Parole Release Decisions: Impact of Positive and Negative Victim and Nonvictim Input on a Representative Sample of Parole-Eligible Inmates

Joel M. Caplan, PhD

Rutgers University, School of Criminal Justice

This study analyzed administrative data from the New Jersey State Parole Board to determine the extent to which victim and nonvictim input impacted parole release decisions. Positive and negative input, in both verbal and written forms, was studied for a representative sample of 820 parole-eligible adult inmates. Victim input was not found to be a significant predictor of parole release; measures of institutional behavior, crime severity, and criminal history were significant. Though insignificant, verbal input had a greater effect than written input. Results suggest that the impact of victim input is not generalizable across different types of offenders or across different paroling jurisdictions. It can no longer be assumed that victim rights laws and public participation at parole guarantee victim-desired outcomes.

Keywords: public; participation; decision-making; statements; violent; nonviolent; offender

The public criminal prosecution model, with its often routine marginalization of the crime victim, continued until the 1970s when a victim rights movement emerged (Gottschalk, 2006; Tobolowsky, 1999). The movement emphasized making the crime victim an integral part of criminal prosecutions and sought to reestablish a greater role for crime victims in the criminal justice system (Office for Victims of Crime, 1998; Tobolowsky, 1999). The Office for Victims of Crime reported in 1998 that few movements in the history of the United States have achieved such success in uniting the kind of legislative response that the victim rights movement has fostered since its inception. Of particular interest here are legislatively mandated opportunities for victims and other people to be notified of pending parole hearings and to provide input to parole board members when deciding parole release.

Increased attention and emotional support given to crime victims has been a much needed improvement to the criminal justice system. However, many states require their parole boards to consider victim input without explicitly directing board members on how to objectively consider the information provided by the input when making release decisions (Bernat, Parsonage, & Helfgott, 1994). As a result, victim input may cater to the emotions of parole board members in an effort to affect parole release outcomes. Revenge and

vengeance have been deeply ingrained in America's social fabric throughout history, though they are broadly denied in contemporary society at large (Foucault, 1977/1995; Sievers & Mersky, 2006; Valier, 2004). "Despite that denial," explained Sievers and Mersky (2006), "the underlying feelings and the desire to persecute remained real. Thus revenge often is reached unconsciously by [other means]" (p. 241). If input is used to influence parole on vengeful or punitive grounds, it may be a mechanism for increasing the already high rate of incarceration in the United States. The end result could be greater public risk as certain inmates "max out" their sentences and are released from prison without state supervision and guidance on parole (Solomon, Kachnowski, & Bhati, 2005).

Victims might point out that offenders' suffering is less important than any potential increase in well-being for crime victims and their families; and, victims of crime may feel satisfaction as a consequence of offenders' longer time in prison. But there is always a risk of unfulfilled expectations if victims provide input and then expect parole release decisions to have a certain outcome (Davis & Smith, 1994; Erez, Roeger, & Morgan, 1997; Kaptein, 2004; Malsch, 2004). If victim input is not influential because it is undervalued or overlooked by parole board members, then several victim advocacy resources are wasted and potentially useful information concerning an inmate's risk to the public upon release is ignored. A lot of time, money, and political capital are spent promoting victims' rights and ensuring that victims are part of criminal justice processes (Gottschalk, 2006), and victims are led to believe that their input matters (Malsch, 2004). Providing opportunities for victims to participate at parole hearings and soliciting them to do so without clearly and consistently factoring their input into release decisions permits arbitrary enforcement of victim-oriented concerns as opposed to the criminogenic needs of certain offenders. This is unfair to similarly situated parole-eligible inmates who end up serving different lengths of incarceration based solely upon the presence or absence of victim input. It is also disingenuous to some victims who believe that their input matters even when, in fact, it might not (Malsch, 2004).

PAROLE RELEASE DECISIONS AND VICTIM INPUT

Over 90% of parole boards in the United States allow victim or nonvictim input to be considered when making release decisions (Kinnevy & Caplan, 2008), though only a handful of research has directly and empirically studied the influence of input on parole release decisions (Morgan & Smith, 2005; Parsonage, Bernat, & Helfgott, 1994; Proctor, 1999; Smith, Watkins, & Morgan, 1997). Parsonage et al. (1994) examined a stratified random sample of 200 cases decided in 1989 by the Pennsylvania Board of Probation and Parole and found negative victim input to have the greatest significant effect on parole denial when controlling for the influences of victim characteristics, offender characteristics, and risk assessment scores (Parsonage et al., 1994). A small sample size precluded Parsonage et al. (1994) from investigating the extent to which different types of victim input affected parole release decisions because there was not enough variability of victim input types and frequencies. Smith et al. (1997) attempted to compensate for this limitation by selecting a larger sample and controlling for more variables. Due to the serious nature of violent offenses, Smith et al. believed that victims or their families would be more likely to appear at hearings and provide input. They studied 316 inmates convicted of violent crimes in which injury occurred and in which victims were notified of their right to appear or present evidence before the parole board. They found that the percentage of parole denials increased as the

number of letters contesting parole increased and that the victim's attendance at a parole hearing had a greater effect on the parole board than a letter-writing campaign.

McLeod (1989) found general agreement among parole board administrators that victim appearances at parole board hearings had more of an effect on release decisions than written statements. McLeod's study was based on written records and telephone interviews with parole board administrators in U.S. states. In 2005, Morgan and Smith slightly reconceptualized and reanalyzed the data used by Smith et al. (1997) and concluded that as victim participation increased, parole denials also increased for violent parole-eligible offenders. Proctor (1999) expanded further upon previous research by sampling a disproportionately stratified sample by gender in order to obtain adequate representation of females. Consistent with researchers before him, Proctor found that inmates were four times less likely to be granted parole if public opposition was present at the parole hearing.

