is widely used as a risk classification, its creators do not advertise this use as its primary aim.

²⁷ Only the impact of the LSI-R raw scores is shown in the table of determinants of parole decisions, attached in Appendix B. The LSI-R impacts differentiated by risk category are not shown there, but are available upon request.

²⁸ Since the interim reports were issued, the RST risk instrument, originally developed by the DOC, has been incorporated into the Parole Decisional Instrument to contribute to the establishment of the offender “categories” employed.

both for decisionmaking and for allocating supervisory resources. Steps therefore are needed to either insure that appropriate use is being made of the full scope of LSI-R risk information or to adopt a risk assessment tool that more fully responds to decisionmaker needs.

The above examples are among those identified in analysis of a large sample of actual parole decisions made prior to the incidents of violence in the community that sparked this inquiry. Although some of the findings are relevant to assessing parole decisionmaking generally, this report considers their implications more specifically for the prevention of violent crime by parolees once they are released. Thus, we are concerned here primarily with how well these decision determinants provide information that is truly useful for addressing that concern. During the process of revising parole decision guidelines, the implications of each of these decision determinants—and others—ought to be reviewed for its relation to the purposes of the parole decision and, specifically, to achievement of its public safety aims. We also recognize, of course, as we have noted throughout this inquiry, that pursuit of this critical aim—to ensure that parolees do not reoffend, especially through violent crimes—should not divert appropriate attention from other decision aims of parole related to reentry and productive re-acclimation or parolees to life in society.

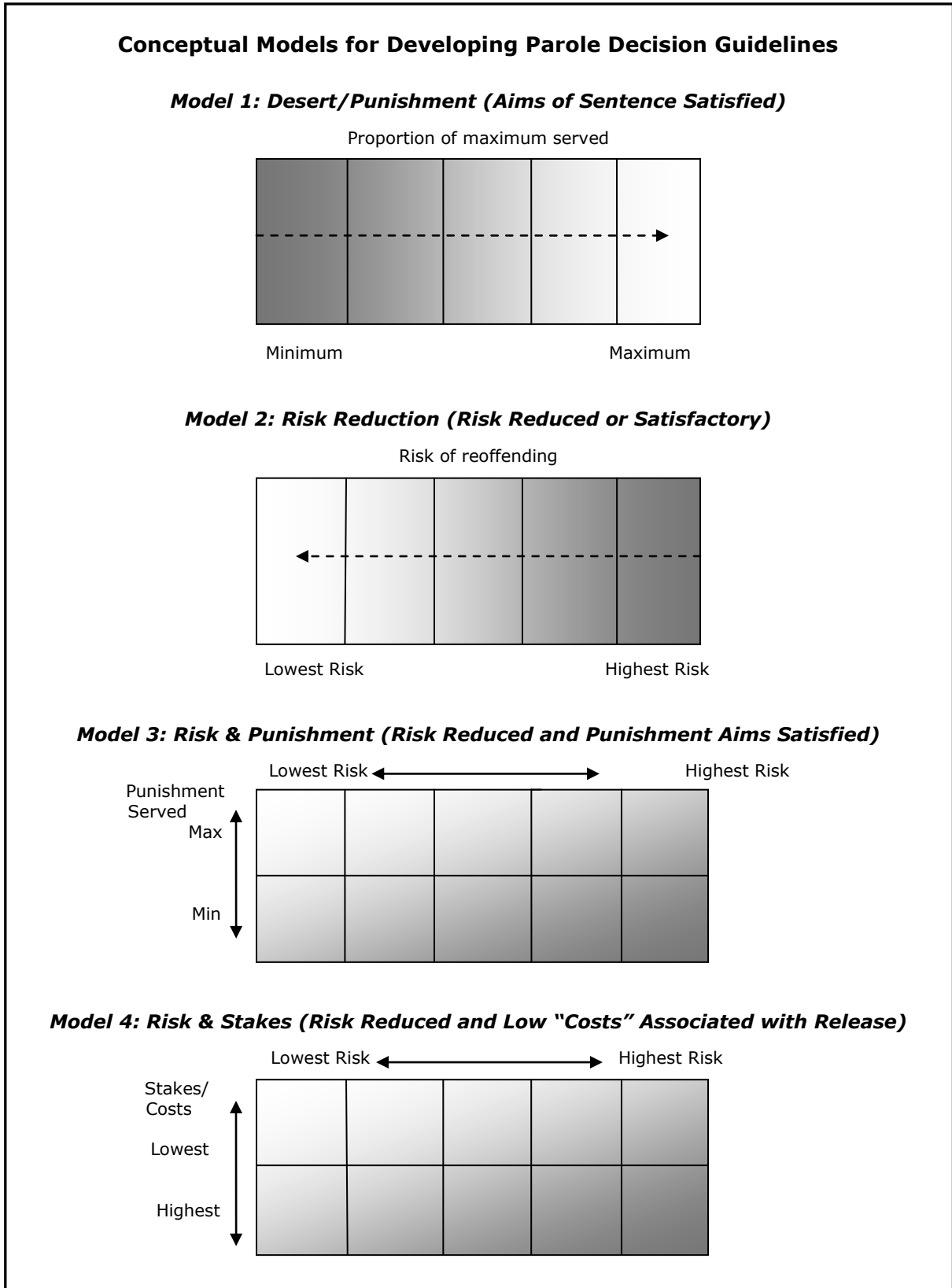
Recommendations Relating to Parole Guidelines and the Parole Decision

Recommendation 3.1: Revise PBPP Decision Guidelines.²⁹ Independent 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.

Discussion: The revised agency parole guidelines should make the aims of the parole decision, the criteria shaping release policies and the standards for use of conditions and supportive services during parole explicit and reviewable, and should reflect careful consideration of public safety issues. Accurate prediction is but one of the useful information dimensions central to a decision guidelines instrument that must be balanced by other aims of the parole decision. Figure 5 depicts for illustration purposes possible conceptual models for developing parole decision guidelines that consider various decision aims. (Based on the emphasis potentially given to particular aims, the change in the shade suggests changes in the probability of granting parole, i.e., in each model the lighter the shade, the higher the likelihood of parole being granted.)

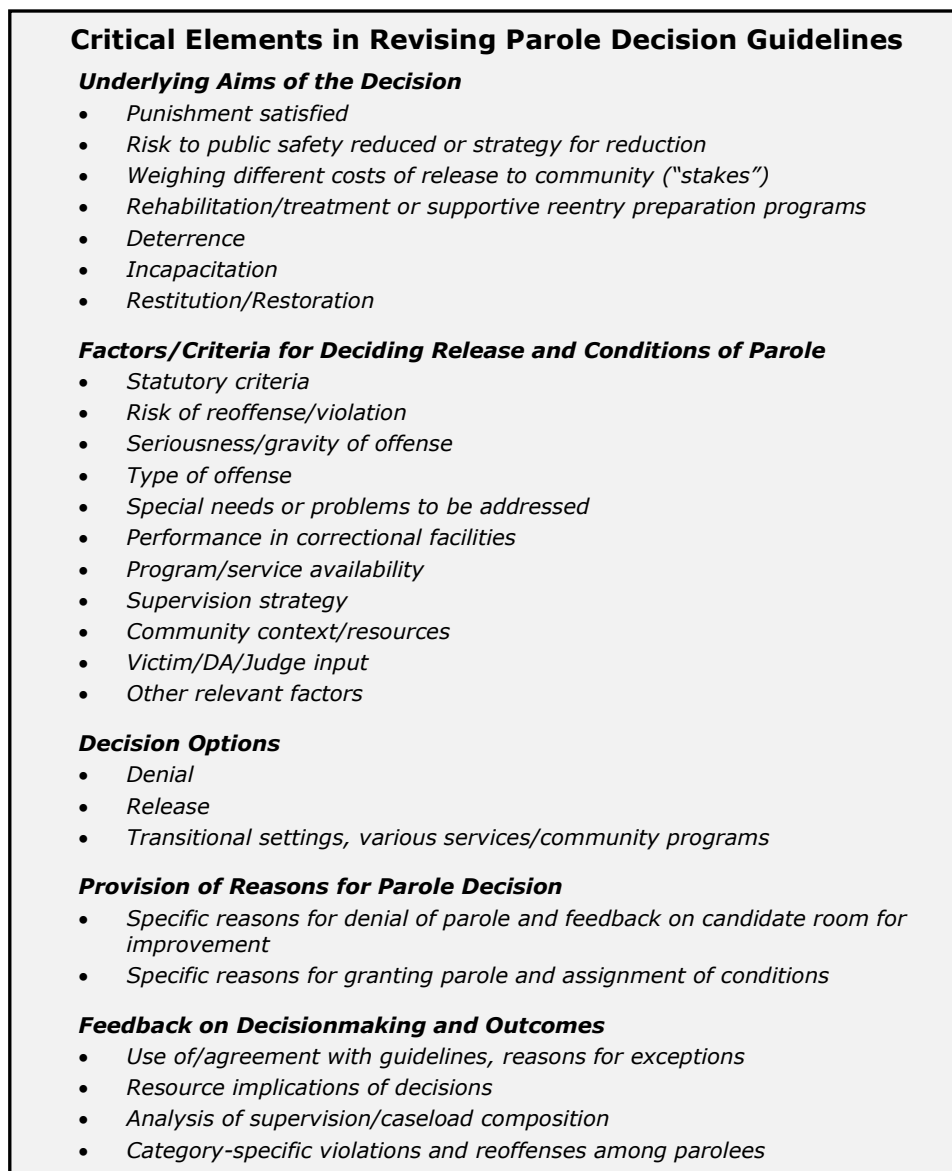
²⁹ Because parole guidelines already exist and have long been in use in Pennsylvania, the report refers to the “revision” of the parole decision guidelines.

Figure 5.



The legislature has mandated the construction of parole guidelines by the Sentencing Commission as the result of concerns raised about parole in Pennsylvania.³⁰ This recommendation to conduct an in-depth review and associated revision of the agency guidelines is made independently of the recent legislation but is in agreement that a comprehensive review of the parole decision and agency guidelines influential in shaping parole decisions is timely, particularly to review how the focus on public safety concerns fits into the larger context of aims weighed in deciding the release of offenders into the community after terms of incarceration. This recommendation recognizes the special, separate role for parole agency-based parole decision guidelines, which have already been in operation in Pennsylvania for well over two decades. (See Figure 6 summarizing the key elements of parole guidelines.)

Figure 6.



³⁰ See note 12 above.

A principal ingredient setting the stage for the optimal performance of offenders released to the community on parole is the framework of the parole decision itself. In theory as well as in practice, the agency-based guidelines are assumed to incorporate a capacity to generate data regarding the impact of parole decisions on parolee performance. In addition, they are constructed to permit adoption of needed changes on a category-specific basis, as the population of parolees changes over time. This guidelines structuring method represents the most direct and responsive method of managing parole decisions and improving the effectiveness of supervision methods in the field.

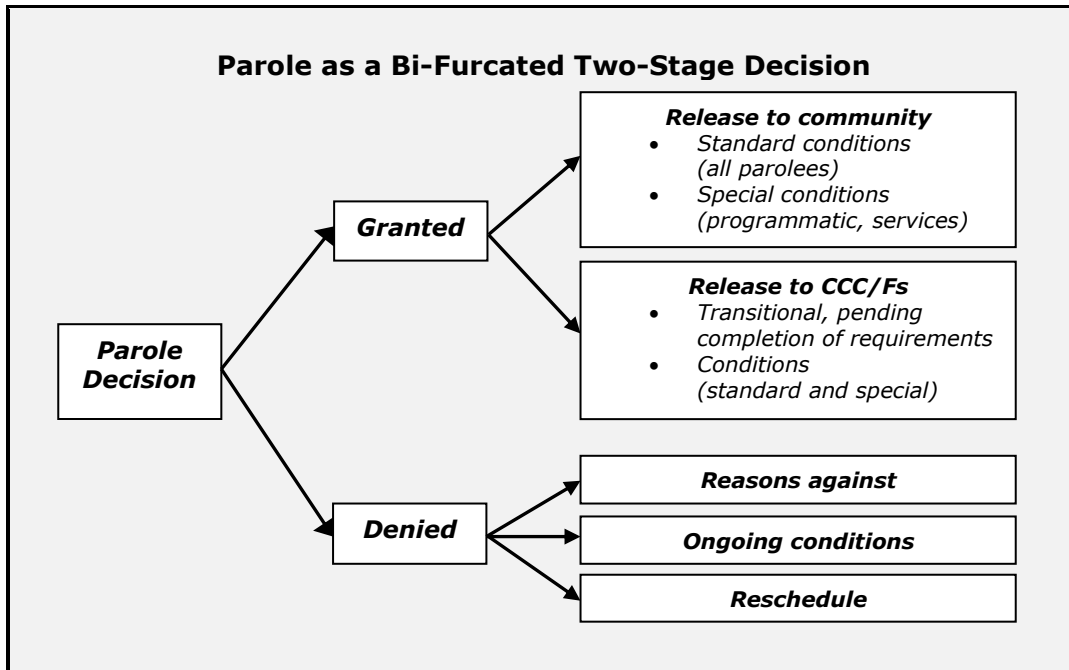
The PBPP's approach to its parole decisionmaking policies is evidence-based in construction and ongoing review. This recommendation underscores the importance of carrying out such periodic review and revision of how parole decisions are made and how the criteria are set for managing thousands of released offenders in the community. This is especially critical in light of the high priority aim of preventing violent crime by those released. The recommendation builds on the established practice of updating decisionmaking approaches as issues arise. Ideally, the work required to collect and analyze the empirical data on which such a review can be grounded also will be relevant and of assistance in the Sentencing Commission's contemporaneous undertaking to produce the best all-around result.

Parole decision guidelines lay out an explicit framework and release and supervision options, spelling out criteria thought to be most central to effective parole decisions. Merely adding provisions of one sort or another aimed at addressing violence prevention concerns on top of existing procedures not only may contribute to cumbersome procedures but also reduce parole effectiveness. It is, for example, unrealistic to assume that the possibility of violent reoffending among prospective parolees is not already a principal concern in existing procedures.

Sharpening the public safety focus of parole needs to be done within the context of review and assessment of existing guidelines, avoiding the temptation of imposing unilateral rules that address one category of offenders or one aspect of decisionmaking at the risk of distorting the approach to others.

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 policy direction that guides and informs decisionmakers. In addition, the guidelines should provide clear 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 granting of parole and useful feedback to the Department of Corrections concerning the reasons for refusal. (See Figure 7 for a conceptualization of the parole decision as a two stage bi-furcated decision.)

Figure 7.



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 methodology 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.

Discussion: Parole guidelines structure discretion and offer strong policy guidance. At the same time, use of guidelines necessarily retains the capacity within the agency for evolution, growth and adjustment based on experience and empirical results and allows consideration of special circumstances involved in unusual cases. Decision guidelines set out explicit aims, incorporate appropriate decision criteria and draw on information most useful in determining release and/or setting conditions of parole to achieve decision aims. This form of decision guidelines offers a powerful tool with which specific public safety concerns and needs for supervision and monitoring can be effectively addressed.

The Board should ensure continuation of its practice of providing specific guidance to both the offenders and to the DOC regarding the reasons parole is granted or refused. If refused, very specific direction is provided describing what needs to occur by the time of the next parole review. The next parole review date is set and takes into consideration the amount of time necessary for the offender to accomplish specific requirements in the interim. When offenders are granted parole, the Board establishes the conditions of release, including where the offender will reside. Any future revisions to the parole guidelines should continue to incorporate these concepts.

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.

Discussion: The key parole guidelines features summarized here apply to all parole decisionmaking. Yet the need for these procedures is heightened when the focus is on managing subpopulations of potentially violent offenders effectively. In addition to serving as a vehicle for implementing parole policy, optimizing decisionmaking, assisting in prisoner reentry and minimizing public safety threat, parole guidelines also serve as a means for ensuring accountability in decisionmaking and for generating data on the performance of parolees on release—on a category-specific basis. The *category-specific focus facilitates adjustments directed at particular categories of parolees*, rather than implementing overall changes and diluting resources. Corrective measures can target problematic categories specifically, promoting more efficient and effective deployment of resources. For these reasons, the guidelines can be especially helpful in developing and adjusting approaches to violence prevention, as specific impact data are generated over time.

Both of these monitoring aims, decision accountability and feedback on parolee performance, require adoption of information procedures that provide empirical evidence on a routine and periodic basis. This feedback ensures that decisions can be reviewed in the light of overall policy aims as well as measuring the extent to which similarly situated offenders are treated in reasonably similar ways. It also facilitates review of reasons for exceptional decisions, which may point to a need for new policies and guidelines adjustments.

The development of a routine procedure for reporting key outcome information relating to parolee performance on a category-specific basis (for example, to respond to special efforts to address the potentially violent offender) is critical in the implementation of an updated decision guidelines mechanism for parole. The decisionmaker-oriented version of guidelines permits these accountability and feedback functions to occur more flexibly than a legislatively imposed and supervised guidelines system.

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.

Discussion: In addition to capturing appropriate policy goals and directions and providing accountability and feedback, decision guidelines generally are designed as an information resource for parole decisionmakers. Their design should promote “user friendly” procedures for summarizing key information and assisting the decisionmakers in arriving at informed choice among suggested options.

Recommendation 3.6: Provision of Reasons Should Continue to Be Given a High Priority in Subsequent Guidelines Revision. 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.

Discussion: Parole decision guidelines should establish presumptive standards for case decisions rather than mandate decisions themselves. In producing their recommendations (suggesting parole decisions), the guidelines have incorporated consideration of explicit paroling goals and the agreed upon primary paroling criteria to point to optimal parole arrangements and options (including supervision, monitoring, services, etc.). The presumptive or “suggested” guidelines for parole decisions should be interpreted as indicating, “in most cases with attributes like this particular offender’s,” a) that parole should or should not at this time be granted, and, if granted, b) the conditions under which the offender’s parole release is most likely to protect the public safety and to support the offender in transitioning to successful functioning in the community.

Successfully crafted policy guidelines for decisionmakers should result in decisions that concur with the guidelines suggestions in a large majority of the cases (e.g., 75 percent of cases). Despite that fact that substantial compliance with the guidelines is necessary to implement the underlying policy directions represented by their various elements, the complexity of some cases and their surrounding circumstances make it unrealistic to assume that a single rule can be applied effectively to all cases. This is why guidelines represent presumptive policy standards rather than mandatory prescriptions for all cases. Exceptions to the directions posited by the guidelines will naturally occur in a minority of instances at the decisionmakers’ discretion, as is appropriate under the law and in making optimal and effective decisions. This expectation of a reasonable amount of departures from the overall policy direction suggested by the parole guidelines represents an important difference between mandatory and presumptive decisionmaking approaches to parole.

The requirement to provide reasons in writing for exceptions—basically explanations—is now a widely accepted practice in the field (and occurs in Pennsylvania under the current system). In addition to providing important information to the parole candidate, the provision of reasons for board decisions serves to alert correctional and parole officials and staff who may be responsible for programming and supervision concerning potentially critical information. The provision of reasons, thus, not only provides substantive feedback to the offender but also generates information that can be analyzed in a category-specific fashion for adjusting policy approaches as needed. Reasons are particularly important in unfavorable decisions, so that offenders not recommended for immediate parole not only know the rationale for the decision but have spelled out for them any remaining obstacles to be addressed to obtain a more favorable decision at the next review. Such a procedure provides the parole candidate with a working approach to matters still to be accomplished before parole will be considered.

