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OFFENDER PERCEPTIONS OF PAROLE
DECISION-MAKING*

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OFFENDER PERCEPTIONS OF PAROLE DECISION-MAKING

Two general philosophies of parole can be identified. One approach is the "treatment" or "rehabilitation" model of parole, the history of which extends back to the earliest uses of parole in the nineteenth century (Burns, 1975). Adherents of the treatment model hold that protection of society through rehabilitation of the offender is the major goal of the criminal justice process. In this approach, parole is used as a means of promoting the rehabilitation of the offender by releasing those who have shown themselves to be reformed in the opinion of the individuals making the release decision. Punishment as a correctional goal has been held by many of these theorists to be beneath the dignity of an enlightened, democratic society. Menninger (1968), for one, has written that "before we can diminish our sufferings from the ill-controlled aggressive assaults of fellow citizens, we must renounce the philosophy of punishment, the obsolete, vengeful penal attitude."

In contrast to the rehabilitation model, there has developed an alternative parole philosophy that can be labelled a "justice" model of parole. This approach is concerned with basing the release from prison on factors other than rehabilitation. Generally these factors are the seriousness of the commitment offense, extensiveness of prior criminal behavior, and risk to the community when the offender is released. At present, the justice model of parole is in the ascendancy. Krajick (1978) has pointed out that the "glacially slow movement" away from the rehabilitation approach has "become a flood":

A quiet revolution has been taking place in the American criminal justice system in the past three years. At least 15 states, plus the federal prison system, have adopted parole release guidelines or will adopt them within six months. Six states have adopted determinate sentencing systems. What this means is that half the nation's imprisoned adult offenders are now or soon will be subject to release procedures that judge them primarily not on the extent of their rehabilitation, but according to the severity of their crimes and past criminal records.

The motivating forces behind the justice approach to parole have been twofold. A strong motivation has been the desire of some to use parole as a means of reducing sentencing disparity at the judicial level by "resentencing" offenders at the time of the parole hearing. A decision to release offenders from prison based on the nature of the offense and/or prior record can have the effect of equalizing inconsistent sentences of varying lengths if the parole decision itself is consistent. A second motivation behind the justice model has been the backlash to what many view as the excesses of the rehabilitation model. There has been a reaction to the entire treatment approach to corrections on the part of many criminologists, lawyers, and public action groups. The major indictments of the rehabilitation model have been the following (American Friends Service Committee, 1971):

- A) There is no consensus on the cause of crime or the proper treatment of offenders, so not too surprisingly efforts at rehabilitation have not shown demonstrable success. Reviews of the literature (see also Lipton, Martinson, and Wilks, 1975) on the effectiveness of treatment have been almost entirely negative.
- B) Treatment has, in many cases, been more inhumane than incarceration solely for punishment.
- C) Much of what has been done in the name of rehabilitation has not been subject to the same legal constraints as punitive measures.
- D) Parole tied to rehabilitation violates a basic individual right by coercing inmates (under the threat of withholding parole) to undergo treatment they might not seek of their own free will.

In addition to the above arguments, others have argued that parole based on presumed rehabilitation has increased the pain of being incarcerated by basing the parole decision on vague criteria thereby making it difficult for an offender to know when he will be released (Galtung, 1966; Fogel, 1975;

Sykes, 1975). In addition, many working in criminal justice have felt that incarcerated offenders themselves are strongly opposed to a system of release based on rehabilitation (Fox, 1956; Kassebaum, Ward, and Wilner, 1971). Cohen, Cole, and Bailey (1976) in a study of prison violence indicated that the abolition of the indeterminate sentence and release tied to rehabilitation is one possible means of reducing violence. Jones (1976) found that imprisonment was detrimental to the physical and mental health of those imprisoned. Among the reasons for this, Jones cites the uncertainty of the parole decision and suggests that "prison sentences should be for a time certain, not subject to reduction for vague and subjective reasons such as 'good time' or rehabilitative progress."

