

AN ANALYSIS OF PAROLE DECISION MAKING USING A SAMPLE OF SEX OFFENDERS: A FOCAL CONCERNS PERSPECTIVE*

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We use data from pre-sentence investigations and official parole board records to study the correlates of parole release among a sample of men incarcerated for sexual offenses. Cox proportional hazard models are used to estimate change in the likelihood of parole over time, and the focal concerns theory provides the theoretical framework for the analyses. The findings suggest a complex interplay of legal and extralegal factors in understanding parole release decisions. Parole officials weigh heavily offense seriousness, institutional misconduct, and parole readiness scores in making release decisions. In addition, study results reveal that victim and offender age is a salient factor in determining parole judgments. Overall, the current analysis provides a

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baseline for future research on parole decision making in general, and sexual offenders, in particular.

Sex offenders are a unique class of offenders. Although all offenders have been affected by recent punitive policy mandates, changes in the philosophies of the criminal justice system have virtually separated the sexual offender from every other type of criminal (Edwards and Hensley, 2001). As a result, the imprisonment rate for sex offenders has grown faster than for any other crime, and sex offenders serve a larger proportion of their sentence when compared to other offenders (Greenfeld, 1997). On average, felony sexual assault offenders serve 64 percent of their sentences and spend 69 months in prison, and violent felony offenders serve 62 percent of their sentences totaling 56 months (Durose and Langan, 2003). Further, legislation mandating sex offender registration, community notification, DNA collection, and civil commitment have predicated increased community concerns over the dangerousness of sexual offenders (Sample and Bray, 2003). As such, sex offenders present unique challenges for institutional management and community corrections.

The examination of sex offenders as a population has been a major enterprise within a number of academic disciplines, particularly as it relates to the estimation of recidivism. However, little consideration has been given to the determinants of release on parole, or back-end discretion, for this group. The omission is potentially important given the recent increased public scrutiny over the release of sex offenders to the community. Although the use of parole boards has decreased substantially in recent decades, parole boards have considerable power to determine time served in states that have retained discretionary parole release. In addition, parole represents a largely hidden part of the criminal justice system. Identifying factors associated with parole release may offer insight into the offenders returning to the community and help craft parole policies tailored to address this unique group of offenders.

In this article, we explore the factors associated with release on parole among a sample of men convicted of a sexual offense and sentenced to a new term of incarceration in 1998. Using longitudinal data obtained from official records and pre-sentence investigation reports, we examine variation in parole decisions over time in relationship to legal definitions of the offense, institutional risk scores, and more subjective considerations of the offense and offender characteristics (for example, victim offender relationship) not examined in previous research. Discussions of parole board decision typologies are framed in terms of the focal concerns theoretical framework; particularly as it relates to considerations of offender blameworthiness and community protection (Steffensmeier,

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Ulmer, and Kramer, 1998). By expanding the theoretical framework and methods of analyses used to examine parole decision making, we also provide a foundation for future empirical and theoretical work on the topic.

THEORETICAL FRAMEWORK

Like judges and other criminal justice actors, parole board members work in an environment of uncertainty, where they are expected to make release decisions based on limited knowledge of the offender and without adequate tools for predicting future behavior with any degree of certainty. Instead, criminal justice actors rely on cues to mitigate some of the uncertainty in decision making (Albonetti, 1991). More specifically, Steffensmeier and colleagues (1998) have proposed a “focal concerns” perspective on court decision making. This theoretical framework describes three primary considerations that court actors use in making decisions: community protection, offender blameworthiness, and practical constraints and consequences of the decision (Steffensmeier, 1980; Steffensmeier and Demuth, 2000, 2001; Steffensmeier, Kramer, and Streifel, 1993; Steffensmeier, Ulmer, and Kramer, 1998). Although the focal concerns model per se has not been applied to parole decision making, researchers have highlighted the importance of balancing offender blameworthiness, community protection, and organizational constraints in decisions of parole release. In the following section, we draw on the focal concerns perspective to describe the complexities of parole decisions.

Protection of the community through the assessment of risk is the central focus of the correctional system (Feeley and Simon, 1992). Concerns of community protection center primarily on offender incapacitation and deterrence. Criminal justice professionals rely heavily on characterizations of the offense, case information, and the offender’s criminal history when making decisions. More so than judges, the concern over recidivism is particularly acute for parole board members because they are the sole gatekeeper between the prison and community. Despite the centrality of the decision point, parole staff generally get feedback on their judgments only when there is bad news to report; parole officials therefore often adopt conservative release strategies to minimize risk to the community and the organization (Glaser, 1985). This rise in consciousness of risk is also evidenced in the proliferation of actuarial parole assessment instruments at both the state and the federal level (Beck and Hoffman, 1985). Risk assessment instruments specific to the sex offender population have also been developed (see Barbaree et al., 2001 for a review).

Although the concern over community protection leads to greater reliance on actuarial decision tools, ample evidence suggests that parole officials see themselves as “resentencers” responsible for reevaluating the elements presented to the original case (Metchik, 1988). They report, for example, that they are likely to apply a correction in cases where the characterization of the offense and sentence received were seen as incongruent (see also Shin, 1973; Turpin-Petrosino, 1999).

The second consideration of court decision makers centers on just desserts, or the blameworthiness of the offender. Offender blameworthiness is legally established and most often associated with the aim of retribution (von Hirsch, 1976). The primary goal of this model is to assess whether the legal sanction imposed is consistent with the perceived seriousness of the crime. The legal characterization of the criminal offense is central to the assessment of blameworthiness and parole outcomes. Individuals serving time for more serious crimes are less likely to be released on parole (Holland, Holt, and Brewer, 1978; Meyer, 2001) and serve a larger proportion of their sentences than less serious offenders (Maguire, Pinter, and Collins, 1984).

