THE UNCHARTED INFLUENCE OF PRISON STAFF DECISIONMAKING

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By
Brandy L. Blasko
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Examining Committee Members:

Ralph B. Taylor, Ph.D., Advisory Chair, Department of Criminal Justice
M. Kay Harris, M.A., Department of Criminal Justice
Caterina Gouvis Roman, Ph.D., Department of Criminal Justice
Joseph P. DuCette, Ph.D., External Member, Department of Psychological, Organizational, & Leadership Studies in Education

ABSTRACT

Title: The Uncharted Influence of Prison Staff Decisionmaking
Candidate: Brandy L. Blasko
Degree: Doctor of Philosophy
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Doctoral Advisory Committee Chair: Ralph B. Taylor
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Although parole boards have discretion and responsibility for deciding if and when prison inmates will be released on parole, previous studies of parole decisionmaking have found that the recommendations made by prison staff weigh heavily in parole decisions. In light of these findings it is surprising that the prison recommendation process has not come under greater scrutiny. What contributes to release recommendations made by prison superintendents, whether those recommendations are influenced by those made by lower level prison staff, and the factors shaping the latter, have not yet been explored by criminal justice scholars. It is the purpose of this research to examine parole release recommendations made at the prison decisionmaking stage.

Practices followed by prison staff within one large state prison system as they formulated release recommendations for a random sample of 1610 parole applicants were examined. Of these applicants, 58% were recommended for release by unit management teams that operated on the cell block level. Using multi-level modeling it was possible to take into account characteristics related to applicants and prison staff teams, as well as institutions. Observations of decisionmaking teams and conversations with prison staff supplemented and contributed to the interpretation of quantitative findings. Results showed significant variation across teams and institutions in both the probability of an applicant receiving a positive recommendation for release—even after controlling for

applicant and decisionmaking attributes--and in the strength of the influence of one applicant attribute: number of misconducts. A strong concordance also was found between recommendations made by lower level prison staff teams and prison superintendents. The findings have implications for prison and parole policies, the relationship between prison personnel and paroling authorities, prison operational procedures, and the perceptions of people who are incarcerated.

DEDICATION

This dissertation is dedicated to Dr. John Goldkamp.

> *"What is a teacher? I'll tell you: it isn't someone who teaches something, but someone who inspires the student to give of her best in order to discover what she already knows."*
> *-Paulo Coelho*

As my mentor and advisor in the Ph.D. program I think the above quote sums up my relationship with Dr. Goldkamp. I say this because I spent several years working in prisons before coming to Temple and I had a lot of ideas about what I thought needed to be improved when I arrived. You know that cloud above Linus' head from Charlie Brown? I think that is what I looked like as a first year Ph.D. student—a mess of ideas and rants with no apparent order or direction. Dr. Goldkamp helped me organize my ideas into research. Our many hours spent together in conversations and class, his comments, and his warranted criticisms on my work always drove me to dig deeper, try harder, and stay focused. To me, his greatest talent was his ability to limit my over ambitious personality by keeping my project "doable". Or…maybe I was afraid of what he would do to me if I didn't—if you were ever his student, you know how intimidating he can be from the viewpoint of a first year doctoral student!

The year before Dr. Goldkamp passed away was the most crucial year of my graduate years – developing my dissertation prospectus, obtaining IRB approval to do so, among many other things, and all in a timely manner. And that year was tough for him in a different way. He had a good excuse to put me on hold, or pass me and my dissertation to another faculty member, but he did not. He continued to mentor me, set up my prospectus, and ensured I was transitioned to a professor in who he felt confident. To me, his selfless support speaks tremendously to his dedication to his students.

I visited the first prison for my qualitative work in the Summer of 2012. During the second day of the visit, a prison unit manager told me that he can tell if an inmate is ready for parole by looking into his eyes. Dr. Goldkamp told me once about a judge that looked at him and said “you know how I know if a guy is dangerous, I look him in the eyes.” That day when I got to my car I was upset that I could not share this similar experience with him after the years we spent preparing for this research.

I feel fortunate to have had Dr. Goldkamp as a professor and mentor.

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I could not have succeeded without the invaluable support of several people. Without these supporters, especially the select few I'm about to mention, I may not have gotten to where I am today, at least not sanely.

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To my fellow graduate students and friends, each of you offered a different form of support. Justin Medina—I am grateful for our Adobe dates to vent about our personal lives. To my officemates, Nathan Link and Michele Pich—thank you for normalizing my anger. Lauren Mayes--thank you for crying with me. And a special thank you to Liana Taylor, my officemate of 5 years. Liana--our Starbucks addiction, virtual work dates, and your selfless emotional support got me through. Each of you has offered a different form of support that helped me feel "normal" on this emotional rollercoaster called graduate school. I also need to thank Anne Knorr, as an undergraduate student she coded and entered data for me. Thank you Anne.

Over the past 9 years I have received support and encouragement from Dr. Elizabeth Jeglic, my former advisor and now colleague. Elizabeth you continue to serve as a mentor and advocate. My curriculum vitae would not have as many lines if it was not for your encouragement and mentorship.

It seems like I have been entirely too fortunate to have so many people at the Pennsylvania Department of Corrections who supported my research and education. I am in great debt to Joe Tomkiel from the Office of Research, Planning and Statistics. I was at times nervous that he would start avoiding my phone calls, but he was always there when

I called and even took time to talk with me several times outside of work hours. I would never have finished this research without you, Joe. Thank you also to Director Bret Bucklen. The Pennsylvania Department of Corrections has an amazing and supportive research office, which is often an anomaly in corrections.

A *very special* thank you to the 21 Superintendents --at your sole discretion you opened up your institutions to me and my research and I am forever indebted to your willingness to do so. To the Superintendent Assistants, Unit Managers, Corrections Counselors, and Majors of Unit Management, Deputies of Centralized Services, and Deputies of Facility Management who coordinated my visits, dedicated their time to collect vote sheets, shared their stories with me, and spent time with me on the days I visited—I am very grateful for you all.

Thank you to the co-workers in the Psychology Department at SCI Graterford who have been supportive as I pursued my education. Jessica and Andrea, a special thank you for lending an ear and giving me a little extra support on this journey. I also need to thank former SCI Graterford Superintendent Dave Diguglielmo and the current Superintendent Mike Wenerowicz for their ongoing support of my education. The support I received from these people was a constant reminder of why I chose a career in corrections. They all make me proud to be employed in this field.

I will never be able to thank my family and close friends for all of the time they allowed me to spend on this research and for their continued support of my education. To them I owe the most. Heather and Bethany, you deserve a special thank you. Thank you for your love and selfless support (and patience with my proverbial absence and lack of money). And when I had my greatest struggles, my family was always there to listen,

reinforce how proud they were, and remind me to stay focused. Momma, a piece of my Ph.D. should be yours, as you stood next to me, endured my problems, and shared my passions. Your encouragement to read at an early age, especially John Grisham books, led me here.

And finally, I need to mention the people who inspired me through this journey. Joe, you will likely never read this, but as a 22-year-old right out of college armed with determination and endless amounts of energy you taught me what "rehabilitation" means in the "real world". You continue to serve as a reminder that it is possible to affect someone's quality of life in a positive way if you believe in them and believe in change.

I am also fortunate to work with men incarcerated at the State Correctional Institution at Graterford. The way my life is put on hold when I walk behind that wall is an experience that is difficult to explain. But it is when I am behind that wall--when for a few hours I forget that my outside life exists-- that I am fortunate enough to spend uninterrupted time with men who feel safe enough to share very personal stories with me. Time spent talking with some of the men at Graterford is what motivates me to continue with my research.

While at times throughout this journey I felt like I had bit off more than I could chew, I realized through these experiences that having the opportunity to immerse myself in something I am passionate about is one of life's great rewards. I will end with one of my favorite quotes: "*It's a beautiful thing when a passion and a career come together*."

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Apart from paperwork provided by the court system at prison classification, the information found in the records of individuals who are incarcerated is documented and gathered across a person's incarceration at the discretion of prison staff. The information found in prison records and the value attached to that information by prison staff is potent precisely because "the power of the pen" is enduring and has the potential to significantly influence an individual's life while incarcerated (Ruback & Hopper, 1986, p.211). Information found in prison records also has the potential to influence an individual's freedom. Parole decisionmaking literature shows that prison information is consistently considered by parole boards when determining whether to release individuals who are incarcerated to the community on parole (Crewe, 2011; Proctor, 1999).

While studies are fairly consistent in identifying that parole boards consider information collected about an individual across a period of incarceration when making release decisions, recent findings from parole decisionmaking studies indicate they also consider whether the prison superintendent is willing to recommend an individual for release (Carroll & Burke, 1990; Carroll, Weiner, Coates, Galegher, & Alibrio,1982; Goldkamp, Vîlcicã, & Harris, 2010; Morgan & Smith, 2005; Turpin-Petrosino, 1999). In their study of parole in one southeastern state Morgan and Smith (2005) found that the recommendation of the prison warden "was the most important and best predictor of parole decisions" (Morgan & Smith, 2005, p. 253). In Goldkamp and colleagues' (2010) study of the parole process in Pennsylvania 40% of the variation in release decisions made by the parole board was explained by the superintendent's recommendation. And in New Jersey, a presumptive parole state, Turpin-Petrosino (1999) showed that whether an

inmate was released on his minimum was strongly influenced by the recommendations of the prison administrator.

It is evident prison record information plays an important role in liberty decisions made about people while they are in prison and about whether they are released from prison. But how the information compiled in prison records is formulated into decisions made by prison staff is not well understood. Particularly important is understanding how information is used to formulate the prison recommendation provided to parole boards, a factor seemingly important in release decisionmaking, and the extent that block staff influence the recommendation. This arguably hidden decisionmaking stage, the process during which the prison recommendation is formulated, deserves greater scrutiny.

Study Context

The Pennsylvania Department of Corrections was selected as the research setting for this system-wide study of prison decisionmaking. In many respects, the Pennsylvania Department of Corrections is well suited for a study about discretionary release. According to the Bureau of Justice Statistics (2011) in 2010 one fourth of inmates granted release from prison by discretionary release were from Pennsylvania. Further, this state has a well-documented history of research on the parole decisionmaking process. Related to the prison recommendation specifically, one recent study showed the release recommendations provided by prison superintendents were influential on the final decision made by parole boards in Pennsylvania (Goldkamp, Vîlcicã, & Harris, 2010). The next step would be to examine the manner by which the prison recommendation is formulated and the extent to which it is influenced by various prison staff.

The Current Study

In a low-visibility decision process, such as that carried out by prison staff in assessing parole applicants in Pennsylvania, it is possible that a system using more than 150 decisionmaking teams across 26 correctional institutions might be open to some of the same criticisms raised about discretionary decisionmaking at other more extensively studied stages of the criminal justice system. The current work explores in several ways the potential grounds for such criticisms by considering variations in decisionmaking and decisionmaking outcomes both within and across institutions.

The quantitative component of the study incorporates 1610 parole applicant cases from 146 unit management teams across 21 of the 26 prisons in Pennsylvania. Parole applicants and decisionmaker factors which might explain prison staff recommendations are considered. Qualitative data were also collected from 364 unit management team meetings where decisions about whether to recommend release were made.

Findings could contribute to the policy development in the area of prison decision guidelines. As in other areas of criminal justice decisionmaking research, results have implications for equity, fairness, effectiveness, and visibility in decisionmaking. Findings also have implications for parole applicants' views about the legitimacy of criminal justice institutions.

CHAPTER TWO: BACKGROUND

"Those who work on prison cellblocks are the most influential persons in the institution by virtue of their numbers and their daily intimate contact with the offenders…They can, by their attitude and understanding, reinforce or destroy the effectiveness of almost any correctional program" (President's Commission on Law Enforcement, 1967, p. 10).

This chapter reviews the development of, and key research contributing to, our understanding of discretion and decisionmaking in the criminal justice system. A history of prison and parole systems follows highlighting the history of the Commonwealth of Pennsylvania. The chapter concludes with an explanation of the prison unit management system developed first by the federal prison system (Levinson & Gerard, 1970) and now used across prisons in the United States.

Criminal Justice Decisionmaking

Studying decisions is a useful way to focus on many fundamental concerns with the criminal justice system. Substantial discretion is allotted to decisionmakers in the criminal justice system and many times professionals are called upon to make important decisions with scant information available (Gottfredson & Gottfredson, 1988). Decisions are often made under circumstances of low visibility, with minimal review from outside agencies or people, and decisionmakers do not always explain the reasoning behind their decisions. When studying decisionmaking within the criminal justice system common concerns surface repeatedly, regardless of the stage of the system or the actors (Gottfredson & Gottfredson, 1988; Moore, 1986).

The Study of Decisions in the Criminal Justice Process

Before discussing in detail the types of decisionmaking problems in the criminal justice system, it is important to discuss some potential reasons for these problems. It would be difficult to summarize briefly the many studies that catalogue criminal justice

decisionmaking. This review, therefore, will focus on some of the major issues in an effort to highlight the similarities in how decisions are made at various stages in the system, discuss concerns with criminal justice decisionmaking overall, and conclude by reviewing responses to these decisionmaking concerns.

Information Processing

Some of the first criminal justice decisionmaking studies emphasize that the information processing capacity of a decisionmaker strongly influences behavior (Wilkins & Chandler, 1965). Over the years, much of the scholarship on human information processing abilities, and limitations, has been conducted in criminal justice and related disciplines (Hogarth, 1987).

Results from human information processing studies consistently show that human beings have difficulty simultaneously integrating large amounts of information, subsequently influencing decisionmaking. For example, Wilkins and Chandler (1965), in their study of the information processing of probation officers, found that officers first considered the factors they personally deemed most important when deciding whether to file charges against an offender for violations alleged against him or her while on probation. In this study probation officers were presented with index cards. One side of the card contained a category (e.g., counselor ratings, offense severity) and the other side outlined information about the offender related to that category. Probation officers were asked to turn over cards labeled with the categories they personally considered most important. Results revealed that after turning over and reading the cards they considered important, individual opinions were quickly formed about the offender. Probation officers rarely changed their initial opinion even after the remaining cards were turned over. These results are consistent with Hogarth's (1987) decades of studies into human

judgment in that his research shows that humans are quite selective in the information they gather to inform a decision. When bombarded with large amounts of information a person makes a decisions based upon a small number of factors considered important to that person (Hogarth, 1987).

When making a decision under constrained circumstances, the kinds of information considered also vary. In their study of probation officers discussed earlier, Wilkins and Chander (1965) found that officers varied with regard to the information categories they found important when making decisions to violate a parolee. Similarly, Siegel and colleagues (1974), in a study with police officers, found that officers varied with regard to the pieces of information considered important when making the decision to arrest. In this study, one officer relied on one piece of information (type of offense) to make the decision to arrest, whereas five other officers requested two factors. Interestingly, in the same study two officers asked for 17 factors before making the decision to arrest a potential offender (Siegel, Sullivan, & Greene, 1974). These results are not surprising given human processing limitations and the unstructured contexts across criminal justice decisionmaking stages. Research consistently suggests that in the absence of structure in decisionmaking, mixed approaches result. Decisions are made based upon how much information can be processed and the factors considered most important to the decisionmaker (Hogarth, 1987).

Legal Factors in Decisionmaking

In their comprehensive review of criminal justice decisionmaking, Gottfredson and Gottfredson (1988) showed that, of the host of factors that could be considered important to criminal justice professionals when making decisions, two factors consistently surfaced as important, regardless of the decisionmaking stage. These factors

were the seriousness of the offense and criminal history (Gottfredson & Gottfredson, 1988).

It has generally been accepted that the more serious a crime is perceived to be, the more likely it is that an offender, or an accused person, will be reported to the police, will be arrested, or will be sentenced to prison rather than probation (Gottfredson & Gottfredson, 1988). In studying correlates of arrest, several studies over the years have found that the seriousness of an accused person's alleged behavior is strongly correlated with the arrest decision. Early police studies by Piliavin and Briar (1964) and Black and Reiss (1970) on arrest decisions in encounters between police officers and youth (persons under the age of 18) revealed that "the disposition pattern for juvenile suspects clearly follows the hierarchy of offenses found in the criminal law for adults" (Black & Reiss, 1967, p. 23). In the past 40 plus years since these studies, a large body of research has documented police officer decisions to arrest. Here too, the seriousness of the alleged crime is often significantly related to arrest decisions (Novak, Frank, Smith, & Engel, 2002). In studying decisions to prosecute, the seriousness of the offense has also been shown, across several studies, to consistently and significantly influence case outcomes (Adams & Cutshall, 1987; Feeley, 1979; Vera Institute of Justice, 1977). And similarly, parole studies have reliably revealed that the seriousness of the offense bears on the decision to parole. In one study of parole in the state of New Jersey, Turpin-Petrosino (1999) found that offense severity significantly influenced whether parole was granted at an inmate's minimum sentence, despite a policy clearly stating offense severity was not to be considered in the decision. The seriousness of the offense also weighed on length of incarceration (Turpin-Petrosino, 1999).

Although seriousness of the offense is one factor consistently arising as important in criminal justice decisionmaking, criminal history is a second and perhaps equally important factor considered by criminal justice professionals (Gottfredson & Gottfredson, 1988). In fact, studies in the areas of pretrial detention (Goldkamp, 1979,1983a, 1983b, 1984), decisions to incarcerate (Sutton, 1978), and length of sentence (Sutton, 1978) have suggested that even when the index offense is of lesser seriousness, a person presenting with an extensive criminal history is more likely to receive increased attention (e.g., a more serious sanction).

Additional Factors in Decisionmaking

Decisionmaking studies suggest that when cases are of a less serious nature factors other than seriousness of the offense and criminal history stand out as having a greater influence on a decision or outcome (Gottfredson & Gottfredson, 1988). These factors might include defendant characteristics, individual decisionmaker characteristics and judgments, or contextual factors.

Given research on human information processing, it is not surprising that decisionmakers vary with regard to how they weigh factors when decisions are made. Demographics, individual characteristics, and even disposition or attitude have been found to be important to criminal justice decisionmakers in different contexts—whether it be information obtained through decisionmaker self-report, such as reported concerns about defendant attitude or admission of guilt, or empirical findings, like those suggesting race and age are influential in decisionmaking. At the sentencing stage of the criminal justice system, for example, research suggests that some judges perceive young black males or Hispanic males as lacking potential for rehabilitation or as being more

dangerous than other defendants, ultimately resulting in these types of defendants receiving heftier sentences (Albonetti, 1991; Bridges & Steen, 1998; Zatz, 2000).

In addition to offender characteristics, individual decisionmaker judgments or the setting in which an individual works could bear on decision outcomes. Some research has further suggested that contextual factors, such as organizational or occupational characteristics significantly influence individual decisionmaker judgments. For example, McCleary (1975), in his study of parole counselors in Illinois found that organizational or structural factors were as likely to influence decisionmaking as individual personal preferences. More recently, Kerbs and colleagues (2009) discovered similar results in their study of probation officer responses to technical violations. They found that in decisions to move forward with a formal violation hearing, factors such as job title and agency funding sources significantly influenced decisions to violate a paroled offender.

To summarize, some general statements can be made about criminal justice decisionmaking. First, the selective manner in which human beings process information is generally consistent regardless of the context (Hogarth, 1987). Second, criminal justice decisionmaking scholarship has established that seriousness of an offense and criminal history emerge as important decisionmaking factors at nearly every stage of the criminal justice system (Gottfredson & Gottfredson, 1988). Finally, after seriousness of the offense and criminal history are considered, other factors are often considered. The specific factors and their relevance however, may vary depending on the decisionmaker or decisionmaking stage.

Decisionmaking Concerns

Raised first by Roscoe Pound in his article on the enforcement of law in 1908, problems of discretion in America were discussed in a flurry of publications and commission reports by Pound and his colleagues soon after (Pound & Frankfurter, 1922; Wickersham Commission Report, 1931). Concerns were again sparked when the American Bar Foundation authored a survey of justice procedures in the 1950's (American Bar Association, 1955; see the resulting works of Remington, LaFave, Newman, Goldstein, and others). Later with the release of the President's Commission report under Lyndon Johnson in 1967 questions were raised again (Walker, 1993).

With the President's Commission report, interest in the justice process as a mosaic of critical decisions grew. This report considered the role of discretion, disparity, visibility, and equity (Gottfredson & Gottfredson, 1988). Disparity, one of the key concerns in sentencing, came to attention as a result of the practices of judges, courts, jurisdictions, and states resulting in "like" defendants receiving dissimilar sentences. Part of the reasons for disparity in sentencing could be traced to the wide discretion given to judges in formulating sentences (Walker, 1993).

Parole, born out of indeterminate sentencing, also played an important role in the study of disparity in sentencing. In many jurisdictions, the parole board, an entirely separate organization from the courts, could determine the actual sentence an inmate would serve, even rethinking what judges may have had in mind. Usually the criteria specified for parole release were quite vague, leaving room for a great deal of discretion. Today, the problems associated with the "discovery" of discretion in criminal justice decisionmaking remain contemporary, and present challenges for those wishing to

improve the operation of the criminal justice system (e.g., sentencing, parole, plea bargaining, bail, police use of force).

Before Meehl's (1954) critique of clinical judgment in decisionmaking, there was little question about how criminal justice professionals and clinicians arrived at decisions. Using intuition and judgment from experience, choices were made by decisionmakers, with confidence that their individual knowledge and experience had shaped their ability to make accurate decisions (Hilton & Simmons, 2001; Meehl, 1954; Quinsey & Ambtman, 1979). Since the discussion was opened by Meehl (1954) about the superiority of statistically aided prediction over clinical or subjective decisionmaking, research has consistently found that more structured forms of decisionmaking result in more consistent decisionmaking across cases and decisionmakers (Gardner, Lidz, Mulvey & Shaw, 1996; Grove & Meehl, 1996; Rice & Harris, 1997; Monahan, 1981).

The problems of clinical, subjective decisionmaking and its improvised approach have parallels in criminal justice decisionmaking beyond merely predictive decisionmaking. The arguments about subjective decisionmaking as they relate to bail, parole, and sentencing generally recall the debates sparked by Meehl (1954). Opponents argued that clinical judgment, or unstructured decisionmaking, was really a highly flexible ordering of discretion and judgment based on case-by-case improvisation and the application of subjective, internal rules (Underwood, 1979).

Professionals in the criminal justice system using unstructured means of arriving at a decision do not have manuals documenting their methodology (i.e., ones that show precisely how they went about arriving at their decision). Thus, decisions are likely shaped by implicit, low visibility rules, increasing the risk of improvised decisionmaking

and disparity across decisionmakers and raising concerns with fairness, accountability, or lack of knowledge about the efficacy of decisions made (Goldkamp, 1987). Given the identified problems with decisionmaking, it is not surprising that efforts have been identified to structure the ways in which criminal justice professionals make decisions.

Responses: Structuring Decisionmaking

There have been several mechanisms implemented over the years to offset concerns associated with criminal justice decisionmaking (Hogarth, 1987). Research about these mechanisms can be found across decades of criminological and psychological literature.

"Administrative Rule Making"

It is generally accepted that discretion in the criminal justice system cannot be *eliminated* (Pound, 1930; Walker, 1993). But, discretion, what Gottfredson and Gottfredson (1988) define as "the freedom to choose…completely unfettered by constraints of law or policy" (p. 276), can be *limited* by outlining for decisionmakers specific alternatives from which they can choose when making decisions (Gottfredson & Gottfredson, 1988). By the process of "administrative rule-making", or the implementation of policies in efforts to limit discretion, decisionmakers have the freedom to make decisions within constraints (Walker, 1993). By developing specific rules and regulations, those who carry out these rules and regulations will be provided a clear understanding of the permissible boundaries of acceptable decisionmaking behavior.

Limiting Discretion through Guidelines

The concept of guideline decisionmaking as a method of structuring discretion made its debut in the criminal justice system in the area of parole decisionmaking (Gottfredson & Gottfredson, 1987). It was hoped that implementing guideline

decisionmaking, an arguably more structured mechanism for making decisions, would increase uniformity in decisionmaking while also increasing visibility (Goldkamp, 1987).

Although guidelines were first met with criticism by the United States Board of Parole, parole guidelines were eventually accepted as a means of structuring and controlling decisionmaking without eliminating discretion. The use of guidelines to structure decisions provides a systematic process over that which can be achieved using improvised approaches (Glaser, 1964; Gottfredson, Hoffman, Sigler, & Wilkins, 1975).

Increasing Visibility Through Written Rationales

The use of policies requiring decisionmakers to provide explicit, written reasons if deviating from established guidelines is also a common method used to increase visibility in decisionmaking. Usually, written reasons are selected on the basis of the choices outlined in policy, allowing for increased transparency and reliability by making explicit what factors a decisionmaker is considering (Gottfredson & Gottfredson, 1988; Goldkamp & Gottfredson, 1985; Janus & Prentky, 2004).

The use of written responses can also be important to the individuals involved in the criminal justice system, the people about who decisions are made. Research suggests that people tend to focus on procedural characteristics that they can evaluate as a means of deciding fairness in decisionmaking. If individuals involved in the criminal justice system know the written reasons behind a decision, they can better evaluate the outcome in considering whether it is fair (Blader & Tyler, 2003; Leventhal, 1980).

Parole Decisions

This research investigates a stage of the parole process in Pennsylvania that is the responsibility of prison staff. Parole staff include positions such as prison based-parole agents and parole board members. Because the focus in this research is prison staff,

detailed attention will not be given to parole staff specifically. To understand the importance of this research, it is necessary, however, to review the extent that discretionary release is used in the United States.

As seen in *Table 1*, despite frequently changing statutes, parole release still represents a major, separate discretionary decisionmaking process within the criminal justice system used to determine whether an inmate will be released provisionally from prison after serving a portion of his/her sentence. In 2010, 144,920 individuals were released from prison by virtue of discretionary release decisions (Bureau of Justice Statistics, 2011).

Parole mechanisms have been used in the United States for more than a century, but close scrutiny shows that there is now greater variety among paroling authorities across the various states with respect to how they operate. Calls for reform over the years have resulted in considerable variability in the way each state approaches parole, including the abolition of parole in some states (Caplan & Kinnevy, 2010).

Although general terms such as "discretionary and mandatory" are used to describe parole and "determinate and indeterminate" to describe sentencing structures, the practices behind these words vary from state to state. For example, although the Bureau of Justice Statistics (2000) notes that Virginia has abolished parole, in 2010 the state released 331 inmates to the community by discretionary release of a parole board. Closer review of state policy shows that Virginia continues to operate a parole board responsible for the discretionary release of inmates convicted prior to January 1, 1995.

