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RESTORING PAROLE AND RELATED PROCESSING  
FOR CATEGORIES OF VIOLENT STATE  
PRISONERS:  
FINDINGS AND RECOMMENDATIONS II

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# **RESTORING PAROLE AND RELATED PROCESSING FOR CATEGORIES OF VIOLENT STATE PRISONERS:**

## **Interim Findings and Recommendations II**

### **Introduction**

This report presents the second in a series of findings and recommendations responding to Governor Edward G. Rendell's request for a "top to bottom" review of the correctional and paroling process dealing with violent offenders in the Commonwealth of Pennsylvania. The Governor's request for this review and subsequently seeking a temporary moratorium on all parole releases was motivated by his wish to ensure that the public safety implications of prisoner release were effectively addressed and that any apparent weaknesses could be identified and overcome. As outlined below, we are engaged in a series of investigations designed to accomplish this mandate successfully and these will take some time to complete. At the same time, we are mindful of the significant practical, personal and system consequences of holding up ongoing operations and processing. We therefore issued an earlier interim report recommending reinstatement of regular procedures and processing for nonviolent cases and we here offer a second set of interim findings and recommendations concerning cases with some history of violence.

Consistent with our charge from the Governor, the general aim of this second interim report is to recommend steps that can be taken to allow resumption of processing through the correctional system of offenders whose current offenses or past history contain some record of violent crime as defined by PBPP, while adding new reviews and supervisory options in certain types of cases to enhance confidence that such processing will be consistent with public safety goals. In particular, we are recommending adoption of several measures designed to enhance ability to assess risk in order to place violent offenders with the greatest predicted likelihood of posing risks to public safety into a new category or classification distinct from violent offenders with lesser predicted likelihood of such future behavior. In addition, we are recommending that certain changes be made in the handling of violent offenders to enhance the administrative management and the offender supervision and services applied in those cases. It is recommended that all offenders classified as having violent current or prior offenses should be subject to the new screening steps being recommended. Some of the recommended management and supervisory changes will apply to all violent offenders; others—the most intensive—ordinarily will apply only to those who fall into the most violent groups. In general, then, we recommend that the processing of violent offenders proceed under existing policies, supplemented by the revised assessment practices being recommended for interim adoption and, for those who fall into the most violent groups and in other selected cases, with enhanced case management and supervision.

*Goldkamp et al.*  
*December 1, 2008*

## **Overview of This Comprehensive Review Process**

Completing this review process requested by Governor Rendell in a thorough, careful and professional fashion requires a number of different types of investigation utilizing a range of types of information. Although the review we are conducting has touched upon and will cover a variety of topics and issues in subsequent communications, it is organized by one over-riding concern: the public safety implications of the processing, parole and community supervision of violent offenders. Exploring these issues comprehensively requires review of existing procedures, policies, programs and practices for handling offenders committed by the courts to the Pennsylvania Department of Corrections, as well as information on decision and parole outcomes. Our charge is to focus on offenders whose cases or case histories involve crimes of violence and these will receive our greatest attention, doing this effectively requires that we have a solid grasp of how cases move through the system, the kinds of information used and the ways in which it is generated and applied, the role of corrections, parole and related personnel in case reviews and processing, the nature of programs and supervisory practices employed and relevant law, policy and other decision making criteria.

Actually carrying out these reviews requires a number of different types of investigation. These include conducting interviews and discussions with correctional and parole administrators and other personnel, as well as with offenders; reviewing case files and other records; conducting field observations and sitting in on hearings and other decision making procedures; reviewing relevant state and agency laws, regulations, policies, program descriptions, research studies, assessment and decision instruments and other documents; reviewing selected relevant academic studies, journal articles and reports, as well as those conducted by appropriate professional associations and standard-setting bodies; and employing a range of other means of determining what is being done and what is known in this area in Pennsylvania and elsewhere. In addition, our inquiry requires that we undertake some independent, original analysis of data on the characteristics of the offender populations of interest, their handling throughout their periods of correctional supervision and subsequent to their release from supervision, and their success or failure in terms of recidivism, violations and other outcomes. The review also takes into consideration how what is being done in Pennsylvania reflects existing knowledge and best practices in corrections and related fields. This involves reviewing current policies and practices in light of available research, standards and relevant policies and practices endorsed by professional associations and other appropriate bodies.