In addition, factors that may mitigate the blameworthiness of the offender (for example, prior victimization) are also considered in this context. Offender culpability, particularly as it relates to attributions made as to the causes of behavior, has been identified as a central decision factor in parole case studies (Carroll, 1978; Carroll and Mondrick, 1976; Carroll and Payne, 1977). Crimes attributed to internal, stable causes (for example, aggressive nature) were found to result in worse predictions of future conduct and more serious punishment than behavior driven by external or unintentional causes were (for example, sexual victimization) (Carroll, Galegher, and Wiener, 1982).

Organizational constraints and practical consequences are the third consideration identified in focal concerns theory. Like judges, parole board members often feel responsible for parole board decisions and strive to protect the board from possible criticism about crimes committed by parolees (Meyer, 2001). Victims can also pressure parole boards, and their participation has been shown to affect parole outcomes (Morgan and Smith, 2005; Parsonage, Bernat, and Helfgott, 1992; Smith, Watkins, and Morgan, 1997). Parole board members are also sensitive to organizational concerns like prison crowding and changes in state correctional resources and policies (Glaser, 1985; Winfree et al., 1990). Moreover, parole officials are often swayed by sponsorship of others in the criminal justice system and expert opinions, especially those made by institutional therapists (Glaser, 1985; Meyer, 2001).

The public concern over parole board discretion has led to the abolition of parole in sixteen states, and eighteen states are under sundown

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provisions and employ discretionary parole only for a small group of offenses (Petersilia, 2003). In fact, only 39 percent of all state inmates were released from prison as a result of a parole board decision in 2002, and 52 percent were mandatory and based on a statutory requirement (Glaze and Palla, 2005). The study site is one of sixteen remaining states that uses discretionary parole for all correctional cases.

Although the factors that sway individual parole board members clearly vary, most current research has focused on how organizational constraints, specifically a state's sentencing structure, affects the schema employed by parole experts (Carroll and Burke, 1990; Metchik, 1988; Turpin-Petrosino, 1999). Researchers have found that in states where limiting enactments (for example, determinate, mandatory sentencing) were established, parole officials were more likely to base their decisions on official measures of parole prognosis (for example, parole risk score). Individuals with lengthy prior records and histories of institutional misconduct were the least likely to be paroled. By contrast, in states with indeterminate sentencing systems, parole officials were most likely to be influenced by the seriousness of the offense, the responsibility of the offender, and the length of the sentence. Overall, parole officials in states with a determinate sentencing structure were more likely to allocate the punitive component of sentencing to the judge, and those in states where judges had more discretion more likely to take on activist roles (Glaser, 1985; Maguire, Pinter, and Collins, 1984).

EMPIRICAL RESEARCH ON PAROLE DECISION MAKING

Researchers have used three primary types of methodology to examine the functioning of parole boards and decisions made by them. Early research focused heavily on the use of parole simulations in which researchers presented expert panels with experimentally manipulated hypothetical cases. Subjects were asked to rank the factors that they found to be most important to their decision. Although parole board members often requested detailed information on the offender, victim, and the circumstances of the offense, they ultimately based their decisions on a small subset of data that included the nature of the offense, time served, criminal history, institutional misconduct, and the age of the offender (Carroll and Burke, 1990; Carroll and Payne, 1977; Wilkins et al., 1973).

Observational research has further explored the dynamics of parole boards and has highlighted considerable variation in the way that parole board members read case files and arrive at final decisions (Cavender and Knepper, 1992; Conley and Zimmerman, 1982; Kingsnorth, 1969; Turpin-Petrosino, 1999; Wilkins et al., 1973). In addition, this research reveals the

importance of personnel dynamics, bargaining, and the use of cues in parole decision making.

Analyses of official parole records are also prominent in the literature. Most of this research was conducted in the late 1970s and 1980s, with legal and demographic data obtained from case files (Conley and Zimmerman, 1982; Heinz et al., 1976; Scott, 1974). Severity of offense, length of sentence, type of offense, and institutional misconduct were identified as the most salient indicators of parole decisions. With the widespread increase in the use of risk assessments, recent research has also explored the relationship between institutional recommendations and parole decisions. Based on this research, Proctor (1999) argues that we have entered a 'new parole' phase in which parole decisions are an automatic function of the institutional recommendation. Although this research is still in its infancy, there is evidence, even in states without official parole guidelines, that the general risk criteria outlined at the federal level carry considerable weight in parole board decisions (Meyer, 2001).

THE SPECIAL CASE OF SEX OFFENDERS

It is important, for several reasons, to study sex offenders separately from other offenders. First, evidence suggests that sexual offending may differ from other criminal behaviors (Hanson and Bussiere, 1998). Although sexual offenders, like other classes of offenders, commit a variety of crimes with very little specialization (Broadhurst and Maller, 1992; Gottfredson and Hirschi, 1990), other types of offenders rarely commit sex offenses (Hanson, Scott, and Steffy, 1995; Hanson, Steffy, and Gauthier, 1993; Sample and Bray, 2003). In fact, studies of offense specialization and escalation suggest that involvement in serious personal crime seldom leads to involvement in rape or sexual offenses (Blumstein et al., 1988; Sample and Bray, 2003). Even when a relationship has been noted, the pattern of escalation to sex crimes is small (Britt, 1996). In addition, national studies of parolees suggest that sex offenders have lower recidivism rates than other offender groups, and most (93 percent) are not rearrested for another sex crime in the 5 years following release (Langan and Levin, 2002). However, official records of recidivism may not capture differences in offenders' underlying criminal behavior because less than half of all rapes and sexual assaults are reported to the police (Rennison, 2002).