Table 1. Parole Structure by State during 2010

State	Adults entering parole by discretionary release[1]	Abolished parole[2]	Discretionary release procedures in states with abolished parole
Alabama	--	-	
Alaska	23	-	
Arizona	42	Yes	Cases convicted prior to January 1994.
Arkansas	9,051	-	
California	8	Yes	Some violent crime cases or life sentences.
Colorado	2,417	-	
Connecticut	2,599	-	
Delaware	--	Yes	Cases convicted prior to June 30, 1990.
District of Columbia	615	-	
Florida	58	Yes	Cases convicted prior to November 30, 1983, cases of capital felony murder prior to May 25, 1994, and cases of capital felonies, including sexual battery prior to October 1, 1995.
Georgia	13,622	-	
Hawaii	814	-	
Idaho	1,522	-	
Illinois	12	Yes	
Indiana	0	Yes	Cases convicted prior to October 1977. And cases that violate parole after mandatory release.
Iowa	--	-	
Kansas	135	Yes	Cases convicted prior to July 1, 1993.
Kentucky	8,350	-	
Louisiana	922	-	
Maine	1	Yes	
Maryland	2,767	-	
Massachusetts	4,199	-	
Michigan	10,604	-	
Minnesota	0	Yes	

[1] Bureau of Justice Statistics, 2011; -- = data not available
[2] Survey of Paroling Authorities (Caplan, 2010)

Table 1. Parole Structure by State during 2010, continued

Mississippi	3,259	Yes	Cases convicted prior to July 1, 1995, and non-violent cases convicted after July 1, 1995.
Missouri	8,892	-	
Montana	580	-	
Nebraska	1,133	-	
Nevada	3,334	-	
New Hampshire	1,284	-	
New Jersey	6,355	-	
New Mexico	--	-	
New York	7,050	-	
North Carolina	427	Yes	Cases convicted prior to 1996.
North Dakota	818	-	
Ohio	497	Yes	Cases convicted prior to July 1, 1996.
Oklahoma	596	-	
Oregon	1,178	Yes	Cases convicted prior to November 1, 1989, and those sentenced for aggravated murder.
Pennsylvania	10,325	-	
Rhode Island	488	-	
South Carolina	2,119	-	
South Dakota	624	-	
Tennessee	4,295	-	
Texas	29,850	-	
Utah	1,763	-	
Vermont	400	-	
Virginia	331	Yes	Cases convicted prior to January 1, 1995.
Washington	28	Yes	Felony cases convicted prior to July 1, 1984.
West Virginia	1,302	-	
Wisconsin	231	Yes	
Wyoming	--	-	

The Commonwealth of Virginia, therefore, operates both discretionary and mandatory release procedures, despite that they are considered a state that has abolished parole.

In a 2005 survey conducted by the Association of Paroling Authorities International (Caplan, 2005), just four states responded that they had no responsibility in the discretionary release of offenders to parole. And, in three of these four states, a parole board still had some level of discretion for inmates sentenced before parole was abolished in the state. For example, personnel in Indiana indicated that at the time of the survey although laws did not allow for discretion in the parole process, parole boards continued to operate under discretionary release guidelines in the paroling of inmates convicted of offenses before October 1, 1977. *Table 1* also shows that in 2010 very few states released zero inmates to the community via discretionary release.

The next section begins with a brief history of prisons and parole decisionmaking. A history of Pennsylvania systems is also provided to set the context for this study about discretionary release conducted in the Commonwealth of Pennsylvania.

A Brief History of Parole in Pennsylvania

Pennsylvania is considered one of the most influential states in the history of penology, so its history is well documented (Barnes, 1968). In an effort to limit this section to the most relevant areas the focus will be on: 1) the commutation of sentences for good behavior, and 2) the indeterminate sentence, operated in conjunction with the parole system.

The concept of releasing inmates from prison early, or commuting their sentences, apparently has been used since 1817. The purpose behind this concept, however, has been variously described over the years, including improving behavior, economic reasons, and encouraging hard work or the development of work skills.

In 1817, the State of New York, in the Auburn prison, implemented a form of commutation that allowed inmates with a sentence of five years or less to earn a

reduction of one-fourth of their sentence if the inmate was able to demonstrate good behavior and hard work while incarcerated. In 1840, the concept of commuting sentences for inmates who could demonstrate that they had accomplished a "certain amount of labor to be performed before release" (Barnes, 1968, p. 312) was given a more practical and structured application by Captain Alexander Maconochie in his reconstruction of penal discipline at Norfolk Island in Australia. In 1953, Walter Crofton implemented Maconochie's work into the Irish Prison System, borrowing the "marks system", a means for prisoners to earn early release by accruing marks based upon hard work and discipline while incarcerated. From Ireland, the commutation concepts were quickly adopted by American admirers.

In 1861, with the help of the Society for the Alleviation of the Miseries of Public Prisons, the Pennsylvania legislature passed an act that first established the concept of commutation (Barnes, 1968). The act required that the wardens of the Eastern and Western Penitentiaries keep records of all disciplinary infractions of inmates, allowing early release for those who earned it through positive behavior. At the start, several administrators were opposed to this Act because it required complicated time reductions schedules and additional administrative labor (Barnes, 1968).

After several years of efforts to simplify the Act it was passed with easier time reduction schedules. These acts pertaining to the commutation of sentences in Pennsylvania Penitentiaries remained in force until new legislation on indeterminate sentencing. Interestingly, although not placed into legislation or broadly accepted in Pennsylvania until 1909, the *concept* of indeterminate sentences was first introduced in New York and Pennsylvania in their Houses of Refuge as early as 1824; the boards of

managers were given the discretion to discharge inmates. This procedure was used only for juveniles though (Barnes, 1968).

In America, historians have credited Zebulon Brockway with creating the significant and long lasting penal innovations related to the twin principles of indeterminate sentencing and parole as part of America's first reformatory, Elmira in New York. While Elmira was created for "youthful offenders", or first time male offenders between the ages of sixteen and thirty, the parole laws and indeterminate sentencing procedures used in this and subsequent reformatories, became part of the procedures of state prisons in the succeeding years. It was believed that this system would offer a better way of dealing with offenders than releasing them directly to the street with no supervision (Department of Justice, 1940; Pisciotta, 1994).

Before Pennsylvania formally introduced the concept of indeterminate sentencing, it was thought that the state penitentiaries were operating a type of "extra-legal indeterminate sentence" because many felt the Governor was abusing his ability to issue pardons (Barnes, 1968, p. 316). Available reports indicate that in 1864 Western Penitentiary had processed 2,082 inmates and that about 463 had been pardoned by the Governor.

By 1911 many changes to the legislation in Pennsylvania had taken place, including the implementation of minimum and maximum sentences which limited the decisionmaking abilities of those responsible for the release of inmates from prison. Now, an inmate would be required to serve his minimum sentence prior to eligibility for release. Western Penitentiary is considered the model institution with regard to how parole was implemented in Pennsylvania, both because of the positive attitudes of the

administrators responsible for implementing the system at the time, as well as the closeness of a farm site in Centre County. The latter allowed inmates to transition out of prison to work (Barnes, 1968).

In 1911, inmates could apply for parole 3 months before the expiration of their minimum sentence, at which time their files would be reviewed by the Prison Board of Inspectors and the Chief Parole Officer. The board did not hold power to parole anyone; rather it made recommendations to the Board of Pardons and the Governor. Despite the complicated nature of the chain of command and process in Pennsylvania, there was no time in history where the Board of Pardons or Governor went against the recommendation made by the prison personnel and Chief Parole Officer of the institution (Barnes, 1968).

Eventually the parole system came under scrutiny because of the sheer inability of prison staff to manage the number of inmates leaving prison. This resulted in a high percentage of violations. Mr. Albert H. Votaw (1917) called attention to the need for a separate Parole Board, stating that the Commonwealth was placing an immense burden on prison administrators by tasking them with the responsibility for running prisons and recommending release, without proper compensation (Commonwealth of Pennsylvania, 1917). Further, he stated that the Parole Board should be comprised of "paid specialists" to improve parole outcomes (Commonwealth of Pennsylvania, 1917, p. 20). The Warden of Western State Penitentiary, Stanley Ashe, also had called the supervision portion of the parole system "a bluff", stating that it was "merely a scrap of paper", with no supervision and little contact once the inmate left prison (Barnes, 1968, p. 330).

By January 1927, others began to suggest that the "travesty can be eliminated only through the creation of a central parole board composed of real experts" (Barnes, 1968, p. 329). At the time, Dr. Ellen C. Potter, Secretary of the State Department of Welfare stated that she favored the use of a parole board, which would then eliminate the prison parole board. The new parole board would be comprised of experts who would release inmates only when the board felt they were "fit both mentally and physically to go back to society" (Barnes, 1968, p.329).

This brief history of parole in Pennsylvania highlights some fundamental decisionmaking concerns. The concept of commutation and pardons made by the Governor of Pennsylvania were met with criticism because of the discretionary nature of the decisionmaking process; similarly situated inmates were treated differently. Moving to the indeterminate sentencing system and the use of a prison parole board, release decisions continued to be in the hands of the Governor. The Governor, however, was never known to disagree with the recommendations made by members of the prison board. Although release and parole decisions were in the hands of prison staff, this system of decisionmaking was referred to as "a bluff", "a paramount issue", and an "immense burden" on prison staff . Concerns with the inability of prison staff to handle parole procedures led to administrators' interest in developing a separate decisionmaking body of "experts" to facilitate the release process (Barnes, 1968, p.329).

Prisons and Parole as Separate Institutions

Prior to the 1930s and the existence of separate paroling authorities, prison personnel, either through the prison warden or another prison official, in some capacity determined who received parole and when. During the1930s states began to move the

responsibilities for paroling offenders to institutionally separate "boards". Over the years, the power to parole an offender shifted from what was commonly known as "Prison Commissions", "Boards of Managers" or "Charity Boards" to State Governors and "Prison Commissions", and eventually "Prison and Parole Commissions" (Barnes, 1968; McKelvey, 1936; Pisciotta, 1994; United States Department of Justice, 1940).

Poor parole outcomes fueled increased dissatisfaction with the capabilities of prison commissions and board of managers to make decisions about release, resulting in the implementation of a separate "expert" decisionmaking body of personnel. The separation of parole from prisons suggests there may have been concerns with the decisionmaking of prison administrators at the time. In Pennsylvania it was said that the portion of a sentence an inmate served was a reflection of "the amount of money and the number of friends available to press the suit for a pardon" (Barnes, 1968, p. 316). Pisciotta (1994), when writing about the Elmira Reformatory also mentions problems with parole related to the discretionary nature of the "board of managers" in deciding who should be released. He describes how the board would spend only a few minutes reviewing files, giving little thought to the process (Pisciotta, 1994). The *Attorney General's Survey of Release Procedures* (1940), a comprehensive study of prison administration by the federal government, revealed that by 1940 the administration of prisons in the United States varied widely, with no uniform system of probation, parole, or pardons operating (United States Department of Justice, 1940).

Prison systems and parole systems are considered two, separate institutions because of apparent dissatisfaction with how decisions were made prison staff about how prison staff made decisions about parole release. With the separation of these two

systems, parole boards would presumably hold sole responsibility for release decisions. Some recent studies suggest, however, that while parole boards are ultimately responsible for the final decision about release, prison staff remain influential in the process. For example, despite that Pennsylvania implemented a separate paroling authority in 1929, Goldkamp and colleagues (2010) in their 2010 study of parole decisionmaking in Pennsylvania found that the recommendation for release made by prison staff explained more than 40% of the variation in release decisions by the Pennsylvania Board of Probation and Parole. This suggests that, in Pennsylvania at least, prison staff decisionmaking remains an influential aspect of the release decision.

Decisionmaking in Prisons

In 1931, The Report on Penal Institutions, Probation, and Parole (1931) conducted by the National Commission on Law Observance and Enforcement, noted that:

> *It would not be far from the facts to say that these 3,000 individual institutions represent 3,000 different examples of administrative arrangements, methods of control and of policy in dealing with human material incarcerated in them. We have no uniform practices except in a few places. The whole stands as an unwieldy, unorganized, hit-or-miss system which has grown up over hundreds of years of local policy making, local tradition and local objective. (p.231)*

Since the early 1970's discussions about disparity in decisionmaking have been central in the literature across parole, (Gottfredson & Gottfredson, 1988; Gottfredson, Neithercutt, Nuffield & O'Leary, 1973), sentencing (Gottfredson & Stecher, 1979; Sutton, 1978), bail (Goldkamp, 1983, 1984a, 1984b; Jones & Goldkamp, 1991), and a number of other criminal justice settings. While the above excerpt from the Report on Penal Institutions,

Probation, and Parole (1931) is concerning jails, this also raises questions about the extent that there is disparity in prison staff decisionmaking outcomes (Wright, 2000).

Prisons are largely hidden from public view and largely independent of outside control and access, making them interesting settings for studies about decisionmaking. With little intervention by outside agencies prison administrators and staff have almost absolute authority over the inmates they supervise (Crewe, 2010). At their discretion, classification decisions are made, policy guidelines are implemented, disciplinary guidelines are enforced, and decisions are reviewed. Prisons might even be compared to miniature legal systems with prison administrators given broad discretion in the management of their respective prisons. One recent telephone survey found prison wardens or superintendents likened their positions to that of a "ship captain" (Wright, 2000, p. 202) meaning that each warden was confident that he or she was in control of the prison for which they were responsible.

Although short on empirical evidence, several writings have suggested that the prison staff who have direct authority over inmates are more influential than prison administrators when it comes to the internal decisionmaking within prisons. The 1967 President's Commission on Law Enforcement and Administration of Justice also highlighted the importance of the line correctional staff in prison operations. The commission wrote that prison staff who work daily on the prison cellblocks are "the most influential persons in the institution by virtue of their numbers and their daily intimate contact with the offenders…They can, by their attitude and understanding, reinforce or destroy the effectiveness of almost any correctional program" (President's Commission on Law Enforcement, 1967, p. 10). The daily decisions made by prison staff can play an

important role in affecting an inmate's life while incarcerated (Holland, Holt & Brewer, 1978; Leibling Price & Elliott, 1999).

Unit Management System in Prisons

The Attorney General's Survey of Release Procedures (1940) noted that case management procedures in prisons began with staff members assigned to inmate cases from all over the prison and various housing units. Because these staff had little interaction with inmates on a daily basis, case management effectiveness was limited (United States Department of Justice, 1940). Later, researchers investigated ways to improve case management in prisons.

Glaser's (1964) research explored the role of the caseworker in the prison environment. At the time of his study, the caseworker was assigned to inmates based upon the last digit of their inmate number. Therefore, if an institution had five caseworkers, they were each assigned two digits (e.g., 1 and 2, 3 and 4, etc.). The main argument for using this approach was that it allowed the caseworker to get to know the inmate throughout his incarceration, rather than changing caseworkers with each move. Interestingly, some argued against this approach because the inmates were scattered throughout the prison and thus the caseworker did not observe the inmates assigned to his or her caseload on a daily basis (Glaser, 1964). Glaser's (1964) research found that an inmate's relationship with his caseworker, using this approach, was neither favorable or unfavorable; there were no positive impacts. His research recommended a system that allowed caseworkers to be assigned to inmates on one housing unit in the prison. This approach, he argued, would allow caseworkers to be more familiar with inmates on a

daily living basis. But, it would also mean that if the inmate changed housing units his caseworker would also change.

Following Glaser's (1964) observations, a "unit management approach" developed in the early 1970s was viewed as a means of improving management and treatment of inmates in prisons. A review of the 50 state prison websites in the United States, in preparation for this research revealed that many state prisons today use what is referred to as a "unit management approach" (Levinson & Gerard, 1973). With this approach, each unit or housing block is operated individually by a unit management team--the small staff decisionmaking group to which this study refers--including a unit manager, security staff, and counselors or caseworkers. Unit management teams were first developed by the federal prison system to provide a decentralized means that respected the geographic dimensions of the prison management tasks facing staff. The system also was considered better for monitoring and managing inmates safely at the time since prison staff could attend to inmates' needs and behavior in everyday living. In theory at least, this approach provided prison staff the ability to understand the behavior and concerns of the inmates on their caseloads in more detail (Federal Bureau of Prisons, 1980; Levinson & Gerard, 1973).

With the implementation of the unit management team approach, counselors began working on housing units where the inmates lived (Levinson & Gerard, 1973). The Federal Bureau of Prisons released a Unit Management Manual (National Institute of Corrections, 1980) which explained that the unit management concept should include "working in an intensive treatment relationship with a multidisciplinary team of staff members whose offices are located on the Unit." The manual also read that the group

"would have the decisionmaking authority in all within-institution aspects of programming and institutional living" and "decisions are made by the unit staff who are most closely associated with the inmates, increasing the quality and swiftness of decisionmaking" (National Institute of Corrections, 1980, p. 2; Lansing, Bogan, & Karacki, 1977).

Eventually the unit management team approach spread beyond the federal prison system. With more authority and lower visibility front-line staff acquired increased decisionmaking responsibilities, some extending beyond with-in institution decisions (DiIulio, 1987; Holland, Holt, & Brewer, 1978; Leibling Price, & Elliott, 1999). In Nebraska, for example, prison staff are responsible for screening inmates and deciding whether they are appropriate for release consideration by the parole board. Proctor (1999) found that, controlling for the effects of other variables, in recommendations provided by prison personnel there were the most important factor in predicting whether parole board reviewers granted inmates a full board hearing. Morgan and Smith (2005) found in Alabama that the recommendation for parole made by prison staff was also one of the most influential factors predicting whether an inmate was paroled. They further found that the recommendation made by lower-level prison staff was more influential in parole decisionmaking than the warden's recommendation (Morgan & Smith, 2005). Samra-Grewhal, Pfeifer, and Ogloff (2000), in reviewing recommendations made for conditional release in Canada, found an 84% concordance rate between parole board decisions to grant parole and the recommendations made by offender case management officers in the prison.

In studying parole decisionmaking in Pennsylvania, Goldkamp et al. (2010) found that, net of the effect of other correctional and non-correctional factors, inmates with favorable corrections recommendations were 2.5 times more likely to be granted release on parole. In an earlier Pennsylvania study, Carroll and Burke (1990) examined parole decisions made by sixteen "expert decisionmakers" (e.g. board members, hearing examiners). They found that a negative recommendation made by prison personnel was strongly associated with the decision to deny parole. Carroll and colleagues (1982), in a related Pennsylvania study, found that the prison recommendation significantly influenced whether institutional parole board members recommended release of an inmate to the parole board.

In short, studies in various states and countries have found that recommendations for parole made by prison staff, whether proposed by administrators or the opinion of lower level staff, are influential in parole boards' decisions about release. These studies, however, focus on what factors predict the parole decision (Goldkamp et al., 2010; Morgan & Smith, 2005; Proctor, 1999). From the prison side of the release process, what factors predict the prison recommendation and further, the extent to which lower level staff exert influence on the parole release decisions, has not yet been examined.

Summary

When the State Board of Charities investigated practices at the Elmira Reformatory in New York between 1893 and 1894, they concluded that release decisions made by the prison superintendent contributed to sentence disparity (Pisciotta, 1994). Despite these concerns the use of prison staff to manage the release of inmates gained popularity. Eventually, the use of "expert" decisionakers as separate decisionmaking

bodies, separate from those of prisons, was considered perhaps a more systematic decisionmaking method and the implementation of separate parole boards.

Although writings about the influence of prison personnel in the parole release process proliferated in the early 1900s, attention has moved to the study of how parole staff make release decisions. Recently, however studies have shown that perhaps attention should again be given to prison staff with regard to their role in the parole release process. More than one hundred years since investigations at Elmira Reformatory resulted in accusations about arbitrary decisionmaking by prison staff, studies show that recommendations made by prison administrators again weigh heavily on decisions of several states' paroling authorities to release inmates from prison (Carroll & Burke, 1990; Goldkamp, Vîlcicã, & Harris, 2010; Morgan & Smith, 2005; Samra-Grewal, Pfeifer, & Ogloff, 2000). These findings suggest prison staff may again, or have continued to, play a role in how discretionary release decisions are made.

This study examined a specific stage of the criminal justice system: the preparation of the prison recommendation for parole. To study this low-visibility, internal process, this research, by design, begins at the first decisionmaking stage in the recommendation process: the recommendation made by the lower level prison staff who interact daily with inmates in prison. This research represents the first study of the prison recommendation process, taking into account applicants, decisionmakers, and prisons. Moving beyond the influence of the prison superintendent, the extent to which front-line prison staff exert influence on release decisions was also studied offering the first complete examination of factors and variation in factors that contribute to the formulation of the prison recommendation.

CHAPTER THREE: RESEARCH QUESTIONS

The research looks at prison decisionmaking in the first stage of the parole recommendation process and addresses three research questions.

Research Question 1: A. Do recommendations on release of parole applicants vary significantly across prison unit management teams? If the variation is significant does it remain so after taking into account applicant and decisionmaking team characteristics? B. Do recommendations of prison unit management teams on release of parole applicants vary across institutions? And if they do does that variation remain significant after taking into account applicant and team characteristics?

Despite attempts to shift the management of prisons from independent, locally run institutions to centrally managed correctional systems little is known about mechanisms within prisons used to structure decisionmaking and the extent that variation in decisionmaking exists across prisons. At stages of the criminal justice system given more empirical attention, unstructured decisionmaking mechanisms have been found to result in increased variation in decisionmaking. In Pennsylvania the prison policy suggests prison staff have considerable latitude in making recommendations about release (Commonwealth of Pennsylvania, 2003). Presumably, consistent with other criminal justice stages, the discretion given to prison staff in Pennsylvania could mean more variation in decisionmaking between decisionmaking teams.

After controlling for applicant characteristics significant variation in recommendations could still remain. This would suggest important unit management team differences in willingness to recommend parole, even when all teams are considering a "prototypical parole applicant". On one hand if results show variation in

recommendations this could mean other important decisionmaking factors have not been identified/or included in the models. On the other hand, this could suggest arbitrary decisionmaking and unfairness in the recommendation process. But, if, after controlling for applicant characteristics, significant variation in recommendations is removed, this would imply comparable parole recommendation processes across teams and suggest fair procedures are in place with all teams considering the same factors when making recommendations.

But suppose even after controlling for case characteristics significant team level variation in recommendations remains. That variation could arise from compositional differences in the unit management teams themselves. Adding unit management team characteristics to the model permits exploring impacts of characteristics such as average age, racial composition, gender mix, and average years of service to the Pennsylvania Department of Corrections on remaining team-level variation in recommendations. Findings from decisionmaking research at other stages of the criminal justice system are mixed with regard to the influence of decisionmaker characteristics on decision outcomes. Here if significant team level variation in recommendations was to remain at this point, it would suggest that variation in teams' approval rates are being influenced by team level factors or dynamics not yet understood.

Since data are nested within the 21 correctional institutions, it will also be possible to explore whether significant variation in recommendations persists at the institutional level after controlling for applicant and team characteristics. If so, perhaps parole recommendation dynamics are operating in different ways across the 21 different prisons.

Research Question 2: A. Does seriousness of the offense significantly influence release recommendations made by prison unit management teams about parole applicants? B. Do prison unit management teams vary in how strongly they take into account specific applicant characteristics when considering a release recommendation?

No decisionmaking research to date has considered the net impact of offense seriousness on recommendations for release by prison staff, while simultaneously controlling for other known case characteristics and decisionmaker across several institutions. On the one hand findings could show that seriousness of the offense, after considering applicant and decisionmaker characteristics and institutional context, significantly influences prison staff recommendations. As noted earlier, other studies consistently show that seriousness of the offense is one factor that bears significantly on criminal justice decisions regardless of the decisionmaking stage (see for example Turpin-Petrosino, 1999). If this decisionmaking stage is consistent with other stages of the system, questions could be raised about whether prison personnel should be making recommendations about suitability for parole partly based on the nature of the offense for which applicants were convicted, a factor taken into account by the judge at sentencing.

On the other hand, the prison stage of the criminal justice system is unique as compared to other stages of the system. It does not seem unreasonable that prison staff would consider factors beyond seriousness of the charge when making recommendations for release. Staff in prisons spend more time getting to know inmates throughout often lengthy periods of incarceration. They interact daily with the inmates as they work on their respective housing blocks, become more familiar with inmates on a personal level as

they work beside them for 8 or 16 hour shifts, and have access to more current information about the applicants.

Alternatively, beyond offense seriousness, it may be that none of the applicant characteristics considered in the model emerge as significant. This would mean that the factors considered important by prison staff in making decisions are not consistent with factors that emerge as significant at other decisionmaking stages of the criminal justice system. The unique nature of the prison setting as compared to other decisionmaking stages could contribute to these differences.

If any of the factors in the model emerge as significant, the varying impacts of these factors on decisionmaking will further be explored. Hypothetically, it may be that significant variability emerges with regard to the factors that unit management teams consider when making recommendations. For example, patterns could show that some unit management teams consider program compliance an important factor when deciding whether to provide a positive recommendation for parole. It may also be that differential relevance in applicant characteristics is patterned by institution and this would suggest that institutional contextual factors (e.g. administrative directive, presence or absence of security threat groups) are influencing unit management team decisionmaking.

Research Question Three: To what extent do the recommendations of prison superintendents agree with the recommendations of prison unit management teams?

With this question, the focus turns to the final prison recommendations provided to the parole board to explore in what way these recommendations provided by the prison superintendents link to those of the unit management team recommendations. Here the

unit management team recommendation for parole is considered as a possible predictor of the superintendent recommendation.

Each prison superintendent serves as the overall administrator of their respective prison. In one survey a warden referred to himself as the "ship captain" of the facility (Wright, 2000). In Pennsylvania, the prison superintendent makes the final decision about every prison recommendation provided to the parole board. It could be that the superintendent makes decisions, and in this case recommendations, independently, with lower level staff playing little role in the decision process. Conversely, the recommendation of front line prison staff might heavily influence the recommendation of the prison superintendent. The role of front line staff in the recommendation process could be obscured by the low visibility nature of their positions.

If there is a significant connection between the recommendations for release made by the prison superintendent and those made by the unit management teams, the connection could be variable across teams and/or across institutions. Within institutions prison superintendents may place more value on the opinions of certain teams over others based upon previous interactions or trust. Across institution variability might be expected because each prison superintendent may have a different philosophy about relying on their staff when making decisions. Each institution in the Commonwealth of Pennsylvania is different with regard to factors such as inmate population, programming offered, and staffing, all of which could influence how independently a prison superintendent acts when making recommendations for release (e.g., how busy he is with other things). And in addition influencing both across team and cross institution variability could be the length of time a prison superintendent has been serving at a

particular institution, or the length of time his staff members have been employed in their positions.

Summary of Research Questions

Two outcomes are of interest, as is the connection between the two: unit management team recommendations for release and prison superintendent recommendations for release. Is there variation across cell block based unit management teams in their release recommendations? If so, does it persist when applicant and team characteristics are also taken into account? What factors shape these recommendations? Are those shaping influences variable across teams and institutions? And finally, how do these team recommendations align with superintendent recommendations?

CHAPTER FOUR: DATA AND METHODS

This chapter considers the data and research methodology used to answer the research questions detailed in the previous chapter.

Research Setting

General Characteristics of the Research Setting

The data for this research were obtained from the Pennsylvania Department of Corrections. At the end of 2011[3], the Pennsylvania Department of Corrections' *Monthly Population Report* revealed that approximately 43,000 male inmates were incarcerated within the Pennsylvania Department of Corrections' 24 male state correctional institutions (Bureau of Planning, Research, and Statistics, 2011). The average minimum sentence length of a male inmate incarcerated in a state prison in the year 2011 was 71.57 months whereas the average maximum sentence length, excluding inmates serving a life sentence, was 163.83 months. At of the end of 2011 approximately 47 percent of the men incarcerated in state prisons in Pennsylvania were serving a sentence for a Part I offense (e.g., manslaughter, homicide by vehicle, forcible rape, robbery, aggravated assault, burglary, theft/larceny, and arson) (Bureau of Planning, Research and Statistics, 2011).

Characteristics of the Selected Research Setting

The Pennsylvania Department of Corrections consists of 26 state correctional institutions (SCIs) and one motivational bootcamp. As seen in *Figure 1*, four of the 26 state correctional institutions were excluded from this research. Two of the correctional institutions (SCI Muncy and SCI Cambridge Springs) house only adult female offenders. These two institutions were excluded because it is likely that the factors contributing to

[3] Given that the data were collected in 2011, statistics about the Pennsylvania Department of Corrections from 2011 are discussed.

decisionmaking in these cases are different from those of male cases. After the exclusion of female state prisons, the 24 correctional institutions that house adult male offenders remained. Two of the 24 correctional institutions were excluded because they house specialized populations. One of the two excluded institutions houses primarily the young adult, male inmate population (SCI Pine Grove) and was excluded because the factors associated with decisionmaking in the cases of younger inmates could be different than those considered in cases of the older male inmate population. The second institution excluded (SCI Camp Hill) is centrally responsible for classification of entering inmates, with most of its population locked down for the duration of the transitional classification and diagnostics process. This institution was excluded because the inmates that are eligible for parole at SCI Camp Hill could still be involved in the classification process, having little or no interaction with the general prison process (e.g. programming, general line movement) before considered for parole by staff. It is likely, then, that these cases would be decided upon differently than cases from the general inmate population. After excluding the two female institutions and two specialized male institutions 22 male correctional institutions remained. One of the 22 institutions (SCI Retreat) chose not to participate in the research due to limited staff resources. As seen in *Figure 1*, a total of 21 institutions made up the research setting.

