Reentry After the Maximum Expiration of a State Custodial Term in New Jersey: Voluntarily Maxing Out of Prison

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Reentry After the Maximum Expiration of a State Custodial Term in New Jersey: Voluntarily Maxing Out of Prison

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This dissertation investigates the phenomenon of inmates voluntarily forgoing early release from prison via parole and instead spending the remainder of their time behind bars. The study highlights how these individuals fare in the community in regards to recidivism after their eventual release. This research allows for a first look into the characteristics of this population, adds to the growing body of knowledge about parole supervision, and illuminates for New Jersey policy makers the effects of allowing inmates to refuse parole.

The investigation was accomplished through an analysis of archival data from the New Jersey Department of Corrections (NJDOC) and the New Jersey State Parole Board (NJSPB). Data were utilized to explore a cohort of previously incarcerated persons returning to New Jersey communities in the year 2005. The analysis compared three different groups within this cohort. Groups include: (1) those who are released from the custody of the NJDOC before the expiration of their sentence via the discretion of the NJSPB and are subjected to a period of parole, (2) those who are not released to parole because of parole denial, and (3) those who are not released to parole supervision because of a voluntary denial of parole consideration on the part of the inmate. The primary outcome, recidivism, was measured in three ways: (1) rearrest, (2) reconviction, and (3) reincarceration for new crimes.

Results indicate that those who were paroled were less involved in post release criminal activity when compared to the other two groups. However, those who voluntarily spent the rest of their sentence in an incarcerated setting were not significantly more involved in post release criminal activity than those who maxed out of prison due to parole denial. Voluntary and involuntary max outs evidenced similar characteristics in regards to several important variables used to predict recidivism. This evidences that if the ability to decide to forgo parole consideration were taken away from New Jersey inmates, it is unlikely that this population would be granted parole by the releasing authorities of the NJSPB. Policy issues for both the NJSPB as well as the local criminal justice system are discussed.

Preface

I would like to take this opportunity to thank the friends, family members, loved ones, and other colleagues who supported me in various ways through this endeavor. Special thanks go to my family: Nancy and Gary Del Moro, Fred Ostermann and Joseph Stanton, Christopher Ostermann, and to Christine Nielsen, my rock.

I would also like to thank some of my colleagues at the New Jersey State Parole Board, specifically Dean Ivins, Leonard Ward, Sean Asay, and Joseph Shields. Dean acts as "The Man Behind the Curtain" for the Board by providing data, building information tools, and basically keeping the place running. His insight has been invaluable to me as a researcher and for that I am truly thankful. The latter three individuals have had a notable, and I believe positive, impact on my professional development and have helped me to greater understand our local criminal justice system. I am extremely grateful for their guidance and look forward to working with all of these individuals on future projects.

Finally I would like to thank my committee members Doctors James Finckenauer, Joel Caplan, and Bruce Stout, and give special thanks to my chairperson: Dr. Bonita Veysey. Your guidance both during classes, through my comprehensive exams, as well as throughout the dissertation process has served me well and I will use the skills I have learned from all of you both specifically and collectively for the rest of my life. Thank you.

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Chapter 1: Introduction

This dissertation is designed to add to the growing body of knowledge about parole supervision and to add insight into the effects of the decision making of individuals returning from an incarcerated setting back to our communities. This study will focus on the phenomenon of incarcerated individuals voluntarily forgoing early release through parole and remaining imprisoned until the expiration of their sentence. This research will focus on how these individuals fare in the community after their release.

In New Jersey, an incarcerated person can be released from a state prison via several different mechanisms. Broadly, the individual can either be released from prison with or without a period of parole supervision. Within these two broader categories, a person can either be released to community supervision via a decision rendered by the New Jersey State Parole Board (NJSPB), the person can be released to a mandatory term of community supervision via a statutory function (e.g., the No Early Release Act for violent offenders and Parole and Community Supervision for Life for sex offenders), they can be released from prison at the expiration of their sentence as a function of a discretionary denial of a parole period from the NJSPB, they can max out due to statutorily defined parole ineligibility which is attached to their offense of conviction, or the individual can choose to reject their own parole eligibility and leave prison at the expiration of their sentence without a period of community supervision. These individuals who voluntarily remain in prison until the expiration of their sentence, who forgo an early release at the discretion of a Parole Board and subsequent community supervision by the Division of Parole, are the primary focus of this study.

The primary outcome is recidivism. Two comparison groups are used. Individuals who voluntarily max out their sentence in prison are contrasted with (1) individuals who max out their sentence as a function of denial of a discretionary parole, and (2) those who are released through discretionary parole. Individuals who are placed on community supervision per a mandatory statutorily defined requirement and individuals who max out due to parole ineligibility are not included in this study. Recidivism is measured in three ways: (1) rearrest, (2) reconviction, and (3) reincarceration for new crimes. Study units are considered at risk for recidivism between the day of their release in 2005 to the date that recidivism data was gathered (January 25, 2009). This will allow for the analysis of approximately three years of follow-up data. Technical violations of parole are not considered as recidivism because a technical parole violation is not a viable outcome for either of the max out groups under exploration. However, those that receive technical violations and are returned to custody, and as a result, are no longer at risk of being rearrest, reconvicted, or reincarcerated for a new crime had the time they spend "not at risk" accounted for. For these individuals both the follow-up time and time to failure were reduced by the number of days spent back in prison for the technical violation (Bales et al., 2005).

Studying the voluntary max out population is important for several reasons. First, there is no criminological research that highlights how this group fares upon reintegration into the community. Studies of recidivism comparing those who are released to a period of parole supervision to those who are not released to supervision are relatively few in number both in national and local contexts. There is currently no empirical research that investigates individuals who max out by their own volition versus those who max out as a function of parole denial, and those who are released via discretionary parole in terms of success within the communities to which they return.

Second, investigating how these individuals fare will provide empirical evidence for New Jersey policy makers about the effects of allowing prison inmates to forgo parole, and, by extension, will provide insight into the effects of releasing individuals to parole supervision as a part of a step down approach to prisoner reintegration. It is well recognized within the criminological literature that a period of supervision can allow a reintegrating individual to have greater access to community–based services and provides for a more structured approach to reentry. Individuals who max out of prison and who are not under parole supervision are not able to access as many community resources as those who go through a period of parole.

Through the process of parole a parole officer aids returning ex-prisoners on their caseloads to obtain gainful employment, secure housing, means of transportation and obtain viable identification, and strengthen social relationships with their families and loved ones. Simultaneously, the parole officer maintains public safety through ensuring that the parolee maintains a law-abiding lifestyle. Those who forgo the parole process, like all state prisoners, have been disconnected from society and experience an extremely regimented lifestyle while incarcerated. By allowing inmates to refuse parole, policy makers are precluding many reintegrating offenders from social services that are available through parole and are potentially putting public safety at risk by not supervising these individuals. Essentially, those who max out of prison go from absolute incapacitation in an absolutely controlled environment in prison one day to absolute freedom within the community the next day. A step down approach through parole supervision allows greater control within this process, can increase the reintegrating population's access to services they need to succeed within the community, and can ensure greater public safety. This research allows for a first look into how two different groups of people who leave our prisons without supervision fare in the community. To this end, this study will provide the NJSPB and NJ policy makers with useful information about the possible repercussions of allowing these individuals to make such a choice. This research will provide empirical evidence to larger policy discussions currently taking place in NJ about extending a period of parole supervision to all previously incarcerated persons as a part of a step down approach toward prisoner reintegration.

The following chapters present the area of study, the pertinent literature, the design, results, and conclusions. Chapter 2, the Study Context, highlights the context in which the study will take place, explaining the structure of the agency charged with the responsibility to release and subsequently supervise returning ex-inmates, how the release event from an incarcerated setting in New Jersey functions, and a brief description of the populations that are reentering our communities. Chapter 3, the problem statement chapter, further highlights the potential gravity of allowing prisoners to voluntarily forgo supervision. This dissertation's fourth chapter, the literature review and theoretical framework section, goes into detail about how the correctional climate has changed over the past quarter century, how this has affected the release population and parole supervision, and what steps criminological research has identified as logical ways to move forward. The theoretical framework uses both criminal lifestyles and rational choice approaches in order to explain how and why the choice structure to voluntarily max out of prison could be explained. In chapter 5, the methodology chapter, the research questions and their attendant hypotheses as well as study methods are presented. Results are presented in chapter 6 and are discussed in chapter 7. Chapter 8 presents major conclusions.

Chapter 2: Study Context

The Structure of the New Jersey State Parole Board

Parole is a period of supervised release by which a state or county inmate is provided the opportunity to serve the final portion of his or her sentence in the community rather than in an institution. Parolees are supervised by parole officers and are placed under both general as well as special conditions of supervision. All parolees are subject to general conditions of parole which include basic requirements to keep them aligned with a law-abiding life (e.g., obeying all rules, laws, and ordinances, abstaining from controlled substance use, reporting to a parole officer as instructed, obtaining approval for a change in address, etc.). Special conditions of parole can either be imposed upon the parolee by the Board Panel at his or her release hearing on their parole eligibility date or can be imposed by the parolee's parole officer in reaction to technical violations or if the parolee begins to become recalcitrant (e.g., imposing a curfew, refraining from contact with a specific person or groups of people, attending a community program or self help program, etc.).

The New Jersey State Parole Board is the lead reentry agency in New Jersey and is responsible for making discretionary release decisions, and subsequently supervising, over 7,000 individuals released from state prisons per year. Several thousand more individuals max out of New Jersey prisons each year either through a denial of a parole period or voluntary refusal of parole release. Additionally, the Board is responsible for supervising all sexual and violent offenders released from state prisons who require mandatory supervision under New Jersey's Community and Parole Supervision for Life statutes (particular to sex offenders) as well as New Jersey's No Early Release Act. At

the time of the drafting of this dissertation, the Board supervised 15,743 people, 3,844 of whom were mandated to supervision under the Community Supervision for Life statute, 540 under the Parole Supervision for Life statute, and 2,179 under the No Early Release Act.

The Board currently consists of ten Associate Board Members and three Alternate Associate Board Members who are appointed as needed for case processing. Board members are charged with making final release decisions and are appointed by the Governor of the State of New Jersey with the advice and consent of the New Jersey State Senate. One Board Member is appointed by the Governor to serve as the Vice Chairperson of the State Parole Board. Board members are appointed for six-year terms. One Chairperson, one Executive Director, and one Deputy Executive Director, as well as the Director of the Division of Parole lead the State Parole Board. The Chairperson is appointed by the Governor of NJ while the Executive and Deputy Executive Directors as well as the Director of the Division of Parole are appointed by the Chairperson.

The Chairperson is charged with overseeing all functions of the Board while the Executive and Deputy Executive Directors are charged with oversight of the various administrative and support staff entities within the Board. These entities include the Release, Hearing, Fiscal, Information Technology, Appeals, and Legal Units, as well as the Public Information Office, the Office of Professional Standards, and the Office of Policy and Planning. The Director of the Division of Parole oversees the operations of the Board's sworn law enforcement staff. The sworn law enforcement staff members are spread across the state working out of district offices and follow a typical law enforcement hierarchy made up of Captains, Lieutenants, and Sergeants. Sworn staff are

charged with the supervision of parolees and must help guide the individual through the reintegration process while simultaneously protecting public safety. The Board currently employs 425 sworn staff and 296 civilian staff members.

The Release Process

Board members have the ultimate responsibility of making discretionary release decisions while the sworn staff are charged with the monitoring of individual parolees under The Parole Act of 1979 (NJSA 30:4-123.45, et. Seq.). This Act created a presumption of parole for people who came before the Board Panel. This means that before anything is communicated between the panel and the potential parolee and before information pertaining to the potential parolee is reviewed by the panel, the inmate has a legitimate expectation of release upon their date of parole eligibility. An inmate typically becomes parole eligible after serving approximately one-third of the punitive term of their sentence (minus commutation time, and not including inmates who are sentenced under mandatory minimums).

The process by which a prison inmate is released on parole begins with an initial hearing conducted by a hearing officer. This officer is a member of the civilian staff and provides a preliminary review of an inmate's appropriateness for parole release. Initial hearings are conducted within the institution in which the inmate is housed. During this hearing the officer begins to create an official record for the members of the Board Panel who will eventually decide upon whether the individual is suitable for parole supervision. A panel hearing follows the initial hearing. In the panel hearing, the actual decision is made as to whether or not the inmate will be released to parole supervision. Panel

hearings are attended by two Associate Board Members and are either conducted in person at the institution or via video teleconferencing from a satellite office.

In making release decisions Associate Board Members consider a myriad of different factors, including, but not limited to: the inmate's pre-incarceration and pre-sentencing reports (completed by the Administrative Office of the Courts), his or her history of prior offenses, the facts and circumstances of the offense for which the inmate is presently serving time, the inmate's conduct during incarceration including the reception of disciplinary infractions and asterisk offenses while in custody, as well as in-prison program participation. Reports from prison staff about the inmate's social, mental, and physical condition as well as input from crime victims and non-victims is also taken into consideration when Associate Board Members are making release decisions. Finally, an actuarial risk assessment is conducted just prior to the publication of the inmates' release package (this occurs no more than six months prior to a parole eligibility date).

The risk assessment (typically the Level of Service Inventory-Revised) informs Associate Board Members of the risk the inmate poses to the community upon release, what areas should be concentrated upon during the reintegration process, and the statistical likelihood that the individual will come into further contact with the criminal justice system upon release from an incarcerated setting. Board members use this information in order to fulfill their statutory obligation to release individuals who are 1) likely to succeed upon parole release, and 2) have demonstrated an investment in their rehabilitation.

After the two-member parole panel has heard and considered the factors and evidence relevant to the individual's likelihood of success upon reintegration, a parole decision is made. At this point in the process parole is either granted or denied. Those who are granted parole are assigned both general and, where appropriate, special conditions of parole and are assigned to the District Office that is closest to the address they will be staying at within their parole plan. Parolees can also be assigned to virtual offices such as Community Programs, Electronic Monitoring, or the Sex Offender Management Unit.

The board panel assigns individuals who are denied parole a future eligibility term. This term establishes the length of time that must transpire before the inmate can be reconsidered for parole. Future eligibility terms typically range from eleven months to three years depending upon the severity of the original crime as well as the time which the board panel believes the inmate needs to ready him or herself to be successful upon parole.

Table 1 shows release trends in NJ from 2000 to 2006. As presented in the table, the total released population has been decreasing since the turn of the century with 14,719 people being released from prison in 2000 and 12,555 people being released in 2006. During this time period the rate of those released to parole supervision, both in general and via discretionary release, have remained stable at around 60 percent of the total releases. The rate of those that max out of prison unconditionally, without community supervision has also remained stable from 2000 to 2006. The rate of those who voluntarily max out of prison has also remained stable representing approximately 40 percent of the max out population and 14 percent of the total population for each year.

In 2001 (the first year in which this data was available) only 1,069 or 20.4 percent of the total max out population maxed out of prison per their own volition. However, the NJSPB did not begin to collect data about voluntary max outs until May 8, 2001. In 2006 1,835 people maxed out of prison voluntarily. As highlighted within this table, inmates voluntarily forgoing parole supervision and opting to spend the remainder of their sentences behind bars has been a relatively stable phenomenon from 2000 to 2006.

Parole supervision provides released inmates with rehabilitative opportunities in their home communities in addition to providing safety to community members. Parole officers connect parolees with employment opportunities, substance abuse programming, housing, counseling, vocational and educational training, etc. Inmates can also be released from prison at the expiration of their sentence and not have to undergo a period of community supervision through the parole process. These individuals are not subject to informed discretionary release decisions by the parole panel. These inmates can either max out their sentence as a function of a denial of parole by the panel or they can opt out of parole supervision per their own volition. Max out cases are afforded none of the reintegration opportunities or guidance provided to parolees. However, they can access several community-based programs that are similar to those resources that are exclusively available to the parole population. Furthermore, these individuals are not subjected to parole compliance. This precludes max outs from being returned to prison via a technical violation of parole.

Table 1: New Jersey Release Trends 2000-2006

	2000	2001	2002	2003	2004	2005	2006
Released Population	14,719	14,781	13,136	12,600	12,934	12,277	12,555
Released to Parole Supervision (percent of Released Population)	8,940 (60.7)	9,535 (64.5)	8,469 (64.5)	7,973 (63.3)	8,342 (64.5)	7,693 (62.7)	7,963 (63.4)
Discretionary Paroles (percent of Released Population)	8,488 (57.7)	9,102 (61.6)	8,015 (61.0)	7,545 (59.9)	7,948 (61.5)	7,257 (59.1)	7,528 (60.0)
All Max outs (percent of Released Population)	5,779 (39.3)	5,246 (35.5)	4,667 (35.5)	4,627 (36.7)	4,592 (35.5)	4,584 (37.3)	4,592 (36.6)
Voluntary Max outs (Percent of Max out Population)	--	1,069 (20.4)	1,761 (37.7)	1,765 (38.1)	1,887 (41.1)	1,835 (40.0)	1,835 (40.0)

Chapter 3: Problem Statement

As previously noted, little to nothing is known about inmates who voluntarily max out of prison. As highlighted in Table 1, the proportion of the max out population that is voluntary has been relatively stable since 2001. Voluntary max outs represent approximately 40 percent of the max out population and approximately 14 percent of the total released population each year, yet little to nothing is known about this group of reintegrating ex-offenders. Because these inmates choose to max out their prison sentences it is impossible for the New Jersey State Parole Board to release these individuals to community supervision. As a result this group makes themselves impossible to parole and stay in prison for longer periods of time. These prolonged prison stays are more costly to the state when compared to parole supervision and cause these individuals to have a prolonged exposure to the prison setting. Furthermore, it is impossible to connect these individuals with community resources through the parole process, to aid them in finding viable employment, to ensure that they have a sound plan for reentry, and, most importantly, to surveille them within the community to protect public safety.

When inmates max out of prison, a step-down approach is precluded. A person can go from a high security prison setting, living a regimented lifestyle for years with absolute supervision, to total and absolute freedom within the community with no supervision in a matter of hours. It is not clear whether the DOC targets this population for reentry programs after it is discovered that they will max out. If the DOC were to target these individuals it would aid in better preparing them for life outside of the prison walls since this population would be precluded from receiving reentry programs through

parole. What is known is that when inmates voluntarily max out of prison it is impossible for state powers to ensure a continuity of care model towards reintegration. The programs that an individual participated in within a prison setting cannot be continued when the person is out of prison unless that individual chooses to continue them. Whether they can afford to participate in such programs (parole will not fund their participation), and whether they can find such programs (there are few community resources to guide people to these sorts of programs) is questionable. Allowing inmates to make the choice to max out their prison sentence and forgo the parole release process and subsequent parole supervision potentially jeopardizes public safety as well as the likelihood that the individual will be successful upon reintegrating due to a lack of structure and community resources to aid the person in their reentry.

Chapter 4: Literature Review and Theoretical Framework

This chapter illustrates the historical antecedents and current state of corrections in both national and local contexts through a review of pertinent criminological literature. The opening section reviews the magnitude and extent of the contemporary problems within the nation's prison systems and how these issues then affect our communities when prisoners are released. This section takes a macro-oriented perspective towards how and why these problems came to be, how the incapacitation and retributive models affected crime rates, and the need for new directions in release policies. The second section discusses parole supervision nationally as well is in the local context of New Jersey. This chapter concludes with a presentation of the theoretical underpinnings behind the voluntary max out phenomenon through the utilization of criminal lifestyles and rational choice approaches.

The Prison Boom

The United States' institutional corrections system, both at federal and state levels, is currently in a state of turmoil. By imprisoning more people per capita than any other country in the Western world, America stands alone in the policies it enacts in order to prevent crime and punish criminals (Tonry, 2004a). Every year more than 600,000 individuals, slightly more than 1,600 per day, leave an incarcerated setting (federal and state prisons, local jails, and juvenile facilities) and attempt to reintegrate into our communities (Petersilia, 2003; Petersilia, 2001; Petersilia, 2000; Tonry, 2001; Travis, 2005). According to the most recent national level data available through the Bureau of Justice Statistics (2007), federal and state correctional authorities had jurisdiction over 1,570,861 prisoners at yearend 2006. Federal institutions accounted for 192,046

prisoners while state institutions held the lion's share with 1,377,815 prisoners. The total number of prisoners across state and federal jurisdictions at yearend 2006 represents an increase in this population by a factor of 2.8 percent since yearend 2005 (Sabol, Couture, & Harrison, 2007). In New Jersey, a reported 27,371 individuals were incarcerated in state prisons at yearend 2006 according to the Bureau of Justice Statistics (Sabol, Couture, and Harrison, 2007). While New Jersey's state prison population changed by a factor of –1.7 percent from yearend 2000 to yearend 2005, there was no percent change in the total population from yearend 2005 to yearend 2006 (Sabol, Couture, and Harrison, 2007).

The magnitude of these figures are staggering; both national and local level prison populations have been steadily increasing over the last 25 years. From incarcerating approximately 300,000 state and federal inmates in 1980 to surpassing the one million mark in 1994 to the most recent information estimating approximately 1.6 million incarcerated persons in the United States' correctional system, federal and state prison populations have shown phenomenal growth (Liedka, Peihl, and Useem, 2006). Currently the United States' correctional systems release back into our communities approximately double the total number it incarcerated in 1980.

This phenomenal growth rate is interesting because the imprisonment ideology that began to take root in the 1980s was diametrically opposed to the ideologies espoused just two decades earlier. In the 1960s through the mid 70s, the prison population fell despite rising crime rates, and criminological theorists and researchers in both the United States as well as in Europe supported the abolition of the penal system (Tonry, 2004a). Criminological theories dominated the literature that showed, in the Mertonian tradition,

that the criminal justice system itself can often cause the very crimes it was trying to prevent through labeling offenders as recalcitrant or incorrigible, and that this label could cause people to become criminal (i.e., realize a self-fulfilling prophecy); acting as a criminal as a result of their criminal label (Becker, 1963; Tonry, 2004b). These viewpoints were embraced in the public policy sector during this time period with the proliferation of policies steeped in decriminalization, diversion, and deinstitutionalization, paired with expansions of due process (Lilly, Cullen, and Ball, 2002).

The philosophical tide began to turn in the 1980s from the labeling, diversionary, and rehabilitative perspective of the 60s and 70s to an incapacitation, deterrent, and retributive perspective. During this time, punishment policies toughened, public compassion for prisoners diminished, and prison conditions steadily worsened (Tonry, 2004b). Theories that suggested that crime could be reduced through imposing harsher legal sanctions in order to alter the incentives for criminal behavior and through incapacitation (i.e., the physical restraint of criminals) would lower crime began to take root (Becker, 1968; Grasmick and Bryjak, 1980; Liedka, Peihl, and Useem, 2006; Nagin, 1998; Spelman, 1994; Wilson, 1983). These theories argued that an offender would be less likely to commit a crime if the punishments outweighed the rewards gained through the commission of the act, and they argued that if the offender were behind bars he or she could not commit new crimes against society.