Despite disagreement over the uniqueness of sex offenders as a group and their propensity to recidivate, public agreement that sex offenders are more objectionable than other offenders, pose a greater risk to society, and need to be incapacitated to prevent further crime is considerable (Farkas and Stichman, 2002; Sample and Bray, 2003). This rise in

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punitiveness has been internalized in many corrections departments and has affected parole approval rates. For example, in a quasi-experimental study of simulated parole cases, parole agents indicated that they would be at least eight times less likely to grant parole for a person convicted of a sexual offense than for an individual convicted of assault with aggravating circumstances (Turpin-Petrosino, 1999).

The changes in public and institutional perceptions of sex offenders have also affected parole in the research state. In 1990, 47 percent of sex offenders eligible for parole during that year were granted parole, whereas the eligible total correctional population had a 68 percent parole rate. In 2004, only 13 percent of eligible sex offenders were granted parole, but nearly half (48 percent) of the total eligible institutional population (excluding sex offenders) were released.¹

Although the nature of parole and the public's perception of sexual offenders have changed over the past two decades, parole has not been subject to rigorous empirical assessment as of late. The primary objective of our analysis is to identify correlates of parole timing for a group of males incarcerated for sexual offenses. Unlike other studies, we adapt the focal concerns theoretical framework to better understand the cues parole staffs use in making release decisions, particularly as they relate to offender blameworthiness and community protection. The use of longitudinal data also separates this work from previous research and provides a more dynamic picture of parole decision making.

CURRENT STUDY

DATA AND METHODS

Data for the study were drawn from a larger research project examining characteristics, parole outcomes, and recidivism among a sample of offenders incarcerated for criminal sexual conduct (CSC) in a midwestern state. To allow ample time for offenders to be paroled, data were gathered on all offenders sentenced to a new term of incarceration for criminal

1. As noted, parole approval rates have varied markedly over time signaling possible concern for period effects. The average parole approval rate for sex offenders was 32 percent from 1990 to 1994, 19 percent from 1995 to 1999, and 12 percent from 2000 to 2004. The short time period considered in the current analysis diminishes some of the concern for bias with 6 percent of the sample being paroled in 1998 and 1999, and the majority of parole releases occurring between 2000 and 2001 (47 percent) or 2002 and 2004 (47 percent). Both correlational and *t*-test analyses (not shown) of parole outcomes for the total institutional and sex offender populations indicate that the overall likelihood of parole did not vary significantly over the study period.

sexual conduct during 1998. In total, 903 individuals were remanded to the department of corrections for a new sexual assault conviction in 1998. Excluded from the sample are offenders who were not eligible for release during the study period (273), those who were released at the expiration of their sentence (93), and female offenders (26).² The final sample includes 511 men who became eligible for parole before August 2004.

Data for the study were obtained from pre-sentence investigation (PSI) reports and official records from the department of corrections. The PSI is comprised of a basic information sheet with quantitative information about the offender and the offense, as well as, a narrative component that includes the agent's and the offender's description of the offense, a victim impact statement, juvenile and adult criminal histories, family information, educational and employment histories, and mental and physical health profiles. Data were acquired from the PSI through a review and coding of this information. In addition, data on misconduct reports, parole readiness scores, and parole release dates were obtained from official department of corrections records.

RESEARCH SITE

The study state is unique and appropriate for the consideration of parole decisions because it is one of sixteen states that give the parole board full authority for release decisions. Currently, the parole board includes ten full-time non-civil-service employees who are appointed by the director of the department of corrections. The board is divided into three member panels and a majority vote is required for release on parole. A case becomes the jurisdiction of the parole board when the minimum term of the sentence has been served.

The study state uses an indeterminate sentencing process, in which maximum sentences are established by statute and the judge imposes a

2. The respondents who were released at the expiration of their sentence were serving time for CSC 4th that mandates a maximum sentence of two years. Personal communication with the department of corrections suggests that these individuals are rarely considered for early parole release; therefore, consideration of parole timing is different for this group. Sensitivity analyses revealed that excluding these cases from the analysis did not substantially change the results. Censoring remains a concern in the current study because part of the original sample did not become eligible for parole during the study period and were excluded from the study sample. We can assume that potential bias is minimized because censoring occurred because data collection ended, not because of sample attrition or other actions taken by respondents; therefore, men who did not become eligible for parole are representative of men who would have remained in the study had it not concluded (see Singer and Willett, 2003: 315–24). That noted, conclusions drawn from this research should be made in light of sample omissions and study design.

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minimum sentence of up to two-thirds of the maximum. Sentencing guidelines were first implemented in 1983 and revised guidelines were in effect from October 1, 1988 to December 31, 1998. More recently, the study state enacted legislation that restricts the parole eligibility of certain offenders. In 1998, a bill was passed that required the imposition of statutory mandatory minimum sentences for certain classes of offenses. The new truth in sentencing guidelines apply only to felonies committed on or after January 1, 1999; offenders in the current sample were therefore sentenced under the traditional, indeterminate sentencing schemes. In light of the state's sentencing structure, we expect that parole decision makers will be more active and rely on subjective elements of the crime as well as traditional measures of offense seriousness and parole readiness.

ANALYTIC STRATEGY

A series of Cox proportional hazard models are estimated to assess the effect that parolee demographic factors, legal and extralegal characteristics of the offense, and parole readiness scores have on the timing of parole release (Cox, 1972). Proportional hazard models are appropriate for this type of analysis because they examine the discrete parole event and differences between immediate and delayed release. Considering the timing of release is important because all of the sample members are likely to be paroled at some point; therefore, our analysis considers which factors speed up or slow down the parole process. The timing of parole has implications for considerations of just deserts, particularly as perceived by the general community, and for specific deterrence (see DeJong, 1997).

In addition, proportional hazard models allow for the estimation of time-varying covariates. On average, inmates had three contacts with the parole board before release from prison; because of this it is important to consider how early assessments of parole readiness affect later outcomes. In addition to better capturing the true decision making content of parole, including time-varying covariates in proportional hazard models can improve the efficiency of estimates (Singer and Willett, 2003). In our analysis, measures of proportion of time served, parole readiness score, and institutional misconduct are operationalized as time varying covariates.

