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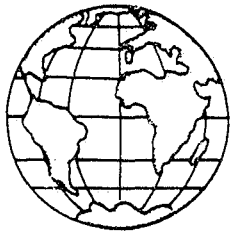

International Summaries

A Series of Selected Translations in Law Enforcement and Criminal Justice

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From Canada

Parole Decision-making in Canada: Research Towards Decision Guidelines

Revised parole guidelines, based on statistical modeling, offer greater equity and accountability.

By Joan Nuffield

Parole in Canada: background of the present study

The concept of parole began in North America and Great Britain in the late nineteenth century. Parole systems have reflected changing ideas about the objectives of parole: punishment, rehabilitation, or protection of the public.

Parole was initiated as a form of simple clemency in Canada by the Ticket of Leave Act of 1899, but not until establishment of the National Parole Board of Canada (by the Parole Act of 1958) was there a mechanism separate from the penal service to grant paroles on an individual basis so as to further inmates' "reform and rehabilitation." The National Parole Board was charged with determining at what point an inmate had "derived maximum benefit from imprisonment." High-risk inmates were to be isolated from the public to protect society, while low-risk inmates were to be released as soon as possible to facilitate rehabilitation. In the new system, parole was viewed as the logical extension of inmate treatment programs within penitentiaries. It was assumed that incarceration would lead the inmate through graduated stages of imprisonment, with parole granted at the optimum time as the transitional step from confinement to freedom.

At no point was the new parole system regarded to be a means of amending a sentence imposed by the court. Instead, parole was to be a means of lessening the punitive effect of the sentence and of reintegrating offenders. The late sixties saw advocates for special "dangerous offender" legislation, which might, by improving methods of identifying dangerous offenders, encourage acceptance of community-based treatment for nondangerous offenders.

A number of violent parole failures added to growing criticism of the parole system. Criminal court judges felt parole usurped the sentencing function and undermined the original term's deterrent effect. Two committees of inquiry were created in the early 1970's, the Hugessen Committee (1973) and the Goldenberg Committee of the Senate (1974). Despite objections of criminal court judges and the public to parole, both committees advocated its liberal use to reduce the "social and human costs" of incarceration. For reform of the system, they recommended expansion of the parole authority to include responsibility for unescorted temporary absences of inmates and transfers from one institution to another as part of the step-by-step sentencing "plan." In addition, the parole authority was to become a quasi-judicial body.

Neither committee voiced overt support for the rehabilitative model of corrections. This position marked a shift away from the Parole Act and mounting disenchantment with the very idea of correctional treatment. This trend was also articulated in a landmark paper of the Law Reform Commission, *Imprisonment and Release* (1975). Here the justifications for imprisonment were defined as denunciation of criminal behavior, separation of dangerous offenders from society, and penalization for individuals' willful noncompliance with community-based sanctions. Rehabilitation was rejected as a critical factor in sentencing and parole decisions. A 1977 discussion paper, *The Role of Federal Corrections in Canada*, went a step further, recommending that an offender should never be imprisoned for the express purpose of treatment.

Parole Decision-Making in Canada: Research Towards Decision Guidelines (NCJ 87179), 1982. (Communication Division, Programs Branch, Solicitor General Canada, Ottawa, Ontario)

International Summaries

Concomitant with the denunciation of the prison treatment model, critics expressed their concern about the efficacy of the parole system. Specifically, reformers found the system inequitable because inmates who had committed similar crimes were incarcerated for different lengths of time and because the arbitrary decisions of criminal justice professionals tend to increase inmates' anxiety over release dates.

Against this background, the National Parole Board commissioned the present study of Parole Board decisions by the Research Division of the Ministry of Secretariat of the Solicitor General between 1975 and 1977. The objective of the study was to describe factors central to parole decisionmaking ("modeling") and to formulate guidelines designed to alleviate inequities in the administration of parole.

Modeling and statistical risk prediction in literature

A number of U.S., British, and Canadian studies conducted in the late 1960's and early 1970's (Gottfredson et al., 1973; Nuttal et al., 1977; Heinz et al., 1976; California, 1975; Leveille 1976) provided points of departure for the Canadian modeling study. While varying in approach, the studies permitted a number of general conclusions about parole decisionmaking. Thus, in parole structures without minimum terms to be served prior to parole eligibility, the primary determinants in parole decisionmaking are perceived seriousness of the crime and the risk of recidivism. When minimum prerelease terms are a requirement, parole decisions are guided predominantly by the risk factor. Opinions of correctional staff may in some cases affect parole decisions more than substantive factors alone.

