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**EFFECTIVENESS OF PAROLE BOARDS IN ISRAEL FROM  
THE PERSPECTIVE OF PREVENTING RECIDIVISM**

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## INTRODUCTION

Prisoners released from jail have to return to a world they no longer know, after many years spent behind bars. The technological developments, social processes, and community and family dynamics may seem strange and even alienating to many of the released prisoners. To an extent, loss of freedom leads to a loss of contact with the social systems in which the prisoner operated, and with the economic systems, to which they had belonged prior to being imprisoned. The world of delinquency, as a sub-group, encourages living at the expense of others: exploiting individuals and the authorities, and resorting to crime. However, upon imprisonment, the prisoner loses physical freedom, freedom of choice, privacy, social ties and any economic security they previously possessed. Most prisoners also suffer from a variety of deficiencies accumulated during their life which make it more difficult for them to function in normal society.

Upon release, prisoners encounter the need to resume their life, often without financial means and social support. The released prisoner faces new challenges, including finding accommodation, returning to the family circle, and finding employment. The State of Israel facilitates different systems in the effort to synergize all different types of aid, and declares its goal as the attainment of successful prevention of recidivism, which is defined as a return to a life of crime or breaking the law in the same manner after release from prison.

This dissertation investigates the effectiveness of early release from prison by the parole board, by examining the levels of recidivism among prisoners who were released in this manner. The research hypothesis is that examination of the levels of recidivism among prisoners released on parole, as compared to those of prisoners whose applications for early parole were rejected, will teach us about the efficacy of the parole board as a legal instrument. This examination will testify to the need to increase its use, its efficacy and when to avoid using it. Alternately, it will

attest to the need to make certain fundamental changes to the parole board operations, changes that will increase efficacy in prevention of recidivism. The study examined the operation of Israeli parole boards, and a comparison was made to the parole boards and supervisory mechanisms operating in the Czech Republic.

The recidivism index was compared in the specified two countries, and selection was implemented within the studied prisoner population, in order to remove research data that might erroneously influence the rates of recidivism. For example, prisoners incarcerated due to ideological and security offenses were not included in the research.

This study draws conclusions about the efficacy of parole boards, relating both to the prevention of recidivism and to the social aspects of this legal instrument. In addition, the guiding principles for a new law which would legislate for the operation of parole boards are suggested. These principles are based on theoretical grounds, as well as previous research. The proposed law may help minimize levels of recidivism and improve society's acceptance of the released prisoners in a way that will alleviate their integration into it. Another issue examined is the preparatory steps to create rehabilitation programs for prisoners, as well as the ethical and moral aspects of private rehabilitation programs that are not supervised by the state.

### ***The Research Question***

Does early release granted by a parole board have an effect on preventing recidivism?

### ***The Research Hypothesis***

The primary research hypothesis is that an early release of prisoners has no clear effect on the risk of recidivism. The researcher assumes the effects on a prisoner's return to crime after being released by a parole board are not an outcome of early release, and that this release cannot be used to predict recidivism. In this context, should it be found that a connection exists – its

strength, its significance (positive or negative), and possible explanations will be examined, based on existing literature (Walgrave, 2013).

### ***Significance of Topic and Gap in Knowledge***

The issue has not been researched from the perspective of the efficacy of parole board in recidivism prevention. Actual knowledge consists of raw statistical data that has not been fully analyzed with regards to the research topic. This study will assess the efficacy of parole boards, and the justification for operation in their current format. The knowledge elicited from current research will serve as grounds for updating or modifying the law. The specified research will present universal insights, which may influence countries operating according to similar policies.

### ***Research Goal***

The goal of research is to examine the efficacy of early release from prison by a parole board, in preventing recidivism of the parolees. The dissertation will examine the results of the early-release procedure, with a focus on recidivism. Research findings will aid this researcher to accentuate the program's advantages and to improve its weak points, with the aim of proposing a new approach to the state's use of the parole tool in the prisoner supervision and rehabilitation process. The study will investigate whether early release provides for an improvement in the recidivism statistics; and it will propose a theory for better use of the parole board by the state, in order to minimize the number of released prisoners who return to a life of crime and to prisons.

The study will also examine the perception of the state and society regarding a parole board and their expectations of it – from both an institutional viewpoint and from the perspective of social agencies.

# **I. LITERATURE REVIEW**

## ***1.1 Legal, Social and Economic Aspects of Incarceration***

Western countries are noted for criminal justice systems, in which the main means of dealing with transgressions is punishment: once the court has imposed a fitting punishment, justice is often considered done (Wenzel, Okimoto, Feather & Platow, 2008).

Czech society is traditionally oriented towards a punitive approach. A survey of the Institute for Criminology and Social Prevention reveals that the majority of the public consider penalties prescribed in the penal code as too moderate and the sentences meted out by the Czech court, too lenient (Raskova & Hoferkova, 2015).

However, strict punishments also raise difficulties. The financial burden on the prison system is great. Many negative effects are associated with imprisonment which may lead to social problems and social exclusion. Financial factors have ramifications not only for convicts, but for their families and for society. Imprisonment without probation is a financial burden for the state. The Czech Republic is considered a country with a relatively high incarceration rate, as opposed to other OECD countries (Raskova & Hoferkova, 2015).

Released prisoners are prone to social exclusion that stems from social prejudice and stigma, which also affects their families, especially their children. Released prisoners have suffered a loss of social ties, social skills and life skills. They may be unable to gain employment, as employees may be afraid to employ ex-convicts. Unemployment leads in turn to poverty, debts, learned helplessness and housing problems. Prisoners are forced to the margins of society and have limited access to resources and opportunities: employment, housing, social protection, health care and education. An additional problem is creating subsequent generations



of unemployment, surroundings of crime and marginalized societies that suffer from rampant prostitution, gambling and substance addictions (Raskova & Hoferkova, 2015).

The Prison System in the Czech Republic was established by Act no. 555/1992 Coll., imposed on the Prison Service and Judicial Guard of the Czech Republic as of January 1<sup>st</sup>, 1993. The prison system was revised according to the new legislation, based on respect for fundamental human rights, human dignity and the provision of suitable material conditions. The treatment includes social care, enabling prisoners access to education and re-education, medical and psychological care, visits and exchange of mail. Efforts are made to ready prisoners for a life of employment and correct living after release (Raskova & Hoferkova, 2015).

Alternative punishments that do not entail incarceration and employment of released prisoners can bring economical relief to society. Adequate punishments do not function only as retribution, and protection of society. This is not enough to restore order to society. There all also attempts to re-socialize and re-educate offenders and lead them to orderly lives. Of course, it is also important to protect society from released individuals who may endanger the public. The SARPO tool was developed with this issue in mind. SARPO is the first Czech tool developed to assess the risks and needs of offenders. SARPO is derived from the Czech abbreviation of Complex Analysis of Offenders's Risk and Needs. It is based on multiple factors, some unchangeable and some dynamic (Jiricka, Podana, Petras, & Hurka, 2014). Examples of relatively static factors are age, gender, marital status and offense history. Dynamic factors include accommodation, employment, finances, family relations and addictions. More robust research is required, but SARPO is considered at least as effective at predicting recidivism as the Offender Management Systems assessment tool (OASys), on which it is based, and which is still in use in Britain and Wales (Raskova & Hoferkova, 2015).

In Israel, attempts to rehabilitate prisoners and prevent recidivism are mainly based on studies in Israeli prisons (Goldberg, 2014). Large emphasis is placed on rehabilitating prisoners while they are still incarcerated. Recidivism is strongly linked to addiction to substances (Raskova & Hoferkova, 2015; Weisburd, Shoham, Ariel, Manspeizer & Gideon, 2010).

A study conducted by Israeli researchers shows the great benefits of a project in which an entire prison was adapted into a rehabilitation center for drug addicts (Weisburd et al., 2010).

The study was conducted in the Sharon Prison in Israel, using a quasi-experimental research framework, comparing the success of this project to two other populations: a group of released drug-addicted released prisoners who received no treatment for their addictive problems; and a group of similar prisoners who received some form of rehabilitative treatment. The information was gleaned from files of the Israeli Prisoner Rehabilitation Authority and from the criminal data of the Israeli police. The recidivism for drug-related and general offenses of the participants in the prison project was significantly lower than the recidivism of the prisoners in the control groups. The project in the Sharon prison showed results after only one year: 52% of the prisoners in the control group were arrested within the first year of release, and only 41% the Sharon project prisoners were rearrested within this time range. The project results were statistically significant for the duration of four years. After four years, approximately 79% of the prisoners in the control group were rearrested; compared to only 68% of the Sharon prison project prisoners (Weisburd et al., 2010).

Studies on the subject of electronic monitoring of released prisoners have been conducted in Israel, however, this method has not yet been accepted by Israeli legislation. A study conducted on prisoners shows positive results: electronic monitoring, together with occupational supervision and personal therapy, showed a decrease in recidivism. However, it is important to

note that the results are inclusive; it is unclear to what extent the monitoring alone would be effective (Shoham, Yehosha-Stern & Efodi, 2015).

The location of released sex offenders is monitored, and this exemplifies the fact that these offenders are a separate group, and they are not included in this study.

## ***1.2 A brief history of parole***

A prisoner incarcerated in a confinement facility, whether it is a prison, a juvenile detention facility or a rehabilitation center, who is conditionally released before the term of their sentence of confinement is complete, is released “on parole”. The etymology of the phrase stems from an honorable promise made by prisoners of war not to harm the population into which they were conditionally released. Behavior in prison often serves as a basis for evaluation, and the promise of parole serves to induce good behavior in the general prisoner population (Schmallegger, 2003).

The earliest attempt at a parole system was attempted in 1840, in Australia. The United States implemented a parole system throughout most of its states around the 1870’s – importing the Irish “mark” system of parole, which was adopted from the Australian practice. The parole system was, to some extent, based on scientific principles from the very start, replacing the 18<sup>th</sup> century Classicist and Humanist criminological theorem, a view of equal punishments based on the presumption of equality in will and personage. Alternative to previous premises, the doctrines of Lombroso and Garafalo attempted advanced scientific classification of specific criminals such as physiognomy, phrenology, and other disciplines. These classification methods are now thoroughly discredited, but their basic premise constitutes the foundation of the imprisonment and parole system to this day: that certain criminals are in dire need of incarceration and more likely to reoffend if released. In the United States, the first experiments

with paroling convicts were conducted with juvenile offenders, and the system was eventually extended to the entirety of the adult population. This policy represented the exact opposite of how things worked in other countries, such as in England, where juvenile delinquents were the last segment of the prisoner population to be included in the parole program. Notably, at the beginning of the 20<sup>th</sup> century, opposition to parole was viewed as the adherence to outdated Classicist beliefs, and the failure to accept the progressive individual classification system (Witmer, 1925 A).

