

Protecting Parole Board Legitimacy in the Twenty-first Century: The Role of Victims' Rights and Influences

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Abstract: A retrospective analysis of the 20th-century victims' rights movement concludes that through state and federal legislative enactments made during an especially punitive social climate, victims shifted the priorities of parole boards from meeting the historically individualized needs of inmates to responding to the demands from victims that offenders should serve more time in prison. Reprioritizing victims' interests to the same or greater extent could greatly limit or even abolish parole as an early release option in the 21st century. Recommendations are made for paroling authorities to actively preserve their valuable functions in the American criminal justice system while maintaining procedural justice for victims and key constituents.

Keywords: parole, victim rights movement, public, policy, procedural justice, victim, input, participation

INTRODUCTION

The victims' rights movement that began toward the end of the 20th century in the United States paralleled a rise in American punitiveness toward criminal offenders, and brought victims to the forefront of criminal justice-related discussions as they shaped justice policies and practices nationwide. Increased attention to and support for crime victims has been a much-needed improvement to the criminal justice system. However, victims' expectations of limitless influence can paralyze the parole system by forcing it to operate in a manner contrary to its founding principles, which sets it up for failure. This is because a parole board's organizational mandate is to ensure long-term public safety by assessing risk and supervising offenders in the community while assisting

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with their reintegration. This can be, and frequently is, at odds with victims' sentiments to increase the severity of punishments and to limit opportunities for early release out of concern for undue leniency. Victim frustration and public outrage can occur over time when expectations concerning the influence of their opinions about parole releases are seldom realized (Davis & Smith, 1994b; Erez, Roeger, & Morgan, 1997; Erez & Tontodonato, 1992). This propels victims' groups to seek further limits on opportunities for parole and to control release decisions.

On the one hand, paroling authorities are obligated to be responsive and sympathetic to victims and other constituents. In this regard they must cater to and react to public perceptions and the political and social environments within which they operate. On the other hand, they must operate as a body of experts to make reasonable, objective, and evidence-based decisions that are consistent with the framework of parole's principles. In this regard, they must first make assessments of individual risk and then decide how to manage risk for short- and long-term general public safety. The actions and attitudes required of paroling authorities to successfully accomplish these tasks can be contradictory when victims' emotional appeals to deny parole are not congruent with evidence-based risk assessments. Attempting to satisfy both forces—public (i.e., victims') opinions and mandates for evidence-based, objective decision-making practices—can lead to failure on both fronts. Any failure attributed to the parole system, even in the face of mostly successful paroles, can lead (and has led) to public condemnation and is a threat to the legitimacy of the whole system of parole in America. This is the conundrum parole authorities face today.

The system of parole is at a crossroads. Its principle organizational obligations and activities are increasingly at odds with victims' expectations of what punishment and prisoner reentry should be. There are arguably other factors beyond victims that could obfuscate the mission of parole boards, but the scope of this paper is to highlight the specific and powerful influences victims can have on parole, along with the related political and social risks that paroling authorities face in the 21st century. I begin with a historical overview of the American parole system and explain how supervised release from prison was considered an important part of the adult prison experience until relatively recently (i.e., the 1970s), when a punitive social and political climate forced paroling authorities to move away from a unifying systemwide model of rehabilitation and community reintegration. The two sections that follow define "punitiveness" and discuss in detail how and why changes to America's parole system, beginning in the 1970s, paralleled public demands for more punitive punishment and the birth of a politically powerful victims' rights movement. A retrospective analysis concludes that through state and federal legislative enactments, victims' rights groups shifted the discretionary priorities of parole boards from meeting the individualized needs of inmates to responding to

the punitive demands of victims that offenders should serve more of their sentences in prison. This is followed by a discussion of the contemporary intersection of victims and parole—and how the relationship is aggravated by unsustainable correctional populations, unmet expectations, and unproductive victim-centric policies that reinvigorate 21st-century victims to demand more enforceable influences on parole boards. If history is any guide, prioritizing victim-oriented concerns again—to the same or a greater extent than has already occurred post-1970—could greatly limit or even abolish parole as an early release option. This paper serves to raise this issue and concludes with recommendations for paroling authorities to actively (and preemptively) preserve the traditional mission and valuable functions of parole in the American criminal justice system.

HISTORY AND ORGANIZING PRINCIPLES OF PAROLE

Parole is a component of the criminal justice system tasked with decision making that is inextricably intertwined with short-term risk assessment and long-term public safety (Paparozzi & Caplan, 2009). Early release to parole is not leniency. Parole serves a valuable social function by supervising institutionalized persons immediately upon release and aiding in their community reintegration at a time when they are most at risk of recidivating (Austin & Hardyman, 2004; Langan & Levin, 2002; Ostermann, 2009; Ríos & Green, 2009). The concept of parole began during the juvenile justice movement of the 18th and 19th centuries. Interested in the problem of young people and crime, and after having visited prisons, concerned members of society became convinced that confining juvenile and adult offenders together bred future criminals (Packel, 1977). They advocated separate juvenile institutions that would stress reformation as much as the protection of society (Packel, 1977). It was through the reformatory system that delinquent, crime-prone, and status-offending juveniles were believed capable of being converted into responsible and productive citizens (Platt, 1969; Shichor, 1983). As the name implies, the purpose of reformatories was to encourage reformation rather than to instill punishment. Their principal characteristics were (1) indeterminate lengths of stay, (2) a grading system to measure each inmate's progress, and (3) parole for those inmates who demonstrated that they benefited from the program of reformation (Packel, 1977; Platt, 1969). In both theory and practice, the parole system that emerged out of the juvenile justice reform movement incorporated ideals provided by a medical model which regarded crime and delinquency as a product of sickness and disease and, therefore, amenable to treatment (McCarthy, 1976–1977). By the late 1890s, sociologist Charles Cooley (1896) observed that criminal behavior depended as much upon social and economic circumstances as it did upon the inheritance of biological traits. “The criminal class,” Cooley said, “is largely the result of society's bad

workmanship upon fairly good material” (Platt, 1969, p. 24). In support of this argument, Cooley suggested that many “degenerates” could be converted into “useful citizens by rational treatment.”

For much of the 20th century, preparation for release from prison was considered an important part of the adult prison experience, and most correctional systems provided programs to prepare inmates for the transition to communities. From the 1950s through the 1970s, educational and vocational programs, substance abuse and other counseling programs, therapeutic communities and other residential programs, and prison industry work programs were important parts of prison operations (Burns, Kinkade, Leone, & Phillips, 1999; Seiter & Kadela, 2003). Even when these programs were voluntary, adult inmates participated to impress parole boards and to improve their chances of favorable parole decisions. Prior to 1975, every state utilized indeterminate sentencing (Bernat, Parsonage, & Helfgott, 1994; Griset, 1996; Tonry, 1999a) and parole boards were given broad discretion to determine if an inmate should be released. The core features of indeterminate sentencing are (1) broad authorized sentencing ranges and (2) parole release (Tonry, 1999a). Parole was based on the premise that rehabilitation of offenders is a primary goal of corrections and that decisions affecting inmates should be tailored to them on a case-by-case basis (Bernat et al., 1994; Hoffman, 1994; Tonry, 1999a; Turpin-Petrosino, 1999).

