

Gender in parole decisions¹

Renée Gobeil²

Department of Psychology, Carleton University

Though parole release decisions have important implications, to date there has been little research on the factors influencing them; a recent study, however, aimed to address this scarcity.

Using offender case vignettes modeled on cases routinely encountered by parole board members, it was found that, in a sample of 31 parole board members from Canada and New Zealand, day parole grant rates were significantly higher for women offenders than for male offenders. These findings expand on those described elsewhere in that gender differences were found to be maintained when both level of risk and perceived likelihood of remaining crime-free until warrant (sentence) expiry were controlled, demonstrating that gender has a unique relationship with parole decision not explained by these factors. Implications are discussed in terms of risk assessment, parole board decision-making and parole board member training.

Introduction

Release decisions made by parole boards have extensive and far-reaching consequences. Not only do parole board members have to consider the merits of the applications before them, but they must also weigh the societal costs of any erroneous release and the monetary and ethical burden of any offender remaining incarcerated unnecessarily. Moreover, most parole boards' guiding principles indicate that decisions must be made as liberally as possible, taking into account public safety and the estimated probability of recidivism. These multiple issues contribute to the difficulty of parole board members' tasks. Despite the unmistakable significance of parole board release decisions, little research has been focused on the area of parole decision making.

... the objective of this study was to examine whether gender continued to influence day parole grant decisions after controlling for risk ... and for perceived likelihood of successful warrant completion

Statistics do show, however, that gender is linked to parole. Specifically, as compared to male offenders, women offenders typically serve smaller portions of their sentences before being released on various types of parole (Public Safety and Emergency Preparedness Canada, 2006). Women also typically have better parole outcomes than male offenders – that is, they return to custody (either due to revocation or to reoffence) less frequently (Grant & Gillis, 1999). This is not surprising, considering that women tend to be considered relatively low-risk offenders. They generally commit fewer offences, and their offences are often of less severity than those committed by male offenders (National Parole Board of Canada, 2006a).

To date, however, no research has addressed how these three factors – level of risk, likelihood of successful warrant completion, and gender – interact to influence parole release decisions. As such, the objective of this study was to examine whether gender continued to influence day parole grant decisions after controlling for risk (using methodological design features) and for perceived likelihood of successful warrant completion (using statistical procedures).

Methodology

In order to ensure an adequate number of participants, parole board members from both the National Parole Board of Canada and the New Zealand Parole Board were recruited. These boards were chosen because they were sufficiently similar in terms of guiding principles, population served, risk assessment procedures and decision-making guidelines to be appropriately combined in analyses (Department of Justice Canada, 1992; National Parole Board of Canada, 2006b; New Zealand Parole Board, 2002; New Zealand Department of Justice, 2002).

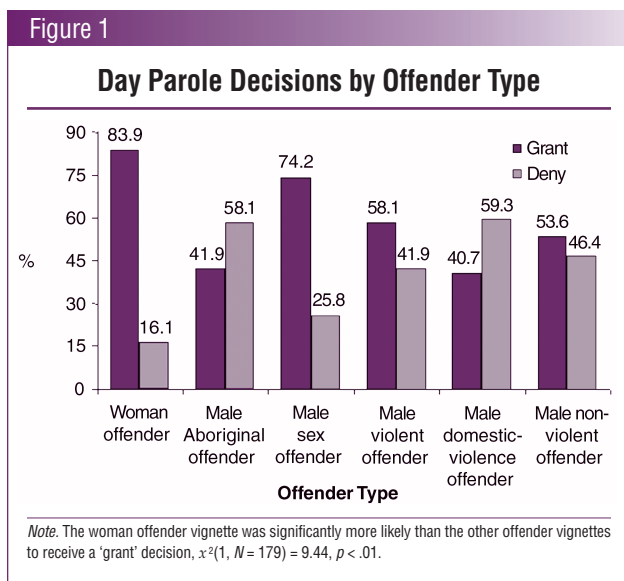
A total of 31 board members, of whom 22 were from Canada's National Parole Board, participated in the study. Slightly over half of these (58%) were male, and most were between 45 and 64 years of age (74%). Most board members (84%) had professional backgrounds in law, criminal justice, correctional service or human service delivery.

The study was conducted using a secure website. This procedure allowed the board members to participate at a time and location that were convenient for them, and also served to reduce data entry errors. Once they logged in using an individual, randomly assigned username and password, board members were presented with six hypothetical vignettes. For each vignette, the board members were asked both to decide whether to grant or deny day parole and to provide an estimate of the offender's likelihood of successfully remaining crime-free until warrant expiry.

In one vignette, the offender was a woman offender convicted of drug-related offences; for the others, the offenders were male offenders with various convictions, including sexual, violent and non-violent offences. The vignettes were constructed to be similar in length and in content. Notably, in all cases, the offenders were described as representing a moderate risk to reoffend. These statements were supported using estimates from actuarial assessment tools, where appropriate, and a review of static and dynamic risk factors.³