As the United States has always been a country of social experiments aimed at the betterment of man, it witnessed a number of attempts at prison reform, discipline and rehabilitation from the end of the 18<sup>th</sup> century to the 1870s, when the incarceration system and parole as we know it began to emerge. Religious and work-house related rehabilitation systems both prospered, despite the lack of any demonstrable success in their stated goal of reform and rehabilitation of their criminal charges. The 1870's incarceration and parole system first began to dispense with the notion of rigidly fixed prison terms in favor of "indeterminate" ones. Much like in medicine, the results depend heavily on the observation of individual progress, so should the incarcerated individual be judged in a manner specific to their personality, to monitor their progress towards reform and rehabilitation as a law-abiding citizen.

Physical imprisonment physically prevents a criminal from committing crimes against the general public, if not against other incarcerated persons. A threat of prison violence acts as a deterrent, as does loss of freedom (Becker 1968).

The United States abolished the parole institution at the federal level in 1987, and all further mentions of parole refer to early release from a state prison at the state level. A notable fact is that the federal abolishment of parole coincided with the drastic increase of incarceration

rates in federal prisons. In 2008, the total number and relative percentage of incarcerated persons within the United States peaked, and has been in slow but steady decline ever since. There are several types of parole. Mandatory parole is a stipulation of the law regulating terms of imprisonment, and is granted to every prisoner with a few exceptions. Parole might be denied when prisoners have committed certain set of crimes, generally of the violent variety or for particularly bad behavior during imprisonment, to the point of committing further crimes. Discretionary parole is granted according to the decision of a parole granting body, based on the behavior and individual evaluation of the prisoner (James, 2014).

### **Punitive and Judicial Approaches Regarding Parole**

Reformative justice and a rehabilitative approach to punitive issues are based on Utilitarian principles. Utilitarianism is a moral philosophy that holds that the most moral action is the one that maximizes the happiness of the greatest number of human beings (Mill, 1863). The three goals of this theory are: preventing the occurrence of future offenses; deterring individuals as well as groups from committing crime; rehabilitating criminals and reintroducing them to society (Sutherland & Cressey, 1978).

For most of the 20<sup>th</sup> century, the parole and rehabilitation procedures in the United States operated according to the this welfare-inducing metaphor, referred to as “Panel Welfarism”. However, over the previous 40 years, a rise in crime rates, moral panic attacks, and a shift in popular psychology's stance on criminal tendencies have resulted in a shift was taken towards a more severe punitive approach, meant to punish and deter the criminal by the severity of the sentence. “A Short Sharp Shock” in the United Kingdom, “Three Strike” laws in the United States and other similar policies in the OECD countries were all enacted by politicians, responding to the demands of a panicking public, and hoping to deter criminal activity. This

trend resulted in longer prison sentences, minimal sentencing limits, higher rates of incarceration, particularly in the US, and fewer parole releases (Cullen, Jonson & Nagin, 2011; Paparozzi & Caplan, 2009).

A more punitive and less rehabilitative take on the punitive system is largely motivated by the notion of “Just Deserts”; stating that the punishment should fit the crime, and protect society (Martinson, 1972).

Jones & Newburn (2013) claim that many of the notions that advocate for harsher punishments stem from recent developments in the United States. Privatization of prisons, building of new prisons, legal changes that greatly increase the rates and lengths of incarceration, and encouragement of public view that advocate “tough treatment of crime” and Just Deserts all combine to provide extensive profit for private individuals, members of the punitive and justice systems, and populist politicians that encourage and pander to societal demands (Jones & Newburn, 2013).

Traces of moral panic can also be seen in Israel’s recent changes in legislature regarding traffic crimes, particularly hit and run cases, and sex crimes, although these criminals are less likely to reoffend than the statistical average, yet receive stricter evaluation and harsher supervision, merely to appease the public (Landau & Oz, 2014).

Sex offenders are different from other criminals, as is shown by researchers Rabeea Assy and Doron Menashe. Their research highlights these differences, and supports the omission of these criminals from the current study population (Assy & Menashe, 2014).

Landau & Oz (2014) define work as a turning point in the life course of criminals, and present a duration model that includes age, employment and recidivism. These researchers posit that employment opportunities have a larger effect of recidivism prevention among older

parolees and former inmates (aged 27 and up), than the effect on those aged 20 or less, which is essentially negligible. While the average rate of recidivism for the researched population (both young and old) was approximately 50%, access to employment opportunities decreased recidivism rates among older offenders by 39%. These findings are consistent with other data suggesting that age is an important factor in the probability of recidivism, and contradict popular or “common sense” impressions of hardened older criminals as less likely to reform. On the contrary, older convicts are apparently more likely to be tired of their life of crime and to seek opportunities to return to the straight and narrow path (Landua & Oz, 2014).

Two popular behaviorist models explain sentencing from the judge’s perspective, with specific focus on recidivism: the Outcome Optimization model and the Skimming model. Outcome optimization focuses on maximizing utility and minimizing losses, and prioritizes the best expected outcome, with respect to a minimized probability of recidivism. The skimming model posits that judges act to create the appearance of successful rates of recidivism deterrence, with little thought to how the sentence and prison term actually influences recidivism rates (Manski and Nagin, 1998).

Specifically, judges often enact sentencing to assuage public concern about crimes that generate a “Moral Panic”, enflamed more by media reports than by actual criminal statistics. The middle class, statistically the safest from criminal assault, express the most worry about being victims of crime, and are the most likely to support a Just Deserts approach to judicial and punitive issues (Cohen 1978; Lee, 2001).

### **Recidivism Prediction**

Researchers, such as Schnur have attempted to pinpoint predictors for recidivism. Schnur examines some early statistical predictors for parole violation and recidivism probability,

including detailed criminal record, race, age, and addiction to drugs or alcohol. The only variable that proved statistically significant in predicting recidivism was the total length of previous incarcerations, from birth and until the present sentence, which positively correlated with the likelihood of re-offending. Like several similar proposals that stressed the importance of scientific examination of statistical prediction factors, in contrast to “informal experience”, clinical observation, and personal bias, Schnur’s conclusions were not eagerly embraced (Schnur, 1951).

Schnur also researched the benefits of convict education during imprisonment. He concluded that there is no significant statistical link between educational treatment for prisoners, and future likelihood of recidivism, positive or negative, a conclusion supported by all further research on the subject (Schnur, 1951).

Relatively recent statistical methods for evaluating the chances of re-offense use exponential mixture models to calculate a statistical risk score, which determines the likelihood of recidivism in parolees, based on age, and on the total number of previous convictions, as a juvenile and as an adult (Dagan, Timor & Ronel, 2013).

Over 95% of all prisoners are eventually released into the general population. Nearly 80% of the prisoners will be released on supervised parole. Of all inmates released, 75% will be re-arrested, if not re-imprisoned, within five years. First time offenders are the most likely to stay away from further trouble with law-enforcement, while every repeated arrest correlates positively with a likelihood of recidivism (US Department of Justice, James 2014 ).

Another issue that causes inaccuracy is overt generalization of the parolee population, failure to differentiate between parolees who were sent back to jail due to breaking the terms of their parole and actual reoffenders. In 1999, 22% of inmates in US state prisons were sentenced



for a crime they had committed while released on parole. Parolees for whom parole was revoked, whether they were sentenced for committing a subsequent crime, or for breaking the regulations of their parole, were a major demographic in the growing incarceration rates in the United States (Travis & Lawrence, 2002).

As noted above, the vast majority of prisoners released in the United States are re-arrested within 3-5 years, but only 55% are incarcerated for committing a crime – data that concurs with the approximate 50% overall recidivism rate in other western countries, where recidivism statistics are based on the conviction of further crimes (James, 2014).

As the American incarceration system expanded twofold over the course of the 1990's, the public faced the fearful prospect of parolees reoffending after being granted parole, and lobbied politicians and legislators to take action. The result was an increase in prison sentences, support for decrease in the rate of parole grants, a decrease in parole agency budgets and decreased investment in rehabilitation services to paroled inmates, both during their prison stay in preparation for parole and more importantly, employment search and social re-integration on release. Oddly enough, these acts did not achieve their ostensible aim of reducing the level of recidivism amongst parolees. The lack of public trust in the possibility of reform also limits securing employment, a place to live and positional employment, and utilizing general social reintegration options, even aside from the lack of skills and lapse in technical ability during imprisonment (Robinson 2005).

While conventional wisdom emphasizes the value of a place of employment and job skills in general for released prisoners, such research is not always borne out by the data. Approximately half the studies have found no correlation between participation in employment and work skill programs, and a reduction in recidivism, while the other half have found the effect

to be more minor than generally expected. This result may have to do with the different effect that employment has on recidivism, for younger and older offenders. Post-secondary education courses is the only educational provision that shows a marked improvement in recidivism upon release. More basic adult education and GED programs show a minor improvement or none at all (James 2014).

Rehabilitation programs for the recovery from substance abuse, specifically abuse that is drug and alcohol related, do have a link to minimized drug and alcohol abuse, both inside and outside prison walls – and substance abuse problems greatly increase the chances of recidivism. General psychological issues, including anger management, self-control, problems with financial management and ability to control ones spending, whether diagnosed in prison or not, also contributed to difficulties with social integration that often led to recidivism (Robinson 2005).

In the 1970's, 75% of all prisoners released on parole in Israel were re-incarcerated within five years – displaying no statistically significant deviation from the general released prisoner population, which suggested that 80% were likely to reoffend and be re-incarcerated within five years. On average, the parole board devoted four minutes to each parole hearing, during which time they mainly read the prisoner's file and any attached recommendations. No place for personal appeals or hearings could plausibly be given within that time frame. Approximately 86% of all parole appeals were granted by the board. Convicts incarcerated for drug and property crimes were found most likely to reoffend, as were young convicts without a continuous history of previous employment (Hassin, 1981).

## ***1.3 Research Background***

### **I.3.1 Prisoners Population**

Some 24,000 prisoners occupy the Israeli prison system, and approximately 10,000 of them are classified as criminal prisoners. Prisoners are assigned to 34 different prisons with differing security levels and characteristics, defined by the length of imprisonment time, the danger the prisoner poses to society, and belonging to unique populations. Some prisoners need to be protected from their fellow prisoners, therefore there are separation wings, isolation, drug-free wings, protected wings, and open wings. The Prisoner Rehabilitation Authority in Israel only handles some of the imprisoned criminal prisoners, not extending the rehabilitation programs to “security” prisoners, criminal prisoners who are residents of the occupied territories, foreigners about to be deported and temporary detainees. According to the Prisoner Rehabilitation Authority (PRA), many of the prisoners who are released are denied treatment because they are reluctant to be treated; those who deny their crime, or those who are not suitable for treatment according to the PRA, and do not fit the rehabilitation tools available to it (Yael Kulitz-Mansdorf, professional advisor to the PRA Director General, Letter, July 3rd, 2011).

Sex offenders were also precluded from the current study, as they differ from other criminals, both in status amongst other prisoners, and legislation regarding their monitoring.

