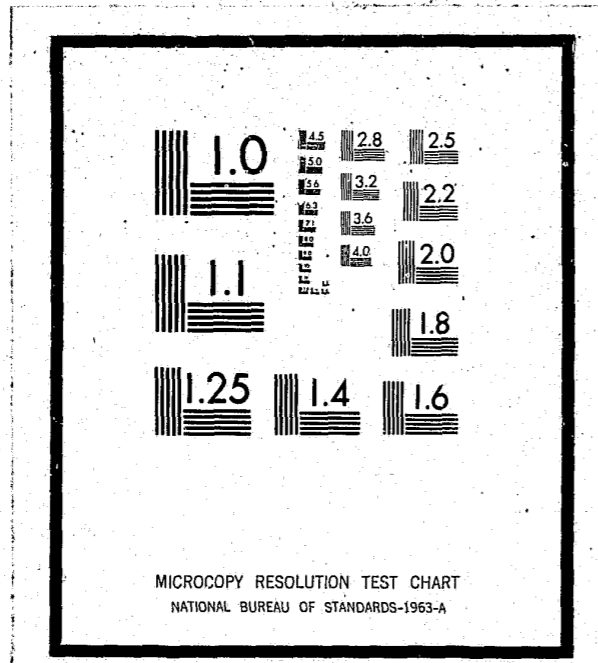


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THE UTILIZATION OF EXPERIENCE IN PAROLE DECISION-MAKING SUMMARY REPORT

U.S. DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE

THE UTILIZATION OF EXPERIENCE IN PAROLE DECISION-MAKING

SUMMARY REPORT

By

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Prepared for the National Institute of Law Enforcement and Criminal Justice in collaboration with the U.S. Board of Parole

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NOVEMBER 1974

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FOREWORD

Placement decisions about offenders are made at every step in the criminal justice process. Among the most critical are those relating to parole, for they not only affect the lives of individual offenders, but also are intended to serve the larger society by imposing fair and effective means to control crime and delinquency.

To make rational parole decisions, accurate information about offenders is essential—information related to the goals of offender change, deterrence and community protection. Its development is a demanding task. Follow-up studies, delineating the consequences of earlier decisions, are an effective method if they are based on information systems which provide careful and complete records concerning offenders' characteristics, sentencing dispositions, and results in terms of criminal justice system goals.

The information in the Parole Decision-Making Study was developed through such research. Conducted in collaboration with the U.S. Board of Parole, the project developed, tested and demonstrated improved information programs for parole decision-making. The project goals were to provide objective relevant information for individual case decisions; to summarize experience with parole as an aid to improved decisions; and to assist paroling authorities in more rational decision-making in order to increase the effectiveness of prison release procedures.

Explicit policy control procedures resulting from this research currently are being implemented by the U.S. Board of Parole. Considerable interest in developing a similar program has also been expressed by State paroling authorities. The National Institute believes this effort is an example of the successful application of research results to actual criminal justice operations and hopes the research report will be useful to others involved in parole policy and administration.

GERALD M. CAPLAN, *Director*
National Institute of Law
Enforcement and Criminal Justice

ABSTRACT

This is the summary report of the Parole Decision-Making project. The overall aim of the project was the development and demonstration of model programs to provide information to paroling authorities for improving parole decisions by an increased utilization of experience in these decisions. The program, conducted in collaboration with the U.S. Board of Parole, was supported by a grant (NI-72-017-G) from the National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration; and was administered by the National Council on Crime and Delinquency Research Center.

The following supplementary reports of various separate and related studies of the project are summarized in this report. Supplementary reports 1 through 13 are for sale by the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22151. Order reports by title and accession number, and enclose remittance (check or money order). The reports are also available in microfiche at \$2.25 per copy.

Report No. 14, *The Balance of Time*, is a 23-minute, black and white, 16 mm film, written and directed by Lew Shaw. See page 19 for description. Prices *per copy* of the film in the following quantities are: 1 print, \$50; 2-10 prints, \$47 each; 11-25 prints, \$45 each; 26-50 prints, \$42 each. To order, contact: Miss Mary Gibney, EUE/Screen Gems, 414 W. 44th Street, New York, New York 10019. Phone: 212/541-9710.

Supplementary Report	Title
One	<i>Development of a Data Base for Parole Decision-Making.</i> PB 236-565. Price, \$4.50.
Two	<i>Parole Decision-Making Coding Manual.</i> PB 236-566. Price, \$3.75.
Three	<i>The Problem of Overlap in Experience Table Construction.</i> PB 236-567. Price, \$3.00.
Four	<i>Do Experience Tables Matter?</i> PB 236-568. Price, \$3.25.
Five	<i>Information Selection and Use in Parole Decision-Making.</i> PB 236-569. Price, \$4.00.
Six	<i>Inefficient Statistics.</i> PB 236-570. Price, \$3.25.
Seven	<i>The Operational Use of an Experience Table.</i> PB 236-571. Price, \$3.25.
Eight	<i>Paroling Policy Feedback.</i> PB 236-572. Price, \$3.25.
Nine	<i>Paroling Policy Guidelines: A Matter of Equity.</i> PB 236-573. Price, \$3.25.
Ten	<i>Parole Selection: A Balance of Two Types of Error.</i> PB 236-574. Price, \$3.25.
Eleven	<i>Information Overload: Peace or War with the Computer.</i> PB 236-575. Price, \$3.25.
Twelve	<i>The Reliability of Information in the Parole Decision-Making Study.</i> PB 236-576. Price, \$3.25.
Thirteen	<i>The Practical Application of a Severity Scale.</i> PB 236-577. Price, \$3.25.
Fourteen (Film)	<i>The Balance of Time.</i> (See above for description, availability and prices.)

ACKNOWLEDGMENTS

Many people have aided directly or indirectly in the preparation of this report and related ones from the Parole Decision-Making project. Although only four authors are listed in the interest of brevity, this report reflects the contribution also of additional members of the project staff.

In addition to the active support and collaboration of all members and former members of the U.S. Board of Parole and of the members of the project's advisory groups, Bernard Wrenn, Hearing Examiner for the U.S. Board, has been especially helpful.

The cooperation of the late Director J. Edgar Hoover and Inspector Jerome Daunt of the Federal Bureau of Investigation in making information resources available to the project has been sincerely appreciated. Similarly, Director Norman Carlson has provided access to records of the Federal Bureau of Prisons; and Merrill Smith, Chief, Division of Probation, and James McCafferty, Assistant Chief, Division of Procedural Studies and Statistics, Administrative Office of the U.S. Courts, have done the same.

John P. Conrad, a former staff member of the National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, has contributed substantially to the investigation, and his active interest and useful advice has been appreciated.

The generous support and cooperation provided by the State University of New York at Albany in preparation of the supplemental film report for this project made that production possible.

SUMMARY

Background

In collaboration with the U.S. Board of Parole, a study of parole decision-making was completed. This report summarizes that effort and its results, including supplemental reports on various separate but interrelated studies.

The background to the project as a collaborative effort of decision-makers and researchers is discussed (pages 1-3), the structure and functions of the U.S. Board of Parole are described (pages 3-5), and the project's advisory groups are indicated (page 5).

The general aim of the project was to develop, test, and demonstrate programs of improved information for decision-making—by providing objective, relevant information for individual case decisions, and by summarizing experience with parole as an aid to improved policy decisions. Since the prompt availability of information was thought to be a possible requirement, the use of an on-line computerized system for retrieval and analysis of information for decisions was explored. Further aims (pages 5-6) included the definition of paroling objectives, the description of paroling decisions, the testing of relations between information available for decisions and the decision outcomes, the evaluation of new procedures, and the dissemination of results to parole systems of the United States.

The collaboration of other agencies was necessary to the project's success and was extended by the Federal Bureau of Investigation, the Administrative Office of the U.S. Courts, the Federal Bureau of Prisons, and most adult parole systems in the United States. Three annual national meetings met a dual purpose of explaining the program to representatives of parole agencies and of enlisting them as participants in the study (page 7).

Although the decision problems involved are complex (page 8), there is considerable agreement among decision-makers on general goals (pages 8-9); and their hypotheses concerning information items relevant to the decisions can be tested (page 9).

Examples of Results

- A data base for study of Federal paroling decisions was developed (page 9 and Supplementary Reports One and Two). The nature of the case files sets limits upon the quality of data which can be extracted from them; however, data were coded for a large sample (about 7,000) of persons currently appearing for parole consideration and for several smaller, retrospective samples of persons paroled in recent years. For these offenders, a large number of items concerning their life history and present circumstances was coded. Collection of follow-up data to determine outcomes, when possible, in terms of release dates was accomplished for substantial numbers of persons for one and two years after release. This provided a basis for a continuing research effort by the Board of Parole.
- Preliminary studies of experience tables show:
 - A number of offender attributes discriminate between favorable and unfavorable parole outcomes (page 10).
 - California Base Expectancy scores are valid for adult Federal offenders but not for Federal youth samples (page 10).
 - A Uniform Parole Report based classification method provides a valid experience table for Federal offenders (page 10).
 - A modified Bureau of Prisons' experience table is valid for Youth Corrections Act cases (page 10).
 - A 20-item "Burgess"-type experience table has sufficient predictive validity to support its experimental use by the Board of Parole (page 10).
- Various studies suggest that with data such as those available from coding case files for this

*

study, some "less sophisticated" methods of statistics may end up, in practice, as better than the more sophisticated technique (page 11). An implication—important for both research and practice—is that major advances in both must await development of better quality data.