Today there is no standard approach to parole across jurisdictions, and paroling authorities differ so greatly that reasonable people can disagree over which label best characterizes a particular state or jurisdiction (Kinnevy & Caplan, 2008a; Tonry, 1999b). This highlights the trend that parole systems have been moving farther away from a unifying systemwide model—such as rehabilitation or community reintegration—that was common throughout much of parole’s history in the United States (Kinnevy & Caplan, 2008b). Such fragmentation weakens the resiliency of individual paroling authorities, which (as will be discussed later in more detail) can delegitimize the entire system as negative perceptions about paroling authorities in general are predicated on the images of and commentary about the leniency or failure of only a few. In other words, contemporary policies and practices of the American parole system are not as unified as they once were, but public perceptions about parole and activities to control parole boards are still often generalized across all jurisdictions. This is evident in the sweeping legislative changes to parole practices over the last 40 years.

Changes to Parole Practices

Parole board officials have historically required broad authority to decide release decisions, treatment needs of individual offenders, and the public safety risks inmates might pose (Tonry, 1999b). These and other tasks

related to parole decisions are complex, requiring an understanding of the correctional treatment literature as well as theory and research associated with criminology, psychology, and sociology (Caplan & Paparozzi, 2005). There have been few, if any, discussions in professional circles about the need to consider the relationship between the skill sets required to effectively make parole decisions (Caplan & Paparozzi, 2005). Instead, lack of support for prisoner rehabilitation, and public perceptions that the criminal justice system was too lenient, led to widespread reform movements in the mid-1970s which sought to, among other things, reduce parole releases (American Friends Service Committee, 1971; Benekos, 1992; Bernat et al., 1994; Davis, 1969; Garland, 2001; Gottschalk, 2006; Martinson, 1974; Metchik, 1992; Turpin-Petrosino, 1999; Van den Haag, 1975; Wilson, 1975). As a result of this "get tough" movement, determinate sentencing—fixed sentence lengths—and parole guidelines were introduced to replace indeterminate sentencing and to better control and predict parole release decisions (Benekos, 1992; Bernat et al., 1994; Turpin-Petrosino, 1999).

In August 2001, the Department of the Attorney General of Hawaii released a major study of prison sentence lengths, parole decision making, parolee recidivism, and other corrections-related information based on the records of 314 prisoners released during fiscal year 1998 (Kassebaum et al., 2001). The study found that while the average maximum prison sentence length imposed by the courts decreased from 1997 to 2000, the average minimum sentence length as determined by the Hawaii Paroling Authority increased during the same period. Minimum incarceration lengths increased by two years for violent offenders, one year for property offenders, and one month for drug and other offenders (Kassebaum et al., 2001). This trend is not unique to Hawaii. At the beginning of 2005, over 4.9 million adult men and women were under federal, state, or local community supervision programs; approximately 765,400 were on parole. Of state parole discharges in 2002, 45% successfully completed their terms of supervision, 41% were returned to jail or prison, 9% absconded, and data about the remaining 5% are unknown (Caplan, 2006). In a nationwide survey of paroling authorities (PAs), Kinnevy and Caplan (2008a) found that nearly all PAs require program completion as a condition of release, but only two PAs reported having enough programs to meet demand. Longer time in prison, juxtaposed with a decrease in prerelease planning and vocational and educational programs, yields longer periods of detachment from family and social networks—making eventual reentry from prison more difficult. "The inescapable conclusion," explained Travis and Petersilia (2001, p. 300), "is that we have paid a price for prison expansion, namely a decline in preparation for the return to community. There is less treatment, fewer skills, less exposure to the world of work, and less focused attention on planning for a smooth transition to the outside world." Rehabilitation and the medical model of corrections and parole

are no longer functionally appropriate guidelines for the current demands of parole boards (Caplan, 2006). These profound changes to America's system of parole paralleled an increasingly punitive social climate. As discussed in the next sections, victim groups benefited from this climate by usurping America's collective punitive consciousness to successfully lobby politicians for victim-centric reforms to the criminal justice system.

CHANGES TO AMERICA'S PAROLE SYSTEM PARALLELED INCREASING PUNITIVENESS

Punitivity has been described by some as a state of mind or worldview resulting more from anxieties and insecurities about social change than from a rational response to crime problems (i.e., Brown, 2006; Tyler & Boeckmann, 1997). Others describe punitivity as public responses that indicate support for harsh social controls, which can be evaluated by looking at public opinion survey data about crime and sentencing (i.e., Cullen, Fisher, & Applegate, 2000; Doble, 2002; Matthews, 2005). Applying the first perspective (that punitivity is a state of mind or worldview) to the past 40 years, Brown (2006) suggested punitivity arose out of the experience of unsettled sociopolitical conditions and the desire to ask for some form of control in a seemingly out-of-control world. Victims' feelings of being violated by criminals and their general exclusion from most criminal justice proceedings prior to the 1970s (see the next section, "Victims' Rights and Influences Blossomed in a Punitive Social Climate") contributed to victims' increasing vocal support for harsh social control of offenders. Offenders are traditionally marginalized members of society and relatively easy targets of scorn. For the purposes of this paper, references to the terms "more punitive," "harsher sentences," or similar variations thereof refer to longer periods of incarceration for people convicted of criminal activity. Punitiveness, therefore, refers to the degree of punishment for individuals convicted of committing crimes that is judged appropriate by society's collective consciousness (Durkheim, 1951/1979). Degrees and types of punishment advocated for by victims' groups can be used to measure America's collective consciousness regarding punishments for criminals. Although the relative number of victims and victim advocates may be small, they are organized and the public defers to them on issues regarding punishment because they are seen as informed (as much as they are seen sympathetically). Victims are assumed to have the moral authority to speak on the public's behalf and, therefore, their influence (i.e., social, political) is often greater than their absolute numbers imply.

Since the 1970s, most U.S. states and the federal government comprehensively overhauled sentencing laws and policies to reduce officials' discretion and to make prison sentences longer (Champion, 1987; Tonry, 2001). The result has been that prison populations increased by both proportion and absolute

numbers as more inmates remain incarcerated for longer periods of time. Increasingly harsh and more punitive sentences are evident in all regions of the United States, including southern and northern states (Borg, 1997), and are applied to all types of offenders—including juveniles and the elderly (Champion, 1987). “If children and those over 65 are dropped from the denominator,” wrote Tonry (2001, pp. 517–18), “nearly one in 50 adult Americans is locked up. Those rates are five times higher than at any time . . . prior to 1973 when they began their unprecedented climb.” U.S. incarceration rates are higher than any other Western country in the world. Research in this field suggests that the best explanation of these comparative national trends remain political and cultural to the particular nations (Borg, 1997; Champion, 1987; Tonry, 2001).

America became more punitive as elected officials enthusiastically placated victims' concerns by enacting new laws, harsher sentences, and new punishments that victims' groups favored. Exponentially growing incarceration rates are part of a wide array of predominantly more punitive policies and practices in America (Platt & Takagi, 1981; Pratt, 1998). On a broad basis these practices include: the publication of names and photographs of offenders and ex-offenders on their release from prison; the ability to try juvenile offenders as if they were adults; the acceleration in the number of women being sent to prison compared to men; the demonstrations by victims' groups outside the homes of known (usually sex) offenders; the reintroduction of chemical or physical castration for sex offenders as a prerequisite for parole; the reintroduction, expansion, and use of the death penalty; the provision of stigmatic clothing for offenders undertaking community service; the attempted limits on discretion for judges and parole board members; initiatives such as Megan's Law; real offense sentencing (Tonry, 2001); mandatory minimum and truth-in-sentencing laws; stricter enforcement of juvenile curfew laws; increased use of chain gangs; and the implementation of “three-strikes-and-you're-out” legislation. Prior to 1970, these aforementioned policies and practices were modest in scope and severity, or nonexistent. Many are now commonplace in the United States and rare or nonexistent elsewhere in the world (Tonry, 2001).

