

INFORMATION TO USERS

The most advanced technology has been used to photograph and reproduce this manuscript from the microfilm master. UMI films the original text directly from the copy submitted. Thus, some dissertation copies are in typewriter face, while others may be from a computer printer.

In the unlikely event that the author did not send UMI a complete manuscript and there are missing pages, these will be noted. Also, if unauthorized copyrighted material had to be removed, a note will indicate the deletion.

Oversize materials (e.g., maps, drawings, charts) are reproduced by sectioning the original, beginning at the upper left-hand corner and continuing from left to right in equal sections with small overlaps. Each oversize page is available as one exposure on a standard 35 mm slide or as a 17" × 23" black and white photographic print for an additional charge.

Photographs included in the original manuscript have been reproduced xerographically in this copy. 35 mm slides or 6" × 9" black and white photographic prints are available for any photographs or illustrations appearing in this copy for an additional charge. Contact UMI directly to order.



Accessing the World's Information since 1938

300 North Zeeb Road, Ann Arbor, MI 48106-1346 USA

Order Number 8820879

**Factors influencing outcome of parole revocation cases in New
York State**

Lynch, Marianne Karnafel, Ph.D.

City University of New York, 1988

Copyright ©1988 by Lynch, Marianne Karnafel. All rights reserved.

U·M·I
300 N. Zeeb Rd.
Ann Arbor, MI 48106

PLEASE NOTE:

In all cases this material has been filmed in the best possible way from the available copy. Problems encountered with this document have been identified here with a check mark .

1. Glossy photographs or pages _____
2. Colored illustrations, paper or print _____
3. Photographs with dark background _____
4. Illustrations are poor copy _____
5. Pages with black marks, not original copy _____
6. Print shows through as there is text on both sides of page _____
7. Indistinct, broken or small print on several pages
8. Print exceeds margin requirements _____
9. Tightly bound copy with print lost in spine _____
10. Computer printout pages with indistinct print _____
11. Page(s) _____ lacking when material received, and not available from school or author.
12. Page(s) _____ seem to be missing in numbering only as text follows.
13. Two pages numbered _____. Text follows.
14. Curling and wrinkled pages _____
15. Dissertation contains pages with print at a slant, filmed as received
16. Other _____



FACTORS INFLUENCING OUTCOME OF
PAROLE REVOCATION CASES IN NEW YORK STATE

by

MARIANNE LYNCH

A dissertation submitted to the
Graduate Faculty in Criminal Justice in
partial fulfillment of the requirements for
the degree of Doctor of Philosophy,
The City University of New York

1988

© 1988

MARIANNE LYNCH

All Rights Reserved

This manuscript has been read and accepted for the Graduate Faculty in Criminal Justice in satisfaction of the dissertation requirement for the degree of Doctor of Philosophy.

1/27/88


Date



Chair of Examining Committee

1/27/88

Date



Executive Officer

Prof. Robert Rieber

Prof. Carl Wiedemann

Prof. Barbara Raffel Price
Supervisory Committee

The City University of New York

ACKNOWLEDGEMENTS

I would like to express my appreciation to Professors Robert Reiber, Carl Wiedemann, and Barbara Price of the John Jay College Program in Criminal Justice for their help in conceptualizing and guiding the research contained in this thesis. Their aid in securing the data base, helpful comments, and expeditious editing are deeply appreciated.

I would also like to express my thanks to the following members of the New York State Division of Parole: Ramon Rodriguez, Chairperson, Board of Parole; Martin F. Horn, Director of Parole Operations; and Barbara Broderick, Director, Policy Analysis and Information; for their help in securing the VIOLATORS tape and the documentation of the tape.

Special thanks go to Dr. Ralph Larkin for his statistical advice, Barbara Natow of the JJC Computer Center for her help in securing statistical services, and Lance Walker and Connie Fortune for their support during the writing of the dissertation. To Professor Marvin Wolfgang of the Sociology Department of the University of Pennsylvania, I owe a debt of gratitude for stimulating my interest in criminal justice.

I am extremely grateful to Victor and Elaine Niederhoffer of the Niederhoffer Foundation for their emotional support and the granting of the Niederhoffer

Foundation Award, which was spent in the research conducted in this dissertation.

This doctoral dissertation is dedicated to Joseph and Kathleen Gawloski.

TABLE OF CONTENTS

| | |
|---|-----------|
| Copyright page | ii |
| Approval page | iii |
| Acknowledgements | iv |
| List of Tables | vii |
| | |
| Chapter | Page |
| | |
| I. THE PROBLEM | 1 |
| Statement of the Problem | 6 |
| Definition of Terms | 7 |
| | |
| II. REVIEW OF THE LITERATURE | 9 |
| The Social Context of Parole Decision-making | 10 |
| Effectiveness of Parole | 13 |
| Parole Release Decision Making | 17 |
| Revocation Hearings | 20 |
| Contribution of the Research | 24 |
| | |
| III. METHODS | 25 |
| Research Questions | 25 |
| Scope and Limitations | 25 |
| Research Design | 27 |
| Sources of Information | 29 |
| Techniques of Analysis | 31 |
| Ethical Issues | 37 |
| Critique | 38 |
| | |
| IV. FINDINGS | 39 |
| The Final Hearing | 40 |
| Board Affirmation | 43 |
| The Ultimate Disposition | 45 |
| Supplemental Analysis | 46 |
| | |
| V. CONCLUSION | 66 |
| Summary of the Study | 66 |
| Implications of the Findings | 70 |
| Implications for Policy | 70 |
| Implications for future research | 71 |
| | |
| APPENDIX | 75 |
| Multiple Regression Analysis Summary Tables for Discrete Independent Variables | 75 |
| | |
| REFERENCES | 81 |
| | |
| Autobiographical Statement | 85 |

LIST OF TABLES

| Table | Page |
|---|------|
| 2-1: Parolees 1965-70 By Offense and Nonrecidivism Rate | 14 |
| 3-1: Independent Variables | 30 |
| 3-2: Dependent Variables | 31 |
| 4-1: Summary of Multiple Regression Analysis on Final Hearing Decision | 41 |
| 4-2: Summary of Multiple Regression Analysis on Final Hearing Time Assessment | 42 |
| 4-3: Summary of Multiple Regression Analysis on Final Hearing Assessment of Additional Months | 43 |
| 4-4: Summary of Multiple Regression Analysis on Parole Board Decision | 44 |
| 4-5: Summary of Multiple Regression Analysis on Parole Board Time Assessment | 44 |
| 4-6: Summary of Multiple Regression Analysis on the Ultimate Disposition of Parole Revocation | 46 |
| 4-7: Wilks' Lambda F-ratio and Significance Level for Variables Having Significant Covariance with Discriminant Function on Final Hearing Decision | 47 |
| 4-8: All-groups Stacked Histogram on the Canonical Discriminant Function for Final Hearing | 48 |
| 4-9: Wilks' Lambda F-ratio and Significance Level for Variables Having Significant Covariance with Discriminant Function on the Parole Board Decision | 50 |
| 4-10: All-groups Stacked Histogram on the Canonical Discriminant Function for Board Affirmation | 52 |
| 4-11: Wilks' lambda, Discriminant Function Coefficients, Univariate F-ratios, and Significance Levels for Discriminating Variables | 53 |
| 4-12: All-groups Stacked Histogram on the Canonical Discriminant Function for Ultimate Decision | 55 |

| | | |
|-------|---|----|
| 4-13: | Wilks' lambda, Discriminant Function Coefficients, Univariate F-ratios, and Significance Levels for Modified and Non-modified Cases | 57 |
| 4-14: | Stacked Histogram and Classification Analysis for Cases Modified and Not Modified by the Parole Board | 58 |
| 4-15: | Wilks' lambda, Discriminant Function Coefficients, Univariate F-ratios, and Significance Levels for Modified and Non-modified Cases | 60 |
| 4-16: | Evaluations of the Four Groups on the Centroids of the Three Discriminant Functions | 61 |
| 4-17: | Stacked Histogram and Classification Results of the Four Disposition Groups | 63 |
| 4-18: | Summary of Classification Results of the Four Disposition Groups. | 64 |
| A-1: | Summary of Multiple Regression Analysis of Parolee Characteristics on Final Hearing Time Assessment . | 75 |
| A-2: | Summary of Multiple Regression Analysis of Violation Characteristics on Final Hearing Time Assessment | 75 |
| A-3: | Summary of Multiple Regression Analysis of Violation Characteristics on Final Hearing Months Assigned | 76 |
| A-4: | Summary of Multiple Regression Analysis of Context of Parole on Final Hearing Decision | 76 |
| A-5: | Summary of Multiple Regression Analysis of Context of Parole on Final Hearing Time Assessment | 77 |
| A-6: | Summary of Multiple Regression Analysis of Context of Parole on Final Hearing Months Assessed | 77 |
| A-7: | Summary of Multiple Regression Analysis of Context of Hearing on Final Hearing Months Assessed | 78 |
| A-8: | Summary of Multiple Regression Analysis of Parolee Characteristics on the Board Decision | 78 |
| A-9: | Summary of Multiple Regression Analysis of Parolee Characteristics on Board Time Assessment | 78 |

A-10: Summary of Multiple Regression Analysis of Context
of Parole on Board Decision 79

A-11: Summary of Multiple Regression Analysis of Context
of Parole on Board Time Assessment 79

CHAPTER I

THE PROBLEM

In 1985, 277,438 persons were under parole supervision in the United States: 16,860 were under Federal jurisdiction and 260,578 were under state jurisdiction. This represented a 3.9 percent increase in the total parole population as compared with the 1984 figures. Thirty-one states experienced an increase in their parole populations. The largest increase (11 percent) was reported in the Western States. The South reported a 7.1 percent increase. The Northeast reported a 5 percent increase. In contrast, the Midwest reported a 9.9 percent decrease in parole population.¹ During 1985, New York State had a total parole population of 25,279 which consisted of 12,458 entries and 11,391 exits. This represented a 4.4 percent increase in the parole population as compared with the 1984 figures.²

Despite the increase in the total parole population, the role of parole in the criminal justice system has been

¹Lawrence Greenfield, Bureau of Justice Statistics, Probation and Parole 1985 (Washington, D.C.: U.S. Government Printing Office, 1987), pp. 1-3.

²Ibid., p. 3.

declining, especially as a method of release from prison. For example, 71.9 percent of all State prison releases in 1977 involved discretionary parole while only 43.2 percent of prison releases in 1985 involved discretionary parole.³ The main reason for this decline is the failure of the rehabilitative ideal and the rise of the Justice Model.⁴ Social reformers such as the American Friends Service Committee, academics, and Senator Edward Kennedy have criticized parole, especially parole board hearings, for being biased, unfair, and ineffective.⁵ For example, Von Hirsch and Hanrahan wrote that parole suffered from the following shortcomings: (1) parole granting procedures are vague and deny due process, (2) parole authorities lack the capacity to predict who will be successful on parole and to adequately monitor parolees in the community, and (3) it is

³Ibid., p. 4.

⁴Douglas Lipton, Robert Martinson, and Judith Wilks, The Effectiveness of Correctional Treatment: A Survey of Treatment Evaluation Studies (New York: Praeger, 1975); Andrew von Hirsch, Doing Justice: The Choice of Punishments (New York: Hill and Wang, 1976).

