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Parole release decisions: Impact of victim input on a representative sample of inmates

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A B S T R A C T

Positive and negative input, in both verbal and written forms, was studied for a representative sample of 820 parole-eligible adult inmates in New Jersey to determine the extent to which victim participation and the provisions of victim input policies affect contemporary parole release practices. Victim input was not found to be a significant predictor of parole release. Measures of institutional behavior, crime severity, and criminal history were significant. Verbal input had a greater affect than written input. In the short-term, parole administrators should develop guidelines to clarify procedures and create a more uniform and transparent application of victim input. In the long-term, the receipt of victim input should be used to identify victims who have not yet found closure so that appropriate support services can be provided prior to most inmates' eventual releases from prison.

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Introduction

As American criminal justice policies and practices became harsher in the 1970s, parole board discretion was simultaneously limited (Caplan, 2006a). Much of the empirical research on parole release decisions during this time was conducted in an effort to create objective, actuarial models for determining releases from prison that were immune from discriminate feelings toward inmates by parole board members (Carroll, Weiner, Coates, Galegher, & Alibrio, 1982; Cullen & Gilbert, 1982; D. M. Gottfredson & Wilkins, 1978; Krajick, 1978; Von Hirsch & Hanrahan, 1979; Walker, 1993). Empirical research to date suggests that parole board members' discretion persists and that release decisions are primarily a function of institutional behavior (e.g., Carroll & Burke, 1990; Carroll et al., 1982; Conley & Zimmerman, 1982; M. R. Gottfredson, 1979; Hoffman, 1972; Talarico, 1988; Winfree, Ballard, Sellers, & Roberg, 1990), crime severity (e.g., Carroll & Burke, 1990; M. R. Gottfredson, 1979; Kassebaum et al., 2001; Shin, 1973; Turpin-Petrosino, 1999), criminal history, incarceration length, and mental illness (e.g., Carroll et al., 1982; Feder, 1994; Hannah-Moffat, 2004).

The social and political influences of victims' groups over the past forty years directly effected legislative changes in penal policies and practices (Brown, 2006; Office for Victims of Crime, 1998; Smith, Sloan, & Ward, 1990; Valier, 2004). A victim's right to provide input to parole boards in order to directly influence parole release decisions is one example (Browne, 2004; National Center for Victims of Crime, n.d.;

Parsonage, Bernat, & Helfgott, 1994; Smith et al., 1990). According to a recent national survey commissioned by the Association of Paroling Authorities International (Kinnevy & Caplan, 2008), forty-three out of forty-seven state parole agencies reported that they have the authority to release eligible offenders to parole. Even some states with determinate sentencing reported having discretion to release certain offenders. Within this national context, forty-four state paroling authorities allow victim input to be considered when making release decisions (Kinnevy & Caplan, 2008), but few explicitly direct their board members on how to objectively consider the information provided by the input when deciding release.

Victim participation at parole and other criminal justice venues occurred (in part) as politicians addressed crime and victims' rights issues in political and stereotyped ways in order to win elections and maintain popular support (Brown, 2006; Tonry, 2001). "Because it is difficult to oppose polemical claims about emotional subjects with reasoned arguments," explained Tonry (2001, p. 524), "American politicians compete to show who is tougher." Potential dangers, side effects, individual injustices, and ineffectiveness of many criminal justice policies and practices are either understudied, under-acknowledged, or ignored (Tonry, 2001). Evidence about the determinants of parole release decisions, and specifically the influence of victim input, has remained understudied to this day and is relatively unknown in the current criminal justice environment.

The intersection of victim input laws and parole board practices raises two common yet contradictory assumptions about discretionary parole release decision-making: (1) parole board members either give too little weight to, or they ignore, victim input; or (2) parole board members place too much weight on victim input which unduly affects release decisions. Regarding the first assumption, if victim

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input is not influential because parole board members consciously overlook it, then several victim advocacy resources are wasted and potentially valuable information concerning an inmate's risk to the public upon release is ignored. A lot of time, money, and political capital are spent promoting victims' rights and ensuring that victims are part of criminal justice processes (Gottschalk, 2006). The inability of victims to constructively participate at parole hearings is contrary to the goals of victim rights legislation (Caplan, 2008). This is disingenuous to victims because they are led to believe that their input matters (Malsch, 2004).

Regarding the second assumption, emotion can be deeply rooted in punishment and social control, and victim input may cater to the emotions of parole board members in an effort to enhance offenders' lengths of incarceration through denial of parole (Foucault, 1995; Sievers & Mersky, 2006; Turpin-Petrosino, 1999; Valier, 2004). Empirical research shows that the effects of emotion often operate without observers being consciously aware of its influence (e.g., Kaufmann, Drevland, Wessel, Overskeid, & Magnussen, 2003). Emotional appeals by victims can be overly influential to the decision-making process of parole board members whose responses may be to (consciously or unconsciously) deny parole for inmates whom they would otherwise release. If input is used to influence parole on emotional or vengeful grounds, it may be furthering the punitive expansion of sentences and may be a mechanism for increasing the already high rate of incarceration in the U.S.

The goal of this study was to empirically respond to these contradictions with current and more rigorous data because sufficient conflicts might exist among policies, practices, and interests within parole boards and their respective offices of victim services that could arbitrarily impact parole releases and public safety. Results offer further insight into how victim participation and the provisions of victim input policies impact contemporary parole release practices regarding a representative sample of parole-eligible inmates with different types and orientations of input. A better understanding of the impact of input is important for all key stakeholders, including victims, offenders, and the general public.