- Exploratory studies of the use of experience tables in individual case decision-making support the following conclusions:
 - Although decision-makers consider even reliable and valid experience tables to be of marginal utility, there is some evidence that this information may shift the average time held before release (page 11).
 - Decision-makers' clinical evaluations of parole risk are influenced by experience tables.
 - With increased attention focused upon risk, the use of experience tables does not make the decision easier or more difficult.
- Individual patterns of search by different decision-makers may be important to development of useful new modes of information presentation for decisions (pages 11–12). Decision-makers may be of various "types."
- Exercises simulating computer retrieval of information for parole decisions (page 12) suggest that:
 - Persons paroling, compared with persons not paroling, seek different information.
 - Different items of information are considered important for different cases.
 - Different information may be used by different decision-makers to arrive at the same conclusion.
 - Information may reduce confidence in the decision as well as increase it.
 - There is no unanimity among decision-makers as to the relative importance of information available.
- An on-line retrieval system for parole decision-making was developed and its use explored (page 12). Analyses requested by the parole board were completed, as well as a manual for use of the system.
- From a set of four rating scales completed by board members at the time of decisions, a method of describing and articulating paroling policy was demonstrated (page 13). Expected decision outcomes may be obtained from the decision-makers' judgments concerning offense severity, program participation, institutional discipline, and parole risk; thus, implicit policy may be made explicit in order to provide a tool for policy formulation and assessment of equity.
- Paroling policy guidelines were developed and implemented in a pilot regionalization program of the U.S. Board of Parole. They are designed to structure and control discretion without removing it and to provide a clear and explicit uniform policy contributing to the issues of fairness and equity (pages 13–17).
- A comparison of two types of error in parole decision-making can provide useful feedback to paroling authorities (page 17).
- The reliability of information available to parole boards is such that a fundamental problem in improving decisions is its poor quality (page 18).
- Agreement on offense severity among board members and hearing examiners and between these groups is high. This permits classification of offenses according to judged severity and application of this procedure in policy control procedures (pages 18–19).

INTRODUCTION

The U.S. Board of Parole worked in close collaboration with research workers of the National Council on Crime and Delinquency to explore ways in which modern technology might be utilized in their decision-making process. The technology includes both what has been termed "hardware" (computer terminals enabling displays of data) and the related "software" (statistical and other forms of analyses of information). While some aspects of the resulting studies relate to matters of concern specifically to the U.S. Parole Board, most of the investigations could have significance not only for the decision procedures of other parole boards, but also for other decision points in the criminal justice field, such as those involving police, prosecutors, judges, probation officers, and correctional institution staff.

A series of publications describing the studies has been prepared; they are summarized in this report. Some are, of necessity, rather technical, while others relate to the practical problems of those who have to make decisions about individual offenders and general policy at the "operational" level.

One of the most debated "aids" to the parole decision is the "prediction" or "experience" table,¹ which proposes to provide methods of estimation of the probabilities of various outcomes to the decisions which must be made. Few parole boards have made use of "aids" of this kind in individual case decision-making.²

Actuarial life tables have been in use for other purposes since the 17th century. It is no new idea that aspects of human activity can be predicted (to a greater or lesser degree) and that the use of estimates of probability could help with decisions concerning individual persons.³ It is not so much the feasibility or even the utility of probability estimates that has been in doubt, but rather the "ethics" of the use of such forms of information in decision-making concerning individual placements.

Among the first experience tables designed to be of use to paroling authorities were those developed in Massachusetts at the invitation of Mr. Sanford Bates by Professor S. B. Warner and published in 1923. Warner described the policy considerations which influenced the board in granting of parole at that time as follows:

1. Whether a man had profited by his stay in the institution;
2. Was so reformed that he was unlikely to commit another offense;
3. His conduct in the institution;
4. Whether suitable employment was awaiting him on release;
5. Whether he had a home or other proper place to which to go;
6. His ability to tell the truth when questioned by the board;
7. The seriousness of his offense and the circumstances in which it was committed;
8. His appearance when interviewed by the board; and
9. His behavior on former parole (if applicable).

¹ Examples of the various debates are found in the July, 1962, issue of *Crime and Delinquency*, which was devoted to the topic of parole prediction and its use by parole boards ("Parole Prediction Tables," *Crime and Delinquency*, 8(3): 209–297, July 1962).

² Such methods have, however, found other uses; see, for example, Gottfredson, D. M., *Research Significance for Parole Operations*, a paper presented in the Association of Paroling Authorities program, Centennial Congress of Corrections, American Correctional Association, Cincinnati, Ohio, October 13, 1970; and Wilkins, L. T., "What Is Prediction and Is It Necessary?" in *Research and Potential Application of Research in Probation, Parole and Delinquency Prediction*, New York: Citizens' Committee for Children of New York, Research Center, New York School of Social Work, Columbia University, July 1961.

³ For a review of the prediction problem generally, with special reference to areas of delinquency and crime, see Gottfredson, D. M., "Assessment and Prediction in Crime and Delinquency," *Task Force Report: Juvenile Delinquency and Youth Crime*, The President's Commission on Law Enforcement and Administration of Justice, Washington, D.C.: Government Printing Office, 1967, pp. 171–187. Concerning parole prediction studies, see also Mannheim, H. and Wilkins, L. T., *Prediction Methods in Relation to Borstal Training*, London: Her Majesty's Stationery Office, 1955; Simon, Frances H., *Prediction Methods in Criminology*, London: Her Majesty's Stationery Office, 1971.

Warner related his data to the criteria applied by the board and suggested that there appeared to be little or no foundation for many of their assumptions. For example, the board regarded the commission of a sexual offense as counting against release, while the success rate for sexual offenders was higher than that for most other categories of offense. There is, of course, no reason why the factor being considered as justifying a longer period of detention for sex offenders should not be met by criterion seven above (i.e., a value judgment that sex offenses are more reprehensible and hence require more of the element of punishment), but the assumption that the probability of success was lower (criterion 2) was not supported. Warner also concluded that the quality of information available to the board was suspect. "Without a complete change," he wrote, "both in the methods of obtaining information for the board and the nature of the information obtained" no considerable improvement in the decisions could be expected. He placed the blame for the state of affairs upon the lack of development in scientific methods, rather than upon those of either the Board of Parole or the Department of Corrections.

Since that time hundreds of papers have appeared (the majority of poor quality) discussing from various viewpoints the construction of experience tables. Often these have been termed inappropriately "prediction tables." By far the majority of such tables have not been checked for power against samples other than those upon which they were constructed. The technical and practical difficulties which apply in the use of certain, or perhaps all, statistical methods in this area of inquiry have become more evident. The easy success which was expected in the initial studies reveals the lack of sophistication of research workers in the criminological area. Few research workers have been familiar with all the legal, moral, administrative, and technical issues which must be taken (equally?) into account if development is to be assured. Indeed, it would seem to be impossible for any one person, no matter what his genius, to cover adequately the vast field of knowledge required. Only recently has it been feasible to use research teams in these kinds of studies; and perhaps of equal significance, it is only in recent years that it has become possible to utilize the computer to deal with the highly complex data and the involved analyses which we know to be required.

The development of this area requires an admixture of the practical, the highly theoretical, and even the abstract. Abstractions are not necessarily irrelevant—sometimes it is only through employment of extremely abstract concepts that the problems may be approached in order to be able to see the practical implications. It is strange to note that the first studies were addressed to the question of "decision-making," and that it is this emphasis which has now returned to direct the nature of our thought and work. However, soon after the initial studies were published (around 1930), the philosophy of certain persons who became dominant in the field moved the research inquiry away from the decision orientation toward a search for explanation of criminal behavior.

The impact was to divert work from providing assistance to decision-makers toward attempts to explore causes of crime and delinquency. This, in turn, resulted in an almost total concentration upon the second of the criteria spelled out by Warner, namely, the probability of the offender, once convicted, committing further crimes. This work also became confused with prediction of delinquency concerning persons who had not been found guilty by due process of law but who revealed what were described as "delinquent tendencies." Thus, the concerns of parole boards, and indeed of other decision-makers in the field of criminal justice, with factors other than "prediction" came to be ignored. Even the fact that a repetition of a serious offense might receive more and different consideration from other "failure" became obscured.

Perhaps this was not too surprising, since almost all statistical data with respect to criminal behavior fail to take much account of the "seriousness" of offenses, even though the variation within a particular legal category (e.g., robbery) may be extremely large. Further, it was not until recently that any exploration or serious attempts at measurement was made of the concept of "seriousness" of offenses.⁴ In parallel with these directions in "prediction" research came an increased emphasis on the idea that offenders could and should be given "treatment." The medical analogy was taken to considerable limits, such that the concept of a "just" punishment was not usually considered relevant. All these and other related philosophies added up to the fact that those concerned with practical decisions regarding dispositions of offenders were not helped by more than a small fraction of the research.

⁴ Sellin, T. and Wolfgang, M. E., *The Measurement of Delinquency*, New York: John Wiley and Sons, 1964.

Parole board decision problems are both practical and, as we see it, scientific. The problems may be posed in the form: "Given the present state of knowledge, what is the best thing to do (decide) about this individual, now." The conditions surrounding the "now" will differ. Interpretations of the meaning of "best" will differ. But despite this fact—that interpretations of the meaning of "best" will also differ—it is still possible to ask, within this framework, *what is a rational decision under conditions of uncertainty*. Developments in scientific thought, specifically as a by-product of the application of science in wartime through "operations research," have led to some convergence between the decision-makers and the research scientists. The late 1940's saw the origin and rapid expansion of a new field termed "decision theory," and there have been other changes and developments which now enable inquiries to proceed along more strictly practical and relevant lines, which, nonetheless, can employ the strict scientific method.

Perhaps we may even begin to approach the problems of "causation" which have been resistant to frontal attack from an oblique "engineering" approach. Perhaps this might even be achieved with more rigor than the direct attack, which must of its very nature be conditioned by the particular frame of reference of the individual research worker. In other words, the changes of conceptual structure in the statements of the problems (in some sense, close to where it was in the 1920's) facilitate the necessary team approach to problem solving in parole and other criminal justice decision issues.

The study here reported is an example of a team approach, involving as it does a concentrated attempt at collaboration among the decision-makers themselves, the research staff, parole decision-makers in other jurisdictions, and, indeed, staff of the funding agency. The objective has been one of seeking to capitalize not only upon the experience and technical skills of the research staff, but also upon the experience and knowledge of practitioners in posing the problems to be solved, appropriate strategies for solution, and realistic steps necessary to the problem resolutions. Thus, the project was not conceived as a situation in which the decision-makers concerned were "on top," with the researchers "on tap"; neither was it assumed that the research staff had the ultimate responsibility for suggesting the hypothesis to be tested, for seeking ways of improving the information base requisite to decision-making, or for the implementation of results. Rather, the program has been considered to be a serious attempt at a truly collaborative effort between the U.S. Board of Parole members and staff and the research workers involved.