Life in prison is an experience that can only be completely understood by prisoners themselves. Goldberg depicts the adjustment of prisoners to imprisonment as addictive or normative. The study results show that addictive adjustment is a common way of adjustment to prison. Recidivism is partially due to addiction to imprisonment, addiction to the criminal life style and addiction to a specific crime (Goldberg, 2014).

### **I.3.2 Organizations for the Treatment of Prisoners**

Prisoners are treated during incarceration and after release by several bodies:

The Prisoner Rehabilitation Authority is a government authority subsidiary to the Ministry of Welfare and Social Services, and it is the main agency within the Israeli justice system acting towards the rehabilitation of prisoners. Education Centers in Israeli prisons aim at preparing prisoners for release. Intervention in social work is a necessary to prepare prisoners economically, academically, psychologically and socially for release.

Additional bodies are involved in cooperation between the Israeli Prison Service and the Prisoner Rehabilitation Authority. State cooperation exists between government ministries and national prisoner treatment bodies. These bodies are the Ministry of Education, the Ministry of Welfare and Social Services, the Ministry of Immigrant Absorption, as Israeli society is comprised of many immigrant populations, the Israel Anti-Drug Authority, the Ministry of Health and the National Insurance Institute. In addition to these governmental bodies, rehabilitation activities and preparation for release from prison are conducted either on a voluntary basis or through business contracts with specific organizations, such as the "Yad La' Asir" ("Helping Hand for the Prisoner") association. These organizations provide education, guidance and religious support.

### **I.3.3 Restorative Justice**

Restorative justice is a new term in the education and rehabilitation process required to prepare prisoners for their release from prison. This approach is based on healing rather than punishment. There are two different notions of justice, according to which punishments, correction and reparations are enacted. Retributive justice attempts to repair situations through unilateral punishment. The emphasis of retributive justice is on imposing a punishment that fits

the crime, and thus, exacting justice. Restorative justice aims at repairing justice by a bilateral process, reaffirming a shared value-consensus, and taking into account the entire system of those involved in the crime: the offender, the victim and the community (Wenzel et al., 2008).

Legislation since the 1990's in Israel has been adapted to a human rights objective, in accordance to international treaties signed by the state (Sebba, 1996). These updates are in line with restorative justice. This is also the development in the Czech Republic (Raskova & Hoferkova, 2015).

### **I.3.4 Preparation for the Parole Board**

The parole committees' activity is grounded in the Parole Law (2001). The committee's role is to determine whether the prisoner is eligible for early release, based on consideration of the crime's circumstances and severity, prior convictions, risk to the public, chances of the inmate's rehabilitation, motivation to change, behavior in prison and other factors. In an ordinary parole committee, the early release of a prisoner is discussed close to completion of two thirds of the sentence. The committee is comprised of four members: a magistrate and district judge, who serves as the head of the committee, two representatives of the public with five years of experience in their profession, and an Israel Prison service officer at the rank of senior warden or higher, who does not have voting privileges. Parole activities need to find a balance between the right of the prisoners and the public right to safety from dangerous criminals (Dagan, 2014).

### **I.3.5 Description of Recidivist Population**

The studied recidivist population will be divided into two groups: those who were released early by parole boards and those who served their full sentence. Further categorization will be based on a treatment program or lack thereof, types of treatment programs, monitoring and supervision – for the purpose of this research, a lack of monitoring is also a relevant factor.

## **II. RESEARCH METHODS AND STAGES**

### ***II.1 Israel***

Parole boards in Israel operate under the jurisdiction of the Ministry of Justice - Courts Administration. Parole board decisions are based on the “Parole Act, 2001”, and on amendments added to the “Penal Code” over the years. The law presents a number of rationales for early release from prison. It permits the committee to reduce a sentence by up to one third, with the exception of special circumstances such as terminal illness, in which case a special parole board is authorized to release a prisoner without considering the remainder of their sentence (Israeli Knesset, 2001). The law determines that every parole board must consider the predictable danger that arises as a result of a prisoner’s release, the probability of the prisoner’s successful rehabilitation upon release, the prisoner’s record of behavior in jail and the crimes that were committed and their consequences. Considerations include the extent of damage caused, fines and compensation paid, and views expressed by injured parties or their families. (Dagan, Timor & Ronel, 2013).

Besides those factors, and assuming there is nothing in the aforementioned information to prevent a prisoner’s early release in its own right, a parole board must examine proposed rehabilitation programs for the parole period. These programs include input from the Prisoner Rehabilitation Authority and program supervision terms. Follow-up of prisoners is under the supervision of the Probation Service or tracked by electronic monitoring (Dagan et al., 2013).

Israel’s State Comptroller’s Report (Annual Report, 2004) reveals that only a quarter of all prisoners in Israel were provided with a rehabilitation program by the Prisoner Rehabilitation Authority, the body responsible for prisoner rehabilitation after release from prison, with the purpose of providing a process that will improve prisoners’ chances of not reoffending and

returning to prison. The Prisoner Rehabilitation Authority's annual report shows that over 90% of the programs presented to the parole board by the authority were approved, and the prisoner was released. This percentage is in contrast to less than 50% for programs provided by private companies.

Dr. Rotem Efodi (Efodi, 2014) suggests that the current mode of parole hearings is not effectual. Rather than discussing an empirical overview of the statistical factors determining the likelihood of recidivism in each case, the boards engage in a "clinical" discussion, that focuses more on the circumstances and individual impressions of each case by the board members, and that – this is highly ineffective in determining the likelihood of the parolee re-offending. Instead, Efodi recommends that parole boards' decision making processes should be compliant with statistical, decision making models which presumably have a higher rate of correct prediction (Efodi, 2014) .

## ***II.2 The Czech Republic***

Any convicted person may be released on parole by a district court (hereinafter referred to as "the court") if they meet requirements of parole. The requirements of parole are:

- The convicted person has served a proportional part of their sentenced imprisonment set by the law, or after the convicted person's term of imprisonment has been reduced by decision of the President of the Czech Republic
- The convicted person proves that they have been rehabilitated during imprisonment, by behaving appropriately and fulfilling the obligations imposed upon them by the court and prison authorities

- The convicted person can be expected to live properly and orderly after their release from prison, or the court accepts a guarantee from an interested association of citizens, vouching for the probable completion of the convicted person's rehabilitation process.

The court has to make a decision regarding a parole application within 30 days of receiving it. A convict for whom the parole was rejected may repeatedly reapply for parole every six months.

A convicted person may generally be released on parole after serving one half of the imposed prison sentence. However, a first-time offender who was not sentenced for a capital offense may be released after serving one third of the imposed imprisonment. Convicts who were imprisoned for capital offenses or convicts who were served with an exceptional sentence may be paroled after having served two thirds of imprisonment. A perpetrator who was sentenced to life imprisonment may be conditionally released on parole after serving at least twenty years of imprisonment.

Convicts imprisoned for misdemeanors may be conditionally released even before fulfilment of the above-stated parole terms. These prisoners may be released before half the imposed prison term has lapsed of the convicted person, as early as a third of prison time in the case of first time offenders.

The court determines a probation period for every convicted person released on parole. Probation time is from one to seven years for convicts who were imprisoned for a criminal offence, and up to three years for convicts who were imprisoned for a misdemeanor.

The court may assign a probation officer to supervise the convicted person released on parole, or order them to report to a location close to their place of residence, at a specified daily time slot. The court may also impose other restrictions and obligations on the paroled convicted



to make them lead an orderly life. For example, a court may order convicts to compensate the victims of their crime for the damage incurred to the best of the convict's abilities, to work for the community, or to pay a specified amount of money to help victims of other criminal acts.

If parolee behavior does not comply with the parole terms, the court may adjust or change its decision about parole or parole conditions during the probation period. A court may assign a probation officer to supervise the parolee, if this measure has not already been applied, impose other restrictions or obligations, change the length of the probation period, or order the parolee to be re-imprisoned for the remainder of their sentence. If the court finds that a parolee has led an orderly life during the probation period and fulfilled the conditions imposed on them, proving proof of rehabilitation, the prison term shall be considered completed on the day when the parolee was released.

In parole cases, the Probation and Mediation service of the Czech Republic works in collaboration with the Prison Service of the Czech Republic. Collaborating professionals include the probation workers and specialists who work with the prisoners: psychologists, social workers, special tutors and correction officers.

A parole application may be submitted by convicts or their family members, a prison director or an interested association of citizens. The application is then sent to the district court of the prison's location. The district court requires an evaluation of the convicted person, which is written by a prison officer who works with the prisoner.

A new instrument was recently developed for risk evaluation, which evaluates the risk of danger and recidivism, and assesses the needs of the convict. The conclusion of this analysis also plays a role in the final evaluation document. The court also wants to know where the released

convict will be living, as well as their plans for the near future. Every court can ask for more documents about the case, depending on the judge.

The latest amendment to the Czech Republic's Criminal code concerns the process of parole, and was issued at the end of the 2012. The code amendment renders the conditions for a conditional release more attainable. Changes were made to the term of a convict's conditional release, in some cases as soon as after one third of served imprisonment. Additionally, when the prison director submits a parole application, the court almost always judges in favor of the convicted person. If the convict did not succeed in court, the amendment also changed the reapplication time, which is now merely six months. These changes should help to reduce the overcrowding in Czech prisons.

The Probation and Mediation Service is structured as an organizational agency of the state, responsible to the Ministry of Justice. It consists of autonomous Probation and Mediation Service centers, usually operating in the location of the district court, or circuit and municipal courts with the same jurisdiction status. If two or more district courts reside in one location, only one center may be established. The Probation and Mediation Service is headed by its director, who is appointed and replaced by the Minister of Justice. The staff of each center consists of at least two probation and mediation service officers with a university degree, and one assistant with a secondary school certificate.

If required, the center may be additionally structured into departments focusing particularly on juvenile or youthful offenders, or on users of narcotic and psychotropic substances. The center's policies regarding probation and mediation policies are in line with the local jurisdictional court. The center also aligns with rulings of local district prosecutors meted out in preliminary proceedings. In order to speed up proceedings and for other important reasons,

the presiding judge or the single judge of the relevant court, and the prosecutor in preliminary proceedings, may order that a required action is implemented by the center of the district in which the person subject to the action lives.

The Probation and Mediation Service Act No. 257/2000 Coll. define the scope and content of this service, and jurisdictional responsibilities are defined by the Criminal Code and the Criminal Procedure Code. The Probation and Mediation Service creates preconditions for cases that are deemed appropriate. The service can assist in cases that are tried in one of the special types of criminal proceedings, when an imposed and executed punishment is not a prison sentence, or when custody can be substituted by an alternative measure. For this purpose, it provides professional guidance and assistance to the accused, monitors and controls their conduct, and co-operates with the accused's family and social environment, so that he or she can lead an orderly life in the future.

