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FACTORS ASSOCIATED WITH PAROLE BOARD
DECISION MAKING IN MONTANA

by

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B.A., University of Montana, 1970

Presented in partial fulfillment of the requirements for the degree of
Master of Arts

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1974

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Chapter I

INTRODUCTION

The role of the criminal justice system in American society has increasingly become a topic of discussion and investigation. Concurrently, there has been an attempt to develop a perspective of the client of the criminal justice process--the criminal--and to understand the ideologies to which he is subjected. While it is generally agreed that criminal justice agencies exist to punish those who have violated the law, recent years have seen investigators turning their attention to the broader purposes served by these agencies. There has been a growing tendency to view the whole criminal justice system as the primary instrument of social control in society, with the laws and the agencies which enforce them functioning to maintain the established patterns of behavior and the expectations which accompany them. Such a conception of the criminal justice system has important implications not only for society as a whole, but for the traditional manner in which the offender has been viewed by both the administrators processing him and the sociologists studying him.

As a review of the literature in the field of corrections would indicate, the ideas held concerning the individual who has violated the law have strongly influenced the manner in which legal agencies have dealt with him. Prevalent throughout the history of man's study of those who have violated the law has been the feeling that the criminal is somehow different from the noncriminal. The issue has been "Why do people commit crimes?," and attention has focused

on the individual both in studying him and attempting to rehabilitate or punish him. As Turk notes (1969:2):

The guiding assumption in research has been that there is something distinctive and wrong in the patterns of criminal lives, whether these patterns relate mainly to the body, the personality, interpersonal relations, culture and social structure, or to highly complex combinations of these.

The search, Turk contends (1969:2) has been for criminal types and has virtually always been aimed at characteristics and explanations of individuals.

In spite of the lack of an empirical foundation, the production of literature which elaborates the existence of a criminal type continues. Both actual and potential violators of the law are felt to be identifiable by certain characteristics. As Mannheim observes (1969:377):

The shift in criminological thinking has been from a biological to a sociological and psychological explanation of behavior, not in terms of a shift in interest from the criminal to the crime. The emphasis is still upon the individual offender.

As part of the recent attempt to develop a perspective of the criminal justice system and its clients, researchers have turned their attention to the nature of the social order itself and the purposes served by the laws and agencies which maintain it. In examining the decision making of various criminal justice agencies, they have found that various characteristics of the offender tend to effect the decisions which are made about him (Dawson, 1969; Kassebaum, Ward, and Wilner, 1971; Scott, 1972). Findings such as these indicate the importance of shifting attention away from the individual offender toward the agencies which process individuals who have violated the law. Findings which indicate that certain characteristics of the

individual offender affect the disposition he receives would reveal not only the criteria used by agencies in the criminal justice system, but also the purposes served by such decisions and who is most likely to be affected by them. They would also provide further impetus for a thorough re-examination of the traditional assumptions of the cause and nature of criminality.

One agency in which the decision making of the criminal justice system can be examined is the parole board. Since the majority of offenders who are incarcerated leave the prison by means of a parole, the decisions of this agency are a critical part of the total process. The manner in which parole board decisions are made has been investigated by several researchers. Quinney notes that "The offender's future is settled by the discretion of others" (1969:19), and Dawson contends that the parole decision is almost entirely a matter of administrative discretion, noting that once the statutory limits are met, ". . . the parole board is free to make whatever decision it wishes without that decision being subject to further legal limitations" (1969:261). Dawson further notes that parole boards make little attempt to formalize their criteria or to systematically assess their policy implications (1969:262). In their report "The Challenge of Crime in a Free Society," The President's Commission of Law Enforcement and Administration of Justice has also argued that the manner in which parole decisions are made is not especially laudable (1967:12):

Except for sentencing, no decision in the criminal justice process has more impact on the convicted offender than the parole decision, which determines how much of his maximum sentence a prisoner must serve. This is again an invisible administrative

decision that is seldom open to attack or subject to review.

The role of the parole board within the criminal justice system has been put into a more precise perspective by Scott (1972:2):

The parole board has the difficult task of attempting to reconcile the two fundamental objectives of our criminal justice system: (1) securing equality in punishment and treatment, and (2) adapting punishment and treatment to the nature of the offense and the needs of the offender. In light of such contrasting objectives, it is inevitable that disparities in punishment will exist. Nevertheless, it is important to note the extent of such disparities and the factors being used by the parole board in their decision making.

From the above discussion, two basic questions emerge which can guide further research into parole board decision making. What is the role of the parole board as an agent of the criminal justice system? What are the criteria used by the parole board in carrying out this role? In answering these questions, insight will be provided not only into the perspective of the parole board with respect to the convicted offender, but also into the larger process and perspective of which the parole board is an integral part. The answers will also provide indications of the validity of traditional explanations of criminality as well as more recent theories which see criminality as a product of social processes rather than individual behavior per se.

Chapter 2

THEORETICAL PERSPECTIVE

In order to fully understand the activities of criminal justice agencies such as the parole board, it is necessary to examine the total process of which they are a part. It becomes necessary to inquire as to what the larger system is, what the system's goals are, and upon what foundation it is built. Only when these questions have been answered can one begin to examine the role of agencies such as the parole board and the means which they use to carry out their tasks as functioning units of the criminal justice system.

Social Control and Legal Order

All societies require a certain degree of order to function. This not only makes the behavior of most of the inhabitants predictable most of the time, but also insures the maintenance and continuity of established norms, beliefs, and values. As Quinney notes (1970:8):

Always present in any social collectivity is the problem of establishing and maintaining social order. In all social grouping sets of rules develop to regulate the various realms of social life, thus assuring some degree of order in these groups.

Social control, then, consists of the mechanisms that a society has developed to maintain itself as a coherent and functioning unity.

Quinney postulates two types of social control and enumerates them as follows (1970:8-9):

Informal means of control, which may be spontaneously employed by members of a society, such as ridicule, gossip, and censure, may serve to assure conformity

to some of the rules. The normative system of other agencies or institutions may, in addition, rely upon formal means of control.

Quinney goes on to point out that while the legal system in a society is in part dependent upon the operation of informal social control, legal systems in themselves may be regarded as examples of formal social control. He notes (1970:9):

The law, as a type of formal control, consists of (1) explicit rules of conduct, (2) planned use of sanctions to support the rules, and (3) designated officials to interpret and enforce the rules.

Kerper states that the law, like other means of social control, ". . . molds the behavior of the individual by imposing sanctions for failure to conform to group norms and expectations" (1972:10). Turk asserts that, "Control of behavior, not knowledge of behavior, is the driving aim of The Law, and ethical assumptions, rather than increased knowledge of causation, are the criteria of success" (1969:8).

Redfield (cited in Kerper, 1972:10-11) notes that laws are enforced by a political community and "involve a systematic and formal application of force by the state in support of explicit rules of conduct."