Rationale for Use of Pennsylvania as the Research Setting

In many respects, the Commonwealth of Pennsylvania Correctional System was well suited for research about discretionary release procedures. In 2010[4] roughly one fourth of inmates released by discretionary release in the United States were from

[4] Statistics from 2010 and 2011 were selected for discussion given the time frame of data collection.

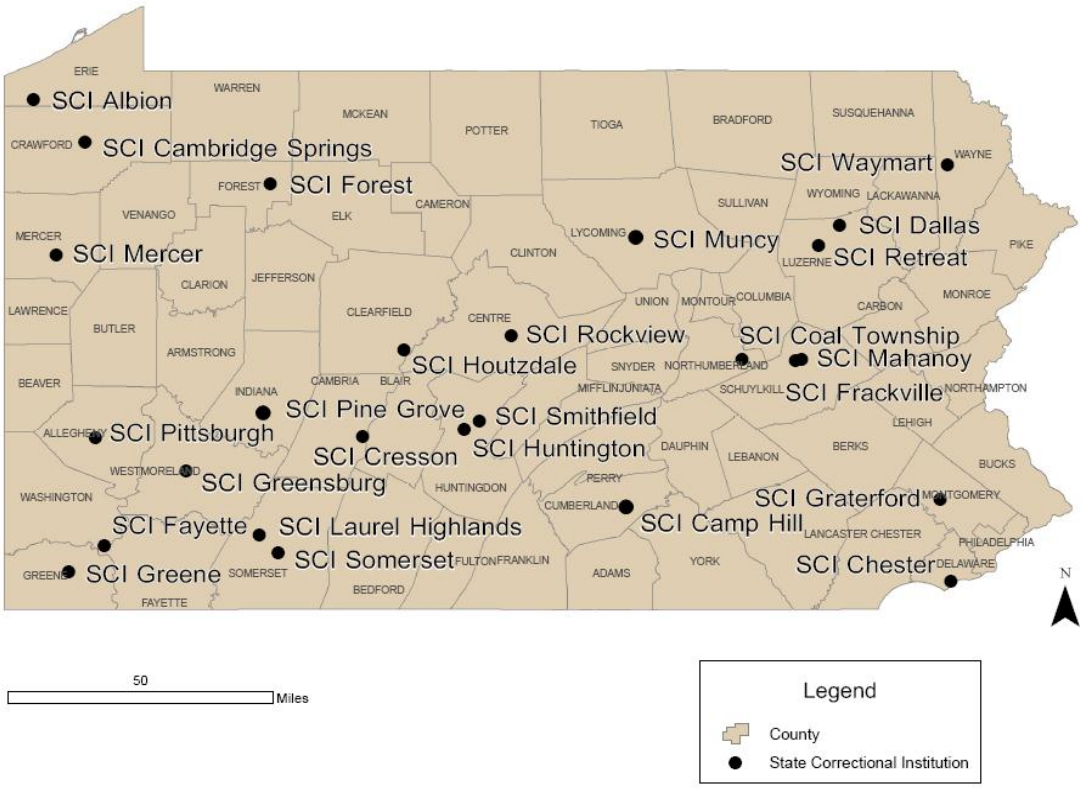


Figure 1. Commonwealth of Pennsylvania State Correctional Institutions

Pennsylvania (Bureau of Justice Statistics, 2011). According to Bureau of Justice Statistics obtained data about Probation and Parole, Pennsylvania released the second largest number of inmates to state parole in 2010 (n = 53,156), second to California. Of the 95,006 inmates released to state parole in the Northeast portion of the United States in 2010, over three fourths were released by Pennsylvania's discretionary parole release system (Glaze & Bonczar, 2011).

Quantitative Data

Sampling Timeframe

The first part of this research involved collecting quantitative data from data archives. The sample reflects the cohort of inmates eligible to be seen for parole between January 1, 2011 and May 31, 2011. The decision was made to limit the sample time due

to knowledge about corrections data retention in Pennsylvania, as well as concerns about the nature of corrections data. For example, if the time frame would have started too far back, the potential for lost or archived data would have increased because of administrative data discarding procedures. Specific to Pennsylvania, vote sheets used by the Pennsylvania Department of Correction, a key part of the research, are paper documents. Once an inmate leaves an institution the file is archived and staff have limited access to paper documents. The procedure for storing archived files varies across the 26 correctional institutions in Pennsylvania. Limiting the time frame assured that needed file information was more readily available and was not burdensome for staff to obtain. Also, given the nature of corrections staff turnover, selecting a shorter time period decreased the chance that staff who contributed to the collected data would transfer to a different institution, change positions within the same institution, or choose to leave employment with the Department of Corrections altogether.

Sampling Procedures

Parole applicants were assigned to a unit management team at the time of parole eligibility. An important aim in the sample design was to include a variety of inmate cases from the different unit management teams in the 21 prisons. A disproportionate stratified sampling approach was used with unit management teams within institutions defining the stratum. This approach was used with the goals of 1.) obtaining an approximately equal representation in the sample of unit management teams' workloads and 2.) avoiding a.) oversampling inmate case decisions from the highest volume unit management teams and b.) under sampling inmate case decisions from the lowest volume from unit management teams. There do not seem to be any plausible reasons to assume

that the parole applicants processed in the months of January through May are in any way systematically different from the parole applicants processed in the later months of the year. It seems that the random variation in a.) date of admissions to prison, b.) sentence lengths, and c.) dates of parole eligibility would generate a typical population of parole applicants being considered by unit management teams in any particular month in a given year.

The selected period (January 1, 2011 through May 31, 2011) produced a total of 6173 inmates seen by the Pennsylvania Board of Probation and Parole at the 21 institutions in the study. This is the sampling frame. The list of unit management teams assigned to each of the 6173 cases was obtained electronically from the Pennsylvania Department of Corrections Office of Research, Planning, and Statistics and resulted in 146 unit management teams assigned at the time of parole eligibility to these cases. It was the goal to obtain approximately 1500 applicant cases. Given the number of unit management teams operating within the PADOC it was estimated that approximately 10 cases per unit management team would be needed to reach this goal. Allowing for dropout, 15 cases were randomly sampled from each of the 146 unit management teams, resulting in 1710 randomly sampled applicants.

Once the applicant cases were selected the paper vote sheets were collected by records staff from the 21 institutions. Of the 1710 requested vote sheets, 1655 were obtained. Reasons cited by records staff for their inability to send the documents included: “inmate transferred to an out of state facility on a detainer sentence and his file was archived”, “no vote sheet was generated due to lengthy Restricted Housing Unit (RHU) time”, “released and his file could not be located.” Among the 1655 vote sheets

obtained, 45 were either 1.) inmates who had had their cases voted on by staff while under classification at SCI Camp Hill, but had transferred to another facility before they saw the parole board, or 2.) cases for which records staff provided the wrong vote sheet (e.g. the vote sheet for outside clearance was sent rather than the vote sheet for parole). As a result, 45 cases were excluded. The sample thus is comprised of 1610 cases. The average age of the 100 applicants dropped from the sample was 38.42 years (*SD* = 10.83) and 41% were black (*n* = 41). Of the 100 dropped applicants, 96% were considered program compliant (*n* = 96), they had an average of 3.10 arrests (*SD* = 4.09), and 5.54 total misconducts (*SD* = 7.01)[5].

After electronically entering data from the 1610 vote sheets it became apparent that the assigned unit management team at the time of parole eligibility, as provided by the Department of Corrections Office of Research, Planning, and Statistics, was not always the unit management team assigned at the time the team voted whether to release the inmate. There are reasons that the assigned unit management team could have changed, with many being the same reasons that the time frame for this research had been limited at the start of the project. Reasons include 1.) A unit manager or corrections counselor moved from his or her current position to an acting role in a different position and therefore team members changed. It is not uncommon for a corrections counselor to become an acting unit manager if a space is open, or for a unit manager to become an acting program manager. 2.) A member of the unit management team retired or resigned from the position. 3.) The inmate moved to a different housing unit between the time the parole docket was announced and the time that staff voted whether to release him. This

[5] Cases were unweighted.

caused his unit team to change. 4.) The inmate moved to a different institution between the time the parole docket was announced and the time that staff voted whether to release him.

The goals of sampling were to obtain equal representation of the different unit management team workloads. For the reasons mentioned above, however, not all unit management teams were equally represented. *Appendix A 2* shows the *n* of cases, of the 1610 included as part of the sample, for which each of the 146 unit management teams made decisions. The median number of cases is 12 (interquartile range, 10-14).

Data Collection

Applicant variables were collected from archival records review with assistance from the Pennsylvania Department of Corrections Office of Research, Planning, and Statistics. Inmate related variables were drawn from the Pennsylvania Department of Corrections Intranet (DOCNet), which contains electronic documents. Variables about staff were obtained from the Pennsylvania Department of Corrections Legal Division's Agency Open Records Officer who works directly with the Pennsylvania Office of Open Records[6].

Some of the variables needed for this research were not available electronically and manual collection of these variables from paper files therefore was required. The dependent variables, votes of "yes" or "no" made by staff and administrators, were collected manually. Votes are recorded by staff and administrators on the Pennsylvania Department of Corrections DC-46 document (See Attachment A). This one-page paper

[6] Information about people employed by the Commonwealth of Pennsylvania is available to the public by request under the Right to Know Law of Pennsylvania (Act 3 of 2008).

document, commonly referred to by staff and inmates as “the vote sheet”, is filed in the inmates’ counselors’ files (the DC-14) and is not available electronically.

Weighting

A weight variable was created to correct for the possibility that the sampled applicants did not represent the entire population of applicants for the selected five month period. *Table 2* shows summary statistics of the weight variable. The weight variable for this research equals the probability of an inmate case being selected from all of the unit management teams that are part of the sampling frame (n = 6173) divided by the probability of a case from the sample (n = 1610) being selected by a unit management team. Figure 4 shows a histogram of the weight values. There are no strict rules or procedures to define extreme weights. A common procedure for identifying extreme weight values is to identify any values larger than 5 times the mean weight (Bouchaud & Mezard, 1997). Using this guideline here, an extreme weight value would equal any value greater than 9.45. Three cases would meet the guidelines criteria as extremely high weight values. While these guidelines were used to identify potentially extreme weigh values, the three cases were not removed.

Sampling Frame

Before moving to a discussion of the summary statistics of the sample, some information will be provided about the overall sample frame, or the total number of cases seen by the parole board between January 1, 2011 and May 31, 2011. The sampling frame consisted of 6173 cases. Of the 6173 cases, 47.1% were identified as black

Table 2. Weight Variable Summary Statistics

	Mean	*SD*	*Minimum*	*Maximum*
Weight	1.89	2.54	0.29	17.02

n =1,610

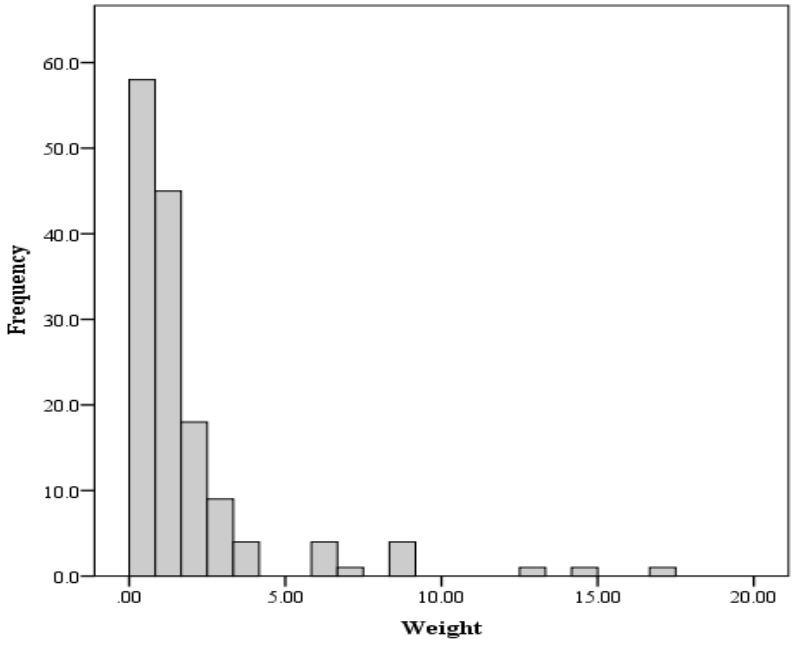


Figure 2. Histogram of Weight Variable

Table 3. Demographic Variables of Sampling Frame

Variable	Mean or %	SD	Min	Max
Age	36.79	10.88	17.0	81.0
Race				
White	47.1%	-	-	-
Black	41.8%	-	-	-
Hispanic	10.8%	-	-	-
Asian	0.30%	-	-	-

n = 6,173

whereas 41.8% were identified as white. As seen in *Table 3*, Hispanic and Asian populations were also represented. It should be noted that the race of each inmate is identified by corrections staff when the inmate is processed into the system. Many times the race of the inmates listed in the system is not the race that the inmate would necessarily identify as. The mean age of the sampling frame was 36.79 years (SD = 10.88).

Sample

Of the inmates making up the sample, 48% were identified as black and 41.4% were identified as white, which was consistent with the overall sampling frame. As seen in *Table 4*, Hispanic (10.2%) and Asian (0.4%) populations were also represented. The

mean age of the sample was 36.78 years (SD = 10.88) with a range of 17 to 78. Inmate age and race were not significantly correlated (p = .303).

Outcome Variables

Unit management team recommendation. The dependent variable in Research Questions One and Two was the Unit Management Team Recommendation for parole. This variable is a binary, "yes" (1) or "no" (0) vote made by the unit management team at the time of the staffing. The variable was found on the Department of Corrections Vote Sheet. Of the 1610 cases voted on by unit management teams as part of the sample for this research, unit management teams voted yes in 58.2% of the cases (n = 938). Unit management teams voted no in 41.8% of the cases (n = 674).

Final prison recommendation. The dependent variable in Research Question Three is the final prison superintendent recommendation for release made to the parole board. This variable was also a binary vote of "yes" (1) or "no" (0). This variable was also found on the Vote Sheet. As seen in *Table 5*, of the 6173 cases that are part of this sample the Superintendent of the prison voted yes in 57% of the cases (*n* = 919), slightly less than the number of unit management team votes of yes.

Understanding the Prison Recommendation for Parole

To understand how prisons fit into the parole process in Pennsylvania, it is essential to review briefly the process behind the generation of the prison recommendation. As seen in *Figure 3*, all inmates in the Pennsylvania Correctional System are eligible to be seen by the Pennsylvania Board of Probation and Parole

Table 4. Demographic Variables of Sample

Variable	Mean or %	SD	Min	Max
Age	37.31	10.83	17.0	78.0
Race				
White	41.4%	-	-	-
Black	48.0%	-	-	-
Hispanic	10.2%	-	-	-
Asian	0.40%	-	-	-

n = 1,610

Table 5. Unweighted Summary Statistics of Outcome Variables

Variable	Percent	SD	Min	Max
UMT recommendation	58.2% (*n* = 938)	-	-	-
Final recommendation	57.0% (*n* = 919)	-	-	-

n=1,610

Table 6. Weighted Summary Statistics of Outcome Variables

Variable	Percent	SD	Min	Max
UMT recommendation	58.2% (*n* = 938)	-	-	-
Final recommendation	57.0% (*n* = 919)	-	-	-

n=1,610; Cases were weighted.

review when an inmate is at his minimum sentence, and 2.) a review that occurs at a set time following a previous rejection by the PBPP. For the first type of review, prison staff begin preparing information about the inmate as part of the Parole Packet six months before the minimum date. For example, if Mr. Jones' minimum date is June 15, prison staff will begin to prepare documents in January of that year. For the second type of review, prison staff begin to prepare documents three months prior to the review date set by the PBPP. An inmate who is under the second type of review has previously been turned down by the parole board, or has received what is commonly referred to as "a hit". This means that the inmate was told by the PBPP that parole would not be granted and that the case would be reviewed again in a set amount of time. For example, if Mr. Smith went before the parole board at his minimum sentence, was issued a negative board action, and was subsequently given a six month "hit", he would be eligible to see the parole board again in six months. Prison staff would thus begin to prepare the inmate's parole documents a second, or subsequent time, three months prior to this date.

The Pennsylvania Board of Probation and Parole requires that prison information be ready for review before an inmate's parole board hearing can take place. At the time an inmate is deemed eligible for parole (based upon the above criteria) the corrections counselor assigned to the inmate's case begins to prepare the necessary information to be included in the parole packet. Once the information has been assembled by the corrections counselor, the inmate is ready to be seen by the unit management team (UMT) for a pre-parole hearing, or what is referred to as a "staffing". This staffing includes a direct face-to-face meeting between the UMT and the inmate. Staffings are

conducted weekly or monthly, depending upon the individual prison, and are used to make decisions about things such as inmate employment, vocational programming, contact visits, pre-release recommendations, and parole recommendations.

At a parole staffing the entire unit management team is present. Staff members discuss the inmate's case, ask the inmate into the room to answer questions, and then discuss the case after the inmate leaves the room. This entire process for an individual case, on average, is very short, lasting about 10 to 15 minutes. However, because unit management teams often need to staff several inmates, they will typically devote an entire morning or afternoon once a week to staffings. At the completion of the staffing, a "yes" or "no" vote for parole is taken and the sheet (referred to as the "vote sheet") with each unit management team member's individual vote is added to the parole packet (see *Appendix B* for a copy of the Vote Sheet). The parole packet is then forwarded to the Classification and Correctional Program Manager (CCPM), the Deputy Superintendent of Facility Management (DSFM), and the Deputy Superintendent for Centralized Services (DSCS) for their individual votes. These administrative staff do not meet with the inmate.

A hierarchy of these staff is provided in *Figure 3*. Following their vote, the parole packet and vote sheet is forwarded to the superintendent of the prison for the final vote. The vote made by the superintendent is what is referred to as the final prison recommendation. The final prison recommendation is then forwarded to the parole board. The vote sheet is returned to the Corrections Counselor and only the final recommendation made by the superintendent is seen by the parole board.

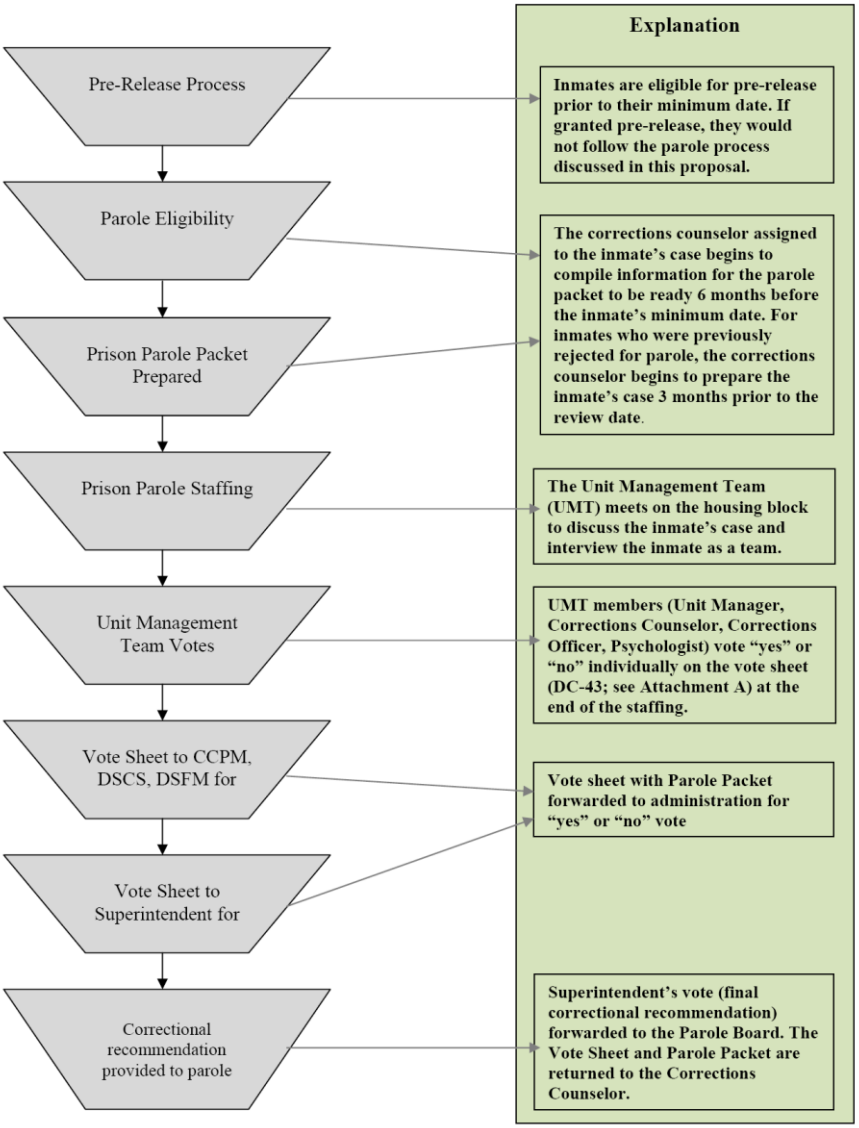
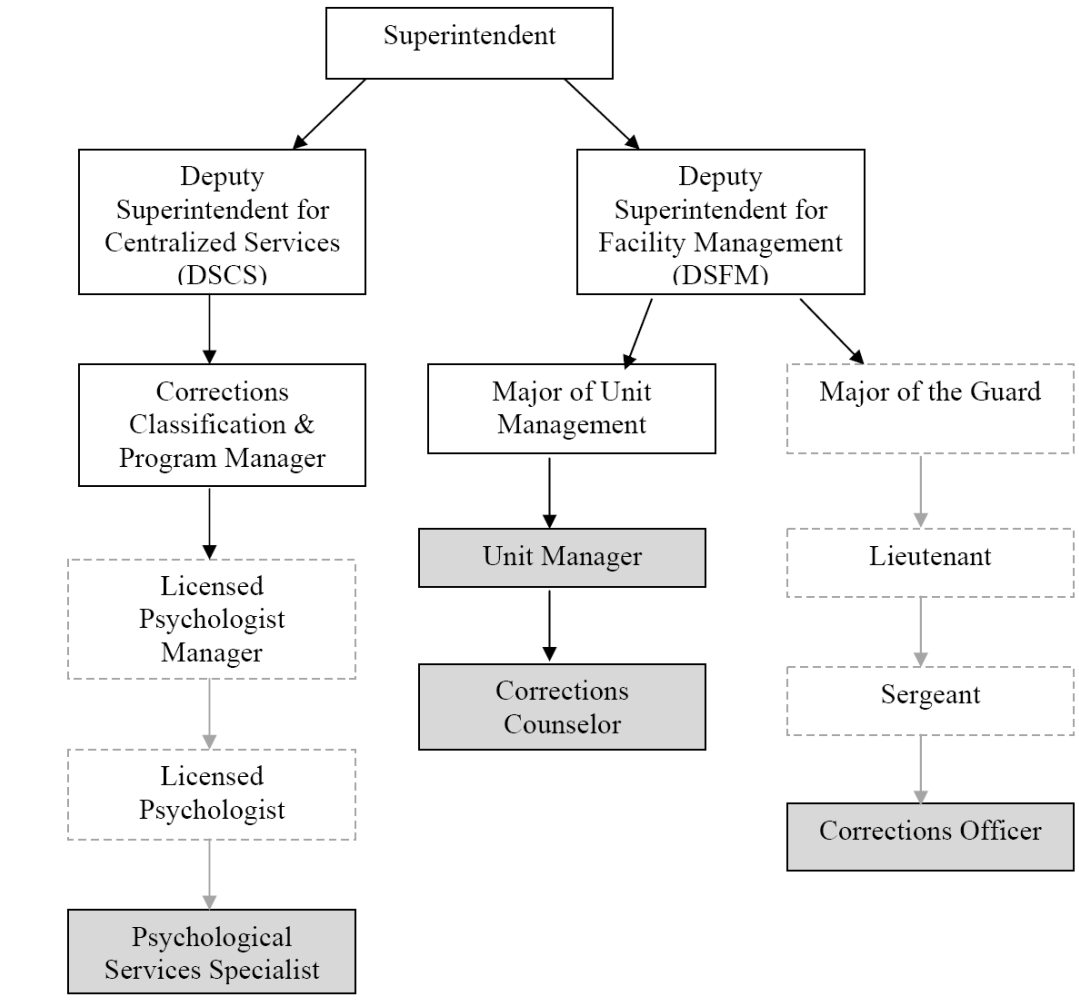


Figure 3. Flowchart of the Prison Parole Process



Note. *Gray boxes denote Unit Management Team Members. Boxes with dotted outlines denote people in the corrections chain of command who may, but do not normally, vote on the Vote Sheet. Solid black lines denote administration who vote on the Vote Sheet.*

Figure 4. Hierarchy of Prison Staff Involved in the Prison Parole Process

Level I (Parole Applicant) Predictors

Age. After weighting the age variable, the average age of the sample was 37.05 years (SD = 10.69) and ranged from a minimum of 18 years to a maximum of 78 years. Summary statistics of the age variable prior to weighting is seen in *Table 7.*

Black. The race variable was coded as a binary measure with 1=black and 0=other than black. Of the cases comprising the sample, 52.0% were black as compared to the remaining races. As seen in *Table 7*, after weighting this variable, 45% of the sample were identified as black as compared to the remaining races.

Crime Severity

Available data from the Pennsylvania Department of Corrections

The charges for which an inmate is currently incarcerated were obtained electronically from the inmate's Sentencing Summary (16-E) document. The data available included the controlling offense, other charges for which the inmate was convicted, the minimum and maximum sentences, date of sentencing, judge at sentencing, and whether the inmate has a subsequent special probation to serve upon returning to his county.

Selected variables

Violent offender. The Pennsylvania Board of Probation and Parole (PBPP) maintains a list of offenses considered violent for the purpose of parole consideration. The violent offender variable was based upon the PBPP's guidelines for violent offenses shown in *Figure 5*. Within the PADOC and PBPP inmates are commonly grouped into violent vs. non-violent offenders rather than categories like property offender, drug offender, ect. It is not uncommon for an inmate incarcerated in a state facility for one offense to also have a history of arrests. For example, while an inmate might be

Table 7. Summary Statistics of Level 1 Demographic Variables

Variable		Mean or %	SD	Min	Max
Age					
	Unweighted	37.31	10.83	18	81
	Weighted	37.05	10.69	18	78
Black					
	Unweighted	52.0% (n = 837)	-	-	-
	Weighted	45.0% (n = 725)	-	-	-

n = 1,610

incarcerated for a property offense he could have a prior conviction for a violent offense, placing him in the violent offender category as per parole guidelines despite not currently incarcerated for a violent offense. This variable was coded yes (1) if the inmate was serving a sentence for, or had previously served a sentence for, a violent offense as outlined by the Pennsylvania Board of Probation and Parole and no (0) if the inmate was not serving, nor has ever served, a sentence for a violent offense at the time of the prison staffing. Of the inmates included in this sample, 79.3% were considered a violent offender as compared to 20.7% who were considered a non-violent offender. After considering the weighting variable, 77.5% were considered a violent offender.