The Study Setting: Structure and Functions of the U.S. Board of Parole

The U.S. Board of Parole,⁵ created by Congress in 1930, is comprised of eight full-time members, appointed by the President by and with the advice and consent of the Senate, who serve overlapping 6-year terms and are subject to reappointment. The Attorney General of the United States appoints one member of the Board to be chairman. In addition, the Attorney General assigns three members of this eight-man Board to serve as members of the Youth Correction Division and appoints one of the three thus assigned to be chairman of the Division.

In support of the Board's activities, a staff director, legal counsel, parole and Youth Division executives, eight hearing examiners, and a small clerical staff are employed at the Board's headquarters office in Washington, D.C. Additionally, the Board is assisted by the caseworkers and administrative personnel in the various Federal correctional institutions and by the U.S. Probation Officers who are employed by the various Federal district courts and who serve as field agents for the Board.

The Board of Parole is authorized by Federal statute to exercise parole authority over Federal prisoners serving 181 days or longer wherever confined. This authority covers adults who have violated the laws of the United States, youth offenders committed under the Youth Corrections Act, juvenile delinquents committed under juvenile procedure in the U.S. Courts, and individuals committed under the Narcotic Addict Rehabilitation Act. The explicit major powers of the Board include authority:

⁵ The information in this section relating to the structure and function of the U.S. Board of Parole has been abstracted from the following documents: U.S. Board of Parole, *Annual Report 1964-65*, Washington, D.C.: Department of Justice, 1965; U.S. Board of Parole, *Annual Report 1965-66*, Washington, D.C.: Department of Justice, 1966; U.S. Board of Parole, *Annual Report 1967-68*, Washington, D.C.: Department of Justice, 1968; U.S. Board of Parole, *Biennial Report 1968-70*, Washington, D.C.: Department of Justice, 1970; U.S. Board of Parole, *Functions of the U.S. Board of Parole*, Washington, D.C.: Department of Justice, 1964; and U.S. Board of Parole, *General Factors in Parole Selection*, an internal memorandum revised 11/10/69.

1. to determine the date of parole eligibility for adults committed under the "indeterminate sentencing statutes";
2. to grant parole at its discretion;
3. to prescribe terms and conditions governing the prisoner while on parole or mandatory release;
4. to issue warrants to recommit parole and mandatory release violators;
5. to revoke parole and mandatory release and to modify the conditions of supervision;
6. to reparole or rerelease on mandatory release;
7. to conduct administrative hearings on applications for exemptions from the provisions of the Labor-Management Act, which prohibits certain law violators from holding positions in labor unions.

A Federal prisoner, sentenced to a term of at least 181 days, becomes eligible for parole according to the type of commitment he received from court. The most commonly used commitments are: adult "regular"; adult "indeterminate"; Youth Corrections Act commitments; Federal Juvenile Delinquency Act commitments; and Narcotic Addict Rehabilitation Act commitments. Under the adult "regular" sentences, parole may be granted after service of one-third of the maximum sentence specified by the court. Parole may be granted at any time to individuals sentenced on adult "indeterminate" commitments; or the minimum time to be served, which must be less than one-third of the maximum sentence, may be specified by the court. Individuals committed under the Youth Corrections Act may be paroled at any time, but not later than 2 years before expiration of the maximum term imposed. Parole may be granted to Federal Juvenile Delinquency Act commitments at any time. Persons committed under the Narcotic Addict Rehabilitation Act may be paroled to an after-care program after 6 months of institutional treatment.

Parole is regarded by the Board as the opportunity offered a prisoner to complete the balance of his term in the community rather than in confinement. In granting parole, the Board is guided by the following statutory requirements: the prisoner must be eligible by law for parole; the prisoner must have substantially observed the rules of the institution in which he has been confined; there must be reasonable probability that the prisoner will live and remain at liberty without violating the laws; and the prisoner's release should not be incompatible with the welfare of society. Additionally, according to an internal Board memorandum titled *General Factors in Parole Consideration*, as revised 11/10/69, the Board is guided by the following supplementary factors in selecting individuals for parole: sentence data, facts and circumstances of the offense, prior criminal record (detainers do not necessarily preclude parole consideration), changes in motivation and behavior, personal and social history, institutional experience, general adjustment, community resources including release plans, results of scientific data and tools, and comments by hearing member or examiner.

At least one personal hearing is conducted by the Board with each prisoner in a Federal institution serving a term of more than 1 year. This hearing occurs either near the time he becomes eligible for parole if he applies or at the time of the initial hearing. The latter usually occurs within 2 months after commitment. In some cases the decision regarding parole is made on the basis of the initial hearing but, more often than not, at least two hearings are held for each prisoner.

Bimonthly visits to each Federal institution are made by the members and hearing examiners to conduct personal hearings with prisoners who recently have been committed, are eligible for parole, are scheduled for a review hearing, or are entitled to a revocation hearing. Upon return to headquarters, the member or hearing examiner meets with other members to further consider the file and vote for parole, for continuation to a specified date, or for continuation to expiration of sentence, less good-time credits.

Generally, the Board does not sit as a group to vote, but rather each member votes on an individual basis. Each official decision requires a concurrence of at least two members. There are some situations, however, in which it is deemed necessary for a larger group of members to consider parole—for instance, when the following conditions exist:

1. National security is involved;
2. The prisoner was involved to a major degree in organized crime;
3. There is national or other unusual interest in the offender or his victim;
4. Major violence has been perpetrated or there is evidence it may occur;
5. The sentence is for 45 years or more.

Any member may request an "en banc" consideration. At such proceedings, a member of the Board's staff presents an oral summary of the case and members discuss its elements before arriving at a decision. A majority of members must be present to constitute a quorum for the consideration and the resulting decision.

Reviews of the Board's decisions are not automatic, but these are scheduled by the Board at times when it may wish "to determine progress in reaching institutional goals, to evaluate adjustment to confinement, to ascertain changes in attitude, or to reappraise plans for community living after release."⁶ Reconsiderations may be initiated also by the prisoner or his family, friends, or other persons interested in him. In addition, special interviews may be granted a prisoner if requested by either the warden or one of the Board members or if he has a sentence of 40 years or greater.

Prisoners serving regular adult or juvenile sentences who are not paroled may be released before the end of their sentences by earning "good-time" credits. They earn a specified number of days according to a formula contained in the statutes and may earn extra good time through exceptionally meritorious behavior or by receiving assignment to a Prison Industries job or to a minimum security camp. The number of such credits vary according to the maximum term imposed by the court, but, in long-term cases, as many as 10 days may be accrued for each month. Such persons are called "mandatory releases" and come under the Board's jurisdiction as if on parole. They must abide by the same conditions as parolees and are subject to revocation and return to the institution in the same manner. A basic difference is that the last 180 days of an adult mandatory releasee's term is dropped from his supervision period. A releasee who has fewer than 180 days remaining on his term does not receive community supervision but is considered to have been released at expiration of his sentence. A juvenile's term is not so shortened. An offender committed under the Youth Corrections Act is not mandatorily released but, by law, must be paroled no later than 2 years before the end of his sentence. The offender's term is not shortened by law, and he remains under the jurisdiction of the Youth Division for his entire term unless discharged earlier by the Division.

It is the opinion of the Board that release under some form of official supervision and control is more likely to achieve success than outright release without such supervision and control.

Advisory Groups

In addition to the U.S. Board of Parole as a whole, three advisory groups guided the direction of the project.

1. *The National Advisory Committee of the National Probation and Parole Institutes.*—This group has representation from the U.S. Board of Parole, the Parole Council of the National Council on Crime and Delinquency, the Association of Paroling Authorities, the Interstate Probation and Parole Compact Administrators Association, and the Administrative Office of the U.S. Courts. It provided an overall advisory function to the project.

2. *The Research Committee of the U.S. Board of Parole.*—This committee consisted of the chairman of the board and two members; it provided an advisory function particularly focused upon parole policy and administration and offered an opportunity for collaborative work additional to that involving the entire board.

3. *A Scientific Advisory Group.*—This committee was comprised of persons nominated by the National Institute of Law Enforcement and Criminal Justice of the Law Enforcement Assistance Administration, by the U.S. Board of Parole, and by the project's codirectors. It provided an advisory function especially focused upon the scientific aspects of the program.

General Objectives of the Study

The general aim of the project was to develop, test, and demonstrate programs of improved information for parole decision-making. Thus, the general goals were to provide objective, relevant information for individual case decisions; to summarize experience with parole, as an aid to improved policy decisions; and to aid paroling authorities in more rational decision-making for increased effectiveness of prison release procedures.

⁶ U.S. Board of Parole, *Biennial Report 1968-70*, Washington, D.C.: Department of Justice, 1970, p. 17.

Two general classes of decisions are made by paroling authorities: they make decisions on individual persons (case decisions); and they make "decisions about their decisions," i.e., paroling policy decisions. The project included the study of each of these types. The general problems in each case, of course, included the identification and definition of decision objectives, of information elements demonstrably relevant to the decision (i.e., to the decision outcomes) of the available decision alternatives, and of the consequences of those alternatives.

The information provided paroling authorities, if it is to be useful in decision-making, must meet the usual tests of reliability and validity. In this context, however, the issue of validity hinges upon definitions of the objectives of the decision. The explicit definition of the objectives of individual parole decisions (or of policy decisions) is not nearly the straightforward task that it might appear to the uninitiated observer. The parole decisions are complex; even in a context of general agreement as to aims, considerable disagreement concerning specific objectives may be expected; and various measurement problems will be encountered in seeking the clear, consensually validated definitions that would serve as anchoring points for the program.

On the assumption that a further requirement should be that the information for decision-making must—if it is to be useful—be immediately available at the time of decision, an on-line computerized system for retrieval and analysis of information for decisions was developed and its use explored.

A series of meetings was held with staff and members of the U.S. Board of Parole, and with other paroling authorities and representatives, to seek assistance in defining decision objectives, the available alternatives and constraints, the information presumed to be relevant to these decisions, and the decision consequences (i.e., the outcome criteria), which ought to be included within the scope of the study.