Recommendation 3.7: Guidelines Should Promote Equitable Treatment.³¹ Parole decision guidelines should promote equitable treatment of parole candidates while incorporating strategies aimed at reducing threats to public safety posed in individual cases.

Discussion: Based on explicit criteria and concerns, parole decision guidelines are designed to foster a generally consistent treatment of similar parole candidates through clearly designated decision options indicated for each category of individuals and also to allow for appropriate exception-taking decisions. The aim of promoting equitable treatment is not the same as promoting the same “one-size-fits-all” treatment of candidates. An analysis of “equitable treatment” starts with a definition of what “similarly situated” means when applied to parole. The guidelines framework becomes the policy answer to these questions and permits assessment of the extent to which offenders classified within specific categories of the guidelines structure are treated similarly.

Without a classification to serve as a frame of reference, the concept of “similarly situated” candidates may be interpreted differently by each decisionmaker, yielding unequal treatment. Agency-based parole decision guidelines seek to take into account the need for “consistency” while tailoring decisions to the individual attributes, problems or public safety threat that may attach to individual cases. For example, by incorporating public safety or drug treatment goals into the structure of the guidelines, different categories or types of offenders may be treated equitably (in a fashion similar to others of their type) and yet present different special attributes or challenges (e.g., potential for violence) to be taken into account in setting release conditions.

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.

³¹ Historically, one of the motivations for creating parole decision guidelines was to promote equitable treatment among offenders having parole decided in systems with many parole decisions to be made by many decisionmakers over time.

SECTION 4

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 start this section with a disclaimer that, despite some belief to the contrary, parole decisionmaking does not simply equal prediction. Solving the problems of parole cannot be accomplished simply by improving prediction—as if that task were indeed simple. That premise notwithstanding, prediction nevertheless is 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.

Parole Decisionmaking as Three Predictions: Reoffend? Type of Reoffense? and Which Options to Prevent Reoffense?

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 predictive tasks:

- 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.

This last part (c above) of the predictive task is particularly critical at parole for a number of reasons. In general, offenders nearing completion of incarcerated terms are as a group “higher risk” than other offenders in the justice system dealt with at earlier stages or in other settings (e.g., than those sentenced to probation). Yet, merely denying parole to those who may pose some risks to public safety is not a feasible approach to parole decisionmaking (or to crime prevention more generally) and must be weighed against other realities, including the high cost and limited availability of confinement capacity and that inmates will quite likely be returned to the community subsequently in any event, due to completion of their maximum sentences.

In Pennsylvania, these unconditional or maximum release inmates, accounting for upwards of one-fourth of all releases from prison, re-enter the community with neither supervisory constraints nor supportive services provided by the state. Over half of these “max-outs” had been previously released and failed on supervision in some fashion. A large share of those failing includes sex offenders and or mental health-involved offenders who had difficulty obtaining suitable living arrangements required for parole. This means that as parole decisionmakers consider higher risk cases where the offenders involved also may be nearing completion of their sentences, they are in part assessing the critical difference that might be made

in ensuring a successful reentry through well-crafted supervision and services as compared to allowing that person to “max out” without such follow-up supervision and services. 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. Although many of these higher risk offenders respond to supervision, are able to be stabilized in the community and go on to complete their periods of parole supervision, a portion of these offenders will reoffend. It is tempting, but not reasonable, to conclude that these offenders as a group should simply not be paroled. The challenge assigned to Parole is to design regimes of supervision, monitoring and support services for these most challenging offenders based on evidence of reduced risk and careful assessment of the issues that need to be addressed to protect the safety of the community and promote reintegration into society.

Risk Is Dynamic (Changing), Not Static (Fixed)

From the time of arrival in prison, when a first risk assessment is made for institutional reasons (e.g., anticipating misconduct, determining security and housing needs and planning program options) through stages of parole preparation and parole decisionmaking, and on to parole supervision and completion, the risks (and “needs”) posed by offenders change with time and circumstances and may be assessed differently in accord with specific decision purposes. Often, however, risk assessment, though framed to make use of best available data to provide actuarial/predictive guidance, is conducted in reliance on many “fixed” attributes of individuals. Though indeed demonstrated to be useful predictors of ongoing risk, static risk attributes, such as measures of prior history, do not adjust or change after the initial stages of custody.³²

This discussion does not mean to suggest that the PBPP does not consider dynamic factors (like program completion, recent history of misconduct, etc.), as demonstrated in the analysis of parole decision factors discussed in the previous section. Instead we raise here the issue that both fixed and dynamic factors have important roles in assessing public safety risk and reentry support planning. To the extent that risk classification of offenders is anchored in fixed predictors, inmates have little likelihood of changing (reducing) the risks they are seen to pose by constructive action. This not only raises issues of fairness and effectiveness in that no recognition is given to people who have taken steps to reduce their inclination or likelihood of reoffending, but also may reduce inmate motivation to engage in self-improvement activities while incarcerated. This raises the caution that the parole decision, which occurs after sometimes lengthy periods of incarceration, should avoid disproportionate emphasis on fixed risk information (such as conviction offense, prior history) that has not changed since sentencing or admission to corrections and that may “freeze” the earnestly striving offender in the past in a way that is not useful.³³ Looked at another way, this dilemma—of candidates being frozen in a high risk category because of long ago acts—provides the rationale for the current parole board practice that permits consideration of “high risk” offenders for parole, particularly when recent

³² See Warren (2007).

³³ One of the issues posed by the use of primarily static-based risk schemes is that it reiterates information already taken into account by the judge in forming the sentence in the first place. Thus there is a danger that parole becomes tantamount to a second sentencing decision—which is clearly not its legal aim.

dynamic indicators suggest that improved behavior should counterbalance the effects of the fixed attributes that would classify offenders as generally high risk.³⁴

After parole has been granted, the potential problem posed by overly “static-based” risk assessment is heightened when factors employed in correctional and parole-preparation risk classification follow the offender into the community. If a released parolee has demonstrated success over some initial period, risk assessment notwithstanding, should he or she still be considered high risk for the purposes of determining ongoing conditions of supervision? Or if just the opposite occurs and a “low risk” offender has demonstrated in the first months of supervision that he or she cannot avoid poor behavior (i.e., acts like a higher-risk offender would act), is that person still properly considered “low risk?”

Clearly, changing risk considerations are appropriately taken into account on an ongoing basis by Corrections and the PBPP.³⁵ However, beyond current approaches, tools that assist the correctional and parole officials involved in custody, treatment and supervision of parolees in the community should be able to capture the improving or worsening risk circumstances associated with particular individuals at different stages in a timely fashion in the interest of preventing noncompliance from escalating into violent incidents. Reliance on dynamic risk factors would not only be fair to individuals who seek to address their limitations and work earnestly toward achieving positive goals and staying out of trouble, but also would be useful in alerting officials in a more real-time context to deteriorating conditions that might presage misconduct.

In the future, actuarial risk instruments could be developed to help address each of these components—fixed and changing—to optimize the effectiveness of parole decisions and supervision. However, development of such a capacity is dependent on an initial rich and reliable body of data to support such assessment and an ongoing capability or technology that will facilitate adjusting risk and needs assessments, as emerging information based on ongoing performance is incorporated in re-assessments.

In the present and near term future, the good news is that there are many predictive risk assessment tools available. However, the real limitations of currently available tools are many and are amplified by weaknesses in data quality and capacity from justice agencies, a concern in Pennsylvania’s correctional and parole systems. A realistic appraisal of current risk assessment capacity and exploration of developing technologies is essential in seeking to reduce the occurrence of violent crime among parolees.

Limitations In Practical Application of Risk Assessment

Margin of Error. Although it is true that more sophisticated statistical methods and technologies can reduce margins of error in prediction, no approaches are or will be perfect.

³⁴ The PBPP uses one of the most widely employed risk/needs assessment instruments, the LSI-R, available on the commercial market for assessing both its probation and parole populations to establish conditions of supervision and levels of supervision. This instrument builds in a large number of dynamic and fixed risk attributes.

³⁵ The PBPP conducts risk assessment for its parolees on at least an annual basis. Every six months, agents are required to determine offender progress in addressing areas identified as criminogenic needs by the previous LSI-R assessment. Both the annual reassessments and the six-month progress updates allow field staff to consider changes in supervision level when warranted.

Their limitations translate into real difficulties for targeting crime prevention intervention. *All* risk instruments carry a margin of error. A common rule-of-thumb in the literature has been that, at best, for every correct predictive decision made (e.g., not to parole a likely violent offender), a risk instrument will promote two incorrect decisions (e.g., deny parole to two individuals who would have performed successfully in the community).³⁶ Thus, procedures for treating individuals as high risk should take into account the need to address possible consequences of misclassification.

Lack of Strong Empirical Basis for Parole Supervision Response. Until quite recently, little empirical research has turned to the question of the effectiveness of supervision and how specific interventions might have the greatest impact on particular categories of parolees. The initial findings and directions of this emerging research are promising, suggesting that supervision of offenders in the community can be improved by knowledge of field tested, category-specific methods and outcomes. Although there is hope that research in this area will be growing to fill this need, very few empirical studies are available to assist agencies currently wishing to tackle the risk-needs-supervision challenges posed by potentially violent parolees. Meanwhile agencies are left to adopt existing approaches and to develop targeted improvements on their own.

Currently, some available instruments, for example, are developed from unreliable data or are applied in settings with inadequate underlying data capacities. In addition, some instruments for supervision have been developed in other settings from those now adopting them, thus promoting implementation of approaches that ignore important local differences in population, community contexts, services, data system information capacity, procedure, and processing features.

Despite the willingness of proactive agencies, such as Pennsylvania's Department of Corrections and Board of Probation and Parole, to test methods to enhance supervision impact, resources have been scarce to do so, while the body of relevant empirical findings remains thin. This leaves individual agencies to partner in research to test selective potential improvements to supervision and violence prevention as best they are able. Both Pennsylvania agencies have track records demonstrating a willingness to collaborate in research to develop, implement and test improvements in practice and procedure.³⁷ As new approaches are adopted (such as those proposed in this review and other promising strategies) it is critical that each initiative is documented and assessed so that empirical and experiential evidence can provide feedback for adjustment and improved effectiveness.

Risk assessment has developed as a primarily actuarial and quantitative area of expertise. However, research and experience has demonstrated that, in some respects, quantitative assessment of risk alone can be unintuitive and difficult to translate into the development of supervisory, programmatic or other supportive reentry options. The Pennsylvania Department of Corrections has taken important first steps to investigate the "real life" implications of risk

³⁶ See Morris and Miller (1985), among many other sources, for a discussion of error in prediction.

³⁷ As an example of the research "partnering" referred to above, we should note that PBPP will be working with Dr. Richard Berk of the University of Pennsylvania in an upcoming National Institute of Justice grant to apply advanced statistical methods to the prediction of violence among parolees.

classification in the hopes of promoting more effective release strategies to prevent parolee failure (crime and failure to meet the conditions of parole) by conducting qualitative research using focus groups of returning (failing) offenders. This preliminary DOC research represents an important foundation on which to begin to use qualitative as well as quantitative methods to assess parolee risk and to develop more responsive preventive strategies. Notably, the PBPP has drawn on this work as well to improve its parole supervision strategies, for example, to incorporate problem-solving case management methods to help in parolee acclimation to the community after often lengthy periods of incarceration. The use of such methods that distill the “real-life” obstacles to parole success should be encouraged to improve risk assessment and develop a repertoire of effective supervision strategies to prevent violent crime.

Specific Outcomes, Low Base Rate and Error. Often, the available risk assessment instrument may not address the specific outcomes of interest (such as violent behavior specifically), but instead assesses actuarial risk of misbehavior generally. For example, most instruments are better at estimating the occurrence of “any” reoffense than they are at assessing the likelihood of a particular type of reoffense or violation during a limited period of future time (e.g., the prospects that serious crimes involving violence will occur during the first, two, three or four years of parole). The rarer the outcome of concern is in the population of interest to begin with—and violent crime among parolees is statistically rare—the poorer the resulting prediction and the greater the margin of error will be.

Periodic Review and Adjustment of Risk Tools. Given known limitations, predictive tools need to be meaningfully reviewed and adjusted on a periodic basis (including but not limited to validation). Because of the difficulties and resources involved in such an undertaking, often it simply is not done. As a result, tentatively and temporarily adopted predictive strategies, helpful in the short term to respond to certain crises, become routine and are simply institutionalized by default without a realistic grasp of the implications of their limitations or of potential biases that may be inherent. This can lead to a false sense of confidence in decisionmaking and to serious errors in judgment: persons not actually posing a high risk of violence may be treated unnecessarily restrictively, while those supposed to pose less of a risk may actually reoffend because less restrictive than needed conditions of release were applied.

Risk Tools Generate Biased Risk Estimates (Only Released Parole Candidates Studied). The question we wish to ask with risk assessment is whether offenders among the candidates presented for parole review will reoffend and, if so, how they will likely reoffend. The problem of logic is that risk classifications are derived only from study of parolees who actually did gain release—a population already sorted on the basis of risk (if one assumes parole decisionmakers are less likely to release the highest risk offenders). Risk (reoffending probability) is identified, therefore, from study of parolee populations, from whom the worst risk offenders have largely been excluded. Thus, the risk classifications applied to imprisoned offenders who are seeking parole employ assessments derived from estimates based only on offenders who were released. Different from what a parole decisionmaker might assume risk classification means, the question really addressed by risk tools is, “*Among those released, which offenders are most likely to reoffend, how and...when?*”

Tools Developed without Accounting for Supervision Effect and Release Context. Most predictive instruments are developed by identifying archival, individually-based attributes that do not take into account community or neighborhood setting (with its positive and negative features) or the extent to which release supervision or intervention strategies (“dosage”) may have affected the recidivism studied. These two missing ingredients are likely to have important effects on the actual prospects of reoffending associated with offenders of various types. Thus, risk classifications generally adopt the assumption that, based on available file records, individuals would pose given levels of risk of reoffending *as if released in a vacuum with no effects from justice system intervention or community features.* Thus, the development of risk assessment is often tantamount to trying to anticipate plant growth and productivity, without taking into account soil acidity, nutrients or exposure to water and sunlight.

Risk as Central and Multi-Stage Decision Theme

These limitations notwithstanding, effective predictive aids and use of explicit decisionmaking criteria are essential ingredients in efforts to minimize the potential threat of violent crime among parolees. The shortcomings of these tools need to be recognized but not exaggerated and, to the extent practical, addressed. In short, risk tools should not be assumed to have a greater capacity than they actually have. However, assuming the availability of a reasonable predictive device, one that seems to assist in addressing the predictive concerns of parole decisionmakers, the designers of parole policy need to face up to a critical policy decision regarding the role and weight that predictive ratings should carry (i.e., the ways they should be determinative or weighted along with other factors) in the parole decision, in the parole guidelines and in setting conditions of release.

As noted above, the Department of Corrections uses risk assessment for purposes not directly related to parole, such as in making housing or security designations.³⁸ Yet information about risks is drawn from these various instruments and used in parole decisionmaking in various ways. In the current correctional/parole process, risk is evaluated initially via a corrections-produced classification, the Risk Screening Tool (RST), which is to be taken into consideration in institutional and pre-parole stage decisions.³⁹ A commercially available classification scheme, the LSI-R,⁴⁰ which has been widely adopted in the United States as well as in Pennsylvania, also is employed in correctional and parole stage determinations. It figures importantly in the recommendation formulation under the PBPP parole guidelines.⁴¹ (We reported above that its main influence in parole decisions derives from its designation of certain parole candidates as high or low risk.) Still other risk assessment information used by parole decisionmakers is collected by corrections psychologists using the Pennsylvania Clinical Risk Assessment (PCRA),

³⁸ In addition, the DOC periodically administers certain assessments (e.g., the Criminal Sentiments Scale-Modified-CSS-M, the Hostile Interpretations Questionnaire-HIQ, and the Texas Christian University (TCU) substance abuse scale) throughout the offender’s period of incarceration to tap risk attributes during the correctional stay.

³⁹ To address initial stage risk for correctional purposes, to its credit, the DOC recently constructed its own risk assessment classification (the RST), which draws on available agency data to classify inmates entering or continuing in incarceration. This simple classification has the advantage of having been developed on “home-grown” (actual Pennsylvania) inmate data and, as shown in our analysis of risk classifications of sample parolees, compares quite favorably to the more generally employed LSI-R.

⁴⁰ See Andrews and Bonta (2005).

⁴¹ The PBPP has periodically and recently validated its application to parole uses.

and for sex offenders (Static 99). Moreover, determining the extent to which “risk reduction” has been achieved is an important stated consideration in parole release decisionmaking, an aim that necessarily involves comparing risk levels assessed on more than one occasion. Yet, the reality is that a variety of different ways of defining and measuring risk are now being used, which raises questions about the consistency and quality of the resulting determinations.

Clarifying the role of risk assessments in parole decisionmaking, including understanding their relative reliability, utility, credibility, limitations and impact, is central to developing effective strategies for violence prevention. The development of an overall policy or risk assessment approach for parole that balances the need for information and the limitations and issues associated with its use is an important priority. Determining the proper role of risk assessment and the bases on which it will be conducted requires a clear and consistent framework, differentiated according to purpose and stage of processing and subject to periodic review. It also requires explicit recognition of the fact that, at its core, risk assessment—which amounts to estimates of future conduct—represents a form of information summary about offenders in corrections that is far from an exact calculation.

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.

Discussion: This recommendation deals with the implications of reviewing use of risk assessment as an overall theme throughout the correctional/parole process responsible for the management of offenders who will be released to the community. Thus, the issues referred to here are far broader than just validation and proper implementation of existing tools—although we acknowledge that these are certainly extremely important and included concerns.⁴² Instead the recommendation emphasizes the need for careful examination and assessment of the larger picture: the overall collective and stage-by-stage use of risk—its utility and impact when it comes to the problem of preventing violence.

One example of an important use of risk assessment that needs to be considered in light of the overall risk assessment function of parole is in the adoption of the violent offender typology proposed as a temporary measure for differential targeting of categories of potentially violent offenders in an earlier interim report. The violent offender typology uses risk as one of the several elements for identifying different categories of potentially violent parolees for preventive interventions. Although proposed as a *policy* strategy, the

⁴² We recognize that the PBPP has committed itself to periodic validation of the LSI-R instrument as well as training and certification of staff in its use. These are important aspects of ensuring the integrity of the handling of an important part of the risk issues presented by paroling and supervision of violent offenders.

interim report also recommended that its impact should be examined empirically as the targeting of particular approaches to offender categories was implemented on a trial basis. That recommendation also made clear that in the construction of the violent offender typology (OVRT), risk was only one of the targeting criteria. Moreover, use of the temporary classification of potentially violent offenders was not wedded to a particular tool of assessing risk—whether LSI-R, RST or other approaches were eventually favored and adopted, again as a policy choice. Such a determination would need to be made based on how overall risk issues were resolved in efforts to improve violence prevention among parolees.

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.