Finally, Cox models also account for censoring that is common in this type of analysis (Cox, 1972; Singer and Willett, 2003). Because the study considers parole decisions for offenders with varying sentences and corresponding parole eligibility dates, offenders are censored or omitted from the analyses until they become eligible for parole and again after

they are released from prison.³ Thus, offenders are followed for durations ranging from 1 to 73 months (mean = 26.01, SD = 17.87).

MEASURES

DEPENDENT VARIABLE

The *time to parole* measure is the dependent variable and represents the time in months between becoming eligible for parole and a positive parole decision. In total, 54 percent ($n = 278$) of the total sample was released on parole during the study period; 12 percent of the total sample of men were released immediately after becoming eligible for parole, 26 percent were released within a year of parole eligibility, 42 percent within 2 years, and 49 percent within 3 years. On average, 17.44 months elapsed between becoming eligible for parole and being released.

INDEPENDENT VARIABLES

For the purposes of this analysis, we separated the independent variables into three groups: individual controls, community protection, and offender blameworthiness. The study of focal concerns and their interplay is complex (Steffensmeier and Demuth, 2000) and thus the classification of variables into groups is not meant to be rigid. Instead, the independent variables provide a general framework that allows us to further examine the theoretical dynamics of parole decision making. A description of variables is located in appendix A.

Individual controls. Consistent with prior research, a number of demographic variables were included in the models as controls: education, offender age, minority race, and time served. Race is an important component of focal concerns theory. Researchers suggest that court actors perceive racial minorities as a larger threat to the community and believe that they may be less amenable to rehabilitation, thereby increasing the chances that the criminal justice system will punish them more harshly (Britt, 2000; Kramer and Steffensmeier, 1993; Spohn and Holleran, 2000; Steffensmeier and Demuth, 2001). Research on the effect of race on parole decisions has been mixed. A number of researchers have found that minorities are less likely to be paroled than whites (Bynum and Paternoster, 1985; Heinz et al., 1976), but others have failed to link parole

3. Offenders become eligible for parole when they have served the minimum term of their sentence, minus good time. The minimum sentence is set at time of sentencing, varies by offense, and is often a negotiated element of a plea bargain. Individuals were censored, or omitted from the analysis, prior to serving their minimum sentence.

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outcomes to race (Carroll and Mondrick, 1976; Proctor, 1999; Scott, 1974). In this analysis, *minority race* is a dichotomous measure with members of any minority group equal to one and whites constituting the reference category.⁴ Measures of *education* (number of years of schooling completed at the time of arrest) and *offender age* (measured in years at time of arrest) are also included. Because the study sample includes individuals with varied sentences, it was important to include a standardized measure of time served. *Time served* signifies the percent of the maximum sentence (calculated in months) that has been served at time *t*.

Offender blameworthiness. Considerations of offender blameworthiness are legally established to help in evaluating the given criminal punishment relevant to the perceived seriousness of the crime. As such, three dichotomous variables, including *CSC 2nd Degree*, *CSC 3rd Degree*, and *CSC 4th Degree*, are included in the models to account for the legal classification of the offense that led to the current stay of imprisonment (1 = CSC 2nd, CSC 3rd, CSC 4th Degree; 0 = CSC 1st Degree). For men serving time for multiple convictions, the current offense measure represents the most serious conviction. *Multiple convictions* (1 = offender was convicted of multiple charges; 0 = offender was convicted on only one charge) further increase assessments of offender blameworthiness.

In addition to legal classifications of culpability, blameworthiness can be mitigated by external attributions that may have influenced the offender's role in the event. Victimization has been identified as one factor that may mitigate offender culpability (Steffensmeier and Demuth, 2000), thereby reducing the time to parole. A binary measure of prior *sexual abuse* is included in the model (1 = offender reported being a victim of criminal sexual conduct in the past; 0 = offender did not report being sexual victimized).

Community protection. The community protection model is primarily concerned with offender deterrence and incapacitation, particularly as it relates to reducing recidivism. The official department of corrections *parole readiness score* serves as a central covariate in the model because researchers have identified institutional assessment tools as key determinants of parole release (Carroll, et al., 1982; Proctor, 1999) and parole revocation (Winfrey et al., 1990). The parole guidelines score is a seven-item weighted scale that combines measures of the current offense, criminal record, institutional conduct, program participation, offender age, mental status, and institutional risk classification. Scores are solely

4. Ideally, we would have liked to include separate measures of race and ethnicity. The small number of Hispanic men and respondents of other races or ethnicities precluded meaningful analyses. Overall, 22 percent of men were black, 3 percent were Hispanic, 1 percent were American Indian, and 1 percent were another race or ethnicity.

advisory and range from -24 to +15. Inmates are assigned a new score prior to each parole hearing. Individuals with a score greater than or equal to +4 are considered to have a high parole probability, a score of between -12 and +3 indicates average parole probability, and total scores of less than -12 signal low parole probability. The parole guideline scores measure represents the score assigned to the individual between the most recent hearing and time t . Details on specific domains of the parole readiness score are presented in appendix B.

In addition to the official parole readiness scores, measures of criminal history and characterizations of the offense were included in the models based on their prominence in risk assessment instruments (Allison, 1984; Barbaree et al., 2001; Hanson, 1997; Kern, 2001) and association with recidivism (Hanson and Bussiere, 1998). Two measures of criminal history are included in the models. *Prior convictions* represents the number of prior adult convictions for any crime, minus those sustained for criminal sexual conduct. A separate measure, *CSC convictions*, is included to account for convictions for criminal sexual conduct.

