

Summary of the Structured Parole Decision Making Framework (SPDMF)

In 2004 Parole Board Canada approached me to assist in the review of its decision making practices and to develop a strategy to inform and potentially improve Board members' decisions regarding the release of offenders to the community. PBC is comprised of 73 Board members (42 full-time, 31 part-time) who annually complete approximately 19,000 decisions regarding the timing and conditions of release for all federal offenders and for all but 2 of the provinces. Although the existing Corrections and Conditional Release Act provided the requisite legislation regarding eligibility criteria for early (parole) release, it was relatively vague regarding direction. The Board was simply instructed to balance public safety with offender rehabilitation. Operationally this resulted in a long list of factors to consider but no guidelines regarding their relative importance. Of concern was that within such a context, decisions were potentially inconsistent across decision makers and therefore inaccurate. As well, a recent survey indicates that crime remains an important concern for Canadians, in the top 6, and that it warrants greater financial expenditures (Queen's University, 2006).

A survey of Board members' views regarding factors they presently consider in granting (mitigating) or denying (aggravating) release was conducted along with a review of the extant literature on risk assessment, correctional practices, and decision making. These were integrated to provide an empirically-informed Structured Parole Decision Making Framework that was anchored by risk estimates of offenders' likelihood of future offending. This new framework was novel in that it incorporated decision makers' conventional wisdom but structured it to ensure improved analysis of individual cases and relevant research findings, while maintaining some level of discretion by Board members. Paroling authorities throughout the world have greatly resisted limits on their discretion, often rejecting decision grids and statistical scales as being too prescriptive.

Over 6 years the program of research has evolved to demonstrate its validity for use with violent and nonviolent offenders, women offenders and Aboriginal offenders as well as getting buy-in from PBC. The Framework was adopted as a national policy requirement by PBC for use in all release decisions in 2011 and has been fully incorporated into its training of Board members and most recently for all new Parole Officers in Corrections Canada. Following pilot research in the US last year, it has also been adopted as a national training standard for Board members in the United States, with 4 states per year to receive training for full implementation.

The SPDMF has met 3 broad objectives: 1. It ensures equitable parole decisions for a vulnerable segment of Canadian society. 2. It has defined quality parole decision making, thereby enhancing the transparency and accountability of PBC decisions, of the utmost concern to Canadians. 3. Its demonstrated improved accuracy (4%) should lead to \$12M in annual savings for Canadian criminal justice partners, and hence Canadian taxpayers.

Description of the Innovation

Context

One of my priorities upon beginning at Carleton was to develop a program of research regarding correctional decision making. The intent was to go beyond the development of specific risk scales and to integrate research among related areas of correctional practice to define a *quality* release decision. By quality decision, my view was one that would reflect extant literature, require an analysis of individual case characteristics, be anchored by a valid risk instrument, increase concordance among decision makers, and sustain scrutiny in the event of a subsequent community failure (false negative). Of concern in Canada is that the PBC makes decisions regarding the timing and conditions of release, but it is not responsible for the supervision of released offenders. This means that events beyond the control of the PBC could change between the time of the release decision and the subsequent failure. Essentially, PBC was being held accountable for the outcome, not the decision. Improved clarity of the decision process could better situate the distinction between the decision process and offender outcome. Although both are certainly important, their evaluation should focus on different factors. The situation in 2004 conflated the two.

When PBC approached me to review their decision making process and make suggestions for improvement, I viewed this as a wonderful opportunity to bridge research with practice. An important first step was to determine how Board members report completing release decisions, cognizant that individual's self-reports is not an overly reliable index of how they actually perform. Accordingly, a national survey of Board members was conducted (Serin & Scott, 2006), informed in part by prior research but this work preceded a comprehensive review that described factors important in parole decision making in the US by Caplan (2007). Concurrently, a comprehensive review of relevant corrections literature was undertaken and a technical report provided to PBC (Serin, 2006). This review considered risk assessment, institutional adjustment, correctional programming (dosage, curricula and outcome), mental health, violence (nonsexual, sexual, intimate partner) and release planning.

Innovative Elements

Of particular interest was to develop an integrative framework that would enhance Board member analysis such that the decision would be understandable to various stakeholders, including offenders. First, it was important to anchor the structured framework with a statistical risk estimate, given their superior accuracy (Grove & Meehl, 1996). It was also important that different risk scales could be utilized, since there are unique instruments validated for different types of offenders (sexual offenders, mentally disordered offenders, violent offenders, intimate partner violent offenders). Second, it was necessary to distill the

research literature into useful domains that would incrementally inform analysis, and optimally accuracy. Third, it was necessary to develop a model that could be applied to cases irrespective of gender and ethnicity, thereby minimizing bias. Fourth, it was important to develop a model that could bridge group-based or nomothetic information (i.e., statistical risk estimates) with case-specific or idiographic factors. In 2004, such a model was unique within corrections risk assessment and decision making. Fifth, the model needed to be dynamic such that offender change (i.e., rehabilitation) could be reflected in decision making. Sixth, it was important to address the issue of discordant information. It is not uncommon for there to be discrepant information or reports (e.g., clinical opinion, risk assessment) that must be reconciled. Decision makers must explicitly indicate that they have considered *both* points of view and a rationale for their decision. Otherwise, in the event of an unpredicted outcome one of those views will appear prescient and ignored by the decision maker, thereby potentially increasing culpability. Finally, the SPDMF had to be easily understandable by Board members, appear value-added, and not overly prescriptive, thereby assuring autonomy of individual decision makers. The final model met all these requirements and ensured that two cases with a similar crime, sentence, and risk estimate could receive different release decisions (grant versus deny) and this difference could be meaningfully explained in terms of offender rehabilitation and public safety issues, as required by law.