Probation services prescribed by this act are to organize and implement the supervision of an accused, charged or convicted person, to control execution of sentences which do not involve imprisonment, including the imposed obligations and restrictions, and to monitor the conduct of the convicted person during the probationary period of conditional release from prison. The act also prescribes giving individual assistance to the accused and positively influencing them, so that they can lead an orderly life, complying with the conditions imposed on them by the court or the public prosecutor, and disturbed legal and social relations are redressed. Mediation consists of out-of-court action to settle the dispute between the accused and the injured party, and actions directed at settling a conflict in conjunction with criminal proceedings. Mediation may only take place with the express consent of the accused and the injured party.

Probation and mediation work implemented in accordance with Article 4 of the aforementioned act, particularly focuses on the following: obtaining data regarding the accused, their family and their social background, creating conditions to encourage decisions in favor of conditional cessation of the criminal prosecution, or approval of an out-of-court settlement. Probation and mediation workers may negotiate and attain an agreement between the accused and the injured party regarding damage compensation, an agreement for an out-of-court settlement, or may negotiate the conditions for further procedures of this kind, or for punishment that does not involve imprisonment. Workers are charged with supervision of the accused person's conduct in cases when it was decided to replace custody by probationary supervision. A court may consign these workers with the supervision, monitoring and control of the accused during the probationary period, control of the execution of punishments that exclude imprisonment, including community service, monitoring compliance with protective measures, and the monitoring and control of the accused person's conduct during the probationary period, in cases of a decision to conditionally release a convicted from prison.

The Probation and Mediation Service also helps to rectify the consequences of the crime inflicted on the injured party and on other persons affected by the crime. The service provides special care for accused juvenile persons and accused persons of a near-juvenile age.

The service contributes to protecting rights of crime victims, and assists in coordination of social and therapeutic programs for offenders, with a special focus on juveniles and on users of narcotic and psychotropic substances. The Probation and Mediation Service also participates in crime prevention.

The Prison Service of the Czech Republic acts as administrator of the country's prison system. The status and tasks of the Prison Service are defined by the amended Act No. 555/1992

Coll. on the Prison Service and Justice Guard of the Czech Republic. The Prison Service is a department of the Ministry of Justice. The Minister of Justice appoints and replaces the Director General for the management of the Prison Service. The Director General reports to the Minister of Justice regarding the work of the Prison Service. The Prison Service consists of the General Director's Office, remand prisons (for temporary custody), prisons (for serving imprisonment sentences), preventive detention facilities, and the Institute of Education. Individual prisons, i.e. facilities for custody and imprisonment, are established and abolished by the Minister of Justice. The Director General of the prison service appoints and recalls a director for each prison and preventive detention facility, as well as the Institute of Education representative.

In addition to the appropriate authority representative, prisons also accept the intervention of non-governmental and charity workers, and may guarantee that the convicted person's reform will be completed.

The Czech parole system has experienced changes during recent years. The Probation and Mediation service collaborated with the Prison Service and with other organizations, offering new concepts concerning the conditional release law. Projects based on these concepts were aimed at making the Czech parole system and its decision making process more efficient at preventing recidivism.

The Parole board (Committee of Conditional release) project was created by three institutions: the Probation and Mediation Service of the Czech Republic, the Prison Service of the Czech Republic and the Czech Helsinki Committee. The project's basic premise was to transfer some of the law enforcement authorities' rights to parole boards, to make the conditional release decisions more objective. To this end, the parole boards were instructed to take into consideration not only the convicted person's past and the behavior in prison, but also their

social status in the context of their life after release from prison. These life circumstances include looking for a job, returning to a stable family framework, and other indications of possible rehabilitation.

Parole boards were first established during the years between 1918 and 1938, in the era of the first Czechoslovak Republic. The board could decide about conditional release when receiving an application from the prison's director or the convicted person. The conditions were stricter than those of the present-day parole process; the convicted person previously had to serve two thirds of the imposed term of imprisonment, one year at least in all cases.

The parole boards also existed during the following communist era. According to a criminal code published in 1950, only the regional prosecutor could submit the proposal for the conditional release of a convicted person. Early release could be approved only after serving one half of the prison term, and after the parole board's consideration of the prisoner's behavior and chances for a crime-free future.

An amendment instated in 1956 transferred all the parole decision rights to the court and to the judge, also reinstating the right of a convict to submit a parole application. This system remained the same after the new criminal code and criminal procedure were established in 1961.

After the Velvet revolution in 1989, and in the era of the autonomous Czech Republic, established in 1993, the institution of the parole boards was not reintroduced. Full rights for deciding about conditional release currently belong to the court in the district where the prison is situated.

The idea of creating the Parole Board project was created by the "Round Table" forum, organized by the Czech Helsinki Committee in 2007. The forum participants were experts that worked in the Czech criminal legislative field, and the main aim of the forum was to look for

more restorative elements, which could be brought to the Czech justice system. In 2008, the Parole Board project was launched in three prisons: Praha-Ruzyně, Stráž pod Ralskem and later on, in Opava.

Another project called “Fragile Chance” followed the Parole board project between the years 2012-2015. It was financed in joint operation with the European social fund, and its aim was to increase the number of the prisons working with the parole board system.

The Parole Board project in the Czech Republic was inspired by the system used in Canada, Great Britain and Croatia. The project initiators created rules for the system in the Czech Republic, based on practical experience gained from their foreign counterparts.

Parole boards in the above mentioned countries have legal authority to make parole decisions. Board members care about the potential future of the conditionally released person, and take the possible risks and benefits into account when deciding on the acceptance or denial of early release.

As legislated in the Czech Criminal code and the Constitution of the Czech Republic, a committee of conditional release does not make a parole decision on its own. Full decision authority belongs to the court, so the parole board can only present its opinion on the case.

The committee collects information regarding the situation of the convicted person and the victim, arranges and conducts parole hearings, and provides opinions regarding parole recommendations. The committee states its opinion whether the convicted person should be conditionally released or not, and gives suggestions regarding restrictions or obligations which the potentially released convict should comply with after release, should it be granted. Board members can ask for required documents regarding all parties participating in the process,

including the prison officers, Probation and Mediation service officers, the victim's representatives, social workers, wardens and others.

During the Parole Board pilot project, the committee consisted of five members: two prison workers, one probation worker and two experts on social issues. They were appointed by the director of the prison where a convicted person was imprisoned.

### ***II.3 Qualitative Research Stage***

A number of criminology theories will be applied during this stage, including the Restorative Justice Theory, Merton's phrenology theories, Bentham and Mill's Utilitarianism, and the "Just Deserts" approach. To reach this goal, the researcher met with judges presiding as heads of parole boards in Israel and the Czech Republic, correctional officers working for the prison authority, the justice department and the department of prisoner rehabilitation, and probation officers and representatives of the police in both countries. In addition, the researcher met with parliamentary officials focusing on these matters in both countries. The researcher designed an open-ended questionnaire for this research stage. The questionnaire was planned to direct the interview and to facilitate focus on relevant issues during the interview, as well as to provide a comparative approach for the quantitative part. The researcher conducted these interviews during December 2013 in the Czech Republic, and from February to March 2014 in Israel.

The questionnaire allows for an explanation leading to an understanding of the interviewees' approaches, their points of view, especially with regard to their views and understanding of the effectiveness of early release. The survey also attempts to frame an answer to the question of whether, and to what extent their subjective views affect the release process and treatment of released prisoners, before and after release through the parole board. It will also examine the interviewees' suggestions to improve and repair the existing situation, including reasons for the



current situation and possible means of improvement. The questionnaire was validated by a senior statistician and approved by my doctoral mentor. Designed in accordance with the rules of the UBB Ethics Committee, it is attached as an Appendix to this report. The researcher reviewed studies published in Israel and Europe, which investigated governmental law enforcement systems, extra-governmental and voluntary systems in this field, and assessed their roles and effects on relevant procedures.

#### ***II.4 Quantitative Stage***

This section presents the following data:

- Statistics on prisoner populations in Israel and the Czech Republic, classified according to the offenses for which they were convicted.
- Statistics on parole board releases, classified according to offenses, duration of imprisonment, participation in release preparation programs, ethnicity, rehabilitation program and participation in follow-ups after release, number of arrests, socio-economic background, and education.
- Statistics on prisoners who were denied early release by parole boards. These subjects are classified according to offenses, duration of imprisonment, participation in release preparation programs, ethnicity, and rehabilitation program and participation in follow-ups after release, number of arrests, socio-economic background, and education.
- Statistics on recidivists, defined as prisoners who returned to prison within five years of their release date, either paroled or after serving their full sentence (Bondeson, 2011).

This section also presents the state's stance on its obligation towards society and criminals, specifying the country's political, sociological, and ideological approaches.

## ***II.5 Data Reliability***

Reliability of research data was ensured by verifying that the data was obtained from reliable resources before including it in the study. Data that was obtained from sources with possible ulterior motives, which might mislead or show facts in an intentionally false light, was carefully examined. To additionally verify the data, the researcher cross-referenced data from different sources whenever possible. This cross-referencing enabled the researcher to ensure verification and authentication of all data for which this information was available. This study measure is especially important for data dealing with early release and return to prison after such a release. The specified data was cross-checked and verified according to three main sources: the Prison Service, the Court system and the Prisoner Rehabilitation Authority.

## ***II.6 Neutralizing Distracters***

The study contains distracters, some of which have already been identified and others that are identified at this study's conclusion. A major distracter is the diagnosis and separation of a major prisoner group (over 50% of the total prisoner population in Israel), defined as prisoners serving time for national security crimes. This group will be excluded from the study for the following reasons: the cause of imprisonment is ideological, which is fundamentally different from "regular" crimes in a number of ways, .

- National Differentiation – the offenses are labeled as “nationalized offences” or “against national security” and are most commonly attributed to citizens of Gaza and the West Bank, all of whom are Palestinians by nationality.
- These prisoners usually do not receive any social care or participate in rehabilitative programs; nor are they prepared for release due to their refusal to participate and their

acknowledgement that their offenses are ideological in nature (Prisoner Rehabilitation Authority, 2010).

In order to avoid distracters as much as possible, the research population will consist of criminal offenders who are Israeli citizens, and will exclude “one time” offenses such as negligence at work, reckless driving and similar offenses that do not suggest the prisoners belong to a criminal world, and are thus extremely unlikely to re-offend in the future. Prisoners indicted for illegally entering the country and minors will also be excluded. Sex offenders will not be included in the research due to unique characteristics, different monitoring methods (Israel employs a special tracking unit for this purpose), and their belonging to a separate group, even within criminal society itself, so that criminal sub-cultural effects are not relevant. This group might sway research results due to lack of clarity and quantity in the basic data, and its effects on the study population.

Towards the conclusion of this research, more distracters will be identified and neutralized either by removing them from the study or by statistical reconfiguration.

