

How do parole board members in England and Wales decide whether to release men who have perpetrated domestic violence against women?

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Declaration:

I, Chris Dyke, confirm that the work presented in this dissertation is my own. Where information has been derived from other sources, I confirm that this has been indicated in the dissertation.

[signed]

Acknowledgements

This dissertation would have been impossible without the wisdom, guidance, kindness, and infinite patience of my supervisors, Dr Karen Schucan Bird and Professor Carol Rivas at the Institute of Education, UCL. I first discussed the thesis with them in December 2017, before making my formal application. It was precisely four years later that I finally submitted it, and the intervening years have been an invaluable formative experience. Thank you so much for persevering with me and for shaping not just this project, but my academic career. I hope my work does justice to your efforts.

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Abstract:

This thesis uses a novel methodology to understand parole decisions about perpetrators of domestic violence in England and Wales as complex adaptive systems. It informs victims, parole board members, researchers, and policymakers about the nature of decisions for this group of offenders.

Existing research examines correlations between case variables and the outcome of a hearing and explores the thought processes of board members. But no previous studies explored parole decisions specifically about perpetrators of domestic violence, and few have examined other parole decisions in England and Wales.

This research examines the variables associated with a release decision for a prisoner whose sole or primary risk involves domestic violence, and the dynamics behind any associations. I explore whether the nature of domestic violence requires a specific approach to decision-making and whether this is reflected in the results. My novel use of a primary dataset of 137 parole decisions, coded from decision letters, draws on a positivist tradition, while my thematic analysis of 20 interviews with parole board members takes an interpretivist approach. I develop the data into a systems model of the parole decision.

My findings show that recommendations from the offender supervisor, offender manager and especially the psychologist are such a strong predictor of the decision that they amount to an effective 'veto' on release. Perpetrator programmes are important only insofar as an offender's refusal to attend suggests a lack of insight. Parole boards are more concerned with risk manageability than risk level and are less likely to release offenders with a history of 'less manageable' controlling behaviour.

This research shows that parole boards are influenced by domestic violence research, by structural factors and nature of offending, and that the underlying variables associated with release as determined through the mixed methods analysis are subtly different to those they emphasise consciously.

Key words: domestic violence; parole decisions; decision-making; heuristics; complex adaptive systems; risk colonisation.

Impact Statement

This dissertation outlines development of the only model in existence for parole decisions around domestic violence. It thus provides a novel contribution for the fields of domestic violence, parole, and decision-making research, for the Parole Board themselves, for people affected by domestic violence, and for the wider public. These impacts are discussed further in chapter 8.

The dissertation adds to domestic violence research, insofar as the absence of controlling behaviour is the characteristic of offending most likely to predict a release decision. Parole boards regard more chaotic offending-related behaviour as more visible and more preventable in the community.

My thesis is the first to apply signalling theory to the use of perpetrator programmes – this has implications for the role played by programmes in the parole decision and in how they are studied, both academically and professionally. This study provides a model for researchers-in-practice working under time constraints but with access to decision-makers and decision data, demonstrating the value of using the decision letter as a unit of analysis.

A decision to release does not suggest that the parole board necessarily believes an offender is low risk, only that they believe the risk is manageable. Media coverage of parole decisions would benefit from this context. Professionals working with offenders should not regard them as ‘low risk’ after release, since their vigilance is part of the parole board’s rationale in deeming the risk manageable.

This research identifies a pivotal role for psychologists in the hearing, justifying further study into their own decision-making. Recommendations constitute “hooks” on which parole boards can ‘hang’ their decisions if they are otherwise content to release. This has implications for the role of those professionals, who not only provide their expertise, but reduce the parole board’s exposure to institutional risk.

My thesis demonstrates why and how the quality of parole decisions could be enhanced by providing information on the outcomes for their cases. It also suggests hypotheses which have implications for how the Parole Board assign members to hearings:

- 1) That less-experienced parole board members are more risk-averse.
- 2) That parole members are more risk-averse with fewer colleagues on the panel, after controlling for level of experience.

If further research supports these hypotheses, it suggests that cost-saving by reducing the size of parole boards is counter-productive since those boards would keep more prisoners incarcerated for longer.

I have tailored my recommendations to different audiences: an executive summary for the Parole Board leadership; a second journal article for academics; presentations at Parole Board conferences for their members; and summaries for victims' groups. The impact of this dissemination is significant and varied.

Researchers will be able to develop my proposals for further research and test my findings and hypotheses. Parole Board members will be able to use these insights to inform their own decision-making; victims and their families will have greater understanding of the thought process behind offenders' release. Finally, the Parole Board will be able to take informed decisions about providing feedback to members and assigning members to hearings.

Table of Contents

Declaration:.....	2
Acknowledgements.....	3
Abstract:.....	4
Impact Statement	6
Table of Contents.....	8
1. Introduction	12
1.1. Summary of this research	12
1.2. How I constructed the research.....	13
1.3. Results and implications of the study	15
2. Literature Review	17
2.1. Introduction	17
2.2. Understanding the nature and extent of domestic violence.....	24
2.3. Predicting which perpetrators will reoffend.....	32
2.4. The context in which parole boards decide whether to release offenders.....	37
2.5. Applied decision-making research in criminal justice.....	41
2.6. The Research Question	51
2.7. Summary	52
3. Theoretical frameworks.....	53
3.1. Introduction	53
3.2. Systems Theory as a guiding model.....	56
3.3. Structures and agents in the parole decision	63
3.4. The criminological framework in which domestic violence and decisions around it are understood.....	70
3.5. Risk Society and the tension between organisational risk and societal risk, and how this affects the decision	78
3.6. Decision-making theory	83
3.7. The interactions between structuration, criminological theory, risk society, systems theory, and decision-making theory.	95
3.8. Summary	97
4. Methodology.....	99
4.1. Introduction	99
4.2. Positivist approaches within this research	102
4.3. Interpretivist approaches in this research	106
4.4. Feminist approaches to methodology in this research	114

4.5.	Combining different epistemological backgrounds within a complex systems model	118
4.6.	Implications for choice of methods	120
4.7.	Summary	124
5.	Methods.....	125
5.0.	Introduction: creating the research project	125
5.1.	Quantitative Methods: analyses of decision letter dataset.....	133
5.2.	Qualitative Methods: thematic analysis of interviews with parole board members	148
5.3.	Applying a systems model to the quantitative and qualitative data.....	164
5.4.	Summary	165
6.	Results.....	167
6.0.	Introduction	167
6.1.	Quantitative Results.....	167
6.2.	Qualitative Results	185
6.3.	Summary	234
7.	Discussion.....	235
7.0.	Introduction	235
7.1.	The starting context and the need for a ‘hook’ for a release decision.....	238
7.2.	Professional recommendations as gatekeepers.	252
7.3.	Weighing-up case-specific characteristics	266
7.4.	The curious case of prior offending, and its role in risk manageability	282
7.5.	The decision as a complex system	288
7.6.	Reflections on the research	293
7.7.	Strengths and Limitations of this research	302
8.	Implications of this Research	312
8.0.	Introduction	312
8.1.	This research provides insights for those outside the parole process into why an abuser has been released.....	312
8.2.	The composition of the board might affect the outcome	315
8.3.	Parole boards have absorbed messages from domestic violence research.....	317
8.4.	Professional recommendations have more influence than parole board members realise, and fulfil different roles	319
8.5.	Domestic Violence Perpetrator Programmes are for signalling, more than for growth	323
8.6.	More comprehensive feedback on case outcomes could improve parole board members’ intuitive judgement.....	325
8.7.	This research highlights several important questions for future researchers.....	328
8.8.	This research provides a model for future researchers and researchers-in-practice.....	329

8.9. Summary	333
References	335
Appendix 1: Ethical Approval form, authorised by the Institute of Education on 25 th October 2018	379
Appendix 2: Participant Information Sheet	403
Appendix 3: Participant Consent Form	410
Appendix 4: Research Registration form, September 2018	414
Appendix 5: Memorandum of Association for Advisory Group, 30 th January 2019	424
Appendix 6: Provisional Parole Board Interview Questionnaire	426
Appendix 7: Variables in Quantitative Analysis	428
Appendix 8: Examples of sensitivity analyses	431

List of Figures

Figure 1: Locating this research in gaps in the literature.....	18
Figure 2: The formal parole process	39
Figure 3: The parole decision as a system, drawing on work by Proctor and Meyer	49
Figure 4: Overlapping theoretical frameworks constructing the parole decision	54
Figure 5: Provisional model of the parole decision as a system	55
Figure 6: Provisional model of the parole decision as a system (repeated from figure 5).....	58
Figure 7: The linear version of the parole decision	85
Figure 8: More complex version of the parole decision	85
Figure 9: Latent class analysis by institutional recommendation, combining 2- and 3-class models	179
Figure 10: The three overall rounds of coding in the thematic analysis.....	186
Figure 11: Coding process (repeated).....	225
Figure 12: The parole decision as a complex system.....	237
Figure 13: Excerpt from the systems diagram, showing the starting point for the parole decision ..	238
Figure 14: Excerpt from systems diagram, showing the role of professional recommendations.....	252
Figure 15: Different status quo pressures for different professional recommendations	261
Figure 16: Excerpt from systems diagram, showing the role of case-specific characteristics.....	266
Figure 17: Excerpt from systems diagram, showing the conditions for release.....	282
Figure 18: The parole as a complex system (repeated)	288

List of Tables

Table 1: Characteristics of complex adaptive systems	61
Table 2: Comparison of my sample to the overall Parole Board	155
Table 3: Missing data from the decision letter dataset	170
Table 4: Variables associated with a decision to release or progress an offender ordered by effect size (Nagelkerke R ²).....	174
Table 5: Latent classes based on professional input	180
Table 6: Latent classes based on the prisoner's journey through prison and reflections on their offending.....	182
Table 7: Latent classes for 'looking ahead' to the offender's life after release.....	183

Table 8: Excerpt from quantitative results showing impact of panel composition	242
Table 9: Excerpt from logistic regressions results, showing impact of type of hearing	244
Table 10: Excerpt from logistic regressions, showing impact of eligibility factors	248
Table 11: Excerpt from logistic regressions, showing impact of institutional behaviour	273
Table 12: Excerpt from logistic regressions, showing impact of how the prisoner comes across	275
Table 13: Excerpt from logistic regressions, showing impact of extrinsic variables.....	281

1. Introduction

1.1. Summary of this research

This dissertation provides a model for understanding the parole decision to release men who have abused female partners. Parole board members face an unenviable and intractable dilemma, faced with the risk of either leaving a reformed character in prison indefinitely, or releasing a dangerous offender to abuse again. My research explores the process by which they seek to avoid these two undesirable outcomes. The decision involves not only a complex individual thought process within the parole board members' minds, but a network of interacting structures and agents that forms a complex adaptive system. Through this lens, the dissertation has described how the decision emerges from this system, mediated through the decision-makers.

1.1.1. Background to the research question

I came to the subject primarily from a professional rather than an academic or personal perspective. I had worked with hundreds of perpetrators and victims of domestic violence over a fifteen-year career in social work, including several years spent as an expert witness in the family and criminal courts. I therefore came with preconceptions based on my professional experience of the mechanisms involved in domestic violence, and the dynamics of legal decision-making and the role played by professional recommendations. I had also worked as a lecturer and occasional researcher in social work.

This has implications for my position in the research: without reaching out to women who have suffered abuse, my dissertation risked becoming an inward-looking examination of professionals, by professionals, for professionals. My background also gave me a different relationship with the parole board members I interviewed: they knew they were speaking to someone who not suffered domestic violence but understood the dilemmas involved in their kind of decision-making – the findings might have been different had this been inverted, i.e. if the interviewer was someone who had suffered domestic violence but not had experience of the criminal justice

professions. Being male and being a professional created an unavoidable detachment from the subject matter, regardless of my efforts to immerse myself in the topic, and I needed to be conscious of this throughout. My background also brought academic perspectives to the subject, including perspectives from different fields, which again provided both a practical advantage and a need for reflection and introspection.

This reflection process led me to choose this research field, and to focus on the men who perpetrate abuse – the ultimate causes and loci of all domestic violence. The research question emerged from a review of the literature in which I identified a pertinent gap: while there is extensive existing research on perpetrators of domestic violence, and on decisions by the criminal justice system including the parole board, this dissertation is the first to study parole decisions specifically around domestic violence. It also expands a small field of research on parole board decisions in England and Wales. The existing research (described in chapter 2) provides valuable background on the study of domestic violence itself (2.1), and a possible basis for the parole board to make their decision on domestic violence perpetrators, given the findings around predicting reoffending (2.2). In the absence of existing research specifically on parole decisions about domestic abusers, I have summarised the literature on the parole board's function (2.4) and on how parole boards make decisions in general (2.5). This leads us to the research question (2.6) on how parole boards in England and Wales (where the study takes place) make decisions about whether to release perpetrators of domestic violence.

1.2. How I constructed the research

While the Literature Review chapter laid out the context of the research, the Theoretical Frameworks chapter laid out its shape. I explored the theories through which my research can be framed and set out the model that I would use to analyse my results (chapter 3). I located the parole decision and the process by which the decision emerges as a complex adaptive system (in 3.2.) rather than as the linear, rational action of an individual decision-maker (or panel of decision-makers), and within this framing, discussed interactions between different layers of structures and

the agents (the parole board members) within those structures, in a process of structuration where the structures influence the agents and vice versa (3.3). I demonstrated more specifically (in 3.4. and 3.5. respectively) how both the criminological construction of domestic violence as a crime, and the background of 'risk colonisation', act as structural influences on the parole decision, mediated through the parole board members (the agents). I located the interaction between structures and agents in the process as interactions between inputs and subsystems within the parole decision as a system. These steps frame the decision-making process within the individual as just one part of a complex system, but it is still a vital and deeply complex part: in 3.6. I hone-in on the individual and explore the convoluted internal mechanisms by which human beings make decisions, to flesh-out the complex role of the agent within the structuration dynamic. Some of these theoretical frameworks also contain useful elements (typologies of violence; types of heuristic) which I also used to analyse my data.

Having provided these frameworks for answering the question, I explored different methodological approaches to doing so (chapter 4). I identified the role for a positivist epistemology (4.2) that could examine associations between inputs and outputs within that complex system of the parole decision, but recognised that this would, at best, only identify the 'start' and 'end' points of a decision: the information and influences going in, the decisions coming out, and any statistically significant relationships between the two. A more interpretivist approach (4.3), informed by feminist epistemological theories (4.4), combined with the positivist approach (4.5) helped to triangulate different ways of knowing and formed the basis of a mixed-methods approach, which not only tested associations between inputs and outputs but explored the dynamics within the decision as a complex system through which those outputs (the decisions about whether to release a prisoner) would emerge.

This led me to plan a mixed-priority set of research methods (chapter 5), involving analysis of parole decision letters in England and Wales, coding them for a range of case-specific and institutional characteristics and conducting logistic regressions between those variables and the release decision (5.1), and thematic analysis of 20 interviews with serving parole board members (5.2). Rather than have one set of data merely support the other, I integrated both sets of data into a systems model of

the parole decision, treating both quantitative and qualitative elements as equally significant (5.3) and allowed each to shape the other as the study progressed.

1.3. Results and implications of the study

My results (chapter 6) in many ways echoed the existing literature on parole decisions for all crimes, demonstrating both quantitatively (6.1) and qualitatively (6.2) the significance of an offender's remorse, honesty, and their ability to work with other professionals. However, the quantitative analyses demonstrated an even more significant association between the release decisions and the recommendations of key professionals (the offender supervisor, offender manager, and the psychologist). At first glance this seemed underplayed in the thematic analysis of the interviews, which placed more emphasis on the offender's 'pattern of offending', which itself initially appeared less significant than expected in the analysis of parole decision letters. Both the qualitative and quantitative elements suggested far less focus on drug and alcohol misuse than in parole decisions for other crimes, reflecting members' wariness of abusers who 'blame it on the drink'.

I identified latent classes of cases using the institutional variables of professional recommendations. I found that these recommendations were a necessary but insufficient (though still persuasive) condition for release: where professionals opposed release, the parole board were almost certain to refuse release; where professionals recommended release, the parole board were likely to approve release. Other latent class models using other significant variables from the logistic regressions were not as stark, but still useful. Prisoners were more likely to be released not simply because they had attended domestic violence perpetrator programmes (though it was more damaging to their chances if they had not) and behaved well in prison, but when the board were satisfied that they had also shown insight and remorse linked to apparent progress which would otherwise just be 'lip service'.

While interviewees were quick to identify the 'history of offending' as the most prominent influence on their decision, I was surprised to find that some key proxy

variables did not produce statistically significant associations with the release decision in the quantitative sample (though this may be due to the small sample size). The only feature of the prisoner's offending to show a significant relationship with the outcome was the *nature* of their offending: whether they exerted obvious power and control over their victim, based on Johnson's (2006) typology of domestic violence, discussed in detail in chapter 2 and 3. Offenders who had caused serious harm but had not displayed control over their partners were much more likely to be released than those who had been controlling.

In chapter 7 I have discussed the significance and relevance of these findings, linking them to the theoretical and empirical background in chapters 2 and 3. I constructed the parole decision as a complex system, with a starting context (7.1) shaped by personal and environmental inputs relating to the decision-makers, with the professional recommendations acting as a 'gatekeeper' (7.2) to a potential release, a weighing-up process where different inputs interact (7.3) and where the relationship between the nature, pattern and 'manageability' of the offender's risk is especially complex and significant (7.4), and where the prisoner's route to release requires both a positive professional recommendation, followed by either the parole board's belief that they pose a substantially lower risk or (more commonly) that their risk can be safely managed in the community.

I have gone on to reflect on the research process from a personal perspective (7.6) and evaluate the overall research (7.7), demonstrating the study's strengths, limitations, and mitigations for those limitations.

Finally, in chapter 8 (and in short form in the Impact Statement above), I have identified implications for practice, for academic researchers studying parole decisions, domestic violence, or the social sciences more broadly, I have identified implications for researchers-in-practice and parole board members, and I have identified implications of the research for people who have been professionally or personally affected by domestic violence and by the parole process.

2. Literature Review

2.1. Introduction

2.1.1. Purpose of this literature review

Before choosing a research question, I identified a research problem: how could I best use research to inform efforts to reduce the harm caused by domestic violence? This problem led me to consider a pertinent wider question: how do we decide when a perpetrator of domestic violence can safely be a part of their community, without committing further abuse? This in turn led me to consider the parole board: the point at which a perpetrator is granted or denied release from prison

Studying parole decisions about perpetrators of domestic violence requires a journey through the existing literature. After defining the term 'domestic violence' and exploring some of the historical context (in 2.1.2. below), I explore what the research tells me about perpetrators of domestic violence (2.2.) and how to predict whether they will reoffend (2.3.), to get insights into the how the parole board might make decisions about them, before gaining more understanding of the parole board's function and process (2.4). The review then considers existing research on parole decisions in general for all crimes (2.5).

This research explores how parole boards in England and Wales construct decisions about men convicted of offences involving domestic violence, and this progression through the literature identifies a gap in the research for this dissertation to explore. As this literature review will demonstrate, while there is a wealth of existing research on perpetrators of domestic violence and on parole decisions, there is no existing literature on parole decisions specific to domestic violence cases, or research that uses a combination of methods to explore the systemic dynamics of parole decisions. There is also limited research on parole decisions specifically in England and Wales, beyond Bradford & Cowell's (2012) study.

This review suggests that offences involving domestic violence justify focussed study, given the combination of secrecy, gendered dynamics, and the overlap with numerous different offences. These characteristics create the possibility of a different thought process when weighing-up this kind of offence, relative to offences in general.

Furthermore, the review identifies a gap in the research regarding parole decisions about domestic violence perpetrators, particularly in England and Wales, and particularly considering the theoretical background on how people make decisions.

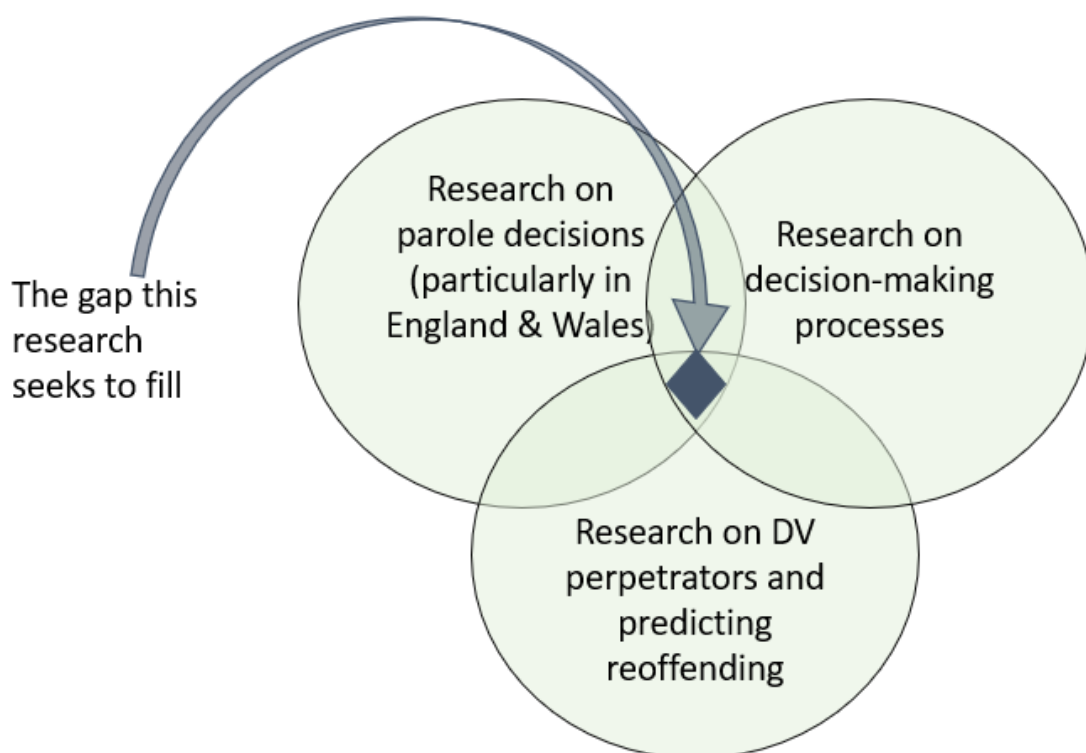


Figure 1: Locating this research in gaps in the literature

The research seeks to fill the gaps in the literature by exploring parole decisions involving domestic violence within England and Wales, and the thought processes leading to those decisions, using two different methods.

This review starts with the problem at the heart of this research: the legal basis for parole decisions, the harm caused by men who perpetrate domestic violence, and whether that harm can be minimised without incarceration.

This section digs deeper into the issue of ‘how do parole boards make decisions about perpetrators of domestic violence?’, exploring the general literature on parole decision-making. This review then goes on to explore what this means for a study of parole decision-making in domestic violence cases, identifying gaps in the research.

2.1.2. ‘Domestic violence’ in historical context – the legal basis

modern history of [domestic] violence is not the story of changing responses to a constant problem, but, in large part, of redefinition of the problem itself.

(Gordon, 1988, p.27)

This research into how the parole board makes decisions about perpetrators of domestic violence requires consideration of how domestic violence is shaped in public law in England and Wales. When the parole board takes a decision about a perpetrator, they are only able to do so because it is now illegal to harm a partner, and when they consider the offender’s likelihood of reoffending, they are implicitly considering his understanding of the nature of domestic violence, how he absorbs the messages of the society around him, and whether he is likely to be surrounded by positive or negative influences at a family and community level. Whether a man feels empowered to hit a partner and get away with it, or whether a woman feels empowered to report or leave a violent partner, are partly individual decisions but are also wrapped-up in wider sociolegal influences (discussed further in 3.4 in the context of a framing for my analysis). Both individuals are influenced by the social norms inherent in the structures around them, whether those structures are formal (legislation), societal (attitudes towards domestic violence) or at the ‘micro’ level of the neighbourhood and community (what they hear neighbours saying; what they see on the television or read in the newspaper). Those structures have changed over time.

Parole board decisions about a perpetrator of domestic violence only exist because partner abuse in the UK is now a criminal offence: both legally and socially unacceptable. This was not always the case – domestic abuse became punishable in law in 1853 (L. Williams & Walklate, 2020) but legal penalties for abusive partners remained rare for over a century, despite social attitudes being more critical of

domestic violence than popular commentaries or the legal position suggested (D’Cruze & Crewe, 2014). Instead, Victorian protections against domestic violence were more likely to involve an abused woman being granted child custody, occupancy of the home, or a divorce, rather than the arrest and imprisonment of her abuser.

Subsequent legislation around domestic violence in the UK has recognised that criminalisation of domestic violence on its own is insufficient without a corresponding change in culture and police procedure (L. Williams & Walklate, 2020). In practice, an abused partner is unlikely to follow-through with a prosecution if their partner is not immediately removed from the home, or if they are unable to secure alternative accommodation or a place in a refuge, so measures to tackle domestic violence require resources as well as the creation of new offences. Similarly, in a patriarchal structure where a woman is dependent on an abusive husband for income, the prospect of the sole breadwinner being imprisoned was a poor incentive for a victim to pursue a prosecution (Kent, 1999).

In the 21st century, the legal definition and institutional understanding of domestic violence has shifted from purely physical abuse to include sexual abuse, emotional abuse, financial abuse, stalking, and (since 2015) a pattern of coercive and controlling behaviour (H. Johnson et al., 2019).

2.1.3. Definitions

It is important to clarify what the term domestic violence means in the context of this dissertation, since different perspectives can imbue words and concepts with different meanings and connotations. The literature on men who harm their partners or ex-partners differs both in the meaning and significance of the ‘violence’ involved, and on the meaning and significance of the term ‘domestic’.

In my original research ethics forms, applications and an article on my provisional findings (Dyke et al., 2020), I used the term “intimate partner violence” to describe the offending at the heart of this dissertation. However, I have subsequently changed

the terminology so that this dissertation refers to “domestic violence” instead. In this section I explore the key terms I have used.

Defining the ‘domestic’

The purpose of the terms ‘domestic violence’, ‘domestic abuse’, ‘intimate partner violence’, ‘intimate partner abuse’, or even the older term ‘wife-beating’ (which confined its scope to married couples) is to distinguish the unique nature of abuse perpetrated towards the offender’s intimate partner or former intimate partner. When men abuse female partners, this overlaps to some extent with terms such as ‘violence against women and girls’ or ‘gender-based violence’, sharing as it does themes of patriarchal violence, male entitlement and power dynamics, but specifically refers to the relationship between the perpetrator and victim. A man who harms his wife is perpetrating both domestic violence and gender-based violence, but a man who rapes an unrelated woman or hurts a young girl is committing gender-based violence without domestic violence. Likewise, a man who abuses a male partner is carrying-out domestic violence but not violence against women and girls. Any victim of abuse will feel violated and terrorised by the perpetrator, but a victim of domestic abuse has the complicating elements of an intimate relationship (current or historic) which shapes their feelings towards their abuser and their ability to remain safe from harm, especially where their home and supposed place of safety is also the place where they are most in danger.

‘Domestic’ has therefore sometimes been used with a specific focus on the household, rather than on the relationship, whereas the two do not always overlap, for example where a couple are not cohabiting. The terms “domestic violence” and “intimate partner violence” are often used interchangeably, especially in the US (Office for Women’s Health, 2017; Centre for Disease Control in Breiding et al., 2015; Marx et al., 2013; OPDV 2019) where much of the existing research on parole decisions has taken place – this influenced the early stages of my research as I absorbed that research. In the US, intimate partner violence typically refers to abuse that involves power and control by the abuser towards the abused, who may be a former or current intimate partner of any gender, married or unmarried, while domestic violence is defined as occurring within the home, regardless of the identity

of the victim. In the UK, the terms are also used interchangeably with 'domestic abuse', and all three terms indicate physical and nonphysical mistreatment specifically towards a current or previous partner. This is a pedantic distinction though: the usage of 'domestic violence' throughout the UK literature consistently includes abuse against former partners and does not distinguish between resident and non-resident partners.

Defining the 'violence'

The term 'intimate partner violence' gained popularity from around 2000 in the UK (Wallace, 2014), and generally indicates a broad category of violence. Wallace suggests that 'intimate partner violence' moves beyond 'domestic violence' both in terms of dynamic (beyond the notion of a husband beating his wife in the home) and nature (beyond physical violence alone). For example, the World Health Organisation (2012) explicitly defines intimate partner violence in terms of physical abuse, sexual abuse, emotional abuse and other controlling behaviours.

In this dissertation I treat the "violence" in both "domestic violence" and "intimate partner violence" as including the multifaceted nature of abuse in which physical violence and visible injuries are only one aspect. The more recent offence of 'coercion and control' brings the UK's definition of domestic violence closer to the WHO's categories. Domestic violence offences severe enough to warrant imprisonment usually include physical violence, but not always – offences such as stalking and harassment, or coercion and control, may occur without physical injury. The broader definition of violence that goes beyond physical violence is important given the impact of non-physical abuse: as the Office for National Statistics (Elkin, 2018) collate, victims experience not only physical injuries but long-term health problems such as stress, anxiety, depression, and economic impacts resulting from physical and non-physical abuse.

The addition of non-physical abuse is part of a necessary shift away from an incident-based, reductionist approach that compartmentalises individual events, towards an understanding of domestic violence as a lived experience framing a relationship. Kelly & Westmarland (2016) highlighted that the former approach risks

adopting the framing used by violent men (who tend to minimise the abuse they inflict as ‘an incident’ which can be distinguished from the relationship as a whole) rather than the experience of abused women (who talk about a way of living that is defined by their partner’s behaviour towards them).

Using the term ‘domestic violence’

I initially used the term “intimate partner violence” partly due to its prevalence in the research I had reviewed at the time, and because it lacks the slight implication of a household that the “domestic” in “domestic violence” might suggest, making it easier to justify the inclusion of cases where the offender abused a former or non-cohabiting partner. I considered the more recent term ‘intimate partner abuse’ (Roberts et al., 2006) which likewise seeks to avoid the connotation of ‘domesticity’ and the shared residence and refer to “intimate relationships in society”, while capturing the broader nature of ‘abuse’ which is arguably better at conveying non-physical violence than the term ‘violence’. However, it is important to have a shared understanding of the term across the primary data, and after I started the interviews (see Methods and Results chapters) it became unavoidably apparent that every parole board member interviewed used the term “domestic violence” or occasionally “domestic abuse”. It would therefore have been inconsistent to conduct a study on ‘intimate partner violence’ while the data clearly used ‘domestic violence’.

This dissertation therefore uses “domestic violence” throughout, while recognising that some research uses the term “intimate partner violence”, “intimate partner abuse” or “domestic abuse” in an equivalent sense. In each case I have checked in the studies that the authors are referring to the same notion: physical or non-physical abuse perpetrated towards a current or former intimate partner.

The term ‘victim’ in this dissertation

I use the term ‘victim’ in this dissertation since this is normal practice in a criminal justice context, with the framing of a crime where there is a ‘perpetrator’ (or ‘offender’/‘defendant’/‘accused’) and ‘victim’. Domestic violence research is only partly framed criminologically, and many people who have suffered domestic

violence, or those working with them, prefer the term 'survivor', with its more empowering, less passive connotations. However, the terms are frequently used interchangeably and many people refer to themselves as 'victims' (K. Harding, 2020; Profitt, 1996; Women Against Abuse, n.d.). The term 'victim-survivor' (McGlynn & Westmarland, 2019) therefore has merit as a more all-encompassing term, emphasising the need to draw on a wide range of experiences and perspectives, although I have preferred 'victim' here for brevity.

Ultimately, I am also influenced by the extreme context of domestic violence that results in lengthy prison sentences – in many of the cases in this study, the perpetrator has killed the victim, making the term 'survivor' tragically inappropriate. However, my use of the term 'victim' in this dissertation should not be read as an intention to preclude the term 'survivor' or 'victim-survivor' in other contexts.

2.2. Understanding the nature and extent of domestic violence

A dissertation on the decision-making process around perpetrators of domestic violence requires an understanding of domestic violence, the reasons for focussing on the perpetrators, and what indicators or themes parole boards would expect to consider when weighing-up a decision on release.

At its heart (as discussed in 2.1.3. above regarding the definition), domestic violence involves abuse (which may or may not involve physical violence) by a perpetrator towards a current or former intimate partner. According to the Crime Survey for England and Wales, 5.5% of the adult population for those countries (7.3% of women and 3.5% of men) experienced such abuse in the year ending 2020 (Office for National Statistics, 2020), a figure that has remained roughly steady since 2009. Over one in six respondents said they had suffered domestic violence at some stage in their lives, and women with disabilities (Hague et al., 2011) or the lack of formal immigration status (Graca, 2017) are especially vulnerable.

In this part of the literature review I explore the importance of control within domestic violence, the gendered nature of domestic violence, and how future domestic violence can be predicted.

2.2.1. Dynamics within domestic violence

Violence towards any victim could involve a lack of impulse control and emotional self-regulation (Gottfredson & Hirschi, 1990a), both of which could be exacerbated by, or at least correlated with, substance misuse (Choi & Kruis, 2021) or an underlying mental illness (DeLisi & Vaughn, 2008; Sher & Slutske, 2003). However, as the seminal Duluth model of power and control laid out (Bohall et al., 2016; Pence & Paymar, 1993), violence against an intimate partner is often underpinned not by a lack of control but a desire to exert control: a sense of ownership or entitlement over the victim. The association between this 'power and control' dynamic and physical violence is well-established: control, power, jealousy and misogyny/patriarchal beliefs are all found more commonly in clinical samples of perpetrators of domestic abuse than in the general population (Love et al., 2018). The abuser might exert this control through physical violence but more frequently does so through non-physical forms of intimidation, coercion and control (Bagwell-Gray et al., 2015; H. Johnson et al., 2019; Myhill & Hohl, 2016; Wiener, 2017).

Even the creators of the Duluth model (designed to address perpetrators' behaviour) recognised that it was overly simplistic: power and control may be abundant in cases of domestic violence, but they are not universal (Bohall et al., 2016; Gondolf, 2007). However, the prominence of a controlling dynamic in a large subset of domestic violence offences requires a different approach to managing perpetrators, as opposed to (for example) violent offenders whose crimes are acquisitive or impulsive.

In a previous career as an independent social worker, I was concerned by the focus, in many agencies, on those who experience domestic violence rather than those who perpetrate it, a tendency I have also noted for other forms of abuse. I became concerned that when professionals and researchers focus on the victim, they begin to identify the victim as the locus for the abuse, as though changes to the victim's

behaviour can prevent future violence (Dyke, 2018, 2019b). In these cases, professionals inadvertently end up asking “what can we do with this woman to stop her being abused?” rather than “how do we stop the abuser continuing to abuse?” – paralleling the same perverse logic often exhibited when the victim of abuse is a child (Firmin et al., 2016). As Katz (2003) famously spelled-out, domestic violence perpetrated by men towards women is a “men’s issue”, not a “women’s issue”, and the focus of any work around domestic violence needs to be on those perpetrating abuse. This does not detract from the importance of therapeutic and protective services to help the victims of abuse, nor from the need to advocate for, and work with, those who have suffered domestic violence. Indeed, identifying and addressing domestic violence often starts with proactive interventions in schools, health and community services (Hester & Westmarland, 2005). It does however mean that, like any crime, domestic violence can only be tackled by identifying the perpetrators, restraining them from committing violence, and grappling with the complex challenge of preventing them from doing so in future. A key part of this process involves the decision of whether it is safe to release a convicted perpetrator of domestic violence from prison, which is why I focussed on this decision for my research. I felt that while research into either offenders or victims would be valuable, my own skills and perspective would be best directed at the analytical processes undertaken by professionals in a position to protect the public from harm.

Since domestic violence differs from other offences, I would expect the thought process behind the decision to release a perpetrator of domestic violence to reflect that difference. Research on parole decisions about perpetrators of domestic violence seems to be non-existent at the time of writing: Fitzgibbon (2008a) references domestic violence offenders as part of her study of parole risk assessment tools, and Bobbitt et al. (2011) refer to the relevance to parole boards in their study of a post-release programme for domestic violence perpetrators, but the research is otherwise silent on the intersection between domestic violence and parole decisions. This already indicates a gap which this dissertation seeks to fill.

Any research on domestic violence needs to consider that domestic violence is highly gendered (see section 2.2.2. below), so that a perpetrator of domestic

violence who reoffends after release is likely to cause far more harm to women than to men – this is not the case for most other crime types.

Furthermore, domestic violence often occurs in private contexts, hidden from view, making it hard to be sure of its extent (Fatoni et al., 2020; Fineman & Mykitiuk, 1994; Frost, 1999; Westmarland, 2015), creating greater uncertainty for decision-makers, relative to offences which are far more visible, such as property offences, public order offences, or violence against strangers. There is a substantial gap between the prevalence of reported domestic violence and the number of reports, arrests and convictions (Carrell & Hoekstra, 2012; Gracia, 2004; Teague, 2005) for various reasons: the victim will often not ‘go home’ after an assault since they may have been abused in their home – there is often no safe space for them to return to in order to make a report. Even those who can make a report may feel intrinsic and extrinsic pressure not to support a prosecution, sometimes due to a fear of losing their partner’s income, or being stigmatised by their family (Douglas & Walsh, 2010) - they may also fear losing custody of their children (Erez, 2000). Even after the introduction of a ‘positive arrest’ policy (where police will proceed with an arrest after a report of domestic violence, even against the wishes of the victim), the crime remains hidden, more so than ever during the coronavirus pandemic which began in 2019 – during this period, police are aware of more offences taking place (Walklate et al., 2021) but anecdotal and survey data suggest a much larger unreported increase in incidents in the UK (Gibson, 2020) as well as other countries (McCrary & Sanga, 2020). Williamson et al. (2020) offer context to this increase, framing it in terms of victims being trapped indoors with their abusers, rather than an increase in the number of abusers. This widely shared concern is relevant to an exploration of parole decisions: the more visible an offence, the more confidence a parole board can have that, even if the prisoner reoffends after release, they can be easily recalled to prison.

Domestic violence overlaps numerous legal categories of offences. While the Government’s recent introduction of the offence of ‘coercion and control’ is specific to domestic violence (Myhill & Hohl, 2016), other relevant offences including murder, rape, assault and false imprisonment are not, though this is partly mitigated by the creation of a statutory definition of domestic abuse in the current *Domestic Abuse Bill*

(Parliament, 2020). This creates practical challenges for researchers, addressed in the Methodology (chapter 4). It also means that offence-specific studies are unlikely to address domestic violence specifically, particularly as domestic violence usually transcends one-off incidents and constitutes a whole way of living for the perpetrator and victim (Kelly & Westmorland, 2016).

2.2.2. Gender in domestic violence, and Johnson's typology of domestic violence

The gendered nature of domestic violence matters in this research. Along with sexual violence (Walker et al., 2021), domestic violence is one of two categories of offence (which overlap where domestic violence includes sexual violence) where the perpetrators are disproportionately of a different gender and sex to the victims, namely male perpetrators abusing female victims (Office for National Statistics, 2020, 2021). While men perpetrate the vast majority of all crimes in every country (Gottfredson & Hirschi, 1990b), in most cases those crimes involve either disproportionately male victims, or a broadly even distribution between male and female victims. This adds heightened sensitivity to the field of parole decisions focussed on domestic violence: greater risk-aversion to release inherently increases the safety of women at the expense of (convicted) men, while greater risk-tolerance inherently increases the risk of harm to women at the expense of male offenders' liberty. This creates a further complicating dynamic whereby parole decisions about domestic violence are an Equalities issue, since if a decision were insufficiently robust then it would disproportionately affect a protected demographic group. The rest of this section is devoted to demonstrating this gender asymmetry, highlighting apparent contradictions in the literature, and showing how the contribution of Johnson (2006) has helped to accommodate different strands of literature.

With some caveats, domestic violence (either including or excluding that which occurs without any criminal sanction) is overwhelmingly a form of abuse perpetrated by men towards women (K. L. Anderson & Umberson, 2001; Hester, 2009; M. P. Johnson, 2006a; Kimmel, 2002; Razera et al., 2017), and associated with notions of patriarchal dominance and traditional masculinity (see box below).

This claim has historically been contentious based on an apparent contradiction in the research: for example, some survey data suggested that domestic violence affects almost as many men as women, but studies based on professional responses found far more female than male victims (M. P. Johnson, 2006a).

A split in the literature emerged between 'Family Violence' (FV) researchers and 'Violence Against Women' (VAW) researchers. The FV researchers drew the conclusion from a survey of 1,000 students (Bates et al., 2014), that did not identify a gender difference, that domestic violence was gender-symmetrical and that violence by

women towards men was not significantly rarer than vice versa (Straus & Gozjolko, 2016). This narrative is reflected in the use of the 'Conflict Tactics Scale' (CTS) developed by Straus (1979) for quantifying domestic violence. The VAW researchers pointed to the large body of evidence demonstrating a significant difference, and abuse that does not directly involve physical violence (Enander, 2011).

The counter-argument to the FV and similar claims is both empirical and theoretical. Synthesis of studies into gender symmetry finds that the overall picture shows a greater frequency of all types of violence perpetrated by men against women than vice versa, but also that the methodologies and definitions tend to differ between Family Violence and Violence Against Women conclusions (Dobash & Dobash, 2004): when the severity, consequences and long-term impact on the victim are incorporated, then domestic violence is more unambiguously a type of offence that

Masculinity and Domestic Violence

The gendered nature of domestic violence is also reflected by the embedded notions of masculinity and male entitlement within offenders. While institutions have often been reluctant to recognise the role played by notions of masculinity and patriarchal dominance in domestic violence (Lutze & Symons, 2003), parole boards in the US have often used this narrative to frame an offender's mindset and readiness (or otherwise) for release (Greene & Dalke, 2020). This reflects the tendency for offenders to frame their behaviour in terms of performing binary traditional gender roles while minimising or diverting blame for their offences (K. L. Anderson & Umberson, 2001)

harms women more than men. The CTS, likewise, demonstrates an apparent gender symmetry in domestic violence but only because it privileges frequency of abuse 'incidents' over nature or severity (Kimmel, 2002).

Johnson's seminal typology (see box) is useful in articulating the apparent contradiction between Family Violence and Violence Against Women findings, since he found a pattern after dividing cases into 'situational couple violence' and 'intimate terrorism' categories: while cases of situational couple violence included comparable numbers of male and female perpetrators, cases of intimate terrorism involved almost entirely male-on-female violence. This distinction offers a possible solution to the problem of why different studies produce different findings on the gendered nature of domestic violence. The distinction between domestic violence which does, and does not, involve 'control' does not contradict Kelly & Westmarland's thesis (2016) that domestic violence amounts to a feature of the relationship that dominates the victim's life: this would still be the case for a partner who did not impose control (over himself or over a partner) since a more chaotic abusive partner is no less abusive and no less dangerous – the dynamic just differs compared to a partner who coerces and controls. If anything, Kelly & Westmarland's framing of domestic violence reinforces Johnson's gendered distinction, since while there may be comparable (though not equal) reports of female abuse towards male partners, these are often more suitably defined in terms of 'incidents' rather than a pattern of abuse that goes beyond compartmentalised events.

Johnson's typology of domestic violence in heterosexual relationships.

In **situational couple violence**, one or both partners are violent, but without an element of control of the other.

Intimate terrorism involves a perpetrator who subjects their victim to fear, intimidation and control beyond any physical violence.

Johnson also identified: '**violent resistance**' where a victim of intimate terrorism fights back against a controlling abuser; and '**mutual terrorism**', a much rarer category where both partners are 'would-be intimate terrorists'.

Theoretically, Johnson's model lacks some internal validity: distinguishing between violence in the context of violent resistance and situational couple violence can be difficult (Bair-Merritt et al., 2010) and Johnson applied the typology retrospectively to studies with differing methodologies (Meier, 2015). Control can exist even where no violence takes place, hence the introduction of 'coercive control' as a criminal offence in the UK (Wiener, 2017). Nonetheless, Johnson's typology is broadly sound: supported by a systematic literature review of 73 studies into violence by both genders (Esquivel-Santoveña et al., 2013); by research which distinguishes the type and severity of violence, even when examining comparable numbers of female perpetrators (Hester, 2009); and by a latent trait analysis of coercion and control cases (Myhill & Hohl, 2016). Johnson's distinction, while broad, seems consistent with wider findings that women suffer more from domestic violence, regardless of incident frequency by gender.

While "all models are wrong, some are useful" (Box, 1976), and any effort to group large populations of complex cases into clearly-delineated groups will always be an approximation. Johnson's is no exception, and any analysis that uses his typology will carry this caveat. However, it provides a basis for a more nuanced analysis of domestic violence than an approach that does not attempt to distinguish types of domestic violence cases.

Without minimising any abusive act, we can still differentiate between two incidents where one partner harms another, in a simplistic consideration that nonetheless challenges the conclusions about gender asymmetry made using the CTS. The Conflict Tactics Scale does not distinguish the vulnerability of the victim, the realistic prospect of them leaving a dangerous situation, or their broader social and economic status. The distinction does not necessarily follow gender lines, especially in the rare case where a man is a victim of intimate terrorism. But even in that case, where a man is oppressed at the individual level, he is less likely to be disadvantaged at the societal level. Women leaving a relationship are more at risk of homelessness (H. Cramer & Carter, 2002), poverty (Bradshaw et al., 2016) and, on average, earn lower incomes (Costa Dias et al., 2018) after leaving an abusive relationship. Hence violence differs between genders when focussing on the severity and controlling nature of violence, regardless of frequency (M. P. Johnson, 2017; Kimmel, 2002).

Evidence on injuries (Whitaker et al., 2007) and murders (Stöckl et al., 2013; US Department of Justice, 2005) supports the contention that whatever the overall gender balance of abuse, the most severe physical abuse is perpetrated by men towards women. For example, Stöckl et al. found that, worldwide, women were over six times more likely to be killed by a male partner than vice versa, consistent with the data from the Office for National Statistics in England and Wales (Flatley, 2017).

This background suggests that while women do perpetrate some abuse (particularly of the more chaotic variety), more extreme and controlling violence – the kind more likely to result in imprisonment – is predominantly inflicted by men towards women in heterosexual relationships. This research is therefore likely to involve predominantly cases of male-on-female violence – if so, prior research indicates that this would be representative of ‘intimate terrorism’ even if it is not necessarily representative of all categories of domestic violence.

The gendered nature of domestic violence, and its implications for the impact of the decision, is one aspect of the difference between domestic violence and most other offences that justifies a specific focus in this research, rather than a study of decisions for all crimes.

The gendered nature of domestic violence also gives an extra dimension to the importance of preventing and stopping it from occurring, since it disproportionately affects one half of the population. A decision to release an offender who goes on to reoffend is almost certain to cause more harm to women than to men. The task of predicting whether they will offend is unenviable, uncertain, and vital. In the next subsection I have considered how reoffending can be predicted, given the central role that such prediction plays in the parole board’s decision.

2.3. Predicting which perpetrators will reoffend

The Parole Board aims to predict an offender’s likelihood of future reoffending if released – this is of course impossible to do with any certainty, but existing research provides some indicators that might suggest an offender is more or less likely to

abuse a partner after release. This matters for this dissertation, since it will be relevant to compare the variables associated with reoffending with the variables identified by the Parole Board – one might reasonably suppose that they will draw upon this evidence base in coming to a decision.

The ‘nature’ and circumstances of domestic violence can predict future offending. Some research has correlated recidivism with having a previous record of perpetrating domestic violence, prior to the index offence (A. M. Collins et al., 2021; Goldstein et al., 2016; Kingsnorth, 2006) and with the severity and nature of the offence (Goldstein et al., 2016; Hegarty et al., 2005). In the next subsections, I explore different aspects of the research on efforts to protect reoffending, starting with the underlying risk of offending based on the offender’s previous behaviour, and going on to consider whether that risk can be reduced while in prison, through provision of specialised programmes.

2.3.1. Offence characteristics associated with reoffending

The study of recidivism after release dates back almost a hundred years (Borden, 1928) and there are currently a wide range of tools used to systematically analyse the risk of a perpetrator of domestic violence reoffending. A meta-analysis of these methods (van der Put et al., 2019) found that actuarial tools slightly outperformed tools using structured clinical judgement, and that both had a ‘moderate’ effectiveness at predicting reoffending. While there are alternative approaches that involve decision-tree predictions (Wijenayake et al., 2018), or the predictions made by the victims themselves (Weisz et al., 2000), the evidence base for these approaches is currently limited.

While statistical tools may out-perform professional judgement in many fields (Meehl, 1954 - discussed further in chapter 3), the tools available to professionals in the UK assessing the risk posed by perpetrators have frequently disappointed. The DASH model of risk assessment (Richards, 2009) was widespread in domestic violence work for many years, using the frequency of positive answers to a list of questions to determine risk of different kinds of future abuse. Of all the variables in the DASH questionnaire, the following were initially correlated with future offending in an

evaluation: prior violent history; alcohol and drug abuse; recent separation; and a victim's level of fear of their abuser (Almond et al., 2017). This pointed to the significance of a prior 'pattern' of abusive behaviour, but this is more complex than whether an offender has harmed a partner before. However, this still meant that the vast majority of variables in the DASH questionnaire were only weakly correlated to outcomes, and subsequent research (Turner et al., 2019) was even less promising, finding the tool little better than random at predicting further harm.

Goldstein's (2016) association between offence severity and recidivism was only significant for men who were generally violent (towards both partners and other adults), not for men who were only violent towards partners, so the severity of the index offence alone is less useful as a predictor of reoffending in cases where the perpetrator's behaviour is less chaotic and more directed towards a partner. This echoes Johnson's 'intimate terrorism' category, which involves an element of control which the more chaotic 'situational couple violence' category lacks. Intimate Terrorism, along with victim-blaming and minimisation, has been found to correlate with self-reported repeat offending (Lila et al., 2008; Scott & Straus, 2007). Likewise, using latent trait analysis, Myhill & Hohl (2016) also identified coercive control as a significant predictor of reoffending. These data show that the element of control has two roles in constructing decisions around domestic violence cases: first it increases the risk of reoffending; secondly it may make that reoffending harder to anticipate using other variables such as severity of violence.

Using a different typology, the 'Composite Abuse Scale' (Hegarty et al., 2005) identified 'Severe Combined Abuse' as more likely to be associated with persistent offending, as well as more dangerous to the survivor's welfare than physical, emotional, sexual abuse or harassment alone.

While the use of formal risk assessment tools specifically for domestic violence has a mixed record, parole boards in England and Wales frequently incorporate the OASys (Offender Assessment System) risk assessments (completed by the offender manager, or probation officer) into their risk assessment. Offender managers have mixed views on the usefulness of OASys (G. Mair et al., 2006), and tend to be more risk-averse in their report than the tool recommends (Wendy Fitzgibbon, 2008), but

another statistical tool, the OASys Violence Predictor (OVP), has used the same data to demonstrate a higher predictive accuracy (Howard & Dixon, 2012; Fazel, S. in Keijser et al., 2019) than OASys alone. There is, however, no existing research on OASys or similar probation tools applied specifically to domestic violence cases.

In summary, there is tentative but consistent evidence suggesting a link between an offender's previous history of abusing partners, the level of coercion and control within that abuse, a multifaceted nature of abuse, and the likelihood that the offender will reoffend, although the track record of actuarial tools to quantify these links is decidedly mixed. This is useful background information for this dissertation, since it creates a plausible hypothesis that parole board members will be less likely to release a more controlling offender with an established pattern of combined abuse. In the next subsection, I consider whether these risks are likely to remain static or whether a parole board might have reason to be impressed by the work done by a prisoner during their sentence.

2.3.2. Reducing reoffending risk

While certain aspects of the original offences may be correlated with an increased static risk of future offending, can the dynamic risk be reduced through the offender changing their behaviour? Facilitators of Domestic Violence Perpetrator Programmes (DVPPs) seek to change perpetrators' mindsets and underlying assumptions in relationships, similar to other behaviour modification programmes in prisons – if the programmes are successful, then attendance on these programmes might represent a reduced risk of reoffending. This is consistent with a broader suggestion that better institutional behaviour in general is associated with lower reoffending rates (Cochran et al., 2014), which is itself consistent with the association between impulsivity and offending (Gottfredson & Hirschi, 1990b) – an offender who can control their behaviour in prison *might* be more able to control their impulses in the community (though for the same reason, this association might be less applicable to offences committed out of a sense of entitlement and dominance, rather than a lack of impulse control). Meanwhile, the evidence on the impact of perpetrator programmes themselves is mixed.

Some individual programme evaluations reported reduced reoffending or reduced abusive behaviour associated with programme attendance: a randomised controlled trial in Rwanda using household interviews (Doyle et al., 2018); a longitudinal interview-based study in the UK (Kelly & Westmarland, 2015); and a randomised controlled trial using police reports (Strang et al., 2014). However, wider systematic studies have not identified a significant difference in reoffending between abusers who have, and have not, attended courses (Babcock et al., 2004; Gondolf, 2011; Haggård et al., 2017; Vigurs et al., 2016). Kelly and Westmarland's study also highlighted the difficulty of relying on interviews with those who experienced violence: some may conceal abuse (especially if social services are threatening to remove their children), others may be separated and unaware of their ex-partner's current behaviour. Different approaches to providing programmes and evaluating their effectiveness create challenges for researchers reviewing data from different projects (Lilley-Walker et al., 2018), particularly when some facilitators describe lacking confidence and training in this kind of programme, while sometimes finding the process of facilitating such programmes emotionally draining (Renehan, 2021). Given the continued lack of evidence, the REPROVIDE initiative at Bristol University is, at the time of writing, pursuing a clinical trial exploring the effectiveness of programmes for abusers in England and Wales, simultaneous to this dissertation. This should help determine, if parole boards are indeed impressed by an offender's attendance on a programme, whether that confidence is misplaced.

Despite uncertainty as to their effectiveness, these programmes are commonly used in prisons, so it is important to understand to what extent, in and what way, attendance on programmes affect parole board's decisions about release. This is therefore considered in my study, since it is relevant to the research problem to know whether parole board members reflect the ambivalence seen in the literature towards the effectiveness of perpetrator programmes.

The next section moves on to consider the structure of the parole board hearing, and how parole board members use this background and other variables to construct a decision on whether to release an offender.

2.4. The context in which parole boards decide whether to release offenders

This research concerns the Parole Board in England and Wales, and how they come to a decision about perpetrators of domestic violence. I selected this part of the criminal justice system for practical reasons (using my resident jurisdiction rather than another country) and methodological reasons: studying decisions about convicted offenders removes any ambiguity created by uncertainty about whether an offender is guilty of an offence or not (as would be the case when studying social work or voluntary organisation approaches to domestic violence). It is the parole board who is faced with a known offender (whose offences are likely to represent the more severe forms of abuse) and must decide whether they need to be kept in prison to keep the public safe from the violence that they might inflict.

This research considers the tensions decision-makers experience in these contexts: between the broader legal framework and the minutiae of individual cases; and between public safety and the right of the individual to fair treatment and the chance to reform (Kohler-Hausmann, 2019).

2.4.1. The parole process

The term 'parole' comes from the French for 'word of honour', but parole decisions today require much more than the prisoner's word. Parole boards in England and Wales are made up of one, two or three experienced professionals (often, but not always, with backgrounds in criminal justice) and decide whether a prisoner should be released on license for the rest of their term.

Prisoners serving an extended determinate (fixed-term) sentence, or who have exceeded their minimum tariff for a life sentence or Imprisonment for Public Protection (IPP) sentence, can apply to the Parole Board for release. Some of these prisoners will be applying for parole for the first time; some may be reapplying after previous applications were rejected; and others may be applying for re-release having been previously released but recalled (returned to prison) for breach of their

license conditions or another offence. The inclusion of IPPs (see box) in the range of sentences creates two broad categories of prisoner: those on determinate sentences, who will be released at the end of their term regardless of their success in seeking parole; and those who are subject to either life or IPP sentences, who will remain in prison unless the Parole Board release them. For the former category, the Parole Board represents one way of being released from prison; for the latter, it represents their only way.

The England and Wales Parole Board is an independent executive non-departmental body, established in 1967, whose current statutory remit (Criminal Justice Act, 2003) is to determine whether a prisoner poses a risk of harm the public if released or progressed to open conditions (Parole Board, 2019). Members' backgrounds vary: many come from the field of criminal justice having previously worked as probation officers, psychologists, judges or solicitors, while others are from entirely different professional backgrounds outside of the criminal justice system.

Imprisonment for Public Protection (IPP) sentences

'IPP' sentences are a particularly sensitive and contentious area (Annison, 2014): introduced in 2005, they require a prisoner who has served their minimum term to prove their suitability for release, rather than be released at the end of their sentence. This has led to controversy (Bettinson & Dingwall, 2013) in light of many persistent, chaotic but relatively petty offenders being held in prison indefinitely since they were unable to function satisfactorily in prison to justify their release – the sentence was arguably more punitive than functional (Tonry, 2011). While the IPP was abolished in 2012, this was not retrospective (Cairns, 2013) and as of the end of 2019 (when most of the decisions examined in this dissertation were taken), over 2,000 prisoners remained subject to IPPs in the UK (Prison Reform Trust, 2019).

Guidance from the Parole Board (2019) asks members to apply a test about a convicted offender applying to be released before the end of their sentence, and provides a decision-making framework (included as Appendix 9):

“The Parole Board is empowered to direct release if it is satisfied that it is no longer necessary for the protection of the public that they be confined”

Parole Boards recommend to the Secretary of State for Prisons whether the prisoner needs to remain in prison until a further review or (for extended determinate sentences) the rest of their term, or whether it is no longer necessary that they remain in prison. In the latter case they can be released ‘on license’ under the supervision of the probation service which adopts a risk management plan. In practice (barring the rare occasion when the Secretary of State rejects their recommendation, typically in high-profile cases) this amounts to a *de facto* decision on whether to release a prisoner.

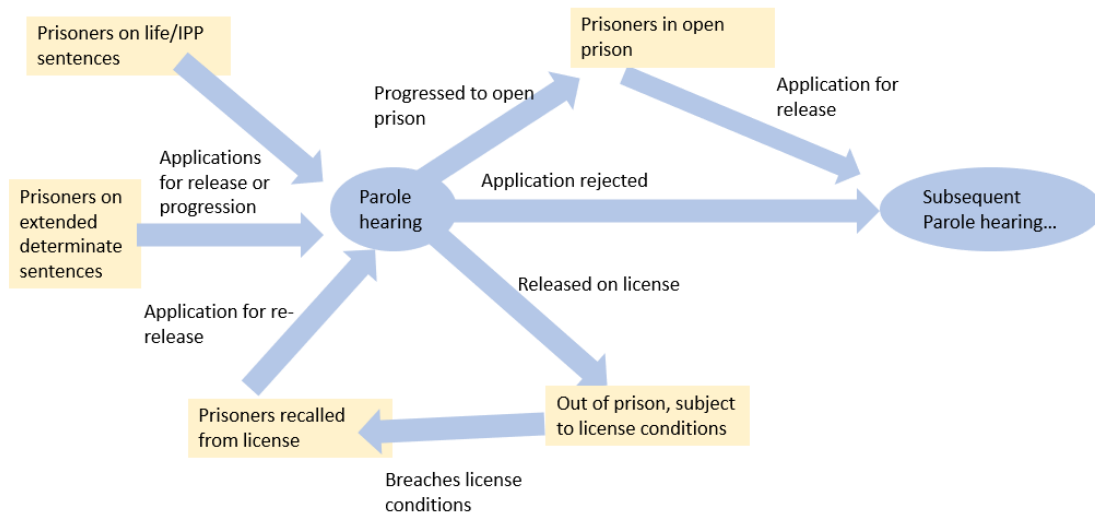


Figure 2: The formal parole process

2.4.2. The formal decision-making process

Section 3 of the Parole Board guidance outlines the risk factors (divided into ‘Offender History’ and ‘Offending History’) as the first of three stages of risk assessment – the second being the evidence of change, and the third being protections against those risks.