Tolerance, sympathy, or rehabilitation for offenders that was evident until the second half of the 20th century nearly disappeared as “get tough” and “zero tolerance” became catchphrases of policies and practices throughout the last four decades (Pratt, 1998). Much of the rhetoric and ideology associated with penal reforms was based on brutalizing language and images about crime and violence that instilled a sense of anxiety and fear and a looming national crisis. In response to victims' (and the public's) concerns about crime, and beliefs that many serious offenders were released from prison too soon, lawmakers at both the state and federal levels passed legislation increasing penalties for criminal offenses, particularly violent crimes (Clark, Austin, & Henry, 1997; Platt & Takagi, 1981). “Crime rates rose and then fell,” stated Tonry (2001,

p. 526), “public attitudes became tougher, politicians exploited public fears for partisan advantage and massive social changes occurred. All of these things happened and in various ways influenced penal sensibilities and through them punishment policies and practices.” The cultural and political influences of victims’ rights advocates also directly affected legislative changes in penal and parole policies and practices (Brown, 2006; Office for Victims of Crime, 1998b; Smith, Sloan, & Ward, 1990; Valier, 2004). A victim’s right to provide input to parole boards in order to directly affect parole release decisions is one example (Browne, 2004; Nard, 2004; National Center for Victims of Crime, n.d.; Parsonage et al., 1994; Smith et al., 1990). This and other criminal justice reforms occurred (in part) as politicians addressed victims’ rights issues in political and stereotyped ways in order to win elections and maintain popular support (Brown, 2006; Tonry, 2001). The Office for Victims of Crime reported in 1998 that few movements in the history of the United States have achieved such success in uniting the kind of legislative response that the victims’ rights movement has fostered since its inception. As discussed in the next section, a punitive social climate—combined with victims’ impassioned desires to participate directly with justice practitioners—was the perfect storm for victim advocacy groups to prosper and to influence America’s collective consciousness and, ultimately, criminal laws.

VICTIMS’ RIGHTS AND INFLUENCES BLOSSOMED IN A PUNITIVE SOCIAL CLIMATE

The earliest criminal prosecutions were generally private proceedings through which a victim sought retribution against and restitution from the perpetrator of the crime (Tobolowsky, 1999). The crime victim’s central role in these “ancient” proceedings is evidenced by provisions of the Torah, the Code of Hammurabi, and other ancient codes which often prescribed retributive sanctions and required that offenders repay in kind or extent their victims’ suffering (Tobolowsky, 1999). This victim-oriented system of redress continued in early Western law until around the 11th century, when monarchs and their governments became increasingly involved in addressing harm inflicted by their subjects on each other (Tobolowsky, 1999). According to Tobolowsky (1999, p. 21), “As countries became more organized and structured, . . . governments began to assume greater responsibility for the initiation and conduct of criminal prosecutions, a change which substantially reduced and often virtually eliminated the crime victim’s previous role in the criminal justice process.” This trend occurred in the United States as the country moved from a collection of colonies to a federated nation of states (Tobolowsky, 1999). The American public criminal prosecution model, and its often-routine marginalization of the crime victim, continued until the 1970s when a victims’ rights movement emerged (Gottschalk, 2006; Tobolowsky, 1999). Sparked by the first

national victimization survey in 1966 (by the President's Commission on Law Enforcement and the U.S. Department of Justice) (Schneider, 2001; Young & Stein, 2004), the victims' rights movement emphasized making the crime victim an integral part of criminal prosecutions and sought to establish a greater role for crime victims in the criminal justice system (Office for Victims of Crime, 1998a & 1998b; Tobolowsky, 1999). The movement was energized by outspoken crime victims and survivors—armed with both personal tragedies and empirical victimological research. These people significantly increased public awareness, public policy, and program implementation in the United States. Victim-centric concerns returned to the forefront of criminal justice proceedings through a variety of measures—including the enactments of state legislation to provide compensation for victims of violent crimes, the creation of state victim services and assistance programs, and the establishment of national organizations focused on general or specific crime victim issues (Tobolowsky, 1999).

Early victim advocacy and support groups shared basic elements of service and mission: crisis intervention, counseling, compensation, restitution, and support during criminal justice proceedings. Families and Friends of Missing Persons, for example, was organized in 1974 in Washington state by survivors of homicide victims. The initial purpose was to provide support to people whose loved ones were missing or murdered. As one homicide victim's mother said at that time, "When I wanted to talk about my son, I soon found that murder is a taboo subject in our society. I found, to my surprise, that nice people apparently just don't get killed" (Young & Stein, 2004, p. 4). Families and Friends of Missing Persons soon evolved into an advocacy group (Young & Stein, 2004). Many other support groups (such as Protect the Innocent in Indiana, founded in 1977; Parents of Murdered Children, founded in 1978; and Mothers Against Drunk Driving (MADD), founded in 1980) turned into advocacy groups wielding tremendous influence in policy and legislation. Edith Sorgan, whose daughter was killed in 1976, founded the New Mexico Crime Victim Assistance Organization, which was the driving force behind establishing victim compensation legislation in that state (Young & Stein, 2004). Bob Preston (whose daughter was murdered in Florida) and Greg Novak (whose sister was murdered in Chicago by a man who was granted unsupervised release from the state hospital) cofounded Justice for Victims and lobbied successfully for one of the first state constitutional amendments for victim rights that was passed in Florida in 1988 (Young & Stein, 2004). According to Cindi Lamb, cofounder of MADD, "Probably one of the foremost strategies is giving the victim a face" (Young & Stein, 2004, p. 4).

Grassroots victims' groups achieved national impact when they urged state officials to institutionalize victim assistance. As early as 1971, New Jersey established the Violent Crimes Compensation Board to compensate victims for personal injury or death from certain violent crimes (New Jersey Statutes

Annotated [N.J.S.A.] 52:48-3; Reisner, 1999). This was the beginning of many more important policy changes to come. In 1980, California established state funding for victim assistance, and Wisconsin passed a Victim's Bill of Rights (Young & Stein, 2004). In 1981, President Ronald W. Reagan declared a National Victims' Rights Week, and endorsed the core of the new policy platform on victims' rights that was incorporated by the National Organization for Victim Assistance's (NOVA) National Campaign for Victims' Rights (Young & Stein, 2004). Shortly thereafter, Reagan commissioned a presidential Task Force on Victims of Crime and Senator H. John Heinz drafted the Federal Victim and Witness Protection Act, which became law by a unanimous consent vote on October 12, 1982 (Young & Stein, 2004).

The passage of the Federal Victim and Witness Protection Act, and the release of the final report of President Ronald Reagan's Task Force on Victims of Crime, brought national prominence to crime victims' concerns. The task force held six hearings across the nation before releasing the final report, with 68 recommendations addressed to federal and state governments that primarily encouraged greater victim access to and participation in the criminal justice process (Office for Victims of Crime, 1998a & 1998b; Smith, Watkins, & Morgan, 1997; Tobolowsky, 1999). Among these recommendations was that parole authorities notify victims and their families of parole hearings and allow them or their representatives to attend the hearings and convey the crime's effects on them (Tobolowsky, 1999). Three years later, the victims' rights movement gained international recognition with the adoption of the United Nations (1985) "Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power." Responding to the growing demands and popular support of the nationwide victims' rights movement and its international legitimization, most state lawmakers passed versions of crime victims' bills of rights which contained provisions designed to improve the lives of victims and witnesses and strengthen their influence over criminal justice proceedings, including parole hearings. Most of these legislative enactments that were sympathetic to victims remain in place today; many have been strengthened in the victim's favor (Kinnevy & Caplan, 2008a).

