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# Board Members' Reflections on the Parole Process in Pennsylvania



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By

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# Board Members' Reflections on the Parole Process in Pennsylvania

## Introduction

The report that follows reflects the first product of a multi-year collaboration currently underway involving the Robina Institute on Criminal Law and Criminal Justice ("Institute"), the Pennsylvania State Board of Probation and Parole ("Board"), and the Pennsylvania Commission on Sentencing ("Commission"). This partnership stems from a two-day meeting in July 2016 among Institute representatives, Board members and staff, and Commission staff. Subsequent to these discussions, an agreement was reached among the parties to jointly conduct a research project focusing on the accuracy of the Board's Parole Decisional Instrument ("PDI"), also known as the "361", in predicting recidivism, and the fit between this tool and the Board's release decision-making process. Hereafter, references to the PDI, referred to in-house as the "361," will be used interchangeably.

The overall project is designed to address a broad set of issues targeting multiple dimensions associated with the decision to grant or deny parole. The findings summarized herein center on elucidating the views of board members' relative to their decision-making capacity when considering offenders for release.<sup>1</sup> It is important to note that the Board also exercises jurisdiction when setting the conditions of supervision, and in determining whether to revoke and sanction a parolee for non-compliance.<sup>2</sup>

The Board is an independent administrative agency. The members are appointed by the Governor with the advice and consent of the senate. The Governor also appoints a Board Chairperson. The Board itself consists of nine members serving six-year terms. There is no statutory limit on the number of terms a board member can serve. At any given time, there may be vacancies due to the turnover of individual members of the board.

Two staff representatives from the Institute interviewed eight board members and the Chair in December 2016. The interviews were conducted at the Board's central

office in Harrisburg, Pennsylvania. The interviews were recorded with transcriptions furnished thereafter to Institute staff working on this report. The interviews, with one exception, lasted for an hour or so. The respondents consented to the recording, and were advised that their names would not be identified with confidentiality maintained throughout the report to follow. The transcriptions of the interviews provide the foundation for this report. In some instances, individual board member quotes have been slightly modified to facilitate their readability. The majority of the quotes are verbatim. Where changes occur, every effort was made to ensure the meaning was not altered in any way.

### Summary of Interviews with Board Members

The remainder of this report offers a snapshot of the board members' views about the parole process as expressed during their individual interviews. The interview format consisted largely of asking each of the board members, inclusive of the Chairperson, a series of fixed questions that progressed in a fairly standardized way.<sup>3</sup> There were occasions when the answers to a given question overlapped with another on the survey. In these instances, the interviews departed from the order, albeit ensuring that all questions were answered at some point before the session ended. (See Appendix A for the interview questions.)

The comments from the interviews revealed a number of themes that emerged from the Institute's review of the transcripts; all of which furnished information relevant to one or more of the topics highlighted below. Each theme or topic is briefly introduced, after which one or more quotes are provided representing observations across the full spectrum of the participants. Their comments often contextualize and reinforce how the theme is viewed within the framework of the decisions board members are called upon to make on a routine basis.

## Parole Release Philosophy

The board members were asked to share their basic philosophy or approach guiding the decision to grant or deny release on parole. Three primary philosophies or goals emerged from the interviews: 1) ensuring public safety; 2) making sure the offender is rehabilitated; and 3) giving individuals second chances.

### Public Safety

Public safety was a key concern of board members in determining if the offender was ready for release. For one member this was the “first consideration” because it was part of the departmental mission, noting that “my first consideration is public safety that’s our mission.” Another board member agreed that considering public safety is “front and center” in the decision-making process.

*My philosophy on parole is public safety front and center, and I start my interviews out saying public safety is front and center. If we feel you’re a good public safety risk that we could supervise you without you committing something as bad or something even worse, then we’ll parole you.*

For one board member, public safety was really the only goal.

*Well, I think the absolute bottom line is safety, that you have to make your decision and it’s based upon a number of factors. You’ve seen the 361, but the bottom line at the end of the day, at the end of everything, it’s public safety*

Another board member stressed public safety premised on gathering the information and giving offenders a fair opportunity to be heard during their interview.

*I think as a board member my number one goal is public safety. . . I try and give the inmates the benefit of the doubt. So I try and give them an opportunity to explain what they did, why they did it and why they think they could be successful if they were to be released. . . . And I believe that a lot of times, there’s just issues with their ability to communicate in the language that we need to make those decisions. So I think that. . . my job is to try and get that information from them and help them to provide me with the information I need to make a solid decision. So public safety, number one, and then secondly, I try and be very fair and try and be helpful in getting the information that I need.*

### Rehabilitation

A commitment to securing rehabilitation was often mentioned in tandem with public safety. Part of determining the risk to public safety was to assess to what extent the offender was rehabilitated. Making sure the offender appearing before the board member was rehabilitated served as a key goal in reaching a decision. Two of the board members quoted above discussed the link to rehabilitation and public safety. One expressed the following:

*Well my first consideration is public safety, that’s our mission. I’m very sensitive and consider it important that an inmate may require some rehabilitation and may have actually have attained some rehabilitation, but through that rehabilitation comes public safety.*

In the view of the other member:

*Is this particular inmate rehabilitated, changed, refocused [in terms of] his or her life, so that they can be safely returned to the general population and the public and [there] will be no more crimes and no more victims?*

Several board members believed offenders could be rehabilitated and felt one goal of parole was to continue rehabilitative efforts begun in prison.

*I believe that people can be rehabilitated. So I tell them that, I say you know what, public safety is front and center, although when we do parole you, we will help you out. So if you feel like using, call your agent.*

A different board member who believed public safety should be the first goal, also expressed that insuring the safety of inmates themselves also has to be a priority if they are to be successfully rehabilitated.

*I’m looking at safety to the community first. Safety to the inmate as well. Have we done what we needed to do in order to provide him the tools to go out and become a good member of society? I believe my job is to look at parole, to parole the inmate and so I go into every hearing looking for ways of paroling and [if] he’s given me that, if he’s giving me the steps that I need, if he’s done what he needed to do to parole, I’m looking at parole first. I don’t look at my job as punishment - that has been done by the court. I think my role is very narrow in finding is he ready for the street, or is he not?*

But for at least one board member, not everyone could be rehabilitated.

*Some people don't want to change, some people are just evil. Some people are damaged and cannot be helped.*

### **Giving Offenders a Second Chance**

Several board members felt it was important for offenders to receive second chances. One member thought a second chance was warranted because most people were not "inherently evil" and those who were, were not going to be released anyway. One board member felt that most individuals just made a mistake.

*I believe in second chances. Look, most people in prison are not inherently evil. Now, some are and they're not gonna be paroled, or I might not be seeing them even. But I think most are not inherently evil. They just made terrible mistakes, terrible mistakes. . . but they weren't inherently evil or dangerous and I do believe that they should get a second chance. Sometimes we give them a third chance because they're back as a parole violator. Look, I want them to succeed. I don't want their lives to be a failure.*

Another parole board member said those that did the work to become rehabilitated deserved a second chance.

*Well, I think when they show through their conduct in prison and through the time they spend in programming and how they communicate to us how they've changed, and what they've learned, and how they've grown or matured. And I think those guys should be given a second chance.*

One board member acknowledged having biases against certain kinds of crimes, but nonetheless believed the following:

*I believe that everybody should be given a second chance. Now I do have biases. . . [Yet] I'm hoping that I'm giving everybody a second chance. . . there are some that that second chance is going to come sooner than later.*

At least three board members displayed an expansive view of the concept of giving a second chance to offenders.

*I think that everyone deserves a second chance, and I mean everyone. I mean there's no limit on who should not - who should get a chance or not.*

*Offenders should always be given a second chance. I mean, if you go in with a mindset as a board member not to give anyone a second chance, to me, that's not a fair interview. And I think you can use their past history to make your decision but that shouldn't be the determining factor of why you say no. if you say no to everybody. . . our job can be easy. . . what makes our job effective is saying yes to paroling people, and that's the biggest thing for me. . . is to make those tough decisions.*

*I always try to think of it from the standpoint that our job is to parole people, so I try to do my initial review of every case whether it's prepping beforehand or going into the interview, going with the attitude that I want to parole this person.*

### **Information Available to Board Members**

Board members rely on a wide variety of information to determine the risk to public safety, and if the offender has been rehabilitated and/or deserves a second chance. They interview inmates either in-person or by video-conferencing. Prior to the interviews, they review extensive details about the offender, including information on the nature of the criminal offense, background material on the individual interviewee (e.g., education, employment, family background, mental health, chemical dependency), and other supporting institutional documents (e.g., prison conduct, reports from prison staff, program completion). The board members have access to a great deal of information. Several risk and needs assessment tools are included as part of the file review. One board member said:

*We have a ton of information, quite frankly. We have at least 12 assessments that we can refer to.*

Another board member listed the additional information that they have access to alongside the items mentioned above.