Research has recently been conducted contrasting the rehabilitation and justice models of parole. The purpose of this research was an attempt to measure the effect that the two philosophies of parole have on incarcerated offenders' perceptions of the way parole is decided. Offenders being heard for parole under two different parole systems, one a rehabilitation system and one a justice system, were interviewed and asked to evaluate the decision process.

The two parole systems studied were the United States Parole Commission and the Pennsylvania Board of Probation and Parole. The United States Parole Commission makes use of parole decision guidelines to structure its decision-making. In the federal system, the amount of time to be spent in prison is specified as a range of time (Hoffman and DeGostin, 1974) taking into account two major dimensions: seriousness of the offense and risk of committing a new crime. Seriousness of the offense (Hoffman, Beck, and DeGostin, 1975), is determined by board policy. Risk of recidivism is measured by an actuarial

device (Hoffman and Beck, 1974), termed a "Salient Factor Score", containing elements primarily related to prior record. For example, in the case of adult offenders, "poor" risk auto thieves can expect to serve 24 to 30 months while "good" risk armed robbers can expect to serve 36 to 45 months. Within the specified range, the hearing examiners can take into account institutional discipline and program achievement, either as an indicator of risk, a means of maintaining order in the institution, or to encourage the constructive use of prison time. In addition, the examiners are free to make a decision above or below the guideline range provided they give adequate reason. Although institutional behavior is not ignored, the federal parole board is basically a sentencing panel primarily concerned with assuring that the punishments meted out to offenders for purposes of retribution, deterrence, or incapacitation are equitable and consistent. ¹

The Pennsylvania parole board is typical of many state boards. In theory, the board can consider any relevant information in deciding parole, but in practice considers primarily institutional behavior, recommendations from the institutional staff, and adequacy of release plan. The judge, in most cases, is presumed to have considered offense seriousness and length of prior record in determining the original sentence; therefore, these are not considered to a great extent in deciding parole. The board, however, is not precluded from considering the nature of the offense or prior record and can deny parole on that basis.

Translated into a parole philosophy, the Pennsylvania board is generally treatment oriented, with retribution and incapacitation of secondary importance. If an inmate does well in the institution, he is generally paroled at his initial parole consideration and if he is denied parole, it is usually because his institutional behavior is not judged to be adequate.

The decision in the federal system is a consideration of the length of time to be served based primarily on offense severity and risk assessment (heavily weighted in favor of prior record). Again, the federal board can be viewed as a sentencing panel designed to equalize sentence lengths based on specified criteria. In Pennsylvania, on the other hand, the decision is a dichotomous parole/no parole decision based primarily on prison behavior with relatively short continuances. "Good" prison behavior is not defined but is rather left to the judgement of the board.

In the present study, offender perceptions of the parole decision process were measured on a number of dimensions. Using the research of Moos (Wenk and Moos, 1972; Moos, 1974; Moos, 1975) measuring the quality of psychological environments in prison as a starting point, the two parole systems being studied were evaluated on three dimensions felt to measure the quality of parole decision-making:

1. Certainty: the extent to which the offender is able to predict the parole decision in advance of the hearing.
2. Control: the degree to which the offender is able to influence the parole decision in his favor.
3. Approval: the degree of satisfaction with the decision process.

The dimensions were measured by true/false questions similar in format to those used by Moos in his development of the Correctional Institutions Environment Scale (Wenk and Moos, 1972; Moos, 1975). Typical questions asked were as follows: 1) Do residents know before the hearing whether or not they will be paroled (Certainty); 2) Does what the resident accomplish in the institution help achieve an earlier release (Control); 3) Do residents feel that the parole process is basically fair (Approval). Each question was scored as '1' if the item was answered positively and as '0' if the item was answered negatively. The responses to each question were then summed to pro-

duce a separate total score for each of the three dimensions. An item was not included in the analysis if it was not found to correlate with the score on the dimension it was designed to measure. The scores for each dimension ranged from 0-6 on Certainty; 0-9 on Control; and 0-4 on Approval.