Incarceration and other penalties are invoked in instances where the law is disobeyed.

Since the formulation and enforcement of the law occurs within a political collectivity, those groups which have the most power will secure the use of statutes to protect the values which they hold. Over forty years ago, Sutherland (cited in Turk, 1969:xii) sketched out the process:

A certain group of people feel that one of their values-- life, property, beauty, landscape, theological doctrine-- is endangered by the behavior of others. If the group is politically influential, the value important, and the danger serious, the members of the group secure the

enactment of a law and thus win the cooperation of the state in their effort to protect their value.

Quinney presents a similar perspective on the nature of the laws which exist in society (1970:30):

The content of the criminal law, then, including the kind of conduct prohibited and the nature of the sanctions attached, depends upon the norms of those groups in society which influence legislation, court decisions, and administrative rulings. In addition, these influential groups may not be in the majority in numbers or even represent the interests of the majority in the population.

Criminalization in Society

From this perspective, the definition of some people within society as "criminal" is directly related to the processes enumerated above. The key factor in criminalization, as Turk notes (1969:xi), "is the ability of some people to announce and enforce legal norms." Turk pursues this point, stating (1969:10):

The point is that nothing and no one is intrinsically criminal; criminality is a definition applied by those with the power to do so, according to illegal, extra-legal, as well as legal criteria.

Turk goes on to point out that criminal status may be ascribed to persons because of real or fancied attributes, because of what they are rather than what they do, and justified by reference to real or imagined or fabricated behavior (1969:9-10). He contends that criminal status is implied when legal norm enforcers consider an individual to be subject to deprivation of some value and presents a theoretical scheme which provides support for his contentions. A major proposition in this scheme is that there is no pattern of human behavior which has not been at least tolerated in some normative structure. With respect to this he states, "From the absence of any

universal norms, it follows that research in the etiology of any specific form of criminal behavior must inevitably be culture specific and time bound" (1969:11). Turk also contends that the behavioral elements which comprise an illegal act are not specific to criminal acts as distinguished from other human behavior. Activities of the human organism cannot be sorted into the criminal and the noncriminal until one knows how they are perceived by the wielders of power and authority in a specific time and place. Another closely related proposition is that for most offense categories, the rates are relatively high for lower status, minority group, young, male, transient, urban populations. A common attribute of all these categories, except males, as Turk points out (1969:17), "appears to be their vulnerability when confronted by authorities; and the attributes defining the categories are associated with relative powerlessness." From these and other propositions which he develops, Turk concludes that instead of assuming the criminality of some of the behavior patterns of persons in certain sociological categories, one is led to investigate the tendency of laws to penalize persons whose behavior is more characteristic of the less powerful and the extent to which some persons and groups can and do use legal processes and agencies to maintain and enhance their power positions vis-a-vis other persons and groups (1969:18).

Addressing this question, Hills states that one's social and ecological position in the social order--with its related opportunities, deprivations, rewards, lifestyles, and values--will affect the likelihood of conflict with legal norms and of possessing

the knowledge, resources, and power to avoid the criminalization process (1971:19).

From the above perspective, criminality is a function of legal agencies which are directly charged with interpreting and enforcing the norms which are announced by political decision makers. It becomes the study of the relations between the status and roles of legal authorities, who are the creators, interpreters, and enforcers of right-wrong standards for the individual in the political collectivity, and those of the subjects, who are the acceptors or resistors, but not the makers of such law-creating, interpreting, or enforcing decisions. Within this process, the law is utilized as a means to secure conformity to established norms and values and sanctions are imposed through agency decision making upon those whose behavior has violated these norms and values. The extent of the sanction will be based primarily on the extent of the deviation of the individual's behavior from accepted patterns, those individuals whose behavior is further from the established norms given more punishment to secure their conformity in the future. Indications are that those whose behavior and lifestyle are in conflict with the established norms are those who are relatively powerless in the political collectivity. Their powerlessness not only makes their behavior more susceptible to the imposition of a criminal label, but also subjects their total lifestyle to the scrutiny of those agencies which are charged with enforcing certain norms and values through the administration of sanctions.

Criminal Justice Decision Making

Indications that the decision makers in the criminal justice system are operating within a broader context of social control are provided by both empirical and subjective sources. An examination of these sources will allow an assessment of the validity of the statements made by the various investigators above and provide the basis for the formulation of specific propositions and hypotheses through which the perspective can be further examined.

In their discussion of decision making in the criminal justice system, the President's Commission on Law Enforcement and Administration of Justice states that judicial and administrative decision makers are concerned with the following types of issues (Task Force Report: Corrections, 1967:14):

1. The degree or extent of threat to the public posed by the individual. Significant clues will be provided by the nature of the offense and the length of any prior record.
2. The nature of the response to any earlier correctional programs.
3. The kind of personal stability and responsibility evidenced in his employment record, residential patterns, and family support history.
4. The kind of personal deficiencies apparent, including educational and vocational training needs.
5. The personal psychological characteristics of the offender that determine how he perceives the world and his relationship to it.

The Task Force Report also notes (1967:14) that the information used by decision makers in many instances is unrelated empirically to the judgements being made. Certain types of information tended to mislead officials because they attached greater weight to them than was warranted.

Statements about the nature of the decision making in criminal justice agencies have also come from political sources. Writing in The Struggle for Justice, the authors contend that the decisions made reflect a particular bias (1971:75):

The decision makers in the criminal justice discretionary system are predominately white by race, upper middle by socioeconomic class, male by sex, suburban by residence, university post-graduate by level of education, and professional, proprietary, or business by family background. In disposing of their dockets, it is inevitable that these decision makers assume, consciously or unconsciously, norms of lifestyle, intelligence, belief, industry, and integrity against which to evaluate their clients.

The authors further assert that, "Every day criminal justice personnel make hundreds of low level discretionary decisions that glorify their middle class lifestyle" (1971:119).

While these statements suggest that decision makers in the criminal justice system operate from a particular perspective which takes into account various attributes of the offender, they must be empirically substantiated. The following studies constitute the most recent attempts to do this.

In 1969 Chiricos et al. undertook a research project in an attempt to identify those kinds of persons who were most likely to be labeled as criminal by one criminal justice agency, the court. Under Florida law, a judge has the option of withholding the official adjudication of guilt from defendants who are being placed on probation. This allows them to escape not only a criminal label, but a criminal identity and commitment as well. The researchers examined the relationship between several personal-biographical and legal characteristics of the offender and the adjudication he received.

Upon analysis of the data, it was found that the marital status, race, age, and level of education of the offender were strongly related to adjudication status. Those offenders who were Black, over 36 years of age, married, and who had lower levels of formal education were adjudicated guilty most often (Chiricos et al., 1972:560). With the exception of juvenile adjudications, the prior contact between the accused and the criminal justice system appeared to be the most influential factor in the imposition of a criminal label. The more felony and misdemeanor convictions, probations, and paroles which an offender had on his record, the greater his chances were of being adjudicated guilty before being placed on probation (1972:562).