Victim input against parole release may be significant in explaining the denial of parole for *certain* types of parole-eligible inmates in some jurisdictions. However, conclusions from research to-date are primarily made from four empirical studies that used only three unique datasets, obtained from "Samples of offenders that were not representative of the larger inmate populations." Nonviolent offenders have been largely ignored, and the effects of nonvictim input, or input submitted by victims or nonvictims in favor of release, are understudied or unknown. This study tested the following four hypotheses on a representative sample of 820 parole-eligible adult inmates in New Jersey to learn the full extent to which the current provisions of public input policies affect parole board practices and to better understand the victims' rights movement's contemporary impact on discretionary parole releases:

1. Victim and nonvictim input against parole release would result in the denial of parole for parole-eligible inmates when controlling for positive input, institutional behavior, crime severity, criminal history, incarceration length, mental illness, and inmate age, gender, and race.
2. Victim input in favor of parole release would result in the approval of parole for parole-eligible inmates when controlling for negative nonvictim input and all other variables.
3. Victim input, both for and against parole release, would have a greater effect on parole decisions than nonvictim input when controlling for all other variables.
4. Verbal input would have a greater effect on parole release decisions for parole-eligible prisoners than written input when controlling for all other variables.

METHODS

The extent to which positive and negative victim and nonvictim input affects parole release decisions for a representative sample of parole-eligible inmates was studied using existing administrative data from the New Jersey State Parole Board (SPB). Board members are responsible for the determination of whether and under what conditions inmates can be released or returned from parole status (N.J.S.A. 30:4-123.47). The New Jersey Parole Act of 1979 (N.J.S.A. 30:4-123.53[a]) reflects that an adult inmate shall be released on parole at the time of parole eligibility unless it is demonstrated "by a preponderance of the evidence that the inmate has failed to cooperate in his or her own rehabilitation or that there is a reasonable expectation that the inmate will violate conditions of parole" if released on parole. By law, SPB members cannot make any release decisions for inmates convicted of first- or second-degree crimes[1] without review and consideration of input from the victim, unless the victim prefers not to participate. However, any victim or nonvictim can submit

input for review by Board members when making parole release decisions (New Jersey State Parole Board, n.d.).

The parole decision-making process begins ~6 months before an inmate's parole eligibility date, when information concerning the inmate is solicited and gathered from various people and agencies, including the county prosecutor (known to weigh in primarily for the more serious criminal offenders or exceptional cases), the prison and other relevant criminal justice agencies, and the public. Registered victims are notified by letter and invited to submit written or videotaped input directly to the SPB via mail or to provide in-person or telecommunicated input to a Senior Hearing Officer (SHO) or a Parole Board Member (PBM). Registered victims (who are solicited for their input) and the general public (unsolicited) may share information regarding the past crime, the extent of harm or losses suffered, the inmate's perceived future risk, or anything else deemed relevant to the issue of whether or not the inmate should be released on parole. Board members have the discretion to consider only information they consider relevant to the inmate's suitability for parole and are not required to identify whether or not victim or nonvictim input influenced their decision. All input is considered confidential and not afforded review or rebuttal by the inmate. At least two Board members must agree when deciding parole release for most inmates, except murderers, who require a majority vote of the entire 12-member board.

Sampling Design

All adult prison inmates whose first-time parole release decisions were made during 2004 were included in the sampling frame ($n = 6,585$). Limiting the sampling frame to first-time parole considerations prevented the need to control for prior parole release denials. Computerized administrative databases could not be queried for inmates with input. Therefore, to ensure enough inmates with input were included in the final sample, all inmates with registered victims were included ($n = 380$) and a random sample of inmates without registered victims ($n = 440$) was taken from those remaining in the sampling frame to produce a total sample size of 820 male and female adults over the age of 18. This should yield statistically significant results at the .05 alpha level with a power of .81 (Cohen, 1988). Inmates with registered victims were overrepresented in this study due to the nature of the sampling design. Therefore, normalized weights were calculated for inmates with and without registered victims to statistically represent their actual proportions in the sampling frame.

Data Sources and Variables

Judgment of Conviction reports, police arrest reports, Pre-Sentence Investigation reports, Pre-Parole Psychological Evaluations, and Case Summary sheets stored within inmate case files were reviewed to acquire all data variables. With few exceptions, independent, dependent, and control variables were objective, factual data and the information was recorded for each inmate by the SPB in a manner that was consistent with this study's operationalizations.

"Victim" referred to (a) any person or business entity that identified themselves in their input as having been victimized by the inmate's crime or (b) any person or business entity that was listed in the police arrest report or Pre-Sentence Investigation Report as having been the target of the inmate's crime or as the owner of property that was targeted by the inmate. Victims were listed as "in attendance" on the summary sheet of a telephone or in-person hearing, or they were a signer to written correspondence.[2] "Nonvictim" referred to any person or business entity other than the victim or the inmate.

"Input" referred to any written correspondence (written input), telephone hearings, in-person hearings, or videotaped correspondence[3] (verbal input) that overtly stated a preference as to what the inmate's parole release decision should be. "Negative" and "positive" input referred to the quantity of different, individual people who provided any type of input (i.e., written or verbal) against or in favor of parole release, respectively. Operationalizations of additional variables used in this study are detailed in Table 1.

TABLE 1.   Descriptive Statistics of Covariates Used in the Study

Variable [valid sample *n*]	*M*	Median	*SD*	Min	Max	No. of Cases	Valid %
Inmate age (years; parole decision date minus birth date)	33.6	32	10	17	74	805	100
Incarceration length (months; parole decision date minus sentence begin date)	21.6	9	33	1	360	805	100
Any input received [796]						173	21.7
Inmate gender [805]							
Male						752	93.4
Female						53	6.6
Inmate race [805]							
White						236	29.3
Black						426	52.9
Hispanic						133	16.5
Other						10	1.2
Juvenile victim [794] (under 18 at time of offense for which inmate is currently incarcerated)						120	15.1
Victim gender [789]							
All males						137	17.4
All females						213	27.0
Mixed (male, female, or business entity)						184	23.3
Not applicable (no known victims)						255	32.3
Negative letter from Prosecutor's Office [805]						45	5.6
Three or more present offenses [805]						119	14.8
Inmate is a sex offender [805] (due to prior conviction or present offenses)						28	3.5

(*Continued*)

TABLE 1.   (Continued)