Mindful that all offenders other than those with life or death sentences are almost certain to be released from prison at some point, our concern has been to support use of policies and practices aimed at reducing the risks posed to the extent possible, especially by those who pose the greatest risks. This involves addressing what happens to these offenders and the supervision and controls to which they are subject during both their prison terms and their periods under supervision in the community, as well as the timing of their progress through the system and the bases on which decisions concerning them are made. Thus, it is important to understand that we

are not dealing with decisions about which offenders should be released from prison and which should not. Those decisions have been made by the legislature, the sentencing commission and sentencing judges. Rather, we are focusing on offenders who will be released and making recommendations as to when, under what circumstances and to what conditions they should be released.

### **Timeframe and the Need for Phased Findings and Reports**

Because of the urgency of this overall investigation, review tasks and topics have been divided into two timeframes. The first, more immediate timeframe consists of issues that must be confronted with great urgency because of their immediate and near term implications. The second consists of issues requiring longer term examination, data analysis and strategy development, although they do not, in the longer run, represent issues of less importance. Because we recommend adoption of an initial conservative approach from the point of view of public safety on issues that need to be addressed most promptly, it is important that any resulting changes in policy and practice be examined empirically later to test their impact and effectiveness, so that adjustments can be made as needed.

The urgency underlying the findings and recommendations presented in this report derives from three main sources: 1) the need to give the highest priority to issues potentially affecting public safety involving prisoners approaching release and being placed and supervised in the community; 2) the need to address concerns relating to institutional order, safety and security in the housing of nearly 50,000 inmates in institutions across the Commonwealth that are exacerbated by growing institutional populations and crowding; and 3) the need for regularity, predictability and fairness in dealing with prisoners who are nearing release to the community or making other transitions in their correctional status and whose community supervision and transitions need to be planned for effectively.

The first-listed source of concern is the one that is most readily apparent and generally understood. As we are engaged in this comprehensive review process, it is vital that we not wait until the entire investigative process has been completed to flag and seek to address issues that appear to have potentially significant implications for public safety and on which there are reasonable grounds to move forward. At the same time, there also are other important public policy interests that may be jeopardized by interruptions or delays in the operation of the corrections and paroling processes such that it is vital to move forward where doing so does not appear to pose significant implications for public safety. Of concern here are not only the implications for correctional, parole and related agencies, but also for the offenders whose progress through the correctional system is being held up and for their families, potential employers and other community supports.

At the simplest level, the size of the prison population is determined by the number of offenders being committed to the Department of Corrections and the number being released. If releases are halted or slowed while admissions continue at their normal pace, growth in the size

of the confined population occurs, and this can happen rather rapidly. This creates increasing pressures on already tight prison housing, which in turn triggers a series of challenges for the safe, efficient and humane administration of state correctional facilities. As population levels rise, correctional administrators are pressured to resort to double-celling and use of areas for housing prisoners that were not intended for that purpose. Personnel are stretched more thinly as they are faced with supervising and handling the various case reviews associated with the growing numbers of inmates they are responsible for overseeing. Resources available for programs, services and activities of daily living also are squeezed as demands for those services rise with the increasing population. These effects are felt in many indirect ways as well as in the more obvious ones. Every activity carried out within the prisons is affected by significant population growth, from counts, to searches, to meal service, to showers, to sick call, to programs, to visits, to disciplinary hearings, parole reviews and every other activity that takes longer to conduct and becomes subject to various forms of disruption. In short, it is critical for the efficient and orderly administration of the prisons, as well as the safety and security of their personnel and residents, to take every reasonable step possible to facilitate the appropriate processing of cases necessary to allow prisoners to move through the correctional and parole processes in a timely, regular fashion.