The influential nature of victim input

Very few researchers have directly and empirically studied the influence of victim input on parole release decisions (Morgan & Smith, 2005; Parsonage et al., 1994; Proctor, 1999; Smith, Watkins, & Morgan, 1997). Parsonage et al. (1994) examined a random sample of one hundred parole cases decided in 1989 by the Pennsylvania Board of Probation and Parole in which victims provided input at inmates' first review parole hearings. They found that parole was refused in 43 percent of those cases. Only 7 percent were refused parole out of another one hundred randomly selected cases in which victim input was not presented. In total, four variables were found to be highly significant in explaining the board's actions to refuse parole, with victim input having the greatest effect when controlling for the influences of victim characteristics, offender characteristics, and risk assessment scores (Parsonage et al., 1994). A small sample size precluded Parsonage et al. (1994) from assessing the extent to which different types of victim input affected parole release decisions because there was not enough variability of victim input types and frequencies.

In 1997, Smith et al. attempted to compensate for the limitations of the study by Parsonage et al. (1994) by selecting a larger sample and controlling for more variables. Due to the serious nature of violent offenses, Smith et al. (1997) believed that victims or their families would be more likely to appear at hearings and provide input. A sample of 316 inmates convicted of violent crimes in which injury occurred and in which victims were notified of their right to appear or present evidence before the parole board was used in an attempt to maximize the likelihood of cases with input. Smith et al. (1997) found that the percentage of parole denials increased as the number of letters contesting parole increased, and that the victim's attendance at

a parole hearing had a greater effect on the parole board than a letter writing campaign. The influence of written communication to the parole board in support of an offender's release was negligible.

McLeod (1989) also found general agreement among parole board administrators that victim appearances at parole board hearings had more of an affect on release decisions than written statements. McLeod's study was based on written records and telephone interviews with parole board administrators in U.S. states. In 2005, Morgan and Smith slightly reconceptualized and reanalyzed the data used by Smith et al. (1997) and concluded that as victim participation increased, parole denials also increased. Proctor (1999) expanded further upon prior victim input research by sampling a disproportionately stratified sample by gender in order to obtain adequate representation of females. Consistent with researchers before him, Proctor found that inmates were four times less likely to be granted parole if public opposition was present at the parole hearing.

Research by McLeod (1989), Morgan and Smith (2005), Proctor (1999), and Smith et al. (1997) moved beyond prior research by increasing their sample sizes, by more substantially examining the impact of verbal and written forms of input and by noting the quantity of letters submitted by victims or their representatives. Research to date, though, was limited to only negative input that was solicited from registered victims among unrepresentative samples of violent offenders, which greatly narrows the generalizability of results. It is possible that positive input could have different effects on parole release than negative input, that negative input could effect nonviolent offenders differently than violent ones, and that different types and orientations of input could cancel each other out when they coexist for the same inmate. It was hypothesized that for a representative sample of violent and nonviolent parole-eligible inmates: (1) victim input against parole release would result in the denial of parole, (2) victim input in favor of parole release would result in the approval of parole, and (3) verbal input would have a greater effect on parole release decisions than written input. This study tested these hypotheses to learn the full extent to which the current provisions of victim input policies affect parole release practices.

Methods

The extent to which positive and negative victim input affects parole release decisions for a representative sample of parole-eligible inmates was studied using existing administrative data from the New Jersey State Parole Board (SPB). Board members are appointed by the governor and are responsible for the determination of whether and under what conditions inmates can be released or returned from parole status (N.J.S.A. 30:4-123.47). The *New Jersey Parole Act of 1979* (N.J.S.A. 30:4-123.53[a]) reflects that an adult inmate shall be released on parole at the time of parole eligibility unless it is demonstrated "by a preponderance of the evidence that the inmate has failed to cooperate in his or her own rehabilitation or that there is a reasonable expectation that the inmate will violate conditions of parole" if released on parole. By law, SPB members cannot make any release decisions without review and consideration of input from registered victims, unless the victim prefers not to participate. Registered victims are people who requested (at some point after the crime occurred) to be kept abreast of criminal justice proceedings regarding a particular offender. Registering ensures that victims will be updated as to their offender's status and will be solicited to participate in key criminal justice proceedings. All victims of crimes have the option to register, but it is not required and many do not do so.

The parole decision-making process in New Jersey begins approximately six months before an inmate's parole eligibility date when information concerning the inmate is solicited and gathered from various people and agencies including the county prosecutor, the prison and other relevant criminal justice agencies, and victims. They

may submit any information that is deemed relevant to the issue of whether or not the inmate will be a risk to the public if released on parole. Registered victims are notified by letter and invited to submit written or videotaped input directly to the SPB via mail or to provide in-person or telecommunicated input to a senior hearing officer (SHO) or a parole board member (PBM). If the victim elects to present input in-person or via telephone, a hearing is scheduled for that purpose. Registered victims are invited to provide the following in their input: (a) the continuing nature and extent of any physical, psychological, or emotional harm or trauma suffered; (b) the extent of any loss of earnings or ability to work suffered; (c) the continuing effect of the crime upon the victim's family; (d) requests for special parole conditions if an inmate is paroled; and/or (e) any other information that would help parole board members determine the likelihood of a new crime being committed. Although registered victims are solicited for their input, any victim or member of the public—registered or not—can submit input for review by board members when making parole release decisions. Board members have the discretion to consider only information they deem relevant to the inmate's suitability for parole and are not required to identify whether or not victim input influenced their decision.

At least four months but no more than 180 days prior to the parole eligibility date of an adult inmate, a board hearing officer conducts a preliminary review of the inmate's case. The purpose of the review is to evaluate whether the inmate meets the appropriate standard for parole release. The hearing officer may consider the pre-sentence report, the prosecutor's comments, public (e.g., victim) input, information about what the inmate has done in the institution, a psychological evaluation, the inmate's parole plan, and anything the inmate presents for consideration. Most inmates are given time to present their case in person to hearing officers. All information not classified as "confidential" is released to the inmate, who is permitted to rebut the evidence or to present evidence on his/her own behalf. Victim input is considered confidential and not afforded review or rebuttal by the inmate.