THE INTERSECTION OF VICTIMS AND PAROLE

Among the greatest negative impacts of policies and practices advocated for by victims' groups has been to the system of parole. Parole boards are downstream from the socially and politically difficult problem of overcrowded prisons (Caplan, 2006; Zimring, 1996) and they are forced to respond to the symptoms of an increasing prison population often without adequate resources or overwhelming public support. The principled mission of parole is (and has always been) to evaluate risk and rehabilitation and supervise inmates in the

community and assist with their reintegration. These objectives are at odds with victims' vengeful demands to get tough on crime by carrying out more punitive sentences and limiting early parole release.

By reducing parole officials' discretion, creating mandatory fixed sentence lengths, and making the parole process more actuarial, U.S. states have attempted to do away with the individualization of offender releases from prison. But paradoxically, these states and the federal government have legislatively protected the rights of victims to provide input to parole board members in order to explain how their crimes affected them on a personal and individual basis—in an effort to influence certain offenders' punishments (Caplan, 2010a). Victim (and other public) input describes the individual and specific nature of an offender and their victim, and the event that catalyzed their relationship. So the expected focus of individualized risk and needs assessments by parole officials shifted from the offenders to the victims as a result of 20th-century victim groups and their political lobbying efforts.

The actual impact of victim participation at parole hearings on parole outcomes has been mixed or unclear. Over 90% of parole boards in the United States allow victim or other public input to be considered when making release decisions (Kinnevy & Caplan, 2008a), though only a handful of research has directly and empirically studied the influence of input on parole release decisions (Caplan, 2010a & 2010b; Morgan & Smith, 2005; Parsonage, Bernat, & Helfgott, 1994; Proctor, 1999; Smith, Watkins, & Morgan, 1997). Results of most studies found that victim input against parole release is significant in explaining the denial of parole for certain types of inmates in some jurisdictions. Caplan (2010a), on the other hand, found that while victims' rights laws successfully increased victim participation, victim input did not significantly affect parole release decisions. In response to a recent national survey commissioned by the Association of Paroling Authorities International (APAI; Kinnevy & Caplan, 2008a), all states that responded ($n = 44$) consider victim input when making release decisions but the self-reported "influence" of input on those decisions varied greatly—with 16 states reporting that victim input was very influential, another 14 states reporting "somewhat influential," and no response from the remaining 14 states. Empirical studies to date suggest that there is not a nationwide systemic influence of victim input on parole release decisions. Generally speaking, input appears to be given less weight than other significant criminogenic risk factors, such as crime severity, criminal history, and institutional behavior (Caplan, 2010b).

This current reality of victims' limited or uncertain influence over parole release decisions, juxtaposed with historically heightened expectations of their authority over offenders' punishment and releases, are ingredients for victims to become disillusioned about the "successes" of 20th-century victims' rights laws. Renewed anger at individual paroling authorities and the American institution of parole in the 21st century is likely to occur, especially as

more research and exceptional parole failures are prominently brought to the public's attention. Anger is physiologically a powerful energizer of behavior (Berkowitz, 1990; Davidson, Jackson, & Kalin, 2000; Izard, 1977; Vitaglione & Barnett, 2003). "Often, it seems, the anger we feel on behalf of others or on matters of principle," state Batson, Shaw, and Oleson (1992, p. 320), "is more intense than the anger we feel on our own behalf." Empathically induced anger increases the likelihood of both helping and punishing behaviors on behalf of a victim (Batson, 1995; Hoffman, 1989; Myers & Greene, 2004; Vitaglione & Barnett, 2003; Yzerbyt, Dumont, Wigboldus, & Gordijn, 2003). Punishment is motivated by concern for a suffering victim; helpful responses are prompted by desires to directly alleviate a victim's suffering. Ultimately, anger that is kindled and shaped by victim groups' rhetoric stimulates an impulse to harm a transgressor—to discourage the transgressor from further harming the victim or others (Batson et al., 1992; Myers & Greene, 2004). Americans do not broadly condone vigilantism. Instead, empathetic responses to victims' suffering are done through political action, aimed particularly at reforming facets of the criminal justice system that can increase severity of punishment or that are perceived as purveyors of leniency, such as parole boards.

The image of victims in the victims' rights movement has been that of helpless individuals of violent interpersonal crimes who are too often ignored by the criminal justice system. "The helplessness of the victim is important for an understanding of the victims' rights movement because it is this helplessness that calls for state action, for help," explained Dubber (2002, p. 184). "We leap to the victim's aid, consumed by sympathy and moved by pity, to help her recover what the offender took away: her personhood" (p. 184). For instance, the New Mexico Crime Victim Assistance Organization, which was the driving force behind establishing victim compensation legislation in that state, was founded by Edith Surgan after her daughter was killed in 1976. Or consider Megan's Law (N.J.S.A. 2C:7-1), which—within an unprecedented 89 days after Megan Nicole Kanka was raped and murdered in Hamilton Township, New Jersey—was enacted in New Jersey in 1994 (and subsequently every other state enacted similar laws via the Jacob Wetterling Crimes Against Children Act, signed into federal law by President Clinton on May 17, 1996). There is Joan's Law (N.J.S.A. 2C:11-3), prompted by the death of Joan Dallesandro, which amended the New Jersey murder statute in 1997 to provide for life in prison without parole for anyone committing sexual assault of a child while in the commission of a murder. When politicians find it convenient to declare their support for victims' preferences, they speak of the most helpless and vulnerable victims of serious violent crime (Dubber, 2002). Victims used public sympathies to their advantage as they lobbied state and federal governments during the latter 20th century to increase their procedural rights and allow them to participate in criminal justice proceedings. Politicians who received political capital and votes in return were willing to

oblige. The same thing can happen again today, although the catalyst may not be victims' total inabilities to affect justice proceedings. Instead, it will be victims' frustrations that current opportunities to participate in the criminal justice system and to punish offenders are ineffectual or not punitive enough.

FAILED EXPECTATIONS AND "UNPRODUCTIVE" POLICIES REINVIGORATE VICTIMS TODAY

Unsustainable correctional populations and fiscal pressures at the start of the 21st century have led some states to propose drastic actions concerning how and when jail and prison inmates are released, including increasing opportunities for good-time credits, expanding supervised parole, and releasing inmates early without parole (Richburg & Surdin, 2008). Such proposals have already been met with opposition from victims' groups with regard to issues of justice. These actions will also make victims' demands for greater impact over parole release decisions increasingly more difficult to accommodate because parole boards will have less power to decide who to release and when, leading many victims to become even more frustrated with parole boards (Davis & Smith, 1994b; Erez, Roeger, & Morgan, 1997; Erez & Tontodonato, 1992). This is happening in a milder but still punitive American climate, juxtaposed with present-day realizations that many 20th-century victim-oriented legislative enactments were more symbolic than pragmatic.

In retrospect, victims' bills of rights often communicated politicians' sympathies with victims' concerns without substantively addressing them—they symbolized the fundamental nature of a right without creating the ability to enforce it (Dubber, 2002). Consequently, most victim-oriented legislation from the 1980s and beyond has failed to transform victims' wishes into penal practice. Take, for example, the Victims' Rights Constitutional Amendment Implementation Act of 1997 (H.R. 1322, 105th Cong. 1st Sess., 2, 5, at § 2[c][4] [1997]) which highlights its own shortcomings for victims:

This section does not create a cause of action or defense in favor of any person arising out of the failure to accord to a victim a right provided in subsection (a), and nothing in this section

(A) provides grounds for the victim to overturn a charging decision, a conviction, or a sentence; to obtain a stay of trial; or to compel a new trial. . . .