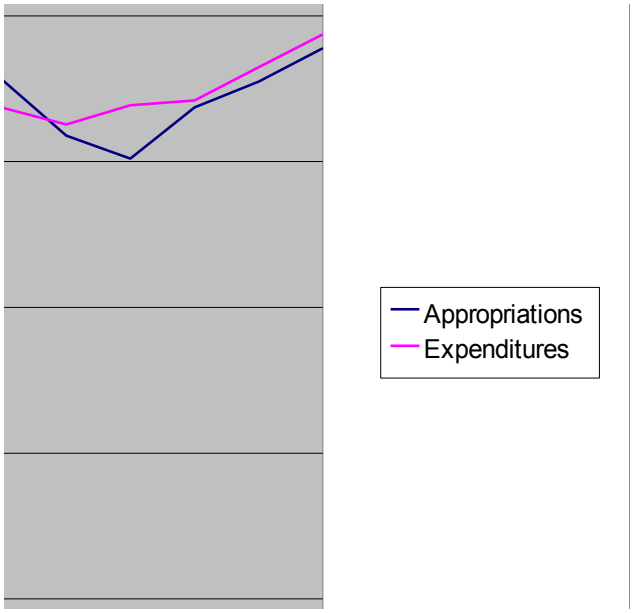
The rise in imprisonment witnessed over the last quarter century has had dramatic direct fiscal consequences as well as collateral effects upon individual prisoners, their families and communities, and the larger society as a whole. There is little argument that

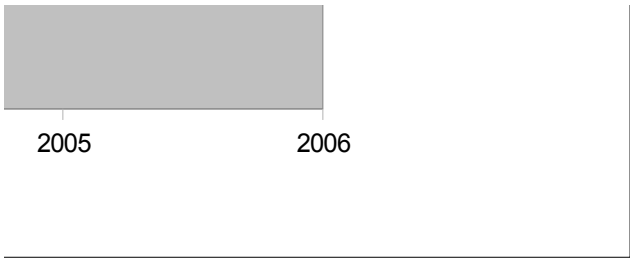
using prisons as the primary form of punishment has been a costly endeavor. In 1982, directly before the prison boom, funding to institutional corrections totaled approximately $8 billion (Bureau of Justice Statistics, 2007). Today corrections funding exceeds $68 billion annually (Bureau of Justice Statistics, 2007). On a local stage, New Jersey appropriated $435.7 million to the Department of Corrections in FY90**.** This number has ballooned to $974.5 million in fiscal year 2006 (Abelow et al., 2007). Figure 1 highlights state appropriations to and expenditures of the DOC state account from fiscal year 1990 to fiscal year 2006. New Jersey budgets for fiscal year 2009 have appropriated over $1 billion in state funds to support the NJDOC. Figure 2 highlights state appropriations to and expenditures of the NJ State Parole Board starting after its separation from the NJDOC in fiscal year 2002.

At a per inmate level, according to the Commissioner of the New Jersey Department of Corrections testimony at the Fiscal Year 2008 New Jersey Senatorial State Budgetary Hearings (Commissioner George W. Hayman: State House Annex, April 16, 2008), every person imprisoned in New Jersey costs the state $38,000 annually from the DOC's account alone and $47,000 annually once fringe accounts (monies that are appropriated towards the corrections community but are not directly appropriated to the corrections' account) are factored in. While many of New Jersey's inmates spend considerably less than a year in state institutions (after jail credits, good time, commutation time, etc. are factored in), the fiscal reality of investing in mass incarceration both nationally and locally is harrowing.

Fiscal issues aside, imprisonment has many collateral and latent consequences both for the individual as well as the collective society of which the individual is a part.

Imprisonment dramatically affects the later lives of the previously imprisoned from reducing subsequent income and employability to rescinding the individual's right to vote and receive public benefits in some states (Fagan and Freeman, 1999). Additionally, imprisonment can have dramatic negative effects on both the physical and mental well being of those who are imprisoned (Adams, 1992). Spouses, children, other loved ones, and the larger community are also affected by an individual's imprisonment. A man and/or woman's absence in the family can negatively impact both the family's financial and social stability.





Larger communities are also affected because many of this nation's incarcerated people come from specific urban areas (Petersilia, 2003). This mass exodus of young men from these communities can negatively affect community cohesion and economic development of these areas. Clear's (1998) work found that taking law breakers out of communities had both positive and negative outcomes: the offenders were sent to prison and incapacitated which de facto made the community less prone to crime, however, the offenders also acted as social support networks for these communities. Many offenders made positive contributions to their families in these disorganized areas and imprisoning them weakened their social ties to the community and caused strain on their families. These contentions are also found in Etzioni's (1996) work which found that an over reliance on external controls such as prisons weakened the capacity of communities to exert their own self-management.

Ethnographic studies such as Sullivan's (1989) research of young offenders found that his subjects contributed to the financial well being of their families and others within their neighborhoods. Maher's (1991) research of crack-using mothers found that, despite

being addicted to drugs, these mothers still put forth great efforts to provide parenting to their children. Finally, in the tradition of labeling and criminal career theories, those who go to prison can be negatively impacted to the point where it increases their likelihood of further crime involvement. This runs counter to the crime reducing effects sought by imprisoning people in the first place and further increases communal and individual level costs (Blumstein et al., 1986).

Simultaneously, there is marked division about the utility of this approach in regards to changing general and individual level behavior patterns as well as reducing America's crime rates. Despite the impact that this country's great experiment with imprisonment has had on both individuals and collective societal groups, there has been little accumulation of empirical knowledge about the utility of this approach to controlling crime, and, further, the research literature seems to be strongly divided on the subject. While the logical underpinnings of embracing deterrent and incapacitation theories towards crime reduction seem sound, it has been argued by several criminologists that the country has witnessed relatively little impact on overall crime rates as a result of mass incarceration (Donziger, 1996; Chambliss, 1999; Liedka, Peihl, and Useem, 2006; Mauer, 1999). However, studies utilizing econometric modeling to explore the prison/crime elasticity rate (percent reductions in crime as a function of percent increases in prison populations) overwhelmingly found that increases in the prison population significantly reduced America's crime rate (Levitt, 1996; Marvel and Moody, 1994; Witt and Witte, 2000).

A more recent and rigorous study conducted by Liedka, Peihl, and Useem (2006) utilized regression modeling of national level data collected over a 30 year period in

order to explore the veracity of the claims by these two opposing camps. The statistical models constructed by the authors were used to explore the relationship between imprisonment and crime rates and highlighted the elasticity of the relationship between these variables with particular attention paid to diminishing returns. In essence, the researchers sought to explore to what degree the increasing prison population affected the crime rate and at what point the returns of investing in deterrence and incapacitation began to diminish and resulted in damage to communities and social networks. Through utilizing the prior 30 years of American data the researchers were able to specifically explore the elasticity effect and diminishing returns housed within the time period of the United States' great experiment with imprisonment and mass incarceration.

The researchers analyzed data from 1972 through 2000 for all 50 states and the District of Columbia. The state crime rate per 100,000 in population as highlighted by the Uniform Crime Reports served as the study's main dependent variable. Prison inmate population per 1,000 people in a state's population served as the main independent variable. After controlling for index crime rates, age percent distribution throughout the population, unemployment rates, minority and metropolitan population rates, and wage averages, the researchers found significant negative relationships between the overall crime rate and prison populations, but only up to a certain threshold.

As the prison population increased the crime rate ultimately decreased, which lends credence to the theories of deterrence and incapacitation. However, the threshold or elasticity effect was found to be non-constant over time. Namely, the point at which the returns of imprisonment were realized varied over time and varied from jurisdiction to jurisdiction depending on how the jurisdiction was using prison as a punishment during a

given point in time. Ultimately the researchers found that, at a national level, the overall return threshold had been previously realized, concluding that:

> The United States has experienced three decades of rapid prison growth, and the prison population continues to grow, although at a slower rate. The findings developed here go beyond the claim, made by previous researchers, that this continued prison expansion has reached a point of declining marginal returns. Instead, accelerating diminishing marginal returns were found. Prison expansion is expensive in the costs it imposes on both those who serve time behind bars and in absorbing tax dollars. Policy discussion should be informed by the limitation of the fact that prison expansion, beyond a certain point, will no longer serve any reasonable purpose. It seems that that point has been reached (p. 272).

Despite both theoretical and empirical evidence, the opposing views about the relationships between mass incarceration and crime rates are likely to never be fully disentangled. The relationship between imprisonment rates and crime rates ultimately suffers from problems of covariance. Rising crime rates may affect America's imprisonment rates, rising imprisonment rates may affect the crime rates, or both may be affected by something else entirely (Tonry and Petersilia, 1999). Furthermore, the variation between the two rates is not holistically concomitant (Mill, 1874). For example, when crime rates declined in both the early 1980s and more dramatically in the late 1990s, the rate of imprisonment increased and when crime rates increased in the late 1980s the rate of imprisonment also increased. Furthermore, when America's prison population dramatically increased by more then half in the 1990s, the country was in the midst of unprecedented prosperity with historically low unemployment and poverty rates. No matter if the country witnessed good times or bad, high crime rates or low, we continued to imprison individuals at remarkable rates (Travis, 2005). Because of this country's reliance on the prison model when encountered with crime problems more and more people are sent to prisons every year, and as evidenced through the literature, with

little return for such an investment in terms of lowering crime rates. Consequently, both through the fall of parole in many parts of the country and through the rising trend of people voluntarily maxing out at a local level, more individuals leave our prisons unsupervised with little hope for success in the community.

However, the reverse of the argument that mass imprisonment caused decreases in overall crime must also be explored. Namely, did mass incarceration occur as an effect in a causal process of rising crime rates? While the relationship between lowering crime rates and increasing imprisonment is tenuous and ambiguous, the incongruence between America's crime rates and the country's dramatic increase in imprisonment over the last quarter century lends inexorable support that this great experiment was not undertaken because of rising crime rates and changing crime patterns. While there is evidence that crime rates and prison rates co-vary in similar but not identical patterns with one another throughout time, the research literature also suggests that crime rates are not the causal agent in the prison boom. Changes in sentencing and parole policies and practices have been identified as the principal causal factors behind the vastly increased number of individuals being put behind bars in our correctional institutions.

The incredible increase in the number of people populating America's prison systems can be tied to the fall of the indeterminate sentencing and the rise of mandatory minimum sentencing models paired with the advent of the war on drugs. The indeterminate sentencing model emerged from reforms of the 19th century and allowed for state legislatures to set broad ranges of possible sentences for criminal offenses. Under this model, when sentencing a guilty offender a judge is responsible for determining a range with an upper and lower limit. The lower limit denotes the time at

which the offender becomes eligible for parole consideration and the upper limit denotes the expiration of their term. At the lower limit the offender can be heard by a parole board which can grant an offender an early release from prison and allow them to serve the remainder of their sentence within the community rather than behind bars. If the offender violates the conditions of his or her parole, he or she may be put back behind bars and then be assigned a future eligibility time for subsequent parole considerations or can be commanded to serve their maximum sentence within the prison.

By the early 1920s, most states, the federal government, and the District of Columbia operated under an indeterminate sentencing model (Travis, 2005). However, sentencing practices significantly varied across states and between state and federal systems. For example, being found guilty of a crime in Ohio could potentially result in being sentenced to a range of 1 to 15 years of prison while being found guilty and sentenced for the same crime committed in New Hampshire could result in a range of 5 to 30 years (Travis, 2005). Judges within the same state also demonstrated wide discrepancies in their own discretionary decision making in the ways they assigned sentences for similar and at times identical crimes. Furthermore, release decisions from state parole boards varied considerably from state to state, over time, and from prisoner to prisoner (Travis, 2005).

In the early 1970s, the indeterminate sentencing model began to come under bipartisan attack. Those to the left of the political divide claimed that utilizing this sentencing model resulted in too broad and unchecked power in the hands of the judiciary which resulted in arbitrary and capricious decision making, racial disparity, and blatant unfairness (Austin, 2001; Cullen, 2004; Tonry, 1999; Tonry, 2001; Travis, 2005).

Conservatives were also critical of this model because indeterminate sentencing allowed early release into the community, and that was viewed as a potential danger to public safety at a time when the political rhetoric argued against coddling criminals and requiring more stringent retributive and incapacitation goals. Further, many conservatives expressed a lack of desire to provide rehabilitative-oriented human and social services to this undeserving population who would take this as a reward for being incorrigible (Cullen, 2005; Garland, 2001).

The review of sentencing guidelines and incarceration practices conducted by the Field Foundation and the New World Foundation and the American Friends Service Committee in 1971 (Travis, 2005) as well as the works of academics such as Andrew von Hirsch (1976) and Robert Martinson (1974) added to the collective discord. The findings of these committees highlighted the disparate treatment of racial minorities within this sentencing model as well as the discrepancies of judicial sentencing practices; while von Hirsch convincingly argued that corrections and punishment should be based on a theory of commensurate or just desserts and should be directly proportional to the severity of the act committed. Under this general rubric, the mild sentencing practices of some judges under the indeterminate model were viewed as a denigration of the importance of the law that was violated (Travis, 2005). Martinson's (1974) analysis of 231 correctional evaluation studies conducted between 1945 and 1967 ultimately found that, "With few and isolated exceptions, the rehabilitative efforts reported so far have had no appreciable effect on recidivism" (p. 25). These findings were well received by both liberals and conservatives and reified the "nothing works" notion (Cullen, 2005).

Indeterminate sentencing models soon came to be replaced by determinate models. The "truth in sentencing" movement caused many offenders to serve longer terms in prison while the advent of mandatory minimum sentencing guidelines took discretion away from judges about the length of time an offender could be sentenced for a crime. The new mandatory minimum guidelines required that certain crimes include a minimum amount of incarceration this took away the ability of a judge to sentence based off of an indeterminate "sliding scale" method (Tonry and Petersilia, 1999). A corollary to this model was the reduced discretion of judges (and in turn the increased discretion of prosecutors about what crimes to charge for), the increase in the number of people who were brought into the system that actually served prison time, as well as an increase in the amount of time prisoners actually served. These latter two contributed greatly to the number of people populating our prison and jail systems (Tonry and Petersilia, 1999).

The growth in incarceration rates have not been uniform across different crime types. The advent of America's war on drugs in the 1980s caused many offenders to be incarcerated for drug offenses which in turn contributed greatly to prison growth. From 1980 to 1996 the per capita incarceration rate for drug offenses grew 930 percent (Tonry, 2005). Investigating the number of incarcerated offenders by crime type per 100,000 adults in the U.S. population shows that since 1980 drugs have evolved from being an offense with nearly the fewest prisoners to the one with by far the most prisoners (Blumstein and Beck, 1999). In 1980 approximately 23,900 people were in state and federal prisons for drug offenses. This accounted for an incarceration rate of less than 15 inmates per 100,000 adults (Blumstein and Beck, 1999). By 1996, the rate had grown to 148 inmates per 100,000 adults, a more than nine fold increase (Blumstein and Beck,

1999). Drug offenders continue to represent a large portion of America's prison population. The most recent data from the Bureau of Justice Statistics indicates that approximately 19.6 percent of all inmates under state jurisdiction are incarcerated for a controlling offense that is a drug crime (Sabol, Couture, and Harrison, 2007).

As a result of the findings of these committees, academics, general malcontent about indeterminate sentencing models, and rising attention paid to drug crimes, America took a much more punitive rather than rehabilitative stance toward the way it treated offenders within its criminal justice system. However, despite the widespread use of imprisonment to solve America's crime problem and the utility (or lack thereof) of this approach, the return of these previously incarcerated individuals back into our communities was often times overlooked. Save for those who die in custody, every person that we send to prison will eventually return to our communities (Travis, 2005). The increase in the utilization of imprisonment and the decreased discretionary powers allotted to both judges at the front end as well as parole boards at the back end has resulted in more people serving more time in prison.

Many of these returning individuals are unsupervised when they are released from incarceration, and, further, are ill-prepared for reintegration. Reintegration back into society is often an overlooked step in the criminal justice process and little preparation for release takes place within America's prisons (Travis, 2005). Few meaningful rehabilitation-oriented programs and treatments are available inside this country's prison walls and what few programs are available are often not targeted to the appropriate individuals and/or lack the proper resources to deal with demand (Petersilia, 2000). As a result, this group of ex-prisoners often demonstrate few marketable skills and a lack of

knowledge about the labor force. Furthermore, a large majority of these individuals return to small areas of America's urban centers, which dramatically impacts these areas (mostly represented by minorities) over short periods of time.

Parole Supervision

Increased public frustrations with the criminal justice system from both sides of the political divide during the late 1970s and early 80s resulted in the precipitous fall of the indeterminate sentencing model. During this time substantial collateral damage was inflicted upon the system of parole. Parole eventually came to be viewed as being too lenient on prison inmates. Why let people who could disrupt public safety out of prison early if they could otherwise be incapacitated; and, in so doing, guarantee public safety? Public support for parole was and continues to be tenuous largely due to the negative attention that program failures get within media outlets. For example, the 1977 absconding of Salvador "the Capeman" Agron from an educational release program, brought significant negative attention. Agron was convicted of stabbing two unarmed teenagers in 1959 when he was only 16 years old. He absconded just eight months before his parole hearing and was later taken into custody in Phoenix, Arizona (Travis, 2005).

Also in 1977, less than three weeks after Agron absconded, an inmate named Richard Gantz abducted and repeatedly raped a 19 year old college student and held up several gas stations while out on a day pass from Lincoln Correctional Facility in New York (Travis, 2005). Three days later, another inmate out on a day pass from the same institution murdered a 45-year-old woman. Many of these earlier frustrations with parole supervision continue to this day due to heinous acts committed by sex offenders such as the 1989 abduction of 11-year-old Jacob Wetterling in St. Joseph, Minnesota by a

previously convicted sex offender, the 1993 abduction and murder of 12-year-old Polly Klass in San Francisco, and the 1994 molestation and subsequent murder of 7-year-old Megan Kanka in Hamilton, New Jersey by her neighbor.

Despite these frustrations, these heinous crimes are atypical of parole supervision. However, the damage to the public image of parole was substantial, allowing the rehabilitative ideal to fall to the wayside in favor of incapacitation, retribution, and deterrence. Prison populations began to grow and prisoners began serving longer sentences and serving more time towards those sentences behind bars. Many jurisdictions have abolished parole in some fashion. At the end of 2000, 16 states had abolished the early release of all offenders by a parole board and four states had abolished discretionary parole for certain violent offenders (Petersilia, 2003). In addition, many states that have retained a discretionary parole release function have become increasingly hesitant to grant it (Petersilia, 2002). However, as previously mentioned, an oft forgotten caveat to the incapacitation philosophy of corrections is that almost all inmates are eventually released back into our communities**.**

The parole system has two distinct functions: making discretionary release decisions as well as supervising those granted release. Through the parole system these reintegrating individuals are provided the opportunity to finish their sentence in the community under the supervision of a law enforcement officer. The officer is tasked with aiding in the individual's reentry by helping him or her connect with employment opportunities, vocational and educational training programs, public assistance, transportation, family remediation, etc. Despite the rather clear functions of parole, two separate and at times opposing missions typically define this system: the rehabilitation of

the reintegrating population as well as the maintenance of public safety. The dualism between the casework and the law enforcement missions, compounded by mounting fiscal pressures, higher caseloads, and dwindling resources, has caused marked external confusion about the role that parole is meant to play within the larger criminal justice arena as well as internal confusion about how these roles are to be met in the face of fiscal and logistical challenges (Feely and Simon, 1992; Camp and Camp, 1999; Travis, Soloman, and Waul, 2001; Caplan, 2006).

Amidst these confusions, there is also little empirical knowledge about the utility of parole supervision. While much of the criminological literature focuses on the evaluation of particular programs and/or the adherence to the tenets of evidenced-based practices, a large number of studies focus primarily upon "successful" program completion rather than recidivism, and relatively little focus on the overall utility of parole supervision. What few studies that have been conducted utilizing this focus have resulted in findings that are not overly promising for parole. The 2005 study conducted by the Urban Institute (UI) is the only contemporary large-scale, national-level analysis that focuses on the performance of parolees as opposed to those who max out of prison. The UI study is a reanalysis of an earlier study conducted by the Bureau of Justice Statistics (BJS) in 2002 which addressed the question of how the reintegrating population fares in the community a bit more broadly by focusing on returning ex-prisoners as a group without differentiation between those who receive parole supervision versus those who do not.

The BJS (Langan and Levin, 2002) study analyzed rearrest, reconviction, and reincarceration information for a cohort of 272,111 prisoners released in 1994 in 15 states

(Arizona, California, Delaware, Florida, Illinois, Maryland, Michigan, Minnesota, New Jersey, New York, North Carolina, Ohio, Oregon, Texas, and Virginia). The researchers used both in state criminal record checks as well as a database maintained by the FBI in order to garner recidivism information. The study found that within three years from release (in 1994), 76.5 percent of the reintegrating prisoners were rearrested for a new offense, 46.9 percent were reconvicted for a new crime, and 25.4 percent were reincarcerated for a new crime.

> This cohort of reentering individuals were incarcerated for a wide variety of offenses. Of these individuals, 22.5 percent were imprisoned for violent offenses, 33.5 percent for property offenses, 32.6 percent for a drug offense, and 9.7 percent were incarcerated for a public order offense. Many of this group (67.5 percent) was in turn rearrested after their release for a range of different crimes. Of the rearrested group, 21.6 percent were rearrested for violent offenses, 31.9 percent were rearrested for property offenses, 30.3 percent for drug offenses, and 28.3 percent for public order offenses. Many were arrested for crimes in multiple categories and the cohort averaged four new crimes per person over the study period (Travis, 2005). Furthermore, approximately 30 percent of the study group was rearrested within the first six months of release, reaching a cumulative total of 44 percent within the first year, and approximately 60 percent within the first two years (Langan and Levin, 2002).

The UI reanalyzed the data gathered through the BJS study. In order to explore the utility of parole, the UI study partitioned the BJS's cases into three categories according to the structure of the individual's release event. These events included

mandatory and discretionary release to parole supervision as well as unconditional release (max outs). Whether the unconditional release was a function of parole denial or volunteerism was not analyzed. The researchers found that 57 percent were released under a mandatory function, 35 percent were released under the discretion of a parole board, and the remaining 8 percent were released unconditionally.

The UI investigation found that within two years of being released (in 1994), 62 percent of those released unconditionally were rearrested, 61 percent of mandatory parole releases were rearrested, and 54 percent of discretionary parole releases were rearrested (Solomon, Kachnowski, and Bhati, 2005). After controlling for demographics and criminal history variables, the difference in rearrest rates between the groups became even less pronounced. After controlling for these independent variables in order to analyze the effect of supervision type more closely, the authors found that there was no difference in the predicted probability of rearrest between the unconditional release group and the mandatory parole group, and the discretionary parole group was only 4 percentage points lower at a 57 percent likelihood of rearrest. The types of crimes (drug, property, violent, public order, and other) for which these three groups were rearrested were similar across groups.

Both the BJS study and the follow up investigation conducted by the UI lend support to the public's concern about the dangers of offenders returning to their communities and largely negates the argument that parole, be it granted via a mandatory or discretionary function, is effective in reducing recidivism. Not only were a large portion of these returning ex-offenders likely to be rearrested, they demonstrated problem behaviors shortly after being released. Furthermore, after controlling for important

independent variables related to recidivism, the UI report found that mandatory parole and unconditional release groups did not differ in the probability of future contacts with the criminal justice system. Discretionary parole releases fared only slightly better than either of these groups.

While findings such as these could be viewed as affirmative arguments for crime control and increased surveillance of this population, these results must be critically evaluated. Both the BJS study as well as the reanalysis conducted by the UI explored rearrest statistics of the reintegrating population across different states. This aggregate level data can lead to false conclusions. Follow up reports using these data have suggested that significant variation occurs across states in regards to how much ex-prisoners contribute to overall crime rates (Rosenfeld, Wallman, and Farnango, 2005) and some have argued that multi-state aggregate level reports effectively divorce disparate state-level policy and practices from outcomes (Travis and Visher, 2005). Furthermore, aggregating multi-state data that deal with parole does not account for significant disparities in the makeup of different parole populations and supervision guidelines from state to state.