If a hearing officer determines during the preliminary review that an inmate meets the appropriate standard for parole, he or she can recommend that parole be approved. Two board members review this recommendation. If they accept it, the inmate is released on parole. The two-board member panel can also deny parole and give the inmate a new eligibility date, or if they cannot reach a unanimous decision, they can refer the case to a third board member who will review the records of the hearing and then render a final decision. At least two board members must agree when deciding parole release for most inmates. Parole release decisions for inmates serving a sentence for the crime of murder must be made by a majority vote of the entire twelve-member board. If parole is denied at any stage, the board panel establishes a future parole eligibility date and the process begins anew.

Sampling design

The sampling strategy was to produce a study sample with enough power and variability of input types and orientations to determine the extent to which these subcategories of input effected parole release decisions among a representative sample of parole-eligible inmates. All prison inmates whose first-time parole release decisions were made during 2004 were included in the sampling frame ($n = 6,585$). Limiting the sampling frame to first-time offenders prevented the need to control for prior parole release denials. Computerized administrative data bases could not be queried for inmates who received victim input because this information did not exist digitally. To ensure enough inmates with input were included in the final sample, all inmates with registered victims were included ($n = 380$) and a random sample of inmates without registered victims ($n = 440$) was taken from those remaining in the sampling frame to produce a

total sample size of 820 male and female adults over the age of eighteen (see Fig. 1). Registered victims were directly solicited for their input, which was assumed to increase the likelihood of compiling cases with input received. Inmates without registered victims were included because unregistered and unsolicited victims could also submit input of their own volition. This sample was expected to yield statistically significant results at the 0.05 alpha level with a power of 0.81 (Cohen, 1988). Normalized weights were calculated for inmates with and without registered victims to statistically represent their actual proportions in the sampling frame.

Data sources and variables

Judgment of conviction reports, police arrest reports, pre-sentence investigation reports, pre-parole psychological evaluations, and case summary sheets stored within inmate case files, as well as the Parole Board Information System (PBIS)—a computerized administrative data base—were reviewed to acquire all data variables. "Victim" referred to: (a) any person or business entity that identified themselves in their input as having been victimized by the inmate's crime or (b) any person or business entity that was listed in the police arrest report or pre-sentence investigation report as having been the target of the inmate's crime or as the owner of property that was targeted by the inmate.¹ Victims were listed as "in attendance" on the summary sheet of a telephone or in-person hearing, or they were a signer to written correspondence.

Independent and dependent variables

"Input" referred to written correspondence, telephone hearings, in-person hearings, or videotaped correspondence² by a victim. Input

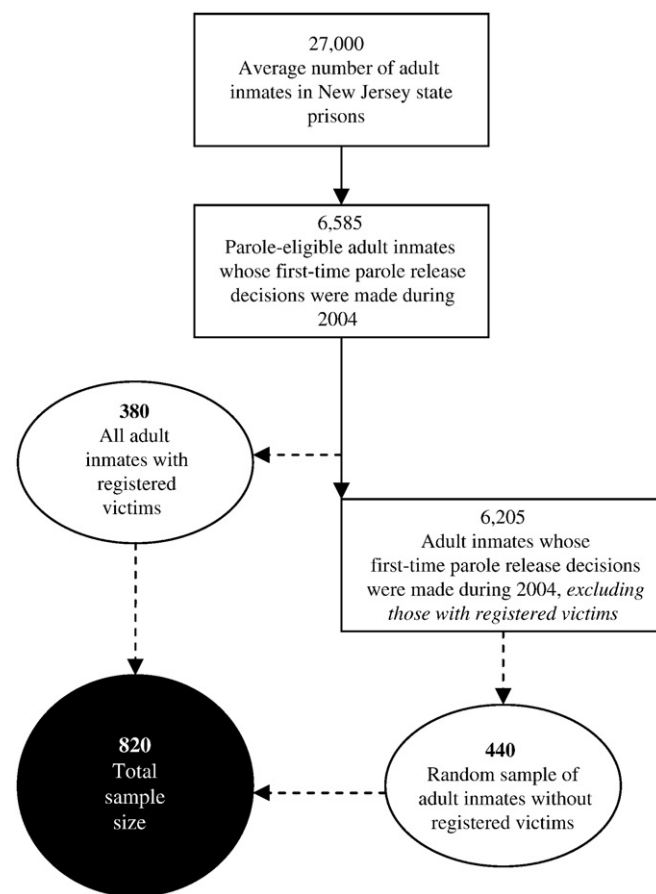


Fig. 1. Sampling design (stratified sample yielded 820 parole-eligible adult inmates).

did not include: letters from prison officials, counselors, psychiatrists, or consultants who were working and writing about the inmate as part of their official responsibilities or professional capacities; letters in which the writers did not give a specific preference as to whether the inmate should be granted or denied parole (e.g., letters from prospective sponsors or employers of the inmate if released, but who remained neutral to that effect³); letters or other correspondence from the inmate; or letters or other correspondence from a prosecutor's office. "Type of input" referred to either written or verbal input. Written input included written correspondence; verbal input included telephone or in-person interviews. A continuous numerical variable was used to specify the quantity of each type of input received for each inmate. "Orientation of input" referred to the input being either (a) in favor of parole release—positive input or (b) against parole release—negative input. "Positive victim input" and "negative victim input" referred to a continuous numerical value of the number of different people who were victims and who provided any type of input in favor of or against an inmate's release on parole, respectively. These victims were listed as "in attendance" on the summary sheet of a telephone or in-person hearing, or they were a signer to written correspondence. The decision of the parole board to grant or deny parole was the only dependent variable.