Offense
Theft by Extortion Where a Threat of Violence is Made, Aggravated Assault of an Unborn Child, Voluntary Manslaughter of Unborn Child, Assault by Prisoner, Assault by Life Prisoner, Aggravated Harassment by Prisoner, Aggravated Assault by Vehicle While Driving Under the Influence, Invasion of Privacy, Homicide by Vehicle, Endangering the Welfare of a Child (If the offense involved sexual contact with victim), Indecent Assault Where the Victim is Younger than 13 Years of Age, Sexual Abuse of Children, Obscene and Other Sexual Materials and Performance Involving a Victim who is a Minor (where the conviction is graded as a felony), Promoting Prostitution (Where the actor promotes the prostitution of a child under the age of 16 years of age), Unlawful Contact or Communication with a Minor, Sexual Exploitation of Children, Luring a Child into a Motor Vehicle, Sexual Intercourse with an Animal, Corruption of Minors, Open Lewdness, Criminal Attempt / Criminal Solicitation or Criminal Conspiracy to Commit any of these offense, Aggravated Indecent Assault, Failure to Provide Verification of Address, Incest, Stalking When Graded as a Felony of the Third Degree, Arson, Kidnapping where victim is a minor, Burglary, Robbery, Robbery of a Motor Vehicle ("Carjacking"), Murder (Regardless of the degree), Voluntary Manslaughter, Aggravated Assault, Rape, Statutory Sexual Assault, Involuntary Deviate Sexual Intercourse, Sexual Assault, Spousal Sexual Assault, Institutional Sexual Assault.

Figure 5. Pennsylvania Board of Probation and Parole Violent Offenses

Criminal History

Available data from the Pennsylvania Department of Corrections

The Pennsylvania Department of Corrections obtains complete, official criminal history data from each inmate's Federal RAP Sheet. Available are: Dates of arrests, dates of conviction, county of arrest, charges, charges resulting in convictions, sentencing lengths, and whether the police call was a potential domestic violence incident. If not found on the Federal RAP Sheet, the inmate's juvenile history is often found on the Integrated Case Summary (ICSA) document. The juvenile criminal history section of this document is a collection of information from the inmate's Presentence Investigation, prior state prison records, and inmate self-report.

Selected variables

Number of prior arrests. This variable represents the number of prior arrests for each applicant in the sample at the time of parole eligibility. It excludes the current offense for which the applicant is incarcerated. The average number of arrests for the sample was 4.26 arrests (*SD* = 6.60). Some applicants presented with zero prior arrests before the case for which they were currently incarcerated, whereas the maximum number of arrests for the people in the sample was 47 prior arrests.

Misconduct Data

Inmate discipline in the Pennsylvania Department of Corrections

The Pennsylvania Department of Corrections Policy Number DC-ADM 801 established by former Secretary of Corrections Jeffrey Beard on June 13, 2008 provides a list of behaviors considered to be violation of Department rules and regulations as well as sanctions for the violations. As seen in *Figure 6*, the sanctions are broken into two "classes" and are listed by the severity of the violations. Class I misconducts include charges #1 through #34 and are considered the most severe. Any of these charges must be disposed of by the Institution Hearing Examiner at a formal hearing. Examples of these

Table 8. Criminal History Variables

Variable	Mean	SD	Min	Max
Number of prior arrests				
Unweighted	4.26	6.60	0	47.00
Weighted	4.30	6.65	0	47.00

n = 1,610

charges include: assault, gambling or conducting a gambling operation or possession of gambling paraphernalia, and engaging in or encouraging unauthorized group activity. Class I charges also include charges #35 through #46 (e.g. refusing to obey an order), but are considered less severe than Class I charges #1 through #34. Class I charges #35 through #46 are disposed of the same way as Class II charges. They are subject to informal resolution by the Unit Management Team. Examples of Class II charges include: taking unauthorized food from the dining hall, failure to report or unexcused absence from work, school, or mandatory program, and body punching or horseplay. In addition to the misconduct charges, staff are required to indicate whether the misconduct was drug-related.

Available data from the Pennsylvania Department of Corrections

Within the Pennsylvania Department of Corrections inmate misconduct data are recorded electronically. The information available is: the charge number and class of the charge, the charge name, whether the misconduct was drug related, whether the inmate was found guilty, the amount of time he was sanctioned to, whether the inmate appealed the decisions, and whether the inmate's time was cut by the Program Review Committee (i.e., he was required to serve less time than he was sanctioned to by the Hearing Examiner).

Selected variables

Number of misconducts. This is a count of the number of misconducts in all classes the inmate was found guilty of during the current period of incarceration. If the inmate is a parole violator, this is a count of the number of misconducts since his most

recent return to prison. As seen in *Table 9*, the range of misconducts for the inmates included in the sample was between zero misconducts and 95 misconducts.

Number of assault misconducts. This variable is a count of the number of Class I Assault misconducts (Charge #1 in *Figure 6*) that the inmate was found guilty of during his period of incarceration. If the inmate is a parole violator, this is only a count of the Assault misconducts since his most recent return to prison. Within the Pennsylvania Department of Corrections misconducts listed as Class I charges #1 through #34 are considered more severe and must be resolved through a formal hearing with the Institution Hearing Examiner present. Class I charges #35 through #46 and Class II misconducts are considered less severe and are resolved through informal means.

Assault misconducts (any). This variable captured whether the inmate had accrued *any* Class I Assault charges (Charge #1 in *Figure 6*) for which he was found guilty throughout his period of incarceration. If the inmate was found guilty one or more times of Assault during his current period of incarceration this variable was coded as yes (1), whereas if the inmate had never received an Assault write-up during his current period of incarceration this variable was coded as no (0). As seen in *Table 9*, 195 of the applicants had been found guilty of Charge #1.

Number of misconducts (8 categories). As seen in *Table 9*, applicant misconduct totals ranged from 0 to 95 with the mean number of misconducts around 5 or 6. In an effort to correct for applicants who may be considered outliers with regard to the extreme number of misconducts they have accrued, this variable divided applicants into 8 categories. Each category represents an approximately equal percentage of cases. For

A. Class I Charges (Formal Resolution Only)	
1. Assault 2. Murder 3. Rape 4. Arson 5. Riot 6. Escape 7. Robbery 8. Burglary 9. Kidnapping 10. Unlawful restraint 12. Voluntary manslaughter 13. Extortion by threat or violence 14. Involuntary deviate sexual intercourse 15. Threatening an employee or their family with bodily harm 16. Fighting 17. Threatening another person 18. Threatening, harassing, or interfering With a Department K-9 or mounted patrol horse 19. Engaging in sexual acts with others or sodomy 20. Wearing a disguise to mask 21. Failure to report an arrest for any violation of the Pennsylvania Crimes Code (Community Corrections Centers only)	22. Possession or use of a dangerous or controlled substance 23. Possession or use of intoxicating beverage 24. Extortion or blackmail 25. Sexual harassment 26. Any criminal violation of the Pennsylvania Crimes Code not set forth above (shall be specified). 27. Tattooing, or other forms of self-mutilation 28. Indecent exposure 29. Engaging in, or encouraging unauthorized group activity 30. Breaking restriction, quarantine or informal resolution sanction 31. Gambling or conducting a gambling operation or possession of gambling paraphernalia 32. Possession or circulation of a petition, which is a document signed by two (2) or more persons requesting or demanding that something happen or not happen, without the authorization of the Superintendent 33. Using abusive, obscene, or inappropriate language to or about an employee 34. Violating a condition of a pre-release program
B. Class I Charges (Eligible for Informal Resolution)	
35. Refusing to obey an order 36. Possession of contraband including money, implements of escape, non-prescribed drugs (or drugs which are prescribed but which the inmate is not authorized to possess), drug paraphernalia, poisons, intoxicants, materials used for fermentation, property of another, weapons or other items which in the hands of an inmate present a threat to the inmate, others or to the security of the facility. Possession of drugs, alcohol, poisons and/or weapons are not eligible for informal resolution.	37. Violation of visiting regulations 38. Destroying, altering, tampering with, or damaging property 39. Refusing to work, attend school or attend mandatory programs or encouraging others to do the same 40. Unauthorized use of the mail or telephone 41. Failure to stand count or interference With count 42. Lying to an employee 43. Presence in an unauthorized area 44. Loaning or borrowing property

	45. Failure to report the presence of contraband 46. Theft of services (i.e. cable TV)
C. Class II Charges (Eligible for Informal Resolution)	
47. Body punching, or horseplay 48. Taking unauthorized food from the dining room or kitchen 49. Failure to report an unexcused absence from work, school, or mandatory programs 50. Smoking where prohibited	51. Possession of any items not authorized for retention or receipt by the inmate not specifically enumerated in Class I contraband 52. Any violation of rule or regulation in the inmate Handbook not specified as Class I Misconduct charge

Figure 6. Pennsylvania Department of Corrections Misconducts

example, category 3 represents all applicants who accrued between 3 and 8 misconducts while incarcerated.

Program Participation

Program Participation in the Pennsylvania Department of Corrections

An inmate's program plan is referred to in the Pennsylvania Department of Corrections as his "prescriptive program plan" or "correctional plan". An inmate's correctional plan is developed during the assessment process at classification. The correctional plan is developed based upon an individual inmate's security risk, offense pattern, and treatment needs. For example, an inmate currently serving a sentence for a violent offense would be recommended to participate in the standardized program Violence Prevention. Programs can also be placed on an inmate's correctional plan based upon any changes that happen during an inmate's incarceration (i.e., accrues a misconduct for assault.). The Pennsylvania Department of Corrections suggests that the correctional plan is a "prescription for the successful return of the inmate to the community" (Beard, Love, Roberts, & Dinesen, 2003, p. 3).

During the data collection period, the Pennsylvania Department of Corrections offered the following standardized programs: Thinking for a Change, Violence Prevention, Sex Offender Programming (SOP), Victim Awareness, and Alcohol and Other Drug (AOD) Programming. Only standardized programs make up an inmate's correctional plan. If an inmate participates in a voluntary program he will receive a certificate, but the program will not become part of his official correctional plan. Because the Pennsylvania Department of Corrections has offered standardized programs in the past that were later discontinued, an inmate who has been incarcerated for a long period of time may have other programs that make up his correctional plan if he participated in the program prior to it being canceled. Some of these programs include: Long Term Offenders and Anger Management.

Available Data from the Pennsylvania Department of Corrections

Within the Pennsylvania Department of Corrections a person's correctional plan is recorded electronically. The information available about each inmate is: the programs recommended by staff, the date each program was recommended by staff, and whether the inmate participated in each recommended program, refused the recommended program or is on the waiting list for the recommended program, start and end (or expected end) dates if he has participated (or is participating) in the program. If the inmate participated in a program data is also available about his evaluation including a rating of how well he understood and incorporated the materials and a written evaluation.

Table 9. Misconduct Variables

Variable	Mean or %	SD	Min	Max
Number of assault misconducts				
Unweighted	0.26	0.91	0	10
Weighted	0.21	0.83	0	10
Assault misconducts (any)				
Unweighted	11.30%	-	0	1
Weighted	11.30%	-	0	1
Number of misconducts				
Unweighted	6.02	9.93	0	95
Weighted	5.33	9.17	0	95
Number of misconducts (8 categories)				
Unweighted	2.63	2.31	0	7
Weighted	2.64	2.31	0	7

n = 1,610

Selected variables

Program compliant. This variable therefore is a binary measure (0=no and 1=yes) showing if an inmate is compliant with his recommended correctional plan at the time of his prison staffing. To be considered compliant he would either already have participated in some or all of the programs listed on his correctional plan, or be on the waiting list for

some or all of the recommended programs. To be considered non-compliant an inmate would have indicated that he is refusing a program; this would be listed on his correctional plan. As seen in *Table 10,* 91.6% of the sample (unweighted) were considered program compliant at the time they were eligible for parole.

Across the 146 unit management teams 92.72% was the average amount of program compliant applicants. At the team level program compliance ranged from 60 to 100 percent. Of the 146 unit management teams making up the sample approximately half (*n*=70) of the teams saw zero applicants who were considered non-compliant with programming.

Across the 21 institutions program compliance among the applicants ranged from 83% to 100% compliant. The distribution of program compliant applicants across institutions showed that at two institutions 100% of applicants coming before the teams were considered program compliant. At the institution level the average number of program compliant applicants was 91.76 percent.

Table 11 shows the correlations among the Level 1 variables.

Level II (Unit Management Team) Predictors

Average age. Ages of the unit manager, counselor, and psychologist were averaged (*Table 12*). The unit management teams' average ages ranged from 27 to 58.50 years (M = 42.49 years, SD = 5.63). After weighting the cases, the average age of the unit management teams in the sample was 42.93 (SD = 4.92). *Table 13* shows summary statistics for the individual unit management team positions.

Table 10. Program Variables

Variable	Mean or %	SD	Min	Max
Program compliant				
Unweighted	91.6%	-	-	-
Weighted	93.4%	-	-	-

n = 1,610

Average percent black. As seen in *Table 12*, unit management teams across prisons were comprised of slightly less than 10% of black employees.

Average years of service. As seen in *Table 12* the average years of service for unit management teams ranged from 3.40 to 45.67 years (M -= 5.44 years, SD = 5.44). *Table 14* shows summary statistics for the individual unit management team positions.

Table 11. Level 1 Variable Correlations

Variable	1	2	3	4	5	6
1. Age	-	-.023	.037	.157	.013	-.046
2. Black	-.023	-	.060	.058	.081	.080
3. Violent	.037	.060	-	.013	.002	.052
4. Number of arrests	.157	.058	.013	-	.005	.060
5. Number of misconducts	.013	.081	.002	.005	-	-.008
6. Program compliant	-.046	.080	.052	.060	-.008	-

Table 12. Unit Management Team Demographic Averages

Variable	Mean	SD	Min	Max
UMT age				
Unweighted	42.49	5.63	27.00	58.50
Weighted	42.93	4.92	28.10	56.33
UMT percent black				
Unweighted	0.08%	0.19	-	-
Weighted	0.15%	0.24	-	-
UMT years of service				
Unweighted	13.03	4.87	3.45	31.10
Weighted	13.05	4.93	3.45	31.10

n = 146

Table 13. Summary Statistics for Individual Unit Management Team Member Ages

	Minimum	*Maximum*	*Mean*	*SD*
Unit Manager	21.00	60.00	44.14	7.38
Counselor	26.00	83.00	40.75	8.84
Psychologist	26.00	64.00	42.12	10.49

n = 146

Table 14. Summary Statistics for Individual Unit Management Team Member Years of Service

	Minimum	*Maximum*	*Mean*	*SD*
Unit Manager	1.80	46.00	16.22	6.81
Counselor	1.00	34.30	10.81	7.02
Psychologist	1.10	29.60	8.11	7.06

n = 146

Analytic Plan

Multilevel modeling was selected for two reasons. 1.) The research questions outlined address dynamics operating at three levels (applicants, teams, and institutions). 2.) The data are nested (Bryk & Raudenbush, 2002). Level one variables describe individual applicant cases, level two variables describe unit management teams—the decisionmakers, and level three contains no variables but simply separates the portion of outcome variation occurring at the institution level.

Multicollinearity Check

To gauge potential multicollinearity, two regression models were generated. Each model contained both the level-1 and level-2 variables used in final modeling (Darlington, 1968). The two models were based on weighted and unweighted analyses. Scores for the grand mean centered variables were also manually constructed as needed. The largest Variance Inflation Factors (VIF) in any of the models was 1.4. Multicollinearity was not a problem.

Qualitative Study Component

Data for the qualitative component of this research were derived from observations and time spent with staff at the 21 prisons. Qualitative data were collected and used in this research to expand on key points suggested by quantitative analysis.

Procedure

To visit the institutions superintendents from the prisons approved each visit and designated a contact person for their respective institution. Through the institution contact person, a one or two day visit to the institution was scheduled for days when one or more of the unit management teams were conducting staffings.

At each institution, prior to observations, each prison staff member was invited to sign the informed consent form (see Appendix C). All staff agreed to sign the consent form. Unit management team staffings were then observed (see Attachment B). Data were also derived from conversations and time spent with staff.

Observations of and Conversations with Staff

The *Staffing Observation Sheet* (see Appendix D) lists stages which are part of the applicant staffing. At a staffing an applicant might be questioned about his offense, prison behavior, attitudes and feelings, plans for parole, and other topics the unit management team feels are important. Factors discussed or mentioned by unit management team members (e.g., offense characteristics, inmate attitudes) at each stage of the staffing were recorded on the *Staffing Observation Sheet* by hand. For security reasons, tape recorders were not cleared to be taken in to the prisons. Questions also were written down about unit management team comments or discussions that might have warranted follow-up later. When there was down time during staffings, for example

when waiting for the next inmate to show, notes were expanded upon. Immediately after exiting each prison additional detailed notes were made and once the trip was complete (returned to the hotel room or returned home), expanded notes were typed into computer files.

As seen in *Table 15*, across the 21 prisons, 63 unit management teams were observed as they made decisions about 364 applicants at 364 staffings. At each staffing a decision was made about one applicant. The average number of staffings observed per unit management teams was five. The average number of staffings observed at each institution was 17. On average an applicant staffing lasted 14 minutes and included discussion amongst the team members before, an interview with the applicant, and discussion between team members after the interview.

Additional data were derived from conversations with staff, time spent with staff, and incidental observations[7]. Notes were made about conversations with prison staff members. These were meant to be informal conversations and were conducted in different ways: 1.) Directed conversations, generally following a series of topics, took place with individual staff members. 2.) Individual or group conversation, during which questions were asked, took place between staffings, while waiting for an inmate to arrive, or during count time. 3) Over lunch in the dining hall, or staff offered an outside lunch, at which time questions were asked and conversations took place. 4.) A staff member provided a tour of the institution or provided escort to the gate at which time

[7] The personal views of the interviewer were not expressed during interactions with staff.

Table 15. Number of Observations by Institution

Institution	Date(s)	Number of Observed Staffings
Albion	10/08/12-10/09/12	23
Chester	02/19/13-02/20/13	14
Coal Township	02/25/13-02/26/13	17
Cresson	10/10/12-10/11/12	10
Dallas	01/14/13-01/15/13	23
Fayette	09/17/12-09/18/12	27
Frackville	09/27/12-09/28-12	12
Forest	01/10/13-01/11/13	13
Graterford	03/04/13-03/05/13	22
Greene	08/22/12-08/23/12	24
Greensburg	01/07/13	13
Houtzdale	12/06/12-12/07/12	7
Huntington	12/03/12-12/04/12	23
Laurel Highlands	10/02/12	6
Mahanoy	02/13/13-02/14/13	21
Mercer	12/16/12-12/17/12	16
Pittsburgh	08/06/12-08/07/12	27
Rockview	01/02/13-01/03/13	15
Smithfield	12/05/12	9
Somerset	01/29/13-01/30/13	16
Waymart	08/29/12-08/30/12	26
Totals		364

conversations took place. 5.) An individual staff member was assigned as an escort throughout the day and offered information.

Formal interviews were not conducted as it would have been disruptive to structure the dialogues with staff. The formality and structure of formal interviews would likely have taken away from the data obtained through more informal interactions with staff (Van Cleve, 2011; Venkatesh, 2009).

CHAPTER FIVE: RESULTS

The first set of models explores the recommendation made by lower level prisons staff, or unit management teams. To adjust for stratified sampling, cases were weighted in the initial set of models. Following the initial set of weighted models, the unweighted models were run to see if the pattern of significant impacts was altered. Results are also shown for an alternate model, measuring misconducts in a different way to account for cases that could be potential outliers. The second set of models then explores the relationship between the unit management team recommendation and the recommendation made by the prison superintendent. Again, models with weighted and unweighted cases are presented.

Predicting Unit Management Team Recommendations

Weighted Models

Variation in Decisionmaking

Results from the ANOVA or null model showed, as seen in *Table 16*, that significant variation on the outcome remained at both Level 2 ($p < .001$), i.e., between decisionmaking teams, and at Level 3, i.e., across institutions ($p < .05$). Outcome variance between unit management teams was about three times the variation across institutions.

The next model introduced applicant variables with their slopes held constant. These included inmate demographics (age, race), key case characteristics (whether the inmate was serving a sentence for a violent offense, total misconducts across period of incarceration, number of prior arrests, and program compliance), and the

Table 16. Assessing the Significance of Variation in Release Recommendations by Unit Management Teams at the Team and Institution Level

Variance Components	Variance	χ^2	df	*p*
Between teams	0.47184	368.6	125	<.001
Between institutions	0.18544	48.61	20	<.001

Notes. Results from multilevel logit model. N of applicants = 1,610, N of unit management teams = 146, N of institutions = 21.

amount of time in days each inmate was incarcerated. As seen in *Table 16* there is still outcome variation to be explained at both levels. Variables beyond those included in the model thus far may be shaping team and institution recommendation patterns.

Next, all team (Level 2) variables were added. These included average age of the decisionmaking teams, percent of staff members on the decisionmaking team who were black, and the average years of service. After adding all Level 2 staff characteristics, as seen in *Table 18,* significant variation remained with regard to recommendations made both between decisionmaking teams and across institutions. This was after controlling for case and staff characteristics, and taking institutions into account.

As seen in *Table 18,* after adding unit management team characteristics significant variation still remained. Therefore the average age, average years of service, and racial composition of the unit management teams did not fully explain the team-level variation in recommendations.

Table 17. Unit Management Team Recommendation Outcome Variation Including Level 1 Variables

Variance Components	Variance	χ^2	df	*p*
Between teams	0.39954	333.74	125	<.001
Between institutions	0.11056	39.1	20	<.010

Notes. Results from multilevel logit model. Cases in this model were weighted. N of applicants = 1,610, N of unit management teams = 146, N of institutions = 21.

Table 18. Unit Management Team Recommendation Outcome Variation Including Variables at Level 1 and Level 2

Variance Components	Variance	χ^2	df	*p*
Between teams	0.35831	320.6	120	<.001
Between institutions	0.11773	41.3	20	<.010

Notes. Results from multilevel logit model. Cases are weighted. N of applicants = 1,610, N of unit management teams = 146, N of institutions = 21.

Significant outcome variation also remained at the institutional level. Because of the small number of institutions it was not possible, for the purpose of this research, to determine what specific institutional attributes were influencing unit management team recommendations. It was hoped that qualitative information collected observing staffings might shed light on the dynamics behind institutional differences in the likelihood of recommending release. At this point it appears that if a typical unit management team is

considering a typical applicant there will be differences in the likelihood of recommending release across the different institutions.

Research Question One Summary

Factors beyond the applicant characteristics and unit management team features included in the model are influencing the release recommendation given that significant outcome variation remains across teams and institutions.

Significant Factors in Decisionmaking

Research Question Two focused on the specific applicant variables that could potentially influence the unit management recommendations. As seen in *Table 19* seriousness of the offense did not emerge as significant (p = ns).

Two applicant characteristics emerged as significant--number of total misconducts and program compliance. The odds of receiving a positive recommendation for release by prison staff decreased by 5% for each additional misconduct an inmate accrued across his period of incarceration. Further, when an inmate was considered program compliant his odds of receiving a positive recommendation for release were 6 times higher compared to an applicant considered non-compliant with programming.

Varying Impacts of Factors Considered Important in Staff Decisionmaking

Total number of misconducts and program compliance have emerged as significant factors on unit management team recommendations. These applicant characteristics may have varying impacts. Research Question Two considered this possibility.

Table 19. Factors Predicting the Unit Management Team Recommendation for Release

		B	SE	Odds ratio	*p*
Level 1					
	Intercept	0.46	0.09	1.59	<.001
	Age	0.00	0.00	1.01	ns
	Black	0.16	0.13	1.17	ns
	Violent offender	0.09	0.14	1.09	ns
	Program compliant	1.94	0.24	6.99	<.001
	Misconduct total	-0.05	0.01	0.95	<.001
	Prior arrests	-0.01	0.01	0.99	ns
	Time incarcerated	-0.00	0.00	0.99	<.01
Level 2					
	Average UMT age	0.01	0.03	1.01	ns
	UMT percent black	-0.28	0.94	0.76	ns
	Average UMT years of service	0.04	0.03	1.05	ns

Variance Components	Variance	χ^2	df	*p*
Between teams	0.35831	320.6	120	<.001
Between institutions	0.11773	41.3	20	<.010

Notes. Cases are weighted. Average UMT age, average UMT years of service, age, misconduct total, prior arrests, and time were grand mean centered. N of applicants = 1,610, N of unit management teams = 146, N of institutions = 21. Time = the amount of time in days each inmate was incarcerated.

The varying impacts of misconducts were explored first. The slope of total misconducts at Level 2 (teams) was allowed to vary to explore whether the variable had different effects on the different unit management team recommendations. The Level 3 slope remained fixed. Results are seen in *Table 20*. Total misconduct was differentially influential on the recommendations of different teams.

Figure 7 shows the varying impacts of total misconducts on unit management team recommendation across the 146 unit management teams. Findings from the fixed effects portion of the model showed that in the average institution the odds of receiving a positive recommendation for release decreased by 5% for each additional misconduct. *Figure 7* shows some unit management teams penalized applicants much more than this, and some teams penalized applicants less. For example, for applicants coming before unit management team (UMT) #1, the odds of receiving a positive recommendation for release decreased by roughly 9% for each additional misconduct. In comparison, however, for inmates coming before UMT # 146, the odds of receiving a positive recommendation for release decreased by about 1% for each additional misconduct. How much each additional misconduct "hurt" an applicant depended on the team voting on the applicant.

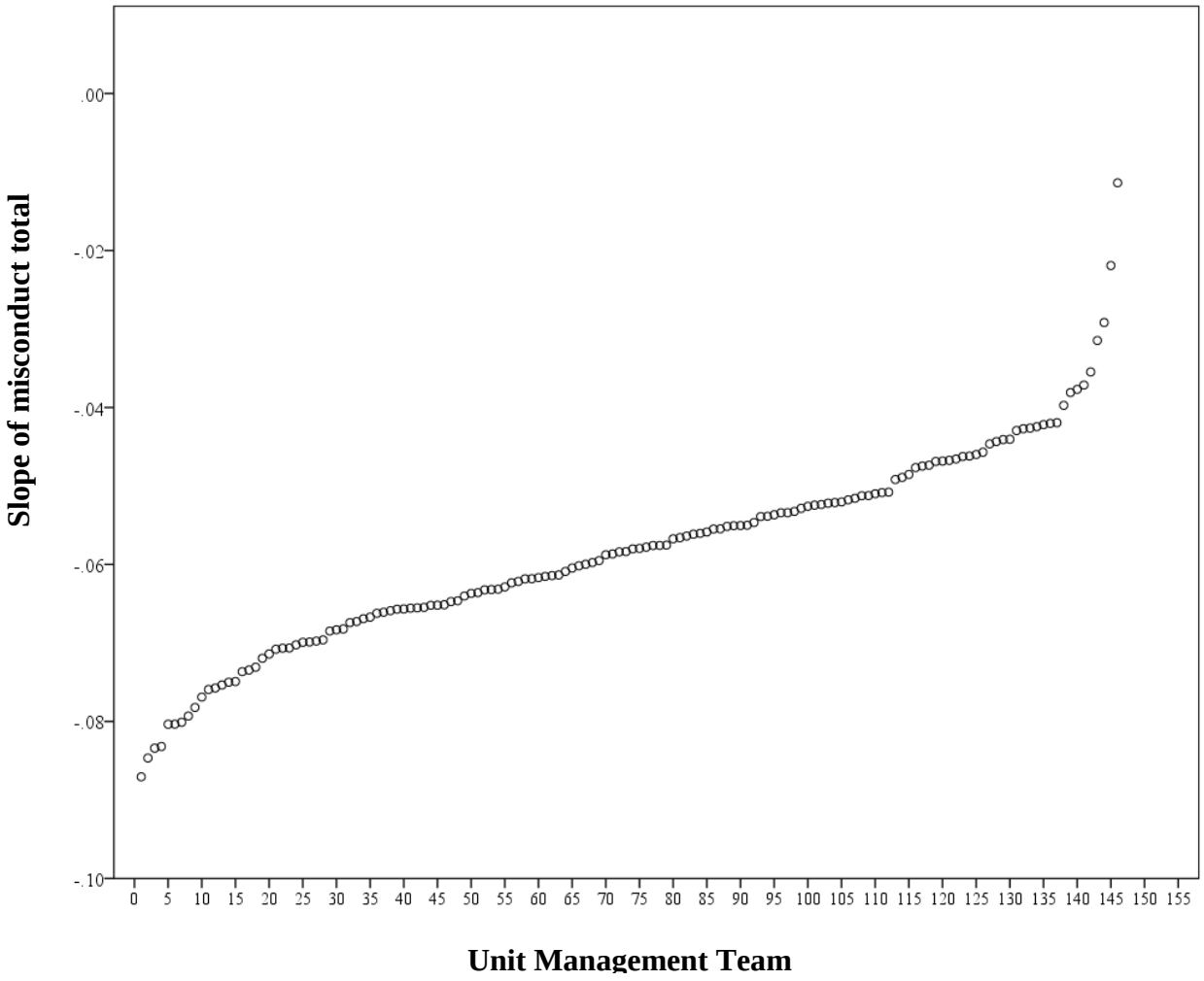
To see if institutional context shapes impacts of misconducts on recommendations the slope of total misconduct at Level 2 (teams) was fixed and the slope of total misconduct at Level 3 (institution) was allowed to vary. Results are shown in *Table 21*. Total misconducts had varying influences across institutions.

