Predicting the Outcome of Parole Hearings

By Richard Tewksbury and David Patrick Connor

One of the most important, but least understood decision points in an inmate’s journey through corrections occurs when he or she is reviewed by a parole board and considered for release. Whether or not to allow an inmate to return to the community is one decision for which scholars have historically had little interest or access. Thus, the present study examines how inmate characteristics and structural features of a parole hearing influence parole decisions.

The limited existing research on the topic suggests that four primary factors may influence whether inmates are granted parole. According to Joel M. Caplan, these determinants include: institutional conduct; criminal offense severity, criminal history and incarceration length; mental illness; and victim participation. Prison misconduct is perhaps the most extensively documented influence on parole decisions. In fact, Mary West-Smith, Mark R. Pogrebin and Eric D. Poole have gone so far as to suggest that conduct while incarcerated may be the only influential factor in parole decisions.

Others have shown that offense severity, criminal history and length of incarceration impact parole recommendations. Some researchers have found that mental illness, victim participation in parole hearings and public opposition at parole hearings are important. What has not been seriously considered is whether or not (and to what degree) inmate demeanor and behavior during hearings play a role in parole decisions. The three existing studies of parole hearing contents and activities — which show that perceptions of an inmate’s honesty is critical, yet are unable to reach a consensus on whether information presented during a hearing is important — used small (103 or fewer) samples of cases and relied on very restricted numbers of variables. This body of research is also at least 25 years old. Therefore, it is necessary to update this line of inquiry with larger and more diverse samples, featuring increased measures of inmate behavior and hearing characteristics. The present study seeks to identify if and how inmate demographics, case characteristics, hearing characteristics, inmate rehabilitation indicators and inmate behavior and demeanor characteristics during a parole hearing influence parole recommendations by one Southern state parole board.

**Methodology**

Data originate from direct observations of 311 parole hearings conducted during the summer of 2011 in one Southern state. Observation of hearings focused on identifying the occurrence, form and number of 38 different characteristics, which represent five theoretical groupings of variables: inmate demographics, case characteristics, hearing characteristics, inmate rehabilitation indicators and micro-level aspects of inmate behavior and demeanor during a hearing. Two observers were used to collect data, and measures of inter-rater reliability show that 93.2 percent of observations were recorded identically.

**Measures**

The dependent variable represents whether or not an inmate is recommended for parole. Fully 63.6 percent of parole hearings resulted in a parole recommendation. Inmate demographic characteristics include six variables: sex, race, age, prison employment, gang member status and diagnosis of mental illness. Case characteristics include 11 variables: offense type (property, violent, sex and/or drug), sentence length, percentage of sentence served, prior incarcerations, number of prior parole hearings, number of prior paroles, admission of guilt (yes or no) and degree of detail offered in the description of the current offense (five-point scale). Parole hearing characteristics include three variables: hearing duration in minutes, hearing structure (in-person or video) and appearance in physical restraints (yes or no). Inmate rehabilitation indicators include three variables: number of programs completed, number of violent disciplinary infractions and quality of proposed reentry plan (five-point scale). Lastly, inmate demeanor and behavior characteristics comprise 14 variables. This includes ordinal scale measures of grooming, attire, consistency of gaze, expressions of remorse and posture. Dichotomous measures include the presence of materials to share with the parole board, inappropriate laughing, presentation of a “sad story,” nervousness, voice strength, sadness and crying. Further, the number of times that an inmate interrupted the parole board and the number of avoided questions...
are entered as counts. Summary statistics on all independent variables are presented in Table 1. Once all data were collected, coded and entered into a statistical database, analysis employed logistic regression to identify predictors of a parole recommendation.

**Findings**

In order to assess the determinants of a parole recommendation, five theoretical groupings of variables were tested to develop the best, most parsimonious model. Logistic regression was utilized for analysis of the data. Seven variables, from three of the five theoretical groupings, were significantly associated with a parole recommendation.

Table 2 presents the results from logistic regression for a parole recommendation. Two case characteristics (i.e., drug offense and number of prior parole hearings), two parole hearing characteristics (i.e., hearing duration and hearing structure) and all three indicators of rehabilitation (i.e., number of programs completed, number of violent disciplinary infractions and quality of reentry plan) were found to be significant determinants for a parole recommendation. However, measures of inmate demographics and inmate demeanor and behavior were not significant.

When compared with other inmates, those incarcerated for drug offenses were 2.2 times more likely to be recommended for parole. For each additional parole hearing experienced, inmates were .76 times less likely to receive a parole recommendation at their present hearing. Inmates with shorter parole hearings in total minutes were more likely to be recommended for parole. Inmates participating in parole hearings in person were .37 times more likely to receive a parole recommendation. For each additional program completed, inmates were 1.3 times more likely to be recommended for parole. Inmates were 1.8 times more likely to receive a parole recommendation, with each one unit increase in the five-point scale of quality of reentry plan. For each additional disciplinary infraction received since their last parole hearing (or, if no prior hearing occurred since

