Parole Board Members: Statutory Requirements, Educational Achievements, and Institutional Structure

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Parole board members are often scrutinized for the decisions they make and occasionally for the seeming absence of qualifications to make those decisions. A recent article titled “To Work on Parole Boards, No Experience Necessary” in Governing cited the results of a national survey on releasing authorities by the Robina Institute of Criminal Law and Criminal Justice expressing such claims.1 The article criticizes parole board decision-making and the requirements necessary to serve as a board member. What follows clarifies the larger context of parole board requirements and the actual composition of their membership. The information in this post comes from a more expansive reading of The Continuing Leverage of Releasing Authorities: Findings from a National Survey2 and a forthcoming publication offering a comparative assessment of the chairs of releasing authorities over three decades.3

First, we want to begin by stating the basics facts about the qualifications of parole board members. Parole board members possess extensive educational credentials and experience in the field of criminal justice. Chart 1 shows the educational achievements of the parole board members included in our national survey. Chart 2 highlights the educational credentials of the Chairs in 1988 and in 2015. Both charts demonstrate the significant educational achievements of the individuals appointed to parole boards, especially those individuals selected to serve as chair.
Chart 1. Educational Achievement of Board Members

- 38% Bachelor's Degree
- 22% Master's Degree
- 21% JD
- 10% High School
- 6% PhD
- 1% Associate's Degree


- College graduate: 20% (1988), 37% (2015)
- Advanced professional academic degree: 69% (1988), 60% (2015)
It is also beneficial to be more specific about the qualifications of the board members and the chairs by looking even further at their coursework in higher education and their past work experience. Chart 3 illustrates the criminal justice-related coursework completed by the chairs throughout their education, while Chart 4 reveals their previous work experience in criminal justice related fields. Both charts compare the chairs from 1988 to the chairs from 2015.

The chairs have always had significant educational experience in criminal justice, but the 2015 chairs were particularly well educated on criminal justice issues. Just 9% of the chairs in 2015 had not taken a course relative to criminal justice. The chairs were similarly experienced in their previous occupations, with 82% having held a job directly related to criminal justice work. Many of these chairs are former law enforcement officials and lawyers. Furthermore, the length of service on the board indicates notable on the job experience. For the 242 parole board members with a reported length of service, the average was 4.7 years. For 35 chairpersons, the average length of service was 5.2 years.
The evidence from both surveys suggests that a majority of individuals serving on parole boards possess educational credentials qualifying them to be making decisions pertaining to the continuum of parole release and revocation. Moreover, the chairs of these boards, who shape decision-making policies and guide their fellow board members, are even more highly qualified for their positions. It is also noteworthy that the educational and occupational experiences of the parole board chairs have remained at high levels for at least the past 30 years.

While most board members are qualified to engage in release and revocation decision-making, the criticisms of the statutory requirements for membership are not unfounded. The rigor and range of statutorily-required qualifications for releasing authority membership varies significantly across the country. Figure 1 shows a map of those states with statutory qualifications (orange), and those states without (blue). Of 45 respondents, 25 states (56%) have statutory requirements for releasing authority membership, while 19 states and the U.S. Parole Commission (44%) reported no such qualifications. Even the states with statutory requirements have very different expectations governing the protocol for appointment. Of the 25 states with statutory qualifications, one required a community college degree, 10 required a non-specific college degree, while another 14 prescribed a minimum number of years of experience in criminal justice or a related field. For those who required some threshold of years of related experience, the most common response was 5 years. Several states specified both education and a set number of years of
experience. Two additional respondents simply noted that board members lacking educational degrees needed to have, in exchange, more years of experience. Overall, the presence and nature of statutorily defined requirements for board members varies greatly from state to state.