While there are numerous other studies which have examined the decision making of various criminal justice agencies involved in processing the offender (Skolnick, 1966; Blumberg, 1967; Bordua, 1967; Glaser, 1969; Garabedian, 1973), little systematic data exists on the one agency which plays a pivotal part in the total process, the parole board. It is the parole board which makes the crucial decision as to when an offender is to be released from incarceration, thus determining how long he is to be punished for his particular offense. The criteria utilized by the parole board in its decision making will reflect not only those characteristics of the offender which effect how long he remains confined, but also provide insight into the manner in which criminality is viewed by agents of the criminal justice system.

The most recent examination of parole board decision making has been done by Scott (1972) who focused on three principal characteristics of the offender, (1) legal, (2) personal-biographical, and (3) institutional, and attempted to ascertain their relationship

to the amount of punishment which the offender received. Scott selected these characteristics because of their relationship to correctional and criminological theory. He states (1972:3-4):

The legal factor was the primary consideration in determining punishment according to the retributive school of thought. . . The institutional factor is closely associated with the reformative approach to corrections, which advocates the incarceration of individuals only until they are rehabilitated. . . Finally, the personal-biographical factor is closely associated with the conflict or power theory of criminology. This theory maintains that those individuals with more power in society will receive more favorable consideration and more favorable treatment by the representatives of our legal institutions.

To test the effects of the three categories of offender characteristics on the severity of punishment received by the offender, Scott gathered data from the records of 359 inmates who were granted a parole from three Midwest penal institutions in 1968. For analyzing the data, Scott used multiple linear regression which allowed him to examine the variables categorized into sets of legal, personal-biographical, and institutional and thus determine the relationship between each set and the dependent variable, length of incarceration.

Upon analysis of the data, Scott found that the seriousness of the crime for which the offender had been convicted had a statistically significant effect on the amount of punishment he received, noting the "Parole board members appear to believe that an inmate is not ready for parole until he has suffered commensurately for his crime" (1972:6). Further analysis of the data indicated, however, that there was not a significant relationship between the prior criminal record of the offender and the amount of punishment he received. Scott notes that, ". . .when all other variables are

taken into consideration, inmates with more extensive criminal involvement are actually punished less, although the relationship is weak and insignificant" (1972:6). Scott felt that this finding was in part explained by the policy of the parole board of paroling early those inmates who had detainers against them and such offenders often have extensive criminal records. Another possible explanation noted by Scott was that in a five or six hour work day the parole board may hear up to 150 cases and thus may not have time to utilize all of the information which is available to them regarding the offender's prior criminal involvement (1972:9).

With respect to the effect of the selected institutional variables on the severity of punishment, Scott found that those inmates receiving the most disciplinary reports were incarcerated the longest, even when the legal seriousness of the crime and other independent variables were controlled (1972:7). Parole board members appeared to assume that inmates who received disciplinary reports while confined were more likely to get into trouble once released. However, Scott further found that those inmates who had a good institutional adjustment record were incarcerated longer those who had poor records in the institution (1972:8). A surprising finding was that those inmates who were denied parole were often encouraged by parole board members to join institutional groups to better themselves. In fact, three of the five members of one of the parole boards whose activities were examined indicated to Scott that next to the seriousness of the crime, an inmate's institutional adjustment was the most important factor in the determination of whether a parole should be granted (1972:8).

In examining the effects of the selected personal-biographical characteristics of the offender on the amount of punishment he receives, Scott found that the parole board punishes older offenders much more than younger ones (1972:9). The parole board members assumed that older offenders had more control over their behavior and consequently required more extensive punishment than younger offenders. The analysis also indicated that those offenders who had completed higher levels of formal education were punished less than those offenders who had completed lower levels of formal schooling. Scott noted that the statement was often made by parole board members in counseling an offender that, "Someone with your education should be able to make a good living and stay out of trouble" (1972:9-10).

The marital status of the offender at the time of his appearance before the parole board was also found to affect the amount of punishment received. Those offenders who were married were incarcerated for shorter periods of time than those who were divorced, who were in turn confined for less time than single offenders (1972:10). Marital ties were seen by the parole board members as having a stabilizing influence upon the offender.

Scott also examined the relationship between the ethnicity of the offender and the amount of punishment he received. His analysis indicates that Blacks were punished more than whites until the seriousness of the offense and other independent variables were controlled, whereupon the relationship was reversed (1972:10).

Upon treating the legal, personal-biographical, and institutional variables as sets and examining their relationship to severity of punishment, Scott found that the legal set accounted for

70 per cent of the variation in punishment, the personal-biographical set for 45 per cent, and the institutional set for only 8 per cent of the variation (1972:13). Scott thus concluded that the positivist's ideology that an offender be sentenced to prison until he is rehabilitated or "ready" to return to society is still far removed from reality.

If it can be assumed that the concerns of the criminal justice system are reflected in the decisions of the various agencies which comprise it, then Scott's study provides evidence that the parole board is part of a larger process which administers punishment on the basis of various attributes of the offender which relate not only to his institutional performance but to his legal record and various characteristics of his lifestyle. Such a finding provides support for those who contend that agencies such as the parole board engage in the process of social control by imposing sanctions upon those individuals whose behavior does not conform to established norms and values. Scott's findings provide preliminary support for the statements of the Task Force Report on Corrections (1967) that various characteristics of the offender effect the decision making of judicial and administrative personnel. Political statements by those such as the authors of The Struggle for Justice (1971) that decision makers in the criminal justice system, due to their status and role, tend to make decisions on the basis of certain norms of lifestyle and behavior, are also given preliminary support by Scott's analysis.

While the Scott study was based on data which were gathered from the records of parole boards and then supplemented by statements from parole board personnel, another recent study in the area of

parole board decision making utilizes almost solely statements by parole board members regarding their decision making. As part of a larger study on the types, length, and conditions of the criminal sentence, Robert Dawson (1969) conducted interviews with parole board members in three states in an attempt to gain insight into the criteria used in their decision making.

Upon interviewing the parole board members, Dawson found that a primary consideration in the parole decision was the probability that the offender would violate the law again once released on parole. In determining this probability, the parole board members stated that they used certain factors, among them the psychological change of the offender during his confinement and his participation in prison treatment programs (1969:268):

The inmate who participates in these programs is regarded as a better risk even if no noticeable change is effected than is the inmate who is just "serving his time" with no genuine effort at change. Failure to participate is an extremely negative factor in the parole decision.

One parole board member told Dawson that if an inmate appeared for parole and all prognosticating factors were in his favor for adjustment under supervision, and even if he and the other parole board members thought that the offender would successfully complete a parole, he would still vote to deny a parole if the inmate had made no effort at all to change himself by participation in institutional programs (1969:269). Discussing the role of the institutional adjustment of the offender in the parole decision, Dawson concluded (1969:270):

Most of the inmates appearing before the board have a record of fairly good institutional adjustment. The fact that for many of them parole is denied indicates that good adjustment in itself is not sufficient to achieve parole. It is likely that good adjustment

is a minimum requirement for parole, one which must be met in order to qualify an inmate for favorable parole consideration but which in itself is not sufficient for a favorable decision.