This emphasis has changed over time, driven by legislation and departmental culture (King, 2018 - see box) and by a shift in focus: from an aim to rehabilitate offenders and reduce the cost of imprisonment, to an emphasis on risk management and public protection (Padfield, 2019). This arguably represents a shift away from trying to change an offender towards trying to ‘manage’ them – something that could be

framed positively (recognising the reality of how hard it is to change individual behaviour) or negatively (a shift from social welfare goals to social order goals) depending on perspective.

Parole Board members are assisted by a dossier containing relevant reports from professionals including:

- the **Offender Supervisor (OS)**, also known as the prison officer, oversees the offender's time in prison and is responsible for implementing any programmes of work identified in their sentence plan.
- the **Offender Manager (OM)**, also known as a probation officer, works for the National Offender Management Service (NOMS) and is responsible for the risk management plan after release. They incorporate a standardised risk assessment tool, OASys, into the offender's dossier (Fitzgibbon, 2008a). They are also responsible for applying to recall the offender to prison if they are in breach of their license conditions.
- the **Psychologist(s)**, who offer a view on the risks posed by the prisoner, the imminence of those risks, and how any psychological needs might be met in the community. The initial report is likely to come from an 'in-house' psychologist working for the Prison Service, but if that report is unfavourable

King's reflections on changes in the parole board

A founder member of the modern Parole Board in 1968, King's review of the history of the parole board in England and Wales identifies changes in the legal and practical realities of the board's emphasis.

King describes an increased focus on process and bureaucratisation of parole decisions since the late 20th century, with the board taking on more of a 'judicial' function whereby the board might essentially be expected to re-evaluate the merits of the original sentence so as to avoid bringing the organisation into 'disrepute' if the prisoner were to reoffend.

He also described a 'much more risk-averse climate' on the board in the 21st century than in the 20th.

to the prisoner, their solicitor may instruct an independent psychologist for a second opinion.

- coordinators or facilitators of relevant courses, such as Domestic Violence Perpetrator Programmes, who provide feedback on the prisoner's engagement on the course, and how they seem to have reflected on their behaviour in the process.
- (on rare occasions, psychiatrists might also provide a report, if the prisoner is in a psychiatric facility or suffers particularly complex mental illness)

2.5. Applied decision-making research in criminal justice

Sections 2.2 to 2.4 laid out what we might expect to see in parole decisions about perpetrators of domestic violence, given the nature of domestic violence and the parole board's remit and process. However, as discussed later in 3.6 of the Theoretical Framework chapter, the mechanism behind such decisions could be much more complicated, given the non-linear and heuristic nature of human decision-making. In the absence of specific research on parole decisions for domestic violence cases, this section turns to the available research on parole decisions for all crimes, to explore existing knowledge of what variables seem to be correlated to decisions to release a prisoner, and what is known about the mechanisms behind those correlations.

As the general research on institutional decision-making suggests, criminal justice decisions are not only determined by a set of case characteristics but by a more complex set of dynamics that are often unconscious or environmental. While there is substantial existing research on decision-making by judges, there is less on parole decisions, and minimal research on domestic violence parole decisions specifically.

My research involves:

1. decisions by a parole board
2. offences in England and Wales

3. domestic violence offences
4. explorations of the underlying thought processes and heuristics in those decisions (discussed further in chapter 3)
5. a quantitative and qualitative approach (discussed further in chapters 4 and 5).

While there is no existing research that covers all five of these aspects, it is nevertheless useful to consider the literature that covers some of these fields.

2.5.1. The implications of decision-making research in wider criminal justice for parole decisions

The preponderance of research on judicial decision-making, and the relative absence of research on the thought processes behind parole decisions, make it worthwhile to consider the former to provide context. Judicial decision-making research often includes an exploration of thought processes and heuristics, which parole decision-making research currently lacks. This therefore provides useful background for this dissertation.

While judges may see themselves as guided purely by the relevant legislation and guidance, the role of emotion is still important and needs to be understood, rather than disregarded, in order to achieve truly 'dispassionate' impartiality (Anleu & Mack, 2021). Famously, a judge's decision may even be influenced by how much sleep they had (Cho et al., 2017) and how recently they last ate (Danziger et al., 2011). While subsequent research suggested the latter effect may be minor - and Weinshall-Margel & Shapard (2011) found this effect could not be replicated at all when case ordering was randomised - it also suggested a possible mechanism behind it: the 'depletion' effect of hunger, suggesting that changing the status quo (i.e. releasing a prisoner who will otherwise remain in custody) requires extra mental effort (Glöckner, 2016) – this could account for the finding that greater uncertainty is associated with a stronger status quo bias (Samuelson & Zeckhauser, 1988), discussed further in 3.6.

Statistical analysis of decisions provides the opportunity to test people's conscious ideas of how they believe they are making decisions, against the data of what

decisions they actually make, frequently demonstrating an empirical gulf between what decision-makers consider consciously and how their mind leads them to a decision (Fiedler & Sydow, 2015). This gap, accounted-for by heuristics, occurs as often in judicial decisions as in psychological experiments (Peer & Gamliel, 2013) – again, data-driven research can help shed light on the links, and differences, between conscious and unconscious decisions in criminal justice (Dhami & Belton, 2017).

Judicial decision-making is not the focus of this dissertation, but these findings on the relationship between conscious and unconscious decision-making around offenders are relevant to my research. There is a gap in the literature here as to whether the same relationships are found in parole decisions.

In the next section I review the available literature that is specific to parole board decisions for crimes in general, and what it suggests about variables that might affect decisions in domestic violence cases.

2.5.2. Offender-specific variables affecting parole decisions for all crimes

The research on parole decisions about perpetrators of domestic violence – the focus of this study – is limited, and I have been unable to find any studies specific to this topic, but the research on parole decisions in general provides more context. There is useful literature that both covers parole decisions for all crimes, albeit mostly outside of the UK and using a variety of methods.

The quantitative studies discussed in this section are significant to my research because they provide a series of small hypotheses to test: where they identify a variable correlated to a release decision for crimes in general, I can test whether that same variable correlates with a release decision in domestic violence cases. Finding a correlation for these variables would suggest similarity between decision-making in domestic violence cases with parole decisions overall. The qualitative studies are also significant because they explore the expectations of the key people involved: parole board members, professionals, and prisoners. They also lay out patterns of

thinking and reasons for considering variables important, which again I can explore in my own research focussing solely on domestic violence cases.

The key variables identified as having a statistically significant correlation with the decision to release an offender within this literature that may be relevant to my study are:

- The 'institutional behaviour' of the prisoner (Bradford & Cowell, 2012; Caplan, 2010; Connor, 2016; Huebner & Bynum, 2006a; Ruhland, 2020)
 - o This can include the relationship between the prisoner and their prison officer, associated with a lower likelihood of recidivism across general crimes (Chamberlain et al., 2018).

- The seriousness of the index offence (Caplan, 2010; Huebner & Bynum, 2006a; Ruhland, 2020; Tzeng, 2014)

- The pattern of offending behaviour (Caplan, 2010)

- Attending perpetrator programmes in custody (Connor, 2016)

- The offender's age (Huebner & Bynum, 2006a)

- The offender's mental state (Caplan, 2010; Huebner & Bynum, 2006a), although Houser et al., (2019) found this insignificant.

- The offender's substance misuse (Bradford & Cowell, 2012; Mooney & Daffern, 2014)

- The remorse demonstrated by the offender (Ruhland, 2020)

These findings come from studies that used different methods, which provide a point of reference for planning my own methods. It also helps demonstrate gaps in the research both thematically and methodologically: these studies are mostly either quantitative or qualitative rather than both, providing useful findings from one method

but without the opportunity for synthesis or comparison with other sources tackling the same focus.

Caplan's (2010) study used logistic regressions to analyse the association between case-specific variables and decisions in paper records of 820 parole board hearings in New Jersey, USA. The study focussed on the impact of victim impact statements on outcomes but found this to be insignificant. Huebner & Bynum's (2006) study also used quantitative data, analysing 511 parole board decisions about sex offenders in the USA. Their study used Cox proportional hazard models to estimate the likelihood of a parole board approving release given various inputs. Similarly, Houser et al. (2019) built-up a mixed model to test multivariate relationships between case characteristics and release decisions in Pennsylvania, USA.

Connor's (2016) study, on the other hand, involved thematic analysis of 17 semi-structured interviews with parole board members in four US states, while Shingler & Needs (2018) conducted a thematic analysis of qualitative interviews with 11 psychologists, 10 prisoners and 8 parole board members in the UK and Tzeng's (2014) Taiwanese study involving interviews with 20 parole board members about the characteristics that affect their decisions to release. Ruhland's (2020) study involved secondary analysis of interview transcripts with parole board members in the US.

Qualitative studies also found decision-makers wary of 'impression management' among violent offenders (Mills & Kroner, 2006) and sex offenders (Cochran & Comeau-Kirschner, 2016), although the issue of the offender's honesty is only explicitly significant in much older, American studies (Carroll et al., 1982; Ruback, 1981; Ruback & Hopper, 1986).

Bradford & Cowell's (2012) study is particularly valuable in guiding my methods, since it combined quantitative and qualitative methods and, while a study of general crimes rather than domestic violence specifically, focussed on the England and Wales Parole Board. Their methodology therefore provides context for this research, albeit with more access and resources available. Their study thematically analysed interviews with 20 parole board members and analysed 255 case dossiers, focussing

on the type of *sentence* rather than the offence, concentrating on 'IPP' prisoners (see box in 2.5.1.) They sampled 255 of a total of 2766 eligible cases in a six-month period (September 2010 to March 2011), and deliberately stratified the sample to ensure that female prisoners were over-represented, including every female prisoner from the eligible cases (21 in total) to seek meaningful conclusions about decision-making for female prisoners. Their interviews were a combination of convenience and purposive sampling, designed to ensure a representative mixture of members' backgrounds: 10 independent members; 5 judicial members and 5 psychologist members. The sample of 255 allowed correlations between the above variables and the decision but suffered limits of freedom when controlling for other variables – the authors considered a link between attending programmes and decisions for some offences but not others, but subdividing the sample meant that the samples became smaller with every control variable, preventing confident conclusions from those results. While only a much larger sample could overcome all these limitations, the study is also limited (from the point of view of this research) by focussing on offences generically rather than domestic violence.

While the list of significant variables affecting release decisions is broadly consistent among the available literature on general parole decisions, these may not necessarily apply in the same way to domestic violence cases, due to the distinctive nature of domestic violence discussed previously.

In particular, while parole boards were more inclined to release a prisoner who showed progress in their mental health, substance misuse and behaviour towards professionals in prison, this needs to be tested in a domestic violence context, since both professionals and victims recognise the danger of abusive men 'blaming the alcohol' for their behaviour (Galvani, 2006; Lane & Knowles, 2000) – even where an association exists, it fits within the abuser's notion of masculinity insofar as they feel their gender allows them to conduct both behaviours (heavy drinking and domestic violence), not because the drinking causes the violence (Stanley, 2012). Might parole boards, then, be more inclined to ignore this kind of variable in their evaluation of the risk posed by an offender when the crimes involve domestic violence? The role of an offender's behaviour in prison may also differ for domestic

violence cases, since the parole board are principally concerned with how they will behave towards a partner, not necessarily towards authority figures in an institution.

2.5.3. Environmental variables affecting parole board decisions for all crimes

While the research summarised above supports a model of parole decisions focussed on the offender's risk, the parole board are also influenced by what the prisoner will be coming out into.

This involves an understanding of both internal and external protections, along the lines of Bottoms' model (2001 – see box). For example, instrumental compliance includes the prisoner's ability to reflect on their past behaviour and the reasons for it, their ability to show remorse and empathise with others; while constraint-based compliance includes their license conditions, and the threat of recall should they break them.

In terms of constraint-based compliance, the perceived effectiveness of the risk management plan is an important consideration (Bradford & Cowell, 2012), reflecting Padfield's (2017) emphasis on the 'luck' of having high-quality Offender Managers and a Parole Board willing to "take a chance" on their plan. Decisions may even be correlated to members' personalities (Hancock et al., 2018), with more 'intuitive' professionals less likely to approve release than more 'logical' personality types.

Bottoms' model of reducing reoffending

Bottoms distinguishes:

Instrumental compliance, a set of internal protections against reoffending located within the offender's mindset and behaviour. This includes 'habit-based compliance' based on learned behaviour, and 'normative compliance' based on an abstract moral sense of acceptable behaviour.

Constraint-based compliance, on the other hand, is imposed from outside. This could be informal, in the form of family and social structures around the offender that reduce offending risk, or formal, for example the monitoring and coercive functions of a statutory risk management plan.

For violent crimes more widely, some research suggests a decreased risk of re-arrest for released prisoners who have higher levels of perceived emotional support from their family and community (Taylor, 2016) – if parole boards bore this in mind when making decisions, then it is plausible that they would also consider those community inputs in their decision. Mooney & Daffern (2014) similarly identified ‘family support’ as the strongest predictor of a parole board’s decision in their multivariate analysis, suggesting that the board is also influenced by what the prisoner is going into when they leave prison.

2.5.4. Institutional and structural variables affecting parole board decisions for all crimes

Proctor (1999) identified a far more important role for institutional and technical variables alongside case-specific variables relevant to the offender and their offence.

Alongside ‘risk assessment’ variables more familiar to other research, Proctor found a strong association between ‘eligibility’ (the nature and length of the sentence) and ‘institutional recommendation’ (what the prison and other key professionals recommended to the parole board), and the release decision. This points to a more integrated, systemic model of parole decisions, where characteristics may be considered less in isolation but in sequences – in Proctor’s model, the institutional and eligibility variables act as a form of ‘gatekeeper’ for the board to consider other variables in deciding whether to release the prisoner (which, he found, the board usually does if those initial conditions have been met).

Meyer (2001) likewise saw the decision process in sequential terms: the need for a ‘sponsor’ (i.e. a professional recommendation of release) followed by what she called ‘magic’ variables that would justify a release decision, followed by considerations for the community, i.e. measures that might reduce the risk of reoffending and how to mitigate them through a risk management plan.

Combining Proctor’s and Meyer’s approaches suggests a systemic model of parole decisions like this:

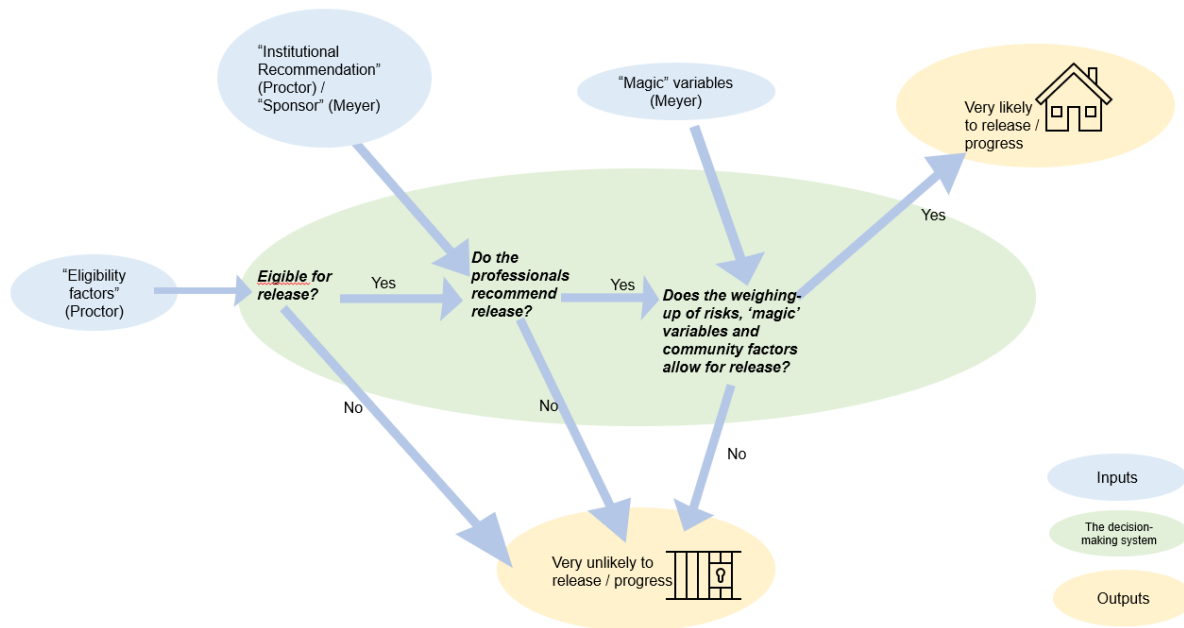


Figure 3: The parole decision as a system, drawing on work by Proctor and Meyer

This diagram is only a simplified version of a much more complex web of interacting and interconnecting parts. The model has not yet incorporated what the parole board member themselves brings to the parole decision, which I will discuss more in chapter 3.

Even when case-specific characteristics are identified, their relationship to the decision can be complicated by the different 'philosophies' and backgrounds that parole board members bring to the decision (Ruhland, 2020), so that even where a variable is significantly associated with an outcome, the mechanism through which it affects the decision can be mediated significantly by the parole board member's own world-view.

While these dynamics within the minds of decision-makers can add another dimension to the prima facie variables involved in a case, so can the broader, environmental level: parole guidance and culture are shaped not only by legislation but by the way they are implemented by policymakers within the civil service (Guiney, 2018).

The parole board member's own professional background is significant in how they incorporate evidence and how they assign weight to different factors (Ruhland, 2020), drawing on professional experience to apply what Klein (2017, discussed further in chapter 3) would describe as 'recognition-primed decision-making' to their decision-making, evaluating whether their impression of an offender was consistent with their experience of other offenders they had worked with who had, or had not, successfully rehabilitated.

Research on perpetrators of domestic violence applying for parole found that the UK's OASys risk assessment tool tended to construct a lower level of risk than the probation officers' reports did (Fitzgibbon, 2008b) at a time when use of these tools is becoming more popular due to budget constraints on probation services (Roehl & Roehl, 2000). The impact of these changes – part of the altered landscape of parole over the past generation identified by King (2018) – on parole decisions is unclear: on the one hand, a lower evaluation of the risk posed by an offender might contribute to a higher release rate; however, if parole board members are conscious of this tendency to construct a lower level of risk, they may push in the other direction – this research aims to explore the links between recommendations from the offender manager and the parole board's decision with this context in mind.

This section has explored the existing research into parole decisions in practice, which has identified several variables correlated with a parole board's decision to release a prisoner, and which includes the basis for a structural model of the parole decision as a system, showing how institutional and environmental variables, as well as offender- and offence-specific variables, can affect the decision.

None of the above variables have been studied in the specific case of Domestic Violence, and more qualitative and quantitative research is needed to test these associations (Padfield, 2017). This all leads us to my research question, below.

2.6. The Research Question

To date, there is research on:

- The nature of domestic violence
- The ways we might be able to predict reoffending by perpetrators of domestic violence, although the level of uncertainty is high
- How people make decisions based on high levels of uncertainty, and the role of heuristics
- How decisions in the criminal justice system are constructed between the decision-maker's conscious mind, unconscious mind, and environmental pressures
- How parole boards make decisions about offenders in general

The gaps in the research are therefore summarised with the question: "How do parole boards in England and Wales construct decisions about whether to release perpetrators of domestic violence"?

This question includes the following points to address specific gaps in the literature:

- 1) Studying parole decisions in the specific case of domestic violence offences, considering whether the distinct nature of domestic violence requires differences in decision-making
- 2) Using a combination of qualitative and quantitative methods to do so, to explore not just the relationship between variables and decisions but why those relationships may have come about, drawing on decision-making theory
- 3) Exploring the interaction and relevance of different models and systems of decision-making in parole cases

2.7. Summary

In this chapter I have laid out the rationale for studying how parole board decisions are constructed, and why domestic violence is an important field of specific enquiry when examining why and how perpetrators are released.

I have then explored existing research into criminal justice decision-making more widely, and parole board decision-making more specifically, to identify the gap in the research that this dissertation seeks to fill: the absence of domestic violence-specific analysis of how parole boards decide whether to release offenders.

On the surface, this review seems to cover the topic of parole decisions about domestic violence perpetrators, by addressing the risks posed by perpetrators, the research on how to predict reoffending, the role of the parole board in evaluating the offender's risk of reoffending, and what existing research on all crimes can tell us. However, this review has only explored the relationships between different variables external to the parole board members – the research that has correlated characteristics of the case with a decision to release, rather than how the decision is formed within the parole hearing and within the minds of the decision-makers.

To understand how the parole board really construct decisions about offenders, I will explore the research around decision-making itself in section 3.6 of the Theoretical Framework chapter below, stepping-back to review the literature on the social psychology of decision-making. This chapter will frame the parole decision as a complex system of interacting inputs and dynamics, rather than a simply linear relationship between variables and decisions. While this chapter has outlined the existing research on my research topic, the next chapter outlines the 'shape' of my own research and the theoretical frameworks that contribute to it.

3. Theoretical frameworks

3.1. Introduction

The previous chapter reviewed the literature in the fields of decision-making in general, and parole decisions in particular, with a focus on domestic violence cases. The review identified the gap in existing research that this dissertation seeks to fill: how parole boards in England and Wales reach a decision about perpetrators of domestic violence.

While the literature review provided a theoretical and empirical background for this research, identifying gaps in the literature, this chapter provides the theoretical basis which I use to frame my own primary research, some of which I also use to help analyse my results. While the literature review provides the context of my primary research and analysis, this chapter provides its shape.

The chapter explores five theoretical fields that underpin this question, and which provide a framework to help me answer it. These are:

- How an interacting series of inputs and feedback loops create a complex system that produces an output in a non-linear fashion (systems theory), framing the overall thesis
- The interaction between environmental variables outside of the decision-maker (structures) and the thought processes of the decision-makers themselves (agents) within that complex system
- How the criminological construction of crime in general, especially domestic violence, constitutes an example of a significant structure that frames the decision-making process. I explore how domestic violence is constructed through the lens of different criminological approaches, combined with the role of gender in understanding domestic violence. I show how some of the

typologies introduced in the literature review (as means of understanding domestic violence) can be used to analyse the results of this research.

- How the decision-maker is influenced by another structure: the subtle distinction between the risk of a negative outcome such as reoffending (societal risk) and the risk of negative consequences for the organisation such as blame (organisational risk), and how this distinction can be blurred ('risk society' or 'risk colonisation')
- How the agent fits into this wider system of structures and agents, and the process that takes place within the agent. Human decision-making is more complex than the rational choice model would suggest, and confounded by 'heuristics' which help cut-through the complexity of a difficult decision, but with sometimes surprising results (decision-making theory).

I go on to demonstrate how these theoretical frameworks interact and what they mean for this research.

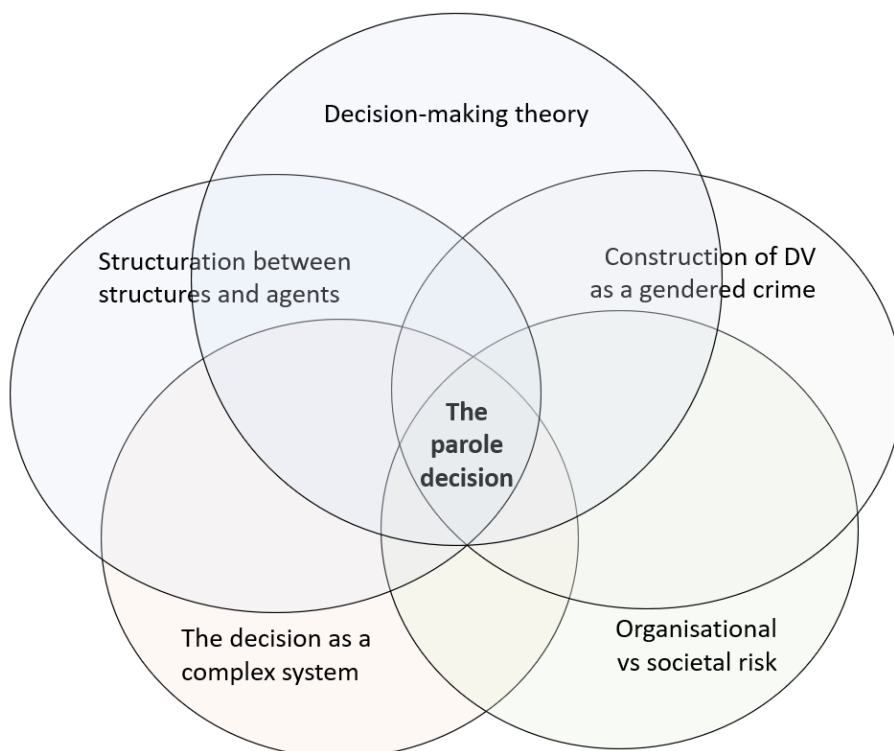


Figure 4: Overlapping theoretical frameworks constructing the parole decision

I will demonstrate throughout how the five theoretical frameworks interlink and frame this research. The chapter develops a model of the decision as a complex adaptive system (3.2) involving the interaction between structures and agents (3.3), moving through two examples of these structures at work – the criminological construction of domestic violence (3.4); and the notion of ‘risk society’ (3.5). Finally, having located the parole board member as one part of that complex system rather than the sole locus of the decision-making process, I explore the complexity of decision-making at the personal, individual level as an agent within those structures and within that system (3.6). These form a provisional model for studying the parole decision expressed as a diagram below:

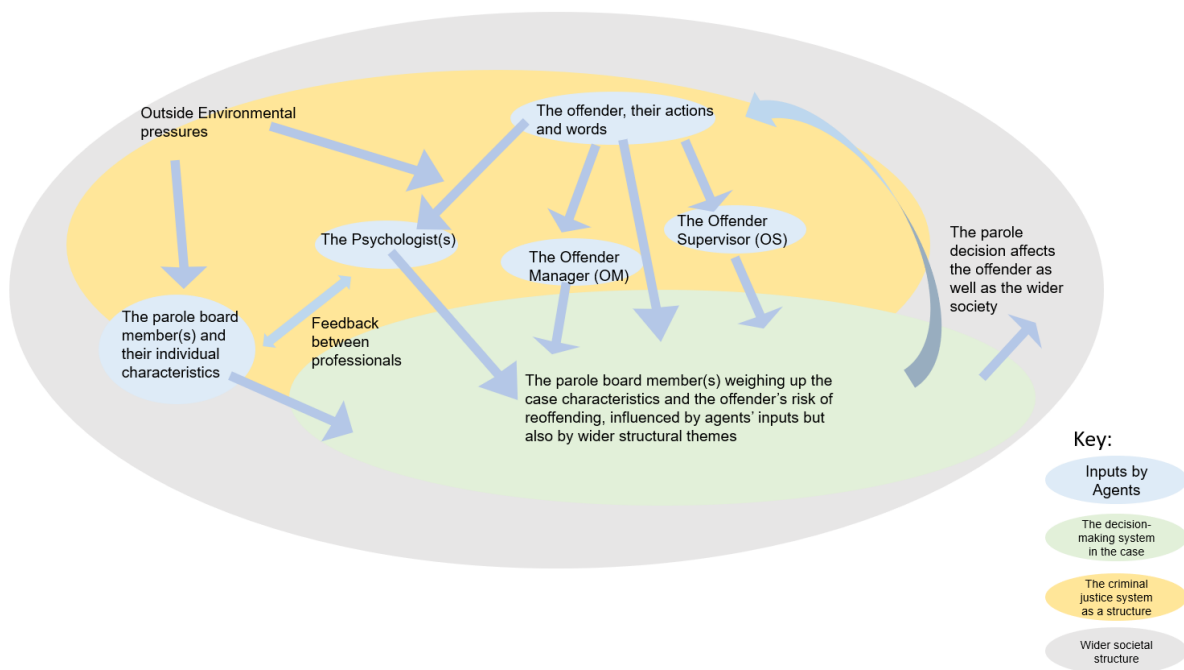


Figure 5: Provisional model of the parole decision as a system

This model draws upon the previous dynamic models, pulling the ‘Proctor-Meyer’ model in Figure 3 into a systems diagram. It expands the notions of ‘eligibility factors’, ‘institutional recommendations’ and ‘sponsors’ into the external pressures within the criminal justice system and the reports of each professional, while adding the wider external environment and expanding on Meyer’s ‘magic variables’ in the interactions within the hearing. It also collapses the procedural model of the parole system in Figure 1 into the simple decision of whether the prisoner is released.

In this model, the decision is framed as a system, involving inputs (from the offender – directly and via the professionals writing reports about them, and from the parole board member themselves), and wider structures which can be either formal (the criminal justice system and the parole process) or informal (the parole board's individual background and environment, the wider societal construction of crimes and expectations of the parole system).

3.2. Systems Theory as a guiding model

This section explores systems theory and shows how I use the idea of a complex adaptive system to shape my findings and analysis.

3.2.1. Systems theory

Systems theory is a multidisciplinary field with roots in both physical and social sciences, and adapted into computer science and psychology, to describe networks of components whose properties are more than the sum of their parts and which develop their own emergent properties – this produces outputs that might not have been predicted by studying the component parts of the system in isolation (Chapman, 2004).

In a social context, systems theory came to mean the study of a network of interactions between actors (Parsons & Shils, 2001) with 'autopoietic' qualities – a system which has functions of its own, beyond its inputs (Luhman in Geyer & Zouwen, 1986).

Treating a system as a separate focus for analysis distinct from its component parts allows the study of 'leverage points' (Forrester, 1997) – parts of the complex system where a changed or new input would have far more impact on the output than the strength of that input would suggest, because of how the input interacts with the system as whole.

3.2.2. Limitations of systems theory

While general criticism of systems theory is hard to find in the literature, the challenges in systems theory relate to its nature: it is such a broad field relevant to so many disciplines that definitions and agreed approaches can differ substantially across and within fields of study – its scope can risk making it meaningless (Boulding, 1956) and different definitions and approaches can be contradictory and incompatible (Schmidt, 2005).

Furthermore, analysis of complex systems can frame decisions as ‘wicked problems’ whose solutions cannot be tested definitively and change over time (B. W. Head & Alford, 2015) – it is all very well recognising the insuperable complexity of a system, and (correctly) identifying why a linear, simplistic intervention will not have the expected outcomes, but does this become a counsel for despair when faced with complexity? A systems analysis can risk becoming so intractable as to undermine any feasible effort to improve the outputs of the system. Conversely, confusion between different interpretations of systems theory across disciplines risks rendering it a thin and vague allusion to ‘holistic research’ without grappling with the dynamics involved.

3.2.3. How systems theory helps to shape this research

This dissertation, with its focus on these dynamics, lends itself to a systems approach: ‘inputs’ from the individual case, from the wider institutional and societal structure, and from the decision-maker’s (the agent’s) own background; an ‘output’ in the form of the decision; and a combination of systems and sub-systems including the parole hearing and the parole board member’s own thought process. This research aims to construct a system model along these lines:

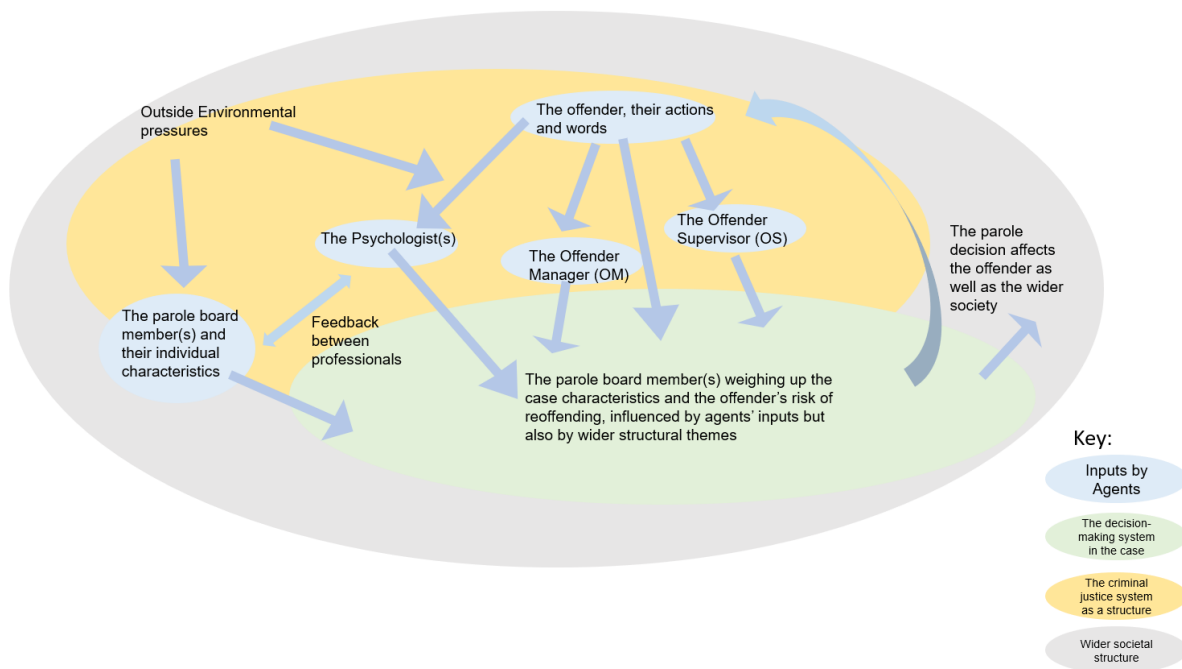


Figure 6: Provisional model of the parole decision as a system (repeated from figure 5)

The above diagram (also shown at the start of the chapter) provides a simplified example of how the parole decision might operate, using various agents within at least two structures – the criminal justice system (how it is structured and how it constructs criminality) and the wider sociolegal context (including the differing ‘publics’ relevant to the parole board, cultural norms and social priorities). This section will lay out how complex systems operate, while the next section will focus on the agent at the heart of this system – the parole board member, and the complexity of decision-making at the individual level.

A systems-based approach also allows consideration of both the positivist and interpretivist perspectives on this research question (discussed further in chapter 4). An analysis of the relationship between inputs (information about environmental and case-specific variables) and outputs (the decision of whether to release a prisoner) lends itself to a broadly positivist approach: testing whether an association between those inputs and outputs exists. However, the mechanism connecting those inputs and outputs lends itself to a more interpretivist approach, even when a statistical association emerges. The model may become more complicated through feedback loops between different subsystems and variables, particularly within the parole board member’s thought processes.

These systems are 'adaptive' (Mittleton-Kelly, 2003) insofar as the key people within the system – the parole board members – respond and adapt to changes in inputs and system conditions, feeding-back into the structure and the progression of the parole hearing rather than simple reacting to them.

3.2.4. How complex adaptive systems function

Taking a complex systems approach means considering how a particular 'function' may be achieved despite substantial differences to the 'form' (Hawe et al., 2004): while the parole board member's remit could be expressed in simple terms – "release offenders only if they are unlikely to cause serious harm in the community", this does not infer a simple, linear model. For example, drawing on Bottoms's (2001) model, the parole board member might examine the ways in which the prisoner's 'instrumental compliance' has changed in prison through personal development, offender programmes, or evidenced of changed behaviour, but they might also consider whether, regardless of any changes to instrumental compliance, the offender will be exposed to a greater degree of 'constraint-based compliance' through the risk management plan. But even this is too simplistic: the board members may also consider how the nature of the offender's character and behaviour profile might interact with the mechanisms available to constrain them in the community. Moving back a level, the parole board member themselves – and their decision-making mental process – can also be affected by their theoretical knowledge and professional experience of how these forms of compliance and outcomes in the community interact. As this brief example shows, decisions often constitute a complex adaptive system because it would be insufficient to describe them simply in terms of an input and an output, even if those were also analysed as part of the study.

This kind of Complex Adaptive System (CAS) involves richness and recurrence of feedback loops, non-linearity (small changes can lead to very significant outcomes), and behaviour that is not entirely predicted by individual elements. It is hard to define system boundaries, and systems are affected by history (Cilliers & Spurrett, 1999). The Medical Research Council adopt a series of characteristics for their evaluations

of complex adaptive systems (Baird et al., 2006), widely-used across social sciences (Lansing, 2003; Levin et al., 2013):

Characteristic	Description	Relevance to parole decisions
path-dependency	Framed by initial conditions, albeit affected in different ways by those conditions	Parole hearings start with an offender in prison, with a dossier of available evidence.
having a history	Influenced by past history and starting point	Offenders have a criminal record and a history of both convictions and general custodial and community behaviour
non-linearity	Affected in different ways by different disruptions, in unpredictable ways	An input may make a difference in some circumstances but not others, depending on its relevance to the individual case and the reasons for the input appearing
emergent properties	Properties emerge in one system in different ways from another with the same inputs	Individual parole board members have different backgrounds and assumptions, and place different weight on different variables, potentially giving rise to dynamics absent from the initial inputs.
irreducibility	Some features cannot be deconstructed further or disentangled from the system as a whole	Parole board members cannot 'un-know' inputs from other sources once they have started to consider them.
adaptivity	Combination of flexibility and rigidity	The parole board's role is laid out by statute and steered by official guidance, but members have latitude to place differing weight on different inputs and, due to their professional prestige, they have the authority to

		make marginal decisions on individual cases, and even to feed back into the leadership and structure of the organisation
order and chaos	Tension from the differences between a system and its environment	Differing assumptions within and outside criminal justice about the issue of rehabilitation and the role of the parole board.
self-organising capability	Diversity among interdependent elements within a system	Parole boards have different backgrounds and may have different approaches to decision-making, but work together as a panel, drawing from each other's perspectives and ideas even when they disagree with them.

Table 1: Characteristics of complex adaptive systems

Taking account of these characteristics has an encouraging track record in social research more broadly, correlating with better outcomes in interventions for patients with diabetes (Leykum et al., 2007) and heart failure (Leykum et al., 2010) or to reduce readmissions to hospital (Penney et al., 2018). A lack of appreciation of feedback loops and non-linearity may be holding-back the effectiveness of interventions around obesity (Johnston et al., 2014), homelessness (Murphy, in Patton et al., 2015) and alcohol consumption (Petticrew et al., 2017).

3.2.5. The parole decision about domestic violence perpetrators as a complex system

Models of complex adaptive systems can be used to develop systemic thinking to improve organisational performance, as demonstrated by Greenhalgh et al., (2004). Theoretical research around the parole decision-making process as a complex adaptive system is limited, although (MacGill, 2007) analyses approaches to reoffending from this perspective.

A similar approach to domestic violence in general might be similarly effective. This is due to the secretive, private nature of many domestic violence offences, which means any academic or professional exploring the topic must do so by inferring past behaviour and seeking to predict future behaviour – the inchoate and complex nature of this exercise is a persuasive case to consider a systems approach to domestic violence research more widely. Likewise, the study of parole decisions around domestic violence also lends itself to a complex systems approach. No parole decision can be removed from its wider context (as outlined in 3.3. regarding structuration theory) but just as we can examine decision-makers and their environments as interconnected, we can study the decision itself as an output not just of individual decision-making by an agent (albeit an agent inextricably bound-up with the structures surrounding them), but of the whole system that produces it.

Complex adaptive systems have been applied in criminal justice to studies of the law and jurisprudence (Crandall, 2013; Gewirtzman, 2011). However, at the time of writing I could find few examples of complex systems theory applied to the themes of this research, leaving a gap in the literature which this dissertation hopes to fill. One study used complex adaptive systems as a framework for evaluating a domestic violence programme in Mexico, locating domestic violence within gender norms and social systems (Makleff et al., 2020), while another, based in Canada and New Zealand, used parole board members' responses to vignettes to explore their decision-making from a systems perspective (Gobeil & Serin, 2009) and Buglar (2016) referred to complex systems theories in her focal concerns perspective study of written parole decisions in Australia. While these studies demonstrated the feasibility and usefulness of taking such an approach in this field, the approach has rarely been used for parole decisions and not for a mixed-methods study of parole: Gobeil and Serin use interviews; Buglar uses thematic analysis of written decisions, but a study using both methods as part of a systems approach would be novel.

This framework has the following implications for this research:

- 1) Parole board decisions fulfil the characteristics of a complex adaptive system and should be treated as such. This means recognising the complexity of any

association between inputs and outputs, rather than seeing them as linear relationships,

- 2) The parole decision can be framed as a system with inputs, nested feedback loops and an output (whether a prisoner is released or not)

The rest of this chapter outlines the key component parts of this system: the theory of structures and agents that interact within the system; the criminological construction of domestic violence and the background of risk colonisation, culminating in framing the parole decision about a domestic violence perpetrator as a complex system; and the complexity of how the agent constructs the decision in their own mind, within that system.

3.3. Structures and agents in the parole decision

Constructing a complex system described in 3.2 requires an understanding of the actors and subsystems within it. This section explores the relationship between structures and agents in decision-making: the roles played by 'structures' (overarching societal constructs, formal and informal organisations and rules) and 'agents' (individual or group actors taking decisions and experiencing consequences).

The different aspects of the decision-making process can be broadly divided into wider, external inputs (the criminal justice system, and the society in which it is based) and individual characteristics (the offender themselves, the parole board member, and their thought process) and how these interact. This works as an applied example of structures and agents interacting.

3.3.1. The applicability of structure-and-agent theories to this dissertation

Sociological theory provides a useful framework for this exploration due to the wide-ranging application of the field to theoretical discussions in criminology and sociology more generally (Cohen, 2017) and the suitability for studying parole decisions, which

represent a complex interaction between the individuals involved in the decision (the parole board members, the offender, the contributing professionals) and the wider structures around them (the parole and criminal justice structures, and those involving society as a whole).

Members of the judiciary or parole board take decisions within the influences and restrictions of wider structures, as well as based on their own internal analysis (Vogler, 2017). The research on rational-choice and heuristics in decision-making (see 3.6 later in this chapter) all implies a focus on the agent and their interaction with the structure.

3.3.2. Methodological individualism and the significance of the 'agent'

Different models posit varying degrees of 'agency' for an individual – the degree to which they can freely make decisions based on internal choices independent of the outside world.

Structures and agents

Sociological theory explores the roles played by 'structures' (overarching societal constructs, formal and informal organisations and rules) and 'agents' (individual or group actors taking decisions and experiencing consequences). The competing emphases of structuralists focussing on wider contexts that affect individuals, and of behaviourists focussing on individual incentives and rational decision-making, provide a framework for theoretical discussions in criminology, and sociology more generally (Cohen, 2017).

Fields of study that focus on decision-making, such as economics, have traditionally framed their topic in terms of the individual, or 'agent' and their centrality to the eventual outcome (Arrow, 1994). Neoclassical economists of the 'Austrian School' such as Becker and Stigler (1974) framed actions primarily in terms of 'methodological individualism', where actions are driven by agents and can be understood wholly in terms of individual motivations and preferences.

This approach to date has been applied more at the theoretical level, for example in contextualising criminological studies in transnational power relationships (Michalowski, 2009), victim rights studies in a neoliberal structure (Ginsberg, 2014)

and actuarial approaches to criminology within societal attitudes towards criminality (Harcourt, 2003), mostly from an American perspective.

While I have been unable to find examples of methodological individualism used as a framework for empirical parole research, it has some intuitive initial appeal for the study of parole decisions. While the parole board usually includes multiple members, who make a group decision, they are nevertheless individuals with an internal thought process who each reach a view on whether to release the offender (the decision may then be a majority, rather than unanimous outcome). This all takes place within a wider context, and methodological individualists don't deny the existence of larger groups, systems and networks, but they frame any larger, more complex constructions as the ultimate sum of the decisions of all the individuals involved (Machlup, 2014). So while a parole board member will consider wider inputs, environmental influences, and the views of others involved in the decision, theirs is ultimately an individual decision (or contribution to the decision) and could be analysed as such.

The individualist tradition has implications for this methodology: if individuals are the key unit of analysis, then I should seek data that focusses on the individual and their internal thought processes. Qualitative research has natural overlaps with a methodological individualist approach (Charmaz, 2017; Crouch & McKenzie, 2006) insofar as methodologies that draw upon individual input (interviews and document analysis, for example) allow for an analysis rooted in the primacy of individuals in decision-making research.

But any study of individuals requires some incorporation of the structural level, rather than just exploring a collection of individual decisions. Reviews of individualist analyses find that results differ from what would be expected if decisions reflected rational individual decisions alone (Udehn, 2002). Even in fields which require an analysis of individual-level choices, the aggregation of different individuals and the impacts of broader structures create emergent properties not adequately captured by an individualist analysis (Kjosavik, 2003; Wettersten, 2012).

Applied to the context of parole decisions, these caveats prevent us from viewing the decision solely in terms of individual rationality and thought processes (although these still matter – see 3.6) – instead, we need to consider how the individual agent interacts with, rather than simply incorporates, the broader structures around them.

3.3.3. Structuralism and the importance of wider structure

The idea of overarching structures which are more than the sum of their parts, and which have their own properties which constitute and determine social activity, dates from the start of modern sociology (Durkheim et al., 1938). Durkheim's seminal theories are valuable to this dissertation: his idea that society is defined by its structures, not its aggregated individuals, is key to exploring the parole decision as a complex system, while his idea of 'anomie' helps frame our modern understanding of criminal behaviour (McCloskey, 1976).

Durkheim framed sociology in terms of 'social facts' which existed independently of individually rational decisions and could be better understood as characteristics of structures: institutions both formal (like the parole board) and informal (a society or community based on kin or association - (Levi-Strauss, 1965)). While this approach invites detailed study of higher-level themes and outputs, it does not ignore the individual agent, but frames individual actions and decisions within the later concept of 'habitus' (Bourdieu & Bourdieu, 2005) whereby an individual's thoughts and actions are shaped by social facts which create the starting point for any seemingly independent decisions.

Bourdieu laid out ways in which an individual came to absorb what Durkheim had called 'social facts'. He described people as both consciously and unconsciously imitating others ('mimesis') not only in their speech but also in the way they held their body and conducted mannerisms ('hexis') and through their actions, thoughts, attitudes and perceptions. His ideas of social 'scripts' have been used to frame explorations of domestic violence as an individual-level manifestation of structural themes of patriarchal power, particularly in so-called 'honour killings' (Grzyb, 2016; Vandello & Cohen, 2003). He presented this model as the way in which individual behaviour (shaped by social norms) fed back into wider society, and his account of

how individuals absorb those social norms pre-empt subsequent overlapping theories around unconscious decision-making, which I will explore in section 3.6.

In the context of parole decisions, Bourdieu's and Durkheim's analyses encourage us to think in terms of the social and institutional contexts that shape the behaviours of the individuals involved:

- the social environment that affects the habitus of the offender and the way in which they have developed 'anomie' or a disconnection with their society and social norms; and
- the institutional and societal inputs that affect the parole board members themselves: their social and community lives with the accompanying expectations of how they should think and act; and their role within the parole board as an institution, which is itself part of a wider criminal justice system with its own preconceived notions and social realities (see 3.4 below on criminological theory).

Criticisms of structuralism have focussed on its apparent determinism (Habermas, 1992), insofar as it seems to deny an individual agency independent of the social structures around them. Traditional structuralism sits awkwardly with the fundamental assumptions undermining the criminal justice system in general and the parole decision in particular: we arrest and punish an offender, and then consider whether to release them – all of these are inherently focussed on individual choices and individual consequences, even where the wider social context is acknowledged. The parole board itself is more complex, since while the board members are accountable for their decisions, their decision to release an offender is ultimately framed as the decision of an institution.

3.3.4. The complex system: Structuration and the interaction of structures and agents

More recent theoretical work in the field builds on the complementary nature of agents and structures: the way an agent interacts with a structure, so that the

structure not only influences agents but reflexively becomes changed by the same agents (Giddens, 1984); or the way in which agents participate in social practices as social beings, thereby being part of the structure (Dreier, 2008). Giddens' work develops the notion of 'structuration': a recursive notion rooted in a dual understanding of structure and agents which recognises the dynamic nature of each. While individual behaviours can become 'routinised' by social and institutional norms (Goffman, 1955), they are not as fixed as traditional structuralism would suggest: instead, those social facts are 'worked-at' and constantly renewed (or in some cases, tweaked) over time, by agents who are independent and autonomous despite being inextricably wound-up in the societies and institutions that they inhabit, so the two flow into each other.

This notion overlaps with the systems models in 3.2, insofar as the structures of a parole decision (wider society, the criminal justice system, the parole decision process) are neither determined by, nor determine, the actions of the individuals involved (the offender, the parole board members, the other participating professionals) – the key agents within the decision-making process are not mechanistic, pre-determined automata but nor do they exist independently of the systems around them. Instead, structures and agents feed into each other and mutually shape each other.

3.3.5. Structures and agents in existing research

This is not the first dissertation to apply structuration to this field: previous researchers have similarly located the study of domestic violence and the criminal justice system in the discussion of structures and agents. Innes & Steele (2018) frame their exploration of the gendered nature of domestic violence (a topic discussed more in 2.2 of the Literature Review and 3.4 of this chapter) in terms of overarching structures that interact with individual actions and decisions, as they link macro-level violence between societies to micro-level violence within the home, identifying the gendered thread linked the two. Other research examines domestic violence explicitly in terms of structuration when qualitatively evaluating the cross-cutting impacts of legislative and social structures in Zimbabwe (Chuma & Chazovachii, 2012) and Trinidad and Tobago (Lazarus-Black, 2001) – both studies

incorporated both spheres of influence and how they intersect in the home, sometimes coming into conflict where a change in the law turns into a public matter what gendered social norms treat as a private matter. Meanwhile, Huebner & Bynum (2008) used structures and agents as a framework to discuss race in their quantitative research on US parole decisions, summarising how the structural level affects parole board members. For example, they found that parole board members were conscious of structural pressures such as prison overcrowding or changes in organisational policy, even when primarily focussing on the characteristics of the individual case in front of them. Huebner and Bynum also recognised the interaction effect of structural and case-specific variables, noting how the relationship between the offender's drug use and their likelihood of release was mediated by the legislative context of each US state that they examined.

Structuration has also been used as an explicit framework in existing literature on the nature of crime and rehabilitation. Research into the causes of crime identified a feedback system between the criminal and the construction of the underlying factors behind their crimes (Carroll, 1978); prison reforms interacted with the perceptions of the officers entrusted to carry them out, mediated by the relationships between officers and the managers imposing reforms (Makarios et al., 2012); while ethnographic research by Lynch (2000) identified the impact of contradictory structural shifts on the parole officer as agent and their implementation of risk management plans. I will explore the significance of a criminological framework for studying parole decisions in section 3.4., below.

So while there is considerable precedent for using the theory of structures and agents to study domestic violence, and some previous research using the framework to explore parole decisions, there remains a gap in applying this notion to parole decisions about domestic violence, which this research addresses.

3.3.6. Summary: structures and agents in parole decisions

The structures-and-agents framework has the following implications for this research:

- 1) The respective influences of organisational/societal inputs and individual cases or decision-makers reflect wider theoretical debates over the respective significance of structures and agents.
- 2) What appear to be individual-level variables need to be viewed through a structural lens. For example, the prisoner's behaviour on community release may be an individual variable, but whether their behaviour is constructed as positive or negative depends on the expectations and judgements of their probation officer, the parole board and society at large. Similarly, an individual parole board member may take a decision based principally on the characteristics of the case in front of them, but they are answerable to and influenced by the overarching structure in which they work (societally as well as organisationally).
- 3) After taking the caveat in 2 into account, even when variables seem to broadly represent structure- or agent-based inputs they still can still interact non-linearly so that a structure can both influence and be influenced by an agent, and vice versa. This means we should try to look behind a simple one-way relationship between a variable and an outcome and consider the relationship between different 'inputs' as well as between any one input and the parole board's decision.

3.4. The criminological framework in which domestic violence and decisions around it are understood

The previous section, 3.3, explored the theory of structures and agents, and how it frames my study of parole decision-making as a complex system. One of the key structures involved in that framing is the socio-legal, criminological framework which shapes both our understanding of domestic violence and our understanding of the parole system. This section will focus on the implications of the societal shift (raised in 2.2 in the Literature Review) towards constructing domestic violence as a crime. Just as in the discussion of structuration above and in the description of feedback loops in complex systems, there is no linear direction involved: while changes in the

law can create changes in society, social changes can likewise push legislators to change the law, and individual behaviour is both influenced by sociolegal variables and (in the aggregate) shapes them.

3.4.1. What constitutes a crime, and why it matters to this research

This dissertation discusses domestic violence as a criminal act, albeit one not described by any single statutory offence. This simple assumption masks a long history during which the societal framing of domestic violence has shifted, in the UK and elsewhere:

- In social, informal terms, domestic violence has gradually shifted in public consciousness: from an acceptable exercise of a man's authority to an unacceptable violation
- In legal terms, domestic violence has gradually shifted from a private matter to a public, criminal matter.

I discussed this history in 2.1 of the Literature Review, while setting my definition of domestic violence in context. Here, the historical construction of domestic violence matters due to the way it acts as part of a complex system. The change in how society frames domestic violence matters because it contextualises the overall research, and the structures and agents involved in the parole decision. On a structural level, this research is exploring parole decisions about behaviour that has only been routinely criminalised for the past century (Porter, 1987; Wingert, 2007). On an agent level, individual perpetrators and even professionals may have grown up steeped in a culture that legitimised or at least minimised a man's desire to exert control over a woman in a relationship.

The criminological aspect of this framework has implications for this research. When differentiating and categorising offenders' previous domestic violence, I recognise the constructed nature of definitions – not just for academic models of abuse (e.g. Hegarty's or Johnson's typologies) but for distinctions like the type of conviction (assault, murder, manslaughter etc) or whether someone has been conviction for

their behaviour. All these concepts are constructed through a criminological lens reflecting sociolegal rules and norms at a structural level, which interact with the 'agent' level where individual parole board members evaluate individual offenders.

3.4.2. How crimes are constructed

It can be easy to take the laws for granted: from Hammurabi to the Abrahamic cultures, our civilisations have long imagined laws as though they were handed down from a higher power, as an immutable fact of the universe, and quite literally 'set in stone'. In the modern era, the ancient notion of 'natural law' developed by Aristotle and Thomas Aquinas, above and beyond any statute, was used as the basis to prosecute war criminals at Nuremberg (Citron, 2006).

But laws are no more universal and inevitable than their authors and cultural contexts. As the famous saying¹ goes: "laws are like sausages; it is better not to see them being made" – long before Nuremberg, legal scholars recognised that laws were constructions that could vary according to geography and time (Kainz, 2004).

The distinction between legal and illegal behaviour is specific to a time and place. Before 1967, if a man forced his wife to have sex against her will, and later had consensual sex with a man, he could be jailed for the second act but not the first; since 1991 and the case of R v R (Hanmer & Itzin, 2013), he could be jailed for the first act but not the second. This demonstrates the difficulty with classical theories of criminology which considered the 'criminal mind' and analysed criminality based on the idea of deviation from a natural norm (K. S. Williams, 2012). A positivist approach to crime considers criminality as a variable present within an agent, while a constructivist approach considers the ways in which a society forms a notion of acceptable and unacceptable behaviour, and how criminal behaviour is constructed at the structural level through social mechanisms.

Foucault (1977) developed the idea of how the criminal justice system plays a role not simply by applying the law, but by drawing a line – with legal behaviour on one

¹ First attributed to Saxe, but often misattributed to Bismarck (Shapiro, 2008)

side and illegal behaviour on the other. This then becomes personalised: those same “judges of normality” delineate those people whose behaviour is deemed acceptable from those whose behaviour is not. He extended the concept beyond the judge in the courtroom, describing a “society of the teacher-judge, the doctor-judge, the educator-judge, the social-worker-judge” where each of these professionals play a role in drawing a dividing line: between the educationally normal and subnormal; between the healthy and unhealthy (particularly pertinent in the field of mental illness); between those permitted a normal family life and those who are not.

This idea has been extended to the parole board and probation service in more recent years, adding these roles to Foucault’s list of ‘judges’ – the parole board and the probation service act as judges of the line “between those who can play a role in the welfare society and those who cannot” (Kemshall, 2002, p41).

The parole board member’s role arguably makes them the starkest of these ‘judges’, since their recommendation directly determines whether an offender is permitted to live in the community at large, or not (although the option to progress a prisoner to open conditions creates an intermediate outcome). While the parole board member is a knowledgeable professional with their own agency in the decision-making process and the authority to feed directly into the parole board as a structure, they are also influenced by that structure, and by the structure of the community into which they will (or won’t) release any given prisoner. In this context, the law represents the framework through which wider society determines who can and cannot enter into social activity, and it is the parole board who often police that distinction at this stage of the criminal justice process.

This context is particularly relevant where there has been a shift over time, as discussed in 2.1.2., in which behaviours are tolerated within a community.

3.4.3. The construction of domestic violence as a public law matter

The construction of crime matters to parole boards. They focus not only on previous convictions, illegal drug use and breaches of prison rules (which can all be discussed within a legal framework, in line with positivist approaches to deviance) but their

mental health (also constructed in terms of deviance from the norm), learning through programmes, expressions of remorse and empathy, and insight into their behaviour, all of which require wider construction of how individuals interact with society. They also consider community protectiveness: the way in which society affects the individual and vice versa. The latter point echoes critical criminological approaches which build on Durkheim's views (McCloskey, 1976) views but frame the way crime is shaped by group dynamics, power relationships, and societal norms.

If parole boards consider the "nature and severity" of domestic violence in their decisions, as suggested by the Literature Review, they might consider whether the index or recall offences involve (for example) a common assault, actual bodily harm, grievous bodily harm, wounding, wounding with a weapon, or murder. This criminological approach provides evidence about the prevalence of different categories of offences, ranking harm according to criminal convictions (Walby and Allen, 2004). However, parole board members might also draw upon health-based models of domestic violence which look at the physical and mental states of perpetrator and victim (García-Moreno et al., 2015; Larsen, 2016) as agents, and sociological approaches which consider the wider structures that influence individual behaviour (McLeod, 2017), including social attitudes to domestic violence, gender roles (Rivas, 2012), and cultural contexts (Ali and Naylor, 2013).

These notions about what constitutes a crime, and how domestic violence fits into these notions, underlie any discussion of how a parole board evaluates the risk of reoffending, since the concept of reoffending requires the concept of a criminal offence, and the ways in which criminal justice only captures a small portion of the experiences of those of suffer domestic violence.

The history provides context for the theoretical frameworks of this dissertation: the way domestic violence is constructed acts as a structure in which individual agents make their decisions. It also contributes to the construction of a complex adaptive system with feedback loops: social movements composed of individuals but forming their own subsystems (such as the different 'waves' of feminism, and campaigns against domestic violence) are influenced by the wider societal system but also feed into it, changing that system, which then in turn shapes individual behaviour.

Another key framework underpinning this dissertation is the way those victims tend to be disproportionately female, particularly when domestic violence is broken-down by the 'nature' of different types of offending, discussed below.

As discussed in the Literature Review, research and public policy have gradually shifted towards not only a criminal construction of domestic violence, but a gendered construction too – having introduced Johnson's typology in the Review, I now consider how it contributes to this research.

3.4.4. Typologies of domestic violence and how they affect this research

The literature review introduced, in 2.2.1., the gendered nature of domestic violence, which disproportionately harms women (Johnson, 2006, Dobash et al., 1992; Kimmel, 2002)). I return to this notion here, because it locates domestic violence offences within the different frameworks laid out in this chapter: when a man abuses a female partner, the violence represents not only on individual harming another, but a manifestation at the level of the individual agents of a structural construct (discussed in the abstract in 3.3) in which power, control and abuse by men towards women have often been normalised or excused. It represents not a crime in isolation, but an 'output' of a complex system (discussed more in 3.2) in which individual environmental and societal inputs all combine and feed into each other. It also means that the parole board's decision about such an offender is influenced by their knowledge that the outputs of their decision, one way or another, are not gender-neutral, which has consequences for the construction of their own decision-making system (discussed more in 3.6).

The review also introduced a typology for distinguishing cases of domestic violence, which produced notably different findings when broken-down by gender. Johnson's model (2006) was influenced by the apparent contradiction between different studies that produced differing outcomes: those that concluded that domestic violence was an act of male dominance over women, *pace* the Duluth model, and those that concluded, when measuring domestic violence incidents overall, that the perpetration of abuse was – if not equal between genders – then at least

comparable. More recently, the (Office for National Statistics, 2020) similarly found that domestic violence incidents were mostly – though by no means all – committed by men against women, although around one-third of victims were male and one-third of perpetrators female.