Further original objectives included the following:

1. To develop a data base (appropriate for continuation by the Board at the close of the project) containing information on the offenders, the paroling decisions, and the outcomes to parole, mandatory release, and discharge, permitting measures of the relations among offender attributes, decision outcomes, and decision consequences. The data base should lend itself to (but not be limited to) the development and validation of "experience tables." It should permit the study of all methods of prison release, rather than only of parole, in order to enable examination of the major decision alternatives which are discretionary to the board (parole, continue) and of the consequences to the major forms of prison release (parole, mandatory release, and discharge).
2. To develop and demonstrate procedures for rapid retrieval of both numerical data and case history abstract information pertinent to individual case decisions. The provision of such a system for retrieval of this information for all parole decisions in the Federal system was considered beyond the scope of the project; the project aimed, rather, to develop and demonstrate models for procedures which might be employed usefully.
3. To develop monitoring or "policy control" procedures to advise the board periodically and on short notice concerning general trends in their decision-making, significant deviations in trends, deviations from established policy, and on simulated consequences to policy modifications which might be considered by the board.
4. To conduct a series of seminars with staff of the U.S. Board of Parole for development and demonstration of these procedures, and conduct similar seminars with other paroling authorities in the nation.

In short, the original objectives of the project were to define parole objectives and information needs, to describe parole decisions, to test relations between information available for parole decisions and the outcomes to those decisions (whether persons are paroled, mandatorily released, or discharged), to present relevant information quickly when needed for decisions, to develop procedures for policy control, to evaluate the utility of any new procedures developed, and to disseminate the results to parole systems of the United States.

Collaborating Agencies

A study of this nature obviously hinges, for success, upon the active support and collaboration of others; and the project staff and the U.S. Board of Parole were fortunate in having the cooperation and assistance of various related criminal justice system agencies. An important requirement to completion

of the study as planned, without which the results reasonable to be expected would be severely limited, was access to the arrest records (of the Federal offender samples studies), which are maintained by the Federal Bureau of Investigation. The approval for obtaining the needed data was given by the Director of the Federal Bureau of Investigation, Mr. J. Edgar Hoover, and requests for data were promptly and efficiently provided to the U.S. Board of Parole by the staff of the Federal Bureau of Investigation's National Crime Information Center. Similarly, the cooperation of the Division of Procedural Studies and Statistics of the Administrative Office of the U.S. Courts was excellent, and arrangements were made and used for follow-up data collection from their files, supplementing the information available in the U.S. Board of Parole offices. Staff of the Federal Bureau of Prisons furnished the project staff with descriptive materials on the Bureau's developing information system and the Bureau's Director, Mr. Norman A. Carlson, approved the provision of listings of the dates and modes of release of each offender released from Federal prisons. These collaborative arrangements were essential to the follow-up program concerning the outcomes to paroling decisions.

During the first year of the project, 17 state parole systems (Arizona, Florida, Idaho, Illinois, Maryland, Minnesota, Missouri, Montana, Nevada, New Mexico, Ohio, Oklahoma, Oregon, Pennsylvania, Vermont, Virginia, and Wisconsin), the District of Columbia Board of Parole, and the National Parole Board of Canada volunteered to participate as "observers" of the project. These 19 agencies contributed data on a "parole opinion survey" aimed at providing information on perceived objectives and information needs of the paroling decision.

The number of "observer states" increased, however, with a national meeting held in Washington, D.C., in June of 1971. Representatives of 40 paroling agencies from Hawaii to the eastern seaboard states participated with the U.S. Board of Parole in that meeting. A second, similar meeting was conducted in 1972 in Denver, Colorado, and a third meeting, attended by 69 persons representing 48 agencies was held in New Orleans, Louisiana, in April 1973, when some results of the project were presented and discussed.

These programs served the dual purpose of explanation to participants of the project objectives and methods and their enlistment as active contributors to the research effort. Thus, following presentation of an overview of the project that described its history, objective, and methods, small group sessions were conducted in order to provide further orientation to the project methods and to obtain assistance in further elaboration of the procedures. These sessions included, for example, a demonstration of use of the on-line retrieval system using the computer terminal; a simulation of terminal use for case decisions; a group task to clarify issues concerning information selection in parole decision-making; a discussion based upon the questionnaire regarding parole board goals and information needs; an exercise in parole decision-making from short case abstracts which examined the role of base expectancy measures in parole decision-making; a discussion concerning constraints in parole decision-making; discussions of the role, utility, and limitations of parole prediction methods; and the presentation and critique of the policy control procedures developed. Generally, criticisms of the project were obtained from participating agency representatives from a questionnaire interview concerning the project and from the meetings outlined above.

The collaborative nature of the project was thought to be especially important to the development of useful procedures for providing information. Similarly, it was believed to be especially important to the possible utilization, later, of any such procedures. Information, if it is to be used, should have a degree of acceptance in the field as relevant and practically useful. That is, if utilization is to be increased, the information must be perceived as useful by the decision-makers. It may be argued that valid information, demonstrably related to the decision-makers' goals, will be ignored in the decision process unless the person responsible for the decision perceives the information as relevant and useful. Thus, three approaches aimed at increasing the likelihood of utilization of project results were taken: (1) development of the information in concert with the decision-makers themselves; (2) seminars conducted for the decision-makers in order to bring additional, possible relevant information to their attention; and (3) the preparation of a film report to supplement written reports of project results.

SOME PROBLEMS, METHODS, AND PRELIMINARY RESULTS

Dialogue with Decision-Makers

A variety of methods were employed in seeking to attain the objectives indicated above. Some of

these methods are commonly used and straightforward; others were invented in response to specific needs of the project.

It has been emphasized above that an important part of the approach taken in this study was a continuing dialogue among the project staff, the members and representatives of the U.S. Board of Parole and representatives of the funding agency, i.e., the National Institute of Law Enforcement and Criminal Justice. An interesting feature of the program has been the convergence of objectives among persons of quite different orientations. Generally, the detailed planning of the study stemmed from meetings of representatives of the above groups with the Scientific Advisory Committee.

During the 3 years of this study, the U.S. Board of Parole was the target of unprecedented criticism from various individuals, the press, and Members of the Congress of the United States. Charges of secrecy, arbitrariness, capriciousness, susceptibility to Executive pressure, defensive self-protectiveness, lack of research staff, failure to specify reasons for parole denial, and working at cross-purposes to rehabilitation were among the complaints.⁷

At the same time, the Board was seeking to deal with the issues of secrecy, arbitrariness, delay and appropriate notification of reasons after hearings, and the development of explicit policy. They were seeking to establish a continuing research unit as a continuation of the project reported here, which they had requested. These issues, and particularly the issue of general policy, were related to plans for a proposed regionalization of the Board's functions. Given an explicit statement of general policy, some decision-making functions might be delegated—a necessary concomitant to regionalization.

The Nature of the Decision Problems

It was mentioned above that two kinds of decisions are made by paroling authorities, and both of these general classes of their actions were studied. Corresponding to the different types of decisions are different (but overlapping) sets of information relevant to the decision problems. Paroling authorities make individual *case* decisions. They also make paroling *policy* decisions which set a broad framework within which the individual case decisions are made. The major problems of both individual decisions and general policy decisions involve the identification and definition (1) of objectives; (2) of information items demonstrably relevant to the decision (i.e., to the decision outcomes); (3) of the available decision alternatives; and (4) of the consequences of the decision alternatives (in terms of the objectives).

Also mentioned above was the point that the issue of validity (of the information used) hinges upon the definitions of the objectives of the decision. The nonuse of experience tables, in the several jurisdictions where these have been developed, emphasizes the need for clear and adequate identification of objectives. Research experience in this area is extensive enough that it is a straightforward task to develop adequately reliable and reasonably valid experience tables with respect to a single, somewhat crude dichotomous criterion of "success" or "failure" on parole. Only the quite unsophisticated would argue, however, that the measurement of parole risk in these terms is the only (or even the overriding) issue in parole decision-making. Other concerns relate to sanctioning, to due process, to system-regulatory, and to citizen representation objectives. Generally, throughout the correctional process, a more rigorous and thorough attention to decision objectives is needed; and then the question of validity of information for decisions must be addressed for each of the major objectives of the decision-makers.

Perceived Goals and Information Needs for Individual Decision-Making

A survey of perceived goals and factors considered in parole selection was completed early in the project. Questionnaires were sent to state and Federal parole board members asking them to rate 26 goals and 101 factors considered in granting parole. The ratings were requested on a scale ranging from "very unimportant" to "very important." Fifty-seven state and twelve Federal parole board representatives responded.

Federal and state paroling authorities agreed in rating three suggested goals as most important: (1) protection of the public; (2) the release of inmates at the optimal time for most probable success on parole; and (3) the improvement of inmate adjustment in the community after release. These general

statements of goals obviously require more precise definition in operational terms for adequate measurement; nevertheless, they provide a general framework of consensus from which such work can proceed.

Other goals rated as important by Federal parole board members were the encouragement of inmate program participation and the release of persons on the basis of individual response and progress within the prison. In general, the ratings appeared to reflect the view that a major function of the board is the protection of the public and that the public may be best protected by release of offenders at the optimal time for most likely success on parole. Generally, there was considerable agreement in the ranking of goals by the Federal parole board members and their counterparts in state paroling authorities.

The kinds of information thought to be important by representatives of the Federal parole board in making individual case decisions are of interest, particularly as many of them may be considered to represent hypotheses which may be tested. Examples of information items rated as very important are the adequacy of the parole plan, presence of a past record of assaultive offense, the offender's present family situation, the attitude of the inmate's family toward him, or the use of weapons in the offense.

Since one focus of the study was upon the possible utility of experience tables, it was noteworthy that these were not generally thought to be of much importance. Of the 101 items, an item "statistical prediction of likelihood of parole violation (base expectancy)" ranked 68th in importance by the Federal parole board representatives and it was 70th in rank according to ratings by the representatives of state parole systems.

Developing a Data Base

A variety of data collection procedures were developed in order to provide an information collection system which would meet the project objectives and which could be instituted as an ongoing system by the U.S. Board of Parole. The resulting data base includes information abstracted from records of the Federal Bureau of Prisons, the U.S. Board of Parole, the Administrative Office of the U.S. Courts, and the Federal Bureau of Investigation.⁸

The major source of information regarding offenders, the paroling decisions, and outcomes during supervision for persons who are paroled is the case files used by the U.S. Board of Parole. Unfortunately, these files are not uniformly complete, frequently including conflicting information, and thus set limits upon the quality of information which may be extracted reliably from them. This source of data is augmented by information available from the additional Federal agencies as mentioned above.