Parole board members also indicated to Dawson that the nature and extent of the offender's criminal record was a factor in the decision making process. The inmate's record provides an indication of the inmate's potentiality for "going straight" if released on parole (1967:271). The members indicated to Dawson that, other factors being equal, it would take more evidence of a change in attitude to convince the parole board that an inmate with a long record has reformed than would be necessary for an inmate without such a record.

In checking the statutes in the states in which the parole boards whose members were interviewed were operating, Dawson found that some excluded the possibility of parole or postponed parole eligibility for those inmates with prior convictions on their record. The statutes in one state provided that inmates who had served two prior prison terms were ineligible for parole altogether (1969:271). Even in the state which was considered to have liberal parole eligibility laws, the existence of a prior criminal record results in the routine denial of parole at the first hearing.

The parole board members indicated to Dawson that the prior incarcerations of the offender affect the decision to grant or deny parole. If the present incarceration is the offender's first, it is reasoned that the prison experience may have had "shock" value and parole will be granted (1969:272). The number of prior probations and paroles were also stated to be considerations, they being an

indication of the behavior to be expected by the offender if released on supervision.

The Dawson study is particularly interesting in that it is based upon the statements of parole board members as to the criteria they used in their decision making. The members interviewed stated that the most important consideration was the various legal attributes of the offender. In many instances, the parole board was required by law to make a particular decision. On no occasion did any of the parole board members mention that the personal-biographical attributes of the offender entered into their decision making process. This is significant in light of Scott's (1972) findings that certain personal-biographical attributes of the offender are utilized in the parole decision and have an effect upon the length of time the offender remains incarcerated.

Implications and Limitations

The Scott (1972) and Dawson (1969) studies both indicate that there may be a difference between what parole board members say they consider in making the parole decision and the actual criteria which determine the length of time the offender is to remain confined. While parole board members told Scott that next to the prior criminal involvement of the offender his institutional adjustment was the most important consideration in the parole decision, Scott found that those inmates with good institutional adjustment records were actually confined for longer periods of time. Also, while Scott (1972) found that certain personal-biographical attributes of the offender had an effect upon the severity of punishment he received, the parole board

members interviewed by Dawson (1969) mentioned only legal attributes of the offender as affecting their parole decision.

Although Scott (1972) and Dawson (1969) reached their conclusions on the basis of data gathered from different sources, such conclusions provide considerable insight into the decision making of the parole board. Since these two studies constitute the most recent and systematic attempts to determine the criteria used in parole board decision making, their limitations need to be enumerated so as to put their findings into perspective and to allow comparison of their findings with further research in the area.

One of the major limitations of the Scott study (1972) is the time period covered by the data. Since the study was confined to a one year period, there is the possibility that the full range of parole board behavior was not covered. A short period of time, for example, does not allow for changes in parole board personnel who are usually appointed by the governor of the state for three year terms. Neither does it provide for changes in the political climate for the state. There are often changes in both state administrative and correctional personnel which result in the altering of existing policies or the creation of new ones. The importance of these and other factors has been noted by a former member of Indiana's three man parole board who observed that many extra-legal factors, such as crime waves, editorials against the soft treatment of criminals, and the biases of parole board members against certain types of crime may prevent or delay the parole of an inmate who meets all of the legal criteria for parole (Thomas, 1963:1760.

Another limitation of the Scott study (1972) is that it examined parole board decision making in predominately urban settings.

The setting in which the parole board is operating not only tends to affect its caseload and the subsequent amount of time which is spent on each individual offender's case, but also the types and varieties of offenders appearing before the board. Scott (1972) notes that an important characteristic of the parole boards which he studied was the large caseload of each board and the small amount of time spent on each case. This, he felt, might explain why variables such as an inmate's institutional adjustment and prior criminal record, which are not quantified and thus require some time and effort to assess, have little effect upon the severity of punishment which the offender receives (1972:9). Scott did note in his field observations that if a parole board member called to the attention of the other members that the offender whose case was under consideration had a lengthy prior record, that offender might well be denied a parole on that ground (1972:7). There also exists the possibility that in the urban state in which Scott's study (1972) was conducted would tend to be more liberal and progressive than more rural states which might tend to be more conservative. Also whereas the minority offenders in the areas where Scott (1972) conducted his research were Blacks, in the more rural Western states they would tend to be Native Americans, Chicanos, or Mexican-Americans. All of these factors have a limiting effect upon Scott's findings.

Summary

Findings from the empirical studies above as well as political statements suggest that the decisions made by agents of the criminal justice system are made from a perspective which penalizes those offender's whose behavior and/or lifestyle do not conform to established

established societal norms and expectations. Such decisions are manifested in the form of guilty adjudications in the courts and longer periods of incarceration in penal institutions. These findings call into question the traditional manner in which criminality has been viewed and provide indications that the law in society is used to secure conformity on the part of those who are both politically powerless and who possess certain attributes.

As an agent of the criminal justice system, the parole board appears to make its decisions on the basis of certain nonlegal and legal attributes of the offender which are unrelated to the offense for which the offender is incarcerated. The amount of time which the offender spends in confinement becomes a function of how closely his past behavior and present attributes conform to the established patterns.

Chapter 3

THE PRESENT STUDY

The present study constitutes a further attempt to determine the criteria used by parole boards in their decision making. Such a determination will provide considerable insight into the validity of the theoretical perspective developed in Chapter 2. This perspective views parole board decision making as part of a larger process of social control. Through their decisions as to how long an offender must remain incarcerated for his offense, the parole board members participate in a process which punishes nonconformity on the part on those who have been defined as criminal.

On the basis of the theoretical perspective and the findings of recent studies of parole board decision making, the following propositions and hypotheses are offered.

Personal-Biographical Characteristics of the Offender and Length of Incarceration

Proposition One. There is a significant relationship between selected personal-biographical characteristics of the offender and the length of time he remains incarcerated for his particular offense.

Those offenders who have backgrounds which indicate behavior which does not conform to established norms and values will be viewed by the members of the parole board as in need of longer periods of confinement than those offenders who have exhibited relatively "stable" behavior and an "acceptance of responsibility" in their personal lives.

Hypothesis 1: Those offenders who are members of an ethnic minority will be incarcerated for longer periods of time than those offenders who are not.