As risk of recidivism is clearly of central importance in parole decisions, parole boards have become increasingly concerned with methods of assessing risk. The most common methods, statistical risk prediction devices, have existed for more than half a century but are still not regarded by boards as a reliable means of classifying offenders into potential recidivists and nonrecidivists. The predictive power of these devices is limited by such factors as inadequate situational information, inaccurate data, and incomplete understanding of the implications of individual human experience and environment. Furthermore, definitions of recidivism used for research (rearrest or reconviction within a standard timeframe) differ from the study period convenient to decisionmakers' purposes, the parole period. In addition, existing predictive methods supply little information about the nature of individual offenses. Predicting violent recidivism has proven particularly unsuccessful because of low base rates, which lead to overprediction and incorrect identification of certain offenders as future violent recidivists.

As a result of these shortcomings, parole decisionmakers are reluctant to use statistical devices. From the standpoint of criminologists, however, the advantages of using predictive devices outweigh the disadvantages. First, statistical devices have proven more accurate than human judgment for predicting recidivism (Burgess, 1928; Gottfredson, 1967), even when the human judgment is that of a professional prison psychiatrist or psychologist. In general, parole board members' estimates tend to be more pessimistic than the actual performance of parolees warrants. Second, statistical risk prediction provides a uniform basis for decisions. This is especially important, as equity and predictability of decisions are advocated by critics of the rehabilitative model of sentencing, replacing the ideal of individualized terms and treatment. Such equity is the goal of most parole modeling projects. Finally, a statistical risk index renders parole policy more visible. The public gains better insight into the operation of public agencies and policies. At the same time, visibility of decision factors affords inmates the opportunity to contest decisions that they consider unfair.

The arguments forwarded by criminologists provide the impetus both for the Canadian study and for the guidelines formulated as a result of the study.

The Canadian study and its results

The Canadian parole project modeled parole decisions to determine which offender characteristics played a significant role in outcomes of the decision process. Research was based on a representative sample of one-quarter of the male inmates (about 2,500) released from Canadian Federal penitentiaries in 1970, 1971, and 1972. Only inmates who had entered a Federal institution following conviction were considered. Most offenders were 28 years old, single, and unemployed; had never studied beyond the tenth grade; and resided in an urban area. Over half had been convicted of property offenses, and about 70 percent were serving terms of 3 years or less. The majority had been convicted of a serious offense at least once before.

Data were derived from the Inmate Records System of the Canadian Penitentiary Service, admission and career files from Statistics Canada, and records of arrests and convictions registered centrally in Ottawa. Data on institutional treatment programs and staff recommendations to the Parole Board at the time of parole consideration were not compiled. Data were analyzed using regression analysis and predictive attribute analysis. Parole outcomes were expressed as "release type" (grant or denial of parole), "time served," or "percent of aggregate sentence served."

Results confirmed previous findings that the seriousness of the crime was not an important discriminating factor in parole decision patterns when a minimum term had been set, as is always the case in Canada. The most significant decisionmaking factors identified by both methods of analysis were the classic risk indicators: the number of inmates' previous imprisonments, their age on admission, the number of their previous escapes, and their previous breaches of parole supervision. Thus, in keeping with the Parole Board's policy statements and statutory mandates, risk was the prime consideration of Board members in reaching their decisions, although the individual assessment of offender risk and weight assigned to the relevant factors varied widely among Board members.

A second phase of the study sought to determine individual factors predictive of recidivism, decision

accuracy, and effectiveness of the three classical predictive methods, i.e., regression analysis, predictive attribute analysis, and simple summation, in retrospective prediction of recidivism. The test sample consisted of 2,475 cases of the total sample, split randomly into construction and validation samples. Rearrest followup data were obtained for all of the cases considered.

Findings on offender characteristics related to recidivism suggested that crimes against persons were associated with lower recidivism rates than crimes against property, that escape was the offense category associated with the highest overall rearrest rate, and that recidivism rates for robbery more closely approximated those for offenders against persons than those for other offenses against property. The younger that offenders were at the time of incarceration and at the time of first conviction in adult court, the more likely was rearrest. Postrelease success was correlated to number of dependents (three or more) and, especially, to few previous imprisonments. Age at the time of incarceration was the most powerful predictor of violent recidivism, but none of the predictor variables showed better than a weak correlation with the outcome.

