



Public confidence in parole? Views of parole board members from 4 countries

Robin Fitzgerald (UQ), Lorana Bartels (ANU), Arie Freiberg
(Monash), Shannon Dodd (UQ)

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Background

- Parole boards under siege in recent years.
- Highly publicised ‘parole failures’ occur in several countries.
- Leads to a raft of parole legislation: parole is tougher to get and easier to contravene.
- Sense that this reaction is in response to public outrage, or minimally the desire to boost perceived public safety.

Adrian Bayley: how the justice system left him free to stalk Melbourne's streets

By Nino Bucci and Rania Spooner

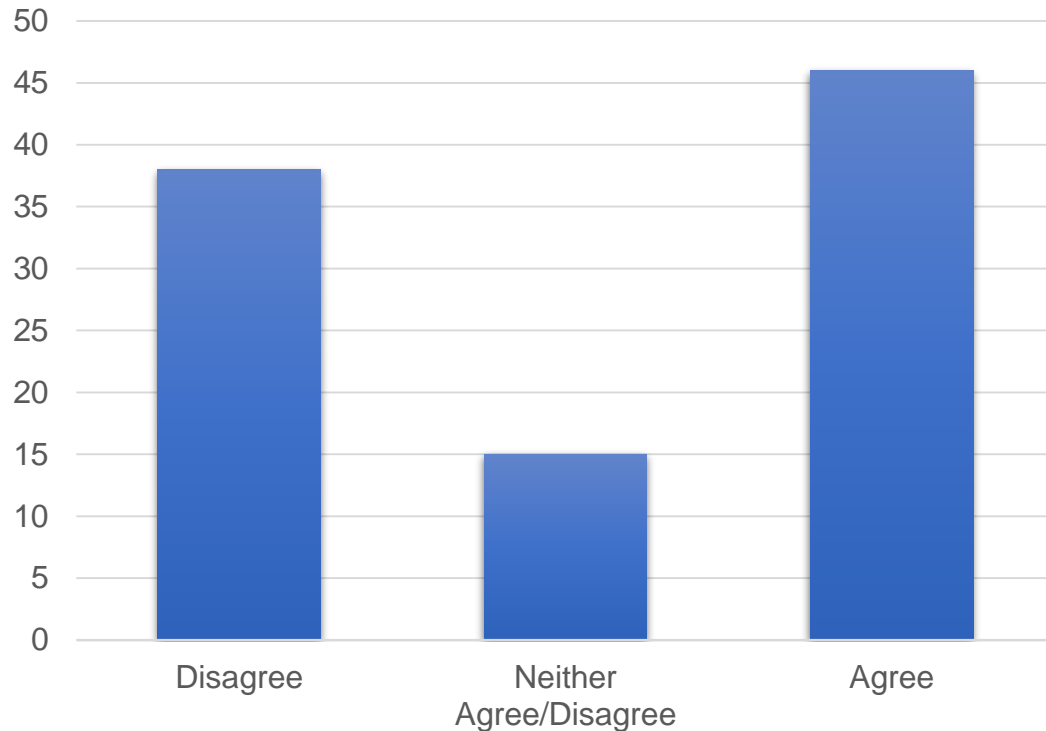
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Adrian Bayley will be 83 when eligible for parole in 2055.

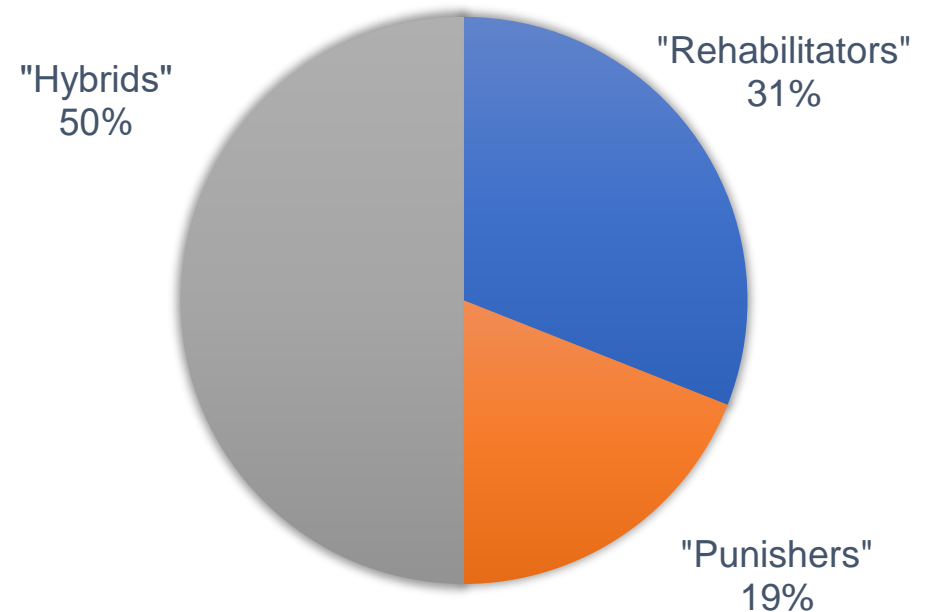
However, public views on parole mixed

Should prisoners be released on supervised parole?