*We have for sex offenders the Sex Offender Assessment Board, there's a comprehensive report, which is terrific. That's extremely helpful. So is the court report. We look at that, we call it the STATIC 99 report. Very critical to look at that. There's psych reports from DOC. We can look at those psych reports. We have the court information, the rap sheet, and the offense information. We have the offender statement. . . . The ICSA or [Integrated Case Summary Analysis], that's a summary of the offender's criminal history information, the programs that they took, when they completed, if they failed out of the programs, the prescriptive programs that they were supposed to take, whether they have their GED, whether they don't have their GED, what their reading score level is, what their IQ is, information about their mental health stability, whether they're complying on meds or not meds, what meds they're on. Their institutional adjustment, whether they're doing well within their housing unit, what they're doing for employment, whether they're doing well in their employment. So that we have access to all that information and I look at all of those factors when I determine [release].*

For some the amount of information was overwhelming. One board member said:

*The amount of information we get is really overwhelming. But it's there and it's everything that is there to make a thorough decision as far as I'm concerned.*

The majority of board members felt they had all the information they needed to make informed decisions. When asked what information they would like but did not have, almost all of them said nothing more was required. However, one board member wanted information from the Department of Corrections (DOC) on their staff perceptions on how the inmate got along with other inmates and DOC staff.

*The only thing that I'd really like to get, even though I know it's soft information, and we used to get it, so I don't think we're going to get it again, is before DOC went to basically giving everybody a recommendation, we used to get more of a perception of how the inmate got along with the other inmates and with DOC staff.*

This individual said the DOC stopped doing this a while back.

## Factors Used to Make Decisions

In determining if an individual will pose a risk to public safety, or deciding that rehabilitation has been achieved, board members consider a wide array of factors in their calculations. The weight or value attached to each of these factors varied among the individual members. The weight according to which members valued certain factors seemed to be influenced somewhat by their personal and/or professional experiences. More on this issue is presented below.

The main factors that parole board members considered include:

- Current offense and criminal history
- Responsibility and remorse for the offense
- Personal and mental health characteristics
- Family background and support
- Reentry plans
- Prison misconduct
- Program participation in prison
- Individual motivation and change

### *Current Offense and Criminal History*

Several board members focused on the nature and severity of the inmate's current offense resulting in incarceration. They wanted to know why the individual committed the crime, and more specifically, if this was a one-time offense or if there was a pattern to the inmate's offending.

*Incident offense, criminal history, whether there's been repeated offenses. Is he in serving time for something that he's done before, and we've given him that second and third chance?*

Another board member considered both juvenile and adult records to identify any patterns that emerged.

*I like looking at the juvenile record if they have one. And not going into detail on it, but just doing a scan of what type of offenses did they commit as a juvenile, and again with the adult, what types of offenses did they commit? Have they deescalated over time? Or have they never escalated beyond thefts and property crimes? . . . one of my big things is have they hurt people and worse yet, have they hurt them with a weapon on them?*

Additional information about the offense and the inmate's history of offending was also scanned to assess chemical dependency and mental health. As this same board member stated:

*I go right from the incident offense. . .to criminal history. Is there anything in that criminal history that's similar to the incident offense? So I mean is this a one-time thing? Is this something he's done over and over and over again? If it's something he's done over and over and over again, I'm looking for the reason that it's there. Is it a drug and alcohol thing? Is it money? Is this guy just bad? Does he have mental health problems? So I go from the incident offense to the criminal history.*

A different parole board member wanted to know about offenders' past crimes, and how they were going to go back to the community without committing crime, particularly if it was for selling drugs. This parole board member made interviewees explain the following:

*Tell me how much money you made slinging dope on the corner and how you think you can go about making a decent amount of money without slinging dope on the corner. How much of a discount is it worth to you that your friends aren't trying to steal from you and kill you all the time? To know that you're not going to go to jail for 10 years over one of your idiot friends turning you in? So I want to know about that.*

### **Responsibility and Remorse for Offense**

Alongside understanding the criminal history and current offense, some board members sought to address the extent to which offenders took responsibility for their actions. Responsibility was not only about offenders admitting to their actions, but also acknowledging that their actions caused harm either to the victim or to the larger community. One member said they wanted offenders to express the following during their parole interviews.

*I want to understand what he's done, and be explaining to me why it is wrong and [what] he's done so that it won't happen again.*

Additionally, for some it was about the actions offenders were taking to repair the harm they caused. As one member stated, "taking responsibility doesn't mean much to me, unless it's also coupled with action." This member wanted the offender to have a plan for repaying the victim and society.

Some board members also wanted offenders to display remorse for the harm they caused. One member described probing for responsibility and remorse.

*I'll ask them what happened, tell me what happened, how you feel about it. I want to hear some type of remorse. That's important I think for me. I want [them] to admit briefly. I'm not going to dwell on the crime incessantly. But I want to know what they did. I want to know if they're accepting responsibility for what they did, I want to know if they're remorseful.*

*I think it's important they accept responsibility for what they did. I think it's important that they have remorse and they have empathy for the victims.*

This same member went on to say why it was important for the offender to display both responsibility and remorse.

*It's important that they've changed their thinking on the world. That this is not going to happen again in their mind and they have a positive outlook on life.*

A different member had a similar belief.

*Unless you understand the impact. . .of what has happened to another human being, you can't develop that empathy that you need to grow. . . The more that the role of empathy, the role of placing one in another's shoes for a defendant can spark so much growth if they really get it.*

Another parole board member made it clear that considering remorse was not about re-sentencing the case. Rather it was about understanding if the person was capable of committing the crime again.

*If they can't admit what they did or if they're not remorseful, then they can do it again. I'm not there to resentence them, that's the judge's job. I don't do that. I'm looking at the severity of the crime because I want to know what you're thinking at the time this person was capable of committing this kind of crime; has this person changed? So again, I'm not there to resentence them.*

The authentic display of remorse and responsibility presented a delicate line. While remorse was important for board members, many of them acknowledged offenders know this and thus their responses echoing this recognition sometimes felt rehearsed. It was difficult, at times,

to gauge if an offender was being authentic in their responses. A board member who mentioned remorse and responsibility as important factors said the following:

*The inmates know because they rehearse it now. The first thing out of their mouths is, 'I take responsibility for everything that's happened to me and I'm sorry, everything that's in that report is something that I did and I really apologize for what I've [done]. They've been coached to say it.*

To evaluate if the offender was truly remorseful, this same member went on to say how this was accomplished.

*I've always asked them as soon as they get finished saying it, "Okay, you said your memorized piece. Now tell me what does that mean?" And then they back up. Because they're not ready in their own mind for a real discussion because they don't think that we really want real.*

Another board member expressed a similar comment.

*Do you take responsibility? Although the inmates come in and say, well I take responsibility, so then I want to talk to them, well what does that mean? Because anyone can sit there and say I take responsibility. What does that mean? That means some sort of action. Sometimes I ask them what do you think you can do to give meaning to your victims, the loss of your victim's life? How do you think you make, how do you make that right?*

#### **Personal and Mental Health Characteristics**

Assessing personal characteristics was also important to several board members. More specifically, understanding offenders' IQ came up a number of times among different members. This seemed to go hand-in-hand with wanting to understand their mental health and stability. One member explained why knowing about IQ and mental health was important.

*I want to know the mental health stability rating of the person. I want to know their IQ so I know what I'm dealing with, what kind of responses should I expect of someone? If the inmate coming in has a 64 IQ, I'm not going to expect them to articulate very much to me. On the other hand, if they've got 120 plus IQ, I expect them to be able to articulate just about everything.*

#### **Family Background and Support**

Closely tied to personal characteristics, family background and the amount of support that the offender had from their families was also deemed important. Family background and the scale of support tended to intersect with criminal behavior; if an offender's family was involved in crime, then it was presumed the offender would not receive much positive familial support. One board member considered family structure (including where the offender was born) because that often told them a good deal about the crimes the offender committed.

*I know where they're born. I know where they were raised. I know their family structure, which I'm aware of, and believe you me, family structure has something to do with some of these crimes. A lot to do with [it].*

Another board member expressed a similar view.