Fuller (cited in Quinney, 1970:27-28) notes that the criminal statutes are the embodiment of someone's moral values and that, depending upon the particular law, all persons may not regard the law as valid according to their own values and group norms. Sellin (cited in Quinney, 1970:27-28) also notes that although the criminal code is only one set of conduct norms, it is binding upon all who live within the boundaries of a political unit. This suggests that members of ethnic minorities such as Blacks and Native Americans will find the conduct of their lives in conflict with the system of laws in American society which were developed and are applied by Anglo-Saxons. Moreover, since the backgrounds of the members in these ethnic groups may well indicate behavior which is not in congruence with established norms and expectations, the minority offender will be seen as being in need of longer periods of incarceration in an attempt to modify his behavior and to insure his conformity in the future.

Hypothesis 2: The marital status of the offender appearing before the parole board is directly related to length of incarceration.

Offenders who are single will be viewed as having failed to conform to societal norms and expectations. Married offenders will be presumed to be more stable and responsible than those offenders who are single at the time of their admission to the institution. The marital status of the offender also provides an indication to the members of the parole board of the extent to which the offender is tied to traditional groups in society which will provide support upon his release.

Hypothesis 3: The frequency of the offender's employment prior to his admission to the institution is directly related to length of incarceration.

Those offenders with a history of infrequent employment will be incarcerated for longer periods of time than those offenders with a history of stable employment. The extent to which the offender remained employed prior to his admission will indicate to the members of the parole board the degree to which he has internalized established attitudes and values as well as the extent to which the offender is capable and willing to accept responsibility and seek and retain employment upon release from the institution.

Hypothesis 4: The amount of education which an offender has completed prior to his admission is directly related to length of incarceration.

Those offenders who have completed low levels of formal education will be incarcerated for longer periods of time than those offenders who have completed higher levels of education. Formal education is viewed by the parole board as indicative of the extent to which the offender has accepted and become integrated into the institutions and values of society. This is especially important with respect to education, as schools are the primary instrument by which a society socializes its population and instills habits of obedience to order in individuals. Those offenders who have achieved higher levels of formal schooling will be seen as having been in pursuit of accepted societal goals and in need of less punishment for their wrongdoing. They will also be seen as having received enough socialization to enable them to succeed if released on parole.

Legal Characteristics of the Offender and Length of Incarceration

Proposition Two. There is a significant relationship between selected legal attributes of the offender and the length of time he remains incarcerated for his particular offense.

As an agency of social control, there is a general concern on the part of the parole board that the individual suffer for his past behavior and not repeat it in the future. Failure to conform to societal norms and expectations which have been embodied in the law by the politically powerful will result in punishment through incarceration commensurate with the extent of nonconformity as evidenced by the offender's prior criminal involvement.

Hypothesis 6: The number of arrests which an offender has on his record at the time of his appearance before the parole board is directly related to length of incarceration.

Hypothesis 7: The number of felony convictions which an offender has on his record at the time of his appearance before the parole board is directly related to length of incarceration.

Two of the most prominent indicators of the extent of the offender's involvement with legal authorities is the number of arrests and felony convictions which he has on his record. Offenders with numerous arrests and felony convictions on their record will be viewed as having failed to accept the legitimacy of established norms and values as embodied in the criminal law and in need of more extensive punishment to insure their conformity in the future.

Hypothesis 8: The age of the offender at the time of his first felony conviction is directly related to length of incarceration.

Those offenders who have records which indicate that they were convicted of a felony at an early age will be seen by parole board members as having rejected societal norms and values at an early date and in need of longer periods of incarceration to insure their conformity when released from the institution.

Hypothesis 9: The number of previous state prison incarcerations which an offender has on his record at the time of his appearance before the parole board is directly related to length of incarceration.

Those offenders who have a number of previous commitments on their record will be seen as not having benefited from attempts to stabilize their behavior with respect to established societal norms and expectations. It will also indicate to the parole board that the offender has continued to reject the legitimized values and attitudes of society. These offenders will also be seen as poor risks on parole. All of these factors will cause offenders with previous commitments on their record to be incarcerated for longer periods of time than those offenders with few or no previous incarcerations on their record.

Collecting the Data

In order to test the above hypotheses, data were taken from a larger study of the parole files of offenders in the state of Montana. In this study, the files of all of the offenders who were scheduled to appear before the Montana State Board of Parole during the period from July 1, 1966 to June 30, 1971 were examined. These files comprise the institution's total record of the incarcerated offender and contained extensive person-biographical information as well as

material on the nature and extent of the offender's previous legal, prison, and parole experiences. When the research had been completed, data had been collected on 1,201 offenders. Offenders who were sentenced to the prison for less than one year or who were sentenced for a short period of time on a suspended sentence were not included in the original study. Data from this larger study have also been utilized in "The Indian Offender in Montana" (Hall, 1972), and in an article entitled "Parole Survival Among Native Americans and Whites" (Griffiths, et al., 1973).

Since the present study is an attempt to determine the effect of selected characteristics of the offender on the length of time he remains incarcerated for his offense, it was imperative that offenders committing crimes which carry different statutory requirements not be compared. To have used the total population of the original study without providing for a control on offense or length of sentence would have provided useless information. Since the original study did not include information on the length of sentence which the offender received for his particular offense, it was necessary to select the five most frequently occurring offense groups for the five year period covered to standardize as nearly as possible the length of sentence. The five offense groups, the number of offenders in each, and the statutory requirements of each offense are as follows:

1. Burglary I; 191 offenders; one to 15 years
2. Grand Larceny; 161 offenders; one to 14 years
3. Check Offense; 157 offenders; one to five years
4. Forgery; 157 offenders; one to 14 years
5. Burglary; 96 offernders; one to five years

The total N for the study was 762*. Low, medium, and high periods of incarceration are different for each of the offense groups. Since the main interest of the present study is to determine the effect of the selected independent variables on the dependent variable of length of incarceration, no attempt will be made to make comparisons between the different offender groups themselves.

The operational measures of the independent variables for the present study are described below. All of the information regarding the offender was gathered from inmate statements and verified by other sources wherever possible.

Ethnicity: The variable of ethnicity is dichotomized into white and Native American since only five per cent of the original population sampled were in a different category.

Age: The actual age of the offender at the time of his admission to the institution was determined by the inmate's personal statement.

Marital Status: The marital status of the offender was determined from his family history which is compiled by social services personnel in intake interviews.

Level of Formal Education: This variable is the years of formal schooling which the inmate has completed prior to entering the institution and is dichotomized into zero to eight (low) and nine and above (high).

Employment Frequency: The nature of the offender's employment prior to incarceration is divided into the two categories of employed and not employed.

Total Number of Arrests: This variable is divided into three categories, zero to three (low), four to six (medium), and above six (high).

*Female offenders are excluded from the present study since they comprised less than three per cent of the original population sampled.

Total Number of Felony Convictions: The variable of previous convictions is divided into three categories, zero to one (low), two to three (medium), and above three (high).

Age at First Felony Conviction: This variable is divided into three categories, 18-20 (low), 21-23 (medium), and above 23 (high).

Previous State Prison Incarcerations: The variable of previous commitments is dichotomized into zero to one (low) and two to nine (high).