Variable [valid sample *n*]	No. of Cases	Valid %
Presently incarcerated for violent offense [805] (based upon NJ DOC categorizations)	119	14.8
Degree of most serious present offense [805]		
1st (most serious)	34	4.2
2nd	134	16.6
3rd	547	68.0
4th	21	2.6
5th (least serious; i.e., misdemeanor)	69	8.6
Inmate was juvenile offender at offense [796] (under 18 at time of current offense)	13	1.6
Three or more prior adult convictions [781]	478	61.2
Any prior juvenile convictions [770] (under 18 years old)	290	37.7
Any prior parole/probation revocations [780]	374	47.9
Program participation [781] (completed or currently enrolled in)	616	78.9
Serious disciplinary infraction [777] (written complaints filed by a CO and formally adjudicated)	129	16.6
Any escape history [779] (attempted or successful)	37	4.7
Mental health history [751] (adult record of at least one of the following: [a] any suicide attempts, [b] any psychiatric hospitalizations, [c] ever prescribed psychotropic medication, [d] was ever diagnosed with schizophrenia or chronic affective disorder (CAD), [e] ever received clinical treatment for schizophrenia, CAD, anxiety, or depression, [f] the psychological evaluations stated without further explanation that the inmate had a "significant mental health history." In cases that lacked evidence of a significant mental health history [as described above], there was a statement on the psychological evaluations indicating the absence of a significant mental health history)	162	21.6

RESULTS

Sample Characteristics and Descriptive Statistics

Results are based upon a final sample of 805 cases, 119 of which were incarcerated for violent offenses. Fifteen cases were excluded from the original 820 because there was no final parole release decision made (i.e., dependent variable). This was due either to indefinite administrative holds for some unknown reason or because the inmates requested to serve their maximum sentences, thereby waiving their right to be considered for parole release. Cases with incomplete data were significantly more likely to be nonviolent[4] offenders.

This study sample (*n* = 805) was composed of mostly nonviolent (85.2%) male inmates (93.4%), of an average age of 33.6 years (SD = 10), incarcerated 21.6 months (SD = 33) on average prior to their parole release decision date. A majority of inmates in this sample were Black (52.9%), followed by White (29.3%), Hispanic (16.5%), and other (1.3%). Approximately 30% (30.7%) of the inmates had no known or identifiable victims of their crimes (e.g., drug offenders). A plurality of inmates in the sample (43.2%) had one identified victim; slightly more than 12% had two or more victims. About 15% of the inmates in the sample had at least one juvenile victim. Less than 2% (1.6%) of sampled inmates were juveniles at the time of their offense and were sentenced as adults. Table 1 shows frequencies and descriptive statistics for all covariates used in statistical analyses that follow.

Sources, Types, and Orientations of Input

A fifth of the inmates sampled (21.7%) received any victim or nonvictim input. More inmates received negative input than positive input (58%), more inmates received input from victims than nonvictims (53%), and more inmates received written input than verbal input (69%). Inmates who received input from a victim were also likely to receive input from a nonvictim, and vice versa (*n* = 799; *df* = 1; Pearson chi-square value = 18.85; *p* < .001). Similarly, inmates who received verbal input were also likely to receive written input (*n* = 799; *df* = 1; Pearson chi-square value = 38.17; *p* < .001). There was no significant association between the receipt of positive input and the receipt of negative input (*n* = 799; *df* = 1; Pearson chi-square value = 3.71; *p* = .054).

A total of 497 unique pieces of input were submitted on behalf of 173 inmates in the sample and reviewed during data collection. Table 2 shows the counts of each type, source, and orientation of input received. Two hundred and thirty eight (238) different people (who were nonvictims) submitted input in favor of release, 164 different people (who were nonvictims) submitted input against release,[5] 18 different people (who were victims) submitted input in favor of release, and 120 different people (who were victims) submitted input against release. Most input was submitted via written correspondence, which varied in form from handwritten comments on a dinner napkin to multipaged, typed documents on professional letterhead. Written correspondence was usually mailed or (less frequently) faxed directly to the parole board. Pictures, newspaper clippings, and/or receipts would sometimes accompany written correspondence and was referenced in the text of the input. Verbal input was reviewed in the form of written transcripts and summary reports that were completed by parole board members or hearing officers who had direct conversations with victims. Transcripts of verbal input were usually typed documents and were very comprehensive.

Characteristics of Inmates Who Had Registered Victims

Having a registered victim was associated more with victim and inmate characteristics than with the type or severity of an inmate's crime. As shown in Table 3, the presence or absence of a registered victim was tested for significant associations between 13 variables. Only an inmate's race and the gender and age of an inmate's victims were significantly associated with having a registered victim. White inmates were more than twice as likely (13.4%) to have registered victims than Black (3.5%) or Hispanic (6.1%) inmates. Inmates with juvenile victims were over five times more likely (24.5%) to have registered victims than inmates without juvenile victims (4.4%). Most inmates with juvenile victims were White (51%), followed by Black (32.7%), and Hispanic (16.3%); these differences were also significant (*n* = 795; *df* = 3; Pearson chi-square value = 37.49; *p* < .001). It was not

TABLE 2.   Unique Counts of Input Received and Reviewed for Each Type, Source, and Orientation

Input Variable	No. of Cases With This Input	Total No. of Unique Items of This Input
Nonvictim input		
Positive (in favor of release)		
Hearing w/ board member	1	1
Hearing w/ hearing officer	0	0
Phone w/ board member	0	0
Phone w/ hearing officer	1	7
Letter	55	209
Negative (against release)		
Hearing w/ board member	8	8
Hearing w/ hearing officer	7	7
Phone w/ board member	0	0
Phone w/ hearing officer	0	0
Letter	24	135*
Victim input		
Positive (in favor of release)		
Hearing w/ board member	1	1
Hearing w/ hearing officer	4	4
Phone w/ board member	1	1
Phone w/ hearing officer	3	3
Letter	10	10
Negative (against release)		
Hearing w/ board member	11	11
Hearing w/ hearing officer	14	14
Phone w/ board member	2	2
Phone w/ hearing officer	8	8
Letter	56	76
Nonvictims in favor of release	58	238
Nonvictims against release	35	164
Victims in favor of release	17	18
Victims against release	80	120

*One inmate received 100 letters.
Note. Inmates could receive multiple sources, types, and orientations of input and, therefore, the frequencies presented here may not be mutually exclusive.