*I look at family background and their family history. Some other people, like they've got a brother, or dad's been in and is still in a penitentiary.*

A different board member reviewed the family background for any history of chemical dependency.

*I want to look at his family background. . . I'm looking at the family background and that means I can pull some things out of that, but I am looking at drug and alcohol history.*

Family characteristics at times suggested criminal offending ran throughout the family, but it also suggested the offender may not have sufficient family support to help with reentry.

#### **Reentry Plans**

Parole board members considered if offenders had comprehensive reentry plans. For one board member knowing about offenders' home plans was important because individuals were more successful when they had a home. A comprehensive plan also included solidified options for employment, treatment, and other matters addressing the specific needs of the offender. One board member sought information to the following as part of reentry planning.

*If there are mental health issues, do you know where you need to go to get mental health treatment in the community? . . . I want to know how they plan to live. And how they plan to live crime free and addressing their needs. Are you willing to go to the meetings? What do you need to do? How are you going to work on that? How often do you need to participate in recovery?*

For this board member, a credible reentry plan also included how offenders were going to take care of their children by answering the following questions:

*Tell me about how you're going to take care of your kids, where do your kids live? You got any plans to see them? Do you know what to do if their mother tells you no?*

Incorporating mental health into the reentry plan was also important.

*We might need to come back to the mental stuff. . . that is big. Do they have a plan for what they're going to do if they go, when they're released? How are they going to support themselves or how are they going to go about trying to find a way to support themselves? . . . Do they actually have a mental health plan for their lives?*

For those offenders who had been released on parole before, board members also factored how well they performed under any previous supervision in their release decision-making. This particular factor was weighted according to whether they showed previous success or failure during their term of parole supervision.

### **Prison Misconduct**

Reentry planning and past experiences on parole were salient factors, but prison behavior and conduct were also important considerations. Examining prison misconduct was mentioned by many of the members. What seemed to be important regarding prison misconduct was not necessarily that it happened, but more about the frequency at which the misconduct was happening, along with the patterns of misconduct that were exhibited, if any. Two separate board members said the following related to this point.

*I'm looking at his behavior while he is in the institution because I want to know if it's a violent offense, is he continuing to be violent. . . I try to do a good amount of investigating what those misconducts are.*

A second member said:

*We get a list of all the misconduct. So sometimes, you don't want to automatically deny someone because they had a misconduct, but if they have a pattern of misconduct, you can go back and look at those misconducts.*

### **Program Participation in Prison**

Participating in prison programs also factored into members' release decisions. For many it was more than whether inmates successfully completed the program. They were interested if the offender actively engaged in the program and whether they learned anything from the program. One board member said:

*I don't want to only see that the guy completed the program. I want to see the summary of how he did in the program.*

This board member said the Department of Corrections (DOC) is good at providing such information:

*DOC gives us a pretty good summary; they'll say this guy did his hours, he didn't really participate, or this guy is now a peer assistant in a program.*

A different parole board member asked offenders during their interviews what they learned while participating in programs.

*When I saw they completed the programming, I do ask them questions about the programs and I want to know what they learned. . . what did you learn in the programming and how have you been able to apply that now in your actions in the institution?*

Several board members "rely heavily on the programming" in making their release decisions. One parole board member used prison programming to see how offenders were bettering their lives.

*I'm looking at what he's done on a volunteer basis. So what are you doing? Are you just doing the mandatory stuff and then sitting around and doing nothing? I like to see that a guy is working on reentry. Is he working towards his GED? Is he doing something in that correctional institution that's going to prepare him for employment? Or life after incarceration? Is he continually working on his drug and alcohol [problem], even after the [mandatory requirements]?*

### **Individual Motivation and Behavior Change**

What seemed to be a theme throughout consideration of the above was that board members sought to answer if individual offenders had not only the motivation to change, but had actually changed their behavior while confined. To illustrate, a board member through the interviews listened to offenders' responses to the following questions.

*Do I believe that this person is not yet mature enough or motivated enough to stay on the right path. . . I ask them are you interested in parole? And the reason why that question is important to me and the reason why I tell them it is important, I say, because unless you're interested in doing something that is beyond what you've done before. . . unless you're really interested and motivated to do that, then you're just going to fail and I don't want you to fail.*

According to this member, understanding motivation and behavior change was about public safety and making sure there would be no more victims. A different board member also examined offender's maturity and growth as a way to gauge public safety risk.

*Underneath it's looking, trying to calculate what their chances of successful return to the community [are] without making more victims. Because that's really the bottom line for our organization mission and my own mission.*

This issue overlaps in a substantial manner with an offender's readiness for change, an issue that is discussed further in a subsequent section of the report.

### **Input From Others**

Board members likewise sought information from others who were familiar with the offense or knew the offender. They reviewed input from victims, DOC staff, and judges and district attorneys.

#### **Victim Input**

Victims are allowed to share their story in person or through a written statement.

*We have the victims come in and they're able to address the board members and the hearing examiners on how the crimes have impacted them on these personal injury crimes, and as well victims are given the opportunity to submit a statement.*

For some board members, victim input weighed heavily on their decisions to grant or deny parole release. For one member this was especially true when meeting with the victims in person and hearing their stories. Two members specifically mentioned becoming emotional when hearing stories from victims and even crying at the stories. One board member said:

*I've sat in victim interviews and just cried. Just physically I can't make tears not come from my eyes from some of this stuff, okay? It's dreadful.*

Another board member had a similar experience and said it was usually a rough day when the board had victim interviews.

*But it's a really rough day. I mean there's times that the impact from these victims, like a homicide by vehicle while DUI where the family's crushed and they bring them pictures of their. . . son who graduated cum laude from high school. . . he's gone because this guy drank too much and I remember the first time, all the board members were crying. So I have to start thinking about. . . I get the immediate impact. . . I'm looking at them but I can't, it's, it is a very, very, very, very, very rough day. And when they travel in here from all over the country, and they're begging us, this would be a slap in the face if you [grant release].*

A third board member, also strongly impacted by hearing victim input, offered the following remark:

*We go through it and you have mothers and fathers who have lost their daughter, their loved ones, people have been raped, viciously robbed, assaulted, it's horrible. So does it affect me? Absolutely. And I listen to them.*

These board members strongly weighed victim input in their release decisions. One board member said:

*It does weigh strongly into my decision-making, especially at the earlier juncture [meaning first or second interview].*

This same board member later mentioned that a former board member told them victim input should be considered as a static factor, but this board member could not consider victim input that way.

*To go hear an inmate say, well, I don't think, they didn't seem to be hurt that bad. After I've heard from a devastated victim who five, ten years later is still. . . suffering permanent injuries. So it does weigh on me. . . I will say this, when a murder victim's family comes in, it doesn't matter if it was 5, 10, 15, 25 years ago, it's yesterday for these people. It's yesterday for them. So it doesn't go away.*

For several board members victim input was considered, but the weight attached to it seemed to differ. For one board member the weight of victim input appeared to be based on the "severity to the victim" with obviously the more serious offenses weighing heavier for this board member. This board member wanted to make sure if the decision was made to approve parole release, offenders under such circumstances were going to change their life around because some victims no longer had that opportunity.

*Some of my interviews, especially where there's a death involved with the victim to remind you, that I hear again and again from inmates, oh, I'd like to get a chance. Well I guess your victim would too, I'll bet your victim would trade places with you. They're in a grave. You're going to walk out the door so what are you going to do to make your life worthwhile?*

A different parole board member considered victim input, but also said "it's another tool" when asked how they weighed victim input. Victim input did not seem to outweigh other factors for this member.

#### **Department of Corrections Staff Input**

Parole board members also received and considered input from the DOC staff. The DOC provided a recommendation through a vote sheet. A board member explained the vote sheet and how such information is considered.

*They [DOC] have what they call the vote sheet and we look at the vote sheet. . . sometimes there's a vote where it's not unanimous, so you may get a no and you can look at it or you may get a yes and you well, it is a split vote. So we certainly look at that.*

Several other board members were quite interested in input from the DOC, especially if it skewed towards a unanimous vote. One board member provided the following comment:

*I'm looking at, there is a section in there where prison personnel get to vote. That is very important to me.*

*It is important to me to see there are a number of different, there's probably eight or nine members of the personnel that are voting on it. And I'm more concerned with those counselors, and those who are close. . . . I'm really interested in if the guy gets a unanimous, or if the people who are working with him or her the closest, what their opinions are.*

Another board member said they do not really consider DOC input unless it is a no vote to release. If it was a no vote then they wanted to know why because they felt only the worst offenders got a no vote.