Given the significant qualifications of the board membership and the variance in statutory requirements, how do these findings interact? In the national survey, the presence or absence of statutorily required qualifications for board membership in individual states did not show corresponding effects on the overall educational attainments of board members (See Chart 5). Within the states that had statutorily defined qualifications, there were 71 board members representing 10 states with a reported educational level and 85 board members representing 14 states without statutory qualifications. The corresponding results reveal that states with defined qualifications had greater percentages of board members with high school degrees, bachelor’s degrees, and law degrees. On the other hand, states without statutory qualifications had higher percentages of board members with Master’s degrees and Ph.Ds.
How do we account for the apparent lack of impact or nexus between statutorily defined requirements and the educational achievements of board members? First of all, statutorily defined requirements calling for clearly defined educational credentials are the most demanding threshold. Paroling authorities often deploy other means to increase the likelihood that board members possess the necessary qualifications, such as agency policies, appointment practices, or informal social norms. Most formally, every board member is subject to an appointment process. Table 1 shows the most common features driving the process of appointment: (1) who appoints a person to the parole board; (2) who confirms this appointment; and (3) who selects the chairperson of the board. Typically, the board member is appointed by the state governor. This appointment is then confirmed by a legislative body, often the state senate. The chairperson in most instances is selected by the governor. These and other mechanisms contribute to some measure of checks on the composition and credentials of board membership, including term limits and procedures to remove members for misconduct. In combination, these formal and informal processes heighten the possibility that board members are generally well qualified, regardless of whether the state has statutory requirements for educational or other experience. However, it should be noted that these processes offer no assurances about the qualifications or competencies of individual appointments to parole boards.
Table 1. Board Member Appointment Process

<table>
<thead>
<tr>
<th>Test</th>
<th>Governor</th>
<th>Legislative Body</th>
<th>Director/Commissioner of Corrections</th>
<th>Civil Service</th>
<th>Fellow Board Members</th>
<th>Other</th>
<th>NA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Who has the authority to make an appointment?</td>
<td>37</td>
<td>0</td>
<td>4</td>
<td>0</td>
<td>-</td>
<td>9</td>
<td>0</td>
</tr>
<tr>
<td>Who confirms an appointment?</td>
<td>3</td>
<td>31</td>
<td>2</td>
<td>2</td>
<td>-</td>
<td>5</td>
<td>4</td>
</tr>
<tr>
<td>Who selects the Chairperson?</td>
<td>32</td>
<td>0</td>
<td>5</td>
<td>0</td>
<td>5</td>
<td>3</td>
<td>0</td>
</tr>
</tbody>
</table>

In summary, these surveys reveal four key findings relative to parole board membership in the United States: (1) Parole board members possess impressive educational achievements; professional work experience, and terms of service; (2) there is wide variance in the presence and rigor of statutorily defined requirements governing the educational or experience qualifications of board members; (3) the presence or absence of statutorily defined requirements does not seem to affect the educational achievements of board members; and (4) parole board members undergo formal and informal processes which may serve as a check on their qualifications, albeit in a limited manner.

Given these findings, the question presents itself: should parole boards enact statutory language that will require their members to achieve a certain level of education and experience? In a word, yes. Across jurisdictions, it is essential that parole boards craft statutory qualifications that affirm or reaffirm their commitment to securing properly credentialed and qualified individuals as board members. Guidance for what these requirements might look like is addressed in a recommendation drawn from a chapter titled “The Future of Parole Release” by Rhine, Petersilia, and Reitz.6

The eligibility standards for becoming a parole board member should by statute require: (a) the possession of a college degree in criminology, corrections, or a related social science, or (b) a law degree; and, (c) at least five years of work experience in corrections, the criminal justice/community corrections field, or criminal law. Consideration should be given to balancing the relevant competencies of board members, and the importance of including members with an expertise in victim awareness and the prison experience.
It is important to conclude by emphasizing the complexity of this issue and its nexus to the institutional structure of paroling authorities. By institutional structure, we are referring to the policies and practices that provide paroling authorities with a reasonable measure of independence and insulation as they engage in decision-making spanning the continuum of release to revocation. The chapter by Rhine, Petersilia, and Reitz offers guidance on additional steps that may be taken to strengthen the larger institutional structure informing parole board operations. We conclude with their proposal.  

"Proposal 1. – Institutional Structure. The institutional structure and composition of parole boards should be reconstituted to ensure members possess the requisite education, expertise, and independence relative to release decision making. Such a system would include the following features, or others equally effective. Parole board members should be recommended for appointment by a special nonpartisan panel subject to gubernatorial approval. Their terms of appointment should be defined by law, with conditions for removal governed by a protocol administered by the special panel."

4 To draw a parallel, think of the position of President of the United States. The only statutory requirements to be president are: natural born U.S. Citizenship, residential status for 14 years, and 35 years of age. Despite the lack of demanding statutory requirements for the office, the country has generally had Presidents with significant educational, political, and professional experience.
7 Ibid.

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