Table 20. Varying Impacts at Level 2 of the Factors Predicting the Unit Management Team Recommendation for Release

		B	SE	Odds ratio	*p*
Level 1					
	Intercept	-1.51	0.38	0.22	<.001
	Age	0.01	0.00	1.01	ns
	Black	0.16	0.12	1.18	ns
	Violent offender	0.10	0.13	1.10	ns
	Program compliant	1.94	0.22	6.94	<.001
	Misconduct total	-0.05	0.01	0.95	<.001
	Prior arrests	-0.01	0.01	0.99	ns
	Time incarcerated	-0.01	0.01	0.99	<.05
Level 2					
	Average UMT age	0.01	0.03	1.01	ns
	UMT percent black	-0.29	0.89	0.75	ns
	Average UMT years of service	0.05	0.03	1.05	ns

Variance Components	Variance	χ^2	df	*p*
Between teams	0.33372	234.7	114	<.001
Total misconduct slope	0.00082	191.9	137	<.010
Between institutions	0.11972	41.8	20	<.010

Notes. Cases are weighted. Average UMT age, average UMT years of service, age, misconduct total, prior arrests, and time were grand mean centered. N of applicants = 1,610, N of unit management teams = 146, N of institutions = 21.



Notes. Empirical Bayes adjusted slopes from Hierarchical Generalized Linear Modeling (HGLM). Outcome variable is positive recommendation for release.

Figure 7. Varying Impacts of Misconduct Total Across Unit Management Teams

Table 21. Varying Impacts at Level 3 of the Factors Predicting the Unit Management Team Recommendation for Release

		B	SE	Odds ratio	*p*
Level 1					
	Intercept	-1.52	0.27	0.22	<.001
	Age	0.01	0.01	1.01	ns
	Black	0.18	0.14	1.20	ns
	Violent offender	0.10	0.13	1.09	ns
	Program compliant	2.10	0.30	8.14	<.001
	Misconduct total	-0.06	0.01	0.94	<.001
	Prior arrests	-0.01	0.01	0.99	ns
	Time incarcerated	-0.00	0.00	0.99	ns
Level 2					
	Average UMT age	0.01	0.03	1.01	ns
	UMT percent black	-0.34	0.96	0.71	ns
	Average UMT years of service	0.05	0.03	1.05	ns

Variance Components	Variance	χ^2	df	*p*
Between teams	0.35612	315.9	122	<.001
Between institutions	0.11734	36.8	20	<.010
Misconduct slope	0.00060	38.3	20	<.001

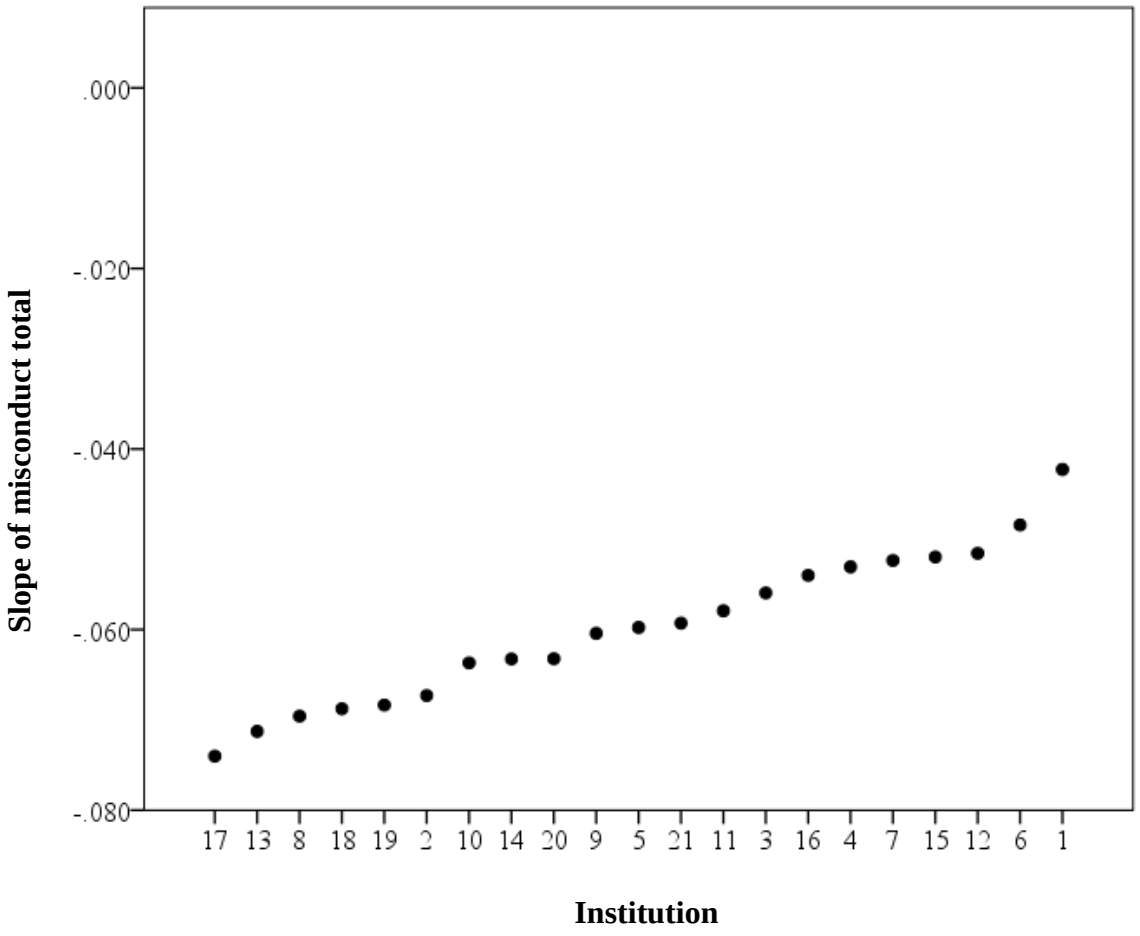
Notes. Cases are weighted. Average UMT age, average UMT years of service, age, misconduct total, prior arrests, and time were grand mean centered. N of applicants = 1,610, N of unit management teams = 146, N of institutions = 21.

As seen in *Figure 8*, when unit management teams in some institutions make recommendations they weigh each additional misconduct more than does the team in the average institution. For example, in cases at Institution #17 each additional misconduct resulted in a decrease in the odds of receiving a positive recommendation by 8% as compared to a 5% impact at the average institution. Other teams did not give total misconducts as much of an impact. For example, at Institution #1 each misconduct resulted in approximately a 2% decrease in the odds of receiving a positive recommendation.

Program compliance emerged as significant and therefore there was interest in exploring the varying impacts of this variable however, it was not possible to do so with this sample. The descriptive statistics showed that very few parole applicants outright refused to participate in programming and thus it was not possible to explore the varying impacts of this variable.

Research Question Two Summary

Of the case characteristics and unit management team characteristics considered in the model, misconduct data and program compliance emerged as the only significant fixed or average effects. When considering random effects models, given the minimal number of parole applicants who were considered noncompliant with programming recommendations, it was not possible to explore the varying impacts. It was possible to explore the varying impacts of misconduct data. In the weighted results presented total misconducts varied significantly both between unit management teams and across institutions.



Notes. Empirical Bayes adjusted slopes from Hierarchical Generalized Linear Modeling (HGLM). Outcome variable is positive recommendation for release.

Figure 8. Varying Impacts of Misconduct Total Across Institutions

Unweighted Models

In the initial models cases were weighted to adjust for the possibility that the selected sample was not representative of the population of applicants across the selected five months. The next set of models show results from the same models, however cases are unweighted.

As seen in *Table 22*, consistent with the model in which cases were weighted, significant variation emerged both between decisionmaking teams and across institutions. *Table 23* then shows the final unweighted fixed effects model. Significance patterns are the same as those seen in the weighted model in that both total number of misconducts and program compliance emerged as significant. Further, significant recommendation variation remained across both unit management teams and institutions.

Total Misconducts Measured Differently

Fixed Effects with Eight Misconduct Categories: Weighted Model

Recall that the misconduct variable representing total number of misconducts was skewed. Because this variable is a count variable with some high scores and because of the potential implications surrounding these findings it was important to protect against the idea that the skewed misconduct totals could be behind the results. The misconduct variable was collapsed in to eight groupings and parallel weighted and unweighted final models were re-run. *Table 24* shows the frequency distribution of the new misconduct variable. For example, 424 parole applicants who were part of the sample had no misconducts issued during the period of incarceration and 312 parole applicants were issued one misconduct during the period of incarceration.

Table 22. Assessing the Significance of Variation in Release Recommendations by Unit Management Teams at the Team and Institution Level: Unweighted Model

Variance Components	Variance	χ^2	df	*p*
Between teams	0.35389	230.4	125	<.001
Between institutions	0.0.05393	32.3	20	<.050

Notes. Results from multilevel logit model. N of applicants = 1,610, N of unit management teams = 146, N of institutions = 21.

Results of this weighted model are not shown but were similar in comparison to the weighted model that included the variable total misconducts. The misconduct variable, measured here as misconduct groupings, again emerged as significant, as did program compliance.

Varying Slopes with Eight Misconduct Categories: Weighted Model

Next, the Level 2 (team) slope of the new misconduct variable was set to vary while the Level 3 (institution) slope remained fixed. A comparison was made between these results and the results from the weighted model including the total misconducts variable from the previous models. Again, results are not shown here, but the significance vs. non-significance patterns was identical to the model using raw count of total misconducts. A comparison was then made between the varying slope of the new misconduct grouping variable at Level 3 (institution), while the Level 2

Table 23. Factors Predicting the Unit Management Team Recommendation for Release: Unweighted Model

		B	SE	Odds ratio	*p*
Level 1					
	Intercept	-1.46	0.23	0.23	<.001
	Age	0.01	0.01	1.01	ns
	Black	0.10	0.10	1.01	ns
	Violent offender	-0.08	0.10	0.92	ns
	Program compliant	1.97	0.21	7.18	<.001
	Misconduct total	-0.04	0.01	0.96	<.001
	Prior arrests	-0.01	0.01	0.99	ns
	Time incarcerated*	-0.00	0.00	0.99	<.01
Level 2					
	Average UMT age	0.02	0.02	1.03	ns
	UMT percent black	0.21	0.45	1.23	ns
	Average UMT years of service	0.02	0.02	1.02	ns

Variance Components	Variance	χ^2	df	*p*
Between teams	0.32013	208.8	122	<.001
Between institutions	0.0041	23.7	20	<.050

Notes. Average UMT age, average UMT years of service, age, misconduct total, prior arrests, and time were grand mean centered. N of applicants = 1,610, N of unit management teams = 146, N of institutions = 21. *B=-0.000032, SE=0.000039

Table 24. Frequency Distribution of Total Misconducts Variable with Eight Groupings

	Measure	Frequency	Percent
	0	424	24.7
	1	312	18.2
	2	193	11.2
	3	163	9.5
	4	171	10.0
	5	173	10.1
	6	176	1.03
	7	105	6.1
Total	8	1610	100%

n = 1,610

(team) slope remained fixed, and the earlier model before correction of the misconduct total variable. Results are not shown, but again significance patterns were the same as compared to the model considering the total misconducts variable before the addition of the grouping variable.

Table 25 shows the results from the random effects model where the slope of misconduct groupings was allowed to vary at both Level 2 and 3. Misconduct groupings and program compliance were the two case characteristics that emerged as significant, consistent with results from the earlier model. The impact of program compliance is about the same, where the odds of receiving a positive recommendation increase by about

six times when a parole applicant is considered program compliant as compared to non-compliant. Moving to misconduct data, results revealed that the odds of an inmate receiving a positive recommendation decreased by about 25% for each increase in the categorized variable.

Different from the previous model, age of the parole applicant emerged as significant. While showing minimal impact, as seen in *Table 25*, the odds of receiving a positive recommendation increased by about .01% for each additional year in age

Misconduct Data Measurement

In addition to measuring total misconduct and misconduct groupings, misconduct data were organized other ways. The time since last misconduct, time since last assault misconduct, number of assault misconducts, and assault misconduct groupings all were explored. In models with each of these forms of the misconduct variable significant influences on recommendations appeared for results from both fixed and random effects models. Those results are not prepared. For policy purposes the total number of misconducts seems most useful.

Summary of Alternate Findings

Of the case characteristics and team characteristics considered misconduct data and program compliance emerged as significant in both weighted and unweighted models. Misconduct data were important regardless of how the variable

Table 25. Random Effects Model with Alternate Misconduct Variable

		B	SE	Odds ratio	*p*
Level 1					
	Intercept	-1.51	0.37	0.22	<.001
	Age	0.01	0.00	1.01	<.050
	Black	0.24	0.13	1.27	ns
	Violent offender	0.14	0.13	1.15	ns
	Program compliant	1.94	0.25	6.94	<.001
	Misconduct grouping	-0.28	0.04	0.75	<.001
	Prior arrests	-0.00	0.01	0.99	ns
	Time incarcerated	-0.00	0.00	0.99	ns
Level 2					
	Average UMT age	0.00	0.03	1.00	ns
	UMT percent black	-0.49	0.85	0.61	ns
	Average UMT years of service	0.05	0.03	1.05	ns

Variance Components	Variance	χ^2	df	*p*
Between teams	0.29690	230.42	114	<.001
Misconduct slope	0.00466	142.12	117	<.050
Between institutions	0.12235	36.73	20	<.010
Misconduct slope	0.00863	35.78	20	<.010

Notes. Cases were weighted. Average UMT age, average UMT years of service, age, misconduct total, prior arrests, and time were grand mean centered. N of applicants = 1,610, N of unit management teams = 146, N of institutions = 21.

was coded. When the total misconduct variable was logged, weighted, or considered as 8 categories, results were similar as compared to when the unweighted misconduct total variable was considered. For example, when the misconduct total variable was coded into 8 categories results showed that the odds of an applicant receiving a positive recommendation were reduced by 7% as he moved each category higher. Further, the number of assault misconducts and whether the applicant had accrued any assault misconducts (yes or no) were considered and were similarly influential as compared to the total misconducts variable. When considering the unweighted random effects model as compared to the weighted random effects model, significance patterns were the same. Regardless of whether the cases were weighted or not, the effects of total misconducts varied significantly. Further, when misconduct totals were measured in a different way, results emerged as similar.

Predicting Prison Superintendent Recommendations

Fixed Effects Model

The last research question explored connections between unit management team recommendations and the prison superintendent recommendation provided to the parole board.

Table 26 shows the results of the fixed effects model where the unit management team recommendation is included in the model as a predictor and the outcome variable is the final prison recommendation provided by the superintendent. The odds of receiving a positive recommendation for release by the prison superintendent increased by 75% when a positive recommendation was provided by the unit management team.

Table 26. Fixed Effects Model: Final Prison Recommendation

	B	SE	Odds ratio	*p*
Intercept	-2.14	0.15	0.12	<.001
UMT Recommendation	0.56	0.12	1.76	<.001

Variance Components	Variance	χ^2	df	*p*
Between teams	0.23862	304.30	125	<.001
Between institutions	0.10380	44.13	20	<.010

*Note*s. N of applicants = 1,610, N of unit management teams = 146, N of institutions = 21. Cases are weighted.

Random Effects Model

Next the varying impacts of the unit management team recommendation on the prison superintendents' recommendations were explored. First, the varying impacts at the team level were explored. In other words, the slope of unit management team recommendation was allowed to vary at Level 2. Did prison superintendents agree with certain teams more often than others in their respective institutions, even after controlling for between institutional differences? Results are not shown, but revealed that the influence of unit management team recommendations on prison superintendents were generally consistent across unit management teams within an institution. The varying impacts of the unit management team recommendation across institutions were explored next.

Table 27. Final Prison Recommendation: Varying Impacts at the Institution Level

		B	SE	Odds ratio	*p*
UMT Recommendation		4.35	0.28	77.28	<.001
Variance Components	Variance	χ^2		df	*p*
Between teams	0.00072	205.46		125	<.001
Between institutions	0.14273	32.95		20	<.05
UMT recommendation slope	0.33583	31.44		20	<.05

Notes. N of applicants = 1,610, N of unit management teams = 146, N of institutions = 21. Cases are weighted in model.

The slope of team recommendations was fixed at Level 2 (teams) but allowed to vary across institutions (Level 3). As seen in *Table 27* results revealed significant variation across institutions. Prison superintendents varied with regard to the extent that they agreed with the unit management teams within their respective institutions.

And finally, the varying impacts of the unit management team recommendation on the prison recommendation were explored simultaneously between teams within institutions and across institutions. Results are shown in *Table 28* and revealed that prison superintendents do not vary with regard to the extent that they agree with unit management teams within their respective institutions, however the prison superintendents do significantly vary in comparison to each other. Stated

Table 28. Random Effects Model: Final Prison Recommendation

		B	SE	Odds ratio	*p*
UMT Recommendation		4.47	0.34	87.32	<.001
Variance Components	Variance	χ^2		df	*p*
Between teams	0.08787	123.59		101	ns
UMT recommendation slope	0.54086	123.19		101	ns
Between institutions	0.12589	31.57		20	<.05
UMT recommendation slope	0.51442	32.26		20	<.05

Notes. N = 1,610, Cases are weighted in model.

differently, prison superintendents treat their teams similarly, however when compared to each other the superintendents vary with regard to the level agreement. Results between weighted and unweighted models were similar.

Qualitative Findings

As discussed earlier, qualitative data were collected to provide insight into the patterns revealed, and not revealed, in the quantitative analysis. As used here, quantitative data provided information about how staff framed applicant attributes emerging as significant in the quantitative results. Further, data provided information about applicant attributes not captured by variables in quantitative analyses.

Staff decisionmaking teams were observed as they made decisions about whether to recommend applicants. Information arising from conversations and interactions with

staff suggested ways to interpret the staff perspectives observed during staffings. For example, if a staff member mentioned misconduct data at a staffing, during later conversations follow-up questions would be asked about such statements. This process gave staff members opportunities to correct the interpretation if needed and further elaborate (Maxwell, 2005). Together, these approximate a triangulated[8] approach to understanding the prison recommendation process.

The qualitative patterns are presented in two sections. The first section addresses things said and observed that touched on the key applicant variables emerging from quantitative analyses: programming and misconduct data. The second section notes themes that seemed to occur frequently but were not related to the two applicant variables that proved to be key in the quantitative analyses. For different issues, different theoretically selected subsets of institutions were relied upon.

Key Applicant Variables Reflected in Qualitative Data

Programming

Field notes from the institution that had the lowest rate of recommending release of applicants and the institution with the highest approval rate were reviewed and sections of the data were organized into recurrent themes. Transcribed notes from the institution with the lowest rate of approving applicants for release[9] and the institution with the highest approval rate[10] were reviewed and sections of the data were organized into recurrent themes (see *Appendix E*). Then institutions with the second and third

[8] Triangulation involves using multiple data sources or methods to substantiate evidence (Lincoln & Guba, 1985; Miles & Huberman, 1984; Patton, 1990).
[9] Institution #8
[10] Institution #20

lowest[11] rates of recommending release of applicants and highest approval rates for release[12] were coded based upon the previously identified themes. During the coding process specifics of each theme were further refined and clear names and definitions were generated. Consistent with results from quantitative analysis, programming emerged as a frequent theme in qualitative notes.

When an inmate enters the Pennsylvania Department of Corrections (PADOC) he is recommended by staff to participate in a number of treatment programs. Staff and inmates do not collaborate on the treatment recommendations, but rather the programs are assigned based upon the prior and current crimes for which the inmate was convicted. For example, if an inmate was ever convicted of a violent offense he would be recommended to participate in Violence Prevention. An inmate's list of recommended programs is referred to as his correctional plan (CP), or prescriptive program plan (PPP), by the PADOC. While incarcerated, inmates are also permitted to voluntarily enroll in treatment programming beyond what was recommended, participate in vocational programming, and enroll in school.

When discussing programming during staffings unit management team members' questions and responses exposed differing perspectives regarding programming. These were organized into three sub-themes: *i*.) Reviewing compliance or non-compliance to recommended programming; *ii*.) Inquiring, beyond compliance, what the applicant learned from programming; and *iii*.) Staff advice about what programs the applicant could have participated in beyond what was expected of him.

[11] Institutions #6 and 21
[12] Institutions #2 and 17

(i.) Staff reviewed whether the applicant was compliant with and had completed his recommended treatment programming.

This sub-theme within the overall programming theme was related to fairly superficial questioning about treatment programming and was addressed in all staffings. In other words, staff always inquired about whether the applicant had completed his checklist of treatment programming. While unit management teams had a copy of the applicant's correctional plan, most asked the applicant during the staffing if he had participated in all of the treatment programs recommended for him. Compliance or non-compliance would then be cited as contributing to the recommendation made by the team. One example is a conversation between a unit manager and applicant at Institution 21:

> **Unit Manager:** *"I'm not going to support you until you complete that TC[13] program. How long away are you?"*
> **Applicant: "***I think 2 months."*
> **Unit Manager:** *"Well you need to do that program."*

Another example comes from a counselor at Institution 21: "You're doing a lot better and help people on the block…but our hands are tied. We can't recommend you because you have programs to complete." When the theme surfaced in this way, it seemed that staff were interested in only learning whether the applicant had participated in his programming so that they knew whether they would even consider him for release.

(ii.) An applicant was asked by staff to discuss or provide evidence of what he learned from participating in treatment programming.

Beyond asking the applicant whether he complied with the programs recommended for him, some staff asked applicants what they gained from participating in the treatment programs. Interestingly, this was most often asked as "What did you

[13] TC refers to Therapeutic Community. Here the unit manager is asking the applicant, who is currently enrolled in the TC, how much time he has left until he has completed the program.

learn?", as though the applicant was enrolled in a school-related educational program or a psycho-educational program. At institutions with both low and high approval rates staff questioned applicants about the knowledge they gained from participating in programming, although staff at institutions with lower approval rates seemed more confrontational in their questioning style. The style of questioning at lower approving institutions is seen in this conversation between a unit manager and an applicant:

> **Unit Manager: "***What did you get out of your groups?"*
> **Applicant: "***To learn to take my addiction away. I even quit smoking."*
> **Unit Manager:** *"If you don't know why you were using…you'll come back. It's more than learning not to do it. You need to analyze that...look at what was going on. Do you want to do life on the installment plan? Do you want me to save you a cell for when you come back?"*

A counselor at Institution #8 said to an applicant, who was serving his second state incarceration: "I can't believe you never did TC[14] before." The applicant corrected him, saying "I did complete the therapeutic community before he I left on my old number[15]", to which the unit manager replied, "Obviously it didn't work. More reason to do it again."

(iii.) After determining whether the applicant had participated in recommended programming, staff provided advice about what programs, beyond what was expected of him, they felt the applicant should have participated in while incarcerated.

"Why didn't you take advantage of programs here to build your skill set?" This question was asked by one unit manager at Institution 6 and provides an excellent example of the type of question asked fairly consistently by staff at institutions with lower rates of approval. Other comments made by staff at institutions with the lowest approval rates include: "You did what the DOC wants you to do. I want you to finish

[14] Therapeutic Community
[15] Here the applicant means that while previously incarcerated for a different case he had enrolled in and completed substance abuse programming before going to the community. "Old number" refers to his Department of Corrections inmate number.

programs. I want you to get your GED. I'd love to see you do vocational programs." And, **"**But you could have done vocational programs here." At one staffing the applicant replied by telling the unit manager that he enjoyed the job he had in the community. The unit manager was dismissive of the applicant, stating "The more tools you have the better." Interestingly, advice about voluntary programming was provided by staff -- for what appeared to be the first time -- at the applicant's staffing, the interview that determines whether he is ready for release.

Programming Summary

Staff at all six institutions consistently read the applicant's list of recommended programs and asked questions about program compliance during the staffings. While not all staff at the six institutions were consistent in probing for what the applicant "learned" from participating in programming, the frequency of questions about "learning" seemed roughly comparable between low and high approving institutions.

Differences did emerge between institutions with low rates of recommending applicants and high rates of approving applicants for release in the extent that staff shared with the applicant what programming, beyond the recommended items, they preferred the applicant had participated in. When asking follow-up questions about programming, staff at institutions with lower approval rates often relayed to the applicant what voluntary programming they would have preferred the applicant had participated in. They also tended to ask follow-up questions about what the applicant learned from programming.

Misconduct Data

Quantitative results revealed that the unit management team recommendation was influenced significantly by misconduct data, even after controlling for key team and

applicant characteristics. Further, the extent that misconduct data influenced the recommendation varied within and across institutions. The following paragraphs offer examples from observational data and conversations with staff to provide needed depth and description regarding institutional misconduct data. Qualitative data from the three institutions where misconduct data were the most influential on the recommendation and the three institutions where misconducts were least influential were selected for review and comparison.

Recall from quantitative analyses that at the average institution an applicant's odds of receiving a positive recommendation as compared to an unfavorable one decreased by about 5% for each additional misconduct. The average applicant coming before unit management teams at Institution 17 had about 7% lower odds of receiving a positive recommendation for release for each additional misconduct he had been sanctioned to throughout his incarceration. Results at Institutions 13 and 8 were roughly the same--a 7% reduction in the odds for each additional misconduct. For applicants incarcerated at Institution 1, however, the odds of receiving a positive recommendation were reduced by just 4% for each additional misconduct the applicant had been sanctioned to. Applicants at Institutions 6 and 15 were similar with a 5% reduction in the odds with each additional misconduct.

The rate at which data about misconducts surfaced in field notes from the three institutions where misconduct data were considered the heaviest and the three institutions where misconduct data were considered the least were compared. The rate at which statements, questions, or conversations about misconduct data surfaced at the six

institutions ranged from 39% to 67%. There was no clear differential pattern across institutions with regard to the number of times staff noted misconduct data.

In this section observation data and conversations with staff from the top three institutions where misconducts most adversely affected approval odds are discussed first. Discussed next are the three institutions where misconducts had the most minimal impact on staff odds of recommending approval. The section concludes with a summary comparison.

A Heavier Emphasis on Misconduct Data

Within the institutions where misconduct data most adversely affected recommendations staff generally viewed misconducts at face value. Stated differently, they did not ask questions about the misconduct data to facilitate discussions about the circumstances surrounding the misconduct. The following discussion highlights one unit manager's superficial questioning about an applicant's recent misconduct at Institution 17:

> **Unit Manager:** *"Anyway you had a misconduct in December."*
> **Corrections Counselor:** *"What was that for?"*
> **Applicant:** *"K2[16] in my cell."*
> **Unit Manager:** *"Alright, well you know how this works. We will let you know in 2 weeks whether you received the jail recommendation."*

The unit manager here did not ask for the applicant's version of the circumstances surrounding his drug-related misconduct. He also did not mention the applicant's overall behavior on the block. He concluded by stating "You know how this works. It will go up to the superintendent and your counselor will see you in 2 weeks and let you know."