Control variables

Four dummy variables—White, Black, Hispanic, and other—were used to describe "inmate race" based upon the inmate's self-identification with the respective racial group. "Inmate gender" was defined as either male or female. The "age" of each inmate (in years) at the time of his or her parole hearing was calculated by subtracting the inmate's birth date from his or her parole release decision date.

Four separate dichotomous variables were combined to create a measure for "institutional behavior." The first variable specified whether an inmate had ever escaped or attempted to escape from a correctional facility. The second variable specified whether an inmate had committed a serious disciplinary infraction while serving his or her current sentence in prison. Referred to as asterisk (*) charges, serious disciplinary infractions were those in which written complaints against an inmate were filed by prison officials and adjudicated via formal processes. The third variable specified whether an inmate ever had parole or probation revoked for committing a new crime or technical violation prior to or resulting in the current incarceration. The fourth variable specified whether the inmate completed or was currently enrolled in one or more institutional programs by the time parole release was decided. After all of these variables were obtained from each inmate's case file, their sum was calculated to indicate "institutional behavior," with values ranging from "0" (best institutional behavior) to "4" (worst institutional behavior).

An inmate's "incarceration length" was calculated (in months) by subtracting the date that the inmate's sentence began from the date the parole release decision was made. Six separate dichotomous variables were used to measure the concept of "crime severity." The first variable specified whether an inmate was convicted of a violent⁴ or nonviolent crime. The second variable specified the degree (i.e., first, second, third, fourth, or other) of the most serious crime for which the inmate was currently incarcerated. A first-degree crime is statutorily deemed the most serious; however, for analytical reasons, the severity of an inmate's most serious crime was coded in reverse—with 1 the least serious (i.e., misdemeanor), and 5 the most serious (i.e., "first degree felony"). The third variable specified the number of known victims of the inmates' crime(s) for which he or she was presently incarcerated. A zero (0) for this variable meant that there were no known or identified victims, which was common for instance with drug or other vice crimes. The fourth variable identified whether the inmate had received a letter from a New Jersey county prosecutor's office against release. Prosecutor's offices were known

to weigh-in on parole release decisions for the more serious criminal offenders. The fifth variable identified whether the inmate had three or more "present" offenses for which he or she was currently incarcerated. The sixth variable identified whether any one of the inmate's victims was a juvenile (i.e., under eighteen years) at the time of the offense for which the inmate was presently incarcerated.

Four separate variables were used to measure an inmate's prior "criminal history." The first variable identified inmates with three or more prior adult criminal convictions. The threshold of three prior convictions was selected because it was used by the SPB for its own internal analyses and risk-prediction measures (such as the LSI-R) and because a dichotomous variable was the most feasible to collect for a large sample size—as opposed to the actual number of prior convictions. Results from a pilot study (Caplan, 2006b) indicated that the dichotomous variable of "three or more prior convictions" was significantly associated with parole release ($X^2 = 6.45$, $df = 1$, $p = .011$), while a dichotomous variable for "any prior convictions" was not significant ($X^2 = 3.00$, $df = 1$, $p = .083$). The second variable identified whether the inmate had any prior juvenile convictions. The third variable identified the inmate as a known sex offender, either due to a prior conviction or based upon his or her present offenses. The fourth variable identified whether the inmate was a juvenile (i.e., under eighteen years) at the time of the offense for which he or she was currently incarcerated, but was sentenced as an adult.

Prior to a parole release decision, every inmate received a pre-parole psychological evaluation. "Mental health history" information was obtained from this report. Inmates with an adult record of any one of the following items was considered to have a significant mental health history: (a) any suicide attempts; (b) any prior or current psychiatric hospitalizations; (c) was ever prescribed psychotropic medication; (d) was ever diagnosed with a major mental illness (schizophrenia or chronic affective disorder); (e) ever received clinical intervention or treatment for any mental health problem, including major mental illnesses, anxiety, or depression; or (f) the psychological evaluation stated without further explanation that the inmate had a "significant mental health history." In cases that lacked evidence of a significant mental health history (as described above), there was an indication on the psychological evaluations of "psychologically stable," "no indication of mental disorder," "no present or past mental health problems," or a similar statement indicating the absence of a significant mental health history.

Results

Sample characteristics and descriptive statistics

Results were based upon a final sample of 805 cases. Fifteen cases were excluded from the original 820 because there was no final parole release decision made (i.e., dependent variable). This was due either to indefinite administrative holds for some unknown reason or because the inmates requested to serve their maximum sentences, thereby waiving their right to be considered for parole release. Results of chi-square tests indicated that cases with incomplete data were more likely to be nonviolent offenders ($df = 1$; Pearson chi-square value = 9.48; $p < .01$).

The study sample ($n = 805$) was comprised of mostly nonviolent (85.2 percent) male inmates (93.4 percent), which was consistent with the proportion of nonviolent inmates in the general prison population. They were an average age of 33.6 years ($S.D. = 10$) and incarcerated 21.6 months ($S.D. = 33$) on average prior to their parole release decision date. A majority of inmates in this sample were Black (52.9 percent), followed by White (29.3 percent), Hispanic (16.5 percent), and other (1.2 percent).