His findings distinguished ‘situational couple violence’ where there is violence but no element of control, from ‘intimate terrorism’ where the abuser is also controlling as well as violent (in both cases ‘violence’ can be taken to mean physical and nonphysical forms of abuse). A study of prisoners convicted of offences involving is less likely to involve a significant number of abusers whose behaviour resembles Johnson’s other categories, ‘mutual terrorism’ (where both partners seek to abuse and control the other) and ‘violent resistance’ (which amounts to self-defence in most cases, where a substantial custodial sentence would be unlikely). Johnson’s key finding was that while both genders could inflict abuse in a heterosexual relationship, and while abuse existed in same-sex relationships, the category of intimate terrorism overwhelmingly involved a male abuser and female victim.

I have also considered an overlapping typology by Hegarty et al., (2005): the Composite Abuse Scale. Unlike Johnson’s model, the CAS does not emphasise control, but distinguishes the nature of offending: whether the abuse is physical, sexual, emotional, involves stalking and harassment, or whether it amounts to Severe Combined Abuse. Hegarty’s model shares a common background to Johnson’s, though, insofar as it grew from concerns about the use of the Conflict Tactics Scale (CTS) as a simplistic measure of domestic violence which did not distinguish the nature of different incidents. Her key finding was that Severe Combined Abuse was associated with far more serious harms for the victim than any of the other forms of abuse in isolation.

I do not mean to oversimplify these typologies or suggest a fundamental difference between them: Johnson (2017) linked his model of different dynamics of control to the level of escalation and severity, finding by using older datasets that over three-quarters of intimate terrorism cases escalated into more serious violence, while only one-quarter of situational couple violence cases did so. Likewise Hegarty

acknowledges the more controlling nature of the partners who typically inflict Severe Combined Abuse on their partners.

Nor do I mean to suggest (and Johnson and Hegarty are both at pains to stress the same point) that situational couple violence is somehow 'minor' abuse, or that someone suffering 'only' physical abuse is considered less violated. Needless to say, a chaotic offender with no desire to control their partner may still kill them, even if the abuse was 'only' ever physical in nature.

As discussed in the literature review, the models are not without challenges, especially because their conclusions involve imposing post-hoc typologies on older data that was not designed for this kind of analysis – there is inevitably some subjectivity in how both Johnson and Hegarty conducted secondary data analyses in this respect (although in both cases, where their methods are laid-out in detail they appear to have adopted a double-coding approach to test internal validity of the concepts). However, they provide a framework for further analysis. It would arguably be simpler to distinguish cases by the conviction type (e.g. murder, manslaughter, grievous bodily harm etc) since there is less subjectivity on the part of the researcher. However, while this data is useful, it represents a construction of its own - the decision to prosecute for assault rather than wounding, for example, represents the prosecutor's evaluation of the likelihood of securing a conviction for either charge, rather than (necessarily) the underlying nature of the offending behaviour.

Given the significance of Hegarty's and Johnson's models theoretically and empirically, this research examined how parole boards distinguish types of violence: by severity, and by mechanisms of control. Finally, these frameworks seem significant for responses to domestic violence in terms of the legal and nonlegal measures that might protect someone from an abusive partner in the community, how effective those measures might be, and how manageable their risk is.

3.4.5. Summary: Criminological theory in this research

This section has ensured that the criminological aspects of this dissertation are not taken for granted, and that my assumptions are not merely implicit. The construction

of domestic violence as a criminal offence, and the significance and limitations of doing so, matter when exploring how parole boards consider an application for release. The construction of criminality more generally also places the parole board's role in the context of an overarching sociolegal structure in which the parole board themselves act as agents when making their decisions, both influenced-by, and to some extent influencing, the wider structure. This starts to frame the parole decision not simply as a rational act by a decision-maker (or 2-3 decision-makers) but as the result of a complex system in which the parole board members are only one part.

So far, this chapter has considered the sociological framework of structures-and-agents, and the criminological framework of how criminality including domestic violence is constructed in relation to those structures. In the next section I go on to explore how these frameworks have developed in the context of 'risk society', which affects the interaction between structures and agents in the decision, and which affects the way in which the parole board carries out its role in criminal justice against a background of risk management.

3.5. Risk Society and the tension between organisational risk and societal risk, and how this affects the decision

The previous sections have discussed the parole decision as a complex system within theories of structures and agents, and within a criminological framework that uses those theories. Understanding the decision in this way leads us to consider other ways and other mechanisms in which the parole decision can be influenced, beyond the rational weighing-up exercise of the individual parole board member using the inputs available. This section considers one aspect of these overarching structures – the idea of 'risk society' and 'responsibilisation' and how it affects the parole decision as a complex system. This section lays out how these concepts act as frameworks (at the structural level) with an impact on the parole decision and provide a means of understanding that decision – a decision might reduce societal risk but not organisational risk, creating a gap between the actual decisions, and the expected decisions based only on societal risk.

3.5.1. 'Risk Society' as a concept

The mechanisms through which key agents - Parole Board members - reach decisions are thus further complicated by the models of 'risk society' (Kemshall, 2019) and 'risk colonisation' (Rothstein et al., 2006) which contribute to the framing of the structure in which those agents operate. In these models, laid out in this section, the pressure to reduce organisational risk may become conflated with the aim to reduce societal risk, which includes balancing different risks of societal harm.

As I will discuss in more detail in 3.6, Kahneman & Frederick (2002) described the decision-making process in terms of using a heuristic: sometimes when the mind is faced with a difficult question, it answers an easier question instead. If this applies to parole board members, then when faced with the highly sensitive and extraordinarily complex question "will this person reoffend?", it is conceivable that, like all human beings, their subconscious mind shifts the question to one that is comparatively straightforward. In this case "have I followed the process correctly?" or "do I have justifiable grounds to release him?" can be tempting alternatives.

Our initial preconceptions about a decision-maker's goals tend to assume that they are concerned with 'societal risk': in other words, a police officer is weighing-up the need to protect the public against the risk of wrongfully arresting a suspect or causing them harm through excessive force; a jury is weighing-up the risk of releasing a dangerous criminal against the risk of jailing an innocent person; a parole board is weighing-up the risk of a criminal committing further harm in the community against the risk of unnecessarily detaining someone who no longer poses a danger.

None of these decisions takes place in a vacuum, and a straightforward statistical weighing-up of future probabilities is fraught with difficulty. Each decision-maker takes their decision in an organisational context, and is therefore – consciously or not – considering 'organisational risk' (Kemshall, 2019) in their decision.

Risk colonisation occurs when a tension develops between the management of a societal risk and the management of an institutional risk (Rothstein et al., 2006), leading to different approaches to risk management that may be led just as much by

institutional risk as societal risks. The darkly comic line “the operation was a success, but the patient died”² provides the extreme version of this tension: it can sometimes be possible to avoid any institutional risk (or ‘blame’) while the societal harm in question (in that example, the death of a patient; in this research, a prisoner reoffending after release) occurs anyway. It is worth noting here that few societal harms can ever be reduced to a zero probability - an institution is not necessarily at fault for failing to eliminate (as opposed to reduce or minimise) a risk – but the tension between reducing societal risk and reducing institutional risk forms part of a structure in which the decision-making takes place. This tension is amplified by the proliferation of formal, structured risk assessment tools (Rothstein et al., 2006) and programmes that purport to reduce risk (Kemshall, 2002), since there can be a pressure to ‘follow procedure’ as a proxy for ‘making the right decision’ – again, these typically overlap, but not entirely.

The combined effect is to shift the decision-maker’s mindset from “how do I reduce the risk a societal harm occurring?” to “how do I ensure that my institution has been fully compliant with regulations and avoids blame for that societal harm occurring?” although this effect is nuanced. In the framework of structuration, decision-makers as ‘agents’ are not passively manipulated by structures and can still push back against this kind of structural pressure, even changing the structure through their actions, so decisions do not necessarily become preoccupied with occupational risk at the expense of societal risk, but the possibility of this colonisation effect still exists. The two mindsets can also overlap - a decision which successfully reduces a societal risk is also one which protects the decision-maker’s institution from blame - but the tension can arise when a societal risk can only be reduced so far – at this point the focus can shift towards reducing institutional risk (Power, 2004).

According to Power (2004), the “risk management of everything” can be viewed in the same terms as the ‘audit culture’ in public services – the desire to ensure that an organisation is following procedures, acting lawfully and discharging its obligations. In this context the notion of ‘organisational risk’ arises, which often overlaps with ‘societal risks’ but not completely so. For example, if a decision-maker ignores

² Attributed to various sources, but first notably used in the film *Call of the Rockies*, (1944)

crucial evidence, fails to follow legal process, and takes a decision that results in avoidable harm to others, and in turn results in criticism of the organisation, then both societal and organisational harm have occurred. Likewise, if a decision-maker thoroughly analyses evidence and evaluates risk in line with their organisation's framework, and no one suffers harm, then both societal and organisational harm have been avoided. However, the two are not always synonymous, especially in marginal cases where future outcomes are highly uncertain and hard to predict.

Where the balance of societal harm cannot be ascertained with any reliability, the temptation (Power, 2004) is for decision-makers and their organisations to shift, consciously or not, to the aim of reducing organisational risk – ensuring that the organisation will not suffer harm or blame as a result of an outcome that is hard to predict or control. Power distinguishes this “responsibility-aversion” from standard “risk aversion”. When organisational risk preoccupies a decision-maker, this can move the relative emphasis of their decision away from assessing future risk and towards establishing whether procedures have been followed, or whether there is a concrete justification (in what may be a highly convoluted and inchoate case) to take a decision one way or another. This dynamic can overlap with findings from economics that decision-makers tend to ‘herd’ in response to uncertainty: following the decisions of others (as in the conformity bias) so that if the decision is the ‘wrong’ one, they are protected by the fact that most other decision-makers took the same decision (L. R. Anderson & Holt, 1997; Nath & Brooks, 2020).

3.5.2. Risk society in parole board decisions

The notion of ‘risk society’ is relevant to this research when examining parole board members’ thought processes, not insofar as which inputs are significant, but in finding out *why* they are significant: does an input principally reduce the risk of societal harm, or the risk of organisational harm, or both? This involves the pressure to reduce organisational risk – i.e. blame for a prisoner reoffending after release, such as in the Hanson or Rice cases (J. Harding, 2006) – being conflated or confused with the aim to reduce societal risk, which includes balancing different risks of societal harm. The increasing bureaucratisation of the Parole Board since 2003 has, arguably, made the Board more risk-averse (King, 2018).

Parole Boards face an unenviable trade-off every day, between the risk of keeping a prisoner confined unnecessarily (with the accompanying cost and deprivation of liberty that this entails), and the risk of a prisoner reoffending after release, such as in the Hanson or Rice cases (J. Harding, 2006). Both carry *societal* risk (a person suffers harm in each case) and *organisational* or *institutional* risk (the Parole Board can be blamed for either outcome). While these two forms of risk could, in principle, overlap precisely, they may subtly differ due to the different '*publics*' involved (Annison, 2020): prisoners; families of victims; national media; and other people who fear becoming a victim of crime.

While the Parole Board could theoretically come in for criticism both for a decision to unnecessarily keep an offender in prison (especially in the case of Indefinite sentences for Public Protection – 'IPPs') and for a decision to prematurely release someone who still poses a danger, since both errors pose societal risk, the 'public' of prisoners and their advocates is far outnumbered by the 'publics' of victims, potential victims, and readers of newspapers, and the nature of these 'publics' frames the structure in which their decisions are constructed. In this context, it can often be the risk of a prisoner reoffending that becomes the 'risk' under consideration, and the idea of 'risk averseness' becomes conflated with the idea of 'responsibility-averseness' (Power, 2004) where the organisation will be criticised for one type of negative outcome but not another.

3.5.3. Summary, and implications for this research

The notion of risk colonisation has the following implications for this research:

- 1) I need to consider the role of organisational and other external pressures on the parole board as part of the structure within they take decisions – the pressure to avoid blame; the intolerance of any willingness to take a risk on releasing a prisoner – and whether these play any role in the parole board members' thought processes as agents.

- 2) If a variable is associated with a decision to release, I need to consider whether this is because it persuades the board that the prisoner poses a lower risk of reoffending (societal risk) or whether it is because it discharges the board's responsibility and 'covers' them in the event of reoffending (institutional/organisational risk).

The chapter so far has framed the research problem in the context of the parole decision as a complex adaptive system, involving a complex interaction between systems and agents involved in the parole decision, and how those structural aspects acting on the parole board members include the criminological construction of domestic violence, and the sociological construction of the tension between societal and organisational risk. This all emphasises the significance of wider overarching structures in which the individual agent makes their decision, and how the decision is shaped by those forces beyond the individual. But this does not mean the individual lacks agency in the process – as the next section demonstrates, the individual not only has decision-making faculties beyond the scope of the structures around them, but also beyond the reach of their own conscious mind. The individual decision-maker, and the theories of how they make decisions within a system, therefore requires their own focus in this section.

3.6. Decision-making theory

In this section, I acknowledge the relevance and complexity of the individual agent's thought process. This involves exploring theories on decision-making.

3.6.1. The inner world of the decision

I reviewed, in sections 2.2 to 2.4 of the literature review, the research that tells us what parole decisions involving domestic violence perpetrators might look like 'from the outside': the nature of domestic violence, the possible ways to predict reoffending, and how the parole board process works in deciding whether to release a prisoner. Those sections considered the gendered nature of domestic violence, and the role of power and control, and provided an overview of the formal structure

of the Parole Board of England and Wales, while identifying a gap in the research involving parole decisions about domestic violence. This provides a basic expectation of how a parole decision will unfold: parole board members evaluating risk using multiple variables highlighted by research as likely indicators of reoffending.

But this isn't the whole picture.

This section will take a step back and consider the more abstract research around how human beings make decisions. In doing so, it will demonstrate the complexity of decision-making, and how people's decisions can differ from what observers (and even the decision-makers themselves) might expect. I will review the theory on decision-making, how decisions work in practice in this section. This dissertation considers the interaction between those initial 'inputs' about domestic violence, perpetrators and reoffending, and how they might be mediated by these mechanisms and complex dynamics to produce parole decisions.

3.6.2. The complexity of decision-making

The Literature Review laid out the problem of protecting the public from the danger posed by men who abuse female partners, how domestic violence differs from other crimes, and how this adds to the challenge of predicting whether a perpetrator will reoffend and therefore whether he should be released from prison. The review concluded with an overview of the parole board in England and Wales for context.

But the discussion in the Literature Review can only lead us to a rationalist evaluation of how parole boards might construct decisions about perpetrators of domestic violence. That framing of the issue of how parole boards make their decisions is incomplete, and – as the literature on decision-making demonstrates – a full picture requires an understanding of why there might be a gap between how a decision might be reached based on the factual inputs available, and how they are really made in practice.

To begin with, this requires a step back from the topic of domestic violence and parole, to consider how people make decisions more broadly – how and why there may be a gap between the way people really make decisions, and how they believe they make them, and a gap between the real decision and the decision that a linear weighing of relevant variables would suggest.

Broadly speaking, this chapter shows that while the Literature Review might have suggested a decision-making process resembling this diagram:

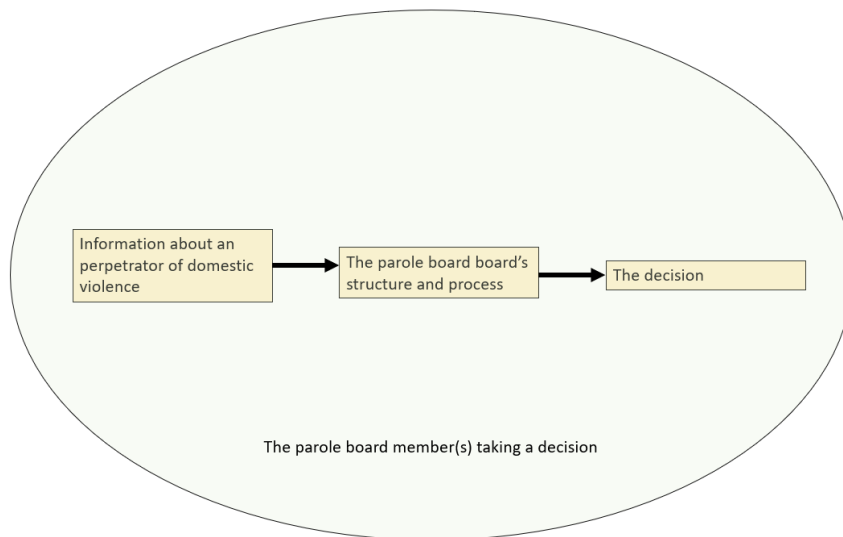


Figure 7: The linear version of the parole decision the reality more closely resembles the following (vastly oversimplified) diagram:

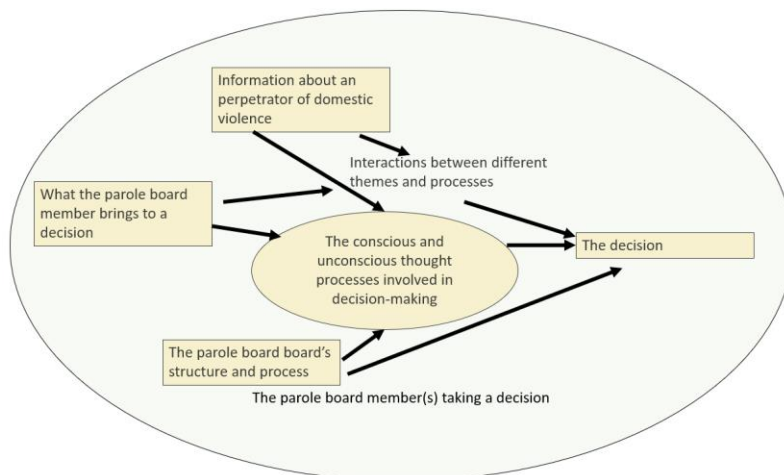


Figure 8: More complex version of the parole decision

This section begins with the more theoretical context for this problem, before moving into how this is applied to the parole context.

3.6.3. How people make decisions

This section explores the gap between two groups of decisions. On the one hand, there are people's 'rational' decisions, derived linearly and analytically from the pertinent information available in such a way that the well-being of all those under consideration is maximised, as predicted under Expected Utility Theory (Mongin, 1997). On the other hand, there are the decisions people make in practice, which often differ, due to the 'heuristics' or mental shortcuts, that people make unconsciously while answering complex questions (Kahneman & Tversky, 1977). This section lays out how these decisions differ, and the mechanisms through which this divergence might occur.

3.6.4. Why decision-making theory matters for the parole board

This distinction – between expected 'rational' decisions and actual decisions in practice - matters when studying how parole boards make decisions. While guidance (Parole Board, 2018) lays out what parole board members should consider when coming to a decision, this dissertation explores a possible gap between expected and actual decisions due to incomplete information (especially information about the future), the interaction between conscious and unconscious decision-making, and the influence of internal and external inputs beyond the formal guidance.

Decision-making functions in the brain are often activated *before* the decision-maker has consciously started deliberating on a decision (Soon et al., 2008), and parole decisions may be affected by the theoretical concepts underpinning their understanding of the gendered nature of domestic violence (A. L. Miller, 2019), and influenced by the impact of a decision on the organisation as well as society at large (Rothstein et al., 2006).

This could be explored from different perspectives including neurological, economic, or mathematical approaches, offering different insights. The dissertation is concerned with the social psychological perspective due to the nature of the decision. When a parole board member decides whether to release a prisoner, the

decision involves thought processes inside the decision-maker, within a legal and social context. A social psychological model nevertheless overlaps with economic models of rational choice and heuristics, which is considered in the next section.

3.6.5. The limitations of rational choice

The Literature review, particularly sections 2.2 to 2.4, combined with the guidance issued by the Parole Board (2019), describes the available inputs that the parole board needs in order to reach a parole decision: the available evidence on domestic abusers re-offending, and the decision-making process they should follow. A rational choice model would therefore expect all parole decisions to represent a process which may not be easy (the evidence available to parole board members is often incomplete and complicated) but will nevertheless be linear and reflect those inputs. This section demonstrates why the reality is more complicated.

Any applied analysis of criminal justice decision-making is influenced by theories of structures and agents (discussed in more detail in 3.3) since members of the judiciary or parole board take decisions within the influences and restrictions of wider structures, as well as based on their own internal analysis (Vogler, 2017).

Rational-choice models would assume (Mongin, 1997) that parole board members are 'rational actors' who consider all relevant inputs (as per the guidance), assign weights, incorporate probabilities of future harm and produce 'rational' decisions.

Real-world studies found different decisions than those predicted by rational choice models (D. P. Green & Shapiro, 1995), arguably because decision-makers as agents taking decisions in the context of wider structures occupy a 'habitus' (Bourdieu & Bourdieu, 2005) in which 'rational', reductionist analysis of available data may be superseded by the decision-maker's 'feel' for the social context in which they operate. In other words, there is not only a difference between the roles of the structure and agent in a decision, but a complex interplay between them.

Simon (1957) eschewed rational choice models in favour of 'bounded rationality' where decision-makers try to maximise utility – in this case, the delicate combination

of the public's safety and the offender being treated justly – given the natural limits of available evidence detail, time and resources. Arguably, Simon's "satisficing" approach still represents rational choice, where the decision-maker considers the diminishing returns to their own thinking power and information-gathering. In other words, a shortcut through an overwhelmingly complex topic may not represent an irrational route, but a rational one, given limited analytical resources, even if (Luan et al., 2018) they may be more willing to take these shortcuts themselves than to accept others making the same calculation.

Limitations on information and feasibility regarding future events affect the parole board's knowledge of existing inputs. Mathematically, a small degree of uncertainty means that predictions become less, not more accurate when more parameters are introduced – the 'curse of dimensionality' (Bellman & Kalaba, 1959) – so that attempts to predict future outcomes using multiple variables (as the parole board must do) become increasingly difficult. Statisticians have developed tools to mitigate this problem in ecosystem approaches (Ye & Sugihara, 2016) and in contemporary factor analysis or latent class analysis in quantitative social science (Fishback et al., 2009), but this does not help parole boards with the inherently complex and iterative task of trying to 'model' future outcomes.

Traditional notions of rationality deal with both the assumption of certainty in choosing different outcomes, and the assumption that the decision-maker is seeking to maximise their own utility: both these assumptions are fraught with complexity (Sen, 1985), especially when the parole board member is acting as an agent of a wider organisation seeking to achieve an outcome (minimisation of harm) on behalf of society more widely. This calculation involves high levels of uncertainty – the variables involve the internal thought processes of the offender, which are neither fully known in the present, nor predictable in the future, or the information itself is contested, which undermines predictability in social sciences more generally (Blackman & Featherstone, 2015).

The decision-making process is also complicated by the intended beneficiary of the decision: the parole board's remit to minimise harm to the public (including the offender's future hypothetical partners) as well as to avoid injustice (through keeping

them imprisoned unnecessarily) pulls the decision in different directions from the start.

3.6.6. The role of heuristics in decision-making

The most significant challenges to rationality come from intuitive and heuristic 'shortcuts' that we all use to help us function in a complex world without experiencing "paralysis by analysis" (Ansoff, 1965). Kahneman & Tversky (1979) identified shortcuts, whereby the brain's conscious thought processes (what they describe as 'System 2' processes) rely on associations developed through unconscious mechanisms ('System 1' processes). These heuristics include:

- availability heuristics (emphasising variables more available to our recollection),
- representativeness heuristics (ascribing a person or a situation to a category based on our sense of whether they resemble other people or situations in that category), and
- anchoring-and-adjustment heuristics (centring our answers on a – sometimes arbitrary – numerical reference point). This has some precedent in studies of risk-assessing offenders: lay respondents gauging the risk posed by different offenders give responses more consistent with anchoring-and-adjustment than rational choice models (Pogarsky et al., 2017).

While the details in Kahneman and Tversky's work have been contested, the underlying model remains well-supported empirically (Fiedler & Sydow, 2015). The principal challenge to the model has been around its implications: that while human beings may use mental shortcuts to reach decisions, doing so is a rational, not irrational process, since we would otherwise be unable to function in a world of endless complexity (Gigerenzer, 1996; Vranas, 2000).

Differences between 'rational' and actual decisions might also be down to:

- conformity bias (Asch & Guetzkow, 1951), where people are more likely to make a choice (even incorrectly) if their peers take the same choice – mediated by the degree to which the decision-maker is able to prioritise ‘private information’ (their own prior knowledge and deductions) over ‘social knowledge’ (the decisions of others) (Li et al., 2019). This is relevant for parole board members since their decisions follow the decisions of other experts (judges, psychologists, and offender supervisors); and
- status quo bias (Kahneman et al., 1991), where people are more likely to make the choice that precludes change. This is relevant to parole boards since the status quo involves the offender remaining in prison. Offenders might be applying for parole for the second or subsequent time, so a previous board has already deemed them unsuitable for release. This effect appears in response to uncertainty (Samuelson & Zeckhauser, 1988) across natural sciences, organisational studies and social psychology. Status quo bias may save cognitive resources (Dean et al., 2017, echoing Gigerenzer’s defence of heuristics), and ‘psychological constraints’ reflecting ‘anchor-and-adjust’ heuristics involves the subject being bound by a pre-existing reference point or reference range.

Both of the latter biases are tied-together with the psychology of ‘regret’ (Kahneman et al., 1991). Contrary to expected utility theory, people experience more regret – and, more importantly, more *anticipation* of regret prior to making the decision – if they take the ‘change option’ (the decision which alters the status quo) and it leads to a poor outcome, than if they take the status quo option, and it leads to a similarly poor outcome. Expected utility theory would predict that a decision-maker would experience the same regret for any decision that turned out disappointingly in hindsight.

These nonlinear mechanisms suggest a difference between the decisions we might expect people to make, based on the information available to them in a simple causal chain approach, and the decisions we see in practice. This has important implications for this research, indicating that we need a methodology that explores

the complexity of both the actual decisions and the conscious thought processes of those making them.

3.6.7. The challenge of uncertainty and prediction in social science, and in parole decision-making

Rationality, satisficing, uncertainty, heuristics, and their application to parole decisions need to be viewed through the lens of what the parole board is seeking to do, and why their decisions involve such high levels of uncertainty. It is all very well to bemoan the challenges of decision-making and the hubris of predicting future offending, but parole boards have a vital function to perform and must attempt both to make optimal decisions with as much predictive accuracy as possible, as messy as that might be. This section explores the background to that 'mess' and how to frame it when trying to form a coherent model of decision-making.

Theoretical social psychology research includes explorations of the meaning, feasibility, and nature of prediction. Parole decisions involve prediction, insofar as they require an evaluation of the risk of future harm, and how it can be mitigated – this is arguably the central role of the modern Parole Board (Padfield, 2019). The natural sciences involve an effort to predict events in a chaotic world by reducing it to component parts, but recognise that while “the quest to predict seems as deeply instinctive to the human condition as language” (Sarewitz et al., 2000, p10), prediction is inherently complex due to incomplete information, due to ‘feedback loops’ that limit the success of linear decision-making and due to a tendency towards heuristics in decision-making rather than strictly ‘rational’ thought processes, discussed in 3.6.6. above.

In social sciences, the desire to predict can lead to ‘scientism’: the tendency to describe a relationship in more ‘scientific’ terms than is justified by the facts. Jary & Jary (2005, p554) define scientism as “any doctrine or approach held to involve oversimplified conceptions and unreal expectations of science”. Given the role for prediction as a means of guiding decisions, and the impact of decisions on people’s lives, we should beware “an unthinking focus on predictive accuracy [that] can lead to spurious claims” (Hofman et al., 2017, p355). Similarly, predictions in social

science may be inherently flawed due to the number of inputs involved, the iterative nature of prediction following numerous intervening steps, and the poor empirical record of sociological prediction (Becker, 2000). This represents the ‘messiness’ that parole boards are faced with in their decision: predicting future events is inherently impossible especially when faced with the challenge of evaluating the honesty of the offender and reliability of the professional witnesses, so that it can be hard to discern the current facts, let alone future ones.

Fortunately, one need not refute the above critiques to attempt predictions, particularly in criminology. For the parole board, treating prediction as futile would leave them to make release decisions based only on past events –the index offence and other convictions. Of the principal aims of incarceration – deterrence, rehabilitation and reform, retribution and restoration (Bregant et al., 2016) – shying-away from prediction might steer the purpose of continued imprisonment away from rehabilitation/reform and restoration (which require some effort to predict future behaviour and impacts) and towards deterrence and retribution (based on prior behaviour) (Tonry, 2011). Therefore, some prediction is necessary.

Rather than a strictly deductive process of prediction, we can use a “retroductive” approach (Fleetwood & Hesketh, 2006, p248) producing “tendential predictions”. This avoids claiming linear relationships between two variables, in favour of identifying mechanisms through which one variable increases a likelihood of changes in structures and agents, creating circumstances in which another variable could change. This research explores these mechanisms, and how they might support an observed association not between ‘causes and effects’ but between precipitating underlying variables and empirical outcomes. This approach is relevant to my method because parole board decisions may not involve straightforward predictions of future events based on known facts and likelihoods. Therefore, it is hard for parole board members to make an actuarial, mathematical prediction of future behaviour in such an endogenous and uncertain field as human behaviour, particularly as they are taking each decision about an individual case. Such challenges for prediction in a social context open the door to other mechanisms by which parole boards’ decisions can be influenced.

In practice, applications of decision-making theory relevant to this research are limited: heuristics in decision-making have been studied far more in the field of judicial decision-making in the courts (Gravett, 2017; Jones, 2013; Peer & Gamliel, 2013), and for asylum decisions (Gupta, 2016) and even for judicial decisions about domestic violence protective orders in the USA (Agnew-Brune et al., 2017), but not for parole decisions, created a gap in the literature for this research to fill.

3.6.8. The role of intuition in decision-making

The inherent uncertainty and high stakes around parole decisions are significant when considering the 'intuitive' nature of decisions about human beings. Even where statistical reference classes are available, giving a decision-maker some background data on the likelihood of a given outcome, people are inclined to disregard these statistics in favour of a more instinctive response (Kahneman & Tversky, 1977), which they often frame as being based on their personal 'experience' or 'judgement'. Klein (2017) formalises the nebulous notion of 'experience' in terms of 'recognition-primed decision-making' (RPD) – when people say they are basing their decisions on 'experience', they mean they are drawing upon a wealth of previous situations which had several things in common with the situation they are currently evaluating, and recalling the outcome when those characteristics were present – essentially a quasi-algorithmic response, but recalled much quicker and more efficiently than if the decision-maker had looked up data tables and reference classes.

But can intuitive judgements be trusted? The research on heuristics warns us that our instincts are not necessarily 'rational' (Kahneman & Tversky, 1979) and seminal research by Meehl (1954) famously showed that in a wide range of fields, experienced and highly-educated professionals (e.g. financial analysts, political forecasters) consistently underperformed in their predictions compared to algorithms which based their predictions on a small number of variables from statistical tables. On the other hand, Klein's (2017) research on experienced professionals (in his original study, firefighters) making high-stakes decisions under intense time pressures demonstrated the value of exactly the intuition that Meehl and Kahneman distrusted. Kahneman & Klein (2009) ended up collaborating on a study that identified key characteristics that predicted whether a decision would be more

accurately made using statistical tables or using intuitive judgement, and concluded that 'high-validity' environments where there are "stable relationships between objectively identifiable cues and subsequent events" (Kahneman & Klein, 2009, 524) and environments where the decision-maker gets prompt feedback on the outcomes of their decisions. This accounts for the difference in Kahneman and Klein's original research: the firefighters in Klein's studies worked in high-validity environments with similar comparable characteristics in each fire they attended, and they received prompt feedback (sometimes terrifyingly so) on the accuracy of their decisions; meanwhile, the stock-pickers in Kahneman's work were working in a low-validity feedback where the variables they relied upon often had little bearing on changes in the stock prices, which were often impossible to predict.

In the context of parole decisions, this background demonstrates the value of ascertaining a) whether parole boards' decisions are broadly intuitive or statistical in nature, and b) whether the decision-making environment could be described as 'high-validity' or with reliable feedback on outcomes. In chapter 7 I reflect on my findings with a view to answering these relevant framing questions.

3.6.9. Summary: decisions-making theory in parole research – an unexplored field

The previous sections 3.2. to 3.5. constructed the parole decision as a complex adaptive system, laid out how the framework of structures and agents forms the theoretical basis for this research, and demonstrated how the criminological construction of domestic violence and the background of risk colonisation act as structures affecting the agent (the parole board member). Having established that context, this section has honed-in on the agent within that system, examining on more of a 'micro-level' the complexity of human decision-making. The section has explored the non-linear nature of decisions, the heuristic 'short-cuts' involved, and the literature on what this means in practice, including noting the absence of specific research on heuristics in parole board decisions, and what this means for intuitive judgement in parole decisions. The next section summarises overlaps and interconnections between the different theoretical frameworks in this chapter.

3.7. The interactions between structuration, criminological theory, risk society, systems theory, and decision-making theory.

As already suggested in each subsection, the theoretical frameworks in this chapter feed into one another to support the work of this dissertation. In this section I provide examples of some of the ways the different frameworks intersect.

3.7.1. The parole decision as a system

The nature of structure-agent relationships overlaps to some extent with a systems theory approach, insofar as both explore the nature of the individuals involved, the overarching structures that they inhabit, and the interactions between the two. A systems model involves not only acknowledging the roles of structures and agents but the notion of a system as an emergent construct of its own.

The process of framing certain behaviour as a crime, and framing that crime in gendered terms, occurs not as a linear exercise but as a complex system with feedback loops, whereby individuals (agents) are influenced by the society and legal culture around them (structures) but also feed into that structure through their own actions and views. That process of structuration overlaps with the feedback mechanisms occurring within a complex system.

3.7.2. Structures and agents in the parole decision

The theory of structures and agents overlaps with the criminological construction, since wider social context (structure) includes societal expectations of behaviour in a relationship and a distinction between tolerable/intolerable, legal/illegal actions. This frames the offender (agent)'s relationship and behaviour and the decision-making process of professionals (agents) in the criminal justice system (structure). The gendered nature of domestic violence is also ingrained at the structural level while intimately involved in the dynamics between agents within a violent relationship. The agents' actions feed back into the same structures that influence them.

3.7.3. The criminological construction of domestic violence as a structure

A criminological construction not only applies to the definition of a crime or its context, but to the purpose of the criminal justice system. Risk society and risk colonisation consider the overlaps and differences between the goals of reducing societal risk and of reducing organisational risk; and between the goals of rehabilitation (social change) and risk management (social control).

Criminological constructions of crime and of the gendered nature of crime emerge through a complex system that also sees a 'risk society' approach emerging. The way crimes and their responses in criminal justice are constructed is one input (and a subsystem of its own) into the wider system where a decision-maker in criminal justice is reaching a view on an offender – this input contributes to the development of a notion that the parole board needs to reduce the risk of blame to itself as well as the risk of harm to the public at large.

3.7.4. The impact of 'risk society' as a structure

The preoccupation with organisational risk results from a construction of the parole board as a substructure, within wider structures of the criminal justice and society more broadly, both of which construct the role of the criminal justice system in terms of managing risk rather than creating social change and create negative consequences for the parole board if they fail in this role. These dynamics affect the individual agents within the parole hearing, but their individual actions (and those of offenders) feed into the criminal justice and social structures.

Risk society could also be seen as an emergent property of society as a complex system which produces outcomes that would not be predicted only by an examination of the individual components of that system. In the parole decision, this manifests in outcomes which might be better predicted by the notion of a complex adaptive system rather than by the rational choice model applied to the decision-makers' behaviour. This comes together with structuration when considering how the agents in the decision-making process are influenced by, and influence, the structure

around them, both within the subsystem of the specific parole decision and in the system of the parole process more generally.

3.7.5. Individual decision-making within a complex system

A systems approach considers the overall outcomes that result not from atomised individual decisions but from an emergent system. It is through this dynamic (rather than individual decision-making) that decision-makers in criminal justice may end up producing decisions that reflect a focus on minimising organisational risk as well as (or even instead of) societal risk.

The individual parole board member is an agent within several structures: the board for the hearing (if there are multiple members), the overall hearing, the criminal justice system and wider society. Each of these interact with each other and influence each other, in a way that could also be framed in the language of complex adaptive systems, since those interactions change the nature not only of the agents and the structures, but of the overarching system of how the decision is constructed. This system is underpinned by a notion of what constitutes a crime and the gendered nature of crimes involving domestic violence, and of how criminal justice systems are supposed to respond to these crimes and criminals. The emergent nature of that response is shaped by all these inputs in such a way that they become infused with the logic of risk society, whereby the decision is not only a function of an effort to reduce societal risk but also organisational risk, so that even a parole board member determined to protect the public proportionally to the risk must also bear in mind the effects of their decision on the parole board itself.

3.8. Summary

While the Literature Review in chapter 2 laid out the background to my dissertation, this chapter has outlined theoretical models used to frame and shape how I conduct and analyse the research. In determining the research question, I took several implicit assumptions, which this chapter has made explicit. These include: how we understand the parole board's decision as an interaction between the parole board

members and the structures around them; what domestic violence is, and how we conceive it as a crime; how a decision-maker might be concerned with both the risk of a prisoner reoffending, and with the risk of being blamed for that reoffending; and how the parole board's decision constitutes the output of a complex adaptive system where different variables interact in different ways depending on the decision-maker's own thought processes and environmental inputs.

These theoretical frameworks have not only underpinned the construction of the research topic and question, but also provide a frame of reference for answering the research question. The discussion in this chapter has also demonstrated the novelty of this research, insofar as I can find no previous literature applying these frameworks to the subject of parole decisions on domestic violence cases, and very little applying any of these frameworks to parole decisions more widely.

Next, the Methodology chapter builds on this theoretical foundation to demonstrate how different epistemological and methodological approaches add to our understanding of the roles of different inputs into the complex system of the parole decision. The complex interactive nature of these theoretical frameworks suggest that my research should not only seek correlations between variables and outcomes but also explore the mechanisms and intervening 'messiness' behind any correlation. All four theoretical frameworks laid out in this chapter infer the need for a qualitative dimension alongside a quantitative element that takes a positivist approach to identifying relationships. The Methodology will explore how this research can identify the respective influences of the potential inputs identified in the past two chapters, and how it can shed light on the ways those inputs interact to produce a decision.

4. Methodology

4.1. Introduction

The literature review identified a question emerging from gaps in existing research: “how do parole boards in England and Wales decide whether to release male perpetrators of domestic violence?” The theoretical framework showed how that question can be explored as a complex adaptive system, influenced by the theories of structures and agents including the structural backgrounds of the criminological construction of domestic violence and the complications of risk colonisation, while considering the decision-making process within the agent.

In this chapter, I lay out my rationale for using a combination of qualitative and quantitative methods to answer the research question, drawing upon positivist and interpretivist influences and assumptions. This approach allows me to explore the parole decision both at the systemic level (by examining which outputs associate with which inputs and dynamics) and at the level of the agent (by exploring their subjective thought process, and the way in which structures play into their decision-making).

My approach to this question requires an understanding of the paradigms and assumptions on which the research is based, and an evaluation of different epistemological approaches – the way knowledge is conceived (Park et al., 2020).

This research explores not just *whether* any given input is correlated with the parole board’s decision, but *how* this correlation emerges – what thought processes and assumptions come between the presence of various inputs, and the decision. Is it because parole board members believe the evidence shows that variable to be a reliable predictor of future violence? Or because they believe the offender deserves to be treated more leniently if they have behaved a certain way? Is it due to variables specific to the case, or broader considerations? Does it reflect a personal bias – conscious or unconscious? Or is it for a different reason entirely? The methodology, and methods, need to reflect this.

After clarifying some of the terminology below, this chapter outlines the advantages and disadvantages of a positivist approach, of an interpretivist approach, and of a systems theory approach, before tying these together to show how different datasets can construct a complex system to describe the decision-making process.

4.1.1. Terminology

Describing this methodology has involved some challenges, since the language used in qualitative research, quantitative research and systems theory can differ while describing similar or overlapping concepts.

This dissertation uses the following terms:

- Inputs
 - An overarching term from systems theory (Schneider & Somers, 2006) referring to anything outside of a designated system that contributes to the functioning of that system.
 - In the quantitative analysis, this overlaps to extent with the term ‘variables’. If I conduct a regression analysis to test for a relationship between something outside of the decision-making process (for example, the type of sentence, or the type of custodial estate) and the eventual decision, then for the purposes of the analysis this would commonly be referred to as an ‘independent variable’ while it could also be referred to as an ‘input’ when later considered as part of the overall system model. However, if another variable were better described as an internal part of the system (for example, how the prisoner comes across in the hearing) then this would be a variable but not necessarily an ‘input’.
 - In the qualitative analysis, interviewees (and I, in the original framing of my questions) frequently use other terms that overlap with ‘input’: mainly, they refer to ‘factors’ that influence their decisions. Again, this is useful for thematic analysis but the term

is not entirely synonymous with 'inputs' since those factors might represent feedback loops within the system rather than truly external inputs.

- Systems and subsystems

- A 'system' is a set of linked components (including people, pieces of information, and organisations, amongst others) which interact with or influence each other, and a complex adaptive system implies both a more complicated set of components and interactions, and the idea that the system can change as a whole without individual components changing, due to the emergent properties that form in a dynamic context (Gell-Mann, 2002; Mitleton-Kelly, 2003).
- Subsystems are systems within the larger system under analysis. For example, within the overall parole decision-making system, each individual parole board member's thought process is a complex subsystem of its own, containing interactions between multiple pieces of information and both environmental and psychological influences. But each parole board member acts as a component within that overarching system of the decision-making process
- There is some overlap between the language used in systems theory of components and systems, and the language used in sociology of structures and agents. The two fields share some similarities – the same underlying elements might end up referred-to by systems theorists as components of a system, and by sociologists as agents within a structure. The subtle distinction is that while both approaches consider the interactions between agents/components and structures/systems, systems theory reifies the system itself as something emergent from the structure-agent interactions

- Outputs

- Outputs are results of how the system operates – in this dissertation, the key output is the decision ultimately made by the parole board of whether or not to release a prisoner (or progress him to open conditions).

- The term overlaps to some extent with the ‘dependent variable’ in quantitative analyses, and in this dissertation the two overlap considerably, since the dependent variable in all the quantitative analyses is the parole decision.

4.2. Positivist approaches within this research

The research question considers inputs (e.g. the nature of a prisoner’s offences; whether he has attended a perpetrator programme) and an output associated with those inputs (whether the parole board release him or not). At this level, the research seeks to explore whether the presence of any given input increases or decreases the likelihood of a particular output.

4.2.1. Positivist epistemology

This aim of linking inputs and decisions has ‘positivist’ overtones, drawing on the tradition where evidence should be based on empirical observation rather than belief or metaphysics (Comte, 1855) – in other words, it does not assume an association between inputs and an outputs ‘because I say so’, or ‘because an authority says so’. A positivist approach therefore requires some form of independent, testable confirmation of an idea from data.

It is not enough to seek evidence to support a possible answer to the research question. Instead, if proposing an association between an input and an output, this ‘hypothetico-deductible model’ of research requires an effort to *falsify* that hypothesis: when investigating the relationship between the presence of an input, and the parole board’s decision to release, analysis should start with the null hypothesis – that no relationship exists between the input and the output (Popper, 1959) – and see whether it is contradicted by the data.

This research question lends itself, at face value, to a positivist approach, which may be better suited to quantitative questions that ask whether one variable is associated with another (Park et al., 2020; Ryan, 2018). For example, a regression analysis

(discussed in Methods chapter 5.1) tests the probability that the apparent association could exist by chance alone – if the probability of the finding being coincidental falls below 5% (or “ $p < 0.05$ ”) the finding is deemed significant (Kennedy-Shaffer, 2019). This approach is valuable for my research question, seeking to identify where a relationship exists between different inputs and outputs – a positivist approach, applied through a logistic regression, for example, could provide answers along the lines of “the presence of variable X is associated with a Y% increased likelihood of the parole board deciding to release the offender”.

4.2.2. Limitations of positivism

Theoretical limitations

Positivism in its pure form has limitations as an epistemological approach and includes a paradox: it supposes no preconceptions yet takes the decision to adopt a positivist approach as a ‘given’ (Putnam, 1997). Even where a positivist approach ‘fits’ a research question, we should still acknowledge that the approach represents a subjective choice (Ratner, 2002). While a positivist approach aims to avoid interpretation and objectively describe reality, positivist researchers in practice do not articulate or defend the mechanisms they used to analyse their findings, despite all their analysis involving interpretation or preconception (Quine, in Zammito, 2004).

At face value this research seems to involve ‘objective’ discussions of links between inputs (for example, the key characteristics attached to each offender) and outputs (the decision by the parole board). But this would make some ‘naïve positivist’ assumptions, based on seeking an objective truth in a value neutral way (Burkard, 2018). The researcher brings their own perspective: for example, in determining which inputs to explore. Even when based on previous research, this means absorbing the assumptions and perspectives of previous researchers.

Empirical limitations

While a positivist approach claims to analyse data free from values, this is unscientific and ignores evidence about the interaction between the two (Zyphur and

Pierides 2019). Kuhn (in Gattei, 2016) found that positivist approaches favoured the dominant paradigm in any given field, and prevented researchers asking key questions. Holtz & Odağ, (2018) suggest that Popper himself was not positivist in the current sense: his sceptical approach to received wisdom, and his belief in experimental falsification using different contexts, suggest that his work criticises naïve positivism rather than develops it.

Positivist methodologies struggle to answer questions empirically because the concept under investigation (e.g. the family unit, gender relationships, criminal activity) is often impossible to extricate from the interpretation of the agents involved – a decision to release is a legal decision framed by statute and guidance, but also a lived experience of the decision-makers, prisoner and other participants in the hearing.

4.2.3. Why a positivist approach is still important to this research

Notwithstanding the critiques above, positivist influences remain essential to this dissertation. I must simply make sure I do not adopt too purist (or 'naïve') a positivist approach, and that I do not over-claim for the approach. The discussion in 4.3 below outlines the role for an interpretivist perspective in the research and how it complements the positivist approach: while the overall structure of my methodology and method requires synthesising findings from qualitative and quantitative data and methods.

A positivist approach offers a basis lacking in other approaches: a greater focus on reliability and transferability of data (Kock et al., 2017). It is easier for two researchers to draw different conclusions from an interpretivist study (indeed, part of the point of interpretivism, discussed in 4.3 below, is that the researcher's role in shaping the data is recognised) than it is for two researchers to draw different conclusions from statistical analysis of variables (Scotland, 2012). I can generalise beyond a study using a positivist approach more easily than I can from studies using other approaches, because of this rooting in data which can be more easily replicated and re-tested.

The research is well-suited to quantitative with qualified positivist undertones - it studies the inputs contributing to a decision, and while that decision is the result of many nuanced social factors, the fact that a parole board *has* made a binary decision remains a 'fact'. This differs from a study analysing whether a decision was 'correct' or 'desirable', since both those terms involve considerable interpretation. Several aspects of this research question are nevertheless subjective: identifying whether a relationship is unlikely to arise by chance is a valuable finding, since it suggests *some* dynamic through which the input relates to the output; but it neither unpicks the assumptions underpinning the definition of the variables used, nor tells us anything about why or how the link between the input and output exists. While a positivist approach first appears to be an 'objective' exploration of which inputs are associated with a decision to release, both the decision itself and many of the variables under examination are constructed through a social lens.

At the very least, the dynamic by which an input might be associated with a release decision could vary between different parole board members – all of them human beings liable to interpret the same information in different ways and for different reasons – or between different cases depending on different contexts and inputs. This all means that even a straightforward, strong association between a variable and a release decision might hide a multiplicity of subjective approaches to how that information is incorporated during the decision-making process, which could affect how a different parole board used similar information in a different context. This subjectivity could affect, for example, whether a statistical association represents a causal relationship, or simply reflects another variable that affects both the relevant independent variable and the dependent variable. Also, while some variables may be clear-cut – the type of sentence; attendance on a domestic violence perpetrator programme; the prisoner's age – others may be constructed by the decision-maker and other professionals: whether the prisoner has shown honesty and insight; whether they have behaved 'well' in prison.

Finally, a positivist approach helps to triangulate any other research by testing a notion against the empirical data. This can seem problematic when the research question alludes to the inner mental processes of the parole board members, and without the ability to model the brain's processes for this dissertation, a more

interpretive approach (See 4.3 below) may seem a preferable way of exploring such a seemingly hidden process. But any approach based on the reported words of decision-makers ignores what a positivist, quantitative approach might better capture: the possibility of unconscious influences on decision-making, discussed in chapter 3.6. A positivist approach can yield ‘revealed preferences’ (McFadden, 1975) – or more specifically to this study, ‘revealed associations’ between inputs and outputs – through statistical analysis of relationships, even if this level of analysis can only demonstrate the existence of a relationship rather than the construction of those inputs and outputs or the reason why the relationship might exist. This makes a positivist approach essential if we are to compare a subjective construction of the decision-making process with the results of that process.

4.2.4. Summary: a positivist basis for this research

It makes sense to adopt the positivist approach to identifying the existence of associations between various inputs and the parole decision. While there are limitations with the approach, I can incorporate a more interpretivist approach in parallel, to acknowledge, and then study, the subjective nature of any study of the decision-making process and the experience of those involved (discussed in 4.3. below).

While other approaches are important, positivist approaches are still essential to the project – without them, any amount of interpretation and analysis of underlying dynamics would be incomplete since it would fail to test whether a relationship even existed. Answering a question that asks how decisions are constructed would be incomplete without identifying associations between inputs and decisions. A positivist approach might only provide one piece of the puzzle, but it is an essential piece.

4.3. Interpretivist approaches in this research

The previous section laid out why I have decided to adopt positivist approaches in my research, embedded in the quantitative methods I will outline in 4.6 and describe in detail in 5.1. The positivist foundation for this research provides a basis for

establishing correlations between different elements in a complex system – between inputs and outputs. That positivist approach plays a vital role in establishing whether such an association exists between a given input and output, without which an interpretive approach would provide an analysis of the intervening dynamics but not necessarily be able to link this to any demonstrable statistical relationship. However, the positivist approach on its own is insufficient to answer this research question, due to the limitations discussed in 4.2.2. above and due to the inherent advantages of an interpretivist approach, which is essential for helping me understand how the decision-makers at the heart of this complex decision actually construct their decision. It is one thing to understand that there is a relationship between an input and an output – it is another thing to understand how and why that relationship exists.

4.3.1. Interpretivist epistemology

Interpretivism as an epistemological approach originally grew out of disillusionment with the limitations of positivism and out of a recognition of the need for subjectivity, not only in studying human individuals and societies (Ryan, 2018) but in any field of study where a human being is involved in framing the research and defining the question and terms – in other words, all fields of study, but especially the social sciences. Max Weber's seminal theory of social actions articulated an early distinction between the needs that interpretivist and positivist approaches sought to meet (Swedberg, 2007): that positivist epistemologies might identify relationships between inputs and outputs (or causes and effects, in his framing) but sociology required an understanding of the causal dynamics between an input and an output – the ability to explain 'why' a relationship existed, rather than just the fact of the relationship.

In one form of interpretivism – grounded theory – the aim is to come to the data with 'no preconceived notions' and to form theory deductively with no reference to existing theoretical assumptions whatsoever (Glaser & Strauss, 2017), which represents a pure form of interpretivist approach. The theories that emerge from grounded theory and similar approaches are not, however, to be viewed as an objective reality that has been 'discovered' by the researcher, but constructed by the

researcher through their investigations of data – the theories developed through interpretivist approaches would not exist without either the data or the researcher (Charmaz, 2017).

A more interpretivist approach acknowledges subjective nuance within this dissertation on two levels:

- 1) the way in which the link between inputs and outputs is mediated by the lived experience of the decision-maker (the parole-board member) and their own perspectives on the case;
- 2) the way in which the researcher interprets and constructs the decision-making process as an interviewer, analyst and writer of the dissertation.

Interpretivist approaches can be well-suited to the kind of doctoral social research which relies on exploring different actors' perspectives and which, as a multi-year project, allows the researcher the time to conduct qualitative research in more depth with more reflection (Rapley, 2018).

Interpretivism proposes multiple 'realities' constructed by the viewpoints and internal mechanisms of observers, rather than an immutable single reality.

Further to the discussion on structures and agents in the previous chapter, there are parallels between behaviourist and positivist approaches, and between the structuralist and interpretivist approaches:

- Behaviourism and positivism share “scientific kinship ties” (Kincheloe and Tobin, 2015, p517) in social science. Both are “grounded in objectivism” (Boghossian, 2006, p726) insofar as they seek to examine human behaviour and decisions based on empirical observations. They focus on *agents* and their observed actions.

- Structuralism and interpretivism are distinct concepts but share an emphasis on analysing individual agents (including the ‘agent’ undertaking research) as part of a system which includes formal and informal *structures*. These structures create the frame of reference for research and influence individual behaviour.

4.3.2. Limitations of interpretivism for this research

Interpretivism involves a trade-off (Seale, 2017) between greater *internal validity* at the cost of reduced *reliability* and *representativeness*, compared to a positivist study. The emphasis on internal validity involves more of the individual person’s perspective, interpretations and lived experience. This focus makes it harder to replicate interpretivist

research findings in different environments, or for researchers to claim their research is representative of anything beyond their own sample at a fixed point in time. For example, an interpretivist approach to this research question might construct a richer, more representative model of the decision-making process than a positivist approach but the same model might not fit a different group of decision-makers in a similar field.

Deductive and Inductive Reasoning

Deductive reasoning is associated with positivist epistemology and is widely used in the physical sciences. It analyses a purported relationship by testing the null hypothesis – assuming there is no relationship, and testing whether any apparent relationship is merely coincidental. The process starts with a theory, creates a hypothesis, and uses observations to prove or disprove the hypothesis.

Inductive reasoning, on the other hand, is associated more with interpretivist epistemology (Thomas, 2006), and more popular in the social sciences. Rather than testing an existing hypothesis, the inductive approach seeks to create new theories from available evidence. The process starts with observations, constructs a pattern from the observations, creates a tentative hypothesis from that pattern and develops it into a theory (Lawson, 2005).

Likewise, it can be hard to strike a balance: too little interpretation, and consideration of underlying themes is useless; too much interpretation risks excessive claims of underlying reality which simply represent the lens of the researcher. This is an inherent limitation of interpretivist research, but generalisation from interpretivist research is both “inevitable, and possible” (Williams, 2000, p209). Williams’ “methodological pluralism” helps mitigate these difficulties – for example, using an interpretivist approach to draw themes out of qualitative data, but alongside this, building on positivist traditions by conducting quantitative data to test how these themes apply to a larger sample.

Researchers taking an interpretivist approach therefore risk asking the reader to take too much ‘on trust’, relative to a researcher taking a positivist approach and using a quantitative dataset – while the latter’s analysis is fallible and open to critique, their datasets and analyses can be provided in raw form for subsequent researchers to test, to ensure their results are replicable. The role of the researcher in interpretivist research makes this exercise harder – no subsequent researcher can ‘replicate’ the process of constructing meaning carried out by a particular researcher at a particular moment in time with a particular sample. What the researcher can offer, though, is as much transparency as possible, regarding their own identity and characteristics as they are relevant to the research design and research topic – this ‘positionality’ requires the researcher to demonstrate, and reflect upon, their role in wider society and how this affects the power dynamics and other aspects of their interaction with the research subjects; how these dynamics are amplified or mitigated by the research design, and how they approach the research topic as a whole.

Demonstrating awareness, appreciation and action regarding positionality is not only an requirement for ethical research practice but important for the integrity of the research findings (Shaw et al., 2020).

In this research, the role of *prediction* is vital – exploring how decision-makers make decisions only matters if it has some future value as to how other decision-makers might make decisions. Here the implications of an interpretivist approach present a challenge. Becker (2000) criticised the use of predictions in social science research on three grounds:

- 1) prediction requires the ability to connect laws and propositions to real world phenomena, despite so many other inputs having an impact - we only really make 'retrodictions' that involve linking characteristics to outputs retrospectively;
- 2) predictions involve iterative steps: I can't predict my own 5th move in a game of chess, because it depends on what my opponent has done - predictions of the consequences of actions must also factor-in the responses to initial actions and the subsequent steps that result;
- 3) the poor record of sociological predictions to date.

These inherent limitations to interpretivist epistemology require me to either reduce my confidence in my findings that use such an approach or find ways of mitigating those limitations and buttressing the findings using a different approach.

4.3.3. Why interpretivist approaches matter to this research, and how the limitations can be mitigated

An interpretivist approach forms another key pillar, alongside a positivist approach, to answering this research questions. The limitations in 4.3.2. above can all be offset or mitigated by pursuing a mixed-method design, discussed further in 4.6, that draws on positivist traditions and on the model of the decision as a complex system outlined in 3.2 in the previous chapter. Without an interpretivist approach, I could identify associations between inputs and outputs in a complex system, but describe very little about how that association works within the individual: how human beings created meaning out of those inputs, bring their own perspective to them, and form a thought process that leads to an output.

Despite the challenges posed by the study of prediction, this research can and should examine how a decision-maker might act:

- 1) in general, the genuine hazards of trying to predict human behaviour do not preclude the attempt to do so. The alternative is to treat future behaviour as permanently unknowable and unpredictable, preventing any kind of planning for the future. In the case of violent offences, even imperfect predictions have some value if their predictive value is greater than chance – such predictions allow a balancing of the freedoms of the offender against the safety of the public.
- 2) This research does not claim whether any given input is an accurate predictor of future offending, although the literature refers to research which seeks to do so. Instead, this research focusses on the extent to which decision-makers rely on these inputs in making their decisions. Whether they are wise to do so is beyond the scope of this research.

In this section, I have demonstrated why an interpretivist approach is valuable to any study of human behaviour but needs to be approached with caution to mitigate its limitations. An interpretivist approach may be less reliable and representative with reference to establishing an underlying association in the data, but when allied to a positivist approach, my research can not only point to a more objective relationship but enrich this finding with the constructed meaning that can only come from a more interpretivist outlook. A combined interpretivist-positivist approach complements reliability with validity, helping answer not only which inputs are linked to an output, but why and how these links operate, mediated through the understanding of the human subjects involved in the decision-making process.

Qualitative researchers can demonstrate integrity through the four 'pillars' of credibility, transferability, dependability and confirmability (Lincoln & Guba, 1986), substantially mitigating the limitations discussed above:

- Credibility involves ensuring that the way the researcher represents the data is an accurate reflection of the data itself. This can be achieved through 'member checking', for example feeding-back provisional findings to interviewees to see whether they agree with how their words are represented. A credible piece of qualitative research should be 'recognisable' (Nowell et al.,

2017) to other researchers and research participants. This can also be supported by having other researchers code the same data, to see whether they represent the data in the same way.

- Transferability involves the degree to which qualitative findings in one sample can be generalised to a different sample or setting. The richer and more detailed the descriptions provided by the researcher, the easier it is for another researcher to applying the same approach to another site (Tobin & Begley, 2004).
- Dependability is the degree to which the research process is “logical, traceable, and clearly documented” (Tobin & Begley, 2004, p392), allowing the reader to evaluate the rigour of the research – in other words, the more transparent the research, the more trustworthy it is as a reflection of how a series of steps has produced a particular outcome.
- Confirmability requires all the first three pillars to be achieved (Koch, 1994), and could be understood as an analytical extension of credibility. While credibility requires the author to demonstrate a clear line connecting the data with the results, confirmability requires that line to continue through the analysis and discussion – showing that the conclusions are the natural outcome of the methodology and methods used. This requires a thorough account of the choices made by the researcher throughout.

4.3.4. Summary: an interpretivist basis for this research

In summary, an interpretivist approach is not a rival to the positivist approach but a necessary complement, if we are to understand the ‘how’ and ‘why’ of the decision as a complex system, rather than simply the ‘what’. Exploration of structures within a complex system requires not only a statistical account of the associations involved (providing an outline of the impact of those structures) but an understanding of how the agents experience those structures, how they create meaning of the various inputs they are exposed to, how the structures and subsystems mediate their

interpretation of those inputs, and how they internally construct their view of the decision involved.

The limitations of an interpretivist epistemology outlined in 4.3.2. do not make it less useful in answering my research question – they simply require me to adopt a systematic approach, using Lincoln & Guba's (1986) model as a reference point for demonstrating the rigour of my research, and not to exaggerate the generalisability of the results.