The subjects for the study were selected by taking all the names of those appearing on a parole docket for a particular month provided they were adults and scheduled for their first parole hearing.² All subjects were interviewed within ten days before the scheduled hearing. In Pennsylvania, 101 subjects were chosen for study. Of these, 91 were interviewed, one refused, and nine could not be interviewed (e.g., subject did not speak English or was not present in the institution on the day of the interview). In the federal system, 141 subjects were identified. Of these, 112 were interviewed, seven refused, and twenty-two could not be interviewed.

Using a covariance design to control for differences in the groups, the results showed that the treatment oriented system scored significantly higher ($p < .05$) higher on the Control dimension (see TABLE 1).³ As might be predicted, those in the treatment oriented system felt that they possessed more personal influence over the parole decision. As one illustrative item that went into the total score on Control, 81% of the state subjects agreed that completing program goals in education could help an offender "make parole" compared to 64% of the federal subjects.

(Insert TABLE 1 Here)

Both systems appeared to provide an equal degree of predictability. In addition to the fact that there were no significant differences on the Certainty scores, 76% of the state subjects and 72% of the federal subjects accurately predicted in advance whether or not they would be paroled.

TABLE 1. COMPARISON OF DIMENSION SCORES ADJUSTED FOR
SAMPLE DIFFERENCES: REHABILITATION VERSUS A JUSTICE
MODEL OF PAROLE

DIMENSION	RANGE OF SCORES	REHABILITATION (N=91)	JUSTICE (N=112)	F-VALUE (Df=1,197)
Certainty	(0-6)	1.38	1.78	2.62
Control	(0-9)	6.69	5.56	5.85*
Approval ¹	(0-4)	1.76	.76	17.56**

*= $p < .05$
**= $p < .001$

¹Df=1,196

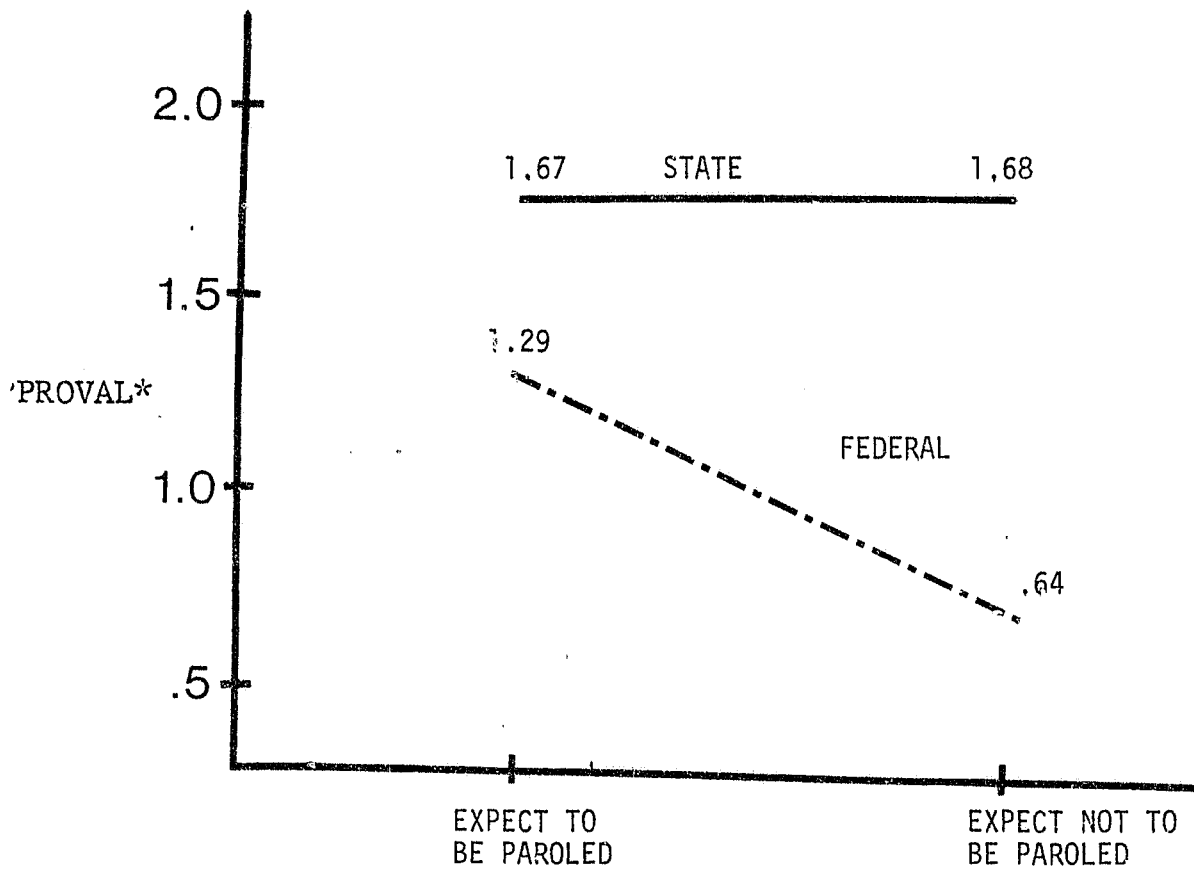
A marked difference was also found in the degree of hostility expressed by offenders towards the two systems. After adjusting for sample differences, the treatment oriented system scored significantly higher ($p < .001$) on the Approval dimension designed to measure inmate satisfaction with parole decision-making (see TABLE 1). Again, on one illustrative item among those that made up the total score on Approval, 48% of the state subjects agreed that the parole process is "basically fair." Only 20% of the federal subjects agreed with that statement.