*I want to know DOC's, whether they're supporting or not. . . DOC has changed the point of view that only the absolute worst actors do not get supported for parole. So I only pay attention to DOCs recommendation if it's a no.*

#### **Judge and District Attorney Input**

Information from judges and district attorneys (DA) was also considered. Many board members did not mention this type of input as weighing more than other pieces of information. One board member observed that in many cases judges and district attorneys do not respond back when the Board lets them know that an individual is up for parole. However, this member also said that when they do it is usually with a lengthy letter and then that is weighed more heavily for this board member.

*We send a letter to the prosecuting district attorney and judge to let them know the person's up for parole and they can respond back. A lot of times they don't, but if they do respond back and it's a lengthy letter, I want to at least acknowledge that I read that and then put in my notes reasons that note specifically that I didn't agree with it, but reasons why I think the guy should be paroled. So judge and DA letters are extremely important to me.*

Another board member said they considered the input from the judges or district attorneys when they gave a reason beyond just a no relative to the release of certain offenders.

*I want to know if there's judge or DA input, but I only really think about it as being true if there's something more than just them saying I'm for or against. They need to tell me something about why they're for or against.*

This board member also went on to comment that these key actors should provide their input and predictions of the offender's success immediately following the sentencing. In doing so, the case and the individual will still be fresh in their minds.

*I think the judge and DA should have to put their input into [writing] [and] that should be given to us at the same time they send us the sentencing information, while the case is still hot in their mind. They should have to provide us that information and their prediction that if this inmate does all his programs and behaves himself in prison, do you think he should be released at minimum, or refused? Why? I think it would be a whole lot more beneficial, rather than, especially in some cases where you have a ten-year mandatory and at nine years and two months, we're asking them to give us something on this case which they haven't touched in a decade.*

### The Parole Decisional Instrument and Risk and Needs Assessments

The board members rely on guidelines known as the Parole Decisional Instrument, or "361," which incorporates a number of actuarial instruments in deciding whether to grant or deny parole. It serves as an aid in guiding their review of individual cases. For many of those interviewed, this tool assisted in decision-making. However, they did not solely rely on the results of the risk assessments or other factors included in the instrument (e.g., prison misconduct) in determining whether to approve or defer parole release. The assessments and items included on the 361 were often used to find out more information about the offender.

*I don't rely on any decisional instrument to make my decision. I use them all to gather information to make the best decision possible based upon public safety.*

*I think it gives me a good foundation, a good basepoint of where to start, where to look at, where to question, where my question should go towards, more drug and alcohol, more violent crime because of the past history. . . . It gears my questioning for the individual themselves based upon the assessments that I have in front of me. [1 p. 4]*

The board member for the second quote added the following:

*I think we're light years away, I mean, ahead of everyone else in other states because we use the 361 decisional instrument. And I think it gives a risk-needs assessment, it gives the risk to reoffend in a violent and nonviolent way. It gives also the availability how they have done since they've been incarcerated and what type of programs they have done to change their criminal mindsets.*

The interview and personal contact spent with the offender seeking parole was often more important for the parole board members than the instruments standing alone. When asked how they used the assessments to make their decision, board members shared the following comments.

*It always has to do with the interview. I mean [the] interview to me is extremely important.*

*Do I look at [the 361]? Sure. But I think the face-to-face is very important. Otherwise you could just have a robot right?*

*I'm kind of person-to-person, I know what the score means, but I really want to know the person through the hearing, through the interview.*

Parole board members expressed concerns with some of the assessments. For one, the 361 was considered too "mechanical" and did not emphasize sufficiently personal information about offenders. There was also a question raised by one board member regarding if there should be other factors included in the assessment.

*The question would be are there other indicators that we should include. . . what are they and how should they be weighted, I guess would be my question.*

This member felt without knowing the answer, it was not possible to rely solely on the assessments. For another board member, the various risk assessments did not incorporate the factors on which they tended to focus. The response when asked about the risk-needs assessments:

*It doesn't take into account most of the things I think are really important.*

There were also concerns about using certain assessments on female offenders as board members said they were not validated or normed on female populations.

*Some of the actuarial [tools] on female sex offenders is a little lacking for maybe the background research so that the statistical validity is not there. . .it seems like there's less developed statistical methodology around female sex offenders and [there are plenty of female sex offenders].*

Another member said there were no assessments for female sex offenders.

Overall, there was a lack of trust in fully using the 361 instrument to make decisions. One parole board member provided an example of why such trust is lacking in relying on the instrument by itself. The member shared they (the board member and hearing examiner) had an individual they were interviewing who had a low sex offender risk score, but when describing the offense, the offender seemed to be somewhat excited reliving the details of the crime. The board member concluded that:

*I can't just go to that SOAB [sex offender risk] score, I really need to read through the reports. So with that, I denied it because I'm not comfortable that that's not going to happen again.*

This same board member also said "going with their gut" was important in their decision-making.

*And there's some decisions that I've made where. . . my gut, I mean, I can't take my gut out of it. There have been some factors, just like this case [above] that I gave you, where everything is pointing towards denial. I've had some cases where everything really is pointing towards parole and I flip it because I'm not comfortable the DOC has done their job in making this person safe for themselves and especially for the community.*

Going with their gut or using the personal experiences was more valuable in some release decisions than relying solely on assessments. Other board members said they looked at a good deal of information and the assessments, but their personal experience was more important because they felt the release decision was not meant to be mechanical. For one board member departing from the assessments was not a problem because "I'm paid to make a decision."

There were parts of the assessments that board members found useful. But for many it was about looking at the factors they were already interested in. One board member said they really only look at specific scales.

*I really look at [rationalization], denial, and responsibility [scales]. I do because to me, isn't that the heart of matter? Isn't that why we do all of this stuff?*

Another board member expressed what was important to them relative to the various risk assessments.

*For me, the Stat 99 score is and the SOAB report for sex offenders is very valuable. That really gives a history. . .the score is an indicator and you drill down when there's a report. So I think that's an important factor. I look at their TCU [Texas Christina University Criminal Thinking Scale] score, I think that's important. I look at their mental health rating.*

Parole board members did not use the assessments as the sole tool to grant or deny release, but they often discussed the circumstances under which the assessments are considered. One board member relied on such assessments to help control for personal biases.

*I look at assessments to help with my biases more so than with anything else.*

The same board member went on to say they used the assessment when "their gut" is telling them to deny parole, but doing so is more for imposing further punishment. In these situations the assessment is important.

*I'm really looking at something and assessments for those where my gut is like in the, no you need to sit here. . . . So that's a punishment sort of way of thinking, so I've gotta get out of that. So in order to do that, I will go to assessments. . .but it depends on the case.*

Another board member provided an example when the actuarial assessments prove useful.

*Some of the big scores if the guidelines says no, I mean obviously most of the reason is misconducts in jail, so you're not going to parole them anyway. Now if the guy's got a high LSI-R and high Static-99. . .and not in programs yet, or involved in a program, but didn't complete it, the guideline's going to say no also.*

Yet, another board member stated:

*I very seldom counter. . . a guideline if it says no.*

Such assessments may also be used to help set conditions, as one parole board member described.

*So if you parole them and this particular person I voted to parole, but wanted to send them to some type of recurring treatment because they have a high mental health score, a high TCU score, but then a high score of likelihood for violence and a high score for recidivism, so you know they need a lot of supervision and a lot of help. So I look at all of those and I think you look at GED and you look at their TASC [Treatment Alternatives to Street Crime] score to see what their reading level is. I mean, I'm not going to put a condition on someone that they get a GED when they don't have the capacity to do that. So we want to see how. . . I encourage them to pursue some type of vocational training.*

Finally, on assessments, one board member remarked that the use of these tools can provide coverage from negative publicity or criticism by the governor or legislators.

*The assessments are kind of like a CYA for us too. Because if the assessments are all low and it's evidence-based practice and you're looking at the assessments and the assessments say [given] everything we have, this guy should be good to go, and then the guy goes out and kills somebody and you get called downtown and they're screaming at you, what are you doing? At least you got the assessments to say, listen, everything I had, because things go bad in good cases.*

### Parole Release Interview

As mentioned above, the parole interview carried great significance in getting the information needed to make a release decision. One member called the interview "extremely important." For many board members, building a relationship with the offender was a crucial way to get authentic information during the interview.

