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THE EFFECT OF REPRESENTATION AT
PAROLE HEARINGS: A RESEARCH NOTE

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In October, 1972, the United States Board of Parole initiated a pilot project, one facet of which allowed inmates to have representatives appear for them at parole grant hearings. Despite the general acceptance of the idea of representation in terms of providing moral support for the inmate and offering a new source of information for the examiner, one complaint has been that the presence of representatives has had little influence on decision outcome. Some institutional staff members serving as representatives have complained (Karacke and Goodykoontz, 1972) that hearings are "cut and dried matters and that their presence as representatives had no bearing whatsoever on the outcome of the hearings."

The intent of this paper is to test the following questions: 1) does the presence of a representative affect the decision outcome, and 2) if so, does this effect vary with the type of representative?

RESEARCH METHOD

To control for the possible interaction of representation by the type of inmate, the use of "expected time to be served" was introduced. A major component of the pilot project was the introduction of the use of explicit parole decision guidelines, basically a two dimensional chart delineating the customary range of

time to be served before release. One dimension is severity of the commitment offense rated on a six point scale, with increasing offense severity, time to be served before release increases. The second dimension (Salient Factor Score) concerns probable risk to the community if released. As risk increases on a four category scale, time to be served increases.¹ By reporting the data as time served above or below the mean time indicated by the guidelines rather than total time served, control is exercised for the severity of the commitment offense and probable risk of recidivism (including prior record).

Data was collected on all initial hearings in the pilot project from October, 1972 through August, 1973. However, use of "expected time to be served" necessitated excluding cases for which the guidelines were not applicable.² Case exclusions reduced the sample size for initial hearings from 1,739 to 1,100 cases.

Although use of the guidelines was restricted to initial hearings, analysis was also run on 1,023 review cases. The criteria used was the proportion of those paroled without representation. However, these results do not take into account the interaction of representation by type of inmate.

FINDINGS: INITIAL HEARINGS

The data obtained for initial hearings appears to

support the hypothesis that representation does affect parole outcome. Adults with representatives (N=303) were found to serve more than a month and a half less than the mean time indicated by the guidelines while those without representatives (N=405) served near the mean time indicated. Youths with representatives (N=188) were found to serve slightly less than the mean indicated while those without representatives (N=204) served over a month longer than the mean. The overall effect is that inmates with representatives appear to serve approximately one and a half months less than those without representatives, controlling for severity of offense and parole prognosis. This difference was statistically significant ($P < .01$).

(Insert Table I Here)

A comparison of type of representative³ (see Table I) reveals that the most frequently occurring representative was "institutional staff", no doubt reflecting their greater availability. Institutional staff members also appeared to be effective representatives ($P < .01$); however, it might be expected that hearing examiners would respect the judgment of staff who see the inmate daily.

Although the numbers are relatively small, it appears that "parents" were poor representatives, having

TABLE I

Difference in Actual Time Served,
 Representative Versus No Represent-
 ative, Controlling for Offense
 Severity and Parole Prognosis

	Number	Difference	Significance Level
No Representative	609	-	-
Representative	491	-1.5 mo.	.01
Caseworker/Staff	237	-1.5 mo.	.01
Spouse	97	-1.2 mo.	N.S.
Friend	47	-3.8 mo.	.01
Parent	53	-0.3 mo.	N.S.
Relative	27	-2.0 mo.	N.S.
Inmate	26	-2.5 mo.	N.S.
Other	4	+1.1 mo.	N.S.

little effect on the decision one way or the other. On the other hand, "friends"⁴ seemed to be effective representatives ($P < .01$). The remaining categories, with the exception of "other", tended to reduce time served, but the differences were not significant.

FINDINGS: REVIEW HEARINGS

The results for review hearings show that cases with representatives ($N=484$) were paroled 80.6% of the time while those without representatives ($N=539$) were paroled 72.5% of the time ($P < .01$). By type of representative, only institutional staff ($N=346$) proved to be statistically significant ($P < .01$), although all representatives, except other inmates, tended to increase the chance of parole. As noted, data for review hearings does not control for differences among inmates and thus should be interpreted with caution. Moreover, as Board practice tended to grant parole at review hearings if there was evidence of good behavior and an effort to achieve institutional goals, this may explain why only "institutional staff" was found to be significant.

CONCLUSION

On the basis of these results it would appear that representation is a factor taken into consideration at

initial hearings in relation to guideline usage. Taking into account the limited range of expected time to be served for each guideline category, a difference of a month and a half appears to be a fairly substantial amount. It would certainly not appear that representatives are being ignored or that hearings are the "cut and dried" affairs described by some institutional staff.