One possible source of bias in this analysis was the difference in the parole rates between the systems. At the time of the study, the parole rate at the first hearing was approximately 70% in Pennsylvania compared to 20% in the federal system, although federal inmates tended to receive shorter sentences and were incarcerated for less time before the initial hearing (17 months for federal inmates compared to 30 months for Pennsylvania inmates). Although whether the subject expected to be paroled was controlled for statistically in the analyses, the effect of parole expectation was examined in more depth (see Figure 1).⁴ Dividing the subjects into those who felt before the hearing that they were likely to be paroled and those who did not, the results showed that the rehabilitation model of parole scored higher on Approval for both groups. The rehabilitation approach elicited greater satisfaction for all subjects whether they expected to be paroled or not.

(Insert FIGURE 1 here)

Not only did the treatment system appear to stimulate greater offender approval of the decision process, but it seemed that a perception of some personal control over the decision was the element that most affected the score on Approval. The correlation between the score on Control and the score on Approval ($r = .48$; $p < .001$) was higher than the correlations between other dimension scores. Also, the score on Control was found to be the strongest

FIGURE 1, SCORE ON APPROVAL BY EXPECTATION OF PAROLE



————— REHABILITATION MODEL (STATE)

- - - - - JUSTICE MODEL (FEDERAL)

STATE VS. FEDERAL: $P < .001$

PAROLE VS. NO PAROLE: N.S.

INTERACTION: N.S.

*HIGHER SCORE INDICATES GREATER APPROVAL (SCALE= 0-4)

predictor of Approval in a stepwise regression analysis.⁵

On a more personal level, the comments offered by the federal offenders interviewed also pointed this out. Many of those interviewed complained about the use of the guidelines (47 of 112 federal subjects) and many expressed the feeling that what they accomplished in the institution made no difference in being paroled (32 of 112 federal subjects). An inmate publication (Outlook, 1976) circulated shortly after the interviews were completed summed up the feelings of many federal subjects: "...the Guidelines are based on what you did in the past and no amount of effort to put that past behind you can change what has been done."

The desirability of personal control is supported by more general research in social psychology, particularly the studies reported by Seligman (1975). It is Seligman's hypothesis that a perception of being in control over the major aspects of one's life is essential to a person's emotional and even physical health. Seligman cites numerous studies that dramatize the finding that a lack of personal control leads to emotional deterioration, somatic complaints, and in extreme cases, death. The central theme of the studies cited by Seligman is that a feeling of personal control is a necessary component for a satisfying, healthy environment. The present research extends this finding as well to the decision process involved in granting parole.