⁵American Friends Service Committee, Struggle for Justice: A Report on Crime and Punishment in America (New York: Hill and Wang, 1971); Jessica Mitford, Kind and Usual Punishment (New York: Vantage, 1973); Andrew von Hirsch and Kathleen J. Hanrahan, Abolish Parole? (Washington, D.C.: U.S. Government Printing Office, 1978); Edward M. Kennedy, "Toward a New System of Criminal Law with Order," The American Criminal Law Review 16 (Spring 1977).

blatantly unfair to base a decision on the prediction of the future behavior of an individual.⁶

Parole and the process of parole revocation, the main concern of this research, have both received a number of the same criticisms as those related by Von Hirsch and Hanrahan. The initial parole hearing, which determines the time of release on parole from the institution, and the revocation hearing, which establishes recommendations as to whether a violator will be returned to the institution and for how long (and is, therefore, in a sense a "reparole" hearing prior to the violator's return), are both ultimately decided by the same Board of Parole. Administrative law judges preside over civil parole violation hearings and have authority only to make recommendations. Their findings can be affirmed, modified or changed by the Commissioner/Parole Board member who reviews the hearing findings and who is under no obligation to agree. Therefore, both the granting of parole and the decision to revoke or restore parole subsequent violation are subject to the same pressures and criticisms on grounds of bias, inequality and arbitrariness from both inmates and the larger social community.

In an effort to make parole revocation fairer, the Supreme Court ruled in Morrissey v. Brewer 408 U.S. 471 (1972) that a parolee had the right to due process. In

⁶Von Hirsch and Hanrahan, Abolish Parole?

contrast, the Supreme Court, in Greenholtz v. Nebraska 442 U.S. 1 (1979) did not extend the right of due process to parole granting hearings since release on parole is a privilege. However, if an expectancy of a release is created by a state statute, then the inmate may have the right to due process at the parole granting hearing.

In addition to the efforts of reformists, the public and concerned politicians who advocate "law and order" have criticized parole as well as probation as "coddling criminals." All the preceding factors have contributed to a trend toward determinate or flat sentencing and the abolition of parole. Hence, 30.8 percent of all prison releases in 1985 were mandatory releases as opposed to 5.9 percent in 1977.⁷

The major watershed to the abolition movement came when the Federal Comprehensive Crime Control Act of 1984 was passed. It mandated the phasing out of the Federal Parole Commission over a five year period once new sentencing guidelines were in place. The Federal Parole Commission, during this phase out period, was to set future release dates for all then serving Federal prison sentences.⁸

At the state level, so far only Maine and Connecticut have completely abolished parole. However, other states have been moving in that direction by adopting determinate or flat

⁷Greenfield, Probation and Parole 1985, p. 4.

⁸Helen G. Corrothers, "Guidelines for the Future: The Effects of Federal Sentencing Reform," Corrections Today 48 (December 1986):24-28.

sentencing. There is movement to phase out parole in New York State. This debate was fueled by the recommendation of the New York State study which concluded that parole was a failure and recommended abolishing parole boards.⁹ However, states which have adopted determinate sentencing, such as California and Illinois, found it necessary to replace parole with some type of postrelease supervision program.¹⁰

In response, criminal justice professionals, the American Correctional Association, and the American Probation and Parole Association have reaffirmed their support for parole as a vital part of the criminal justice system. They argue that parole has been the scapegoat of the failure of the whole criminal justice system and the public has mistakenly viewed parole as being soft on criminals. In the face of severe prison overcrowding, parole remains an alternative to incarceration.¹¹ The problem with parole lies not with

⁹Diana R. Gordon and David Rudenstine, Prison Without Walls: Report on New York Parole, Citizen's Inquiry on Parole and Criminal Justice, Inc. (New York: Holt, Rinehart and Winston, 1975).

¹⁰Frederick Hussey and Stephen Lagoy, "The Determinate Sentence and Its Impact on Parole," Criminal Law Bulletin 19 (1983):101-103.

¹¹Anthony P. Travisono, "Selling the Whole Package," Corrections Today 48 (February 1986):4; Malcolm MacDonald, "Probation and Parole: Sanctions That Work," Corrections Today 48 (February 1986):6; Donald Atkinson, "Parole Can Work!" Corrections Today 48 (February 1986):54-56; Thomas J. Callanan, "Probation and Parole: Meeting the Future Head-on," Corrections Today 48 (June 1986):16-20; Christopher Dietz, "Parole: Crucial to Our Criminal Justice System," Corrections Today 47 (June 1985):30-32.

parole per se, but with operational dilemmas such as lack of funding, large caseloads, and understaffing. Given the current debate over the effectiveness of parole and the movement toward abolition of parole, more empirical research is needed to insure that an effective criminal justice system will exist in the future. Moreover, very little research has been done on the parole revocation process. Even if parole is abolished, the findings of such an endeavor should prove useful for any postrelease supervisory program that may replace parole.

Statement of the Problem

The purpose of this study is to examine the factors that influence the revocation of parole of parolees in New York State who have committed a violation of their parole between April 1, 1985 and March 31, 1986 and the decision-making process regarding revocation. Various social, legal and organizational factors will be considered in the examination of decision-making in the revocation process. Consideration will be given to factors influencing decision-making in parole revocation; specifically, this research will examine the relationship between administrative law judge recommendations and parole commissioner affirmations. It is hypothesized that on those cases where the two are conjoint, the actual outcome will be predictable by case-related variables; on those cases where the two levels of decision-

making are disjoint (that is, when the Parole Board member overrides the administrative law judge), prediction of outcome will be by demographic or exogenous variables.

Definition of Terms

Parolee: A person who has been released from a correctional facility by a parole board to serve the remainder of his/her sentence in the community under supervision of the criminal justice system in accordance with the conditions specified by the parole board.

Violation of Parole: The occurrence of the failure to follow the conditions of parole specified by the parole board.

Revocation of Parole: The return of the parolee to the correctional facility following preliminary and final hearings before a administrative law judge and affirmation by the parole board.

Characteristics of the Parolee: The various background, demographic, and achieved aspects of a parolee's identity. Included are such factors as age, gender, educational background, history of drug use, and previous criminal record.

Characteristics of the Violation: The various aspects of the violation including such factors as seriousness, whether a technical or new arrest, use of violence, or repeat arrest.

Characteristics of the Context of the Parole Hearing: The external factors related to the hearing process, such as

whether or not it occurs in the New York metropolitan area, institutional location of the hearing, and whether the parolee has legal representation.

Characteristics of the Context of the Parole: The factors as time on supervision relative to length of sentence, amount of state prison time, and location of the parole supervision site.

Administrative Law Judge: The presiding officer, not a part of the court/judicial system or Board of Parole, in charge of a parole revocation hearing, who makes a recommendation as to the disposition at the conclusion of the revocation hearing.

Commissioner/Board of Parole Member: An official appointed to the Board of Parole with authority to make the final determination in both parole release hearings and in parole revocation hearings.

Recidivism: For purpose of this research, the term "recidivism" will be used to signify any act sustained by the administrative law judge as a violation of parole, whether a technical rule violation or a new arrest, which occurs while the subject is under parole supervision.

CHAPTER II

REVIEW OF THE LITERATURE

The major issues of this study are contained within two major fields of theory: organizational process and decision-making. Modern organizational theory is directed at understanding how complex organizations work. Decision-making theory is subsumed within organizational theory. This study is concerned with the operation of the parole revocation process and the factors influencing the decisions to revoke or restore parole.

Organizational theory can be divided into two major areas: (1) internal structure and processes; and (2) organization-environment relations.¹² Topics under the rubric of internal structure and processes are authority, bureaucracy, roles and functions, typologies, and decision-making.¹³ Topics of concern to this study concerning organization-environment relations are legitimation, environmental

¹²James D. Thompson, Organizations in Action. New York: McGraw-Hill, 1967.

¹³Peter M. Blau and W. Richard Scott, Formal Organizations. San Francisco, CA: Chandler, 1962.

uncertainty, and survival.¹⁴ The criminal justice system is what Blau and Scott have referred to as a "commonweal" organization; that is, the beneficiary of the system is the totality of society.¹⁵

The Social Context of Parole Decision-making

The theoretical concerns of this study are the effects of a particular decision-making process on organizational legitimation, environmental relations and the social context of "commonweal" decision-making. By legitimation is meant the basis on which the actions of persons who exercise "domination" or control over others have the right to exercise such control.¹⁶ Because the criminal justice system is a commonweal organization, its legitimacy is based upon the public perception that it operates in the collective interest.¹⁷ As this applies to parole in general and its revocation in particular, its legitimacy can be seen in

¹⁴Blau and Scott, ibid.; Thompson, Organizations in Action; Max Weber, Economy and Society (2 Vols.). Berkeley, CA: University of California, 1978.

¹⁵Blau and Scott, Formal Organizations, Ch. 2.

¹⁶This definition follows the work of Weber, Economy and Society, who used the term "legitimate domination" to designate the rights exercised by those in authority over others. He envisioned three bases for legitimate domination: traditional, charismatic, and rational-legal. Of concern here is rational-legal authority, which is legitimated on the basis of the rule of law and governs the right of all modern bureaucracies to exercise dominion over others.

¹⁷Talcott Parsons, "Law as an Intellectual Stepchild," Sociological Inquiry, 47 (1977), 11-58.

terms of whether it is perceived to operate in the public good. Thus, the parole system as a public issue is bound up in terms of its potential for rehabilitation of offenders against its potential for releasing predatory individuals who will continue to commit crimes when they return to society.

At the macrostructural level, the fundamental issue is whether parole is an effective instrumentality of the criminal justice system, or whether it is counterproductive by communicating to the felon that punishments are weak relative to the crimes committed, thus reinforcing criminal behavior. Additionally, issues related to the distribution of parole and parole revocation are related to the larger social issues of the distribution of justice throughout society. That is, are economically disadvantaged groups also disadvantaged within the criminal justice system? Once in the system, are there biases in favor of some groups over others? Specific to parole or parole revocation, given the equality of other factors, what role do major systems of social classification have on the likelihood of revocation?

At the microstructural level concern is focused on the decision-making processes of parole boards and the decision-making processes in revocation hearings. The seminal work in decision-making was conducted by Herbert Simon.¹⁸ Simon envisioned organizations as complex decision-making structures. He developed the notion of "limited rationality." On

¹⁸Herbert Simon, Organizations. New York: Wiley, 1958.

the basis of empirical studies of decision-making, he concluded in that decision-making was not directed toward the rational end of maximization of benefits, but satisfaction on the part of administrators that things are going reasonably well; thus, Simon's notion of the "satisficing" of decision-making. Thus, in a relatively stable environment, satisficing is sufficient. Decision-making regarding parole may be regarded as operating under the satisficing criterion, although Kingsnorth has asserted that there is little in the way of substantive rationality in the decision-making process.¹⁹

The environment -- especially the environment of the criminal justice system -- is in continual flux. Thus, there is a certain amount of environmental uncertainty.²⁰ The recent history of the parole system has demonstrated that it is being questioned by scholars and by the general public, especially since the issue has been repeatedly raised in the media in celebrated cases where heinous crimes have been committed by parolees. Thus, from a theoretical perspective, the context of parole and parole revocation hearings has changed as the parole system's legitimacy has been weakened contributing in the movement to eliminate parole altogether.

¹⁹Rodney Kingsnorth, "Decision-making in a Parole Bureaucracy," Journal of Research in Crime and Delinquency, 6, (1969): 210-218.

²⁰Thompson, Organizations in Action.

Since there is little empirical study on revocation per se, studies on the effectiveness of parole and on factors which influence parole release decision-making will be reviewed in order to explore how parole functions in general. Then, the few studies on the factors that influence the revocation process will be examined.

Effectiveness of Parole

Since one of the functions of parole is to aid in the rehabilitation process, the effectiveness of parole supervision have been measured by recidivism rates. The results of research investigation has been mixed and have added to the debate over the effectiveness of parole, which is also, in part, due to the various definitions used for recidivism.

Two studies by the National Council on Crime and Delinquency (NCCD) have indicated the success of parole. A study on a sample of over 104,000 parolees released between 1965 and 1970 has shown high nonrecidivism rates.²¹ The indicated nonrecidivism rates are reported in Table 2-1:

²¹Donald Gottfredson, M.G. Neithercutt, J. Nuffield, and V. O'Leary, Four Thousand Lifetimes: A Study of Time Served and Parole Outcomes (Hackensack, N.J.: National Council on Crime and Delinquency, 1973).