Discussion: The PBPP and DOC have taken an important first step to refine their ability to target potentially violent parolees with preventive interventions from the earliest stages by developing the OVRT policy tool as a transitional approach based on the violent offender typology described in recommendations from an interim report of this review. Although proposed as a policy framework incorporating risk and other key target criteria, our earlier report recommended that the impact of its adoption should be tested empirically. That evaluation would include measuring the impact of resource allocation and consideration of modifications that would help improve the targeting of preventive interventions toward different categories of potentially violent offenders. Because the “OVRT” includes a risk dimension—and is not committed to a particular version of risk—the evolution and improvement of risk tools would play an important role in improving its targeting of preventive resources. In this regard, any refinements of risk should be taken into account in any appropriate adjustments to the violent offender typology.

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.

Discussion: Current risk assessments are not constructed by taking into account the effect of settings and relationships (e.g., residence/housing, family and other potentially supportive, pro-social relationships, neighborhood, transitional facilities, access to services, proximity to high-crime areas) and justice system intervention (e.g., level of supervision, supervisory restrictions and/or program offerings). Some include such factors among their checklist of putative predictors of parole outcomes. Such an approach at least indirectly acknowledges the potential importance of these factors on the probability of a parolee’s success in the community. However, this recommendation refers to a more fundamental shortcoming in the development of risk tools that have not taken community context and justice system restrictions into account as controls in

identifying useful predictors of violence or even just noncompliance during parole. One reason is that existing information sources often do not provide reliable measures of such factors. Understanding of how these factors mediate individual risks, and how planned interventions and linkages can be made to address the effects of criminogenic factors and increase the power of protective or facilitating factors, must be incorporated into the classification process for purposes of enhancing supervision and services in the field and linking conditions of parole with risk (and risk reduction efforts) for optimal supervision.

We are aware of the “technical” sound of this recommendation and, certainly, a good part of risk assessment is indeed technical (actuarial). Yet imagine, by analogy, in the medical field attempts to identify factors predictive of longevity relating to a certain illness, without taking into account medication, its frequency and dosage, as well as other aspects of supportive care, diet, etc. Thus, the point underlying this recommendation is that risk assessment can be improved to the extent that we begin to incorporate reliable data on supervision (its specific elements, frequency and duration), other supportive services (e.g., drug treatment or anger management) and housing, neighborhood context, etc.

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.

Discussion: This recommendation points to a missing feature of current risk technology which, once addressed, will greatly enhance the timeliness, accuracy and fairness of risk assessment as applied to supervision in the community.

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 of violent behavior and service needs with supervision and programmatic strategies should be tested empirically in actual community settings before widespread adoption.

Discussion: This recommendation that supervision strategies should be rigorously tested as they are piloted reiterates the importance of “evidence-based” strategy development at the level of PBPP and Corrections—which not only includes adoption of strategies developed elsewhere and tested empirically, but also the development or adaptation and testing of interventions or violence prevention programs among parolees in Pennsylvania to provide evidence of effectiveness and utility. Such testing is critical particularly before wholesale adoption of what may appear to be an eminently “good idea.” Not only does such empirical testing help to focus interventions that hold the greatest promise on appropriate populations in selected, differentiated types of settings, it also helps avoid wholesale resource allocation to strategies, which, despite intuitive attractiveness, may produce little actual positive, or even adverse, impact for certain categories of parolees—at possibly great expense.

Assessing Risk among Pennsylvania Parolees

For the purposes of this review, we worked with data provided by Corrections, Parole and the courts to examine the attributes of reoffending, and reoffending for serious crimes against the person (serious person crimes)⁴³ associated with a random sample of 1,120 parolees who gained release from DOC institutions across the state from January through October 2006.⁴⁴ The performance of parolees in the sample (specifically, whether they were rearrested for any offense, or rearrested for serious person crimes) was tracked over a two and a half year follow-up period.⁴⁵

The purpose of the analysis was to identify predictors of reoffending and, in particular, reoffending for serious (violent) crimes against the person as derived from information about individual parolees that would have been available to decisionmakers at the time of the parole decision. These analyses attempted to identify attributes of reoffending among parolees to be of assistance in reviewing parole decision criteria and current risk approaches (e.g. LSI-R, RST) already in use.⁴⁶ Because the purposes of this inquiry are policy related, the findings produced from this examination of parolee reoffending are presented here for the purposes of illustration in non-technical terms and to assist in review of the role of risk, reoffending, and violent crime by parolees in Pennsylvania.

Parole Decisions, Type of Release:

- 52 percent of the parolees in the sample studied were paroled or re-paroled directly to PBPP supervision;
- 45 percent of parolees were paroled or re-paroled from a community correctional facility or center where they were placed prior to PBPP supervision;
- 3 percent were paroled under other special circumstances (e.g., special probation).

Rearrest (Any Type) and Rearrest for Serious Person Crimes:

- 36 percent of the parolees in the sample entering the community during the January to October 2006 period were rearrested for an offense within the two and a half year follow-up period;
- 9 percent were rearrested for serious crimes against the person

⁴³ For the purpose of this analysis, serious crimes against the person include murder, manslaughter, arson, kidnapping, robbery, rape and other sexual assaults, aggravated assault and attempts of each.

⁴⁴ The original sample included 1,139 cases. However, 19 cases (less than two percent) had missing information, and as such they were not included in analyses.

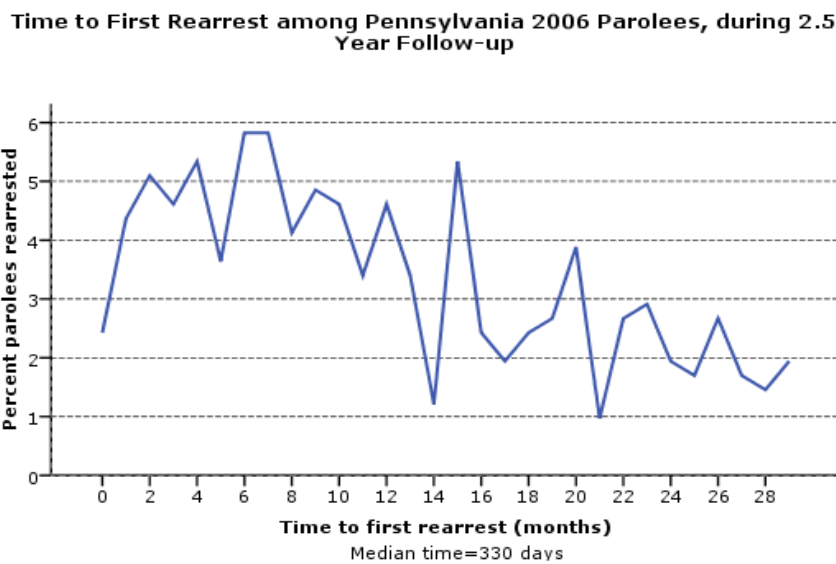
⁴⁵ The measure of reoffending employed in these analyses is rearrest measured two ways: rearrested for any offense at all and rearrested for serious crimes against the person (see note 43). In fact, rearrest is further defined as arrests during the two and a half year follow-up that reached the court system. Without providing a full discussion of possible alternative measures and their strengths and weaknesses here, this measure of re-contact with the justice system was selected primarily because of the greater completeness and reliability of the Pennsylvania court system data from which it was drawn.

⁴⁶ Given limitations of reliability and completeness, the findings, stated simply here, should be taken as opening the door for more in-depth examination, should more complete data become available. Information concerning details of the sample, data or statistical method can be obtained from the authors.

- 8 percent were rearrested for assault, 4 percent were rearrested for robbery and less than 2 percent were rearrested for homicide (17 persons from the entire sample faced homicide charges during the follow-up period).⁴⁷

These data mean that nearly two-thirds of parolees were *not rearrested at all* during the two and a half year follow-up and that 91 percent were *not rearrested for serious crimes against the person*. In a relative sense, these are low rates of reoffending.⁴⁸ Yet, even though rearrests for serious crimes against the person were relatively rare, in an absolute sense, having nearly one in ten parolees rearrested for a serious person crime, or one in 65 rearrested for homicide is deeply troubling. It is also important to bear in mind that in a statistical sense, prediction of relatively rare events typically involves sizeable margins of error.

Figure 8.



⁴⁷ The percentages for specific subcategories of serious crimes against the person add up to more than the total (9 percent) because the subcategories may be overlapping in the sense that a single parolee could be rearrested for more than one type of serious personal offense; however, the total percentage of parolees with rearrests for any such serious crimes against the person equals 9 percent.

⁴⁸ No strictly comparable sources of state-level data (using rearrests as a measure of reoffending) are available for comparison. State level sources employ “return to incarceration” measures, while federal jurisdictions employ “termination—new crime” as their measure of failure under supervised release (the equivalent of parole supervision). Federal jurisdictions show 13 percent of supervisions “terminated for new crime,” while the national average for state jurisdictions indicates a 17 percent rate of parolees “re-incarcerated.” In 2006, Pennsylvania was estimated to have a re-incarceration rate of 15 percent, close to the national average. (See Sourcebook of Criminal Justice Statistics, available online at: <http://www.albany.edu/sourcebook>.) Use of rearrests as a measure of reoffending, of course, suffers the limitations normally associated with arrest rates. Here it is measured by using state court system data from the Administrative Office of the Pennsylvania Courts (AOPC), for reasons of reliability, to include any criminal charge reaching the courts stage during the follow-up period. Among other limitations, this court-based definition of reoffending or re-contact with the justice system does not include arrests never reaching the first judicial stage and includes arrests that in some cases may later have been dismissed. Nevertheless, among available choices of data that could serve as a measure of reoffending by parolees, this choice was deemed the most feasible and reliable.

Time to Rearrest:

- Among parolees who were rearrested, rearrests were concentrated in the first half of the follow-up period (15 months) with about 70 percent of parolees being rearrested during this period; (See Figure 8 showing the time to rearrest among rearrested parolees, in months.)
- The median time to rearrest was 10 months (i.e. half of those rearrested were rearrested by month ten after release).

Level of assigned supervision. The parole decision involves not only deciding whether an inmate is ready for release to the community, but also determining under what conditions (e.g., level of supervision) such a release should occur. The level of supervision is partly determined by LSI-R risk needs assessment and other concerns.⁴⁹ Basically, the purpose of the supervision classification is to minimize or neutralize the estimated threat of reoffending posed by different categories of parolees—as estimated by risk instruments. Thus, logically, high risk parolees would require greater levels, frequency, and quality of intervention and supervision than medium and lower risk parolees—to prevent them from actualizing the estimates of their likely offending. Ideally, the more intensive supervision should serve to cut the odds of reoffending significantly so that predicted high risk parolees would act more like lower-risk offenders during their actual parole period due to the effects of the supervision. When that maximum or intensive effort is not succeeding, it should also allow early detection of emerging problems and promptly promote either modification of the conditions of release or revocation.

Among the parolees included in the sample study:

- 31 percent were assigned to minimum supervision;
- 26 percent were assigned to medium supervision;
- 42 percent were assigned to maximum supervision;
- About one percent were assigned to special (a low-reporting administrative category) or enhanced (intensive) supervision.

It appears that, in the study data, the classification levels (assigned at the parolees' initial release) more or less reflected actual levels of reoffending as measured by rearrests by the end of

⁴⁹ According to the PBPP's manual, PBPP employs four general levels of supervision for released parolees: enhanced, maximum, medium, and minimum. *Enhanced supervision involves at least:* 4 face-to-face contacts per month (1 must be at the approved residence and contacts must be spaced over the entire month) and 2 collateral contacts per month (1 must be face-to-face). *Maximum supervision involves at least:* 6 face-to-face contacts per three months (2 must be at the approved residence and at least 1 face-to-face contact each month) and 2 collateral contacts per month (1 must be face-to-face). *Medium supervision involves at least:* 3 face-to-face contacts per 3 months (1 must be at the approved residence and no more than one month can pass without a face-to-face contact); and 3 collateral contacts per three months (1 must be face-to-face, with no more than one month without a face-to-face contact). *Minimum supervision involves at least:* 1 face-to-face contact per 3 months (at least every other face-to-face contact must be at the approved residence); and one face-to-face collateral contact per three months (this contact is not to occur during the same month as the face-to-face contact with the offender). [Face-to-face visits are visits between the parole agent and the parolee himself/herself. Collateral visits are visits between the parole agent and someone related to the parolee in a work or family relationship (i.e., employer or family member)]. Two separate supervision categories include the "special circumstances" category and "administrative" parole, requiring only administrative monitoring (as reported by the PBPP, these categories are used in about six percent of cases). See Pennsylvania Board of Probation and Parole Procedures, *Supervision Practices: Levels of Supervision*, Vol. III, Ch. IV, Procedures 4.5, effective June 1, 2001.

the two and a half year follow-up adopted by this review, suggesting that the supervision level designation served as a good estimator of risk (as the LSI-R is often shown to do). That is, those assigned to low level supervision were rearrested least often, those assigned to a medium level were rearrested at a medium (near base rate) rate, and the higher level supervisees reoffended at the highest rate.

More specifically:

- 22 percent of parolees assigned *low and special or administrative supervision* were rearrested for any offense and 4 percent of them were rearrested for serious crimes against the person;
- 40 percent of parolees assigned *medium supervision* were rearrested for any offense and 9 percent of them were rearrested for serious crimes against the person; and
- 44 percent of parolees assigned *maximum or enhanced supervision* were rearrested for any offense and 13 percent were rearrested for serious crimes against the person.

At first it appears that these findings validate the assignment of supervision levels to parolees, displaying a relatively lock-step connection between assigned supervision level and rate of rearrest (i.e., the low supervision group is lowest in rearrest, medium level parolees show medium rates of rearrest, and maximum level supervision parolees show the highest rate of rearrest).

On the other hand, a different interpretation of these findings is not necessarily so encouraging because these rates of rearrest occurred after parole supervision efforts were applied. The aim of supervision in its varied levels of application is to reduce the risks associated with all parolees generally and with higher risk parolees particularly. To illustrate, one would hope to see that, after the fact (after two and a half years of parole supervision), parolees initially rated as high risk would show rearrest rates closer to low risk parolees due to the efficacious effects of supervision. (If supervision “worked,” and the necessary community supports and services were in place, all three levels of supervisees should ideally show similarly low rates of reoffending after two and a half years.) From this perspective, then, these findings should be viewed as raising questions worthy of further investigation.

In interpreting the findings, it is important to recognize that even the best supervision methodologies and agency operational policies cannot fully account for what an individual on parole may do. While it is valuable to aim for zero or very low levels of reoffending or rearrests among all parolees, such an outcome may not be fully achievable when dealing with human beings. The supervision and services provided by PBPP must contend with a variety of influences in the community that it cannot control. These influences run the range from family and housing problems to crime-prone neighborhoods and lack of accessible services and employment opportunities, etc. At the least, however, effective parole supervision strategies can alert the agency to early signs of difficulty and involve steps to prevent difficulties from growing into serious incidents.

In reviewing these findings about the relationship between the supervision levels and rearrest rates among parolees, the PBPP reported that a substantial portion of offenders initially classified at maximum supervision are assigned this designation as a matter of PBPP policy and

not based on the LSI-R scores. Specifically, this occurs when offenders are paroled to a community facility as a means of transitioning to the community. A reported 45 percent of offenders assigned to maximum supervision are designated as such because they are paroled to CCC's or CCF's although it is likely that more than half of these offenders do not score high on the LSI-R rating. Therefore, quite possibly, in the sample of parolees studied, the maximum supervision level has an overrepresentation of lower risk level offenders.

This policy of automatic overrides of what is otherwise touted as an empirically guided approach to supervision represents a major departure from the "evidence-based" rationale often guiding PBPP practices. Thus, assessing the impact of the role of the supervision classification (LSI-R) scheme is made difficult when it does not govern a sizeable number of parolees' cases.

We should note that the initial overclassification (treating lower risk parolees as if they were higher risk) usually is temporary and reviewed after an initial period of parolee stabilization. These policies likely have sensible and cautious rationales—designed to place maximum supervision services on certain parolees who are just starting out. In fact, such overrides of the LSI-R-driven approach are similar to recommendations of this review to presumptively supervise potentially violent offenders intensively during the first 90 days of parole. Such automatic supervision policies, however, do emphasize the need for empirical review of the formulation of supervision policy and its impact on parolee success and, in particular, the prevention of violent offending during parole. Setting aside the substantive question of identifying the most effective ingredients of a supervision approach to different categories of parolees entering the community, the problem of establishing and testing an evidence-based parolee classification level is well underscored.

The take-away message is that it is important to set in place goals for increasing success rates, especially with respect to reducing rearrests for serious offenses, as well as means of evaluating the effectiveness of the framework used to assign levels of supervision and of the various types of supervision and services being provided in order to continually improve rates of parole success.

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.

Discussion: Successful parole outcome (e.g., not being rearrested for new crimes) is a product of a demonstrably useful supervision/service classification (prescribing the level of intervention required to minimize public safety threat) and effective implementation of that supervision/service delivery strategy in a given community context. An unhelpful supervision/service classification *or* ineffective delivery of the types and level of supervision and services required *or* both may be subject to improvement. This inquiry, as designed, cannot answer the question of whether one or the other or both should be improved. The results of the illustrative analysis suggest that both should be examined

closely. Although there is promising research on the horizon, the linkage between risk assessment and supervision/intervention has been rarely addressed. As a result, PBPP should develop its own empirical based knowledge to increase the prospects of incremental improvement in effectiveness.

Predicting Rearrest during Parole

As the report has noted earlier, risk assessment instruments (RST, LSI-R, Static 99, etc.) are used at different stages and for different purposes in the correctional/parole process that governs the paroling and supervision of offenders in the community. By way of illustration and comparison, this inquiry attempted to predict rearrest among a sample of parolees placed under supervision during 2006 and followed over the next two and a half years. The analysis drew on available data from the Pennsylvania Department of Corrections, the Pennsylvania Board of Probation and Parole, and, where possible, the Administrative Office of the Pennsylvania Courts. The analyses were limited in important ways:

- a) The outcomes of concern in the predictive analysis were relatively low in rate of occurrence, especially in the case of the measure of rearrest for serious crimes against the person, where we were trying to predict actions of 9 percent of all parolees.
- b) The data were not available in a form that lent themselves to a high level of reliability or validity. (See discussion of information capacity as a larger issue below.) For example, items of information relating to current offense and full prior criminal history were not sufficiently or reliably available. Had they been, some of these findings might have been modified.

With those caveats, using existing data—information that would have been available in offender files at the time of the parole release decision—the task of the statistical predictive analyses was to ask which sorts of attributes or items of information about parolees would have helped predict rearrest and, specifically, rearrest involving serious crimes against the person—the public safety concern motivating this inquiry.

The summary statements presented here should be read as asking whether, “net of the effects of other factors and controls,” a certain item of information or parolee attribute importantly affected the probability that an offender would be rearrested. In addition, these summary statements are derived using certain controls, which are appropriately included in the analysis. Analysis considered well over one hundred possible items of information for possible predictive power.