*You have to really understand and have a relationship with people and that's what I try to tease out when I'm trying to understand where this person is on the continuum that I have in my own mind.*

This same board member later offered the following:

*I think that more than anything else, what board members want and what I want is you want to talk to the authentic person.*

In order to build this relationship, some board members used more of a conversational tone.

*What I want is a conversation. . . I want you to treat this as a conversation. When I ask you a question, you can elaborate on it. Tell me as much as you want.*

*I let them say what they want to say. Usually give them the opportunity, 'do you have anything else you want to add?'*

Treating the inmates with respect during the interviews was also considered important.

*My style is that I'm very respectful and I don't look at it as an opportunity to beat people down or to judge them in any way, shape, or form.*

*I'm not there to browbeat inmates and scold them and chastise them for what they did. They're in prison after all. They know what they did. So I treat them with respect.*

*I really make an effort to treat the inmates like rational adults until they show they can't be. Because some people are just screwed up, have gotten in bad situations, and so there's nothing to be gained there by shaming or humiliating them.*

Many board members recognized and commented on how important the interview day was for the inmates. One board member summarized its importance by saying:

*It's Christmas, the 4<sup>th</sup> of July, their birthday, everything rolled into one. It's a huge day for them. So I treat them with respect.*

Several board members mentioned the importance of the day, and that was essential to develop rapport quickly. As one member stated:

*Quickly establish enough of a rapport with an individual that you can actually tease out what you think they need to understand.*

Two board members offered additional comments on the value of the interview and the necessity to listen to the individual being considered for parole.

*My point is all of the things that the parole board has to hear has to be part and parcel of understanding of being and listening to the authentic person that is in front of them and you can't coach somebody to be authentic.*

*It's the interaction in the interview itself. . . because I use all the tools and everything else, prepping the case based upon tools and based upon the incident offense and everything else, so yeah. The interview is probably what I weight the most if you're talking about what I weight or what I do.*

### **Board Members' Perspectives on Inmates' View of Parole**

Parole board members were asked how they thought inmates viewed the parole release interviews, how well prepared they were for the hearing, and how they perceived the overall process. Many board members expressed some uncertainty initially. But upon further contemplation, their responses ranged from inmates thinking they knew what the board members wanted to hear, to some inmates being nervous, to other inmates thinking the process was unfair.

In the previous section, board members mentioned authentic remorse as an important factor in determining release and readiness for release. The board members also observed that many inmates were aware of this and often came into the parole interviews with rehearsed, or as one board member put it, "canned" responses. As one parole board member said, "[It's] like mechanical windup toys" because it is what inmates say over and over again.

The board members recognized inmates were getting coached on what to say in the violence prevention classes, through their psychologists or attorneys, or from some other source. A board member had knowledge that in at least one prison the psychologist coached inmates on giving remorseful responses. According to this board member:

*The day before the board interview, the psychologist will call them in and say, 'Okay, so if they ask you this, this should be your response.' If they ask you this, this should be your response. So they come in and they never really digested anything, but so it's like did*

*somebody prep you for the interview? And they go, "Well we talked to our psychologist yesterday," but they're giving us [canned] responses.*

Another board member said that the notion that individuals must take responsibility for their own actions has been part of offender rehabilitation and coaching for several years.

*Taking responsibility has been overly emphasized in the system in the past. It has been the ethos in criminal justice and parole for 30 years. . . I think that [offenders] are still being coached the same way.*

Board members also believe the importance of "remorse rehearsals" were spreading through the prison system by the inmates themselves.

*There's a lot of misinformation out there because naturally they go from prison to prison, offender to offender.*

These rehearsed responses were not just limited to remorse and responsibility. A board member also thought many sex offenders had rehearsed responses sharing the following example.

*When you say why would a 60-year-old man be raping somebody in kindergarten? And they'll say we have a deviant sexual attraction to children and that's what they're told to say.*

These rehearsed responses seemed to represent a fine-line for board members relative to offenders being prepared to present their case for release, but then tipping quickly to being over-prepared and coming across as not honest. As one board member said:

*When they come up, if they're over-prepared and it seems rehearsed, they don't seem honest. . . . I think you don't want the guy to sound so rehearsed.*

Another board member commented that inmates are not prepared because they think the board wants to hear certain information rather than having a real conversation.

*They're not ready in their own mind for a real discussion because they don't think that we really want real. We want the fake stuff because it's easier to deal with fake stuff. It's easier to talk fake stuff. But fake doesn't get me and they know that.*

Other board members also acknowledged inmates may be nervous or anxious for the interview. As noted already, many understood this as an important day for the inmate. The nervousness made some inmates not able to articulate information pertaining to their case. As one board member said, “guys get in there, they’re so nervous; they can’t explain things. They forget stuff.” Other inmates are very anxious about the interview process.

*I think they’re concerned about the parole board. They might think we’re, might think we’re too firm or something, I don’t know. That we’re going to grill them or anything like that and I tell them I’m not here to grill you, but I think there’s, it’s not a fear, but it’s, I think they would rather do something else than go before the parole board.*

This member responds to inmates who are nervous by expressing the following:

*I’ve seen many inmates very, very nervous. And if I see that, I usually say wait a minute, we’re not here to beat you up. We don’t do waterboarding, we don’t have any hot lights, none of that stuff, so I try to put them at ease as best I can.*

Some board members also thought inmates might see the parole interview as unfair. There were two reasons offered for why they may view it this way. First, offenders may have thought they had a deal at sentencing when in reality this was never the case. One board member shared how this might happen.

*I think some of them believe it’s unfair. You know, some of them the district attorney says you plead five to ten, you’ll get out at five. And I would say 50% of them would say that. You plead, you know, five to ten, you’ll be out at five. . . and finding out this is what we were told, we’re getting out at five. It’s like yeah, but you didn’t participate in a therapeutic community, but we don’t think we need it. And I said, well the department of corrections thinks you need it, I think you need it.*

The second reason why they might view it unfairly is because inmates feel they should be released because of their institutional behavior and program participation. A different parole board member shared how this happens.

*I think some of them may think, well I should be paroled because I’ve done my programs and recent misconducts, but we’re looking for much more than that.*

One board member framed what it looks like when offenders are well-prepared to present their case. The profile that is described aligns with an inmate’s readiness for release, the subject of the next section.

*Guys that are real prepared, they’ll come in and they’ll say, “We want to do community service through our fellowship, we know we need to get to the meetings almost every day, we know we need sponsorship,” and they’ll actually talk about how that leads to positive companions then so you won’t be around the people that are going to lead you down the wrong [way].*

### Readiness for Release

Members of the parole board were asked how they determined that the inmate was ready for release. Many of the factors they relied on to make the release decision were also used to determine readiness for release. Often for the board members an offender was ready for release when they actively participated in programs, successfully completed those programs, had well thought-out reentry plans, and articulated authentic remorse and behavior change.

One board member summarized assessing readiness in the following manner:

*My ideal guy would have high motivation, high empathy for the victim, high planning, the ability to have a detailed plan for success.*

Motivation to change was also mentioned in several responses. Motivation was about the will to change, as well as having a concrete action plan that would result in change. For several board members it was about having goals and having a plan to make the goals a reality.

*If they want to and if they’re willing to put in the effort to make those positive changes. And so as I go through my work life, I hear a lot from inmates, “I’m a changed man,” “I’m a better person,” et cetera, et cetera, et cetera. Sometimes what we’re short on is [what] I always ask, “So what are you doing to help yourself now? What are you doing to make these goals you’re telling me about a reality?” And my inclination is to hold their feet to the fire a bit on taking action, because we all know that hot air is hot air and if we want to change, we have to do something.*

So it was not enough for offenders just to say they had goals or hopes and dreams. They needed to articulate a plan for achieving them. As one parole board explained:

*I talked to a guy yesterday that had a horrible history, but he completed the automotive class at one of the jails and was now a tutor in the automotive class and he clearly saw the world through much rosier glasses. He said I can get out, I can fix cars, I talk to people, I got a game plan. Here it is. Everything I did was because really I had no hopes, dreams, nobody to, you know, really no skills. Now the guy's got skills and he got a secondary diploma, he's got his automotive, I think the guy's going to do well.*

A different board member presented another example of inmates having solid action plans.