Fitzgerald et al, 2016 'How Does the Australian Public View Parole? Results from National Survey

A typology: public not uniformly homogenous when a range of questions are considered



Fitzgerald, Freiberg and Bartels, 2018 'Redemption or Forfeiture? Understanding Diversity in Australians' Attitudes to Parole

Why speak to parole board members?

Two overarching reasons:

1. Parole boards, like courts, may be influenced directly or indirectly by public opinion.
2. Parole boards, like other criminal justice bodies, may choose to engage with the public or not.

The study

- 80 in-depth semi-structured interviews
- Parole board members + some related staff.
- Drawn from:
 - Parole authorities from 4 countries – Australia, New Zealand, Canada & Scotland.
 - 12 parole authorities in Australia (all 8 states and territories, but not at the Cth level).
 - ** Excludes WA data today.
- Thematic analysis

'What does the public think about parole & parole boards?'

Parole board members assume public is homogeneous and thinks...

'Too lenient'

- *Parole is a "soft option",*
- *"just a matter of getting out early" or*
- *a form of "sentence discount".*

'Blameworthy'

"You hear, 'How is this person getting out of jail?' I think there's a lot of willingness to blame the parole board for a decision". (Participant 030)

'Scapegoated'

"...I think we're easily blamed, quickly, for the system's problem..." (Participant 075)

'Why does the public hold particular views?'

'Public is uninformed'

"...what plays into the public's opinion, is their lack of knowledge and understanding around sentencing."

(Participant 028)

'Public is influenced by media coverage'

"it depends on the media...[members of the public] are only really turning their minds to it when something's gone wrong." (Participant 035).

'The public is emotional'

People act emotionally in relation to any kind of criminal law outcomes and we're trying to act the complete opposite. (Participant 015).

"...public emotion would always trump reason" (Participant 021)

Do
presumed
public views
influence
PBM
decision-
making?

58%

'No'

*"We have strict obligations under the law ... the public's view is **not relevant**."*
(Participant 070)

'No, but...'

*"...public opinion does not affect me. ... I've been involved in the release of high-profile murderers. ... there has to be **special care and there has to be a sensitivity in relation to victim interests**... But I don't think I have ever made a decision because of some concern that this will create a media stir, for instance. (Participant 051)*

35%

'Yes, public reaction matters'

*"It certainly does, yes... We discussed the **pub test** today in the meeting..."*
(Participant 019)

'Yes, it's unavoidable'

*"Well, I think it's naïve to say that we're immune from [public opinion], ... I **defy people to say that it's not something that's in your head**. (Participant 045)*

Is there a place for the public in parole decision-making/policy-making?

'No, policy and processes should be insulated from an often 'emotive' public'

*"No, I think they've had their say. I think some of the outrage and concern that was voiced after the murder, certainly had an impact on where the parole board is now, to where it was. It certainly had an impact on the review."
(Participant 059)*

"... the problem with engaging with the public is it brings out an emotive response" (Participant 015).

'Yes, an informed public voice should appear in policy development'

"Well, absolutely. The public should be involved in these processes... We're a democracy after all. We've got an obligation to educate the public in terms of what the costs and benefits are of different approaches to criminal justice. So, the public really needs to have information about how corrections works, how community corrections works, and then have a say in those decisions. ..." (Participant 069).

'Yes, but through existing structures'

"That's exactly the reason why we have community members." (Participant 014)

How do Boards engage the public?

Which public?

- In describing strategies for engaging the public, participants sometimes differentiated between 'audiences'.
 - The general public
 - Victims
 - The justice community
 - Prisoners/parolees
- Participants described varying strategies to address these communities. Two overarching approaches:
 - Active
 - Passive

Passive strategies



Welcome

Thank you for visiting the Parole Board for Scotland's website.

The aim of our site is to raise the profile of the Board and the work that it undertakes. The content of the site will be continually developed over the coming months and we are aiming to produce some new publicity material which will be available on this website. So, please keep returning on a regular basis to keep updated on the Board's work.



I hope you enjoy and find the website useful.

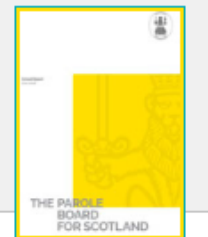
John Watt, Chairman

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Parole Board for Scotland

Saughton House, Broomhouse Drive, Edinburgh,

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- At a base-level, all parole authorities had a public-facing web presence.
 - 'sufficient' but 'low traffic'
 - aimed primarily at those involved: 'victims' 'offenders'.

Publication of determinations?