Or consider the proposed federal victims' bill of rights constitutional amendment, which added: "Nothing in this article shall give rise to or authorize the creation of a claim for damages against the United States, a State, a political subdivision, or a public officer or employee" (Senate Joint Resolution 3, 106th Cong., 1st Sess., § 2). There remains no amendment to the U.S. Constitution

granting certain rights to crime victims; however, 32 states have adopted state victims' rights constitutional amendments (National Center for Victims of Crime, 2007). Constitutional amendments are powerful symbols of reform, but they have been notoriously difficult to enforce.

Present-day realizations that many hard-fought victim-oriented legislative enactments were more symbolic than pragmatic has upset and reinvigorated present-day victims' groups to demand even more rights and favors with the ability to enforce them. For example, even in the face of an indebted state government, federal court oversight of its Department of Corrections, and an unsustainably overcrowded inmate population, California voters approved Proposition 9 by majority vote in November 2008. Proposition 9 enacted a Crime Victims' Bill of Rights to the California constitution that focused heavily on punishing offenders severely and preventing their early release from prison to parole. Most notably, the law limited appeals and other postjudgment proceedings in an effort to prevent the prolonged "suffering of crime victims and their families" (California Proposition 9, Section 4). It gave victims certain rights to influence arrest and bail decisions, to recommend sentences for defendants, and to participate at the parole process and provide information to the parole authority; the law even limited court-mandated procedural rights of parolees. Proposition 9 reformed the parole process "for the benefit of crime victims" (California Proposition 9, Section 4). Californians asserted that victim satisfaction is of paramount importance and must be accommodated. As California goes, so too often goes the rest of the country. To this day victims are a politically and socially powerful group—but as discussed at the start of this paper, the mission and outcomes of parole extend beyond the interests of only crime victims.

The 20th century victims' rights movement played a very significant role in shaping policies that have given victims opportunities to influence criminal justice proceedings and offenders' sentences. If reinvigorated victims' groups in the 21st century are permitted to have as many legislative successes as they did during the 20th century, and build additional punitive and victim-centric policies and practices on top of the existing criminal justice framework, then parole systems will be forced to drastically change their traditional mission or be abolished altogether. This is because the mission of parole and the early release and community supervision functions it performs are at odds with the present-day punitive demands and vengeful attitudes of most victims' groups.

CONCLUSION AND RECOMMENDATIONS FOR PAROLE

Parole is a highly visible discretionary release valve to the correctional system and it is currently a poor self-advocate of the important services it provides to ensure long-term public safety. It is an easy target for politically powerful

victims' groups to effect change in favor of their short-term self-interests. Notorious political events and the influences of reigning political ideologies and victims' preferences into the administration, policies, and practices of parole have driven many changes to parole systems in America over the past four decades (Paparozzi & Caplan, 2009). A well-known example occurred in July 2007 when two Connecticut parolees committed a home invasion in an upper-middle-class neighborhood, brutally murdered a mother and her two daughters, tied up the husband/father of the victims in the basement, and then set the house on fire (CNN, 2007). According to Paparozzi and Caplan (2009, p. 408), "The political, not professional, reaction to this tragic crime was immediate and strong." The governor of Connecticut immediately stopped all paroles, legislators introduced bills that would expand Connecticut's prison capacity and increase the number of parole officers (Falcone, 2007), and newspaper editorials endorsed legislative changes to the state parole board's structure and composition (i.e., Meyer & Meyer, 2007)—even though there was no reason to believe that these reforms would have prevented or lessened the probability of occurrence of the brutal triple homicide and arson. This incident in Connecticut reverberated throughout the country, changing many systemwide parole practices.

Parole boards often fail to adequately explain the principles of parole and parole's many successes when confronted with politically and socially powerful victims' groups, especially in response to extraordinary failures (such as the Connecticut example). Instead, parole boards yield to victims' demands in order to preserve their own legitimacy as criminal justice entities (Scott, 1999). The interconnectedness of procedural justice and parole board legitimacy explains the two major (and arguably contradictory) changes to parole policies and practices over the past 40 years: (1) the shift to a more actuarial and objective model of parole release decision making, and (2) victim participation at parole hearings.

Regarding the shift to a more actuarial model of parole, people will shape their evaluations of parole boards by attention to whether they think these government authorities treat people fairly (Tyler, 2003). When disparate parole decisions across jurisdictions and among individual prisoners were perceived by the American public as unfair in the mid-1960s, parole guidelines and objective risk-prediction measures were introduced to more uniformly control and predict release decisions. These actions were necessary to preserve the parole system's legitimacy in the minds of key stakeholder groups. Although Turpin-Petrosino (1999) and others (Burns et al., 1999; Carroll & Burke, 1990; Gottfredson, 1979; Kassebaum et al., 2001; Shin, 1973) found that objective standards for parole release are ill-defined and irregularly applied, such legislative mandates calmed liberal and conservative critics and instilled a greater sense of justice—once again—within the U.S. system of parole. Seemingly more objective, uniform, and transparent guidelines for parole

release decision making improved procedural justice for offenders and placated the political and ideological concerns of most key groups of reformers.

Regarding victim participation at parole hearings, reforms requiring objective risk-prediction measures and actuarial guidelines for parole release focused more on dealings with offenders rather than victims or other members of the public. Victims felt ignored by parole boards and wanted more opportunities to voice their frustrations. They no longer wanted the criminal justice system to serve as a proxy for them by seeking justice on society's behalf. Having already acquired the right to provide impact statements at criminal trials and other earlier phases of criminal justice proceedings, victims identified parole hearings as a new, untapped outlet from which to exercise their power and rights. In short order after the implementation of parole guidelines and the use of risk assessment instruments in the 1960s and 1970s, victims demanded a greater voice in parole release proceedings. The result was new opportunities for victims to participate at parole hearings and provide direct input about the appropriateness of inmates' releases. Because participation is a key factor in shaping peoples' overall attitudes toward the decisions and legitimacy of parole boards (Tyler, 2003), board members had to satisfy the demands of victims' rights groups or risk being dismantled altogether.

A relatively rapid change to a more punitive system of corrections in the mid-1970s forced parole agencies to emphasize risk-management and sentence severity without a corresponding change in their rehabilitative mission and ideology. Durkheim (1951/1979) believed that rapid changes in technology and organization affect social structures because they alter human environments and expectations, which in turn decreases the effectiveness of mechanisms of social control and integration. This creates anomie. Anomie in the parole system has two causes. The first is the general desire among paroling authorities to facilitate community reintegration after prison (Fulton, Stichman, Travis, & Latessa et al., 1997; Quinn & Gould, 2003; Seiter, 2002; West & Seiter, 2004; Whitehead & Lindquist, 1992). The second is the need to satiate demands from victims and their political allies to be tough on criminals. If the parole system is to be effective at its core objectives (i.e., risk assessment and reintegration), it must resolve this conflict and function with clear and mutually compatible goals that cannot be easily swayed by politics and fear. As presented in detail above, the actions of parole officials have been swayed by programmatic ramifications of politics and other social forces, such as victims' groups. Future changes to the parole system must be initiated and implemented by parole professionals for the purposes of principled reform, technological innovation, and evidence-based practices.