Attempting to measure inmate views on a subject as volatile as parole is a tricky business at best. One potential problem is the fact that in federal prisons, the federal parole board functions as a sentencing body in considering the nature of the offense and prior record in deciding parole. In Pennsylvania these factors are considered by the judge in setting the original sentence and are only rarely taken into account by the Pennsylvania parole board. It is arguable that the hostility directed toward the parole board in the federal system is also present in Pennsylvania. In Pennsylvania, however, the

the hostility may be simply transferred to the sentencing judge. Nevertheless, this remains speculative.

Also, the results do not examine the usefulness of parole guidelines, per se. The present study compares a rehabilitation system without guidelines and a justice system with guidelines. To test the impact of parole guidelines, two similar parole systems, one with and one without guidelines, would have to be studied.

The above problems notwithstanding, the major conclusions to be drawn from the study are that the justice approach to parole did not result in greater perceived certainty for the offender before the initial hearing, although the criteria on which the decisions were based were more concrete and more sharply defined. The treatment model, on the other hand, allowed the offender a greater degree of perceived influence over the parole decision. The perception of personal control seemed, in turn, to result in less expressed hostility toward the parole system. This, of course, contradicts the views of the authors cited above (Fox, 1956; Galtung, 1966; Fogel, 1975; Sykes, 1975; Cohen, Cole, and Bailey, 1976; Jones, 1976) who have held that incarcerated offenders are being victimized by the rehabilitation approach to parole and would much prefer to have parole abolished or based on criteria other than rehabilitation. The present study, which may be one of the few to systematically examine the attitudes of offenders about the parole decision process, indicated the opposite.

Nevertheless, these results do not by any means invalidate all the arguments in favor of the justice model. The justice approach to parole is still a useful tool for reducing sentence disparity and the rehabilitation model must always be suspect until some method of rehabilitating offenders has been proven effective. From the viewpoint of the offender, however, the rehabilitation model of parole seems to be the preferred method of deciding when an

offender should be released from prison. Any system of parole that totally ignores positive institutional behavior may be running the danger of alienating the offenders and increasing the probability of poor adjustment.

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FOOTNOTES

¹The procedures for the United States Parole Commission described in the text are those in effect at the time of the study. Subsequent to the study, changes were made in the Guidelines, Salient Factor Score, and hearing procedures. The most important change occurred in September, 1977, which allowed the Commission to set a parole date (based on offense severity and risk of recidivism) up to four years in advance upon entering the institution if the inmate has a sentence of less than seven years. Under the new procedures, positive behavior in the institution does not, other than in exceptional circumstances, advance a parole date, but negative behavior can extend it.

²In Pennsylvania, the parole dockets used to select subjects for the study were the May, 1976 docket for the Correctional Facility at Graterford, Pennsylvania; the May, 1976 docket for the Correctional Facility at Pittsburgh, Pennsylvania; the June, 1976 docket for the Correctional Facility at Rockview, Pennsylvania; and the July, 1976 docket for the Correctional Facility at Dallas, Pennsylvania. The federal sample was chosen from the June, 1976 docket and the August, 1976 docket for the Federal Correctional Institution at Danbury, Connecticut and the August, 1976 docket at the United States Penitentiary at Lewisburg, Pennsylvania.

³The background variables being controlled for statistically (Analysis of Covariance) were age; months in prison before the hearing; violence involved in the commitment offense; use or sale of drugs involved in the commitment offense; and whether the subject expected to be paroled (expectation of parole was used only in the analysis of the Approval score). These five variables were selected because the samples were found to differ significantly on these factors. The samples were not found to differ on race or percent with a history of prior incarcerations. Therefore, these factors were not statistically controlled for.

⁴See above, Footnote 3.

⁵The first item entered into the equation was the score on Control followed by whether the subject expected to be paroled, score on Communication, and offense involving violence. Communication was a dimension measuring the degree of "candidness" which is not reported here. Control alone explained 23% of the variance compared with 31% for all four items combined. Other items entered into the regression analysis but not selected as sufficiently predictive to enter into the equation were age, race, score on Certainty, months in prison, offense involving drugs, and type of system (federal or state).

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