TABLE 3.   Significant Characteristics of Inmates With Registered Victims

Variable	n	df	Pearson chi-square value	p Value
Inmate race	805	3	21.47	<.001
Inmate had a JV victim	795	1	34.67	<.001
Victim gender	791	3	50.67	<.001

Other variables tested, $p > .05$: inmate gender, inmate was a juvenile offender, inmate was a sex offender, inmate was a violent offender, inmate was a drug offender, severity of inmates' present offenses, sentencing county, inmate's mental health history, less than 10th grade education for inmate, less than 12th grade education for inmate.

possible to identify the gender of each person who submitted input. However, victim gender was obtained from police arrest report narratives based upon the use of "he" or "she" or from references made about gender-specific body parts (e.g., vagina), as was often done in records detailing sex-related crimes. Inmates with all female victims were more likely to have registered victims (15.4%) compared to inmates with all male victims (8.9%) or inmates whose victims were a mixture of males, females, or business entities (10.3%). This proxy variable implies that female victims were more likely to register than males.

Inmate Characteristics Predictive of Receiving Input

Inmates with registered victims received significantly more input than inmates without registered victims. Results of a binary logistic regression with presence or absence of any input as a dichotomous dependent variable are shown in Table 4. The odds that inmates with registered victims received input were more than four times greater than inmates without registered victims, when controlling for all other variables. Inmates who were juveniles at the time of their offense, as well as inmates who had longer lengths of incarceration, also had increased odds of receiving input.

Inmates with registered victims were more likely to receive negative input (Exp[B] = 140.33; $p < .001$) and victim input (Exp[B] = 46.45; $p < .001$), when controlling for all other variables. No other covariates were significantly associated with the receipt of either negative input or victim input. Multicollinearity among covariates in these models was not an issue; variance inflation factor (VIF) values for each covariate were under 2.0.

Results of a binary logistic regression model ($n = 790$; $-2LL = 210.92$, $df = 17$) with "receipt of nonvictim input" as the dependent variable indicated that inmates who were juveniles at the time of their offense (Exp[B] = 17.94; $p = .011$) and inmates with longer lengths of time served (Exp[B] = 1.018; $p < .001$) had increased odds of receiving input from nonvictims, when controlling for all other variables. For every additional month of time served, for instance, an inmate's odds of receiving nonvictim input increased by one and a half percent.

Results of a logistic regression model with "receipt of positive input" as the dependent variable ($n = 790$; $-2LL = 219.28$, $df = 17$) indicated that inmates who were juveniles at the time of their offense were more likely to receive positive input than inmates who committed their crimes as adults (Exp[B] = 15.03; $p = .014$). For every additional month spent incarcerated, an inmate's odds of receiving positive input increased by 2% (Exp[B] = 1.02; $p < .001$). Inmates with all female victims had increased odds of receiving positive input

TABLE 4.   Logistic Regression of Covariates on Presence of Any Input ($n = 790$)

	B	SE	*df*	Sig.	Wald	Exp(*B*)	95.0% CI for Exp(*B*) Lower	Upper
Inmate age (years)	0.020	0.966	1	.326	1.020	0.980	0.020	1.063
Inmate gender	−0.786	0.872	1	.350	0.456	0.088	−0.786	2.371
Inmate race (Black)	−0.432	0.996	1	.318	0.649	0.278	−0.432	1.516
Inmate race (Hispanic)	−0.311	0.319	1	.572	0.732	0.249	−0.311	2.157
Inmate race (other)	−0.230	0.014	1	.904	0.795	0.019	−0.230	33.661
Inmate had registered victim	2.322	27.988	1	<.001	10.198	4.314	2.322	24.109
Inmate had juvenile victim	0.323	0.366	1	.545	1.381	0.485	0.323	3.928
Inmate was JV at offense	2.642	5.027	1	.025	14.035	1.394	2.642	141.275
Number of victims	−0.053	0.199	1	.656	0.949	0.752	−0.053	1.196
Incarceration length (months)	0.023	22.502	1	<.001	1.023	1.013	0.023	1.033
Three or more present offenses	−0.003	0.000	1	.994	0.997	0.388	−0.003	2.562
Inmate was a sex offender	−0.981	0.372	1	.542	0.375	0.016	−0.981	8.747
Inmate was a violent offender	−0.885	1.854	1	.173	0.413	0.115	−0.885	1.476
Severity of most serious present offense	0.484	3.589	1	.058	1.623	0.983	0.484	2.679

(*Continued*)

TABLE 4.   (Continued)

	B	SE	df	Sig.	Wald	Exp(B)	95.0% CI for Exp(B)	
							Lower	Upper
Inmate had all female victims	1.171	3.885	1	.049	3.224	1.007	1.171	10.328
Inmate had mixed victims	1.315	4.276	1	.039	3.723	1.071	1.315	12.943
Inmate had all male victims	1.225	4.201	1	.040	3.403	1.055	1.225	10.980
Constant	−5.747	29.353	1	<.001	0.003			

(Exp[B] = 3.82; p = .031) compared to inmates without any victims, or victims whose gender was unknown. There were no variables related to inmate, victim, or offense characteristics that significantly predicted the receipt of verbal input. However, inmates with registered victims (Exp[B] = 5.16; $p < .001$), inmates who were juveniles at the time of their offense (Exp[B] = 16.24; p = .013), and inmates who had more time served (Exp[B] = 1.02; $p < .001$) had increased odds of receiving written input, when controlling for all other variables (n = 790; −2LL = 244.58; df = 17).

Effects of Negative Input on Parole Release Decisions

It was hypothesized that victim and nonvictim input against parole release would result in the denial of parole for parole-eligible inmates when controlling for positive input, institutional behavior (Carroll & Burke, 1990; Carroll, Weiner, Coates, Galegher, & Alibrio, 1982; Conley & Zimmerman, 1982; Gottfredson, 1979; Hoffman, 1972; Talarico, 1988; Winfree, Ballard, Sellers, & Roberg, 1990), crime severity (Carroll & Burke, 1990; Gottfredson, 1979; Kassebaum et al., 2001; Shin, 1973; Turpin-Petrosino, 1999), criminal history, incarceration length, mental illness (Carroll et al., 1982; Feder, 1994; Hannah-Moffat, 2004), and inmate age, gender, and race. The logistic regression model presented in Table 5 shows that negative input was not a significant predictor of parole release for a representative sample of parole-eligible inmates. Measures of institutional behavior, crime severity, and criminal history were significant. Specifically, participating in prison programs (Exp[B] = 1.80, p = .004) improved an inmate's odds of being approved for parole, while institutional misconduct (Exp[B] = .31, $p < .001$), having one or more known victims, having any juvenile victims, or having any prior juvenile convictions decreased an inmate's odds of being approved for parole. Multicollinearity among covariates in this and all other analytical models that follow was not an issue; VIF values for each covariate were under 2.0.