*At the end of the day, you look at all the factors and then you, if they are able to communicate what their goals are and what their plans are. That's important to me. A guy that's able to sit there and talk about I really want to pursue community college and he says, "I went out and I looked at [Name Omitted] County Community College and they have this program." Or, "I've looked and they have a certification in welding." Or guys that really are able to articulate what their short-term goals are and long-term goals are, I really love that, because they're thinking about their future.*

It was recognized explicitly by two members that some individuals may have trouble clearly articulating their goals and action plans. This was primarily attributed to such inmates having a lower IQ. For the board members who mentioned this, they tried to find other ways to assess their motivation and ability to have a plan. The first parole board member said:

*It's the guy—the difficult cases are the guys that are inarticulate. Again, they test low. . . IQs of 63 and below. Some people have deemed that to be low-functioning. And you can't keep them in jail forever. So what can we do to motivate that person to try to use whatever the facilities they have to get into a better frame of mind so I can be comfortable that they're not an abnormal risk?*

Related to this point, a second parole board member offered the following observation:

*Some guys. . . aren't as able to communicate that well and so then you ask them about what their relapse*

*prevention plan is. If they can't articulate that, they have no interest to go into AA, then you have to ask some more questions. But guys who are participating in AA voluntarily, any voluntary programs in the prison shows that they're motivated. I look at that heavily. If they're going to AA or any in the prison, if they're taking voluntary money management or parenting or other courses that they don't have to take. I mean, a guy's just sitting around, who's not working, not taking any courses. If you ask him about the questions about the courses he took, he can't really give you anything. They may not do as well.*

### Department of Corrections Programming

An additional barometer for assessing inmates' readiness for release is tied to whether they participate in and successfully complete programming within the Department of Corrections. The prison system offer a variety of programs ranging from therapeutic, rehabilitative to more employment and vocational-based training programs, as well as programs to assist in offenders' reentry transitions. Each prison, however, provides different programming depending on its security level and other factors. As one board member observed:

*What I'm learning is some institutions have much better programming than other institutions, and I haven't learned all the details, but I know like Waymart, for example, is supposed to have terrific programming for sex offenders. So somebody who comes out of Waymart and talks about that, you can sort of feel more confident in some of the programming. So sometimes you think the guy needs more programming and DOC may not want to provide that.*

Regardless of the programs offered, it was important to the board members that inmates participating in the programs learned from the programs and not slide by just enough to pass. According to one board member, it was not about passing a test, but actually changing behavior based on learning new information.

*When I was in undergrad I took courses to pass. Tests that you've got to make it a learning process, and not something you're not getting just to pass a test. There are some pretty smart guys in prison that can pass those tests, but you're not doing anything to change them [behavior]. And so that's what's lacking.*

A different board member agreed with this sentiment and thought inmates were not learning (or retaining) the information they acquired in programming in which they enrolled. This member shared that often during parole interviews in asking inmates what they learned in the batterers' invention program, the inmates often could not answer what this board member considered to be simple questions.

*I would ask people in the batterer's group, like what are the two main ideas? And I know they go through this, okay? Again and again, I'll even say there's two main ideas, there are two words. One starts with a C and one starts with a P, which is power and control in a domestic violence kind of program. Some of the inmates just look at me like I don't know that. C, P, promises and honor? I don't, I mean so like clearly, I mean I'm spotting you everything up to the first two letters, the first letters of the two words. They're the overriding theme of a domestic violence [program].*

Some parole board members mentioned the DOC had a "tough job" in providing programming to address the needs of the offender population doing the best they could.

*I think the DOC does a good job with what they have. It's a tough job.*

Another board member valued programs in the prisons focusing on education and another where victims were brought in to talk to the inmates. This board member mentioned seeing numerous inmates changed becoming more remorseful after taking this program. Another board member supported the batterers' invention program and the therapeutic programs that focused on drug addiction and violence prevention.

Several board members mentioned they would like improvements to be made in prison-based employment programs. One member thought these programs could be better updated to prepare offenders for current work opportunities expressing the following view:

*This is my number one pet peeve with them, is that one, we should be preparing guys for work opportunities that are current. So they need to stay up on current trends of employment, and bringing those kinds of trainings inside the prison.*

Another board member wanted the employment programs updated to include skills that would be transferrable to private sector businesses.

### Barriers to Reentry Planning

As mentioned previously, having a realistic reentry plan was considered important when deciding on parole release. One board member elaborated on the ingredients of a realistic plan for reentry:

*I think some realistic planning to address basic needs, like the ability to earn a decent living without resorting to crime, a home that is, a home situation that is not going to lend itself to future crime. And after mental health needs, having some sort of sensible plan to do that. That in that community, some of the inmates have actually they come and they say, I know I can go to ABC clinic and I can get my meds, they have a psychiatrist there, they have counselors there. Great. Then I know what you're going to do and that's a good thing. So, some specific, I don't know, some solid plans that aren't set in stone if that makes any sense. So that you don't get diverted if plan A doesn't quite work. But you have a strong theme going and maybe enough particulars to get through, especially some vulnerable people.*

Other board members, however, mentioned the difficulties offenders had in accessing resources, including housing and employment because of their criminal records.

*It's tough for people who are convicted of a crime to get a job. I guess, I'm aware what's going on. I think they should be hired, they should be given the opportunity. But I understand it's very tough.*

Another board member also mentioned barriers some offenders have in finding housing and that because of this they have had to deny parole.

*Some of them are hard to place, like sex offenders, so it's a challenge for them to get a home plan. . . . We don't have those places that, we don't have a place to send them. So I've said no on one occasion. That especially applies to seriously mentally ill people or very low IQ people. And I think I've even sat and thought about, well if I parole you, they'll let you out in February and you're going to end up in an ally because you won't know how to take care of yourself.*

This same board member also said the Board tries to work with inmates to help them develop reentry plans.

*We try to work with them on that. We try to emphasize to them they need to be responsible for their own lives as well. We can help you but you need to have thought of what's going to be good for you and where they're going to go and on and on.*

Having an important reentry plan was vital because as one parole board said:

*You don't want them to return to doing what they're doing that led to the crime they committed, so you get a drug addict, and we have a lot of them now, to satisfy their drug habits, they don't have a job or something like that, they commit armed robberies.*

## General and Special Conditions of Supervision

There are eight standard conditions applied to everyone who is granted parole. Some of these conditions include maintaining contact with the parole agent, not leaving the state, notifying the agent if arrested or if there were changes in employment, remaining law-abiding, and no possession of firearms. In addition parole board members may check additional or special conditions.

Several board members said they ordered outpatient treatment for mental health when there were mental health diagnoses. Additionally, parole board members added a special condition that such parolees were to take their "psychotropic medication as directed." If they did not take their medication that could mean a violation of parole. Making sure individuals took their medications was tied to concerns about public safety.

*If somebody has a mental illness, I want to make sure they're on their meds. I mean, it's a public safety issue. I mean they're there because they were off their meds as they were using drugs because they were not stable. . . . I look at those conditions.*

Related to mental health treatment, parole board members placed special conditions on individuals to enroll in outpatient drug and alcohol treatment. As one board member explained:

*I would make it mandatory that they get drug and alcohol treatment on the outside and that they have a relapse prevention plan, get a sponsor, go to AA,*

*NA groups and stuff like that. . . If they have a drug problem, I'll make it maybe mandatory drug treatment or something like this.*

This same member continued on why imposing special treatment conditions was important:

*You don't want them to return to doing what they're doing that led to the crime they committed, so you get a drug addict, and we have a lot of them now, to satisfy their drug habits, they don't have a job or something like that, they commit armed robberies. So that's the risk, so if you parole that person, the risk is going back to drugs because you know if they go back to drugs, here comes the armed robbery, they will go hand in hand, so I want them to get drug treatment.*

Parole board members also tended to impose special conditions for individuals convicted of domestic violence, as well as those convicted of sex offenses. A board member described the special conditions for domestic violence offenses:

*We have a domestic violence protocol that's for inmates who have a history of beating up their spouses or other people, significant others. You know, there's a batterers' program. But domestic violence protocol, we have that for those kinds of folks that can be imposed or mandatory. I usually make it mandatory, if he has a history of violence toward his spouse or significant other, I usually make it mandatory.*

A different board member had a similar view:

*If there's somebody who was abusive, domestic offender perp, then I will definitely apply those, there's a domestic violence protocol, I'll apply those.*

Several board members mentioned sex offenders have "standard sexual conditions." Others also observed that the conditions ordered depended on the type of sexual offense committed.