With this methodical 'safety net' in place, an interpretivist approach is invaluable for this research.

4.4. Feminist approaches to methodology in this research

4.4.1. Feminist epistemologies

The importance of feminist approaches to this research not only involves the subject matter (insofar as domestic violence is heavily gendered, and the response to it has therefore been shaped by gendered policy-making) but also the 'way of knowing' involved in the epistemological approach. A feminist epistemological approach starts from the recognition that, regardless of the topic under examination, approaches to research that emphasise statistical and purportedly 'objective' data are socially constructed as being more 'masculine' or 'hard' than the more 'feminine' or 'soft' understanding of personal perspectives and interpretations of knowledge, and furthermore that in a patriarchal society, approaches more associated with male enquiry are assigned greater weight and prominence (E. Anderson, 2020; Hesse-Biber, 2011).

This critique matters for this research, particularly in a study that uses both positivist and interpretivist elements – the critique warns that traditionally, researchers instinctively frame positivist research as inherently superior. Given what we know about unconscious thought processes and the tendency to absorb biases

unconsciously (see 3.6), there is a real risk that I could privilege one element of my research over another, unless I am conscious of that risk.

4.4.2. Feminist critiques of positivist epistemology

Feminist research theory – a significant source given the gendered nature of the research topic – identifies the empirical limitations of positivism. By entrenching the assumptions of previous research, positivism risks missing alternative perspectives, reinforcing “the epistemology of the fathers” (Sprague & Kobryniewicz, 2006, p26).

Positivist approaches also assume a single position of authority rather than different perspectives, especially in social sciences (Antony, 2018). The impact depends on the circumstances: for physical scientists studying the effects of gravity or radioactive decay, social contexts matter less (though still relevant) than for social scientists studying the ‘effect’ of a prisoner’s history on a parole board’s decision to release him.

An interpretivist approach recognises the role of the researcher in constructing and framing both data and analysis (Oakley, 2013). It considers the way that human subjects as individuals make meaning out of phenomena and differently experience interactions. Research methodologies, even when nominally approached from a technical, pragmatic perspective, can therefore be influenced by the political and cultural context brought to the research by the researchers, their supervisors and institutions, and outside inputs affecting them (Oakley et al., 2005). The ‘standpoint theory’ of feminist epistemology (Doucet , A., in Miller et al., 2012) identifies the female perspective as carrying ‘epistemic privilege’ over a male-dominated positivist epistemology, since women are inherently aware of the structural and power relationships within research that are not necessarily apparent to a male perspective. This does not mean that a positivist methodology or a quantitative method contradicts a feminist approach, provided that it is used with a feminist approach in mind, conscious of the potential for these patriarchal, objectivist assumptions (Westmarland, 2001) – the research question and issues raised should determine the methodology used.

The contemporary field of domestic violence research is suited to interpretive feminist enquiry. It involves questions such as: what constitutes domestic violence? (Stark, 2009); at what point should the state intervene? (Gracia et al., 2009); what level of intervention is proportionate to the risk? (Maxwell et al., 2002); when and how can an intervention with offenders be declared a 'success' when the abuse might not cease (Westmarland and Kelly, 2012)? All these are constructed notions, regardless of the extent to which people agree on their definitions at any one time and place. In the UK at the time of writing, for example, domestic violence is socially constructed as an unacceptable form of behaviour towards an intimate partner (or former intimate partner), distinct from behaviour which people in a society consider acceptable and requiring state intervention.

Feminist research also highlights necessary refinements to, and potential weaknesses in, an interpretivist approach, and reinforces the importance of positionality especially given the power imbalances between genders and between researchers and research subjects with different intersections of characteristics which affect their respective power (England, 1994).

4.4.3. Limitations of feminist epistemology in this research

The notion that the female perspective is unique, and carries 'epistemic privilege' (S. G. Harding, 2004) takes what is arguably a leap by essentialising the female perspective - Haack (2000) considers the focus on experience and personal perspectives unjustified, seeing the epistemic privilege as a construction of 'political correctness' and disputing the uniqueness and superiority of the perspective of a marginalised group. Haack fears that the benefits of science can be lost if the notion of objective reality is disregarded entirely. Longino, (2017) is particularly critical of standpoint theory, arguing that there is no theoretical reason why one perspective should be superior to another, while Pinnick (1994) challenged the concept empirically, challenging feminist epistemologists to provide any evidence that one standpoint would produce more optimal results and more accurate insights.

But despite these objections, the critiques of feminist epistemology do not challenge the initial paradigm identified by this field – that a male-centric, positivist-centric

evaluation of research creates an unwarranted sense of a 'gold standard' of one kind of approach from one kind of perspective. If anything, critics of standpoint theory who challenge the epistemic privilege of a marginalised group make this case the strongest: that no one perspective, marginalised or otherwise, should be allowed to dominate the discourse in a field of research.

4.4.4. Summary: a feminist basis for this research

Feminist epistemology has an important role to play in answering my research question. Notwithstanding the critique in 4.4.3 above about the primacy of a feminist perspective, this dissertation draws upon the deconstruction work done by feminist epistemologists about the danger of seeing one perspective – the positivist, quantitative, 'objective' approach to research – as superior. Within the complex system of a parole decision, outlined in 3.2, we have complex, non-linear relationships between agents and the structures around them, within different systems and subsystems. To treat one of those agents as 'removed' from the system is problematic: we need to see each agent as feeding into the structures as well as just being influenced by them, or just observing them. One need not adopt the post-modernist rejection of objective reality to recognise that, even where an objectively real object, situation or theme exists, each of us as agents brings our own background and assumptions to our perspective, and so interprets and constructs those realities differently. This means that, as highlighted in feminist epistemological theory (and even in its critiques), we should not claim one position or approach as privileged and objective, instead recognising where we are each located in the research or in the wider systems around it, and what perspective we bring to our study of the subject.

This research is influenced by positivist, interpretivist and feminist epistemological approaches because of the overarching structure of the parole decision as a complex system. In the next section 4.5, I return to the discussion of systems theory, this time specifically relating to my methodology.

4.5. Combining different epistemological backgrounds within a complex systems model

So far this chapter has outlined positivist and interpretivist epistemological approaches, their advantages and disadvantages in respect of this research, and the context of feminist epistemological critiques. In this section I show how the different approaches are not contradictory but can complement each other in practice, within the systems model described in 3.2 which provides a key framework for the research.

4.5.1. How different epistemologies combine in practice

While an interpretivist approach has become more popular in social sciences, a reflective 'post-positivist' approach that seeks objective associations in data, while still recognising the limitations of positivism and the value of mixed methods (Panhwar et al., 2017), provides a useful model for this study. Indeed, modern researchers see positivist and interpretivist as complementary rather than opposing approaches. Roth and Mehta (2002, p132) argue that "positivist and interpretivist approaches, as we define them, are not fundamentally at odds with one another but simply require different analytical lenses for the same data." Specialist researchers in the parole board have bemoaned the lack of data-driven quantitative research in this field, that seeks evidence-based associations between variables, rather than varying perspectives (Padfield, 2017).

The relationship between positivist and interpretivist research traditions has implications for this dissertation. Decisions about perpetrators of domestic violence carry meaning, and this research explores how decision-makers make sense of the decision process. Decision-makers may frame their decisions – and the underlying evaluations of risk – in essentially positivist terms: they assume that they are taking decisions based on a future likelihood of re-offending, based on 'objective' evidence and broadly value-neutral (while understanding the challenges and limitations on this).

This supports a mixed approach that draws from different epistemological traditions. A pragmatic recognition of these advantages and disadvantages often suits the study of a complex system with a diverse range of data (Goldkuhl, 2012; Walsham, 1995). Since this research not only examines relationships between inputs and outputs, but *how* those relationships occur, it can acknowledge the inherent limitations of both positivist and interpretivist approaches while using the advantages of each approach.

4.5.2. How these approaches combine in a complex system

This kind of ‘methodological pluralism’ (Avgerou & Cornford, 1995) using both positivist and interpretivist approaches fits the context of the parole decision as a complex adaptive system. Describing the parole decision as such a system is justified by the subtle but significant feedback loops within the system between different agents and different inputs, and because of the non-linearity of how inputs are processed, often bearing different weights and significance depending on the interaction between those inputs within the system (as becomes apparent in the results, chapter 6).

A combination of epistemological approaches fits the theoretical frameworks adopted in chapter 3. The constructions of criminality and the background of risk colonisation (identified in that chapter as structures affecting the agents within the decision-making process) require a depth and nature of inquiry that recognises the way in which agents can make meaning out of their surrounding structures, and that they incorporate different inputs within the subsystem of their decision-making. However, while an interpretivist approach alone would go some way towards describing and reflecting on these dynamics, the complexity of the agent’s decision-making (discussed in 3.6) means that – as critics of interpretivism point out, it can be inaccurate and premature to accept personal perspectives and constructions of reality as the limit of ‘knowable knowledge’. Since decision-making can take place through unconscious mechanisms, a positivist approach is also necessary to identify correlations that agents in the decision-making process (in this study, parole board members) might not consciously acknowledge. This is not to privilege the latter element as the ‘true’ version of reality, but simply to recognise those statistical

associations as another source of knowledge which can be triangulated and compared with the interpretivist perspective on how agents create meaning within the system.

In the next section, 4.6 below, I consider what this all means in practice, and what kinds of methods I might need to explore in the Methods chapter.

4.6. Implications for choice of methods

Chapter 5 – Methods – will detail how I conducted this research, but I will first consider what this chapter has meant for the choice of method. I have demonstrated in the previous sections why both positivist and interpretivist approaches, seen through a feminist lens, can help me answer my research question, on how parole board members construct decisions about men who perpetrate domestic violence against women. This section provides an overview of the kinds of methods this requires, before the next chapter will provide the detail of what I did to produce my data.

4.6.1. Qualitative Methods

A qualitative method is preferable for exploring the complexities of the dynamics and potential feedback loops within the system of the parole board's decision, and to help construct a model of that system drawing on the interpretivist traditions discussed above.

I have chosen to use interviews with parole board members, thematically analysed, to achieve this. I also considered focus groups, which could enrich the data through feedback effects among group members, but also (Litosseliti, 2003) risks creating a distorted 'group view' which it is hard to differentiate from individual views. This method in any case proved impractical given the limited availability and geographical spread of parole board members. I also considered observations, which could shed light on the dynamics of a parole hearing, given the opportunity to observe a decision unfolding rather than simply an end-point (in the case of document evidence) or in

retrospect (in the case of interviewees reflecting on their decisions). I observed two parole board hearings as part of my scoping for this research. I was not given permission to use the details of the individual observations as data for this study, but the experience was useful in providing background about the structure and dynamics of an oral hearing.

While semi-structured interviews are regarded as the “gold standard” of qualitative research (Oltmann, 2016, p1) they have limitations, especially the risk of the interviewee shaping the data through retrospective accounting (Wilkinson, 1998). Qualitative interviews can be a “social and organisational phenomenon rather than just a method” (Dumay & Qu, 2011, p238). This cautions against treating my interview as definitive or ‘discovered’, and requires emotionally literate analysis, a willingness to ‘step back’ from the data and conduct a reflexive evaluation of my own analysis.

4.6.2. Quantitative methods

It is also important to ground the model in an empirical context insofar as establishing which inputs are most strongly correlated with release decisions. This data will not tell us *why* such correlations might exist but provides the foundation for an analysis of interactions between the respective themes emerging in the qualitative element.

To this end, my research will benefit from a dataset of parole decisions regarding perpetrators of domestic violence. I cannot expect this dataset to provide an insight into the interpretive aspects of the question (how the parole board member forms a view within their mind) or the systems approach to the question (how the decision operates as a complex system) but it can at least provide a correlation between inputs and outputs, forming the basis of a more rounded discussion.

The most common approach to finding these relationships is to use a linear regression (Twomey & Kroll, 2008), testing the relationship between an input A and an output B, producing a result showing whether an increase in A is correlated with an increase in B, and whether that correlation is statistically significant. In this case,

though, our output variable (or 'dependent variable' in quantitative terms) is the parole decision: whether the offender is released or not. The third potential output value – progression to open conditions – slightly complicates matters, but this still represents a categorical variable rather than a continuous variable. We are therefore not going to see a 'change in B' but a change in the likelihood of the value of B being either 'release' or 'no release' (or progression to open conditions). This kind of analysis lends itself to a logistic regression where the result shows whether an increase (or presence of) A is correlated with an increased likelihood of B (Sperandei, 2014). A logistic regression produces:

- a) an odds ratio: the ratio of the odds of release in the presence of A, against the odds of release in the absence of A. For example, if 25 out of 50 offenders were released where input A was present (1:1) but only 10 out of 40 offenders were released where input A was absent (1:3), then the odds ratio would be exactly 3.
- b) a measure of statistical significance (the p-value, or probability that the relationship exists by chance. A 5% probability that the odds ratio was a coincidence would be expressed with the value $p=0.05$).
- c) a measure of how much of the difference between the ratios can be accounted-for by the input A. This is known as the R^2 value (Nagelkerke et al., 2005): if the input accounted for 20% of the variance between cases where A was present and cases where A was absent (i.e. 80% was accounted-for by other inputs), this would be expressed as $R^2=0.2$.

Using the three values together to gauge the significance of a result is important, since the odds ratio alone could yield a strong relationship from a small sample size. For example, if A was present in 90 cases, 45 of whom were released, and only absent in 10 cases, 1 of whom was released, then this yields an odds ratio of 9 (1:1 versus 1:9), which seems very high, but could easily be coincidental given the small sample of cases with A absent.

While logistic regressions are useful for isolating relationships between one input and one output, it can also be helpful to identify groups of cases with similar shared characteristics, to explore whether some 'types' of cases are more likely to see a decision to release than others. The challenge is how to define 'types' of cases, but one method is to use a 'latent class analysis'.

This method uses a variety of inputs (or variables, in practice) to create a 'best fit model' using a range of statistical criteria (Hagenaars & McCutcheon, 2002), discussed further in the Quantitative Method chapter 6.1.

For any number of groups, a latent class analysis seeks to place each case in one of the groups depending on 'closeness' of the group characteristics to that case. The more groups, the easier it is to fit each case into the 'right' group, but the less useful this is for analysis – limits of freedom start to reduce the meaningfulness of any comparisons between groups when the groups proliferate. On the other hand, too few groups mean more cases are 'shoehorned' into a group based on which they are 'least unlike' rather than due to a properly shared identity with other groups. Once a case is assigned to a group in the 'best fit' model from the latent class analysis, then this itself can be analysed as another independent variable in a logistic regression: e.g. whether offenders in latent class #1 are significantly more likely to be released than offenders in latent class #2.

Latent class analyses should be treated with caution in complex systems where some of the variables may not be entirely independent (Oberski, 2016): for example, if the variables in the analysis include measures of 'institutional behaviour' and 'attendance on domestic violence perpetrator programmes', one might argue that these are related and that an offender demonstrating apparent compliance in prison might demonstrate the same compliance in attending the programme. However, this can be mitigated to some extent with collinearity testing, where variables are cross-referenced to test whether they have such a similar impact on the outcomes that they amount to the same variable, either using least-squares regression (G. W. Stewart, 1987) or Bayesian analysis (Assaf & Tsionas, 2021). While the merits of different approaches are contested (Feng et al., 2019), the principle is still well-

established and useful in ensuring that an analysis of two different inputs is not fundamentally measuring the same thing.

4.7. Summary

This section explored different epistemological approaches to answering the research question, identifying advantages and disadvantages to positivist and interpretivist slants, before considering how complex systems theory offers a framework for incorporating different kinds of evidence and different mechanisms within this topic.

A parole decision lends itself not only to the study of associations between inputs and outputs (best served through quantitative analysis, with undertones of a qualified positivist approach), but to the study of how decision-makers construct their concepts of risk, draw meaning from the different inputs, and create their decision (best suited to a qualitative approach, underpinned by an interpretivist approach that recognises the inherent subjectivity of this process).

These approaches fall within an overarching methodology which seeks to model the decision as the output of a complex adaptive system, incorporating inputs, subsystems and interactions between them to demonstrate a coherent pathway (albeit a sometimes non-linear and complex pathway) between those background inputs and the ultimate decision.

The next chapter, on Methods, further explores what this means for the practical details of how to go about answering the research question.

5. Methods

5.0. Introduction: creating the research project

This chapter comprises an Introduction (5.0), a section on Quantitative Methods (5.1) and a section on Qualitative Methods (5.2). All three sections build on the theoretical and methodological context laid out in chapters 3 and 4, to describe precisely how I have gone about answering my research question.

This introductory section contextualises and defines the mixed-methods approach. The section describes my place in the research, how I reached these methods and how the research plan changed over time, including describing alternative methods which I explored but did not otherwise use.

The section on quantitative methods describes how I chose my sample, built the dataset, coded the data, my rationale for the choices in doing so, and why I used binary logistic regressions and latent class analyses to study the data further. I have also laid out why I considered, but did not use, factor analysis (data reduction) to analyse the cases further. I show how I used these techniques to identify relationships, before evaluating strengths and limitations of these methods. In this section, while I am considering inputs in the context of a complex adaptive system, I adopt the common terminology of 'independent and dependent variables' in a quantitative context, rather than 'inputs and outputs'.

The section on qualitative methods describes how I used interviews with parole board members to explore the conscious thought processes of decision-makers, the themes emerging from these interviews and what they tell us about *why* a given factor might be associated with a decision on whether to release an offender. This dissertation follows an established criminological tradition of using qualitative methods to explore *why* a statistical relationship appears in the quantitative study (Maruna, 2010). I describe how I identified my sample of interviewees, drafted a questionnaire, conducted the interviews, coded the transcripts and thematically

analysed the results, before again reviewing the strengths and limitations of this approach.

Before concluding the chapter, I outline the process by which I used a systems approach to integrate the quantitative and qualitative data.

5.0.1. My position within the research

As mentioned in chapter 1.1, I came to this topic from a social work background and many years' work with perpetrators and victims of domestic violence, which had left me frustrated by the tendency of many professionals and organisations to treat the victim not only as significant and deserving of safety, but also as the person responsible for the violence and for preventing harm. The traditional design of a social work intervention, at home with the woman while the man is absent, too often led professionals to treat the person in front of them as the person who needed to change. This drove me to try to direct research – and protective work more broadly – towards the perpetrators of the abuse. I had originally considered focusing on domestic violence perpetrator programmes – I had heard so many professionals and judges emphasise the importance of an abuser attending a programme to change his behaviour, that I wondered about the relationship between attendance on a programme and reduced risk of violence. Answering that question, though, would require a proper clinical trial with considerably more resources than a sole doctoral student. In reaching that conclusion, however, researching this proposal exposed me to the literature around a related issue: when to release violent offenders. As discussed in chapter 2, I found literature around parole decisions generally, but not around parole decisions for domestic violence offences specifically.

I have approached this dissertation from various relevant perspectives: as a man studying a crime overwhelmingly perpetrated by men against women; as a practice-based researcher more at ease with empirical data than abstract concepts; and as a researcher from a social work and social research background rather than criminology or sociology. By far the most jarring personal shift, however, was due to the duration of the research. Having honed a career producing quick-turnaround, in-depth analysis for court cases or for research projects in a matter of weeks. Before this dissertation, I had never worked on a single project or document for more than

two or three months. While the subject matter could be emotionally challenging and the shift into new academic territory was intellectually challenging, the change in 'pace' was hardest for me to adjust to, but it opened me up to different ways of thinking and working, and new forms of reflection. Having always been an enthusiast of praxis and experiential learning (Kolb, 2014) on a fast loop, I found it useful applying similar principles (concrete experience, to reflection, to abstract conceptualisation, to experimentation, to further concrete experimentation) within an academic problem, rather than treating academic research as only the abstract conceptualisation part of the learning cycle.

This background had implications for my location in the research and for the way in which the data was constructed, particularly in the quantitative element as an interviewer. I had a background giving evidence in court, challenging judges, and knowing the challenge of trying to predict the likely future outcome of highly sensitive (literally life-and-death) decisions in the criminal and civil courts. This positioned me differently than if I had been a member of the parole board myself, but also differently from a younger researcher or one without practice experience in similar fields. My interviewees would have regarded me as 'external' without being a complete 'outsider' – they knew from the outset that I had made difficult decisions (or recommendations) knowing that they affected people's safety.

5.0.2. A mixed-methods approach

The methodology chapter laid out the respective advantages of a quantitative approach that draws on the positivist epistemological tradition, and a qualitative approach built on the interpretivist approach. Respectively, these different approaches are designed to explore statistical relationships between inputs and outputs, and constructed meaning drawn from subjective interpretation of events.

My research can benefit from both approaches, but simply using quantitative and qualitative methods does not make the research 'mixed-methods' – rather, it would constitute two different projects addressing the same question. A true mixed-methods study involves synthesis between the two, whereby the two processes feed into one another to enrich the conclusions drawn from both elements.

While there is a typology of research approaches which could be termed 'mixed methods, this dissertation adopts R. B. Johnson's (2007) definition of a 'mixed priority' design. In this type of research, neither qualitative nor quantitative elements 'lead' the study, and the results are developed through integrating both elements rather than using one as a secondary check on the other or to inform design of the other. The main challenge of this approach is to integrate substantively different forms of data in a genuinely equitable fashion (Heyvaert et al., 2013) which respects the different approaches equally without overclaiming their congruence.

While many social science studies now purport to conduct mixed methods research in this way, many do not meet the definition, since they only discuss the findings in parallel rather than fully integrate them (Bazeley, 2009). To ensure proper integration, I follow guidance to combine the results in the analysis rather than only in the conclusions (Tashakkori & Creswell, 2007), and allow the two elements to feed into each other.

The systems approach laid out in 3.2 provides a model for how the qualitative and quantitative components can be integrated not just as a concluding statement but as part of the development of the analysis and discussion.

5.0.3. Changes to the focus of the study

I have included my ethical approval form (Appendix 1), demonstrating the ethical considerations that went both into my treatment of interview subjects and my careful use of highly sensitive data. The project received ethical approval from the UCL Institute of Education Ethics Committee in October 2018 (no. Z6364106/2018/07/78), and from the Parole Board's Research Governance Group in May 2019.

My dissertation explores the decision-making of parole board members in cases involving domestic violence. However, I provisionally planned to analyse decision-making by parole board members (deciding whether to release an offender), local authority child protection chairs (deciding whether to create a child protection plan for a child affected by domestic violence), and judges (deciding how to sentence an

offender). I eventually honed the research question down to parole board members for reasons that were partly practical, since it was hard to even obtain the relevant permissions for this one target group, and partly methodological - it made for a more coherent study to focus on decision-making in one context rather than in all contexts related to domestic violence. The nature of the parole decision also lent itself to quantitative study – the decision is (with caveats) binary insofar as the parole board either releases the prisoner or does not release them. The caveat is that a prisoner can also be progressed to open conditions, but this still leaves the parole decision much more suited to analysis as an output compared to a judge’s sentencing decision or decisions by a child protection conference Chair about what to put in a protection plan, for example.

5.0.4. Changes to the framework of the study

I initially set out to conduct a critical realist analysis of the data, which would have pulled together the same qualitative analysis of interviews (discussed in 5.2 below) and quantitative analysis of parole decision letters (5.1) but framed them differently. In a critical realist framework, the parole board members’ accounts describe their ‘empirical experience’ of the parole decision, while associations between variables and parole board decisions describe an ‘actual’ relationship between different components of the decision, but both represents different aspects of the underlying ‘real’ mechanisms at work within the decision, where structures, agents and processes interact. Such a framework recognises the inherent interactivity of the different elements: agency “neither starts nor finishes with an individual agent” (Oswell, 2013, p264) but instead is immersed through structures and through processes, and those same structures and processes interact not only with the agents, but within them through their thought processes (Bhaskar, 2013).

After my upgrade viva in March 2020, I abandoned the critical realist approach (on the advice of an examiner who specialised in the field) in favour of a systems approach, discussed in more detail in 3.2 and 4.5. I made this change because I recognised that my available data meant that any claims I made regarding an underlying ‘real’ dimension would be necessarily speculative and would weaken the

validity of my findings. A systems model using the narrative constructed from available data would avoid making such a 'leap'.

Nevertheless, while I make no claims from a critical realist perspective in this research, the theoretical and empirical literature on critical realism has still influenced how I structured the work. There are thematic overlaps between critical realism and structuration, with both recognising at least to some extent the complexity and interactivity of structure-agent relationships, and relationships between different levels of 'stratification' (Archer & Archer, 2003) within the individual as well as within the system. I also retained the underlying aim of taking different methodological approaches as different viewpoints on the same complex reality – recognising that each viewpoint is limited and only shows me a part of the whole picture, but that through triangulating different perspectives I can still produce a meaningful and coherent analysis. Much like the old analogy³ of blindfolded subjects asked to identify an elephant by touch, compiling each individual's limited insight might still reveal the true animal, whereas a single perspective would yield a completely different finding depending on whether they were exploring the trunk, tail, ears or legs. The main shift at the halfway stage of my dissertation was to adopt a different model of achieving this aim of forming a coherent narrative from multiple perspectives.

5.0.5. Changes to the quantitative analysis

I initially aimed to conduct a factor analysis – or data reduction – using the decision letter dataset. I hoped to identify the nub of the research question: underlying 'factors' associated with a decision to release a prisoner. A factor analysis using statistical analysis software would allow me to identify invisible factors which 'load' to different degrees onto the variables involved (P. Mair, 2018). So, an unseen factor which was strongly correlated with high values for multiple visible variables could be said to underlie those variables, pointing to a single driving motivation manifested in the data. For example, a factor strongly loading onto the variables "previous offending", "previous domestic violence", "unconvicted offending", "type of offence"

³ Used in Buddhist teachings (Karunadasa, 2018) but likely much older

and “severity of the abuse using Composite Abuse Scale” might be labelled “extent and seriousness of previous domestic violence” or words to that effect, allowing for a simpler linear regression analysis between that one underlying factor and the likelihood of release.

This proved technically difficult since factor analysis is mainly designed for variables with continuous values. A form of factor analysis – principal component analysis – can still work with binary variables (Schein et al., 2003), but this proved unsuitable for this dataset after sustained attempts, since it would only work with complete data for each variable from each case, whereas the information in the decision letters was extensive but not often complete for every variable. I therefore could not proceed with a factor analysis.

5.0.6. Exploratory exercise: observations of parole hearings

While considering different methods, I explored the merits of a series of case studies based on in-person observations of parole board hearings, but eventually abandoned this line of enquiry for practical reasons. The costs of this method were considerable: the Parole Board were reluctant to allow access to so many individual hearings; an in-depth case study approach ran a higher risk of inadvertently identifying the offenders in my research, and the range of permissions required for each observation seemed prohibitive. Furthermore, the advantages were less than I had originally hoped. While observing a parole board in person is valuable in many respects, it still does not allow any insight into the minds of the decision-makers and the reasons for their decisions, so interviews and quantitative analysis of decisions would still be required.

I was still allowed to conduct a valuable exercise in carrying out observations (but not reporting on the details) of a series of parole hearings on one day in an English prison. I was also able to speak to the Parole Board chair (who conducted the hearings alone) before and after the hearings. They provided me with context for the dissertation (I had never previously attended a parole hearing as an impartial observer) and with some background for my interviews with other Parole Board members.

Many of the Chair's own reflections on the decision-making process would later be echoed in the themes emerging from my qualitative interviews (see 5.2 below) but I also noted some pragmatic aspects of the hearings:

- 1) How the Chair paid attention (and sometimes changed) the layout of seats in the room, to assist the offender (so that they did not feel oppressed by rows of seats in front of them) but also to allow for eye-lines: to ensure anyone giving evidence could see, and could be seen by, the Chair, prisoner, and any other key individuals in the hearing. This underscored the significance of personal interactions to the Chair.
- 2) The Offender Managers in each case had never met the offender – the Chair told me this was usually the case in their experience.
- 3) A large portion of the discussion throughout the hearings regarded *process*: the formal documentation requested, produced, and filed; the prisoner's institutional history (prison moves, appeals, applications, and changes of key personnel); and the parole process itself.

These observations added another element to my background research and provided further perspectives to consider when analysing subsequent data.

While these observations could only represent a snapshot of parole hearings, and I am wary of over-interpreting them, I have considered how these reflections could be incorporated into constructing the qualitative methods discussed in 5.2.

I used this experience to encourage me to explore with interviewees the significance of structure and process as well as the case characteristics: how and why their minds might change over the course of a hearing; how they might be influenced by the process; and how they incorporated expert evidence given their possible concerns over the experience levels of offender managers.

5.1. Quantitative Methods: analyses of decision letter dataset

In this section I lay out why and how I used the parole decisions letters to create my dataset, and why and how I selected my quantitative methods to analyse the data. This section lays out a novel unit of analysis in parole research – the decision letter. As I will go on to discuss, analysing decision letters has some disadvantages but represents a valuable means of quickly and effectively comparing outcomes across a much wider range of cases than would be possible for the same level of resources using the dossier or case studies. My qualitative methods build on established designs in previous research, but the use of the decision letter represents a small but useful contribution to the field in this respect.

5.1.1. Selecting the source material

To quantify the associations between variables and decisions, I needed a dataset that would provide sufficient cases. For each case, I required a case record that included the parole decision along with as comprehensive as possible a range of case variables. Case studies and in-depth discussions of individual cases with parole board members would be insufficient to achieve high numbers with the resources available (a sole PhD student). This meant accessing and data-gathering from a large systematic repository of case information.

For Parole Board decisions, this means a choice between two alternative units of analysis: the case dossier, and the decision letter. After careful consideration, I chose to use the decision letter.

The **dossier**, used in Bradford & Cowell's (2012) analysis of England and Wales parole decisions, is a large file running to hundreds of pages, including full information on the prisoner's background, offences, and the entirety of the professional reports provided, which could then be linked to the decision found in the parole board's electronic records.

The **decision letter**, on the other hand, is a far shorter document of around 5-10 pages, written by the parole board chair to the prisoner within 2 weeks of the hearing (Parole Board, 2019). The letter includes the decision, the explicit (conscious) reasoning behind the decision, and a summary of the case that omits some important information (notably the prisoner's ethnicity, and whether they have children) but includes any previous domestic violence, broader offending behaviour, any allegations of domestic violence that were not reported to the police or did not result in a conviction, and their progress through prison.

Clearly the dossier provides a more in-depth source of data, but at the cost of requiring an order of magnitude more time to gather data from it. I decided to use the decision letters on the basis that I would be able to create a much larger dataset in the same available time (I could only access such confidential data in the parole board's offices, during limited hours), and because the dossiers were owned by the Prison Service which would have required another layer of permissions. For practical reasons, therefore, I 'satisfied' by opting to gather a larger but less in-depth dataset from the decision letters.

This had significant time implications. I did not test how long it would take me to code a full dossier, but my professional experience provides a useful comparison: I used to provide expert testimony on court cases for which I would be given a large dossier similar in size to those used for the parole hearings. I was able to absorb the contents and extract key data in about 6-8 hours. If it took me a similar time to read and code each parole dossier, this is far more than the 5-10 minutes it took to read and code each decision letter. It is therefore a reasonable assumption that switching from dossiers to decision letters allows for a dataset an order of magnitude larger given the same (restricted) time in front of the data. Using the decision letter therefore seemed the most suitable choice for this research.

5.1.2. Identifying and refining the sample

With the assistance of the Parole Board, I gained access to a database of every relevant parole decision letter from April 2018 to September 2019. My Parole Board contact conducted their own filtering process, partly to make the selection process

easier for me but also to ensure that my access to highly sensitive information was proportionately limited.

First the Parole Board created an electronic folder containing every parole decision from April 2018 to September 2019. The reason for this date range was a combination of being up to date at the time of the data-gathering, and convenience: by chance, the Parole Board had trialled a system of keeping all decisions letters in one repository covering that date range. Subsequent attempts to gather a larger sample going back before April 2018, or after September 2019, proved unsuccessful since they could not be collated in the same way, and I gave up on this attempt in early 2021.

Second, the Parole Board conducted a keyword search of all the files in this repository using the terms “intimate partner violence”, “domestic violence”, “domestic abuse” and several variations and abbreviations along these lines. This method proved more effective than searching for specific types of crime, due to the wide range of crimes that could involve domestic violence but did not necessarily do so. My contact in the Parole Board kept a database of over three hundred such crimes, so only a keyword search could hope to achieve a valid population of domestic violence decisions.

The subsequent filtered repository provided to me by the Parole Board amounted to over 300 cases, but these did not all constitute decisions around perpetrators of domestic violence. I then reduced this sample by excluding the following:

- Cases which happened to include the keywords in the discussion while they did not refer to the offender’s behaviour, e.g. someone convicted of offences unrelated to domestic violence, whose background includes a reference to it: “[offender] was in care as a child due to domestic violence at home” or as a victim: “[offender] had previously suffered domestic violence before committing her offences”.
- Cases where the offender *had* been violent to a partner at some point, but where this was not a significant factor in the Parole Board’s decision, e.g.

“[offender] had a long history of offences including theft, domestic violence, drug dealing and fraud, before committing the index offence of robbery...”.

This could sometimes be a difficult line to draw, but I adopted the following cut-off: my sample included *parole decisions where domestic violence was the sole or primary consideration in the prisoner's offending*: where either the offender's index offence, or reason for recall (if applicable) involved domestic violence.

This sometimes overlapped with offences against children in the same home, but I have excluded separate child abuse cases, for example a man abusing an unrelated teenaged girl, even if the offender may have described themselves as the victim's 'boyfriend' despite the age of the victim making it illegal for them to have a relationship – professionals sometimes make the mistake of compounding this distortion with their own language. Some of the same dynamics apply to those child abuse cases (e.g. male entitlement, possessiveness, control) but they differ from the dynamics of a case involving an adult perpetrator and victim. The cut-off was not always clear-cut: some cases involved a much younger partner but one still over the age of 18, or a partner with a learning difficulty or other vulnerability, where some of those extreme power imbalances and abusive dynamics seen in child abuse cases would still apply.

I also recognised a grey area around the definition of 'partner': domestic abuse is not widely used to refer to crimes by men against sex workers, female platonic acquaintances, or female strangers (though these come under the wider category of gender-based violence which also includes domestic violence) – but what about crimes against a casual partner, or an acquaintance the perpetrator had a transient relationship with? Some cases could blur the definition of what is, and isn't, a 'relationship' for the purpose of this research. However, there were very few marginal cases in the study: in almost all the 142 cases, the offender had abused a current or former wife or girlfriend whom he had been unambiguously in a relationship with at some stage. Even in the less clear-cut cases, I included those where the parties and the Chair consistently referred to them as having been in a relationship.

This left me with 142 decision letters where the parole board decided whether to release an offender who was in prison due to committing domestic violence.

I then decided to reduce the sample further. Of the 142 cases, 137 involved a cisgender male abusing a cisgender female in a heterosexual relationship, and now serving a custodial sentence in the general prison population (either on the open or closed estate).

The other five differed from this description – precisely because they are such rare and potentially high-profile cases, I must unfortunately avoid too much transparency in describing them here, so as not to inadvertently identify those involved. Each of the five involved one or more of the following characteristics:

- The offender was in a secure psychiatric institution: these decisions involved different dynamics, and the Chair explicitly placed their focus on the psychiatric assessment of the offender’s mental state. Furthermore, offenders leaving secure psychiatric institutions are released into a different setting to a typical prisoner, often into a non-secure psychiatric facility.
- The offender was not a cisgender male.
- The victim was not a cisgender female

I have omitted these five cases from my sample, but not out of any disregard for victims of domestic violence outside of the principal male-to-female dynamic.

Transgender people are at much higher risk of sexual and other physical violence than their cisgender counterparts (Hester et al., 2012; Stotzer, 2009), compounded by the lack of professional insight into non-cisgender violence (Seelman, 2015; Tesch & Bekerian, 2015). Likewise, domestic violence poses a risk to people in same-sex couples (Ristock, 2011), complicated by the layered power dynamics where LGBTQ+ people can also suffer ‘identity abuse’ as well as suffering the effects of wider societal discrimination permeating the relationship (K. M. Edwards & Sylaska, 2013; Woulfe & Goodman, 2021). Meanwhile, the very rarity of female-on-

male violence limits the extent and depth of research into its dynamics (Goldenson et al., 2007) – as well as being more likely to involve ‘situational couple violence’ without control than ‘intimate terrorism’ involving exerting control over their partner (M. P. Johnson, 2006b; Ridley & Feldman, 2003), motivations can differ compared to male perpetrators (Hamberger et al., 1994). Approaches to working with both perpetrators and victims outside of the ‘male cisgender perpetrator; female cisgender victim’ paradigm cannot, therefore, simply be copied from those that make a difference within that paradigm and should be tailored accordingly (Hester et al., 2012).

Parole decisions about domestic violence perpetrators outside of the male-on-female dynamic are therefore a valuable topic for study – my reason for excluding these five cases is simply that they represent far too small a sample for me to draw meaningful conclusions. Instead of a sample of 142 cases with different gender dynamics among the perpetrators, I can instead study a more homogenous sample of 137 men who have abused women – I can draw more valid and reliable conclusions from the latter than the former. While case studies of female or LGBTQ+ perpetrators of abuse would still offer some useful insights (and I will comment on the excluded cases in 6.1. in the Quantitative Results chapter), I would be unable to draw any statistical conclusions about these subsets of abusers without an overall sample which was orders of magnitude greater than the one available for this dissertation.

5.1.3. Creating the dataset: selecting the variables

For the 137 cases identified in the section above, I created an original dataset, assisted by a popular quantitative analysis software programme, SPSS. My data-gathering involved reading through each decision letter in full, then going back to the start and coding the case according to a selection of variables, drawn from previous research (see chapter 2 for variables commonly associated with parole decisions, or with domestic violence reoffending, or both) and from the available data in the letters.

I conducted this process intensively, during limited periods when I was able to access the repository in the Parole Board’s offices in November and December

2019. (As it happened, this was just as well since I would have been unable to return to their offices for almost the whole of 2020 due to restrictions imposed to control the covid-19 pandemic).

I have included my full list of variables as Appendix 7. Most of these are 'discrete' variables rather than 'continuous'. For example, the category of institution is either 'open', 'closed' or 'psychiatric' (I excluded the latter from my secondary variables) – these would be 'discrete' since it would be meaningless to assign these numerical values for calculation; whereas 'months elapsed since offence' is a continuous variable since 36 months is 50% more than 24 months, etc. while a closed prison could not be expressed numerically in terms of the open prison. Some of the discrete variables are 'ordinal' without being continuous: for example, any of the variables that involve values along a continuum, like the level of institutional behaviour (serious concern, moderate concern, good with some adjudications, model prisoner), where each value is qualitatively 'better' than the value before, but unlike a continuous variable it would still make no sense to compute these values as numbers.

5.1.4. Coding primary data categories

Many of the variables have values that do not require justification, for example the length of the sentence, the prisoner's age, or the offence they have been convicted for. The 'prior offending' categories specifically relate to convictions (there is a separate variable noting whether the Board acknowledged alleged offences or offences that did not result in a conviction).

The following variables, however, involved some subjective judgement during the coding process: the 'nature of domestic violence (Johnson's typology, which distinguished between situational couple violence and intimate terrorism, discussed further in 2.2)' and 'severity of the abuse (Hegarty's Composite Abuse Scale, which distinguished between various single forms of abuse and 'severe combined abuse', discussed in 2.2)'. In both cases, I am using a scale that was not applied in the parole hearing itself by any other professional, so my selection of values for these variables represents my own interpretation of the information in the decision letter

about the offender's crimes. It is impossible for me to know for sure whether a seemingly chaotic offender did not exert any control over his partner, but in most cases the description of the crime(s) was sufficient to distinguish in line with Johnson's typology.

Many cases were unambiguous examples of subjugation, intimidation and control which met the criteria for 'intimate terrorism' – see Box below for an illustration. Other cases involved offenders exerting minimal control over their own actions and behaving chaotically and violently towards both partners and strangers alike, usually in the context of substance abuse and/or mental illness, providing 'textbook' examples of 'situational couple violence'. Some cases were harder to gauge, particularly where a man had murdered his partner with no known history of prior abuse. Even in these cases there was usually some prior or subsequent circumstantial information to allow me to assign the case either to intimate terrorism or situational couple violence with some confidence: for example, evidence that the offender had felt some previous entitlement to possess or control his partner, providing the context for killing them when they tried to leave, even if the killing itself was not premeditated. I did not necessarily code offending as 'situational couple violence' if the relationship was highly chaotic and dysfunctional: if the details of the case suggested that the prisoner was still able to exert control over their partner despite both experiencing substance addiction, mental illness, and a tendency towards violence, then this could still constitute intimate terrorism. I coded every case involving a rape as intimate terrorism – after considerable reflection, I considered whether any abuse case involving rape could ever lack an element of power, control, and intimidation. I left this variable blank in only three cases where it was impossible to assign a value on the information given.

Likewise, in most cases the information provided was sufficient to assign a value based on Hegarty's Composite Abuse Scale, particularly where the crimes themselves included multiple elements of her model. It is worth noting here that neither Hegarty's nor Johnson's typologies necessarily indicate the severity of the outcome of the abuse: a case of situational couple violence involving 'only' physical abuse could (and in some cases here, did) result in murder, while some cases of unambiguous intimate terrorism and severe combined abuse were ultimately

prosecuted as harassment. Nevertheless, as discussed in chapter 2, intimate terrorism and severe combined abuse are broadly associated with worse outcomes for victims. While I have taken a subjective choice to group these variables in this way, I have also conducted a sensitivity analysis using different assumptions for the Results chapters, detailed in Appendix 8. The sensitivity analysis simply repeats all the analyses after recoding the data using the alternative grouping of the variables.

Distinguishing Situational Couple Violence (SCV) from Intimate Terrorism (IT): fictionalised case studies

(Warning: this box contains graphic descriptions of abuse)

The following examples are not based on real individual cases, but conflate (to ensure anonymity) details of real cases to present a representative example for the reader of the distinction between cases, to allow transparency in my methods:

Offender A has no prior criminal record. After marrying his victim, he cut her off from her family and made her carry a tracking device when she left the home. He began hitting and strangling her during her pregnancy, and said he would kill her, their child and himself if she tried to leave. After accusing her of looking at another man, he branded her with an iron and broke her jaw, before locking her in her bedroom. She managed to break a window and alert a neighbour who called the police. He was convicted of false imprisonment, wounding, and battery. *Coded as 'intimate terrorism'*

Offender B had 25 convictions for drug-related thefts and assaults, including hitting two previous partners. He met his partner at a rehabilitation clinic but they both relapsed when they started living together. He was diagnosed with paranoid schizophrenia after hitting his partner and her friend when under the influence. She then managed to stop using, while he continued in secret. He then stopped taking his prescribed medication and was thrown out of a pub for starting a fight. When he arrived home, his partner was furious at him for his drunken and drugged state and told him to leave. Their argument escalated, they hit each other, and he smashed her head repeatedly against the kitchen counter, killing her. He was convicted of murder. *Coded as 'situational couple violence'*.

SCV should not be seen as a 'milder' form of DV than IT: Offender B murdered his victim, while Offender A's victim, however badly traumatised, survived. Nor does SCV suggest 'shared blame' for the abuse – SCV does not necessarily involve mutual violence (though it sometimes does). The point is the different nature of the offending, and the element of control that Offender A exerted which Offender B lacked.

There are a further series of variables that also involve subjective judgement. These include the prisoner's institutional behaviour, their behaviour in the community, their level of drug and alcohol use, the effectiveness of the risk management plan, the protectiveness of the prisoner's community links, their ability to work with professionals, their honesty and openness, and the level and imminence of risk if released. These factors could all be deemed subjective, but in each case, I have drawn upon the *board's* evaluation of these variables, not the underlying level thereof. So, for example, if the decision letter (written by the chair of the parole board for that case) referred to the offender being exceptionally well-behaved in prison, but mixed in their honesty and openness, I record this in the dataset as "model prisoner" under 'institutional behaviour' and "mixed" under 'honesty and openness' – I am not giving a view on whether these values are a fair reflection on the prisoner, but highlighting that the board deemed this to be the case (and then going on, in the analysis, to consider whether this affected their decision).

Some of the variables were not in my initial codebook but I decided to add them when it became apparent that they were often referenced in the letters: whether a prisoner denied the offence; whether they would be resuming a high-risk relationship upon release; the type of prison; and the offender supervisor's recommendation.

In each case, the restricted access and sensitive nature of the decision letters meant that the data extraction was not double-coded, since only one researcher could access the letters. This was robust from a data protection perspective but meant that the quantitative coding represented a single subjective viewpoint. However, I have offset this disadvantage by laying-out my rationale and process for my coding above, and by leaving a variable blank when the data were ambiguous. Furthermore, I was struck by how clear-cut the demarcations of variables were in almost every case.

5.1.5. Coding secondary data categories

I conducted logistic regressions (5.1.6), and latent class analyses (5.1.7), to explore the quantitative data in more depth.

Having gathered all the data to make up my primary variables for each case, I derived secondary data categories from the primary variables, turned into binaries, so that they simply described whether something was present or not. This involved value judgements, particularly when I turned a discrete ordinal variable with 3 or 4 values into a binary variable – the question was: which values to group together?

The most important of these was the outcome: the parole board's decision, which was not always a straightforward yes/no to release. In 16 of the 137 cases, the prisoner was not released but progressed from a closed to an open prison. With a larger dataset, I would have preferred to leave this separate. That would let me conduct each subsequent analysis to test the difference a variable made to the likelihood of progression to open conditions as well as to test the difference it made to the likelihood of release and break this down further depending on whether the prisoner was in open or closed conditions to start with. However, this would have drastically reduced the scope for meaningful analysis since I would have been dealing with vanishingly small numbers with each subdivision. I therefore grouped the 'progress to open' decisions with the 'release' decisions since these both represented a prisoner's 'success' in applying for looser restrictions on their freedoms, bearing in mind that even a released prisoner would still be subject to restrictions under their license, and would still have to report to their offender manager, so arguably both a decision to release and a decision to progress a prisoner amount to the prisoner being 'moved along' towards greater liberty. Again, I have conducted a sensitivity analysis to test whether my subjective choice of grouping variables makes any difference to the significance of the selected variables. In my secondary variables I left a single variable tripartite: the degree to which prisoners impressed the parole board with their insight, since this category split very evenly into the three values given. In all other cases, where there were a range of values for each case, they could more easily be divided into binary values of comparable frequency.

5.1.6. Logistic regressions

The research questions seek to identify relationships between a range of variables and the decision to release a perpetrator of domestic violence from prison. While the

qualitative component discussed in 5.2. will explore why such relationships may exist, the quantitative component seeks to identify which statistical relationships exist – in other words, whether a change in the value of independent variable A is correlated with a change in outcome (or dependent) variable B.

This kind of question is typically answered by conducting a regression testing for a statistical relationship between A and B. A linear regression would be a suitable choice for a criminological research project if, for example, it was seeking to find a correlation between length of sentence and the offender's subsequent life expectancy: both the dependent and independent variable in that example could be expressed in continuous numerical terms, perhaps yielding a finding that 1 additional year of sentence is associated with a decrease/increase of X years of life expectancy. However, the dependent variable in this research –the decision to release a prisoner – cannot be expressed as a continuous variable. The parole board either releases a prisoner (or progresses them to open conditions), or they do not. The value of the outcome variable in my analyses will therefore either be a zero (when a prisoner's application for parole or progression is rejected) or a one (when they are released or progressed).

Testing the impact of any independent variable on this outcome therefore requires measuring not the degree of change in the outcome variable, but the likelihood of the outcome variable being a zero or a one, i.e. refusing or granting parole.

This kind of analysis is best suited to a logistic regression (King, J. in Osborne (ed.), 2008), which tells us how a change in the value of independent variable A is correlated with a change in the *likelihood* that the outcome will be 1 as opposed to 0. A logistic regression analysis does not therefore produce an effect size in the same way as a linear regression (where, for example, an increase of 1 in the independent variable is associated with an increase of 0.4 in the dependent variable). Instead, a logistic regression provides an 'odds ratio' where the presence of the dependent variable (framed as a categorical variable) increases/decreases the likelihood of the independent variable being present.

In this research, logistic regressions calculate the odds of a prisoner being released/progressed without the independent variable being present, the odds of a prisoner being released/progressed *with* the independent variable present, and then the odds ratio which is the latter divided by the former. So, if a prisoner had a 1 in 4 likelihood of being released without the presence of a variable, but a 3 in 4 likelihood of being released with the variable present, the odds ratio for this association would be 3, i.e. the independent variable's presence is associated with a 3x higher likelihood of the prisoner being released. Just as for linear regressions, the analysis also produces a value for statistical significance (a p-value) which provides the likelihood that this association occurred by chance. In this research, I adopt the standard convention (Kennedy-Shaffer, 2019) of treating a finding as statistically significant if the p-value is less than 0.05 - in other words, if there is a less than 5% chance that this finding could be coincidental - but not if it is higher than that figure.

The cut-off is necessarily arbitrary (if common), and it is worth noting that a 'statistically insignificant' finding where $p=0.051$ is scarcely less significant than a 'statistically significant' finding where $p=0.049$. I will therefore highlight where a significant finding is only marginally so, while also highlighting 'insignificant' findings which were nevertheless close to the cut-off. The latter is particularly important since the lack of statistical significance might simply reflect the small sample size. In line with recommendations on best practice in social science research (Benjamin & Berger, 2019; Nuzzo, 2014) I have reported my p-values for each finding, alongside the effect size. This level of transparency is important, since it avoids an arbitrary distinction between those results just over and just under the $p=0.05$ cut-off and places the findings in context: a finding that is consistent with other data sources and previous research with a p value of 0.051, for example, should not be discarded completely, while the significance of a counter-intuitive and unexpected finding with a p value of 0.049 should not be overstated (Hubbard & Lindsay, 2008).

5.1.7. Latent class analysis: identifying different 'types' of cases

Latent class analysis (LCA) differs from factor analysis (FA) discussed in 5.0.4. above: while both methods involve identifying common underlying patterns between cases, factor analysis identifies latent factors that affect all cases (some more than

others), while latent class analysis groups the cases into different ‘classes’, organised according to common factors.

While I used a popular software package, MPlus⁴, to conduct latent class analyses, the interpretation of those categories and their significance is subjective, but still of interest where those categories reflect themes in the literature and emerging from thematic analysis.

When selecting the model for each set of variables I weighed up two metrics: ‘entropy’, and the Bayesian Information Criterion (BIC).

- Higher levels of **entropy** in latent class analysis mean reducing the assumptions one would have to make to place each case in the exact best-fit class. Entropy represents the mean average likelihood that each case would be placed in the class it was eventually placed in (Wang et al., 2017). An entropy value of 1 would mean that every case could only have been placed in one class, so that each group was a perfect fit for the cases within it. So, a model with a very high number of classes would allow each case to be placed in a perfectly suited class, but too many categories would make the categorisation meaningless. An entropy value of over 0.8 in practice is conventionally regarded as ‘high’ and a close model for the data (Wang et al., 2017).
- The **BIC** is a similar measure but addresses the problem of ‘overfitting’ which could occur when using entropy alone. To avoid that risk of ‘meaninglessness’ that results from creating too many categories (but which keeps on increasing the entropy), the Bayesian Information Criterion introduces a ‘penalty term’ into the equations, which favours a more stable model with fewer latent classes (Schwarz, 1978). The BIC is calculated as a function of the number of parameters and the maximum likelihood estimates (Larose et al., 2016). BIC weighs specificity against cohesion, calculating the probability that a particular model creates the shortest ‘distance’ between each case in a

⁴ A demonstration package, which only allowed 6 variables per analysis

multidimensional matrix, and its ideal placing in a class. The lower the BIC, the better fit the model (Crandell et al., 2011).

The two measures should not be viewed as competing or contradictory but complementary (Giffin & Caticha, 2007), while the first person to articulate the use of entropy in latent class analysis also described the BIC and entropy as similar measures of subtly different values (Jaynes, 1988): entropy as a measure of the probability of each case being placed in each category; BIC as the prior probability distribution.

Having used my selection of variables, the software to assign the cases into latent classes in a series of analyses (first for 2 classes, then 3 and so on until both entropy is declining, and BIC is rising), and these metrics to judge the best fit model, I then assigned descriptive names to the different categories, based on their characteristics. I then fed the latent classes back into another set of logistic regressions, testing whether membership of each class was associated with a higher odds ratio of release relative to the other classes. Again, I have reported the p-values and effect sizes (Nagelkerke R^2 values) for each finding.

5.1.5. Summary of Quantitative Methods

In this section I have described in detail how I created a dataset of 137 male prisoners who had abused a female partner and who applied for parole between April 2018 and September 2019. I have then described the process of analysing this dataset: why, and how, I used logistic regressions and latent class analyses to gain statistical insights into the nature of these parole decisions. I have recognised the limitations of my approach in 5.1.5. above.

I will describe the results from these investigations in section 6.1. In the next section, I will describe the qualitative methods I used to complement the quantitative approach.

5.2. Qualitative Methods: thematic analysis of interviews with parole board members

5.2.1. The role of interviews in this research

This section explains the qualitative methods I used to help answer the research questions at the end of chapter 2.

The qualitative element of this research involved interviews with parole board members, semi-structured using a questionnaire with open questions. I coded the transcripts before conducting a three-round thematic analysis, which I went on to incorporate into my quantitative analysis laid out in 5.1 above. In this section I lay out an overview of the use of interviews below, then examined the special case of elite interviewees, which is especially relevant to this research (in 5.2.2.).

The section then describes how I constructed the questionnaire (5.2.3.), identified the sample (5.2.4.), transcribed and adapted the interviews (5.2.5.), and coded the transcripts (5.2.6.). Finally, I demonstrate how these methods meet the quality criteria for trustworthiness in qualitative research (Lincoln & Guba, 1986): credibility, transferability, dependability and confirmability (5.2.7.).

The use of interviews draws upon the interpretivist epistemology discussed in Chapter 4, insofar as it explores people's lived experiences, narratives, and understanding of the world in a way that a survey or observations could not. Asking people questions, and allowing them to answer at length, gives an insight into their inner thought processes and their conscious constructions of reality that a positivist approach omits (Seidman, 2006).

At the same time (as discussed in Chapter 4) the openness and richness of interviews comes with a challenge in ensuring the research is useful beyond each individual interview – I have therefore laid-out at the end of this chapter how the interviews are still transferable to other situations, using established yardsticks for trustworthiness.

5.2.2. Interviewing parole board members: co-constructing knowledge with elite interviewees

This dissertation used 20 semi-structured telephone interviews with serving parole board members.

In choosing and conducting one-on-one semi-structured interviews, I have striven to 'co-construct' my research (Oakley, 2013), allowing the interviewee to pick a course within the pre-written structure (Smart, 2009) of my questionnaire to make sure the balance of power in the interview process is equitable. Co-construction originates in education studies where the early work of Piaget and Vygotsky has influenced a model of learning where the role of the educator is to lead and facilitate a process of learning, rather than dictate to, and elicit information from, their students (Cole & Wertsch, 1996), but the term has taken on significance in qualitative research, particularly around interviewing (N. A. Harding, 2020).

For this research, co-construction represents an approach that seeks to use the expertise of interviewees to create narratives and shape the research towards answering (and to some extent formulating and contextualising) the research questions. There are limitations to the extent of co-construction in the interview process – I am still the only one writing the questions (albeit with input from a steering group from a victims' organisation) but I have acknowledged the underlying principles. In other words, I recognise that my interviewing did not amount to 'revealing hidden reality' but creating a narrative drawn from reality and mediated by the interviewer, the interviewee, and all manner of other variables – the kind of day we had both had; other priorities in our minds at the time – which mean that even the same interviewer and interviewee would construct a different interview on a different day. Despite these weaknesses for the validity of the research, which should be acknowledged, and balanced with rigorous transparency about the process (Noble & Smith, 2015), a co-constructed interview nevertheless provides a unique contribution to this research: an in-depth, interactive method with open questions that allows for a construction of a rich narrative (Patti & Ellis, 2017).

The co-construction approach usually incorporates the justified concern of researchers and communities about a power imbalance between researchers and research subjects, and the risk of researchers either exploiting that imbalance or failing to develop the understanding and lived experiences of interviewees. However, interviewing parole board members brings a different challenge: that of the 'elite interviewee'. While I approached these interviews as a university researcher with 'status' as an experienced professional in the court system, my interviewees were – almost by definition – far more experienced and highly-regarded within their professions. These interviewees (discussed in 5.2.5. below) included experienced judges and similarly high-status individuals whose expertise and social standing easily met the definition of an elite interviewee (Bogner et al., 2009).

Co-construction of knowledge with elite interviewees therefore carried a huge opportunity (a wealth of expertise and experience to draw upon) and a risk (that the power imbalance might be shifted so far away from the interviewer as to lose focus away from the research questions). This has implications for positionality in the research, as our respective contexts as interviewer and interviewee become complex: an interviewer might be overly cautious around an elite interviewee, but at the same time the interviewee may not regard themselves as 'expert' in a research context, rendering the power balance as 'fluid' and 'porous' depending on the discourse (Mason-Bish, 2019). Harvey (2011) also cautions against treating high-status subjects as arbitrarily different to lay interviewees, but he recognises the need to 'manage' the subject to some extent, while Wilson & Darling (2020, p122) regard the elite interviewee as someone to be "treated as any other".

In the context of this research, I drew the following conclusions from the research on elite interviewees:

- While granting elites the respect I would to any interviewee, I had more leeway to 'push' for answers to questions since I had more confidence that the interviewee would feel confident and empowered to answer as they saw fit, rather than pressured to give me an expected answer, and that they would not feel oppressed by our respective positions. I was therefore less concerned about 'leading' an interviewee than I would be with a non-elite sample. In

every interview there is a balance between thoroughness and sensitivity (I would not want to be so sensitive that I avoided asking any incisive questions, nor would I want to be so thorough that the interviewee felt uncomfortable) but the status of my interviewees allowed me to 'err' on the side of thoroughness. This applied particularly in a criminal justice context where my interviewees have extensive experience of being questioned in a far more combative and confrontational manner as part of their daily work: they are accustomed to being put under pressure to give a particular answer and resisting that pressure, particularly in a courtroom environment.

- I should allow (and indeed encourage) interviewees to go off-topic to some extent, since they might be exploring a subject in a roundabout manner or providing an unexpected perspective, although I should avoid being so deferential as to lose focus: the nature of their roles also meant their time was limited and I might therefore need to keep closely to the interview structure in order to discuss the planned topics – to this end, I provided a questionnaire and information sheet about the study in advance.
- I should not go into interviews so deferential that my role as a researcher was lost. Even if interviewees are confident in their status and role, they might not be as confident in their expertise in an academic context despite having a lot to offer. In some cases, I might therefore need to proactively invite input from the interviewee just as I would for a non-elite interviewee lacking in confidence.

5.2.3. Drafting and refining the questionnaire

The questionnaire for the interviews (Appendix 6) was designed to be provisional: a structure enabling coherence across interviews, but flexible enough to allow for 'tangents' provided by each interviewee that might lead to a new line of enquiry, thus providing both inductive and deductive elements.

The initial questions were drafted with the literature review in mind, designed to encourage/prompt the interviewees to address topics covered in previous research.

However, the first questions are open, encouraging the interviewee to volunteer which factors and which mechanisms tended to influence their decisions (the ‘what’ and the ‘how’ of their decision-making), while the later, more ‘closed’ questions direct the interviewee towards specific topics if they haven’t addressed them already (Dohrenwend, 2008). This structure seeks to strike a balance between not allowing the interviewer to dictate the discussion, while also ensuring sufficient probing of an area relevant to the research questions, the interviewee’s existing awareness – providing a ‘steer’ towards topics of interest when they are not offered upfront (Gillham, 2000). I have considered the elite nature of my interviewees when balancing open and closed questions: while I used mostly open questions, I moved to closed, directive questions when I wanted to prompt a particular discussion. I was more comfortable doing this than if I had been interviewing non-elite subjects, since (as discussed in 5.2.2. above) I was more confident in their resilience to being ‘led’, and in their experience at giving their own considered view rather than giving the answer their questioner wanted to hear.