Influence of Positive Input on Parole Release Decisions

It was hypothesized that victim input in favor of parole release would result in the approval of parole for parole-eligible inmates when controlling for negative nonvictim input and all

TABLE 5. Logistic Regression Model, Impact of Negative Input on Parole Release Approval (*n* = 728)

Variables in the Model[+]	*B*	*SE*	Wald	*df*	Sig.	Exp(*B*)	95.0% CI for Exp(*B*) Lower	Upper
Negative input	−0.430	0.433	0.986	1	.321	0.651	.279	1.519
Positive input	−0.054	0.115	0.224	1	.636	0.947	.756	1.186
Inmate age	−0.022	0.011	3.783	1	.052	0.978	.957	1.000
Inmate gender	−0.365	0.342	1.139	1	.286	0.694	.355	1.357
Inmate race								
Black	0.224	0.231	0.942	1	.332	1.252	.795	1.969
Hispanic	0.019	0.279	0.005	1	.946	1.019	.590	1.762
Other	3.458	2.089	2.739	1	.098	31.747	.529	1,906.271
Institutional behavior*	−0.574	0.108	28.171	1	<.001	0.563	.456	0.696
Incarceration length	0.000	0.004	0.014	1	.907	1.000	.993	1.007
Crime severity*								
Violent offender	0.272	0.244	1.242	1	.265	1.313	.813	2.120
Degree of most serious offense	0.002	0.106	0.001	1	.981	1.002	.814	1.234
Number of known victims*	−0.262	0.061	18.800	1	<.001	0.769	.683	0.866
Negative letter from prosecutor's office	−0.341	0.593	0.331	1	.565	0.711	.222	2.274
Three or more present offenses	0.007	0.202	0.001	1	.973	1.007	.678	1.496
Any juvenile victims*	−1.025	0.380	7.289	1	.007	0.359	.170	0.755
Criminal history*								
Three or more prior adult convictions	0.327	0.199	2.703	1	.100	1.386	.939	2.047
Any prior juvenile convictions*	−0.427	0.197	4.692	1	.030	0.653	.444	0.960

(*Continued*)

TABLE 5.   (Continued)

Variables in the Model[+]	*B*	*SE*	Wald	*df*	Sig.	Exp(*B*)	95.0% CI for Exp(*B*) Lower	Upper
Inmate is a sex offender	0.999	0.590	2.873	1	.090	2.717	.855	8.627
Inmate was a JV at offense	−3.107	1.713	3.291	1	.070	0.045	.002	1.284
Mental health history	−0.020	0.220	0.008	1	.927	0.980	.637	1.509
Constant	1.920	0.511	14.149	1	<.001	6.823		

*Significant at $p < .05$.
[+]"Inmate Race (White)" was a reference category ($-2LL = 865.58$).

other variables. Results of a binary logistic regression suggested that positive victim input was not a significant predictor of parole release (Exp[*B*] = .33, $p = .38$). However, only 14 cases with complete data in the sample had positive victim input, leaving this result subject to Type II error. Therefore, the effect of positive victim input on parole release is inconclusive due to the limited variability of positive victim input in the study sample.

Influence of Victim Versus Nonvictim Input on Parole Release Decisions

It was hypothesized that victim input, both for and against parole release, would have a greater effect on parole decisions than nonvictim input when controlling for all other variables. Two binary logistic regression models should ideally be used to test this hypothesis, each comparing victim and nonvictim input of the same orientation (i.e., "in favor of" or "against" release). This would allow effect sizes (odds ratios) of input sources to be intuitively compared without the orientation of input confounding results. However, only one model—comparing negative victim input to negative nonvictim input—was tested due to the limited variability of positive victim input among cases with complete data ($n = 14$). Victims submitting negative input (Exp[*B*] = .64, $p = .42$) had a slightly greater effect on parole denial than nonvictims (Exp[*B*] = .67, $p = .66$), though neither source of input was a significant predictor of parole release ($-2LL = 865.79$).

Influence of Verbal Versus Written Input on Parole Release Decisions

It was hypothesized that verbal input would have a greater effect on parole release decisions for parole-eligible prisoners than written input when controlling for all other variables. Two binary logistic regression models should ideally be used to test this hypothesis, each comparing verbal and written inputs of the same orientation. This would allow effect sizes (odds ratios) of input types to be intuitively compared without the orientation of input confounding results. However, only one model—comparing negative verbal input to negative written input—was tested due to the limited number of complete cases with positive verbal input ($n = 7$). Results suggest that both types of input had a negative influence on an inmate's chance of being approved for parole, though neither was a significant predictor of parole release. Each additional piece of negative verbal input decreased an inmate's odds of being approved

for parole by 76% (Exp[*B*] = .24, *p* = .23). Each additional piece of negative written input decreased an inmate's odds of being approved for parole by 4% (Exp[*B*] = .96, *p* = .83).

DISCUSSION AND CONCLUSION

Results Summary

Results suggest that inmates who were juveniles at the time of their offense and who had served longer lengths of incarceration were more likely to receive positive written input from nonvictims. Inmates with registered victims were more likely to receive negative written input from victims. The quantity or severity of offenses was not significantly associated with receiving any input, nor did violent offenses increase the likelihood of receiving input. This is noteworthy because previous studies overrepresented violent offenders in their samples with the assumption that when crimes are against people there would be an increased likelihood of comprising a sample with sufficient variability of inputs received. This was not so in New Jersey. Replication of previous empirical studies using their sampling designs almost certainly would not have yielded sufficient variability of input sources, types, and orientations in New Jersey. Results presented here validate the sampling design used for this study.