Length of Incarceration: This is the dependent variable in the present study and is the amount of time, measured in months, which the offender spent confined in the prison from the date of his intake until the date of his release from the institution.

Statistical Method

The primary purpose of the present study is to determine whether a relationship exists between the selected independent variables and the dependent variable. The statistical procedure chi-square will be used in the analysis of the data. As Blalock notes (1960:175):

The chi-square test is a very general test that can be used whenever we wish to evaluate whether or not the frequencies which have been empirically obtained differ significantly from those which would be expected under a certain set of theoretical assumptions.

The null hypothesis of the study is that the selected personal-biographical and legal variables have no effect upon the dependent variable of length of incarceration other than that expected by chance.

Use of chi-square requires that the sample being tested be relatively large and the cell frequencies must not be too small. The sample in the present study meets these criteria. Since the main interest of the present study is to determine whether or not the

obtained chi-square values are larger than would be expected by chance, only the upper tail of the distribution is of interest. For purposes of analysis, the .05 level of significance will be used. As the purpose of the analysis is to determine whether or not significant relationships exist between the independent and dependent variables, chi-square rather than a measure of association is used.

Strengths and Weaknesses of the Present Approach

Before the results of the analysis are presented and discussed, it is essential that the strong and weak points of the present approach to the study of parole board decision making being noted. This will not only put the findings into a clear frame of reference in relation to the theoretical perspective, but will also facilitate comparison of the findings with those of other recent studies in the area.

The present study is similar to that of Scott (1972) in the source of the data. Both utilize data drawn from parole board files on the individual offender. Both the personal-biographical and legal attributes of the offender chosen for analysis are similar to those used by Scott (1972). These variables were selected for their representativeness of a wide range of behavior on the part of the individual as related in the theoretical perspective. Since the variables are relatively the same for the two studies, comparison between the findings is facilitated.

While using the same indicator of severity of punishment as Scott (1972), which is the number of months the offender remained incarcerated from intake to release from the institution, the present study does not utilize indicators of institutional adjustment by the inmate. Such information was not collected in the original larger

study of the parole files from which the data in the present study are drawn. Neither does the present study include interviews with parole board members as did the studies of Scott (1972) and Dawson (1969).

The study at hand is somewhat unique in that it is based upon data collected in a Western rural state which has a large population of Native Americans. Studies to date of criminal justice decision making and especially in regard to parole board decision making have been done in predominately urban settings. There, the minority group under consideration has usually been Blacks. In the rural setting under study here, Native Americans, while constituting a little over four per cent of the state's total population, make up between 23 and 25 per cent of the state prison population at any one point in time. While there have been studies which have examined the treatment of both Black and Native Americans by agencies in the criminal justice system (Broeder, 1965; Morgan, 1965; Overby, 1965; Hindelang, 1969; Reasons, 1972; Scott, 1972), there are no recent data available on the treatment of Native Americans by a parole board.

A further strength of the present study is the information which was secured on the occupations of the men who served on the parole board during the time period covered by the data. In the criminal justice literature, the contention is made that decision makers are primarily from upper middle class backgrounds and thus make their decisions from a particular perspective. While many of these contentions are from political sources such as The Struggle for Justice (1971), they have an important impact on the manner in which the criminal justice system is viewed. However, little evidence is

available on the actual occupations of parole board members through which this claim could be substantiated.

The information collected indicates that of the 12 men who served or who are serving on the parole board from 1965 to the present, six were attorneys, one was involved in real estate and insurance, one was a veterinarian, another was a bank president, and the remaining member was a professor at a small Catholic college in the state. The ages of the members ranged from 42 to 72 at the time of their appointment to the parole board by the Governor. The mean age was 49.

Summary

In order to test the validity of the theoretical perspective developed in the present study, propositions and hypotheses which postulate a significant relationship between selected nonlegal and legal characteristics of the offender and length of incarceration were developed. The items of information chosen for analysis were selected on the basis of their representation of the individual offender's past behavior, lifestyle, and involvement with legal authorities. Since they are similar to those utilized by Scott (1972) in his study of parole board decision making, it will be possible to discuss the possible reasons for similarities and differences in the findings of the two studies.

The present study examines the decision making of a parole board operating in a rural state with a population of Native Americans. The applicability of the theoretical perspective to this type of setting will be indicated by the findings of the analysis.

Chapter 4

FINDINGS

The following discussion presents the analysis of the data as related to the hypothesized relationships drawn from the two major propositions developed in the preceding sections. It is expected that the independent variables, which were selected on the basis of the theoretical perspective, will be significantly related to the dependent variable of length of incarceration. The extent to which a specific variable effects length of incarceration will be determined by the relationship between that variable and the role of the parole board as an enforcing agency of established norms and values.

Personal-Biographical Characteristics of the Offender and Length of Incarceration

Ethnicity. Analysis of the data indicates that for the majority of the offenders in the research sample there is no significant relationship between ethnicity and length of incarceration. For all of the offense groups except one, insignificant chi-square values were obtained, ranging from .662 ($p < .80 > .70$) to 3.688 ($p < .20 > .10$) with two degrees of freedom. The percentage of offenders incarcerated from both ethnic groups for low, medium, and high periods of time was fairly even throughout the offense groups. The hypothesis that ethnicity is directly related to length of incarceration is rejected and it can be generally stated that the Native American offender in Montana is not incarcerated for longer periods of time than white offenders for offenses of equal gravity.

Age. For almost half of the offender sample, there is a significant relationship between the age of the offender at the time of his admission and length of incarceration. Chi-square values for these offenders were 20.088 ($p < .01 > .001$) and 12.648 ($p < .05 > .02$) with six degrees of freedom. Although there was no significant relationship between age and length of incarceration for the remaining offenders in the research sample, a review of the cell percentages indicates that those offenders who are older have a greater chance of being confined for longer periods of time. The hypothesis that the age of the offender at the time of his admission to the prison is directly related to length of incarceration is supported for almost half of the offenders sample and is conditionally accepted.

Marital Status. There does not appear to be a significant relationship between the marital status of the offender and length of incarceration. None of the chi-square values obtained were significant and the hypothesis which posited such a relationship is therefore rejected.

Level of Formal Education. For the majority of the offenders in the research sample, there is no significant relationship between level of formal education and length of incarceration. There was, however, a significant chi-square value found for one group of offenders (12.449, $p < .01 > .001$ with two degrees of freedom), and a review of the cell percentages for the majority of the offenders in the research sample does indicate that those offenders with more education are likely to spend less time in prison than those offenders with lower levels of formal schooling. The hypothesis that

the level of formal education is directly related to length of incarceration is not supported statistically and thus is rejected, although the noted directional statement can be made.

Employment Frequency. For only one group of offenders was a significant chi-square value obtained which indicates a direct relationship between employment frequency and length of incarceration. In the remainder of the offense groups, evaluation of the cell percentages does not allow a directional statement. The hypothesis that the employment frequency of the offender is directly related to length of incarceration is rejected.