A similar interaction occurred between a unit manager and applicant at Institution 13. The unit manager asked an applicant whether he was recently on cell restriction. After

[16] Synthetic cannabis

the applicant replied yes, the unit manager stated, "That was for refusing to work? No more misconducts." Again, staff did not ask about the circumstances surrounding the misconduct, nor, if they were aware of the circumstances, were they discussed. The staffing ended after the unit manager made that comment.

Leniency in How Misconduct Data Were Considered

At institutions where misconduct data were not weighed as heavily, staff appeared to know about, ask about, and consider more fully the circumstances surrounding each applicant's misconduct. An excellent example of staff exercising discretion with regard to misconduct data was observed at Institution 15:

> **Unit Manager:** *"What about the misconduct you had…that fight with your cousin? Be prepared to talk to parole about that."*
> **Applicant:** *"Yea."*
> **Unit Manager:** *"No more misconducts. I know the circumstances of the last one because I was here on the block, but they[17] don't."*

The staffing continued after this conversation. When the applicant left the room, the unit manager said to the other team members: "He has that misconduct, but it was his cousin and they were playing around on the block, so it wasn't a big deal."

Unit management teams at institutions where misconducts were considered less heavily seemed to also consider the applicant's overall behavior on the block, regardless of the applicant's record of officially sanctioned behaviors. For example, at Institution 6, a unit management team met with an applicant who had not accrued any misconducts while incarcerated. Despite this, staff appeared to view the applicant's daily interactions on the block as unfavorable:

> **Unit Manager:** *"You have no misconducts, but it's like a game for you out there." [Pointed to the block.] "You play around…you hang on doors."*

[17] Referring to the parole board.

Applicant: "*No I don't!" [He laughed]*
Unit Manager: *"It's not funny. I'll tell you in 2 weeks, but it's not looking good*[18]*."*

In this example, the absence of officially sanctioned behavior did not mean the staff perceived the applicant's institutional behavior as positive. But, when an applicant's behavior on the block was positive, it was noted by staff. For example, a unit manager at Institution 6 said during one staffing: "Your work reports are good… housing reports too. Right Officer? You are quiet and cooperative on the block and we appreciate that."

Summary

At institutions where staff weighed misconduct reports more heavily in deciding whether to recommend an applicant for release staff tended to consider official misconduct data at face-value. At institutions where staff weighed misconduct data heavier than the average institutions, staff appeared to consider more fully the circumstances of official misconduct data; the sanctions were not taken at face value. Staff also appeared to more fully contextualize the applicant's misconduct record by considering the applicant's behavior on the unit in general. Staff here seemed more likely to note if the applicant was quiet and well-behaved, but also tended to point out when they felt that the applicant was involved in inappropriate behavior that had not been officially sanctioned.

In sum, data suggest that perhaps variation in misconduct data at the six institutions were related to 1.) The extent that misconduct data were considered in relation to the circumstances surrounding the incident and 2.) The extent that the applicant's overall behavior on the block was considered.

[18] Here the unit manager means that she will tell the applicant whether he received the prison recommendation when the vote sheet is returned to the block in approximately two weeks.

Major Themes Not Captured by Quantitative Data and Results

This section provides a sense of the predominant or frequent themes from the three institutions with the lowest rates of approving applicants for release and the three institutions with the highest approval rates which were *not* related to issues of program compliance and misconducts, the two key applicant predictors in the quantitative analysis. (Issues around programming, as indicated earlier, were a frequent theme and already discussed above. Attention turns here to two additional frequent themes.) The themes surfaced reflect the main content discussed during the staffings and conversations with staff at the six institutions. After 1.) Programming, the two additional themes to emerge were: 2.) Responsibility taking, and 3.) Outside support. The latter two are discussed here.

Together the three themes capture key similarities and differences between the staffings at the three lowest approving versus the staffings at the three highest approving institutions. Although these three themes are treated as discrete, they intertwine noticeably. Therefore this section concludes with a discussion of the connections between the three themes.

Responsibility Taking

Responsibility Taking captured, from the viewpoints of staff or written comments from the parole board, an applicant's abilities to understand the harm he caused and the extent that he was able to take responsibility for the actions he took part in when committing his offense(s).

Three sub-themes emerged within Responsibility Taking: (*i*.) Showing empathy, or lack of empathy, (*ii*.) Minimization of the offense by the applicant during the staffing,

and (*iii*.) Minimization of the offense listed by the parole board as a reason for prior refusal. Each are discussed here.

(i.) From the viewpoints of staff, whether an applicant can articulate or express empathy for his victim(s) and the crime(s) he committed.

Typically staff asked the applicant outright if he had empathy for the victim or what he did. For example, during one staffing at Institution 20, a female unit manager asked the applicant: "Do you feel sorry?" after he provided his version of the offense. Staff who were forthright with the question, beyond asking an applicant if he had empathy, did not further question the applicant about how his actions affected other people.

Alternatively, some staff told the applicant that his version of the offense appeared to be void of emotion. A female unit manager at the same institution said "The seriousness of what you did was horrendous. You talk about it like it's an everyday thing." In this instance and others like it, the applicant provided a detailed and accurate picture of what occurred at the time of the offense; nevertheless staff viewed the applicant as lacking empathy or emotion when speaking. Staff often questioned whether the applicant felt sorry or empathic about the offense for which he was incarcerated by either asking the applicant outright or providing feedback with regard to his seemingly non-empathetic presentation.

When comments about empathy surfaced at institutions with higher approval rates, staff verbalized whether they felt the applicant showed empathy for what he had done. They emphasized that the parole board would expect the applicant need to show sorrow for what he had done.

In contrast, at the institutions with the lowest approval rates staff did not mention the notion of empathy, but rather placed emphasis on the applicant's ability to accurately provide the details of the offense. (Applicant accuracy was gauged by comparing what he said to the official police version.) Staff at these institutions, with their focus on the applicant's ability to provide an exact account of the offense, did not appear to be probing about or evaluating the applicant's remorse or victim empathy as he recounted his role in the offense.

(ii.) Minimization of the offense during the staffing by using cognitive distortions, such as denying the offense, avoiding details of the offense, and blaming others, as a mechanism to avoid accepting that the applicant was fully responsible for the offense.

During staffings at the six institutions staff considered an applicant who accepted full responsibility to be one who could tell the story of his offense in a way that was comparable to the official police version found in the applicant's case file. A conversation between one male unit manager and an applicant at Institution 8 is one example of staff responses to an applicant who did not disclose the full details of his offense during a staffing:

> **Unit Manager: "***So you assaulted your girlfriend? That's why you took Batterers*[19]*? Your version doesn't tell me you took the program…you have more in your official version*[20] *about <u>you</u>. What does that sound like?"*
> **Applicant:** *"Like I'm minimizing."*
> **Unit Manager:** *"If you were me and you had someone in front of you who minimized your offense what would you do?"*

This conversation took place at the institution with the lowest approval rate after an applicant had finished providing his version of the offense. Conversations similar to this example seemed to occur more often at institutions with lower approval rates. Staff at

[19] Referring to the Batterer's Intervention Programming offered by the Department of Corrections and recommended for any inmate convicted of a domestic violence offense.
[20] Referring to the applicant's written version of his offense.

these institutions were more likely to expect the applicant's version of the offense to match all of the details provided in the police version of the offense. They appeared to define an applicant who was not minimizing as one who was correctly recounting details of his offense.

(iii.) Parole board believes the applicant minimized his offense at his last review, or staff perceive the applicant's version of his offense will be perceived by the parole board as minimization.

At higher approving institutions if an applicant had been previously turned down by the parole board for "minimization of the offense" and staff felt the applicant minimized his offense during the staffing they cited this as a continuing problem that he would need to address before his review in front of the board. Alternatively, if they felt his retold version of the offense had improved, staff tended to tell the applicant that he had provided an improved version of the circumstances surrounding the offense at the current staffing as compared to the last one. As an example of a continuing problem, one female unit manager at Institution 20 said: "In the past you have gone in front of the board and they say you minimize. I still see the same thing." As an example of improvement in retelling, at another staffing at the same institution a male unit manager said: "I'm reading your green sheet from last year. It says minimization of offense and poor attitude. You're not presenting like that today, so that changed."

Sometimes the applicant had not received "minimization of the offense" as a reason for denial, or the current staffing was for an applicant who would be seeing the parole board for the first time. Staff at higher approving institutions would then often emphasize, if the applicant was minimizing, that the parole board would not be accepting of his version of the offense. For example, one unit manager provided advice to an

applicant: “You look good on paper, but what’s going to ruin you is your talk… your speech…needs to be more humble. Don’t use *only*, that makes you seem like you are justifying. You need a better speech for parole.”

Overall, it was unit management teams at higher approving institutions that seemed to discuss perceptions of the parole board. Further, at the higher approving institutions, concerns that the parole board might view the applicant’s version of the offense as containing elements of minimization seemed to be expressed more often by multiple staff members *within* the same staffing as well as across staffings within the same institution. At lower approving institutions, however, conversations throughout did not emphasize the parole board’s perceptions, but rather, as discussed in the previous section, seemed to focus on unit management team members’ perceptions of minimization during the staffing.

Responsibility Taking Summary

An overarching theme at the six institutions was the notion of responsibility taking. Under the umbrella of this theme fell three sub-themes which appeared to surface at different rates depending upon whether the institution was a lower or higher approving rate institution. At the highest approving institutions staff appeared about equally likely to discuss the three subthemes. By contrast, at the lowest approving institutions, staff appeared to focus solely on sub-theme *ii*, minimization of the offense during the staffing.

At the lowest approving institutions staff seemed to focus predominantly on challenging minimization during the staffing. At times they appeared to be harsh in their approach. They asked the applicant more detailed questions about the offense. It appeared they wanted to be personally satisfied with the version the applicant provided. At the

highest approving institutions the approach appeared markedly different. There, staff focused on the parole board's feelings that the applicants might be minimizing the offense. Although staff at these institutions pointed out instances when minimization occurred during the staffing, it was as an effort to make the applicant aware that the parole board would not accept the version he was providing. It seemed this was done to prepare the applicant to do well at his parole board interview.

The staff at the highest approving institutions reacted on empathy display. It appeared they often told the applicants that their presentation did not portray that they were feeling sorry or empathic, presumably to warn the applicant to better prepare for the parole board. Empathy (sub-theme *i*) was not mentioned during the staffings at the lowest approving institutions.

Overall, staff at institutions with higher approval rates seemed to focus on what the parole board might think and how the applicant might be perceived. To the contrary, at lower approving institutions staff seemed to think an applicant providing a detailed account of the offense was most important. It appeared emphasis at the lower approving institutions was on what the unit management team staff felt about the applicant's level of responsibility taking, rather than what the parole board would think.

Outside Support

Although each unit management team was distinct in how it framed questions to solicit information about applicant support upon release, the framing frequently shared

some key features. Questions about support were framed in two areas: home plans[21] and employment plans.

(i.) Does the applicant have a home plan?

Regardless of the approval rate all unit management teams were consistently interested in whether the applicant had a home plan in place should he be granted release. This initial question about a home plan was asked similarly across teams and institutions. Staff would ask for example: "Where's your home plan?", "Where will you live?", or "If we let you out, where will you go?" It was the information solicited beyond this superficial question that divided the lower approving and higher approving institutions.

Institutions with higher approval rates created a clearer, more complete picture of the applicant's plan with their follow-up questions. One example of this type of follow-up questioning occurred at Institution 2, a higher approving institution:

> **Unit Manager:** *"Where will you live?"*
> **Applicant:** *"With my grandma."*
> **Unit Manager:** *"Where's that?"*
> **Applicant:** *"York."*
> **Unit Manager:** *"Is your mom there too?"*
> **Applicant:** Nodded yes.
> **Unit Manager:** *"Do they know you will be coming there? Did you ask them?"*
> **Applicant:** *"Yea, they want me to come. I talked to her last month."*
> **Corrections Counselor:** *"Does anyone use drugs?"*

From this conversation the unit management team established that the applicant had taken steps to confirm his home plan before attending the staffing. Since sometimes an applicant was not able to answer such questions, this type of follow-up questioning at the higher approving institutions provided insight into the applicant's level of planning. When an applicant was not able to answer the follow-up questions adequately staff at the

[21] Prison staff use "home plan" to refer to the address the applicant is required to submit to the parole board. The address is first subject to a home inspection before approved by parole.

higher approving institutions would indicate that parole would not be happy with his lack of plans and encourage him to better prepare before he saw the board. It did not appear, however, that the absence of a home plan negatively influenced staff perceptions.

At institutions with lower approval rates staff and applicant discussions about home plans appeared to include more challenging. Rather than ask follow-up questions to gain an understanding about living plans beyond the superficial "Do you have a home plan?" question, staff here challenged applicants about whether plans were appropriate. At one institution a male unit manager said to an applicant: "You go back to the same place and expect a different result?" While this was posed as a question, the unit manager was not interested in hearing the applicant's response and moved onto asking the applicant about plans for work. At lower approving institutions the nature of the follow-up questions were different; rather than eliciting details about the applicant's home plan staff were more likely to challenge the appropriateness of the plan.

(ii.) Does the applicant have an employment plan?

At every staffing, regardless of the institution, staff asked the applicant if he had a plan for employment. The content of follow-up questions, however, varied. Follow-up questions at institutions with higher approval rates were framed to elicit information about the applicant's work skills. Staff here seemed likely to move beyond simply whether he had confirmed that a job would be available somewhere for him if released.

At lower approving institutions staff were also interested in knowing that the applicant had a place to work in the community, but did not focus on determining the applicant's specific job skills. If the applicant said he had a job waiting for him, no further questions were posed. Alternatively, if the applicant acknowledged that he did not

have a job lined up, staff at lower approving institutions tended to provide advice about what the applicant needed to do to assure a job was obtained. Regardless of the approval rate, staff asked whether the applicant had a job lined up in the community.

Outside Support Summary

Overall, unit management teams, regardless of the approval rate, were interested in whether the applicant had a place to live and a job lined up when released. Staff at institutions with higher approval rates asked follow-up questions to assure the applicant had solid home plan and employment plans in place before he needed to present the information to the parole board. At lower approving institutions, however, follow-up questions about employment and housing plans were used to challenge the applicant as staff decided whether his plans were conducive to a crime-free lifestyle and not returning to prison. When the team felt the applicant's plans were not, advice was provided to the applicant. Staff at lower approving institutions were seemingly interested in obtaining home plan and employment information to inform their own recommendation, whereas it appeared that staff at higher approving institutions wanted to assure the applicant had a plan in place when he presented at this parole board interview.

Suggested Cross-Theme Connections

Data suggest that institutions with the highest approval rates for positive recommendations view the staffing as a mechanism to prepare applicants for the parole interview. Staff provided feedback to each applicant about his version of the offense for which he was incarcerated to prepare him for questions asked by the parole board. Regarding support, they assured the applicant had derived a plan about where to live; they asked questions about potential employment and job skills. Staff at higher approving

institutions provided feedback about on the applicant's presentation, and emphasized and need to "sell himself" to the parole board.

In contrast, staff at institutions with lower approval rates seemed to use a more confrontation al and challenging style to provide feedback to applicants. For example, they might get angry when the applicant minimized his offense. Staff advised what they felt was needed to obtain a job if an applicant was unable to articulate an employment plan. And staff stressed the importance of not just finding a place to live, but finding a place to live that was conducive to living a crime-free lifestyle. Staff at lower approving institutions seemed to want to assure *themselves* the applicant was compliant and ready for the community.

Perhaps the ways staff understand their roles in the staffing process are influencing the recommendations made at the completion of the staffings (Rudes, Lerch, & Taxman 2011; Weick, 1990). Overall, the higher approving institutions seemed to view the staffing as a process whose purpose was to prepare the applicant to see the parole board. These staff seemed to view the decision of release as in the hands of the parole board. For example, one female unit manager at Institution 2 said: **"**These people…that's what they do for a living…they interview people for parole. They will see right through you. If you don't own up to your history of drug dealing it will be a problem."

At lower approving institutions, however, staff appeared to take more responsibility for the release decisions—as though they were making their own decisions to release the applicant to the community. At male unit manager at Institution 21 said: "Ok, you're not ready yet. Do you know why we are not recommending you?" providing

a good example of how staff took ownership of the release recommendation. They appeared more confrontational in their approach to questioning at times and were prone to challenging the answers provided by applicants.

Finally, high approving institutions cited the decisions made by parole for why an applicant had been turned down in the past (e.g. "Why are you still here?", "What did they say you have to do?"). In contrast, staff at lower approving institutions seemed to blame the prison administration for the applicant's previous failure to make parole.

Overall Summary of Findings

Quantitative findings reveal that lower level prison staff rely significantly upon misconduct data and program compliance when considering whether to recommend applicants for release. Although programming was consistently considered across decisionsmaking teams and institutions, the influence of misconduct data varied. The extent that misconduct data were important to decisionmaking teams varied both across teams (within institutions), and across institutions.

Observational data and conversations with staff also suggested the importance of programming in staff decisionmaking as evidenced by the number of times programming was discussed. In contrast, misconducts did not emerge as a frequent theme discussed during staffings. The qualitative data suggested that variation in misconduct data might arise from either of the following: First, there were differences in the extent to which official misconduct data were linked to staff perceptions of the circumstances surrounding the incident. Second, there were differences in the extent to which the applicant's overall behavior on the block was considered beyond official misconduct

data. The consideration of misconduct data by staff appeared to be fairly subjective and contextualized.

Observations of and conversations with staff also provided insight into factors that may explain significant remaining variation from the quantitative models. The additional themes emerging from qualitative results—responsibility taking and support--offer a starting point in considering what factors might explain this variation.

Turning to staff variables, at the team level, average age, years of experience, and race of the teams were considered but did not emerge as significant. Observations and conversations with staff suggested that factors about staff not included in the models, such as prior employment experiences, could contribute to remaining variation. While variables at the institution level were not considered in the models, conversations with staff also provided some insight into the potentially contextualized nature of the recommendation processes.

Turning to superintendents, quantitative results showed that when lower level staff recommended an applicant for release, the odds of receiving a positive recommendation from the prison superintendent were roughly 75%. This suggested a strong level of agreement between lower level staff and superintendents. It is also interesting that prison superintendents did not vary in the extent that they agreed or disagreed with the staff within their institutions—rates of agreement with staff teams are consistent across teams within institutions. Some superintendents, however, did agree with the teams within their respective institutions to a higher extent as compared to other superintendents.

CHAPTER SIX: DISCUSSION

This research examined within and across prison decisionmaking as reflected in the decisions made by prison staff and superintendents whether to recommend the release of applicants. Variation in decisionmaking was explored both within and across prisons. The relationship between lower level prison staff recommendations and prison superintendent recommendations was also of interest. This chapter begins with a review of major findings, incorporating theoretical implications and future directions. Next implications for policy and practice are discussed then strengths and limitations of the research. The extent that the prison recommendation process might be open to some of the same criticisms raised about discretionary decisionmaking at other more extensively studied stages of the criminal justice system is considered throughout.

Variation in Decisionmaking and Decisionmaking Outcomes

It makes sense intuitively that how recommendations are made within prisons and across prisons would vary. For example, one cell block may house more people who are incarcerated for violent offenses, or one prison may house a high number of people incarcerated for sexual offenses. Here, though, even after controlling for key factors about the applicant and decisionmaking teams, results showed that the housing unit an applicant lived on or the prison he was housed in changed the odds that he would receive a positive recommendation. Consistent with other stages studied within the criminal justice system, the more discretion afforded to prison staff in making recommendations makes it more likely that differences in people, processes, and contexts will influence how recommendations are made (Pound 1930; Gottfredson & Gottfredson, 1988; Walker, 1993). The next section considers just a few possible sources that might be relevant in

this context. These include features of employees and teams, broader institutional contexts, and the interactions between institutions, teams, and applicants suggested by the qualitative portion of the results.

Employee Backgrounds

Previous research with various correctional agencies suggests that when staff members have advanced degrees, more education, and additional formal training, their practices and attitudes towards innovative approaches to treatment and problem-solving differ from staff who are not as educated (Grella et al., 2007; McCarty et al., 2007; Rudes, Lerch, & Taxman, 2012). Similarly, variations in staff backgrounds might be relevant here as a source of unexplained team differences in approval rates.

Visits to the 21 institutions showed that unit management team members came from diverse employment backgrounds. For example, one unit manager was employed for 17 years in retail security prior to obtaining employment with the Department of Corrections; another unit manager obtained her position the year after she graduated college. A corrections counselor worked as a corrections officer for 20 years with the Federal Bureau of Prisons before he came to work for the Department of Corrections. There are far too many employee backgrounds to describe here. These three examples nevertheless offer a sample of the different experiences the staff bring to their assigned unit management teams.

Some staff mentioned their backgrounds as support for the factors they consider important when making recommendation decisions. One female corrections counselor[22] noted: "I am a criminal justice major by trade…so I do look at the offense, the

[22] Institution #21

relationship with the victim…and risk." Other staff commented on the way their co-workers' decisions were influenced by past experiences. For example a female unit manager[23], when talking about one of the male corrections counselors she supervised, said, "You can tell when a unit manager or counselor came from security…he…he is from security…he is always addressing behavior here." She further discussed that the security background of the individual she was speaking about influenced both what information he considered important when making recommendations and his daily activities on the block.

Some research within correctional agencies has explored whether advanced education and training influence various staff outcomes (Grella et al., 2007; McCarty et al., 2007; Rudes, Lerch, & Taxman, 2012). Expanding upon this research, future research in the prison setting might also explore the extent that the staff members' past employment experiences (e.g. security vs. treatment) influence decisionmaking. It is probable that a unit management team composed of five members whose prior experiences were security would view decisions differently as compared to a unit management team composed of members coming from a treatment background.

Unit Management Team Norms

In addition to past employment experiences, variations in decisionmaking and decisionmaking outcomes could potentially be attributed to norms that have developed on the individual cell blocks, or within the different prisons. Regarding different cell blocks, several staff were asked in follow-up conversations whether they had previously served on different unit management teams and if so, they were asked about differences or

[23] Institution #9

similarities. Potential variations in unit management team norms were referenced as a difference by one female corrections counselor[24] who had worked with four different unit management teams. She said: "Yes I see differences…on my block we just filled in squares…checked things off…but not over here. Our decisions seem more serious here." A male corrections counselor who had been employed at the same institution for 20 years also talked at length about differences between the unit managers within his institution: "Ya know…people come from other institutions…they do things different. Some are young…some old. Everyone has their own style…things they like. With Joe here, he wants to write his own vote sheets. That's fine with me…less work for me. I just go with the flow." He went on to describe differences in team members over the years and the seemingly passive attitudes he kept throughout the changes over the years.

Following prison staff new recruits across time would parcel out the extent that new employees introduce changes in structure and dynamics to the unit management teams they join or how the unit management teams influence changes in individual employee's attitudes and behaviors over time (Feldman et al., 1980; Moreland & Levine, 1982). Information about the development and persistence of unit management team norms would provide better insight into how norms are influencing decisionmaking and decisionmaking outcomes, here the unit management team recommendation.

Prison Norms

Varying institutional norms across prisons is a potential explanation for the variation across prisons in how recommendations are made. In his qualitative research with teachers and police Lipsky (1980) found that immediate work environment mattered

[24] Institution #9

most when accounting for variation in professional performance. Similarly, aspects about the individual prisons, or the prison climates as perceived by staff, could account for variation in decisionmaking and decisionmaking outcomes (Lipsky, 1980).

Qualitative notes suggested that how prison staff conceptualized their roles in the recommendation process were different at some institutions as compared to others. In some institutions it seemed that overall staff viewed their role in the recommendation and staffing process as the facilitator of a practice session, or even "dress rehearsal," for the applicants' parole board hearings. At other institutions staff appeared to consider their staffings and recommendations to be an important piece of the release decision.

There also was evidence that when changes occur within a prison the norms operating within that prison are likely to shift too. In this connection, some unit management team members alluded to the impact that changes in their respective institutions may have had on the recommendation process. Here a male unit manager[25] talks about the frequently changing administration at the institution where he worked: "Well…you gotta get to know each one…figure out what they like…what they think matters…adjust your voting like that…it's not hard." This unit manager suggested that his recommendations were influenced by the changing administration indicating the need to familiarize himself with the administration and adjust his recommendations accordingly. The varying climates at each prison, perhaps driven for example by administrators' varying views, could lead to or justify the carrying out of vastly different policies or practices at the various prisons (Crewe, 2012; Lipsky, 1980). It is possible that varying prison contexts significant influence variation in decisionmaking outcomes.

[25] Institution #8

While it was not possible here to explore factors at the institution level that might have contributed to variation, (due to the number of prisons in Pennsylvania) there are other ways this variation could be investigated. One potential source would be the administration of social climate surveys across the 21 prisons. Several social climate measures for use in prisons have been created and validated by other scholars, for example the Prison Environment Inventory (Wright, 1985). The Prison Social Climate Survey (PSCS) is also an example and is administered annually to staff and inmates within the Federal Bureau of Prisons (Moos, 1968; Ross et al., 2007; Toch, 1977). Using these measures a number of studies have been able to identify aspects of the prison social climate that contribute to different prison staff issues, for example staff turnover and absenteeism (Camp, Saylor, & Harer, 1997; Ross et al., 2008; Wright & Saylor, 1992).

Staff-Prisoner Relationships

Variation in decisionmaking and decisionmaking outcomes could also be an artifact of staff-prisoner relationships. Noted by Crewe (2011), related to his work in United Kingdom prisons: "It is widely agreed, in both official and academic discourse, that at the heart of any prison is the relationship between staff and prisoners" (Crewe, 2011, p. 455). Throughout an applicant's period of incarceration personal relationships develop between unit management teams and inmates. As one female unit manager[26] said "We are here when they wake up and we are here when they go to sleep…few people know these guys better on a personal level than us unit staff." Other staff said: "Come on, I know you…" or "I've been your counselor for years, I know that isn't true." Without structured decisionmaking mechanisms in place odds increase that staff decisions are

[26] Institution #19

driven by factors such as relationship dynamics, personal experiences, or even invidious criteria, for example biases against a certain group, or judgment that an applicant has not changed his behaviors throughout his incarceration (Meehl, 1954; Morris & Miller, 1985).

Sometimes unit management staff talked about how personal interactions with a particular applicant contributed to the recommendation they provided for him. Other times, they discussed how past experiences with one applicant influenced future decisions made about a different applicant: one unit manager [27] said "I am the unit manager of the only inmate who ever escaped from SCI Harrisburg[28]. Never again will I make that mistake again. I need to really know a guy before I will recommend him for anything. Clean record of behavior…attends all of his programs…I really watch them." Later, during a staffing on his unit, the unit management team did not recommend an applicant because the applicant had only been living on that housing unit for a few months. The team said they did not "know" him yet.

Unit management team members also seemed to be confident in their ability to determine the best recommendation. One male unit manager[29] said "Call me old fashioned, but when I am deciding whether to release a guy, I think about whether I'd want him living next door to me." A female corrections counselor at a different institution[30] explained how she knows whether an applicant is ready for release: "I have to feel that they are feeling something. I'm a big eye person…I want to see it in their eyes. You just know, you can feel it."

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[27] Institution #7
[28] Institution name removed and replaced with a fictitious name.
[29] Institution #1
[30] Institution #21

By contrast, leaving room for discretion may not always lead to unfair and unequal treatment of applicants. Proponents of the unit management team approach believe that when caseworkers have daily interactions with the inmates, staff are able to become familiar with the needs, concerns, and behavior of inmates on their caseloads (Federal Bureau of Prisons, 1980; Glaser, 1964; Levinson & Gerard, 1973). Since unit management teams could have considerable knowledge about the applicants on their individual housing units, they may use the information about the applicants appropriately when deciding whether to recommend someone.