An example of differing supervision guidelines include the differences between states as to which individuals are supervised under a mandatory parole function. While some states have abolished discretionary release altogether, others (New Jersey included) reserve mandatory supervision for certain segments of the reentering population as defined through statute. In New Jersey, mandatory supervision is reserved for reentering individuals who have been statutorily identified as violent and a high public safety risk through the No Early Release Act and for certain sex offenders through Parole and

Community Supervision for Life statutes. These sorts of individuals are vastly different from individuals released to mandatory supervision in Indiana, for example, because this state has abolished discretionary parole entirely. Lumping these two different populations together can be misleading when outcomes are presented in the aggregate.

Finally, the data that were utilized in constructing these reports is relatively old. Both studies were conducted within the 21st century. However, the source data stem from a cohort of individuals released in 1994. At the time of the drafting of this dissertation these data are approximately 14 years old. Agency practices are likely to have shifted considerably, based on the proliferation of evidence-based practices, the "what works" literature, the advent of risk assessment, the renewed focus on rehabilitation, fiscal pressures, differing parole performance measures, an increased availability of in prison and community services, the use of graduated sanctions models, etc.

There is a desperate need for further analysis into the utility of parole that utilizes more contemporary data and focuses on a local context. An existing study that was conducted in New Jersey analyzed a total of 480 offenders released from the Department of Corrections in 2001 (Schlager and Robbins, 2008). Offenders were either released via a discretionary function to parole supervision or were released unconditionally at the expiration of their sentence. The parole group consisted of 307 individuals while the max out group consisted of 173 individuals. The researchers analyzed recidivism of these groups by rearrests, reconvictions, and reincarcerations for a four-year follow-up period after their 2001 release. At the culmination of their data gathering the researchers discovered that approximately 70 percent of the max out population was rearrested while 60 percent of the parole population was rearrested. Forty four percent of the max out

group was reconvicted while 34 percent of the parole group was reconvicted. Max outs who were rearrested failed in a mean time of 349 days while parolees were rearrested on an average of 465 days. Reconviction data showed that max outs who were reconvicted experienced this event in an average of 536 days while parolees experienced this event in an average of 643 days. The research of Schlager and Robbins (2008) ultimately found that those who were under parole supervision were less likely to recidivate than those who were not. Those who were paroled and ultimately recidivated had longer community tenure than the max out group.

This study, however, is not without its methodological shortcomings. Many of the analyses conducted by the authors are bivariate in nature save for the cox proportional hazards models which were used to predict time to rearrest. Logistic regression analyses predicting the likelihood of rearrest between the two groups while controlling for important predictor variables related to rearrest (the authors used age, total number of arrests ever, prior incarcerations, number of prior paroles, and crime type of instant offense in their hazards models) would have been a useful addition to the results section rather than focusing solely upon time to event. The use of "total number of arrests ever" as a control for the prediction of experiencing a rearrest event after release from prison is also a methodological oddity because both the independent variable of arrests ever and the dependent variable of experiencing a rearrest use the same information (i.e., instant offense).

Furthermore, outcomes of "reconviction" and "reincarceration" were only included if they stemmed from the first rearrest. Therefore, if an offender was rearrested in April of 2003 and not convicted, but then was rearrested again in July of 2003 and

received a reconviction for one of his charges and was subsequently reincarcerated for that conviction, the researchers did not count this person as being either reconvicted or reincarcerated because the information did not stem from the primary arrest. This methodological choice would likely paint an inaccurate picture of recidivism characteristics of these two groups. Finally, the researchers did not consider technical violations or parole revocations because they were deemed to be unreliable outcome data, but did not mention that these outcomes would not be appropriate for their max out groups. However, it is still necessary to investigate parole revocations because parolees can be reincarcerated without a formal recognition on a criminal history report (their data gathering source), and hence, should have this time not at risk accounted for both within time to failure and follow-up times.

The work of Schlager and Robbins (2008) used data from cohorts of individuals released in 2001 and had a four-year follow up time. Since 2005, many policy and programmatic changes have occurred within the NJSPB and within the NJ setting as a whole, including the advent of evidence-based parole supervision and the use of actuarial risk assessment in order to inform parole decision making both during the release phase as well as the community supervision phase. The Board's use of risk assessment occurs approximately four to six months prior to a potential parolee's panel hearing. The Release Unit contracts out to have the assessment performed while the inmate is in prison to inform the panel of an individual's likelihood of success in the community. The risk tool used is the Level of Service Inventory-Revised (LSI-R) (Andrews and Bonta, 2003). The panel uses this information in order to target parole to those who are likely to benefit from it as well as to recommend in-prison programs to inmates according to the risks and

needs they evidence. LSI-R scores have been found to be valid predictors of future criminal activity and can aid parole officers and contracted community service providers with important insight into the risks posed and the needs evidenced by a reintegrating individual (Gendreau, Litte, and Goggin, 1996; Lowenkamp and Latessa, 2005; Austin, 2006; Lowenkamp, Latessa, and Holsinger, 2006).

This section has provided an overview into the efficacy of parole supervision. Out of the few studies that tackle the issue of the effectiveness of parole supervision versus unconditional discharge, none have disaggregated the latter group according to whether the person was released as a function of parole denial or their own volition. From Table 1, it is apparent that approximately 40 percent of the total population maxing out of prison does so voluntarily, and that this population represents about 14 percent of the total released population each year. It is surprising that the criminological research has not touched upon this segment of the correctional population, especially in the midst of discussions of extending mandatory parole supervision to all reenterering individuals. The following section will present the theoretical framework of this dissertation. A theoretical exploration of why these inmates make the decision to forgo parole supervision and how this decision making process takes places will be presented through a criminal lifestyles approach.

Theoretical Framework

Criminal Lifestyles

The phenomenon of inmates voluntarily maxing out of prison at the expiration of their sentences has yet to receive attention within the criminological literature despite the marked increase of the presence of the rehabilitative ideal in the criminal justice system

policies in general and the greater emphasis of the more specialized disciplines of reentry and community corrections in particular. To date, no research has been conducted which explores the reasoning behind an individual's choice to max out their prison term in custody, how these decisions are made, and how these individuals fare once they leave an incarcerated setting. To that end, it is difficult to ascribe a theoretical framework to explain a phenomenon about which there is little to nothing known.

This dissertation utilizes criminal lifestyles as one of its approaches to explain the this phenomenon because it encapsulates and blends several different criminological theories that take differing perspectives to explaining criminality that make intuitive sense as to why this sort of decision would be made. The criminal lifestyles theory argues that involvement in criminal activities for some individuals comes to be a part of the fabric of that person's persona and that their involvement in crime is a matter of their choice of lifestyle. This approach fits nicely into the population of interest because the people who voluntarily max out choose, by their own volition, to remain in prison rather than spend a time of their sentence in the community under the scrutiny of parole. Contrary to the theory upon which the American correctional system is built, those who voluntarily max out of prison forgo a seemingly more appealing option of leaving prison in favor of a more harsh option of staying in prison. It is hypothesized that this choice is made because criminal involvement for this group has become a matter of fact: they know they will become involved in crime again (whether they admit it or not), and choose to spend their time in prison in order to avoid supervision in the community through parole.

It is postulated that these individuals, in making a choice such as this, are likely to be more involved in a criminal lifestyle than those who either choose to participate in parole or choose to continue to be considered for parole release by a board panel but do not accomplish an affirmative release decision by the panel. The criminal lifestyles approach is used here because it blends criminological theories that use both classical and positivist approaches to explaining human behavior. The criminal lifestyle approach focuses on adult criminality and analyzes both free will (classical) and deterministic (positivism) perspectives through blending biological, sociological, and psychological explanations to explain continued involvement in criminal activities over time.

It is important to emphasize that the theoretical framework will focus on a criminal lifestyle approach and not a career criminal approach, despite the terms being similar. This review of the research will treat these as related, yet different, terms. The lifestyles approach focuses on adult criminality rather than juvenile delinquency (Walters, 1990). The choice to structure the review in this manner is two-fold. First, it has been identified in the literature that most career criminals begin offending during the early stages of the life course (Greenwood, 1983), however, the taxonomic identification of career criminals and those who lead a criminal lifestyles are not wholly congruent. Being a career criminal does not mean that one leads a criminal lifestyle, and those who lead a criminal lifestyle are not de facto career criminals.

Also, related to the career criminal/criminal lifestyle debate, is the finding that not all juvenile offenders carry criminogenic patterns into adulthood. Therefore, correlates of delinquency and adult criminality should be analyzed separately (Walters, 1990). Second, and related to the first albeit from a more pragmatic standpoint, the New Jersey

State Parole Board typically does not supervise juvenile caseloads. This supervisory responsibility lies within New Jersey's Juvenile Justice Commission. However, the Board Panel still makes discretionary decisions about whether or not the juvenile will be paroled.

The criminal lifestyles approach was developed by Glenn D. Walters (1990) in his book *The Criminal Lifestyle: Patterns of Serious Criminal Conduct*. Walters puts forth a multi-dimensional theory that uses classical and positivist approaches in order to explain criminality. This blended theory argues, from a classical perspective, that human beings engage in criminal acts when the pleasure associated with such acts outweighs the possible pain associated with the acts, and that a rational calculation takes place, with the ultimate decision to act being rendered as a function of that individual's free will. Further, in a positivist vein, these behavior patterns are functions of various biological, environmental, and social factors that the individual decision maker has little control over.

In his exploration, Walters highlights characteristics that link the classical and positivism approaches and that interact in a system that influences the decision making process of a person imbedded within a criminal lifestyle. These characteristics include the conditions (internal and external) in which the person is acting, the choice structure (decision making process) the person employs, and their cognition or thinking style. Conditions are divided into person variables and situation variables where person variables are characteristics (social and/or biological) of the individual that are association with the likelihood of engaging in criminal behaviors and situation variables are characteristics of the environment in which the person's actions take place. The

choice characteristic is the process of an individual's decision making as a function of free will and reinforcement (both positive and negative) histories. The choice structuring of an individual is argued to be shaped by Walter's final characteristic, cognition. Cognition is the thinking style developed in response to early conditions people are exposed to and early choices that are made relative to these conditions (p. 16). Essentially, cognitions are the thinking styles that people develop early on their lives.

These three characteristics shape the actions of an individual who is embedded within a criminal lifestyle. For the purposes of this dissertation, it is argued that those who voluntarily max out of prison identify more with a criminal lifestyle than the other two groups under investigation. While out of the scope of the current research, it can be argued through the lifestyles approach that this group has had more exposure to experiences that would shape cognitions favorable towards making criminogenic decisions than the other groups.

All three of the groups under investigation will be making choices within similar if not identical environments (conditions), namely the prison setting. However, the internal conditions and early exposure to experiences that shape the present cognitions of the voluntary max out group are likely to be different from the other two groups. The fact that this group of individuals rationalizes the decision to remain in prison instead of leaving prison early and participating in parole shows that they believe prison to be the lesser of two evils when compared to parole. These individuals are likely less dedicated to successfully reentering society (whether they believe it or not), identify more with a criminal lifestyle (hence their prolonged prison stay), and de facto do not wish to

participate in community programs through the parole function and/or be supervised after leaving the prison setting.

While it would seem counterintuitive for a lifestyle criminal to remain in prison rather than go out into the community (because being out into the community would allow them to enact their lifestyle and commit crimes for a greater period of time), it is theorized that these individuals rationalize their prolonged incarceration because they do not wish to increase their chances of being caught while in the community. While these individuals do wish to commit crimes as a part of their involvement in a criminal lifestyle, they know that if they are caught committing crimes while on supervision (and that supervision increases the likelihood of this occurring), they are likely to wind up back in prison which would preclude them for longer periods of time from engaging in their criminal lifestyle in the community.

Walters (1990) argues that the early conditions that these people are exposed to, the choices they make and the rewards and punishments they are exposed to as a result of these choices, as well as the cognitions employed by a lifestyle criminal come to define them as people who are irresponsible, indulge in self-important interests, have an intrusive approach to interpersonal relationships, and thus chronically violate societal rules, laws, and norms (p. 71). The author asserts that a lifestyle criminal will reflect all four characteristics simultaneously and that the absence of one of these character traits precludes them from being classified as a lifestyle criminal. These characteristics are not fleeting in lifestyle criminals, but rather they are both global and persistent throughout the life pattern. These traits lead these individuals to evolve peculiar ways in making important life decisions, such as (by extension) the decision to max out of prison.

Walters argues that the lifestyle criminal sets himself up to lose in ways that are both dramatic and destructive. Decisions fueled by drama and destructiveness are attributed to the individual's desire for increased levels of stimulation and excitement.

It can be argued that those who voluntarily max out of prison employ much the same reasoning for reaching their decisions: it is viewed that a criminal lifestyle is more exciting and dramatic (and consequently more destructive to both the self and others) than a "straight" lifestyle. This group of individuals are cognizant that they will remain imbedded in a life of crime, irresponsibility, and pursuing self-important interests, and by choosing to forgo parole they believe they are more likely to avoid detection by law enforcement agents (in this case parole officers) and will be able to continue this lifestyle within an uncontrolled environment for longer periods of time.

It is noted by Walters (p. 108) that the system of jurisprudence in the United States functions on a premise of general and specific deterrence; that is, that the pain and discomfort of punishment will exceed the anticipated pleasure of a criminal act in order to persuade people to remain on the straight and narrow. This system assumes that all people desire success as it is defined by the collective and weigh costs and benefits involved in criminal action in much the same manner. The lifestyle criminal finds the immediate gratification of involving himself or herself in illegal activity to be more reinforcing than the long-term stability of a criminal lifestyle (Walters, 1990).

Those who voluntarily max out of prison, it can be argued, act in much the same way. Criminal justice practitioners and policy makers erroneously assume that all inmates want to leave prison and spend a period of their sentence in the community. The system of parole was built around the premise that "when a man keeps the key of his own

prison, he is soon persuaded to fit it to the lock" (Barnes and Teeters, 1959, p. 418). Decision makers hold this assertion based upon their belief in the unpleasantness of incarceration, individuals' desire to conform to normal society and lead productive lives, or a combination of these factors. However, as evidenced by the voluntary max out group, this is not always the case.

Rational Choice

The previous section presented that the voluntary max out group may make their decision to forgo parole supervision due to their greater involvement in a criminal lifestyle when compared to either those who involuntarily max out of prison due to parole denial or those that are released from prison early under parole supervision. The criminal lifestyles approach presents that this group is fundamentally different on a psychological level, they are more criminally involved and hence wish above all to avoid detection of their inevitable future criminal acts. However, the theory of rational choice can also be utilized to explain the behaviors of this group. Perhaps the voluntary max out group is not psychologically different from the other groups of interest, but rather the situations that individuals within this group find themselves, and the information that is available to this group at the time of their decision makes voluntarily maxing out of prison a seemingly more prudent choice that would yield greater utility when compared to being released on parole supervision.

The rational choice perspective is based on the theoretical approaches of utilitarianism and economic decision-making (Adler, Mueller, and Laufer, 2004). This approach is typically applied to would be offenders calculating the probability of success when evaluating criminal opportunities (Cornish and Clarke, 1986). Decision makers

seek the greatest amount of utility when approaching a situation: they seek to maximize pleasure and minimize pain. Furthermore, decision makers use an economic choice structure where the decision maker evaluates the available options and choose the actions that they believe will satisfy their needs (Adler, Mueller, and Laufer, 2004).

According to this approach benefits of criminal actions can be both internal (e.g., monetary gain) and external (e.g., achieving recognition from the media) (Dugan, Lafree, and Piquero, 2005). Rational choice posits that would be offenders also weigh the individual level costs associated with criminal offending before taking action. This perspective is readily applicable to the public policy sector by suggesting (1) to make crime commission more costly to offenders by increasing sanctions, (2) by lowering the benefits realized through criminal acts, and (3) by making opportunities for the commission of crime more risky through target hardening. The approach is event specific: individuals make decisions to commit specific offenses at particular times and consist of involvement decisions as well as event decisions. Involvement decisions are those in which the choice is made to become involved in, continue with, and ultimately desist from criminal actions while event decisions are the choices about the tactics of carrying out an offense (Willams III and McShane, 1999).

While the rational choice perspective is not a perfect fit to explaining the behaviors of the voluntary max out population (i.e. why this population chooses to remain in prison rather than being released early under parole supervision) because of its crime particular approach, the theoretical underpinnings of rationality and utility are readily applicable to explaining this population's thought processes. From the perspective of the voluntary max out, remaining in prison may not be the more egregious

option when weighed against leaving prison prior to the culmination of sentence through parole. Indeed, in certain situations this choice may be the more prudent option. Some situations may include if the individual had a short time between their decision and their actual max date, if they were trying to avoid detection of future criminal acts, if they were trying to avoid the burdens of transitioning back into the community, if they had prior bad experiences with parole supervision, if the individual knew they were a bad candidate for parole and were unlikely of being granted release, if special conditions of parole were outlined by the board panel which the individual found unacceptable, or a combination of these factors.

The timing of when the decision to voluntarily max out of prison is made is of crucial importance. If the individual considers the time between the date of their decision and the date on which they will max out of prison to be short, affirming the decision to max out would seem prudent from their perspective. The timing of the decision also relates to the avoidance of detection of future criminal acts. If the decision maker is cognizant that they will be involved in additional criminal activity after they leave prison and there is only a short time until they are going to max out, why risk detection by their parole officer and either (1) get sent back to prison or (2) get charged with a new crime and receive an additional sentence?

The choice to max out of prison may also seem prudent if the individual wishes to avoid the transition back into the community. While prison is not a necessarily pleasant place to spend one's time, it does provide the individual with three square meals a day, a roof over their head, and little personal responsibility short of staying in line. For individuals who would have to reintegrate back into society who had few support

networks and few prospects for successful reentry, prison may seem to be viewed as a better and/or "easier" option to this population when compared to attempting to lead a straight life beyond the prison walls.

The choice to max out of prison and forgo early release on parole supervision may seem like the more rational choice between the two options if the decision maker had prior bad experiences while on parole and/or the board panel issued special conditions for the individual for them to accomplish while on parole that they in turn found to be onerous or unacceptable. If those who voluntarily max out were previously paroled and were subsequently revoked for either technical violations or new crimes it would likely increase their reluctance to participate in the process again. It is likely that as the number of prior revocations increase the likelihood that the individual will wish to be considered for early release through parole to decrease, however, prior violations would also decrease the likelihood that the board panel would affirm parole release. Perhaps those that voluntarily max out believe that their past criminal involvement and/or behavior while incarcerated make them impossible candidates for parole and this self defeating and/or realistic attitude causes them to not want to waste their own time with being considered for inclusion in the process.

Finally, the choice to max out may seem more prudent than participating in parole if the board panel affirms parole and places special conditions upon the individual that they find to be too egregious or onerous. For example, if the board panel grants the individual parole and imposes a condition that the person must transition through a community program such as a Community Resource Center (formerly Day Reporting Centers) or a Strategies to Enhance Parolee Success program (formerly Halfway Back

programs) the decision maker may find these to be unacceptable qualifications and may subsequently rescind their desire to be paroled.

While it may seem illogical for an inmate to forgo an early release in favor of remaining in prison, as highlighted above, the inmate may consider maxing out to provide the greatest amount of utility depending upon their situation. As argued through the rational choice perspective, decision makers seek to make decisions that will yield the greatest amount of individual utility: they make decisions that will maximize their pleasure and minimize their pain. While this approach is not holistically congruent to the choice to max out of prison because it tends to focus on specific criminal events, the tenets utilized by this approach are readily applicable to explaining the possible rationalizations of this population.

Chapter 5: Methodology

Research Questions and their Attendant Hypotheses

Question 1: What does the voluntary max out group look like? Adequately describe this group in regards to important variables including demographics, criminal history, and recidivism.

Question 2: Do those who voluntarily max out of prison recidivate at greater rates according to (1) rearrest, (2) reconviction, and (3) reincarceration compared to those released on parole or people who served a maximum term because of parole denial after controlling for relevant control variables?

Hypothesis 2: Controlling for relevant variables, persons who voluntarily max out of prison are predicted to be more likely to be (1) rearrested, (2) reconvicted, and (3) reincarcerated than either persons being released on parole or people who served a maximum term because of parole denial.

Question 3: Are those who voluntarily max out of prison (1) rearrested, (2) reconvicted, and (3) reincarcerated in fewer days compared to those released on parole or people who served a maximum term because of parole denial after controlling for relevant predictor variables?

Hypothesis 3: Controlling for relevant variables, persons who voluntarily max out of prison are predicted to be more likely to be (1) rearrested, (2) reconvicted, and (3) reincarcerated in fewer days than either persons being released on parole or people who served a maximum term because of parole denial.

Data Gathering, Variables, and Sources of Data

Three groups are explored within this study: (1) those who voluntarily max out of prison, (2) those who max out because of parole denial, and (3) those who are released from prison and are supervised in the community by parole. The voluntary max out group is the main group of interest and is compared to the two other groups. The decision to disaggregate the max out group was made because there is no criminological literature that addresses this population, and it is hypothesized by the researcher that this group is fundamentally different than either of the two comparison groups.

Those who voluntarily max out of prison rationalize that parole supervision is the more egregious option when compared to spending time in prison. Neither of the other two groups make this rationalization: the parole denial group continually attempts to be considered for early release but is not granted it, and the parole group both wishes to be considered for early release and is actually granted it. As such, both comparison groups are different from one another as well. The voluntary max out group chooses not to participate in the parole process for reasons as yet unknown by policy makers and scholars. Voluntary max outs are represented by three different subgroups in order to accurately describe different characteristics of this group. Subgroups include those who voluntarily max out and are serving an instant offense that includes a violation of parole, those who voluntarily max out and have received a future eligibility time (i.e., FET or "hit") from a Board Panel prior to making their max request, and those who make the decision to max out without receiving an FET or are not serving an instant offense for a parole revocation. This latter group is considered to be "pure" voluntary max outs.

Archival data was used to explore how the voluntary max out group fares in the community and was abstracted from multiple sources. The NJSPB's Parole Board Information System (PBIS) was utilized in order to identify study participants. This information system serves as the Board's primary data gathering, analysis, and reporting structure and is ubiquitously utilized by staff members to perform a myriad of different tasks. The data system actively pulls from and feeds data to the New Jersey Department of Corrections data system (iTag).

The researcher utilized the PBIS with aid from data from the iTag system to construct a sampling frame of all individuals who were released from a New Jersey correctional institution in the year 2005. All individuals within this sampling frame had both the date of their release from a custodial institution as well as the function by which they were released attached on a case-by-case basis. Additional independent and control variables such as the inmate's demographic information, history of disciplinary infractions while in custody, as well as their program participation while imprisoned were queried from this information system and were added to the database which highlights the total sampling frame.

The reporting structure of the NJSPB focuses on decisions to max out of prison. When an individual decides to voluntarily max out, the SPB records the date and setting of this decision. This method of recording could lead to problems of construct validity because the research aims to focus on individuals (as a part of larger groups) who make decisions to max out of prison rather than the decision itself. A person may very well be released from prison more than once in a given year and make more than one decision to max out. This person would show up multiple times within the sampling frame which

will consist of total decisions to voluntarily max out. This issue was solved for by a process of identifying multiple cases according to the SBI number. The SBI number is a non-redundant identifier that is particular to an individual and is linked to a person's fingerprint.