Drawing upon the available sources of information, three basic sets of information have been accumulated. These include a large sample of offenders appearing for parole consideration ($N > 4,000$), a large sample of offenders released from prison with 2-year follow-up ($N > 1,800$), and several smaller samples of persons released on parole with follow-up.

1. *Information on Cases Appearing for Parole Consideration.*—Beginning in August, 1970, various samples of offenders being considered for parole were taken. This set included a 50 percent sample of all persons considered for parole between November, 1970, and November, 1971 (a full year), and a 30 percent sample for the period between November, 1971, and mid-June, 1972. This sample provided material for describing paroling policies and, when follow-up becomes available, may be used to validate and update experience table devices.

2. *Information on Offenders Assumed to be Representative of Persons Released from Prison on Parole.*—(a) A 10 percent sample of persons paroled in fiscal year 1968 ($N = 430$) with a 2-year follow-up study; (b) A 10 percent sample of persons paroled in fiscal year 1966 ($N = 270$) with a 3-year follow-up study; and (c) A 20 percent sample of persons sentenced under the Youth Corrections Act and paroled in fiscal year 1969 ($N = 230$) with 2-year follow-up.

These samples provided the basis for preliminary experience table development.

3. *Information on Offenders Assumed to be Representative of Persons Released from Prison with or without Supervision.*—One project objective was to compare outcomes for subjects released from prison with, and those released without, parole supervision. This retrospective sample (50 percent of

⁷ See, for example, *The Washington Post*, March 29, 1971, and February 26, 1972; *Harper's Magazine*, November 1971; *The Wall Street Journal*

See also H.R. 13118, the "Parole Improvement and Procedures Act of 1972," introduced by Congressman Kastenmeier in February 1972, and S. 3993, the "Parole Commission Act of 1972," introduced by Senator Burdick.

⁸ Singer, S. M. and Gottfredson, D. M., *Development of a Data Base for Parole Decision-Making*, Report Number One, and *Parole Decision-Making Coding Manual*, Report Number Two, Davis, California: Parole Decision-Making Project, National Council on Crime and Delinquency Research Center, June 1973.

releases, January, 1970, through June, 1970) includes persons released on parole, persons mandatorily released with supervision, and persons released at expiration of sentence without supervision. A 2-year follow-up study is included.

This sample provided the major data base necessary for the development and testing of experience tables. It also provides the data needed for a comparison of various decision outcomes with their later consequences in terms of offender performance after release from prison. The information on cases appearing for parole permits description of the persons granted parole and those who are not. It also allows the development of procedures permitting the parole board to assess its trends in decisions over time. This data base enables development of a systematic program for periodic assessment and revision of experience-table-type information and of information relating to paroling policy.

A major resource which provided a stepping-stone for developing a data collection system for Federal offenders is the Uniform Parole Reports Project. The Uniform Parole Reports data base includes information on more than 130,000 offenders paroled since 1965, by the various paroling authorities of the states and other jurisdictions.⁹

Discussion of sampling techniques, the coding forms used, data collection procedures, items coded, and definitions of terms are included in the reports cited above.

Developing Experience Tables

Studies of the validity of some existing experience table methods when applied to Federal offenders were completed, and one prediction method was developed on the basis of the adult Federal offender retrospective samples. This work has called into question the usefulness and applicability of the more "sophisticated" statistical manipulations commonly applied, given the quality of data available for parole decision-making for Federal offenders.

Discussion of the relevance of experience tables to individual parole decisions, of prior studies of parole prediction, and of the results of the preliminary studies were given in a separate draft report submitted to the National Institute.¹⁰ The results support the following conclusions:

1. Examples of offender attributes which discriminate between favorable and unfavorable parole outcomes are the commitment offense, the admission type (new case or parole violator), the history of probation or parole violations; time free in the community without commitment, prior records of commitment, sentences and incarcerations, prior juvenile delinquency convictions, the employment history, the prison custody classification, the punishment record and escape history, a prior history of mental hospital confinement, and aspects of the parole plan. Most of these examples confirm the results of earlier studies.
2. Two forms of a base expectancy measure developed from study of California adult parolees samples were found to be valid with respect to adult Federal offenders (with validity equivalent to that for California adult parolees), but not valid for use with Federal youth samples.
3. A classification method based upon Uniform Parole Reports data was found to have some validity as an experience table for Federal parolees.
4. A modification of a Bureau of Prisons' configuration table (experience table) for Youth Corrections Act releasees provides a valid prediction method for these cases.
5. A 20-item "Burgess"-type experience table has some predictive validity as well, sufficient to support its experimental use by the U.S. Board of Parole.

The same report lists a number of specific steps suggested toward the improvement of experience tables, discusses some technical problems arising from the use of relatively unreliable data, and includes a comparison of the consequences of use of several experience table methods under two hypothetical release policies. These efforts toward improvement of experience tables can continue by means of the data base discussed above, especially with implementation of its continuation by the Board.

⁹ Gottfredson, D. M., et al., *A National Uniform Parole Reporting System*, Davis, California: National Council on Crime and Delinquency Research Center, December, 1970; and Gottfredson, D. M., Neithercutt, M. G., and Wenk, E. A., *Parole in the United States: A Reporting System*, Davis, California: National Council on Crime and Delinquency Research Center, October 1972.

¹⁰ Gottfredson, D. M., Wilkins, L. T., and Hoffman, P. B., *Summarizing Experience for Parole Decision-Making*, Report Number Five, Davis, California: Parole Decision-Making Project, National Council on Crime and Delinquency Research Center, February 1972 (draft).

The Problem of Overlap in Experience Table Construction

Statisticians have devised a variety of procedures for combining information (such as items concerning offenders taken from case files) in order to use them *efficiently* in predicting later behavior or administrative action (such as parole violation). The concept of efficiency can take a variety of meanings, but one meaning relates to the question of whether or not all the information is needed or contributes usefully to the accuracy or validity of the prediction.

Many items "overlap" with one another; that is, they are correlated among themselves. For example, auto thieves tend to be younger than offenders in general; persons with more prior convictions tend to have more prior arrests and sentences; and those with prior parole violations necessarily have had prior prison terms. Statisticians, therefore, have invented procedures which take such overlapping into account. When this is done it typically is found that only a few items, appropriately weighted, may be expected to do the work—in prediction—of a much larger number.

From various studies in correctional systems, however, it now appears that less sophisticated methods of combining the information—such as simply adding favorable items together without weighting—may end up, in practice, as better than the more sophisticated techniques. This curious result suggests not that the statistical theory is wrong, but that the nature of the data does not satisfy the assumptions which are made in statistical theory.

An implication—thought to be extremely important for both research and practice—is that major advances in both must await the development of better quality data. This topic is discussed in a supplementary report.¹¹

Do Experience Tables Matter?

At one of the national conferences on parole decision-making, an experiment was conducted to elicit participant attitudes toward use of base expectancy devices as aids in individual case decision-making and to examine the effect of base expectancy scores on their decisions. Participants were randomly allocated to six groups and asked to make decisions about a set of hypothetical case summaries, some with and some without a base expectancy score item. Unknown to the participants, different groups received the same cases with different base expectancy scores.

Although the statements of the participants suggested that even a reliable and valid base expectancy measure would be of marginal utility, the results of the experiment indicated otherwise. While the presentation of base expectancy scores did not appear to reduce the variations in the decisions within the various experimental groups, the presentation of *different* base expectancy scores for the *same case* did appear to shift the average time held before release. A full report of the study is given in a supplementary report.¹²

Information Selection and Use in Parole Decision-Making

A series of experiments was conducted in order to further identify ways in which information is selected and used in parole decision-making; in part, they may be seen as "simulating" operations performed by means of computer assistance.¹³ A first study employed an "information board" previously used; the second extended this procedure to the use of a random access slide projector for a computer retrieval simulation.

Different decision-makers go about their task in different ways. Decisions are made with reference to information about offenders, and decision-makers have preferences for *kinds* of information and for *methods* of presentation. Decision outcomes may be associated with the methods of presentation as well as with the qualities of the information itself. Further, the decision outcomes may be associated with the ways in which the information is "processed" by decision-makers.

¹¹ Wilkins, Leslie T., *The Problem of Overlap in Experience Table Construction*, Report Number Three, Davis, California: Parole Decision-Making Project, National Council on Crime and Delinquency Research Center, June 1973.

¹² Hoffman, Peter B. and Goldstein, Harvey M., *Do Experience Tables Matter?*, Report Number Four, Davis, California: Parole Decision-Making Project, National Council on Crime and Delinquency Research Center, June 1973.

¹³ Wilkins, L. T., Gottfredson, D. M., Robison, J. O., and Sadowsky, C. A., *Information Selection and Use in Parole Decision-Making*, Report Number Five, Davis, California: Parole Decision-Making Project, National Council on Crime and Delinquency Research Center, June 1973.

Decision-makers may be of several "types"; and possibly differences among them, as they relate to information search strategies, are of importance in relation to the planning of computer-assisted decision analysis.

From these experiments several general results can be derived. Persons paroling, compared with persons not paroling, sought different information. Different items of information were generally considered important for different cases. The same decision often was made on entirely different bases; that is, different information was used by different people to arrive at the same conclusion. Information may reduce confidence in the decision as well as increase it. There is no unanimity among decision-makers as to the relative importance of information available to the decision, and procedures for improvement of information as aids to the decision may have to be based upon an improved understanding of differing "styles" of decision-making.