Table 2-1

Parolees 1965-70 By Offense and Nonrecidivism Rate

| Offense | Nonrecidivism % |
|--------------------|--------------------|
| Homicide | 90.1 |
| Manslaughter | 88.7 |
| Other sex offenses | 86.9 |
| Statutory rape | 84.4 |
| Forcible rape | 83.6 |
| Aggravated assault | 80.1 |
| Other fraud | 78.1 |
| Narcotic offenses | 77.9 |
| Armed robbery | 76.6 |
| Unarmed robbery | 74.4 |
| Theft or larceny | 73.7 |
| Burglary | 71.6 |
| Check fraud | 65.9 |
| Vehicle theft | 64.9 |

Source: Adapted from D. Gottfredson, M.G. Neithercutt, J. Nuffield, and V. O'Leary, Four Thousand Lifetimes: A Study of Time Served and Parole Outcome (Hackensack, N.J.: National Council on Crime and Delinquency, 1973):10.

The rates ranged from a high of 90.1 percent for homicide to a low of 64.9 percent for vehicle theft. Interestingly, parolees who had committed the most serious offenses were the best parole risks. In addition, it was found that parolees

with prior records had lower success rates than first time offenders. These findings were confirmed in another NCCD study on parolees released in 1977. It reported that, after a follow-up period of three years, 12.8 percent of parolees were returned to prison as technical violators and 12.3 percent of them were returned for new offenses. The overall rate of failure was approximately 25 percent.²²

A study on parole supervision in New York by Lerner found that supervised parolees had lower recidivism rates than did non-supervised prison releases.²³ More importantly, Martinson and Wilks concluded from their research that the abolition of parole would increase recidivism.²⁴

In contrast, research by Hoffman and Stone-Meierhoefer seriously questioned the effectiveness of parole. They conducted a six year follow-up study of 1,806 Federal prison releases (parolees and those with expired sentences). Their findings were as follows: (1) about 63 percent were arrested or had their parole revoked for technical violations, and (2) approximately 41 percent were arrested more than once.²⁵

²²National Council on Crime and Delinquency, Characteristics of the Parole Population (Hackensack, N.J.: National Council on Crime and Delinquency, 1982).

²³Mark Jay Lerner, "The Effectiveness of a Definite Sentence Parole Program," Criminology 15 (August 1977).

²⁴Robert Martinson and Judith Wilks, "Save Parole Supervision," Federal Probation 41 (September 1977):26-27.

²⁵Peter Hoffman and Barbara Stone-Meierhoefer, "Post-Release Arrest Rates Experiences of Federal Prisoners: A Six Year Follow-Up," Journal of Criminal Justice 7 (1979):193-

Hoffman and Stone-Meierhoefer argued that the success of parole (low recidivism) is a function of the criteria used to measure recidivism and a function of the follow-up period.²⁶ If recidivism is measured by recommitment to prison, then parole appears to be successful. However, if recidivism is measured by arrest than a 41 percent failure rate is evidenced. Moreover, the longer the follow-up period, the greater the percentage of arrest (i.e., failure).

Similarly, studies on parole supervision by Star in California and by Sacks and Logan in Connecticut, which compared parolees to a control group of non-supervised prison discharges, concluded that supervision had little or no impact on the frequency and seriousness of criminal behavior.²⁷ The follow-up period was one year in the Star study and three years in the Sacks and Logan study. Since there is still a debate over the most appropriate way to measure recidivism, the findings on the effectiveness of parole are at best inclusive.

216.

²⁶Peter Hoffman and Barbara Stone-Meierhoefer, "Recidivism Rates: The Criterion and Follow-Up Issues," Journal of Criminal Justice 8 (1980):53-60.

²⁷Deborah Star, Summary Parole: A Six and Twelve Month Follow-Up Evaluation (Sacramento: California Department of Corrections, 1979), p. 179; Howard Sacks and Charles Logan, Parole: Crime Prevention or Crime Postponement? (Storrs, Conn.: University of Connecticut School of Law Press, 1980).

Parole Release Decision Making

The American Friends Service Committee charged that parole boards exercised too much discretionary power and were discriminatory toward minorities and the poor when granting parole.²⁸ A study by Hawkins on parole hearings in New York during 1969 revealed a discrepancy between the board's stated general criteria and the actual criteria employed for individual cases. Although the members of the board stated that selling narcotics ranked the highest among their criteria (followed by committing a crime to support a drug habit and committing a property offense), the individual's behavior at the hearing and the board's assessment of the release on prison morale were the two most influential factors which governed the decision to grant parole.²⁹

Concerning social reformers' charges of racism, a study by Carroll and Mondrick on 243 cases of prisoners at an Eastern Correctional Institution, who appeared before a parole board from October 1, 1970 through September 30, 1971, found racial bias (especially with regard to militancy) in the decision-making. Black prisoners were required to demonstrate the additional criterion of participation in a treatment program whereas white prisoners were not held to

²⁸American Friends Service Committee, Struggle for Justice, pp. 124-144.

²⁹Keith Hawkins, "Parole Selection: The American Experience" (Ph.D. dissertation, University of Cambridge, England, 1971).

this criterion. Black prisoners who were older (more likely to be property offenders) or who participated in treatment programs were perceived as nonmilitant and therefore had a better chance of being granted parole.³⁰

A study by Elion and Megargee on 616 white and 342 black inmates at the Federal Correctional Institute in Tallahassee, Florida found that a higher percentage of whites compared to minorities received parole. However, the discriminant analysis revealed that a shorter entry sentence, not race, was the primary factor in parole granting. Although racial bias was not demonstrated in parole decision-making, Elion and Megargee suggested that the differences may stem from biased pre-incarceration decisions.³¹

Scott found that the legal seriousness of the offense was most important in the decision-making of the parole board at two Midwestern prisons. Interestingly, the parole boards disregarded information on the inmate's rehabilitative progress.³²

³⁰Leo Carroll and Margaret E. Mondrick, "Racial Bias in the Decision to Grant Parole," Law and Society Review 11 (Fall 1976):93-107.

³¹Victor H. Elion and Edwin I. Megargee, "Racial Identity, Length of Incarceration, and Parole Decision-Making," Journal of Research in Crime and Delinquency 16 (July 1, 1979): 232-245.

³²Joseph E. Scott, "The Use of Discretion in Determining the Severity of Punishment for Incarcerated Offenders," Journal of Criminal Law and Criminology 65 (1974):214-224.

Gottfredson, et al. studied the parole decision-making of seven states (North Carolina, Virginia, Louisiana, Missouri, California, Washington and New Jersey) in the mid-seventies, using the guideline concept developed earlier in collaboration with the United States Parole Commission. Although the main finding of the study was that parole guidelines are feasible for different jurisdictions, the study also demonstrated that the factors that influence parole decision-making vary from state to state. The most significant factors, in rank order, were: (1) prior criminal record, (2) institutional discipline, (3) institutional program participation, (4) assaultive potential, (5) seriousness of offense, and (6) social stability. Various other factors such as presence of a parole plan, amount of time served to date, community attitude toward the offender, and number of prior parole hearings were only used in one or two states.³³

In sum, research shows a lack of a clear consensus concerning parole decision-making. In response to charges of bias, the Federal Parole Commission and various other state parole boards have adopted classification guidelines in an effort to make the procedure fairer.

Since the function of the release hearing and the revocation hearing of parole boards are analogous, the

³³Donald M. Gottfredson, C.A. Cosgrove, L.T. Wilkins, J. Wallerstein, and C. Rauh, Classification for Parole Decision Policy (Washington, D.C.: U.S. Government Printing Office, 1978).

findings of the previously mentioned studies may aid in the investigation of revocation hearings. But, it must be cautioned, while both hearings consider the seriousness of an offense, there are two major differences. First, release hearings concentrate on past offenses and revocation focuses on a current offense. Second, revocation hearings must be conducted in accordance with the rights of due process.

Revocation Hearings

Although there is not an abundance of empirical research on factors that effect the revocation process, the few studies which are related to this research issue will be discussed. Surprisingly, most of the research has concentrated on the attitudes and behavior of the parole officers and on the policies of their respective agencies rather than on the behavioral or social characteristics of the parolees.

Research by McCleary has shown that parole officers are punished or rewarded depending on how much trouble their parolees cause the agency. Therefore, parole officers may not file a written report concerning every incident of misconduct by their parolees for two reasons. First, it entails extra paperwork. Second, a large number of reports might be perceived as ineptitude on the part of the officer by the supervisor. However, he found that parole officers control their parolees by using a labelling system (dangerous

men who cannot be controlled, noncriminals such as addicts and educationally handicapped, and clients who share the rehabilitative goal) and by making a written report only when absolutely necessary, such as when it may be required at a revocation hearing.³⁴

A study by Prus of Iowa parole officers also revealed that they typed their clients as potential candidates for revocation or as those that shared the rehabilitative goal. Accordingly, those who were perceived favorably by the parole officer were less likely to become a revocation candidate. Prus found that the parolee's behavior and assessed potential only played a minor part in the revocation decision-making process. The parole officer's revocation decision was more influenced by referent others (supervisors and other parole agents), organizational policies, and his own orientation toward the rehabilitative ethic than by the seriousness of the offense.³⁵

In further research on 45 parole officers in a midwest state using questionnaires, interviews and observation, Prus and Stratton also found that parolees were typed as can-

³⁴Richard McCleary, "How Parole Officers Use Records," Social Problems 24 (1977):576-589; Dangerous Men: The Sociology of Parole (Beverly Hills, California: Sage, 1978); "On Becoming a Client," The Journal of Social Issues 34 (1978):57-75.

³⁵Robert C. Prus, "Revocation Related Decision-Making by the Parole Agent: A Labeling Approach," (Ph.D. dissertation, University of Iowa, 1973).

didates for revocation.³⁶ This study was mainly concerned with the correlations between the agent's private attitudes as to whether parole should be revoked and his assessment of the potential outcome. Prus and Stratton stated:

The agent may be concerned about being prepared to face the subsequent hearing, and the possibility of being 'grilled' and humiliated by the parolee's defense counsel. Further, issues of racial prejudice, and/or civil rights may lead to agents to anticipate certain undesired legal complications, and even should such claims be proven unfounded, agents feel that they may have negative consequences for their career advancement.³⁷

Moreover, it revealed that the following factors influence the decision to seek revocation: (1) the perceived likelihood of a successful revocation; (2) the perceived personal cost of the revocation attempt; (3) the perceived threat to the officer's status as a "successful" agent; and (4) beliefs regarding the acceptability of prison.

Prus and Stratton in a study of an unidentified agency examined the effect of policy on revocation rates. Four policies were found to alter revocation rates: (1) a policy of hiring agents with a rehabilitative orientation (those with degrees in the social sciences and social work); (2) a rehabilitative orientation which informally implied that

³⁶Robert C. Prus and John R. Stratton, "Parole Revocation Decision-Making: Private Typings and Official Designations," Federal Probation 40 (March 1976): 48-53.

³⁷Ibid., p. 53.

"success" was measured by low revocation rates; (3) a policy which encouraged agents to draw on as many resources as needed (If one tactic did not work, then try another); and (4) a policy which was a determined effort to reduce revocation rates. They suggested that sometimes revocation figures were manipulated to make the agency appear more successful than it actually was.³⁸

Battaglia examined 100 parole violators and 100 parole nonviolators in order to study parole supervisor decision-making. When the supervisors of parole violators were compared to supervisors of parole nonviolators, no significant differences were found concerning the variables of background, work experience or caseloads. The most important factor which influenced supervisors to recommend revocation was the seriousness of the parole violation, especially those violations which were highly visible. It was also noted that the supervisors were sensitive to the wishes of their higher supervisors and the stated objectives of the agency.³⁹

³⁸Robert Prus, and John Stratton, "Organizational Influences on Revocation Decisions: An Exploratory Study," Journal of Social Work 7 (December 1976):

³⁹Carmelo L. Battaglia, "Deviant Behavior of Parolees and the Decision-Making Process of Parole," (Ph.D. dissertation, Florida State University, 1969).