In instances of duplicate cases the release date was analyzed. The researcher focused upon the release date that is closest to the present date (the latest available release date in the year 2005) available for redundant cases because selecting the earlier release date (further from the present) would be telling of the individual's continued involvement within the criminal justice system. Later release dates in the presence of earlier release dates within the same year can be viewed as recycling through the system, for instance, in an instance where one case (according to multiple SBIs) was released in both January 2005 and November 2005; the later date of November will be selected for data attachment. This is because the individual would have been reincarcerated after their January release and issued another release date in November, selecting the later date would result in less bias within the research.

The main dependent variable of interest within this study is recidivism. Recidivism was measured in three different ways: (1) rearrest, (2) reconviction, and (3) reincarceration. Time to recidivism was calculated according to the difference in days between an individual's 2005 release date and the date on which he or she has subsequent contact with the criminal justice system via a new arrest. Recidivism data was gathered in January of 2009 which allowed for the analysis of approximately three years of follow-up data. Specific follow-up times are presented in the Results section and are adjusted for total time at risk.

Only individuals who are rearrested were explored for reconviction and reincarceration data. This is important because the researcher is interested in individuals who have new contacts with the criminal justice system. Often ex-inmates can receive convictions after release from prison without an attendant arrest. Without a new arrest, convictions occurring after a release essentially show the criminal justice system "catching up" to the individual in question, that is, the individual may have been arrested prior to the prison stay for which they were recently released and was awaiting sentencing for a prolonged period of time. For those individuals who do not recidivate, the follow-up period end date (i.e., the date on which the criminal history and recidivism data are produced) was entered for analytical purposes. While possible time at risk should be equivalent between the three groups of interest due to the use of an identical release year, time at risk was calculated and explored using the censored end date or the "failure" date.

An individual was considered to meet the criteria of rearrest if he or she was arrested for a new crime after his or her 2005 release. Reconviction data was gathered in a similar fashion in that the individual was found to be guilty of one of his or her charges. The individual was deemed to meet the criteria of reincarceration if he or she served a custodial term that stems from a new infraction in either a prison or jail after his or her release. For the purposes of this study, recidivism data stemming from technical parole violations was not considered as meeting a failure criteria because it is not a valid outcome measure for either of the max out groups. However, if a technical parole violation resulted in a reincarceration that individual had their additional time spent within an incarcerated setting accounted for. The researcher calculated the number of

days that each of these individuals spent "not at risk" due to a reincarceration stemming from a technical parole violation and subtracted this time from both the follow-up time and the time to failure. This allowed for both of these measures to represent the true amount of time these individuals were at risk for recidivating and made the risk pool more equivalent between the three groups of interest (Bales et al., 2005).

Not including technical parole violations as a failure criteria is an important consideration for recidivism studies that compare max outs and those that undergo community supervision through parole. This method puts a check on the enormous amount of discretion a parole officer has in violating a parolee for a technical violation, issuing a warrant, and initiating revocation procedures (Maxwell, 2005; Clear et al., 1992; Maltz, 1984). Furthermore, and particular to measures of reincarceration, this method puts all study participants on an even playing field in regards to the burden of proof in being sent back to prison. Parolees can be returned to prison due to a parole violation that uses a burden of proof of clear and convincing evidence at a final revocation proceeding while those who are not under parole supervision are subject to a burden of proof beyond a reasonable doubt within a formal court proceeding. This method will not take into account the discretion of police officers to arrest an individual or not. However, this study assumes that all groups had a similar, if not identical, likelihood of being exposed to these particular discretionary functions.

Recidivism data were gathered from a review of the individual's Criminal Case History (CCH) record check. This system is maintained by the New Jersey State Police and highlights Criminal Justice System involvement for individuals and includes arrest, conviction, and incarceration information at state, county, and municipal levels. The

researcher gathered data about the types of charges the individual was rearrested and reconvicted for in order to provide descriptive information about the recidivism event. Additional information regarding the individual's parole process and in prison variables were gathered by the State Parole Board and were matched at an individual level to Department of Corrections release data by SBI number. For those that do not experience recidivism the date on which the data was gathered was entered for the cessation date.

Additional independent and control variables were gathered from the CCH report as well as from the PBIS and iTag systems. Variables include those that have previously been found to be significant predictors of recidivism. Particular variables gathered by the researcher include the previously incarcerated individual's demographic information such as age at release, race, and gender, their criminal history such as the number of arrests, convictions (both disorderly persons and indictable offenses), incarcerations (both state and municipal), and the number of times the individual previously recidivated. Prior recidivism was measured as the number of times an inmate was previously released from New Jersey's prisons and subsequently convicted of a new offense resulting in a state prison commitment (Bales et al., 2005). Parole violations the individual had prior to their 2005 release date were also gathered. Parole violations were gathered for criminal history inquiries only and, as previously highlighted, were not considered within the recidivism variables. This makes intuitive sense because all individuals within the study had equal chances of having prior episodes of parole supervision. However, groups de facto did not have equivalent chances of receiving these types of violations in post release criminality.

The number of offenses the individual was serving time for during their prison term for which they were released in 2005, the length of incarceration, the sentence length, as well as the type of crime(s) for which they were serving time, were also gathered and considered for inclusion as control variables within the multivariate analyses. Additionally, the individual's actuarial risk classification level determined through the administration of a pre-release Level of Service Inventory-Revised assessment was gathered. This assessment typically takes place no more then six-months prior to the individual's release. Further control variables included the number of in-prison programming the individual both participated in and completed and institutional behavior gauged through the individual's receipt of both any disciplinary infractions as well as formal citations (i.e., asterisk offenses).

Sample Sizes and Statistical Weighting

The study utilized a stratified random sample that targeted 200 participants each from the involuntary max out and parole groups and an additional 300 participants from the voluntary max out group (spread evenly across the three subgroups) from the larger sampling frame of all individuals released in the year 2005. The total N for the study is 700. Decisions about sample sizes for the three groups under study were informed by a statistical power analysis. Statistical power analysis is a method that allows a social scientist to precisely measure the sample size necessary to detect meaningful effect sizes according to a desired level of statistical power and an appropriate alpha level as defined by the researcher (Cohen, 1992). These four variables (effect size, sample size, alpha level, and statistical power) are the backbone of statistical inference, with each respective variable being a cumulative function of the other three. Power analysis allows a

researcher to use these relationships, and in so doing allows him or her to prospectively gauge the probability that his or her research will lead to statistically significant results (Cohen, 1969).

For the purposes of this study the researcher utilized a significance criterion at the Alpha = .05 level. The alpha level communicates the maximum risk of mistakenly rejecting the null hypothesis in favor of the research hypothesis, i.e. thinking we have found a meaningful significance when it is not really there, commonly known as a Type I or false rejection error. The use of a .05 alpha level allows for the rejection of the null hypothesis no more than 5 percent of the time when it is actually true. The use of an alpha of .05 is the common maximum allowable significance criterion under the Fisherian legacy of null hypothesis statistical testing (Neyman and Pearson, 1933). For the purposes of the analyses the researcher will employ two-tailed statistical testing models. A statistical power level of .80 was also employed throughout the analyses. The statistical power of a test connotes the probability of rejecting a null hypothesis given that the alternative hypothesis is actually true and is commonly referred to as a false acceptance or Type II error (Tabachnick and Fidell, 2001). The use of a power level of . 80 will allow the researcher to correctly reject the null hypothesis when it is false 80 percent of the time.

The researcher used the G Power 3.0.10 Statistical Power Analysis software package in order to conduct a sensitivity test of the effect sizes that could be garnered through the use of an alpha level of .05, a statistical power of 0.8, with a total sample size of 700. Using the F-test family and an ANOVA fixed effects, omnibus, one-way statistical test for the bivariate analyses the researcher was able to detect relatively small

effect sizes between the three groups of interest (ES for F = 0.117572, F = 3.01, df = 2, 697). Using the Chi-Square goodness-of-fit test for multivariate binary logistic regression with 10 degrees of freedom (the number of predictor variables in each final model) the research is able to detect small effect sizes (ES = 0.152321, Chi-Square = 18.31). The statistical power at both bivariate and multivariate levels was found to be acceptable by the researcher.

Because the researcher is using stratified random sampling in order to represent the variance of larger groups, appropriate statistical weights were attached to each of the three groups of interest (consult Table 9) for the multivariate binary logistic regression analyses. Weighting the data allowed for more accurate representations of variance in the stratified random samples of the three groups when compared to their total variance within the sampling frame. This method increased the statistical validity of the study and allowed the research to make more accurate statistical conclusions.

Limitations

There are several limitations to the data utilized to conduct this study. First, this research utilized a stratified random sample of a larger sampling frame in order to select cases for analysis. While robust sample sizes were obtained for all three groups included within the study as evidenced through the statistical power analysis and analyses were statistically weighted according to the proportion that each respective group represented within the larger group from which it is drawn, the method by which participants were originally assigned to groups acts as a limitation to the causal reasoning of this inquiry.

Individuals are presumptively released on parole unless they have evidenced that they have not had “an investment in their rehabilitation” and/or are “not likely to succeed

upon parole" according to the guidelines set forth by the NJSPB. As such, inmates are not randomly assigned to release conditions. The conditions of an individual's release represent a mixture of personal choice on the part of the inmate when he or she decides to either accept or deny parole as well as choice structuring by the releasing agents. Because inmates are not released to parole according to random assignment and the board panel targets people who are likely to succeed during the parole period, groups may de facto be non-equivalent in their likelihood to succeed when released to the community.

The lack of random assignment to release conditions is not possible to entirely overcome because the researcher is using a retrospective sampling method that focuses on the year 2005. Through the use of this method study participants are not being actively assigned to groups in the present, hence, it is not possible for board panel members to use a random assignment method for these study participants. This issue could be solved if the board panel were to agree to assign inmates to release conditions at random. However, this would not be feasible because it would jeopardize public safety, statutory law, and, in turn, the mission of the NJSPB.

The use of a 2005 sample of individuals being released back to New Jersey's communities from the custody of the NJDOC also limits the research because this cohort of individuals may be systemically different than individuals being released within the current corrections climate. Differences between 2005 and the present day could be apparent within the groups themselves (e.g., the 2005 group may have had to endure more overall hardships than a present day group), within the prison system (e.g., the 2005 prison climate may have been more oriented towards rehabilitation which could have increased the success of inmates on the outside and bias the conclusions about the

likelihood of success of current inmates or prisons may have been more crowded back in 2005 which decreased the prison's ability to provide essential programming a greater number of people while incarcerated, lowering their success upon reentry), within the system of parole (notably the NJSPB started using an Evidence-Based Practices approach to parole supervision in late 2005 that increases the focus on rehabilitative services proven to "work" within the academic literature), within the communities to which these individuals are returning to (e.g., if the communities to which these individuals returned back in 2005 were more focused on reentry, making programs available to returning prisoners, aiding in general assistance, etc., results gathered about this sample may not generalize into discussions about today's reintegrating populations), or within a combination of these factors. These historical validity threats are not possible to control for and limit the research. However, the use of a retrospective method for sample selection is imperative to this research because of the need for a reasonable follow-up period and the prohibitive cost and effort associated with a prospective study.

This research focuses on the criminal involvement of former inmates being released from custody in New Jersey. Focusing the research on New Jersey may result in external validity problems. The setting of New Jersey is unique and results gathered from this release cohort may not generalize to the settings of other states. While this is a limitation, it is also important that research of this nature be confined to state borders rather than taking a national approach. As previously highlighted, research conducted by both the National Institute of Justice as well as the Urban Institute used a multi-state approach to investigate the effectiveness of parole supervision versus maxing out of one's sentence with an unconditional release. This prior research was flawed due to inter-

jurisdictional differences in release climates, prison settings, and approaches to parole supervision.

Analyzing parole supervision through the use of cohorts of released individuals from multiple states is not truly an apples-to-apples approach to investigating these issues. States differ drastically according to their practices of parole, how individuals are prepared for reentry during their prison stay, the communities to which they return and the attendant resources for the reintegrating population available within those communities, the local law enforcement's attitudes towards the previously incarcerated, etc. Hence, a reentering individual in Dallas, TX is not equivalent to a reentering individual in Omaha, NE and in turn is not equivalent to a reentering individual in Newark, NJ. Because of these inter-state and inter-jurisdictional differences, results garnered from the present research may not entirely transcend to other settings. However, this state-specific approach is necessary in order to garner meaningful results, furthermore, it is the overall goal of this research to inform NJ policy discussions.

This research utilizes CCH reports in order to highlight both criminal history as well as recidivism. The use of these reports to gather information only highlights criminal involvement that is officially reconciled by the police and by the court system within the state of New Jersey. In order to have an offense recorded on a CCH report a police officer must make an arrest, record the arrest, and have it entered into the system. In turn, a person is considered to be convicted of their crime only if a disposition of guilty is found within a court and this disposition is subsequently recorded by court officials and entered into the CCH database. As a result, the CCH database does not show records of criminal involvement that is not reported to criminal justice officials such as the police as

well as criminal involvement that is not recorded by criminal justice officials such as the police, judges, and court clerks.

With the advent of victim surveys to record the "dark figure" of unreported crime it has been recognized by both practitioners and scholars (as well as those who claim both titles) that a large portion of crimes are not reported to the police due to various reasons (e.g., crimes are not serious enough to warrant a report, the victim is embarrassed or frightened, or the victim is not aware that an act committed was illegal) (Maxfield and Babbie, 2001). Because the system utilized by this research only includes officially recognized criminal transactions, the entire panoply of criminal activity that these three groups of interest engage in will not be included. While this limitation could be solved through interviewing members of each of the sample groups, other criminal activity not officially recognized by the justice system is moot within the frame of the current research.

This research aimed to inform NJ policy makers about the potential repercussions of allowing inmates to voluntarily forgo the process of parole supervision and in effect negate a step down approach towards reintegration. This research will also add to larger discussions about the possibility of expanding parole supervision to all individuals who leave prison through analyzing groups of individuals who max out unconditionally due to parole denial and their own volition as well as those who leave prison with an attendant period of parole. Because of this focus, an individual's criminal activity must be formally recognized by the criminal justice system, making unreported and unrecorded involvement moot to the discussion. This added involvement would be of interest if the research were focused on explaining the totality of criminal involvement of these

reintegrating individuals, however, because the research takes an applied focus on policy and subsequent policy change, non-officially recognized criminal activity is of little interest.

Finally, CCH reports only highlight criminal involvement that occurs within NJ. If an offender is rearrested, reconvicted, and/or reincarcerated outside of the state it would not be recorded on the CCH report. This limits the scope of the information that will be gathered within this research, however, limiting the scope will provide for more reliable data. Out of state criminal involvement is recorded on a document called an Interstate Identification Index (III) which is maintained by the Federal Bureau of Investigations. The III report allows criminal justice entities to investigate national level crime involvement on a per individual basis, however, these reports suffer from problems of reliability. Often information regarding convictions and incarcerations are not present within these reports, and formatting issues across different states make information gathering onerous and confusing. Frustrations with this system have been highlighted in previous research.

In Langan and Levin's (2002) recidivism research, which investigated the subsequent criminal involvement of a nationally representative cohort of offenders released in 1994, the authors noted the frequency of missing court dates within the FBI reports and as a result had to make assumptions about adjudication dates. Furthermore, reports from the Bureau of Justice Statistics (Beck and Shipley, 1989; Langan and Levin, 2002) indicate that the proportion of persons released from one state who are subsequently rearrested in another within a three year period is very small (between 5.5 percent and 7.4 percent), and the proportion reincarcerated is likely even smaller (Spivak

and Damphousse, 2006). Focusing the gathering of outcome variables exclusively on the CCH report allowed for less complete yet more reliable information.

Chapter 6: Results

Statistical results are first presented for the entire sample of 700 randomly selected individuals released in 2005. For the purposes of these descriptive statistics all three groups of interest (voluntary max outs, involuntary max outs, and parolees) are presented in the aggregate. The second group of results highlight between-group differences at a bivariate level for voluntary and involuntary max out as well as parole groups. The voluntary max out group is also disaggregated into three subgroups (pure voluntary max outs, those who requested to max out after they were given a prior future eligibility time or "hit" from a board panel during their instant prison stay for which they were released in 2005, and those who were released in 2005 for an instant offense involving a parole revocation and requested to max out) and between-group differences are explained. For simplicity's sake these groups are referred to as "Pure," "FET," and "Revoke," respectively. Multivariate analyses are only conducted upon the three primary groups of interest and not the voluntary max out subgroups.

Sample Descriptions

Demographic information for all 700 cases is presented in Table 2. Across the entire sample 91.7 percent were male and 66.0 percent were black. Most offenders were convicted in the counties of Essex (18.0%) or Camden (14.1%). Offenders were 34.70 (SD = 8.92) years of age at release in 2005 and were on average 20.87 (SD = 5.33) years of age when they experienced their first arrest.

Table 2: Demographic Information Across all Groups (n = 700)

% Male	91.7
% Race	
Asian	0.3
Black	66.0

Hispanic	15.0
White	18.3
Unknown	0.4
% County of Conviction	
Atlantic	7.4
Bergen	3.0
Burlington	2.9
Camden	14.1
Cape May	2.1
Cumberland	2.1
Essex	18.0
Gloucester	1.1
Hudson	12.3
Hunterdon	0.7
Mercer	4.3
Middlesex	3.4
Monmouth	6.1
Morris	1.3
Ocean	2.4
Passaic	9.0
Salem	0.3
Somerset	0.9
Sussex	1.0
Union	7.0
Warren	0.3
Out of State Transfer	0.1
Age at Release	34.70 (8.92)
Age at First Arrest	20.87 (5.33)

Note: Standard deviations of means are presented in parentheses.

Instant offense information is presented in Table 3. Most offenders within this sample were incarcerated for one (38.1%) or two (25.6%) instant offenses. Instant offenses were mostly represented by convictions for drug (41.9%) or property crimes (24.1%). Offenders served an average of 1,168.27 (SD = 1,560.89) days for the instant offense for which they were released in 2005, but were sentenced to an average of 2,022.02 (SD = 2,106.95) days. During their instant offense stay most offenders were classified as being either moderate (26.9%) or medium (27.0%) risk. Offenders presented with an average risk score of 23.48 (SD = 6.52) on the Level of Service

Inventory-Revised (LSI-R). The LSI-R ranges from 0, indicating very low risk to 54, indicating very high risk. After normalizing the LSI-R to a NJ sample, it was found that scores between 0 to 16 were indicative of low risk, scores between 17 to 23 were moderate risk, 24 to 30 were medium risk, and scores at or above 31 were high risk (Schlager, 2005). Twenty six percent of the offenders within the sample were missing risk scores on the Level of Service Inventory-Revised.

Table 3: Instant Offense Information Across all Groups (n = 700)

% Number of Instant Offense Convictions	
One	38.1
Two	25.6
Three	16.7
Four or more	19.6
% Instant Offense Crime Type	
Administrative	13.0
Drug	41.9
Property	24.1
Sexual	1.6
Violent	19.4
Days Served: Instant Offense	1,168.27 (1,560.89)
Days Sentenced: Instant Offense	2,022.02 (2,106.95)
% LSI-R Risk Band	
Low	9.7
Moderate	26.9
Medium	27.0
High	10.4
Missing	26.0
LSI-R Score	23.48 (6.52)

Note: Standard deviations of means are presented in parentheses.

Criminal history information is presented in Table 4. Prior to their instant offense, offenders within this sample had an average of 9.84 (SD = 7.50) arrests, 7.86 (SD = 6.03) convictions, and 2.23 (SD = 2.21) incarcerations. Across all groups, 43.4 percent of offenders had a prior conviction for a violent offense and had an average of

0.78 (SD = 1.18) prior violent convictions. Seventy-five percent of all of the offenders within this sample had a prior incarceration for a new crime and 38.3 percent had a prior incarceration for a technical parole violation. Within prior incarcerations, an average of 1.53 (SD = 1.40) were for new crimes and 0.70 (SD = 1.12) were for technical parole violations.

A majority of individuals within this sample were previously released on parole (68.4%) and a little over a third (37.3%) previously maxed out. On average those within this sample were previously released 2.23 (SD = 2.22) times. Within these release events, 0.54 (SD = 0.84) were due to a max out, 1.51 (SD = 1.59) were for parole release events, and 0.08 (0.32) were for continue on parole release events. Continue on parole release events indicate that the offender had previously entered a county jail because of the enactment of parole revocation proceedings, but the revocation was unsubstantiated and their parole supervision was continued. Across all offenders, 36.7 percent had a prior technical violation of parole. Offenders within this sample had an average of 0.62 (SD = 1.01) affirmed technical parole violations prior to their instant offense. Throughout their criminal careers, offenders within this sample served an average of 1,171.96 (SD = 1,470.98) days in prison. On average 941.43 (SD = 1,203.98) of these days were for instant offenses involving new crimes and 230.53 (SD = 532.70) of these days were for technical parole violations.

Table 4: Criminal History Information Across all Groups (n = 700)

Prior Arrests	9.84 (7.50)
Prior Convictions	7.86 (6.03)
% Prior Violent Convictions	43.4
Prior Violent Convictions	0.78 (1.18)
% Prior Incarcerations New Crimes	75.0

Technical PVs	38.3
Prior Incarcerations	
New Crimes	1.53 (1.40)
Technical PVs	0.70 (1.12)
% Prior Releases	
Max out	37.3
Parole	68.4
Continue Parole	6.7
ISP	5.6
Unknown	4.3
Prior Releases	2.23 (2.22)
Max out	0.54 (0.84)
Parole	1.51 (1.59)
Continue Parole	0.08 (0.32)
ISP	0.06 (0.23)
Unknown	0.05 (0.22)
% Prior Technical PVs	36.7
Prior Technical PVs	0.62 (1.01)
Prior Days Served	1,171.96 (1,470.98)
New Crimes	941.43 (1,203.98)
Technical PVs	230.53 (532.70)

Note: Standard deviations of means are presented in parentheses.

In-prison activities during the offender's instant offense for which they were released in 2005 are presented in Table 5. Across all offenders within this sample, 17.4 percent participated in and 4.7 percent completed an in-prison program. Offenders participated in 0.30 (SD = 0.81) and completed 0.06 (SD = 0.30) programs on average during their instant offense stay. Across all offenders within this sample an average of only 4.40 (SD = 3.466) days were spent completing programs (the amount of days between completed program start and end dates). A little under a third of all offenders experienced a disciplinary infraction (31.4%) while 17.7 percent of offenders experienced an asterisk offense. Asterisk offenses are used by the DOC to reference more egregious institutional infractions. These offenses can result in detention, segregation, or the loss of up to 365 days of commutation credits. Across all offenders there were only 0.66 (SD =

1.13) recorded disciplinary infractions during their instant offense stays and only 0.27 (SD = 0.66) asterisk offenses.

Table 5: In-prison Activities Across all Groups (n = 700)

% In-prison Programs	
Participated	17.4
Completed	4.7
In-prison Programs	
Participated	0.30 (0.81)
Completed	0.06 (0.30)
Days Spent Completing In-prison Programs	4.40 (34.66)
% In-prison Disciplinary Infractions	
Total Offenses	31.4
Asterisk Offenses	17.7
In-prison Disciplinary Infractions	
Total Offenses	0.66 (1.13)
Asterisk Offenses	0.27 (0.66)

Note: Standard deviations of means are presented in parentheses.