Three offense-specific characterizations were also included. Measures of offense circumstance include: *penetration* (1 = current offense involved penetration of any kind; 0 = penetration was not involved), *younger victim* (1 = victim was under the age of 10 at the time of the assault; 0 = victim was 10 or older), and victim-offender relationship (1 = offender was a *stranger*; 0 = offender assaulted a relative, child of significant other, or other individual previously known).⁵ Although court actors consider the nature of the sexual assault (for example, penetration), victim age, and victim offender relationship when determining the appropriate criminal charge or charges, these variables are included in the community protection model because of their association with recidivism. In addition, including offense-specific variables and measures of criminal history in the model allows us to separate the effect of the legal definition of the instant offense on parole outcomes from the effect of offense characteristics and criminal history.

Finally, institutional misconduct has been found to be one of the strongest factors associated with parole decisions and recidivism (Conley and Zimmerman, 1982; Carroll, Galegher, and Wiener, 1982; Talarico, 1988). In this study, *institutional misconduct* represents the number of institutional misconduct reports, for any offense, maintained between the time of entrance to prison and time t .

5. The younger victim variable was constructed in accordance with prior risk assessment instruments (Allison, 1984; Barbaree et al., 2001; Hanson, 1997; Kern, 2001). A number of alternative measures of victim age were included in preliminary models; all achieved statistical significance and explained a significant proportion of the total variation.

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RESULTS

SAMPLE CHARACTERISTICS

Descriptive statistics, by parole decision type, are presented in table 1. Similar to the total incarcerated population in the research state, the average male sexual offender was in his early 30s and had not completed high school. In contrast, the racial composition of the sex offender sample is different from that of the total incarcerated population. The prison population in the research state is split nearly evenly between black and white inmates, yet the majority of the sex offender sample is white. For example, in the year 2003, 58 percent of the total state prison population and 27 percent of the project sample were of minority race. Offenders were most often serving time for CSC 2nd or 3rd degree offenses. Most offenses involved penetration and the majority of victims knew their assailants. In addition, offenders had an average of two convictions prior to incarceration.

Table 1. Sample Descriptive Statistics by Parole Decision, 2004

	Denied Parole (n = 233)		Granted Parole (n = 278)		Total Sample (n = 511)	
	Mean	SD	Mean	SD	Mean	SD
<i>Individual controls</i>						
Offender age*	34.84	12.99	31.69	10.43	33.76	11.99
Minority race	.27	.44	.27	.44	.27	.48
Education*	10.28	1.59	10.77	1.71	10.56	1.66
Time served*	.33	.18	.23	.14	.28	.17
<i>Offender blameworthiness</i>						
Multiple convictions*	.16	.37	.06	.24	.11	.31
CSC 2 nd degree*	.43	.50	.34	.47	.38	.49
CSC 3 rd degree	.39	.49	.39	.49	.38	.49
CSC 4 th degree	.08	.27	.07	.25	.07	.26
Sexual abuse	.15	.35	.14	.35	.14	.35
<i>Community protection</i>						
Parole readiness score*	-1.80	7.74	1.66	5.34	.08	6.77
Prior convictions*	2.19	2.14	1.79	1.82	1.98	1.98
CSC convictions*	.25	.67	.10	.49	.18	.59
Penetration*	.61	.49	.71	.45	.67	.47
Younger victim*	.36	.48	.19	.39	.27	.44
Stranger	.06	.25	.05	.21	.06	.23
Institutional misconduct*	3.48	4.18	1.23	1.83	2.26	3.32

Note: Men in the granted parole group were released on parole at some point during the study period. Men in the denied parole group had not received a positive parole decision during the study period. Data are current as of August, 2004.

* Groups are significantly different at $p < .05$

Parolees differed from those denied parole in many ways. Men denied parole were older and less educated than their paroled counterparts. They also had more substantial prior involvement with the criminal justice system, and were more likely to have been convicted on multiple charges and to have assaulted a child under 10. Not surprisingly, parolees had significantly higher parole readiness scores and were less likely to have sustained multiple misconduct reports.

THE EFFECT OF INDIVIDUAL CONTROLS, OFFENDER BLAMEWORTHINESS, AND COMMUNITY PROTECTION ON PAROLE TIMING

Coefficients from the Cox proportional hazard models appear in tables 2 and 3. Model coefficients should be considered in reference to the hazard rate, which is an estimate of the probability of failure, or parole, at time t , given the individual is eligible for parole, and that parole has not yet occurred (see Cox, 1972; Singer and Willett, 2003). A positive coefficient therefore indicates that an individual with this characteristic (or a higher value on a given variable) is paroled more quickly, whereas negative coefficients signal a longer time to parole, controlling for all other variables in the model.

A series of models are estimated to contrast the explanatory power of the blameworthiness and community protection variables. The first equation (model I) includes only individual-level characteristics. Measures of offender blameworthiness are added in the second equation (model II) and indicators of community protection in model III. The final, full model is presented in model IV.

As displayed in model I, offender demographic characteristics do influence parole decisions with younger and more educated males paroled more quickly. Although the effects of education and age are moderate to small, their effects are maintained in the final model. In addition, the effect of minority race on parole release timing was particularly strong in models I and II; however, the effect of race is substantially attenuated and not significant once considerations of community protection are entered in models III and IV.

Consistent with past research, the legal definition of the offense affected parole timing. Being convicted of CSC 2nd or having multiple convictions hastened parole; measures of offender blameworthiness did not, however, sustain statistical significance in the final model and had little explanatory power. The likelihood-ratio (LR) statistic displayed in table 2 indicates that model II was a better fit to the data than the null model (with zero independent variables), but subsequent analyses (not shown) reveal that adding the measures of offender blameworthiness to

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model II did not significantly improve the model fit over model I (LR 6.09, 5 *df*, $p < .30$).⁶

The results presented in model III suggest that considerations of community protection play an integral role in parole decision making. Victim age was one of the most prominent factors in the model, with men who assaulted children less than 10 years of age nearly half as likely to be paroled. This finding is consistent with public sentiment, which considers the victimization of young children particularly egregious and has fueled much of the specialized sentencing modules (Levesque, 2000). Institutional misconduct was also a key component in parole decision making. The negative coefficient signals that each additional misconduct ticket sustained further delayed parole release, net of measures of community protection, offender blameworthiness, and individual controls.