Legal Characteristics of the Offender and Length of Incarceration

Total Number of Arrests. For four of the five offender groups there was a significant relationship between the total number of arrests on the offender's record and length of incarceration. The significant chi-square values ranged from 11.012 ($p < .05 > .02$) to 20.966 ($p < .001$) with four degrees of freedom. For the one offender group where a significant chi-square value was not obtained, the cell percentages indicate that those offenders with more arrests on their record tend to spend more time incarcerated for their offense than those offenders with fewer arrests on their record. The hypothesis that there is a direct relationship between the number of arrests on the offender's record and length of incarceration is accepted.

Total Number of Felony Convictions. For all the offender groups, there was a significant relationship between the number of felony convictions on the offender's record and length of incarceration.

Chi-square values ranged from 14.221 ($p < .01 > .001$) to 48.956 ($p < .001$) with four degrees of freedom. The hypothesis that there is a direct relationship between the number of felony convictions on the offender's record and length of incarceration is accepted.

Age at First Felony Conviction. For the offenders in the research sample, there was not a direct relationship between the age at which the offender was convicted of his first felony and length of incarceration. The stated hypothesis which postulated such a relationship is rejected.

Previous State Prison Incarcerations. Analysis of the data for the research sample supports the hypothesis that there is a direct relationship between the number of previous state prison commitments on the offender's record and length of incarceration. Those offenders with a number of prior prison terms spend more time in prison than those who have few or no previous commitments on their record. The chi-square values obtained range from 11.732 ($p < .01 > .001$) to 30.493 ($p < .001$) with two degrees of freedom.

Summary. The analysis of the data indicates that there is no significant relationship between the marital status, ethnicity, level of formal education, or the employment frequency of the offender and the length of time he remains incarcerated for his offense. The hypotheses which posited that there would be direct relationships were rejected. The sole exception was the age of the offender where a significant relationship with length of incarceration existed for almost half of the offenders in the same. This hypothesis was conditionally accepted.

The analysis also indicates that all except one of the selected legal variables is directly related to length of incarceration. The total number of arrests and felony convictions as well as the prior prison commitments on the inmate's record, were all directly related to how long he remained incarcerated for his particular offense. The one exception was the age at which the offender was convicted of his first felony where a significant relationship was not found.*

*See Table 1, Appendix, for a summary of the chi-square values obtained for the five offender groups in the research sample.

Chapter 5

SUMMARY AND CONCLUSIONS

The theoretical perspective developed in the present study views the agencies of the criminal justice system as part of a larger process of social control. The laws which these agencies enforce are the embodiment of the values of the politically powerful and through their decision making, the agencies seek to secure conformity to these values. Those individuals whose records indicate behavior which does not conform to the established patterns and expectations will receive more punishment in an attempt to insure their conformity in the future. The use of sanctions such as the imposition of a criminal label and longer periods of confinement in prison are ways in which this attempt is carried out in criminal justice decision making.

On the basis of this perspective, it was postulated that activities of the offender appearing before the parole board which indicated nonconforming behavior would be used as criteria in the parole board's determination of how long the offender is to remain incarcerated for his offense.

The first proposition which was developed on the basis of this perspective postulated a significant relationship between selected personal-biographical attributes of the offender and length of incarceration. It was hypothesized that the ethnicity, marital status, age, level of formal education, and frequency of employment of the offender would be directly related to the amount of time he remained confined.

The second proposition which was developed on the basis of the theoretical perspective posited a significant relationship between selected legal attributes of the offender and length of incarceration. It was hypothesized that the total number of arrests, felony convictions, previous state prison incarcerations, and the age at which the offender was convicted of his first felony would all be directly related to the amount of time he spent incarcerated for his offense.

In order to test these propositions and their hypotheses, data were taken from a larger study of the parole files of Montana offenders covering a five year period. Personal-biographical and legal items of information which were indicative of the offender's past behavior and lifestyle were chosen as the independent variables. Using the statistical procedure chi-square, the data were analyzed to see if there existed a significant relationship between them and the dependent variable, length of incarceration.

The analysis of the data provides partial support for the theoretical perspective, with the first proposition which posited a significant relationship between the selected personal-biographical attributes of the offender and length of incarceration being almost totally rejected and the second proposition relating to the legal attributes of the offender being almost totally accepted. With respect to the first proposition, although the hypothesis which postulated a direct relationship between the age of the offender and length of incarceration was conditionally accepted, and a directional (not statistically significant) relationship found to exist between the offender's level of education and length of incarceration, there was

no significant relationship between the ethnicity, marital status, or employment frequency of the offender and length of incarceration.

On the other hand, the analysis of the data provides almost total support for the second proposition which posited a significant relationship between selected legal attributes of the offender and length of incarceration. The total number of arrests, felony convictions, and previous state prison commitments on the offender's record were all found to be statistically related to length of incarceration. The one legal variable which is not directly related to length of incarceration is the age at which the offender was convicted of his first felony. Since the remaining legal variables are statistically significant in their relationship to length of incarceration, it can properly be concluded that this variable is simply not a good indicator of the extent of nonconformity of the offender's behavior within the theoretical perspective.

The lack of any significant relationships between the selected personal-biographical variables and length of incarceration, with the exceptions noted, requires further discussion in relation to the theoretical perspective.

The finding, for example, that Native Americans are not incarcerated for longer periods of time than white offenders for offenses of the same gravity does not support the assumption of the theoretical perspective that Native Americans would exhibit a high incidence of nonconforming behavior in their personal lives and thus be subjected to longer periods of punishment. Since the hypothesis was rejected, this assumption must be re-examined. It should be noted that Scott (1972) also found that ethnicity was not related to

severity of punishment although in their study of the imposition of a criminal label, Chiricos et al. (1969) found that Blacks were adjudicated guilty more often by judges than whites before being placed on probation.

There are several possible explanations for the lack of a statistically significant relationship between the ethnicity of the offender and length of incarceration in the present study. One is that the civil rights movement has had an effect upon the members of the parole board to the extent that they are conscious of the decisions they make with respect to the Native American offenders appearing before them. While such an explanation may be feasible in the present situation, caution should be exercised in any attempt to extend it to other agencies operating in the criminal justice system. It is recalled that while Native Americans make up only a little over four per cent of the state's total population, they make up between 23 and 25 per cent of the total prison population. This suggests that the treatment of the Native American by other agencies of the criminal justice system, such as the courts, may be different than that which they receive by the parole board. Such a suggestion is supported by the finding of Chiricos et al. (1969) that Blacks are assigned a criminal label more frequently than whites before being placed on probation by judges.

Another possible explanation is that since Native Americans make up such a large percentage of the total prison population, ethnic boundaries are transcended and the Native American offender is subject to the same decision making criteria as are the white offenders appearing before the parole board. Both of these explanations were mentioned by Scott (1972) as possible reasons for the lack of a

statistically significant relationship between ethnicity and severity of punishment in his study which involved Black offenders.