Contribution of the Research

In sum, research has shown that the personal perception (typing/labelling) of the parolee by the parole agent, the opinion of supervisors and co-workers, organizational policies such as a rehabilitative orientation, and the seriousness of the violation effect the revocation decision-making process. All the preceding research has focused primarily on the parole officer or the parole agency. These studies have failed to focus on a very important part of the revocation process--the characteristics of the parolee. This research should help to rectify this situation.

Additionally, this research will attempt to examine not only the parolee factors influencing revocation, but also the extent to which administrative law judge recommendations and Parole Board affirmations concur. This part of the research will explore the three step process of

- 1) violation of parole
- 2) revocation hearing before an administrative law judge
- 3) Affirmation by a member of the Board of Parole.

This study will investigate the strength of the various factors at each stage in the process. Such research will be valuable in exploring the extent to which the same authority which makes the initial parole decision conforms to or deviates from the recommendations made by the law judges under due process constraints. Prior studies have not examined this aspect of the parole decision-making process.

CHAPTER III

METHODS

Research Questions

Because of the exploratory nature of this study, research questions are presented instead of hypotheses.

The major questions that guide this study are as follows:

1. What characteristics of the parolee influence the revocation of parole?
2. What characteristics of the violation influence the revocation of parole?
3. What characteristics of the context of the parole hearing influence the revocation of parole?
4. What characteristics of the context of the parole prior to the violation influence the revocation of parole?
5. What is the extent of administrative law judge/- board member decision congruence in parole revocation decisions?

Scope and Limitations

The scope of this study includes the factors influencing the revocation of parole that have been collected as part of

the VIOLATORS (Violators Information Offender Location And Tracking On-line Revocation System) data set. Therefore, all generalizations flow from those variables that have been collected as part of that data set. Although the data were collected for administrative purposes which constitutes a limitation on its theoretical relevance, the richness of the data allows for insights into influences in the parole revocation process. No ancillary data were collected.

The sample contained 1,035 cases that were randomly sampled from the 5,153 New York State offenders who had revocation hearings between April 1, 1985 and March 31, 1986 and whose files are part of the VIOLATORS data set. The 20 percent random sampling was employed because of the large size of the VIOLATORS data set. Random sampling was conducted using the SPSS-X "sample" procedure. The data set created was more easily managed on the IBM 4340 virtual system, expediting the data analysis by eliminating the necessity of continually accessing the VIOLATORS tape, which tends to be an unstable medium. Because the VIOLATORS data file was designed for bureaucratic record-keeping, a number of data manipulations had to be conducted to make the data set appropriate to statistical analysis. These manipulations are described in the data analysis section.

Findings derived from these data are not merely generalizable to the 5153 cases for the fiscal year 1985-86. This data set is a cluster sample of all parole revocations. As

such, it is a representative sample of all other years about which inferences can be made.

Research Design

This research is a secondary analysis of an already-existing data set. With the development of computerized data banks containing information on vast segments of the world's population, secondary analysis has become used increasingly in the social sciences. For example, it is not unusual for political scientists to review and reanalyze voting statistics over several generations, or for sociologists to conduct trend analyses based upon repeated administrations of opinion polls. Moreover, large scale publicly funded sociological surveys such as the study of inequality of educational opportunity have provided opportunities for graduate students to learn analytic techniques and for other academic researchers to expand the scope of the original study.⁴⁰ Such data, as Hyman has noted, provide a wealth of information ready to be mined by the secondary analyst.⁴¹

The most obvious advantage of secondary analysis is the savings of time, labor, and money. Large scale surveys such as VIOLATORS require months, perhaps years of preparation in

⁴⁰James Coleman, et al. Equality of Educational Opportunity. (Washington, DC: U.S. Printing Office, 1966).

⁴¹Hyman, Herbert. Secondary Analysis of Sample Surveys: Principles, Procedures, and Potentialities. (New York: John Wiley, 1972).

the delimitation of the population, securing of permissions, conducting exploratory research, designing sampling frames, questionnaire construction, validation of the indicators, and actual data collection. These steps require the skilled labors of several Ph.D.-level researchers, numerous graduate students, computer programmers, data processors, interviewers, and clerical personnel. Secondary analysis builds on the labor of the primary analysts. Once the primary researcher has analyzed the data for his or her purposes, other researchers may be able to study the data for their own purposes.

Large-scale surveys, because of their size and the amount of resources allocated to them, often employ sophisticated sampling techniques designed to target an identified population. Most social science research is conducted without a definable population.⁴² Often this is due to fiscal constraints of the research. Secondary analysis of data from a carefully sampled population can take advantage of the resources of the primary researcher, thus allowing for increased generalizability of the results. The benefits accruing from this current study are that the VIOLATORS system has data on a complete population that can be used to analyze factors influencing parole revocation on an a posteriori basis.

⁴²Claire Selitz, Marie Jahoda, Morton Deutsch, and Stuart W. Cook, Research Methods in Social Relations, Rev. Ed. (New York: Henry Holt, 1959).

Sources of Information

The source of information for this study is the VIOLATORS data file for the fiscal year 1985-1986. The independent variables will be found in Table 3-1. The characteristics of the disposition of the case (found in Table 3-2) will constitute the dependent variable set in this study.

Table 3-1

Independent Variables

| <u>Category</u> | <u>Name</u> |
|------------------------|------------------------------------|
| <u>Offender</u> | Sex |
| <u>Characteristic</u> | Race |
| | Age |
| | Educational Background |
| | Occupational Background |
| | Job Status |
| | Marital Status |
| | Alcohol Dependency |
| | Adult Record |
| | Most Serious Prior Crime |
| | Total Offense Score |
| | Violent Felony Indicator |
| | Minimum Sentence |
| | Maximum Sentence |
| | Jail Time |
| | Prison Time |
| | Total Criminal History Score |
| <u>Violation</u> | Violation Employment Status |
| <u>Characteristics</u> | Prior Felony Arrests |
| | Weapon Involvement |
| | Prior Probation/Parole Revocations |
| | Crime of Conviction |
| <u>Context of</u> | Release Date |
| <u>Parole Factors</u> | Duration of Supervision |
| | Maximum Expiration Date |
| | Number of Parole Officers Assigned |
| | County of Residence |
| | Time Served |
| | Time Owed |
| <u>Context of</u> | Attorney Present at Hearing |
| <u>Hearing</u> | Witnesses Present at Hearing |
| <u>Factors</u> | Number of Adjournments |
| | Hearing site |

Table 3-2

Dependent Variables

| Name |
|-------------------------------|
| Final hearing decision |
| Final hearing time assessment |
| Time assessments -- months |
| Board decision |
| Board time assessment |
| Ultimate disposition |

Techniques of Analysis

The independent variable set was subjected to factor analysis using principal components extraction and orthogonal rotation. Principal components analysis was used because Nie, et al. have noted,

Principal component analysis is a relatively straightforward method of transforming a given set of variables into a new set of composite variables. . . that are orthogonal (uncorrelated to each other). No particular assumption about the underlying structure of the variables is required.⁴³

A preliminary factor analysis was conducted on the 33 independent variables. Nine factors were extracted using a criterion of an Eigenvalue of 1.0 or higher. The nine factors accounted for 66.6 percent of the total variance. The rotated factor matrix was examined for the purpose of

⁴³Norman H. Nie, C. Hadlai Hull, Jean G. Jenkins, Karin Steinbrenner, and Dale H. Bent, Statistical Package for the Social Sciences, 2nd Ed. (New York: McGraw-Hill, 1975).

assessing the internal consistency of the factors. Factors 7, 8, and 9 were determined to lack consistency because the source variables did not seem to be meaningfully related. Factor 7 included two variables, the reparole indicator and time served in a state facility (the latter variable loaded on Factor 2, "Criminality" at .43); Factor 8 included the parole/probation indicator and sex; and Factor 9 contained educational attainment and number of parole officers assigned to the case.

A final factor analysis was conducted specifying a six factor solution. The six factors accounted for 54.4 percent of the total variance. Table 3-3 contains the rotated factor matrix with all factor scores of .25 or higher.

Table 3-3

Rotated Factor Matrix and Summary Statistics for
a Six Factor Solution

| Variable | Factor and Name | | | | | |
|-------------------|-------------------|-----------------------|-----------------------|---------------------|---------------------|---------------------|
| | 1 Time Owed | 2 Crimi- nality | 3 Crim. History | 4 Labor force | 5 Urban/ Race | 6 Time Served |
| Dur. of Superv. | .97 | | | | | |
| Time Owed | .96 | | | | | |
| Sent. Expiration | .96 | | | | | |
| Max. Sentence | .85 | | | | | |
| Total Offense | | .83 | | | | |
| Use of Force | | .78 | | | | |
| Prison Time | | .71 | .29 | | | |
| Violent Felony | | .68 | | | | |
| Time State Fac. | .29 | .68 | .30 | | | |
| Weapon Use | | .66 | | | | |
| Min. Sentence | .37 | .50 | .28 | | | .34 |
| County of Crime | .26 | -.50 | | | | |
| Jail Time | | .38 | | | | |
| Tot. Crim. Hst. | | | .89 | | | |
| Adult Record | | | .80 | | | |
| Prior Arrests | | | .69 | | | |
| Age | | | .65 | | | .34 |
| Prior Par. Revok. | | | .65 | | | |
| Marital Status | | | .43 | | | .33 |
| Occ. Status | | | | .95 | | |
| Job Status | | | | .58 | | |
| Viol. Emp. Stat. | | | | .25 | | |
| White | | | | | .90 | |
| County of Sent. | | | | | .55 | |
| Alcohol Dep. | | | | | -.46 | |
| Length to Rel. | | | | | | .84 |
| Time Supervised | | | | | | .83 |
| Educ. Level | | | | | | .34 |
| Reparole | | | | | | .26 |
| Eigenvalue | 5.1 | 4.3 | 2.9 | 2.5 | 1.9 | 1.7 |
| % of Variance | 15.1 | 12.7 | 8.6 | 7.3 | 5.7 | 4.9 |
| Cumulative % | 15.1 | 27.8 | 36.4 | 43.7 | 49.4 | 54.4 |

On the basis of the factor scores, each factor was named for the construct on which variables clustered. Factor 1, because of the high loadings of duration of supervision, time owed, time to sentence expiration, and maximum sentence, was designated as "Time Owed." Factor 2, on which the total offense score, use of force, length of prison time, violent felony indicator, time in state correctional facilities, weapon use, minimum sentence, county of crime and jail time clustered, was named "Criminality" as a measure of the seriousness of criminal behavior. Factor 3, on which total criminal history, adult record, prior number of arrests, age, prior parole revocations, and marital status clustered, was titled "Criminal History" which indicates the length (rather than seriousness) of the violator's record. Factor 4, on which occupational status, job status, and employment status at the time of violation is labelled "Labor Force Participation" since it indicates status of the violator's labor force participation. Factor 5, entitled "Urban/Race" is a composite of those two variables. Factor 6 was designated as "Time Served," based upon the loadings of length of time to release and amount of time under supervision.

The six factors derived from the final analysis were used in stepwise multiple regression analyses on the dependent variables of the final hearing decisions and time assessments, Parole Board decisions and time assessments, and

ultimate disposition of each case. Casewise factor scores for the six factors were computed and entered into the regression equations using a .10 criterion for variable entry. Factor scores are standardized scores with a mean of 0 and a standard deviation of 1.

For summary analyses of the administrative judge's decision to revoke, parole board's decision to revoke, and the final disposition, discriminant analyses were conducted that included all the independent variables, plus the recommendations of the administrative law judge on the parole board's decision and the final disposition. Discriminant analysis allowed for the analysis of the relative effects of the independent variables plus the recommendation of the administrative judge on the parole board's amendment and the final decision to restore or revoke parole. Discriminant analysis was also conducted on those cases in which there was a board decision that reviewed and revised the decision of the administrative law judge. Finally, the sample of 803 offenders who had a decision rendered in the final hearing were divided into four groups: (1) those for whom the final hearing and board decisions were to restore ($n = 97$); (2) those for whom the administrative law judge restored parole, but the board reversed the decision ($n = 6$); (3) those for whom the final hearing decision was to revoke parole, but was altered to restoration by the parole board ($n = 26$); and (4) those for whom the decision to revoke by the judge was

concluded by the board ($n = 673$), and a discriminant analysis was run using the six factors as predictors of group membership.