Conversely, measures of criminal history did not affect parole timing. Men with little or no prior involvement in the criminal justice system were not paroled more quickly than their counterparts. Incarceration for sexual acts involving penetration and victim offender relationship were also not related to the timing of parole release. Finally, sexual abuse, included as a mitigating factor, did not affect parole timing.

As noted, the inclusion of the community protection measures erased the significant effects of the offender blameworthiness indicators observed in model II. The likelihood-ratio test further highlighted the importance of the community protection measures as a whole. In fact, introducing the offender blameworthiness factors back into model IV did not significantly improve the fit of the model over model III (LR 2.75, 5 *df*, $p = .74$). The prominence of the community protection measures in the model suggests that parole board members are likely to consider factors outside of the legal definition of the offense when making parole decisions.

PAROLE READINESS SCORE AND TIMING OF PAROLE

A secondary goal of this analysis is to consider the relative effect of parole readiness scores on the timing of parole decisions. Although the parole readiness indicator includes measures of offender criminal history, offender age, and institutional misconduct that are elements of the parole readiness score, the goal of this analysis is to understand whether parole

6. Likelihood-ratio hypothesis tests were calculated to assess the joint contribution of predictors. To gauge if each model represents an improvement over the null model, the LR statistic is calculated by subtracting the -2 Log Likelihood statistic for each model from that of the null model with no substantive predictors (the baseline hazard function). The significance of the LR statistic is considered relative to a χ^2 distribution with degrees of freedom equal to the difference of parameters in the models (for additional information, see Singer and Willett, 2003).

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actors consider the score separate from the individual constructs that make up the score.⁷

Table 3. Survival Analysis of Parole Readiness Score (*n* = 511)

	Model I			Model IV		
	<i>Coeff.</i>	<i>SE</i>	<i>Odds</i>	<i>Coeff.</i>	<i>SE</i>	<i>Odds</i>
<i>Individual controls</i>						
Offender age				-.04 ^{***}	.01	.96
Minority race				-.16	.14	
Education				.05	.04	
Time served				.53	.40	
<i>Offender blameworthiness</i>						
Multiple convictions				-.27	.28	
CSC 2 nd Degree				-.24	.15	
CSC 3 rd Degree				-.11	.13	
CSC 4 th Degree				-.30	.27	
Sexual abuse				.14	.18	
<i>Community protection</i>						
Parole readiness score	.06 ^{***}	.01	1.06	.05 ^{**}	.02	1.05
Prior convictions				-.02	.03	
CSC convictions				-.15	.14	
Penetration				-.09	.15	
Younger victim				-.61 ^{***}	.18	.54
Stranger				.05	.15	
Institutional misconduct				-.17 ^{***}	.04	.84
<i>Model fit</i>						
-2 log likelihood		-1402.76			-1347.65	
Likelihood-ratio statistic		34.53 ^{***}			144.74 ^{***}	
† <i>p</i> < .10 * <i>p</i> < .05 ** <i>p</i> < .01 *** <i>p</i> < .001 (two-tailed test)						

Model I includes only the parole readiness score and confirms the central role that actuarial instruments play in parole decision making. The positive coefficient signals that increases in parole readiness scores are associated with shorter times to parole; however, adding the parole score to models II and III (not shown) did little to change the relationships reported in table 2. Consistent with prior models, older inmates who assaulted children under 10 and men who had multiple misconduct tickets spent longer awaiting parole compared with younger inmates, inmates who assaulted older adolescents or adults, and inmates who had few or no

7. Tests for multicollinearity were conducted. No variance inflation factor or tolerance scores were high enough to suggest a substantial model bias due to the presence of multicollinearity (VIF < 1.9; Tolerance > .54). Further information on the bivariate association between variables is presented in the correlation matrix provided in appendix C.

misconduct tickets. The parole readiness score did nullify the significant, positive effect of education that was observed in table 2. Additional analyses (not shown) also suggest that adding the parole likelihood score to the final, full model presented in table 3 significantly improves its fit over model IV, presented in table 2 (LR 9.74, 1 *df*, $p < .01$).

DISCUSSION AND CONCLUSIONS

In this study, we explore the relationship between individual controls, offender blameworthiness, and community protection in determining parole timing. Specifically, we consider whether parole boards make decisions based principally upon the legal classification of the offense or if they consider factors external to the criminal case. We bring work together from focal concerns theory to frame the parole decision and use longitudinal data to address the dynamic nature of parole decisions. We draw several conclusions from our results.

First, parole readiness scores are an important determinant of parole outcomes; however, parole officials consider a variety of factors when making parole decisions. Different from the "new parole" model that Proctor (1999) proposed, the parole readiness score, though significant, did not outweigh the effect of institutional misconduct, age of victim, or offender age. Some of the discrepancy in the research could be related to the general nature of the actuarial instrument. In the study state, as in most other states, parole risk instruments are developed for the general institutional population and fail to consider the specific needs or risks of certain offender groups. As observed, there is considerable variation in behavior among sexual offenders, and risk assessment instruments that consider the needs of this group are therefore warranted. However, in most cases it appears that a blanket public policy approach is applied to all offenders, even though a number of assessment instruments have been developed for the sex offender population.

In addition, our findings highlight the utility of using the focal concerns perspective to understand parole decision making. Consistent with expectations, parole decision makers do not consider the legal and extralegal elements of the case equally. Instead, considerations of community protection appear to weigh heavily. Men who assaulted very young children and those with misconduct records were significantly less likely to be paroled. Moreover, considerations of community protection appear to overshadow those of offender blameworthiness.