The draft interview questionnaire nevertheless remained the construction of the interviewer, reflecting my biases and risking its applicability beyond this piece of research and the credibility of the findings more broadly. I therefore created a steering group (see Appendix 5 for memorandum of association) to help shape the questionnaire, drawing on people with experience of domestic violence in a personal capacity, professional capacity, or both. I was kindly supported by the Violence, Abuse and Mental Health Network (VAMHN, n.d.), and by some of their members who reviewed the draft questionnaire and suggested changes and additions. The most substantive changes were the new emphases on manipulation, and the outward-looking aspects of questions considering how the parole board’s work could be publicised and understood better.

5.2.4. Identifying the sample and creating the transcripts

The study is voluntary, so the sample of interviewees is a self-selecting convenience sample from the population of 246 parole board members, recruited through an appeal via the Parole Board Policy and Research Lead. Interviews were conducted from August to November 2019.

My interviewees were naturally busy, and their time was chargeable since they were self-employed. My research council agreed to pay for interviews at the parole board's standard hourly rate to allow access, up to a maximum of 30 hours for 20 interviewees. This placed a practical limit to how long I could let each interview continue and recognised another aspect of positionality in the research: my interviewees volunteered for the study but were paid for their time.

The ethics of paying research subjects for interviews is mostly concerned with potential exploitation of vulnerable subjects (E. Head, 2009; Wertheimer & Miller, 2008), which is less of an issue when interviewing elite subjects who are already likely to be high earners.

Gelinas et al. (2018) analyse the subject further and propose three justifications for paying interviewees: out-of-pocket expenses; incentive to participate; and time and burdens of participation. The first is non-applicable (interviewees spoke to me from their own home, and I made the phone calls). The second is likely to be minimal – as Titmus (1970) famously found and subsequent research (Mellström & Johannesson, 2008) has supported, small financial incentives for an activity seen as socially beneficial (in Titmus's case, blood donation) can actually reduce participation through the 'crowding-out' of altruistic motivation for participants, and in this research I found all the interviewees interested in the research for its own sake and keen to contribute to the development of knowledge, rather than being motivated by payment. Instead, the third justification – 'time and burdens of participation' – is more applicable to my interviewees, due to the high opportunity cost (Harberger, 1972) of high-earning professionals contributing their time that could have been devoted to other activities. This is especially justified since, as self-employed professionals, my interviewees would have borne the burden of any time out of their day, rather than a large organisation paying salaries.

The Ministry of Justice study on sentences for Indefinite Public Protection (IPPs) (Bradford & Cowell, 2012) ended up with 20 interviews (the number at which the authors were satisfied that they had achieved theme saturation). One survey found (Baker et al., 2012), however, much less attachment to a fixed figure: the 19

respondents at various points in their research careers found the 'ideal' number of interviews varied widely depending on the nature of the study and of the population being researched and their aims as well as their understanding of theme saturation. Code saturation (the point at which all relevant themes have been noted) differs from 'meaning saturation' (where each theme has been properly analysed) and while the former may be reached within 10 interviews, the latter takes 16 to 24 to develop (Hennink et al., 2017).

The sample comprised the following professional backgrounds:

- 8 were former probation officers (interviewees 1, 3, 6, 7, 9, 11, 14, 19), some of whom had also pursued academic research,
- 6 were independent or 'lay' members from backgrounds outside of criminal justice (2, 5, 10, 12, 18, 20) – I have not included full details about their (often fascinating) professional backgrounds since this would pseudonymously identify them. The lay members came from professional backgrounds in different forms of public service, and some had experience working with people who had suffered domestic violence.
- 4 were qualified psychologists (4, 8, 15, 16),
- 2 were judicial members – former judges (13, 17).

None of the interviewees were psychiatrists (who make up a small percentage of members), but as discussed further in the Quantitative Results, I have in any case excluded psychiatric cases from the sample.

My sample compared to the overall list of parole board members (Parole Board, 2020) as follows:

Parole Board members overall (246 total, excluding psychiatrist members)	Interviewees in this study (20 total)
150 independent members (60%) of whom 29 were from a probation background (12%)	14 independent members (70%) of whom 8 were from a probation background (40%)
54 judicial members (22%)	2 judicial members (10%)
42 psychologist members (17%)	4 psychologists (20%)

Table 2: Comparison of my sample to the overall Parole Board

From this comparison, my sample over-represented independent members (especially former probation officers) at the expense of judicial members, while psychologists were represented more-or-less proportionately.

5.2.5. Transcribing and adapting the interviews

I carried out all the interviews by telephone. This was a requirement since my interviewees all worked from home and at widely varying locations around London and south-east England, so it would have been impractical and unfeasible to visit them all in person.

Using the telephone deprived me of non-verbal cues, but for a study of 'elite' respondents (see 5.2.2. above) it provided a 'levelling effect' to ensure the material stays relevant to the study (Stephens, 2007). The lack of face-to-face contact created some detachment, but also allowed me to focus on transcribing the interview in real time, which in turn allowed me to provide the interviewees with a copy of the transcript immediately after the interview, to allow them to make corrections. Some interviewees provided additional material in response which I included at the end of the transcript.

While I considered the potential differences between the data gathered by phone and the data I might have gathered in-person, Vogl, (2013) found no significant difference in the data gathered when interviewing the same (juvenile) subjects by phone and in person.

I typed my transcripts contemporaneously, for efficiency but also to improve accuracy through instant feedback. While I could have recorded the interview and transcribed it from the audio recording later, and while this would also have ensured word-to-word accuracy based on the recording, it would have created a delay between the interview and the interviewee receiving the transcript, affecting their recollection and ability to accurately correct any errors or misunderstandings. As it happened, interviewees were able to read the transcript immediately after the end of the interview, and place some points in context, for example where their words were unclear or did not reflect what they had meant.

I also found my typing speed was, by chance, ideal for this method. I type at about 105wpm (words per minute) which is fast enough for most purposes, but still slower than average human speech of about 125wpm (Vanderplank, 1993). This meant that whenever the interviewee stopped speaking, there was a natural pause as I caught-up the last few words. This turned out to encourage interviewing discipline, since it prevented me leaping straight into the next question. I found that interviewees offered further responses during this enforced pause which has taught me the value of allowing such a gap for future projects. I was wary of the risk that typing and interviewing simultaneously might cause me to stick too rigidly to the questionnaire and miss opportunities for follow-up questions – however, in practice the use of simultaneous transcription meant that I could see a transcript of the interview as I spoke, so I was able to check previous comments in ‘real time’ and reflect on a written answer, rather than hold all the interviewees’ comments in my head until afterwards.

On a personal note, I was surprised to find, during my supervisions, that researchers do not always type their transcripts contemporaneously, as described above. I have since found out that most researchers create audio recordings of their interviews (which I did, for backup) and then type-up the interviews later, while listening to the tape. I respect this is a popular method, but I found it utterly counter-intuitive for reasons outlined above, and I struggled to see any advantage in transcribing from an audio recording later. From a methodological point of view, I considered it essential for the credibility of my data (Lincoln & Guba, 1986, and 5.7 below) that I should be

able to provide an interviewee with a full transcript as soon as we ended the call, so that the interview was fresh in their mind, but I understand this is not normally considered necessary. At the time of writing, the distinction between the two alternatives is becoming redundant due to improvements in the software for instantaneous automatic transcription, but I have found it interesting to learn of different researcher perspectives in this respect.

I changed some of the questions during the data-gathering phase:

- “Protective factors”: I tweaked the interview questionnaire and added this to the list of factors I asked about, as it came up in each of the earlier interviews
- Likewise, with 'unconvicted offending' from the point of the first interview onwards.
- I originally had 'recommendation from a psychologist or psychiatrist' as one of my factors to ask them about directly but realised early on that psychologist reports are fairly common, much more so than psychiatrist reports, and mental health tended to be a separate area some interviewees raised for discussion. I therefore separated these points.

5.2.6. Remote interviewing during a pandemic

I found I preferred interviews to observational methods both practically and methodologically – I can more easily compartmentalise each interviewee’s thought processes and can explore more depth than I would be able to in an observation of a hearing.

This pragmatism was enhanced during this research (from 2018 to 2021) as my data-gathering and interviewing phase was interrupted by a pandemic which prevented any further in-person research. By chance, I had already selected my methods for unrelated reasons (outlined in chapters 4 and 5), but those choices meant that my data-gathering was mostly unaffected (though I would otherwise have had more opportunity to view decision letters in the Parole Board’s offices).

On reflection, this provided a useful example of the increased resilience of telephone interviewing – the lack of any requirement to meet face-to-face removes considerable time and cost barriers to gathering more interviews from a wider geographical area and allowed me to conduct research even during a national lockdown when all travel and in-person contact was prohibited. Despite the disadvantages involved in losing the in-person element (discussed in the Methods chapter), the unusual circumstances of a rare pandemic revealed a major pragmatic advantage to the method.

5.2.7. Coding

I chose a ‘thematic analysis’ method to analyse the transcripts - a broad term arguably comprising at least three different approaches (Braun & Clarke, 2012a). My approach is best described as a ‘reflexive thematic analysis’ using Braun and Clarke’s distinctions, involving no pre-written codebook, a single lead researcher (supported by my supervisors who double-coded the data but did not create their own models) and codes which evolve and adapt over the course of the analysis, moving towards a small number of analytical themes.

Thematic analysis is frequently confused with ‘grounded theory’ (Vaismoradi & Snelgrove, 2019) which also uses an iterative approach back-and-forth between analysis and coding, even during the data collection process (Charmaz, 2017), whereas thematic analysis begins after the collection of all the data. Grounded theory seeks to develop new theoretical constructs through this process, whereas thematic analysis seeks to analyse and interpret a specific source of data. In other words, a grounded theory approach would involve creating new theory out of my data, whereas my thematic analysis approach involves using existing theories (discussed in chapter 4) to analyse data and draw conclusions. Grounded theory is an ‘approach’ in a methodological sense, while thematic analysis is a ‘method’.

I have laid out the results of these steps in 6.2., drawing on Braun & Clarke’s sequence that starts with a round of numerous descriptive, simple codes, is then honed into a smaller number of ‘focussed’ codes (Strauss, 1987) that create more of

a narrative describing overarching themes, and which is finally constructed as a smaller number of ‘theoretical’ codes which tie back into the abstract concepts involved in this research, linking the findings to key themes in the literature (and, for a mixed-methods dissertation, to the quantitative findings, pulled-together in more depth in the Discussion chapter).

In this research, I use both inductive reasoning (observing themes in the data, pulling them into narratives and forming an overarching concept) and deductive reasoning (applying an idea to the data and testing how the data fits that idea) to promote that evolution and development of themes inherent to reflexive thematic analysis.

This section describes the methods used in the coding stage: an initial coding round where I identified repeated themes from the raw transcripts; a focussed coding round where I pulled those themes into overarching narratives; and a theoretical coding round which coalesces these themes into analytical artefacts tied-into, and contributing to, the literature on this subject.

I have taken the unusual step of including the entire coding frameworks for each round in chapter 6.2. (rather than add them as appendices), in order to enhance the transparency of the study and lay out the pattern of analysis for the reader to explore in-depth, should they wish to.

First (Initial) coding round

I selected six interview transcripts, at random, for analysis, and three of us (my two supervisors and I) coded them independently as the first stage of an inductive-deductive-recursive cycle (Rubin & Rubin, 2011) in which data were recoded as themes emerged (including the themes feeding-in from the quantitative analysis). I read through each interview first, then returned to the top and started creating codes with no hierarchy in the first instance. The coding was unstructured at this stage, pulling out thematic points from transcripts. Where I created my own de-facto ‘heading’ as part of the questionnaire (e.g. “impact of perpetrator programmes”) I did not code for this topic (since I’d already created it) but coded e.g. “perpetrator programmes – engagement more important than attendance” etc” depending on how

the interviewees discussed the topic. While I identified dozens of codes at this stage, for ease of reference and analysis I grouped them under a smaller set of 'umbrella' headings.

Second (Focussed) coding round

After double-coding the initial 6 and testing the concepts across all 20 transcripts (the framework still held, with minor changes to the theme definitions), the next round of coding involved taking those broad themes and articulating them into more of a narrative, thinking more inductively around the precise themes emerging within each broad theme. The aim of this round was to develop codes that could be expressed in a coherent sentence while drawing on the raw interview data.

The second and third coding rounds were also double-coded by my supervisors, but I recognise that this added less to the integrity of the analysis than their double-coding of the first round, since by this point, they had already become more immersed in the project and did not have the advantage of 'fresh eyes'.

Third (Analytical) coding round

For the third round I returned to the themes in the literature around decision-making and looked for common links, both between the individual analytical codes, and between the codes and the literature. The aim here was to merge some of the analytical codes (or at least group them into overarching themes) while making the resulting codes specific and theoretical in nature. These codes would form the basis of the Discussion chapter.

For transparency, this worked as follows for a single sentence (the Results chapter 6.2 contains much more detail):

In Interview 3, I noticed the following line of interest:

[completing a perpetrator programme] makes a difference on the basic level, giving you a defensible case for making a judgement that says 'yes' in deciding to release someone

In the Initial Coding Round, I coded this line as “institutional behaviour including DVPPs [domestic violence perpetrator programmes]”. I further grouped this into an umbrella heading with many loosely connected references under “The prisoner’s ‘journey’ from offence to hearing” – in this case, a reference to programmes and other progress the prisoner might make during his sentence.

In the Focussed Coding Round, I came back to this sentence and coded it in a new category with a more narrative title: “Domestic Violence Perpetrator Programmes – less significant if completed than if avoided”. At this point, the sentence is coded not simply as a reference to programmes, but as more of a description: one of several codes that suggested the significance of perpetrator programmes was less in the effectiveness of the programme *per se* but more in what it suggested more broadly about the case.

This idea was developed for the Theoretical Coding Round, where I coded the sentence more precisely under the heading “Professional reports and other factors as a ‘hook’ for a release decision”. In this round, the sentence provided an example of this overarching theme, linked to existing theories around organisational and societal risk, and status quo bias: the idea that the prisoner attending a programme ‘allows’ the board to consider a release decision, rather than necessarily providing them with reassurance that the programme has substantially changed them.

The Results chapter describes these three codes, and all the other codes in each Round, in much more detail.

5.2.8. Why this research is trustworthy

My qualitative research method offers a useful technique for producing thick description from a dataset, with the flexibility to accommodate unexpected insights (Guest et al., 2011), it also runs the risk of producing findings with depth but only

narrow application beyond this specific research project, and of losing its interpretive power if not linked to existing theory and research (Braun & Clarke, 2012a).

I have planned my methods to comply with the guidelines for trustworthy research laid down by Lincoln & Guba, (1985) and introduced in chapter 4:

- a) This research is **credible** if it plausibly represents and correctly interprets the views of the interviewees. I have improved credibility by simultaneously transcribing the interviews, allowing me to provide the interviewees with transcripts immediately after the interview. This allowed them to correct any errors or misapprehensions while the interview was still fresh in their minds. I could have improved credibility further by providing interviewees with each coding round, so that they could challenge my interpretation and grouping of each comment, but this would have been impractical. I did however provide feedback to the parole board in the form of a journal article with provisional analysis and a recorded video summarising the quantitative findings for their annual conference – in both cases these gave interviewees (and their colleagues) the opportunity to query any misinterpretations of the overall data prior to completing this dissertation.

- b) This research is **transferable** if the results can be applied to different contexts involving different research subjects. This is best achieved through ‘thick description’ providing context to behaviour and words (Geertz, 1973) and by thoroughly describing the context and assumptions within the research. I have improved the transferability of this research by detailing the representativeness of the sample (in 5.2.4.) and how the interviews were conducted, so that readers can judge the way in which these contexts influenced the results. I have been careful to add direct quotations from interviewees rather than give my own summary, wherever possible, and have the full transcripts available for future researchers to request. I have also carefully considered both the broader and immediate contexts of their words in 5.0 above, looking at the positionality of the interviewees and my own positionality in the research, thus framing how their words have emerged.

- c) This research is **dependable** insofar as it recognises the changing context of the research subjects over time – the same format and individuals involved could still construct different data on different days. Even within the timespan of this research, the parole board has experienced changes: my interviewees in the second half of 2019 were all conscious of (and referred to) the public backlash to the decision to release John Worboys in 2017 which was overturned by judicial review in March 2018 (Annison, 2020). They similarly referred to reduced confidence in the probation service after its controversial privatisation in 2014 (Albertson & Corcoran, 2020) which, at the time of writing in summer 2021, has recently been reversed (Carr, 2020). Finally, the research takes place while thousands of prisoners are still subject to IPP sentences, but at a time when the parole board is cognisant of their undesirability and eager to progress such prisoners where safe to do so. These changes over time mean that my data would differ had I carried out the interviews in 2016, or in 2022, and I must accept this limitation on the applicability of the findings across time periods – I am however transparent about this limitation. This transparency helps demonstrate the integrity of the research by laying out the context of the findings. Likewise, in this chapter I have laid out the specific steps I took to move from the data to the results.
- d) This research is **confirmable** when the previous three pillars are in place, and the research ensures that the steps from results to conclusions follow-on logically from each other. This aspect is mostly addressed in the following chapters on Results (chapter 6) and Discussion (chapter 7), but I have laid out in this chapter how the quantitative and qualitative data are analysed. In chapter 7 I also go on to reflect on the findings and spell out all the limitations of the research (and mitigations for those limitations). I have placed the original interview transcripts in my university repository so that subsequent researchers can conduct their own secondary analysis to test my conclusions from the primary data – whether or not they end up agreeing with my own findings, they can nevertheless conduct this exercise without having to take my findings ‘on faith’.

5.3. Applying a systems model to the quantitative and qualitative data

The systems approach makes this a genuinely mixed-methods study, rather than two studies – one qualitative and one quantitative – taking place in parallel.

As I go on to demonstrate in more detail in the Results chapter and especially the Discussion chapter, I have not only incorporated both sets of data into a model of the decision as a complex adaptive system, but taken a systems approach to the analytical process, both at the methods stage and the discussion stage.

From a methods perspective, the two phases of data-gathering – the interviews and the development of the dataset of decision letters – overlapped in the same phase of the research by the same researcher, so that it was neither compartmentalised nor consecutive. As themes arose in the interviews, I was able to review my quantitative data-gathering and make sure I was coding relevant variables that seemed to make a difference to parole board members. Likewise, I was able to adjust the questioning so that I was covering the themes that stood out from the decision letters. For example, at an early stage of both the interviews and building the dataset, I noted that my interviewees had mentioned points which I had not initially coded-for in the dataset, such as the importance of unconvicted offending (allegations which did not lead to a conviction). Similarly, I adapted my interviews to pay more attention to the composition of the interview (number of members; members' backgrounds), since this was often mentioned explicitly in the decision letters.

From an analytical perspective, the results also fed into one another, so that I was able to identify apparent contradictions between the two forms of data and contextualise findings with each other. As I lay out in detail in chapter 7, this leads to emergent findings that would not have been evident in either the quantitative or the qualitative results in isolation. These findings developed in parallel. The significance in the interviews of the parole board members' backgrounds, and their interactions with each other, led me to review the data on parole member composition and background with a view to marking them out for further study and analysing the

significance of this starting position in the hearing (discussed further in 7.1). Conversely, the important quantitative findings about the impact of professional recommendations led me to explore themes in the interviews about why they have the relationship with parole decisions that they do (7.2). Likewise, I identified quantitative relationships involving case characteristics (7.3), and the themes emerging from the qualitative analysis constructed a dynamic that showed how those characteristics interacted with the board's evaluation of the manageability of the offender's risk (7.4). Laid out further in the Discussion chapter, these findings each involved an interplay between the two elements of the data-gathering rather than emerging solely from either the quantitative or qualitative data.

Having taken the 'systems view' from the outset, I went on to conclude by outlining (in 7.5) a necessarily simplified model (for dependability I have shown exactly where any simplifications take place) of the parole decision, using merged insights from the qualitative and quantitative findings to articulate the role of different inputs, the route to different outputs, and the complexities of relationships between different aspects of both the parole hearing and the inputs affecting it. This combined approach allows me not only to draw conclusions about the associations I have identified (using quantitative methods) and about the way parole board members construct meaning in their thought processes around a decision (using qualitative methods) but the interaction between the two: *why* and *how* any given input affects the output (the release decision), mediated through the interactions between different inputs and the way they are incorporated through the experience of the decision-makers.

5.4. Summary

The qualitative methods outlined above contribute to an analysis of the parole decision as a complex system, by allowing decision-makers at the heart of these decisions to discuss not only which factors carry more weight in their decision but *why* and *how* different inputs contribute to their deliberations. Keeping most of the interview questions open avoids steering the interviewees down too prescribed a path, and the inductive aspect of the coding allows for themes emerging from the

data rather than imposed upon the data, giving more insight into the mechanisms underlying associations between factors and decisions.

In Chapter 6 below, I describe the results of these enquiries, including how the themes developed in each coding round. In Chapter 7 I incorporate the quantitative and qualitative findings to construct a complex systems model of the parole decision.

6. Results

6.0. Introduction

As discussed in detail in chapter 5 above, I developed a mixed-method study – strictly speaking, a ‘mixed-priority’ study (Shorten & Smith, 2017) - that reflected the complex nature of the research question. I developed a dataset of 137 decision letters where the parole board had outlined the reasons for a decision to approve or reject an application for a prisoner to be released or to progress to open conditions. I interviewed 20 parole board members and coded their responses in a reflexive thematic analysis that used an iterative process to develop and explore themes.

In this chapter I describe the results of the quantitative analysis of the decision letters (6.1.) and the qualitative analysis of my interviews (6.2.). In the Discussion (Chapter 7) I will go on to tie these results together in a systems model while exploring what the findings mean in the context of the relevant fields.

6.1. Quantitative Results

6.1.1. Introduction to Quantitative Results

This chapter describes the results of quantitative analyses on the dataset of parole decision letters (outlined in the Methods section 5.1.). It focusses primarily on the results of logistic regressions and latent class analyses using that dataset.

The following sections spell out how the results indicated a strong association between professional recommendations and the parole decision (especially where the recommendation is against release) and a moderate association between the board’s impression of the risk management plan, the prisoner’s honesty and insight, and their decision.

I decided to remove 5 of the 142 original cases, leaving a dataset of 137 decision letters. I have discussed this exclusion (of the cases that did not involve cisgender male-on-female violence) in more detail in 5.1.2. above, and reflected on them in 7.6. below. Domestic violence beyond the male-on-female dynamic is a valuable and vital area of research, and I did not exclude those cases out of any disregard for female-on-male or non-cisgender violence. Instead, I excluded these cases simply because there were so few of them that it would be impossible to draw any meaningful statistical conclusions from them. Consequently, I had a more homogenous group of 137 decisions regarding men who had abused women.

Among those 137 cases, the data was incomplete. I have produced a table below summarising how many cases lacked information on each variable:

Variable	Data	No data	percentage missing
sex	137	0	0%
gender	137	0	0%
age	73	64	47%
type of hearing	137	0	0%
type of incarceration	137	0	0%
number of parole board members	101	36	26%
number of hearings	38	99	72%
sentence length	54	83	61%
months since offence	130	7	5%
months remaining on sentence	52	85	62%
how DV relates to offence	137	0	0%
offending history	136	1	1%
nature of DV (Johnson typology)	134	3	2%
severity of DV (Hegarty typology)	137	0	0%
offence convicted for	137	0	0%
unconvicted offending considered	62	75	55%
whether offender killed victim	137	0	0%

whether offender sexually abused victim	137	0	0%
relationship to victim	137	0	0%
children involved	41	96	70%
socioeconomic status	5	132	96%
housing situation upon release	69	68	50%
employment situation upon release	29	108	79%
in relationship	20	117	85%
drug and alcohol use	92	45	33%
whether offender attended programme	118	19	14%
religious conversion in prison	6	131	96%
involvement of victim in hearing	26	111	81%
mental health diagnosis	54	83	61%
denies offence	137	0	0%
professional concerns re manipulation	20	117	85%
institutional behaviour	124	13	9%
community behaviour	88	49	36%
effectiveness of risk management plan	120	17	12%
protectiveness of social links	68	69	50%
working with professionals	106	31	23%
honesty and openness	82	55	40%
further programmes needed	81	56	41%
Offender Manager recommendation	129	8	6%
Offender Supervisor recommendation	118	19	14%
Psychologist recommendation	63	74	54%
Psychiatrist recommendation	2	135	99%
assessed risk level	131	7	5%
assessed risk imminence	128	9	7%
parole board decision	137	0	0%

Table 3: Missing data from the decision letter dataset

The right-hand column of the Table shows the proportion of cases where there was no information provided in this respect to this variable. For some variables (e.g. whether the offender is in, or likely to resume, a relationship) the absence of any information in the decision letter may simply reflect the fact that he is not in a relationship (which is usually, but not always, the case after a long sentence). I have recorded 'no data' for a variable where it is simply not referenced in the letter, so it does not necessarily mean that the decision letter has omitted salient information – merely that it has not included information relating to this variable. However, variables with a low percentage of missing data are clearly more reliable for analysis.

The missing data reduces the effective sample size for most of the possible analyses, so I considered other methods to adjust for missing data. A multiple-imputation could infer missing data from other data points (Little, 2011; Wei, 2017), effectively 'smoothing out' missing values by sorting cases into centiles, but this is principally designed for much larger samples and ideally for continuous variables (Titterington & Sedransk, 1989) – using multiple imputation for such a small sample of mostly binary variables would make unjustified inferences, since I cannot reasonably infer (for example) the nature of someone's offence from their remaining sentence, age, institutional behaviour and so on. I have therefore had to leave the missing data as it stands and highlight it as a limitation of the study.

Throughout this chapter I have included 'p-values' – a measure of statistical significance which gives the probability that the finding is coincidental, discussed in more detail in Methods chapter 5.1.6. I have followed convention for the field by including p-values for each finding, and by describing a value of $p < 0.05$ as 'significant' without reifying this cut-off: I still discuss results where the p-value slightly exceeds 0.05 and avoid overclaiming for results where the p-value is only just below 0.05.

Throughout this section, I refer to 'variables' as is conventional for discussion of quantitative analysis, though this term overlaps with the notion of 'inputs' in the system model constructed during the Discussion chapter.

6.1.2. Quantitative Data: Logistic Regressions

Logistic regressions identified 17 variables (see Table 3, below) significantly associated ($p < 0.05$) with a decision to release an offender or progress them to open conditions. The associations between professional recommendations and decisions were notable: prisoners were much more likely to be released if their Offender Supervisor, Psychologist and/or Offender Manager recommended it ($p < 0.001$ in each case). Other variables strongly associated with a decision to release or progress a prisoner included the Parole Board's impression of personal factors such as the prisoner's honesty, insight, positive attendance on domestic violence perpetrator programmes (DVPPs), and working relationships with professionals ($p < 0.001$ in all cases). There were also statistically significant associations between a release/progression decision and 'structural' variables such as the effectiveness of the risk management plan, the imminence of risk (more so than the level of risk) and the offender's links in the community.

Variable	Released / progressed when present	Released / progressed when absent	Odds ratio	p	Nagelkerke R ² (Highest first)
Offender Supervisor supports release/progression	71 of 81	1 of 37	255.5	<0.001	0.713
Psychologist supports release/progression	32 of 40	0 of 20	n/a	n/a	0.682
Offender Manager supports release/progression	71 of 82	3 of 47	94.6	<0.001	0.670
Positive honesty/openness	27 of 28	17 of 53	57.2	<0.001	0.485
'Robust, effective' risk management plan	65 of 71	6 of 21	27.1	<0.001	0.453

(compared to cases with concerns about the plan) *					
Positive insight/remorse into offence (compared to 'lack of insight/remorse')	31 of 34	8 of 35	34.5	<0.001	0.426
Positive insight/remorse into offences and behaviour (compared to 'mixed' insight/remorse)	31 of 34	14 of 26	8.8	0.003	0.426
Good working relationship with professionals	56 of 79	3 of 26	18.7	<0.001	0.334
'Medium' or 'low' imminence of harm**	65 of 90	8 of 37	9.4	<0.001	0.268
'Protective' social and community links (compared to 'mixed' or 'concerning' links)	22 of 26	17 of 41	7.8	0.001	0.239
Oral hearing (as opposed to decision made on the papers)	50 of 86	0 of 14	n/a	n/a	0.220
Indeterminate / life sentence (rather than determinate sentence)	58 of 80	17 of 56	6.0	<0.001	0.218
Completed perpetrator programme with positive or neutral feedback	49 of 65	26 of 71	5.3	<0.001	0.194
Coded as Situational Couple Violence (rather than Intimate Terrorism)	28 of 33	45 of 100	6.8	<0.001	0.164

Positive or mixed reports from community releases (rather than serious concerns about community behaviour)	30 of 39	20 of 48	4.7	0.01	0.164
'Model prisoner' or only minor arbitrations in custody	60 of 87	11 of 36	5.1	<0.001	0.159
Each year elapsed since offence	n/a	n/a	1.1	0.01	0.125
'Medium' or 'low' risk of harm to future partner**	20 of 25	54 of 105	3.8	0.013	0.073
Open prison (rather than closed estate)	13 of 15	57 of 105	5.5	0.030	0.070
Variables falling below statistical significance threshold, but which may still be correlated with the release decision (addressed in more detail in Discussion chapter):					
<i>Lacking problematic or addictive substance use</i>	<i>6 of 7</i>	<i>45 of 84</i>	<i>5.2</i>	<i>0.135</i>	<i>0.044</i>
<i>Offender did not kill victim</i>	<i>53 of 104</i>	<i>22 of 32</i>	<i>0.5</i>	<i>0.080</i>	<i>0.031</i>
<i>No prior DV convictions</i>	<i>40 of 64</i>	<i>35 of 71</i>	<i>1.7</i>	<i>0.124</i>	<i>0.023</i>
<i>Not coded as Severe Combined Abuse (Hegarty)</i>	<i>35 of 56</i>	<i>40 of 80</i>	<i>1.7</i>	<i>0.150</i>	<i>0.020</i>
<i>Victim statement provided</i>	<i>17 of 25</i>	<i>58 of 111</i>	<i>1.9</i>	<i>0.157</i>	<i>0.020</i>
<i>3-person panel***</i>	<i>31 of 50</i>	<i>18 of 36</i>	<i>1.6</i>	<i>0.269</i>	<i>0.019</i>
<i>Offender did not sexually abuse victim</i>	<i>61 of 106</i>	<i>14 of 30</i>	<i>1.5</i>	<i>0.292</i>	<i>0.011</i>
<i>No prior violent convictions</i>	<i>11 of 24</i>	<i>64 of 111</i>	<i>0.6</i>	<i>0.293</i>	<i>0.011</i>

<i>Each additional year of age</i>	<i>n/a</i>	<i>n/a</i>	<i>1.0</i>	<i>0.440</i>	<i>0.011</i>
<i>Each year remaining on sentence</i>	<i>n/a</i>	<i>n/a</i>	<i>1.1</i>	<i>0.580</i>	<i>0.008</i>
<i>Psychologist on the panel***</i>	<i>18 of 35</i>	<i>57 of 101</i>	<i>1.2</i>	<i>0.231</i>	<i>0.000</i>
<i>Judge on the panel***</i>	<i>9 of 15</i>	<i>66 of 121</i>	<i>1.2</i>	<i>0.231</i>	<i>0.000</i>
<i>Acknowledging offence (rather than denial)</i>	<i>74 of 122</i>	<i>6 of 20</i>	<i>1.3</i>	<i>0.132</i>	<i>0.000</i>
<i>No concerns re: suspected manipulation</i>	<i>73 of 121</i>	<i>7 of 21</i>	<i>1.3</i>	<i>0.132</i>	<i>0.000</i>

Table 4: Variables associated with a decision to release or progress an offender ordered by effect size (Nagelkerke R²)

*: excluding cases where the Board felt the offender could not be managed under any plan

**: various measures used

***: where known (3-person as opposed to 1- or 2-person panel, excluding decisions on-papers)

Collinearity testing identified no redundancy: no two variables had a Variance Inflation Factor (VIF) greater than 7.5, short of the suggested cut-off for redundancy of 10 (O'Brien, 2007). This test helps rule out the prospect that two variables substantively overlap to the point where they may not be functionally distinct.

Highly significant variables

Three variables stood out as highly correlated with a decision to release the prisoner or progress him to open conditions, with Nagelkerke-R² values above 0.66: the recommendations of the Offender Supervisor (OS), Psychologist, and Offender Manager (OM) (p<0.001 in each case). There was only 1 case (out of 137) where a parole board released a prisoner over the objection of unanimous professional recommendation (the OS and OM both opposing release). In 2 other cases, the board released a prisoner when the OM opposed release, but the OS and a psychologist recommended release. Otherwise, professional opposition to release

effectively represented a barrier to release, and the board rejected release/progression in all 20 of the cases where the psychologist opposed it (3 cases are excluded where 2 psychologists gave differing views). For release recommendations, the association is not as strong but still significant, with the parole board releasing in the vast majority of cases where the OS, psychologist and/or OM has recommended release.

Moderately significant variables

A second category comprises 4 variables moderately associated with a decision release (Nagelkerke-R² between 0.33 and 0.66). These included the parole board's view of the prisoner's honesty and openness; the effectiveness of the risk management plan; the prisoner's insight and remorse; and the prisoner's working relationship with professionals ($p < 0.001$ in each case). While the first category seemed to represent broadly 'necessary, but not sufficient' correlates for release, the second seemed to be the inverse: in other words, where the parole board was impressed by a prisoner's insight, honesty, and the effectiveness of their risk management plan, this was associated with release/progression, respectively, in 31 out of 34 (91%), 27 out of 28 (96%) and 65 out of 71 (91%) cases. However, where they were not impressed with a prisoner's insight or honesty, but considered the risk management plan 'robust' and 'effective', the prisoner was still released in 17 of 53 (32%), 22 out of 61 (36%) and 6 of 21 (28%) cases. Good working relationships, on the other hand, were more significant when absent: 23 of 26 (88%) applications for parole were rejected where their working relationships with professionals were poor, while only 56 of 79 (71%) were released when those relationships were good.

Minor significant variables

A third category comprised variables which were statistically-significantly associated with the decision (within $p < 0.05$), but where the effect size is weaker (Nagelkerke-R² lower than 0.3). These include some other categories where the letter-writer may have scope for interpretation: a lower imminence of risk ($p < 0.001$); protective social/community links ($p = 0.001$); good institutional behaviour ($p < 0.001$); good community behaviour (in open conditions / license) ($p = 0.01$); and a lower risk of

harm to a future partner ($p=0.013$). Other variables are less subject to the parole board's definitions: indeterminate/life rather than determinate sentences ($p<0.001$); satisfactory completion of a perpetrator programme ($p<0.001$); offences resembling 'situational couple violence' rather than 'intimate terrorism' ($p<0.001$); more time elapsed in prison ($p=0.01$); and being in open prison ($p=0.03$).

14 decisions were made 'on the papers', involving a parole board chair sitting alone, reading the documents and case information before reaching a decision, with no oral hearing. None of these 14 offenders were released (preventing me from calculating a p-value or odds ratio for release), which suggests that the very fact of an oral hearing constitutes a moderately significant variable in the release decision (with an R^2 value of 0.22). However, it is worth noting that a hearing 'on the papers', without the offender even seeking an oral hearing, strongly suggests that the hearing was a nominal requirement and the offender (and their legal representative) saw very little prospect of release, possibly rendering this finding an artefact.

Non-significant variables

A final category comprised 15 variables whose impact on the release decision was not statistically significant. In some cases this may be due to the small sample of cases on one side of the equation or another: for example, there were only 7 prisoners who did *not* have some kind of problematic substance use ($p=0.135$). There were also statistically insignificant relationships between the release decision and: the composition of the panel ($p=0.269$), the nature of the index offence - i.e. whether the offender killed ($p=0.08$) or sexually abused his victim ($p=0.292$), or whether the abuse constituted severe combined abuse ($p=0.15$) using Hegarty's typology (Hegarty et al., 2005), or whether the offender had a prior history of convictions for violence ($p=0.293$) or domestic violence ($p=0.124$).

These analyses still produced some findings of interest, though. While falling outside the statistical significance threshold ($p=0.08$), linear regression of whether the offender killed his victim produced an arguably counter-intuitive outcome: that while 22 out of 32 convicted killers were released (69%), only 53 of 104 offenders (51%) were released where they had not killed their victim.

Since some of the grouping of cases involved subjective judgement (combining decisions to release with decisions to progress to open conditions, and in some cases deciding where to draw a binary distinction in categorical variables with multiple categories), I have conducted a sensitivity analysis, repeating the full set of analyses after changing these decisions. For example, I tested how the analysis would be affected by excluding cases that were progressed to open conditions, rather than released, and grouped the natural three-category split in the 'insight' variable into a binary (see Appendix 8). These did not affect which variables produced statistically significant outcomes. In other cases, splitting the binary variables into categorical variables ended up producing such small subsets that meaningful analysis became impossible.

6.1.3. Latent class analyses of significant variables

As discussed in the Methods chapter (5.1.) I used latent class analysis software using groupings of six independent variables at a time, to form statistically cohesive 'types' of case.

Latent class analysis of the 'professional input' categories (see Table 2) provided a further demonstration of the significance of professional recommendations to the board's decision.

I ended up focussing on both the two-class and three-class models produced by this analysis. The two-class model is statistically the better fit, with a high entropy value of 0.94. This model breaks the cases into two categories:

- 1) "Recommended for Release". In this category, the Offender Supervisor and Psychologist always recommended release, and the Offender Manager recommended release in 90% of cases. The risk management plan was usually deemed effective and the imminence of harm relatively low. Inclusion in this category was not a guarantee of release, but 77 of 90 prisoners were released or progressed, with 13 rejected.

- 2) “Opposed to Release”. This category was notable for near-unanimous rejection of release by the Offender Supervisor, Offender Manager and Psychologist, with similarly near-total rejection of parole applications (only 1 of the 45 cases in this category were progressed).

The three-class model is not as robust, with a marginally higher BIC than the two-class model (655 to 644) and a lower, if still ‘moderate’ entropy value of 0.775, although it is arguably more informative. The ‘Recommended for Release’ category above essentially splinters into two:

- a) “Highly Recommended”. In this category, every professional recommendation supported release, and in almost every case the board considered the risk management plan ‘effective’ and the imminence of harm not to be high. 64 of 65 offenders in this category were released or progressed – this splinter category acts as the mirror image of the ‘Opposed to Release’ category in this respect.
- b) “Risky but Recommended”. In this category, despite professional recommendations overwhelming supporting release, only 13 of 25 prisoners were released or progressed, with 12 rejected. While a small splinter category representing only 18% of the total sample, this stands out as an interesting ‘marginal category’ where a case could go either way. They were distinguished from the ‘Highly Recommended category insofar as: the Offender Managers opposed release in a minority of cases; the board often considered the risk management plan ineffective; and the board in each case regarded the risk of harm as ‘high’ (although the imminence was usually low or moderate).

In other words, Parole Boards were inclined to release/progress prisoners on the recommendation of professionals, provided they had confidence in those professionals’ expertise and their ability to manage the risk.

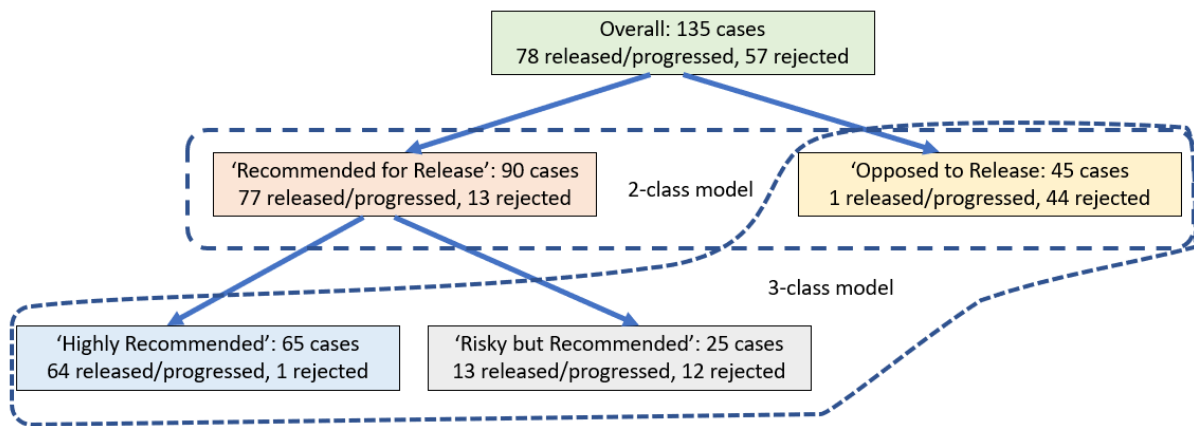


Figure 9: Latent class analysis by institutional recommendation, combining 2- and 3-class models

Latent Class		“Recommended for Release”		“Opposed to Release”
		“Highly Recommended”	“Risky but Recommended”	
Effective risk management plan		94.9%	68%	38.3%
Offender Manager recommended release/progression		100%	82.6%	4.9%
Offender Supervisor recommended release/progression		100%	100%	0%
Psychologist recommended release/progression		100%	100%	4.8%
Medium/Low level of harm*		40.5%	0%	9.8%
Medium/Low imminence of harm*		95.8%	63.9%	46.5%
3-class model	Released / progressed	64 of 65	13 of 25	1 of 45
	Odds ratio of release/progression relative to “Opposed” group (R ² =0.774)	894.7 p<0.001	47.6 p<0.001	n/a

2-class	Released / progressed	77 of 90	1 of 45
	Odds ratio of release/progression relative to “Opposed” group (R ² =0.673)	217.1 p<0.001	n/a

Table 5: Latent classes based on professional input

3-class model: Bayesian Information Criterion (BIC) =655; Entropy=0.775 ‘moderate’ (Weiss & Dardick, 2016)

2-class model: BIC=644; Entropy=0.94, ‘high’

A BIC difference of >10 between models significantly favours using the lower value (Kass & Raftery, 1995), so the 2-class model is certainly the better fit by both entropy and BIC measures, although the weaker 3-class model remains of some interest.

*: various measures used

Note: numbers do not add up to 137 due to the software being unable to process 2 cases due to gaps in the data (discussed in 6.1.1 Introduction)

Further latent class analyses identified best-fit models for those variables associated with the prisoner’s ‘journey’ from offending to the hearing (Table 3) and with the prisoner’s life after release (Table 4). Both sets of categories were significantly associated with different likelihoods of release, though accounting for less variance in outcome than the ‘professional input’ model (Table 2).

Analysis of the type of offending and the prisoner’s ability to reflect and move on from their offences created three categories:

- 1) “Resistant”. The 25 prisoners in this category had all committed offences that amounted to ‘intimate terrorism’, exercising control over their victim. They had rarely completed a domestic violence perpetrator programme satisfactorily, mostly behaved poorly in custody, and displayed minimal cooperation, honesty, insight, or remorse. Unsurprisingly, only 2 of these 25 were released or progressed.

- 2) “Lip Service”. This category of 65 prisoners was more mixed. Almost a quarter had committed offences that were more chaotic than controlling, many had completed programmes, and most were well-behaved in prison, working very well with professionals. However, in these cases, the board found the prisoners lacking in honesty and openness, and at best mixed in their insight and remorse. 30 of the 65 were released or progressed.
- 3) “Engaging”. The 49 prisoners in this group were much more likely to have completed a perpetrator programme satisfactorily, and more likely to have committed offences resembling ‘situational couple violence’ than the other groups and were almost all well-behaved and cooperative in prison. The major distinction with the other groups, however, was that the board were impressed with their honesty and insight in the vast majority of cases. 43 of these 49 prisoners were released or progressed.

Class	‘Resistant’	‘Lip Service’	‘Engaging’
‘Situational Couple Violence’ rather than ‘Intimate Terrorism’ (Johnson 2006)	0%	23.1%	38.6%
Completed perpetrator programme satisfactorily	8.9%	38.7%	75.8%
‘Model prisoner’ or only minor arbitrations in custody	24.9%	61.8%	96.8%
Working well with professionals	0%	85.3%	100%
Positive honesty/openness	7%	0%	83.3%

Positive insight/remorse	0% good 0% mixed 100% problematic	0% good 52.2% mixed 47.8% problematic	86.7% good 13.3% mixed 0% problematic
Released / progressed	2 of 25	30 of 65	43 of 49
Odds ratio of release/progression relative to 'Resistant' offenders (R ² =0.423)	n/a	10 p<0.001	90.9 P<0.001

Table 6: Latent classes based on the prisoner's journey through prison and reflections on their offending

BIC=891; Entropy=0.785 ('moderate')

The analysis of variables involving the offender's post-release circumstances did not produce categories as stark as the previous analyses –unsurprisingly given the lower impact of each category when previously analysed in the logistic regression.

The four-class model was the best-fit. The category with the lowest release rate (only 20 of 58) was labelled "Recent unstable": prisoners in this category were overwhelmingly on determinate sentences, on average just over 4 years into their sentences, who were unlikely to have a protective social network or to have behaved well on community release. In the "Stable" category (the only one with a markedly different rate of release – 27 out of 29), prisoners were all on indeterminate or life sentences, had effective risk management plans and a good record of behaviour if released, while most had protective networks in the community.

Class	'Recent unstable'	'Unstable'	'Historic, settling'	'Stable'
Years elapsed since index offence (mean)	4.2	11.3	21.8	13.6

Indeterminate or life sentences (rather than determinate)	13.2%	82.3%	100%	100%
Good or mixed behaviour on community releases (rather than problematic)	31.2%	24%	49.7%	100%
Effective risk management plan	66.7%	59.1%	100%	100%
Protective social and community resources	31.2%	14.5%	42.4%	74.6%
Released / progressed	20 of 58	20 of 36	8 of 13	27 of 29
Odds ratio of release/progression relative to 'Recent Unstable' offenders (R ² =0.273)	n/a	2.4 p=0.047	3.0 p=0.079	25.6 p<0.001

Table 7: Latent classes for 'looking ahead' to the offender's life after release

BIC=1398; Entropy=0.829 ('high')

6.1.4. Summary

Despite the small dataset, logistic regressions and latent class analyses of parole decision letters produced statistically significant associations between candidate variables and the parole board's decisions in domestic violence cases.

The most striking associations are between the recommendations of key professionals (the offender supervisor in the prison, the offender manager in the probation service, and the psychologist) and a parole board's decision. These were by far the three strongest associations with a decision to release or progress a

decision, especially where the recommendations were negative. A latent class analysis made this clearer: the cases grouped into:

- An “opposed to release” category where the professionals almost unanimously opposed release, and the board only released 1 of 45 prisoners (2%).

- A “recommended for release” category which splinters into two:
 - o A “Risky but Recommended” subcategory where the professionals recommended release, but the board were not as satisfied of the effectiveness of the risk management plan and concerned about the high inherent risk posed by the offender. 13 of these 25 prisoners (52%) were released or progressed.
 - o A “Highly Recommended” subcategory where the professionals recommended release, and level of risk and effectiveness of the risk management plan were more reassuring – 64 of these 65 prisoners (98%) were released or progressed.

The logistic regressions also found moderate associations between a release decision and a prisoner’s honesty, insight, working relationship with professionals, and the effectiveness of the plan to manage their risk in the community.

Weaker but still significantly significant relationships existed between a release decision and a prisoner’s community links, inherent imminence and level of risk, offences resembling ‘situational couple violence’ rather than ‘intimate terrorism’, the type of sentence and estate, the completion of a domestic violence perpetrator programme, and behaviour in custody.

These analyses did not identify associations with a range of other variables including substance use, other elements of the index offence, the nature of the panel, denial or manipulation, or previous convictions.

In the Discussion chapters, these findings will be explored in the context of the qualitative findings, previous research on parole decisions, and how they contribute to a systems model of the parole decision.

6.2. Qualitative Results

6.2.1. Introduction

This section describes three sequential phases, or 'rounds' of thematic reflexive coding, developing the key thematic findings from the interviews with parole board members using a well-established sequence outlined by Braun & Clarke (2013).

The first round involved highlighting sections of the interviews 'reactively', simply based on whether the quotations in question seemed to suggest any underlying theme or dynamic at work. Consistent with the iterative coding model proposed by Strauss (1987), this drew upon the raw text without reference to previous research on the topic, grouping the data into broad, internally coherent themes. This round produced 32 descriptive codes, which I grouped according to the broad topic and listed them in 6.2.2. under 7 headings.

While I understand that this part of the coding process is often excluded from the main body of the dissertation (and while I have considered including it as an appendix instead) I have decided to include it here to demonstrate in more granular detail the logical flow that led me from one coding round to the next. The reader may, however, prefer to skip straight to 6.2.3., where the coding becomes more narrative in nature during the second round. The two sections 6.2.2. and 6.2.3. are also valuable as part of the body of the dissertation, insofar as my later analysis in chapter 7 often refers back to individual codes from these rounds.

That second round took the highlighted sections and explored them more deeply, identifying common themes determined not by a broad topic but by a consistent narrative weaving between the different interviews. The 11 'Focussed Codes' emerging from this round of coding could each be assigned a narrative statement, as detailed in 6.2.3. below.

The third round continued the ‘iterative review process’ (Braun & Clarke, 2012b), and brought the codes together in the context of prior research, looking in more theoretical and ‘conceptual’ terms at the themes emerging and how they link together. Two Theoretical Codes emerged from this exercise, described in 6.2.4.

The three rounds of coding tie together as follows:

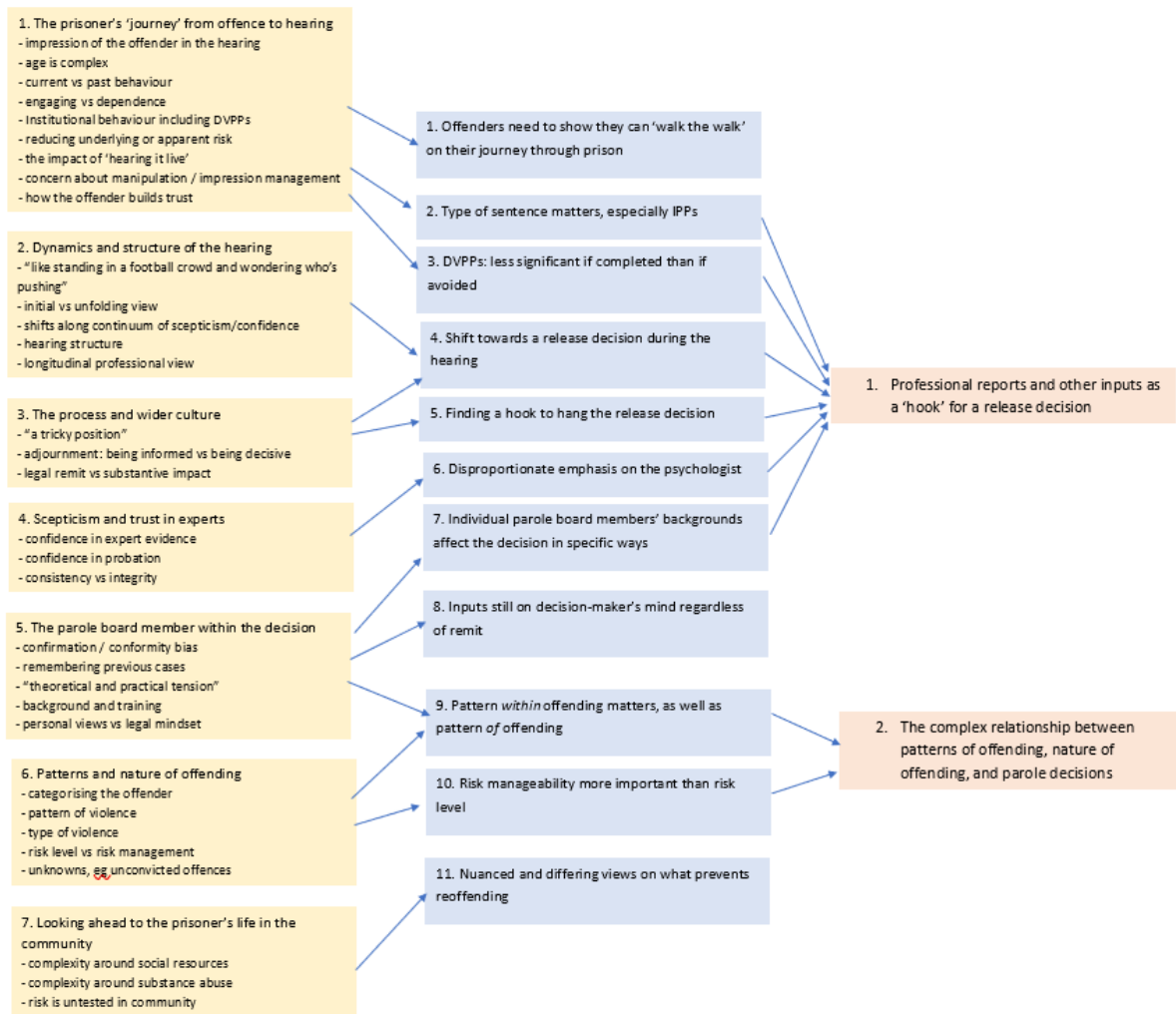


Figure 10: The three overall rounds of coding in the thematic analysis

To use an example from Interviewee 6:

At least if there's a pattern then there's some predictability.

On the initial coding, I identified this comment (like many others) as fitting into a broad category describing "Patterns and nature of offending", so I coded it accordingly, without drawing any further inferences at that stage.

During the second round of coding, I reflected more on the content and dynamics involved in the interviewees' remarks and developed a new code along a common theme: the idea that "Pattern *within* offending matters, as well as pattern *of* offending". This was an example of mixed methods in action: by this point in the analysis, I had conducted several interviews, and had noted the frequency with which interviewees offered 'the pattern of offending' as the first thing that came to mind when I asked them what affected their decision. I created this code in the Focussed Coding round based on an apparent nuance in the text which mirrored the different elements within the quantitative analysis (see 6.1. above), for example the severity, nature, and details of the offences. At this stage I was developing the notion that I might distinguish the pattern *of* offending (frequency, duration, chronology) from the kind of behaviour displayed during any offending (relationship dynamics, power dynamics, motivation) in shaping parole board members' decision-making. In the initial coding, I pulled this and other codes together, now coding this comment as part of "The complex relationship between 'patterns' of offending, 'nature' of offending, and parole decisions" which I explore in more detail, with reference to the existing literature on the subject, in the Discussion chapter 7.

In the next sections I provide a description of findings at each round; this helps to show how thinking developed.

Each quotation is assigned to an interviewee number, with a description of the interviewee's former role prior to joining the parole board. For confidentiality, interviewees from a background other than legal, probation and psychology roles are referred to as "lay members" rather than detailing their specific experience.

6.2.2. Initial Coding Round

As suggested above, the reader may wish to skip to 6.2.3. for the focussed coding round, or straight to 6.2.4. for the theoretical coding which constitutes the key qualitative results of this research. They may however wish to see the process through which the more narrative and analytical rounds built-up from more

descriptive initial codes, so I have included these subchapters accordingly, to provide more transparency to my research.

This round, concluded on 3rd July 2020, produced over thirty smaller themes which I grouped under seven ‘umbrella’ codes:

Initial Code 1: How the prisoner seems to have changed between sentencing and the hearing

His journey through the prison system and the work he’s done and how he engaged with it, or whether he just paid lip service.

Interviewee 1, probation officer

This theme represents interviewees’ evaluation of the difference between the person who committed the index (or recall) offences, and the person before them in the hearing – when asked the open questions about how they made their decision, all 20 interviewees, unprompted, included ‘how the prisoner comes across in the hearing’ as a key contributing factor.

This broad theme includes references to what the prisoner has done during their time in prison, and to the prisoner’s presentation in the hearing, but the overlap is so great that I ended up making this a single code instead of two. Interviewees talked about work the offender did during their sentence but did so in terms of how the prisoner showed them, in person, how they have made use of that work in changing their mindset. Likewise, they talked about how the prisoner conducted themselves at the hearing but did so in terms of how the prisoner’s conduct provided evidence of their change over time since their offending.

Interviewees discussed their evaluation of the offender’s behaviour and attitudes at the time of the offences and now:

Someone who came in angry and emotional and over their time in prison they’ve learned to manage that, then I’m more confident.

Interviewee 16, psychologist

Even where they recognised change, interviewees were cautious about attributing that to any programmes they had attended in custody (discussed in more detail in Focussed Coding, number 3, regarding perpetrator programmes).

Progress around drink and drug use was seen as a minor input: only relevant if it contributed to the abuse, and even then, a nuanced (if generally positive) factor:

It depends on the role of alcohol and drug-taking in the abuse. So I'm conscious of the 'blame it on the drink' syndrome... in the unlikely scenario where abuse only happens when they're drinking, then giving up drink is a good sign [in other situations] are they going to be a 'better' domestic abuser cos they won't be drunk when she calls the police, so are they going to [exert] more control?

Interviewee 12, lay member

The dismissal, by many interviewees, of alcohol as a major contributing factor to the decision echoed previous nuances in the research around alcohol and domestic violence (in 2.5.2. in the Literature Review), which I have discussed more in Focussed Coding 9 and Theoretical Coding 2, around how the nature of offending influences the evaluation of risk.

In the hearing itself, the offender's insight and honesty were important to all interviewees:

I would be especially interested in how they present on the day and the extent to which they seem to have some genuine insight, as opposed to just parroting what they've learned on courses.

Interviewee 19, probation officer

While interviewees expected that prisoners would try and portray themselves in as positive a light as possible, in some cases they distinguished cases of overt manipulation which concerned them:

They can be superficially charming and have an answer for everything, and are good at taking people to look at things in a positive light, and you have to watch out that you're not manipulated in the same way as victims have been manipulated.

Interviewee 14, probation officer

Some expressed confidence in being able to determine someone's honesty:

It's also how they behave and their demeanour... their tone of voice changes... shifting in their chair, tensing their body... people can't hide that.

Interviewee 20, lay member

Interviewees also considered the role of compliance in institutional behaviour:

Cooperation and compliance are the hallmark – if people behave themselves and do what's asked of them, they get through the system quickly.

Interviewee 17, judicial member

I've dealt with more than one prisoner on a life sentence who has been entirely compliant but is still very dangerous because they're basically psychopathic.

Interviewee 13, judicial member

Overall, this code comprised a variety of comments with a common theme: the importance of what the parole board members perceive that the offender has learned and developed since he was convicted (or since his last parole hearing). Their awareness of this learning (or lack thereof), and how they looked for it during the hearing, took different forms but was common to every interviewee.

Initial Code 2: Dynamics and structure of the hearing

As well as discussing how the offender presents themselves, interviewees also reflected on the overall dynamics of the hearing: the tension between scepticism and

belief in the offender, and the way their mind could change between reading the dossier and making their final decision.

They discussed in detail their feelings about seeing the offender in person, and the possible impact this had on their final decision – a point discussed in Focussed Coding, number 4.

The dynamics between parole board members and expert witnesses were also discussed, in terms of how a shared understanding provided support for taking a particular decision:

Triangulating your own views with what professional witnesses are telling you at the same time, so it's not just my judgement or the judgement of my colleagues. It's whether those professionals are regarded as credible, whether our judgements are similar.

Interviewee 4, psychologist

It's good to be a member of a panel, to be able to kick it around with colleagues, many of us try to take the devil's advocate position, to see how firm the decision is, I suppose it doesn't feel great but luckily our test is in statute.

Interviewee 18, solicitor

The dynamic of having fellow board members could also have practical benefits:

The beauty of being on panels with other members, so one person can observe the interactions while one person's doing the interviewing.

Interviewee 12, lay member

Interviewees often commented on the endogenous nature of hearings and how the changing directions of a decision didn't follow a formula but emerged from the interaction of various elements:

Sometimes resolving disputes can turn on quite small points – it's the grain of sand on a polished table that makes you think, 'that's not consistent', makes you look at something in a different way.... It's like standing in the middle of a football crowd and wondering who it is who's pushing..

Interviewee 13, judicial member

Each of these comments represented a focus on the 'shifting sands' of the hearing, and how the formal and personal aspects of how the hearing is set-up affects the nature of their decision-making.