It is also critical to restore the routine processing of cases through the system, as soon as practicable and with appropriate modifications aimed at minimizing public safety risks related to violent reoffending, because of the impact of these decisions on the offenders involved. This is true for offenders having current or prior violent offenses who are eligible for parole and other community placements, as well as for offenders with nonviolent cases and histories. Maintaining respect for the justice system also is an important value. The progress of many offenders who were nearing transitions such as placement in pre-release centers or on parole has been halted. This breeds understandable frustration and confusion, as well as creating practical problems such as loss of jobs employers had been holding open for them or needing to make new parole plans.

The first report described preliminary findings concerning the paroling process and recommended that normal parole processing for non-violent offenders should be reinstated as soon as possible. Preliminary results suggested that the paroling process in Pennsylvania met or exceeded standards and best practices in effect in the United States and that the Board of Probation and Parole as well as the Department of Corrections had adopted a regimen of periodic study, self-examination and revision of practices to address any needs for improvement identified. It is against the background of these agencies that examine and improve their procedures on a regular basis that this review is being carried out. In fact, it is accurate to state that both Corrections and Parole have been actively reviewing their current practices and adopting procedures to address the concerns raised by the recent violent incidents involving paroled prisoners.

During that first stage of the investigation, in addition to recommending the immediate resumption of the parole process for non-violent offenders, we raised a question that could have public safety implications: the definition of “violent offender” used to organize offenders into

categories for parole review. Although this definitional issue might be addressed in a number of ways, in this second interim report we discuss a reasonable working definition of types of violent offender so that effective management approaches can be targeted appropriately to different categories of offenders. As noted above, we have concluded that in order to be effective and resource efficient, special approaches to the management of violent offenders need to be category-specific, rather than applied broad-brush or globally to all who could be classified most broadly into this general category.

Before proceeding to outline recommendations that the Pennsylvania Department of Corrections and the Pennsylvania Board of Probation and Parole can adopt to provide additional assurance that the public safety risks posed by violent offenders are being squarely and appropriately addressed in the paroling process, we wish first to report that we reviewed the PBPP's decision making approach in violent cases as it was transacted prior to this review. We find that, compared with practices relating to violent offenders employed in other states or described by professional organizations and/or in the research literature as "best practices" in the field, the approach used by Pennsylvania's Parole Board stand up well. In addition to singling out violent cases for separate handling in the parole decision process, the Parole Board draws upon a wealth of background data concerning the offender's prior history, behavior before and during incarceration, psychological and risk assessments and issues raised by violence-related aspects of the instant offense. Both agencies charged with the custody, supervision and treatment of violent offenders, the Department of Corrections and the Parole Board, are notable for their routine use of research to conduct periodic self-evaluations and mini-studies, which enable them to adjust and improve practices based on empirical evidence as needed. Both have also routinely focused critical attention specifically on offenders in violent cases in their decision making and placed a high priority on addressing public safety implications at stages leading up to and including parole decisions and subsequent release to the community.

## **Recommendations**

The principal thrust of these recommendations is to provide suggestions that would encourage adoption of modified procedures for reviewing, placing, supervising and otherwise managing offenders eligible for pre-release or parole who are believed to pose the highest risks of committing crimes that would adversely affect public safety and to restore parole and related processing fully as soon as possible.

In making these recommendations, we are adding yet another distinction to that previously made in interim report 1, which differentiated between nonviolent and violent offenders. Specifically, we now are aiming to distinguish two basic categories of offenders whose current offenses or prior records include violent offenses: those who appear to fall into the most violent groups, and those who, while they have some marker of prior violence, do not. Although predicting future violent behavior is not a quest that it is possible to accomplish with complete certainty, we believe that measures can be taken that will increase confidence that offenders of greatest concern from a public safety perspective are being identified and that

strategies are being crafted for more effectively structuring and staging their movement and supervision within the correctional system. This includes incorporation of structured transitions, with carefully planned supervision, accountability and services at all stages, from prison to community residential placements to parole supervision for the greatest number of offenders, based on evidence that in most cases such phased reentry is more consistent with public safety than mandatory release without supervision upon expiration of sentence.