Symbolic, impractical, and unsustainable victims' rights referendums and legislation disingenuously heightens victims' expectations that they can or should influence the release and community supervision of ex-offenders. As leaders in criminal justice, it is critical that members of paroling authorities

speak with an informed professional voice to provide input into laws concerning parole and the overall administration of criminal justice, and to highlight their professional credentials and work experiences that support parole's unique mission (Paparozzi & Caplan, 2009). If paroling authorities regularly promote extraordinary parolee successes and inform their constituents about the detailed (and often complex) process of deciding releases based on evidence-based risk factors such as institutional behavior (Carroll & Burke, 1990; Carroll, Weiner, Coates, Galegher, & Alibrio, 1982; Conley & Zimmerman, 1982; Gottfredson, 1979; Hoffman, 1972; Talarico, 1988; Winfree, Ballard, Sellers, & Roberg, 1990), crime severity (Carroll & Burke, 1990; Gottfredson, 1979; Kassebaum et al., 2001; Shin, 1973; Turpin-Petrosino, 1999), criminal history, incarceration length, and mental illness (Carroll et al., 1982; Feder, 1994; Hannah-Moffat, 2004; Matejkowski, Caplan, & Cullen, 2010), then they can strengthen public support and make their legitimacy more resilient in preparation for (inevitable) situations of distress.

Existing laws that permit victim participation at parole hearings are not likely to change in the near future. Therefore, in order to better accommodate the obligations mandated by them, parole boards should decide how much weight to give victim input when deciding on parole release. Although guidelines do not always produce intended consequences, at the very least, directions to board members regarding their use of victim input will clarify procedures and help create a more uniform and transparent application of input among all board members. Victims do have particular concerns about safety beyond the average citizen. If parole boards solicit input for a specific internal purpose, then victims and others could provide more relevant and useful information in both form and content. Through this manner, the short-term goal of parole boards should be to reduce or limit victims' expectations regarding their role and influence at parole hearings, but to find some value in the opinions and information provided by victims. In this way, the application of input to a paroling authority's activities can be more balanced with its obligations to all stakeholders, including victims, offenders, and the general public.

Caplan (2010a), for example, found that the receipt of victim input by parole boards is relatively minimal compared to the number of victims that parole-eligible inmates represent. The 805 cases used in the study represented a sum of 1,161 known victims, but less than 12% provided input. Considering that 87% of victim input was negative, and that most input was submitted on behalf of nonviolent offenders who already served more than two years in prison, Caplan explained that the victims who chose to participate were a unique group. While the reasons for their self-selection into this cohort might vary, the content of their input suggested that they continue to be fearful and physically or emotionally harmed by the crime and are unable to find closure, even many years later. In place of considering input for the purpose of influencing parole release decisions, board members could use it as a mechanism

to identify the neediest victims who have been unable to repair the harm done and cope with the longer-term aftermath of a crime. A mental health counseling program for the cohort of victims who provide input, or structured opportunities for victims to interact with trained counselors at the tail end of the criminal justice process, may be more beneficial to victims compared to input submitted to parole board members that is only informed by the past crime and not the present facts. If victims had the opportunity to explain and treat their ongoing grief (Gumz, 2004; Mika, Achilles, & Halbert, 2004), then victims' anxieties may be reduced and their other concerns adequately addressed. These interactions could bring victims some comfort and closure, and they may help offenders more successfully reenter society—a key goal of the parole system.

In the long run, legal rights and opportunities for victims to influence parole should be significantly curtailed. When parole board members are forced to place too much weight on victim preferences, it can unduly affect release decisions that can result in similarly situated inmates serving different lengths of incarceration based solely upon the presence or absence of outspoken victims. This violates the mission of parole and is counterproductive to a parole board's obligations to its broader constituency. The end result could be greater public risk as certain inmates "max out" their sentences and are released from prison without any informed judgments about the best ways to manage risk and supervise and guide individual offenders (Solomon, Kachnowski, & Bhati, 2005). The parole system may not satiate victims' demands for vengeance, but successful evidence-based parole practices do what the parole system was intended to do: ensure public safety (Austin & Hardyman, 2004; Petersilia, 2001; Ríos & Green, 2009). America's 21st-century parole system is arguably in need of thoughtful reform, but not victim-centric changes that carry more weight than all others.

REFERENCES

- American Friends Service Committee. (1971). *Struggle for justice: A report on crime and punishment in America*. New York: Hill and Wang.
- Austin, J., & Hardyman, P. L. (2004). The risks and needs of the returning prisoner population. *Review of Policy Research*, 21, 13–29.
- Batson, C. D. (1995). Prosocial motivation: Why do we help others? In A. Tesser (Ed.), *Advanced social psychology* (pp. 333–381). New York: McGraw-Hill.
- Batson, C. D., Shaw, L. L., & Oleson, K. C. (1992). Differentiating affect, mood, and emotion: Toward functionally based conceptual distinctions. In M. S. Clark (Ed.), *Emotion* (pp. 294–326). Newbury Park, CA: Sage.
- Benekos, P. J. (1992). Public policy and sentencing reform: The politics of corrections. *Federal Probation*, 56(1), 4–10.
- Berkowitz, L. (1990). On the formation and regulation of anger and aggression: A cognitive-neoassociationistic analysis. *American Psychologist*, 45, 494–503.

- Bernat, F. P., Parsonage, W. H., & Helfgott, J. (1994). Victim impact laws and the parole process in the United States: Balancing victim and inmate rights and interests. *International Review of Victimology*, 3, 121–140.
- Borg, M. J. (1997). The southern subculture of punitiveness? Regional variation in support for capital punishment. *Journal of Research in Crime and Delinquency*, 34(1), 25–45.
- Brown, E. K. (2006). The dog that did not bark: Punitive social views and the “professional middle classes.” *Punishment & Society*, 8(3), 287–312.
- Browne, M. K. (2004). International victims' rights law: What can be gleaned from the victims' empowerment procedures in Germany as the United States prepares to consider the adoption of a “Victim's Rights Amendment” to its Constitution? *Hamline Law Review*, 27, 15–44.
- Burns, R., Kinkade, P., Leone, M. C., & Phillips, S. (1999). Perspectives on parole: The board members' viewpoint. *Federal Probation*, 63(1), 16–22.
- Caplan, J. M. (2006). Parole system anomie: Conflicting models of casework and surveillance. *Federal Probation*, 70(3), 32–36.
- Caplan, J. M. (2010a). Parole release decisions: Impact of positive and negative victim and non-victim input on a representative sample of parole-eligible inmates. *Violence and Victims*, 25(2), 224–242.
- Caplan, J. M. (2010b). Parole release decisions: Impact of victim input on a representative sample of inmates. *Journal of Criminal Justice*, 38, 291–300.
- Caplan, J. M., & Papanozzi, M. (2005, November). *Composition and requirements of parole boards in the U.S.: A national survey*. Paper presented at the meeting of the American Society of Criminology, Toronto, Canada.
- Carroll, J. S., & Burke, P. A. (1990). Evaluation and prediction in expert parole decisions. *Criminal Justice and Behavior*, 17(3), 315–332.
- Carroll, J. S., Weiner, R., Coates, D., Galegher, J., & Alibrio, J. (1982). Evaluation, diagnosis, and prediction in parole decision making. *Law and Society Review*, 17, 199–228.
- Champion, D. J. (1987). Elderly felons and sentencing severity: Interregional variations in leniency and sentencing trends. *Criminal Justice Review*, 12(2), 7–14.
- Clark, J., Austin, J., & Henry, D. A. (1997). *“Three strikes and you're out”: A review of state legislation*. Washington, DC: U.S. Department of Justice.
- CNN. (2007, July 25). *Home invasion deaths ruled homicides* [Television broadcast]. Retrieved December 16, 2007, from <http://www.cnn.com/2007/US/07/25/home.invasion/index.html>
- Conley, J. A., & Zimmerman, S. (1982). Decision making by part-time parole board. *Criminal Justice and Behavior*, 9, 396–431.
- Cooley, C. H. (1896). “Nature v. Nurture” in the making of social careers. *Proceedings of the National Conference of Charities and Corrections*, 399–405.
- Cullen, F. T., Fisher, B. S., & Applegate, B. K. (2000). Public opinion about punishment and corrections. In M. Tonry (Ed.), *Crime and justice: A review of research* (pp. 1–79). Chicago, IL: University of Chicago.
- Davidson, R. J., Jackson, D. C., & Kalin, N. H. (2000). Emotion, plasticity, context, and regulation: Perspectives from affective neuroscience. *Psychological Bulletin*, 126, 890–909.