Rearrest, Any Type of Offense

A little more than one-third of parolees (36 percent) were rearrested for some criminal infraction during the two and a half year period studied. The purpose of prediction in this illustrative analysis of risk assessment is to determine whether knowledge of offender attributes (instant offense, demographics, prison experience, prior history, etc.) helps identify categories of

persons who can be expected to reoffend at notably low or high rates.⁵⁰ (See Table B2 in Appendix B for a table summarizing the final predictive model for any rearrest.) The following outlines attributes found to be related to rearrests for any type of offense in the sample of Pennsylvania parolees studied for this inquiry:

Demographic attributes:

- *Age over 35 decreased the probability of rearrest:* being older than 35 years reduced chances of reoffending when compared to parolees 35 or younger – **moderately strong** effect;

Instant offense attributes:

- *Having a property offense current conviction increased the probability of rearrest:* parolees sentenced for property offenses (burglary, theft, etc.) were more likely than those sentenced for other offenses to be rearrested – **weak** effect;
- *Having a robbery offense current conviction also increased the probability of rearrest:* parolees sentenced for robbery offenses were more likely than those sentenced for other offenses to be rearrested – **strong** effect;
- *Having a co-offender involved in the instant offense reduced the probability of rearrest:* parolees having co-offenders in the instant offense were less likely to be rearrested (when compared to those who committed their offenses alone) – **weak** effect;

Prior criminal history:

- *Having the first arrest before the age of 16 increased chances of rearrest:* parolees whose first arrests occurred prior to the age of 16 were more likely than those who did not have an arrest before age 16 to be rearrested on parole – **strong** effect;
- *Having a prior probation or parole revocation:* prior revocations of parole or probation increased the probability of rearrest – **very strong** effect;

Prison behavior:

- *Having a misconduct record involving threats against persons increased chances of rearrest:* parolees with a misconduct history in prison of reported threats of assault, extortion or blackmail had a higher probability of rearrest than those without such histories – **strong** effect;
- *Having a record of adjudicated misconduct:* parolees with verified misconducts during incarceration had an increased probability of rearrest compared to those not having such an institutional record – **strong** effect;

⁵⁰ The predictors of rearrest for any type of offense over two and a half years were identified using three measures as control variables: time in prison (as length of time served since commitment to DOC, in months), which was significant although marginal; method of release (to parole supervision vs. CCC or other transitional facility first), which was not significant; and supervision level, which was significant and strongly related to reoffending, at least as measured (comparing medium and high level vs. low level). In using supervision levels as controls, the point was to take into account the presumptive intensity of monitoring involved by the different levels of supervision imposed, that is, to identify predictors independent of “dosage of intervention/supervision.” (Accurate and detailed measures of units of supervision or services actually delivered were not available; thus we settled instead for the level of supervision that was assigned.)

- *Enrollment in any program during incarceration lowered chances of rearrest:* parolees enrolled in any institutional programming during their incarceration had a lower probability of rearrest than those not participating in such programs – **very strong** effect.

Rearrest, Serious Crimes against the Person

The current inquiry was initiated by the Governor specifically because of the killings of police officers by parolees or other persons in the correctional/parole process. His larger concern was to place a priority on improvements that could help prevent all types of violent crime by offenders coming out of prison. Arrests of parolees on homicide charges occurred in less than 2 percent of the cases (more exactly, 17 out of the 1,120 parolees studied). For risk procedures to develop predictors of reoffending for homicide specifically is extremely difficult because of the rarity of such events.⁵¹

Partly because of this extremely low rate of occurrence of homicide in the population of parolees overall, and partly because of the Governor’s general public safety concern, this analysis focused on the broader indicator of serious public safety threat, measured in this illustrative analysis as rearrest for serious crimes against the person, which included rearrest for homicide but also for other offenses such as aggravated assault, manslaughter, rape, and robbery. As noted above, rearrest for these crimes grouped as a whole is still relatively uncommon, involving nine percent of parolees over two and a half years of follow-up. Thus, although focusing on rearrests for serious crimes against the person is a measure of risk that is broader in scope than focusing solely on homicide arrests, it still involves a low base rate for statistical prediction—meaning the predictions will be weaker and surrounded by a greater margin of error than those for predicting more statistically common events. (See Table B3 in Appendix B for a summary of the final predictive model of serious persons rearrest.)

The following outlines attributes found to be related to rearrests for serious person crimes in the sample of Pennsylvania parolees studied for this inquiry:⁵²

Instant offense attributes:

- *Having a robbery offense current conviction:* parolees sentenced for robbery offenses had higher probability of rearrest for another serious personal offense than parolees sentenced for other types of offenses – **very strong** effect;
- *Grouped Offense Gravity Score (OGS) medium and high versus low:* corrections groups the Sentencing Commission’s 14-part offense seriousness score into three groupings of low, medium, and high seriousness levels. When compared to parolees with instant offenses rated as OGS low category, parolees with instant convictions involving offenses with OGS ratings in the medium category had significantly higher

⁵¹ See Berk and Sherman (2009) for an attempt and discussion of related difficulties.

⁵² The predictors of rearrest for serious crimes against the person over two and a half years were identified using three measures as control variables: time in prison (as length of time served, in months), which was significant although marginal; method of release (to parole supervision vs. CCC/CCF or other transitional facility first), which was not significant; and supervision level, which was significant and strongly related to reoffending, at least as measured (comparing medium and high level vs. low level).

probability of being arrested for a serious person crime during parole, and parolees with instant offenses with OGS ratings in the high category had even higher probability of rearrest for a crime against the person – **very strong** effect;

Prior offense history:

- *Having the first arrest before the age of 16:* parolees whose first arrests occurred prior to the age of 16 were more likely than those who did not have an arrest before age 16 to be rearrested on parole for serious crimes against persons – **strong** effect;

Prison behavior:

- *Misconduct involving assault:* reported misconduct involving assault increased a parolee’s chances of being rearrested for serious crimes against the person over parolees with no assault misconducts – **weak** effect;
- *Misconduct involving possession of drugs or contraband:* reported misconduct involving possession of drugs or contraband substances and materials increased a parolee’s chances of being rearrested for serious crimes against the person over parolees with no such misconducts – **medium** effect;
- *Misconduct involving threats against persons:* reported misconduct involving threat of assault, extortion or blackmail increased a parolee’s chances of being rearrested for serious crimes against the person over parolees with no such misconducts – **very strong** effect;
- *Enrollment in any institutional program:* participation in any institutional program while incarcerated reduced the probability of rearrest for serious person crimes (compared to those not participating in programs) – **strong** effect;
- *Having above average housing reports:* having recorded a prison housing report with an “above average” rating reduced a parolee’s chances for being rearrested for serious person crimes – **strong** effect.

Implications from Predictive Analyses of Pennsylvania Parolee Performance

Notwithstanding limitations noted earlier, some general themes emerge from the analysis presented in this report of data relating to prediction of reoffending (as measured by rearrest for any offense) and 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 they share 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. The PBPP has during the recent past relied on the LSI-R as a predictive (and condition-setting) tool. Although this tool has been validated in the past, this illustrative analysis suggests that the relative strengths of such instruments when contrasted with other, more recent 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 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 for serious person crimes, at least when broad groupings of most serious and medium serious OGS rankings were used. 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 effective 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 current 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 correction 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’ background?* One of the limitations noted in the introduction to this section involved the difficulty in using risk classification schemes that were predominantly governed by fixed parolee attributes—such as information related to prior history (of crime, supervision, imprisonment, treatment, etc.). Notable in the results of our analyses 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 an influential predictor, 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.

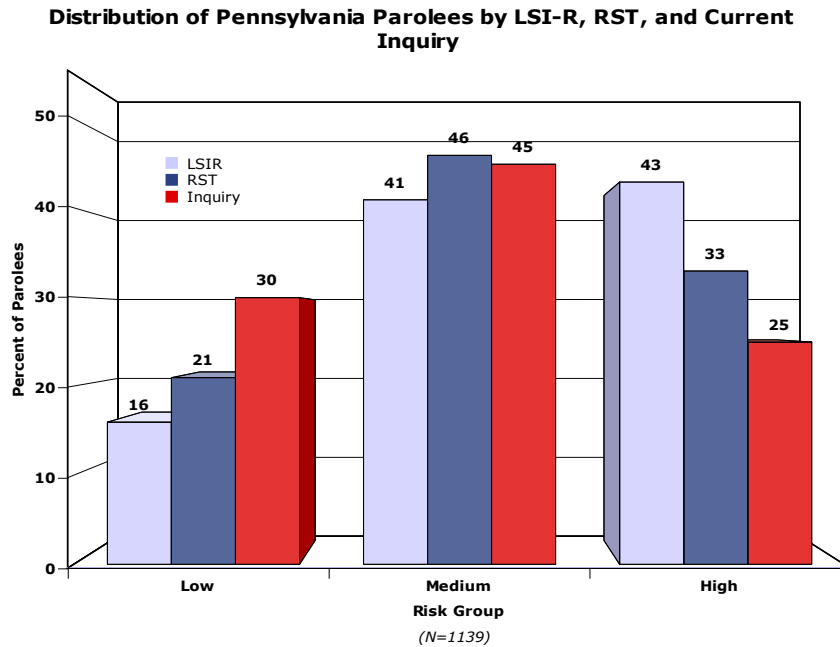
- *What is the role of prior offending in predicting rearrest on parole?* The data were weak in this category of predictors because of a limited availability of reliable criminal history measures. However, in the prediction of reoffending generally, having the first arrest before the age of 16 and having 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.* These predictions 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.

Comparing and Contrasting Risk Instruments

An illustration of the difference a particular predictive instrument can make is provided in Figures 9, 10, and 11. The first figure compares the distribution of this recent and large sample of Pennsylvania parolees according to the classifications generated by the LSI-R, the RST and the current predictive analyses. (The effect of classification resulting from the current predictive analyses is included in these figures, but will be discussed later; this discussion focuses on the comparison of the two existing classifications, LSI-R and RST) The next two figures compare the rearrest rates both generally (Figure 10) and specifically for serious person crimes (Figure 11) by the LSI-R, the RST, and the current inquiry rankings.

A basic rule of thumb in evaluating and comparing reoffense risk classifications is that a useful risk classification should identify different groups of individuals well according to differences in their *likely* rates of reoffending. This translates into predictive groupings (low, medium, high) that show differences in *actual* group rearrest rates of at least ten percent. Thus, the aim of a good parolee risk classification is to identify different groups of parolees differing notably from each other in outcome rates and with different risk groups showing notably lower or higher rates than the overall base rate (36 percent in this study).

Figure 9.



When comparing the low, medium and high risk rankings of Pennsylvania sample parolees under the LSI-R and RST risk instruments the following is found:

- *Rearrest for Any Offense* (Figure 10): Using the 36 percent base-rate standard, the LSI-R shows 25 percent of low risk parolees actually rearrested, 35 percent of medium risk parolees rearrested, and 41 percent of the high risk group rearrested. Basically, the medium and high risk groupings are not very different in outcomes, meaning they do not distinguish parolees with notably different failure rates.

In contrast, applying the DOC-developed RST risk classification results in differentiating groups of parolees on risk somewhat better, showing 22 percent of its lowest risk group, 35 percent of its medium risk group, and 46 percent of its highest risk group of parolees rearrested. The groups identified by the RST are more clearly distinguished on the basis of reoffending—in the sense that they are at least 10 percent higher or lower than the other groups of parolees identified based on risk.

- *Rearrest for Serious Person Crimes* (Figure 11): Against the standard of the low base rate for serious person reoffending (9 percent of parolees overall were so rearrested), the task of defining risk groupings of parolees with notably greater and lesser serious person rearrest probabilities is challenging. (How much lower than 9 percent is “low risk”?) The LSI-R shows a low risk serious person rearrest rate of 6 percent, a medium group rearrest rate of 7 percent and a high risk group serious person rearrest rate of 12 percent. In this case, the LSI-R poorly differentiates low and medium risk defendants, and shows a high risk group slightly higher than the base rate.

Applying the RST for comparison purposes yields a classification with 4 percent of its lowest risk parolees, 9 percent of medium risk parolees, and 12 percent of high risk parolees rearrested for serious person crimes. Both classifications are affected by the low base rate problem and a “floor effect:” it is hard to find parolees with rates of serious person rearrest much lower than the 9 percent base rate. Here again, though, the RST does better, with a low risk rate less than half the base rate. It also differentiates relatively well between medium and high risk parolees (with 9 and 12 percent rates of rearrest, respectively). However, in the area of preventing serious and violent crime, one is aspiring to finding a high risk group with notably higher rates than the base rate, say two to three times the medium rate. This problem remains challenging.

Figure 10.

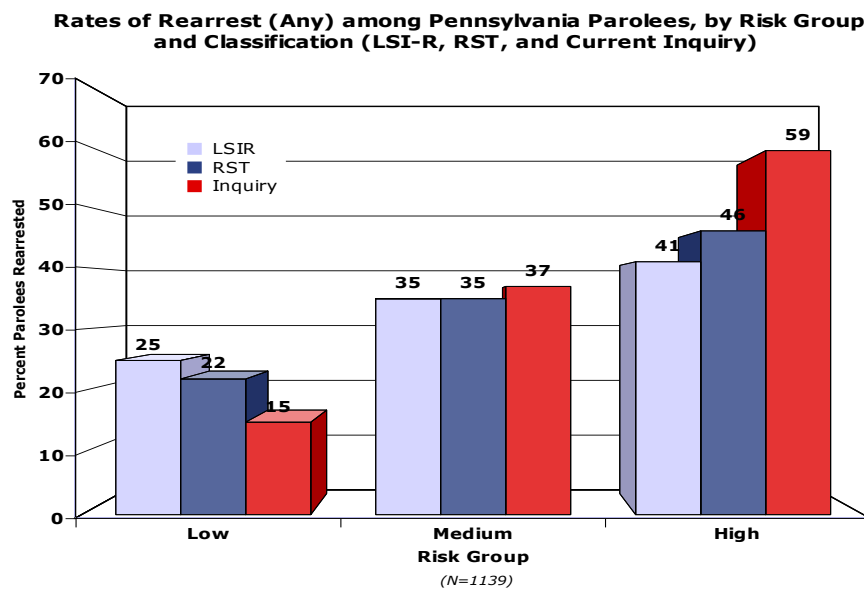
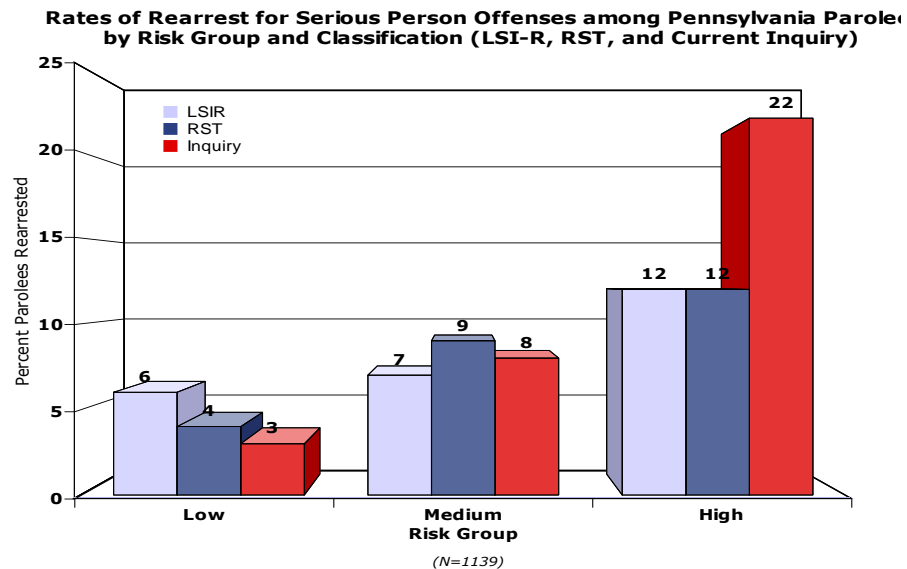


Figure 11.



At their most useful, risk instruments should help distinguish offenders according to their relative probability of becoming re-involved in crime. The policy aspiration is to target scarce and expensive resources (e.g., confinement, supervision) on the most risk-prone parolees, while reducing the resources applied to parolees presenting lower risks of crime. In theory, one can trade off the need to offer intensive services to the high risk group with the need to do very little to manage the low risk group successfully in the community.

The illustrative analysis of Pennsylvania parolees suggests that current risk measures can be improved. To illustrate, we contrasted the parolee classification derived from the predictive analysis conducted in the current inquiry (and its predictive capacity) with classifications of the parolees according to the LSI-R and the RST risk instruments. (We view this as illustrative because of data limitations and other issues that would need to be addressed in a more comprehensive process, focused solely on development of risk measures.)

Looking again at Figure 9 but now also considering the classification from the current inquiry, that figure contrasts the distribution of the parolees included in the 2006 sample according to risk classifications that could be developed from data available for this inquiry with their distribution based on the LSI-R and RST risk classifications. Figures 11 and 12 contrast the rearrest rates for any offense and for serious person offenses, respectively, based on all three methods.

A broad-based risk classification developed to estimate the probability of rearrest by Pennsylvania parolees for any type of offense (based on a two and a half year window) would divide parolees into low, medium, and high risk groups. (Recall, “low,” “medium” and “high” are relative terms to be compared with the overall base rate of rearrest among all parolees, or 36 percent in this inquiry’s analysis). Under the risk classification developed by this inquiry:

- About 30 percent of parolees fell into the *lowest risk group* that, in this study, showed a 15 percent rate of rearrest, less than half the average of the Pennsylvania parolee rearrest rate;
- About 45 percent of parolees fell into the *medium risk group*, and showed a rearrest rate of 37 percent, which is right around the average or base rate;
- About 25 percent of all parolees fell into the *highest risk group* and 59 percent of these high risk parolees were rearrested during the two and a half year period.

This illustrative risk classification (for “any offense type” rearrest) appears to offer an improvement over the LSI-R or RST instruments because it places fewer parolees in the higher risk category (25 percent) than the LSI-R classification (43 percent) and the RST classification (33 percent). At the same time, this illustrative classification defines a higher-rate offending group (at 59 percent) compared to the offending rates in the larger high rate groups identified by the LSI-R (41 percent rearrested) and RST (46 percent rearrested). The illustrative classification developed in this inquiry also classifies more parolees as low risk (30 percent), than the LSI-R (16 percent) and RST (21 percent) methods, identifying groups of parolees with lower rates of reoffending. (See Figures 9 and 10 above.)

When the focus is specifically on rearrest for serious crimes against the person, a much narrower focus working with the lower base rate of 9 percent, current inquiry data suggest that a more specific classification could be developed, one that would distribute parolees according to risk for serious person offending into the following groups:

- 48 percent of parolees would be ranked as low risk;
- 29 percent of parolees would be ranked as medium risk; and
- 23 percent would be ranked as high risk.

The classification based on data collected for this inquiry performs better than the LSI-R or RST does, at least when looking only at the serious crimes against persons outcome—despite the overall very problematic (for statistical purposes) low base rate. (See Figure 11 above.) The classification would identify parolee serious person crime risk groups with the following violent crime rates of rearrest:

- 3 percent for parolees ranked as *low risk* (twice as low as the base rate, comparing favorably to the 6 percent and 4 percent rates for the LSI-R and RST, respectively);
- 8 percent for parolees ranked as *medium risk* (comparing favorably again with the 7 and 9 percent rates for the LSI-R and RST respectively, all rather close to the base rate); and
- 22 percent for the parolees ranked as *high risk* (more than twice as much as the base rate, a noticeable improvement over the 12 percent rate of both the LSI-R and RST).