<table>
<thead>
<tr>
<th>Table 1. Description of Sample</th>
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<tbody>
<tr>
<td><strong>Inmate Demographics</strong></td>
</tr>
<tr>
<td>Sex</td>
</tr>
<tr>
<td>Male</td>
</tr>
<tr>
<td>Female</td>
</tr>
<tr>
<td>Race</td>
</tr>
<tr>
<td>White</td>
</tr>
<tr>
<td>Nonwhite</td>
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<tr>
<td>Age (Mean)</td>
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<tr>
<td>Employed in Prison</td>
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<tr>
<td>Mental Health Diagnosis</td>
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<td>Gang Member</td>
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<tr>
<td><strong>Case Characteristics</strong></td>
</tr>
<tr>
<td>Violent Offense</td>
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<tr>
<td>Sex Offense</td>
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<tr>
<td>Drug Offense</td>
</tr>
<tr>
<td>Property Offense</td>
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<tr>
<td>Sentence Length (Mean number of months)</td>
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<tr>
<td>Percentage of Sentence Served (Mean)</td>
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<tr>
<td>Number Prior Incarcerations (Mean)</td>
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<td>Number Prior Parole Hearings (Mean)</td>
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<tr>
<td>Number Prior Paroles (Mean)</td>
</tr>
<tr>
<td>Description Depth of Current Offense (Mean)</td>
</tr>
<tr>
<td>Description Details of Current Offense (Mean)</td>
</tr>
<tr>
<td>Admission of Guilt</td>
</tr>
<tr>
<td><strong>Parole Hearing Characteristics</strong></td>
</tr>
<tr>
<td>Hearing Duration (Mean number of minutes)</td>
</tr>
<tr>
<td>Hearing via Video Conferencing</td>
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<tr>
<td>Inmate in Restraints</td>
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<tr>
<td><strong>Inmate Rehabilitation Indicators</strong></td>
</tr>
<tr>
<td>Number of Programs Completed (Mean)</td>
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<tr>
<td>Number of Violent Disciplinary Infractions (Mean)</td>
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<tr>
<td>Quality of Reentry Plan (Mean)</td>
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<tr>
<td><strong>Inmate Demeanor and Behavior</strong></td>
</tr>
<tr>
<td>Materials to Share with Parole Board</td>
</tr>
<tr>
<td>Grooming (Mean)</td>
</tr>
<tr>
<td>Neatness of Attire (Mean)</td>
</tr>
<tr>
<td>Consistency of Gaze (Mean)</td>
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<tr>
<td>Posture (Mean)</td>
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<tr>
<td>Inappropriate Laughing</td>
</tr>
<tr>
<td>Number of Questions Avoided (Mean)</td>
</tr>
<tr>
<td>Number of Interruptions (Mean)</td>
</tr>
<tr>
<td>Nervousness</td>
</tr>
<tr>
<td>Sadness</td>
</tr>
<tr>
<td>Crying</td>
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<tr>
<td>Expressions of Remorse (Mean)</td>
</tr>
<tr>
<td>Presentation of Own “Sad Story”</td>
</tr>
<tr>
<td>Voice Quality (Mean)</td>
</tr>
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</table>
their incarceration), inmates were .25 times less likely to be recommended for parole.

**Discussion**

Inmate rehabilitation indicators and parole hearing characteristics were the most influential variables for predicting a parole recommendation. Consistent with earlier research, the number of programs completed and the number of violent disciplinary infractions received significantly impacted release decisions by the parole board. Inmates participating in parole hearings that were shorter in duration and face-to-face with parole officials were more likely to receive a parole recommendation.

Interestingly, the duration of in-person and video parole hearings was comparatively similar (12.3 and 12.5 minutes respectively). Therefore, with the same amount of time devoted to both types of parole hearings, it may be that hearings conducted through video conferencing have less intimate interactions, resulting in reduced exchanges of information and decreased interpersonal connections. This potentially explains why inmates participating in video parole hearings were less likely to receive a parole recommendation. Although largely absent from the existing literature, measures of inmate demeanor and behavior were shown not to influence release decisions by the parole board. Thus, contrary to popular belief, the ways in which inmates present themselves during a parole hearing have limited or no effect on their opportunity for parole.

Ultimately, this study provides an understanding of how the structural and interactional aspects of parole hearings may influence the discretionary judgments rendered by parole officials. Such assessments of potential parole determinants are critical, as parole board expectations necessary for conditional prison release may be revealed. Without a doubt, parole recommendations are among the most important, but least understood, decision points in the correctional enterprise.

### Table 2. Best Model Predicting a Parole Recommendation

<table>
<thead>
<tr>
<th>Variable</th>
<th>B</th>
<th>S.E.</th>
<th>Wald</th>
<th>Exp(b)</th>
<th>Tolerance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drug Offense</td>
<td>.798*</td>
<td>.283</td>
<td>7.929</td>
<td>2.221</td>
<td>.951</td>
</tr>
<tr>
<td>Number of Prior Parole Hearings</td>
<td>-.271*</td>
<td>.119</td>
<td>5.190</td>
<td>.763</td>
<td>.941</td>
</tr>
<tr>
<td>Hearing Duration</td>
<td>-.079*</td>
<td>.029</td>
<td>7.581</td>
<td>.924</td>
<td>.911</td>
</tr>
<tr>
<td>Hearing via Video Conferencing</td>
<td>-.994*</td>
<td>.384</td>
<td>6.684</td>
<td>.370</td>
<td>.937</td>
</tr>
<tr>
<td>Number of Programs Completed</td>
<td>.352*</td>
<td>.135</td>
<td>6.038</td>
<td>1.393</td>
<td>.939</td>
</tr>
<tr>
<td>Number of Violent Disciplinary Infractions</td>
<td>1.381*</td>
<td>.382</td>
<td>13.078</td>
<td>.251</td>
<td>.903</td>
</tr>
<tr>
<td>Quality of Reentry Plan</td>
<td>.599*</td>
<td>.157</td>
<td>14.005</td>
<td>1.801</td>
<td>.864</td>
</tr>
<tr>
<td>Constant</td>
<td>2.030</td>
<td>.853</td>
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</tbody>
</table>

$\chi^2 281.264 (\alpha=.0000), df=7, N=304, *\alpha=.05$

**ENDNOTES**


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