Input was not a significant predictor of parole release in New Jersey. Negative input did, however, appear to decrease the odds of an inmate's release to a greater extent than positive input, which, for all intents and purposes, neither helped nor hurt an inmate's odds of parole release. Measures of institutional behavior, crime severity, and criminal history were significantly associated with parole release. This is consistent with findings from previous empirical research (e.g., Carroll & Burke, 1990; Conley & Zimmerman, 1982; Gottfredson, 1979; Hannah-Moffat, 2004; Kassebaum et al., 2001; Shin, 1973; Talarico, 1988; Turpin-Petrosino, 1999). Prison program participation and institutional misconduct were the only factors significantly associated with release that an inmate could conceivably have had some control over while in prison; the former being the only factor that improved an inmate's chances for parole release. The odds of an inmate's parole release decreased for every additional person or business entity that was victimized. Inmates incarcerated for "victimless" crimes had better chances of parole release than their counterparts with known victims. Juvenile victims were detrimental to an inmate's likelihood of parole release as well. The odds of release for inmates with juvenile victims was less than half that of their counterparts. Prior convictions as a juvenile also decreased an inmate's chances of parole release.

Results in Context

Results suggest that victims' rights laws successfully increased victim participation because inmates with registered victims (who were solicited for input) received significantly more victim input than inmates without registered victims. New opportunities for victims to impact parole release decisions could have created a situation in New Jersey in which the leverage of power to decide inmate releases was shifted from parole board members to victims or their representatives (Malsch & Carrière, 1999), but victims' rights laws apparently did not have this effect.

It is possible that victim or nonvictim input did not impact release decisions because the weight given to input is minimized by parole board members for practical reasons when conducting case-file reviews prior to deciding inmate releases. For example, New Jersey Parole Board members made over 6,500 parole release decisions in 2004. Assuming that

they had no other work-related obligations but to decide release for 8 hours each day, board members would have less than 20 minutes to review each parole-eligible inmate's case file. Even at this pace—without taking breaks or performing other obligatory tasks—carefully considering every piece of input in addition to all other parole release factors may not be feasible. Therefore, it is reasonable to believe that a significant association between input and parole release was not found because parole board members and other decision-makers do not adequately read and consider the input in order to save time and streamline the case-file review process. It is not that parole board members are insensitive to public input. Rather, board members may simply give greater weight to other release factors given their limited time and resources.

In response to a recent national survey commissioned by the Association of Paroling Authorities International (APAI; Kinnevy & Caplan, 2008), all states that responded ($n = 44$) consider victim input when making release decisions, but the self-reported "influence" of input on those decisions varied greatly, with 16 states reporting that victim input was very influential, another 14 states reporting "somewhat influential," and no response from the remaining 14 states. Given this national context, New Jersey may not be unique regarding the influence of input on release decision. Since empirical research on the impact of input on parole release decisions is limited, it is better to conclude that this study was simply the first to show significantly different results among a handful of other empirical studies that were conducted in only a few other states.

Twenty-one out of 40 state paroling authorities also acknowledged in the APAI survey that victim input was "very influential" at helping board members set conditions for parolees; 18 responded "somewhat influential." This suggests that victim input does not have to impact release decisions in order to have value within the parole process. Future research should assess the impact of input on parole conditions independent of parole release decisions.

A major strength of this study was the representativeness of its sample. Previous research that found victim input to have a significant impact on parole release decisions sampled only violent offenders, which limited the generalizability of results. Nevertheless, the potential influence of victim input at parole hearings was assumed to be generalizable across paroling jurisdictions and among different types of inmate populations—until now. This study is particularly important because it utilized a representative sample of parole-eligible inmates that produced results contrary (and perhaps counterintuitive) to prior empirical research. Results suggest that the impact of input on parole release is not generalizable to different types of offenders or among different paroling jurisdictions. In New Jersey, there was not a systemic overbearing influence of victim or nonvictim input on parole release decisions. Generally speaking, input appeared to be given less weight than other significant criminogenic risk factors.

States are currently faced with financially unsustainable correctional systems as more inmates are serving longer portions of their sentences in prison. These fiscal pressures have led some states to propose drastic actions, including increasing opportunities for good-time credits, expanding supervised parole, and releasing inmates early without parole (Richburg & Surdin, 2008). Such proposals have already been met with opposition from victims groups with regard to issues of justice. These actions will also make victims' demands for greater impact over parole release decisions increasingly more difficult to accommodate, leading many victims to become increasingly frustrated with parole boards (Davis & Smith, 1994; Erez et al., 1997; Erez & Tontodonato, 1992).

Although the relative number of victims and victim advocates may be small, they are organized and the public defers to them on the issue of parole because they are seen as informed as much as they are seen as sympathetic. Victims are assumed to have the moral

authority to speak on the public's behalf and, therefore, their social and political influence is often greater than their absolute numbers imply (Smith, Sloan, & Ward, 1990). It is currently unknown if soliciting victim input without utilizing it to directly influence outcomes will maintain the parole board's legitimacy with victims' groups in the long term. Theories of procedural justice and legitimacy suggest that it will because people are more likely to favorably rate the quality of outcomes when the procedure includes opportunities for them to participate (Tyler, 2003). However, this question remains to be answered more definitively and can be studied with further empirical research.

Input as an Indicator of Need

The receipt of nonvictim input was small compared to the potential number of friends and relatives of victims or inmates who could provide it, and most nonvictim input (60%) was positive. Although it was beyond the scope of this study, positive nonvictim input reviewed during data collection suggested that requests for parole release were often justified by needs for inmates to assist with finances, childcare, and other family matters. Intuitively, this makes sense when paired with the finding that receipt of positive nonvictim input increased as incarceration length increased; the longer an inmate was away from family, the greater the stresses and strains placed on their dependants. When considered more broadly than as only a mechanism for influencing parole release decisions, input may be the best means of identifying concerned stakeholders who are most in need of support services. Addressing the concerns of people who submit input, either through direct service delivery or referrals, could improve a parole board's legitimacy among an important constituency—the offender's family. To help a mother apply for a job and then make a referral for childcare that will enable her to work while the father is incarcerated is one example. Assisting an inmate's familial dependants in this way is consistent with the mission of parole—to control risk and assist with reintegration—because it limits stressors within the environment to which an inmate will eventually return (Naser & Vigne, 2006; Naser & Visher, 2006; O'Brien, 2001).