*You got sex offenders who have to have conditions. There's different kinds for sex offenders. One condition is no contact with the victims. I usually make that mandatory unless you have some. . . guys have children and some kind of crime in the family, they can have contact with their family or be reunited, but only with permission of the parole staff. It has to be supervised.*

A different board member in a different interview ordered a similar condition:

*As far as victims, there are some cases where I say total no contact with the victim. There are other cases where in the case of a guy who's 19, he's dating a 16 year old, there was a child born of that union, and so I will put victim, unless okayed by the agent.*

The no contact with certain individuals extended beyond sex offenses. One board member said they set a condition of no contact in the following way:

*No association with drug dealers, no association with co-defendants. . . that's a very common one. [No association] with victims.*

Others also stated they ordered no contact with the victim:

*I'll say no contact with the victim. I mean, so I may, I think I'm very sensitive to the victim, and so clearly, I'll say no contact with the victim. So I do that. That will be the few times I really nail on mandatories, particularly if you hear that. You hear the victim, they're scared. You could see their face, they're scared to death of this guy. The guy is not allowed to be near them, end of story. If he is, he's going back because it causes problems.*

Parole board members mentioned being mindful of not over-conditioning individuals. They did not want to order unnecessary conditions that would make it harder for offenders once released to succeed on parole or would ultimately set them up for failure.

*Look, I don't want to condition a person to death, where every other day they have to be in our parole office for some condition, I have to be careful about that. So I try not to over-condition anybody and I think we're working on that. . . . You have to give them time to work, to have a life without running back and forth to the parole office. I think you can effectively do without all these conditions.*

Board members were also mindful of the conditions ordered because every condition imposed had to be enforced.

*We have to remember that every time you put a condition on somebody, what you are in essence telling them is that if you do this, if you break this condition, you have a high likelihood of going back*

*to custody. So for me, life should not be lived with a whole bunch of small rules that if you trip up on, you go back to custody.*

A different board member questioned what the consequences would be if conditions were not enforced:

*So I try not to [over-condition], and I understand cutting back, I do, I understand cutting back on conditions. . . . And the other thing is if we're going to put too many conditions on and not enforce it, then what's the consequence?*

Several of the board members also mentioned allowing parole agents to have discretion on how to execute conditions. The members could check imposed or mandatory for each condition. If imposed was checked on the condition, then the "it's left to the discretion of the agent." The parole agents were viewed as the experts when it came to working with the individuals once they were released from prison. According to one board member:

*I probably apply less conditions. . . then you talk about what the conditions are, but I try and leave that up to the experts. That's the agents in the field.*

Another said board members modify conditions based on what the agents recommend because field staff often know more about what priorities should be for the individuals they are supervising.

*I'll just impose [conditions] and leave it to the field to figure out how they're going to do it. But I like to leave a lot of the discretion of dealing with people to the people who are going to deal with them, and that's why I try not to make anything mandatory, if I can stay away from it.*

Parole board members were also asked about conditions they rarely ordered. One board member did not like the conditions around fees because individuals frequently had troubling paying them.

*I know some people really want us to put mandatory must pay fines, costs and restitution, and if the guy's struggling to make a living and pay his rent, his electric bill and he misses a payment, we're throwing him back in jail, so why even have that condition mandatory. Let the agent work that out. I've been saying more and more to my partner that I'm with, we can just have a feel. If the guy, after the guy gets out, if they decide he meets that condition, they can impose it.*

Another board member did not like the condition that stated individuals on parole were not supposed to enter any establishment that sells alcohol. Stating this condition was too broad and questioning its enforcement.

*Now that's the dumbest, dumbest condition that there is ever. There is nowhere I can go where I can't enter and find an establishment for alcohol. You can go to the grocery store now [and they sell liquor].*

One parole board member thought the condition on possessing firearms needed some re-working. They were not sure how and did not provide more details on this. However, they suggested seeking input from inmates on how this could be re-worked.

### Personal Experiences and Biases of Board Members

Some individuals had been members for some time while others were fairly new to the board. Regardless of their tenure, members came to the board with a wide variety of experiences. Many had been working professionals for a number of years before their appointment by the Governor. Some had experience in the criminal justice field, others did not. One board member said, "We're a culmination of our experiences." And another said, "We all come from different backgrounds."

For some, their professional, as well as personal experiences, often guided their philosophies on release and how they weighed readiness or release factors. The different factors varied in terms of importance when considering whether to grant or deny parole for each board member. Recognizing this, one board member stated the following:

*We've got a committee working on trying to put those things we feel are most important up front. . . but how do you do that? Because in my mind, there's importance. In [omitted name of board member] there's importance. In [omitted name of board member] there's an importance and so now how does that person feeding that information in, how do they know what's important to me?*

Professional and personal experiences also guided how board members thought about the release process. One member who worked previously in social services with low income clients felt it was important to meet offenders where they were.

*For me, it always been about meeting people where they are, assessing their needs, trying to make sure that we can find a way to plug them into what they need so they can start having more control over their lives because most of the time they are out of control and re-establish that control to be a part of a society so they're not destructive but constructive.*

A different board member with previous experience in criminal justice programming offered the following comment:

*So I come from this I think through a different lens than a lot of the people here. I believe in diversion, I believe people can be successful given the right support.*

Another board member who struggled with personal issues at an earlier stage of life said, "I guess. . . my core beliefs. . . I mean if I felt like no one could change, I wouldn't be here." Because of what this member went through personally, there was a belief that if people wanted to make changes and put in the hard work that was needed, they could change.

*In some ways that makes me empathetic. In other ways, it makes me less susceptible. . . because I know what it takes. I know what it takes to repair that part of my own life...so a lot of excuses that I get back [from the offenders] I don't want to hear it. But I'm empathetic.*

Some board members also mentioned biases they had towards certain crimes. This did not, however, seem to be connected with their personal or professional experiences. Some had biases against sex offenders or crimes against family members.

*I have biases against sexual offenses, and I have biases against violence against females. It's a bias. But I think that over the 40 years that I've been doing this, that I've somewhat worked with it, but they're still there. They're still there. I have a harder time releasing a guy who has violated a [restraining order], than I do a guy who has committed thefts, or has a drug problem.*

A different board member also mentioned sex offenses because of the great deal of harm caused by them.

*I certainly understand the difference between applying the law and my own moral convictions and personal convictions, but, you asked what else I would consider and I would consider degree of harm. The sex [offender victim], the child molestation victims, they're devastated. You know, some of these folks, they have a problem going to the dentist because someone approaching them to stick something in their mouth still triggers them. Can you imagine that?*

Another board member said they have a bias against random acts of violence:

*If you're going to be out making havoc in the community and hurting innocent people, I think people have a right to live their life relatively unmolested, not being assaulted on the train going home from work. . . . Those kinds of crimes upset me too, the random stuff.*

For another board member it was a bias in using certain drugs during their parole release that would result in an almost automatic revocation.

*You know, being around so long some of the drugs to me are, they need to be put back in jail, like PCP, like K2, like bath salts. If somebody commits a heinous crime under the influence of PCP, that's, they call that wet or dust or, I mean you guys know what it is. It makes you psychotic. To me, if somebody commits a heinous crime under the influence of PCP and they're out there and they're using again, we need to get them off the street. And my, almost have to pick and choose. Like heroin most of the time, they're nonviolent, they're doing retail thefts or something like that. So I can work with them.*

One board member did not see a problem with having these biases and thought by admitting to them, it made the process more objective.

*Being human, we kind of tend to like some people and dislike other people. I'll just. . .confess that and it helps make a methodical, more objective decision. In my mind anyway, maybe for an inmate who I don't kinda care for. Or whose crime I find kind of distasteful or who comes off in a way that is not very engaging. So it does give me a list of objective criteria to consider, and as we talk [as a board].*

Another person said owning the biases also helped board members with trusting the decisions that were made because given an awareness of which crimes they were biased against, they can each look for that judgement in each other.

*We all have what we look for, how we get for, and if we can actually see, and we do trust each other's judgment, because we kind of know where each other's prejudices are. I know [Board Member X] is going to go off on a guy that has a DUI. I know that everybody knows that I'm going to go off on a guy that may have two if you have three things with guns with me, I want to have a long talk with you before I can go to say that you're going to go back out.*

### Recommendations for Change

In the last part of the interview, parole board members were asked what they wanted to change about any parts of the release process and/or parole interview. The responses were varied. The only consensus among several board members centered on the need for greater resources invested in several key areas. Two board members recommended more resources in the community once individuals were released. One board member had concerns with half-way house capacity, and said there was a need for an increase in the availability of places to send people upon release.