In fairness, the RST risk instrument was developed for correctional rather than parole prediction purposes and the LSI-R was not designed to focus specifically on reoffending involving serious crimes against the person (violent crimes). In addition, as mentioned earlier, the lower the base rate, the more difficult the predictive task and the larger the margin of error—and this applies to any classification attempt, including the one developed based on the predictive analysis in this inquiry.

Thus, even under the improved violent crime risk classification developed here, of parolees ranked as high risk for reoffending, 22 percent were rearrested for these serious crimes, but 78 percent of them 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.* The obverse is that, of those parolees predicted to be low risk, 97 percent were not rearrested for serious crimes against the person, but 3 percent of them were. Or, *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, they still contain large margins of error.

The point of these analyses is not to rate the efficacy of one risk approach versus another, but rather to illustrate potential differences that should be considered in future planning. For example, the difference in the way risk instruments classify parolees has great importance beyond their respective error rates. How a candidate parolee is ranked for the parole decision, for

example, is greatly affected by his or her risk classification. Those rated as lower risk have better chances of being released on parole and those who are ranked as higher risk have reduced odds. Moreover, which parolees are assigned these risk attributions would differ depending on which classification system was employed.

In addition, which classification is deployed affects the projected use of supervision resources and the use of incarceration. Under the illustrative classification, intensive resources would be assigned to a smaller number of parolees, while at the same time an increased number of parolees would be assigned to the lowest intensity supervision category. To the extent that risk classifications are related to the probability of parole, the illustrative classifications of this inquiry would also lead to decreases in prison population—assuming all else would be held constant—as more parole candidates would now be considered lower risks and thus would have higher chances of being granted parole.

Note that these brief analyses are meant to be illustrative—to investigate risk currently among Pennsylvania parolees. On the one hand, these findings show that some of the measures that emerge as predictors in these analyses of rearrests among parolees, both generally and specifically involving violent crime, are related to items currently being factored into risk assessment specifically and parole decisionmaking more generally. The illustrative findings show relative merit in the existing approaches and do not mean to suggest that they are without utility. In fact, the findings could be viewed as providing validation that both the LSI-R and the RST may be useful predictive instruments. At the same time, these findings can serve as the basis for discussions and analyses necessary to reconsider existing approaches and/or construct revised parole guidelines that will also incorporate enhanced risk-related considerations relating to preventing violent crime by parolees. The analysis suggests that re-examination of risk and reconsideration of its uses and impact at various stages would be worthwhile from several points of view, including public safety and resource allocation. Statistical issues aside, this review demonstrates that risk assessment can be improved upon, assuming some of the data limitations can be addressed, and the relative resource implications of updated risk policy can be weighed and taken into account.

Recommendation 4.7: Risk Instruments Should Be Reexamined to Estimate Implications for Correctional Planning and Parole. The specific capabilities of risk instruments in use 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.

Discussion: Because of the importance of risk classification, as revisions of current instruments are considered in the interest of better predicting violent reoffending, it is critical to test newly revised or adopted instruments on the Pennsylvania population prior to implementation to estimate the likely impact such modifications might have on processing (decisions), outcomes (reoffending) and programmatic and institutional resources.

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” (not fixed) risk factors, including their appropriateness and strategies for strengthening and/or clarifying their influence.

Discussion: Various measures of offender participation in institutional programs, including completion, participation, and enrollment in particular types of programs, appear in analyses to play important roles both in the parole decision and in prediction of reoffending—thus confirming the rationale for the reliance on such considerations at the parole decision. These dynamic risk factors, which are attributes within the power of incarcerated offenders to improve on, suggest that crime prevention strategies should include examination of ways to encourage their positive influence. This may involve seeking ways to eliminate obstacles to enrollment and retention, and selectively reviewing and improving the quality and content of some key programs. This recommendation fits well with the Department of Corrections’ current philosophy of encouraging rigorous testing of the impact of various inmate programs.

SECTION 5

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. In this section, we discuss supervision capacity and effectiveness—and the mediating factors of community context.

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—i.e., methods and practices under the PBPP's control. Supervision capacity, understood as a relative ability to support the transition to the community and to prevent criminal behavior during the parole period, is produced by additive effects of a number of key elements: availability and quality of field and supporting staff (including the agency "culture"), workload carried by field staff, availability and deployment of resources in the field, knowledge and efficient use of methods and techniques of supervision and monitoring, logistical and material support for supervision staff, including availability of relevant information, and 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.

In focusing on agency supervision capacity, we do not mean to diminish the critical role of the community context within which parole supervision seeks to operate effectively. Thus, as we mention below, a variety of community factors not directly under agency control, such as stable housing, family support, employment opportunities, transportation, community supports, constructive peer and employment influences, and treatment and other social services, can play powerful facilitating or countervailing roles.

Supervision capacity is perhaps an element of co-equal importance to what is done prior to release to prepare offenders for return to the community and to decisionmaking about the timing and conditions of release in a comprehensive improvement strategy for crime prevention. This discussion of parole supervision is informed by discussions with officials, field agents, and offenders, interviews of key officials, observation of procedures, review of agency materials and procedures, and data where available. The following section and subsequent recommendations draw on interviews and critical commentary of various parole personnel who were candid in the feedback they offered to the review team. A regional focus group of 11 field parole agents in Eastern Pennsylvania provided particularly useful insights from the field.⁵³ Although these personnel represented only one region of the state, they argued that similar accounts would be

⁵³ Due to a state budget freeze on travel, we were unable to follow through with similar discussions planned in other parts of Pennsylvania.

provided by personnel from other areas and the issues they identified were echoed from other quarters. The interviews conducted for this inquiry conveyed a high level of dedication and professional pride and interest among field personnel in what they do. In this discussion the comments of field parole agents are given great weight mainly because the focus of this part of the inquiry deals with day-to-day supervision of parolees in the community. We recognize that perspectives of other key actors, officials, staff, and agencies may differ from the perspectives of the parole field agents with whom we talked.

The recommendations are organized according to different elements critical to supervision capacity. Of course, final responsibility for remaining crime free rests with the offenders being released to supervision. The focus here is on what can be done by parole and related personnel to reduce the likelihood of reoffending and the prospects for early intervention when violations of the conditions of release occur.

Process Issues: The Transition from Correctional Custody to Field Supervision

Cross-Agency/Intra-Agency Sharing of Timely and Relevant Data. Discussions with field agents, institutional staff and inmates emphasized similar apparent difficulties in cross-agency communication of or access to information that would be very helpful to parole field staff in preparing to receive a parolee from custody so that supervision procedures can begin immediately and “on the right foot.” *The transition 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.* This transition of custody includes periods during which responsibility is shared. A particularly awkward example of shared responsibility is when a parolee assigned to an office and agent for field supervision is ordered first to a transitional facility (CCC, CCF or other transitional facility). Parole officers ask the question: “How can we supervise a parolee during his stay in a facility which has its own rules and aims?”

The gap appears to have informational, communication, physical custody and bureaucratic implications for safe management of reentering offenders. Parole field staff, for example, discussed difficulty in obtaining sufficient information from Corrections at the time of preparing for parole and release—information, for example, relating to specifics of institutional behavior (violence), behavioral health care issues or even prior history in correctional and parole settings—which would help them to more adequately prepare for the risks posed and needs associated with newly assigned and released parolees.⁵⁴

The role of the institutional parole agent could be critical in facilitating this process. According to field agents interviewed, however, “it doesn’t really work that way at present.” Part of the problem is that “it’s almost impossible geographically and time-wise for agents to see offenders in prison before they are released.” However, one agent said, “I never get a phone call from an institutional parole rep. They’re tied up with hearing examiners preparing for parole interviews. They are not for parole (i.e., the role is not currently structured in the interests of assisting with parole supervision).” Another commented that, “the institutional parole rep is a whole different animal. They are more paper-oriented than field-oriented. It’s more

⁵⁴ The authors are aware of the high hopes the agencies have that the new offender data information system will help address these issues.

administrative. They don't feel like they're a part of the [parole supervision] team." "We used to get the rap sheet, the summarization report, etc. If they saw it as their responsibility to help get the social security card, the birth certificate, etc., that would be really helpful."

A field agent reported knowing, for example, that an offender was released several days earlier and was due to report to the officer the next day; however, the parole officer complained, he had no information yet on the offender for whom he was trying to prepare his meeting and release regimen. While this was but one example, others were discussed. Parole officers strongly agreed that the issues represented were not isolated to one instance. The reported difficulties with access to relevant correctional data were tied to logistical, bureaucratic and legal (i.e., privacy) issues.⁵⁵

The gap referred to by agents at this stage was not only in smooth interchange and sharing of or access to information between Corrections and Parole, but also involved institutional parole agents, who some field agents thought could be playing a more directly helpful role in facilitating the connection between those responsible for correctional custody and parole staff soon to be responsible for an offender's supervision in the community. In short, communication and information sharing was described as a major problem between institutional and field staff. We were told repeatedly by staff in different settings and by inmates themselves that DOC and PBPP do not communicate well, a problem which affects parole agents in their efforts to deal with released offenders.

The difficulties in information exchange from Corrections to Parole field staff were a major concern among agents, which centered on what they described as a "lack of total access to DOC website information." The agents complained that "we have access to the DOC website, but we are locked out of some things. For example, we cannot get access to a guy's visitors log, so if a parolee had been visited by certain problematic visitors, we could not prepare to deal with issues of association." One aspect of the communication problems identified relates to not getting enough specifics from DOC. One question cited as an example was, "Why was an offender written up in the institution? For carrying knives? For being part of a gang? Having tattoos?" The agents complained that parole personnel may "just get information that it was a major or minor disciplinary infraction" or "get categories of misconducts, but knowing more about its nature could help" with supervision and assessment. The problem of no longer having a

⁵⁵ A strength of focus group discussions with field staff is that sometimes isolated incidents are identified that may raise question about practices deserving further investigation. A weakness, however, is that anecdotal information may not truly represent systemic issues. We tapped these discussions with field staff so that issues identified could be further reviewed. In reaction to these findings from the focus group, PBPP explained what general policy should entail: "Most conversations between the institutional agents and the field agents would occur with Transitional Coordinators (TCs) [to be discussed later in this section], as TCs supervise many new releases. Moreover, institutional parole agents perform a number of face-to-face tasks with the inmates prior to release to include conducting LSI-R assessments, working with DOC staff to complete the Re-Entry Transition and Accountability Checklist (RTAC) (which helps to identify important documents needed to support re-entry), processing home plans, and providing reporting instructions." PBPP further reported that although occasionally paperwork does not make it to the field office prior to an offender's first appointment, agents receive notice when a new offender is due to report and that all information needed to open the case is available for printing directly from PBPP/DOC computer applications. Similarly, all conditions stipulated on the Board Action are also available via PBPP computer applications.

version of the narratives of the original criminal charges or treatment information from DOC also reportedly handicapped them in their ability to prepare for new parolees.

A major complaint was that many documents are no longer forwarded to Parole field offices from DOC, yet a computerized capacity has not been implemented that fully replaces that manual exchange of information. The parole agents reported that they formerly received a full packet of information from DOC, with a front sheet, classification and other more detailed information. Instead, they reported, now they only get certain items (such as the domestic violence form), and are supposed to pull classification information from the DOC website, encountering computer problems that delay assembling the needed information. In such cases, they may be left with no information, or information that is not available in a timely fashion. In addition, as discussed in more detail below, they questioned the use of the limited time of field agents on printing, photocopying and other clerical tasks that are using an increasing portion of their work day.

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. As discussed below, 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.

Discussion: It is not surprising to find different perspectives among field staff, institutional staff and agency administrators in such a large organization. We noted above, pertaining to feedback derived from the focus group, that although the focus group consisted of individuals from one region in Eastern Pennsylvania, the parole agents were not from the same offices/locations—and yet they shared issues in common. Some of the themes of field staff were echoed by comments of institutional staff. Hardly a group of disaffected workers, the parole agents selected by PBPP for our discussion were very proud of their professional roles and agency, and offered comments in a constructive spirit. Many of the field staff were aware of recent agency initiatives and were expressing feedback from their own experiences, as requested. Certainly some changes in PBPP approach may not have reached them or occurred while the report was being completed or under review.

During the agency review of the draft findings presented in this report, the PBPP sought to clarify and/or offer further perspective on the issues addressed above. The following represents selected comments clarifying some of the issues discussed above. In light of these clarifications, it may be possible to employ an existing or slightly modified, cross-agency group to carry out the activities suggested in this recommendation. The critical point is to ensure that all information useful in achieving as smooth a transition as possible for offenders leaving institutions and entering community supervision is made available and that the involved agencies work closely together to achieve this end.

Relating to the gap in information and communication that field agents noted between Corrections and Parole at the very first stages of release to supervision, the PBPP offered that: “historically this has been a problem, but the DOC and PBPP have recently made significant enhancements over the past two to three years to address this issue. The joint development of the Re-Entry Transition and Accountability Checklist (RTAC) and replacement of the summarization report with the Integrated Case Summary Application (ICSA) are two examples of this collaboration. Additionally, the DOC and PBPP hold joint meetings on a quarterly basis to address mutual concerns. Recently, the PBPP and DOC began sharing responsibility for developing treatment plans for inmates as well. Both PBPP and DOC staff must agree on treatment conditions, and a formal process for resolving issues has been established. All of these communication improvements are recent occurrences.” (Communication from the Chairperson.)

PBPP noted that “it is indeed true that full access to the DOC website is not available to all staff. DOC has granted all access that the PBPP and DOC staff mutually agreed was important for staff supervising cases in the community, but privacy laws prohibit the sharing of certain information on the DOC website. All information on present and prior offenses (including the official version when available as well as the offender’s version), misconducts, and assessment information is available to field agents in the ICSA. Items that are not available via the DOC website, such as visitor’s logs, are available to staff upon request. For example, the FAST (fugitive apprehension search team) units routinely request visitor’s logs and obtain them in little turnaround time.” (Communication from the Chairperson.)

“The PBPP and DOC recently sought to streamline the exchange of information in creating items such as the ICSA and the RTAC. It was determined that based on agency workload standards, institutional staff were becoming physically unable to keep up with their assigned tasks which resulted in increasing backlogs. The PBPP was able to further streamline processes to enhance staff ability to keep up with workloads. The PBPP and DOC determined which information was necessary to distribute and of the necessary information, what physically needed to be transmitted versus what could be made available on PBPP and DOC computer applications. All information identified as necessary is available to agents via computer applications. It may now exist in a different form than agents are used to seeing. In fact, in many cases, agents may have even more information available than they had previously. For example, agents now have automated access to offender performance evaluations during DOC treatment. The streamlining process made it possible to provide more meaningful information, and perhaps even more importantly, keep field staff in the field.” (Communication from the Chairperson.)

PBPP also reported that PBPP staff and and the DOC “hold quarterly meetings to address issues such as these. Recently, these meetings resulted in the development and implementation of the RTAC and ICSA which were designed to address the very gaps in information expressed by members of the focus group and in earlier reports. When deficiencies are identified, joint working groups are formed to develop resolutions. These working groups often involve both field and institutional agents representing all parole district offices.” (Communication from the Chairperson.)

Immediate Tracking of Parolee from Corrections Custody to First Parole Contact and Enhanced Supervision during the First 90 Days. The physical location of the just-released parolee is a critical second dimension to the transition of an offender from corrections to the streets. In earlier reports, this review emphasized the critical need to avoid any break in supervisory responsibility at the release stage when the parolee is returning directly to the streets from prison or gaining release through a CCC or CCF upon meeting certain programmatic or other obligations outlined in the parole decision.

Directly stated, parole contact and supervision should occur as soon as is feasible after release so that any temporary break in the awareness of a parolee's location or status can be avoided. Discussions with field agents yielded a recent account of breaks in the chain of responsibility/awareness of a parolee's whereabouts. One agent described the recent example of an offender who was released and told to report to the wrong field parole office. According to this account, the prison sent an offender to the wrong district parole office. As a result, "he went to [Location X] though he lives in [Location Y]." In addition, the officer "went to where I was told the offender lived and was told that he doesn't live here." The problems that resulted took a couple of days to sort out, although in this instance the offender apparently was determined to do what he was supposed to and no behavioral problems were encountered.⁵⁶

Though rare, such instances highlight the importance of avoiding any break ("gap") in the custody or supervisory responsibility for parolees at the very first stage of release to prevent the development of problems as an offender who has not been in the community for a considerable period needs to get his or her bearings and settle into an established supervisory arrangement. In particular, release from long-term institutional confinement can be extremely disorienting, involving a sort of "culture shock," coping with which requires both clear orientation to the behavioral expectations and other specifics of parole supervision, as well as transitional assistance and referrals of various types. This is especially critical when a parolee is at a higher risk of violent reoffending. Although we note this issue because of its critical importance, this is an area, like others mentioned earlier, in which the DOC and PBPP have taken steps to implement improvements since the incidents sparking the review and the earlier reports.

Research suggests that the first steps taken to orient the offender to the new experience and expectations of parole release and the initial period of parole generally (e.g., the first 90 days) should be given a high priority in supervision. This is the critical period during which the new rules of the game, the new life challenges of reentry and the parolees' relationships with parole supervision officers are established. It is also a high risk period for reoffending among returnees.⁵⁷ It is during this time that the supervising parole agent will be getting familiar with

⁵⁶ The PBPP administration confirmed that this does on occasion occur, but not frequently. The PBPP policy and practice have been tightened in this regard to make sure that this occurrence is even more unlikely in accordance with recommendations from our interim report. Specifically, agents are now assigned to specialized CCCs so that they can meet with incoming offenders, often within hours of their arrival. When transitioning to the community from a specialized CCC, the DOC will not release offenders on a Friday so that it can be assured that they report to their assigned agent within 24 hours. As the agents stationed in specialized CCCs communicate with the assigned agents, the accountability for reporting is greatly enhanced as assigned agents can act to address non-reporting in a more timely manner.

⁵⁷ In addition to the findings reported from analysis of Pennsylvania parolees in this inquiry regarding time to rearrest, see findings from the New York State Parole Project by Vera Institute of Justice (2009).

the newly assigned individual and the setting in which he or she will be or has been placed. In addition, it is during this time that initial basic organizational needs should be taken care of that set the stage for the parole experience as it will go forward in time. A foundation for addressing the critical first days is reflected in the PBPP's establishment of the Bureau of Offender Reentry to front load agent resources to quickly stabilize offenders' housing, employment, and treatment needs. This is primarily accomplished through TC (Transitional Coordinator) agents and the policy change to supervise all offenders at maximum supervision during their initial 90 days after release. If the concerns of the parole agents are to be credited, this foundational effort could be further enhanced to facilitate the agents' capabilities during the first stages of community supervision.

Parole agents pointed to problems created by earlier failures to complete some basic tasks that they argue should have been taken care of—whether by Corrections or institutional Parole personnel—for example, in better equipping the releasee with basic necessities, such as appropriate ID, a social security card, a medical assistance card, and a birth certificate, without which establishing employment and connections with various required supportive services is difficult or impossible. Even if the responsibility for acquiring these essentials of community life falls on the offender, it is important for Corrections or Parole personnel to both facilitate and certify completion of the steps required to address these needs at an appropriate time.