When observing staffings it seemed several corrections counselors were privy to, and shared with team members, personal information about the applicants (e.g., family dynamics, support systems, or personal experiences of the applicant). Perhaps taking into account the factors unique to the applicant captures important information not available from a review of the applicant's record (e.g., his misconduct data, his program compliance, or his responses to assessment tools). If, for example, a corrections counselor was familiar with the positive support of an applicant's family, because he spoke with the family on the telephone over several years and witnessed the applicant receive regular visits, it may be appropriate to consider this information. Here, what might be considered inappropriate use of staff discretion could simply be staff considering factors unique to a single applicant.

Plausible Applicant Factors to be Considered

Some staff, despite citing their ability to "know" or "feel" if an inmate was ready, also said their recommendations were partly based upon the applicant's risk. "Making a safer offender" was one male corrections counselor's explanation of his job. A male unit

manager[31] said, too, that his job is to "minimize risk." Some staff also discussed their use of risk assessment tools when making recommendations. Though this study did not include prediction or attitudes assessment tools in the models, an interesting next step would be to explore whether measures used by the Department of Corrections, such as the Risk Screen Tool (RST; PA DOC, 2009), Level of Services Inventory-Revised (LSI-R; Andrews & Bonta, 1999), Criminal Sentiments Scale (CSS-M; Simourd, 1997), or the Hostile Interpretations Questionnaire (HIQ; Simourd & Mamuza, 2000), emerge as influential in the recommendation decision. It would be interesting to decipher the extent that unit management teams rely upon measures provided by the Department of Corrections versus factors such as misconduct data and program compliance.

Data from observations and conversations with staff also suggested frequent themes not considered in quantitative models: support and responsibility taking. On one hand, unit management teams may think they have to ask applicants about support and whether they take responsibility for their crime. Therefore questions from staff about these factors may take on a formulaic manner in staffings. On the other hand, these themes could be suggestive of factors staff perceive are important and could show interesting cross team or institution patterning if considered in quantitative models.

Prisons represent a unique decisionmaking stage in that staff work beside inmates for 8 to 16 hours every day for many years (Crewe, 2012; Jackson et al., 2010). Few areas of the criminal justice system present such a unique decisionmaking environment. The personal relationships, whether positive or negative, that develop between staff and

[31] Institution #1

prisoners, staff backgrounds, and the norms established by staff groups and prisons could certainly influence decisionmaking and decisionmaking outcomes.

Some may wonder why selected level-1 variables were included in the models over others particularly since many other variables were available. The level-1 variables selected for the models in this study were selected based upon both criminal justice and corrections decisionmaking theory. However, it may be helpful to further explain the selection of variables using an example. Because some prison staff mentioned attitude scales and assessments of risk during the observations of staffings, and because these items did not emerge as important when defining frequent qualitative themes, the use of attitude scales and assessment of risk will be used here as an example to outline why certain level-1 variable were not considered.

Some decisions made by criminal justice practitioners require an assessment of risk, for example when practitioners make decisions about pre-release detention assessing risk for absconding is important. One could argue that including a risk tool in the models for this study would also be important. After all, it seems logical that staff would want to consider an applicant's risk to the community. At present, however, the Pennsylvania Department of Corrections staff do not use a measure that was specifically designed to assess risk for re-offending and this was one reason why risk measures were not included. Alternate options would have been to include a measure of attitudes, such as the Criminal Sentiments Scale (Simourd, 1997), or a measure not designed to measure risk, but rather one associated with risk in the community, such as the Level of Services Inventory-Revised (Andrews & Bonta, 2001). Given the sporadic and inconsistent administration of

these tools[32] (e.g. change in procedures regarding which tools will be used[33], lack of post-treatment administration) the tools were not considered in this study.

In reviewing criminal justice decisionmaking literature studies it appeared that most studies tended not to include risk tool scores but rather consider individual items associated with risk, such as history of violent offending and the number of times a person has been arrested (Bucklen, 2007; Gottfredson & Gottfredson, 1988; Simourd, 2006). Specifically in Pennsylvania Bucklen (2007) recently found that the single best predictor of re-arrest in a sample of parolees was number of prior arrests of the parolee.

Understanding whether prison staff recommendations are driven by the same factors considered important at other decisionmaking stages was of interest. Results here showed that factors considered important to prison staff when making recommendations do not align with factors considered important at other stages within the criminal justice system. Knowing whether between team and between institution variation goes away or is reduced when other variables are considered would contribute to a better understanding of the recommendation process specifically, as well as the similarities and differences between this decisionmaking stage and other stages within the criminal justice system.

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[32] While these tools are used by PA DOC staff, they are administered at the time of classification and used primarily to drive treatment recommendations at the start of an inmate's incarceration (Andrews & Bonta, 2001; Simourd, 2006). The tools are inconsistently administered post-treatment. Once an inmate participates in programming within the DOC it would be expected post-assessments would show a reduction in negative attitudes and risk. Without the post-assessment the pre-assessment tools would not be a valid measure of the inmate's risk or attitudes.

[33] The *n* of applicants with an LSI-R (Andrews & Bonta, 2001) assessment score was 723, which was 45% of the sample.

Important Factors in the Recommendation

As mentioned, research has identified seriousness of the offense and arrest history as critical determinants of outcomes at most stages of the criminal justice system (Gottfredson & Gottfredson, 1988). But that did not hold here. It is worth considering why misconduct data and program compliance emerged as the most significant factors influencing the recommendation decision. Two plausible explanations are considered. First, complying with recommended programs and remaining misconduct free translates to compliance, in turn making the daily management of the block easier for staff. Or, it may be that because applicants are incarcerated for lengthy periods of time, more up to date and personal information is taken into account by staff when making recommendation decisions.

Predictability, Manageability, and Compliance

When an applicant has participated in recommended programming and has not accrued misconducts he may be viewed by staff members as predictable, manageable, and compliant[34]. At several institutions unit managers were sure to say to applicants that they never hear their names mentioned, which they perceived as positive because to them this meant the applicants were behaving on the block and doing everything "expected" of them. Sometimes it seemed that staff perceived compliance positively because it made their jobs easier.

Yet, compliance might portend different things to different staff. On one hand, it could lead to staff beliefs that if the applicant is compliant in prison, this will translate to success in the community while on parole. While discussing misconducts with a female

[34] Here compliance refers to inmates doing what is expected of by staff.

corrections counselor[35] in her office, she said "The misconducts we write here look a little picky, but that tells me if he can comply with parole." At another institution[36], each time the unit management team recommended an applicant for release, the male unit manager would say "We are going to support you because you have been compliant and did everything we asked of you."

But, on the other hand, sometimes staff perceptions of compliance did not bolster confidence in the applicant's ability to be successful when released. During one staffing[37] a male unit manager said to the applicant "Normally we would let you go outside and call you back to tell you what we decide, but we already decided you are not ready. You're doing everything that is asked of you, keep it up. You're just not ready." When the applicant nodded and left the room, the unit manager said "That's what I mean by compliance…he did what we are telling him to do." When asked later to elaborate on the statements he made in the staffing he said that he felt that the applicant made a "good inmate" but "not a good citizen." He indicated that some inmates did well with structure, but once released to the community, in the absence of structure, were unable to maintain the changes made while in prison.

Program Compliance

It is worth noting that program compliance seemed to have the most impact on the recommendations made by unit management teams. The odds of an applicant receiving a positive recommendation was six times higher when an applicant was considered program compliant as compared to non-compliant. At most institutions (n = 19), both

[35] Institution #21
[36] Institution #8
[37] Institution #21

program compliant and non-compliant applicants came before unit management teams. But, at two institutions none of the applicants coming before the teams were non-compliant. This could be because some institutions within the Pennsylvania Department of Corrections receive inmates for specialized programming, such as Therapeutic Community drug treatment, and therefore applicants who were considered non-compliant with programming would be likely transferred to another institution to make space for program compliant inmates.

Overall, nearly 92% of the applicants making up the sample were program compliant. The significance of this factor coupled with the small number of non-compliant applicants suggests that a non-compliant applicant is penalized heavily for his unwillingness to participate in programming. On one hand, the fact that participating in programming weighs significantly on recommendations made by unit management teams, and assuming the applicants are aware of this, could serve as an external motivator for applicants to enroll in correctional programming. On the other hand, if a particular applicant is not ready to make changes in his life and feels forced to participate in programming the fact that program compliance weighs so significantly upon the recommendation could contribute to negative feelings about treatment from the viewpoints of the applicant. A non-compliant applicant who feels forced to participate in programming because he wants to get the prison recommendation could also be disruptive in the therapeutic setting and may consume a disproportionate share of resources.

Overall, the examples offered here may provide some insight into why misconduct data and program compliance emerged as significant. At times it seemed that

when an inmate was more "compliant," thus making daily operation of the block easier, staff "rewarded" the applicant with a positive recommendation. At other times it seemed that unit management staff were utilizing within-institution behavior as a predictor of behavior that could be expected if the person were to be released to the community. Further, the importance of program compliance in the recommendations made by unit management teams suggests several potential implications for correctional programming.

Varying Influence of Applicant Factors on Teams

Further analyses showed that not only were misconducts considered an important factor, but the importance of misconduct data depended upon the unit management team making the recommendation and the prison in which the applicant was living. At the very least, these findings suggest disparity in decisionmaking by prison staff, with similarly situated applicants not being treated similarly. Considering research that has highlighted the discretionary nature of the citation of prisoner rule violation behavior (Light, 1990), that there is variation in the degree that misconducts influence an important liberty decision, here release recommendations, raises several potential theoretical implications.

The implications presented in this section are related to the following processes: judgments made about misconducts, staff discretion, and contextual influences. These processes are considered for how they could shape decisionmaking both across teams and institutions.

Misconduct Writing Behavior

With regard to variation at the team level, an individual staff member who is part of a particular unit management team may influence other members of their unit management team to believe that a misconduct should not be weighed as heavily based

upon the staff member who issued the misconduct. A female corrections counselor at one institution[38] had been promoted to her position after serving as a corrections officer for two years. She acknowledged that because of her familiarity with the corrections officers at the institution she sometimes does not consider a misconduct to be as important as when reports were issued by other officers. She described some officers' behavior, with regard to the number of misconducts they issue, as "overwriting." At a different institution[39] a female corrections counselor referred to one corrections officer as "the misconduct queen". She described this label by saying: "If you know someone writes a lot, you know not to pay attention."

Conversely, an individual staff member may influence other members of their unit management team to believe misconducts are important regardless of the person issuing them. One male unit manager[40] described how he was assaulted by an inmate during his first year of employment. He said that he felt he had to "back-up" the officers working on his unit in order to receive respect, and subsequent protection, from the officers. Because of his views he treated all misconducts written by the officers on his block as valid. Perhaps here the unit management team staff feel that it is necessary to take all misconducts seriously because their behavior in the staffings has potential implications for the safety of the group members in ways extending beyond the staffing itself.

Parallel theoretical implications can also be considered at the institution level. Within one prison people might be judged not only at the unit management team level, but institution-wide with regard to how other staff members perceive their misconduct

[38] Institution #21
[39] Institution #12
[40] Institution #1

writing behavior. Staff at one institution[41], across housing units, joked about a particular male corrections officer's relentless need to write-up inmates on sexual harassment charges, regardless of the rule violation the inmate was accused of. Similarly, in an above cited example a corrections counselor referred to one female corrections officer as "the misconduct queen." This label may be known institution-wide and in turn influence the way misconducts are judged when written by that particular corrections officer--not just by that team, but across the entire prison. Whether the influence is at the team level, institution level, or both, any of these examples implies a particular process is behind misconduct data and seems to vary across levels. It is also important to note that this process does not seem to be well known or understood, lacking visibility and the evaluation of the process.

Staff Perceptions of Misconduct Data

Considering unit management team and inmate interaction on a daily basis, the extent that a unit management team considers a misconduct to be serious could be influenced by the degree that a unit management team is acquainted with a particular applicant. In theory, the unit management team approach was developed to provide prison staff with a better opportunity to understand the behavior and concerns of the inmates assigned to their respective caseloads (Federal Bureau of Prisons, 1980; Levinson & Gerard, 1973).

At times dynamics of the relationship between a unit management team and an applicant seemed to result in an explaining away of the applicant's misconducts. A unit management team at one institution, when talking with an applicant who had been issued

[41] Institution #9

several misconducts recently for stealing food, joked with the applicant and attributed his behavior to his lack of employment in the institution[42]. At the start of the staffing the applicant was frustrated by his consistent negative board actions. His unit manager offered encouragement by stating "I know you are trying. I see you every day…this is your time to shine." Despite this applicant's recent misconducts, the unit management team recommended him for release. The nature of the personal relationships that could develop between unit management teams, or particular staff members, and inmates across a period of incarceration could account for variation in the extent that misconducts influence recommendations across teams.

Following this assumption, the daily interactions and relationships developed between a unit management team and inmate could lead to a good understanding of a particular inmate's day-to-day behavior and subsequently how the team views a particular applicant's official misconduct data. Working on the cell blocks affords staff opportunities to obtain detailed information surrounding misconduct data. A great representation of this relationship dynamic was provided earlier from one of the institutions where misconducts were not considered as heavily as compared to others. The unit management team in that example discounted the misconduct, saying that the applicant had fought with his cousin on the block about a family issue. They noted that the corrections officer "had" to write it up, but the unit management team agreed that they did not consider the write-up to be serious because of the situation, and because of the applicant's otherwise clean record of behavior. In that example, the discounting of a

[42] Institution #8

Class I misconduct by a unit management team could be attributed to the fact that the team was privy to detailed information about the applicant's behavior and the incident[43].

Misconduct Disparity and Procedural Justice

Disparity in staff reporting practices could also explain the varying misconduct influences at the institution level (Dilulio, 1987; Light, 1990) and could contribute to disparity in recommendation decisions made by staff. Some institutions, regardless of their designated security level, house a larger number of inmates who are involved in Security Threat Groups (STG) or assaultive behavior. Theoretically, it would make sense that in prisons where the frequency of serious misconducts (e.g. assault, threatening staff with bodily harm) is higher, less staff time would be devoted to documenting minor infractions. Hewitt and colleagues (1984) refer to this process as "selective non-enforcement" (Hewitt, Poole, & Regoli, 1984, p. 446). In prisons with a lesser frequency of serious misconducts staff might act on any level of infraction, regardless how minor. Future research might explore whether official sanctioning of less serious misconducts counts (e.g., failure to stand for count, stealing food from the dining hall) are lower in institutions where there are a larger number of documented serious misconducts.

Considering the impact that the above discussed variation could have on the applicants is also important. Results suggest that the housing unit an applicant is living on or the prison he is housed at influenced how seriously his misconducts were considered in

[43] For staff to know why an inmate was issued a misconduct the staff member would need to look at the official paper write-up in the inmate's institution file. The paper write-ups generally contain official information rather than subjective opinions. (e.g. The inmate got in a fight, rather than the inmate got into a fight with his cousin regarding a family matter). The detailed accounts are not available electronically, but a staff member can find a list of misconduct charges electronically. It is less time consuming for staff to resort to the latter.

the recommendation decision. As indicated earlier, these findings suggest disparity in decisionmaking, as similarly situated offenders are not being treated similarly. If applicants are aware of or perceive that prison staff are not applying decisions evenly across people and time, from a procedural justice perspective, this means that applicants will likely view prison staff or the recommendation process as unfair (Jackson et al., 2010; Sparks & Bottom, 1996; Tyler, 2010). Jackson and colleagues (2010) have identified this process as a key factor influencing perceived legitimacy by inmates in prisons. "Neutrality", or "making decisions based on the consistent application of rules based on proper procedure rather than on personal opinions or prejudices" (Jackson, et al., 2010, p. 6), significantly contributes to whether inmates view authorities as acting fair.

Another key indicator identified by Jackson and colleagues (2010) as important to inmates in forming opinions about the fairness of authorities is their perceptions about whether they play a role in the decisions made about them (Bottoms, 2003; Jackson, et al., 2010). While sometimes the applicants may not have had a say in whether they were officially issued a misconduct, qualitative notes suggested that at some institutions applicants were afforded the opportunity to explain and discuss their misconducts during the staffings. This process occurred more often at institutions where misconducts were not considered as heavily by staff when making recommendations. It seems plausible that when applicants are afforded this opportunity the experience could positively influence their evaluations of the recommendation process (Jackson et al., 2010; Tyler, 2010). In turn, how applicant perceive the fairness of the recommendation process could

impact their views, and potentially their families' views of the criminal justice system as a whole.

In sum, results from this research suggest the weight given to misconduct data when recommendations for release are made by prison staff varies across both decisionmaking teams and institutions. If two applicants were issued three misconducts each across their period of time in prison but one applicant was housed at Institution #1 and one applicant was housed at Institution #7, their odds of receiving a positive recommendation would be different because their three misconducts would be given different weight. While their misconduct data is the same the two applicant would not be treated the same.

Qualitative findings suggested different themes between institutions where misconducts most adversely affected approval odds and those where misconducts weighed less in the recommendations. This section considered how different areas of discretion operating within prisons and within individual teams might be contributing to the varying impacts of misconducts and raises the possibility that the process might influence the viewpoints of applicants.

The Superintendent Recommendation

Results show that after controlling for the impact of the unit management team recommendation, significant variation remained across teams and institutions in the superintendent's likelihood of recommending release. Stated differently, factors beyond the unit management team recommendation are influencing the superintendents' decisions at both the institution and team levels. Given that the unit management team recommendation was a significant predictor of the superintendent recommendation, one

might ask why it matters that significant variation remains. Alternatively, it might be important to consider whether the *remaining* variation in approval rates seen here is fair. And if it is not fair, is the unfairness explained away by the superintendents' needs to make executive decisions as the head administrator of the prison? And of course, what other factors are influencing the superintendents' recommendations beyond the unit management team recommendation? These findings have several theoretical implications.

Findings showed that the impact of the unit management team recommendation on the superintendent recommendation did *not* vary at the team level. Stated differently, different unit management teams within a specific institution had similar impacts on the superintendents' final recommendations. Findings suggest that residual variation in willingness to approve arises from differences between superintendents.

It was not possible for the purposes of this research to explain the remaining variation and so this area remains a "black box." But, even without exploring potential explanations for the remaining variation, several potential implications can be considered. First, questions could be raised about equity in decisionmaking by superintendents. For example, are factors beyond the applicants' control influencing the superintendent recommendation? Along these lines, Leibling (2004) reports that the competency of prison superintendents is often judged by whether key performance indicators are met at their respective prisons. It could be that when a particular prison's population is high the superintendent in the respective prison provides more positive recommendations in an effort to lower the population, subsequently meeting his performance indicator. Or, if one prison is experiencing significant security problems at the hands of a few inmates, all

applicants may experience negative impacts in the likelihood that they receive positive recommendations. Conversely, from a prison management perspective it might be argued that when a superintendent is faced with important management decisions, organizational mandates trump the applicant views about the equity of the decision or the effectiveness of the decision in terms of meeting stated departmental goals.

Regardless, further research is needed here to identify the factors beyond the unit management team recommendation that are contributing to residual variation in the prison superintendents' willingness to make positive recommendations. Given the small number of institutions in this study it was not possible to consider factors in quantitative models, however next steps might include interviews and observations with superintendents.

Implications for Policy and Practice

Several major findings were reviewed in this chapter and each of these findings has important implications for both prison policy and the practices of prison staff and administrators.

Theory to Practice

Noteworthy findings emerged when examining the varying impacts of selected case characteristics. It was positive that misconduct data and program compliance emerged as significant as these findings are consistent with the Mission Statement of the Pennsylvania Department of Corrections. A portion of the Mission Statement of the department states "*Our mission is to reduce criminal behavior by providing individualized treatment and education to offenders, resulting in successful community reintegration through accountability and positive change*." Both improved behavior

while incarcerated and participation in programs align with the Mission Statement of the department assuming that both are correlated with positive change and success in the community. Findings suggest staff recommendations are consistent with the expectations and understandings of policymakers, including those within the Department of Corrections.

On the surface it seems positive that the policies and mission statements set forth by the Department of Corrections are carried out in practice. But, are staff abiding by the mission statement's message of rehabilitation? It may be that staff enforcement of misconducts and emphasis on program participation has little to do with the applicants' rehabilitation and more to do with compelling the inmate to comply with institutional rules to maintain prison order (Cullen & Jonson, 2012). Are staff using their discretion and the threat of receiving a negative recommendation to achieve order? While DOC administrators, in theory, emphasize rehabilitation, qualitative data from this study suggest that emphasizing misconducts and rehabilitation at times could lead some staff to justify vastly different practices.

Limiting Discretion

If the remaining un-explained significant differences in approval across teams and across institutions is not arising almost exclusively from factors not considered in this study, factors which can be understandably justifiably linked to recommendations, a further issue surfaces. When the discretion carried out by prison staff leads to unfair and unequal treatment of inmates it seems desirable to remove the source of unfairness. But judgments about whether this discretion is inappropriate are not necessarily easily made. At the very least, however, efforts to structure and increase visibility in decisionmaking

through mechanisms like administrative rule-making and guidelines are suggested here (Gottfredson & Gottfredson, 1988; Walker, 1993).

At present parole board discretion in Pennsylvania is curtailed by the use of guidelines. But unit management teams within the Pennsylvania Department of Corrections have virtually unfettered discretion in making recommendations, and thus shaping applicants' lives. At other stages of the criminal justice system research is fairly consistent in finding that as the discretion given to decisionmakers increases, disparity in decisionmaking increases too (Walker, 1993). Results from this study support this notion. With significant discretion allotted to prison staff in making recommendations, results showed that the odds of an applicant receiving a positive recommendation shift depending on the housing block to which he is assigned, or in which prison he is housed, even after controlling for applicant and unit management team characteristics. Further, the impact of misconducts varied across and between prisons. Assuming the remaining significant un-explained differences are not arising solely from appropriate variables for decisionmaking not considered in this study—and the qualitative work suggests what some of those might be--two suggestions are offered to limit discretion and increase the visibility of this decisionmaking stage. 1.) Develop and implement administrative rules and guidelines in the recommendation process, or 2.) Eliminate prison staff from the parole recommendation process.

The Department of Corrections could begin by explicitly stating the goals and criteria they deem important to the recommendation process. They could then develop clear policies and guidelines that support their goals and criteria. Adding structured decisionmaking mechanisms to the recommendation process would advance the

transparency and evaluability of the prison recommendation process (Goldkamp, 1987). The results from this dissertation provide groundwork in investigating what lower-level prison staff deem important in the recommendation process. Coupled with additional research, staff views could be considered in guideline and policy development. Another option would be to remove prison staff from their role in the parole release process. The decision to separate unit management team recommendations from the carrying out of other services and interventions would remove considerable discretion from prison staff. Personnel who make recommendations and decisions about parole release in Pennsylvania currently are housed within both prisons and the parole board. Yet existing policy does not make entirely clear what the advantages are thought to be of maintaining this dual division of responsibility for making these important decisions. Although the final decision is clearly in the hands of the parole authorities, earlier research shows that the recommendations emanating from prison superintendents play an important role. Since superintendents' recommendations are highly correlated with those made by lower level staff, it would be valuable to have more explicit guidance as to the differing factors that personnel at all levels are expected to consider.

Eliminating prison staff from the parole recommendation process could remove the dual-role that unit management staff and superintendents currently play, freeing them to provide services and make decisions within the prison in ways that would not later influence how they vote in the recommendation process." However, such an action might have undesirable results as well. Unit management teams and superintendents may be taking into account important factors that the parole board otherwise may have no way of knowing about.

Time Management in Practice

It is also the case that both unit management teams and prison superintendents are devoting a great deal of time each month to the recommendation process. Data from 2012 show that each prison superintendent within the Pennsylvania Department of Corrections reviewed an average of 96 parole applications each month. Recall that prior to prison superintendents reviewing each applicant and making a final recommendation a unit management team recommendation for release is made. The significant relationship between recommendations made by lower level staff and administrators could potentially offer support for reorganizing prison procedures related to the recommendation process. The negative and positive aspects of potential policy changes are discussed here.

Because prison superintendents are consistently agreeing with the preliminary recommendations made by unit management teams perhaps prison superintendents could more productively devote that time to other pressing duties. The prison recommendation for release would then go directly from the unit management team to the parole board. However, would superintendents agree with the proposal that they be removed from the release recommendation process? Based upon scholars' interviews with prison wardens and superintendents, many perceive their role as the "captain of the ship" (Wright, 2000). The perception that they are in complete control of the operation of their respective prisons does not align with a proposed policy that would remove the superintendent from the recommendation process. Here, the prison superintendents would be giving up the "final stamp" of approval.

From a management perspective, it could be viewed as important that the superintendent of each prison signs off on all recommendations, even if that merely

means trusting his staff and agreeing with their decision most of the time, as findings suggest in this research. But, it might also be that placing sole responsibility for the recommendation on unit staff would have negative impacts on staff-prisoner relationships, or even the safety of staff members working on the blocks. Further, if unit management teams know that there are other reviews at the institutional level (middle managers, the superintendent) this may serve as a constraint on the decisions of the lower level staff, perhaps to some extent limiting such factors as grudges or even corruption on the part of lower level personnel.

Alternatively, the prison superintendent could be tasked with making all recommendations, eliminating lower level staff from devoting significant time to the initial recommendation process. Lower level prison staff would then have more time to focus on the daily needs of inmates living on their housing units. At one prison in Western Pennsylvania a unit manager noted that due to the high volume of parole applicants the institution has each month, approximately three-fourths of a corrections counselor's job at that institution entails interviewing, counseling, and staffing applicants for parole. If the process was streamlined to exclude extensive processing by lower level prison staff, the positives are that staff resources would be saved and the prison superintendent would maintain authority over final recommendation decisionmaking. At *all* institution and *all* staffings unit management team staff told the inmate at the end of the staffing some form of this phrase: "What happens is we vote then this goes up the chain all the way to the superintendent. Regardless of what happened here today, he makes the final decision. Your counselor will let you know whether you got institutional

support once the packet comes back."[44] As it seems now unit management staff tend to communicate to the applicant that the recommendation is heavily weighted by what the superintendent of the prison votes.

While the removal of the unit management team from the recommendation process could be rationalized from the perspective of administrators interested in saving resources, several concerns could be raised if this policy change were set in place. First, staff at several institutions noted that corrections counselors know the inmates better than anyone working in the institution because they work on the housing blocks daily. For example, one female unit manager at a prison in Central Pennsylvania said "We are in their living rooms every day." At this institution the staff worked out of empty prison cells at the front of the housing blocks. Removing unit management team staff from the process would mean that the staff who work closely with the applicants would not have a voice in the recommendation. It could that unit management staff are privy to important information that would be useful to have when thinking about release, and ultimately public safety. Considerable care should be taken before deciding to just eliminate that level of consideration.

If the prison superintendent made all recommendation decisions, without the input of staff, the staffing stage of the decision process would be removed. By removing the staffing process, applicants would not have a voice in the recommendation process. Jackson and colleagues (2010) outline four key factors that influence the development of procedural justice in prisons. One of the factors is "voice," or "providing opportunities for inmates to participate in decision making processes" (Jackson et al., 2012, p. 6).

[44] Institution #5, female unit manager

Therefore, it is would be important for applicants to have the chance to state their case before decisions were made by the staff. From a procedural justice standpoint, removing the staffing process, including the voice of the applicant, from the recommendation process could raise questions about the fairness of the process from the viewpoints of applicants. Ultimately, this change in policy could impact the perceived legitimacy of criminal justice authorities from the viewpoints of applicants (Jackson et al, 2012; Sparks & Bottoms, 1996; Tyler, 2006).