## ***II.7 Research Population***

Some 24,000 prisoners occupy various Israeli prisons, of which approximately 10,000 are criminal prisoners. Prisoners are assigned to 34 different prisons with differing security levels and characteristics, defined by the length of imprisonment time, the danger posed to society by the prisoner, and belonging to unique populations. The prisoners are located in prison according to necessity (those who need to be protected, separation wings, isolation, drug-free wings, protected wings, open wings). The Prisoner Rehabilitation Authority in Israel only handles some of the imprisoned criminal prisoners and does not handle security prisoners and criminal prisoners who are residents of the occupied territories, foreigners about to be deported and

detainees. According to the PRA, many of the prisoners who are released are denied treatment, reluctant to be treated as they deny their crime. There are also those who do not suit treatment according to the PRA requirements and available tools (Yael Kulizmanzdof, professional advisor to the PRA Director General, Letter, July 3<sup>rd</sup>, 2011).

## ***II.8 Dilemmas***

It was necessary to eliminate populations with exceptional influencing factors and unusual circumstances, including security criminals, military criminals, and sex offenders. The populations with certain characteristics and diagnoses, who were removed from the research population included: Prisoners serving time for security crimes – these prisoners became criminals as a result of their ideology. Military prisoners have been sentenced for actions against military law and are dealt with military boards Sex offenders undergo a status change after incarceration. They are subject to the Law to Protect the Public from Sex Crimes, 2006, giving it strict supervisory powers and the authority to react immediately to any violation of their conditions of release, long after their probation terms are over.

It was also necessary to achieve Institutional Cooperation. Institutional bodies often find it more difficult to release relevant information on this subject. Most information is only released as a result of formal requests for information under the Israeli “Freedom of Information Act” (Lotan, 1982).

In the qualitative section of this research, interviews were held with probation officers and members of parole boards. The interviewees were individuals who did not require prior authorization from the Prison Service’s Research Committee, such as retired probation officers. The researcher analyzed decisions made by parole boards by studying protocols published on the court website. Some of the protocols have not been published in accordance with a prisoner’s

wishes, but the number of published protocols was high enough that the omissions did not influence the research findings. In the interests of research accuracy, it is important to identify most of the data that could cloud the process of drawing valid and statistically accurate conclusions, and to remove it, without discarding valuable data (Treatment and Rehabilitation in Israeli Prisons, 2013).

Likewise, interviewees were chosen randomly from a list of potential participants and random protocols for analysis were selected, from protocols mainly based on analyses used for previous studies. No protocols from parole board meetings on which the researcher served as a member after September 2012 were used for this research.

### **III. INITIAL FINDINGS**

The research findings that arise from the data show that the effect of release by parole boards in Israel on the level of recidivism is approximately 15% non-return amongst those released compared to the general population, not released or examined in this study. Still under investigation is the exact segmentation of the population, aimed at better quality in differentiation of types of crime, and additional considerations: whether released prisoners had been prisoners previous to this occasion, and how many times non-returning prisoners had been imprisoned. It was found that the likelihood that first time prisoners in Israel would return to prison is approximately 50% less than for multiple offenders, but this figure does not include drug related crime. The likelihood that perpetrators of drug related crime would return to prison rises to 85%.

In contrast, the likelihood of not returning to prison is over 90%, for first time perpetrators of fraud assuming that no other transgressions were committed. From a cursory examination of punishment and recidivism in the Czech Republic, it appears that the data is similar, but not identical. This study will propose a reason for this, based on differences in practice (a committee of one judge versus a committee comprised of four representatives from different sectors).

Even before full analysis of the research data, it emerges that discourse on the prisoner's chances of rehabilitation is more detailed and in-depth in Israel than in the Czech Republic, despite the fact that the general data on recidivism is similar in both countries, as are the means of supervision and rehabilitation. It also emerges that the flexibility in release processes in the Czech Republic permits release for longer periods. However, there is a coordinated, continuous and consistent link between the Czech Republic's prison service and the deciding judge, and some of these connections are unofficial.

### ***III.1 Interview Results for the Czech Republic***

Interviews were conducted with two special pedagogues, a social worker, a psychologist, a correction officer, five judges and five probation workers in prisons in the following locations in the Czech Republic: Pankrac prison, Vinarice prison, Pankrac prison, Příbram, Prague, Kladno and Nymburk.

The recurrently expressed opinion is that the purpose of parole is to give a “second chance” to prisoners who can safely be released from jail. What that “second chance” consists of is generally not clarified. The interviewed subjects do not voice the assumption that a parolee will integrate into society as a law-abiding citizen, a notion that is generally assumed to underlie the parole premise. Specific thoughts about the parolees’ actions focus rather on good behavior while still within prison walls – the promise of parole as a way to maintain order within the boundaries of punitive institutions. This cynical perspective is also associated with the pragmatic reasoning of early release as a means of preventing prison overcrowding.

The interviewed subjects also enumerate compensation for damage, and the legal issues of recompense and remorse, among their concerns. They place the onus of the final decision squarely on the judge, who has the final vote according to law. The parolees themselves are supervised by a probation officer for a certain period, and they can be returned to prison for the remainder of their sentence, should they commit another crime or otherwise violate the terms of their parole. However, the consequences of the parole process as a whole are not supervised, there is no body or function that is held accountable. Interested bodies – the public, the victim, the victim’s family, and the media – can obviously intervene in procedures. They can monitor procedures and complain about the outcomes of a specific parole case, but they do not have the

mechanisms to review a statistically significant number of paroles, nor do they influence future outcomes on a non-individual basis.

A delineated methodology and a review process exist for specific stages in the parole process. However, no procedures exist for supervising the process as a whole, or for the evaluation of its results. Overall, interviewees feel that relegating the decision to a single judge does not result in the best possible outcome. They recommended that the parole decision should involve a committee, both to handle the large amount of material to be processed, and to disperse the responsibility of the parole decision. Interviewees broadly agree that the parole preparation programs should be better funded and staffed, to gain better results in recidivism prevention and social integration. Better supervision of said programs and further accountability were not brought up in this context. The interviewees' perception of the public view of the parole program appears to be entirely negative. The public supposedly opposes any form of early release, and would prefer all convicts to complete their entire sentence. The interviewees blame the problem on lack of information regarding the reasons behind early release and its positive outcomes, with the public and media focusing on negative individual outcomes instead. The participants made no suggestions for public education on the program's benefits and underlying ideology. They consistently underestimated the percentage of recidivist parolees. This underestimation is a clear result of a lack in mechanisms regulating feedback, accountability and supervision of parole outcomes. Their bias also included underestimation of both personal involvement in recidivist outcomes, and the general percentage of re-offenders. A related factor was the fact that the interviewees were also unclear about the percentage of parole seekers for whom a parole request was granted, and underestimated that percentage as well.



### ***III.2 Interview Results for Israel***

The interviews in Israel were conducted in Hebrew and summarized in English. The interviewees are in broad agreement regarding the parole board responsibility and methodology. The parole board's duties are defined in the law, and the main emphasis involves measuring the prisoner's "dangerousness", namely, predicting their probability to harm the public by returning to a life of crime upon release. Most interviewees claim that the prisoner's behavior in jail and participation in rehabilitation programs are the key to predicting their chances of recidivism – which is a natural answer that relies on the tools given to the punitive system, but is contradicted by most available research data. There is no broad agreement on the reasons for parole. The answers range from an incentive for good, or at least non-law-disturbing behavior within prison walls, through an incentive to participate in rehabilitation programs and start on the path towards a lawful life, and to a purely economic and practical reasoning for the prevention of overcrowding and saving taxpayer money. According to the interviewees, only a minority of the prisoners consider the parole process to be the start of a journey of rehabilitation. The interviewees think that most prisoners merely use it to be granted an early release, and that they manipulate the rehabilitation programs in order to receive a parole. The interviewees generally feel that the law regulating the process is too rigid, and does not leave enough room for the committee's judgment. In certain circumstances – skillful application of seeming "rehabilitation" claims by the parole seekers – the committee members feel as though they have no choice but to grant a parole release. Supervision by the Supreme Court of Justice also indicates that the parole board's role is circumscribed by the narrow boundaries of the law.

The interviewees believe that the public views the board as a rubber stamp for deducting a third of the sentence for good behavior. The rehabilitation process which the parole board

emphasizes, seeks to go back to the original sentence for the offense, and evaluate it according to the severity of the crime (Efodi, 2014). This procedure is of little interest to the public at large.. Many prisoners do not have access to rehabilitative programs for a wide variety of reasons, which interferes with their appeal to the parole board.

The interviewees are not in agreement about whether a new law regulating a parole process is needed. Those who support such a law emphasize the need for additional flexibility in the parole board decisions, whether by granting a parole that allows for a larger deduction of the remaining prison term, or by stopping discussion regarding the parole of a prisoner who does not check the most basic parole requirements. A longer possible parole supervision term is also brought up as a suggestion. The many factors enumerated in the law regarding parole create a lack of consensus regarding their relative importance in the parole process. Participation in rehabilitation programs and a lack of “dangerousness” to the public seem to hold the most sway, while input from the public - including the victim of the crime- hold the least influence. Some members of the parole board are more equal than others – the judge is broadly considered to be the leading authority on the board, and the one whose decision determines the question of granting parole. The quality of probation supervision and reform programs is consistently rated as mediocre, to needing improvement in the form of larger budgets. Interviewees emphasize their distrust of private rehabilitation programs, an aspect that is reflected in parole board decisions, which are more likely to deny parolees who present such programs, even if these parolees did not have access to PRA rehabilitation programs. PRA rehabilitation programs are aimed at changing the parolee’s world view, and starting their rehabilitation process into the life of a law-abiding citizen. There is an implied objection that low quality private programs are mainly submitted as an excuse for early release, and make no real attempt to affect cognitive changes in the parolee.

Once again, the interviewees place their trust in behavior while in prison, participation in efficient rehabilitation programs and previous criminal record in their attempt to determine fitness for parole.

The interviewees agree on two contrasting points – that measuring the “dangerousness” level of the parolee and aiming to prevent recidivism is an important consideration of the parole board on the one hand, and that the parole and probation services do not possess the necessary feedback mechanisms to follow up, account for and prevent recidivism, on the other, as proposed by the literature (Schnur, 1951).

## IV. STATISTICAL RESULTS

The chapter presenting the results contains two parts. Data on recidivism in Israel will be presented and analyzed in the first part. A sample of 100 Israeli prisoners and 100 Czech prisoners will be presented and analyzed in the second part.