One of the sources of frustration relating to the important items mentioned by the field staff is that availability is controlled by other governmental entities—each with their own processes and procedures. DOC staff must work within the confines of the various agencies' procedures to procure all necessary documents to the extent possible. Depending on the amount of time DOC staff has prior to notification of a release, they may be unable to procure certain documents. What exacerbates the difficulty of acquiring these documents is that approximately a third of all inmates recently have been “short minimum” cases, which means they have 8 months or less until they have completed their minimum sentence, making it more difficult to have documentation ready at the time of release. Certain items such as cash assistance and medical assistance are not available at all to inmates until after their release. Department of Public Welfare policy requires the release from prison and physical reporting to an office location before application processing can begin. Recognizing that it will not always be possible for DOC staff to procure all necessary documentation, the PBPP and DOC have worked to identify outstanding offender needs upon their release. The RTAC is an example of the joint effort to improve communication. With the involvement of so many different government agencies, a greater collaboration of all stakeholders may be necessary.

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 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.⁵⁸

- 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.
- 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.

Reviewing the Role of the Transition Coordinator (TC). In attempting to address the challenges posed by the very first days and weeks on release and to assist district offices in meeting the increasing workload demands, PBPP introduced the transition coordinator or “TC,” as a new position. Implementation of this new “front-loaded” approach to try to better coordinate start-up supervision services faced a number of challenges in recruiting, staffing and gaining acceptance across all PBPP offices among field parole agents, already feeling over-stretched in meeting their workload requirements.

How well the intended role of this innovation has been realized appears to vary across district settings, according to interviewed parole agents. Specifically, a strong criticism of this innovation was that it can work to the detriment of breaching the multi-faceted gap that easily can arise between release from incarceration and the need for the offender to settle in to a solid parole supervision and transition process. Thus, in some quarters, rather than being viewed as an

⁵⁸ As a result of the initial report from this review, the PBPP incorporated this concept into supervision policy and it should be continued.

important early stage assist, the concern was that the TC is essentially inserted between the parolee and the person who will be serving as the supervising field agent, delaying when this key figure makes initial contact with the new parolee and interrupting the working through of the all-important first 90-day process of setting the terms of the working/supervision relationship in the field. One parole agent reported that it worked against early preparation and follow-through and was confusing to the parolee:

“Typically I begin to deal with a case pre-parole. That’s when I go to the offender’s home, introduce myself to the family, and find out if they are going to take him to treatment, etc. In this case, I made the relationship with the family (but) he sees the TC. The parolee asks for the agent and was confused. All it does is slow down the input of new cases.”

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.

The Need to Coordinate Use of Community Correctional Centers and Facilities (CCCs and CCFs) with the Initial Stages of Parole Supervision. In earlier reports, we discussed the valuable resources *potentially* represented by Community Correctional sites (CCCs and CCFs). In addition, we appreciated the fact that the Secretary of Corrections had been conducting an in-depth programmatic review of the centers/facilities to assess their strengths and weaknesses. Our second interim report suggested that these transitional facilities could play an important role in better linking Parole and Corrections (reducing the gap between Correctional and Parole responsibility) by placing parole agents in offices in the centers as well as allocating certain centers to serve as pre-release/parole transition facilities for potentially violent offenders.

Discussions with field parole agents responsible for supervising violent and other types of recently released offenders resonated with interviews with former parolees and institutional staff in yielding sharp criticism of the role or operations of at least some of these community-based facilities. Parole field staff recounted several problems with how these centers are used—both at pre-parole (pre-release) and parole stages—that are relevant to supervision of potentially violent offenders. Although there clearly are differences among these facilities, both in terms of whether they are DOC-run or administered by private contractors, as well as geographic placement, size and other site-specific characteristics, a number of general complaints were directed at how the role of such facilities is being conceptualized and carried out in practice.

One widely-shared agent criticism was that “pre-release” was supposed to provide strong preparation for prisoners who were demonstrating good progress or were in good status in prison as they neared the parole stage. There was a concern among parole agents that pre-release was not always being used to serve that selective release-staging purpose, and that sometimes

prisoners were being placed in the centers for other reasons (e.g., to relieve crowding problems), which undermined the value of earning pre-parole status. This is not to suggest a lessening of the use of pre-release placements or the use of community residential placement as an initial condition of parole; the potential value of employing such facilities as part of a phased reentry process was appreciated by many of those interviewed. The point is that the ways in which such placements are to be employed should be clearly defined, with the goals, criteria and procedures for such placements made explicit and matched well to the various types of facilities and related programming available.

A second shared sentiment among field parole agents was that in at least some of these transitional community facilities offenders were mixed together despite the important difference in their statuses (as pre-release or “paroled-to” residents) and thus, there was little or no separation or differentiation of the regimes that the different types of residents were supposed to be following. This criticism was accompanied by a belief that the staff in at least some of the centers provided poor supervision, and little programmatic or release-preparatory intervention or services. Moreover, parole agents who were responsible for parolees’ transition to the community through centers reported having poor access and a limited ability to deal with offenders assigned to them for supervision. That strong common view resulted in a recommendation among agents that parole agents should supervise parolees only when they actually are released to the community from either prisons or community-based facilities and that Corrections should continue to provide supervision (be fully responsible for custody) while parolees are residing in centers.

This review team earlier had recommended as part of the strategy for closer supervision of violent offenders, that parole agents should have offices located in Community Correctional Centers, at least when they were used for offenders considered at high risk of potential for violence. However, parole officers subsequently said that they believed that such a step was impractical, given the poor prospects for coordination between parole agents and staff in many of these facilities. Moreover, agents also noted that they were unaware of implementation of that recommendation at the time of these discussions (which took place several months after the initial recommendations were made, at least in the districts the interviewees represented), although that may simply reflect the fact that planning to implement such placements could well take even longer than a few months.

In contrast to these misgivings expressed concerning the roles of community centers, the agents were more positive that CCCs or CCFs were indeed useful when serving as “halfway back” centers, an option for parolees (and their supervising agents) that can be used to make adjustments to the supervision regime without having to place parolees back in the prison setting.

These suggestions and critical feedback from the parole agents seem timely in light of the Corrections Secretary’s programmatic review of community correctional centers and facilities and his plans to adapt certain of these resources to specialize in the transition of potentially violent offenders from state institutions to the community. The need for these transitional centers is great, while actual availability is to some extent limited, causing a “backlog” of cases in which such a placement could prove worthwhile waiting for an opening in a location consistent with release plans. Thus, it is important to recognize that the plan to specialize some centers to focus

on potentially violent offenders raises resource allocation and availability issues when needs are considered across the Commonwealth.

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

Framework for Organizing Supervision Resources According to the Nature of the Caseload. 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).

Currently, based largely on agency LSI-R ratings (see discussion of risk above), persons placed on parole are assigned to one of several levels of supervision (administrative, special circumstances, low, medium, high maximum, enhanced) as well as to a range of other supportive services designed to assist the parolee in returning to the community. The requirements basically vary in level and intensity of contact and monitoring. An administrative (essentially a non-reporting) level⁵⁹ involves the least number of contacts per month, and each successive ranking adds office visits, home visits, employer and other collateral visits and special monitoring. It seems logically and intuitively sensible that more or fewer visits or face-to-face contacts affect the probability of offending during parole. Such quantitative variations in supervision—rather than qualitative adjustments—have received little empirical support, however. Research has shown, instead, that a combination of intensive supervision and supportive/treatment services does have an impact.⁶⁰

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 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

⁵⁹ Administrative reporting is an option to which parolees are “stepped down” after meeting requirements of supervision for sufficient periods of time, demonstrating little risk of failure.

⁶⁰ See, e.g., Petersilia and Turner (1993) and Petersilia (2003).

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.

Another version of this kind of reaction to a retargeting of the most intensive resources (toward prevention of the most serious violent or sexual reoffending) is that the carefully designated categories of parolees who generally are deemed not to require such intensive services will nevertheless be prohibited from receiving less intensive supervision and monitoring options. These sorts of reactions act to multiply the demand, if not the actual need, for supervisory resources as well as to undermine the ability of parole personnel to target the highest risk parolees. At the same time, parole decisionmakers need to have the discretion to recognize and adjust risk designations that fail to take into account mitigating or countervailing factors unique to certain offenders or their circumstances (for example, the “high risk” elderly defendant who is confined to a wheelchair).

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.

Discussion: It is difficult to assess or enhance the effectiveness of staff deployment without periodic examination of the entering caseload of parolees and their attributes as they relate to level of supervision, services and threat to public safety. In-depth re-examination in light of the concern for violence prevention and the revision of supervision guidelines and policies will be critical to the strengthening of supervision capacity. The impact of policy changes represented by the use of the violent offender typology (in its current or revised form) can be used to “play ahead” and project intensive targeting supervision needs and resources based on recent empirical parolee data.

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 and continuing parolee caseload, including the specific strategies to be applied to potentially violent returning offenders.

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.

Discussion: It is difficult to assess the effectiveness of supervision capacity without starting with a frame of reference. The frame of reference should be a classification of parolees in the entering caseload based on attributes related to the principal challenges of supervision, including public safety threat, monitoring, and reentry/service needs—and incorporating the implications of the violent offender typology (in its existing or revised form). Once an appropriate and adjusted supervision framework is adopted, the practice of automatically applying maximum levels of supervision to certain categories of parolees, despite risk or violent offender typology attributes, ought to be carefully reviewed and the likely impact assessed.

Weighting and Managing a Differentiated Caseload: Beyond Aggregate Staff-to-Case Ratio. We reiterate in this report, that in our initial stage review of PBPP supervision caseload and workload⁶¹ we found that, although the ratios of parolees to staff varied somewhat by district and over time (as staff turnover occurred and replacements were being recruited), overall the ratios were at or near the average levels promulgated by professional standards in the field.⁶² Our concerns at this stage of the inquiry require moving “beneath” the overall workload standards and averages to recommend close examination of how agent caseload is allocated and credited to reflect the nature of the challenges posed by the PBPP caseload (i.e., in line with the focus on potential violent behavior). We find the current approach adopted by PBPP to be reasonable and to correspond to what is held out among like professional organizations as “best practices.” We are suggesting here that the recommendations relating to intensively supervising, monitoring and providing supportive reentry services to categories of potentially violent parolees may add another dimension to workload planning and that assessing “fit” against the attributes of the overall parolee caseload as well as the PBPP staff complement should play an important part in such a review.

⁶¹ In conducting a background review in this area, we are grateful for the work and expertise of William Burrell.

⁶² See also DeMichele (2007). The PBPP workload formula is based on a national model developed by the National Institute of Corrections of the U.S. Department of Justice. It was derived in part from multiple focus groups of representative staff from all districts with various types of caseloads and responsibilities. The PBPP workload formula considers factors such as driving time in rural versus urban areas, attending required training, and completing paperwork in addition to case types according to assigned supervision level. This is a preferred method of managing workloads as opposed to the traditional method that simply considers caseload sizes. All tasks performed by each type of agent are then identified and given a time value. Most recently, the workload formula identified four main areas for all tasks: supervision duties, non-supervision duties, investigations/reports, and other/miscellaneous duties. The PBPP is reviewing the fit of this workload management formula currently.

An updated supervision classification has implications for allocation of supervision resources and the workload of field agents. First, supervision resources need to be deployed according to the categories of the classification system. Second, the workloads of field agents dispensing the varying levels of supervision, monitoring and services need to be adjusted through an equitable system that balances the nature and degree of supervision required and the need for accountability in supervision.

Field agents interviewed argued that the available average caseload figures can be misleading. Instead, they estimated that for practical purposes the real ratio is “like one to 147” when factors like staff turnover and absences for training or illness are taken into account. In addition, they talked about how additional factors should be given more weight in determining workload. For example, an agent may put 130 miles per day on his/her car covering one half of a county. In some places agents may have to cover 2 or 3 counties. Another comment was that “we are being trained in motivational interviewing. It’s an excellent tool. But it takes time to do it effectively. How are you going to do that with 100 cases?” A related issue concerns the range of duties parole officers are responsible for accomplishing. Their assignments currently include such tasks as conducting investigations for prisoners applying for commutations, work which is both time-consuming and takes away from time spent on supervising parolees. Some of these concerns are taken into consideration in the workload system currently in use and now under review by PBPP. Taken together, they suggest issues of staff being stretched as far as possible—or perhaps beyond the level of maximum impact—and add urgency to the ongoing PBPP mission of making use of an effective and accountable workload management approach.

These recommendations relating to better identifying and targeting supervision resources to potentially violent offenders have clear implications for the real workload of the agents who have to deliver that supervision. As one interviewee expressed it, “If you have 150 cases, all you can do is say, ‘His pee is negative. The house looks good.’... All they ask you is: ‘Did you make your two contacts?’ If that’s it, it’s about the numbers.” Another agent added, “With violent offenders, it’s all about caseload size and surveillance and time. I want to spend time with him at home. But if I’ve got 20 more guys to see, I can’t spend that much time.” One officer argued: “I don’t know how you do this job in 40 hours. If you do a good job, it’s more, much more. Plus, there is more than just supervising cases. You’ve got arrests, transports, investigations.” Another agent made the point that it takes a lot to supervise differentiated caseloads.

Despite the emphases placed on the issue of staff resources by parole agents interviewed, the nature and design of this inquiry does not allow us to make an argument that a specific number of additional field supervision agents is required. It is our impression that the supervision function is understaffed. *Instead, however, we argue that the prior question is how well are the supervision demands identified in the parole caseload reflected in real and realistic redeployment of supervision resources through the workload approach currently employed by PBPP management?* Once that question is examined, then the nature, type and location of the need for additional resources can be better defined. Our impression is, should such an analysis occur, a real need for additional supervision resources will be identified.

In short, we believe, even though they may have been developed following best practices as promulgated by national professional organizations, 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 especially 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 and violent, caseload entering the community.

Thus, in theory, one would begin with a reliable system for classifying parolees according to their special challenges (violent, sex offender), their risks of reoffending and their needs for supportive services, level of supervision and method and frequency of monitoring. In addition, the assessment ideally would include estimates for the amount of time required for effective delivery of various supervision and service approaches that field officers are expected to deliver, such as motivational interviewing, violence prevention programming “refresher” sessions, relapse prevention and the like. Although some interventions or services of this nature will be delivered through referral, time needs to be allocated for arranging and monitoring the provision of these needed services and agents themselves may well deliver some of them directly, especially in areas of the state where contracted service providers may be scarce or non-existent.

Among field agents, the LSI-R-derived system seemed to generate a great deal of criticism. One agent, in a fairly representative comment, said that he did not particularly trust the LSI-R or feel that it fairly reflected the nature of the problems associated with managing the incoming caseload of parolees: “You guys need to come up with a tool...It [LSI-R] doesn’t deal well with someone with a violent offense or a sex offender who has never been employed.” Another officer argued that even the CMC (Client Management Classification⁶³) interview was more helpful. “It told you if the guy is a ‘limit setter,’ and not just medium, maximum and minimum.” Though the PBPP investment in, training related to, and periodic validation of the commercially available LSI-R supervision risk/needs tool follows many of the examples of many similar-sized parole agencies in the field, this review recommends that the PBPP remain open to considering other options or modifications to its supervision classification strategy that may better get at the different challenges faced by field agents, particularly as it relates to developing special approaches to preventing violent crime among parolees.

The focus group of parole agents consulted made two critical points: a) that cases should be classified in a way that more meaningfully reflects the different types of offenders that need to be handled; and b) that the work and an agent’s time should be more realistically allocated to give the time that is necessary to do “intensive” supervision and meet other supportive and monitoring needs.

There was a great deal of skepticism among field parole agents about how caseloads and workloads were measured and reported. They argued that such measures need to be realistically

⁶³ The Client Management Classification tool, which involved a structured interview to help determine a parolee’s needs and the best intervention strategy for working with him or her, was used in conjunction with a risk assessment instrument as part of the model risk classification scheme developed by the National Institute of Corrections in the early 1980s. See Jones et al. (1999).

organized to reflect the kinds of cases and the circumstances a field agent has to deal with when supervising different types of parolees. There was general agreement that, for effective supervision, officers needed to be able to get to know the parolees on their caseloads well and that reported caseloads notably understated the numbers of cases that were in reality assigned to them. This meant—to these agents—that instead of being given sufficient time to make contacts they were trying to supervise unmanageably large numbers of cases.

Such a state of affairs, they argued, provided for very little meaningful contact with cases that needed intensive interaction and resulted in a lack of ability to really “stay on top” of the cases of concern. Officers suggested that the reports generated about their caseloads made it appear that they manage fewer cases than they do. This pretense, although it may stem from understandable pressures, leads to other pretenses to meet goals that, to the interviewed agents, seemed to be more about numbers than effectiveness of supervision. The agents believed that, when intensive supervision was required, the time for making home and employer visits had to be greatly limited so that they could spend more time in the office filling out paperwork. Although we are aware of ongoing efforts by PBPP to deal with just this issue,⁶⁴ this was seen by agents as a major problem.

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.

Discussion: A revised risk-adjusted, case-weighted and more rigorous system of assigning and assessing the delivery of supervision responsibilities would greatly assist in addressing these problems in a number of ways. This would represent a revision of the approach now in place at PBPP to reflect any revisions of the risk classification underlying the allocation of supervision resources and related specifically to the potential for violent offending. We recognize that the current approach is widely accepted and attempts to address similar concerns. Such an updating to current realities might contribute to more effective use of time from the perspective of intensively targeting potentially violent offenders.

Under such a system, each type of activity (such as different levels of supervision, home visits, workplace visits, office visits, arranging for services and contacts with local

⁶⁴ Since the time of our discussions with parole agents, PBPP has been in the process of updating its workload management framework. Using parole agents from across Pennsylvania districts, PBPP is soliciting input to “ensure diversified field input and thereby account for all the functions” carried out by employees in different settings.

agencies, compiling notes on parolees' status, reporting parole status, office work of various sorts) is assigned weight based on average time or share of a typical work week or work month that performing it requires. Persons doing different work and handling different types of cases, therefore, have their actual caseloads weighted and adjusted to be made roughly equivalent to an overall expected caseload weight used to hold all staff responsible for workload—though, in individual instances the overall weight is made up of differing numbers of different types of cases per month. (For example, a sex offender caseload might be expected to require more hours and more contact hours per month and thus have a higher weight in points than an administrative or low level supervision caseload. Thus it would take fewer cases and more related tasks per month for an intensively supervised caseload to be considered equivalent to one handled by staff with an administrative caseload.)

We do not mean to suggest that these workload challenges in general or elements of the parole agents' tasks in the field are unknown to PBPP management. We are aware of PBPP's recent and ongoing commitment to address such concerns. At the least, however, these comments add urgency to this task. They were seen by the review team as a reflection of a general belief among parole agents that they are overworked and stretched too thinly in trying to effectively meet the demands of a highly challenging job. Although these concerns are not unexpected from front-line workers with great operational responsibility in a large organization, they strike us as honest and are worrisome when the PBPP and DOC are considering implementing new approaches to focus on the potentially violent parolee—efforts that field agents may view as “yet another new initiative.”

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 as much as possible in the interest of promoting more, and more effective, field time (supervision hours) to manage parolees in the community.