*Going to halfway houses is not our first choice. . .the halfway houses are not ideal. They are not ideal. So I had somewhere that I could send the person or more resources that I could send the person to do more outside of a halfway house setting. . .if I had some other type of facility or some other resource to send them to. . .[I could release more].*

In addition to housing resources, two members sought more resources for programming. One specifically identified needing more educational resources, as well as anger management. Another called for more therapeutic and counseling programs. They also wanted such programs implemented and/or expanded in Parole Violator Centers. According to one board member, these centers either do not offer the programs or there are long waiting lists. Yet, the programs are needed because "there's an obligation to society that they're getting some help that hopefully will change them."

There were two recommendations around the risk and need assessments. One wanted the “Burke Forecast” instead of the Overt Violence Risk Tool (OVRT). Another wanted a discussion to occur among the board members to understand which indicators everyone used to “see if there’s some consistency in that.”

One board member wanted more statistics on what their success rate was and how many offenders came back to whom they had granted release. This individual said this was not meant to be a competition among board members, but rather an opportunity to examine if and/or where improvements could be made.

*I would like for us know more about what happens to these guys when they leave. I'd like to know my success rate. I would like to know how my people are doing. . .statistics would really help because if I'm releasing 100 people and I can call stats and they can give me what my success rate is over a six-month periods, year period, five year period, and how many of my people are coming back and how many people of yours are coming back. And not that's it's a competition, but is that something that we need to do?*

There were two recommendations for probation officers and parole agents. One board member wanted probation to work on changing its philosophies and policies, whereas another board member wanted parole agents to have greater flexibility to get out of the office and meet with clients in the community. They wanted parole agents in the field far more. This member appreciated that they as board members were not tied to a desk and could work anywhere.

*[The Chair] started the process of putting things on computer and data tables which means that I can now work from anywhere and I can get insight to a person's file no matter where I am. I'm not tied to a desk, I can actually. . .go out to the field and that's I'd like to see. . .the agents get that kind of flexibility.*

## Conclusion

The board members' views highlighted above offer a qualitative description of their comments and observations on issues they confront when deciding whether to approve or defer parole release. Their responses are categorized under a series of themes or topics captured throughout the report. Though not exhaustive, the summary below illustrates several areas accented in the board members' answers to the questions that were posed.

- There was an evident commitment to the goal of public safety first and foremost relative to parole decision-making. Nonetheless, the board members as a whole expressed a belief in rehabilitation and the importance of giving offenders a second chance.
  - The board members seemed to agree that their role was not to punish or resentence the offender by extending their prison time, something they saw as a judicial function, but to find ways to grant parole release, absent circumstances justifying a denial. There was a recognition that release on parole would come later for some, sooner for others.
  - The board members commented often on the importance of the interview or hearing process. They believed the interaction gave them an opportunity to listen to the offender, and in some instances, to better gauge their "authenticity" and readiness for release.
  - The majority of board members felt that they had more than sufficient information to make parole-related decisions often commenting that to do so effectively required case "prepping" and review prior to the interview.
  - The value placed on the PDI or 361 received a mixed review with a number of the board members using it to organize and guide them in assessing the information pertaining to individual offenders, yet emphasizing the importance of independence (e.g., relying on their "gut"), and other factors (e.g., responsibility and remorse) in ultimately reaching a decision relative to parole release.
- The board members appeared to be sensitive to "over-conditioning" cases in setting special conditions for supervision. There seemed to be a concern with setting-up offenders for failure, and a willingness to defer to parole agents with respect to the proper balance to be achieved in establishing supervision conditions in individual cases.

As noted in the introduction, this report represents the first product in what is a multifaceted and collaborative project undertaken by the Board of Probation and Parole, the Sentencing Commission, and the Robina Institute. It will be followed by other products aimed at contributing to the enhancement of the parole process and its decision tools in the months ahead.

## Appendix

### Interview Questions for PA Parole Board Members

- (1) As a Board Member, how would you describe *your philosophy* when making parole release decisions?
  - a. In your opinion, what is/are the goal(s) that inform(s) parole release hearings?
  - b. What are the principal considerations that guide your general approach to parole decision-making, whether you vote to grant or deny parole?
  - c. In your opinion, under what circumstances should offenders be given a “second chance” to be granted release on parole?
  
- (2) What *kinds of information* do you consider when making decisions about parole release?
  - a. What factors, statutory, policy-based or otherwise, are most important to you in determining whether parole should be granted or denied?
  - b. What factors, statutory, policy-based or otherwise, are less important to you but still considered when you are making parole release determinations?
  - c. Is there any information missing from the review and hearing process that if added would assist you in decision-making?
  
- (3) How or in what ways does the *Parole Decisional Instrument (PDI)* assist you in making your release decisions?
  - a. In using the PDI, do you feel that it assists or restricts the exercise of your discretion in making decisions?
  - b. What are the primary reasons why you may at times concur with the PDI recommendations?
  - c. What are the primary reasons why you may at times depart from the PDI recommendations?
  - d. Are there any unweighted decisional factors in the PDI that are important or influence your consideration?  
Not very important or influential?
  - e. Do you view departures from the PDI as desirable or problematic or both?
  - f. In your opinion, what is the ideal rate of concurrence across Board Members given the recommendations of the PDI? What is the ideal rate for departure?
  - g. What improvements would you recommend when it comes to using the PDI?
  
- (4) What *programmatic opportunities* are offenders given in prison to qualify for parole release consideration? In your opinion, what kinds of programs might offenders complete that would increase your confidence in granting release on parole?
  
- (5) How *well prepared* do you think inmates are when presenting their case to panels of Board members and/or one Board member and Hearing Examiner?
  - a. What recommendations would you suggest for improving inmates’ *preparedness to appear before a panel* prior to consideration for release?
  
- (6) How do you think offenders view the parole release system in general?
  - a. What factors do you think inmates perceive as “mattering the most” when they are considered for release?
  - b. In your opinion, how well do offenders *understand the expectations of the parole process* and the information Board members/Hearing Examiners draw on when making release decisions?
  - c. What would you like to change about the role and/or participation of offenders when they are under consideration for release?

(7) How do you assess an offender's *readiness for release*?

*Probe: in terms of family support, employment, and other resources pertaining to their post-release network of support?*

Do you have credible or otherwise documented information in the majority of cases to make this assessment?

- a. What additional information would you like to have when assessing readiness?
- b. What recommendations might you have for improving the information required to assess inmates' readiness for their reentry transition?

(8) Alongside the general conditions of supervision, how do you determine what *special conditions* to impose? Are there special categories of offenders on whom you routinely impose special conditions?

- a. Under what circumstances might you add, modify, or remove any special conditions of parole?
- b. Are there special conditions that you impose frequently? Infrequently?
- c. Are there circumstances under which you will reduce, waive, or defer the payment of monthly supervision fees by parolees?

(9) What *reform(s) or change(s)* would you make in the way the Board considers offenders for parole release?

*Probe: whether statutory, policy-based, or otherwise, beyond the recommendations you have mentioned already?*

## END NOTES

1. The primary research questions to be addressed include the five areas of focus noted below.
  - a. Does the Board's risk assessment instrument predict recidivism? If so, for whom, and with what degree of predictive accuracy?
  - b. To what extent is there an alignment or fit between the outcomes predicted by the current risk assessment instrument and the Board's decisions to grant parole?
  - c. What is the impact on validity that may be determined in combining multiple risk assessments within the PDI?
  - d. What factors do parole board members consider important in deciding readiness for release?
  - e. Of those offenders who are close but not quite ready to be paroled, how do they view the hearing process and what they need to do to be prepared for release?
2. On average, the Board considers roughly 1,805 applications per month for parole or reparole. In February 2016, parole grants were issued in 1,061 cases and declined in another 721 cases. A total of 731 individuals were recommitted as a result of criminal or technical parole violations, while 255 individuals were detained in Parole Violation Centers. Overall, the Board made a total of 3,821 decisions during the month (Watts, Alexis Lee, Cecelia Klingele, Kevin R. Reitz, Edward E. Rhine, and Mariel Alper. 2016. *Profiles in Parole Release and Revocation: Examining the Legal Framework in the U.S.: Pennsylvania*. Robina Institute of Criminal Law and Criminal Justice. University of Minnesota Law School. (p. 14).
3. An additional interview was conducted with the individual responsible for administering the Office of Victim Advocate. Though the interview provided information helpful to understanding the vision and role of victims in the parole process, especially at the front-end of parole decision-making, the remarks are not included nor quoted anywhere in the report.



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