The receipt of victim input by parole boards is also relatively minimal compared to the number of victims that parole-eligible inmates represent. For instance, the 805 cases used in this study represent a sum of 1,161 known victims; however, less than 12% provided input. Considering that 87% of victim input was negative, and that most input was submitted on behalf of nonviolent offenders who already served more than 2 years in prison, the victims who chose to participate were a unique group. While the reasons for their self-selection into this cohort might vary, it is probable that they continue to be physically or emotionally harmed by the crime and are unable to find closure. The content of their input suggests that this is the case because requests for parole denials were often justified by victims' continued fear and suffering. Even if victim input significantly affected parole denial, efforts to keep their transgressors in prison indefinitely would be improbable because most nonviolent offenders will eventually exit prison.

In place of considering input for the purpose of influencing parole release decisions, victims' services programs should use it as a mechanism to identify the neediest victims who have been unable to repair the harm done and cope with the aftermath of a crime. A mental health counseling program for the cohort of victims who provide input, for example, could provide some closure regarding their past victimization and their transgressors' eventual/inevitable release from prison. Structured opportunities for victims to interact with trained counselors at the tail-end of the criminal justice process may be more beneficial to victims compared to input submitted to parole board members that is only informed by the past

and not the present. If victims had the opportunity to explain and treat their ongoing grief, or even interact with their offender in controlled settings just prior to an inmate's release from prison (Gumz, 2004; Mika, Achilles, & Halbert, 2004), then victims' anxieties may be reduced and their other concerns adequately addressed. These interactions could bring victims some comfort and closure, and they may help offenders more successfully reenter society—a key goal of the parole system.

CONCLUSION

Victims' rights laws that permit public input at parole hearings are not likely to change in the near future. Therefore, in order to better accommodate the obligations mandated by them, parole boards should decide how much weight to give victim and nonvictim input when deciding parole release. Directions to board members regarding their use of victim and nonvictim input will clarify procedures and help create a more uniform and transparent application of input among all board members. If parole boards solicit input for a specific purpose, then victims and others could provide more relevant and useful information in both form and content. Input should also be used to identify a parole board's neediest constituents and then target support services accordingly. In these ways, the application of input to parole board activities can be more balanced with the board's obligations to all stakeholders, including victims, offenders, family members, and the general public.

NOTES

1. First- and second-degree crimes are the topmost serious crimes in New Jersey, which carry a penalty of incarceration of 5 or more years. Crime degrees range from 1 (*most serious*) to 4 (*less serious*); these are equivalent to what would be considered felonies in other states.

2. Only primary victims were counted. For example, if a credit card was stolen, then the person named on the credit card was considered the victim. The stores where the stolen card was later used, or the banks or insurance companies that lost money as a result of the crime, were not counted as victims. Furthermore, representatives of victims with mental or physical handicaps and immediate relatives (i.e., [step]mother, [step]father, [step]brother, [step]sister, or grandparent) of deceased victims also counted as victims. Handicaps were determined from evidence in the case file or if directly stated by the representative as the reason for providing input on behalf of the victim.

3. There was no videotaped input submitted for any inmate in the sample. SPB staff stated this was common and could not recall ever receiving videotaped input from anyone.

4. Based upon New Jersey Department of Corrections (2004) categorizations, and upon consultation with SPB staff (K. Robbins, personal communication, June 1, 2006), "violent" offenses were operationalized as aggravated assault, aggravated assault by auto, aggravated assault on a police officer, aggravated assault with a deadly weapon, aggravated criminal sexual contact, manslaughter, aggravated manslaughter, aggravated sexual assault, armed robbery, assault by auto, assault by motor vehicle, assault with intent to carnally abuse, kidnapping, murder, attempted murder, attempted sexual assault, carjacking, criminal restraint, criminal sexual contact, attempted robbery, attempted armed robbery, attempted sexual assault, death by vehicular homicide, disarming a corrections officer, disarming a law enforcement officer, rape, rape while armed, reckless manslaughter, robbery, sexual assault, sexual contact, simple assault, terroristic threats, theft from a person, violation of probation (VOP) for aggravated assault, VOP for criminal restraint, VOP for criminal sexual contact, VOP for robbery, VOP for sexual assault, VOP for simple assault, VOP for terroristic threats, VOP for theft from a person, VOP for attempted aggravated assault, or retaliation against a witness. Conspiracy to

commit a violent crime was not considered a violent offense. Attempted violent crimes were considered a violent offense.

5. Included in this tally is a rare extreme instance where one inmate, convicted of killing a female police officer, received 100 letters against parole release by nonvictims (parole was denied for this inmate).

REFERENCES

Bernat, F. P., Parsonage, W. H., & Helfgott, J. (1994). Victim impact laws and the parole process in the United States: Balancing victim and inmate rights and interests. *International Review of Victimology, 3*, 121–140.

Carroll, J. S., & Burke, P. A. (1990). Evaluation and prediction in expert parole decisions. *Criminal Justice and Behavior, 17*(3), 315–332.

Carroll, J. S., Weiner, R., Coates, D., Galegher, J., & Alibrio, J. (1982). Evaluation diagnosis, and prediction in parole decision making. *Law and Society Review, 17*, 199–228.

Cohen, J. (1988). *Statistical power analysis for the behavioral sciences* (2nd ed.). Hillsdale, NJ: Lawrence Erlbaum.

Conley, J. A., & Zimmerman, S. (1982). Decision making by part-time parole board. *Criminal Justice and Behavior, 9*, 396–431.

Davis, R. C., & Smith, B. E. (1994). Victim impact statements and victim satisfaction: An unfulfilled promise? *Journal of Criminal Justice, 22*(1), 1–12.

Erez, E., & Tontodonato, P. (1992). Victim participation in sentencing and satisfaction with Justice. *Justice Quarterly, 9*, 393–427.

Erez, E., Roeger, L., & Morgan, F. (1997). Victim harm, impact statements and victim satisfaction with justice: An Australian Experience. *International Review of Victimology, 5*, 37–60.

Feder, L. (1994). Psychiatric hospitalization history and parole decisions. *Law and Human Behavior, 18*, 395–410.