### *IV.1 Imprisonment and Recidivism in Israel*

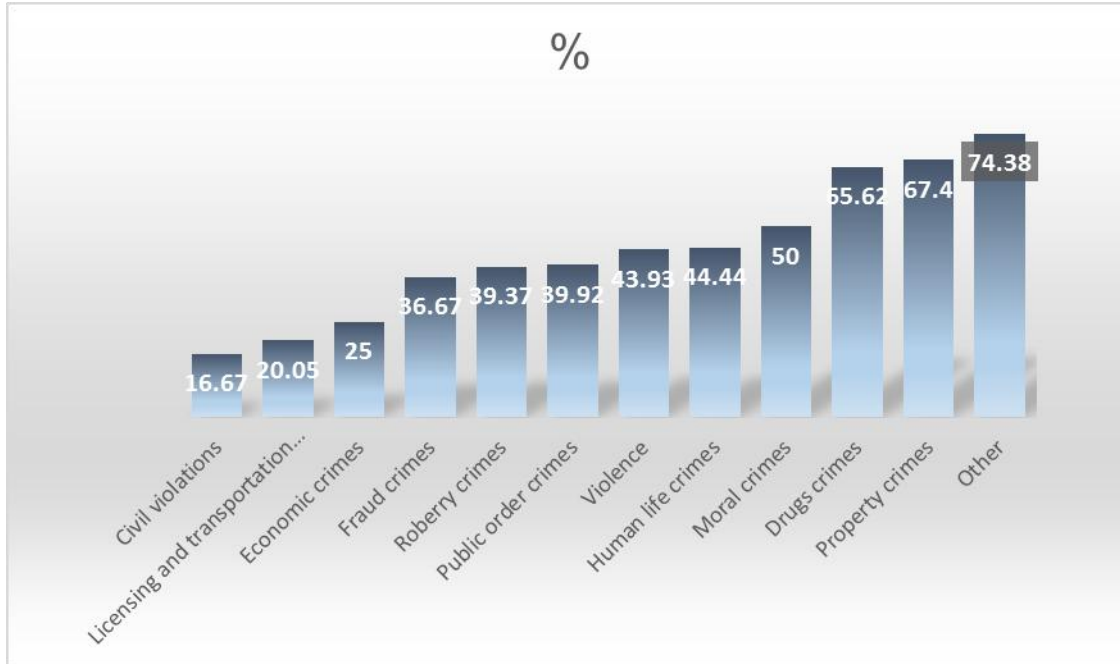
Part I of the statistical results deal with the rates of recidivism of the studied Israeli prisoners.

The further displayed Table 1 and Figure 1 present the data of all prisoners in Israel in 2010, and the percentage of them who were imprisoned again in the subsequent 5 years, sorted by the crime that they committed.

Table 1: Description of released prisoners and percentages of recurring imprisonment in Israel

	<b>End of imprisonment for criminal, security vs. crimes in 2010, full release</b>	<b>Returned to prison within 5 years</b>	<b>%</b>
<i>Violence</i>	1,821	800	43.93
<i>Civil violations</i>	6	1	16.67
<i>Public order crimes</i>	501	200	39.92
<i>Economic crimes</i>	12	3	25.00
<i>Moral crimes</i>	6	3	50.00
<i>Human life crimes</i>	45	20	44.44
<i>Fraud crimes</i>	60	22	36.67
<i>Drug crimes</i>	762	500	65.62
<i>Licensing and transportation crimes</i>	424	85	20.05
<i>Property crimes</i>	908	612	67.40
<i>Robbery crimes</i>	127	50	39.37
<i>Other crimes</i>	242	180	74.38
<b>Total</b>	<b>4,914</b>	<b>2,476</b>	<b>50.38</b>

Figure 1: Percentages of recurring imprisonment in Israel



As can be seen in the above displayed table and figure, 50% of the 4,914 prisoners released in 2010 were imprisoned again.

The highest percentage of recurring imprisonment in Israel occurred within the categories **other crimes** and **property crimes**, with the respective percentages 74% and 67% of prisoners who were sentenced again due to re-offending. Prisoners who were sentenced due to drug crimes and moral crimes were also high in recidivism, with exactly half and slightly more than half of them re-offending, respectively.

At the far end of the graph, it can be seen that civil violations and licensing and transportation crimes had low rates of recurrence (16.6% and 20% respectively).

#### ***IV.2 Comparison of Prisoners in the Czech Republic and in Israel***

Part II of the statistical results was a comparison of results for prisoners from the Czech Republic and from Israel. In order to check the differences between the specified countries, two samples of 100 prisoners from each country were randomly selected. All studied prisoners were

granted early release by parole board.

A chi square test was performed in order to compare rates of recurring imprisonment. The results are displayed in Table 2.

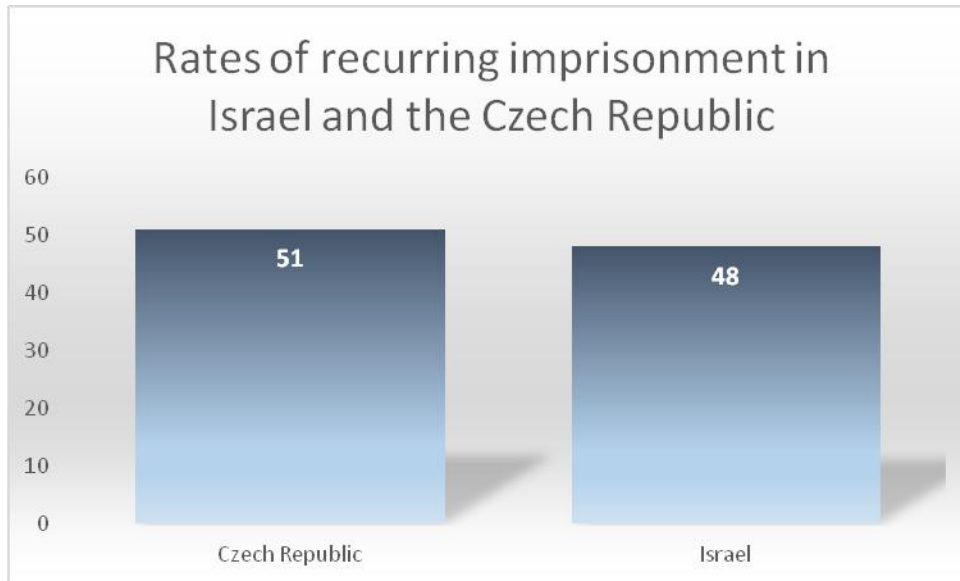
Table 2: Comparison between the Czech Republic and Israel in recurring imprisonment rates

	Czech Republic (100)		Israel (100)		$\chi^2$
	N	(%)	N	(%)	
<b>No</b>	49	49.0	52	52.0	0.180
<b>Yes</b>	51	51.0	48	48.0	

There is no significant difference between Israel and the Czech Republic in the rates of recurring imprisonment.

The data is also presented in Figure 2.

Figure 2: Rates of recurring imprisonment in Israel and the Czech Republic



As can be seen in Figure 2, 51% of the Czech prisoners who were released by a parole board returned to jail within five years of their release. The same is true for a similar number (48%) of Israeli prisoners.

## Duration of Imprisonment

In order to check the differences between the Czech Republic and Israel in terms of their relative lengths of imprisonment periods, we performed an independent t-test. The results are displayed in Table 2.

Table 2: Comparison between Czech Republic and Israel in Imprisonment periods

	Mean	SD	t (198)
Czech Republic	28.48	13.48	0.341
Israel	29.18	15.51	

There is no significant difference between Israel and the Czech Republic in terms of imprisonment periods.

## Number of Detentions

In order to check the differences between the Czech Republic and Israel in their respective number of detentions, we performed an independent t-test. The results are in Table 3.

Table 3: Comparison between Czech Republic and Israel in number of detentions

	Mean	SD	t(198)
Czech Republic	2.28	1.22	0.058
Israel	2.29	1.22	

There is no significant difference between Israel and the Czech Republic in the number of detentions.

We performed a chi square test to check the differences between the Czech Republic and Israel in rehabilitation rates, comparing prisoners who were addressed to a rehabilitation program hostel versus those who were sent to be rehabilitated within their family or community. The results are displayed in Table 4.

Table 4: Comparison between Czech Republic and Israel in rehabilitation rates

	<b>Czech Republic (99)</b>		<b>Israel (48)</b>		$\chi^2$
	N	(%)	N	(%)	
<b>Hostel</b>	32	32.3	22	45.8	2.539
<b>Family</b>	67	67.7	26	54.2	

There is no significant difference between Israel and the Czech Republic in the rates of rehabilitation in hostels and in families.

### ***IV.3 Summary of Results***

Two main and interesting conclusions can be drawn from the data and the analysis presented above:

- a) Similar rates of recidivism were found between Israeli prisoners who were released by parole boards and the overall prisoner population: almost half of the prisoners were sent back to jail within five years of their release, regardless of whether they served their prison sentence in full or were released on parole, although differences can be viewed between different crime categories.
- b) Israeli and Czech prisoners who were released by a parole board are similar in their characteristics. Regardless of the cultural differences between the two countries, and the different legal systems, data coming from the two samples from both countries were similar in characteristics such as recidivism, duration of imprisonment and indicators of possible future rehabilitation.



## V. SUMMARY AND DISCUSSION

Release on parole was always contingent on the premise that the parolee is meant to return to society as a law-abiding citizen, rather than merely seize on the opportunity to prey on the general public in a criminal fashion earlier than they would have, had they been forced to serve out their full sentence. As an obvious implication, predicting and preventing the parole of prisoners with recidivist tendencies is the first task of anybody granting parole, from the inception of the parole phenomenon in 19<sup>th</sup> century Australia and Ireland, to most of the first world in the present day. One might argue that the best way to identify a properly written law regulating parole granting based on parole board discussion, is whether or not this law clearly points out the high priority of predicting and preventing recidivism.

The Czech PMS (*Probační a mediační služba*) website notes that the parole review is supposed to consider the risk of the parolee re-offending, and protect the public interest in ensuring this does not happen, when deciding whether to grant a parole request. The Israeli parole board does not have a similar mission statement, and the law that regulates its activity does not specifically mention the possibility of recidivism as a concern. However, both the Israeli parole law and various judicial commentaries on the parole board activity (specifically, the Supreme Court decisions touching on the subject) do note that public interest requires the prisoner to demonstrate they are unlikely to be of further danger to the public once released. In other words, the Israeli parole boards are also supposed to take the possibility of recidivism into consideration when deciding whether or not to grant a parole release. These boards are responsible to attempt to minimize the risk of recidivism, based on their consideration of the parole request and the prisoner's character.

The other aspects of early parole release enumerated by both the Czech PMS and the Israeli law arguably hinge on the crucial factor of recidivism, or an absence of the risk of recidivism. The following listed goals are enumerated in the laws regulating the activity of Czech and Israeli parole. Should the parolee re-offend, common sense will declare that there was a failure in attaining these goals:

- Rehabilitation and re-integration into society: the hoped for result of the parole process, with recidivism representing an obvious failure of rehabilitation.
- Public interest and public safety: both lie in ensuring that the parolee does not return to a life of crime.
- The “dangerousness” of the prisoner. This term is already a synonym for the likelihood of the criminal to re-offend, and the level of harm such a re-offense may cause.
- Public example and discouragement for other criminals: A parolee re-offending provides the opposite example, proving that it’s easy to fool the justice system.
- Encouragement of rehabilitation among other criminals: Once again, merely a demonstration of the gullibility of the justice system, which only requires a demonstration of good behavior for long enough to release the prisoner, who could subsequently reoffend.
- Even “making room in overcrowded prisons” is a goal that is only achieved momentarily, before the prisoner is soon to serve another term in jail.
- Encouraging good behavior during the period of imprisonment – the sole goal that is arguably achieved by the temporary “rehabilitation” of the recidivist.