The concern over public safety is likely particularly salient in these analyses because the sample is limited to sex offenders. There has been substantial public scrutiny over the release of sex offenders to the community, predominantly for individuals who have assaulted young

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children. Megan's Law and similar legislation has created an image of sex offenders as incorrigible (Sample and Bray, 2003), and this community concern appears to have permeated the parole decision process. As noted, the parole board is the sole gatekeeper between the prison and community; therefore, the moral threat and risk that these offenders present appear to weigh heavily on parole decisions.

Furthermore, the results reveal that parole actors consider individual demographic characteristics, net of crime seriousness. Offender age was significant across models, with older men less likely to be paroled. In contrast to traditional violence and judicial decision making research, older men who have committed sex crimes appear to be viewed as a greater risk to the community than younger men. Even though the effect of age is small, the stability of the finding signals a unique bias for sex offenders.

The relationship between race and parole outcomes is more complex. In initial models, minorities were significantly less likely to be paroled; however, the race-ethnicity effect disappeared when the community protection and parole readiness measures were included. The failure to detect a race effect is surprising given prior research (Bridges and Crutchfield, 1988; Steffensmeier and Demuth, 2000, 2001; Ulmer and Johnson, 2004), which suggests that decision makers perceive minority males as unique threats to the community. The null finding may be due in part to the composition of the study sample and to the coding of race, which merges Hispanics, blacks, and other ethnicities and races into a single category. Parole board members consider race and ethnicity when making decisions, but assessments of community protection, particularly as it relates to institutional misconduct and victim age, appear to supersede race-ethnicity. In addition, when compared to other offense classifications (for example, robbery), sex offenders are predominately white, thus minority males may not represent as much of a threat. However, the role of race-ethnicity in previous research has been so prominent that it is important to consider the role of race and ethnicity in future research on parole decision making.

Although our study makes advances over prior parole decision making research, several caveats are in order. First, the study as designed does not include implicit measures of the third focal concern, organizational constraints and practical consequences. The results do confirm the conclusions of past research (Carrol and Burke, 1990), which suggest that parole board members in states with indeterminate sentencing schemes will be more likely to consider factors outside the legal definition of the offense. That noted, little else is known about the context of parole decisions. Future research, particularly as it relates to the effect of cross-state differences in prison capacity, sentencing structure, and political

climate on parole outcomes is warranted. In addition, quantitative research that considers the effect of the demographic and philosophical makeup of the parole board would further reveal the practical consequences and constraints of parole decision making.

Second, the results should be tempered in relationship to possible biases that can arise from sampling and measurement errors. Our study was limited to the examination of sexual offenders remanded to prison in one state in one year. It is important to consider historical and cross-state variation in parole decision making, especially in light of recent changes in correctional policy. In addition, our study sample excluded men who were sentenced to prison but did not become eligible for parole during the study period. Therefore, study results are more representative of men with less serious instant convictions and fewer past criminal convictions, because these inmates would become eligible for parole before those sentenced for a very serious instant offense or with a substantial criminal history. Longer-term studies are needed to better understand the parole decision outcomes for serious offenders. Finally, because negative public perceptions of sexual offenders may have affected parole outcomes, future research should examine parole outcomes using a more diverse study sample.

Finally, this research improves on the empirical modeling of parole decisions, but quantitative analyses cannot delve into the intricacies of the decision process. Existing research suggests that the process is as much a function of the individual decision maker and the parole board dynamic as it is the nature of the crime and individual inmate characteristics (Conley and Zimmerman, 1982; Garber and Maslach, 1977; Meyer, 2001). Future research should integrate ethnographic studies of parole board dynamics with quantitative analyses to understand the interplay between parole outcomes, individual decision makers, and organizational dynamics.

Overall, this work has important implications for the study of parole, sex offenders, and focal concerns theory. Similar to their judicial counterparts, parole board officials use cues to make decisions based on limited information. The current study revealed that the parole readiness score, offender age, victim age, and institutional misconduct are among the most important considerations for parole decisions involving sex offenders. Although the study results are applicable only to the sample of men who became eligible for parole during the study period, and to the remaining states that employ parole boards, the findings further highlight potential bias in the criminal justice system. Because parole is largely hidden from public observation and comment, it is important to continue to consider the workings of this institution, particularly as it relates to other classes of offenders.

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APPENDIX A. DESCRIPTION OF VARIABLES

OUTCOME VARIABLE

Time to failure. The total number of months between becoming eligible for parole and being released on parole.

INDIVIDUAL CONTROLS

Offender age. Male's age in years at time of arrest.

Minority race. A dichotomous variable with members of a minority race = 1; 0 = nonminority offender.

Education. Number of years of school males had completed at time of arrest.

Time served. The percentage of maximum (sentence in months) served at time *t*.

OFFENDER BLAMEWORTHINESS

Multiple convictions. A dichotomous variable with men with two or more convictions for the current offense = 1; 0 = one conviction.

CSC 2nd degree. A dichotomous variable with men convicted of CSC 2nd = 1; 0 = convicted of CSC 1. Characterization of CSC 2nd Degree: Victim is less than 13, or victim is 13, 14, or 15, and resides in household with offender, or is related by blood or affinity to offender or multiple offenders involved in offense, and victim is mentally or physically incapacitated, or offender uses force or coercion. Penetration did not occur.

CSC 3rd degree. A dichotomous variable with men convicted of CSC 3rd = 1; 0 = convicted of CSC 1. Characterization of CSC 3rd Degree: Victim is 13 or older and penetration did occur.

CSC 4th degree. A dichotomous variable with men convicted of CSC 4th = 1; 0 = convicted of CSC 1. Characterization of CSC 4th Degree: Victim is 13 or older and penetration did not occur.