**Recommendation 1 (Overall): Restore parole processing:** Assuming the following recommendations are adopted, the general moratorium on parole of violent offenders should be lifted and revised criteria and procedures for decision making and for managing a subset of the most violent offenders with current or prior violent offense histories should go into effect.

Rationale: This recommendation is premised on the adoption of a classification that distinguishes classes of violent offenders, all of whom do not need to be treated in the same fashion. The violent offender classification employs a working definition of violent offenders that moves beyond the single focus on the nature of the instant offense. This differentiation of offenders permits targeting of specific categories of offenders for enhanced measures to ensure public safety. This category-specific approach, favored by most forms of guidelines (sentencing, parole, pretrial release), allows resources to be deployed where needed and discourages an ineffective, broad-brush approach that dilutes resources by applying them universally. Findings from the supervision literature point to the possible counterproductive effects of applying special programmatic and supervision approaches to categories of offenders who do not require them.

While focusing on violent offenders particularly, this interim report makes recommendations for all categories of offenders to restore the normal, though revised, corrections and parole processes. Because the classification distinguishes the “less serious” or “less risky” violent offenders from the more serious and higher risk violent offenders, it may be feasible, if necessary, to implement this recommendation in two stages depending on the determinations of the respective agencies:

- Least violent: In the first stage, the lower risk and less serious violent offenders should be processed as soon as possible. These include some offenders grouped under categories II and III in the violence matrix (see details in Recommendation 2 below) who may be processed under normal parole procedures or, where warranted in special cases, may be subject to strengthened supervision conditions. Procedures for these categories should be implemented immediately.
- Most violent: Instituting enhanced mandatory parole protocols for the most serious/highest risk violent offenders (category IV and some in categories II and III) may need to be implemented a short time later in a second stage, while the special management procedures for these violent offenders are prepared and instituted by the agencies. While full implementation of certain longer term components of the special protocol for managing violent offenders is pending, interim measures—such as adapting existing programmatic resources (e.g., anger

management)—may be employed to accomplish the desired intensive supervision, monitoring and programming.

All prisoners except those with capital punishment or life without parole sentences will be released at some point. The choice between releasing violent offenders on an effective program of parole or having them released mandatorily at the expiration of their sentences without any supervisory or supportive services has clear implications for public safety. Offenders who are released mandatorily re-enter the community with no supervision, no conditions and no supportive services, and thus have a greater chance of failing to make a successful transition to life in the community. Release on parole places some constraints and control on these high risk offenders and also allows the PBPP an opportunity to work on issues related to transition back to the community, as well as providing close supervision to minimize the risk they pose and increase the chances of successful readjustment to the community.

Continuing the moratorium will exacerbate conditions in already overcrowded facilities. As overcrowding increases, tensions among those in state prison populations will grow, while at the same time, conscientious prisoners will lose their incentive to perform and successfully complete the programs in which they have been participating. The effects of overcrowding are both subtle and pronounced, but regardless of their nature, have the potential for greatly increasing the challenges of maintaining institutional order and service delivery. The recommendation to move immediately toward ending the moratorium in all remaining categories of prisoners is motivated in part by these realities.

**Recommendation 2:** Identifying and addressing types of violent offenders: The elaborated working definition of “violent offender” presented in this recommendation should be adopted as a matter of policy to provide a useful classification to help target special management approaches to violent offenders who are or will be facing parole. The recommended definitional approach incorporates instant offense (as is current practice derived from sentencing guidelines definitions), but adds prior violent history and risk/needs information.