Discussion: This recommendation follows the straightforward theme voiced by parole agents, regardless of how workload accounting is assessed. The number of parolees attributed to officers, according to interviews, did not appear realistically to reflect the number actually assigned or the demands of office time associated with paperwork responding to reporting requirements of various kinds. Agents clearly saw the value of many of the reporting duties that they shoulder, but they also expressed a belief that some of the demands for reports of various kinds could be satisfied more efficiently in other ways. They expressed concern that filling out reports detracted from time available for “real supervision.” (“For every piece of paper that goes away, we can spend more time with an offender.”)

This review's comments favoring a workload management approach maximizing “real” supervision time, particularly when the focus is on potentially violent offenders, does not mean to suggest unrealistically that somehow the important office tasks, such as attending to legal and other aspects of paperwork, are somehow unnecessary. This would be an irresponsible position to promote. Instead, the aim of the recommendation is to

maximize supervision quality and time while not inadvertently doing harm to other important functions—that may occur in the office. The challenge is to devise a staffing/workload strategy that allocates sufficient resources to both kinds of functions and that, to the extent feasible, makes distinctions among personnel according to skills required to perform various needed tasks. For example, some additional duties now performed by field agents might well be performed by non-agents (for example, those related to information compilation and communication of various kinds, as discussed below).

Certainly a revised workload management system may indeed help take better account of the elements and challenges of the parole agent function, but in itself, even an improved workload management system will not relieve the structural stress of having too few supervision resources available to meet the demands of the numbers and types of parolees returning to the community from prison.

As we noted above, virtually all agents interviewed reported working increasingly long hours to try to keep up with responsibilities and agreed that they were not guided administratively by a realistic framework for assessing work productivity, at least one that they could hope to live up to. This feeling of a workforce being stretched farther and farther was an underlying theme in most comments about supervision responsibilities.

Obstacles in Compiling and Communicating Critical Parolee Status Information from the Field. The role and nature of information compilation and communication was a critical concern among field agents, heightened when managing special and higher risk parolees. It is fair to report that there was real concern about the information capabilities of the agency at a variety of levels, particularly in serving parole agents in their various field settings, ranging from on-site note-taking to quality of office computer facilities and to use of wireless technology for timely contact. For example, one agent reported that “as I see a person, I then go to a safe place and write it up manually. I sit in a car and make notes. Then I go to the office and transpose everything to the field book.” Another one explained, “The field book has everything. It’s our Bible. That helps us. It’s all the other stuff that’s the problem.” Another said, “I write notes every night. I make a chronology of notes relating to all contacts. Every 6 months that goes into progress and contact reports.” The comment was made that “It would be easier if we had a laptop, a real one—could be a small one that could work in the car—not a Blackberry! (last said with emphasis).” These and other comments pointed to a wide range of information needs at the community supervision level.

PBPP reports that it has recognized this issue and has, in difficult budget times, been considering different solutions for automating aspects of case management tasks. At the time of this review, the agency was experimenting with a pilot program with Blackberry hand-held devices. As we suggested, they have concluded that these were not going to address the real needs in the field. Recently, the agency was able to obtain funding to purchase 505 laptops (enough for every field agent) in December 2009. As the general concerns relating to information management expressed in this review highlight, meeting local management

information needs starts with equipment, but also involves thinking through strategies of how information can best be made available, stored and appropriately retrieved for different purposes.

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.

Discussion: Continuing efforts should be devoted to clarifying the nature of information needed by parole agents and to determining how best to satisfy those needs most efficiently. In considering this recommendation, the PBPP expressed the belief that existing cross-office working groups designed to deal with other issues can be adapted to consider this need as well.

Communication More Generally and Other Obstacles to Greater Supervision Capacity. Beyond information-related improvements, which clearly represents a major area ripe for improvements in time allocation and efficiency, other efficiency improvements could be made to put more agent time into supervision and permit maintenance of an overall focus on enhancing supervision itself.

At present, parole personnel are asked to perform a variety of duties that arguably are not central to their primary responsibilities and that might be assigned to different types of personnel. In interviews, parole field staff raised questions about the number and type of duties they now are expected to carry out that either are not directly related to parole supervision responsibilities or that could be carried out by personnel with different training and skills. A common complaint was about agents having to conduct Pardon Board investigations. They said that doing one investigation related to a commutation request case takes a minimum of 30 hours, and more often at least 40 hours. It is worthwhile to question whether parole agents are the appropriate personnel to be carrying out these investigations or whether it would be more cost-effective to have other personnel assigned to carry out those duties.⁶⁵

⁶⁵ The PBPP recently reported that it has taken corrective action in this area quite recently and while this report was under review. The PBPP is in the process of establishing regional specialized Pardons Board Investigator positions as vacancies become available. It also has proposed new ways to streamline the processing of applications to the Pardons Board, which led to more time-efficient processes for preparing summary cases and related to the way in which the PBPP collects information. This new process is in the early stages of implementation. The aim is to address concerns like those expressed by some of the parole agents about functions that take time away from the emphasis on field supervision of higher risk or potentially violent parolees.

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.

A general impression from conversations with line-staff was that they felt that they often worked in isolation and that they had many simple but useful ideas on how various practices could be improved that should be communicated upward in regular, low-key ways. This is an area in which outside resources, such as from area universities, might be employed to obtain information in a neutral setting. In their current situations they felt that many of their views are not listened to or given the weight they believe they deserve. Questions were raised about whether the criteria spelled out in existing policies need to have time or other limitations linked to them, or if it should be possible to override the criteria when logical reasons for doing so can be provided. They gave as an example an instance in which an offender had a harassment charge 20 years ago, saying they should be able to put such an offender on administrative supervision now if that would be warranted other than for the existence of the old charge. The point also was made that reducing the level of supervision can sometimes be used effectively as a reward for parolees who are doing well. However, they felt that existing procedures were not conducive to permitting such flexibility.

Recommendation 5.16: Employ a Variety of Regular Means of Obtaining and Utilizing Candid Line-staff Input. The PBPP should develop a variety of 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.

Discussion: There was a general recurring sense that, beyond efforts made by the Chairperson to travel to districts and exchange views with parole agents, some of the knowledge and insights parole agents shared with the review team are not being drawn on as fully as they might be, with respect to both case decisionmaking and general agency policy and practices governing day-to-day supervision. Means should be established to tap this wisdom borne of experience in reviews of current practices and policies and in crafting improved approaches to problems encountered.

We recommend creation of a working group of Parole personnel inclusive of regions and functions—one whose membership might revolve to avoid the appearance of any sort of favoritism and to avoid having any set of people bear the weight for making recommendations that might lead to upheavals of various sorts. On occasion, representatives from local colleges or universities, or others independent of the agency, might be asked to facilitate such sessions. The purpose is to obtain suggestions from the field that can be considered by the PBPP in designing or improving supervision practices and general agency policies.

Resources Supporting Parole Supervision

Challenges of Fulfilling the Reentry Service Component of Parole. Given the critical importance of doing everything possible to minimize threats to the public safety arising from prisoners being released to the community, development of strategies for enhancing the effectiveness of parole cannot end with recommendations for modifications in the monitoring and supervision dimensions of the job. It is now widely accepted that mere supervision, monitoring and enforcement are not sufficient for promoting successful reentry and reintegration into the community.⁶⁶

Given the goal of reducing the likelihood of reoffending, it is necessary for the service and support dimensions of parole to receive attention too. A key feature of the capacity to prevent parolee failure and serious crime relates to the nature and quality of reentry/supportive services. Successful reentry for offenders leaving prisons is dependent on adequate provisions being in place in at least six core domains of their lives: livelihood, residence, family relationships, health, mental health and sobriety, social/civic connections and criminal justice compliance.

Although parole personnel typically will not be involved directly in fulfilling offenders' needs in many of these areas, they should be involved in development or oversight of viable plans for their accomplishment and in facilitation or brokerage of linkages to resources that can satisfy the needs identified. In addition, parole personnel have an important role to play in ensuring that new parolees are offered orientation to new and changed conditions or arrangements in the community and that they are able to secure needed identification and other items such as a medical assistance card that will be required to access substance abuse, health and mental health treatment. Furthermore, parole personnel have key roles to play in insuring that offenders participate in mandated or otherwise appropriate violence prevention, relapse and other specialized forms of correctional intervention delivered in community correctional centers or facilities or in the community.⁶⁷

The availability of supportive resources in many of these areas plays a key role in Parole's supervision capacity, not only to handle the "typical" parolee, but also to address the issues raised by the potentially violent parolee. In our discussions with officials and field agents the issue of the real availability of such services (that is, accessibility and a means for funding their use) has become critical in some areas.

⁶⁶ See Manhattan Reentry Task Force (2009); Petersilia (2003); Petersilia and Turner (1993); Rubin, Gallo and Coutts (2008).

⁶⁷ The PBPP reports that, in the last three years, it has developed internal programmatic capacity within the parole field offices to supplement the need for services that may not be otherwise available in certain geographic areas. For example, approximately 100 agents, primarily TCs (Transitional Coordinators) and ASCRAs (Assessment, Sanctioning and Community Resource Agents), have been trained and certified to deliver specific cognitive behavioral programming to include: anger management, violence prevention, life skills and relapse prevention. Parole appears to recognize the gap in availability of services for offenders and is working to close that gap as funding permits; however, agents still face difficult challenges in assisting offenders in meeting conditions for critical services that may not be available nearby or through programs of accepted quality.

The following provides some examples of this type of concern raised by field agents. More than one agent described variation in availability of services by area. One agent said that he had been able to use Community Behavioral Health (CBH) services in Philadelphia, which was “great.” In addition, he was able to locate an array of services, such as mental health, parenting, and DUI, within the zip code and/or find a location nearby. In contrast, agents from other locations reported that they had to send clients to another town because the needed services simply were not available locally. Another agent commented on the importance of agents establishing relationships with local health and other service providers so that they could get to “know and trust them,” and develop a relationship encouraging agencies to share information pertaining to parolee status. He argued that an agent’s relationship with these agencies was really built on in-person contact and footwork.

In interviews, agents emphasized the important role of housing—where parolees would reside—in successful reentry. However, some counties lacked residential possibilities, housing services or CCCs. Despite these real resource problems, they reported that the PBPP “holds agents’ feet to the fire.” “You work it out” reportedly is the attitude. The “Board orders the particular conditions of parole and it is the agents’ job to get the offenders into those programs.”

One agent said that there are CCCs in two sites in his district, but it is a problem when an offender is placed in a CCC that is not located near where his real home and support system are located. “In a CCC, the offender gets a room and a job. But then he gets uprooted to go back to his own home area when he leaves the CCC.” One agent noted that there are no CCCs in Montgomery County, while there are ‘tons’ in Philadelphia. In this respect, parole agents thought that in some areas, such as in Wilkes Barre and the Poconos, having access to more CCCs or more CCC beds would be helpful.

In addition, agents also noted that ‘fluency’ with the available services was an important asset in being able to provide necessary services to reentering parolees. This personal knowledge helps agents supervise parolees more successfully, particularly those with special problems or who pose special risks. Other agents explained that, in more sparsely populated areas of the state, where agents have to drive 120 miles a day, the problem is quite different and that it is difficult to develop close familiarity with programs and useful working relationships.

It is fair to conclude that the PBPP is aware of the critical need to develop community supports and services and considers meeting that challenge a work in progress; in fact this issue has served as a rationale for the development of the TC (Transitional Coordinator) and ASCRA (Assessment, Sanctioning and Community Resource Agents) positions. The ASCRAs are particularly noteworthy in this conversation. These specialized agents do not carry a caseload so that they may focus precisely on the issues identified above. One primary role of the ASCRAs is to identify service gaps, find local resources to fill these gaps, and maintain a district “community resource directory.” ASCRAs often serve as the district representative to various community providers, and they serve as the local expert on such resources. Their purpose is to assist agents by helping them be aware of the resources and how to access them.

Problems with Funding of Services. It is one thing, agents pointed out, to have the PBPP assign certain conditions of parole, yet sometimes quite another to get parolees admitted to the programs—especially because of questions related to funding. Agents cited problems related to trying to get offenders into services when they do not qualify for DPA, for example. Parolees sometimes are sent out of prison with a condition of getting mental health treatment or sex offender therapy, but without any way of paying for such services. “If they cannot get welfare support,” one agent noted, “they are off their meds, and....” Most parolees are unemployed at the time of release, yet many have fines, costs and child support to pay, along with supervision and housing fees. “Financially, you’re setting them up for failure.” One agent pointed out that there were great resources in Philadelphia, such as CBH, but that “8 out of 10 parolees [he worked with] have now exhausted all of their resources, so we can’t help them.” Some conditions of parole release amount to “an unfunded mandate,” one agent explained. “The state has a habit of ordering conditions without funding. That puts pressure on the county, which runs out of funding before the fiscal year ends.”

A different problem relating to accessing services for reentering parolees has to do with some simple steps and preconditions that may not have been met. For example, “mental health and sex offenders should be released with a DPW card....[but] the only ones who get it are drug treatment guys.” “Parolees are not gonna’ come up with \$30, \$40 or \$50 a week, regardless of what the family says before they’re released.” “It’s not the agent’s fault if an offender didn’t get a program if he has no car” or transportation. Offenders coming out need a photo ID, a social security card and a birth certificate. “That should be a condition of release, not of parole. Otherwise, they can’t get into treatment.” Agents were troubled by the problem that the parole decision would require satisfaction of conditions of release that were impossible to address: “Stop giving conditions we can’t follow up on. There should be direct funding for services for parolees, an earmark” or some other approach to funding. Otherwise, decisions should be more realistic about what resources exist in the community.”

Many of these issues are related to issues of funding for community services. For many services, such as the availability of housing and work, the authority, scope, and ability for improvement is outside of the scope of what the PBPP can unilaterally accomplish. County, state and federal system support and service availability must be examined to address offender-specific issues and needs. In recognition of this dilemma, the PBPP created a process for agents to send notification when certain mandatory conditions cannot be achieved and to then have the condition requirements modified. The PBPP reports that it has been quite willing to adapt conditions to existing resources.

Current policies notwithstanding, some agents argued that even when programs were located, they were not always effective or worthwhile. In fact, dissatisfaction with the quality of available services was a common problem experienced by agents interviewed. This led to a difficult dilemma: agents were compelled to ensure that parolees would attend programs or participate in services that the agents themselves had little regard for.

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.

Discussion: Supervision contacts and close monitoring of parolees alone will not prevent re-involvement in serious crime and reduce public safety threat. Supervision must also include provision of needed support services, which vary on a case-by-case basis. This facet of supervision has low visibility and often escapes the critical scrutiny and strategic planning that public safety requires. It appears that outside providers are not always available to meet all offender needs in each geographic area. This is a systemic problem that goes well beyond PBPP responsibilities or control and is something that should be addressed at higher levels of state government. Therefore, a systematic plan needs to be developed for all areas of the state to insure that needed services for parolees are available and that funding can be arranged when access otherwise is not available. The PBPP created the ASCRA position several years ago to help address these issues. ASCRAs may be able to help locate service providers to fill service gaps, but quality assurance of service providers not under the authority of the PBPP presents unique problems that warrant further consideration.

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.

Discussion: Careful consideration of the experiences of individuals who were unable to surmount difficulties when released to the community may help identify issues that could be addressed through improved supervision and reentry services. The DOC has conducted focus groups and surveys on this topic with parole violators, parole “successes,” parole agents, and CCC/CCF staff, mentioned earlier in this report, which represents an important step in the right direction. Other vehicles for input from offenders who have not succeeded in the community may be drawn from discussions with existing prisoner organizations, for example, the Lifer’s Public Safety Initiative, which focuses on issues presented in the community (the “culture of street crime”) that typical services are not able to address or address sufficiently. Current supervision strategies do not sufficiently implement approaches to dealing with community challenges that may have a strong influence on a new parolee’s prospects upon reentering given high-crime communities.

SECTION 6

Information Capacity and Safe Parole: Critical Information Needs

In this section we attempt to emphasize the information problems we have encountered during our broad review and that need to be addressed in order to be most effective in addressing the public safety issues posed by offenders on parole supervision. The weakness of existing information capacity in processing, preparing, deciding and managing potentially violent parolees in the community is thematic. Information needs or problems have surfaced in a variety of areas discussed earlier. In conducting this inquiry, the review team has struggled with serious problems of data, including accessibility, completeness, reliability, and processing capacity. In fact, the timing of this report is due in large part to attempting to deal with challenges of data needed for empirical examination of important aspects of the correctional/parole process.

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.

In a general sense, the PBPP is relying on a substandard management information system and capacity that hampers the agency's ability to carry out its critical functions. The information staff has to struggle with a management system whose technology, substance and supporting procedures are not up-to-date with the magnitude and nature of the challenges they are tasked to address. *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. Hopefully, this discussion comes at a useful stage in the planning process.

These caveats notwithstanding, supervision capacity—especially in light of the prospect that a parolee might commit a violent crime on release in the community—depends on a strong, accurate and timely information capacity. The information function that undergirds the various parole functions is critical to the effectiveness of supervision capacity and use of supplemental services in promoting parolee success and preventing violent reoffending.

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.

Discussion: This recommendation refers not only to issues that current plans for the large scale Corrections-based information system will address, but also to the information capacity to support more specific tasks, particularly in the field. At the earliest stage, the PBPP should determine, for example, which needs will be met as part of overall system planning for the IOCMS and which needs must instead be addressed through development and integration of other local agency information capacity. The scope of work associated with the development and implementation of the IOCMS system seems

comprehensive and appropriate, with subject matter experts looking into various special information system needs. This may include some local, district/agent-level needs. However, the assessment and planning to meet “local” (PBPP agency only and district and agent-oriented) capacity should be put into place as soon as possible to strengthen the capacity of parole to safely supervise parolees in the community or, if necessary, to promptly respond to serious incidents involving parolees.

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.

Information Needs

Pre-parole Stage. The Department of Corrections has in place a number of assessments of the possible risks of serious violent behavior and other special (e.g., sexual, mental health, drug-related) problems associated with offenders who are admitted to the prisons. These assessments and summaries are designed principally to serve institutional and correctional purposes—security management and programmatic planning—but also form an important part of the information input prepared for the parole decision. In response to the Governor’s call for re-examination of procedures relevant to the handling of potentially violent offenders who are being released to the community, the DOC has put in motion steps to implement the systematic screening, classification and programming of violent offenders discussed in earlier recommendations that form the preparatory phases of a coherent overall approach to violent offenders through the corrections and parole process. It is critical that measures be adopted that will insure that all such relevant information is shared with and easily accessible to Parole personnel, both in preparation for parole decisionmaking and for purposes of parole supervision and case management functions.

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.

Parole Decision Stage. In an earlier section we made a number of recommendations related to the reexamination and revision of Pennsylvania’s agency-based parole guidelines, including the incorporation of information related to the violent offender typology. Many of those recommendations are related to information concerns including:

- a) providing the kind of information necessary for optimal decisionmaking,
- b) assuring the completeness of that information,
- c) determining the weighting of the information to be considered,
- d) defining the role of risk information and its calculation,
- e) planning for the strategic use of options,
- f) collecting and analyzing decisionmakers’ reasons for decisions outside the guidelines for purposes of monitoring and updating the guidelines, and
- g) generating outcome information on parolee performance (reoffending) as feedback.

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.

Discussion: The review team is well aware that the IOCMS project is in the planning stages and may to a considerable extent be able to address this information need. However, given past experience with large scale automation projects, it was felt worth explicitly restating that this recommendation needs to be addressed through IOCMS or other available means as a high priority.