Furthermore, every theoretical perspective regarding parole outcomes is invested in a high capability to predict recidivism rates by the parole system. Utilitarianism is invested in the maximal happiness for the prisoner and public, which are both served by the former criminal not

re-offending and ending up in jail (Mill, 1863; Sutherland & Cressey, 1978).

Various rehabilitative disciplines, whether stemming from utilitarian concerns or a different moral agenda invested in rehabilitation as a goal unto itself are equally interested in the former prisoner not returning to a life of crime. The Just Deserts approach would also consider recidivism a failure of the justice system, as obviously the punishment served was not sufficient to deter the prisoner from a turn to a life of crime, presumably due to the early parole or an overtly lenient sentence (Martinson, 1972).

In short, it is reasonable to state that the entire enterprise of early release is based upon the cornerstone of the parolee not re-offending. Both parole systems studied in this dissertation – with expert opinions, consideration of carefully prepared rehabilitation programs, heartfelt pleas, arguments for and against an early release by various sides, and careful contemplation of the final verdict, reached after so much time and effort – could be replaced by a coin toss with the same level of predictability. A simple automated system granting parole to prisoners accused of certain crimes (Civil violations, Licensing and Transportation, Economic Crimes) and denying parole to the rest would have at least twice the rate of success, even without correlating for any other statistical factors which are known to improve the chances of a successful rehabilitation, with a decrease the chances of recidivism.

A system that cannot predict the rates of recidivism among those it grants an early release at a better rate than a coin toss, is at best functioning poorly, and at worst may be considered an utter failure.

The results of interviews with Czech Republic and Israel parole board members, and punitive system workers involved in the parole process is not encouraging, to say the least. The level of prioritization given to recidivism prediction and prevention varies, and the mechanisms

for supervision, feedback and accountability remain lacking. Parole process participants are generally unaware of recidivism rates, are not particularly interested in research or data regarding factors that influence or predict recidivism, and did not undergo any formal or structured training that prepared them for this role. The broad lack of knowledge and interest in research data will be further addressed in the recommendations section below, as it is one of the most obvious lacks of the parole system, which seems not only unaware of the systematic data it is missing, but even of the basic fact that such data exists and is easily accessible. Mandatory and necessary education of parole experts is the most obvious first step in any improvement process, a conclusion that is supported by research (Efodi, 2014).

Despite the radically different elemental structure of the parole process in the Czech Republic and Israel, many of the people working in the parole system express the same misgivings regarding the process – misgivings to which anyone seeking to improve the recidivism prediction rate ought to pay attention. The Czech parole members would like a committee to help the judge out, the Israeli committee members feel the judge is still the final arbiter of the decision. The Czech Republic has a somewhat vague set of parole instructions, while Israeli parole boards feel confined by an overtly strict law regulating the parole process. Still, they have more in common than it would initially seem. All members of the parole process would like a more supervisory, accountable process that would improve prediction and follow-ups on possible recidivism amongst parolees. Implicitly, they all tend to shift the burden of responsibility down the line, to other recommendations, judges, or the letter of the law. Parole workers raise concerns about members of the punitive and justice systems rejecting statistical data and scientific advisory data and more explicit legal language, as undermining their judiciary and expert authority. If these concerns are true, they do not address the other side of the coin –

the fact that such advisory means and explicit instructions would help alleviate the burden of responsibility involved in releasing a parolee without entire certainty that they will not reoffend, incurring the wrath of the public and the media upon the authority that released them. Fear of this public wrath is supported by the literature (Shoham and Timor, 2013).

A formulation of a new law regulating the parole process would have to serve two concurring yet differing aims, as the most obvious steps:

- to enumerate a clear set of priorities and instructions that the parole process must follow, simultaneously granting more discretion and flexibility within the boundaries of these rules.
- to enable extended discretion to grant longer parole terms, deny parole outright when not reaching some minimal standards of appeal, and extend supervision and probation periods for parolees as needed.

It is necessary to formulate better feedback mechanisms to evaluate the value of such actions, and convey their efficacy to the parole members. Additional recommendations regarding predictive, accountable and supervisory mechanisms are included in the recommendation section below. Furthermore, a legal proposal amending the Israeli law, for the regulation of the parole process, is included in this paper's Appendix section.

Other broad subjects of agreement are well worth investigating as well: the near universal rejection of private rehabilitation programs, even among prisoners who do not receive access to state-sponsored reformation, means that these cannot serve as a fig leaf masking the inadequacies of state provided rehabilitation for certain prisoners only. Future investigation and reform of the rehabilitation process must either formulate a set of guidelines that would allow parole granters to trust private rehabilitation programs as a viable means of parolee reform, or change current public rehabilitation programs so that they are accessible to all prisoners (or both).

## **VI. CONCLUSIONS AND FURTHER RECOMMENDATIONS**

### **Conclusions regarding the Research Hypothesis**

The data gathered suggests that the research hypothesis is confirmed. Early release by the parole board appears to have no effect on the risk of recidivism. Furthermore, the parole board discussions and deliberations, which are ostensibly aimed at predicting the probability of re-offending by the parolee, display very poor results, equivalent in their predictive ability to random chance.

This chapter will explicate the importance of recidivism prediction by the parole board, suggest possible explanations for why the parole system fails at this important task, and provide directions for further study of the subject, as well as practical suggestions that, if accepted, may improve predictability in the future.

The present dissertation investigated the parole systems of the Czech Republic and Israel. Parole systems that are different in terms of their structure, the laws governing them, and their history. Yet as a statistical analysis of the recidivism rate among prisoners released by these parole systems shows, they are both quite poor at predicting the likelihood of re-offense among their parole candidates. The sole realistic measure of success is the rate of rehabilitation among prisoners who are sent to complete their parole with their family – theoretical studies have long emphasized the importance of rehabilitation within a supportive community and family structure (Jarochevsky et al., 1999). However, this success is offset by the correspondingly poor recidivism rate among prisoners sent to hostels and other non-family structures for their rehabilitation programs, a finding that is aligned with additional research (Hutyrová, 2014).

The rest of this final chapter will attempt to consider possible explanations for this poor performance, directions for further study of this subject, and presentation of possible solutions.

## Research Limitations

This dissertation involves original quantitative and qualitative research into a little studied subject matter. It therefore relies primarily on original research and must select a fairly narrow number of key variables to investigate, within an equally limited sample population, as the researcher did not possess unlimited time and means. However, the sample population was large enough to ensure statistical significance, and the variables chosen can be considered the essential and indispensable cornerstones for any future study of the subject. These main issues included in the present study are as follows:

- A comparison of the number of detentions and the respective rates of recidivism between the Czech and Israeli justice systems.
- A breakdown of the likelihood of re-offending sorted by the type of crime for which the prisoner was originally sentenced.
- A comparison of the relative lengths of prison terms in both countries.
- A comparison of the rehabilitation rates between the two countries, divided according to the rehabilitation plan.
- A comparison of the rehabilitation rates for prisoners rehabilitated within the family unit and outside it, in hostel-like environments.

There are clearly many additional variables that could possibly influence recidivism rates and the prediction of recidivism by the parole system, although these might not be as easily studied. A broader study may extend the comparison of parole systems to other countries, and their respective methods, in an attempt to narrow down the characteristics that make the system perform better or worse at predicting recidivism rates among parolees.

A more in-depth study may alternatively examine additional variables within a specific system, possibly cross-referencing data with known theoretical works regarding the statistical factors governing the probability of recidivism among released and paroled prisoners. Some pertinent suggestions for such variables and avenues of further research are compiled in the appropriate section below. Rotem Efodi's suggested compilation of statistical variables – a Salient Factor Score – might be the final results of such a compilation of significant factors affecting the likelihood of re-offense by the parolee (Efodi, 2014).

### **Practical Suggestions**

This is simultaneously the most difficult and the easiest subsection of the conclusions chapter. It is always daunting to provide practical recommendations for the alteration of major judicial and governmental systems based on the results of a single study, with so many unaccounted variables and so much research yet to be done. These recommendations will certainly not be as accurate and useful as theoretical suggestions made when the subject is more thoroughly researched, if and when the exact mechanics of recidivism predictability are thoroughly narrowed down, or even fully and empirically understood.

Albeit, it is hard to imagine that any common sense suggestion based on study data will make things *worse*. The current rate of recidivism predictability by parole boards barely rivals that of a coin toss, mostly due to the fact that no serious attempt to study the rate of success and influence has been undertaken. We confidently venture that any of these suggestions, or their combined consideration, will lead to a notable improvement in both the short and long term. All of these suggestions apply both to the Israeli and Czech Republic parole systems. However, the legislative proposal attached as an appendix, a translation of the Hebrew source, is specifically relevant to the Israeli legislation. The proposal suggests the following amendments:



1. A succinct yet coherent mission statement, which enumerates the exact priorities of the parole system in order of relevance and importance granted to each factor. As far as possible, each priority should be defined in clear, empirical and measurable terms. The successful prediction of recidivism during parole should be the primary priority of the parole process, as previously noted. The mission statement should be the “guiding light” during parole discussion, eliminating much of the current arbitrariness, individual oddities and randomness that the process entails.
2. An accountability system should be set up to monitor the success or failure of the parole system in attaining a certain rate of success of the priorities defined in the mission statement. At the moment, the parole system is accountable to the occasional Supreme Court appeal and to the court of public opinion. The accountability system should (at least at first) have no authority in terms of actually influencing the parole process or the individual parole board members. The system will merely act as a public record of the process, its priorities and results, providing self-critical evaluation tools. Further studies into the subject of parole board operation and recidivism predictability will be greatly aided by such a system, which will have access to far larger sample populations and a more diverse array of variables.
3. Statistical, actuary and empirical tools should be taken into greater consideration during parole hearings, as long stressed in parole literature (Hakeem, 1948; Schnur, 1951). As previously noted,, even automatically granting or denying parole to the potential parolees based on the type of crime they have committed would result in greater rates of predictability, even without correlating for further statistical factors, and without due consideration and debate by experts. At the very least, the parole process members should be duly notified of the theoretical statistical importance of certain factors, so as to counteract

current biases. For instance: the parole process heavily values good behavior while within prison walls, participating in prison rehabilitation programs, and acquiring an education within the prison. Previous studies have not demonstrated a correlation between these behaviors and improved rates of recidivism. On the other hand, being older, having a supportive family structure (particularly, being married and a parent) and certain types of criminal offense are all strongly correlated with a lesser risk of re-offending once released (Hakeem, 1948) – yet the parole process takes little notice of these factors. In fact, Israeli parole boards are statistically more likely to parole young male bachelors than older married prisoners, possibly due to lacking familiarity with the basic theoretical works on the subject.

4. The basics of these recommendations, if not their particulars, altered according to further study of the subject, will be enacted in the law governing the work process of parole boards. Such a law is currently (circa 2015) being proposed in the Czech Republic, and a Hebrew law proposal is attached as an appendix to this dissertation.