Classification of Offenders According to Violence Markers

	<i>No Prior Violence History</i>	<i>Prior Violence History</i>
<i>Non-Violent Instant Offense</i>	I. Normal process (any risk)	IIIa. Normal process ( low risk) IIIb. Optional process (medium risk*) IIIc. Special process (high risk**)
<i>Violent Instant Offense</i>	IIa. Normal process (low risk) IIb. Optional process (medium risk*) IIc. Special process (high risk**)	IV. Special process** (any risk)



### Key for Violent Offender Classification

- \* Instant violent offense and no prior violence history markers noted but medium risk; *violence protocol optional* depending on PBPP discretion.
- \* No instant violent offense but prior violence history and medium risk markers noted; *violence protocol optional* depending on risk and PBPP discretion.
- \*\* Instant violent offense and no prior history markers noted but high risk; *violence management protocol presumed mandatory*.
- \*\* No instant violent offense but prior violence history markers and high risk; *violence management protocol presumed mandatory*.
- \*\* Instant violent offense and prior violence history markers (any risk); *violence management protocol presumed mandatory*.

[Note: “Prior violence history” includes the following “markers” or criteria: any prior history of violent offenses convictions within the last 10 years (excluding the instant offense), a prior conviction (or adjudication) for a violent offense at age 15 or earlier (“early onset”), and/or use of a gun in a prior violent offense.]

Rationale: The point of using this simple classification is to allow categories of violent offenders to be differentiated so that special management approaches can be applied on a category-specific basis. It uses criteria relating to instant offense, prior history and risk of reoffending to distinguish categories of offenders who may or may not require intensive management approaches. This recommendation conceives of the special management of violent offenders as a process beginning in Corrections at entry (classification), and carrying on through the sentence in correctional custody and then extending into the pre-release and parole stages. Development of a joint approach by Corrections and Parole working from the beginning of the process would improve the effectiveness of the management of violent offenders across the related but different areas of responsibility of both agencies. Such joint consultation from the earliest stages would provide a firm foundation for a continuity of approach for the parole decision when the offender nears completion of his or her sentence. Although the matrix lays out a “categorical” decision making approach for the parole determination, Parole Board members retain the authority to depart from the suggested guidelines for specific (written) reasons. It would make sense that the Parole Board would look back on the overall management plan as the offender progressed through the correctional term of incarceration in making its decision and setting conditions of parole, while at the same time having the ability to adjust and adapt based on the offenders performance to that stage.

Based on the violence classification presented above, offenders would either be suggested for normal parole processing, informational notation or optional violence protocol; or mandatory violence protocol under special violent offender management procedures. Offenders in categories indicated by \* would be designated as requiring special notation under the parole guidelines to indicate their background or their optional consideration for special violent offender management or other supervision as determined

by the PBPP. The recommended approach in these “optional” categories is basically informational (adding this as a factor that should be taken into consideration by parole decision makers with other considerations that inform their decision making) but leaves the assignment of special supervision options as an optional condition for parole in that special concerns are presented by the totality of information assembled.

In the matrix summarizing this classification of violent offenders, in addition to instant offense and prior history information, the application of the special management protocol to violent offenders also depends on the risk ranking assessed by the PBPP for setting supervision level (via the LSI-R). Thus for example, offenders in category IV, with violent instant offenses and indicators of prior violent behaviors ranked as high risk, should clearly be treated as the most violent of those with violent markers and in greatest need of special management approaches. However, two other categories qualify for the mandatory management approach depending partly on their high risk rankings.

These criteria should be reevaluated on a periodic basis as larger empirical reviews of predictors of parolee performance are completed and the empirical evidence is considered measuring the impact of the special approach and in revising the policy criteria guiding its use. It would be ineffective and counterproductive to apply special procedures to offenders who did not require them; moreover, a global approach would raise challenging resource implications at the same time.

**Recommendation 3:** Special management of violent offenders: The mandatory special management protocol for categories of the most violent offenders (as indicated in Recommendation 2 above) should include the following components:

- early assessment and reassessment at the corrections stage of violent offenders, by type;
- preparatory violence reduction/prevention programming in corrections, anticipating eventual release;
- application of immediate transition and supervision measures starting within 24 hours upon parole or placement in a community correctional center, including immediate contact and ongoing supervision by appropriate corrections and parole personnel;
- specialization of some number of community correctional centers to deal with violent offenders and their safe transition to the community;
- specialized training of parole agents to become specialists in dealing with violent offenders;
- location of offices of specially assigned and trained parole agents in community correctional centers;
- a combination of intensive supervision, monitoring and supportive programming (e.g., including violence reduction and relapse prevention) that is most intensive in the first 90 days of release from prison, and which subsequently is reflected in the

conditions of parole assigned and is adjusted according to the parolee's progress and specific needs.