Because the multiple regression model assumes linearity and many of the variables are categorical, the multiple regression analyses were preceded by data transformations. For instance, county of residence may be an important variable, but to dichotomize (dummy) every county in the state as separate variables is inefficient. Therefore, counties were trichotomized into three groups: (1) counties in the City of New York (i.e., Bronx, Kings, New York, Queens, and Richmond), (2) the four suburban New York counties (i.e., Nassau, Rockland, Suffolk, Westchester), and (3) Upstate counties. The purpose of the trichotomization was to develop an index of distance from New York City.

Several variables had to be eliminated from the analysis because of their failure to meet the criteria of validity. Among the characteristics of the offender, the following variables were eliminated because there was insufficient data: IQ, CAT Reading Score, CAT Mathematics Score, and Drug Dependency. Fewer than 10 subjects had IQ and achievement data. Over 70 percent of the subjects were classified as "unknown" on the drug dependency indicator.

The Total Criminal History Score had to be recoded since the Violent Felony Indicator was coded 1 as "Yes" and 2 as "No," and then added to the Total Criminal History Score.

The Violent Felony Indicator was recoded so that "No" = 1 and "Yes" = 2, and the Total Criminal History Score was recomputed.

The Race variable was dummy coded into "white" "black," and "Hispanic" for the purposes of entry into the regression analysis. After preliminary analyses, "white" was found to be the more predictive variable, washing out the effects of the other two categories, indicating that white/nonwhite differences were more critical than differences between Blacks and Hispanics. The "white/nonwhite" variable was kept for subsequent analysis and the other two were dropped.

Release date and birthdate were transformed into length of time from release and age using the YRMODA transformation.

Supervision status was removed from the analysis because it was a constant.

The reason for revocation or discharge was removed from the analysis because it was a categorical variable consisting of over 20 dispositions, and it was contaminated with the dependent variables. That is, the reasons for revocation or discharge presupposed either revocation or discharge.

Ethical Issues

Although the data set had names of the offenders as a variable, and thus, confidentiality could have been compromised, names of offenders were not used or printed out as

a variable. This research is concerned only with aggregate figures and no attention was given to individual cases.

Critique

The data used for this study was collected as part of the official functions of the New York State Division of Parole. It is assumed that the data collected herein are valid. However, there is no way to independently verify its validity. Therefore, the conclusions of this study must be made in light of the fact that the data have not been validated using an external criterion.

The dependent variables of this study are ordinal variables and do not meet the criterion for multiple regression analysis an interval-level variables. This constitutes a limitation on the power of inference from the multiple regression analyses. Univariate t-tests were conducted on all variables entered into the equation to confirm the results of the multiple regression analyses.

CHAPTER IV

FINDINGS

Within 15 days from the time a parolee has been taken into custody on a warrant or when a warrant is lodged as a detainer on an individual with other pending court charges, a preliminary hearing must be held before a preliminary hearing officer. The preliminary hearing establishes probable cause for parole revocation. Within 90 days of the preliminary hearing or the parolee's waiver of a preliminary hearing, a final hearing before an administrative law judge must be held. Following the final hearing, the parole board affirms or modifies the administrative law judge's decision.

The dependent variables of this study are six decisions in the revocation process:

1. the final hearing decision;
2. the assessment of additional time by the judge, registered in four categories of ascending severity: (1) hold to next available board (one month delay until possible reparole), (2) hold additional months (usually 2-18 months before reparole), (3) hold to statutory requirements of new sentence (assigned when new sentence is additional to the

- sentence on which the violator was originally paroled), (4) and hold to maximum expiration of original sentence;
3. if additional months of incarceration are assigned before reparole in the final hearing, the number of months assigned;
 4. the parole board decision, when it differs from the decision of the judge;
 5. the assessment of additional time by the parole board (using the same criteria as Item 3); and
 6. the ultimate decision to revoke or restore parole.

The assessment of additional months by the parole board variable was not included in this study because no case was recorded in which the board assigned a different length than the administrative judge. The data are presented in four sections: the final hearing, board modifications, ultimate disposition of the case, and a summary.

The Final Hearing

Stepwise multiple regression analyses were conducted on three outcomes of the final hearing: the decision to restore or to revoke parole, the assignment of additional time to be served when parole was revoked, and if there was a specific time assessment, the number of additional months. The six factors of (1) time owed, (2) criminality, (3) criminal history, (4) labor force participation, (5) urbanism/race,

and (6) time served were used as predictor variables. The criterion of .05 level of significance was used for the entry of variables into the regression equation. Tables were compiled only for those regressions that had at least one variable significant at the .05 level.

There were a total of 803 subjects for whom a final hearing decision was recorded, 802 of whom had sufficient data on the predictor variables to have factor scores computed. Table 4-1 contains the summary of the results of the regression analysis on the administrative law judges' decision to restore or revoke in the final hearing.

Table 4-1

Summary of Multiple Regression Analysis
on Final Hearing Decision

| Step | Factor | B | R | R ² | F | Sig |
|------|-------------|------|-----|----------------|------|------|
| 1 | Time Served | -.09 | .09 | .01 | 7.14 | <.01 |

The data in Table 4-1 indicate that the only factor that had any influence over the final hearing decision to restore or revoke parole was the amount of time served. There was a slight tendency for parolees who served less time to have their parole revoked. Although this factor is statistically significant, it accounts for less than one percent of the variance in the decision-making process, making it a minor influence.

Table 4-2 contains the summary statistics of the regression analysis of the characteristics of the parolee on the time assessment in the final hearing. There were a total of 605 time assessments made by administrative judges on the sample.

Table 4-2

Summary of Multiple Regression Analysis
on Final Hearing Time Assessment

| Step | Factor | B | Cumulative | | F | Sig |
|------|---------------|------|------------|----------------|-------|------|
| | | | R | R ² | | |
| 1 | Criminality | .16 | .16 | .02 | 15.25 | <.01 |
| 2 | Time Owed | .13 | .20 | .04 | 13.56 | <.01 |
| 3 | Time Served | .10 | .23 | .05 | 11.60 | <.01 |
| 4 | Crim. History | -.10 | .26 | .07 | 10.54 | <.01 |

The assessment of additional time to be served is positively influenced by the level of criminality of the violator, the amount of time owed, the amount of time served, and negatively by criminal history. All of these factors demonstrated independent effects significant at the .01 level. Collectively, they resulted in a $R = .26$, $R^2 = .07$. These data suggest that the administrative law judge considers these factors in assigning additional time to offenders. Table 4-3 contains the summary of the regression

analysis for the number of months assigned by the administrative law judge at the final hearing.

Table 4-3

Summary of Multiple Regression Analysis
on Final Hearing Assessment of Additional Months

| Step | Factor | β | R | R ² | F | Sig |
|------|------------|---------|-----|----------------|------|------|
| 1 | Urban/race | .12 | .12 | .01 | 3.98 | <.05 |

The data in Table 4-3 indicate that white offenders in rural counties were more likely to have more additional months assessed by the administrative law judge than minority group members from urban areas. This finding may indicate that judges in upstate rural counties are more likely to be harsher in their assessment of additional months to be served by offenders upon revocation of their parole.

Board Affirmation

Following the final hearing, the Parole Board affirms or modifies the decision of the administrative hearing judge. The VIOLATORS file contains data on Board actions only when they alter those of the final hearing. Table 4-4 contains the multiple regression summary statistics for Board decisions in the 262 cases in which the Board modified the decision of the judge.

Table 4-4

Summary of Multiple Regression Analysis
on Parole Board Decision

| Step | Factor | B | R | R ² | F | Sig |
|------|-----------|------|-----|----------------|------|------|
| 1 | Time Owed | -.14 | .14 | .02 | 5.29 | <.05 |

The data in Table 4-4 indicate that the one factor influencing the Parole Board's decision to revoke was the amount of time owed. The less the amount of time owed, the greater the probability of revocation ($R = -.14$, $R^2 = .02$, $p < .05$). The amount of time owed accounts for approximately two percent of the total variation in Parole Board Decisions to revoke parole. Table 4-5 contains the results of the Parole Board assessment of additional time to be served for those whose parole had been revoked. There were 276 such cases.

Table 4-5

Summary of Multiple Regression Analysis
on Parole Board Time Assessment

| Step | Factor | B | R | R ² | F | Sig |
|------|------------|-----|-----|----------------|------|------|
| 1 | Urban/race | .13 | .13 | .02 | 4.75 | <.05 |

The data in Table 4-5 indicate that upstate whites are more likely to receive longer additions of time than minor-

ities from the New York City metropolitan area. This finding is in consonance with the data in Table 4-3 concerning assessments of additional months by the administrative law judge in the final hearing. It seems that upstate whites are dealt with more harshly in the parole revocation hearings than minorities from downstate, once parole has been revoked.

The Ultimate Disposition

The VIOLATORS data file contained an indicator of the ultimate disposition of each case following the hearings and Parole Board review. The ultimate decision was dichotomized into restore parole and revoke parole. The regression analysis for the ultimate disposition was conducted similarly to the regression analyses above, with the following alteration: First, the factors were entered in a stepwise method; then the final hearing decision was entered. This procedure allowed for the analysis of the effects of the factors independent of the final hearing decision, since the final hearing decision was expected to be strongly related to the ultimate disposition of the case. In many cases, the final hearing decision became the ultimate disposition. A regular stepwise regression would artificially reduce the impact of the factors on the ultimate disposition. Table 4-6 contains the results of the regression analysis. The analysis was conducted on 799 subjects for whom there was both a final hearing decision and an ultimate disposition recorded.

Table 4-6

Summary of Multiple Regression Analysis
on the Ultimate Disposition of Parole Revocation

| Step | Factor | β | Cumulative | | F | Sig |
|------|---------------|---------|------------|----------------|--------|------|
| | | | R | R ² | | |
| 1 | Time Served | -.08 | .08 | .01 | 4.55 | <.05 |
| 2 | Final Hearing | .64 | .64 | .41 | 275.08 | <.01 |

The data in Table 4-6 indicate that there is a significant negative effect of the amount of time served upon the ultimate disposition of the parole revocation. Again, it is important to point out that the effects of time served are minimal and account for less than one percent of the total variance in the ultimate disposition. The decision of the administrative law judge at the final hearing accounts for 41 percent ($R = .64$, $R^2 = .41$, $p < .01$) of the total variance in the ultimate disposition of the case. This finding indicates that while the decision of the administrative law judge is a powerful influence, the Parole Board exercises a good deal of independent judgment.

Supplemental Analysis

Three discriminant analyses were conducted using the independent variable set as predictors of group status. The first was conducted on the 802 cases in which a final hearing

decision was recorded. Of the 802 cases, 103 paroles were not revoked and 699 were revoked. The independent variables had a canonical correlation of .22, a Wilks' lambda of .95, and a $\chi^2 = 39.18$ with 32 degrees of freedom, which was nonsignificant. Table 4-7 contains the univariate statistics for those variables that discriminated between groups at the $p < .05$ level or higher.

Table 4-7

Wilks' Lambda F-ratio and Significance Level for Variables Having Significant Covariance with Discriminant Function on Final Hearing Decision

| Variable | Lambda | F _{1,800} | Sig. |
|--------------------|--------|--------------------|------|
| County of Sentence | .99 | 6.49 | <.01 |
| Supervision Time | .99 | 6.29 | <.01 |
| Number of POs | .99 | 5.12 | <.05 |
| Total | .95 | | n.s. |

Table 4-8 contains a stacked histogram and the results of the classification on the basis of knowledge of the independent variables.