- Davis, K. C. (1969). *Discretionary justice: A preliminary inquiry*. Baton Rouge: Louisiana State University Press.
- Davis, R. C., & Smith, B. E. (1994a). The effects of victim impact statements on sentencing decisions: A test in an urban setting. *Justice Quarterly*, 11, 453–512.
- Davis, R. C., & Smith, B. E. (1994b). Victim impact statements and victim satisfaction: An unfulfilled promise? *Journal of Criminal Justice*, 22(1), 1–12.
- Doble, J. (2002). Attitudes to punishment in the U.S.: Punitive and liberal opinions. In J. V. Roberts & M. Hough (Eds.), *Changing attitudes to punishment: Public opinion, crime, and justice* (pp. 148–162). Portland, OR: Willan.
- Dubber, M. D. (2002). *Victims in the war on crime: The use and abuse of victims' rights*. New York: New York University Press.
- Durkheim, E. (1979). *Suicide: A study in sociology*. New York: Free Press. (Original work published 1951)
- Erez, E., Roeger, L., & Morgan, F. (1997). Victim harm, impact statements and victim satisfaction with justice: An Australian experience. *International Review of Victimology*, 5, 37–60.
- Erez, E., & Tontodonato, P. (1992). Victim participation in sentencing and satisfaction with justice. *Justice Quarterly*, 9, 393–427.
- Falcone, A. F. (2007). *Chairman introduces criminal justice reform bill*. Retrieved November 6, 2007, from http://www.myrecordjournal.com/site/index.cfm?newsid=18992404&BRD=2755&PAG=461&dept_id=592754&rft=8
- Feder, L. (1994). Psychiatric hospitalization history and parole decisions. *Law and Human Behavior*, 18, 395–410.
- Fulton, B., Stichman, A., Travis, L. & Latessa, E. (1997). Moderating probation and parole officer attitudes to achieve desired outcomes. *The Prison Journal*, 77(3), 295–312.
- Garland, D. (Ed.). (2001). *Mass imprisonment in the United States: Social causes and consequences*. London: Sage.
- Gottfredson, M. R. (1979). Parole board decision making: A study of disparity reduction and the impact of institutional behavior. *Journal of Criminal Law and Criminology*, 70(1), 77–88.
- Gottschalk, M. (2006). *The prison and the gallows: The politics of mass incarceration in America*. New York: Cambridge University Press.
- Griset, P. L. (1996). Discretion, disparity, and discrimination in sentencing: Where have all the critics gone? *Judges' Journal*, 35(3), 2–9.
- Gumz, E. J. (2004). American social work, corrections and restorative justice: An appraisal. *International Journal of Offender Therapy and Comparative Criminology*, 49(4), 449–460.
- Hannah-Moffat, K. (2004). Losing ground: Gendered knowledges, parole risk, and responsibility. *Social Politics*, 11(3), 363–385.
- Hoffman, M. L. (1989). Empathy and prosocial activism. In N. Eisenberg, J. Reykowski, & E. Staub (Eds.), *Social and moral values* (pp. 65–86). Hillsdale, NJ: Erlbaum.
- Hoffman, P. B. (1972). Paroling policy feedback. *Crime and Delinquency*, 9, 117–133.
- Hoffman, P. B. (1994). Twenty years of operational use of a risk prediction instrument: The United States Parole Commission's salient factor score. *Journal of Criminal Justice*, 22(6), 477–494.

- Izard, C. E. (1977). *Human emotions*. New York: Plenum.
- Kassebaum, G., Davidson-Coronado, J., Porsch, R., Arai, M., Perrone, P., & Allen, J. (2001). *Parole decision making in Hawaii: Setting minimum terms, approving release, deciding on revocation, and prediction success and failure on parole* (NCJRS Publication No. 191270). Honolulu, HI: Department of the Attorney General.
- Kinnevy, S. C., & Caplan, J. M. (2008a). *Findings from the APAI International Survey of Releasing Authorities* (Research Report). Philadelphia, PA: Center for Research on Youth and Social Policy.
- Kinnevy, S. C., & Caplan, J. M. (2008b). *National surveys of state parole boards: Models of service delivery* (Final Report). Philadelphia, PA: Center for Research on Youth and Social Policy.
- Langan, P., & Levin, P. (2002). *Recidivism of prisoners released in 1994*. Washington, DC: Bureau of Justice Statistics.
- Martinson, R. (1974). What works? Questions and answers about prison reform. *Public Interest*, 35(2), 22–54.
- Matejkowski, J., Caplan, J. M., & Cullen, S. W. (2010). The impact of severe mental illness on parole decisions: Considering integration within a prison setting. *Criminal Justice and Behavior*, 37(9), 1005–1029.
- Matthews, R. (2005). The myth of punitiveness. *Theoretical Criminology*, 9, 175–201.
- McCarthy, F. B. (1976–1977). The role of the concept of responsibility in juvenile delinquency proceedings. *University of Michigan Journal of Law Reform*, 10(2), 181–219.
- Metchik, E. (1992). Judicial views of parole decision processes: A social science perspective. *Journal of Offender Rehabilitation*, 18(1/2), 135–157.
- Meyer, J. A., & Meyer, L. R. (2007, October 28). Abolish parole. *The New York Times*. Retrieved November 18, 2007, from <http://www.nytimes.com/2007/10/28/opinion/nyregionopinions/28CTmeyers.html>
- Mika, H., Achilles, M., & Halbert, E. (2004). Listening to victims—A critique of restorative justice policy and practice in the United States. *Federal Probation*, 68(1), 32–38.
- Morgan, K., & Smith, B. L. (2005). Victims, punishment, and parole: The effect of victim participation on parole hearings. *Criminology & Public Policy*, 4(2), 333–360.
- Myers, B., & Greene, E. (2004). The prejudicial nature of victim impact statements: Implications for capital sentencing policy. *Psychology, Public Policy and Law*, 10(4), 492–515.
- Nard, J. E. (2004). Pennsylvania's capital statute: Does the introduction of victim impact evidence—into the evaluation of mitigating and aggravating circumstances—at the sentencing hearing of a murder trial introduce unjust prejudice into the imposition of the death penalty? *Duquesne University Law Review*, 42, 825–863.
- National Center for Victims of Crime. (n.d.). *For victim services in corrections*. Retrieved October 24, 2004, from <http://www.ncvc.org>
- National Center for Victims of Crime. (2007). *Issues: Victims Bill of Rights*. Retrieved April 14, 2008, from <http://www.ncvc.org/ncvc/main.aspx?dbName=DocumentViewer&DocumentID=32697>