Yes (40%)

“Accountability”

“Transparency”

“Discipline or rigour”

No (35%) or undecided (25%)

*“I can’t immediately see who it helps; I don’t think the victims would get enough information that would satisfy them ... And the prisoner, I can’t see what impact it has on him positively. ... **You put all sorts of people’s names potentially in the public domain, which puts them at risk possibly.** I don’t know, who would be happy with it? I guess the press, with more stuff to write possibly.” (Participant 061).*

The value of social media

“...our biggest issue is fighting the media and fighting the front page ...places like us...have to nail social media. If they can nail social media they're out with the message before anybody else is.... ”
(Participant 011)

“...don't want to be constantly retweeting Corrections material.” (Participant 053)

Pinned Tweet

 **New Zealand Parole Board** @NZParoleBoard · Oct 14

Our 2018-2019 annual report was tabled in Parliament today. Read about a day in the life of the Board, the unique stories of two long-term parolees, and reflections from our new chairman bit.ly/33vwT8L

“It never leaves my mind that I’m not a free person, and I’ll never be a free person, but I don’t want to go back to prison. All the good work I’ve done for the last 25 years would be undone, and I don’t want that.”

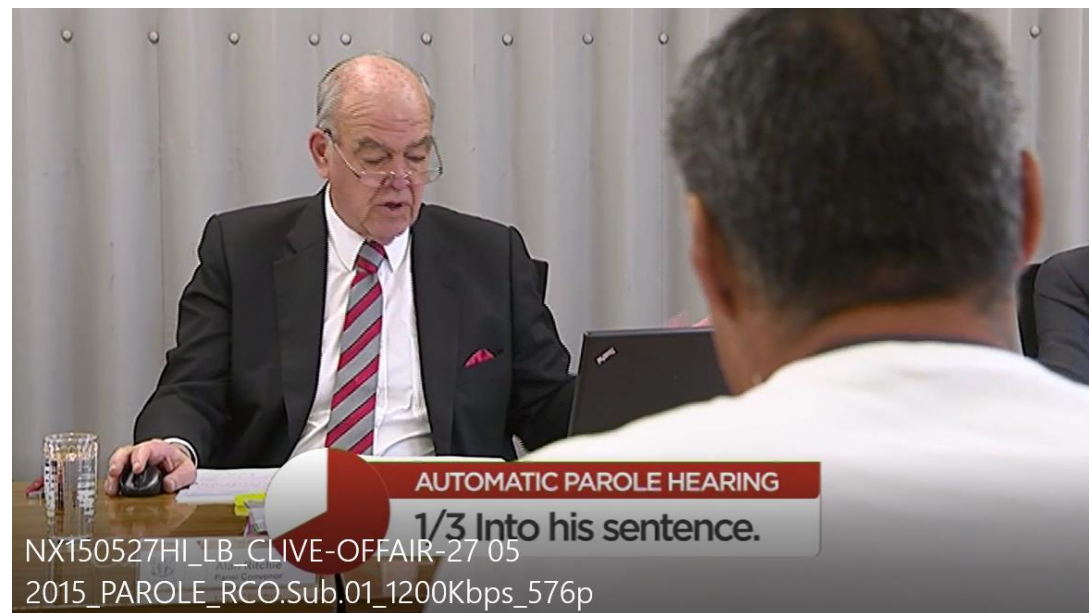
James* life parolee
*not his real name

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 **New Zealand Parole Board** @NZParoleBoard · Nov 14

Parole declined for Paul Dally: "we agree he remains an undue risk and cannot be released. We will see him again by the end of April 2021." Read more: bit.ly/2Kob2wY

Podcasts, radio, television



Where should the message be aired?

“Have a look at what Survivor rated last night. ... these shows have the power of influence”
(Participant 011)

The image shows a podcast cover for BBC Radio 4. The title is "Parole: A Calculated Risk". Below the title are navigation links for "Home" and "Episodes". The main visual is a photograph of a person in a white shirt standing in a prison cell, looking out a window with bars. Below the photo is a speaker icon and the text "Listen now". At the bottom, the date "25/05/2018" is displayed. To the right of the date, it says "Available now" and "⌚ 28 minutes". At the very bottom, there is a "Show more" link.

Active strategies: Public talks

Various members engaged public in ‘road shows’, small and large face-to-face meetings and talks.

Aims:

‘to educate’

‘to create a two-way conversation’

Parole board members felt ‘freer than judiciary’

[as a judge] you’ve got to be careful, because you don’t want to put yourself in a position where you can’t decide cases... But I think the parole board is completely free. I don’t feel any restraint. (Participant 045)

“I’ve tried to do as many public speeches as I can... and you do get a lot of feedback there”. (Participant 045)

Active strategies: Deliberative strategies

Citizen engagement through forums

Bringing together broad cross-sections of the public 'could distil public opinion based on dialogue'.

Sense of 'consultation'

However, 'long term outcomes questionable', could 'lead to greater community frustration', and 'costly'.

NZ Criminal Justice Summit, 2018



Conclusion

- Worry about a blaming, angry, emotional and uninformed public.
 - *'We lose sleep over it'* (015)
- Traditionally work in **isolation** – for some 'public doesn't need to know', *'you wouldn't employ the public to fix your car or do heart surgery'* (061).
- However, for others, the public cannot be ignored.
 - **Education** – *'... we need proactive work as opposed to just getting in front of the media because something horrific has happened by someone under supervision'* (030).
 - **Redirection** – seek engagement with public reaction to crime and punishment (Loader, 2011)
 - *'...it starts a conversation and that's what you need'* (027)