The further findings that the marital status, level of education, and employment frequency are not directly related to length of incarceration cast more doubt on this area of the theoretical perspective. And although the hypothesis which posited a direct relationship between the age of the offender and length of incarceration was conditionally accepted, a significant relationship was found for fewer than half of the total offender sample. With the exception of ethnicity, Scott (1972) found that all of the selected personal-biographical variables were statistically related to severity of punishment.

The findings with respect to the personal-biographical variables, their lack of support for the theoretical perspective, and the almost total reverse of the findings of Scott (1972) in this area suggest that there may be a number of factors which are influencing the criteria used by the parole board in their decision making in the present study. One possible factor is the environment in which the parole board is operating. Scott (1972) who found that there were statistically significant relationships between the selected personal-biographical attributes of the offender and length of incarceration, conducted his research on parole boards operating in urban settings. Not only is the caseload of these parole boards heavy, but there is the possibility that the parole board in a more urban area deals with a wider variety of offenders than one operating in a more rural setting. This possibility is suggested by the fact that the five most frequently occurring offenses for the five year period in the rural area were

all property offenses. Further research is needed to determine the effect of the caseload and the types of offenders dealt with on parole board decision making, as well as the effect of the environment in which the parole board is making its decisions. It was suggested earlier that parole board decision making in the rural area might exhibit a degree of conservatism as opposed to the more "liberal" urban areas, but the findings with respect to the personal-biographical attributes of the offender in the present study do not provide initial support for this suggestion.

Another possible explanation for the lack of support for the theoretical perspective by the analysis of the personal-biographical variables is the time period covered by the data in the present study. The one study which does provide evidence of a relationship between selected personal-biographical characteristics of the offender and severity of punishment (Scott, 1972), utilized data covering a one year period of time. The present study, on the other hand, utilized data which was gathered over a five year period. The importance of the time period covered by the data in a study of agency decision making such as that by the parole board is exemplified by the events in Montana during the five year period covered. Not only did the composition of the parole board change during this time, but there was a major change in the administration of state government and in the political climate of the state itself. In the early years of the data period, a state and correctional administration existed which believed in the extensive use of parole. As a consequence of this belief, the state prison population was reduced from over 500 inmates to less than 300. These state and correctional administrations were

followed by administrations with more conservative ideologies which have caused the prison population to remain relatively stable since that time. The fact that the present study, which covers a longer period of time than any other study to date with respect to parole board decision making, found little relationship between the selected personal-biographical variables and length of incarceration is cause for serious reconsideration of the assumptions of the theoretical perspective in this area.

A related item of interest is the fact that all of the members of the parole board during the time period covered by the data in the present study were in occupations which are relatively high in prestige and status. In addition, they were all over age 40 and many were over the age of 60. Both of these factors would lead one to predict, as did the theoretical perspective in the present study, that these decision makers would consciously or unconsciously assume norms of behavior and lifestyle against which to evaluate the offenders appearing before them. Such an assumption is not supported by an analysis of the selected personal-biographical attributes of the offender, although such a prediction receives support from a similar analysis of legal attributes of the offender. If the parole board members do consider the selected personal-biographical characteristics of the offender in their decision making, such considerations are not reflected in their final decision as to how long the offender is to remain incarcerated for his offense.

The above findings which indicate that the parole board members utilized only legal attributes of the offender in their final decision to grant or deny parole is rather surprising and contradictory to the

expectations of the theoretical perspective. The social role of parole board members is one of representing the larger community, yet the parole board in question was staffed by persons from higher level occupations. This would lead one to expect that their decisions would be based on non-legal as well as legal criteria. The fact that they weren't provides impetus for a re-examination of the assumptions of the theoretical perspective.

In summary, it can be stated that while the findings in the present study do not provide support for the first proposition relating to the selected personal-biographical characteristics of the offender, they do tend to support the second proposition. Findings that the selected legal attributes of the offender affect the amount of time he remains incarcerated for his offense suggests that the parole board operating in a rural setting makes its decisions as an agent of social control as postulated in the theoretical perspective. Nonconformity by the offender, as evidenced by past involvement with legal authorities, results in longer periods of confinement.

Such findings call further into question the traditional assumptions of the nature and cause of criminality. It relates doubt as to whether criminality is the function of behavior per se on the part of the individual and shifts the emphasis to the social processes involved in handling those who have violated the law in one manner or another. Within the political collectivity it appears that the parole board attempts to secure conformity to established patterns of behavior by applying sanctions in the form of longer periods of incarceration for those individuals whose behavior indicates nonconformity. Analysis of the legal attributes indicates that the role of the parole board as

an agent of social control transcends the setting and the political climate in which it is making its decisions. On the other hand, the lack of any significant relationships between the personal-biographical attributes of the offender and length of incarceration suggests that the setting, political climate, caseload, and personnel of the parole board may affect the criteria used by it over and above the legal attributes of the offender. Hills touches on this, noting (1971:24):

Although these dominant groups are largely responsible for the basic criminal definitions and influence the administration of the system of criminal justice, the characteristics of the local community and the organizational ideologies and structure in which the legal agents carry out their tasks will modify the actual application of the law.

The findings of the present study indicate that, while the theoretical perspective which views the decision making of the parole board within a process of social control is valid, further research into the nature and extent of the influences noted by Hills above is an essential prerequisite to the development of a perspective of the offender within the criminal justice system.

Table 1. Chi-Square Probabilities for the Relationship Between Nine Independent Variables and Length of Incarceration for Five Offense Groups

Hypothesis	Independent Variable	Dependent Variable	Offense				
			1	2	3	4	5
1	Ethnicity	Length of Incarceration	p < .80	p < .01*	p < .70	p < .20	p < .20
2	Marital Status	Length of Incarceration	p < .20	p < .98	p < .10	p < .50	p < .50
3	Employment	Length of Incarceration	p < .95	p < .30	p < .50	p < .90	p < .05*
4	Age	Length of Incarceration	p < .10	p < .10	p < .01*	p < .50	p < .05*
5	Education	Length of Incarceration	p < .20	p < .30	p < .01*	p < .001*	p < .10
6	Arrests	Length of Incarceration	p < .02*	p < .20	p < .001*	p < .05*	p < .01*
7	Felony Convictions	Length of Incarceration	p < .001*	p < .01*	p < .001*	p < .01*	p < .001*
8	Age at First Felony	Length of Incarceration	p < .80	p < .95	p < .50	p < .80	p < .90
9	Previous Incarcerations	Length of Incarceration	p < .001*	p < .001*	p < .001*	p < .01*	p < .001*

* Denotes significant chi-square values

@ Offense categories are: (1) Forgery; (2) Burglary; (3) Grand Larceny; (4) Check Offense; (5) Burglary I

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