Use of an Information Retrieval System for Parole Decision-Making

The development of an on-line system for retrieval of information from the data base described above was described elsewhere.¹⁴ The DIALOG system, which is in wide use in the National Aeronautics and Space Administration, the Office of Education, the Atomic Energy Commission, and the European Space Research Organization, was used. By means of a terminal at the offices of the U.S. Parole Board, data could be retrieved instantly, and a variety of analyses were conducted from the data loaded in a computer at the Lockheed Missiles and Space Company's Information Science Laboratory in Palo Alto, California. The terminal consists of a video screen with key boards and a teletype for printed output. A manual describing how to use the terminal and the retrieval system was prepared, and it was included, with examples of requests and analyses initiated by the parole board, in a separate report submitted to the National Institute.¹⁵

Inefficient Statistics

As a research project nears its end, the investigators will usually wish to review the status of their work. What more might have been done? What contribution was made, and was this the most appropriate contribution? What factors militated against doing more? What considerations should be taken into account by those who may carry out research in the area at a later date? This questioning will involve speculation and self-criticism. A separate supplemental report attempts to deal with some of these questions.¹⁶

Is the development of prediction methods as important as it has been thought to be? Our answer on this issue is a qualified one: prediction methods are useful, but mainly as a research tool. In assisting in the decision-making processes of parole discretion, prediction is one element only, and its relevance involves a value judgment. Can prediction methods be improved? Our answer is that we are confident that improvements could be made and we make several suggestions as to how this might be achieved. A different form of prediction, which might be loosely termed "individual prediction," is considered and thought to be possible if and when different kinds of data become available. Some possible values and dangers of this approach are noted.

A distinction is noted between research aimed at the production of instruments for operational use and research investigations. It seems that fundamental research cannot be divorced from operational research, and vice versa. There are now noted problems arising out of operational research requiring a kind of research approach which would normally be considered as "fundamental research," before more progress is probable. One important area is that of investigation of the processes of decision-making. The information search strategies of decision-makers (as well as the goals they seek) are important, but

¹⁴ Wenk, E. A., Gottfredson, D. M., Summit, R. K., and Radwin, M. S., "Progress in Combining a National Data Base with DIALOG, a General Purpose On-line Retrieval System for Computer Assisted Parole Decision-Making," in *Proceedings of the National Symposium on Criminal Justice Information and Statistics Systems*, Buck, G. A., ed., Sacramento, California: California Crime Technological Research Foundation, 1970, pp. 171-181.

¹⁵ Zeigler, M., Singer, S. M., and Hoffman, P. B., *Use of an Information Retrieval System for Parole Decision-Making*, Report Number Ten, Davis, California: Parole Decision-Making Project, National Council on Crime and Delinquency Research Center, February 1972 (draft).

¹⁶ Wilkins, Leslie, T., *Inefficient Statistics*, Report Number Six, Davis, California: Parole Decision-Making Project, National Council on Crime and Delinquency Research Center, June 1973.

little understood at the present time. There is clearly a relationship between "degrees of belief" and "probability," and there are very important issues of moral values which impinge upon research methods.

It is thought that the present methods whereby research funds become available may not be such that an optimal research strategy is to be developed. It is considered that the relevance of research to social problems is not related to whether the research is at a high or low level of abstraction. High levels of abstraction may also be highly relevant; the difficulty arises in demonstrating this.

The Operational Use of an Experience Table

Since one objective of the Parole Decision-Making project was the development of experience tables for operational use by the U.S. Board of Parole to aid in individual case decision-making, a supplementary report describes the interaction of parole board members and project staff in the development of an experience table acceptable to the parole board for operational use.¹⁷

The results of this experiment indicated that the provision of an experience table:

1. influence the parole board members' clinical risk estimates (primarily in cases in which the statistical score was lower than expected);
2. increased the relationship between statistical score and decision (in terms of time held). A similar result was produced merely by focusing the parole board members' attention upon the parole risk issue by having them complete clinical risk estimates;
3. increased, rather than decreased, the average time held for all but the best risk cases, although the experience table scores were generally higher (more favorable) than the parole board members' clinical estimates;
4. increased the agreement of clinical risk estimates between pairs of parole board members considering the same case, but did not reduce the proportion of decision disagreements (split votes);
5. did not affect the subjective ease-difficulty rating given the decision.

Paroling Policy Feedback

Paroling policy decisions set the framework within which individual decisions are made. The former generally are not explicitly stated, and the lack of clearly articulated policy guidelines has resulted in considerable criticism of parole board decision-making practices.

A study of policy conducted in collaboration with members of the Youth Correction Division of the U.S. Board of Parole is reported in a supplementary report.¹⁸ Its aim was to provide a feedback device capable of making more explicit the presently implicit policies used in making case decisions. A feedback device of this type may enable parole board members to: compare actual policies with those desired, and take corrective action if indicated; reduce disparity in individual case decision-making by noting decisions which appear to vary substantially from usual practice; and reduce the criticism leveled against the parole board as having unfettered discretion.

The relations between decision-makers' evaluations of four specific case factors (severity of the offense, institutional program participation, institutional discipline, and chances of favorable parole outcome) and paroling decisions were studied. From these relations a method of describing and articulating implicit paroling policy was demonstrated and the relative weights given to the above factors in practice were described.

Paroling Policy Guidelines: A Matter of Equity

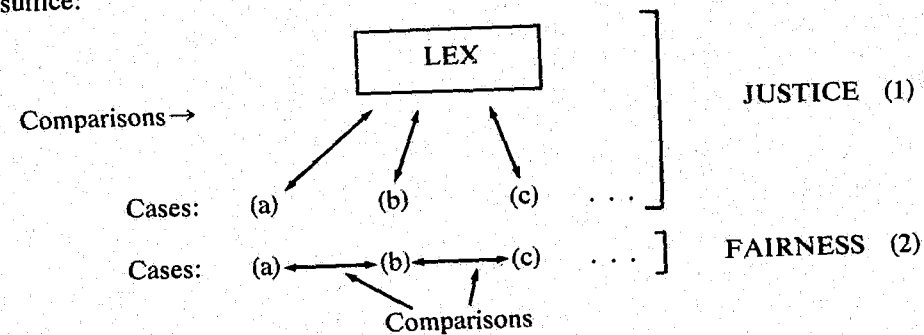
In the appendix to this report the Chairman of the U.S. Board of Parole discusses the need for more explicit definition of factors used in parole selection and the problem of determining how various factors should be weighted; and he points out that *implicit* policy may be made *explicit* through an analysis of present practice. The major task of the parole board is to set standards and explicit policies; in order to further these objectives, a Federal Pilot Regionalization Project makes use of decision guidelines which do not remove discretion, but enable its exercise in a fair and rational manner. They are designed

¹⁷ Hoffman, P. B., Gottfredson, D. M., Wilkins, L. T., and Pasela, G. E., *The Operational Use of an Experience Table*, Report Number Seven, Davis, California: Parole Decision-Making Project, National Council on Crime and Delinquency Research Center, June 1973.

¹⁸ Hoffman, Peter B., *Paroling Policy Feedback*, Report Number Eight, Davis, California: Parole Decision-Making Project, National Council on Crime and Delinquency Research Center, June 1973.

to structure and control discretion and to provide an explicit, uniform policy contributing to the issues of fairness and equity.¹⁹

Justice and Fairness.—The concept of fairness is not exactly the same as the concept of justice. There is, however, seldom any clear distinction made in the use of the two terms in law. Some dictionaries define "fairness" as lack of injustice, but the absence of injustice is not the same as the presence of justice—thus "justice" is not defined as fairness, but rather as "an accord with truth." That is to say, there seems to be reasonable agreement among authorities of English usage that nothing can be just which is unfair; but fairness is not necessarily justice; or justice includes fairness, but is more demanding. It may be that we could claim that this is because fairness is a relative term, but justice implies absolute values. This is a convenient distinction and accordingly, since words have uses rather than meanings, we propose to use the words in this way. In order to make clear the nature of the use we intend, the diagram below may suffice:



That is to say (or indicate) if a, b, c, . . . , n are each compared in an appropriate manner, and adjusted with respect to LEX (Equation [1]), then they will be adjusted with respect to each other. Ensuring "justice" (accord with truth/law) also ensures fairness. In the first case (justice), there is an external criterion. In the second case (fairness) (Equation [2]), the elements can be in adjustment with each other, but are not necessarily in accord with respect to an external criterion. By "fairness" we mean that similar persons are dealt with in similar ways in similar situations. Thus, the idea of fairness implies the idea of similarity and of comparisons; it cannot relate to the unique individual since, obviously, if every person is unique, there are not grounds for comparisons and, hence, no ways in which it is possible to discuss fairness. Will an individual, then, see his treatment as "fair" if he sees himself as (in all significant ways) similar to another person who received exactly similar treatment? Not quite, since it would seem to require more than one other person—it would not be unreasonable to claim that both were treated unfairly. However, as the sample of "similar" persons increases, so the idea of similar treatments among that sample becomes more likely to be regarded as "fair."

The moral, or at least metaphysical, idea of "fairness," thus, becomes closely related to statistical concepts of similarity (or variance) and sample size. Any claim on the part of a citizen or another who asserts that the parole board is "unfair" is implicitly stating that, according to his beliefs (knowledge?), similar persons involved in similar crimes are receiving different treatments. The factors which are taken into consideration in the reference set sample of persons and characteristics may vary in some degree from one critic to another; some will look with particular care at race (unfairness which is related to racial characteristics is defined as "racism" because "race" is not seen as a reasonable or morally acceptable factor to justify differences in treatment); some will look with particular care at the type of offense; and some at both types of offenses and racial factors. However, the scale and scope of comparison upon which critics may rely are not likely to be wider than the scale and scope of factors which the board might consider. By the use of a model which is built upon these common elements of comparison (fairness criteria), the board could respond with precision to criticisms. If the board sustains a balance with respect

¹⁹ This appendix is included also as a Preface in Hoffman, P. B. and Gottfredson, D. M., *Paroling Policy Guidelines: A Matter of Equity*, Report Number Nine, Davis, California: Parole Decision-Making Project, National Council on Crime and Delinquency Research Center, June 1973, which describes and discusses the development and use of the decision guidelines in more detail.

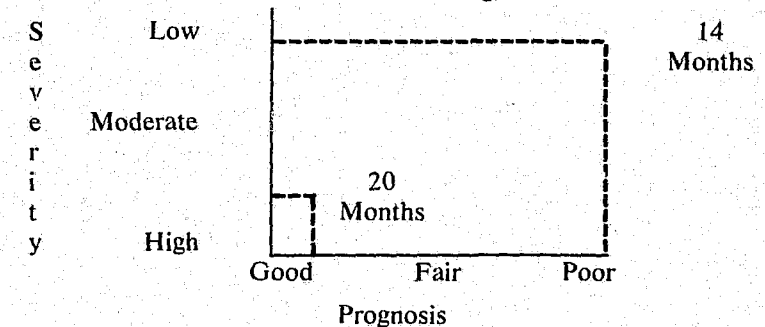
to probability of reconviction, crime seriousness and behavior in the institutional setting, and ignores race, it will be unlikely to be accused of racial bias.