Approximately 30 percent (30.7 percent) of the inmates had no known or identifiable victims of their crimes (a prominent example of this type of inmate was a drug offender). A plurality of inmates in the

Table 1
Descriptive statistics of covariates used in the study

Variable (valid sample n)	Mean	Median	SD	Min	Max	n of cases	Valid %
<i>Inmate age</i> (years; parole decision date minus birth date)	33.6	32	10	17	74	805	100.0
<i>Incarceration length</i> (months; parole decision date minus sentence begin date)	21.6	9	33	1	360	805	100.0
<i>Any victim input received</i> (796)							
<i>Inmate gender</i> (805)							
Male						752	93.4
Female						53	6.6
<i>Inmate race</i> (805)							
White						236	29.3
Black						426	52.9
Hispanic						133	16.5
Other						10	1.2
<i>Juvenile victim</i> (794) (under eighteen at time of offense for which inmate is currently incarcerated)						120	15.1
<i>Victim gender</i> (789)							
All males						137	17.4
All females						213	27.0
Mixed (male, female, or business entity)						184	23.3
Not applicable (no known victims)						255	32.3
<i>Negative letter from prosecutor's office</i> (805)						45	5.6
<i>Three or more present offenses</i> (805)						119	14.8
<i>Inmate is a sex offender</i> (805) (due to prior conviction or present offenses)						28	3.5
<i>Presently incarcerated for violent offense</i> (805) (based upon New Jersey Department of Correction categorizations)						119	14.8
<i>Inmate was juvenile offender at offense</i> (796) (under eighteen at time of current offense)						13	1.6
<i>Three or more prior adult convictions</i> (781)						478	61.2
<i>Any prior parole/probation revocations</i> (780)						374	47.9
<i>Program participation</i> (781) (completed or currently enrolled in)						616	78.9
<i>Serious disciplinary infraction</i> (777) (written complaints filed by a CO and formally adjudicated)						129	16.6
<i>Any escape history</i> (779) (attempted or successful)						37	4.7
<i>Mental health history</i> (751) (adult record of at least one of the following: (a) any suicide attempts, (b) any psychiatric hospitalizations, (c) ever prescribed psychotropic medication, (d) was ever diagnosed with schizophrenia or chronic affective disorder (CAD), (e) ever received clinical treatment for schizophrenia, CAD, anxiety or depression, (e) the psychological evaluation stated without further explanation that the inmate had a "significant mental health history." In cases that lacked evidence of a significant mental health history (as described above), there was a statement on the psychological evaluations indicating the absence of a significant mental health history.						162	21.6

sample (43.2 percent) had one identified victim; slightly more than 12 percent had two or more victims. At least one juvenile was identified as the victim of 15.2 percent of the inmates in the sample. Less than 2 percent (1.6 percent) of sampled inmates were juveniles at the time of their offense and were sentenced as adults. Table 1 shows frequencies and descriptive statistics for all covariates used in statistical analyses that follow.

A total of 130 unique pieces of input were submitted on behalf of inmates in the sample and reviewed during data collection. Eighteen victims submitted input in favor of release and 120 victims submitted input against release.⁵ As shown in Table 2, at least one of every type and orientation of victim input was received by inmates. Most input was submitted via written correspondence that varied in form from handwritten comments on a dinner napkin to multi-paged, typed

documents on professional letterhead. Written correspondence was usually mailed or (less frequently) faxed directly to the parole board. Pictures, newspaper clippings, and/or receipts would sometimes accompany written correspondence and was referenced in the text of the input. Verbal input was reviewed in the form of written transcripts and summary reports that were completed by parole board members or hearing officers who had direct conversations with victims. Transcripts of verbal input were usually typed documents and were very comprehensive.

Characteristics of inmates who had registered victims

Having a registered victim was associated more with victim and inmate characteristics than with the type or severity of an inmate's crime. The presence or absence of a registered victim was tested for significant associations between each of the following variables: inmate gender, inmate race, inmate had a juvenile victim, inmate was a juvenile offender, victim gender, inmate was a sex offender, inmate was a violent offender, inmate was a drug offender, severity of inmate's present offenses, sentencing county, inmate's mental health history, less than tenth grade education for inmate, and less than twelfth grade education for inmate. Table 3 shows results of only the significant findings which indicate that an inmate's race and the gender and age of an inmate's victims were significantly associated with having a registered victim.

Table 2
Unique counts of input received and reviewed for each type and orientation

Input variable	Number of cases with this input	Total number of unique items of this input
Victim input		
<i>Positive (in favor of release)</i>		
Hearing with board member	1	1
Hearing with hearing officer	4	4
Phone with board member	1	1
Phone with hearing officer	3	3
Letter	10	10
<i>Negative (against release)</i>		
Hearing with board member	11	11
Hearing with hearing officer	14	14
Phone with board member	2	2
Phone with hearing officer	8	8
Letter	56	76
Victims in favor of release	17	18
Victims against release	80	120

Table 3
Significant results from chi-square test of inmate characteristics on having a registered victim

Variable	N	df	Pearson chi-square value	p value
Inmate race	805	3	21.47	<.001
Inmate had a juvenile victim	795	1	34.67	<.001
Victim gender	791	3	50.67	<.001

Table 4
Proportion of inmates with victim input and denied parole

	Inmate has negative victim input? (percent)	
	No	Yes
Parole denied	44.7	72.5
Parole approved	55.3	27.5

White inmates were more than twice as likely (13.4 percent) to have registered victims than Black (3.5 percent) or Hispanic (6.1 percent) inmates. Inmates with juvenile victims were over five times more likely (24.5 percent) to have registered victims than inmates without juvenile victims (4.4 percent). Most inmates with juvenile victims were White (51 percent), followed by Black (32.7 percent) and Hispanic (16.3 percent) inmates; these differences were also significant ($n = 795$; $df = 3$; Pearson chi-square value = 37.49; $p < .001$). It was not possible to identify the gender of each person who submitted input. Victim gender was obtained from police arrest report narratives based upon the use of “he” or “she” or from references made about gender-specific body parts (e.g., vagina), as was often done in records detailing sex-related crimes. Inmates with all female victims were more likely to have registered victims (15.4 percent) compared to inmates with all male victims (8.9 percent) or inmates whose victims were a mixture of males, females, or business entities (10.3 percent). This proxy variable might imply that women were more likely to register as victims than men.