On the basis of the weak statistics, it can be concluded that the independent variable set marginally affected the predictability of the final hearing decision. No variable achieved a lambda less than .99, indicating that no single independent variable accounted for more than one percent of the variation in the final hearing decision. The variables of county of sentence, supervision time, and number of parole officers were the only variables significantly related to the canonical discriminant function, indicating that in upstate counties there was less likelihood of revocation, and those with more supervision time and more parole officers were more likely to have their parole revoked. The kappa statistic (Wiedemann & Fenster, 1978), which is an assessment of the corrected improvement of the predictability of the classification results, in the discriminant analysis was $k = .12$, $Z_k = 2.86$, $p < .01$.

The second discriminant analysis was conducted on the 262 cases in which there was a board decision rendered that modified the decision of the administrative law judge. Since all parole board decisions were modifications of the final hearing decisions, the correlation between the two decision variables was $r = -1.00$. This prevented the use of final hearing decisions in the discriminant analysis of board decisions. Table 4-9 contains the Wilks' lambda, discriminant function coefficients, univariate F -ratios, and significance levels for all variables meeting the .05

criterion of significance, and total lambda for the discriminant function.

Table 4-9

Wilks' Lambda F-ratio and Significance Level for Variables Having Significant Covariance with Discriminant Function on the Parole Board Decision

| Variable | Lambda | F _{1,260} | Sig. |
|------------------------|--------|--------------------|------|
| Maximum Sentence | .97 | 6.79 | <.01 |
| Reparole | .98 | 6.26 | <.01 |
| Time | .98 | 5.80 | <.05 |
| Supervision | .98 | 5.38 | <.05 |
| Time Owed | .98 | 5.50 | <.05 |
| Educational Background | .99 | 3.74 | <.05 |
| Total | .87 | | n.s. |

The variables affecting the board decision were maximum sentence, in that those having shorter maximum sentences, who have been less likely to be reparoled, having served less time, less supervised time, less time owed, and less education were more likely to have their parole revoked. That is, boards seem to be more lenient with those who have been in the criminal justice system longer. The total lambda was .87, indicating that the discriminating variables accounted for about 13 percent of the total variance on the board decision. The total lambda was not significant. Table 4-10

contains a stacked histogram and classification analysis of the board decision.

The independent variables were able to improve prediction significantly: $k = .33$, $Z_k = 3.72$, $p < .01$. That is, the independent variables were able to improve predictability corrected by the expected distribution by a factor of 33 percent.

Table 4-11 contains the Wilks' lambda, discriminant function coefficients, univariate F-ratios, and significance levels for all variables meeting the .05 criterion of significance.

Table 4-11

Wilks' lambda, Discriminant Function Coefficients,
Univariate F-ratios, and Significance Levels for
Discriminating Variables

| Variable | Lambda | Function Coefficient | F | Sig. |
|--------------------|--------|----------------------|--------|------|
| Final Hearing | .65 | .95 | 435.80 | <.01 |
| Supervision Time | .98 | -.38 | 9.69 | <.01 |
| County of Sentence | .99 | -.12 | 7.63 | <.01 |
| Violent Felony | .99 | .11 | 5.69 | <.05 |
| Total | .64 | | | <.01 |

The data in Table 4-11 indicate that the three independent variables that significantly effect the final disposition of the revocation procedure are: (1) supervision time -- the longer the supervision time, the less likely for a revocation judgment; (2) county of sentence -- in upstate

counties, there is less likelihood of a judgment to revoke than in the New York Metropolitan area; and (3) violent felony -- those who have committed violent felonies are more likely to have their parole revoked than those who have committed non-violent felonies. It should be noted that although there is a slight likelihood that upstate counties may restore more paroles than in the New York metropolitan area, analyses presented above have shown that when parole is revoked upstate, penalties are harsher.

In a univariate analysis, the correlation between the final hearing decision and the ultimate disposition of the case is $r = .60$, accounting for about 35 percent of the variance in the ultimate disposition of the case. This suggests that the findings of the administrative hearing judge are important, but not a deciding factor in the adjudication process. This was verified in the discriminate analysis ($1.00 - \lambda = r^2$; $1.00 - .65 = .35$). As can be seen in Table 4-11, the independent variables add approximately one percent of the between groups variance in the prediction of group membership in the discriminant analysis.

Table 4-12 contains a stacked histogram of the distribution of cases based upon the criteria of the independent variables and the final hearing decision. Included is a summary table of classification results.

The classification results of the discriminant analysis suggest that of the 186 persons whose parole was restored, 86 (46.2 percent) were predicted to have been revoked on the basis of the hearing judge and independent variables. Of the 841 cases in which parole was ultimately revoked, 29 (3.4 percent) would have been predicted as restored based upon primarily the judgment of the hearing judge. The improvement in predictability on the basis of the administrative law judge's decision and the independent variables is $k = .57$, $Z_k = 10.70$, $p < .01$. Prediction of revocation is improved over chance by 57 percent on the basis of knowledge of the administrative law judge's decision and the independent variables.

To further specify the relationships between the decisions of the administrative law judge and the parole board, a discriminant analysis was conducted comparing the 772 cases in which the administrative law judge's decision was not modified by the Parole Board with the 262 cases in which the administrative law judge's decision was modified. Table 4-13 contains the results of the univariate relations on the six factors between the two groups.

Table 4-13

Wilks' lambda, Discriminant Function Coefficients,
Univariate F-ratios, and Significance Levels for
Modified and Non-modified Cases

| Factor | Lambda | Function Coefficient | F | Sig. |
|-----------------|--------|----------------------|------|------|
| 1 Time owed | .99 | -.33 | 2.77 | n.s. |
| 2 Criminality | .99 | -.51 | 6.39 | <.05 |
| 3 Crim. History | .99 | .39 | 3.72 | n.s. |
| 4 Labor force | .99 | .26 | 1.69 | n.s. |
| 5 Urban/race | .99 | .59 | 8.66 | <.01 |
| 6 Time served | .99 | -.30 | 2.19 | n.s. |

The data in Table 4-13 indicate that (1) no factor accounts for more than one percent of the variance in the discrimination between groups, and that (2) those who evidence less serious criminality and those who are whites from upstate counties are more likely to have their cases modified by the Parole Board. Table 4-14 presents a stacked histogram and the results of the classification analysis for those whose cases were and were not modified by the Board.

The kappa for the corrected improvement of the classification analysis was $k = .16$, $Z_k = 5.33$, $p < .01$. That is, knowledge of criminality and urban/race improved prediction of board modification by 16 percent.

For the 802 cases in which there was a final hearing decision recorded, a discriminant analysis was conducted by classifying offenders into four groups: (1) agreement by the administrative law judge and the Parole Board to restore the offender to parole ($n = 97$); (2) cases where the administrative law judge recommended to restore, but the Parole Board reversed the judgment to revoke ($n = 6$); (3) cases where the administrative judge revoked, but the Parole Board reversed the decision to restore ($n = 26$); and (4) cases in which the administrative law judge and the Parole Board concurred to revoke ($n = 673$). Table 4-15 contains the results of the univariate relations on the six factors among the four groups.

Table 4-15

Wilks' lambda, Discriminant Function Coefficients,
Univariate F-ratios, and Significance Levels for
Modified and Non-modified Cases

| Factor | Lambda | Function Coefficients | | | F | Sig. |
|-----------------|--------|-----------------------|------|------|------|------|
| | | 1 | 2 | 3 | | |
| 1 Time owed | .98 | .79 | -.33 | -.24 | 4.16 | <.01 |
| 2 Criminality | .99 | .36 | -.18 | .11 | 0.86 | n.s. |
| 3 Crim. History | .99 | -.08 | -.30 | .63 | 0.98 | n.s. |
| 4 Labor force | .99 | .05 | .22 | .54 | 0.61 | n.s. |
| 5 Urban/race | .99 | -.27 | .20 | -.45 | 0.84 | n.s. |
| 6 Time served | .98 | .40 | .83 | .14 | 3.97 | <.01 |

The data in Table 4-15 indicate that the discriminating factors for the four groups are time owed and time served. These two factors serve as the basis for canonical discriminant functions 1 and 2, respectively. Time owed and time served were the only factor that discriminated among the groups significantly. Each accounted for approximately two percent of the between-group variance. Table 4-16 contains the evaluations of the four groups on the centroids of the three discriminant functions.

Table 4-16

Evaluations of the Four Groups on the Centroids of
the Three Discriminant Functions

| Group | Functions | | |
|-------------------|----------------|------------------|-------------|
| | 1 Time Owed | 2 Time Served | 3 Others |
| 1 Restore/Restore | -.03 | .34 | .01 |
| 2 Restore/Revoke | -.42 | .03 | -.79 |
| 3 Revoke/Restore | .77 | .01 | -.09 |
| 4 Revoke/Revoke | -.02 | -.05 | .01 |

The data in Table 4-16 indicate that the amount of time owed influences the Parole Board decision to reverse the revocation decision of the administrative law judge. The data indicate that the Board is likely to reverse restore decisions of the administrative law judge in cases where the time owed is shorter than average and is likely to restore in cases in which the administrative law judge originally revoked, when the time owed was longer. These data may suggest that the Parole Board may act as a corrective on the administrative law judge, who may be more likely to restore when the time owed is short and revoke when the time owed is longer.

The time served factor discriminates between those in the restore/restore category from the others. This suggests that those who have served more of their sentences are more likely to have their parole restored than others. Table 4-16

contains a stacked histogram and Table 4-17 contains the classification results of the discriminant analysis.

Table 4-17
Stacked Histogram and Classification Results of
the Four Disposition Groups

 Symbols Used in Plots
 Symbol Group Label

| | | |
|---|---|---------------------|
| 1 | 1 | Restore/Restore |
| 2 | 2 | Restore/Revoke |
| 3 | 3 | Revoke/Restore |
| 4 | 4 | Revoke/Revoke |
| # | | All Ungrouped Cases |
| * | | Group Centroids |