Rationale: For violent offenders in the less serious categories (Recommendation 2 above), the components of parole may include normal conditions of release, supervision and supportive services as decided by the Board. The immediate linkage (first 24 hours) and intensive focus on the first 90 days of release is optional for this category, but may be considered desirable for some offenders based on the judgment of the Board. For offenders in the most serious violence categories, all components of the special managed release for violent offenders should be mandatory, with the flexibility for conditions to be adjusted based on the recommendations of parole agents and community corrections staff after the intensive 90-days have been successfully completed by the offender. The reporting, conditions, monitoring and programmatic requirements should be more intensive for the mandatory categories of violent offenders, as established by PBPP. The recommendations leave development of the specific features of these elements of special management of violent offenders to Corrections and Parole to incorporate with their ongoing efforts to address higher risk offenders.

**Recommendation 4:** Continuous Corrections through Parole process: Processes for indentifying violent offenders and the nature of the potential public safety threats they may pose should start at the point of entry into the state correctional system at classification and be followed through to the pre-release and parole decision stages and on during periods of community correctional supervision. Joint consultation of Parole and Corrections from the earliest stages of processing will add to the effectiveness of efforts to manage the violent offender in the community at the pre-release and parole stages later.

Rationale: As offenders proceed through their correctional experience, including correctional assessment, supportive programming, and reassessment as they approach pre-release, parole and subsequent decision stages or expiration of the sentence, review of their institutional behavior and their progress should be updated and used as information—favorable or unfavorable—in the paroling process and as other decisions are made. Corrections and Parole should further develop consultative procedures beginning at the earliest stages of correctional processing to assist Parole in anticipating how different types of violent offenders may be handled at the parole stage.

**Recommendation 5:** Immediate transition/linkage to the community in the first 24 hours: To ensure effective management of violent offenders (of the less and more serious categories), Corrections and PBPP already have plans to develop procedures for establishing more immediate contact with and linkage to offenders who are gaining release either directly to the community or indirectly through pre-release at community correctional centers. The aim during this critical, immediate bridging period from incarceration to the community should be to avoid a break in

contact and supervision as the offender transitions from prison to community. Both agencies should be ready to begin supervision and services that will form part of the enhanced special management approach to violent offenders and will also increase the chances of likely success of less serious violent offenders on parole who may not have been designated for the special management approaches required of the more serious violent offenders.

Rationale: The point underlying this recommendation is not to set additional hurdles for the just-released prisoner to meet that are unduly burdensome to meet but rather to facilitate a transition as part of a continuum of supervision and services. The aim is to avoid short-term breakage in contact that may make reentry supervision, service delivery and reconnecting activities less consistent and more challenging.

**Recommendation 6:** Intensive accountability, supervision and services in the first 90 days: For violent offenders in all categories, special efforts to begin Corrections and Parole supervision for offenders reentering the community and to establish needed linkages to services in the community should be structured intensively during the first 90 days of release to ensure accountability and provide a solid foundation for a successful parole experience.

**Recommendation 7:** Notation of other violence-related information: Other information possibly relating to prior violent history or problems (not meeting criteria outlined above) should be noted in the parole guidelines for informational purposes. Their implications for release conditions should be decided by the PBPP at the parole decision stage, as is the current practice.

**Recommendation 8:** Building on current agency efforts to improve risk and information gathering: As part of the identification and classification of violent offenders, both the Department of Corrections and the PBPP should continue their ongoing processes of refining risk screening, assessment and other information-gathering approaches to strengthen the identification of categories of violent offenders of most concern.