Inmate characteristics predictive of receiving victim input

The quantity or severity of offenses was not significantly associated with receiving any input, nor did violent offenses significantly increase the likelihood of receiving input ($Exp(B) = 0.57$; $p = .622$). In fact, there was a negative association between violent offenders and receipt of victim input, when controlling for all other variables. This was noteworthy because previous studies overrepresented violent offenders in their samples under the assumption that when crimes were against people, there would be an increased likelihood of comprising a sample with sufficient variability of inputs received. This was apparently not so

in New Jersey. Results presented here validated the sampling design used for this study. Replicating sampling designs of previous empirical studies (e.g., Smith et al., 1997) almost certainly would not have yielded sufficient variability of input types and orientations in New Jersey.

Impact of negative victim input on parole release

It was hypothesized that victim input against parole release would result in the denial of parole for parole-eligible inmates when controlling for positive input, institutional behavior, incarceration length, crime severity, criminal history, mental health, and inmate age, gender, and race. Table 4 reports the distribution of inmates with and without negative input and their respective release decisions.

The logistic regression model presented in Table 5 shows that when controlling for all other variables, negative input was not a significant predictor of parole release. Measures of institutional behavior, crime severity, and criminal history were significant. Participating in prison programs ($Exp(B) = 1.80$, $p < .01$) improved an inmate's odds of being approved for parole, while institutional misconduct ($Exp(B) = .31$, $p < .001$), having one or more known victims, having any juvenile victims, or having any prior juvenile convictions decreased an inmate's odds of being approved for parole.

The presence or quantity of negative input did not significantly affect parole release decisions in New Jersey. Multicollinearity among covariates in this and all other analytical models that follow was not an issue; variance inflation factor (VIF) values for each covariate were under two.

Impact of positive victim input on parole release

It was hypothesized that victim input in favor of parole release would result in the approval of parole for parole-eligible inmates, when controlling for all other variables. Results of a binary logistic regression suggested that positive victim input was not a significant predictor of parole release ($Exp(B) = .33$; $p = .38$). Only fourteen cases with complete data had positive victim input, leaving this result subject to Type II error. The effect of positive victim input on parole release was inconclusive due to the limited variability of positive victim input in the study sample.

Table 5
Results of logistic regression model of victim input on parole release approval ($n = 728$)

Variables in the model ⁺	B	S.E.	Wald	df	Sig.	Exp(B)	95.0% C.I. for EXP(B)	
							Lower	Upper
Negative victim input	-.52	.52	1.00	1	.32	.60	.21	1.65
Positive victim input	-1.10	1.25	.78	1	.38	.33	.03	3.84
Inmate age	-.02	.01	4.09	1	.04	.98	.96	1.00
Inmate gender	-.36	.34	1.15	1	.28	.70	.36	1.35
Inmate race								
Black	.23	.23	.94	1	.33	1.25	.80	1.97
Hispanic	.03	.28	.01	1	.90	1.03	.60	1.79
Other	3.45	2.09	2.73	1	.10	31.39	.53	1875.53
Institutional behavior*	-.57	.11	28.15	1	<.001	.56	.46	.70
Incarceration length	-.001	.004	.023	1	.88	1.00	.99	1.01
Crime severity*								
Violent offender	.27	.24	1.35	1	.25	1.31	.83	2.08
Number of known victims*	-.26	.06	18.48	1	<.001	.77	.69	.87
Negative letter from prosecutor's office	-.43	.58	.55	1	.46	.65	.21	2.03
Three or more present offenses	.003	.20	.00	1	.99	1.00	.68	1.48
Any juvenile victims*	-1.06	.38	7.93	1	.01	.35	.17	.72
Criminal history*								
Three or more prior adult convictions	.33	.20	2.82	1	.09	1.40	.95	2.06
Any prior juvenile convictions*	-.43	.20	4.67	1	.03	.65	.44	.96
Inmate is a sex offender	1.00	.59	2.87	1	.09	2.71	.86	8.55
Inmate was a juvenile at offense	-3.15	1.71	3.39	1	.07	.04	.002	1.23
Mental health history	-.01	.22	.001	1	.98	.99	.64	1.53
Constant	1.94	.46	17.79		.000	6.97		

⁺ Inmate race (White) was a reference category ($-2LL = 865.24$).

* Significant at $p < .05$.

Impact of verbal and written inputs on parole release

It was hypothesized that verbal input would have a greater affect on parole release decisions for parole-eligible prisoners than written input, when controlling for all other variables. Two binary logistic regression models should ideally be used to test this hypothesis, each comparing verbal and written inputs of the same orientation. This would allow effect sizes (odds ratios) of input types to be intuitively compared without the orientation of input confounding results. Only one model—comparing negative verbal input to negative written input—was tested due to the limited number of cases with positive verbal victim input and complete data.

Table 6 shows the results of a binary logistic regression comparing the odds ratios of negative verbal input and negative written input. Results suggest that verbal input had a greater negative effect on an inmate's chance of being approved for parole compared to written input, though neither type of input significantly impacted parole denial. Every additional negative verbal input decreased an inmate's odds of being approved for parole by 85 percent. Every additional negative written input had a near neutral effect on an inmate's odds of being approved for parole.

Summary of results

Victim input was not a significant predictor of parole release in New Jersey when controlling for other release factors. Verbal input was more influential than written input. Measures of institutional behavior, crime severity, and criminal history were significantly associated with parole release, which was consistent with findings from previous empirical research. Prison program participation and institutional misconduct were the only factors significantly associated with release that an inmate could conceivably have had some control over while in prison; the former being the only factor tested that improved an inmate's chances for parole release. The odds of an inmate's parole release decreased for every additional person or business entity that was victimized. Inmates incarcerated for "victimless" crimes had better odds of parole release than their counterparts with known victims. Juvenile victims were detrimental

to an inmate's likelihood of parole release as well, with the odds of release for inmates with juvenile victims nearly two-thirds less than that of their counterparts. A history of prior convictions as a juvenile also decreased an inmate's chances of parole release as an adult.