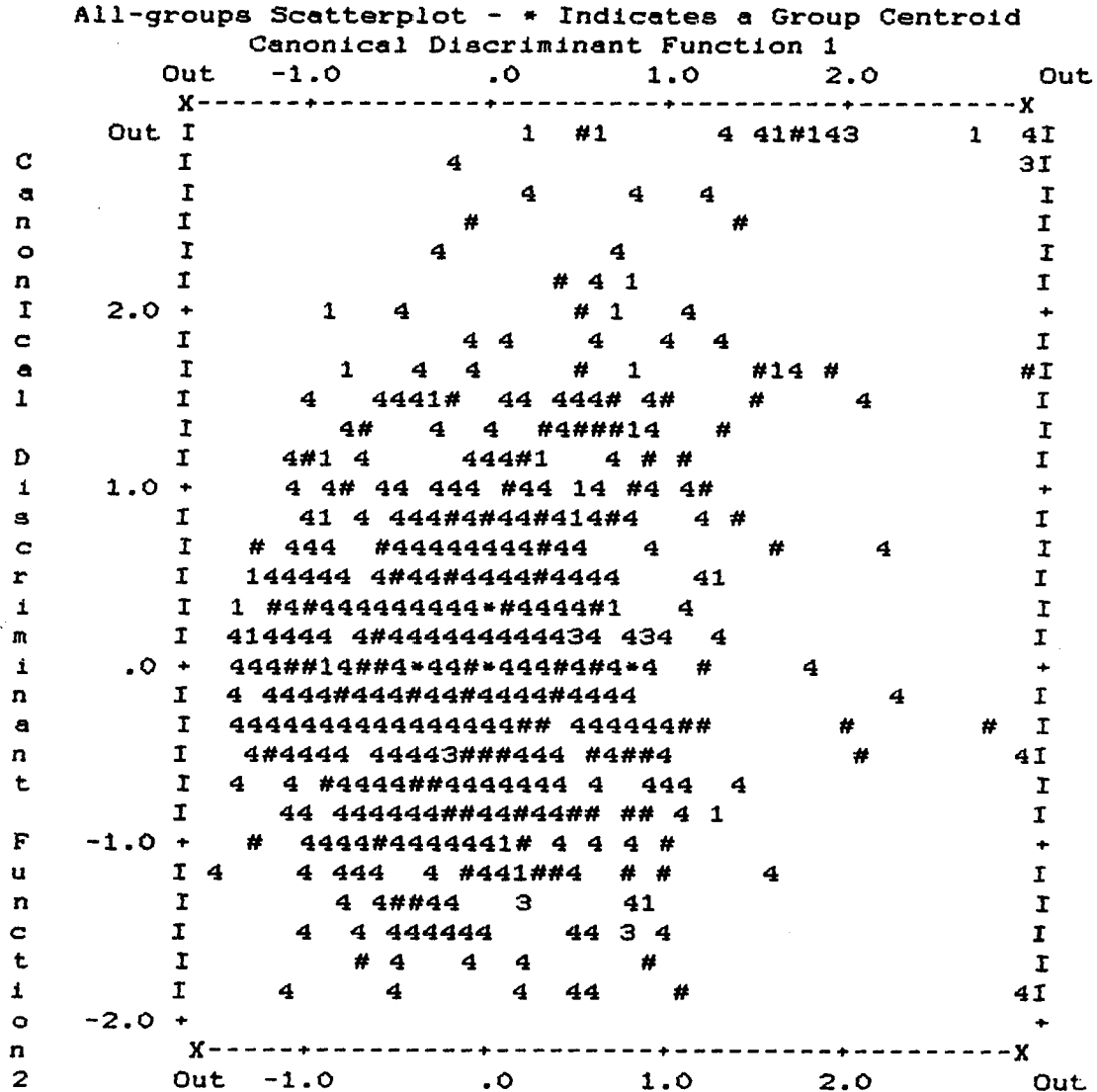


Table 4-18

Summary of Classification Results of the Four
Disposition Groups

| Actual Group | No. of Cases | <u>Predicted Group Membership</u> | | | |
|--|-----------------|-----------------------------------|--------------|-------------|--------------|
| | | 1 | 2 | 3 | 4 |
| Group 1 Restore/Restore | 97 | 32 33.0% | 27 27.8% | 11 11.3% | 27 27.8% |
| Group 2 Restore/Revoke | 6 | 0 0.0% | 4 66.7% | 0 0.0% | 2 33.3% |
| Group 3 Revoke/Restore | 26 | 3 11.5% | 4 15.4% | 7 26.9% | 12 46.2% |
| Group 4 Revoke/Revoke | 674 | 143 21.2% | 189 28.0% | 92 13.6% | 250 37.1% |
| Ungrouped cases | 232 | 54 23.3% | 50 21.6% | 50 21.6% | 78 33.6% |
| Percent of "grouped" cases correctly classified: | | | | | 36.49% |

The kappa for the corrected percentage improvement in the classification analysis was $k = .04$, $Z_k = 6.24$, $p < .01$. Although the percentage improvement was small, it was significant.

This indicates that the parole board exercises substantial independent judgment and that the parole board is more likely to restore the parole of an offender following the hearing judge's decision to revoke rather than revoke after a judge's decision to restore. These findings also suggest that between the administrative judge and the parole board, there is greater consensus on revocation than on restoration.

Additionally, since the significant variable in the board reversals is amount of time owed, the data seem to suggest that the Board, which is more likely to reverse a restoration when the time owed is less, and more likely to reverse a revocation when the time owed is more, serves as a possible corrective to administrative law judge decisions that the Board may perceive as based upon the amount of time owed.

In conclusion, the influence of the independent variables were relatively modest. The influence of the administrative hearing judge is important in the determination of the final outcome, but the parole board seems to exercise independent judgment, especially to ameliorate the decision of the hearing judge. Of the 32 reversals, 26 (81.3 percent) were restorations of parole after the final hearing decision to revoke. It was hypothesized that in cases in which the Parole Board reversed the decision by the administrative law judge, the outcome would be influenced by exogenous or demographic variables. The only factor that influenced reversals was the amount of time owed by the offender.

Additional multiple regression analyses were conducted using subsets of the dependent variables divided on a post hoc basis into: (1) offender characteristics, (2) violation characteristics, (3) context of parole, and (4) context of parole hearing. The results will be found in the Appendix. The implications of the findings will be considered in fuller detail in Chapter V.

CHAPTER V

CONCLUSION

Summary of the Study

The purpose of this study was to examine the factors that influence the revocation of parole of parolees in New York State who have committed a violation of their parole between April 1, 1985 and March 31, 1986. Six dependent variables were examined that represented various points in the process of the revocation procedure. Three variables represented the decision of the administrative law judge in the final hearing: (1) decision to revoke or restore parole; (2) assessment of additional time prior to reparole; and (3) if a numerical assessment of time was specified, the number of months. Two variables represented revisions to the adjudication made at the final hearing by the parole board: (1) revision of the decision to revoke or restore parole, and (2) revision of assessment of time before eligibility for a reparole hearing. One variable represented the ultimate decision to restore or revoke parole. Independent variables were classed into six factors based on a factor analysis using principle components factor extraction with orthogonal factor rotation. The six factors were: (1) Time Owed, (2)

Criminality, (3) Criminal History, (4) Labor Force Participation, (5) urbanism/race, and (6) Time Served. The six factors accounted for 54.4 percent of the total variance among the predictor variables.

Data from the VIOLATORS data file for the fiscal year 1985-86 were used in the analysis. The VIOLATORS file had a total of 5,153 cases, from which a 20 percent random sample was selected containing the records of 1,035 cases. The data were prepared for research purposes through the development of reconstructed variables and recodes. Separate stepwise multiple regression analyses were conducted using the six factors on the six dependent variables for the purpose of ascertaining the effects of the independent variables on the decisions of the administrative law judge and parole board. Supplemental analyses were conducted using discriminant analyses on the decision to revoke or restore by the administrative law judge, the parole board, and the ultimate disposition of the case, with the independent variable set predictors.

The major findings of the study can be summarized as follows:

1. The decision by the administrative law judge at the final hearing was significantly, weakly, and negatively influenced by the amount of time served by the violator. There was a slight tendency for persons who had served less time to have their parole revoked.

2. The time assessment made at the final hearing was significantly affected by criminality, amount of time owed, amount of time served, and criminal history. Those whose crimes were more serious, owed and served more time, and had a shorter criminal history were given longer time assessments prior to reparole eligibility. Whites in upstate New York counties received longer time assessments than minorities from the New York City metropolitan area.

3. Board revisions to revoke were significantly and negatively related to the amount of time owed. Those having less time owed had a greater likelihood of having their parole revoked.

4. Those violators for whom the final hearing and board decision was to restore parole had served more time in the criminal justice system than other violators.

5. The ultimate disposition of the case was most strongly influenced by the decision of the hearing judge. The amount of time served was weakly and negatively related to revocation.

The data indicated that the influence of the independent variables have marginal effects upon the disposition to restore or revoke. They have stronger effects on the assessment of additional time prior to eligibility for reparole after the decision to revoke. The administrative law judge apparently takes into consideration whether the parolee has committed violent crimes and length of time

served and owed. The negative relationship between criminal history and revocation is a discrepant finding, suggesting that those with shorter criminal histories receive longer time assessments. Since age and marital status are positively associated with length of criminal history, the data appear to suggest that younger offenders are more likely to have their parole revoked than older men. This suggests that there may be a bias in the assignment of additional time in favor of older offenders, perhaps because they may be perceived as less threatening to social order than younger offenders.

The parole board in making adjudications acts in a mitigating role, generally reducing severity on the basis of the knowledge of the parolee in terms of the length of time he has spent in the criminal justice system. Of the 697 recorded revocations in the final hearing, 90 were restored by the parole board, while of the 101 restorations made in the final hearing, six were ultimately revoked.

Although criminality and criminal history influence the assessment of additional time, they did not influence the decision to restore or revoke parole. This is surprising, since these factors are ideally taken into consideration in the deliberations of the administrative law judge and the parole board.

Implications of the Findings

Implications for Policy. It is fairly clear from the data that there are regional variations in the revocation process. In upstate counties, assessment of additional time by both the administrative law judge and the parole board is harsher than in metropolitan New York. The influence of variables exogenous to the process on the disposition of a parole revocation hearing are relatively weak. This seems to indicate that the system of hearings and board review has no serious biases in terms of the provision of equal justice under the law, although there may be a small bias against younger offenders in the assessment of additional time.

More functionally, it is clear that the administrative judge, once an offender's parole is revoked, considers the offender's past record in the assignment of additional time to be served, giving more severe sentences to those who have backgrounds indicating more serious criminal behavior and who both owe and have served more time.

On the question of the fairness of the parole revocation process, it would seem that on the basis of the data, there are two biasing factors: (1) race and region, and (2) age of the violator. It is important to note that the effects of such biases are very small, approximately one percent of the total variation in the decision-making processes for each. The data suggest that when white offenders from upstate counties are compared to minority offenders from the New York

metropolitan area, the treatment of the former is more severe. In addition, at the final hearing, time assessments appear to be biased against younger offenders.

The data suggest that criminality and criminal history do not seem to influence the decisions of the administrative law judge nor the parole board. This apparent evenhandedness in the parole revocation process may suggest that more serious criminals are given the same consideration as those with less serious criminal histories.

Implications for future research. The findings of this study raise questions concerning uniformity of treatment in the parole revocation process. Are differential criteria used for assignment of additional time between various regions? Are younger offenders dealt with more harshly than older offenders? Are more serious offenders afforded the same considerations as less serious offenders? Additional research should be conducted to answer such questions. Research should be conducted in states other than New York for the purpose of assessing whether there are racial, rural/urban, or age biases in the revocation process of parole violators.

This study has provided data derived from the data compiled by the criminal justice system, and, as such, constitutes only one view of the parole revocation process. Because it has been an analysis of bureaucratic records, it

incorporates into itself the systematic bias and data collection errors of all bureaucratic records. First, data is collected that both serves the interest of the system and is in itself self-serving. Second, the data is bloodless and is collected without a research purpose. An important and interesting follow-up to this research would be a study of perceptions of the fairness of the system by administrative law judges, parole board members, and offenders who have been through the system. Although this study indicated that there were probably no serious biases in the system, such a conclusion must be limited by the knowledge that no data were collected for the purpose of finding out whether biases existed. The data were collected and analyzed blindly. On the one hand, this has the advantage of objectivity; on the other hand, such a process allows for the possibility of overlooking variables that may indicate bias. Qualitative research on the perceptions of the participants in the parole revocation process would fill in the gaps in our knowledge of the revocation process and provide an empirical basis for analyzing subsequent quantitative data directed at testing hypotheses concerning bias.

This study constitutes an exploratory study using bureaucratic records. To the extent that these records accurately reflect the reality of the parole revocation process -- and such an assumption cannot be accepted uncritically -- the findings indicate no serious bias. The

findings do, however, indicate a need for further research into the parole revocation process.