**Recommendation 9:** Value of multiple informational tools and their evaluation: The process of assessing offenders for pre-release and parole should take into consideration multiple tools, recognizing the purposes they were intended to serve, and should include periodic updates (validation) of the effectiveness of risk assessment, particularly as new management approaches for the violent offenders are implemented.

Rationale: Risk assessment tools contribute an important, if not necessarily perfect, source of predictive information concerning the likelihood of future offender behavior for decision makers at the Corrections (for programming) and Parole (for supervision level) stages. Because all risk assessment tools carry a margin of error (i.e., will erroneously classify some number of offenders), ongoing efforts are required to insure that instruments being used are working as intended on the populations for which they are

being used. This is especially important when changes in policies or practices are made that may influence how well the tools predict or alter the nature and type of information that may be available for making predictions.

Several ongoing efforts by the Pennsylvania Department of Corrections and the Pennsylvania Board of Probation and Parole are critical to the improvement of identifying and classifying inmates according to their prospects for violent behavior and planning programmatic approaches for specially managing violent offenders. DOC is supplementing the existing assessment procedures (LSI-R) with a risk screening instrument tailored to the Pennsylvania prison population for programming purposes. DOC has also revised the Pennsylvania Clinical Risk Assessment (PCRA) instrument by breaking down factors into those related to violent and to general reoffending. Psychologists administering the PCRA will be asked to document clinical assessments based on these objective factors as well as clinical judgment. In addition, the document will be used by DOC and the Parole Board to make recommendations and identify offenders who may require more intensive supervision and/or additional support and programs. Finally, the PBPP is developing a violence risk index similar to the Static 99 for sex offender risk to incorporate into the parole guidelines decision tool. The goal is to be able to identify offenders who are at high risk for violent reoffense and establish a higher standard of supervision for offenders who meet the criteria.

**Recommendation 10:** Parole policy governing divergent risk information: To the extent that assessment tools from Corrections and PBPP sources diverge from one another in their risk classification of offenders, the PBPP should develop policy for determining how the divergent information should be considered under parole decision policies or guidelines.

Rationale: The parole release decision aims to consider estimates of risk—not only whether a violent offender is likely to reoffend, but also in what way they are likely to reoffend if and when they do—as an important dimension of release determinations.<sup>1</sup> This is frequently characterized as needing to take into account “stakes” as well as “risk,” typically extending greater tolerance for higher risk when stakes are lower (i.e., when anticipated reoffending is less of a public safety concern) than for when stakes are higher (when public safety considerations are more prominent). Their limitations notwithstanding, risk assessment instruments provide important empirically-developed tools for gauging the likely public safety risk an offender may pose. In identifying violent offenders and anticipating their likelihood of reengaging in violent behavior once released to the community, use of a variety of sources of information relating to violent behavior is helpful.

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<sup>1</sup> Note that risk determinations are not the only factors decision makers take into consideration; they also include, for example, the purposes of the sentence and plans for effective reentry into the community.

**Recommendation 11:** Close interagency cooperation at offender transition stages: Corrections and Parole share responsibility for the process of handling violent offenders from entry into corrections through the paroling stage and will need close cooperation to institute special approaches to managing the violent offender. Efforts should be made to eliminate gaps and institutional obstacles in communication and information sharing that may occur as prisoners approach the parole decision stage. Because the recommended approach for special management of violent offenders will begin in Corrections and extend into Parole, the need for close communication and cooperation is an essential ingredient in making such an approach successful.

Rationale: There is a “natural” agency boundary defined by the structure of the corrections-paroling process that occurs at a key stage when an offender will, if granted parole, bridge from incarceration to the community—either directly or indirectly through pre-release via half-way houses or community correctional centers and from the responsibility of Corrections to Parole. To the extent that one of the recommendations suggests a sharper and more immediate focus on linking released offenders to supervision and supportive services (within the first 24 hours of release from prison), this stage in processing represents a key stage for close communication and cooperation in establishing enhanced supervision and services for violent offenders reaching the community.