The basics of our proposals are as follows: empirical and coherent standards of parole priorities, a self-critical accountability and reporting system to monitor the efficacy of the parole system functioning, and a greater emphasis on statistical tools in parole discussions.

### **Difficulties in Implementing the Practical Suggestions**

A broad delineation of the prioritization process that would inform system application , and an accountability mechanism which has no authority to interfere in the process, are common methods for inducing improvement in a governmental service. However, the parole process is a judicial or quasi-judicial system ran by experts who might not welcome interference in their work. These individuals might perceive any attempt to regulate the system or hold it accountable to specific empirical results, as an abridgement of their authority and an undesirable interference

in a sensitive and highly individualized process. At worst, parole board members have expressed fears that they will act as “rubber stamps” for an automatic process determining the statistical factors relevant to the parole.

By necessity, statistical tools also ignore non-empirical factors, such as the psychological profile of the prisoner, the exact circumstances of the crime, and other elements of the parole decision that do not easily fit into an actuary table.

Furthermore, it can be reasonably argued that statistical tools should not determine such lofty life and death matters – particularly since most previous statistical research on the subject was done outside the boundaries of both Israel and the Czech Republic. It is therefore uncertain how well it can be adapted to local procedures.

This problem can fortunately be readily solved. Future research based on local circumstances can be conducted, aided by an accountability system, which would keep track of pertinent statistical factors that influence the predictability of parolee recidivism and general success factors in parole board decisions. Concerning the risk of the predominance of cold statistical analysis over human opinion: it seems highly improbable that a system that currently disregards statistical factors entirely will be overwhelmed by their magnitude the moment they are taken into consideration.

As opposed to the “brute-force” option of forcing the changes directly through the legislature, an appeal to the professional and public interest may hold sway. Both the public and parole board members are interested in a lower risk of re-offense by the parolees. Emphasizing the lack of effective predictability strategies in the current process may help with the implementation of the above-suggested changes.

## **Directions for Further Study**

There are two different complementary directions for further studying the effects of early release upon recidivism: breadth and depth.

Breadth entails increasing the scope of the study, while still maintaining its primary focus on the essential outlined variables. The present study compares the work of parole boards in Israel and the Czech Republic. Further research could and should be conducted regarding the parole process in other developed nations, particularly those with a relatively low rate of recidivism. Practical studies of other systems may elicit variables that are not accounted for in the current system, to enhance ways to improve predictability. Practically proven methods of recidivism predictability might perhaps prove an easier “sale” for local parole systems. Officials may more readily adopt practices based on experience, rather than changes recommended on the basis of a largely theoretical approach, weighing statistical factors.

More in-depth study would entail further and more detailed examination of the variables presented in the original research. Future research would also include a study of secondary variables that were not previously examined, as they were not equally prominent in their effect on recidivism. Possible avenues for further research may include:

- Additional investigation into the effect of different rehabilitation programs upon recidivism rates. One of the few statistically significant differences uncovered during research for this dissertation is the positive rate of rehabilitation among parolees rehabilitated in a supportive family environment, and a negative one for those rehabilitated in hostels. There are a number of different rehabilitation programs and types of parole and pre-parole frameworks: day releases, statutory paroles, electronic supervision programs and others. Careful study is necessary to ascertain their effects on

recidivism rates, and whether these effects vary when correlated for other variables. This is another example of statistical data of which the parole system is unaware, or chooses to ignore; parole boards often prefer to adopt less effective parole programs and deny paroles applications for use of a statistically effective program (for example, hostel rehabilitation programs versus effective supervision).

- Differentiation of rehabilitation programs according to their point of origin; private and state-sponsored rehabilitation programs, compared to their rates of success and their acceptance rates by the parole board. Earlier research indicated that programs provided by the Israel Prisoner Rehabilitation Authority are relatively successful at preventing recidivism. Has the rate of success plummeted over the past few years, or are the other rehabilitation programs so poor at preventing recidivism that they offset the success of the PRA programs?
- Some of the statistical data regarding variables affecting recidivism rates is based on studies in the US or various European countries. These factors include age, family status, prison sentence, behavior in prison, criminal past, type of offense, and others. Further study is required, to test the statistical validity of these variables in countries where they would form a major component of the final parole decision, if the proposed legislative amendments are locally implemented .
- The possibility of compiling other, less empirical variables into the Salient Factor Score (SFS), with the cooperation of social workers and psychologists, as suggested by Elfodi (2014). Psychological profiles or positive opinions by case workers might be taken into consideration based on further study.

- Further investigation into the causes of recidivism, in possible cooperation with psychologists, criminologists and social workers, as well as interviews with lapsed parolees and re-offending prisoners. It could be pertinent to identify common causes of recidivism among parolee population who have left prison with a genuine desire to rehabilitate themselves. These causes could be taken into account for future rehabilitation programs, and also calculated as a part of the parolees' risk factors or SFS. A shift from predictive analysis to preventive and benign influence upon the recidivism rate would be tasking and difficult, but the possible rewards are correspondingly great.
- Further investigation into relative recidivism rates in both countries, and how changes in the punitive system and the parole appeal process have influenced them. The mean rate of recidivism in 1970's Israel was 80%. Was this an aberration due to specific circumstances, is the situation gradually improving, or did a specific set of events reduce the recidivism rate for a certain period of time, only for it to start climbing back up, consistent with the view of members of the parole process that recidivism rates are rising? The same questions ought to be asked regarding the influence of reforms in the Czech political and punitive laws on the rates of recidivism in the Czech Republic.

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## Appendix 1: Questionnaire

Main Topic	Sub-topic	Questions
<b>The Law</b>	<b>Components</b>	What are the main components of the law according to which the committee operates?
	<b>History</b>	What are the law's main points of development?
	<b>Resources</b>	What are the resources the law defines for the committee? Who is responsible for budget allocation and how are budgets approved?
	<b>Implementation</b>	Who is responsible for implementing the law pertaining to the committee?
	<b>Enforcement</b>	Who is responsible for enforcing the law pertaining to the committee?
<b>Goals</b>	<b>Type</b>	What are the committee's defined goals?
	<b>Dominance</b>	What kinds of goals are more central (penal, economic, socio-political, or ideological)?
	<b>Who sets/ set?</b>	Who sets the goals and who used to set them in the past?
<b>Process</b>	<b>Stages</b>	What are the stages of the process? What exactly is done?
	<b>Time</b>	When does each stage occur? How long does it take? What is the time allocated in the regulations for each stage?
	<b>Responsibility</b>	Who is responsible for the entire process? Who is responsible for each stage? Who supervises/monitors the process?

<b>Main Topic</b>	<b>Sub-topic</b>	<b>Questions</b>
<b>Supervision and Follow-up</b>	<b>Process</b>	How are the process and its outcomes supervised on the general level and on the individual level?
	<b>Implementation</b>	Who supervises the process on the general level and on the individual level? Is it an internal supervisor or one external to the PSA?
	<b>Sanctions</b>	What are the sanctions for those who do not meet the conditions set to them?
	<b>Tools</b>	What tools exist to monitor the process personally and in general?
	<b>Resources</b>	What are the existing resources for monitoring the process personally and in general? What are the resources that are used to monitor the process?
<b>Partners in the Process</b>	<b>Roles</b>	Who are the role partners in the process? What is the formal role of each role partner?
	<b>Responsibility</b>	What is the responsibility of each role partner? Where are the roles defined?
	<b>Work Method</b>	What is the work method? Is it defined? Where?



## Subjective Aspects

Main Topic	Sub-topic	Questions
<b>The Law</b>	<b>Advantages</b>	<p>What are the advantages of the law as it is now in terms of the committee?</p> <p>What are the advantages of the law as it is now in terms of the citizens?</p> <p>What are the advantages of the law as it is now in terms of those facing it?</p>
	<b>Disadvantages</b>	<p>What are the disadvantages of the law as it is now in terms of the committee?</p> <p>What are the disadvantages of the law as it is now in terms of the citizens?</p> <p>What are the disadvantages of the law as it is now in terms of those facing it?</p>
	<b>Need for Change</b>	<p>Do you think there is room for changes in the law? Will the changes be dramatic or minor? What are the chances that the changes will be accepted?</p>
	<b>Agents of Change</b>	<p>Who are the key agents of change? What is their power in the public and among decision makers?</p>
<b>Goals</b>	<b>Quality of Goal</b>	<p>Are the goals set well enough?</p>
	<b>Awareness</b>	<p>Is awareness of those active in the field sufficient?</p> <p>Is there anyone who makes sure to advertise the goals and clarify them?</p>
	<b>Reaching Goals</b>	<p>Are goals reached according to formal setting? Which goals are achieved more and which less?</p>

<b>Main Topic</b>	<b>Sub-topic</b>	<b>Questions</b>
	<b>Right Goals</b>	Are the set goals the right goals?
	<b>Dominance</b>	Is the goal's dominance clear? Is it right?
	<b>Who Sets Goals</b>	Who really determines the goals of the committee? Does everyone make an effort to accomplish the goal? Who does and who does not?
<b>Process</b>	<b>Planning Quality</b>	Is the process built right? What steps are right? Is the sequence correct? If not, what had to be done and in what sequence? What should be added / omitted?
	<b>Performance Quality</b>	Is the process is performed as planned? Is it performed properly? What is right and what is not? What is done differently than planned?
	<b>Correspondence to Goals</b>	Does the process serve the goals? Which goals does it serve and which not? How and what part of the process serves the goals and which part hinders reaching the goals?
<b>Monitoring and Supervision</b>	<b>Planning Quality</b>	What is the quality of the process? Does it alleviate the process, or does it make it more difficult? What are the complex stages which delay the process and what are the components which alleviate and advance the process?
	<b>Performance Quality</b>	Is the process performed as required? What is and what is not? If it is, how do you explain it? If it is not, how do you explain it?
	<b>Correspondence to Goals</b>	Does the process as it is performed connect to the goals and lead to their accomplishment, or is it the other way round?

Main Topic	Sub-topic	Questions
<b>Role Partners</b>	<b>Performance Quality</b>	How does the cooperation work? Is it “smooth”? Which of the role partners performs well and who does not? Are those the right role partners? Who should have been added? Omitted?
	<b>Latent Partners</b>	Are there any latent role partners? What do they do? Is it good that they exist? Why are they not overt role partners?
	<b>Leading</b>	Who leads the process? Is it right that he/she leads the process? If not, who should have to lead? Why does he or she not lead?
<b>Public Perceptions</b>	<b>What are they?</b>	What in your opinion is the public’s perception of the committee? Why do they have these perceptions? Have there been changes in public perceptions over the years? Why?
	<b>Consideration</b>	How important are the public’s perceptions to the committee? Do these perceptions affect the committee’s work and decisions?
	<b>Level of Dominance</b>	Which active forces affect the committee? Which do not? Why do specific factors affect it?