Discussion

Results suggested that victims' rights laws successfully increased victim participation because inmates with registered victims (who were solicited for input only because laws require them to be invited to participate) received significantly more victim input than inmates without registered victims. Such opportunities for victims to impact parole release decisions could have created a situation in New Jersey in which the leverage of power to decide inmate releases was shifted from parole board members to victims (Malsch & Carrière, 1999), but victim input laws apparently did not have this effect.

A major strength of this study was the representativeness of its sample. Previous research (i.e., Smith et al., 1997) that found victim input to have a significant impact on parole release decisions sampled only violent offenders, which limited the generalizability of results. The potential influence of victim input at parole hearings was nevertheless assumed to be generalizable across paroling jurisdictions and among different types of inmate populations—until now. This study was particularly important because it utilized a representative sample of parole-eligible inmates that produced results contrary (and perhaps counterintuitive) to prior empirical research. These findings serve as a reminder that caution must be used when inferring the impact of victim input among different types of offenders or among different paroling jurisdictions, particularly when the study sample is limited to only one type of offender. In New Jersey, there was not a systemic overbearing influence of victim input on parole release decisions. Although this study's sample might have included some inmates with victims who were influential to parole release outcomes, these victims and their influence was not the norm. Generally speaking, input appeared to be given less weight than other significant criminogenic risk factors such as crime severity, criminal history, and institutional behavior.

Table 6
Results of logistic regression comparing verbal and written input on parole release (n = 728)

Variables in the model	B	S.E.	Wald	df	Sig.	Exp(B)	95.0% C.I. for EXP(B)	
							Lower	Upper
Negative verbal victim input	-1.87	1.46	1.64	1	.20	.15	.01	2.69
Negative written victim input	.07	.54	.02	1	.89	1.07	.30	3.07
Inmate age*	-.02	.01	4.02	1	.045	.90	.96	1.00
Inmate gender	-.36	.34	1.15	1	.28	.70	.36	1.35
Inmate race								
Black	.23	.23	.99	1	.32	1.26	.80	1.98
Hispanic	.02	.28	.004	1	.95	1.02	.59	1.76
Other	3.50	2.10	2.80	1	.10	33.00	.55	1987.72
Institutional behavior*	-.58	.11	28.50	1	<.001	.56	.45	.69
Incarceration length	-.001	.004	.025	1	.87	1.00	.99	1.01
Crime severity								
Violent offender	.28	.24	1.41	1	.24	1.32	.83	2.10
Number of known victims*	-.26	.06	19.14	1	<.001	.77	.68	.86
Negative letter from prosecutor's office	-.43	.58	.55	1	.46	.65	.21	2.03
Three or more present offenses	.000	.20	.000	1	1.00	1.00	.68	1.48
Any juvenile victims*	-1.07	.38	7.98	1	.005	.35	.17	.72
Criminal history								
Three or more prior adult convictions	.33	.20	2.75	1	.10	1.39	.94	2.05
Any prior juvenile convictions*	-.43	.20	4.79	1	.03	.65	.44	.96
Inmate is a sex offender	1.00	.59	2.89	1	.09	2.73	.86	8.67
Inmate was a juvenile at offense	-3.13	1.71	3.36	1	.07	.04	.002	1.24
Mental health history	-.01	.22	.004	1	.95	.99	.64	1.52
Constant	1.94	.46	17.83	1	.000	6.90		

+ Inmate race (White) was a reference category (-2LL = 865.24).

* Significant at p<.05.

The future of victim participation at parole

States are currently faced with financially unsustainable correctional systems as more inmates are serving longer portions of their sentences in prison. These fiscal pressures have led some states to propose drastic actions, including increasing opportunities for good-time credits, expanding supervised parole, and releasing inmates early without parole⁶ (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, leading many victims to become increasingly frustrated with parole boards (Davis & Smith, 1994; Erez, Roeger, & Morgan, 1997; Erez & Tontodonato, 1992).

Fiscal pressures juxtaposed with concerns about political support from victims and other constituents may soon force parole boards to decide how much weight to give victim input when making parole release decisions in the future. In the short-term, parole administrators may choose to develop guidelines about how victim input informs parole decision-making activities. 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. A lot of time, money, and political capital are spent promoting victims' rights and ensuring that victims are part of parole processes, and victims are led to believe that their input matters. If victims' opinions do not inform parole release decisions or are not utilized carefully, then there is the potential for increased levels of victim dissatisfaction (Black, 2003; Erez & Roeger, 1995; McCoy & McManimon, 2003).

Although the relative number of victims and victim advocates may be small, they are organized and the public defers to them on the issue of parole because they are seen as informed as much as they are seen as sympathetic. Victims are assumed to have the moral authority to speak on the public's behalf, and therefore, their influence is often greater than their absolute numbers imply (Smith et al., 1990). It is currently unknown if soliciting victim participation without utilizing victim input to influence outcomes will maintain the parole board's legitimacy with victims groups in the long-term. Theories of procedural justice and legitimacy suggest that it will because people are more likely to favorably rate the quality of any outcome when the procedure includes opportunities for them to participate (Tyler, 2003). This remains to be answered more definitively and can be studied with further empirical research.