Initial Code 3: The process and wider culture

Each interviewee reflected on how wider factors beyond the case and the parole process may or may not affect their decision, recognising how legislative and organisational inputs frame the process:

I'm starting from a set of rules and considerations that Parliament or an organisation have given me to decide these things. These are things I don't have to be directly concerned with, so I have a given framework that I work from, which may or may not what I'd work out if I sat down with a blank piece of paper.

Interviewee 13, judicial member

Interviewees unanimously bemoaned the impact of structural changes to the parole and probation system: the privatisation of probation leading to a high turnover of inexperienced probation officers; cuts that meant more parole board members were hearing two cases a day (and more likely on a board of 1 or 2 members instead of 3); limited services in the community; and various 'knee-jerk' responses at the top level to high-profile cases. They also highlighted more low-key but nevertheless frustrating impediments to their jobs: the difficulty in accessing information on unconvicted offences, especially from (similarly overstretched) police forces. Some suggested that the organisational pressure to avoid high-profile reoffending plays a part in risk-averseness, discussed more in Focussed Coding, number 9:

If cases go wrong within a three-year period, they're reviewed and our decision-making is going to be under scrutiny, which we're afraid of, so we're careful with these plans and we do want to make sure the risk is manageable for three years, and longer.

Interviewee 4, psychologist

In this context, every interviewee mentioned the John Worboys case, although they were ambivalent as to whether these pressures affected their judgement. While some insisted that they were unaffected by prominent cases in the media, others felt there had been some effect:

The media feast over the Worboys case has been a horrendous external factor –everybody is edgy, still, and as you know it's led to changes in the way we do things, some of them good, some of them less useful. But in terms of attitudes to risk, I think we're more risk-averse than we were before Worboys.

Interviewee 15, psychologist

When you get that sense that panels are encouraged to move in that direction more, rather than less. That can set up a resistance, encourage boards to push back, resist that pressure, so it can have an effect both ways.

Interviewee 8, psychologist

At the same time, interviewees recognised pressure to release prisoners, especially those on Indefinite sentence for Public Protection (IPPs), discussed in Focussing Coding, number 11.

When considering societal pressures more broadly, all the interviewees acknowledged a lack of awareness among the public about the parole process, and favoured efforts to make the process more transparent.

Initial Code 4: Scepticism and trust in experts

While only 9 of the 20 interviewees mentioned professional opinions in response to open questions about how they made their decisions, they all went on to discuss in

depth the complexity of how they incorporate the views of the psychologist, offender manager and offender supervisor into their reports.

While they were asked about the impact of a psychiatrist report, interviewees unanimously replied that while these reports were extremely helpful in relevant cases, they vary rarely encountered them, particularly in cases of domestic violence. Domestic violence perpetrator programme facilitator reports were much more common, but regarded as much less helpful – interviewees regarded them as less of an assessment of risk and more of a tool to assist the perpetrator in their progress.

The reports tend to be quite positive and motivationally-worded.

Interviewee 16, psychologist

Most of the interviewees discussed how professional views were given weight according to their confidence in the professional's ability and experience, and particularly their longitudinal view – how it has changed over time:

People who've had more contact with the individual will have more weight with me.

Interviewee 7, probation officer

[The OM] has known them for years, seen them in and out of prison, and if that's the case and this time they're persuaded of a genuine change, then that'll carry more weight than if the offender manager has picked up the file recently.

Interviewee 8, psychologist

Where parole board members disagreed with offender managers and offender supervisors, they said it was sometimes because of the emphasis they placed on an offender's compliance with the prison regime or the lack of any other programmes to send them on:

There's a difference between saying 'there's no more work they can do' and a recommendation for progression – there's still no insight after the programme then that doesn't mean they should necessarily be let out.

Interviewee 12, lay member

Many interviewees bemoaned a 'groupthink' of professionals relying on each other, particularly on the psychologist (discussed more in Focussed Coding, number 3):

It's typically an easier decision if you've got consistent support for or against release from each of the witnesses, and when you feel the witnesses have been independently thinking about risk.

Interviewee 4, psychologist

Interviewees generally valued psychologist reports, including independent assessors, but tended to be sceptical of independent psychologists hired by the prisoner's solicitor that gave a perfunctory view (they also noted that if they gave a negative recommendation, the solicitor simply wouldn't share it with the board):

There are one or two rogues appointed by lawyers who put a positive gloss on everything.

Interviewee 15, psychologist

The quality of the independent psychologists varies enormously. There are really good ones and we do get good ones, but we also get some really poor ones, and when I say poor reports you know, they'll ... probably be recommending release.

Interviewee 10, lay member

Interviewees generally found psychologists more optimistic, making a negative recommendation all the more significant:

Most of the prison psychologists try very hard to be positive, to make a sweeping statement: if they think they can give 'yes we can release'

recommendations, they usually will, so if they say 'no', I stop and think – there must be something very significant that makes them say that.

Interviewee 5, lay member

The same applied more broadly to professional views, almost suggesting that the OM, OS, and psychologist views (particularly if opposed to release) represent the default position:

There's a risk-aversion which people are unconscious of. People are uncomfortable trusting the evidence of probation witnesses, but if a psychologist says they're safe to release, they release them.

Interviewee 19, probation officer

If you're going to go against the evidence of the professionals, then your evidence has to be very strong for that.

Interviewee 9, probation officer

One interviewee made the opposite claim (that is also contradicted by the quantitative data, at least regarding domestic violence cases) which gives an interesting insight into their perception of the process:

More often we go against them when they're not recommending release, than when they are – we tend to be more inclined to release against their advice than the other way around.

Interviewee 10, lay member

Overall, this consistent theme suggested that parole board members placed a lot of weight on professional reports, whose expertise they valued but which they did still viewed critically and with caveats.

Initial Code 5: The Parole Board Member within the hearing

A lot of it is gut feeling.

Interviewees 1 and 2

Interviewees also reflected on how they fit into the process as individuals, taking their own backgrounds, assumptions, and feelings into account. They also considered how their thought processes operate within the decision-making:

It's quite an interesting mental process that goes on when you're listening to somebody, that theoretical and practical tension.

Interviewee 11, probation officer

While none of them had undergone training on domestic violence within the Parole Board, many had done so in previous roles, and many came to the role with some understanding of the theoretical and empirical research behind domestic violence – for example, most interviewees referred to convictions only being the ‘tip of the iceberg’ of domestic violence-related offending, and to models of power and control in relationships. Most interviewees also referred to unconscious bias and how they recognised their backgrounds affected their decision subconsciously. Interviewees from a non-legal background tended to emphasise the horrifying nature of cases, alongside the need to ‘put personal feelings aside’ and focus on the job:

Occasionally it will be – there'll be something that just gets under your skin, and you can't legislate for it happening. They might say something, and you want to get the rusty secateurs out, but you're a professional and you overcome it.

Interviewee 2, lay member

You get good at compartmentalising, because if you didn't, you'd probably go mad.

Interviewee 12, lay member

Some interviewees found the ‘compartmentalising’ got easier with more experience, discussed more in Focussed Coding, number 6. Some interviewees found the parole board instinctively risk-averse (discussed further in Focussed Coding, number 6):

What struck me about the parole board is how risk-averse it is: I've never been on a panel where we've released someone who shouldn't have been released, but there have been some where they've been kept in custody when I think they could have been.

Interviewee 19, probation officer

Interviewees also identified the conflict between a legal process and their own awareness of information, regardless of whether it fell within their remit. This particularly applied to the presence of children and the victim's impact statement, discussed more in Focussed Coding, number 8.

Initial Code 6: Patterns and nature of behaviour relating to domestic violence

Past behaviour is the best predictor of future behaviour.

Interviewees 7, 9 and 19 (verbatim)

Your starting point is the index offence and the severity of it.

Interviewee 1, former probation officer

This theme represented parole board members' consideration of the prisoner's offending. This included their index offence or the offence for which they were recalled, as well as any previous relevant offences, and any 'inchoate' offending (domestic violence, which was they either threatened to commit, failed to commit, or which they were alleged to have committed but which did not result in a conviction or finding of fact in a courtroom). Interviewees all discussed the importance of all these categories of behaviour, which all related to domestic violence regardless of whether it resulted in convictions or a recorded offence.

Within this theme, interviewees highlighted the complex problem of 'unconvicted' offending, where there is an allegation or suspicion of further abuse against a partner, but where the offender has not been convicted. The latter has been highlighted for the parole board recently by the John Worboys case where the review identified the importance of taking unconvicted offending into account.

It's very important to 'get behind' acquittals.

Interviewee 1, former probation officer

We used to take just the offences they'd been convicted of, but now we're asked to consider items that lie on file, that didn't lead to a prosecution.

Interviewee 12, lay member

Most interviewees referred to the prospect that an abuser had committed many more acts of violence before their partner called the police at all, let alone before they were convicted, with particular concern for withdrawn statements.

Some interviewees highlighted offending history that had occurred prior to the offences under discussion, but following a previous release:

If they've committed more than one very serious domestic violence offence, then they've been in prison and they've been released by a parole board and done something serious again, then you're looking very carefully. If a previous panel was persuaded, you're wondering why things are different now.

Interviewee 8, psychologist

Interviewees discussed not only the extent of offending but also the *nature* of offending, discussed more in Focussed Coding, number 9.

Interviewees' comments that fit into this broad initial code are also included in Focussed Codes 9 and 10, as they provide examples of how the coding developed in the next iteration, both regarding the 'pattern within, as well as pattern of' offending, and the importance of 'risk manageability' discussed respectively in those sections.

Initial Code 7: Looking ahead to the prisoner's life in the community

Most interviewees, when asked how they made decisions about offenders, discussed the question of 'what they're coming out into'. They reflected on the difficulty of assessing risk of reoffending over a specific length of time (their license

period), especially given that their risk of abusing a partner would only apply in a relationship.

They also identified the significance of an offender – particularly those prone to substance misuse or erratic behaviour – having a routine and a prosocial lifestyle and environment to reduce the risk of offending. Interviewees described protectiveness both in terms of external inputs and the prisoner’s internal coping mechanisms – their ability to differentiate “old me” from “new me”.

Things that will a) motivate them to stay on the straight and narrow as they’ve got something to lose, and b) give themselves the sense of being a different person.

Interviewee 3, probation officer

There’s a few things ticking-off in your head so you’ve got a circle round the person that would make it quite a good barrier against [reoffending].

Interviewee 15, psychologist

Interviewees offered differing views on the impact of various elements in the community, particularly around employment and family networks, discussed in more depth in Focussed Coding, number 5.

All interviewees drew a distinction between risk ‘level’ and risk ‘manageability’, discussed further in Focussed Coding, number 2.

Parole board members’ remit does not include considering children in the community (beyond alerting social services to an offender’s release), but this clearly bore on their thinking, as discussed further in Focussed Coding, number 8.

Initial Coding Summary

I chose to include this subsection on initial coding, somewhat unconventionally, to provide the reader with an insight into the wide range of themes that emerged from my first round of coding and the seven broad umbrellas they fell into. It was these

initial ideas (some of which are fleshed-out in more depth in parts 6.2.3 and 6.2.4. below) which gradually led me towards a series of ‘focussed’ codes through reflection and returning to recode the data.

6.2.3. Focussed coding round

Drawing upon these initial seven themes, the next coding iteration focussed on the deeper, more specific narratives emerging from the data.

This meant setting-aside various themes which were prevalent in the transcripts and mentioned in the first coding round, but which were self-explanatory and provided only superficial (and well-worn) insights into the decision-making process, while expanding some codes into multiple, specific, narrative accounts of the evidence, as laid out in the Figure in 6.2.1.

Just as for 6.2.2. above, the reader may prefer to skip ahead to the key thematic results, contained in 6.2.4., but may find this subsection useful in tracking the method I used to get to that stage. Focussed Codes **1**, **8** and **11** are particularly significant in this subsection because they do not follow through into the Theoretical Codes in 6.2.4., and effectively ‘end’ at this stage without being developed further. I refer to these results in the Discussion chapter but did not have anything more to add to them during the subsequent coding round.

In the focussed coding round, concluded on 4th November 2020, eleven key themes emerged:

Focussed Code 1: Offenders need to show they can ‘walk the walk’ on their journey through prison (referenced in 13 interviews)

Many interviewees distinguished the importance of showing real change rather than just going through the motions. First this involves demonstrating insight into their offending:

Credibility and insight, remorse about what he'd done, recognition of the factors that triggered his behaviour.

Interviewee 6, probation officer

I asked him did you not think she'd be scared, he said no, she'd never be scared of me, which shows a complete lack of insight.

Interviewee 5, lay member

Second, it involves the offender taking responsibility for their offending:

How their attitude is supportive of domestic violence, whether they've taken responsibility for their offending or not, whether they've shown any appreciation – if they don't then it suggests more of a risk of reoffending... It's about some tangible evidence that something's shifted in terms of attitudes and how to use strategies to manage themselves differently in the future. Whether they're no longer distorted in the language they use about women, about partners – whether they talk differently about past partners.

Interviewee 4, psychologist

If they've continuing to blame the victim, or say domestic violence isn't that bad, or say the victim is responsible, so those are the big no-nos for me.

Interviewee 8, psychologist

Some interviewees reflected on the complicated role that denial of the index offence plays in demonstrating insight – generally it reduces an offender's ability to make progress, but not necessarily:

Denial or minimisation is not necessarily a lack of insight which doesn't necessarily indicate heightened risk. Some people are so ashamed of what they've done, denial is protective.

Interviewee 2, lay member

Interviewees found distinguishing surface-level from meaningful insight to be one of the hardest aspects of the oral hearing:

I've met people who've brutally murdered a partner, and they refer to 'the incident', they sanitise it. If they do that, I think that's an alert for me.... I've had men go through that day for me, and they get to it and start to swallow, to cry, and they're very upset by it... they find it's with them every minute of every day what they've done.

Interviewee 1, probation officer

If there's evidence that they're walking the walk, that shows that they're not just giving hot air about what they intend to, that they can demonstrate it.

Interviewee 4, psychologist

The theme identified in this code, then, is one of understandable caution in parole board members of accepting an offender's claim that they are a changed person, suitable for release. This code highlights the way interviewees seek to explore whether an offender's claims go beyond the superficial and whether they represent an underlying change in mindset.

This code is relevant to the discussion of 'instrumental compliance' from Bottoms's (2001) model of managing risk, discussed in 2.5 of the Literature Review. This code indicates that parole board members are looking for a rounded picture of a prisoner's instrumental compliance – in other words, the degree to which they can prevent themselves (as opposed to being prevented by external constraints) from reoffending.

Focussed Code 2: The type of sentence matters, especially Imprisonment for Public Protection (IPP) sentences (8 interviews)

Some interviewees suggested that, at both their individual level and the structural level of the parole board, there was unease about prisoners being held in prison on IPP sentences, long after their tariff period had ended:

Pressure's the wrong word, but there's been a major issue about IPPs and prison populations being too high.

Interviewee 6, probation officer

They felt the possibility that, because of this unease, parole board members may feel more inclined – in marginal cases – to recommend a prisoner’s release, relative to a similar prisoner on a determinate sentence:

The IPP sentences in the system, the old IPPs, so many get released and recalled – there’s a sense of a bit more of a push to get those out.

Interviewee 8, psychologist

This pressure went beyond an institutional desire to ‘move on’ prisoners who were stuck in custody with no prospect of release – interviewees felt an internal pressure based on a sense of moral responsibility:

When you’re looking at someone extremely post-tariff who isn’t making progress, if they’re a lifer or IPP, somebody who you know is only going to be released by us, not by reaching the end of a sentence, that weighs heavily on you... if someone’s going nowhere you wonder how much of that is caused by a sense of desperation at their sentence and would it be worth, quite frankly, taking a punt.

Interviewee 10, lay member

This recognition of dynamics at work is important – for a fixed-term sentence, parole board members know that, if they err on the side of caution and refuse release, the prisoner will eventually be released at the end of their sentence regardless. If they are subject to a life or IPP sentence, on the other hand, their only prospect of release lies with the parole board – this distinction clearly matters for many members.

Focussed Code 3: Domestic Violence Perpetrator Programmes: less significant if completed than if avoided (9 interviews)

Interviewees took a nuanced view of offenders completing Domestic Violence Perpetrator Programmes (DVPPs). Generally, they were sceptical about the value of these courses in reducing reoffending, and the credulity of course facilitators:

I always worry about programme facilitators and their post-programme reports – at the end of it you think the programme didn't touch the issues, that seems to be something that might affect the evaluation of that programme which they're running, so I treat them with some caution.

Interviewee 1, probation officer

On the whole the report providers try hard to be positive about the person, so almost always it's a very good report.

Interviewee 5, lay member

They were concerned that in some cases, the programme simply provided 'lines' the offender could offer as evidence of change:

People learn groupspeak, the buzz phrases from psychologists, and you do have to be alert to that as well.

Interviewee 7, probation officer

Interviewees also doubted the programmes' effectiveness in reducing reoffending, even when an offender had made progress overall:

You don't often think a programme turned someone around. They're an important factor, but they don't have a great success rate.

Interviewee 3, probation officer

If there is change, is it anything to do with the programme? Is it just reflection during time in prison, maturing, growing up? Usually that's what they attribute change to, not the programme.

Interviewee 8, psychologist

Interviewees nevertheless recognised that an offender's willingness to complete a course in the first place could be a proxy indicator of their ability to change, particularly if it correlated with changes in their thinking:

Attendance on its own is a helpful indicator...but that's not sufficient because people can then say and do things that demonstrate nothing has changed, and that this is just someone jumping through hoops.

Interviewee 13, judicial member

It makes a difference, primarily because it shows some level of motivation and commitment.

Interviewee 2, lay member

This code overlaps to some extent with Focussed Code 1, insofar as the attendance (or otherwise) on a perpetrator programme demonstrated what parole board members have already shown they are looking for: a sense of insight, of taking responsibility, and of how their thought process might have changes. Again, interviewees were looking for evidence of a real, rather than superficial, change:

I'd want to avoid saying 'they've attended the programme, they've ticked the box, they're sorted... [if] they're talking the talk on programmes. You're looking for some kind of sense of change.

Interviewee 8, psychologist

It's going to take more than a group work programme to change our sense of entitlement, or jealousy, or anger, but I'm looking for some acknowledgement from that person that there is an issue that needs to be addressed.

Interviewee 7, probation officer

What really made a difference to their thinking, though, was if an offender had *not* completed a course satisfactorily – even if they felt the programmes amounted to 'jumping through hoops', it concerned them if a prisoner wouldn't even jump through a hoop that was offered to them:

*The difference comes in if they haven't given a positive report. It's a red flag if they **haven't** engaged, if they've just done it to tick a box. It's not that I think the programmes are magic bullets – it's more about the willingness to engage with that.*

Interviewee 5, lay member

[The programme] obviously is important, although I'd qualify that by saying if the post-programme reports aren't in his or her favour then it's even more important.

Interviewee 17, judicial member

Overall, this code suggests that an offender's interaction with a domestic violence perpetrator programme makes some difference to their thinking, but mainly in their absence – they see the satisfactory completion of such a programme as a bare minimum requirement, since the programme is provided free of charge to an offender during a prison sentence, so a refusal or failure to complete the programme suggests cause for concern. Interviewees were sceptical of the efficacy of perpetrator programmes and frequently referred to 'jumping through hoops' but a failure to jump through a straightforward hoop would worry them and suggest a failure to show insight and responsibility around their offending (referenced in Focussed Code 1, above).

Focussed Code 4: The shift towards a release decision during the hearing (16 interviews)

This code refers to the difference between an oral hearing (with the offender present, along with in-person evidence from professionals) and a nominal hearing 'on the papers', which involves the parole board chair viewing the dossier alone and without any opportunity to question witnesses or the prisoner.

Interviewees noted that offenders were rarely released in their absence:

We release them at a significantly higher rate than when we judge their case on the papers – it's the human interaction.

Interviewee 7, probation officer

This observation, just as in the quantitative research, comes with a caveat – cases are not randomly assigned to 'oral hearing' or 'on papers'. I established while reading the decision letters for the quantitative analysis and during my own professional

awareness of prisoners applying for release, that if a case is being heard without holding an oral hearing, this suggests a mutual expectation by the prisoner and other parties that their application is unlikely to be successful. I therefore avoid placing too much weight on the significance of the 'decision' to have an oral hearing, recognising the other factors at work, but this code is nevertheless useful in highlighting just how important interviewees found the personal interaction with the prisoner (and with other board members), and the dynamic during the hearing, which often shifts towards greater willingness to release, rather than the other way around.

Interviewees consistently found themselves more risk-averse at the start of a hearing, having only read the documentation:

I'd never accept releasing a lifer or IPP prisoner on the papers.

Interviewee 1, probation officer

If you're on your own making decisions, it feels quite onerous – on the papers, for example – and I think that's probably why we don't release as many people on the papers, because it feels too much to release them based on limited information.

Interviewee 3, probation officer

All 20 interviewees responded to open questions about their decision-making by referring to how the interviewee comes across in person, and how this brought the information in the dossier to life:

The main thing is the evidence of the person themselves, and that can obviously go in either direction. I would say more often than not it makes release a bit more likely, but not always cos they may say things that give clues and hints that make you more worried.

Interviewee 3, probation officer

People in person and on paper can be totally different. I sometimes come in with a pretty well-formed view in my mind, and then change my view utterly over the course of the hearing, and I've been persuaded into the opposite

point of view. That happens quite a lot. That's some kind of intangible human factor that's going on.

Interviewee 7, probation officer

Interviewees consistently found they needed to see someone in person to be comfortable releasing them and how, while their minds could be changed either way in an oral hearing, the opportunity to examine an offender provided reassurance:

It does change, it does. I think I'm more cautious on the papers, and I need to see someone face to face and interact with them.

Interviewee 1, probation officer

It more often goes in a positive direction – we go in thinking we can't release him, and actually when you see him and talk to him and get the context of what's happened, then we are more comfortable making a release decision.

Interviewee 16, psychologist

The dynamic within the oral hearing includes interactions between board members:

I might go in with a stance because it fits my socioeconomic understanding of the world, and someone else may see it with a different prism, and it challenges my bias.

Interviewee 2, lay member

I've changed my mind there because other people had drawn my attention to aspects of the dossier that I hadn't paid enough attention to, perhaps challenging my confirmation bias.

Interviewee 11, probation officer

In most cases, interviewees said the effect of this face-to-face contact was in the offender's favour:

You read information on the papers that looks quite negative and you're struggling to see how you can release someone on the paperwork, but when

you meet them, and they articulate themselves you get a much better impression of their risks and their insights.

Interviewee 9, probation officer

Sometimes I go to an oral hearing and my view changes, I start by thinking there's no way I'd release him, but I find him believable, he knows what he's talking about. It does change, it does.

Interviewee 1, probation officer

This shift led some interviewees to wonder why someone could present so differently from the dossier, which led to further introspection:

Often the guy comes in and they are qualitatively different from the person you've read about. In a way your hearing goes over 'why do they seem so different from what we read in the dossier?'

Interviewee 15, psychologist

Sometimes I've thought that someone looked so presentable, have we been conned? It's hard to know.

Interviewee 10, lay member

This theme raises an interesting question. While seeing someone in person obviously adds greater depth and understanding to seeing their background on paper, and while it would plausibly change someone's view, why would it (almost) always be in the direction of a release decision? Again, there may be a link to Focussed Code 5, below, on the 'hook' for a release: that the two-dimensional nature of a written dossier provides insufficient material to allow a release decision, rather than insufficient material to allow a decision per se.

Focussed Code 5: Finding a hook to hang a release decision (11 interviews)

This theme was less common in the transcripts, but potentially illuminating: how inputs from other professionals did not just inform interviewees, or change their

minds, but provide them with a personal justification for making a release decision – a ‘hook’ to hang their decision on.

There are two kinds (at least) of reassurance taking place – reassurance that the decision is correct; and reassurance on a personal level that you have ‘cover’ for accepting the risk of reoffending – and the two can overlap:

You’re sometimes aware, if it’s a high-profile case, the potential for press coverage, media coverage, criticism if it goes wrong... working closely with other colleagues is important to me, it’s not something you’re holding as an individual, it’s a consensus decision, so you know if you’re out of step with other experienced people you know.

Interviewee 8, psychologist

The parole board members are as anxious as anyone else not to appear an idiot, so there are lots of anxieties in the room.

Interviewee 15, psychologist

There are various ways in which interviewees found they were reassured about releasing a prisoner, including the knowledge that their fellow board members had reached a similar conclusion:

If the three of us all agree, that’s reassuring. If we’re having quite a big discussion about the pros and cons, that feels more reassuring, that we’ve thought everything through.

Interviewee 11, probation officer

They went into more detail about how different features of the case helped provide similar reassurance and a concrete basis for justifying a release decision, which shed new light on the significance of the oral hearing, the role of the perpetrator programmes, and the evidence and recommendations provided by the offender manager, offender supervisor, and psychologist.

I will expand this theme, and show how it relates to other themes, in the first

Theoretical Code in section 6.2.3.

**Focussed Code 6: The psychologist is accorded disproportionate emphasis
(17 interviews)**

There can be a lot of ideology, putting psychologists on a pedestal which isn't appropriate... there's some kind of professional snobbery that goes on.

Interviewee 2, lay member

This idea of the psychologist on a 'pedestal', accorded more emphasis in the hearing than their evidence and expertise afforded them, came up repeatedly in the interviews.

While the psychologist's recommendation seems to be a strong predictor of the decision (see Quantitative Results, 6.1), interviewees both recognised its influence and also reflected on how this influence may be disproportionate.

Interviewees generally valued psychologists' input:

[The psychologist's report is] a formulation of a behaviour which is often really interesting, usually the most interesting bit of the whole dossier.

Interviewee 7, probation officer

I find psychology reports really helpful, and really useful for understanding the offence and what's changed... I find them less helpful in terms of understanding the magnitude of the risk of serious harm on release.

Interviewee 11, probation officer

However, parole board members' consistent respect for the psychologist's expertise came with caveats and limitations:

More often than not psychology reports will inform as to where the change has actually taken place. I don't think one can look any further than that... it's an art not a science even though they might think otherwise.

Interviewee 17, judicial member

It's like any other piece of evidence – you're weighing it against everything else, and you come to your own decision. We don't just say a psychologist says release him, so we release him.

Interviewee 8, psychologist

Interviewees were concerned about the reliance placed on the psychologist by offender managers and offender supervisors, undermining the integrity of each professional's recommendations:

Offender managers... wait to hear what the psychologist says before they make a decision, which isn't good. Offender supervisors, even worse... they're generally waiting for the offender manager and the offender manager waits for the psychologist, and the psychologist is given an exalted role of importance.

Interviewee 1, probation officer

Sometimes the problem is the OM will just follow the psychologist for or against.

Interviewee 14, probation officer

Some interviewees felt the veneration of psychologists extended to the parole board, which they considered undesirable:

Overrated by the parole board... I think it's 'a doctor speaks' – psychologists are medical professionals so that carries weight. It has a quasi-scientific aspect to it, they apply 'tests' and get numerical values out of those, which look quite compelling, which isn't to say that it's not accurate or not helpful, but it's got much less weight than people give to it.

Interviewee 19, probation officer

Parole board members have a deference to psychologists that they don't have towards probation officers, but it's got its limits the same as anything else. It's

persuasive because they're using what look like objective measures, and you have to be careful there.

Interviewee 7, probation officer

Interviewees were particularly concerned that this deference by the parole board to the psychologist risked overshadowing the expertise of other, non-clinical professionals who had much more experience of the offender:

If the assessment has only been commissioned to appease the anxiety of the person requesting it, it doesn't help. Sometimes the assessment is given greater weight than the OM's assessment even if the OM has 20 years' experience with perpetrators, and the psychologist is still in training.

Interviewee 2, lay member

This theme suggests a tension within the interviewees' thoughts on the psychologist's evidence: a respect for the psychologist's expertise, but recognition of its limitations. They seem uneasy not about incorporating the psychologist's recommendation, but about this recommendation seeming to 'drive' the direction of the hearing. This may relate to Focussed Code5 (the need for a 'hook' on which to base a release decision) and a possible unease (corroborated by the quantitative data) about overruling a psychologist when they do not recommend release, possibly based on the evidence but possibly based on the 'cover' provided by the psychologist's recommendation.

Focussed Code 7: Individual backgrounds affect the decision in specific ways: (13 interviews)

This code captured a theme where interviewees not only recognised an influence of their personal backgrounds on the decision-making process but identified specific ways in which this occurred.

Some interviewees suggested that non-legal members tend to think beyond the legal test:

[Instead of] worrying about the risk to the public after the license period ends... our test covers the period of the license – not necessarily the ‘right thing’ but whether they’re likely to be risk during the license period.

Interviewee 9, probation officer

What the evidence tells you... might be something different from what your instincts tell you to do. And if the evidence isn’t there, you act on the evidence that is there rather than your instincts... I think of myself as someone who’s rigorous and logical through the case, and it’s difficult to put my finger on it but other panel members think about it in a slightly different way even if we agree on the decision.

Interviewee 13, judicial member

Others felt that parole board members become less risk-averse with experience:

I’m quite new to the board, and in the most recent one – my starting point was that this was someone I felt very uncomfortable releasing him, but we ended up releasing him.

Interviewee 6, probation officer

I was probably a bit more risk averse before I joined the parole board.

Interviewee 16, psychologist

This shift over time away from risk-aversion may be linked to improved confidence, skills and knowledge around analysing risk, but it may also be linked to the emotional impact of the role:

The first few cases are graphic and stay with you, but you get a little inured to it, you read so much stuff.

Interviewee 12, lay member

When I started doing it, and you do feel very overwhelmed by the seriousness of the decision you’re making, and over time – although you never downplay it, you always take it seriously – the fear of making the wrong decision

reduces over time... the feeling of 'oh my god, is this the wrong decision', that reduces over time. It's something you feel you have to get on with, and if you think about it too much you'd be paralysed.

Interviewee 20, lay member

This code suggested that different parole board members approached their hearings from different perspectives: specifically, that members from non-legal backgrounds tended to take a more holistic view of the case, even going beyond the board's legal test; and that less experienced members tended to be less inclined to release an offender at the start of a hearing.

Focussed Code 8: Regardless of remit, the presence of children, or a victim's statement, is still on the decision-maker's mind (13 interviews)

You can't un-know things that are in a dossier.

Interviewee 3, probation officer

Interviewees identified an apparent contradiction, regarding inputs that they are required to not consider as part of their deliberations, but which they have nevertheless heard.

Parole board members are not allowed to consider the presence of children in a decision about release (although they may add relevant elements to the risk management plan or inform social services). While some interviewees insisted the issue of children was entirely outside their decision-making, others found themselves influenced by this knowledge when making a decision:

I'm much more concerned when I know they'd be having residence with a child, certainly.

Interviewee 4, psychologist

You're not taking decisions about the community, but it can have an impact on the release decision – depends on how they talk about it, if the offender is

suggesting the children could be used in future victimisation or if there's a risk of that.

Interviewee 8, psychologist

Interviewees felt an obligation towards a prospective partner and any children (who may or may not be the offender's children)

It would trouble me if the plan was to release, and the mother of the children and the situation would result in prolonged unsupervised contact.

Interviewee 18, solicitor

I wouldn't consider release unless I was confident that potential other victims are properly safeguarded.

Interviewee 19, probation officer

Likewise, a victim impact statement (the victim themselves rarely reads it out in person) has an ambiguous role within the decision-making process:

What's difficult is when a victim's there to read their own statement... the reality is that it shouldn't, legally, make any difference to our job. To me, pretending to a victim that they have power in this situation feels like another form of abuse...I think they're led on a bit.

Interviewee 2, lay member

The part which I think is less understood is the victim contribution to the dossier... I know emotionally that if I'm hearing that, you can't not be affected by the human stories of destruction from this person's behaviour.

Interviewee 4, psychologist

This code hints at a gap between the formal guidance and the decision-making process, and points to the reason behind it: that while board members may be instructed to consider some elements and disregard others, the reality is more complex – having been made aware of how the prisoner's impact might directly or indirectly affect a past or potential future victim, a parole board member may not

deliberately include this in their rationale for their decision, but they would still unconsciously (or even consciously, in the case of some interviewees) have that information in their minds.

Focussed Code 9: The pattern *within* the offending matters, as well as the pattern of offending (19 interviews)

In response to the open questions about how they come to a decision on a perpetrator of domestic violence, every interviewee offered “pattern of offending” as a key input. However, in most cases subsequent discussion was more nuanced, suggesting an interest in *how* the offender perpetrated abuse as well as how often. The nature of domestic violence was a common feature of interviews:

No DV is acceptable, but you have to bear in mind that there are levels, and some of it is grossly more serious than others.

Interviewee 1, probation officer

When discussing the nature of domestic violence, interviewees alluded to a distinction between abuse that involved control and abuse that was more chaotic. They had mixed views on whether either type of violence was worse than the other, but consistently felt the two were functionally different and that this affected how they approached the decision:

Control and coercion types of abuse rather than direct violence is very important and curiously – although this is a personal opinion – this can be more damaging emotionally over the longer-term, possibly than some physical violence.

Interviewee 13, judicial member

Dysfunctional people attract each other and create a toxic situation... vulnerable people drift towards each other, and the mix they create... gets very messy and domestic violence becomes a likelihood.

Interviewee 15, psychologist

The 'tip of the iceberg' notion meant that interviewees put less emphasis on an offender only having a small number of convictions, since they assumed a reasonable likelihood that they had been perpetrating abuse for much longer:

The convictions involve absolutely no domestic violence, but there will be, in the background, police callouts and references.

Interviewee 2, lay member

All other things being equal, a higher frequency of offences caused parole board members more concern:

The more of a pattern, the more convincing it takes.

Interviewee 8, psychologist

It can be really hard if it was 30 years ago and nothing since, then I'll give that less weight than if there are 30 callouts in the last 5 years.

Interviewee 2, lay member

However, interviewees also suggested a nuanced relationship between 'patterns' and 'risk', linking back to the theme of risk manageability versus risk level: the absence of a pattern and obvious 'red flags' actually made it harder to predict and manage an offender's risk in the community:

Someone who was married for 20 years and then killed her – that's dangerous, but if someone's been abusive in every relationship, then it's a different risk to analyse.

Interviewee 5, lay member

Are you seeing something now that's part of an established pattern of behaviour that's gone on for years, or something that's out of the blue and doesn't fit a pattern?

Interviewee 7, probation officer

These nuances suggest that while interviewees certainly *are* looking for ‘patterns’ in offending behaviour, this does not necessarily mean that a more pronounced pattern of behaviour reduces the likelihood of a release decision. In some cases, a dysfunctional offender’s well-worn pattern of antecedents to abuse might lay out a ‘pathway’ to anticipating their behaviour in the community (thus making their risk more manageable), while an offender with no such pattern is a more unpredictable risk.

Focussed Code 10: Risk manageability matters more than risk level (in 17 interviews)

The difference is the imminence of risk.

Interviewee 1, probation officer

This code describes the common theme among interviewees who explicitly distinguished between, on the one hand, whether the offender was ‘high risk’ or not, and on the other hand, whether the risk he posed was ‘imminent’ or not. For example, they might examine two cases where they felt the offender was capable of inflicting serious harm on a partner (indeed, there were very few cases in the quantitative study where the board felt the offender was ‘low risk’), but take different decisions because in one case, they were concerned the offender would soon find themselves in a relationship, which they may not disclose; whereas in another case they might foresee minimal likelihood of them being in a relationship or in a position where they might resort to violence, at least in the near future.

Tied into this idea of ‘imminence’ was the idea of ‘manageability’ – a prisoner could be high-risk, but the nature of that risk might be such that it would be relatively easy for the probation service to monitor in the community. I have expanded on this idea and demonstrated how it links to Focussed Code 9 (the pattern within offending) in Theoretical Code 2.

Interviewees consistently reflected on the challenge of predicting future domestic violence, a crime most likely to occur within a relationship, when the offender has been in prison and their functioning in a relationship is untested.

If they're not in a relationship and not motivated to get into one, it's not as immediate.

Interviewee 4, psychologist

The emphasis on manageability creates a vital role for the offender manager supervising the offender in the community: interviewees were concerned less about “is the risk high?” than “is this risk manageable?”:

I might still think they're a high risk, but that the risk can be managed so they can be released... if they're saying they're in the same relationship where they were abusive before, and they're not working with agencies and they're chaotic, then the risk would be more imminent in the community. The decision to release never comes down just to whether the risk is lower – it's about how that risk is managed.

Interviewee 9, probation officer

Many of them are high risk, as defined by probation, but you look at the manageability, so if someone gets recalled, that to us would suggest that the risk management plan worked... a key indicator about whether they'll be successfully managed – not good behaviour itself, but building relationships with professionals.

Interviewee 10, lay member

While inherent risk manageability, and the offender's contribution to this, is important, the importance of external risk management leads to a further question: “can this offender manager manage this risk?”:

We also take into account the offender manager, how they come across and how good they'd be at managing the individual in the community.

Interviewee 20, lay member

You're evaluating the robustness of the risk management plan, essentially... you're more likely to take a punt on release if you're confident that the risk

management plan is 'on it' and ready to recall if necessary. If you're not confident then you're less confident to release.

Interviewee 4, psychologist

This distinction between risk level and risk manageability sometimes led to disagreements with offender managers who were reluctant to release an offender who might end up being recalled: parole board members are less concerned with 'will he never offend again?' than 'will he get recalled before he offends again?', a subtle but important difference:

In many ways it's about the external controls and circumstances that help you reach that decision, rather than them not being a risk... we don't ever get to the point of saying they're not a risk or a low risk, but the controls are in place.

Interviewee 20, lay member

This theme feeds back into number 1 (on patterns within offending): patterns of behaviour matter to the parole board insofar as they have an impact on the imminence and predictability of risk. The feedback loop between these themes may influence the quantitative relationship between the quality of the risk management plan (and the confidence the board has in the offender manager), the type of index offending, and the history of offending.

Focussed Code 11: Members hold nuanced and differing views on what prevents reoffending, particularly around employment and family ties (14 interviews)

Interviewees consistently raised the importance of offenders having a prosocial, stable lifestyle upon release, and the internal and external inputs that would allow them to take advantage of it. They differed, however, in some of the details. Some interviewees considered employment a vital protective factor, for general reoffending as well as for domestic violence:

Research showing one of the most valuable protective factors is employment and income. If you have no income, you get more stressed, you go back to established ways of dealing with stress.

Interviewee 2, lay member

People who live relatively unremarkable lives with families and jobs, that's helpful to know as they have prosocial contacts and less likely to form antisocial ones, and that provides modelling... re-establishing a life in the community that doesn't involve crime is a helpful indicator.

Interviewee 13, judicial member

Others were much more sceptical about the impact of employment on the risk of reoffending:

I never focussed particularly on employment as a protective factor for domestic abuse. The stipulation about what employment they can do can be a protective factor, but it doesn't feature highly in my thinking.

Interviewee 11, probation officer

Sometimes having a job is protective for some offences, but not as much for domestic violence perpetrators.

Interviewee 20, lay member

Similarly, interviewees took nuanced views of how offenders work with professionals in the community. While they all acknowledged the importance of honesty and openness in working with their probation officer and other specialists, they were also wary of this becoming a dependency of its own:

If they're totally dependent on professionals and don't have any self-efficacy or other sources of support, then I think of that quite carefully, cos it might be a negative dressed up as a positive.

Interview 11, probation officer

Interviewees were also torn between the benefits and complexities associated with a 'supportive' family. Some found it reassuring:

Good family support - a current partner or parents, children and siblings, is known to be a significant factor in desistance and reducing reoffending

Interviewee 10, lay member

Others, however, were more sceptical and nuanced, focussing on the problem whereby the family who were now identified as a 'protective factor' were no different at the time the prisoner was committing his offences:

they'll say they've got supportive family members, but there's a difference between supportive and protective. Families can be supportive, but if they're not challenging the offender and reducing their offending, they're not protective, they may even be enabling.

Interviewee 5, lay member

Were [the family] around when they were committing offences before, so are they likely to be able to stop or intervene to stop harm happening?

Interviewee 12, lay member

This theme has implications for understanding some of the quantitative relationships: it provides insight into the parole board's thought process in analysing family networks and determining them 'protective' (a variable associated with a 7x greater likelihood of a release decision – see quantitative results in 6.1 above); and it may explain why employment is so rarely mentioned in decision letters (since boards may well disagree on its relevance).

This code also alludes to the 'constraint-based' compliance from Bottoms's (2001) model of reducing reoffending – the ways in which offenders' behaviour can be influenced or monitored by external agents and systems. This finding suggests that the parole board's efforts to evaluate the degree of constraint-based compliance impacting the offender's level of risk are complicated, at least insofar as informal constraints are concerned (formal constraints are discussed more in Focussed Code 10 above and in Theoretical Code 2 below).

Focussed Coding Summary

I have included this subsection to demonstrate how my coding developed over the course of my thematic analysis, in line with the coding structure framework, below:

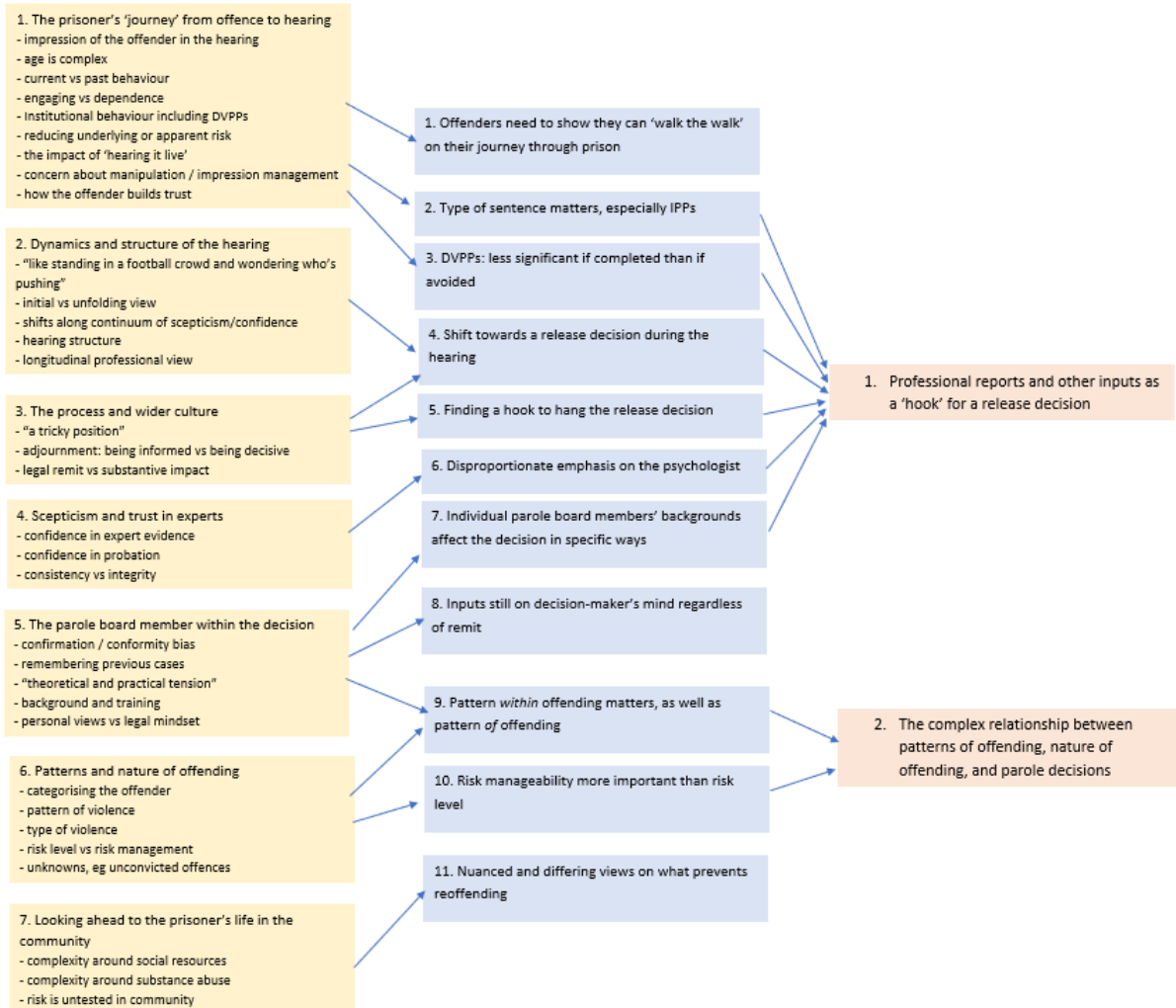


Figure 11: Coding process (repeated)

The codes in this section have developed and honed the descriptive themes picked up in the initial coding round in 6.2.2., without having yet tied them together into the more coherent, analytical codes identified in 6.2.4. below.

6.2.4. Theoretical coding round

For the final round, I recoded previous codes, before going through each unannotated transcript from start to finish to test whether these codes still reflected the themes

present in the raw interview data (rather than only as a selection of a selection of their quotations).

As in the focussed coding round, I discarded some themes that were relatively self-explanatory or separate from the core themes, which I coded under two key headings below. This theoretical coding round concluded on 5th January 2021, allowing the Discussion (chapter 7) to tie my results into the research question and into known theoretical frameworks around parole decisions and domestic violence.

Theoretical Code 1: The professional reports and other inputs as a ‘hook’

While parole board members are expected to recommend release unless there is justification for keeping the offender in prison, in practice they require a clear ‘hook’ on which to hang any decision to release or progress, and the psychologist, offender manager and offender supervisor reports frequently perform this function. I consider this in more detail in section 7.1. and throughout the Discussion chapter.

As discussed in Focussed Coding 5, this is sometimes expressed in terms of the parole board member’s feelings:

Let’s assume this decision blows up in my face and I’ll be asked to justify it and be asked to show my evidence, and if I could say in hindsight that I did this, this and this, then I feel that can make that decision, more confident about the wolves that are out there... I’m sure I’ve not released people when actually I could have released them, because I’ve felt too nervous to do it, and that is an injustice.

Interviewee 7, probation officer

This highlights an inherent tension in the parole decision. The board is under pressure on the one hand (both intrinsic and external) to release prisoners who no longer require imprisonment, and the legal test that they should only refuse parole if it is necessary that they remain imprisoned. This is especially the case for IPP sentences, as discussed in Focussed Coding number 2.

There's been pressure recently to move on 'stuck' IPP cases, so that's been abolished, and people talk about it very negatively although for some offenders it's been a positive thing.

Interviewee 16, psychologist

If people are a lot over tariff, and we always discuss it, and think about it quite carefully, and if it's a close decision it makes you inclined towards release.

Interviewee 20, lay member

The board is, however, also under pressure to reduce both societal harm (the harm done to a member of the public if the prisoner abuses them after release) *and* institutional harm (Rothstein et al., 2006) (the damage done to the organisation if they are deemed negligent for releasing them prematurely).

The parole board member feels this pressure both as part of an organisation, and on an individual level – there is some suggestion that simply having colleagues around to share the responsibility and decision-making process may reduce risk-aversion:

Making decisions on papers, it feels quite lonely for me, sat at home in my little study, not surrounded by colleagues and not chatting it over with people, so it can feel potentially quite exposing. In hearings, the more people who are there, the better. If the three of us all agree, that's reassuring.

Interviewee 11, probation officer

Parole board members may become more resilient to this pressure with experience, as discussed in Focussed Coding 6. For example:

My approach is more measured and possibly more risk-averse, perhaps as I'm less experienced on the board, in terms of you having to know what your biases are.

Interviewee 18, solicitor

Younger members I find tend to be more risk-averse, and it can be hard to persuade them that someone is safe to be released.

Interviewee 17, judicial member

This puts the role of other seemingly important variables in a different light. While Focussed Code 3 demonstrated that parole board members were far from convinced about the effectiveness of perpetrator programmes in reducing reoffending (seeing them more significant by their absence, i.e. if an offender refused even to pretend that they were looking to change), they play a role as one of these ‘hooks’ that give a parole board ‘permission’ to release a prisoner, if they are otherwise satisfied of the wisdom of doing so:

[Completing a perpetrator programme] makes a difference on the basic level, giving you a defensible case for making a judgement that says ‘yes’ in deciding to release someone.

Interviewee 3, probation officer

This suggests that while a parole board would be far from swayed by an offender completing a domestic violence perpetrator programme, if they were broadly satisfied that they were safe to be released, the programme would perform a valuable function in the process: allowing them to use the perpetrator programme as a ‘hook’ on which to hang their release decision, using it as evidence of change that they had already been satisfied about in other ways.

Using a variable that casts the prisoner in a good light as a ‘hook’ is not the same as when the parole board believes, on the basis of that same variable, that the prisoner is less likely to reoffend – that would come under their general weighing-up of evidence, discussed in the second Theoretical Code below. Instead, the hook or hooks grant the board a kind of informal permission to proceed to the kind of risk assessment that features more prominently in interviewees’ conscious reflections on how they reach a decision.

In section 7.1. of the Discussion chapter I will explore in more detail how this relates to the quantitative findings about professional reports in 6.1. Within the qualitative data on its own, though, the theme still emerges – discussed above in Focussed Code 3 – of the psychologist in particular holding immense prestige within the hearing.

Interviewees noted that the other professional witnesses – the offender manager and offender supervisor – often tended to base their reports on the psychologist's:

It's rare for the offender manager to disagree with the psychologist... there are differences in professional status, which don't always affect people – some offender managers will stand up to a psychologist, but there's a difference these days between the two and that comes across.

Interviewee 3, probation officer

What's horrible is when the offender manager and offender psychologist say they're not making a recommendation until they've seen the psychologist, and then they say they agree with the psychologist. I don't like that, because the psychologist has otherwise drawn totally on what the offender manager and offender supervisor have previously said, apart from their interviews.

Interviewee 11, probation officer

Just as with the domestic violence perpetrator programmes, parole board members had their reservations about whether the psychologist should be held in such high regard within proceedings:

It depends upon the psychologist's reasoning. We're entitled to disagree with their recommendation, and do, in either direction... [they] are giving you a statistical probability, or their opinion on it, and that's not the same as a decision.

Interviewee 13, judicial member

Board members are not necessarily convinced by the psychologist's recommendation, even where they respect the psychologist's expertise. Instead, a recommendation to release by the psychologist (and to a lesser extent by the offender manager and offender supervisor) represents a prime example of this kind of 'hook' that allows the parole board to begin to justify a decision to release, though they may still diverge from that recommendation if other evidence does not support it.

This notion of the professional recommendations as ‘gatekeepers’ echoes the concept of ‘institutional recommendation’ (Proctor, 1999) as a key determinant of parole decisions. This theme suggests that the institutional recommendation of psychologists, offender managers and offender supervisors in domestic violence cases plays this significant role through the mechanism of providing parole boards with a concrete justification for considering release.

Theoretical Code 2: The complex relationship between ‘patterns’ of offending, ‘nature’ of offending, and parole decisions

When asked the open questions at the start of the interview, e.g. “what factors affect your view of how much danger [the offender] poses?”, every interviewee offered ‘the pattern of offending’ as one of the first they named.

The theme that has emerged, though, is that this is more complicated than simply finding that ‘more previous offences mean more risk and a lower likelihood of release’. Instead, the known pattern of an offender’s prior behaviour acts both as a cause for concern, and as a potential series of red flags that might emerge before serious reoffending in future.

As discussed in Focussed Code 9, interviewees highlighted how some offenders were more inherently chaotic in their behaviour than others:

[The] pattern of someone in the relationship who struggles to contain their anger, when their football team is losing and they’re pissed, the person they take it out on is their partner.

Interviewee 2, lay member

and how interviewees did not necessarily see an absence of multiple convictions as reassuring, if someone was otherwise known to have committed controlling abuse over a partner:

If you’re always getting away with it because your partner isn’t willing to take the risk to prosecute, then the risk is higher, not lower.

Interviewee 7, probation officer

The theme identified in Focussed Coding included a recognition that an established pattern of undesirable behaviour of all kinds (violence but also substance misuse, mental illness and various manifestations of these) at least laid a trail of concerning activity that would be easily visible due to its chaotic nature, and that this differed from a more ordered pattern of behaviour that could be used to hide, rather than display, abusive actions:

At least if there's a pattern then there's some predictability.

Interviewee 6, probation officer

You also get people, particularly a murderer, where they've never offended before, so there's no pattern, so you could say the risk is low because of a lack of a pattern so it's not that we rely on a pattern, we look at so many other things too.

Interviewee 20, lay member

This echoes Focussed Code 2 on risk manageability, insofar as the pattern and nature of previous offending can make an offender more manageable or less manageable in the community. A chaotic and dysfunctional offender will not necessarily offend at a lower rate than an offender who exerts 'intimate terrorism' (M. P. Johnson, 2006a) over a controlled partner; however, interviewees consistently felt that the manageability of the risk was more important in their decision than the level of risk:

I'm usually trying to decide: 'is the risk this person presents a manageable one or not?', which is a way of avoiding the question 'is this person going to do it?', it's subtly different

Interviewee 13, judicial member

If [the offender manager] thinks the risk is manageable in the community, then I'd have to have a good reason to overrule that.

Interviewee 5, lay member

For example:

Offender A requires medication for underlying mental ill health, is more likely to be violent when using alcohol and drugs and has a record of violence towards both partners and strangers. He has a long history of drug-related offences including thefts, robberies, and assaults.

Offender B's only criminal convictions are for severe violence towards a long-term partner, abuse which he was able to hide for years due to his control over her.

Either offender may re-offend after release. However, any reoffending would be likely to take different forms:

Before abusing a partner, Offender A might stop taking his medication, resume use of alcohol and drugs (missing or failing drug tests in the process), experience other problems in his personal relationships including disengaging from probation, lose his accommodation, or come to notice for other offending.

If Offender B reoffended, on the other hand, the abuse is likely to be hidden and within the context of a relationship. He is unlikely to come to notice for anything else.

Even if Offender A is marginally more likely to reoffend than Offender B, based on other evidence, the parole board may be more confident in releasing him than Offender B, particularly if they are confident in the competence of the probation officer (another key element of Focussed Code 10). This is because the probation officer would have more opportunities to notice Offender A falling back into risky patterns of behaviour, and recall them to prison – opportunities they may never get with Offender B.

If someone gets recalled, that to us would suggest that the risk management plan worked – it's bad for the prisoner, but ... they were recalled as a result before they did something seriously harmful... the test we're applying is whether there's a risk of serious harm to the public, not whether they'll fail again and end up back in prison.

Interviewee 10, lay member

The interviewees consistently brought up this theme of confidence in probation officers, and of considering risk manageability and risk management more important than risk level. This focus on risk manageability ties into the nature of the prisoner's offending history.

The nature of the offending in the two examples above echoes Johnson's distinction between situational couple violence (the absence of control displayed by Offender A) and intimate terrorism (displayed by Offender B).

This suggests that while the offender's previous history is significant in the construction of the parole board decision, it is significant in a complex way: parole board members see the nature (not frequency) of previous domestic violence not as a key indicator of reoffending risk, but of whether a probation officer will have the opportunity to recall the offender if their lifestyle and behaviour becomes more erratic.

For a parole board considering an offender with a lengthy and dysfunctional criminal record, that history may therefore pull both ways: the longer the history, the higher the likelihood of reoffending; but the more confident they can be in the pattern of behaviour leading up to offending, the more confident they may be about releasing him.

Theoretical Coding Summary

This round of coding provided the raw materials for a more in-depth analysis in chapter 7, which will link these to the quantitative findings and to the existing literature. The twin emerging themes of 'the need for a hook' and the interaction between risk manageability and previous offending are particularly useful for guiding that analysis. The theoretical coding found that interviewees incorporated inputs such as the domestic violence perpetrator programme and the reports of key professionals partly for their inherent value but partly because of what they offered: a concrete basis for a shift away from a more risk-averse starting-point. This round also found that interviewees found the pattern of offending significant, partly because of what it meant for the offender's inherent level of risk, but mainly because of what it meant for the manageability of that risk.

6.3. Summary

This chapter has described the results of my study, in two parts: the quantitative analysis of a dataset of parole decision letters (6.1); and the qualitative analysis of twenty transcripts of interviews with parole board members (6.2). The quantitative analysis involved a series of logistic regressions testing relationships between different variables and the parole decision; the qualitative analysis involved a thematic reflexive analysis of the transcript data.

The results, laid out in the sections above, identified multiple complementary themes which I pull together next in the Discussion, Chapter 7. These complementary themes include the importance of professional recommendations (especially that of the psychologist), which stands out as highly significant in the logistic regressions but is much more nuanced in the interviews. They also include the complex relationship between the decisions and both the pattern and nature of previous domestic violence, which was more prominent in the interviews but less significant in the quantitative analysis. The Discussion chapter will also show how the results support a model of the parole decision as a complex system.

7. Discussion

7.0. Introduction

This chapter is in two parts:

The first part discusses the key findings from this research, building on the Results chapter to construct a model of the decision as a complex system – this part demonstrates the unique contribution made by this research.

The second part discusses the research itself, laying out its strengths, limitations, and my reflections on the study – this part contextualises that contribution, and allows the reader to evaluate its place in their field of study.

The first part of this chapter builds the overarching model emerging from this research: the parole decision as a complex system, shown below. The subsections will spell out:

- The starting point (7.1): how parole board members' decision-making is underpinned by their personal and professional experience, and by environmental and societal factors, before they even set eyes on the case. I argue that decision-makers vary individually but that in general, decision-makers reach the start of their deliberations with the following mindset: that while they are directed to consider release unless there is good cause not to (with implied pressure in favour of releasing prisoners on IPP sentences), they are initially risk-averse and inclined to oppose release unless there is a 'hook' on which to hang a release decision, and their role is to seek out that hook.
- The gatekeepers (7.2): how the recommendations of key professional witnesses at the hearing – the offender manager, offender supervisor and psychologist(s) – act not just as another factor for the board to consider, but as an effective veto on release. Recommendations for release by these

professionals are not sufficient to secure a prisoner's release, but they are necessary.

- The weighing-up (7.3): how parole board members then consider their decision based on the characteristics of the case, focusing first on the prisoner's own behaviour and progress (their 'instrumental compliance') and then, if those are not satisfactory to justify release, the external guards against offending once they are released ('constraint-based compliance') (Bottoms, 2001). A release decision requires both the recommendation of professionals and for the parole board to be satisfied that they have identified further 'hooks' for their decision from one of these types of compliance. I have reserved one element of these considerations for separate examination below:
- The nature and pattern of offending (7.4): how the prisoner's history of offending affects the decision. While this history seemed to feature prominently in members' conscious decision-making, my findings suggested a subtly different dynamic at work. I argue that it is the *nature* of offending rather than the severity or frequency that influences a release decision more. I also argue that while an offender's history certainly matters in the decision-making process, a 'pattern of offending' matters differently to how one might expect: a chaotic offender with an established pattern of spiralling dysfunction may not inspire confidence, but they offer a series of potential 'red flags' that would alert an offender manager to the need to recall them to prison before they re-offend. Therefore, a more chaotic offender, more likely to have perpetrated 'situational couple violence' against a partner than 'intimate terrorism', is more likely to be released than a more composed offender who might exert control over a partner without any other indicators of likely abusive behaviour.