If the board were to have before it, in each case in which a decision is to be made, a chart which indicated the balance between the three or four most obvious factors which arise in any discussion of "fairness," the decision-makers could always depart from the calculated figure; but, in doing so, they would be making a value judgment of further factors not included in the model. If these further factors were made explicit in the decision (this may seem similar to the recent requirement of the courts for boards to "state reasons"), a sound case for each decision would seem to be made. However, the general policy of the board would not be defended by such a model; but, clearly, the decisions *within* the model would be "fair." The question of justice is one of beliefs; but we can, by the use of research methods and the preparation of models, address the question of fairness. If attention were diverted from individual cases ("... his case was not fairly determined . . .") to questions of general principles of parole, the understanding and control of the system would, it seems, be increased in great measure. Human attention could then be more thoroughly devoted to humanitarian considerations because the routine comparative work (even although highly complex) could be delegated to "models" of "fairness."

In addition to and moderating the idea of fairness is the idea of effectiveness. We may also see the idea of effectiveness as modulated by "fairness." This interaction is presently without specification of intensity or direction. Estimates of the probability of reconviction would, of course, be included in the "model"; and the expectation of reconviction would have to be reasonably equal among offenders (who were also otherwise similar) for the treatment to be expected to be equal. This would not hold, of course, if the idea of probability of reconviction were ruled as outside the consideration of parole on policy, moral, or other grounds. The effect upon the pattern of decisions, which would be probable under changed emphasis upon the probability of reconviction or seriousness of crime, could be examined. Thus, if the board were known to be taking into account the seriousness of the offense and the courts determined that this was inappropriate, the effect of removing this variable could be plotted. Again, if the behavior of the offender in the institution were thought to be given too little attention relative to other factors, the model could be changed. If the model takes a factor or factors into account, it is possible to show what the expected results would be if any of those factors were changed or eliminated.

The study of criteria used in making paroling decisions (as distinguished from criteria used in predicting parole outcome), cited above, in which board members completed a set of subjective rating scales for a sample of actual decisions, indicated that three factors or focal concerns (severity, parole prognosis, and institutional behavior) were primary.²⁰ Youth Corrections Act cases (which have no minimum sentence and are seen generally within three months of reception) were studied. Using the variable—time to be served before review—as the criterion at the initial decision, it was found that parole board decisions could be predicted fairly accurately by knowledge of their severity and prognosis ratings. Similarly, at review considerations, parole board decisions (parole or continue) were strongly related to ratings of institutional discipline.

From this knowledge, the development of an explicit indicant of parole selection policy was possible. Concerning initial decisions, a chart with one axis reflecting the concern of offense severity and another the concern of parole prognosis (risk) was developed. At each intersection of these axes, the expected decision given (in months to be served before review hearing) is shown.



²⁰ Hoffman, *op. cit.*, *supra* note 18.

In the example above, for high severity-good prognosis cases (such as armed robbery-first offender), the expected decision is 20 months to be served before review consideration. For low severity-poor prognosis cases it is 14 months. At review considerations, cases with adequate-very good institutional adjustment (discipline and program progress ratings were highly correlated) were generally released; those with below average-poor ratings were likely to be continued for another hearing.

As an aid in actual case decision-making, this type of chart could be used in the following manner. After scoring the case on the concerns of severity and prognosis, the parole board member or hearing examiner would check the table to see the expected decision. In practice, a range (e.g., 20 to 24 months) would be appropriate to allow for some variation within broad severity or risk categories. Should the board member or examiner wish to make a decision outside of the expected range, he would be obligated to specify the factors which make that particular case unique (such as unusually good or poor institutional adjustment, credit for time spent on a sentence of another jurisdiction, etc.). At review hearings, the decision to parole or continue would be based primarily on institutional performance. That is (with a few specific exceptions²¹), cases with satisfactory institutional performance could expect release at this time.

Actual Use.—In October, 1972, a pilot project was launched by the U.S. Board of Parole to test the feasibility of regionalization of its operations. This pilot project, comprised of five institutions in the Northeast (which contain about one-fifth of the total board workload), contained a number of innovative features, including panels of two examiners to conduct institutional hearings, the opportunity for inmates to be represented by nonlawyer advocates, speedier decisions, written reasons for parole denial, a two-stage appeal process, and the use of decision guidelines.

For all initial hearings, the hearing panels were instructed to complete an evaluation form which included a severity rating scale and a "prognosis" score (experience table score, called on the form "salient factors"). Should they make a recommendation outside of the guideline table, they were instructed to specify the factors in the case which resulted in this decision. The hearing format summary was designed so that the last section begins with a standard paragraph:

The hearing panel considers this to be a moderate offense severity case with a salient factor score of 9. The subject has been in custody for a total of 2 months.

A decision to continue for 10 months is recommended. (Indicate reasons if outside guidelines.)

For review hearings, completion of the evaluation form was required before any continuance (for reasons other than institutional discipline or failure to complete specific institutional programs) was recommended. If a parole grant was recommended, form completion was not necessary. This was designed so that the guidelines would not be exceeded by arbitrary continuances at review hearings. One exception is that, if the previous continuance was 30 months or more, the evaluation form and guideline table must be completed. This was necessary to deal with the highest offense severity levels where the guidelines might indicate a time to be served longer than possible at the initial hearing (by board policy, continuances are limited to 3 years at one time). At early review hearings (if an inmate shows exceptional institutional progress, he may be recommended by the institution for earlier review consideration), the guidelines are consulted also to see whether the exceptional progress justifies the advanced parole date recommended.

Reports from parole board staff have been extremely favorable concerning both the guidelines and the other regionalization project features. The need for greater consistency in decision-making had long been acknowledged, and the use of the decision guidelines appears to be accepted as serving this need.

Guidelines Modifications.—As the danger of rigidity exists with guideline use as much as the danger of disparity exists without them, procedures for the updating and modification of the guidelines were developed. First, the board may at any time vote affirmatively to change parole selection policy by modifying any guideline category or combination of categories. Second, at 6-month intervals, feedback from the decision-making of the previous 6 months will be given to the board.

²¹ Such as long-term sentence cases involving serious offenses in which the initial continuance (limited to 3 years by board policy) is deemed insufficient.

Implications and Limitations.—The use of explicit decision guidelines for parole selection attunes to a much stressed need for parole boards to formulate a consistent general policy. By articulating the weights given to the major criteria under consideration, it can allow interested publics to assess the rationality and appropriateness of the policy set by their representatives (the parole board). It acknowledges that parole selection is actually a deferred sentencing decision (particularly in the case of low [or no] minimum sentences, as is the general trend), which determines the time to be served before release, rather than a dichotomous yes/no decision. For individual case decision-making, it provides a method of structuring and controlling discretion without eliminating it and holds considerable promise for decision improvement with respect to the issue of fairness or equity. Furthermore, as the factors of severity and risk will be considered at the initial hearing, subsequent hearings, if any, primarily will consider institutional behavior. This procedure should substantially reduce the present uncertainty felt by inmates under indeterminate sentences as to when they will be actually released (and as to what they must accomplish to obtain this release).

The decision guidelines method has implications not only for original parole selection decisions, but also for decisions about parole violation and reparole consideration as well. The method appears equally applicable to (judicial) sentencing decisions where similar problems of disparity arise.

It is important to stress that much work ought to be done in refining the guidelines concept, the scales used, the procedures for applying them in individual cases, and the procedures to be used in their modification. At present, these are admittedly crude. Nevertheless, they appear to be seen as useful. The U.S. Board of Parole has taken the step of attempting to formulate an explicit policy and is facing the knotty issues of discretionary control.

Parole Selection: A Balance of Two Types of Error

In making parole selection decisions, a parole board runs the risk of making two types of error: the first concerns the premature release of individuals who will commit new offenses or parole violations; the second involves not releasing individuals who, if released, would have completed parole without violation. A supplemental report focuses upon a method of assessing the incidence of both error types and describing the balance between them.²² A feedback device to provide information concerning the potential consequences of changes in parole selection policy upon this balance, and the resultant "social costs," is then discussed.

Information Overload: Peace or War with the Computer

Decision research may be considered as developing along two independent lines of inquiry, namely:

1. the axiomatic approach based upon the work of statisticians and game theorists (this method focuses upon what kinds of decisions ought to be made under specified conditions); and
2. the observational or empirical approach (the major thrust in this area has been in the study of small group performance of decision tasks or individual preferences in gaming).

The implications for fundamental research in decision theory and the practice of many of the issues which came into focus during the Federal Parole Decision-Making Project are discussed in a supplemental report.²³ It may be that the strategy for research should now direct more effort toward advancing understanding of the relations between memory and decision-making, and between the axiomatic and the empirical approaches. There are also important moral and philosophical questions which come into the picture through the coincidence between probability and degrees of belief.

This report was originally prepared for publication in the *Journal of Criminal Law and Criminology*, with the aim of directing the attention of legal and criminological research workers to some of the fundamental research issues and findings which were an important by-product of the Decision-Making Project. No new materials are included in the report but, rather, an attempt has been made to consider the possible impact of the materials reported elsewhere in a more general setting. There are implications for decision-making in almost all fields of endeavor and, particularly, in all those areas of the criminal justice system where discretion is exercised.

²² Hoffman, Peter B., *Parole Selection: A Balance of Two Types of Error*, Report Number Ten, Davis, California: Parole Decision-Making Project, National Council on Crime and Delinquency Research Center, June 1973.

²³ Wilkins, Leslie T., *Information Overload: Peace or War with the Computer*, Report Number Eleven, Davis, California: Parole Decision-Making Project, National Council on Crime and Delinquency Research Center, June 1973.