Recidivism and information pertaining to offenders' entire criminal history are presented in Table 6. The amount of days that offenders within this sample were available for follow-up data collection was 1,301.41 (SD = 105.70) on average. After this number was adjusted for time at risk, accounting for the amount of post release time spent in prison on technical parole violations the amount of follow-up time decreased slightly to an average of 1,273.82 (SD = 146.13) days. This allowed for an average of approximately three and a half years of follow-up data to be collected for analysis. Within this time, 67.1 percent of the entire sample was rearrested, 53.6 percent were reconvicted, and 32.3 percent were reincarcerated for new crimes. Most rearrests were for charges related to drug crimes (32.4%). Across all groups, 18.9 percent were incarcerated at the time of data gathering (i.e., January 25, 2009).

After all recidivism data were included, the sample had an average of 11.74 (SD = 8.44) arrests and 9.09 (SD = 6.61) convictions throughout their criminal careers. Offenders within this sample evidenced a total of 0.84 (SD = 1.22) convictions for violent offenses. Offenders experienced an average of 1.91 (SD = 2.35) arrests and 1.25 (SD = 1.72) convictions after their 2005 release. Across all offenders 5.4 percent were convicted with a post release violent crime and an average of 0.06 (SD = 0.26) post release convictions for violent offenses were recorded during the follow-up period. A full 32.4 percent of the sample experienced a post release incarceration for a new crime while 11.7 percent experienced a post release incarceration for a technical parole violation. However, only 0.50 (SD = 0.70) post release incarcerations were experienced on average, with 0.36 (SD = 0.55) for new crimes and 0.14 (SD = 0.41) for technical parole violations. If the event was experienced, an average of 351.80 (SD = 311.62) days transpired between an offender's release date and their rearrest date, 550.24 (SD = 315.70) days to their reconviction, and 681.65 (SD = 309.59) days to their reincarceration.

Table 6: Recidivism and Criminal Career Information Across All Groups (n = 700)

Days of Follow-up Time	1,273.82 (146.13)
% Rearrested	67.1
% Rearrest Crime Type	
Administrative	11.6
Drug	32.4
Property	12.7
Sexual	0.4
Violent	10.0
N/A	32.9
% Reconvicted	53.6
% Reincarcerated	32.3
% Incarcerated at Time of Data Gathering	18.9
Total Arrests	11.74 (8.44)

Total Convictions	9.09 (6.61)
Total Violent Convictions	0.84 (1.22)
Post Arrests	1.91 (2.35)
Post Convictions	1.25 (1.72)
% Post Violent Conviction	5.4
Post Violent Convictions	0.06 (0.26)
% Post Incarcerations	
New Crimes	32.4
Technical PVs	11.7
Post Incarcerations	0.50 (0.70)
New Crimes	0.36 (0.55)
Technical PVs	0.14 (0.41)
Days to Rearrest	351.80 (311.62)
Days to Reconviction	550.24 (315.70)
Days to Reincarceration	681.65 (309.59)

Note: Standard deviations of means are presented in parentheses.

Bivariate Results

In order to determine statistical differences between-groups, Analysis of Variance (ANOVA), cross-tabulation, and Kaplan Meier survival models were constructed. For ANOVA models the Scheffe test was used for post hoc analytic purposes. The Chi-Square test was used for cross-tabulations and the log-rank test was used for Kaplan Meier analyses. Only statistically significant results are discussed in the text, however, all results are presented in the tables. The number of days that an individual spent imprisoned due to a technical parole violation after their release and prior to the experience of the event (if the failure event was experienced) were subtracted from the time to event for the survival models (N.B., this holds true in the multivariate Cox Proportional Hazards tests as well). If the event was not experienced the total amount of time spent incarcerated after release due to technical parole violations was subtracted from the raw follow-up time in order to ascertain an adjusted follow-up time that reflected actual time at risk in the community. Finally, for the purposes of survival

models, if the event was not experienced the day that recidivism data began to be gathered (the time at risk ceiling, namely, January 25, 2009) was used.

Table 7 highlights significant between-group differences for voluntary max outs, involuntary max outs, and parolees. Demographic characteristic that differed significantly between the three groups of interest were gender (Chi-Square = 8.48, df = 2, p = .014) and age at first arrest (F = 8.52, df = 2, 697, p = .000). The parole group had less males when compared to both of the max out groups with 87.5 percent of the parole group being male, 92.0 percent of the voluntary max out group, and 95.5 percent of the involuntary max out group. Post hoc tests revealed that the parole group significantly differed from both the voluntary (Mean difference = 1.42, p = .041) and involuntary (Mean difference = 2.13, p = .000) max out groups in regards to age at first arrest. Parolees were, on average, significantly older than either of the max out groups at the time of their first arrest (parolees were 22.08, SD = 6.31 years old while voluntary max outs were 20.66, SD = 5.08 and involuntary max outs were 19.95, SD = 4.33).

Both the LSI-R average score (F = 15.00, df = 2, 697, p = .000) as well as risk band classification at time of release differed between the three groups (Chi-Square = 26.98, df = 6, p = .000). Parolees had significantly lower average risk scores than both voluntary (Mean difference = -3.24, p = .000) as well as involuntary (Mean difference = -3.06, p = .000) max outs with parolees evidencing an average risk score of 21.52 (SD = 6.34), voluntary max outs evidencing 24.76 (SD = 6.67) and involuntary evidencing an average score of 24.58 (SD = 6.03). Modal categories for groups were medium risk for voluntary and involuntary max outs (38.0% and 45.0% respectively) and moderate risk

for parolees (44.6%). Again, only individuals who had scores were considered for these analyses.

Bivariate statistical tests yielded several significant between-group differences for the criminal history information. The three groups differed according to the average number of prior arrests ($F = 8.13$, $df = 2, 697$, $p = .000$). Post hoc tests revealed that parolees significantly differed from both max out types (Mean difference = -2.63, $p = .001$ for voluntary max outs and Mean difference = -2.27, $p = .010$ for involuntary max outs), however, neither max out group significantly differed from one another in terms of the number of prior arrests. The three groups also differed in regards to the number of prior convictions ($F = 6.75$, $df = 2, 697$, $p = .002$) with Scheffe tests revealing specific between-group differences between parolees and voluntary max outs (Mean difference = -1.96, $p = .002$) as well as involuntary max outs (Mean difference = -1.56, $p = .035$). Neither of the max out groups significantly differed from one another in regards to the number of average convictions experienced prior to their 2005 release.

Groups also significantly differed in regards to both the rate of individuals who had experienced prior incarcerations for new crimes (Chi-Square = 63.24, $df = 2$, $p = .000$) and technical parole violations (Chi-Square = 26.54, $df = 2$, $p = .000$) as well as the average number of prior incarcerations for new crimes ($F = 4.92$, $df = 2, 697$, $p = .008$) as well as technical parole violations ($F = 15.50$, $df = 2, 697$, $p = .000$). Scheffe tests revealed that voluntary max outs differed significantly from involuntary max outs in regards to the number of prior incarcerations for new crimes (Mean difference = .34, $p = .025$) and that parolees differed significantly when compared to both voluntary (Mean difference = -.95, $p = .000$) as well as involuntary max outs (Mean difference = -.62, $p = .$

000). However, the two max out types did not differ from one another in regards to the average number of prior incarcerations due to technical parole violations but parolees did significantly differ from both max out types (Mean difference = -.47, p = .000 for voluntary max outs and Mean difference = -.41, p = .001 for involuntary max outs).

Statistical differences between-groups were found for both the rate of group members who experienced prior release events that were max outs (Chi-Square = 29.86, df = 2, p = .000), paroles (Chi-Square = 57.36, df = 2, p = .000), or continue on paroles (Chi-Square = 7.95, df = 2, p = .019) as well as the number of prior release events experienced that were max outs (F = 14.97, df = 2, 697, p = .000), paroles (F = 23.33, df = 2, 697, p = .000), or continue on paroles (F = 4.59, df = 2, 697, p = .010). Post hoc tests revealed that parolees significantly differed from both voluntary max outs (Mean difference = -.38, p = .000) as well as involuntary max outs (Mean difference = -.38, p = .000) in regards to the previous number of max out events experienced. Further specific between-group differences were found between voluntary and involuntary max outs (Mean difference = .37, p = .032), and parolees and both max out types (Mean difference = -.96, p = .000 for voluntary max outs and Mean difference = -.59, p = .001 for involuntary max outs) in regards to the prior number of parole release events experienced prior to their 2005 release. Parolees were also found to significantly differ from voluntary max outs (Mean difference = -.09, p = .014) in regards to the number of prior continue on parole events experienced, however, parolees did not significantly differ from the involuntary max out group regarding these release experiences.

The rate of those who had previously affirmed technical parole violations significantly differed between-groups (Chi-Square = 24.87, df = 2, p = .000) with 43.7

percent of voluntary max outs, 40.5 percent of involuntary max outs, and 22.5 percent of parolees having prior technical violations. The number of events also significantly differed between the three groups ($F = 10.33$, $df = 2, 697$, $p = .000$) with specific between-group differences revealed between parolees and both max out groups (Mean difference = -.38, $p = .000$ for voluntary max outs and Mean difference = -.38, $p = .000$ for voluntary max outs) after analysis of the post hoc Scheffe tests.

The final instant offense variable that the three groups significantly differed on was the prior time served for both new crimes ($F = 11.78$, $df = 2, 697$, $p = .000$) as well as technical parole violations ($F = 5.00$, $df = 2, 697$, $p = .007$). Parolees significantly differed from both max out groups in regards to the number of prior days served for new crimes (Mean difference = -523.11, $p = .000$ for voluntary max outs and Mean difference = -358.97, $p = .011$ for involuntary max outs). Parolees also differed from voluntary max outs (Mean difference = -146.28, $p = .011$) in regards to the prior number of days spent incarcerated for a technical parole violation but did not differ from the involuntary max out group.

Several of the in-prison activities variables significantly differed between the three groups of interest. The rate of group members that had participated in an in-prison program significantly differed between-groups (Chi-Square = 6.06, $df = 2$, $p = .048$) with 23.0 percent of parolees and 15.5 percent of both max out types participating in an imprison program. The number of in-prison programs that group members participated in also significantly differed ($F = 5.74$, $df = 2, 697$, $p = .003$) with mean differences between parolees significantly differing when compared to both max out types according

to results of post hoc ANOVA tests (Mean difference = .22, p = .013 for voluntary max outs and Mean difference = .24, p = .012 for involuntary max outs).

Disciplinary infraction variables also differed between the three groups both in regards to the rate of which total disciplinary infractions (Chi-Square = 8.47, df = 2, p = .014) and asterisk (Chi-Square = 11.99, df = 2, p =.002) offenses were experienced as well as the number of total disciplinary infractions (F = 4.76, df = 2, 697, p = .009) and asterisk (F = 8.66, df = 2, 697, p = .000) offenses experienced. Post hoc tests revealed that significant differences were evidenced between the parolee and involuntary max out group in regards to the number of disciplinary infractions experienced (Mean difference = -.35, p = .009). The number of asterisk offenses experienced differed between both involuntary and voluntary max outs (Mean difference = .15, p = .037) as well as between involuntary max outs and parolees (Mean difference = .27, p = .000).

The number of days of viable follow-up time (release date vs. time at risk ceiling minus days spent imprisoned for technical parole violations) that a person could experience one of the three recidivism variables (rearrest, reconviction, and reincarceration) significantly differed between the groups (F = 10.10, df = 2, 697, p = .000). The rate of group members who were both reconvicted (Chi-Square = 9.17, df = 2, p = .010) and reincarcerated (Chi-Square = 8.82, df = 2, p = .012) significantly differed between the groups.

Rearrest rates did not significantly differ between the three groups (Chi-Square = 5.49, df = 2, p = .064), however, the difference was approaching statistical significance and when max out groups are combined the difference does become significant (Chi-Square = 4.04, df = 1, p = .044) with 61.5 percent of parolees and 69.4 percent of max

outs experiencing a rearrest. This indicates that the sample has statistical power issues, and as a result, multivariate models predicting rearrest were still performed for the three groups despite the non-significant difference between-groups at a bivariate level.

The number of post arrests ($F = 5.20$, $df = 2, 697$, $p = .006$) as well as the number of post convictions ($F = 6.28$, $df = 2, 697$, $p = .002$) statistically differed between-groups. Post hoc tests for the number of arrests after 2005 release revealed significant differences between voluntary max out and parolee groups (Mean difference = .67, $p = .008$) while tests for the number of post convictions revealed significant differences between parolees and both voluntary (Mean difference = -.49, $p = .008$) and involuntary (Mean difference = -.53, $p = .008$) max out groups.

The rate of group members experiencing post incarcerations for both new crimes (Chi-Square = 8.06, $df = 2$, $p = .018$) as well as technical parole violations (Chi-Square = 106.47, $df = 2$, $p = .000$) differed between the three groups. Additionally, the number of post incarcerations for new crimes ($F = 4.28$, $df = 2, 697$, $p = .014$) and technical parole violations ($F = 57.81$, $df = 2, 697$, $p = .000$) differed between the three groups. Post hoc tests highlighted particular differences between the parole and voluntary max out (Mean difference = -.14, $p = .018$) groups in regards to the number of post release incarcerations for new crimes experienced as well as differences between parolees and both voluntary (Mean difference = .45, $p = .000$) and involuntary (Mean difference = .34, $p = .000$) max outs in regards to the number of post release incarcerations for technical parole violations experienced. The number of days it took for group members to experience a rearrest after their release statistically differed between-groups ($F = 3.20$, $df = 2, 462$, $p = .042$), however, post hoc tests did not reveal any particular between-group differences.

Table 7: Bivariate Results for Voluntary Max outs, Involuntary Max outs, and Parolees

	Voluntary Max out (n = 300)	Involuntary Max out (n = 200)	Parolee (n = 200)	Pearson Chi-Square / F-Test Value	Degrees of Freedom	Significance Level
Demographics						
% Male	92.0	95.5	87.5	8.48	2	.014
% Race				8.75	8	.364
Asian	0	0	1.0			
Black	66.0	66.5	65.5			
Hispanic	14.3	17.0	14.0			
White	19.3	16.5	18.5			
Unknown	0.3	0	1.0			
% County of Conviction				40.51	42	.537
Atlantic	6.7	8.0	8.0			
Bergen	3.7	2.5	2.5			
Burlington	1.7	3.5	4.0			
Camden	14.7	9.5	18.0			
Cape May	1.7	3.0	2.0			
Cumberland	2.3	4.0	0			
Essex	17.7	22.0	14.5			
Gloucester	1.0	1.0	1.5			
Hudson	13.0	12.5	11.0			
Hunterdon	0.7	0.5	1.0			
Mercer	4.3	5.0	3.5			
Middlesex	3.3	3.5	3.5			
Monmouth	7.7	5.5	4.5			
Morris	1.7	0.5	1.5			
Ocean	2.0	3.0	2.5			
Passaic	8.7	8.0	10.5			
Salem	0.3	0.5	0			
Somerset	1.7	0.5	0			
Sussex	1.0	1.5	0.5			

Union	6.0	5.5	10.0			
Warren	0.3	0	0.5			
Out of State	0	0	0.5			
Age at Release	35.49 (8.38)	34.17 (9.38)	34.04 (9.19)	2.07	2, 697	.126
Age at First Arrest	20.66 (5.08)	19.95 (4.33)	22.08 (6.31)	8.52	2, 697	.000
Instant Offense Information						
% Number of Instant Offense Convictions				11.98	6	.062
One	39.0	33.0	42.0			
Two	25.7	24.0	27.0			
Three	13.7	23.5	14.5			
Four or more	21.7	19.5	16.5			
% Instant Offense Crime Type				14.92	8	.061
Administrative	11.3	17.0	11.5			
Drug	39.0	33.0	42.0			
Property	25.7	24.0	27.0			
Sexual	13.7	23.5	14.5			
Violent	21.7	19.5	16.5			
Days Served: Instant Offense	1,297.49 (1,743.03)	1,160.18 (1,289.49)	982.54 (1,506.76)	2.46	2, 697	.086
Days Sentenced: Instant Offense	1,977.71 (1,803.72)	1,917.18 (2,076.18)	2,193.28 (2,517.42)	0.95	2, 697	.387

% LSI-R Risk Band				26.98	6	.000
Low	10.4	9.4	18.5			
Moderate	32.5	30.0	44.6			
Medium	38.0	45.0	28.2			
High	19.0	15.6	8.7			
LSI-R Score	24.76 (6.67)	24.58 (6.03)	21.52 (6.34)	15.00	2, 697	.000
Criminal History Information						
Prior Arrests	10.69 (7.99)	10.33 (7.38)	8.07 (6.52)	8.13	2, 697	.000
Prior Convictions	8.54 (6.32)	8.13 (6.33)	6.58 (5.01)	6.75	2, 697	.002
% Prior Violent Convictions	46.0	46.0	37.0	4.71	2	.095
Prior Violent Convictions	0.83 (1.20)	0.84 (1.25)	0.65 (1.07)	1.72	2, 697	.181
% Prior Incarcerations						
New Crimes	86.7	77.5	55.5	63.24	2	.000
Tech PVs	45.3	40.5	23.0	26.54	2	.000
Prior Incarcerations						
New Crimes	1.90 (1.47)	1.57 (1.36)	0.95 (1.13)	4.92	2, 697	.008
Tech PVs	0.85 (1.20)	0.79 (1.17)	0.39 (0.85)	15.50	2, 697	.000
% Prior Releases						
Max out	43.3	44.0	16.5	29.86	2	.000
Parole	82.0	66.5	50.0	57.36	2	.000
COP	9.7	5.5	3.5	7.95	2	.019
ISP	3.7	6.5	7.5	3.81	2	.149
Unknown	4.7	5.5	2.5	2.38	2	.304
Prior Releases						
Max out	0.65 (0.93)	0.65 (0.84)	0.28 (0.58)	14.97	2, 697	.000
Parole	1.89 (1.60)	1.52 (1.67)	0.93 (1.30)	23.33	2, 697	.000
COP	0.12 (0.39)	0.07 (0.30)	0.08 (0.18)	4.59	2, 697	.010
ISP	0.04 (0.19)	0.07 (0.25)	0.08 (0.26)	1.91	2, 697	.149
Unknown	0.05 (0.21)	0.06 (0.26)	0.03 (0.20)	0.92	2, 697	.401
% Prior Technical PVs	43.7	40.5	22.5	24.87	2	.000

Prior Technical PVs	0.73 (1.04)	0.73 (1.10)	0.35 (0.80)	10.33	2, 697	.000
Prior Days Served						
New Crimes	1,137.78 (1,243.23)	973.65 (1,235.77)	614.67 (1,037.20)	11.78	2, 697	.000
Tech PVs	277.39 (528.04)	259.69 (629.38)	131.10 (409.41)	5.00	2, 697	.007
In-Prison Activities						
% In-prison Programs						
Participated	15.5	15.5	23.0	6.06	2	.048
Completed	3.7	3.5	7.5	4.85	2	.089
In-prison Programs						
Participated	0.24 (0.71)	0.22 (0.57)	0.46 (1.08)	5.74	2, 697	.003
Completed	0.06 (0.34)	0.04 (0.19)	0.09 (0.34)	1.70	2, 697	.183
Days Spent Completing In-prison Programs	4.94 (43.50)	2.26 (13.09)	5.74 (34.62)	0.57	2, 697	.568
% In-prison Disciplinary Infractions						
Total Offenses	31.7	38.0	24.5	8.47	2	.014
Asterisk	16.7	25.0	12.0	11.99	2	.002
In-prison Disciplinary Infractions						
Total Offenses	0.67 (1.18)	0.82 (1.19)	0.48 (0.95)	4.76	2, 697	.009
Asterisk	0.26 (0.67)	0.41 (0.80)	0.14 (0.42)	8.66	2, 697	.000
Recidivism						
Days of Follow-up Time	1,292.96 (111.89)	1,283.33 (115.15)	1,235.60 (202.06)	10.10	2, 697	.000

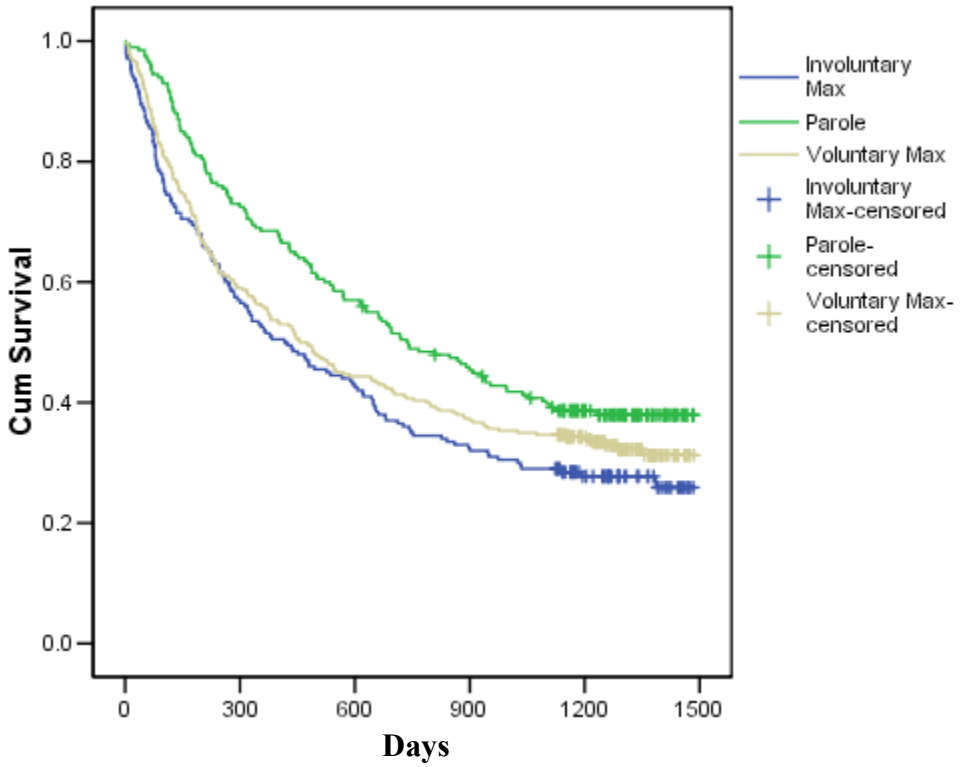
% Rearrested	67.3	72.5	61.5	5.49	2	.064
% Rearrest Crime Type				13.63	10	.191
Administrative	11.3	11.5	12.0			
Drug	33.3	33.0	30.5			
Property	15.0	13.5	8.5			
Sexual	0.3	0.5	0.5			
Violent	7.3	14.0	10.0			
N/A	32.7	27.5	38.5			
% Reconvicted	54.3	60.5	45.5	9.17	2	.010
%Reincarcerated	35.3	36.0	24.0	8.82	2	.012
% Incarcerated at Time of Data Gathering	21.3	19.5	14.5	3.74	2	.154
Post Arrests	2.14 (2.77)	2.02 (2.20)	1.47 (1.63)	5.20	2, 697	.006
Post Convictions	1.38 (1.88)	1.42 (1.78)	0.89 (1.31)	6.28	2, 697	.002
% Post Incarcerations						
New Crimes	35.3	36.0	24.5	8.06	2	.018
Tech PVs	3.3	4.5	31.5	106.47	2	.000
Post Incarcerations						
New Crimes	1.90 (1.47)	1.57 (1.36)	0.95 (1.13)	4.28	2, 697	.014
Tech PVs	0.85 (1.20)	0.79 (1.17)	0.39 (0.85)	57.81	2, 697	.000
Days to Rearrest	328.10 (305.65)	332.68 (306.95)	412.42 (320.94)	3.20	2, 462	.042
Days to Reconviction	522.07 (311.40)	538.13 (308.43)	616.80 (326.59)	2.79	2, 372	.063
Days to Reincarceration	647.19 (301.11)	687.96 (297.80)	748.27 (339.16)	1.80	2, 223	.168

Note: Standard deviations of means are presented in parentheses.