This model can be represented visually in the figure below:

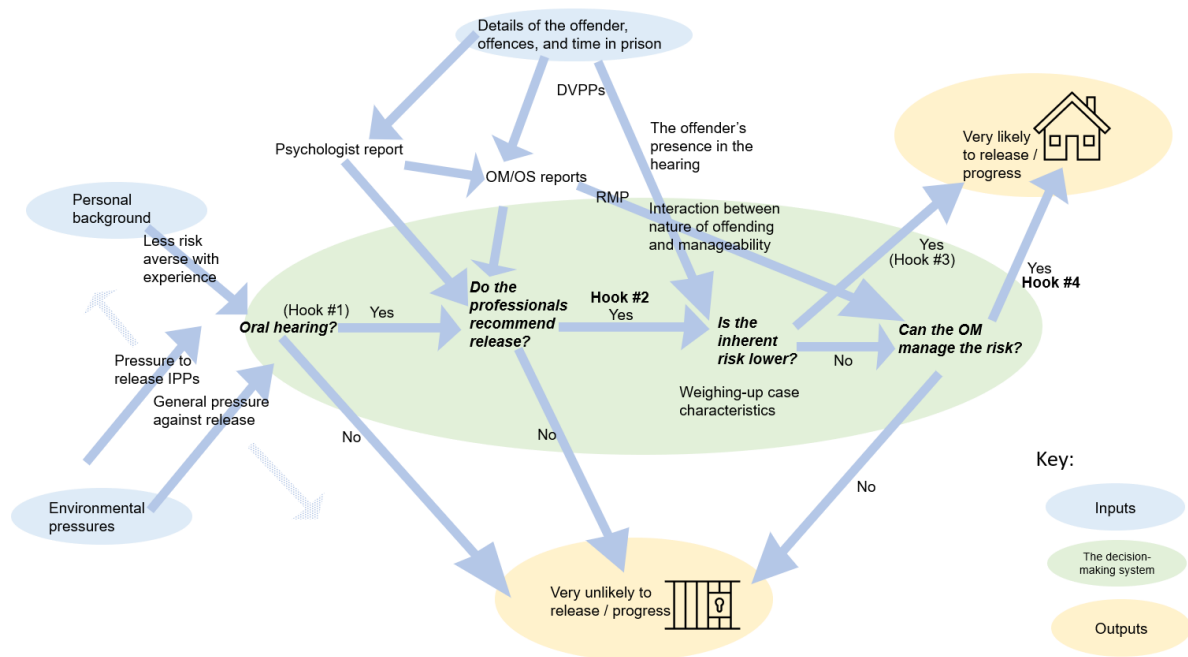


Figure 12: The parole decision as a complex system

Throughout this chapter, I refer to this figure, showing one piece of the picture at a time to focus on significant points.

The discussion will pay particular attention to the four ‘hooks’ identified in the model – two ‘weak’ and two ‘strong’:

- 1) The oral hearing as a necessary condition of release. This is the weakest hook due to confounding variables: cases are not randomly assigned to be decided ‘on the papers’ or at an oral hearing, and those decided at a nominal hearing without witnesses may well have had limited prospects for release in the first place. However, it is still significant that the physical presence of the prisoner and other parole board members affects the decision-making process.
- 2) The recommendations of professionals as a necessary condition of release. This is a strong hook, explored in depth in 7.2.
- 3) The parole board deciding that the offender poses a lower risk of reoffending, as a sufficient condition of release (once 1 and 2 have been met). This is a weaker hook than 2 and 4, since parole boards usually conclude that the offender continues to pose some level of risk. I discuss this in 7.3.

- 4) The parole board deciding that the offender's risk is manageable, as a sufficient condition of release (once 1 and 2 have been met, regardless of whether 3 has been met). This is a stronger hook, discussed in 7.4.

The second part of this chapter reflects upon the quality of the research that led to these findings. I reflect on the research in general in 7.6, and the methodological and practical themes that emerged during the project. In 7.7, I lay out first the strengths of the research and its value as a contribution to the literature, then acknowledge limitations of the research before going on to demonstrate why and how these limitations are mitigated.

7.1. The starting context and the need for a 'hook' for a release decision.

Before parole board members first consider a new case, there are factors acting upon them which affect their ultimate decision. This section shows how parole board members begin a case in a risk-averse frame of mind as a result of external and internal pressures, as demonstrated in this excerpt from the main systems diagram:

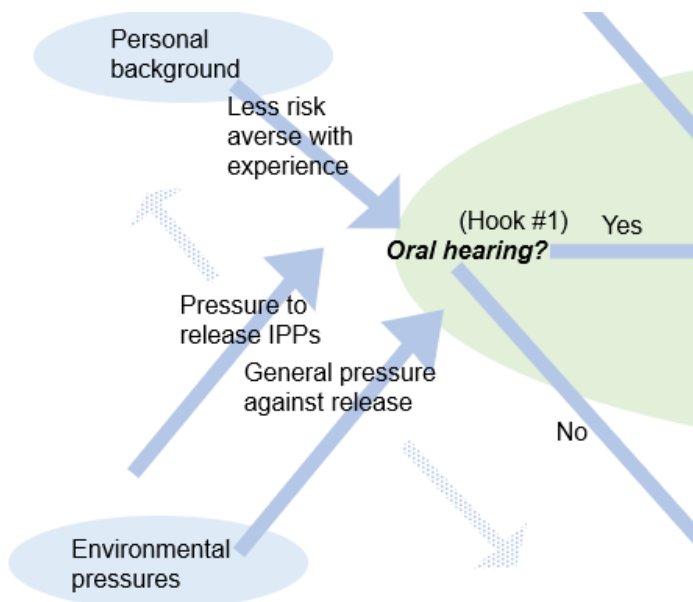


Figure 13: Excerpt from the systems diagram, showing the starting point for the parole decision

This starting point is affected by their professional background, and to some extent by organizational pressures and wider society (generally more risk-averse) while knowing their job is to ‘find a way’ to make a sensible release decision, especially to move-on prisoners who are subject to controversial IPP sentences. From a structure-and-agent perspective within a complex system, the board is pulled in a risk-averse direction, away from release: at the structural level by societal factors (7.1.1.) and at the individual level by the anxieties naturally arising from making any decision alone (7.1.)

The dynamic after that point usually involves a move from opposing to supporting release, rather than vice versa – both the qualitative and quantitative elements of this research support this theme.

7.1.1. External pressure: the legal and societal context

This research has not studied the difference between the rates at which prisoners were released before-and-after the media furore over Jon Worboys’ proposed release in January 2018, which put the parole board under considerable public scrutiny (Annison, 2020), since the decisions in my dataset were all after that date. However, some interviewees acknowledged that the board became, briefly, more risk-averse after this case, before – as they perceived at least - release rates returned to normal. Some said they felt more “on-edge” after the Worboys decision, and while every interviewee said they “liked to believe” it didn’t affect their judgement, it is significant that every interviewee mentioned the Worboys case, without me having asked them about it.

The Worboys case serves as an example of an ever-present reality that many interviewees recognised: the pressure from wider society to err heavily on the side of caution when making a parole decision.

Interviewees unanimously said they would not allow media or societal pressure to affect their judgement on a case, but also bemoaned that the newspapers, the public, and even their own social circle tend to think about parole decisions in a simplistic risk-averse fashion, reluctant to countenance the idea of releasing an

offender. While parole board members may consciously aim to disregard this sentiment, they are still aware of it.

At the structural level, despite the formal guidance requiring the board to consider releasing anyone unless they remain a risk to the public, there is substantial societal pressure not to release prisoners, exemplified by the procedural point (highlighted by multiple interviewees) that there will be a review of their decision-making for every case where a released prisoner reoffends within two years, whereas the opposite does not apply – while a prisoner who is refused parole will have another opportunity to apply for parole, and while their solicitor can appeal, there is no corresponding system for critically reviewing the decision-making of a parole board which denies someone parole unreasonably.

So, a parole board member faced with a marginal decision knows that if they release the prisoner prematurely there is a risk that their decision-making will be critically reviewed with ‘lessons learned’ and implied censure, while if they overcautiously refuse release there is no corresponding risk of the same kind of scrutiny. This feeds into a culture of ‘responsibilisation’ (Power, 2004) that discourages professionals from taking the bold step of releasing a currently-imprisoned offender, and running the risk that they might re-offend and that there might be not only societal harm but organisational harm leading from their decision (Rothstein et al., 2006).

This external pressure towards risk-aversion is reinforced by an internal psychological pressure – the simulation heuristic identified by Kahneman & Tversky (1981) whereby a decision-maker anticipates more regret for a negative outcome resulting from them wrongly choosing to alter the status quo than from them wrongly choosing to maintain the status quo. In other words, psychological research on the general population predicts a personal bias towards risk-aversion and the existing situation (in this case, a prisoner remaining in prison), just as these findings suggest a net pressure in the same direction from their environment.

This does not mean parole boards will necessarily refuse parole to someone simply because they fear the consequences of the prisoner reoffending upon release – as the interviewees repeatedly pointed out, they would not take up the role if they were not

willing to take on this responsibility and pressure – but it creates pressure for parole board members to frame a decision to release in terms of clear, concrete evidence that can act as a ‘hook’ on which to hang their decision. A release decision based ‘only’ on their personal evaluation of how a prisoner comes across may be accurate (reducing the societal risk) but leave them exposed to criticism (therefore not reducing the organisational risk).

7.1.2. The decision-maker’s professional background

My quantitative analysis produced no statistically significant findings for any available data on the composition of a parole board, where this data was provided, and did not have any information available on the board members’ level of experience. The decision letters did not contain biographical information on the parole board members such as their age, or number of years’ experience on the parole board, and it is also doubtful I would have obtained this information from the full dossier, had I used that as my data source – only a case-study-based research design including interviews with parole board members for each case would have provided this information. I am therefore unable to test quantitatively any of the intriguing themes emerging from the interviews about the link between experience and decisions.

While the quantitative data was silent as to the impact of a parole board member’s level of experience, they included information on whether each hearing included a judicial member (a current or former judge) or psychologist.

There was no significant difference in release rates where the board included a psychologist or judicial member: both analyses produced an odds ratio of 1.2 ($p=0.231$; $R^2<0.001$, suggesting an insignificant finding) – in other words, boards that contained a psychologist and/or judge released-or-progressed a slightly higher proportion of prisoners than boards without those members, but the difference was so small that it could easily be coincidental. The small sample size was a constraint: only 15 decision letters explicitly said that the board included a judicial member, and only 35 contained a psychologist.

Factor	Released / progressed when present	Released / progressed when absent	Odds ratio	p	Nagelkerke R ² (Highest first)
<i>Psychologist on the panel</i> ***	18 of 35	57 of 101	1.2	0.231	0.000
<i>Judge on the panel</i> ***	9 of 15	66 of 121	1.2	0.231	0.000

Table 8: Excerpt from quantitative results showing impact of panel composition

***: where known

The themes emerging from the interviews in this regard, however, remain pertinent. As outlined in Initial Codes 3 and 5, and Focused Coding 7 in chapter 6.2., interviewees of all backgrounds shared an intuitive feeling that less-experienced members were generally more risk-averse, and that they became more confident in recommending release as they gained experience of making decisions.

The role of ‘experience’ in decision-making is sometimes framed as ‘recognition-primed decision-making’ (Klein, 2017). After working-through numerous challenging decisions, professionals start to identify features of a situation, however complex, that corresponded to a higher or lower level of risk, or to a different challenge in managing the risk. But my interviewees also bemoaned the lack of feedback on their decisions – they usually don’t know the outcome of their decision to release a prisoner (whether they re-offended or not), so it is harder for them to know their decision was the ‘right’ one than it is for the firefighters in Klein’s work, who get immediate and graphic feedback on the wisdom of their operational decisions.

Nevertheless, the theme of moving from risk-aversion to a more balanced approach seemed consistent across interviewees, suggesting a different mechanism at work. While there may be a distinction between parole board members with more, or less, experience, there may also be a distinction between those from different backgrounds. Interviewees with experience as legal professionals (judges and lawyers) suggested that they were more inclined to see their decision entirely in terms of their statutory test for release, while colleagues from different backgrounds were inclined to look more broadly, potentially being deterred from recommending

release by considerations that go beyond the legal test for release. If this suggestion is accurate, then it would support and partially explain King's (2018) finding that the parole board has become more risk-averse over the past decade, which coincides with a widening of the recruitment for parole board members beyond the traditional pool of legal professionals. King argues that bureaucratisation is to blame for more risk-aversion, paralleling the notion of 'risk colonisation' (Rothstein et al., 2006), although the presence of more lay members might also make the board more risk-averse, if interviewees' impressions are correct. If so, this would contradict Hancock's (2018) finding that more logical personality types (more prevalent among legal professionals than lay professionals) were less, not more, likely to grant parole. Interviewees from non-legal backgrounds acknowledged that they still held aspects of the case in their mind, particularly the presence of children in the case, even though they knew that legally this should not have any bearing on their decision (Focused Code 8). These findings echo recent qualitative research by Ruhland, (2020) identifying the professional background of the parole board member as playing a critical role in how they formulated their evaluation of risk, but it is possible that different effects cancel each other out to some extent. Legal professionals' tighter focus on the legal remit might counterbalance their reduced tendency to grant parole (if studies on personality types are to be believed). Either way, this opens-up a valuable area for further study, given access to a dataset that includes full details of parole board members' backgrounds on each case.

7.1.3. The presence of other members

The decision letters did not always provide information on how many members made up each parole board, but where they did, there was no statistically significant relationship between that number and the decisions: a three-person board released-or-progressed 31 out of 50 prisoners, compared to 18 out of 36 for two-person boards (odds ratio: 1.6): a finding consistent with the theme that interviewees felt more confident with more colleagues to help them decide, but not to a statistically significant extent ($p=0.269$; $R^2=0.019$). A much larger sample would be required to test whether three-person panels are less risk averse, but these findings still deserve attention. Like other quantitative findings in this study which do not meet the threshold for statistical significance, the link between parole board composition and

decisions appears consistently in the qualitative data and is not contradicted by the quantitative data – more that the quantitative dataset is small and still shows a relationship, albeit a statistically insignificant one. I cannot make claims for findings like these, but they provide a basis for future enquiry.

While decisions being made ‘on the papers’ (by one parole board member, with no hearing) were rare in this study, it is nevertheless consistent with the interviews that none of the admittedly small sample of 14 such cases resulted in a release or progression to open conditions – this still produced a noteworthy R² value of 0.220.

Factor	Released / progressed when present	Released / progressed when absent	Odds ratio	p	Nagelkerke R ² (Highest first)
Decision made on papers	0 of 14	50 of 86	n/a	n/a	0.220
<i>3-person panel***</i>	<i>31 of 50</i>	<i>18 of 36</i>	<i>1.6</i>	<i>0.269</i>	<i>0.019</i>

Table 9: Excerpt from logistic regressions results, showing impact of type of hearing

***: where known

The interviews provide more insight into why a relationship may exist between the composition or nature of a parole board, and the parole decision. This research produced a strong qualitative theme, consistent with a quantitative result, that a decision-maker on their own feels more “vulnerable” or “exposed” and less likely to release a prisoner. The quantitative results echo the interviewees who told me they “would never release a prisoner on the papers”.

This aspect of the research hints at the tantalising prospect of a model of decision-making that ties-together (with statistically-significant evidence, if identified in future research) the size of a panel with the decisions made. With more data, I would be able to test my assumption that the relationship between the size of the panel and the decision is greater than immediately suggested by my results. When a parole board member chairs a hearing on their own, my hypothesis predicts that they would be less inclined to release than if they were hearing the same case with one or two

fellow board members – something that is consistent with the available data, albeit with a weak association. However, this ignores a significant feature of single-member panels which, if controlled-for, might reveal a far stronger relationship – for a parole board member to be asked to chair a hearing on their own, they would have to be a more experienced member of the board. New or inexperienced members – precisely the group highlighted by interviewees as being more risk-averse – would only be found on 2- or 3-person parole boards. I strongly suspect that a study of parole decisions, with access to full data on parole board member characteristics and panel composition, using mixed-modelling, would reveal that both the number of parole board members, and the experience of parole board members, would have statistically significant relationships with the parole decisions. I would expect the highest release rates on 3-person panels with more experienced members, and the lowest on single-member panels (even more significantly so when the experience of the chair had been taken into account).

I have been unable to find substantial relevant literature on this subject, certainly not for parole decisions. While psychological experiments going back to Asch & Guetzkow (1951) established that participants could be persuaded to give demonstrably wrong answers to simple questions just because their peers gave the same answer, it is worth remembering that a majority of participants (in both the original experiment and in its subsequent replications) did not do so, and it is reasonable to assume that a typical parole board member would not be drawn from the more gullible and impressionable minority given the experience the parole board looks for. However, when decisions (like parole hearings) are far from straightforward and often marginal, even judges can display substantially different patterns of decision-making simply due to the presence or absence of a particularly compelling personality on the board, as Eisenberg et al. (2013) found in their Israeli study. Other studies have established the principle that different personalities make different decisions: Hancock (2018) found a higher tendency to grant parole among intuitively-minded subjects, and while gender seems to make no difference in judicial decisions (Songer & Crews-Meyer, 2000), ‘collegiality’ does, through multiple different dynamics depending on the backgrounds of judges (H. T. Edwards, 2003).

All the interviewees acknowledge, and the previous literature and quantitative data are consistent with, the following:

- Parole board members, like any colleagues, can be influenced by each other.
- Parole board members feel reassured both by the opportunity of reflection and challenge that a larger panel provides, and by the triangulation effect of knowing that another member has come to the same conclusion, especially when that conclusion is marginal and complex.
- Different personalities can lead to different parole decisions, regardless of their efforts to ensure consistency between different hearings.

The hypothesis is therefore at least plausible. Without wishing to pre-empt the outcome of further research on the matter, if more parole members on a panel means a higher likelihood of release (after controlling for the higher level of experience of members who hear cases on their own), this has serious implications for the structure of hearings. This hypothesis, and my tentative finding, might provide more support for the idea that bureaucratisation leads to greater risk aversion (King, 2018), if the process of bureaucratisation is associated – as many interviewees claimed – with greater pressures on resources, leading to more parole hearings with one or two members rather than three. It is plausible, and consistent with this data, to say that reducing parole board sizes leads to fewer prisoners released – it would be ironic indeed if a cost-cutting measure meant higher expenditure on longer incarceration. There are also implications for equity for prisoners across different hearings. Inevitably, parole board members will all be different and have different backgrounds and levels of experience – the organisation cannot, and should not, try to remove any individuality (and all the expertise that it brings) from the process – but the suggestion here is that a three-person board amounts to a fundamentally different type of hearing than a one-person board, with a different likelihood of a release decision.

7.1.4. Institutional and eligibility factors pushing for a release decision

When I began this research, I expected to spend this Discussion chapter analysing the characteristics of the case most associated with a release decision. I have done this (in 7.3 and 7.4) but had underestimated the significant role of the structures and

systems around the hearing, rather than just the individual prisoner and their behaviour. It is therefore some consolation on a personal level that the decision-makers themselves also seem to underestimate the role of these wider factors.

The previous subsections considered initial factors pushing the parole board in a more risk-averse direction at the start of a decision-making process, but other institutional factors push in the opposite direction. In particular, broader recognition of the undesirable and unjust nature of Imprisonment for Public Protection (IPP) sentences (Annison, 2020) creates some informal pressure to move-on prisoners who are 'stuck' in the system – in many cases, prisoners whose index offences are not necessarily at the more severe end of the scale but who are persistently dysfunctional in prison, pushing-back against authority figures and often struggling with substance addiction and mental illness, making it very hard for a parole board to conclude that they are showing progress or are at low risk of reoffending.

My findings support the 'new parole' model (Proctor, 1999), discussed in 2.5.4 of the Literature Review, which emphasised 'eligibility' factors (alongside 'institutional recommendation' factors which I discuss in 7.2 below) as much more important than case-specific factors (e.g. offending history, progress and behaviour in prison, honesty and reflection, etc) in predicting the outcome of a parole decision.

Eligibility factors involve the nature of the sentence and the offender's location in the criminal justice 'process': what kind of sentence they are subject to, how far along the sentence they are, and what kind of prison they are in. Each of these is statistically significant in this sample.

For both IPP and Life sentences, parole board members know that they represent the prisoner's only route out of prison – a prisoner subject to a determinate or extended determinate sentence, on the other hand, will ultimately be released at the end of their sentence regardless of what the parole board decide.

Focused Code 2 makes this point: interviewees denied any "pressure" to release prisoners on indeterminate sentences but recognised a "push" and that the nature of the sentence "weighs" on them to some extent at the outset.

This theme is borne out by the quantitative data: parole boards released 58 out of 80 prisoners subject to IPP and life sentences, compared to only 17 out of 56 on determinate sentences – an odds ratio of 6, which was statistically significant ($p < 0.001$; $R^2 = 0.218$).

Factor	Released / progressed when present	Released / progressed when absent	Odds ratio	p	Nagelkerke R^2 (Highest first)
Indeterminate / life sentence (rather than determinate sentence)	58 of 80	17 of 56	6.0	<0.001	0.218
Each year elapsed since offence	n/a	n/a	1.1	0.01	0.125
Open prison (rather than closed estate)	13 of 15	57 of 105	5.5	0.030	0.070

Table 10: Excerpt from logistic regressions, showing impact of eligibility factors

If more time has elapsed since their index offence, they are slightly more likely to be released (odds ratio 1.1 per year elapsed; $p = 0.01$; $R^2 = 0.125$), and they are more likely to be released-or-progressed if they are currently in an open prison: 13 of 15 offenders in open prisons were released, compared to 57 of 105 who applied to be released or progressed from the closed estate (the type of prison was unclear in 7 letters). The number of prisoners in an open prison here is small, although the result is still just within the adopted standard for statistical significance at 95% confidence intervals ($p = 0.03$; $R^2 = 0.07$). If the relationship between type-of-prison and release decision held up in a larger sample, then this would not only be consistent with Proctor's model of eligibility criteria, but also perhaps an example of potential status quo bias (Samuelson & Zeckhauser, 1988) which affects other criminal justice decisions (Dhami & Belton, 2017): if an offender has already been progressed to open conditions, then there is by definition a precedent decision by another parole board that this offender is making progress towards release, whereas an offender in the closed estate has either remained there since sentencing, been rejected for

parole by a previous board, or has been released by a previous parole board only to be recalled. Any of these scenarios mean that a parole board member faced with a prisoner in open conditions already has some basis for considering their release, relative to a prisoner in closed conditions. However, none of the interviewees explicitly discussed the type of prison in their accounts.

The relevant aspect of this finding is not that eligibility factors were significant in predicting the parole decision (this much was predicted by existing literature) but that it came up so little in interviews. Not one interviewee said they were more likely to release a prisoner from an open prison or after serving a longer sentence, and while they acknowledged the pressure to release prisoners subject to IPP sentences, they were confident in resisting this pressure and focusing on case-specific details. In the context of chapter 3.3 and the framing of the parole board as an interaction between structures and agents, parole board members seem to place more emphasis on the role of agents in the decision than the role of structures. This is understandable, bearing in mind their role as agents in the decision and the statutory expectation that they focus on the merits of an individual case – I had the same assumption at the start of this study, that case-specific characteristics would be far more important.

I am reminded of Kahneman's (2011) mnemonic 'WYSIATI' – 'What You See Is All There Is' – a summary of how we tend to privilege inputs that are right in front of us, rather than the relevant background and reference classes, even when considering our own thought processes. My findings - prisoners on indefinite terms (life or IPP) are much more likely to be released than prisoners subject to fixed-term sentences – is unlikely to surprise parole board members, given their awareness of the pressures described in this section, but when asked the question "how do you decide whether to release a prisoner?", this is not a variable that they consciously deliberate on.

While some psychological research warns us against over-emphasising the role of 'unconscious' inputs to decision-making (Newell & Shanks, 2014), the notion that even elite decision-makers are not fully aware of why they make the decisions they do has been established in studies of the US judiciary (Irwin & Real, 2010).

The salient point is not that parole board members lack awareness of the role of eligibility factors – they have clearly discussed the potential impact of their own backgrounds and the pressures around IPP cases – but that they are less likely to frame these variables (and particularly not the more ‘bureaucratic’ factors such as the type of prison estate) as central to their decision-making, when reflecting.

7.1.5. Summary: Pressures at the start of the decision-making process: looking to release where possible, but in need of a ‘hook’

This subsection has considered the complex starting position that a parole board member finds themselves in before they know anything about the offender.

Pressures towards release

In some respects, they are required to consider release, and to make a release recommendation if there is no justification for keeping a prisoner incarcerated. This is encapsulated by the legal test for release that the board must follow, and there is an even stronger ‘push’ towards a release decision when the offender is subject to an indeterminate (life or IPP) sentence: parole boards in this research were six times more likely to release a prisoner from an indeterminate sentence than from a determinate sentence. This is unsurprising given the parole board’s role as the only route out of prison for offenders serving indeterminate sentences, reducing the temptation to ‘err on the side of caution’ for a prisoner who will be released at the end of their sentence regardless of the parole decision.

Pressures against release

When considering whether there is just cause to keep the offender in custody, parole board members are unavoidably aware of the sensitive nature of their work, the high level of risk-aversion among the media and public regarding release decisions, and the potential for harm both to the public (societal risk) and to the parole board itself (organisational risk) if a prisoner they release should re-offend.

Parole board members would not apply for the role if they did not understand these pressures and if they were not confident of being able to resist them, and they still approve more applications for release or progression than they reject. However, these pressures complicate the nature of the decision-making process, especially for newer members of the board (and possibly for members without a background in the legal system) who consequently feel more risk-averse to begin with.

As a result of societal and environmental factors which, overall, push the parole board member in a risk-averse direction, parole board members require more than just their judgement on the case characteristics to be confident about releasing a prisoner. Even if their risk assessment skills are sufficient to guard against societal risk, guarding against organisational risk requires something more concrete: the ability to hang a decision – consciously and unconsciously – on specific ‘hooks’ that focus the mind and make the individual decision-maker less exposed.

Even before considering the details of the case, one of these hooks emerges from both the quantitative and qualitative data: having other parole board members present. Individual members are highly reluctant to release a prisoner ‘on-the-papers’ without a hearing (where no hook exist) and feel more confident about a decision either-way (especially for release) when they have two colleagues, although my quantitative data is insufficient to support a statistical association between a three-person board and the likelihood of a release decision. This finding adds to Proctor’s (1999) model of parole decisions: while my data is consistent with the idea that eligibility factors affect the outcome, at an earlier stage than case-specific factors, my interviews suggest that this impact is less conscious than the more ‘vivid’ information about the offender’s behaviour, which occupies the parole board’s thoughts more explicitly both during the hearing and when reflecting on the hearing.

Having considered the factors feeding into the parole board member’s starting position, including the ‘eligibility’ factors in Proctor’s model, I go on to consider the other aspect of that model - institutional recommendations – below.

7.2. Professional recommendations as gatekeepers.

7.2.1. Professional recommendations as the primary predictors of a parole decision

The standout finding of the quantitative analyses was the extent to which the parole decision is associated with the recommendations of the offender manager, offender supervisor and psychologist. This is consistent with Proctor's (1999) model whereby the 'institutional recommendations', along with the eligibility factors discussed in 7.1 above, account for far more of the variation in parole decisions than other factors.

Crucially, the parole board is aware of the professional recommendations before the start of the in-person hearing, so the recommendations of these three professionals are already in their minds when they weigh up how the prisoner presents and how well the witnesses justify their evidence. This supports Meyer's sequential idea of influential factors where the institutional recommendations act as a 'sponsor' for the prisoner's release, subject to subsequent consideration of what she termed 'magic' variables (Meyer, 2001) (discussed in 7.3 and 7.4 below) which closer resemble the more conscious part of the decision-making process.

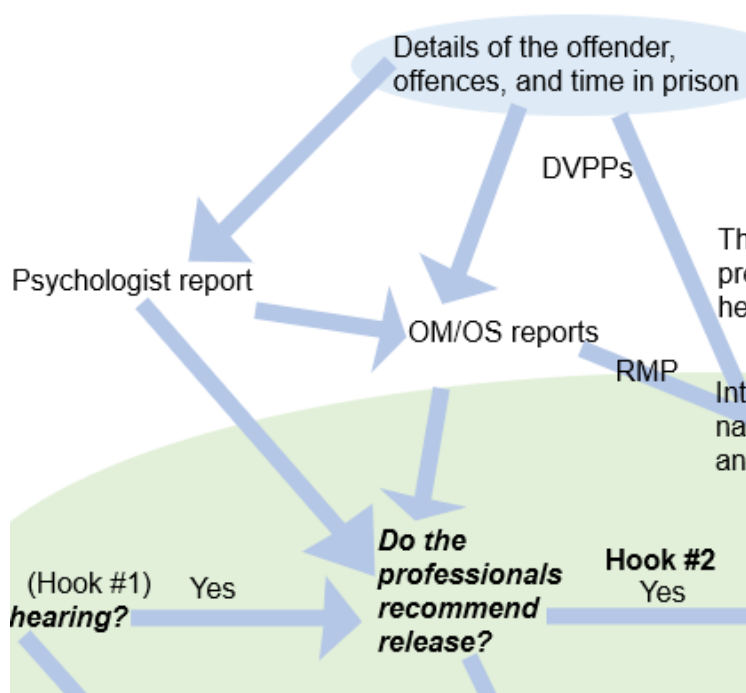


Figure 14: Excerpt from systems diagram, showing the role of professional recommendations

In cases where the Offender Supervisor (OS) recommended release or progression, the board decided to release or progress the offender in 71 of 81 cases, whereas where the OS opposed release or progression, the board only approved the application for parole in 1 case out of 37: an odds ratio of 255.5 ($p < 0.001$; $R^2 = 0.713$). Similarly, where the Offender Manager (OM) supported the prisoner's application for parole, the board agreed in 71 of 82 cases, and when the OM opposed parole, the board released or progressed the prisoner in only 3 out of 47 cases (in 2 of those 3 cases, another professional recommended release) – an odds ratio of 94.6 ($p < 0.001$, $R^2 = 0.670$).

Likewise, the board agreed with a psychologist's recommendation to release or progress a prisoner in 32 out of 40 cases. There is no odds ratio in this instance, simply because there are **no** cases (out of 20) where a parole board released or progressed a prisoner against the psychologist's recommendation. These findings are also illustrated (in the Quantitative Results chapter 6.1.2.) with latent class analyses which split the cases in a 2:1 ratio: in the first group (comprising 2/3rds of cases) the professionals recommended release and in 77 of 90 cases (85%) the board agreed; in the second group (comprising 1/3rd of cases) the professionals

recommended against release and the board agreed in 44 of 45 cases (98%). This masks some nuances: a small number of cases where the professionals gave differing recommendations, for example, but there was only one case where the

An unusual outlier

Case 40 (my designation) in my quantitative dataset is an exception to the strongest pattern in the data – that release decisions are associated with professional recommendations.

While I must be careful not to provide personally identifying information, this outlier involved: a prisoner who had killed their partner over 20 years previously; who denied his offence; whose behaviour was chaotic rather than controlling; who had a previous history of violent behaviour including domestic violence; and whose behaviour in prison and in the community (after a previous release) had been concerning despite completing a perpetrator programme. The board released him despite the offender manager and offender supervisor both recommending he remain in prison.

board released a prisoner against the recommendation of more than one professional (in that case, the OM and OS) – see Box.

Without observing the hearing in person or interviewing those involved, it is hard to know precisely why case 40 stood out against what was otherwise a universal trend across the sample. All I know is that the board were presented with two pieces of information that would have inclined them (based on the overall findings) towards release: the lack of intimate terrorism; and the completion of a perpetrator programme. The parole board members in this case regarded this information – and, crucially, whatever impression they gained of the prisoner himself – as outweighing the views of the offender supervisor and offender manager. There was no psychologist instructed in this case – my strong suspicion is that if one had recommended against release, even if the board disagreed, they may have been reluctant to overrule the psychologist. Also working in the prisoner's favour was the board's evaluation of how imminently he was likely to reoffend ('low'), and their confidence in the robustness of the risk management plan, which I discuss further in 7.4. below. I am reminded in this case of the interviewees who pointed out that if a prisoner has been released and has been recalled after concerning behaviour, this is not an incrimination of the original release decision, but a vindication of it. In this case, the board may not have been satisfied of his remorse (he showed none, or even an admission of guilt) but they were satisfied that his risk was manageable, unusually for a case where there is suspicion of manipulation.

These findings (detailed further in 6.1.) allowed the following conclusions:

- 1) That in almost every case, opposition to release from professionals (especially the psychologist, discussed further in 7.2.2 below) amounted to an effective 'veto' on a release. This makes the professional recommendations the biggest 'hook' in this model: a recommendation for release acts as a necessary, clear, concrete example a parole board can use (*if they are otherwise satisfied of the justification for release*) to 'hang' their decision.
- 2) The slightly weaker association between a positive recommendation and a release decision is further evidence of the direction of this dynamic: while a

positive recommendation 'allows' the board to consider release, it does not necessarily follow that the prisoner will be released – there are far more cases where the board denied parole despite a positive recommendation, than vice versa.

- 3) These conclusions come with a major caveat: the OM, OS and psychologist are all drawing upon a similar set of facts and observations as the parole board, so might the apparently strong association between their recommendations and the decision simply be an artefact, or a 'third cause fallacy' (Maziarz, 2015)? In other words, is it possible that the parole board is ignoring the recommendations of these professionals, and reaching their conclusion independently based on the same background evidence as they used? If, for example, the psychologist based their negative recommendation on the prisoner's offending history, lack of insight and honesty, and poor institutional behaviour, might the board simply be basing their negative decision on the same factors? This may be the case to some extent – I could not rule it out conclusively without a much larger sample that would allow me to control for all the other factors (doing so with this sample size would quickly produce such small subsets that findings would be far short of statistical significance). However, it is instructive that none of those other factors (or, in the latent class analyses, combinations of those factors) showed anywhere near as strong an association with the parole decision as these three professional recommendations.

7.2.2. The psychologist's recommendation as the driving factor

While the quantitative association between the parole decision and the psychologist's recommendation is comparable to the associations with the OM's and OS's reports, the psychologist's report looms much larger than the other professionals in the qualitative interviews.

Focused Code 6, in chapter 6.2.3., outlines how parole board members respect the expertise of the psychologist(s) but they are both aware of, and uneasy about, the psychologist being placed "on a pedestal" in the parole hearing.

This respect is qualified by the board's caution about what they sometimes see as overly risk-tolerant independent reports by some external psychologists frequently hired by offenders' solicitors. Even when considering psychologists in general, they are more likely to see psychologists as too risk-tolerant than too risk-averse about a prisoner's prospects after release – this is consistent with the quantitative finding that they are more likely to disagree with a psychologist's recommendation for release than with a recommendation against release.

The most significant qualitative theme here is the parole board members' observations that the psychologist's recommendation not only influences that of the OM and OS, but that those other professionals are sometimes entirely dependent upon it for their own view. If these observations are representative, then this suggests the influence of the 3 primary variables in 7.2.1. (psychologist's recommendation, OM's recommendation, and OS's recommendation) *are* an artefact involving a common cause, but not a cause related to case characteristics – instead, the common cause in question is the psychologist's recommendation, and the OM and OS recommendations often simply reflect that (hence the similar R-squared value of each recommendation on the parole decision).

The interviewees also suggested reasons for the OM and OS deferring so frequently to the psychologist's recommendation, which might grant some insight into why the parole board, too, is disinclined to release a prisoner against the recommendation of a psychologist. This goes beyond the perception of the psychologist simply being less risk-averse, discussed above. Interviewees used the term “a doctor speaks” to refer to the instinctive tendency to defer to a clinical professional, even though, as they also pointed out, an analysis of the offender's thought processes is not the same as a recommendation, and the psychologist's recommendation is still a matter of weighing-up different evidence (albeit evidence gathered using their specific expertise) and coming to a personal judgement, just as it is for any other professional.

The theme of psychologists being seen as ‘holding the keys’ is significant, and consistent with the earlier finding that prisoners have the same impression (Shingler

& Needs, 2018) – prisoners in that study seemed to believe, as my interviewees did, that the psychologist’s recommendation is essential for their chances of being released. In a study of psychologist reports to the parole board in California, Isard (2017) drew the telling conclusion that “brain science has a unique capacity to supersede legal inquiry itself, and thus should only be used... with extreme caution” – echoing my interviewees who bemoaned the impact of the psychologist’s status as a clinical professional. There is limited literature on the precise subject of parole boards’ deference to doctors, although the interviewees’ scepticism has established precedent in related fields: judges and researchers have long cautioned about excessive deference to medical professionals in mental health cases (Bersoff, 1992), while Devaney & Holm (2018) found that this deference has changed over time, and may often be hidden. Isard also cautions against trying to fit a square peg in a round hole by shoehorning psychological science into the demands of the judicial system, again mirroring interviewees’ comments that “they come up with an assessment, which isn’t the same as a recommendation”.

This reminded me of some of my own observations as a professional: I frequently gave a view in court cases alongside the view of a psychologist or other medical professional, and noted the deference accorded to them by my colleagues and even by the courts. I initially felt uneasy challenging their conclusions, fearing that I was exceeding my remit and expertise by doing so, but soon drew a distinction: if a medical doctor gave a view on a medical issue, I wasn’t qualified to challenge it; however, if they then produced a chain of reasoning leading from their medical view to a judicial recommendation, then I could and should examine and critique their chain of reasoning. The delineation between the two is easy for parole board members to understand (hence their willingness to overrule the psychologist when the recommendation is for release) but discomforting to enact, when it means releasing a prisoner in defiance of ‘medical’ advice when external pressure (discussed in 7.1) is towards a refusal of parole by default. For example, the phrase “discharged against medical advice” on hospital notes still carries the connotation of recklessness by the patient (Alfandre, 2009) – it can be all too easy for us to apply this instinctive deference in other aspects of our decision-making, especially when done unconsciously.

7.2.3. The apparent 'dissonance' between conscious attitudes to professional reports and their significance as predictors of a decision

At first glance the respective findings in the quantitative results (chapter 6.1) and qualitative results, namely Initial Code 4 (6.2) seem to suggest dissonance: between the professional reports as such strong predictors of the parole decision; and the interviewees' nuanced, somewhat sceptical view of their value. For example, when asked what factors make the difference to their decision, all twenty interviewees included the prisoner's offending history (which lacked a statistically significant relationship with the decisions), while only nine mentioned professional reports.

Parole board members said that they disagreed with psychologists in both directions, but the quantitative data in this sample only included disagreements in a risk-averse direction. In other words, parole boards sometimes disagreed with a psychologist's recommendation to release, keeping the prisoner incarcerated, but they never disagreed with a psychologist's recommendation *against* release. This is consistent with the sequential model by Meyer (2001) and the idea of professional approval or 'sponsorship' as a necessary but insufficient condition for release, but seems contradicted by the nuanced picture given in the interviews.

This dissonance may even be present in the literature: I was unable to find any prior research emphasis on the significance of the Offender Supervisor's recommendation, and yet this was statistically the strongest predictor of a parole decision in this sample – likewise, interviewees said they were more interested in the OM's view than the OS's.

And yet, as discussed in the previous subsection, parole board members might be more influenced by the psychologist's view than any other variable, but they are also *aware* of the potential for this dynamic, and so the close association between psychologist recommendation and parole decision does not represent a blind deference to the psychologist's expertise.

The qualitative results shed light on this apparent tension. Interviewees felt that professional recommendations represented 'the default': that they needed a good

reason to overrule them, particularly for recommendations against release (they still might disagree with a release recommendation). This might reflect the parole board's respect for the expertise of professional witnesses, but this explanation seems simplistic given the nuanced appraisal the interviewees gave of all three sets of reports. If, for example, a parole board follows the recommendation of the psychologist, OM and OS, despite reservations about the psychologist report being overly risk-tolerant, the OM having little direct knowledge of the case (often the case, especially if they are newly-appointed) and the OS and OM both basing their recommendations on the psychologist's report – all of which are entirely plausible in any given hearing – then there is a different dynamic at work than a parole board simply deferring to professional expertise.

A more plausible explanation might be the pressure of 'finding the hook' – being able to demonstrate not only that the prisoner is unlikely to pose a danger to the public if released, but that the parole board as an organisation has defensible grounds for believing this – the latter overlaps with the former, but at one step removed, and broadly reflects the difference between managing societal risk and managing organisational risk (Rothstein et al., 2006). Should an offender cause serious harm after the parole board released them, their position will be harder to defend publicly if they have released the offender against the objections of all the professionals who know the offender best. Therefore, faced with negative recommendations from two or three of the psychologist, OM and OS, the parole board may feel under significant pressure to refuse the parole application, even if they have their doubts about the quality or excessive risk-aversion of these professionals' evidence.

For the Offender Manager's recommendation, there is also a practical component – as some interviewees noted, releasing a prisoner into the supervision of an OM in the community, when the same OM has given evidence that the prisoner cannot be safely managed in the community, is an uncomfortable position for all parties, and could even undermine the OM's role. This reflects previous research linking offenders' perception of the fairness of the procedural aspect of their punishment to the quality of their relationship with their offender manager (Digard, 2010) and offender supervisor (Bickers et al., 2019).

This perspective accounts for the apparent contradiction between interviewees' balanced views about the value of professional recommendations and the strong statistical association between those recommendations and the decision in practice.

What looks like a strong association with three professional recommendations may represent:

- 1) An association with a single combined recommendation from 2 or 3 professionals, where one report – usually the psychologist's – is the driving factor behind the offender manager's and offender supervisor's reports.
- 2) Less a dependency by the parole board on the professionals' expertise (the board respect this expertise, but in a qualified and nuanced way), more a dependency by the parole board on the implied 'hook' that a positive recommendation provides them with.

This finding calls back to the literature on the nuances and heuristics involved in decision-making, discussed in 3.6 of the Theoretical Frameworks chapter. Parole board members seem to be influenced by the anchoring-and-adjustment heuristic (Pogarsky et al., 2017), which is itself a variation on status quo bias. The *a priori* professional recommendations represent an 'anchor' for the case, which the board may adjust away from (and sometimes do, especially away from release) but which nevertheless frames the decision-making process.

In the context of unconscious and conscious decision-making, the key points from this finding are not just simply that parole decisions are strongly predicted by professional recommendations, but that:

- 1) There seems to be a substantial gap between the actual significance of professional recommendations to the parole decision, and the significance perceived by parole board members
- 2) This 'gap' is particularly notable when the professionals advise against release.

One explanation for this divergence is the mental resources required to deviate from the status quo, linked to the conformity bias (Asch & Guetzkow, 1951) and to the psychology of ‘anticipated regret’ (Kahneman & Tversky, 1981) – as discussed in 7.1 above, people anticipate a higher level of regret if a negative outcome follows a decision to break the status quo than if a negative outcome follows a decision to follow the status quo. Both the offender’s current situation (in prison) and the professional recommendation (either for or against release) can be regarded as a status quo pressure, as shown in the simple figure below:

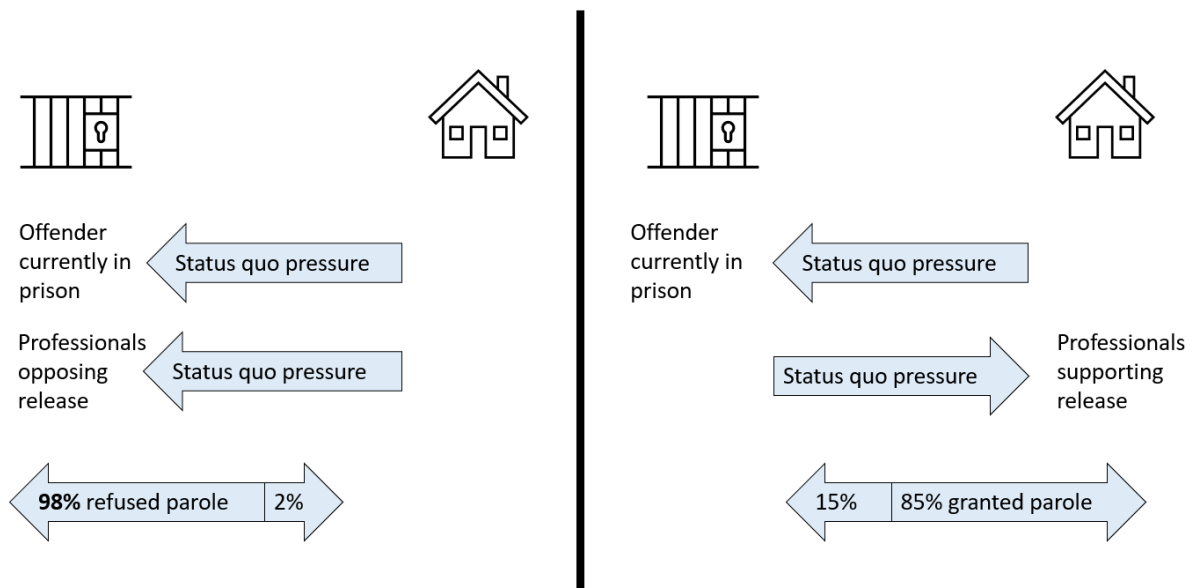


Figure 15: Different status quo pressures for different professional recommendations

While a decision-maker is always subject to status quo pressure, the parole board member faced with a professional recommendation against release is facing two similar pressures in the same direction – both the prisoner’s current circumstances and the recommendations of the professionals hired to give their analysis of their reoffending risk are pushing in the same direction. The parole board has the right to push against that pressure, but doing so is far more demanding than maintaining the status quo (this is, of course, before considering that the professionals may have good reason to oppose release, and that the board simply takes the same view). When professionals recommend release, on the other hand, the board may still agree or disagree with this recommendation, but status quo pressure becomes less significant – whichever decision they make, the board still defies the status quo in one respect: either to release an offender who would otherwise remain in prison; or

to break the conformity that would otherwise exist between the professionals in the room. This may be a simplistic framing of the board's dilemma, but it provides a consistent explanation for why the parole board is more likely to agree with a recommendation against release than with a recommendation supporting release.

7.2.4. Non-linear feedback loops within the parole decision as complex adaptive system

Interactions between professionals

So far, this section has considered the relationship between professional recommendations and the parole decision, but we should be wary of seeing this in a linear, one-way pattern that only involves the decision-maker as an agent. All complex adaptive systems contain 'feedback loops' (Cilliers & Spurrett, 1999) and the parole decision as a system is no exception. The structures around them matter – both the formal structure of their organisation and legal context; and the informal patterns of public pressure, opinion, and the decision-maker's own background. The interactions between the agents (the parole board members) and their structures, and the structuration effects (Giddens, 1984) of both interacting, affect how both the structure and the agent operate.

This applies to the interactions between parole board members, who are the principal 'agents' within the decision, but do not act as a single unit of analysis – their recommendations will be their own, and may differ from their colleagues', but they influence each other. This dynamic also applies to other professionals who participate in the decision-making system, despite them not sitting together as a 'board' – they are able to read each other's reports, and the dynamics between them within a hearing can be complex.

The place of the psychologist's recommendation in these interactions

I have so far considered how the psychologist's recommendation has a particularly strong influence on the eventual decision (albeit for complex reasons, discussed in 7.2.3. above) but the psychologist's recommendation itself should not be regarded

as a 'black box' or a standalone variable that influences the process in one direction. Instead, the psychologist themselves will be influenced by numerous case-specific variables and external pressures, just like the parole board member. I have not studied psychologists' decision-making in this research, but my interviewees suggested other dynamics at work: notably the pressure on an independent psychologist commissioned by the offender's solicitor to provide something helpful to their client – interviewees acknowledged that some independent psychologists resisted that pressure and provided balanced reports (and that solicitors often didn't submit the independent report, suggesting it wasn't what they hoped to read). The same case-specific variables that bear on a parole board member also bear on the psychologist, including the way the offender comes across in person, and the honesty, insight, and remorse shown. When the parole board member reads the psychologist's report, it is not a separate input to those case-specific variables, but another interpretation or reformulation of them.

Interactions between the psychologist, offender manager and offender supervisor

I have already discussed the ways in which the psychologist's recommendation seems to influence the OM's and OS's recommendations, according to interviewees' consistent experience, but the OM also plays another role in the decision, as the writer and prospective implementer of the offender's risk management plan if they are to be released. As discussed in 7.4 below, this plan (and therefore the board's confidence in the OM's capabilities) plays a key role in the final decision. The OM's report and recommendation therefore influences, and is influenced by, expectations of how they will manage the offender in the community.

Similarly, but at a different stage of the decision-making process, the OS is often not only a professional giving a view but the coordinator of any work within the prison designed to reduce the prisoner's risk of harm, particularly programmes of work, and any community projects for prisoners in the open estate. They are therefore, in part, making a recommendation based on the work the offender has or hasn't completed in prison, which also represents the impact the OS has had on their progress.

My consideration of feedback loops is restricted by the snapshot nature of this research project: a natural limitation of looking at each decision at the end of the process, rather than trying to 'track' the decision-making unfolding over time. A case study approach would be more effective in exploring the sequence in which decisions happen, and whether two co-existing factors at the end of the process emerged in parallel or one-after-the-other. Identifying key moments during the process, where any of the key figures (the parole board members, the OM, OS, and psychologist) start to shift their view, could give more insight over which factor or combination of factors feeds into which.

With this caveat in mind, I am still aware of some the sequence: the psychologist makes their recommendation first, without seeing the offender manager's risk management plan; the offender manager sees the psychologist's recommendation while working on their own recommendation and plan; the offender supervisor sees the offender manager's recommendation and the risk management plan; and the parole board member sees all these, but with the opportunity to question each professional further during the hearing and after they have been provided with more of the intervening information. A psychologist's recommendation, then, may not simply influence the final decision in a linear fashion, but potentially influence the offender manager's plan (as well as their recommendation), feeding into the parole board's thought process as they consider the risks identified by the psychologist and the ways in which the offender manager could guard against these risks, which in turn develops an emergent line of questioning within the oral hearing, during which the psychologist can influence the board further with their answers to those questions – all of these individual dynamics are identified by interviewees in the qualitative part of this study.

7.2.5. Summary: professional recommendations as necessary, insufficient, and underestimated conditions for release

Parole board members respect the expertise and experience of psychologists, offender managers and offender supervisors who contribute evidence to a parole hearing and recommendations for or against release. However, this respect is qualified, and interviewees were far more nuanced in the weight they placed on

professional reports when reaching a parole decision, expressing caution about following the recommendations in those reports. This ambivalence seems, at first glance, to sit in stark contrast to the quantitative findings, which show very strong associations between a parole decision and the recommendations of the psychologist, offender manager and offender supervisor.

But the statistical relationship masks a qualitative picture that is far from straightforward in three ways:

- 1) the three recommendations are not independent of one another (the psychologist typically influences the other two recommendations, rather than vice versa).
- 2) the different professional actors in the decision-making process feed into each other's thought processes in nonlinear ways, further complicating the relationship.
- 3) The interviews suggest that any strong association between a professional recommendation and a release decision is less about the parole board's total confidence in those professionals, but more because of what it provides to decision-makers: a strong justification to back-up a release decision, if they are otherwise minded to make one. The parole board are most strongly influenced by the psychologist, OS, and OM when their recommendations are against release, rather than when they support release (although that relationship is also strong).

As discussed in 7.1, parole board members are expected to release offenders where it is no longer necessary for them to be imprisoned (especially if their sentence is indeterminate) but are simultaneously under pressure to avoid organisational as well as societal harm (Giritli Nygren et al., 2020). They therefore benefit from a 'hook' on which to hang a decision to release a prisoner or progress them to open conditions – not just an evaluation of evidence of the risk posed by the offender, but a concrete contribution that allows the board to consider release with some 'cover' for their decision.

The professional recommendations act as a de facto ‘gatekeeper’ for parole applications: if the psychologist, offender manager or offender supervisor (or all three) recommend release, cases move to the next layer of deliberation (in 7.3 and 7.4 below); if they recommend against release, this necessary-but-not-sufficient ‘hook’ for release is absent, and the prisoner almost always stays in prison.

7.3. Weighing-up case-specific characteristics

7.3.1. The place of the case-specific evidence in the decision as a system

At the start of this research project, I anticipated that my answer to the question: ‘how do parole board members construct a decision to release a perpetrator of domestic violence?’ would entirely revolve around the points in this subsection – characteristics of the offender and their offending; progress in custody; and what awaited them in the community. As it turns out, this represents just the third component within the complex system of the decision.

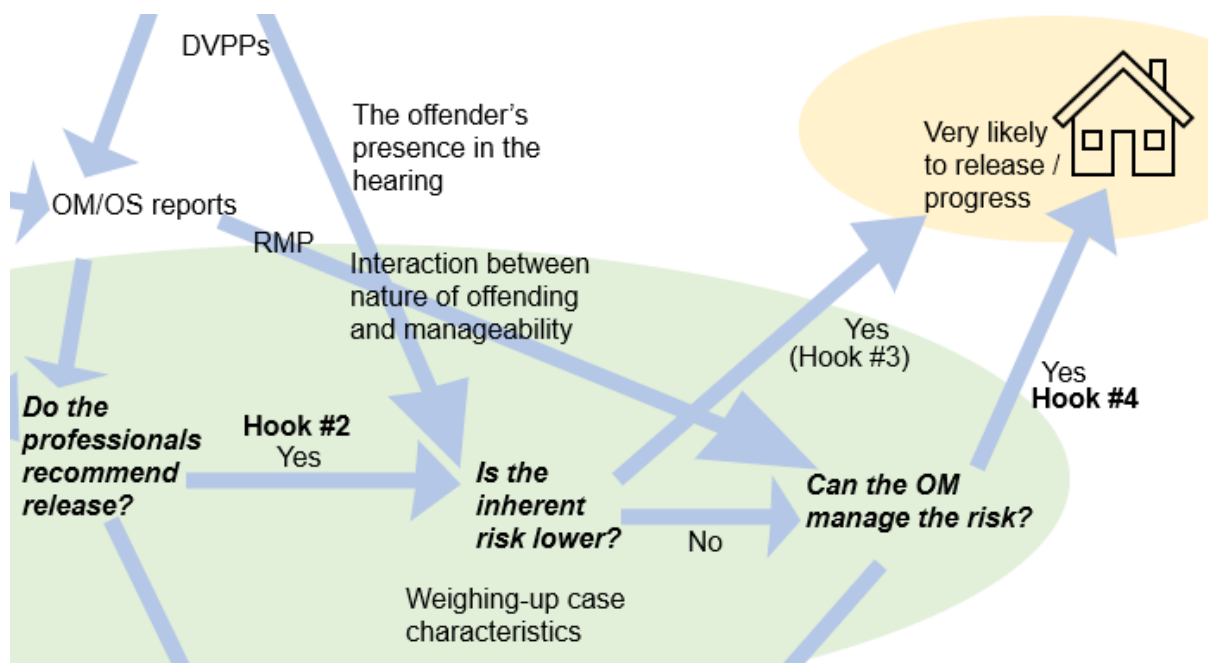


Figure 16: Excerpt from systems diagram, showing the role of case-specific characteristics

By the stage at which the case characteristics become the *most* significant part of the decision-making system, the parole board member's mind has not been made up, but they have been influenced substantially by wider societal factors and their own personal background (7.1.). They have also seen the recommendations of the psychologist, offender manager and offender supervisor, which have influenced them in a strong but complex fashion, all-but-ruling-out release if the recommendations are negative but creating a likelihood of release if they are positive (7.2).

Of course, none of this means that the case characteristics have been irrelevant until now. This research studies the parole board's decisions and does not study how psychologists reach their own view and recommendation on release, as already mentioned – a limitation of this study and an area for future research. The offending history and progress through prison have obviously had an impact on the nature of the sentence and type of prison the offender is currently in (both significant factors in themselves), and along with the prisoner's own insight and honesty (or lack thereof), will have made a substantial difference to the psychologist's recommendation. I have devoted a separate subsection (7.4) to the interaction effect between the manageability of the offender's risk and the nature of their offending history, which is one of the more complex findings in this study. However, parole board members consider those two interacting aspects (prior offending, and risk management plans) simultaneously with the following areas, as part of this stage of the parole decision-making system:

7.3.2. 'Institutional behaviour', and the impression made by the offender, in the decision-making system

A parole board will be far more confident in deciding to release a prisoner with a higher level of 'instrumental compliance' (Bottoms, 2001) – a prisoner who has demonstrably changed their behaviour and underlying mindset during the time elapsed between the relevant offences and the hearing. However – as discussed in 7.3.4. below – this is not necessarily a requirement for them to be released as long as external measures - sources of 'constraint-based compliance' in Bottoms' (2001) model - are in place to manage their risk.

The quantitative results showed significant relationships between a release decision and: a good working relationship with professionals; satisfactory completion of a Domestic Violence Perpetrator Programme and reasonably good behaviour both in prison and (for those either in open conditions or previously released on license) in the community. This much is consistent with previous research by Caplan, (2010) Connor (2016) and Huebner & Bynum (2006).

The role of drug and alcohol use in decisions

I did not have sufficient variety in my sample to draw any conclusions about the impact of problematic drug and alcohol use, which some previous research (Bradford & Cowell, 2012; Mooney & Daffern, 2014) found significant in predicting release decisions. In the quantitative study, very few prisoners had no problematic use or addiction, and in the qualitative study, interviewees consistently played-down the significance of substance misuse in domestic violence cases: they were sceptical, particularly in cases of control and intimidation, about the significance of an abuser reducing their alcohol intake; and in any case they were cautious about seeing a reduction in substance misuse while in prison as evidence of sustained reduction in the community. This is consistent with existing literature which discusses the link between alcohol abuse and domestic violence (more common in more chaotic cases of abuse) – authors take pains to point out that alcohol does not ‘cause’ domestic violence and the perpetrator is always responsible (J. J. Collins et al., 1997; Galvani, 2006; Leonard, 2001; McMurrin & Gilchrist, 2008), and that an ability to reduce alcohol consumption does not necessarily suggest that they have changed their attitudes towards relationships and women. I would cautiously suggest, on this basis, that while drug and alcohol use might be a significant predictor of parole decisions for prisoners in general, it is less significant for domestic violence perpetrators, just as the research on substance misuse and domestic violence suggests that it should be (certainly for more controlling abusers).

This would be a significant finding since it supports the idea that parole board members have taken on board research around domestic violence perpetrators and adjusted their evaluation of risk accordingly.

Domestic Violence Perpetrator Programmes

As a practitioner, prior to this research, I identified a distinction between different kinds of programmes for offenders.

On the one hand, it seemed to me, there are programmes where the goal of the provider and the offender were aligned: these included programmes to improve parenting skills (and thus improve the offender's suitability to care for children), programmes to reduce the harm caused by substance abuse (Pelissier et al., 2005; Wexler et al., 2004), and cognitive-behavioural programmes such as 'Thinking Skills' to reduce impulsivity (Berman, 2004; Friendship et al., 2003). The cited studies demonstrate mixed findings for substance abuse programmes (unsurprisingly given the power of addiction and the difficulty of replicating community environments within prison) and generally positive outcomes for behavioural programmes, and research into their effectiveness is ongoing. However, in most cases, I would expect a prisoner to attend such a programme genuinely hoping to be a better parent, or to become sober, or to control their impulses – they may or may not succeed in this goal, but their incentive is clear, both in performative terms (the desire to impress the parole board) but also in inherent terms (the desire to avoid self-destructive behaviour in future).

On the other hand, there are programmes for sex offenders and domestic abusers, where the results are also mixed (as discussed in chapter 2.3 in the Literature Review) or, for sex offenders, significantly counter-productive – in other words, offenders were more likely to offend if they *had* attended the programme (Mews et al., 2017). What these programmes have in common, distinct from the first category of programmes, is that we cannot assume that the offender's incentives are aligned with everyone else's – that while they may be motivated to attend by the performative aspect of the programme, they have committed crimes not (in most cases) out of impulsivity or a personal failing but through a calculated desire to commit the offence. In other words, while a hot-headed alcoholic may be motivated to change their behaviour (whether or not they succeed in doing so), a controlling and dominating abuser may have no desire to lose the position of power they held in

their victims' lives, and no desire to give up the dominance and/or sexual gratification they achieved from it, any more than a bank robber wanted to forego the wealth they could accrue from future robberies (though they would of course benefit from being satisfying those around them that they had changed their mindset). As discussed in chapter 2, I have therefore found it unsurprising that the literature on the effectiveness of perpetrator programmes for domestic violence, while a new and developing field, is decidedly ambivalent as to their outcomes.

The role of perpetrator programmes is, nevertheless, particularly significant in the context of the 'need for a hook' identified above. While satisfactory completion of a programme had a statistically significant association with a decision to release or progress the prisoner (an odds ratio of 5.3, $p < 0.001$, $R^2 = 0.194$), interviewees were unconvinced at the effectiveness of these programmes in reducing reoffending, in line with research findings.