There are also negative long-term consequences to letting victims' preferences outweigh other criminogenic release factors. For example, results of this study suggested that prison program participation and good institutional behavior could improve an inmate's odds of being released on parole. These are common expectations among inmates (West-Smith, Pogrebin, & Poole, 2000). When factors that inmates believe affect release decision are different from the factors that parole boards actually consider, inmates will be confused and angry and will be less likely to conform to requirements for institutional control (West-Smith et al., 2000). Inmates, parolees, and their families should be able to believe that the parole decision-making process is fair and that their own interests are respected. Their favor is necessary (as much as victims) for the system of parole to function smoothly.

Results suggested that most victim input favored parole denial (87 percent) and was disproportionately submitted for nonviolent offenders. Nonviolent, lower-risk offenders are precisely the people who can benefit the most from parole supervision (Warren, 2008). Always honoring the demands of victims could put the general public at greater risk in the future as certain inmates "max out" their sentences and are released from prison without reentry support and supervision. As political pressures to find ways to save money focus

greater attention on parole boards, state legislators may prevent antithetical consequences if they consider these and other potential long-term costs associated with denying or approving parole based primarily on victim input. Clear and transparent policies regarding this matter should be developed in New Jersey and elsewhere accordingly. Although victims are a politically and socially powerful group, the mission of parole extends beyond the interests of only crime victims.

Victim closure and criminal justice system support

The receipt of victim input by parole boards is relatively minimal compared to the sheer number of victims that parole-eligible inmates represent. For instance, the 805 cases used in this study represented a sum of 1,161 known victims, less than 12 percent of who provided input. Considering that 87 percent 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, the victims who chose to participate were a unique group. While the reasons for their self-selection into this cohort might vary, it is probable that they continue to be physically or emotionally harmed by the crime and are unable to find closure. Although it was beyond the scope of this study, the victim input reviewed during data collection suggested that requests for parole denials were often justified with explanations of continued fear and suffering. In place of soliciting victim input for the purpose of influencing parole release decisions, which in New Jersey has been shown to have no influence on outcomes, perhaps offices of victim services should use it as a mechanism to identify the neediest victims who have been unable or unwilling to repair the harm done from the crime. A mental health counseling program for these self-selected victims, for example, could provide some closure regarding their past victimization.

A reconciliation program that counsels certain victims and offenders together shortly before the offender's parole hearing or release date may also bring some closure or relief to victims regarding past events and their transgressor's eventual release from prison. Restorative justice and other related initiatives at the pre-trial phase of criminal justice proceedings have been the subject of a growing body of research (e.g., Acorn, 2004; Barlow, Barlow, Scandone, & McNeil, 2004; Clear, 1998; Clear & Crawford, 2000; Gumz, 2004; Lawson & Katz, 2004; Mika, Achilles, & Halbert, 2004; Ristovski & Wertheim, 2005; Sherman, 2000). Scholarly discussions and research regarding opportunities for victims to communicate with their transgressors just prior to their releases from prison are minimal and should be explored further, especially within the context of studying positive and negative victim input submitted before and after reconciliation program completion.

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 and not the present. In other words, victim input tends to be emotionally tied to the offender's past and focuses too much on who the offender was, not who the offender has become. If victims had the opportunity to explain and treat their ongoing grief, or even interact with their offender in controlled settings just prior to an inmate's release from prison, then victims' anxieties may be reduced and their other concerns adequately addressed. These interactions could bring victims some comfort and closure. Without their victim's scorn, offenders may be able to reintegrate into society more easily—a key goal of the parole system.

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Notes

1. Only primary victims were counted. For example, if a credit card was stolen, then the person named on the credit card was the victim. The stores where the stolen card was later used, or the banks or insurance companies that lost money as a result of the crime, were not counted as victims. Furthermore, immediate relatives (i.e., [step] mother, [step]father, [step]brother, [step]sister, or grandparent) of deceased victims counted as victims. A victim was determined to be deceased based upon the offense committed, and the circumstances of the offense, as described in inmate case files. Representatives of victims with mental handicaps (i.e., mental illness) were also counted as victims. The mental handicap could be determined from evidence in the case file or if directly stated by the representative as the reason for providing input on behalf of the victim.

2. There was no videotaped input submitted for any inmate in the sample. SPB staff stated this was common and could not recall ever receiving videotaped input from any victim.

3. These people often say something nice about the inmate, or offer to support the inmate if released, but they do not directly specify a preference, either way, for the inmate's release.

4. Based upon New Jersey Department of Corrections (2004) categorizations, and upon consultation with SPB staff (K. Robbins, personal communication, June 1, 2006), "violent" offenses were operationalized as: aggravated assault, aggravated assault by auto, aggravated assault on a police officer, aggravated assault with a deadly weapon, aggravated criminal sexual contact, manslaughter, aggravated manslaughter, aggravated sexual assault, armed robbery, assault by auto, assault by motor vehicle, assault with intent to carnally abuse, kidnapping, murder, attempted murder, attempted sexual assault, carjacking, criminal restraint, criminal sexual contact, attempted robbery, attempted armed robbery, attempted sexual assault, death by vehicular homicide, disarming a corrections officer, disarming a law enforcement officer, rape, rape while armed, reckless manslaughter, robbery, sexual assault, sexual contact, simple assault, terroristic threats, theft from a person, violation of probation (VOP) for aggravated assault, VOP for criminal restraint, VOP for criminal sexual contact, VOP for robbery, VOP for sexual assault, VOP for simple assault, VOP for terroristic threats, VOP for theft from a person, VOP for attempted aggravated assault, or retaliation against a witness. Conspiracy to commit a violent crime was not considered a violent offense. Attempted violent crimes were considered a violent offense.

5. Multiple victims could sign the same letter, for example, so the sum of these numbers does not equal 130.

6. South Carolina also proposed abolishing parole to prevent parole violators from returning to prison, thereby slowing the growth of its prison population after inmates are released early.

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