Foucault, M. (1995). *Discipline & punish: The birth of the prison* (A. Sheridan, Trans.). New York: Vintage Books. (Original work published 1977)

Gottfredson, M. R. (1979). Parole board decision making: A study of disparity reduction and the impact of institutional behavior. *Journal of Criminal Law and Criminology, 70*(1), 77–88.

Gottschalk, M. (2006). *The prison and the gallows: The politics of mass incarceration in America.* New York: Cambridge University Press.

Gumz, E. J. (2004). American social work, corrections and restorative justice: An appraisal. *International Journal of Offender Therapy and Comparative Criminology, 49*(4), 449–460.

Hannah-Moffat, K. (2004). Losing ground: Gendered knowledges, parole risk, and responsibility. *Social Politics, 11*(3), 363–385.

Hoffman, P. B. (1972). Paroling policy feedback. *Crime & Delinquency, 9*, 117–133.

Kaptein, H. (2004). Against the pain of punishment: Retribution as reparation through penal servitude. In H. Kaptein & M. Malsch (Eds.), *Crime, victims and justice* (pp. 80–111). Burlington, VT: Ashgate.

Kassebaum, G., Davidson-Coronado, J., Porsch, R., Arai, M., Perrone, P., & Allen, J. (2001). *Parole decision making in Hawaii: Setting minimum terms, approving release, deciding on revocation, and prediction success and failure on parole (NCJRS Publication No. 191270).* Honolulu, HI: Department of the Attorney General.

Kinnevy, S. C., & Caplan, J. M. (2008). *Findings from the APAI International Survey of Releasing Authorities* [Research Report]. Philadelphia: Center for Research on Youth & Social Policy.

Malsch, M. (2004). Victims on view: Are victims served by the principle of open justice? In H. Kaptein & M. Malsch (Eds.), *Crime victims and justice* (pp. 112–125). Burlington, VT: Ashgate.

Malsch, M., & Carrière, R. (1999). Victims' wishes for compensation: The immaterial aspect. *Journal of Criminal Justice, 27*(3), 239–247.

McLeod, M. (1989). Getting free: Victim participation in parole board decisions. *Criminal Justice, 4*(1), 12–15, 41–43.

Mika, H., Achilles, M., & Halbert, E. (2004). Listening to victims—A critique of restorative justice policy and practice in the United States. *Federal Probation, 68*(1), 32–38.

Morgan, K., & Smith, B. L. (2005). Victims, punishment, and parole: The effect of victim participation on parole hearings. *Criminology & Public Policy, 4*(2), 333–360.

New Jersey Department of Corrections. (2004). *Offenders in New Jersey correctional institutions on January 12, 2004, by base offense.* Retrieved March 15, 2007, from http://www.state.nj.us/corrections/offender_statistics/2004/by_base_offense.pdf

Naser, R.L. & Vigne, N.G. (2006). Family support in the prisoner reentry process: Expectations and realities. *Journal of Offender Rehabiliation, 43,* 93–106

Naser, R.L. & Visher, C.A. (2006). Family members' experiences with incarceration and reentry. *Western Criminology Review, 7(2),* 20–31.

New Jersey State Parole Board. (n.d.). Retrieved March 14, 2007, from https://www6.state.nj.us/SPB_VSREG/index.jsp

O'Brien, P. (2001). "Just like baking a cake": Women describe the necessary ingredients for successful reentry after incarceration. *Families in Society: The Journal of Contemporary Human Services, 82,* 287–295.

Office for Victims of Crime. (1998, August). Victims' rights: Two decades of dramatic change. *OVC Bulletin.* Washington, DC: U.S. Department of Justice.

Parsonage, W. H., Bernat, F. P., & Helfgott, J. (1994). Victim impact testimony and Pennsylvania's parole decision making process: A pilot study. *Criminal Justice Policy Review, 6*(3), 187–206.

Proctor, J. L. (1999). The "new parole": An analysis of parole board decision making as a function of eligibility. *Journal of Crime & Justice, 22*(2), 193–217.

Richburg, K. B., & Surdin, A. (2008, May 5). Fiscal pressures lead some states to free inmates early. *Washington Post,* pp. A01.

Shin, H. J. (1973). Do lesser pleas pay? Accommodations in the sentencing and parole processes. *Journal of Criminal Justice, 1*, 27–42.

Sievers, B., & Mersky, R. R. (2006). That economy of vengeance: Considerations on the aetiology and meaning of the business of revenge. *Human Relations, 59*(2), 241–259.

Smith, B. L., Sloan, J. J., & Ward, R. M. (1990). Public support for the victims' rights movement: Results of a statewide survey. *Crime & Delinquency, 36*(4), 488–502.

Smith, B. L., Watkins, E., & Morgan, K. (1997). The effect of victim participation on parole decisions: Results from a southeastern state. *Criminal Justice Policy Review, 8*(1), 57–74.

Solomon, A., Kachnowski, V., & Bhati, A. (2005) *Does parole work: Analyzing the impact of post-prison supervision on rearrest outcomes.* Washington, DC: Urban Institute.

Talarico, S. M. (1988). The dilemma of parole decision making. In G. F. Cole (Ed.), *Criminal justice: Law and politics.* Pacific Grove, CA: Brooks/Cole.

Tobolowsky, P. M. (1999). Victim participation in the criminal justice process: Fifteen years after the President's Task Force on Victims of Crime. *New England Journal on Criminal and Civil Confinement, 25*(1), 21–105.

Turpin-Petrosino, C. (1999). Are limiting enactments effective? An experimental test of decision making in a presumptive parole state. *Journal of Criminal Justice, 27*(4), 321–332.

Tyler. T. R. (2003). Procedural justice, legitimacy, and the effective rule of law. *Crime and Justice: A Review of Research, 30*, 283–357.

Valier, C. (2004). *Crime and punishment in contemporary culture.* New York: Routledge.

Winfree, L. T., Ballard, V., Sellers, C., & Roberg, R. (1990). Responding to a legislated change in correctional practices: A quasi-experimental study of revocation hearings and parole board actions. *Journal of Criminal Justice, 18*, 195–215.

Correspondence regarding this article should be directed to Joel M. Caplan, PhD, Rutgers University, School of Criminal Justice, 123 Washington Street, Newark, NJ 07102. E-mail: jcaplan@newark.rutgers.edu