The Reliability of Information in the Parole Decision-Making Study

The collection of information on approximately 6,000 cases and the use of such data for prediction or risk tables requires that some measure of the reliability of that data be made. Although the validity of the information found in Federal prison inmates' files could not be determined, procedures for uniform interpretation and coding of that information were defined. Collection of a reliability sample provided a measure of the degree of agreement among coding staff. The procedure also uncovered areas of coding difficulty and served as a training device for new staff. These issues, with results from two separate reliability studies, are discussed in a supplementary report.²⁴

It was noted above that various studies suggest that less sophisticated methods of combining information—for example, the development of prediction methods—may end up in practice as better than the more sophisticated techniques. It was asserted also that this curious result suggests not that the statistical theory is wrong, but that the nature of the data does not satisfy the assumptions which are made in statistical theory.

An implication—thought to be extremely important for both research and practice—is that major advances in both must await the development of better quality data.

Doubtless some persons concerned with the correctional management system will regard this finding as a blinding glimpse of the obvious. Everybody, it may be claimed, who is closely connected with the processing of offenders knows that the recording of information is not treated with any great respect; and that, in some establishments, the offenders themselves have some responsibility for some of the recording procedures. To arrive at this result, the research workers, as usual, have gone the long way around and have introduced plenty of inconsequential theory! Perhaps the poor quality of the basic data is obvious to some persons, but those persons presumably use the information recorded, or some of it, to make their decisions regarding disposition of offenders, provisioning, or transportation and other questions. It has, it must be assumed, generally been regarded that the quality of the information was "good enough" for its purpose and that any investment of money to increase the quality of data was unjustified. This is now clearly shown not to be the case. As a temporary measure to accommodate poor quality data, we may apply less sophisticated methods to the utilization of it because this strategy provides a better result than that which we can obtain by the use of higher grade methods. There is some analogy with extraction of minerals: high quality ore is needed if powerful methods of extraction are to be used; poor quality ore can be used in rougher methods of extraction. But data are not natural products over which we have no control; data about offenders are generated within the criminal justice system. The criminal justice system is the "consumer" of that data, and the same system is concerned (or should be) with the quality of the product. The products generated out of data are decisions. Decisions cannot be better than the data upon which they are based, no matter what techniques of handling the data may be employed. The conflict of statistical theory with experience in the practical world of decision-making in criminal justice has revealed a fundamental problem of the quality of the raw material, and it has shown beyond all reasonable doubt that the quality of the basic information is not inconsequential.

The Practical Application of a Severity Scale

Since prior study had shown the importance of the concept "offense severity" for parole decision-making, two exercises were conducted with decision-makers in order to develop procedures for more consistent offense severity judgments. Hearing examiners and board members of the U.S. Board of Parole ranked offense descriptions from least to most severe. The results are presented in a supplementary report.²⁵

Agreement on severity ratings, among both examiners and members, was quite high. Differences between members' and examiners' ratings were examined and discussed; but there was a high correlation between average ratings of the two groups.

²⁴ Beck, James L. and Singer, Susan M., *The Reliability of Information in the Parole Decision-Making Study*, Report Number Twelve, Davis, California: Parole Decision-Making Project, National Council on Crime and Delinquency Research Center, June 1973.

²⁵ Hoffman, Peter B., Beck, James L., and DeGostin, Lucille K., *The Practical Application of a Severity Scale*, Report Number Thirteen, Davis, California: Parole Decision-Making Project, National Council on Crime and Delinquency Research Center, June 1973.

The categorization of offenses according to judged severity resulting from these exercises was incorporated in guidelines for parole decision-making developed in order to provide a consistent paroling policy. Since these guidelines are presently in use in a pilot project of actual decision-making, the results found immediate application in a policy revision.

The Balance of Time

Since one major result of the study of parole decision-making reported here was the development and operational use of paroling policy guidelines, it was thought especially important to communicate this aspect of the study to other parole systems. Although those matters were described in the supplemental report cited above,²⁶ it was believed that a film report could be more effective and better focus the discussion at the third national meeting on parole decision-making. The film briefly describes the decision problems of the U.S. Board of Parole, the objectives of the parole decision-making study, and the development and use of the guidelines, emphasizing the need for policy control procedures and their potential contribution through increased equity.²⁷

²⁶ Hoffman and Gottfredson, *op. cit.*, *supra* note 19.

²⁷ *The Balance of Time*, written and directed by Lew Shaw, 23 minutes, black and white, 16 mm.; produced through the generous cooperation of the State University of New York, Albany, New York.

APPENDIX

by Maurice Sigler¹

Are parole boards using the right factors for parole selection? This question calls for a straightforward answer. Unfortunately, the best answer available at this time is an unassured *possibility*. The problem is that we don't know. Not only do we not know whether they are the *right* factors, most often we do not even know what factors they are. Of course, we tell each other and the public that we consider the offense, prior record, educational history, employment history, military record, drug or alcohol problems, institutional discipline, and a host (or maybe I should say "a laundry list") of other factors. But do we know the weights we give to these factors? Does a good military record outweigh a poor alcohol history or vice versa? We may say that each case is an individual—true—but if this is totally true, we will never improve—because only if cases are similar can we learn by experience.

In order to consider the question of whether we are using the *right* factors, we must first find out what the *primary factors* are and what weights we give to them in practice. Then, we may be able to consider whether these are the weights we wish to give to them. In order to do this, we must define some sort of measurement. Saying that certain factors are important in granting or denying parole oversimplifies the issue. The parole selection decision is not merely a yes/no decision. It is much more of a decision as to *when* an inmate is to be released than whether or not he will be paroled. Parole boards deal in time. Moreover, this fact is becoming more and more important. When sentences carried long minimums, the parole decision was one of whether or not to parole. As sentencing trends turn toward the abolition of minimum sentences, as they are currently, parole boards must take on greater responsibility. Within the limits set by statute and by the sentencing judge, the parole board must determine how much *time* the offender is to spend incarcerated before release.

Given, this measurement, we have a starting point. If we can say how long for this offender and how long for that offender, we can look at the various offense, offender, and institutional characteristics and infer how much weight is being given to each.

Looking at how these weights are applied in practice will give us a measure of our unwritten and *implicit* policy. Once we know what we are implicitly doing, we can compare it with what we *think* we are doing or think we ought to be doing. This will put us in a much better position to make our present implicit policies more clearly defined and *explicit*.

To quote from the *Summary Report on Corrections* (prepared by the National Advisory Commission on Criminal Justice Standards and Goals),

"The major task of the parole board is articulation of criteria for making decisions and development of basic policies. This task is to be separated from the specific function of deciding individual parole grant and revocation cases, which may be performed either by the board in smaller states or by a hearing examiner."

That is, the *board* must set standards and explicit policies. The authority to make individual case decisions using these standards may be delegated to hearing examiners. The report continues:

"While discretion is an essential feature of parole board operations, the central issue is how to handle it appropriately."

The U.S. Board of Parole feels that it has taken a step toward these objectives. A Pilot Regionalization Project presently underway proposes a number of innovative features. Case decisions will be made by two-man panels of hearing examiners using explicit decision guidelines determined by the board. The parole board will act as an appellate and policy-setting body. Inmates will be permitted to have advocates

¹ Adapted from an address presented before the National Conference on Criminal Justice, Washington, D.C., Jan. 24, 1973.

to represent them at parole interviews, limited disclosure of the file is being considered, and parole denial will be accompanied by written reasons. Unfavorable decisions may be appealed to the central parole board.

A few words about these guidelines are in order as they relate directly to the factors considered by the board. Recently, an LEAA funded study of the U.S. Board of Parole conducted in collaboration with the Research Center of the National Council on Crime and Delinquency identified three primary factors used in making parole selection decisions. These are (a) the severity of the offense, (b) parole prognosis, and (c) institutional performance. It is recognized that these are broad categories and that there is some overlap among them.

Guidelines for parole decision-making have been developed which relate these factors to a general policy regarding the time to be served before release. Briefly, the determination of the severity of the offense and of parole prognosis (using a predictive device developed for the parole board as a guide) indicate the expected range of time to be served before release. These guidelines are presented in the form of a table with six levels of offense severity and four categories of parole-risk. For example, a low-moderate severity offense case (such as unplanned theft) with a *very good* parole prognosis might be expected to serve 8 to 12 months before release. As a starting point, board decisions during the preceding 2 years were analyzed and tabulated to provide this policy profile. Within this range, the subject's institutional performance and parole plan will be considered. When unique factors are present (such as extremely good or poor institutional performance) and a decision falling outside of the guidelines is made, specific reasons will be required.

These guidelines will serve two functions: (1) they will structure discretion to provide a consistent general parole board policy; and (2) in individual cases they will serve to alert hearing officers and parole board members to decisions falling outside of the guidelines so that either the unique factors in these cases may be specified or the decision may be reconsidered. It is felt that the provision of guidelines in this manner will serve not to remove discretion, but to enable it to be exercised in a fair and rational manner.

Every 6 months, feedback concerning the decision trends during the preceding 6 months will be presented to the board. This will prevent rigidity and allow modification of the guidelines when necessary. Furthermore, data on unusual cases (cases falling outside of the guidelines) will be recorded to identify recurring situations which then may be used to provide auxiliary examples. That is, cases with deportation warrants may provide recurring situations which call for a different policy.

It is hoped that these guidelines will accomplish a number of things. They are designed to structure and control discretion without removing it. They are designed to provide an explicit and uniform paroling policy, contributing to the issues of fairness and equity. They will force decision-makers to specify the unique factors in each case where these factors are sufficient to cause the decision to vary from established principles. By placing the consideration of severity and risk into the initial hearing, subsequent hearings (if any) may deal primarily with institutional performance. Under this system, inmates will have a clearer idea of their prospective release dates, thus reducing the psychological uncertainty engendered by the indeterminate sentence.

At a minimum these guidelines help articulate the factors used—the severity of the offense, risk of recidivism, institutional performance—and the weights given to them in determining the time to be served before release. Undoubtedly, some will feel that these weights or these factors are inappropriate. Unquestionably, a broad range of opinion in the formation of *parole selection policy* is desirable. However, it is also unquestionable that in the administration of this policy by individual case decision-making, consistency is necessary from the standpoint of fairness and equity. Without explicit policy to structure and guide discretion, decision-makers, whether parole board members, hearing examiners, or judges, tend to function as rugged individualists. While this may be desirable in our economic system, its suitability for our system of criminal justice is extremely questionable. However, if we can make what we are presently doing explicit and, thus, more consistent, we can better argue over whether we are giving too much weight or not enough weight to the factors mentioned or any other factor or set of factors.

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