Risk and Risk/Needs Assessment. Our review has taken note of the importance of risk assessment at several critical stages, from entry to the prison system, to preparation for the parole decision (and parole guidelines) and to planning and supervising parole release conditions.

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.

Preparing for Supervision: Cross Agency Information Exchange for Initiating Supervision.

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.

Real-Time, Up-to-Date Supervision Monitoring and Central Feedback/Accountability. At the level of field supervision, several special and some basic information needs stand out, which relate to the ability of the agent in the field to maintain reasonably up-to-date notes and to communicate basic supervision data to the district office. At the same time there is a need for the local office to support reporting between field agents and their local offices with PBPP's central office, so the administration of the agency can monitor a range of issues of interest on a timely basis. Agents report a basically manual approach to note-taking regarding supervision contacts, later to be translated and downloaded for use by the office and the central agency. They also report a considerable time lag in entering contact information (at least for some, done on a six-month basis) and updating the files on each parolee's case. There are many examples in private enterprise or public service when immediate data entry (beyond the level possible through Blackberry devices) is required to permit a central site to monitor overall developments and issues. Computerization of the field functions of agents will permit more time in the field and less in the office entering duplicative and perhaps not-very-timely information.

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.

Discussion: This recommendation is not meant to suggest that no such procedures are currently in place. In 1998, consistent with this need, the PBPP established a 24/7 operations monitoring center that handles around-the-clock arrest notifications received via CLEAN NCIC, NLETS, JNET and the Board's 1-800 telephone number. An after-hours protocol has been established with OVA for DOC pre-release offenders who fail to arrive or return to a CCC/CCF. Reports of absconding often trigger a notification to the fugitive apprehension suppression team (FAST) units which attempt to respond swiftly to

apprehend absconders. This recommendation, however, emphasizes a more immediate, real-time information mechanism that eliminates any delays or gaps in incident information as they may be developing, which may or may not have been of assistance in the violent incidents sparking this review. As the Governor suggested in requesting this review, the number of occurrences of violent crime among parolees in the community is very low. The question this review seeks to answer is to what extent improvements can be identified to help minimize such violent incidents. Information technology or procedures facilitating timely intervention before incidents become violent or before violent incidents become lethal should be explored.

Accessibility to External Review and Analysis of Parole Issues. A last, but not insignificant data capacity concern relates to the ability to produce or give access to outside agencies or approved parties for the purpose of examining and analyzing data as may become necessary for evaluation of agency impact, revision and use of guidelines and performance of parolees in the community, among other issues. Authorized attempts to examine these and other potentially critical issues should be facilitated by a capability to translate operational, management data into data analyzable for purposes of policy, effectiveness and efficiency reviews, or for agency research testing the feasibility of improving particular practices. Development of this capacity will greatly enhance the PBPP in asking its own questions concerning impact or efficiency of practices—and shorten the now lengthy time required between asking the questions and receiving the soundly analyzed findings.

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.

SECTION 7

Conclusion: 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.

The suggestions for possible system improvement identified in the report have taken into consideration both the immediate needs of the system (see, e.g., the two interim reports) as well as near- and longer-term implications of system improvements that may help minimize the occurrence of violent crime among parolees returning to the community. The undertaking was broad-based and drew on diverse sources, including in-depth analysis of available agency produced data. Such an inquiry is of course limited by its scope, resources and timeframe—and, where data were involved, by the quality and availability of data. Thus, the inquiry was not able to examine every possible issue relating to the safe management of parolees in the community, but focused practically on suggestions that could be useful in preventing violent crimes of the sort that inspired this investigation.

The recommendations have been organized into several distinct categories beginning with a framework (violent offender typology) through which the prisons and parole processes can deal with different types of potentially violent offenders. The recommendations focus on specific elements of an overall strategy to strengthen features of the process of offender transition from the prison to community and are informed by recognition of the fact that release of greater numbers of prisoners to the community will characterize the near term future. Not strengthening the parole system is not an option.

The reader should understand, we have asked this question of two agencies, DOC and PBPP, which are considered among the well functioning corrections and parole agencies among their peer systems in the nation. Our findings do not identify dysfunction or poor performance responsible for the tragic police killings motivating this critical review. Thus, our recommendations should be understood as suggesting improvements that could add to agency effectiveness relating to this issue, beyond even the agencies' own efforts to date. Certainly, the Pennsylvania DOC and the PBPP have begun this strengthening process related to the prevention of any further violent offenses among offenders completing prison sentences and returning to the community. In fact, both agencies review and change practices as needed on an ongoing basis to implement improvements within available means. Evidence of both agencies' commitments to continual improvement and strengthening in the area of further protecting the public safety is provided by their prompt actions in responding to issues and ideas developed during this review process—whether in discussions or in written recommendations, often without waiting for final reports to be produced. These recommendations point to approaches which could be productive

in enhancing correctional and parole efforts to reduce the prospects of parolee violence even further.

The specific major elements of the recommendations from this inquiry focus on: a) the parole decision itself (and parole guidelines), b) the role of risk and risk assessment and prediction in corrections and parole, c) supervision capacity, and d) information capacity. Each of these elements plays a critical role in shaping the prospects for safe management and support of parolees returning to the community.

Taken as a whole, the body of recommendations can be boiled down to several simple conclusions:

- **Parole decision as core element:** 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 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 more 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 monitoring, risk reduction, 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). The art of supervision needs 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 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 on the estimates of 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. 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. 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, as well as learning from accounts of successful parolees about factors that may have been especially helpful. This feedback would greatly assist in the targeting of supervision and supportive services designed to prevent violent and other crime among returning parolees.

A Note on 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 mention 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.

This population is of special concern for several reasons. First, although some maximum releases may be released after relatively short sentences (e.g., two years) and pose little threat to public safety, others may be “maxing out” after lengthy terms served for very serious offenses. Whether a person is released after completion of the maximum sentence is not tempered by risk assessment, reentry planning or other concerns, such as threat to public safety. Instead, the only factor governing release is the passage of time. Often after declining to participate in programs and despite good or bad conduct in the institution, the offender is simply discharged and returned to the community with no supervision, monitoring, or services to assist with successful reentry because he or she has completed the maximum sentence.

Admittedly, for some inmates, “maxing out” is a purely personal decision (the result of how they decide to “do their time”) that is unrelated to the prospects of committing new crimes once they are released to the community. A notable proportion of maximum releases, however, return to the community as some of the potentially most high risk individuals without any constraints between their actions and the community’s safety. The extent to which these individuals become re-involved in crime—at a higher rate than parolee releases—should be an important subject of Pennsylvania justice research.

This problem increases when, in reaction to violent crimes committed by parolees, some legislators wish both to extend the length of sentences for all offenders in certain categories and to eliminate parole for the apparently most dangerous categories of inmates. In addition to lengthening prison time for given categories of offenders, this approach to violent parolee crime increases the numbers of offenders who will return to the community through unconditional or maximum release after even longer prison terms, still with no support or supervision. The likely effect of this approach is to increase the numbers of potentially violent offenders returned to the community with “no strings attached” to inhibit or help them in their readjustment.

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, under these approaches 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. This thus generates a higher density of the highest risk offenders among released offenders for communities to absorb on their own.

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 parolees in the community can be improved to reduce the threat of the commission of serious crimes in the community. Given the importance of the paroling function in safeguarding the community and returning offenders to normal, productive (and tax-paying) lives, a general theme 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.

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APPENDIX A
SUPPLEMENTAL FORMS

Figure A1.

Agency Operationalization of Recommended Violent Typology (Interim Report II)

Category: 1 2 3
(check one above)

Offender Violence Risk Typology (OVRT)

For Administration On Pennsylvania Department of Corrections Inmate Population Only

First Name:				Last Name:				Date:	
DOB:		DOB + 16 yrs:		Reception Date:		Reception Date - 10 yrs:			
DOC#:		Records Staff Name:		Records Staff Title:					
PBPP#:		Counselor Name:		Counselor Title:					

Please check the appropriate box for items #1-4 in accordance with the scoring instructions below:

Completed by Counselor (#1 - 4)				
1. Violent Instant Offense	2. Violent History	3. RST Level	4. Category	PBPP Action
Non-violent <input type="checkbox"/>	No <input type="checkbox"/>	Low <input type="checkbox"/>	1 <input type="checkbox"/>	Normal <input type="checkbox"/>
		Medium <input type="checkbox"/>	1 <input type="checkbox"/>	Normal <input type="checkbox"/>
		High <input type="checkbox"/>	1 <input type="checkbox"/>	Normal <input type="checkbox"/>
	Yes <input type="checkbox"/>	Low <input type="checkbox"/>	1* <input type="checkbox"/>	Normal <input type="checkbox"/>
		Medium <input type="checkbox"/>	2 <input type="checkbox"/>	Optional <input type="checkbox"/>
		High <input type="checkbox"/>	3 <input type="checkbox"/>	Special <input type="checkbox"/>
Violent <input type="checkbox"/>	No <input type="checkbox"/>	Low <input type="checkbox"/>	1* <input type="checkbox"/>	Normal <input type="checkbox"/>
		Medium <input type="checkbox"/>	2 <input type="checkbox"/>	Optional <input type="checkbox"/>
		High <input type="checkbox"/>	3 <input type="checkbox"/>	Special <input type="checkbox"/>
	Yes <input type="checkbox"/>	Low <input type="checkbox"/>	3 <input type="checkbox"/>	Special <input type="checkbox"/>
		Medium <input type="checkbox"/>	3 <input type="checkbox"/>	Special <input type="checkbox"/>
		High <input type="checkbox"/>	3 <input type="checkbox"/>	Special <input type="checkbox"/>

Scoring Instructions:

- Violent Instant Offense** – refer to PBPP “Violent and/or Sexual Offense List” (page 2)
- Violent History** – Check all that apply. Any checks indicate a violent history:
 - a) Violent conviction within past 10 years (from date of DOC reception for current offense or date of PV return to custody)
 - b) Prior conviction or adjudication for violent offense at age 15 or younger
 - c) Possession or use of deadly weapon in commission of convicted offense (violent or non-violent) w/in past 10 years from date of DOC reception for current offense or date of PV return to custody
 - d) Probation/Parole revoked/recommitted for gun use or possession w/in past 10 yrs (from date of most recent return to custody)
- RST Level** – check only one box, as determined by risk level on most recent “Risk Screen Tool” (RST):
 - 0-4 = low risk 5-6 = medium risk 7+ = high risk RST Score:
- Category** – violence sub-types include 1, 2, or 3 where 1 represents no/less violence & 3 represents more serious cases
 - Category 1: Normal PBPP Action – * continue with current process with strengthened supervision conditions where warranted.
 - Category 2: Optional PBPP Action – maximum level supervision, mandatory curfew, re-entry programming requirements, and supportive community referrals as determined by parole supervision staff – all for 90 days.
 - Category 3: Special PBPP Action – supervised via Violent Offender Protocol. Individual assessment will determine any of the following: Specialized CCC placement, Violence & Relapse Prevention programming, higher level of supervision, and/or additional parole conditions.

Violence Prevention Programming:	<input type="checkbox"/> Recommended	<input type="checkbox"/> Attending	<input type="checkbox"/> Completed (date):	<input type="checkbox"/> N/A
Completed By (PBPP Staff):				Date:

Figure A1. (Cont.)

Violent and/or Sexual Offense List *(Scoring Worksheet)*

	Code	Offense	Conviction Date(s)	Adjudication Date(s)	Sub-total
Title 18 Pa. C.S.A., "Crimes & Offenses"					
			<i>(must include a space between dates)</i>		
1	§ 2502	Murder, Regardless of Degree			
2	§ 2503	Voluntary Manslaughter			
3	§ 2504	Murder of Unborn Child, Regardless of Degree			
4	§ 2505	Voluntary Manslaughter of Unborn Child			
5	§ 2506	Aggravated Assault of Unborn Child			
6	§ 2702	Aggravated Assault			
7	§ 2703	Assault by Prisoner			
8	§ 2703.1	Aggravated Harassment by Prisoner			
9	§ 2704	Assault by Life Prisoner			
10	§ 2709.1	Standing when graded as 3rd degree felony under §2709(c)(2)(iii)			
11	§ 2501	Kidnaping of a Minor (under age 14)			
12	§ 2910	Luring a Child into a Motor Vehicle			
13	§ 3121	Rape			
14	§ 3122.1	Statutory Sexual Assault			
15	§ 3123	Involuntary Deviate Sexual Intercourse			
16	§ 3124.1	Sexual Assault			
17	§ 3124.2	Institutional Sexual Assault			
18	§ 3125	Aggravated Indecent Assault			
19	§ 3126(a)(7)	Indecent Assault Where the Victim is Younger than 15 Years of Age when graded as a misdemeanor of the 1st degree under § 3125(b)			
20	§ 3129	Sexual Intercourse with Animal			
21	§ 3301	Arson			
22	§ 3502	Burglary			
23	§ 3701	Robbery			
24	§ 3702	Robbery of a Motor Vehicle ("Carjacking")			
25	§ 3523	Theft by Extortion, Where a Threat of Violence is Made			
26	§ 4302	Incest			
27	§ 4515	Failure to Comply with Registration			
28	§ 5501	Open Lewdness			
29	§ 5502(b)	Promoting Prostitution of a Child Under Age 18 years graded as a 3rd degree felony under §5502(c)(1)(ii)			
30	§ 5503	Obscene and Other Sexual Materials and Performances Involving a Victim who is a Minor where the Conviction is graded as a felony			
31	§ 6301	Corruption of Minors if the offense involved sexual contact with the victim.			
32	§ 6312	Sexual Abuse of Children			
33	§ 6318	Unlawful Contact or Communication with Minor			
34	§ 6320	Sexual Exploitation of Children			
35	§ 901, 902, 903	Criminal Attempt, Criminal Solicitation or Criminal Conspiracy to commit any of the above-listed offenses			
Title 76 Pa. C.S.A., "Transportation"					
36	§ 3732	Homicide by Vehicle			
37	§ 3733	Homicide by Vehicle while driving under influence			
		Totals:			

APPENDIX B

SUPPLEMENTAL TABLES

Table B1.

Multiple Logistic Regression Model for Predicting Parole Decisions of Pennsylvania Board of Probation and Parole†

Predictor	Parole Granted	
	<i>Coefficient/ Standard error b (S.E.)</i>	<i>Odds Ratios/ Confidence intervals OR (95 percent CI)</i>
Sex offender risk	-1.44 (.30)	.24 (.13, .42) ***
LSIR score	-.04 (.01)	.96 (.94, .98) ***
Non-compliance w/ institutional programming	-3.21 (.53)	.04 (.01, .11) ***
Serious institutional misconduct within last year	-2.78 (.32)	.06 (.03, .12) ***
DOC recommendation	.92 (.21)	2.51 (1.68, 3.76) ***
Instant offense - robbery	1.05 (.31)	2.86 (1.57, 5.2) ***
Instant offense - theft	.87 (.32)	2.40 (1.28, 4.50) **
Any prior arrest	.58 (.19)	1.79 (1.23, 2.60) **
Misconduct involving threats	-.93 (.28)	.40 (.23, .69) ***
Any successful program completion	1.37 (.22)	3.94 (2.54, 6.11) ***
Participation in violence reduction programming	.96 (.29)	2.62 (1.49, 4.61) ***
Visits from any family member	.72 (.20)	2.06 (1.39, 3.05) ***
Prior parole denial	.54 (.24)	1.72 (1.08, 2.76) *
Proportion of maximum sentence served	-.38 (.45)	.69 (.29, 1.65)
<i>Constant</i>	.17 (.39)	1.19
<i>Pseudo (Nagelkerke) R²</i>		.63
<i>-2LogLikelihood</i>		788.04
<i>n</i>		1086

Note: * $p \leq .05$; ** $p \leq .01$; *** $p \leq .001$

† Sampling period: January-April 2008

Table B2.

Multiple Logistic Regression Model for Predicting Any Rearrest among Pennsylvania Parolees during a 2.5 Year Follow-up Period†

Predictor	Rearrest for Any Type of Offense	
	<i>Coefficient/ Standard error b (S.E.)</i>	<i>Odds Ratios/ Confidence intervals OR (95 percent CI)</i>
Parolee's age – over 35	-.45 (.15)	.64 (.48, .85) **
Co-offenders involved in instant offense	-.36 (.21)	.70 (.46, 1.05)
Instant offense – property	.32 (.18)	1.38 (.97, 1.95)
Instant offense - robbery	.47 (.20)	1.60 (1.08, 2.38) *
First arrest before the age of 16	.44 (.14)	1.55 (1.17, 2.05) **
Prior probation and/or parole revocation	.69 (.16)	1.99 (1.45, 2.72) ***
Misconduct involving threats	.51 (.25)	1.66 (1.02, 2.69) *
Any adjudicated guilty misconduct	.51 (.16)	1.66 (1.22, 2.24) ***
Participation in any institutional programming	-.93 (.15)	.39 (.29, .53) ***
Time served	-.005 (.002)	.995 (.992, .998) ***
Parole supervision level (v. low)		
Medium	.59 (.19)	1.81 (1.25, 2.63) **
High/enhanced/special	.69 (.18)	2.00 (1.41, 2.82) ***
Release to CCC/Fs	.04 (.14)	1.04 (.79, 1.36)
<i>Constant</i>	-.96 (.23)	.38
<i>Pseudo (Nagelkerke) R²</i>		.20
<i>-2LogLikelihood</i>		1291.65
<i>n</i>		1120

Note: * p≤.05; ** p≤.01; *** p≤.001

† Sampling period: January-October 2006

Table B3.

Multiple Logistic Regression Model for Predicting Rearrest for Serious Personal Offenses among Pennsylvania Parolees during a 2.5 Year Follow-up Period †

Predictor	Rearrest for Serious Person Offense	
	<i>Coefficient/ Standard error b (S.E.)</i>	<i>Odds Ratios/ Confidence intervals OR (95 percent CI)</i>
Robbery offense	.89 (.29)	2.45 (1.39, 4.31) **
Offense gravity score (v. low)		
Medium	1.25 (.61)	3.49 (1.06, 11.55) *
High	1.90 (.68)	6.68 (1.75, 25.51) **
First arrest before the age of 16	.64 (.23)	1.89 (1.22, 2.95) **
Misconduct involving assault	.46 (.33)	1.59 (.84, 3.01)
Misconduct involving drug possession/contraband	.59 (.26)	1.80 (1.07, 3.02) *
Misconduct involving threats	.80 (.30)	2.22 (1.23, 4.01) **
Participation in any institutional programming	-.76 (.23)	.47 (.30, .74) ***
Above average housing reports	-.89 (.40)	.41 (.19, .89) *
Time served	-.007 (.003)	.993 (.987, .999) *
Parole supervision level (v. low)		
Medium	.69 (.36)	2.00 (.98, 4.06)
High/enhanced/special	.90 (.33)	2.46 (1.28, 4.72) **
Release to CCC/Fs	.40 (.23)	1.49 (.95, 2.36)
<i>Constant</i>	-4.21 (.67)	.02
<i>Pseudo (Nagelkerke) R²</i>		.17
<i>-2LogLikelihood</i>		589.38
<i>n</i>		1120

Note: * p≤.05; ** p≤.01; *** p≤.001

† Sampling period: January-October 2006