Regarding the predictive power of the three instruments, none was able to separate offenders into groups with "very high" (i.e., 100 percent) or "very low" (i.e., 0 percent) recidivism rates. Regression analysis had the least predictive power. Predictive attribute analysis lumped most cases into two groups with an approximately 50-50 percent chance of success. None of the statistical devices tested was even marginally effective for predicting violent recidivism.

Only the simple summation method produced higher than 50-50 percent predictive accuracy for 60 to 75 percent of the offenders. This method was adapted from a technique developed for the British Parole Board (Nuttall et al., 1977). Interdependence among predictors was ignored, and individual predictors were rated on their ability to predict recidivism. Scores for individual inmates were then calculated by summing the plus or minus predictor values estimated for that particular inmate.

Not only did the summation method of analysis prove more accurate than the other two, it also has the advantage that single predictors did not account for a large amount of the total score. Consequently, the measurement instrument would not tend to lose its validity with fluctuations in the explanatory power of certain predictors as trends change. In addition, the technique is easy to comprehend, mathematically simple, and easy to administer. For these reasons, the summation method was used to assess the accuracy of Parole Board decisions. Summation risk scores were compared against actual parole rates. The results showed that the Board tended to parole inmates with the best risk scores for general recidivism less often than those with slightly lower risk scores. This may have been the result of other considerations such as short sentence length or differences between predictors entering the recidivism device and those in the modeling portion of the study.

When violent recidivism risk scores were calculated separately from general recidivism, findings showed that best-risk inmates were paroled at an even lower rate than comparable inmates in the general recidivism category. Parole rates and recidivism rates correlate remarkably well for bad risks and for lower scoring good risks in both categories.

The overall conclusion of the study was that the simple summation instrument could serve as a means of correcting the discrepancy in best-risk decisions for both general and violent recidivism categories. For that reason, the technique was used in developing the parole decision guidelines that follow.

Proposed parole guidelines and their implications

On the basis of the research findings, guidelines are proposed for decisions of the National Parole Board of Canada on release of inmates under its jurisdiction. The decision rules are to be used for "presumptive" parole decisions: certain predetermined categories of inmates would be granted parole, while those who do not meet predetermined criteria would not be granted parole. Although not binding on decisionmakers, "presumptive" decisions could be overturned only if clear reasons were given for doing so.

Risk would be the key factor in parole decisions. For every inmate entering a Federal penitentiary, scores would be calculated predicting likelihood of rearrest for a violent offense and probability of rearrest for an indictable offense. Inmates would be apprised of the scores and their implications. Every inmate would be permitted to comment on the accuracy of information used in calculating scores. On the basis of the scores, inmates could anticipate when and in what form release would be granted.

"Good risk" scores would qualify inmates for parole at the normal eligibility date one-third of the way through the sentence or, for certain violent crimes, half way through the prison term. Inmates in the "poor risk" category with "presumption of parole denial" would not be paroled at their initial eligibility date and would go through a series of conditional releases (e.g., temporary absences, day paroles) before final release. Poor-risk inmates would become eligible for temporary absences one-sixth to one-quarter of the way through their sentences. Individualized graduated release programs would be planned from the beginning of the sentence.

The Board could, under certain circumstances, deviate from the guidelines. Presumed parole could be reversed because of aggravated circumstances related to the offense, a light sentence, or unusual information not used for the recidivism score. A "good risk" score for violent recidivism might be negatively affected by a bad risk score for general recidivism. Parole denials might be reversed because of unusually long sentences, availability of appropriate community service alternatives, or clemency-related factors.

Under this system, the exact ratio of inmates granted presumption of parole to inmates denied presump-

tion of parole would be determined by the National Parole Board. The cutoff point would be a matter of public policy subject to adjustment, depending on acceptable success/failure levels at any particular time. The extent of Board discretion exercised in parole decisions would be monitored by a recordkeeping and data-feedback system. All Federal inmates would at the end of the parole process be classified as paroled good risks, nonparoled good risks, paroled bad risks, and nonparoled bad risks. Data kept on key items (e.g., sentence length and offense type) would facilitate determination of patterns in presumption reversals.

Conclusion

Reflecting correctional trends, the proposed guidelines focus on protection of the public rather than rehabilitation as the central objective. Early release of good-risk inmates, but only after they have served part of their sentences, is in keeping with current corrections goals, i.e., denunciation of criminal behavior and restraint in the use of incarceration. Perhaps most significant, use of a statistically based decision model and policy guidelines promises to ensure equitable, visible parole policy and public accountability.