**Recommendation 12:** Effectiveness of special violent offender management evaluated periodically: The use of special conditions for violent offenders should be evaluated empirically periodically to provide feedback on the impact of the approach, and to identify strengths and address weaknesses that could be addressed.

**Recommendation 13:** Role of community correctional centers to be examined: Because community correctional centers play a key role in many offenders’ transitions back to the community and will play even more critical roles for managing the transition of violent offenders under the proposed specialized approach, a review of the programmatic content, policies, procedures, management and impact of the centers should be conducted.

**Recommendation 14:** Update guidelines decision forms and related procedures: Guidelines decision forms and information summaries should be modified to incorporate the proposed changes in identification of types of violent offenders, notation of special factors relating to violence (though not requiring mandatory approaches), and conditions of parole intended to address the special management of violent offenders.

**Recommendation 15:** Resource implications: The development and implementation of the special management of violent offenders may require additional resources for staffing, training, monitoring and programming.

## Conclusion

This second interim report recommends that the remainder of the moratorium on parole be suspended based on adoption of the proposed strategies designed to address the public safety concerns raised by violent offenders that are parole eligible. This recommendation is based on the adoption of: a) a fuller method for identifying and categorizing violent offenders; b) in violent cases of less seriousness, using the violence classification to target a more immediate and heightened program of supervision and services for at least an initial 90-day period to establish solid groundwork for successful reentry; and c) targeting the most serious categories of violent offenders for assignment to a comprehensive mandatory protocol of intensive management of violent offenders, which builds on a range of elements extending from corrections, through pre-release, parole, community centers, and supervision in the community, and more intensive reporting, programmatic requirements, services and monitoring.

These recommendations mainly build on existing agency practices or approaches under development and thus could be put into effect almost immediately. For some elements recommended to form the special management protocol for the most risky of violent offenders, such as special training for parole agents to specialize in dealing with violent offenders and the reorganization of certain community centers to focus mainly on violent offender programming, full implementation of all ingredients of the special management protocol for violent offenders may require some period of time. We strongly recommend that, pending full implementation of all ingredients in the final form decided upon by the two agencies, interim measures should be adopted to put into effect a functional equivalent of the special management approach so that the desired ends will be accomplished and the revised parole processing of all offenders may begin as soon as possible. (For example, anger management may be adapted to serve as violence prevention programming while a more time is taken to craft the permanent programmatic approach and to train personnel appropriately for the new programming, monitoring and procedures.)

In addition to incorporating prior conviction history for violent offenders and gun use in prior offenses, the violent offender classification suggests parole supervision options based on risk rankings used in the parole decision tool presently—or as improved upon in upcoming modifications. Both Corrections (in developing its new RST, Risk Screening Tool, risk instrument) and Parole (in adjusting cutoffs in its LSI-R risk/needs instrument) have examined risk on an ongoing basis. We expect to consider the relative helpfulness of the different schemes as we are able to look at data concerning parole decisions, conditions of parole and offender performance on parole in more in-depth empirical analysis for a subsequent report. The violence framework and decision options we recommend in this interim report are influenced by risk findings broadly, but are made as a matter of policy to provide a reasonable guide for providing extra assurance that public safety issues related to likely violent reoffending are being identified and addressed in the correctional and parole process. We also recommend that, once

implemented, these approaches be evaluated empirically so that appropriate adjustments to improve effectiveness can be made on an ongoing basis.

Finally, these recommendations recognize the urgency of resuming normal correctional and parole processing using reasonable, safety-driven correctional and paroling strategies, while some further, longer-term issues also continue to be addressed. The two-prong approach we have taken, aiming to address critical short-term public safety concerns while also moving forward on critical longer-term issues related to correctional-parole processing of violent offenders, was conceived to address public safety concerns immediately, without adding to the growing problems of system backup and overcrowding. Subsequent recommendations will be based on more in-depth empirical examination of the processing of violent offenders, parole decisions, methods of supervision in the community, the role of community correctional centers, services provided during parole, and offender performance in the community.