- Office for Victims of Crime. (1998a). *New directions from the field: Victims' rights and services for the 21st century*. Washington, DC: U.S. Department of Justice.
- Office for Victims of Crime. (1998b). Victims' rights: Two decades of dramatic change. *OVC Bulletin*.
- Ostermann, M. (2009). An analysis of New Jersey's day reporting center and halfway back programs: Embracing the rehabilitative ideal through evidence based practices. *Journal of Offender Rehabilitation*, 48, 139–153.
- Packel, L. (1977). The history of Pennsylvania's juvenile institutions: A sesquicentennial review. *Villanova Law Review*, 22(1), 83–105.
- Paparozzi, M. A., & Caplan, J. M. (2009). A profile of paroling authorities in America: The strange bedfellows of politics and professionalism. *Prison Journal*, 89, 401–425.
- Parsonage, W. H., Bernat, F. P., & Helfgott, J. (1994). Victim impact testimony and Pennsylvania's parole decision making process: A pilot study. *Criminal Justice Policy Review*, 6, 187–206.
- Petersilia, J. (2001). Prisoner reentry: Public safety and reintegration challenges. *Prison Journal*, 81, 360–375.
- Platt, A. (1969). The rise of the child-saving movement: A study in social policy, and correctional reform. *Annals of the American Academy of Political and Social Science*, 381, 21–38.
- Platt, T., & Takagi, P. (1981). Law and order in the 1980s. *Crime and Social Justice*, 15, 1–6.
- Pratt, J. (1998). Towards the “decivilizing” of punishment? *Social & Legal Studies*, 7(4), 487–515.
- Proctor, J. L. (1999). The “new parole”: An analysis of parole board decision making as a function of eligibility. *Journal of Crime & Justice*, 22(2), 193–217.
- Quinn, J. F., & Gould, L. A. (2003). The prioritization of treatment among Texas parole officers. *The Prison Journal*, 83(3), 323–336.
- Reisner, R. L. (1999). Victim impact testimony in New Jersey capital cases: A case study in criminal justice policy development. *Criminal Justice Policy Review*, 9, 335–364.
- Richburg, K. B., & Surdin, A. (2008, May 5). Fiscal pressures lead some states to free inmates early. *The Washington Post*, p. A01.
- Ríos, N., & Greene, J. (2009). *Reducing recidivism: A review of effective state initiatives*. Brooklyn, NY: Justice Strategies.
- Savelsberg, J. J. (1999). Knowledge, domination and criminal punishment revisited. *Punishment & Society*, 1, 45–70.
- Schneider, H. J. (2001). Victimological developments in the world during the past three decades: 1. A study of comparative victimology. *International Journal of Offender Therapy and Comparative Criminology*, 45, 449–468.
- Scott, J. (1999). *Rational choice theory*. Retrieved March 21, 2008, from <http://privatewww.essex.ac.uk/~scottj/socscot7.htm>
- Seiter, R. (2002). Prisoner reentry and the role of parole officers. *Federal Probation*, 66, 50–54.
- Seiter, R. P., & Kadela, K. R. (2003). Prisoner reentry: What works, what does not, and what is promising. *Crime & Delinquency*, 49(3), 360–388.

- Shichor, D. (1983). Historical and current trends in American juvenile justice. *Juvenile & Family Court Journal*, 34(3), 61–75.
- Shin, H. J. (1973). Do lesser pleas pay? Accommodations in the sentencing and parole processes. *Journal of Criminal Justice*, 1, 27–42.
- Smith, B. L., Sloan, J. J., & Ward, R. M. (1990). Public support for the victims' rights movement: Results of a statewide survey. *Crime & Delinquency*, 36(4), 488–502.
- Smith, B. L., Watkins, E., & Morgan, K. (1997). The effect of victim participation on parole decisions: Results from a southeastern state. *Criminal Justice Policy Review*, 8(1), 57–74.
- Solomon, A., Kachnowski, V., & Bhati, A. (2005). *Does parole work: Analyzing the impact of postprison supervision on rearrest outcomes*. Washington, DC: Urban Institute.
- Talarico, S. M. (1988). The dilemma of parole decision making. In G. F. Cole (Ed.), *Criminal justice: Law and politics* (pp. 442–451). Pacific Grove, CA: Brooks/Cole.
- Tobolowsky, P. M. (1999). Victim participation in the criminal justice process: Fifteen years after the President's Task Force on Victims of Crime. *New England Journal on Criminal and Civil Confinement*, 25(1), 21–105.
- Tonry, M. (1999a). The fragmentation of sentencing and corrections in America. *Sentencing & Corrections: Issues for the 21st Century*, 1, 1–8.
- Tonry, M. (1999b). Reconsidering indeterminate and structured sentencing. *Sentencing & Corrections: Issues for the 21st Century*, 2, 1–11.
- Tonry, M. (2001). Symbol, substance, and severity in western penal policies. *Punishment & Society*, 3(4), 517–536.
- Travis, J., & Petersilia, J. (2001). Reentry reconsidered: A new look at an old question. *Crime & Delinquency*, 47(3), 291–313.
- Turpin-Petrosino, C. (1999). Are limiting enactments effective? An experimental test of decision making in a presumptive parole state. *Journal of Criminal Justice*, 27(4), 321–332.
- Tyler, T. R. (2003). Procedural justice, legitimacy, and the effective rule of law. *Crime and Justice: A Review of Research*, 30, 283–357.
- Tyler, T. R., & Boeckmann, R. (1997). Three strikes and you are out, but why? The psychology of public support for punishing rule breakers. *Law and Society Review*, 31, 237–265.
- United Nations. (1985, November 29). *Declaration of basic principles of justice for victims of crime and abuse of power*. Retrieved January 11, 2007, from <http://www.un.org/documents/ga/res/40/a40r034.htm>
- Valier, C. (2004). *Crime and punishment in contemporary culture*. New York: Routledge.
- Van den Haag, E. (1975). *Punishing criminals: Concerning a very old and painful question*. New York: Basic Books.
- Vitaglione, G. D., & Barnett, M. A. (2003). Assessing a new dimension of empathy: Empathic anger as a predictor of helping and punishing desires. *Motivation and Emotion*, 27(4), 301–325.
- West, A. D., & Seiter, R. P. (2004). Social worker or cop? Measuring the supervision styles of probation and parole officers in Kentucky and Missouri. *Journal of Crime & Justice*, 27(2), 27–57.

- Whitehead, J. T., & Lindquist, C. A. (1992). Determinants of probation and parole officer professional orientation. *Journal of Criminal Justice, 20*(1), 13–24.
- Wilson, J. Q. (1975). *Thinking about crime*. New York: Basic Books.
- Winfrey, L. T., Ballard, V., Sellers, C., & Roberg, R. (1990). Responding to a legislated change in correctional practices: A quasi-experimental study of revocation hearings and parole board actions. *Journal of Criminal Justice, 18*, 195–215.
- Young, M., & Stein, J. (2004). *The history of the crime victims' movement in the United States: A component of the Office for Victims of Crime Oral History Project*. Washington, DC: U.S. Department of Justice.
- Yzerbyt, V., Dumont, M., Wigboldus, D., & Gordijn, E. (2003). I feel for us: The impact of categorization and identification on emotions and action tendencies. *British Journal of Social Psychology, 42*, 533–549.
- Zimring, F.E. (1996). *Lethal violence and the overreach of American imprisonment*. Paper presented at the National Institute of Justice Annual Research and Evaluation Conference, Washington, DC.