Results

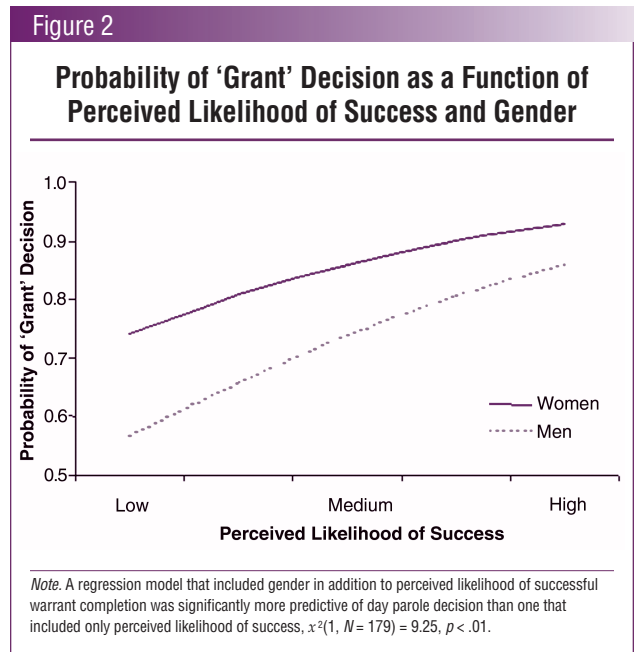
Overall, day parole was granted in 59% of cases. Interestingly, there was considerable variability in grant rates; some board members granted parole for all six offender vignettes while others denied in all cases. Statistical tests showed that the differences in grant rate were not related to the parole board affiliation, gender, age, length of professional experience or professional background of respondents.



As can be seen in Figure 1, however, grant rates did differ by offender type. Analyses demonstrated that the woman offender vignette was more likely to receive a 'grant' decision than were any of the vignettes with male offender protagonists.⁴

It was then examined whether gender continued to be associated with release decision after controlling for perceived likelihood of successfully remaining crime-free until warrant expiry. Indeed, the results of a series of analyses demonstrated that the relationship between day parole decision and gender was not fully explained by the relationship between parole decision and perceived likelihood of successful warrant completion.

In other words, as is shown in Figure 2, the finding that the woman offender vignette was more likely than the other vignettes to receive a 'grant' decision was present at all levels of perceived likelihood of successful warrant completion. Indeed, the difference between the grant rate for the woman offender vignette and the male offender vignettes was greatest when the perceived likelihood of the offenders' success was lower.



Discussion

The present results demonstrate that this sample of parole board members granted women offenders parole with greater frequency than they did male offenders. Given that the vignettes used in this study all indicated that the offenders represented moderate risk, these findings are consistent with previous research indicating that a designation of a specific

... these findings demonstrate that gender has a relationship with parole decision above and beyond that explained by either risk or perceived likelihood of successful warrant completion.

level of risk is interpreted as having a different meaning depending on the gender of the offender to whom it is applied (Hardyman & Van Voorhis, 2004).

Analyses also revealed that women offenders continued to be more likely than male offenders to be granted day parole even when the perceived likelihood of successful warrant completion was statistically controlled.

Together, these findings demonstrate that gender has a relationship with parole decision above and beyond that explained by either risk or perceived likelihood of successful warrant completion.

It is important to note, however, that this study did not attempt to determine whether gender alone explains this additional variance or whether additional factors, unmeasured here, also play a role. Until research addresses this issue, the present conclusions must be interpreted with caution.

Nonetheless, the finding that gender's relationship with parole outcome is not fully explained by risk or by perceived likelihood of successful warrant completion leads to a discussion of several potential implications.

First, such findings lend support to calls for the development of actuarial measures of risk of recidivism which are gender-sensitive, to better anchor decisions for those offenders for whom existing measures cannot appropriately be used.⁵

Secondly, they demonstrate that it may be beneficial for parole boards to formulate more specific definitions of what is meant by risk ratings, and what release decisions would appropriately correspond to such ratings. The development of such definitions, with consideration of gender, culture, mental health and other offender-specific factors, should lead to greater uniformity in parole decisions, regardless of offender characteristics.

Finally, these results underscore the importance of training programs for new parole board members aimed at increasing consistency in decision making.

These preliminary findings suggest that progress in these areas would help ensure that release decisions meet the legislative requirements of accuracy and fairness in release decisions. ■

¹ Manuscript based on findings excerpted from Gobeil, R. (2006). *Factors influencing parole decision making: Demographic characteristics, cognitive style, and offender type*. Unpublished Masters thesis. Ottawa, ON: Carleton University.

² Research Branch, Correctional Service of Canada, 340 Laurier Avenue West, Ottawa, Ontario K1A 0P9; e-mail: gobeilre@csc-scc.gc.ca.

³ As a check of the generalizability of the results of the study, board members were asked the degree to which the vignettes were representative of those they encountered in the course of their work; responses demonstrated that the vignettes were satisfactorily representative.

⁴ It is noteworthy that this distinction was evident both when all six offender types were considered and when only two categories of offenders (i.e., men and women) were considered.

⁵ See, for example, Hannah-Moffat, K., & Shaw, M. (2001). *Taking risks: Incorporating gender and culture into the classification and assessment of federally sentenced women in Canada*. Ottawa, ON: Policy Research, Status of Women Canada.

References:

- Department of Justice Canada. (1992). *Corrections and Conditional Release Act*.
- Grant, B.A., & Gillis, C.A. (1999). *Day parole outcome, criminal history, and other predictors of successful sentence completion*. Ottawa, ON: Correctional Service of Canada.
- Hardyman, P.L., & Van Voorhis, P. (2004). *Developing gender-specific classification systems for women offenders*. Washington, DC: Department of Justice, National Institute of Corrections.
- National Parole Board of Canada. (2006a). *Performance monitoring report 2005-2006*. Ottawa, ON: National Parole Board.
- National Parole Board of Canada. (2006b). *The decision process*. Retrieved June 20, 2006 from <http://www.npb-cnrc.gc.ca/infocntr/parolec/pdece.htm>.
- New Zealand Department of Justice. (2002). *Parole Act*.
- New Zealand Parole Board. (2002). *About us*. Retrieved June 20, 2006 from <http://www.paroleboard.govt.nz/nzpb/aboutus/>.
- Public Safety and Emergency Preparedness Canada. (2006). *Corrections and conditional release statistical overview*. Ottawa, ON: Author.