Sexual abuse. A dichotomous variable with men who reported being sexually victimized prior to the instant offense = 1; 0 = did not report prior sexual victimization.

COMMUNITY PROTECTION

Parole readiness score. A weighted score based on current offense, prior criminal record, institutional conduct, age, mental status, and institutional risk classification at time *t*. Higher scores signal greater risk for parole release.

Prior convictions. Number of prior adult convictions for any crime – excluding criminal sexual conduct.

CSC convictions. Number of prior adult convictions for criminal sexual conduct.

Penetration. A dichotomous variable with cases involving penetration of any kind = 1; 0 = instant offense did not involve penetration.

Younger victim. A dichotomous variable with men who had victimized one or more children under the age of 10 = 1; 0 = victim was 10 or older.

Stranger. A dichotomous variable with men who had victimized a stranger = 1; 0 = victim was a relative, child of a significant other, or acquaintance.

Institutional misconduct. Number of total misconduct reports, for any offense, between time of entrance to prison and time t .

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APPENDIX B. ELEMENTS OF THE PAROLE
READINESS SCORE

ACTIVE SENTENCE SCORE

Aggravating conditions include: (1) weapon or threat of weapon, (2) serious force or injury, (3) property loss or damage > \$5,000, (4) excessive violence or cruelty, (5) sexual offense; (6) victim transported or held captive, (7) multiple victims, (8) victim unusually vulnerable, (9) offender was leader, (10) designated career criminal, (11) designated drug trafficker, and (12) designated organized crime.

Mitigating factors include: (1) situational crime; (2) offender played minor role in the crime.

PRIOR CRIMINAL RECORD SCORE

The elements that make up a criminal record include: (1) number of adult assaultive misdemeanors, (2) number of jail sentences, (3) number of felony convictions, (4) number of assaultive felony convictions, (5) number of prison terms, (6) number of probation or parole failures, (7) on probation or parole at the time of the offense, (8) number of juvenile incarcerations, and (9) number of terms on juvenile probation.

CONDUCT SCORE

The conduct score is based on (1) the number of misconduct reports in the last 5 years; (2) the number of misconduct reports in the last year; (3) the number of assault, sexual misconduct, homicide, or riot misconducts in the last 5 years; (4) the number of security reclassification increases in the last 5 years; and (5) the number of security reclassification increases in the last year.

STATISTICAL RISK SCORE

Risk is designated by the department of corrections based on a security classification screening instrument that includes measures of: (1) number of past assaultive felony convictions, (2) juvenile or adult escape attempts, (3) dishonorable discharge from the military, (4) major pending felony charges or detainer, (5) identification as a homosexual predator, and (6) classified to administrative segregation in past 3 years.

AGE SCORE

Inmates are rank ordered based on the following age categories: < 22, 23 and 24, 25-27, 28-30, 31-35, 36-40, 41-50, 50+.

PROGRAM PERFORMANCE SCORE

Participation in work, school, and therapy are assessed using five criteria: (1) no inadequacies, (2) more adequate than inadequate, (3)

adequacies equal inadequacies, (4) more inadequate than adequate, and (5) no adequacies.

MENTAL HEALTH SCORE

The elements on which mental health assessments were based included: (1) that the individual was hospitalized in a psychiatric facility as the result of criminal activity or deemed guilty but mentally ill; (2) a history of physical or sexual assault related to compulsive, deviant, or psychotic mental state; and (3) a serious psychotic mental state developed after incarceration.

Note: Each individual is given a score for each domain based on the presence or absence of risk factors. Scores are then standardized within each domain. Finally, the scores across domains are summed providing the final parole readiness score. The risk instrument is complex and additional details are available from the authors on request.

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Appendix C. Correlations among Individual Controls and Indicators of Offender Blameworthiness and Community Protection

	x1	x2	x3	x4	x5	x6	x7	x8	x9	x10	x11	x12	x13	x14	x15	x16
Time to failure (x1)	1															
Offender age (x2)	.11*	1														
Minority (x3)	.13*	-.12*	1													
Education (x4)	-.15*	-.25*	-.04	1												
Time served (x5)	.42*	.01	.02	-.10*	1											
Avg parole readiness score (x6)	-.25*	.49*	-.15*	.17*	-.26*	1										
Multiple convictions (x7)	-.08	.04	-.02	-.00	-.23*	.04	1									
CSC 2nd degree (x8)	.10*	.19*	-.07	-.00	.03	.08	-.27*	1								
CSC 3rd degree (x9)	-.13*	-.19*	.08	.02	-.13*	-.03	-.28*	-.39*	1							
CSC 4th degree (x10)	.18*	.02	-.02	.03	.26*	-.04	-.07	-.15*	-.16*	1						
Sexual abuse (x11)	-.08	-.00	-.11	.10	-.04	.02	.04	.05	-.04	-.05	1					
Prior convictions (x12)	.02	-.06	.02	.04	.10*	-.24*	-.13*	-.02	.03	.10*	-.07	1				
CSC convictions (x13)	.05	-.01	-.02	-.01	.07	-.10*	-.03	.03	-.02	.07	.10*	-.16	1			
Penetration (x14)	-.09	-.26*	.06	-.04	-.07	-.09*	.04	-.28*	.34*	-.16	-.03	-.07	-.12	1		
Younger victim (x15)	.10*	.21*	-.15*	.02	-.03	.13*	-.19*	.27*	-.32*	-.07	.13*	.07	.03	-.25*	1	
Stranger (x16)	.06	-.08	.07	.04	.06	-.12*	-.05	-.07	.03	.15*	-.07	-.01	.05	.03	-.10*	1
Institutional misconduct (x17)	.28*	-.26*	.09	-.15*	-.21	-.60*	.06	.08	-.02	.04	.00	.08	.12*	.08	-.07	.09*

* $p < .05$ (two-tailed test)