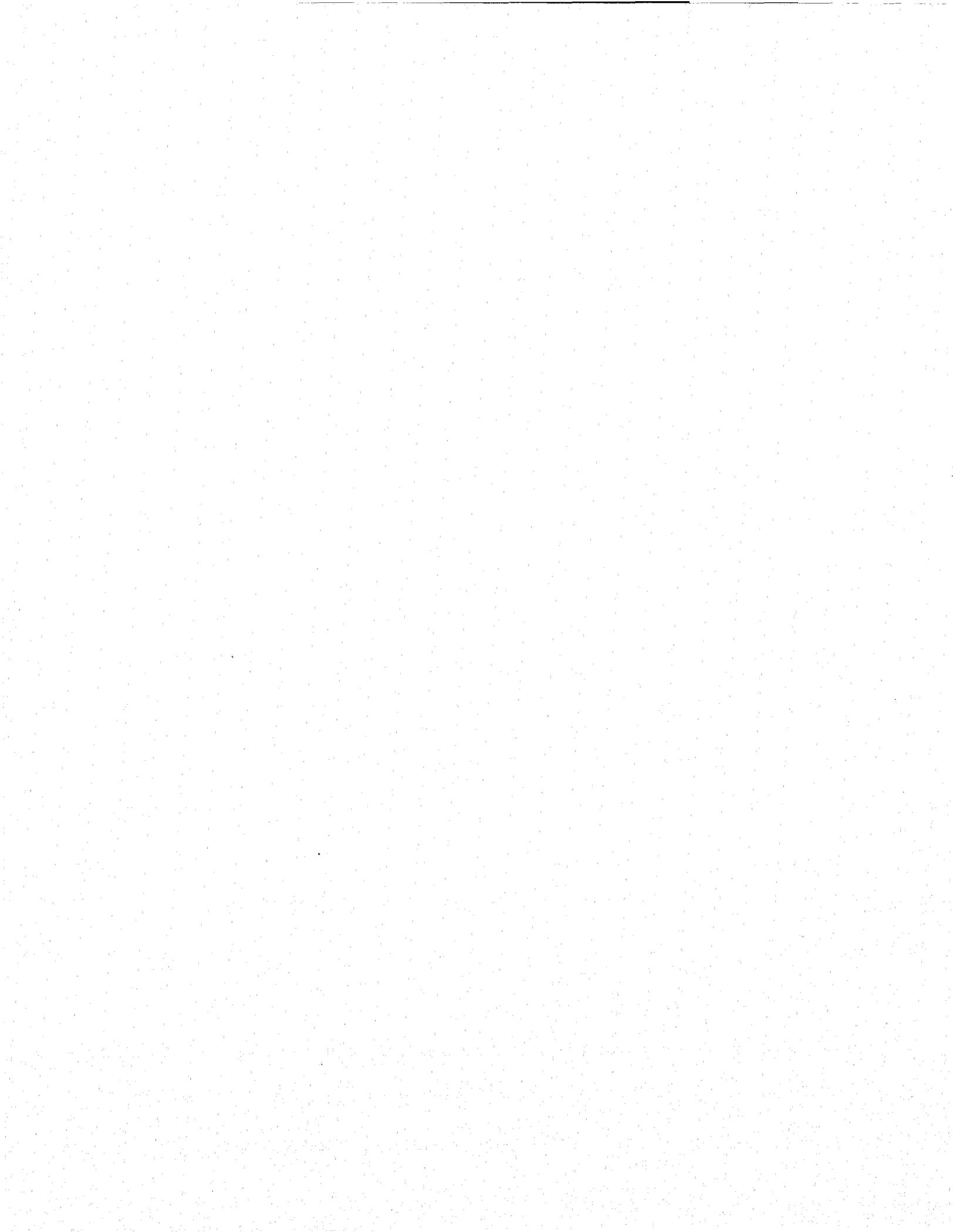
In the final analysis, it might be argued that the deciding factor in allowing representation ought to be ethical rather than "scientific." Demands for fairness and propriety may require representation irregardless of the effect it may have on decision outcome. The fact that representation appears to have some effect upon the decision may be simply more to the good.

NOTES

1. The amount of time served suggested by the guidelines presumes good institutional performance. Approximately 75% of all decisions in initial hearings for this study were within the guideline ranges.
2. The following cases were excluded: special interest cases (N=20); NARA cases (N=30); "greatest severity" cases (N=28); cases limited to a continuance of thirty-six months (N=166); cases continued to expiration below the range stipulated by the guidelines (N=341); and cases paroled above the range stipulated by the guidelines (N=54).
3. No inmate in this sample chose to be represented by an attorney. However, attorneys were allowed only for the last three months of the time period covered by this study.
4. The category "friends" does not necessarily mean peer group friends but includes family friends or former employers.

REFERENCES

Karacki, L. and Goodykoontz, V. (1972) "New Parole Hearing Procedures: Kennedy Youth Center Staff and Student Reaction and the Effect Upon Staff Work Schedules," Pilot Project Monthly Reports (December).



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