APPENDIX

Multiple Regression Analysis Summary Tables for
Discrete Independent Variables

Table A-1

Summary of Multiple Regression Analysis of Parolee
Characteristics on Final Hearing Time Assessment

| Variable | β | t | Sig. of t |
|--------------------------|---------|-------|-----------|
| Violent Felony Indicator | .15 | 3.76 | <.01 |
| Adult Record | .11 | 2.66 | <.01 |
| Maximum Sentence | .11 | 2.45 | <.01 |
| Educational Background | -.08 | -2.20 | <.05 |
| Minimum Sentence | .09 | -2.00 | <.05 |
| ===== | | | |
| R = | .28 | | |
| R ² = | .08 | | |
| Sig. = | <.01 | | |

Table A-2

Summary of Multiple Regression Analysis of Violation
Characteristics on Final Hearing Time Assessment

| Variable | β | t | Sig. of t |
|--------------------|---------|-------|-----------|
| Employment Status | -.10 | -2.42 | <.01 |
| Weapon Involvement | .09 | 2.30 | <.05 |
| ===== | | | |
| R = | .14 | | |
| R ² = | .02 | | |
| Sig. = | <.01 | | |

Table A-3

Summary of Multiple Regression Analysis of Violation Characteristics on Final Hearing Months Assigned

| Variable | β | t | Sig. of t |
|--------------------------|---------|------|-----------|
| Prior Parole Revocations | .12 | 2.02 | <.05 |
| ===== | | | |
| R = | .12 | | |
| R ² = | .01 | | |
| Sig. = | <.05 | | |

Table A-4

Summary of Multiple Regression Analysis of Context of Parole on Final Hearing Decision

| Variable | β | t | Sig. of t |
|---------------------------|---------|------|-----------|
| Number of Parole Officers | .08 | 2.16 | <.05 |
| ===== | | | |
| R = | .08 | | |
| R ² = | .01 | | |
| Sig. = | <.05 | | |

Table A-5

Summary of Multiple Regression Analysis of Context of
Parole on Final Hearing Time Assessment

| Variable | β | t | Sig. of t |
|-------------------------|---------|-------|-----------|
| Time owed | -.13 | -3.30 | <.01 |
| County of Residence | .12 | 3.00 | <.01 |
| Length of Released Time | -.12 | -2.85 | <.01 |
| ===== | | | |
| R = | .23 | | |
| R ² = | .05 | | |
| Sig. = | <.01 | | |

Table A-6

Summary of Multiple Regression Analysis of Context of
Parole on Final Hearing Months Assessed

| Variable | β | t | Sig. of t |
|---------------------|---------|------|-----------|
| County of Residence | .19 | 3.14 | <.01 |
| ===== | | | |
| R = | .19 | | |
| R ² = | .04 | | |
| Sig. = | <.01 | | |

Table A-7

Summary of Multiple Regression Analysis of Context of
Hearing on Final Hearing Months Assessed

| Variable | β | t | Sig. of t |
|-------------------|---------|------|-----------|
| Witnesses Present | .35 | 2.30 | <.01 |
| ===== | | | |
| R = | .35 | | |
| R ² = | .12 | | |
| Sig. = | <.01 | | |

Table A-8

Summary of Multiple Regression Analysis of Parolee
Characteristics on the Board Decision

| Variable | β | t | Sig. of t |
|------------------|---------|-------|-----------|
| Maximum Sentence | -.15 | -2.44 | <.05 |
| ===== | | | |
| R = | .15 | | |
| R ² = | .02 | | |
| Sig. = | <.05 | | |

Table A-9

Summary of Multiple Regression Analysis of Parolee
Characteristics on Board Time Assessment

| Variable | β | t | Sig. of t |
|------------------|---------|------|-----------|
| White | .18 | 2.97 | <.01 |
| ===== | | | |
| R = | .18 | | |
| R ² = | .03 | | |
| Sig. = | <.01 | | |

Table A-10

Summary of Multiple Regression Analysis of Context of
Parole on Board Decision

| Variable | β | t | Sig. of t |
|------------------|---------|-------|-----------|
| Time Owed | -.13 | -2.19 | <.05 |
| ===== | | | |
| R = | .13 | | |
| R ² = | .02 | | |
| Sig. = | <.05 | | |

Table A-11

Summary of Multiple Regression Analysis of Context of
Parole on Board Time Assessment

| Variable | β | t | Sig. of t |
|------------------------|---------|-------|-----------|
| County of Residence | .33 | 5.84 | <.01 |
| Length of Release Time | -.13 | -2.62 | <.05 |
| ===== | | | |
| R = | .36 | | |
| R ² = | .13 | | |
| Sig. = | <.01 | | |

Table A-12

Summary of Multiple Regression Analysis of Parolee
Characteristics on Ultimate Decision

| Variable | β | t | Sig. of t |
|--------------------------|---------|------|-----------|
| Violent Felony Indicator | .09 | 2.21 | <.05 |
| ===== | | | |
| R = | .13 | | |
| R ² = | .01 | | |
| Sig. = | n.s. | | |

Table A-13

Summary of Multiple Regression Analysis of Context of
Parole on Ultimate Decision

| Variable | β | t | Sig. of t |
|----------------------------|---------|-------|-----------|
| Length of Supervision Time | -.18 | -2.84 | <.01 |
| ===== | | | |
| R = | .12 | | |
| R ² = | .01 | | |
| Sig. = | <.05 | | |

Table A-14

Summary of Multiple Regression Analysis of Context of
Hearing on Ultimate Decision

| Variable | β | t | Sig. of t |
|--------------------|---------|-------|-----------|
| County of Sentence | -.15 | -1.98 | <.05 |
| ===== | | | |
| R = | .15 | | |
| R ² = | .02 | | |
| Sig. = | n.s. | | |

REFERENCES

- American Friends Service Committee, Struggle for Justice: A Report on Crime and Punishment in America. New York: Hill and Wang, 1971.
- Atkinson, Donald. "Parole Can Work!" Corrections Today, 48, 1986:54-56.
- Battaglia, Carmelo L. "Deviant Behavior of Parolees and the Decision-Making Process of Parole," Ph.D. dissertation, Florida State University, 1969.
- Blau, Peter M. and W. Richard Scott. Formal Organizations. San Francisco, CA: Chandler, 1962.
- Callenan, Thomas J. "Probation and Parole: Meeting the Future Head-on," Corrections Today, 48, 1986:16-20.
- Carroll, Leo and Margaret E. Mondrick, "Racial Bias in the Decision to Grant Parole," Law and Society Review, 11, 1976:93-107.
- Coleman, James, et al. Equality of Educational Opportunity. (Washington, DC: U.S. Printing Office, 1966).
- Corrothers, Helen G. "Guidelines for the Future: The Effects of Federal Sentencing Reform," Corrections Today, 48, 1986:24-28.
- Dietz, Christopher. "Parole: Crucial to Our Criminal Justice System," Corrections Today, 47, 1985:30-32.
- Elion, Victor H. and Edwin I. Megargee, "Racial Identity, Length of Incarceration, and Parole Decision-Making," Journal of Research in Crime and Delinquency, 16, 1979:232-245.
- Gordon, Diana R. and David Rudenstine. Prison Without Walls: Report on New York Parole, Citizen's Inquiry on Parole and Criminal Justice, Inc. New York: Holt, Rinehart and Winston, 1975.

- Gottfredson, Donald M., C.A. Cosgrove, L.T. Wilkins, J. Wallerstein, and C. Rauh, Classification for Parole Decision Policy Washington, D.C.: U.S. Government Printing Office, 1978.
- Gottfredson, Donald, M.G. Neithercutt, J. Nuffield, and V. O'Leary. Four Thousand Lifetimes: A Study of Time Served and Parole Outcomes Hackensack, N.J.: National Council on Crime and Delinquency, 1973.
- Greenfield, Lawrence. Probation and Parole 1985. Washington, D.C.: U.S. Government Printing Office, 1987.
- Hawkins, Keith. "Parole Selection: The American Experience" Ph.D. dissertation, University of Cambridge, England, 1971.
- Hirsch, Andrew von. Doing Justice: The Choice of Punishments. New York: Hill and Wang, 1976.
- Hirsch, Andrew von and Kathleen J. Hanrahan. Abolish Parole? Washington, D.C.: U.S. Government Printing Office, 1978.
- Hoffman, Peter and Barbara Stone-Meierhoefer. "Post-Release Arrest Rates Experiences of Federal Prisoners: A Six Year Follow-Up," Journal of Criminal Justice, 7, 1979:193-216.
- Hoffman, Peter and Barbara Stone-Meierhoefer, "Recidivism Rates: The Criterion and Follow-Up Issues," Journal of Criminal Justice, 8, 1980:53-60.
- Hussey, Frederick and Stephen Lagoy. "The Determinate Sentence and Its Impact on Parole," Criminal Law Bulletin, 19, 1983:101-103.
- Hyman, Herbert. Secondary Analysis of Sample Surveys: Principles, Procedures, and Potentialities. (New York: John Wiley, 1972).
- Kennedy, Edward M. "Toward a New System of Criminal Law with Order," The American Criminal Law Review, 16, Spring 1977.
- Kingsnorth, Rodney. "Decision-making in a Parole Bureaucracy," Journal of Research in Crime and Delinquency, 6, (1969): 210-218.
- Lerner, Mark Jay. "The Effectiveness of a Definite Sentence Parole Program," Criminology, 15, 1977.

- Lipton, Douglas, Robert Martinson, and Judith Wilks, The Effectiveness of Correctional Treatment: A Survey of Treatment Evaluation Studies. New York: Praeger, 1975.
- McCleary, Richard. "How Parole Officers Use Records," Social Problems, 24, 1977:576-589.
- McCleary, Richard. Dangerous Men: The Sociology of Parole. Beverly Hills, California: Sage, 1978.
- McCleary, Richard. "On Becoming a Client," The Journal of Social Issues, 34, 1978:57-75.
- MacDonald, Malcolm. "Probation and Parole: Sanctions That Work," Corrections Today, 48, 1986:6.
- Martinson, Robert and Judith Wilks. "Save Parole Supervision," Federal Probation, 41, 1977:26-27.
- Mitford, Jessica. Kind and Usual Punishment. New York: Vantage, 1973.
- National Council on Crime and Delinquency. Characteristics of the Parole Population Hackensack, N.J.: National Council on Crime and Delinquency, 1982.
- Parsons, Talcott. "Law as an Intellectual Stepchild," Sociological Inquiry, 47 (1977), 11-58.
- Prus, Robert C. "Revocation Related Decision-Making by the Parole Agent: A Labeling Approach," Ph.D. dissertation, University of Iowa, 1973.
- Prus, Robert C. and John Stratton, "Organizational Influences on Revocation Decisions: An Exploratory Study," Journal of Social Work, 7, 1976:
- Prus Robert C. and John R. Stratton, "Parole Revocation Decision-Making: Private Typings and Official Designations," Federal Probation, 40, 1976: 48-53.
- Star, Deborah. Summary Parole: A Six and Twelve Month Follow-Up Evaluation Sacramento: California Department of Corrections, 1979.
- Sacks, Howard and Charles Logan. Parole: Crime Prevention or Crime Postponement? Storrs, Conn.: University of Connecticut School of Law Press, 1980.

- Scott, Joseph E. "The Use of Discretion in Determining the Severity of Punishment for Incarcerated Offenders," Journal of Criminal Law and Criminology, **63**, 1974:214-224.
- Selltiz, Claire, Marie Jahoda, Morton Deutsch, and Stuart W. Cook. Research Methods in Social Relations, Rev. Ed. (New York: Henry Holt, 1959).
- Simon, Herbert. Organizations. New York: Wiley, 1958.
- Thompson, James D. Organizations in Action. New York: McGraw-Hill, 1967.
- Travisano, Anthony P. "Selling the Whole Package," Corrections Today, **48**, 1986:4.
- Weber, Max. Economy and Society (2 Vols.). Berkeley, CA: University of California, 1978.
- Wiedemann, C.F., & Fenster, C.A. (1978). The use of chance corrected percentage of agreement to interpret the results of a discriminant analysis. Educational and Psychological Measurement, **38**, 29-35.

AUTOBIOGRAPHICAL STATEMENT

85

Marianne Lynch, a native of Harvey, Illinois, graduated from Stanford University in 1963. She worked with Prof. Marvin E. Wolfgang and Prof. Thorsten Sellin on the Measurement of Delinquency Project from 1963 to 1965. In 1965, she received a M.A. degree in sociology from the University of Pennsylvania. Ms. Lynch, who has been in law enforcement since 1965, also holds a M.A. degree in English from New York University and a Masters of Philosophy in Criminal Justice from the City University of New York.

She is currently the Chief of the Parole Revocation Unit at the New York State Division of Parole.

Ms. Lynch was the recipient of the Niederhoffer Foundation award in 1987 for academic and professional achievement.