Summary

In the above section potential changes to policy and practice within the Department of Corrections were considered in light of the findings. In an effort to limit the misuse of discretion, across teams and across prisons, implementing a form of structure for prison staff may be helpful. At present, the Department of Corrections offers little in the way of policy or explicit goals to guide the recommendation process. Implications surrounding the carrying out of the mission statements of the Department of Corrections by prison staff and administrators were also discussed. Although the Department of Corrections set the theory through their mission statement by which they expect staff to operate, their stated goal of rehabilitation does not appear to translate into concrete policies and practices surrounding the recommendation process. And finally, potential changes to the recommendation policy and procedures were discussed as they relate to saving staff time and resources.

Strengths and Limitations

Despite these important findings it is necessary to recognize the limitations of this research. Aside from noting the degree of outcome variation at the institutional level it

was not possible to gauge which specific institution attributes might influence the recommendation. This was due to the small number of prisons that make up the Pennsylvania Department of Corrections. The issue of a small number of organizational units and how to handle that comes up in a range of multilevel contexts within criminological research (Hoffman & Johnson, 2000; Welsh, Greene, & Jenkins, 1999; Welsh, Jenkins, & Greene, 2000). Given the controversies surrounding this issue, a decision was made for the purposes of this study to explore variation at the institution level, but exclude institution attributes.

Additionally it was expected that an equal number of applicants would be obtained per unit management team. It was not possible to keep the original sample design, however. This was because staff either changed prisons, housing units, or positions or retired from or left the Department of Corrections. As with many corrections studies, staff turnover is not uncommon and might explain these changes. Perhaps another idea is to consider that a high number of staff are moving around *within* the Department of Corrections. The impact of staff turnover has been explored by others, but the extent that the transferring of prison staff within or across institutions impacts prison management has not yet been explored.

While both lower-level prison staff and superintendents were studied here it is important to note that middle-level managers are also afforded the opportunity to make recommendations about each applicant following the unit management teams' initial recommendations. Middle-manager recommendations were not considered in this study because the focus was on lower-level prison staff and the influence they have on the

superintendent recommendations. It is possible, however, that the recommendations provided by middle-managers influenced the superintendent recommendations.

Others have found when studying parole decisionmaking that prior parole hearings and the number of prior paroles an applicant had been afforded do not weigh significantly on the release decision (Tewksbury & Connor, 2012). In this study the selection of variables were guided by significant and consistent determinants of decisionmaking outcomes from other stages of the criminal justice system, and therefore these variables were not considered in models. It is possible however that prison staff consider the number of prior parole hearings and the number of prior paroles an applicant had been granted when making recommendations.

These points notwithstanding, it is important to note that this research represents the first *system-wide study* of recommendations for or against release made by unit management teams comprised of lower-level prison staff and by superintendents, taking into account applicants, decisionmakers, and prisons. Both lower-level prison staff and superintendents were studied simultaneously offering the first complete examination of factors and variation in factors that contribute to the prison recommendation. It is also important that a large number of unit management teams make up the sample, as this was the critical decisionmaking unit for this research.

Conclusion

In closing, this research is based upon a large sample of applicants and unit management teams. Prior research has identified the prison recommendation for or against release as an important factor considered by parole boards when deciding whether to release a parole applicant (Carroll & Burke, 1990; Carroll, Weiner, Coates, Galegher,

& Alibrio, 1982; Goldkamp, Vîlcicã, & Harris, 2010; Morgan & Smith, 2005; Proctor, 1999). Results from this research suggest that the recommendations provided by prison superintendents about whether to release applicants are significantly influenced by lower-level prison staff recommendations. Further, the factors influencing the recommendation provided by lower-level prison staff decisionmaking teams vary depending upon the staff team making the recommendation and the prison in which the applicant is housed. The results presented here represent a significant advance in knowledge concerning the prison recommendation for parole.

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Appendix A. N of Case Decisions by Unit Management Team Number

Unit management team number	N of cases
609	2
911	2
405	4
504	4
506	4
907	4
206	5
207	5
608	5
904	5
1903	5
101	6
105	6
606	6
607	6
905	6
910	6
1501	6
2113	6
102	7
401	7
902	7
407	8
903	8
908	8
1301	8
1303	8
1308	8
1507	8
1902	8
2002	8
2109	8
108	9
201	9
303	9

402	9
604	9
703	9
704	9
705	9
801	9
802	9
804	9
906	9
909	9
1004	9
1207	9
1401	9
1406	9
1508	9
301	10
302	10
305	10
307	10
707	10
1001	10
1003	10
1007	10
1206	10
1302	10
1503	10
1510	10
1905	10
306	11
508	11
602	11
901	11
1002	11
1005	11
1201	11
1205	11
1506	11
1509	11
1801	11
2001	11
2004	11
103	12
304	12

308	12
502	12
503	12
601	12
605	12
702	12
803	12
1502	12
1802	12
1901	12
1904	12
2003	12
2103	12
106	13
107	13
404	13
501	13
504	13
701	13
809	13
1006	13
1305	13
1601	13
1707	13
202	14
603	14
708	14
1204	14
1304	14
1504	14
1803	14
2006	14
2106	14
505	15
1405	15
1603	15
1608	15
1703	15
1704	15
2005	15
2102	15
706	16
1306	16

	1607	16
	1701	16
	205	17
	403	17
	1402	17
	1404	17
	1606	17
	1804	17
	2007	17
	2110	17
	1102	18
	1505	18
	1706	18
	203	19
	1202	19
	1403	19
	1101	20
	1605	20
	1805	20
	1702	21
	1103	22
	1203	24
	204	29
Total	146	1610

Appendix B. Pennsylvania Department of Corrections Vote Sheet (DC-46)

DC-46 VOTE SHEET	Commonwealth of Pennsylvania Department of Corrections					Staffing Date		Facility
Number	Inmate Name			VPI/PAI Scores	CL/Code(s)	OVRT	RST	TCU
True Min	Cont. Min.	RRRI Min	Cont. Max	PV Max	Detainer Y ☐ N ☐	HIQ	CSSM	Stability Code

Staff Recommendations

Comments are encouraged for "YES" votes & required for "NO" votes.	Purpose 1 Parole			Purpose 2 Pre-Release			Purpose 3 Outside Clearance		
	Y	N	Comments	Y	N	Comments	Y	N	Comments
Problematic? include reason why in comment section(s)	☐	☐	N/A	☐	☐		☐	☐	
Counselor/Date	☐	☐		☐	☐		☐	☐	
Work Supervisor	☐	☐		☐	☐		☐	☐	
Corrections Officer	☐	☐		☐	☐		☐	☐	
Other/Date	☐	☐		☐	☐		☐	☐	
Unit Manager/Date	☐	☐		☐	☐		☐	☐	
Psychologist/Date	☐	☐		☐	☐		☐	☐	
CCPM/Date	☐	☐		☐	☐		☐	☐	
Sec. Capt./Date	☐	☐		☐	☐		☐	☐	
Major/Date	☐	☐		☐	☐		☐	☐	
DSCS/Date	☐	☐		☐	☐		☐	☐	
DSFM/Date	☐	☐		☐	☐		☐	☐	
Signature of Superintendent/Designee:								Date:	

Purpose 1:	☐ Y ☐ N	Comments:
Purpose 2:	☐ Y ☐ N	
Purpose 3:	☐ Y ☐ N	

7.2.1, Counseling Services Procedures Manual
Section 8 – Vote Sheet
Revised 1/2010

Attachment 8-A

Appendix C. **Informed Consent**

TEMPLE UNIVERSITY
A Commonwealth University

CRIMINAL JUSTICE

512 Gladfelter Hall (025-02)
1115 Polett Walk
Philadelphia, PA 19122-6089

CONSENT TO PARTICIPATE IN A RESEARCH STUDY – PART I

The Uncharted Influence of Prison Staff Decisionmaking
Investigators: Ralph B. Taylor, Ph.D. & Brandy Blasko, M.A.

What is the nature and purpose of this study?

The principal focus of this study is to explore the nature of correctional input on the parole process by examining the decision process that generates corrections recommendations for parole. There is a considerable amount of literature documenting the fact that what happens in prison plays a significant role in influencing parole decisions. However, the nature and extent of the overall correctional recommendation on parole has been poorly examined and represents a critical exercise of discretion with important implications for public safety, the prison environment and the chance that offenders will reenter society successfully.

The research will take place within the Pennsylvania Department of Corrections, a fairly typical system among large state correctional systems in the United States with a typical parole based release system. This study will use quantitative data from 22 correctional institutions and qualitative data from nine randomly selected correctional institutions in Pennsylvania.

Why am I being invited to participate in this research study?
You are being invited to participate in this research as an employee of the Pennsylvania Department of Corrections at one of the nine state correctional institutions randomly selected for the purpose of this research.

Who is doing the study?

This research is being conducted by Brandy Blasko from Temple University. Ms. Blasko is a PhD student in the Department of Criminal Justice at Temple University. She is also an employee of the Pennsylvania Department of Corrections. The purpose of this research is to fulfill her dissertation requirement for her degree. Ms. Blasko's dissertation chair is Dr. Ralph Taylor, Professor in the Department of Criminal Justice at Temple University.

Where will the study take place and how long will it last?

Research activities will take place at your state correctional institution. You will participate during your normal working hours. Your agency's involvement in the research, and yours, if you agree to participate, will be for up to 2 days. The actual time that you spend in study related activities will be vary depending upon your institution. The amount of time you may spend is described in more detail below.
What will happen in the study and what will I be asked to do?

Inmate Staffings. In order to learn about how you make decisions during the process of preparing the inmate population for parole, this research will involve shadowing or observing you as you conduct one of your job duties, inmate 161taffing. The length of time this process will take will vary by institution, however this will take no additional time outside of normal job duties, since the researcher will be merely observing your normal job duties.

Structured Interview. After the 161taffing, all observation participants will be asked to participate in a brief, structured interview. If you choose to participate, this activity will take approximately 15 minutes.

What are the possible risks and discomforts?

The risks to you as research participant in this study are minimal. Although your involvement in this research will be with the knowledge and support of your agency, and the time you spend will be a part of your workday, your participation is completely voluntary. You may decide at any time not to participate or to terminate your participation. Your decision not to participate will have no negative consequences in terms of your employment, benefits, or future opportunities for advancement in your agency. The director of your agency has agreed to be part of this study and to allow staff to participate with their consent. The potential risks from participation may involve discomfort or inconvenience.

Discomfort. If at any time you feel uncomfortable, you may choose to end the observation or interview. Also keep in mind that your responses will be strictly confidential. Observation and interview forms will use an internal project code that cannot be used to identify you. At no time will you be identified as an individual or by name. When results are reported they will be reported in the aggregate, or in such a way that they cannot be attributed to any individual or any specific study site.

Inconvenience. While it is expected that inconvenience is minimal, since a majority of the study is observing or shadowing you as you conduct normal work duties. Depending on whether you decide to participate in the interview portion of the study, the time commitment may vary, and you may feel this will inconvenience your normal day of work. If you do, you can stop the interview at any time or choose not to participate in the interview portion of the research.

How will I benefit from participating in this study?

This research is trying to find out what correctional staff consider during the process of paroling an inmate. You will not receive any financial compensation for your participation in this research. At the end of the study, all participants and relevant DOC staff will be provided with a summary of the research findings. You may benefit in the long term from improved practices that will enhance correctional staff effectiveness in making decisions about inmates for parole. You may be able to function more effectively in your job, with better outcomes. You also may find this research interesting. By participating in this research, you may help correctional staff in a similar position to yours in the future.

What information will be collected about me and who will have access to that information?

As part of this research, you are asked to allow a researcher to observe and record information about the inmate staffing process. You may also be asked to participate in a brief interview. What you say during the staffing process and your responses will remain strictly confidential; nothing will be shared with coworkers or supervisors that could link responses or information to you. Personal information gathered about you in the interviews is limited to basic demographic information and educational/ professional background. A password-protected master log of identifiers, stored separately from any data forms, will be maintained only until we have completed matching, cleaning and verifying the data. Data matching, cleaning and verification will be done at Temple University. Only the Principal Investigators will have access to the data. De-identified data will be entered into a computerized database for analyses.

All documents and information pertaining to the research study will be kept confidential, unless required by applicable federal, state, or local laws and regulations to be disclosed. It is possible that the agencies approving this research will want to do an audit—that is, check to see that the study was done properly. If they do an audit, records and data generated by the study may be reviewed by Temple University and its agents, and/or governmental agencies to assure proper conduct of the study and compliance with regulations. The results of this study may be published, but only aggregate data will be published. You will not be identified by name and no information will be released that can be attributed to any individual or study site.

What will happen if I choose not to participate or decide to withdraw from the study?

Your participation in this research is entirely voluntary. Even after you have signed this consent, you may change your mind and withdraw from the study at any time. You may also only choose to participate in the observations and not the structured interview. Your decision not to participate or stop participating will not have any negative effect on your

future interactions with the investigators or with Temple University. Your decision will have no effect on your current or future employment status with your agency

What if I have questions?

Before you decide whether to take part in this study, please ask any questions that come to mind. Later, if you have questions about any aspect of the research you can contact one of the following people. We welcome questions about the research at any time.

Brandy Blasko, M.A.
Temple University
Department of Criminal Justice
Gladfelter Hall 5th floor
1115 Polett Walk
Philadelphia, PA 19122
(215) 204-9180 or (610) 489-4151
bblasko@temple.edu

Ralph B. Taylor, Ph.D.
Temple University
Department of Criminal Justice
Gladfelter Hall 5th floor
1115 Polett Walk
Philadelphia, PA 19122
(215) 204-9678
ralph.taylor@temple.edu

If you have any questions about your rights as a research subject, you may contact the Institutional Review Board Coordinator at (215) 707-3390. The IRB Coordinator may also be reached by email: IRB@temple.edu or regular mail:

Temple University
Temple Research Administration
Institutional Review Board Coordinator
Student Faculty Conference Center
3340 North Broad Street – Suite 304
Philadelphia, PA, 19140

If you have questions about research-related injuries, you may contact Brandy Blasko at any time.

CONSENT FORM – PART II

The Uncharted Influence of Cell Block Level Decisionmaking on the Overall Correctional Recommendation for Parole in Pennsylvania State Correctional Institutions

Informed Consent Signature Form

I, _____, understand the client information sheet and the informed consent including the description of the study and its possible benefits, my role, possible risks and the steps taken to protect me. I understand the following:

- My participation is voluntary.
- I can refuse to answer any questions that I would rather not answer.
- I can refuse to participate in the study at any time and it will not affect my employment in any way.
- I can choose to participate in either the observations or semi-structured interview. Or, I can choose to participate in both the observations and semi-structured interview.
- My name will not be put on any forms or records, only a study number.
- All written and published information from the study will be about decisionmakers overall, never about me or any other individual person taking part in the study.
- If I have questions any time during the study or about my part in it, I can call the people in charge of the study, Brandy Blasko at (215) 204-9180 or (610) 489-4151 or Ralph Taylor at (215) 204-9678 or I can email or write to them at the addresses on the information sheet.
- If I have questions about my rights as a participant in a research study, I can call the Temple University IRB Coordinator at (215) 707-8757, or I can write to the IRB at the address on the information sheet.
- I have read the above and understand why this study is taking place and I know what part I have in the study. Any questions I have at this time have been answered. I have volunteered to be one of the people taking part in the study.

_____ _____

Signature of Study Participant Date

_____

Printed name of Study Participant

_____

Signature of Investigator

Appendix D. Staffing Observation Sheet

Study ID Number _____

Staffing Observation Sheet

Date:
Start Time: **End Time:**

Unit Management Team (UMT) members present at Staffing

____ Corrections Counselor (CC) ____ Unit Manager (UM)

____ Corrections Officer (CO) ____ Psychologist (P)

____ _____ ____ _____

Information reviewed by Corrections Counselor at start of Staffing.

Discussion by UMT before inmate enters the room.

Study ID Number _____

Discussion by UMT during inmate interview.

Discussion by UMT when inmate leaves the room.

Discussion if inmate is called back in to the room

Appendix E. Number of Yes and No Recommendations by Institution

Institution	N of no recommendations	N of yes recommendations
8	14	49
21	35	77
6	39	83
5	31	65
7	54	105
4	35	67
13	36	69
9	40	76
1	63	111
15	70	120
11	27	46
10	47	77
18	33	54
19	44	70
3	66	104
12	81	124
14	44	65
16	36	51
17	29	40
20	67	92
2	28	35

Appendix F. Phase I Temple University Institutional Review Board Approval

TEMPLE UNIVERSITY®
Office for Human Subjects Protections
Institutional Review Board
Medical Intervention Committees A1 & A2
Social and Behavioral Committee B
3400 North Broad Street
Philadelphia, Pennsylvania 19140
Phone:215.707.3390 Fax:215.707.8387
e-mail: richard.throm@temple.edu

MEMORANDUM

To: **GOLDKAMP, JOHN**
LIB ARTS-CRIM JUSTICE (1835)

From: Richard C. Throm
Director, Office for Human Subjects Protection
Institutional Review Board Coordinator

Date: 02-May-2011

Re: Exempt Request Status for IRB Protocol:
13858: The Uncharted Influence of Cell Block Level Decisionmaking on the Overall Correctional Recommendation for Parole in Pennsylvania State Correctional Institutions

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It has been determined by Expedited Review that this study qualifies for exemption status as follows:

45 CFR 46 Protection of Human Subjects

Section 101 (b): Unless otherwise required by department or agency heads, research activities in which the only involvement of human subjects will be in one or more of the following categories are exempt from this policy:

Exemption 4: Collection or Study of Existing Data. Research involving the collection or study of existing data, documents, records, pathological specimens, or diagnostic specimens, if these sources are publicly available or if the information is recorded by the investigator in such a manner that subjects cannot be identified, directly or through identifiers linked to the subject.

Nothing further is required from you at this time; however, if anything in your research design should change, you must notify the Institutional Review Board immediately.

If you should have any questions, please feel free to contact me at 215-707-8757.

Thank you for keeping the IRB informed of your clinical research.

Appendix G. Phase II Temple University Institutional Review Board Approval

TEMPLE UNIVERSITY®

Office for Human Subjects Protections
Institutional Review Board
Medical Intervention Committees A1 & A2
Social and Behavioral Committee B

Student Faculty Conference Center
3340 N Broad Street - Suite 304
Philadelphia, Pennsylvania 19140
Phone: (215) 707-3390
Fax: (215) 707-8387
e-mail: irb@temple.edu

Certification of Approval for a Project Involving Human Subjects

Protocol Number:	**13871**
PI:	**GOLDKAMP, JOHN**
Approved On:	20-May-2011
Review Date:	20-May-2011
Committee:	B BEHAVIORAL AND SOCIAL SCIENCES
School/College:	Liberal Arts (1800)
Department:	CLA:Criminal Justice (18350)
Sponsor:	Temple University
Project Title:	The Uncharted Influence of Cell Block Level Decisionmaking on the Overall Correctional Recommendation for Parole in Pennsylvania State Correctional Institutions - Phase 2

In accordance with the policy of the Department of Health and Human Services on protection of human subjects in research, it is hereby certified that protocol number 13871, having received preliminary review and approval by the department of CLA:Criminal Justice (18350) was subsequently reviewed by the Institutional Review Board in its present form and approved on 20-May-2011 with respect to the rights and welfare of the subjects involved; appropriateness and adequacy of the methods used to obtain informed consent; and risks to the individual and potential benefits of the project.

In conforming with the criteria set forth in the DHHS regulations for the protection of human research subjects, and in exercise of the power granted to the Committee, and subject to execution of the consent form(s), if required, and such other requirements as the Committee may have ordered, such orders, if any, being stated hereon or appended hereto.

It is understood that it is the investigator's responsibility to notify the Committee immediately of any untoward results of this study to permit review of the matter. In such case, the investigator should call the IRB at (215) 707-3390.

This is the Certificate of Approval. Supplemental documentation will follow under separate cover. Enrollment may not begin until all documents have been reviewed and processed by the IRB and received by the study team.

Board determined conditions of approval applied to this protocol:

Name (Fulfilled Date)	Description

ZEBULON KENDRICK, Ph.D.
CHAIRMAN, IRB

TEMPLE UNIVERSITY®

Office for Human Subjects Protections
Institutional Review Board
Medical Intervention Committees A1 & A2
Social and Behavioral Committee B

Student Faculty Conference Center
3340 N Broad Street - Suite 304
Philadelphia, Pennsylvania 19140
Phone: (215) 707-3390
Fax: (215) 707-9100
e-mail: irb@temple.edu

Recertification of Approval for a Project Involving Human Subjects

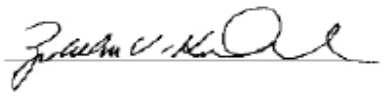
Protocol Number:	**13871**
PI:	**GOLDKAMP, JOHN**
Expires On:	26-Mar-2013
Committee:	B BEHAVIORAL AND SOCIAL SCIENCES
School/College:	Liberal Arts (1800)
Department:	CLA:Criminal Justice (18350)
Sponsor:	Temple University
Project Title:	The Uncharted Influence of Cell Block Level Decisionmaking on the Overall Correctional Recommendation for Parole in Pennsylvania State Correctional Institutions - Phase 2

Based on a review of your status report, the Institutional Review Board hereby re-approves protocol number **13871** , originally approved on 20-May-2011, for the period ending 26-Mar-2013

Agenda Date:	20-Apr-2012
Start Date:	27-Mar-2012
End Date:	26-Mar-2013

It is understood that it is the investigator's responsibility to notify the Committee immediately of any untoward results of this study to permit review of the matter. In such case, the investigator should call the IRB at (215) 707-3390.

This is the Certificate of Reapproval. Supplemental documentation will follow under separate cover. Enrollment may not begin until all documents have been reviewed and processed by the IRB and received by the study team.



ZEBULON KENDRICK, Ph.D.
CHAIRMAN, IRB

Appendix H. Phase I PA DOC Research Review Board Approval

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
2520 LISBURN ROAD
CAMP HILL, PA 17011

July 12, 2011

Ms. Brandy Blasko
Temple University
517 Gladfelter Hall
1115 Polett Walk
Philadelphia, PA 19122-6089

Dear Ms Blasko;

I am pleased to inform you that the Department's Research Review Committee (RRC) has approved your research study titled "The Uncharted Influence of Cell Block Level Staff on the Overall Correctional Recommendation for Parole in Pennsylvania State Correctional Institutions." This approval gives you authorization to proceed with your requested study to collect information concerning the corrections process which produces recommendations for parole. This includes collection of vote sheets (document DC-46) for randomly sampled cases in all SCI excluding Muncy, Cambridge Springs, Pine Grove, Camp Hill and Quehanna.

Please note that approval of your proposal is contingent upon the following conditions:

1. All research activities must be scheduled at the convenience of the institution to minimize the disruption of normal operations.

2. Participation in the study is purely voluntary. The superintendents at these institutions are not required to participate in this study. Superintendent of each institution or his designee must provide approval of this project.

3. No work for this project may be conducted while you are completing work hours for the Pennsylvania Department of Corrections.

4. The PADOC cannot incur any costs associated with this study.

5. Participating SCI will, at their discretion, determine if institution or researcher will be responsible for pulling and gathering Vote Sheets, DC-46, for sampled cases. Coordination with SCI will be through Superintendent Assistants.

6. To ensure confidentiality of the data all identifying information will be removed and a Study ID Number assigned prior to documents leaving the institution

7. Coordinate with Bureau of Planning Research and Statistics for required data reports.

8. Prior to proceeding with this evaluation, please sign and return the attached "Research Ethics and Policy Guidelines and Conditions." Your signature will imply your acceptance of the terms and conditions of the Department's Research Policy. This signed form will be maintained in our files for the duration of your project.

I wish you the best in your research. Please forward me a copy of your final report upon completion. If you have further questions, you may contact me at (717) 975-4972.

Sincerely,

Joseph V. Tomkiel
Research and Evaluation Manager
Chair, Research Review Committee

cc	Supt. Hall	Ms. M Adams	Supt. Pitkins	Ms. E Nightingale
	Supt. Thomas	Ms. L Perez	Supt. Kerestes	Mr. S Miller
	Supt. Varano	Ms. K Dascani	Supt. Thompson	Mr. J Hoovler
	Supt. Cameron	Ms. R Reifer	Supt. Folino	Ms. C Scire
	Supt. Walsh	Ms. R Lucas	Supt. McGrady	Ms. C McMillan
	Supt. Coleman	Ms. R House	Supt. Lamas	Mr. J Rackovan
	Supt. Sauers	Ms. L Reeher	Supt. Fisher	Ms. L Hollibaugh
	Supt. Collins	Mr. P Damiter	Supt. Rozum	Ms. H Sroka
	Supt. Wenerowicz	Ms. J Daneker	Supt. Gavin	Mr. J Vinansky
	Supt. Capozza	Ms. T Shawley	Mr. Bret Bucklin	File 015-2011
	Supt. Mazurkiewicz	Ms. T Colland		
	Supt. Glunt	Ms. D Chencharick		
	Supt. Bickell	Ms. C Green		

Appendix I. Phase II PA DOC Research Review Board Approval

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
2520 LISBURN ROAD
CAMP HILL, PA 17011

March 22, 2012

Ms. Brandy Blasko
Temple University
1115 West Polett Walk
517 Gladfelter Hall
Philadelphia, PA 19122-6089

Dear Ms Blasko;

I am pleased to inform you that the Department's Research Review Committee (RRC) has approved your research study titled "Phase II: The Uncharted Influence of Cell-Block Level Decisionmaking on the Correctional Recommendation for Parole in Pennsylvania Correctional Institutions." This approval gives you authorization to coordinate for and request to monitor parole staffings and conduct interviews of participating staff at up to nine of the following fourteen facilities.

SCI Albion	SCI Frackville	SCI Pittsburgh
SCI Coal Township	SCI Greensburg	SCI Smithfield
SCI Cresson	SCI Huntingdon	SCI Somerset
SCI Fayette	SCI Laurel Highlands	SCI Waymart
SCI Forest	SCI Mahanoy	

Please note that approval of your proposal is contingent upon the following conditions:

1. Approval by the Temple University Institutional Review Board (IRB) is required prior to any observation of DOC staff or inmates for purposes of data collection.

2. All research activities must be scheduled at the convenience of the institution to minimize the disruption of normal operations.

3. Participation by DOC staff in the study is purely voluntary. If individuals choose not to participate, they cannot be required to participate and may withdraw from the study at any time.

4. Superintendents who have concurred to participate retain authority to postpone or terminate facility participation at any time without prior notice.

5. Should you obtain approval to participate from any facility not listed in this memorandum, please forward a copy of the Superintendent's approval to this office prior to conducting on-site research.

6. No work for this project may be conducted while you are completing work hours for the Pennsylvania Department of Corrections.

7. To ensure confidentiality of the data all identifying information will be removed and a Study ID Number assigned prior to documents leaving the institution

8. Prior to proceeding with this evaluation, please sign and return the attached "Research Ethics and Policy Guidelines and Conditions." Your signature will imply your acceptance of the terms and conditions of the Department's Research Policy. This signed form will be maintained in our files for the duration of your project.

I wish you the best in your research. Please forward me a copy of your final report upon completion. If you have further questions, you may contact me at (717) 975-4972.

Sincerely,

Joseph V. Tomkiel
Research and Evaluation Manager
Chair, Research Review Committee

cc	Director Bucklen	Ms. Benjamin	Mr. Hoovler
	Ms. Adams	Ms. Shawley	Ms. Scire
	Ms. Perez	Ms. Colland	Mr. Rackovan
	Ms. Reifer	Ms. Adams	Ms. Hollibaugh
	Ms. Lucas	Ms. Chencharick	Ms. Sroka
	Ms. House	Ms. Green	Mr. Vinansky
	Ms. Siegel	Ms. Nightingale	Ms. Chencharick
	Mr. Damiter	Mr. Miller	File 2012-03