In order to better explore time to rearrest, reconviction, and reincarceration at a bivariate level, Kaplan Meier models were constructed. A log-rank test was used in order to ascertain significant group differences and the time at risk ceiling was used as the cessation date if the event was not experienced, and times were adjusted according to actual time at risk (minus days spent imprisoned due to technical parole violations). Figure 3 shows results from the Kaplan Meier survival plot for rearrest, Figure 4 shows the survival plot for the reconviction analysis, and Figure 5 shows results from the reincarceration survival plot (N.B., reincarceration event experience is for the first new crime incarceration after release and does not consider technical parole violation incarcerations as failure event experience).

The Kaplan Meier analysis for rearrest evidenced a statistically significant difference between the three groups of interest in regards to the experience of rearrest over time (Log rank = 10.02, df = 2, p = .0067). The mean survival time across all of the groups of interest was 835 (SE = 40) days (95% CI = 756 – 913). The voluntary max out group experienced 202 events, the involuntary max out group experienced 145 events, and the parole group experienced 123 events.

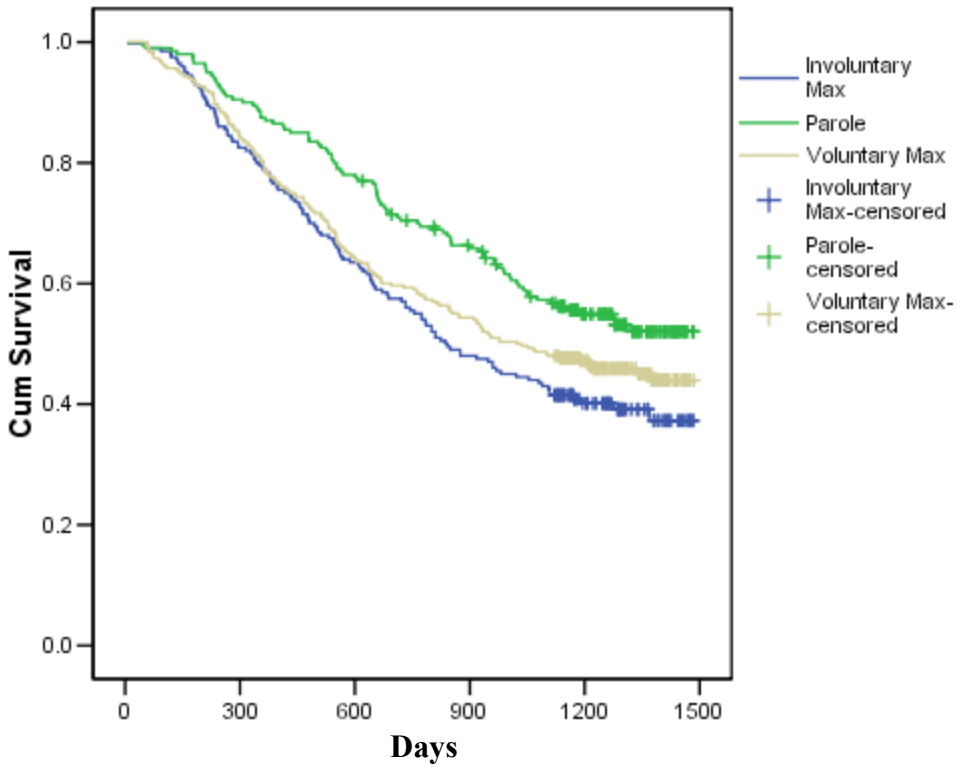
Figure 3: Kaplan Meier Survival Plot: Rearrest for Voluntary Max outs, Involuntary Max outs, and Parolees



Note: Log rank = 10.02, df = 2, p = .0067

The Kaplan Meier test for experience of a reconviction over time evidenced that the three groups of interest significantly differed from one another (Log rank = 10.72, df = 2, p = .0047). Mean survival time across the three groups was 1,086 (SE = 34) days (95% CI = 1,019 – 1,152). The voluntary max out group experienced 163 events, the involuntary max out group experienced 121 events and the parole group experienced 91 events.

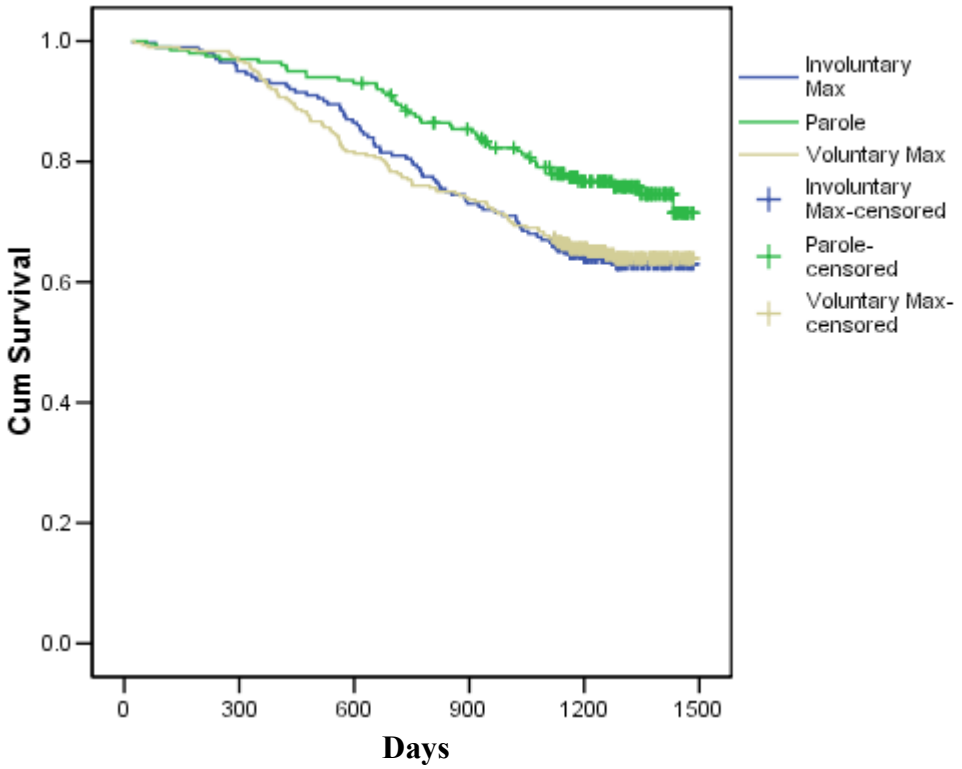
Figure 4: Kaplan Meier Survival Plot: Reconviction for Voluntary Max outs, Involuntary Max outs, and Parolees



Note: Log rank = 10.72, df = 2, p = .0047

The final Kaplan Meier test for reincarceration also evidenced statistically significant differences between the three groups of interest according to the log rank test (Log rank = 8.78, df = 2, p = .0124). Overall mean survival time across the three groups was 1,301 (SE = 25) days (95% CI = 1,252 – 1,351). Voluntary max outs experienced 106 events, involuntary max outs experienced 72 events, and parolees experienced 48 events.

Figure 5: Kaplan Meier Survival Plot: Reincarceration for Voluntary Max outs, Involuntary Max outs, and Parolees



Note: Log rank = 8.78, df = 2, p = .0124

Table 8 highlights between-group differences for the three voluntary max out subgroups: pure voluntary max outs, those who received a future eligibility term from a board panel during their instant prison stay, and those who were serving an instant offense for a parole revocation. There were no differences between the three subgroups in regards to demographic characteristics. Subgroup members significantly differed from one another in regards to the number of instant offense convictions they were serving (Chi-Square = 19.14, df = 6, p = .004). The type of instant offense for which the individual was serving time for and subsequently released in 2005 also differed significantly between the three subgroups (Chi-Square = 27.96, df = 8, p = .000). Most

Pure Max out subgroup members (36.0%) were serving time for property crimes while modal categories for FET and Revoke subgroup members were drug crimes (43.0% for FET and 43.0% for Revoke). Subgroups also differed significantly in regards to the setting in which their request to max out was made (Chi-Square = 72.78, df = 16, p = .000). Most subgroup members made this decision at a panel hearing, however, FET and Revoke subgroups had much more variability in the setting in which this decision was made when compared to members of the Pure Voluntary Max out subgroup.

The number of days served (F = 11.39, df = 2, 297, p = .000) as well as the number of days sentenced (F = 11.21, df = 2, 297, p = .000) for the instant offense also significantly differed between the three subgroups. Post hoc analyses for days served revealed particular differences between Pure Voluntary Max outs and both other subgroups (Mean difference = -854.92, p = .002 for FET and Mean difference = -1,077.41, p = .000 for Revoke). A Scheffe test also revealed between-group differences for Pure Voluntary Max outs and both other subgroups in regards to the number of days they were sentenced to serve for their instant offense (Mean difference = -869.09, p = .003 for FET and Mean difference = -1,146.43, p = .000 for Revoke).

Both the number of previous arrests (F = 7.53, df = 2, 297, p = .001) as well as convictions (F = 4.70, df = 2, 297, p = .010) significantly differed between the three subgroups. Pure Voluntary Max outs differed from both FET subgroup members (Mean difference = 2.91, p = .033) as well as Revoke subgroup members (Mean difference = 4.19, p = .001) on the number of arrests experienced prior to the instant offense. Pure Voluntary Max outs only differed from Revoke subgroup members in regards to the number of prior convictions (Mean difference = 2.64, p = .012). The rate of subgroup

members who had prior incarcerations for new crimes also significantly differed between the groups (Chi-Square = 23.52, df = 2, p = .000) with 78.0 percent of Pure Voluntary Max outs, 83.0 percent of FET subgroup members, and all Revoke subgroup members experiencing a prior incarceration for a new crime.

The rate of subgroup members who experienced previous release events that were max outs (Chi-Square = 17.29, df = 2, p = .000), paroles (Chi-Square = 34.15, df = 2, p = .000), ISP releases (Chi-Square = 6.98, df = 2, p = .030), and unknown releases (Chi-Square = 7.34, df = 2, p = .025) significantly differed between the groups. The average number of each of these events that were experienced by group members also significantly differed between the three subgroups. The number of prior max outs differed between Pure Voluntary Max outs and members of the Revoke subgroup (Mean difference = .49, p = .001); the number of prior parole release events differed between those in the FET subgroup and those in the Revoke subgroup (Mean difference = -.71, p = 007); as did the number of prior ISP releases (Mean difference = .70, p = .031). Post hoc tests revealed no specific between-group differences for the number of prior unknown release events.

Subgroups differed on only three of the recidivism variables. Both the group rate of post incarcerations experienced that were technical parole violations (Chi-Square = 6.41, df = 2, p = .040) as well as the average number of post incarcerations that were for technical parole violations (F = 3.46, df = 2, 297, p = .033) significantly differed between the three voluntary max out subgroups. Post hoc analyses did not reveal specific between-group differences. The amount of time served post release for technical parole violations also significantly differed between the three subgroups (F = 3.87, df = 2, 297, p

= .022), however, post hoc analyses did not reveal specific differences for this variable. Additional bivariate analyses of subgroup recidivism were conducted through the use of Kaplan Meier survival analyses, however, log rank tests for all recidivism variables did not reach the threshold of statistical significance.

Table 8: Bivariate Results for Voluntary Max out Subgroups

	Subgroup 1: Pure Voluntary Max out (n = 100)	Subgroup 2: Received an FET During Prison Stay (n = 100)	Subgroup 3: Serving Time for a Parole Revocation (n = 100)	Pearson Chi-Square / F-test Value	Degrees of Freedom	Significance Level
Demographics						
% Male	92.0	95.0	89.0	2.45	2	.294
% Race				10.01	6	.124
Asian	0	0	0			
Black	66.0	61.0	71.0			
Hispanic	9.0	17.0	17.0			
White	24.0	22.0	19.3			
Unknown	1.0	0	0.3			
% County of Conviction				55.12	40	.056
Atlantic	12.0	4.0	4.0			
Bergen	6.0	2.0	3.0			
Burlington	2.0	3.0	0			
Camden	11.0	16.0	17.0			
Cape May	3.0	1.0	1.0			
Cumberland	2.0	2.0	3.0			
Essex	9.0	24.0	20.0			
Gloucester	0	3.0	0			
Hudson	13.0	7.0	19.0			
Hunterdon	2.0	0	0.7			
Mercer	4.0	4.0	5.0			
Middlesex	3.0	4.0	3.0			
Monmouth	9.0	8.0	6.0			
Morris	4.0	0	1.0			
Ocean	3.0	0	3.0			
Passaic	8.0	11.0	7.0			

Salem	0	0	1.0			
Somerset	1.0	2.0	2.0			
Sussex	2.0	0	1.0			
Union	6.0	8.0	4.0			
Warren	0	1.0	0			
Out of State	0	0	0			
Age at Release	36.73 (8.49)	35.55 (8.86)	34.18 (7.62)	2.36	2, 297	.097
Age at First Arrest	20.63 (5.31)	20.74 (5.53)	20.63 (4.39)	0.02	2, 297	.985
Instant Offense Information						
% Number of Instant Offense Convictions				19.14	6	.004
One	53.0	34.0	30.0			
Two	20.0	31.0	26.0			
Three	15.0	9.0	17.0			
Four or more	12.0	26.0	27.0			
% Instant Offense Crime Type				27.96	8	.000
Admin	19.0	8.0	7.0			
Drug	35.0	43.0	43.0			
Property	36.0	28.0	23.0			
Sexual	0	4.0	0			
Violent	10.0	17.0	27.0			
Days Served: Instant Offense	653.38 (671.77)	1,508.30 (2,342.27)	1,730.79 (1,607.72)	11.39	2, 297	.000
Days Sentenced: Instant Offense	1,297.56 (1,208.68)	2,166.65 (1,941.56)	2,443.99 (1,954.80)	11.21	2, 297	.000
Days between Request Max and Release	262.71 (297.58)	291.92 (222.68)	253.71 (228.67)	0.62	2,292	.540

% Setting Request Max				72.78	16	.000
Hearing	81.8	67.7	53.6			
Pend Revoke	0	0	2.1			
Post COP	1.0	0	5.2			
Post Denial	0	24.2	13.4			
Post Grant	11.1	7.1	7.2			
PostReparole	2.0	0	2.1			
Post Rescind	1.0	1.0	0			
Post Revoke	0	0	12.4			
Other	3.0	0	4.1			
% LSI-R Risk Band				3.24	6	.778
Low	15.3	7.8	7.5			
Moderate	28.8	37.3	32.1			
Medium	39.0	37.3	37.7			
High	16.9	17.6	22.6			
LSI-R Score	23.76 (6.45)	24.94 (6.94)	25.70 (6.61)	1.20	2, 160	.302
Criminal History Information						
Prior Arrests	13.06 (9.86)	10.15 (7.00)	8.87 (6.12)	7.53	2, 297	.001
Prior Convictions	10.03 (7.24)	8.19 (5.74)	7.39 (5.63)	4.70	2, 297	.010
% Prior Violent Convictions	43.0	54.0	41.0	3.95	2	.139
Prior Violent Convictions	0.69 (0.97)	0.99 (1.30)	0.80 (1.28)	1.62	2, 297	.200
% Prior Incarcerations	78.0	83.0	100.0	23.52	2	.000
New Crimes	48.0	41.0	48.0	1.32	2	.518
Tech PVs						
Prior Incarcerations						
New Crimes	0.40 (0.62)	0.37 (0.56)	0.45 (0.59)	1.73	2, 297	.180
Tech PVs	0.08 (0.31)	0.01 (0.10)	0.02 (0.14)	2.56	2, 297	.079
% Prior Releases						

Max out	57.0	45.0	28.0	17.29	2	.000
Parole	70.0	76.0	100.0	34.15	2	.000
COP	12.0	6.0	11.0	2.37	2	.306
ISP	4.0	7.0	0	6.98	2	.030
Unknown	7.0	0	7.0	7.34	2	.025
Prior Releases						
Max out	0.89 (1.00)	0.66 (0.88)	0.40 (0.84)	7.25	2, 297	.001
Parole	1.82 (1.77)	1.57 (1.52)	2.28 (1.42)	5.22	2, 297	.006
COP	0.14 (0.40)	0.07 (0.29)	0.15 (0.46)	1.25	2, 297	.289
ISP	0.04 (0.20)	0.07 (0.26)	0 (0)	3.54	2, 297	.030
Unknown	0.07 (0.26)	0 (0)	0.07 (0.26)	3.73	2, 297	.025
In-Prison Activities						
% In-prison Programs	11.0	10.0	24.0	9.57	2	.008
Participated	0	3.0	8.0	9.25	2	.010
Completed						
In-prison Programs						
Participated	0.16 (0.56)	0.22 (0.82)	0.35 (0.70)	1.90	2, 297	.151
Completed	0 (0)	0.07 (0.46)	0.10 (0.36)	2.33	2, 297	.099
Days Spent Completing In-prison Programs	0 (0)	0.07 (0.46)	0.10 (0.36)	1.47	2, 297	.231
% In-prison Disciplinary Infractions						
Total	28.0	40.0	27.0	4.84	2	.089
Asterisk	12.0	23.0	15.0	4.66	2	.097
In-prison Disciplinary Infractions						
Total	0.55 (1.21)	0.83 (1.17)	0.62 (1.14)	1.54	2, 297	.217
Asterisk	0.21 (0.74)	0.32 (0.65)	0.24 (0.62)	0.71	2, 297	.491

Recidivism						
Days of Follow-up Time	1,272.79 (119.15)	1,296.29 (102.78)	1,309.80 (111.09)	2.84	2, 297	.060
% Rearrested	68.0	64.0	70.0	0.85	2	.654
% Rearrest Crime Type				5.14	10	.882
Administrative	11.0	11.0	12.0			
Drug	32.0	35.0	33.0			
Property	18.0	11.0	16.0			
Sexual	0	1.0	0			
Violent	7.0	6.0	9.0			
N/A	32.0	36.0	30.0			
% Reconvicted	60.0	49.0	54.0	2.45	2	.294
% Reincarcerated	33.0	33.0	40.0	1.43	2	.489
% Incarcerated at Time of Data Gathering	17.0	24.0	23.0	1.71	2	.426
Post Arrests	2.45 (3.40)	1.90 (2.33)	2.06 (2.46)	1.04	2, 297	.354
Post Convictions	1.53 (2.07)	1.18 (1.59)	1.42 (1.94)	0.91	2, 297	.405
% Post Violent Conviction	5.0	4.0	5.0	0.15	2	.928
Post Violent Convictions	0.05 (0.23)	0.05 (0.26)	0.05 (0.22)	0	2, 297	1.00
% Post Incarcerations	33.0	33.0	40.0	1.43	2	.489
New Crimes	7.0	1.0	2.0	6.41	2	.040
Tech PVs						
Post Incarcerations						
New Crimes	0.40 (0.62)	0.37 (0.56)	0.45 (0.59)	0.47	2, 297	.628
Tech PVs	0.08 (0.31)	0.01 (0.10)	0.02 (0.14)	3.46	2, 297	.033
Days to Rearrest	265.13 (245.88)	388.81 (346.98)	334.71 (310.86)	2.75	2, 197	.066
Days to Reconviction	454.05 (293.69)	594.63 (343.63)	531.80 (288.51)	2.85	2, 160	.061

Days to Reincarceration	586.18 (320.41)	706.48 (320.08)	648.60 (263.96)	1.33	2, 103	.270
Time Served Post Instant						
New Crime	129.06(244.22)	138.98 (261.93)	181.57 (264.31)	1.18	2, 297	.309
Tech PV	12.36 (59.46)	0.49 (4.90)	0.63 (6.30)	3.87	2, 297	.022

Note: Standard deviations of means are presented in parentheses.

Multivariate Results

Multivariate analyses were conducted to predict the likelihood of experiencing a rearrest, reconviction, or reincarceration after controlling for pertinent predictor variables. Independent variables that were found to significantly differ between the three groups of interest were tested for multicollinearity using a Pearson correlation test. Variables that had a correlation at or above 0.800 had one of the correlated variables eliminated in order to protect the multivariate analyses from multicollinearity between predictor variables. Analyses are particular to the voluntary max out, involuntary max out, and parole groups. The potential predictor variables were found to significantly differ between the three groups during the bivariate phase and which were entered into the Pearson correlation test were gender, LSI-R risk band, the prior number of arrests, convictions, and incarcerations, the prior number of days served in a NJ correctional institution, the number of in-prison programs the individuals participated in, as well as the number of in-prison disciplinary infractions incurred prior to release.

The predictor variable of prior number of incarcerations is a combination of the number of prior incarcerations for new crimes and technical parole violations and the predictor variable of prior number of days served is a combination of the prior time served for new crimes and technical parole violations. The combined measure of prior number of incarcerations was found to significantly differ between the three groups ($F = 26.90$, $df = 2, 697$, $p = .000$) as was the total number of prior days served ($F = 13.11$, $df = 2, 697$, $p = .000$). Total number of disciplinary infractions was also found to be significantly different between the three groups and this measure included the asterisk offenses that were experienced by group members. These coding decisions were made in

order to make the multivariate models as parsimonious as possible while retaining statistical elegance.

The variables of prior number of arrests and prior number of convictions were strongly correlated with one another (Pearson Coefficient= .866, p = .000) as were the total number of prior incarcerations and the prior time served (Pearson Coefficient = . 800, p = .000). Because of these strong correlations the number of prior convictions as well as the number of prior incarcerations were eliminated from the predictor variables for the multivariate analyses. These variables were chosen because convictions and incarcerations are higher order units of the lower order unit of prior number of arrests. Prior arrests were retained as a predictor variable for the multivariate models.

Binary logistic regression and Cox proportional hazards tests were used in order to predict the likelihood of the event occurring after controlling for the predictor variables and the likelihood of the event occurring mediated by time after controlling for the predictor variables. Predictor variables were entered into the first step of the sequential models and group membership was entered into the second step. For the purposes of these analyses reference categories for categorical variables are “Female” for the gender variable, “Low Risk” for the LSI-R risk band variable, and “Voluntary Max outs” for the group membership variable that was entered into the second step of each multivariate model. All binary logistic regression analyses used statistical weights because this research utilized a stratified random sampling method.

When using a stratified random sampling method the researcher separates the larger sampling frame according to group characteristics and then utilizes a simple random sampling method for those groups. In this study the three groups of interest were

separated into three groups: voluntary max outs, involuntary max outs, and parolees. Random samples of 200 were taken from the involuntary max out and parolee groups and random samples of 100 were taken from each of the three subgroups of voluntary max outs. Statistical weights were ascertained for each of the three groups using a normalization factor, the number of cases for each group within the sampling frame, and the number of cases within the sample utilized for the research. Weights were attached to each case according to their group membership in order to better represent the variance that each case would have contributed to the overall sampling frame. If statistical weights were not attached equal representation of groups within the overall sampling frame would be assumed. Specific equations that were used to ascertain appropriate weights are presented in Table 9.