Description of Structured Parole Decision Making Framework

Following the inclusion of a statistical risk estimate, the SPDMF has 7 broad domains which decision makers rate as being aggravating, mitigating or having no impact on their decision, relative to other offenders. The domains are: i) criminal history*, ii) ability to control behaviour, iii) programming, iv) institutional behaviour*, v) offender change, vi) release plan*, and vii) case-specific factors* (* factors also identified by Caplan's (2007) review).

The Framework was developed to reflect a psychological understanding of criminal behavior that would inform case-level analysis and distinguish among offenders, even those with similar risk estimates. Risk estimates are most informed by criminal history factors so that is a key domain but it was also important to reflect increased severity of offending, escalation of offending, and decreased time periods between crimes. As well, crime is most often spontaneous so it was important to sample salient factors that influence self-control (e.g., substance abuse, poor problem solving, sexual deviance, and poor impulse control). Next, the Framework considered rehabilitation programming as this is one of the major strategies to reduce or manage offender risk. More effective programs are cognitive behavioural, match offender treatment needs and provide appropriate dosage, relative to offender risk. Cognitive behavioural programs such as those in CSC have been demonstrated to reduce re-offending by 10-20%. The next domain considers institutional behaviour as it is a reflection of offender

performance while incarcerated. Poor adjustment in terms of misconducts is a modest predictor of post-release outcome. Offender change is the next domain included in the Framework and captures the extent to which there is evidence that the offender has changed since the commission of the crime, usually as a function of completion of offender programs. Board members must also consider the viability of the specific release plan for the individual offender in terms of its suitability and management of risk (e.g., access to accommodation and employment, potential victim access, ongoing community support). Finally, a domain called case-specific factors was created to provide decision makers the opportunity to highlight idiosyncratic risk and/or protective factors otherwise not considered within the Framework.

Validation of the SPDMF

The series of validation studies formed student-based research for academic credit within my Criminal Justice Decision Making Laboratory Carleton. The initial SPDMF was reviewed with PBC stakeholders and then validated using retrospective data (Gobeil & Serin, 2005). Case file documentation up to the time of the original release decision was reviewed and coded according to the Framework manual. The coder(s) were blind to the original decision and eventual outcome. The “recommended” decision from the Framework was compared to the actual decision and subsequent outcome. The initial success of this validation study led to further refinements and additional validation studies. These studies utilized the same methodology for a larger random sample of representative cases (men and women) (Scott & Serin, 2006) with a 6% improvement in decision accuracy. The Framework was then applied to provincial cases (Griffith, Serin & Gobeil, 2007), as they serve shorter sentences and case documentation is less, with similar success. Next the Framework was applied to 42 Board of Investigation cases (i.e., sensational violent parole failures. The Framework yielded a marked 40% improvement in accuracy (Serin, 2007). Finally, the Framework was used with Aboriginal offenders yielding a slight increase in accuracy (2.5%) but reflected a clear consideration of Aboriginal issues according to Gladue, a legal ruling requiring differentiated criteria and sanctions by the criminal justice system (Gamwell & Serin, 2009). In all these studies, the SDMF was successfully applied to retrospective file reviews and overall led to a 4-6% improvement in decision accuracy. Compared to conventional decisions, reductions in both false positives and false negatives were demonstrated. This means the new Framework more accurately identified cases who were initially denied parole but who subsequently succeeded upon release (false positives) as well as cases whom were granted release and who subsequently re-offended (false negatives). Importantly, the greatest gain comes from a reduction of false positives, meaning a small but meaningful reduction in incarceration costs. It also means that the requisite information is available to decision makers. The structured use of this information in the completion of the Framework can enhance parole decision making accuracy and accountability.

Of note, inter-rater reliability was initially modest but with success iterations and improved training, this reached 0.82.

Recent Research

Supported by the National Institute of Corrections (US), 2 studies were conducted. The first was a pilot implementation project across 3 states – Connecticut, Kansas, and Ohio. The 2014 results were favourable (<https://info.nicic.gov/nicrp/system/files/028408.pdf>) and led to the SPDMF being adopted as a national training standard in the US for new Board and Chair training provided by NIC. Subsequently, we conducted an evaluation of the implementation of the Framework in Connecticut, comparing results prior to and following its use by the Board (Wardrop, Serin, Gobeil, Rentler & Braxton, 2017 APAI conference presentation; Wardrop, Serin & Rentler, submitted for publication). Application of the Framework yielded reductions in failure rates for technical violations, new offenses and absconding. There was an overall 16% (72% relative) decrease in revocations with a new offense following implementation of the SDMF for a \$9M cost savings (cost of prison savings minus court and supervision costs). Research is ongoing.

Sites Using the SDMF

The Framework was formally incorporated into CSC's new national Parole Officer Induction Training curriculum in 2013 to facilitate case management expertise. And it is part of new PBC new Board member training. NIC continues to sponsor technical assistance to implement the SPDMF across US Paroling Authority sites. In addition to PBC, it is currently used in Kansas, Ohio, Connecticut, South Dakota, Washington State, Kentucky, and Utah. California and Arizona have requested training for this fiscal year and Washington State has requested refresher training given Board member turnover.

Summary

The SPDMF subtly incorporates nuances relating to risk assessment and offender change to provide decision makers with an elegant but straightforward and defensible analysis of an individual offender who has applied for early release to the community. This analysis of rating domains as aggravating or mitigating or no impact are then integrated with the offender risk estimates to yield a final decision and utilized by Board members to write their rationale for their decision. A flowchart depicting the initial versions SDMF is presented below. There have been slight revisions (Serin, 2017) distinguishing between risk relevant and policy relevant factors, as well as refining case-specific factors and eliminating a risk estimate adjustment.

Decision Making Framework