Table 9: Equations for Determining Statistical Weights

	Equation Used	Populated Equation	Result
Normalization Factor	N Study Sample / N Sampling Frame	700 / 12,277	.05702
Weight for Voluntary Max outs (X)	(# of X in sampling frame / # of X in sample) * normalization factor	(1, 835 / 300) * . 05702	.34877
Weight for Involuntary Max outs (Y)	(# of Y in sampling frame / # of Y in sample) * normalization factor	(514 / 200) * .05702	.14654
Weight for Parolees (Z)	(# of Z in sampling frame / # of Z in sample) * normalization factor	(7,257 / 200) * . 05702	2.06897

Results from the binary logistic regression model used to predict rearrest can be viewed in Table 10. The predictor variables provided for a statistically significant good fit for predicting rearrest (Chi-Square = 82.12, df = 8, $p < .001$) and the inclusion of the predictor variables significantly increased the model's ability to predict the likelihood of rearrest above that of the constant only model. These variables accounted for

approximately 21.3% of the variance in rearrest (Nagelkerke R-Square = .213). Significant predictors included risk band assignments (Wald = 28.89, df = 3, p = .000), the number of prior arrests (Wald = 8.06, df = 1, p = .005), and the total number of disciplinary infractions prior to release (Wald = 12.58, df = 1, p = .000).

Upon analyzing the odds ratios of each of these significant predictor variables it was found that when compared to offenders who were classified as low risk, moderate risk offenders had increased odds of experiencing a rearrest (Wald = 8.49, OR = 2.329, df = 1, p = .004). Those classified as medium risk (Wald = 24.89, OR = 5.189, df = 1, p = .000) as well as high risk (Wald = 14.20, OR = 5.719, df = 1, p = .000) were also at an increased odds of experiencing a rearrest when compared to those classified as low risk on the LSI-R while controlling for all other predictor variables within the model. Further, with each additional prior arrest, it was predicted that the offender was at an increased odds of experience a rearrest after controlling for the other predictor variables (OR = 1.063). The odds ratio of total number of disciplinary infractions prior to release evidenced that each additional disciplinary infraction experienced in prison lowered the odds that an individual was predicted to experience a rearrest by a factor of 0.689.

The addition of group membership did not significantly add to the predictive ability of the rearrest regression model (Chi-Square = .535, df = 2, p = .765). While the model as a whole remained a statistically significant good fit for predicting rearrest, the Chi-Square change did not prove to be significant after adding group membership. Significant variables in the primary iteration of the model remained significant in the second step evidencing similar effect sizes and levels of statistical significance.

Table 10: Logistic Regression Models Predicting Rearrest

	b (S.E.)[1]	OR[1]	Wald[1]	p[1]	b (S.E.)[2]	OR[2]	Wald[2]	p[2]
Gender	-0.13 (0.33)	0.88	0.15	.704	-0.14 (0.33)	0.87	0.17	.679
Risk Band								
Moderate	0.85 (0.29)	2.33	8.49	.004	0.85 (0.29)	2.33	8.51	.004
Medium	1.65 (0.33)	5.19	24.89	.000	1.64 (0.33)	5.14	24.47	.000
High	1.74 (0.46)	5.72	14.20	.000	1.74 (0.46)	5.69	14.04	.000
Prior Arrests	0.06 (0.02)	1.06	8.06	.005	0.06 (0.02)	1.06	7.98	.005
Prior Time Served	0 (0)	1.00	0.29	.588	0 (0)	1.00	0.31	.580
Prior Programs Participated	-0.12 (0.10)	0.89	1.41	.235	-0.12 (0.10)	0.89	1.36	.244
Prior Disciplinary Infractions	-0.37 (0.11)	0.69	12.58	.000	-0.38 (0.11)	0.69	12.80	.000
Group Membership								
Involuntary Max outs	--	--	--	--	0.42 (0.60)	1.52	0.48	.487
Parolees	--	--	--	--	0.06 (0.34)	1.06	0.03	.858
Constant	-0.63 (0.41)	0.53	2.37	.124	-0.68 (0.53)	0.51	1.67	.196

[1] **Nagelkerke R-Square** = .213, df = 8, p = .000

[2] **Nagelkerke R-Square** = .214, df = 10, p = .000

Note: Females, Low Risk, and Voluntary Max outs serve as reference categories

These steps were repeated for the reconviction and reincarceration models. Results can be viewed for the reconviction models in Table 11 and the reincarceration models in Table 12. Results of these models were similar to the rearrest logistic regression model. The predictor variables provided for a statistically significant good fit in predicting both reconviction (Chi-Square = 67.67, df = 8, $p < .001$) as well as reincarceration (Ch-Square = 106.99, df = 8, $p < .001$) and the variables provided for a significant increase in predictive power above constant only models for both of these dependent variables. The predictor variables predicted approximately 17.4% of the variance in reconviction and 29.0% of the variance in reincarceration (Nagelkerke R-Square = .174 and Nagelkerke R-Square = .290, respectively). However, like the rearrest model, the inclusion of group membership did not provide for increases in the predictive power for neither the reconviction (Step Chi-Square = 1.56, df = 2, p = .459, Model Nagelkerke R-Square = .178) nor the reincarceration models (Step Chi-Square = 1.55, df = 2, p = .461, Model Nagelkere R-Square = .294). The inclusion of group membership did not render either of the overall models non-significant.

Similar predictor variables that were significant in the rearrest model remained significant in both the reconviction and reincarceration models with similar effect sizes. Unlike the rearrest and reconviction models, the number of programs that an individual participated in in-prison was a significant predictor variable in both iterations of the reincarceration model with every additional program that an individual participated in prior to their release lowering the predicted odds of experiencing a subsequent incarceration for a new crime by a factor of approximately 0.352 while controlling for all other predictor variables (Wald = 12.71, OR = .352, df = 1, $p < .001$).

Table 11: Logistic Regression Models Predicting Reconviction

	b (S.E.)[1]	OR[1]	Wald[1]	p[1]	b (S.E.)[2]	OR[2]	Wald[2]	p[2]
Gender	-0.30 (0.31)	0.74	0.96	.327	-0.33 (0.31)	0.72	1.16	.282
Risk Band								
Moderate	0.79 (0.31)	2.21	6.58	.010	0.80 (0.31)	2.22	6.61	.010
Medium	1.21 (0.33)	3.36	13.47	.000	1.19 (0.33)	3.28	12.91	.000
High	1.34 (0.43)	3.82	9.78	.002	1.32 (0.43)	3.73	9.37	.002
Prior Arrests	0.05 (0.02)	1.05	8.33	.004	0.05 (0.02)	1.05	8.08	.004
Prior Time Served	0 (0)	1.00	1.36	.244	0 (0)	1.00	1.21	.271
Prior Programs Participated	-0.01 (0.10)	1.00	0.01	.921	0 (0.10)	1.00	0	.965
Prior Disciplinary Infractions	-0.47 (0.11)	0.63	17.31	.000	-0.48 (0.11)	0.62	17.93	.000
Group Membership								
Involuntary Max outs	--	--	--	--	0.45 (0.54)	1.56	0.68	.411
Parolees	--	--	--	--	-0.12 (0.31)	0.88	0.16	.691
Constant	-1.00 (0.40)	0.37	6.03	.014	-0.86 (0.51)	0.42	2.89	.089

[1] **Nagelkerke R-Square** = .174, df = 8, p = .000

[2] **Nagelkerke R-Square** = .178, df = 10, p = .000

Note: Females, Low Risk, and Voluntary Max outs serve as reference categories

Table 12: Logistic Regression Models Predicting Reincarceration

	b (S.E.)[1]	OR[1]	Wald[1]	p[1]	b (S.E.)[2]	OR[2]	Wald[2]	p[2]
Gender	0.45 (0.40)	1.56	1.27	.261	0.41 (0.40)	1.50	1.05	.307
Risk Band								
Moderate	1.13 (0.47)	3.10	5.81	.016	1.15 (0.47)	3.14	5.92	.015
Medium	1.81 (0.48)	6.11	14.21	.000	1.80 (0.48)	6.03	13.94	.000
High	2.68 (0.57)	14.55	21.86	.000	2.66 (0.58)	14.27	21.38	.000
Prior Arrests	0.02 (0.02)	1.02	1.34	.248	0.02 (0.02)	1.02	1.25	.264
Prior Time Served	0 (0)	1.00	0.14	.706	0 (0)	1.00	0.05	.828
Prior Programs Participated	-1.05 (0.30)	0.35	12.76	.000	-1.05 (0.29)	0.35	12.71	.000
Prior Disciplinary Infractions	-0.98 (0.21)	0.34	21.17	.000	-1.00 (0.22)	0.37	21.48	.000
Group Membership								
Involuntary Max outs	--	--	--	--	0.11 (0.59)	1.12	0.03	.853
Parolees	--	--	--	--	-0.45(0.35)	0.71	0.99	.321
Constant	-2.53(0.58)	0.08	18.97	.000	-2.20	0.11	10.79	.001

[1] **Nagelkerke R-Square** = .290, df = 8, p = .000

[2] **Nagelkerke R-Square** = .294, df = 10, p = .000

Note: Females, Low Risk, and Voluntary Max outs serve as reference categories

The predictor variables were also utilized in Cox Regression analyses in order to explore whether group assignment added to the predictive ability of experiencing one of the three failure criteria over time. Like in the Kaplan Meier bivariate analyses, the time to event variables for rearrest, reconviction, and reincarceration were adjusted in order to reflect time at risk and those who did not experience the failure event had the date of data gathering entered as their cessation date. For the purposes of the three Cox Regression models, statistical weights that are highlighted in Table 9 were not utilized. Weights were dropped from these analyses because the assumptions behind Cox Regression (and other survival analyses including Life Tables) are only able to interpret case weights as the number of replicated cases. The weight procedures used for these data resulted in non-integer weight assignments which would render survival analyses of weighted data impossible.

Results from the Cox Regression predicting rearrest can be viewed in Table 13. The predictor variables provided for a statistically significant good fit in predicting rearrest events over time (Chi-Square = 69.41, df = 8, $p < .001$) and provided for a significant change in predictive power over a constant only model. Significant predictor variables in the primary iteration of the Cox Regression analysis for rearrest included risk band assignment (Wald = 36.07, df = 3, $p < .001$), the number of prior arrests (Wald = 10.90, df = 0, p = .001), and the number of disciplinary infractions the individual experienced prior to release (Wald = 3.88, df =1, p = .049).

Analyses of odds ratios indicated that when compared to offenders classified as low risk, moderate risk offenders were at increased odds of experiencing a rearrest (Wald = 11.76, OR = 2.13, df = 1, p = .001), as were medium (Wald = 22.62, OR = 2.87, df = 1,

$p < .001$) and high risk offenders (Wald = 31.37, OR = 3.98, df = 1, $p < .001$). Odds ratios also indicated that for each additional prior arrest the likelihood of being rearrested was predicted to increase by 1.025 and for every additional disciplinary infraction the offender's odds of experiencing a rearrest decreased by 0.897.

The addition of group membership also provided for a statistically significant good fitting model (Model Chi-Square = 72.42, df = 1, $p < .001$), however, like in the prior logistic regression analyses, the addition of group membership did not significantly add to the model's predictive ability (Chi-Square Change = 3.38, df = 2, $p = .185$). Variables that were significant in the model's prior iteration remained significant after the group membership variable was added and evidenced similar effects sizes and levels of statistical significance.

Table 13: Cox Regression Models Predicting Rearrest

	b (S.E.)[1]	OR[1]	Wald[1]	p[1]	b (S.E.)[2]	OR[2]	Wald[2]	p[2]
Gender	0.21 (0.20)	1.23	1.09	.296	0.17 (0.20)	1.19	0.72	.398
Risk Band								
Moderate	0.76 (0.22)	2.13	11.76	.001	0.76 (0.22)	2.14	11.88	.001
Medium	1.06 (0.22)	2.87	22.62	.000	1.02 (0.22)	2.78	21.08	.000
High	1.38 (0.25)	3.98	31.37	.000	1.35 (0.25)	3.84	29.69	.000
Prior Arrests	0.02 (0.01)	1.03	10.90	.001	0.02 (0.01)	1.02	9.66	.002
Prior Time Served	0 (0)	1.00	0.07	.786	0 (0)	1.00	0.17	.679
Prior Programs Participated	-0.08 (0.07)	0.92	1.24	.266	-0.08 (0.07)	0.93	1.13	.288
Prior Disciplinary Infractions	-0.11 (0.06)	0.90	3.88	.049	-0.12 (0.06)	0.89	4.50	.034
Group Membership								
Involuntary Max outs	--	--	--	--	0.09 (0.13)	1.10	0.51	.477
Parolees	--	--	--	--	-0.15 (0.14)	0.86	1.26	.263

[1] **Model Chi-Square** = 69.41, df = 8, p = .000

[2] **Model Chi-Square** = 72.42, df = 10, p = .000

Note: Females, Low Risk, and Voluntary Max outs serve as reference categories

Results from the Cox Regression models used to predict reconviction can be viewed in Table 14. Like the rearrest model before it, the reconviction model evidenced that the predictor variables provided for a statistically significant good fit in predicting reconviction (Chi-Square = 77.96, df = 8, $p < .001$), however, the addition of group membership did not add to the predictive power of the model (Chi-Square Change = 4.04, df = 2, $p = .132$). Significant predictors in the final model include risk band assignment (Wald = 23.72, df = 3, $p < .001$), prior number of arrests (Wald = 10.05, df = 1, $p = .002$), and the number of disciplinary infractions experienced prior to release (Wald = 18.11, df = 1, $p < .001$). Odds ratios and statistics from the model's primary iteration can be viewed in the table below.

Table 14: Cox Regression Models Predicting Reconviction

	b (S.E.)[1]	OR[1]	Wald[1]	p[1]	b (S.E.)[2]	OR[2]	Wald[2]	p[2]
Gender	0.25 (0.25)	1.28	1.02	.313	0.19 (0.25)	1.21	0.57	.451
Risk Band								
Moderate	0.53 (0.24)	1.70	4.73	.030	0.52 (0.24)	1.69	4.57	.003
Medium	0.90 (0.24)	2.46	13.63	.000	0.86 (0.24)	2.36	12.36	.000
High	1.21 (0.27)	3.36	20.25	.000	1.16 (0.27)	3.20	18.53	.000
Prior Arrests	0.03 (0.01)	1.03	11.18	.001	0.03 (0.01)	1.03	10.05	.002
Prior Time Served	0 (0)	1.00	1.35	.246	0 (0)	1.00	1.07	.301
Prior Programs Participated	-0.05 (0.08)	0.95	0.38	.537	-0.05 (0.08)	0.95	0.36	.546
Prior Disciplinary Infractions	-0.29 (0.07)	0.75	16.77	.000	-0.30 (0.07)	.074	18.11	.000
Group Membership								
Involuntary Max outs	--	--	--	--	0.14 (0.15)	1.16	0.95	.329
Parolees	--	--	--	--	-0.16 (0.15)	0.85	1.09	.296

[1] **Model Chi-Square** = 77.96, df = 8, p = .000

[2] **Model Chi-Square** = 81.89, df = 10, p = .000

Note: Females, Low Risk, and Voluntary Max outs serve as reference categories

Cox Regression model results predicting reincarceration can be viewed in Table 15. The predictor variables provided for a statistically significant good fit to predicting reincarceration (Chi-Square = 106.34, df = 8, $p < .001$) above that of a constant only model. The addition of the group membership variable significantly added to the model's ability to predict the likelihood of reincarceration (Chi-Square change = 6.49, df = 2, $p = .039$). Significant predictors in the final model included the risk band assignment (Wald = 26.84, df = 3, $p < .001$), prior number of programs the individual participated in prior to their release (Wald = 17.97, df = 1, $p < .001$), the number of disciplinary infractions the individual experienced prior to their release (Wald = 34.21, df = 1, $p < .001$), and group membership (Wald = 6.24, df = 2, $p = .044$).

Odds ratios of the significant predictor variables indicated that when compared to individuals classified as low risk on the LSI-R, those classified as moderate risk were predicted to be at an increased odds of being reincarceated (Wald = 5.37, OR = 2.249, df = 1, $p = .020$). Those classified as medium risk (Wald = 13.28, OR = 3.517, df = 1, $p < .001$) as well as high risk (Wald = 20.57, OR = 5.368, df = 1, $p < .001$) were also at an increased odds of experiencing a reincarceration when compared to their low risk counterparts. For each additional program an individual participated in the odds that they were predicted to be reincarcerated decreased by 0.276 while each disciplinary infraction incurred lowered the odds by 0.247. Despite group membership being a significant predictor variable overall and the addition of this variable adding to the model's ability to predict the dependent variable of reincarcerated, disaggregated group membership did not evidence statistical significance. In other words, when compared to voluntary max outs

both involuntary max outs and parolees did not statistically differ at an individual group level after controlling for these important predictor variables.

Table 15: Cox Regression Models Predicting Reincarceration

	b (S.E.)[1]	OR[1]	Wald[1]	p[1]	b (S.E.)[2]	OR[2]	Wald[2]	p[2]
Gender	0.64 (0.39)	1.89	2.60	.107	0.47 (0.40)	1.60	1.40	.237
Risk Band								
Moderate	0.77 (0.35)	2.17	4.93	.026	0.81 (0.35)	2.25	5.37	.020
Medium	1.30 (0.35)	3.65	14.06	.000	1.26 (0.35)	3.52	13.28	.000
High	1.74 (0.37)	5.71	22.12	.000	1.68 (0.37)	5.37	20.57	.000
Prior Arrests	0 (0.01)	1.00	0.04	.834	-0.01 (0.01)	1.00	0.19	.662
Prior Time Served	0 (0)	1.00	0.67	.412	0 (0)	1.00	0.40	.525
Prior Programs Participated	-1.30 (0.30)	0.27	18.22	.000	-1.29 (0.30)	0.28	17.97	.000
Prior Disciplinary Infractions	-1.35 (0.24)	0.26	32.84	.000	-1.40 (0.24)	0.25	34.21	.000
Group Membership								
Involuntary Max outs	--	--	--	--	0.12 (0.19)	1.12	0.39	.532
Parolees	--	--	--	--	-0.38 (0.20)	0.68	3.54	.060

[1] **Model Chi-Square** = 106.34, df = 8, p = .000

[2] **Model Chi-Square** = 111.14, df = 10, p = .000

Note: Females, Low Risk, and Voluntary Max outs serve as reference categories

Chapter 7: Discussion

Revisiting the Research Questions

(1) What does the voluntary max out group look like?

Bivariate results indicated significant between-group differences for voluntary max outs, involuntary max outs, and parolees in regards to several pertinent demographic, instant offense, criminal history, in-prison activity, and recidivism variables. Most voluntary max outs were African American males and many were convicted for their instant offense in the counties of Camden, Essex, and Hudson. On the date of their 2005 release voluntary max outs were, on average, in their mid thirties and on the date of their first arrest they were, on average, in their early twenties. Most voluntary max outs were incarcerated for only one instant offense and were mostly incarcerated for drug related crimes. Voluntary max outs were sentenced, on average, to five and a half years in prison but served, on average, three and a half years. Most voluntary max outs were classified as being either moderate or medium risk on the LSI-R.

Voluntary max outs released in 2005 had rather extensive criminal histories with about 11 prior arrests, 8.5 prior convictions, and about 2 prior incarcerations. On average, voluntary max outs served almost 4 years of time in prison prior to their instant offense for which they were released in 2005. This group had low rates of both in-prison program participation as well as completion and only spent about 5 days completing in-prison programs. Almost a third of voluntary max outs had a disciplinary infraction while imprisoned.

Almost 70 percent of voluntary max outs experienced a post release arrest, a third of which were for drug related crimes. A little more than half were reconvicted and a little more than a third were reincarcerated. On average for those voluntary max outs who were rearrested it took a little less than a year to experience this event. For those who were reconvicted, it took about a year and a half, and for those who were reincarcerated it took about 1.7 years. Disaggregating the voluntary max out group into subgroups provided for greater contextualization and description. Subgroups were found to significantly differ in regards to several instant offense, criminal history, and recidivism variables. The most pronounced differences included the number of days served for the instant offense (the difference in days between the begin serve date and the eventual release date) and the number of days that the individual was sentenced to for the instant offense for which they were released in 2005.

The pure voluntary max out group (Subgroup 1) had markedly less time both served for the instant offense and sentenced to for the instant offense when compared to both of the other subgroups. This data indicates that this voluntary max out subgroup is certainly employing rational choice and opting to max rather than to be supervised because they have a comparatively short sentence length. Interestingly, the pure voluntary max out subgroup members had significantly greater numbers of both prior arrests as well as prior convictions when compared to the other two subgroups. This is indicative that the pure voluntary max out group members have more robust criminal histories but happen to be serving "lighter" instant offenses when compared to the other subgroup members.

The pure max out group also evidenced a greater representation in the rate of prior releases that were max outs, however, it is not clear whether or not these prior release events were due to their own volition, were due to being ordered to max, were due to parole ineligibility, or due to receiving continual parole denials. Subgroups did not differ substantially in regards to the three failure criteria, however, the pure voluntary max out group members were on average more likely to experience post release criminal justice involvement due to technical parole violations.

Interestingly, voluntary max outs and involuntary max outs did not significantly differ on many of the variables collected throughout this research. Both of these groups had higher representation on the LSI-R risk band as being medium risk when compared to parolees (medium risk was the modal category for both max out groups while moderate risk was the modal category for the parole group). Further, post hoc ANOVA tests did not indicate significant between-group differences for voluntary and involuntary max outs in regards to the number of prior arrests, convictions, or total prior incarcerations.

Voluntary and involuntary max out groups also evidenced similar characteristics in regards to in-prison program participation, disciplinary infractions in-prison, and total pre-instant offense time served. Involuntary max outs evidenced significantly greater amounts of asterisk offenses than both voluntary max outs as well as parolees. Involuntary max outs also had greater rearrest, reconviction, and reincarceration rates when compared to their voluntary max out counterparts and evidenced similar average community tenure in regards to each of the recidivism events.

In contrast, the parole group had a greater representation among females and was on average lower risk according to LSI-R risk bands. This group also had significantly fewer prior arrests, convictions, and incarcerations for both new crimes and technical parole violations. Further, parolees had less prior technical parole violations and served less total time in an incarcerated setting prior to their 2005 release. The parole group had the highest number and rate of programs participated in in-prison and the lowest rate and number of both total disciplinary infractions and more egregious asterisk offenses.

Parolees also performed the best in regards to the recidivism variables. Although the difference in rearrest rates did not statistically differ between the three groups of interest, the parole group had the lowest rate of rearrest. This finding held true for both reconviction and reincarceration (and met statistical significance) rates. Kaplan Meier analyses also indicated between-group differences in regards to the time it took to experience each of the failure criteria. Results indicated that parolees had significantly greater community tenure in regards to the experience of a rearrest, reconviction, and reincarceration for new crimes when compared to both of the max out groups. Max out groups evidenced similar times to failure.

(2) Do those who voluntarily max out of prison recidivate at greater rates according to (1) rearrest, (2) reconviction, and (3) reincarceration compared to those released on parole or those who served a maximum term because of parole denial after controlling for relevant control variables?

The variables of gender, risk band, prior number of arrests, prior time served, prior programs participated in, and prior disciplinary infractions incurred served as control variables in all regression models. Models were sequential and logistic regression

models utilized weighted data. Control variables were added to the primary step of the models and group membership was added to the second step. While all of the binary logistic regression models used to predict rearrest, reconviction, and reincarceration proved to be statistically significantly good fits, the inclusion of group membership in the models' second iterations did not significantly increase the predictive power. These results ran contrary to the hypothesis that the voluntary max out group would have a greater likelihood of experiencing all three recidivism events when compared to both of the comparison groups after controlling for the predictor variables.

(3) Are those who voluntarily max out of prison (1) rearrested, (2) reconvicted, and (3) reincarcerated in fewer days compared to those released on parole or those who served a maximum term because of parole denial after controlling for relevant predictor variables?

Rearrest rates did not significantly differ between the three groups of interest at a bivariate level but the time it took to experience a failure event did differ between the groups according to the results from the Kaplan Meier bivariate analyses. However, none of the multivariate analyses, save for the Cox Regression predicting reincarceration, evidenced that group membership was a significant predictor variable for any of the failure criteria above that of the predictors within the models' primary steps. Within the Cox Regression for reincarceration, group membership did contribute to the predictive power of the model, however, no specific between-group differences met the $p \leq .05$ criteria. These results also ran contrary to the hypothesis. Voluntary max outs were not rearrested, reconvicted, or reincarcerated in significantly fewer days than either those

who involuntarily maxed out of prison or those who were released to parole supervision after controlling for the predictor variables.

Upon aggregating the two max out groups and comparing max outs as a whole versus parolees, differences between the two groups were apparent for all of the dependent variables at a bivariate level. However, none of the multivariate models had their predictive power significantly increased upon inclusion of the aggregated max out versus parolee group membership variable. These findings indicate that the research may have been a bit statistically underpowered. This is surprising because sample sizes were relatively large and the power analysis conducted prior to data gathering indicated that with the sample sizes utilized for the research, small effect sizes would be able to be detected assuming a power level of 0.80 and an alpha cutoff of $p \leq .05$.

However, as with any sampling process that utilizes random selection of cases, the study sample derived from the larger sampling frame may not have been truly representative of the larger population from which it was drawn. This is apparent because outcomes evidenced by the parole group in particular were not consistent with findings of either the present researcher (Ostermann, 2009) or other researchers (Veysey & Lanterman, 2008) that have investigated recidivism outcomes for this group in this jurisdiction. Both of these prior research endeavors found lower recidivism rates for parole groups. While these issues do not make this endeavor uninformative, the use of larger sample sizes are warranted in future research of these types of groups.

Panel Members and Evidence-Based Models

Results did not evidence that voluntary max outs were more involved in a criminal lifestyle, however, they did suggest that this group did employ rational decision-

making. This finding was particularly apparent when contrasting subgroup time served and time sentenced to serve for the instant offense for which they were released in 2005: pure voluntary max outs had far fewer days sentenced to serve, and actually served far fewer days than either voluntary max outs that were serving instant offenses for parole revocations or voluntary max outs that had received a future eligibility term during their instant offense. Results from this study indicate that the supposed danger of allowing prisoners to voluntarily max their sentence is a bit over exaggerated when contrasted against other max outs that leave New Jersey prisons as a function of continual parole denial.

The theoretical framework of this research posited that voluntary max outs wished to avoid parole because it would lower the likelihood of detection of their inevitable future criminal transgressions. Voluntary max outs were believed to be more involved in a criminal lifestyle than either of the comparison groups because they opted to spend the remainder of their sentence in prison rather than in the community. The involuntary max out group was believed to be less criminally inclined because their continual desire to be paroled indicated a lower proclivity to commit future criminal acts when compared to those who opted to max out per their own volition. This research evidences that voluntary and involuntary max outs are not as different as initially posited. It is likely that the lack of marked between-group differences for voluntary and involuntary max outs is due to the release decision-making process employed by the Board Panel.

Panel members are charged with making release decisions for prisoners who come up for parole hearings prior to their parole eligibility dates. Panel member decision making processes are represented by the three groups studied within this research

endeavor. Voluntary max outs opt out of parole consideration, so panel members do not have to make release decisions for this group. Involuntary max outs come up for parole consideration and are denied parole release by the panel. This group is denied parole to the point where their future eligibility time (the time between a denial and the next time they can be considered for parole release) exceeds their maximum sentence date, causing them to max out of prison. The parole group is considered for parole by the Board Panel and is actually granted parole release. This group leaves prison on their parole eligibility date and spends the remainder of their sentence in the community under the supervision of Division of Parole.

The Parole Act of 1979 (NJSA 30:4-123.45, et. Seq.) allows for the presumption of parole release if the individual is found by the Board Panel to be likely to succeed upon parole and has made an investment in his or her own rehabilitation. Results from this research are indicative that panel members are very good at triaging individuals into groups of people who are and who are not likely to succeed during the parole process. This research utilized a number of variables that are regularly used to predict success in the community and these variables are readily available to Board Panel members when they are making their release decisions. Those who were selected for parole release had considerably less extensive and severe criminal histories, evidenced lower average risk level classifications on the LSI-R, were older when they were first arrested, and were involved in significantly fewer disciplinary hearings while in prison and participated in a greater number of in-prison programs.

The New Jersey State Parole Board, as an agency, has argued that allowing inmates to voluntarily opt out of parole is dangerous because it allows this group to

preclude itself from receiving the rehabilitative oriented services as well as supervision that parole provides to its population when transitioning back into New Jersey's communities. Theoretically, by allowing these individuals to choose to max out and not receive parole services the likelihood that these individuals will fail in the community is increased, which in turn endangers public safety. However, results from this study indicate that when Board Panel members are faced with making release decisions for similarly situated individuals who have characteristics similar to that of the voluntary max out group, namely the involuntary max out group, these inmates are forced to max out of prison because the Board Panel forces them to max due to continual parole denial. This is likely because the Board Panel does not believe this group to be likely to succeed on parole supervision.

Community corrections in general and parole systems in particular serve myriad different functions. Parole agencies are charged with releasing individuals from prison to serve the remainder of their sentences in our communities and are also responsible for supervising these individuals upon their release. Parole officers are charged with upholding a crucial balance between law enforcement and social work with simultaneously increasing caseloads and decreasing resources (Caplan, 2006). Important decisions regarding whether to punish or program recalcitrant parolees are made everyday and strides have been made towards imbedding parole supervision decision-making in evidence-based practices.

The New Jersey evidence based parole initiative was implemented in August 2006. This initiative embraced the use of risk and need assessments to guide parole decision making and release decisions, the utilization of motivational interviewing

tactics, creating parolee buy-in by involving them in case planning, increasing supervisory oversight about adherence to case plans, etc. Research has demonstrated on many occasions and in several different jurisdictions that actuarially based decision making based on risk, need, and responsivity factors leads to better outcomes than clinically based judgments. Further, the principles of effective rehabilitation dictate that those who pose the greatest risk and have evidenced the highest need should be afforded the most stringent supervision and the most comprehensive services and that those with low risk and need should be supervised less and given the least services. The evidence based parole initiative has largely embraced these pieces of scientific evidence through its adoption of the LSI-R to guide supervisory decision making: scores are utilized in order to gear needy parolees under supervision towards appropriate programs and those in the community who pose the highest risk and need are given the most intricate supervision and programming regimens. However, results evince that indicators of risk and criminogenic need are utilized in an opposite way at the front-end of the parole spectrum when panel members are making release decisions.

Panel members are essentially charged with triaging people into categories of "likely to succeed" and "not likely to succeed" upon parole release. These data indicate that when not faced with the decision to release someone due to them opting to max out, panel members force similar individuals to max by continually denying them parole. Results evince that this is due to this group of involuntary max outs evidencing similar "not likely to succeed" indicators such as longer and more involved criminal histories and higher risk classification on the LSI-R. While this is the charge of the Board Panel as communicated through the Parole Act, it is odd that high-risk and high-need individuals

are targeted for more stringent supervision and more comprehensive service regimens upon parole release, but even higher risk and need individuals are not allowed the ability to be paroled in the first place. By not allowing these individuals to be released to parole supervision their inevitable failure is prolonged. Being released with no marketable skills, guidance, programming, and no knowledge about how to access available resources, sets these individuals up for failure in our communities.

Denying the highest risk individuals parole release precludes these individuals from receiving community services provided through parole and allows the most dangerous individuals in our prisons to be released to our communities with no post-release supervision. It is perplexing that the Parole Board essentially trades a structured release mechanism paired with a period of supervision, guidance, and programming in the community for our most dangerous inmates for an increased time of incapacitation. This is particularly germane when panel members are armed with the knowledge that all of this high risk population will eventually be released to our communities at the maximum expiration of their sentence and when in-prison program participation is analyzed: program participation, and more so program completion, was ubiquitously low across all groups explored within this research.

The SPB targets the highest risk parolees for increased supervision and the highest need for programming during community supervision because assessments have shown that they are in the most need of intense supervision and comprehensive programming. Further the SPB has embraced that providing supervision and community oriented services which respond to evidenced need through the guidance of actuarial assessments allows for the realization of better outcomes. However, panel members

preclude even riskier and needier individuals from receiving programming, and more importantly community supervision, after being armed with the knowledge that these individuals receive little to no programming or preparation for release while imprisoned (in-prison programming variables were gathered from DOC Face Sheets which are readily available to Panel members when making release decisions).

Building Consistency

Board Panel members are acting in accordance with their defined job specifications and, as evidenced by this data, are quite good at targeting those who are most likely to succeed upon parole for release. It is interesting that the SPB wishes to supervise max outs, especially those who voluntarily max out, in order to provide greater public safety through comprehensive programming and intense supervision, but when granted the opportunity to parole similarly situated individuals who do not opt to max out, they continually deny them parole. While it is not politically palatable to allow extremely high risk individuals to be released early from prison through parole and only paroling individuals who are likely to succeed allows parole as an agency to put its best foot forward, it is often forgotten that nearly all individuals currently incarcerated will eventually leave prison. Armed with this realization, it is the overlying agency policy of parole that letting someone out of prison via a structured release mechanism with a step-down approach is the more prudent choice when faced with allowing the person to leave prison without any supervision or guidance, especially if the individual poses a substantial risk to public safety. This research has evinced that the view towards targeting high risk and need individuals for programming and enhanced supervision is

true on the back-end (i.e., during supervision) of the parole spectrum, but not necessarily on the front-end (i.e., during release consideration).

A series of articles released in 1993 by the Bureau of Justice Statistics-Princeton University Study Group for Criminal Justice Performance Measures, collectively entitled *Performance Measures for the Criminal Justice System*, highlights ways in which community corrections agencies can accurately measure their performance. Two aspects of this article are particularly salient to these research findings: 1) that corrections practitioners question whether their agencies should be judged on behaviors of their clientele when they are no longer under their supervision, and 2) that the mission of any community corrections agency needs to be narrow and consistent in scope.

The first aspect lends itself well to the charge of the Board Panel members: community corrections officials question responsibility for behaviors of people who are no longer under their supervision. That is, if an individual completes parole and later recidivates the parole board should not be held responsible. By extension, if an individual is continually denied parole his or her behaviors should not be the concern or the responsibility of the parole board. Triaging individuals that are likely to not succeed and continually denying these individuals parole does the SPB a service by removing them from agency oversight and responsibility.

The second aspect lends itself well to the juxtaposition of the way risk and need are utilized depending upon what part of the parole spectrum is being analyzed. Risk and need are either used to target risky individuals for enhanced supervision in order to lower the likelihood that they will re-offend or to target needy individuals for services in order to lower their likelihood of recidivating and increase public safety during the supervision

phase. This evidence is used quite differently during the release phase where these indicators are used to weed out individuals who are unlikely to succeed when placed upon parole, effectively negating their ability to receive parole services during the release phase. In order to be a truly effective agency, the mission of the SPB needs to be consistent throughout the entire parole system. Two options are apparent if it is the desire of the SPB to build a consistent use of risk and criminogenic need indicators throughout the parole system.

First, consistent with the methods employed by parole officers when parolees are being supervised, actuarial assessments and clinical decision making on the part of the panel members should be used to target the individuals who are in the most need of services. Panel members should target these inmates for release to parole so that they can be intensely supervised in the community rather than spending an increased time of incapacitation. This would allow these individuals to also receive the programs that they need in order to successfully transition back into the community because programs are not either offered to this population or they are unwilling to participate while they are incarcerated.

Second, consistent with the methods employed by panel members when prisoners are up for potential parole release, if risk is used purely as an indicator that the individual is dangerous and that they will likely not succeed in the community, parole officers supervising risky individuals in the field should send these parolees back to prison. In so doing parole officers will allow panel members to prolong the time of incapacitation and allow for these high risk individuals to be administratively maxed so the SPB will no longer be held responsible for their performance.

These two options juxtapose two overarching missions for the SPB: 1) target people for parole because parole can adequately supervise high risk individuals and can connect high need individuals with services in order to help them succeed while in the community, or 2) target people who evidence high risk and are predicted to fail and attempt to negate responsibility for their actions. Both missions have a consistent use of risk and need throughout the parole system, however, both are not without their own risks. The first mission would put the parole board at risk because they would be supervising those who are most likely to fail, but would afford these individuals the opportunity to access social services to help them succeed and would allow for the agency to extend community supervision to these individuals. The second mission would be a safer bet for the SPB but would put the public at risk (but only after the increased period of incapacitation has been served) by not allowing the highest risk individuals to be supervised in the community and instead releasing them with no supervision at all.

Parole as an agency should take a stand that is consistent throughout the entire process on whether their mission is to intensely supervise high risk individuals and to extend services to those who are the most in need of help to transition back into the community because they are well equipped as an agency to do so (as they do during supervision), or to target those who pose the agency the highest risk and attempt to negate responsibility for them (as they do during release consideration). I believe that the former is the more prudent option if public safety and rehabilitation are the true concerns of the agency and is certainly more in line with findings from the "what works" literature that have guided the development of the evidence based parole supervision initiative.

Policy Recommendations and Directions for Future Research

Parole boards serve many different functions from making release decisions for prisoners to supervising those who are released to our communities. Within the jurisdiction of New Jersey an inmate can presume that he or she will be granted parole on his or her parole eligibility date unless a Board Panel finds that they are either unlikely to succeed on parole or have not made an investment in their own rehabilitation. For those who are rejected parole release, panel members can make recommendations to the inmate that will increase their chances of being released on subsequent considerations.

These recommendations usually involve participating in rehabilitative programming while in prison. Within this discretionary release system, inmates can also choose to opt out of the parole process, spend the rest of their sentence in an incarcerated setting, and eventually be released with no community supervision. The NJSPB has argued that allowing inmates to voluntarily max out their sentence puts public safety at risk because these individuals leave our prisons without supervision or rehabilitative program regimens. However, this research has evidenced that when faced with the ability to parole similar individuals (in regards to criminogenic risk indicators) Board Panel members force them to max out their sentence in prison. This indicates that if the ability to voluntarily max out were taken away from inmates in New Jersey, the discretion of the Board Panel would likely negate their ability to be paroled anyway.

Despite these findings it is still argued that all reintegrating individuals could benefit from some sort of step-down approach. If a period of parole supervision were mandatory, extending parole to the entire population of individuals reentering our communities, then all previously incarcerated persons could benefit from the community services offered by parole. Furthermore, the public could not only benefit from having

these people supervised by trained law enforcement but could also benefit from having efforts made towards rehabilitating these individuals. Additionally, if increased efforts were made to rehabilitate these individuals while they were incarcerated (or if incentives for participation in rehabilitative in-programs were made) rehabilitation could likely be better realized when these people reintegrate back into society.

This period of mandatory supervision should be a part of an individual's sentence and should last for a minimum of six months because this time has been found to be the most crucial period, when failure is most likely, for people newly released from prison. This model would allow for parole board panel members to make discretionary release decisions prior to the final six months of an individuals' incapacitation if they believe they could benefit from an increased time of parole supervision. Like current models, this would allow for panel members to target individuals who are likely to succeed on parole and would afford for a prolonged term of incarceration for those who are not approved parole. However, this model would also allow for these individuals to be supervised in the community and receive parole services by making parole mandatory for the final six months of their sentence (at least).

Mandatory supervision schemes are already in place within this jurisdiction through the No Early Release Act for certain violent offenders and Parole and Community Supervision for Life for certain sex offenders. The former is interesting because the "worst of the worst" violent offenders are required by legislative mandate to be paroled after 85 percent of their sentence has been served. Once on parole, these individuals are required to serve either 3 years (if they were convicted of a 2nd degree crime) or 5 years (if they were convicted of a 1st degree crime) of supervision. This

statute communicates that the most dangerous individuals leaving our prisons should be supervised in the community after they are released. However, via the Parole Act, when the discretion of the Board Panel to make release decisions is used, the most dangerous individuals that come up for parole consideration are denied to the point where they are not able to be released to parole supervision because they are viewed as unlikely to succeed. It is apparent that there is inconsistency in state policy regarding the role of parole supervision.

Future research should focus on these mandatory supervision cases and analyze their success in the community versus those who are dangerous but are administratively maxed by panel members. Furthermore, research should be conducted within this jurisdiction to find the point of diminishing returns of imprisonment. This is the point at which mandatory parole supervision should be extended to the individual. While this research showed that failure rates for both types of max outs were high, almost a quarter of this population was successful. Research should focus on those who were successful in the community, attempt to uncover what helped them succeed, and extend findings from this research to others within this population.

Finally, in-prison programming must be researched more thoroughly. It is apparent that most NJ inmates neither participate nor complete in-prison rehabilitative programming and what few programs are completed, little time is invested in doing so. Research must explore whether non-participation and non-completion are due to the lack of interest on the part of the inmate, the lack of the DOC extending the option for programming to their population, poor logistics on the part of the service providers, or a combination of some or all of these factors. Successful in-prison programs should be

replicated and expanded and attempts to streamline in-prison and in-community programming efforts through data sharing and opening greater lines of communication should be seriously considered between responsible agencies.

Chapter 8: Conclusions

This research investigated the demographic, instant offense, and criminal history characteristics as well as recidivism patterns of people who voluntarily forgo parole consideration and opt to spend the rest of their sentence in an incarcerated setting. The descriptive characteristics and recidivism outcomes of this group were contrasted against inmates who involuntarily max out via continual parole denial as well those who reintegrate and are supervised by parole. Further, this group was disaggregated into three subgroups in order to provide greater description and contextualization. This research was conducted in order to add information to the criminological literature about a previously unexplored group of reintegrating individuals, to add to discussions about extending parole supervision to all reintegrating persons, as well as to inform policy makers of the potential gravity of allowing prisoners to voluntarily forgo supervision.

The study intended to inform existing discussions within this local context about extending parole supervision to all previously incarcerated persons reentering our New Jersey communities. The theoretical constructs of criminal lifestyles and rational choice were used to explain the rationale behind why an inmate would voluntarily max out. It was argued that this group is more imbedded within a criminal lifestyle and that forgoing parole would allow them to more easily avoid detection of future criminal transgressions and/or that the decision to max out is more prudent depending upon the context of the situation.

Findings from this study indicated that while voluntary max outs differed significantly from those released to parole supervision in regards to both predictors of recidivism as well as recidivism outcomes, this group did not substantially differ from

individuals who involuntarily maxed out due to parole denial. These findings particularly contribute to conversations in this state about extending parole supervision to all offenders and taking away the ability for inmates to opt out of the parole process because, when presently faced with similarly situated inmates, Board Panel members charged with making release decisions force these types individuals to max out anyway. This is an important policy implication both broadly for the State of New Jersey as well as internally for the New Jersey State Parole Board's own practices. It was argued that macro-level risk classification and need indicators are utilized in opposite ways in the two major spectrums in which parole operates: making release decisions and supervising those who are released by the Board.

While these data indicated that those who are charged with making release decisions are discharging their duties through the Parole Act very effectively, it is argued that the mission of the SPB must be consistent throughout the entirety of the parole process. Researchers and practitioners alike have often criticized community corrections in general and paroling authorities in particular for having loosely defined, too broad, and at times unattainable goals because they are enmeshed in both law enforcement as well as social welfare paradigms (Caplan, 2006). This research indicates that the confusion about proper goals for parole extend beyond the casework / law enforcement argument on the supervision side and are apparent at a more macro-level due to opposite use of risk and need indicators between release and supervision.

Another major reason this research was conducted was to inform policy makers of the potential gravity of allowing people to voluntarily max out their prison stays. It was theorized that the decision to opt out of the privilege of parole release was a criminogenic

indicator and that by not allowing inmates to make this decision and allowing the Board to have the opportunity to extend these individuals parole release would provide for an increase in public safety and would improve outcomes for these individuals through connecting them with parole programs in the community. This research indicates that if the ability for an inmate to opt out of parole were taken away, their prospect for actually being paroled would be at best tenuous and at worst impossible. Ultimately, results from this study indicate that engaging in these types of policy shifts would be squandered because Board Panel members already make release decisions on individuals with similar characteristics and these similarly situated individuals are forced to max via parole denial. This research has evinced that internal SPB policy discussions regarding how to approach the issue of New Jersey inmates voluntarily maxing out their sentences are in need of serious readjusting.

These conclusions do not negate the argument that all prisoners could benefit from some sort of structured release mechanism that would provide a step-down approach to reintegration. While criminal justice scholars and practitioners alike have met mandatory parole systems with mixed reviews, it is likely that these types of systems can both provide better outcomes and save money if done intelligently. Post-incarceration supervision programs that follow the tenets of effective rehabilitation, that use evidence based practices, and shape decision making around indicators of actuarially gathered risk and need have found to be effective in producing better outcomes for parole and other community supervision populations (Gendreu et al., 1996; Petersilia, 2004; Flores, et al., 2005; Lowenkamp & Latessa, 2005; Mackenzie, 2005). Further, it is likely that building parole systems that require individuals to serve a period of community

supervision as a part of their sentence can be effective if buy-in from the individual parolee is built in through earning early discharge through compliance credits. Parole systems are currently built around negative reinforcement and disincentives for behavior (Petersilia, 2007). Using positive reinforcement in order to increase parolee compliance by allowing them to earn early discharge from parole through behavioral contracting and continued infraction free behaviors is an interesting and progressive avenue to explore in future research and can likely better equip both parole as a system on a macro-level and individual parolees on a micro-level with the tools to realize better outcomes (Taxman, 2004; Petersilia, 2007).

Literature reviewed in earlier chapters of this dissertation discussed the threshold of diminishing returns of prison expansion. Other criminological research has taken similar approaches on more micro-level scales through identifying diminishing returns of individual level incarceration (Lynch, 1995; McGinnis & Austin, 2001; Austin & Fabelo, 2004; Winokur et al., 2008). It has been found that past the point of diminishing returns, individual level returns in regards to recidivism are not met through continual investment in retributively oriented correctional paradigms of deterrence and incapacitation. This is the point at which inmates should serve a term of mandatory supervision in the community.

While this approach may not be a politically palatable option, if the point at which retribution and deterrence are served can be added to parole eligibility calculations it would provide for a more appropriate method of release. This conclusion is especially salient after investigating in-prison programming variables: program participation, and by extension, preparation for release is low among all offender groups that are incarcerated

in New Jersey's correctional system. These data evince that, while incarcerated, New Jersey prisoners lead a largely sedentary life absent of rehabilitative programming. When paired with being released with no supervision or guidance to this state's most economically and socially depressed areas, our collective incredulity when ex-prisoners return to criminal pursuits is unwarranted.

Because failure is a likely outcome for those reintegrating back into our communities after release from prison, it is imperative that policy makers and public service providers take the charge of rehabilitation seriously and do so in the most effect manner possible. While the NJSPB has recently made significant strides to better their practices by incorporating scientific evidence into day-to-day decision-making, there is substantial room for improvement. Actuarially based risk and need assessments must be fully implemented into NJSPB practices and their utilization must be consistent throughout the parole process. Agency policy focus should be taken off of extending parole supervision to the voluntary max out population, and should rather focus on the missed opportunities that are already available to the agency.

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