Where interviewees felt attendance on a domestic violence perpetrator programme was significant, though, was in its *absence*. They were sceptical about whether attending a course would reduce a prisoner's likelihood of reoffending (and would therefore look to other factors for reassurance), and they consistently found the facilitator reports far too willing to take the perpetrator at face value, and unhelpful in determining future risk. However, a facilitator giving *negative* feedback on a prisoner's engagement, or a prisoner refusing to even attend a course, was therefore a 'red flag': while parole board members considered the programme a low hurdle to clear, failure to clear even that hurdle therefore concerned them.

The role of the domestic violence perpetrator programme in the decision-making system, then, is not so much a persuasive piece of evidence that might convince a parole board to approve release, but a milder version of the 'gatekeeping' seen with the professional recommendations: a board may place little weight on an offender completing a programme, but they may place substantial weight on their refusal to do so.

In a case where the offender has otherwise convinced the parole board of their suitability for release, the programme plays the role of another 'hook', as one interviewee put it:

[completing a DVPP] makes a difference on the basic level, giving you a defensible case for making a judgement that says 'yes' in deciding to release someone

Interviewee 3, probation officer

This could have uncomfortable implications for the role of Domestic Violence Perpetrator Programmes, certainly based on the current state of research on their effectiveness. My findings produce an interesting thought experiment: if a prisoner agreed to attend a programme to address their offending and explore their thought processes behind it, was *not* given the opportunity to attend, but attended the parole hearing offering remorse and some insight into their behaviour, would this improve their chances of release just as much as if they had attended the programme? In other words, does it matter that they have gained remorse and insight specifically from the course, or is the board ultimately looking for those qualities regardless? The combination of qualitative and quantitative data in this respect seems to suggest that (consistent with the mixed research findings as to the effectiveness of such programmes) parole board members are more impressed by the offender's willingness to engage with a programme than by them attending the programme *per se*.

This brings to mind an unexpected application of 'signalling theory' (Spence, 1978), which has recently been applied theoretically in criminology (DeWitt, 2018) and with reference to criminals' own decision-making (Bakken, 2021). Signalling theory applies to the idea that someone attends a programme (in the original research, an academic degree; in this example, a perpetrator programme) not because of what they will gain through completing that course, but because of what their decision to attend the programme 'signals' to others (employers in the original research; parole boards in this dissertation).

Signalling theory is applicable to scenarios, like the parole decision, where the principal (the parole board member) tries to ascertain unknown information (the degree of remorse and insight) in an agent (the offender). The parole board take the reasonable assumption that a prisoner who refuses to attend a perpetrator programme displays a notable lack of insight or desire to change their behaviour. Similarly, in Spence's Nobel-winning research, the job applicant incurs a cost (in time, money, effort, and opportunity cost) in obtaining a qualification which would have been hard for a lower-ability applicant to attend.

This infers, then, that the benefit to the prisoner of attending the programme is largely through what they demonstrate in choosing to attend the programme in the first place (an apparent desire to change their behaviour) rather than what they will learn on the programme itself. In the absence of substantive evidence as to the transformative effect of the programmes, this stands out as a candidate theory to account for the impact of attending a programme on the parole board's decision.

Taking the analogy from Spence's original theory further: he framed the signalling effect as a 'sheepskin effect' (named after the material used historically for degree certificates) where the income differential between candidates with and without a degree exceeded the well-established differential which could be attributed to their respective years of learning. For domestic violence perpetrator programmes, we could view this as a comparison between the impact of attending a programme and the impact of the positive levels of apparent remorse and insight (which is ultimately what the parole board are hoping to see from the prisoner, regardless of attendance on a programme). If the former were greater than the latter, then it would amount to a quantifiable signalling effect. Unfortunately, my sample is too small to control for either of these variables to test the impact through a mixed model, but this proposes an interesting area for future research. The result is not a foregone conclusion – I recognise that the odds ratio and Nagelkerke R^2 for the board's evaluation of the offender's insight and remorse is greater than for whether they have attended a programme, but unlike the original comparison of years-of-education and possession of a degree, the insight-and-remorse variable is harder to extricate from whether someone has attended a programme – for example, does the fact that an offender attended influence the board's *a priori* evaluation of their insight and remorse? This

question is hard to answer with my own quantitative data, but the clear significance, both qualitatively and quantitatively, of an offender *not* attending a programme makes this a plausible application of signalling theory in parole decisions.

Factor	Released / progressed when present	Released / progressed when absent	Odds ratio	p	Nagelkerke R ² (Highest first)
Good working relationship with professionals	56 of 79	3 of 26	18.7	<0.001	0.334
Completed perpetrator programme with positive or neutral feedback	49 of 65	26 of 71	5.3	<0.001	0.194
Positive or mixed reports from community releases (rather than serious concerns about community behaviour)	30 of 39	20 of 48	4.7	0.01	0.164
'Model prisoner' or only minor arbitrations in custody	60 of 87	11 of 36	5.1	<0.001	0.159
<i>Lacking problematic or addictive substance use</i>	<i>6 of 7</i>	<i>45 of 84</i>	<i>5.2</i>	<i>0.135</i>	<i>0.044</i>

Table 11: Excerpt from logistic regressions, showing impact of institutional behaviour

The impact of combinations of institutional behaviour variables

As the latent class analysis (LCA) in Table 3 (chapter 6.1.4) demonstrates, the significance of the more important factors is in their combination. While not as coherent an analysis as the previous LCAs, with an entropy level of 0.785 (below 0.8, the widely used cut-off for a 'strong' model), the conclusion of this analysis was

that paying 'lip service' was not enough. Prisoners who failed to work with programmes or prison staff, and whose behaviour, insight and honesty were all viewed negatively, were very unlikely to be released. The 'middle' category of prisoners who mostly worked well and behaved well in prison, and displayed at least some insight, were released in almost half of cases, but it was the prisoners who reached those benchmarks *and* impressed the board with their honesty and insight (discussed in 7.3.3 below) who were the most likely to be released.

7.3.3. Presence and Presentation: the impact of the offender in the room, and the implications for intuitive judgement

As discussed in 7.3.1. above, parole boards are not only affected by what the offender has said or done, but by how they come across in person. Their evaluation of the offender's insight and honesty – both significant factors in the quantitative analysis, and common themes in the qualitative analysis – is largely derived from their impression of the offender in the oral parole hearing itself.

Here, two of the key themes from the qualitative results come together: interviewees were concerned (Initial Code 1) about whether the offender was paying 'lip service' or showing genuine remorse and insight and could only be convinced of this in-person, hence the shift (Initial Code 2, and Focused Code 4) towards rather than away from release during the hearing. Interviewees consistently said that when their mind changed between the start and end of an oral hearing, it was almost always in favour of release. This is consistent with the quantitative finding where none of the offenders in the sample were released on-the-papers rather than in-person.

The quantitative results around honesty and insight come with a caveat: as a snapshot exercise, this research is unable to determine whether the writer of the decision letter framed the offender as being honest and insightful before or after deciding to release them (and the writer themselves may of course be unaware of this). Nevertheless, it is significant that 27 of 28 prisoners considered 'honest and open' were released or progressed, while the majority (36 out of 53) were denied when the board had concerned about honesty (odds ratio 57.2, $p < 0.001$). Likewise, prisoners who displayed 'positive' insight and remorse regarding their offences were

almost 9 times more likely to be released than prisoners whose insight and remorse was 'mixed', and over 34 times more likely to be released than those who 'lacked' insight and remorse.

Factor	Released / progressed when present	Released / progressed when absent	Odds ratio	p	Nagelkerke R ² (Highest first)
Positive honesty/openness	27 of 28	17 of 53	57.2	<0.001	0.485
Positive insight/remorse into offence (compared to 'lack of insight/remorse')	31 of 34	8 of 35	34.5	<0.001	0.426
Positive insight/remorse into offences and behaviour (compared to 'mixed' insight/remorse)	31 of 34	14 of 26	8.8	0.003	0.426
<i>Acknowledging offence (rather than denial)</i>	<i>74 of 122</i>	<i>6 of 20</i>	<i>1.3</i>	<i>0.132</i>	<i>0.000</i>
<i>No concerns re: suspected manipulation</i>	<i>73 of 121</i>	<i>7 of 21</i>	<i>1.3</i>	<i>0.132</i>	<i>0.000</i>

Table 12: Excerpt from logistic regressions, showing impact of how the prisoner comes across

Without analysing reoffending rates for all prisoners in the study, I am unable to say whether parole board members were accurate in their evaluation of the prisoner's personal transformation. However, both the quantitative and qualitative results indicate that, for the parole board, 'jumping through hoops' (working with professionals, attending courses) are necessary but not sufficient for them to be satisfied of a prisoner's reduced risk: they also need to be satisfied of their insight into their offending, and their general honesty. The comments in Initial Code 1 (the

prisoner's 'journey') explicitly distinguish between a prisoner saying what the parole board want to hear, as opposed to showing genuine insight and openness.

I was struck by the nuance affecting the parole board's analysis of prisoners who deny their offence. The interviewees made clear to me that they were prohibited from refusing release on the grounds that a prisoner had not admitted guilt – however, the prisoner's *honesty and openness* is not only a legitimate consideration in their decision, but one they frequently reference. This need not be a contradiction or disingenuity: by including the prisoner's denial in their weighing-up of the prisoner's honesty, the board is not circumventing the prohibition on refusing release based on denial. Instead, they are incorporating the denial as one part of a wider discussion around honesty, which is itself one part (as this chapter demonstrates) of the overall parole decision. Essentially, they locate the issue of denial within this part of the decision-making system, rather than as another 'gatekeeper' (7.2) which could rule out release altogether. At the time of writing, new legislation in the form of the Prisoners (Disclosure of Information About Victims) Act, 2020 is likely to increase the proportion of 'deniers' convicted of murder who are refused parole – under this statute (popularly known as 'Helen's Law'), murderers who refuse to disclose key information such as the location of their victim's body or other critical features of the offence (usually because they continue to plead innocence) may be refused parole on that basis. This still allows for the release of abusers who deny their crimes, but represents the first exception to the previous rule that denial should not have a direct bearing on the parole decision.

The conscious emphasis that interviewees place on their intuitive judgement of the offender in person is significant given the long-standing generic research on the problems of intuitive judgements from Meehl (1954) onwards, discussed in the literature review. Theoretically, parole decisions seem to fall within the subset of decision types that Kahneman & Klein (2009) considered difficult to judge intuitively: parole board members rarely receive feedback on the decisions they have made and the subsequent progress of the offenders in question (many of my interviewees highlighted that this kind of feedback would be useful), other than the occasional case review of a 'false negative' where they have deemed a prisoner suitable for release, only for them to soon reoffend. There is thus an absence of immediate

feedback to their decisions, and there are key variables associated with the prediction of reoffending (see chapter 2.3) that can be modelled in a risk assessment tool. These features render parole board decisions less like the firefighting decisions in Klein's research, where a firefighter's 'recognition-primed decision-making' is valuable, and more like the selection of investments in Kahneman's research, where actuarial tools are more useful than intuition.

Intuitive judgements in parole decisions may be problematic, but while the probation service's OASys risk assessment tool has demonstrated a track record of effectively predicting reoffending (as discussed in the literature review) I have been unable to identify either research comparing the predictive value of OASys to the intuitive judgement of parole board members, or any research studying the effectiveness of OASys at predicting domestic violence reoffending. As Hood et al. (2002) recognised in their study of recidivism, such comparisons become complicated by the very low rates of reoffending in general. Hood concluded that parole board members were just as likely to predict reoffending as a statistical tool, but slightly more risk-averse insofar as they were more likely to identify 'false positives' – in other words, parole board members were more likely than the statistical tool to identify an offender as a high risk of reoffending when that offender did not end up committing a known offence within the 4- to 6-year follow-up period. My findings suggested that parole boards were more likely to reject applications for parole than the probation service were to recommend against release, which is consistent with the idea (and Hood's findings) that parole board members (using a combination of intuitive judgement and other sources) assigned greater overall risk to offenders than the probation officer (using the OASys risk assessment tool). This is also consistent with the evidence that more intuitively-minded parole board members are more likely to release than more logically-minded colleagues (Hancock et al., 2018). Ruhland (2020) identified a possible mechanism by which the risk assessment is incorporated – the parole board members she interviewed sometimes referred to a risk assessment tool as a deciding factor when they were otherwise "on the fence" about a decision having exhausted their own evaluation of the case.

This does not necessarily suggest an excess of caution by the parole board. As discussed in the Literature Review, domestic violence is notorious for its secrecy and

frequent invisibility to outsiders, so even if an offender is not convicted for a further offence, a parole board who considered him a 'high' risk of reoffending was not necessarily incorrect.

The overall impact of the parole board's intuitive impression of the offender is thus highly complex. On the one hand, Hancock's study suggests that interviewees' emphasis on their intuitive judgement and impression of the prisoner would make them more inclined towards release – this is consistent with the themes that they would not be comfortable releasing without meeting the offender, and of the shift from scepticism towards a release decision over the course of the hearing. On the other hand, Hood's empirical suggests that parole board members in other types of cases may be more risk-averse than statistical tools, and well-established psychological research into decision-making suggests their emphasis on intuition might be of dubious value. However, it is possible that the parole board unconsciously share these suspicions about the value of intuitive judgement, but conclude that:

- 1) Their intuitive judgement is not substantively worse than a statistical tool (consistent with the research on similar decisions)
- 2) They would feel much less comfortable releasing a prisoner without having met them (and indeed, never released a prisoner on-the-papers in my sample), but
- 3) (crucially) The previous findings on the impact of structures and professional inputs suggest that the board's evaluation of the prisoner-in-the-room is less significant than they consciously acknowledge in any event.

7.3.4. How parole board members consider what the offender will be released into.

By this stage of the decision-making system, parole board members (with their own pre-existing backgrounds and outside influences) have been encouraged by a positive recommendation from a professional (without which release would be highly unlikely) and considered the offender's progress since their index or recall offence. It is possible that they are so impressed by the offender's 'journey' through prison that they are happy to approve release (or progression to open conditions) without any

reservations – however, as interviewees consistently pointed out, this is a rare event. In a more likely scenario, the board's confidence in releasing a prisoner is qualified, or they may be decidedly ambivalent about whether the risk they pose has reduced at all. In this event, the board's attention turns to Bottoms' (2001) 'constraint-based compliance' where the risk of societal harm is mitigated not by the offender having become a model citizen, but by the professional and personal network around them who might influence the prisoner to reduce their likelihood of reoffending or, at least, be aware of warning signs that they may reoffend, allowing them to be recalled to prison.

Informal networks and structures

Parole boards gave considerable attention to both the formal and informal structures around an offender in the community, reflecting the research that identifies 'emotional' support as at least as important – if not more – than formal support in reducing reoffending (Taylor, 2016). They released 22 out of 26 prisoners where they deemed their social and community links 'protective' while only releasing 17 out of 41 where they considered those connections 'mixed' or 'concerning' (odds ratio 7.8, $p=0.001$, $R^2=0.239$). Interviewees added more depth to this distinction, differentiating between 'protective' and 'supportive': in other words, a family might be looking out for the offender's interests upon their release, but could they be relied upon to be properly 'protective' and raise the alarm if their behaviour spiralled towards reoffending? This reflects how perpetrators can often have problematic or limited support networks in the community, and these networks can sometimes include influences who reinforce misogynistic or dismissive views of domestic violence (Viola, 2014).

Disagreements over the protectiveness of different variables

Interviewees also displayed differing views (Focused Code 11) as to what constituted 'protective' factors, especially the role of employment, which some interviewees considered a vital prosocial influence, but which others regarded as irrelevant in domestic violence cases. The role of children in the weighing-up of evidence was also complicated: as every interviewee pointed out, their decision must

not be influenced by the involvement of children in the offender's family dynamics but as some recognized, "you can't un-know what's in the dossier" (Focused Code 8) and the knowledge that the offender's contact with children stuck in their minds while coming to a decision.

Formal networks and structures

Given these nuances, it is perhaps unsurprising that the statistical impact of the formal Risk Management Plan was far greater (odds ratio 27.1, $p < 0.001$, $R^2 = 0.453$) than informal community networks. Where the board was satisfied that the plan was 'robust and effective' they released 65 out of 71 offenders, but only released 6 out of 21 offenders where they had concerns about the plan – this is after excluding those cases where the writer of the decision letter concluded that no plan would be sufficient to mitigate the risk posed by the prisoner. This echoes Padfield's (2019) conclusions that the parole hearing was less an evaluation of whether the prisoner has been rehabilitated, and more an evaluation of whether they were likely to pose a risk to the public: if a parole board decided to release a prisoner who then raised numerous causes for concern in the community but was successfully recalled before committing serious harm, then this would be considered an endorsement of the board's decision.

In the parole decision as a complex system, the board's evaluation of the risk management plan constitutes the final 'hook' they require to justify a release. They have been satisfied that there is at least some reasonable prospect that the offender might live a functional life outside of prison, but there is still substantial uncertainty, and an effective plan constitutes a reassurance by the probation service that they are "on it" and could recall the offender if they show signs of potential reoffending. These findings also support Bradford & Cowell's (2012) conclusions on the significance of the risk management plan in predicting a parole decision, while providing a model for framing this association.

This means that two identical offenders might have different parole decisions, depending on the confidence that their offender manager inspires in the parole board

– an element of ‘luck’ (Padfield, 2017) not linked to their own past or current behaviour or risk profile.

Factor	Released / progressed when present	Released / progressed when absent	Odds ratio	p	Nagelkerke R ² (Highest first)
‘Robust, effective’ risk management plan (compared to cases with concerns about the plan) *	65 of 71	6 of 21	27.1	<0.001	0.453
‘Protective’ social and community links (compared to ‘mixed’ or ‘concerning’ links)	22 of 26	17 of 41	7.8	0.001	0.239

Table 13: Excerpt from logistic regressions, showing impact of extrinsic variables

7.3.5. Summary:

In the previous section 7.2, we considered the role of professional recommendations as ‘gatekeepers’.

In this phase of the decision-making system, I have considered how board members then seek a ‘reason to release’ if the professional recommendations are positive. They first ask: has the prisoner really changed and presents a lower risk? Domestic Violence Perpetrator Programmes, the way the prisoner presents themselves at the hearing, and behaviour in custody or open conditions can all serve as evidence of this. If one of these provides a sufficient ‘hook’ the prisoner will probably be released. If not (in cases where the professionals recommend release, but the board haven’t been able to satisfy themselves that he poses less risk) they look to the manageability of the behaviour as an alternative ‘hook’ and can base a release decision not on the level of risk but a lower level of imminence or unpredictability. In section 7.4 below, I explore in more detail the interaction between this reliance on

risk manageability and the history of offending that lies within the weighing-up of evidence discussed in 7.3.2 and 7.3.4.

7.4. The curious case of prior offending, and its role in risk manageability

7.4.1. How the intersection between risk manageability and previous offending is located within the decision-making system

In the previous section 7.3, I deliberately left a gap when discussing the case characteristics that parole boards weigh-up when coming to a decision on release: the offences committed. This aspect of the case requires special consideration due to its interaction with the ‘manageability’ of risk discussed in 7.3.4 as especially important to the board.

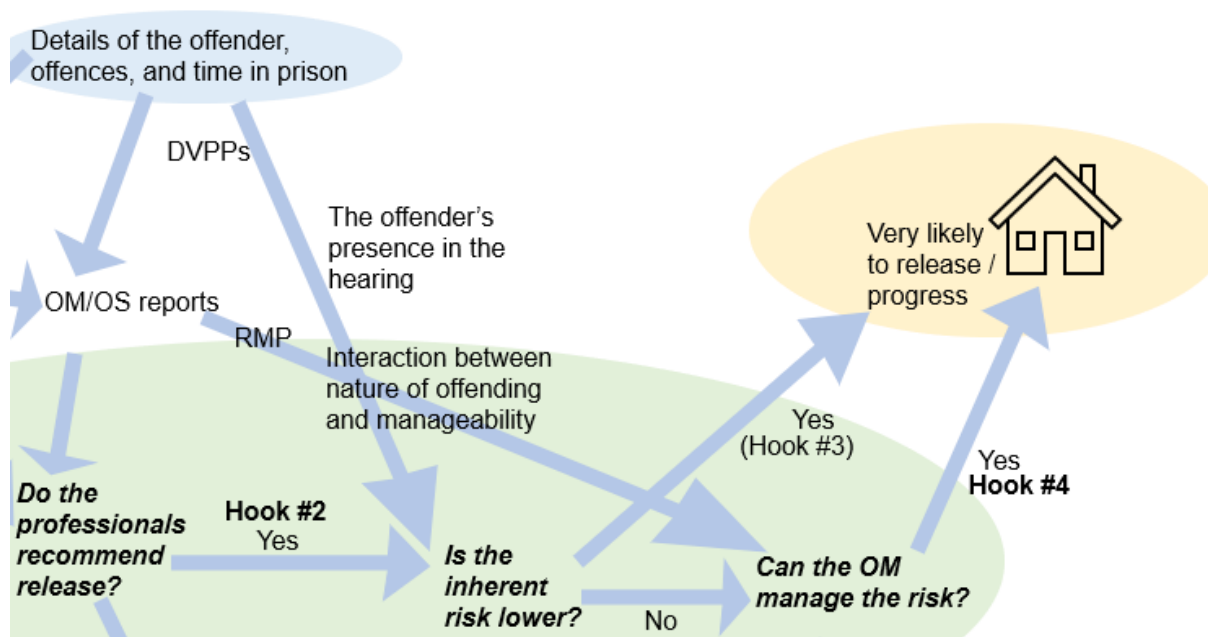


Figure 17: Excerpt from systems diagram, showing the conditions for release

Previous research identified the offender’s previous offending as a major factor in determining the parole decision (Caplan, 2010; Huebner & Bynum, 2006b; Mooney & Daffern, 2014; Tzeng, 2014), the Parole Board’s formal guidance devotes a whole section to its importance (Parole Board, 2019), and the qualitative aspect of this

research demonstrated the prominence of 'offending history' in the conscious thought processes of parole board members.

7.4.2. The *prima facie* minimal impact of previous offending

However, as discussed in 6.1.1 in the Quantitative Results chapter, while the data shows some relationship between prior offending and the outcome of the parole hearing, most variables related to prior offending are not statistically significantly correlated with the parole decision, and these factors do not stand out as much as those discussed above (type of sentence, professional reports, and institutional behaviour). The type of offence (whether the offender killed or sexually abused their victim), history of previous domestic violence, or violence in general, or whether I had coded the offence as 'Severe Combined Abuse' (SCA) using the Composite Abuse Scale (Hegarty et al., 2005) were not significant predictors of whether the prisoner would or would not be released.

This does not necessarily contradict previous research that found previous offending significant: in my sample, offenders with no known previous history of domestic violence were more likely to be released than those who had been convicted of abusing a partner (odds ratio 1.7, $p=0.124$, $R^2=0.023$), and those whose offending I had not coded as SCA were also more likely to be released than those whose offending did not seem to meet this definition (odds ratio 1.7, $p=0.15$, $R^2=0.02$), but in both cases there was more than a 10% likelihood that these findings were a coincidence. While it is still possible that these relationships might be statistically significant in a larger sample, these variables remain far less notable than others, despite interviewees unanimously regarding the offending history as one of the main considerations in their decision (Initial Code 6).

This may be partly explained by the parole board's recognition of the often-secretive nature of domestic violence – most of the interviewees explicitly pointed out that they don't just rely on abusive behaviour for which there is a conviction – they want to "get behind the acquittals", especially where a partner has repeatedly called the police but later withdrawn their allegation. Such a pattern, even without a resulting conviction, concerned my interviewees just as much as a series of convictions.

7.4.3. The role of Johnson's typology in the 'pattern within offending'

We get more insight, though, from the one aspect of previous offending that produced a statistically significant relationship with the parole decision: whether I coded the offences as 'intimate terrorism' (IT) or 'situational couple violence' (SCV) (M. P. Johnson, 2006b) – there were no examples of Johnson's other categories of 'violent resistance' or the rare category of 'mutual violent control'. The lack of 'violent resistance' is unsurprising, since I would expect fewer people to receive long prison sentences for what amounted to self-defence or highly mitigated violence. While the victim was also violent in many cases, the descriptions of the offences and the relationship in those cases either met the definition of 'violent resistance' by the victim, or a subset of 'situational couple violence': violence both-ways in a deeply dysfunctional relationship where there is no element of control.

This finding comes with the caveat that the categories are not officially used in parole and prison records, so the coding represents my own interpretation of a few pages of information provided about the offence. This process cannot be entirely transparent since to give detailed descriptions of the offences I have coded as SCV or IT would potentially identify specific cases. However, based on my coding, I subsequently found that offenders whose crimes were best described as 'situational couple violence' (where they had violently abused a partner, but without an apparent element of control) were much more likely to be released than abusers who had also controlled their partner (odds ratio 7.8, $p < 0.001$, $R^2 = 0.164$).

'Pattern of' offending versus 'pattern within' offending

Focused Codes 9 and 10 give a hint as to why this is aspect of the *nature* of previous offending is more significant than its presence, in this sample: interviewees noted the importance of the 'pattern *within* the offending' rather than simply the 'pattern *of* offending'. While no interviewees mentioned Johnson's typology nor used the terms 'situational couple violence' or 'intimate terrorism', many of them distinguished types of abuse using similar language of chaotic and dysfunctional offenders and relationships compared to controlling and coercive offenders. Many

interviews said that all other things being equal, a higher number of offences would be more concerning than a single offence, but they qualified this with a recognition that a chaotic offender with repeated convictions is, at the very least, a “different risk to analyse”, and how offending that doesn’t fit a ‘pattern’ is a challenge to assess.

These qualitative and quantitative findings are consistent with an emerging picture: that the prevalence of previous domestic violence certainly *does* matter to parole board members, and that a perpetrator of several ‘SCV’-type offences would probably be deemed a higher risk than an offender with a single ‘SCV’-type offence (something I could test with a sample large enough to allow a mixed-model or multivariate analysis). However, the difference between SCV and IT offences muddies this relationship: given interviewees’ awareness of the proportion of domestic violence that goes unreported – what domestic violence researchers often call the ‘base of the iceberg’ (Lees et al., 2013) – it is not so straightforward to compare the risks of an offender with a long history of SCV-related convictions to an offender with a single conviction for what could have been sustained long-term violent control. If there is a relationship between the level of control used and the likelihood of escaping detection – in other words, if a more chaotic offender’s behaviour is more visible – then this complicates the parole board’s analysis further.

7.4.4. The interaction between risk manageability and nature of offending

This complex relationship between previous offending and the parole decision interacts with another relationship: that between the risk management plan and the parole decision.

It was unsurprising to find a strong relationship between a risk management plan that the board found ‘robust and effective’ and a decision to release or progress the offender. However, this analysis excluded those cases where the board felt that *any* risk management plan would be ineffective, due to the nature of the risk. This reflected the consistent theme emerging from the interviews (Focused Code 10): that it was not the *level* of risk that most concerned the parole board, but the *manageability* of that risk. Interviewees distinguished between an offender’s inherent riskiness and the riskiness of releasing them: if the offender is released and then

recalled after a deterioration in their behaviour and lifestyle, but before inflicting serious harm, then that represents a personal failing for the offender but a vindication of the parole decision and of the risk management plan.

The findings about previous offending appear central to the notion of what makes an offender's risk 'manageable', insofar as some behaviour may follow more of a pattern than others. So, while a pattern of offending is concerning, "if there's a pattern then there's some predictability".

Confidence in the offender manager implementing the risk management plan

The offender manager's expertise plays a significant role in the parole decision: a robust plan is far more likely to act as the final 'hook' for the parole board to release a prisoner than if the plan is unsatisfactory. However, this nexus between prior offending, the nature of the risk, and the manageability of that risk, demonstrates the practical limits of the offender manager's role. A capable offender manager will hopefully pick up on the early warning signs shown by a more chaotic offender whose offending history includes frequent violence associated with an absence of control. They will notice when the offender fails to attend their meetings, when they fail or skip drug tests, when they stop attending substance misuse support groups, when they lose their accommodation, when they are arrested for petty offences, or when they start forming ad-hoc relationships impulsively. That same capable offender manager has a much harder job determining whether a calm, calculating offender shows genuine changes in their underlying mindset, or whether they are hiding a new (and possibly already controlling) intimate relationship.

It is this mechanism which mediates the association between prior offending that fits the description of situational couple violence (rather than intimate terrorism) and an increased likelihood of release. The recognition of this mechanism is important: by showing a greater propensity to release chaotic offenders than controlling offenders, the parole board are not suggesting that situational couple violence is necessarily lower-risk than intimate terrorism (although some interviewees suggested that coercive control might arguably be more harmful in some cases than physical violence) – an abuser who never exerts control over their victim can still end up

killing them, and an abuser with a history of controlling a partner but no history of more chaotic offending might also be better-equipped to exert the self-control required to sustain any (genuine) change in mindset after release. However, the presence of control in previous offending is significant because it makes the offender manager's role fundamentally harder, and in many cases impossible.

Parole board members are not wrong when they say that "the pattern of offending matters": a higher frequency of offences is more concerning to them, all other things being equal, but the nature of offending along the lines of Johnson's SCV/IT distinction is more prominent as a predictor of the parole decision. Regardless of whether the board consider a perpetrator of situational couple violence less dangerous than a perpetrator of intimate terrorism, they consider their risk more manageable by an offender manager in the community, making the risk management plan (the last 'hook' in the decision-making system) more effective and more reassuring.

7.4.5. Summary

In the previous section, 7.3, I discussed how the board reaches a decision on whether the offender has lowered their risk and, if not, whether that risk is manageable. In that section, I explored one aspect of that process – namely, how the nature of a prisoner's past offending interacts with the risk management plan to produce an idea of risk manageability.

Section 7.3 argued that an offender's 'pattern of offending' was a significant aspect of the decision-making system, despite the apparent lack of association between most aspects of offending history and the parole decision. The significance comes in the interaction between the 'nature' of offending (whether the abuse involved an element of control over the victim) and the consequent ability of the probation service to manage the future risk suggested by offending of that nature.

Parole boards recognise the difference between assessing a repeated but well-worn pattern of violent and chaotic behaviour and assessing secretive and calculated abuse involving control over a partner. They are more confident in releasing chaotic

offenders who have not sought to control a partner, not because they regard these perpetrators of ‘situational couple violence’ as inherently lower risk of reoffending than perpetrators of ‘intimate terrorism’, but because their risk is easier to manage, and the board are therefore more likely to be satisfied that the risk management plan will prevent serious harm to the public. While the risk management plan represents the final ‘hook’ within the decision-making system – the concrete focal point that the board can use to frame their release decision – it should be seen not as a standalone variable, but as an interaction between the nature of the past abuse (and therefore the nature of the future risk) and the manageability of that risk. In the next section I summarise and visualise the overall decision-making system.

7.5. The decision as a complex system

The findings above, taken together, have shown that the parole decision cannot simply be understood in terms of the actions of agents, or the impact of structures, or even the interactions between the two (although these are important), but also in terms of the complex adaptive system that creates emergent outcomes, which could not be predicted from isolated analyses of the agents or structures involved.

The parole decision as a complex system can be illustrated as follows:

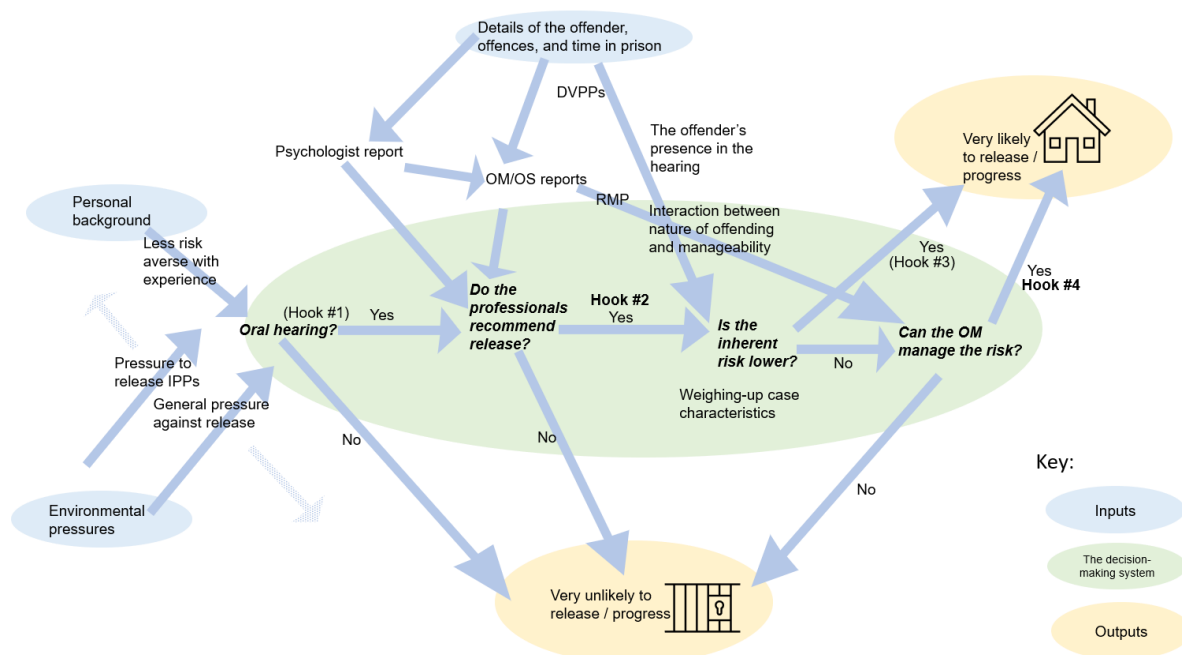


Figure 18: The parole as a complex system (repeated)

This model is necessarily a huge simplification of what are highly nuanced and often nonlinear relationships. It may not apply to every parole decision involving domestic violence. However, it is a useful way to visualise a complex process.

The system includes the following key components:

- 1) The starting point (7.1) including the following inputs:
 - a. The parole board members' personal backgrounds, which frame how they view the parole decision-making process. Interviewees consistently felt that newer members are more risk-averse, partly influenced by pressures to reduce institutional as well as societal risk (Rothstein et al., 2006), and potentially affected by the bureaucratisation of the service (King, 2018).
 - b. Environmental and institutional pressures: these are mostly risk-averse (for example, societal pressure not to release violent offenders. However, there is also an institutional recognition that Imprisonment for Public Protection (IPP) sentences are legally and morally problematic, so there is some implicit pressure towards release in these cases.

This background results in a broadly risk-averse starting position for the decision-maker, leaving them open to releasing a prisoner but looking for a clear 'hook' to help them justify doing so.

The first and weakest of these 'hooks' is the fact of an oral hearing itself: members are generally uneasy about releasing a prisoner 'on-the-papers' without either the opportunity to talk to the offender in-person or the reassurance of being able to interrogate witnesses. This aspect of the system may be more significant in terms of the impact of in-person points of reference (the presence of the prisoner, and additional members on the board) which it would be interesting to test with a more detailed dataset.

- 2) The gatekeepers (7.2), including the following inputs:
 - a. Case information mediated by:
 - i. The psychologist's report
 - ii. The offender manager (OM)'s report
 - iii. The offender supervisor (OS)'s report

The second, and most significant 'hook' is a positive recommendation for release or progression by these three professionals, particularly the psychologist, whose report also influences the OM and OS. Without a recommendation in favour, it is almost certain that the parole application will be rejected.

3) The weighing-up process (7.3) – the part of the process of which parole board members are most consciously aware - includes:

- a. The board's evaluation of the offender's 'institutional behaviour', and especially the complex role of Domestic Violence Perpetrator Programmes (which can be understood using signalling theory) as a significant factor, not because parole boards were confident in their effectiveness, but because failure to complete a programme raised concerns, and because of the programme's role as another 'hook' supporting release.
- b. The importance to the board of the offender not only 'jumping through hoops' but demonstrating internal protectiveness against offending, particularly insight and openness about their offending and mindset.
- c. The significance of external protectiveness against offending, through formal and informal structures around the prisoner upon release.
- d. The interaction between the nature of offending and the manageability of the risk (7.4), whereby an effective risk management plan becomes the final 'hook' to support release. Parole boards were more confident in the manageability of the risk, and therefore the effectiveness of the plan, if their offending was more chaotic and less controlling in nature.

4) The 'outputs':

- a. A decision to release a prisoner or progress them to open conditions.
- b. A decision to reject their application for parole

I have kept the diagram two-dimensional for clarity: a more comprehensive diagram would incorporate more of the non-linearity of the system. These include:

- the feedback loops between the parole board members' decision-making (within the oval of the decision-making system) and the professional witnesses once the report-writers start giving evidence in the oral hearing.
- how the offender's presentation at the hearing affects the board's impression of how they have learned from their perpetrator programmes.

The key findings of this research are:

- 1) That the recommendations of professionals at the parole hearing (particularly the psychologist) do not determine the result but act as an effective 'veto' on release: a positive recommendation is an insufficient but necessary 'hook' on which the parole board can hang a release decision for perpetrators of domestic violence.
- 2) That the offender manager's risk management plan, and to some extent the prisoner's attendance on a domestic violence perpetrator programme can act as further hooks to consolidate a release decision.
- 3) That the significance of the risk management plan is bound-up with the parole board's evaluation of the *nature* (rather than just the frequency) of a prisoner's offences – they are more likely to release a chaotic offender than a controlling one, not because their reoffending risk is lower but because it is inherently easier to manage.

These findings are important because:

- a) They provide an insight for outsiders into the parole board's rationale for releasing perpetrators of domestic violence. It may be particularly reassuring to victims of domestic violence and their families that the parole board seems to disregard the role of alcohol (which increases the risk of reoffending for crimes overall, but not for domestic violence that involves the calculated use of power, control and intimidation, or 'intimate terrorism'), and that they are not convinced by the offender 'jumping through hoops': institutional behaviour and attending courses is far more significant to their decision-making when

offenders display insight and remorse. The findings also suggest that parole board members place significant weight on domestic violence that involves intimate terrorism and regard the risk of this kind of reoffending as harder to manage than more chaotic offending.

- b) They challenge parole board members' own understandings of how they make decisions. Specifically, they demonstrate a far greater relative emphasis on eligibility and institutional factors (the nature of the hearing and the sentence; the recommendations of professionals) compared to case-specific variables (the offending history; behaviour in prison), than they believe is the case. This highlights the role in subconscious thought processes even among elite and highly reflexive professionals.
- c) They pose questions to policymakers about the structure of the hearing. If parole board members are more likely to release a prisoner if they are on a three-person board (a more tentative finding, but consistent with the evidence so far), then reducing panels to two- or one-person parole boards is a false economy *if* it results in prisoners spending longer in prison unnecessarily. Likewise, since parole boards are almost certain to reject an application for parole when the professional witnesses are unanimously opposed (or if the psychologist is opposed to release), these hearings might arguably offer 'false hope' to an offender.
- d) They highlight the need for further research in several areas (listed in 8.7) but particularly into the way psychologists reach their recommendation to parole boards (given the disproportionate weight seemingly placed on their view), and into the effectiveness of domestic violence perpetrator programmes as a means of reducing reoffending (given the tendency for parole boards to use these as one 'hook' to justify a marginal release decision).

I have discussed the implications in more depth in chapter 8. In the next section I reflect on the research process and the nuances involved in the data-gathering and analysis.

7.6. Reflections on the research

I have described my reflections on the research in two stages: reflections on the data-gathering (7.6.1. to 7.6.3.) and reflections on the data analysis (7.6.4. to 7.6.7.). These involve the dilemmas and points of interest that emerged in the course of the research, outside of the findings and outside the scope of ‘strengths and limitations’ which I discuss later in 7.7.

Reflections on data-gathering

7.6.1. Accessing the data

While I had experience conducting research, and accessing file data, this project was new to me in many ways: I had never devoted myself to a single piece of research full-time, or for such a long time. I had also never carried out research as a complete ‘outsider’ neither working inside the parole board, nor having open access to their data, nor having direct experience of working in parole hearings. I had not fully appreciated the challenge of gaining access to information in these circumstances.

After gaining university ethics approval in October 2018, it took until May 2019 to secure agreement from the Parole Board Research Governance Group, and until November 2019 to gain physical access to decision letters to build my quantitative dataset. There is no criticism of the Board here: all those concerned are (almost by definition) extremely busy and a student request is likely to be far down the list of priorities – furthermore, as a novice researcher I could certainly have smoothed the process by ‘getting it right first time’ with my requests for permission, which I amended over the course of the seven months between application and acceptance. However, as a personal experience it was salutary, as I’d never previously spent more than three months on one project, let alone spent thirteen months just waiting to start one! I tried to make the best of my time in the interim, working on my literature review and methodology (while knowing my methods might have to change

subject to permissions), tying-up a previous career, teaching, and (from August 2019) starting work on my interviews with current parole board members.

I finally arrived in the Parole Board's offices in-person in November 2019 to start creating my dataset. I had a small room in their building, where I was kindly provided with one of their laptops with access to the data. I entered all information onto my own laptop, with no copying-and-pasting or electronic sending of information (this made the task slightly longer, but with the advantage of knowing that I could not accidentally acquire personally identifying information). I spent nine days in the office during November and December 2019, creating the dataset in chapter 6.1, which was enough time, working at a high intensity, to exhaust the sample provided. The Parole Board were unfortunately unable to provide any further data: the global pandemic from early 2020 left them unable to invite me to their offices for most of the rest of my PhD registration, and unable to devote time to my request. Eventually I had to accept (as acknowledged in the Limitations subchapter 7.7 below) that the quantitative dataset would be much smaller than hoped. I was disappointed to lose this momentum, having had nine days' access after thirteen months' requesting access, but again this was a useful learning experience on the nature of social research. It drew into sharp focus for me how much more practical it would be to conduct projects of this scale and nature as an insider researcher, despite the issues of positionality that created. Someone with existing access to data would still require ethical approval to use it for research purposes but would then have (as I had on previous research projects) a far smoother experience accessing the information.

7.6.2. The interviewing process

While conducting the first interviews, I reflected on how some interviewees tended to launch into 'tangents' not strictly related to the question at hand, but important, nonetheless. I considered the evidence on 'elite interviewees' (Harvey, 2011; Stephens, 2007) and the need to be authoritative and prevent them completely hijacking the interview, but what they provided (sometimes in a roundabout way with detours) was relevant and useful, and sometimes unexpected both in content and framing. While I could have done more to keep the interviewee 'on-script', had I done so I could have lost some valuable insights for analysis, and broken what proved to

be a productive train of thought. On reflection, this willingness to give the interviewee 'scope' to diverge (while bringing them back to the question eventually) demonstrated the value of the 'semi' in 'semi-structured' – the need to balance structure with flexibility (Adams, W., in Wholey et al., 2010).

7.6.3. Experiencing the subject matter

While systematically reviewing each case, I carried out necessary reflection on the impact on me as the researcher of working with real-life cases of what was often horrifying levels of abuse (Nikischer, 2018). I was not new to this field, having spent many years working with domestic abuse cases as a social worker and expert witness in the family and criminal courts, but while this gave me some familiarity and resilience around the subject matter, it also meant that the details were not abstract to me, having witnessed injuries and investigated abuse myself. I repeatedly acknowledged to myself during the data-gathering phase that I was dealing with shocking and graphic accounts to a degree of detail not generally found in media reports of the same cases. I recognised the need to take time away from the subject matter during this research, but at the same time the experience forced me to confront and appreciate the impact of the same reality on victims, on people working with the offender, and on the Parole Board members. I also acknowledged the challenge I had faced as a professional of walking a fine line: too little detachment and you risk being unable to function or make evidence-based decisions; too much detachment and you risk becoming desensitised to the horror and reality of the violence involved, reducing them (as I was literally doing in the process of creating a dataset) into discrete numerical categories under bland, generic terms – a danger I have highlighted previously (Dyke, 2019b).

Reflections on data sample and analysis

7.6.4. Excluding cases

From the 142 cases used for the dataset (see Quantitative Methods chapter), 138 involved a cisgender man convicted of offences against a cisgender woman. The other five cases were excluded, along with an additional case involving a psychiatric

institution, to leave a more homogenous sample of 137 male offenders who had abused women. The excluded cases were too small a group to make any meaningful findings about domestic violence in cases other than male-on-female violence. However, this early distinction is of some inherent value.

First, the gender discrepancy is striking. This is not, of course, a representative sample of all domestic violence in England and Wales, but it does represent the population of domestic abusers convicted of those offences who applied for parole during the timeframe in question – a snapshot of the contemporary prison population. That 96.5% of the relevant cases in this sample (which naturally represent the more severe subset of domestic violence cases in the community) are perpetrated by men against women is significant, if unsurprising (see Literature Review, chapter 2.2) and amounts to a notable comment on levels of more severe domestic violence, albeit not necessarily applicable to domestic violence overall and with caveats.

Second, all five of the exceptions represented clear-cut examples of the ‘Situational Couple Violence’ category in Johnson’s (2006) typology. Unfortunately, this dissertation cannot back up this statement with specific case details, since doing so for a tiny subset of unusual cases carries the foreseeable risk of identifying the individuals involved. Two cases involved a female perpetrator and male victim, one involved a male perpetrator and male victim, and two involved a non-cisgender perpetrator and/or victim. Nevertheless, the opinion of this author was that each exception to the male-on-female dynamic stood out as a ‘textbook’ example of Situational Couple Violence, where the deeply chaotic perpetrator appeared unable to exert any control over themselves, their victim, or anyone else.

In two of these cases (and one male-on-female case, also excluded) the offender was in secure psychiatric care – the small number of cases in this category of prison were also excluded from the sample since the mechanism of the decision-making was significantly different: parole boards were principally concerned with the offender’s psychiatric state and future care and medication needs. While prisoners in the general population also had a wide range of mental health diagnoses which were

a relevant consideration in their decision letters, there was a noticeable difference in the conduct and focus of the hearing.

7.6.5. Dataset size

I would have preferred to use a much larger dataset, extending the period back a few years before 2018, or even (later in the PhD) cases after September 2019 and into 2020. A larger dataset would have allowed greater confidence in the significance of my findings, reducing the likelihood that any association I identified arose simply by chance. The relatively small sample size prevented me from building-up a mixed model in my quantitative analysis, which would have allowed me to better extricate the influence of one variable from another. A dataset that might produce a statistically significant relationship between two variables A and B might then fail to produce any significant relationships when controlling for another variable C, not because the relationship does not exist but because every time the sample is effectively 'split' (testing the relationships between A and B both in a set with C present and another set with C absent) the sample gets smaller.

This is less of a problem for a much larger initial dataset. With only 137 cases, and incomplete data on most of those, the numbers become too small for meaningful analysis after only a single subdivision in most cases. I had experienced the same challenge on a previous project using a much larger original dataset of almost a thousand cases (Dyke, 2019a) so knew this would significantly impair the scope of my findings.

As I have demonstrated in chapter 6.1., the dataset for this project still managed to produce significant and useful findings – I simply had to resist becoming too ambitious with the complexity of my analyses. Simple bivariate logistic regressions were still able to identify statistically significant associations, and the data was sufficient to identify latent classes for various combinations of variables.

Also, while the sample may be small for testing for statistical significance, it is comprehensive insofar as it represents an entire population within the given parameters: my sample is (allowing for errors and omissions in the filtering phase) the complete set of cases where a prisoner applied for parole between April 2018

and September 2019 (a period of 1.5 years) in England and Wales, having committed domestic abuse against a current or former partner. While this is a small set, I have not needed to calculate the extent to which my sample is representative of all cases within these parameters, since it contains all those cases. Of course, the sample is much less representative of the total prison population in England and Wales where the offender has perpetrated domestic violence: at a rough estimate, given that nearly 20,000 men are currently incarcerated for 'violence against the person' (Sturge, 2021) and between 16-19% of such offences are usually committed against a current or former partner (Flatley, 2017), there may be between 3,000 and 4,000 domestic abusers currently in prison. Having made this calculation at the start of my data-gathering, I was surprised to see so few cases that met the requirements for this study. My sample of 137 is therefore not representative of the overall domestic abuser prison population – according to Cochran's formulas for calculating sample size (Ahmad & Halim, 2017), 137 cases from a population of three to four thousand gives a margin of error between 7 and 9 per cent, above the 5 per cent margin of error that would ensure the sample fell within two standard deviations of the mean for a normal distribution of variable values (O'Brien & Yi, 2016) .

But this limitation applies only to the applicability of my research to the prison population of domestic abusers, *not* to the applicability of my research to the parole decisions made *about* those prisoners. In that respect, the extent to which my sample can be applied to parole decisions about domestic abusers in general is still limited, but by time (it covers an 18-month period) and geography (it covers only England and Wales).

7.6.6. Missing data

I have recognised an inevitable reduction of complex case information to conduct meaningful statistical analysis: the process of translating the complicated story of a prisoner's journey through prison (often across many years) into a simple variable with 'good', 'mixed' and 'poor' value options, does not capture that complexity. This is however a necessary simplification if we are to capture themes that go beyond any one case to make observations regarding parole decisions in general.

While I have tried to be transparent in how I have selected values for each variable for each case, there is a limit to this transparency due to the highly sensitive nature of the material: to justify my value selection for each case I would have to provide some case information. While I have provided general examples of what sort of case I have coded one way or another, I have not given any individual case details. In doing so I have weighed up methodological transparency and confidentiality and erred on the side of confidentiality.

There are some variables I had hoped to include but was unable to, since they were rarely if ever referenced in the decision letter – I could of course have sought the full dossiers to obtain this information, but as discussed above I had decided not to do so owing to limited resources. The key variables I had sought but was unable to use were: offender’s ethnicity; socioeconomic status; geographical region within England and Wales; and whether the offender had, or had care of, children under 18 (there were occasional references to children but not systematically so). The former is unfortunate, since apart from Huebner & Bynum's (2008) study on the impact of race on parole (which concluded that race and ethnicity were not factors affecting release) there is minimal research on this topic.

I would like to have known the backgrounds of the parole board members for each case in the quantitative study, but this data was not available in the decision letters – the decision letters explicitly stated how many members were on the panel, and whether any of them had a judicial or psychological background, but not age, gender or specific background otherwise. To obtain this information I would have needed yet another source (since it would not even be in the dossier provided to the board).

7.6.7. Avoiding confounds and artefacts

In discussing my findings in sections 7.1 to 7.5 above, I have been mindful of two threats to the

Confounds and artefacts

As Reiss and Judd (2000) outline, confounds and artefacts both constitute errors in data analysis, from opposite perspectives:

A **confounding** variable is one that should be held constant but ends up varying during the study.

An **artefact** involves a variable that should be allowed to vary, but ends up staying constant.

validity of my results (Reis & Judd, 2000): confounding variables; and artefacts (see box).

Confounds

The most obvious potential for confounding variables (and one I have recognised in the Limitations, 7.7 below) affects the relationship between professional recommendations and parole decisions, which is the strongest association in the quantitative element of this study.

In this association, the confounding variables are any of those that vary the inherent perceived risk posed by the offender, and the perceived manageability of that risk. Intuitively, a prisoner showing other indicators of high reoffending risk would affect both the 'independent' variable (the professional recommendation) and the dependent variable (the parole board's decision): faced with an unremorseful and highly dangerous prisoner, a psychologist and parole board might both conclude (even if they had no sight of each other's recommendations) that he should not be released. A strong relationship between professional recommendation and parole decision should therefore be treated cautiously. Nevertheless, as discussed above in 7.2, the strength of the relationship is notable even when taken these confounding variables into account – the quantitative study also analysed a wide range of other variables, and no single variable or combination of variables predicted the parole decision anywhere near as strongly as the professional recommendation.

These confounding variables affect other relationships as well (again, I have recognised these dynamics in each section). None of the sample were released without having an oral hearing, but (as discussed in 7.1) this is not just a matter of the parole board chair being unwilling to release 'on-the-papers': the fact that no one has put the prisoner forward for an oral hearing strongly suggests that his prospects of release were limited, based on the facts of the case (Hadfield & Measham, 2009). There is still a relevant discussion to be had about the impact on the parole board member(s) of having the offender present and having other members to discuss the case with; however, I have avoided over-claiming the significance of this relationship.

The issue of confounding variables is common in qualitative or mixed-methods studies of social sciences in general and criminal justice in particular (Schulenberg, 2007) and could theoretically be addressed through building-up a mixed model regression analysis (Gunasekara et al., 2014) which holds the confounding variables constant in order to more accurately test the relationship between the variables under analysis. However, as discussed in 7.6.6. above and 7.7. below, my quantitative dataset was much too small to allow such thorough analysis: stratifying the data into different subsets with different values for one variable would immediately produce very small numbers for the key analysis between cases where the confounding variable was of similar value, substantially reducing the statistical significance of the results.

Artefacts

The most common aspect of the research which stays constant, despite being unrelated to the purported findings, is the researcher themselves (Campbell & Stanley, 2015), hence the importance of reflexivity and understanding positionality in the research, discussed in more detail in the Methodology chapter.

Reflecting on the qualitative element of this research, much of the methodology and discussion has explored different perspectives and (in 7.7. below) limitations of the study, in the context of the risk of producing artefacts. This could occur due to the nature of the interview setting: the interviewee knows the aim of my research and the structure of the questionnaire, both of which frame the discussion. This risk cannot be removed entirely, although (again, as laid out in more depth throughout the Methodology and Methods chapters) I have taken care to link my questionnaire and analysis to existing themes in the literature and to themes emerging from the quantitative element, so that while the interview is still 'framed' it is at least influenced by perspectives other than my own.

In the quantitative study, the risk of artefact-creation comes from a different direction: instead of my own influence and framing of the data (though this is an issue I have addressed in the Methods and Results sections regarding my analysis), the decision letter itself provides its own narrative structure and a framework for understanding

the case, which influences my subsequent analysis and discussion. Reflecting on the overall study, much of the rigour in my research design has aimed to prevent these *a priori* templates for structuring the decision process from dictating how I construct the decision as a complex system.

As for the risk of confounding, my research design and resources cannot use the most common method for addressing the problem of artefacts in findings – using a form of longitudinal study that examines the decision-making process over a period of time, before and after my involvement in the research (Marsh & Hau, 2002) for the quantitative component, or observes the data using a pre-test/post-test model (Dugard & Todman, 1995) which would have increased the scale of the data-gathering phase (even without pandemic-related restrictions) many times over.

These considerations are one reason why I have been cautious of dismissing some of the results which showed insignificant statistical relationships with the parole decision for several variables, especially where those variables were highlighted as significant in previous research. In those cases (discussed in the Results chapter as well as 7.1 to 7.5 above) I have not made claims for the relationships, since I have not established a statistical connection, but I have not offered these results as evidence against a relationship – despite conducting sensitivity analyses (discussed in 5.1.2 and included in Appendix 8), there is still some scope for creating artefacts in the data through my own construction and interpretation of the variables, and through the construction of the decision letters in the first place.

In the next section I will evaluate this research and summarise its strengths and limitations, while offering mitigations for those limitations.

7.7. Strengths and Limitations of this research

This section highlights the main strengths of the research (7.7.1), recognises its limitations and how they are mitigated (7.7.2.), and summarizing what this means for the impact of the research overall (7.7.3.)

7.7.1. Strengths of this research

- This study builds on previous mixed methods parole research by Bradford & Cowell (2012) in applying quantitative and qualitative approaches to explore how parole boards construct their decisions. The novelties of this study are:
 - o The focus on perpetrators of domestic violence
 - o The use of decision letters to allow a larger dataset than would otherwise be possible, and
 - o The development, from the initial findings, of a complex adaptive system model to describe the decision-making process (7.5 above).

- The study made valuable use of valuable primary data. It reached theme saturation in the qualitative interviews, finding (consistently with previous research) that 20 interviews with parole board members was sufficient for a thematic analysis. The quantitative sample was sufficient to make statistically significant bivariate findings and form strong latent classes in some analyses.

- The study provides an applied example of the overlaps between decision-making theory and heuristics on the one hand, and the criminal justice process of England and Wales in the other. The specific context – parole decision-making – is always significant to public safety, always complex, and often a subject of intense public interest.

- The study makes significant findings, about the critical impact of professional recommendations on the parole board's decision, about the interaction between the nature of offending (providing an application of Johnson's typology in practice) and the risk management plan, and about the significance of various institutional and case-specific variables.

- I achieved data saturation through conducting 20 interviews, having previously ascertained (see Methods, 5.2.5.) that 16-24 interviews are likely to achieve theme saturation. This is not an argument for complacency – reaching saturation is not the same as achieving full understanding of every

theme (J. Green & Thorogood, 2018) – but I was encouraged by the fact that, as I conducted the final 5 interviews, no new themes emerged.

7.7.2. Limitations of this research, and their mitigations

- a) The quantitative data is derived from snapshots in time, only capturing the whole decision after it has been made, rather than identifying the dynamic nature of the process and how parole board members' minds change over time: it is not possible to determine whether the letter-writer's view of these four variables is entirely *a priori* relative to their decision. In other words: at face value it appears that the parole board have been impressed by various factors, prior to reaching a decision; but it is also possible that, while writing the letter after reaching the decision, the writer might frame these factors more positively.

Mitigation: While the 'snapshot' nature of the quantitative study limits, to some extent, how much I can infer about causal directions within the complex system of the decision, this would be the case even for a much more in-depth study following individual cases through from start to finish. This is because changes in a decision-maker's thought process may be unknown to any observer (if unarticulated) or even to the decision-maker themselves (if unconscious), so even a much more comprehensive methodology may not have shed more light on this. This is where the qualitative aspect of the research is an advantage, since the interviewees were able to describe their (conscious) thought processes and how they perceived their mind changing over time. Although I could not test their descriptions quantitatively, this still provided a useful perspective. This ambiguity does not exist for most of the other factors which are defined externally to the letter-writer's thought process (i.e. whether the prisoner is in an open prison, or the nature of their offence, or whether they have completed a perpetrator programme).

- b) The systems model in 7.5. describes the interconnecting relationships within and around the decision-making process, but this research does not investigate all of them. The most important of these relationships is probably

the link between case information and how the psychologist reaches their recommendation, since this research has identified the significance of that recommendation. Consequently the psychologist's recommendation represents something of a 'black box' in this dissertation.

Mitigation: While it would be useful to know how the psychologist reaches their recommendation – and whether their own thought process resembles that of the parole board member – this is arguably less of a 'limitation' and more an area for further study. There is already a considerable literature on how psychologists use formal risk assessment tools to develop a profile of risk (Bowers & Friendship, 2017; Hanson, 2009; Polaschek et al., 2016) although a useful area for future research might be a mixed-methods study along similar lines to this study: drawing on decision-making theory to compare psychologists' conscious thought processes with the actual associations between case characteristics and their recommendations. With this context, my research could be re-framed: rather than a study that leaves a gap (the question of how psychologists come to their own view), it could instead be seen as a study that frames the parole decision-making system, investigates part of it, and provides a model for investigating the remaining parts.

- c) The quantitative data could have been more comprehensive. The use of a decision letter rather than the full dossier limits the level of detail available when coding characteristics of the decisions analysed for this dissertation. This study therefore omits any analysis of prisoner ethnicity, socioeconomic status, number and age of children (although these variables are sporadically referenced in decision letters). The study is also unable to quantitatively test interviewees' claim that less-experienced parole board members are less likely to release: there is some information on the composition of the board in the decision letters (whether the board contained a judicial or psychologist member) but lacks this detailed information on the people making the decision. Finally, due to the restrictions imposed in March 2020 during this research, I was unable to increase my sample size beyond the cases already obtained by that point. I had initially hoped to use several hundred decision letters in my quantitative study, which might have allowed a more multivariate

analysis that controlled for different factors in each regression. A larger sample might also have returned significant results for some of the associations which fell just below the statistical significance threshold in this case.

Mitigation: While the decision letter is a less comprehensive unit of analysis than the case dossier, this study nevertheless demonstrated to parole researchers that analysis of the decision letters still allows statistically significant findings, even from a smaller-than-planned sample. This study demonstrates the potential for this methodology and how it might be applied wholesale to a larger dataset in future research. It also demonstrates how despite limited resources (a sole researcher) and unexpected barriers to data-gathering in 2020, it is still possible to trade-off depth with breadth and still obtain meaningful results.

- d) While the thematic interviews were double- or triple-coded for reliability, the quantitative codes were only entered by one researcher. The study therefore asks the reader to accept a certain amount 'on trust', especially where the variables involve substantial personal judgement: for example, where I have coded cases 'situational couple violence' or 'intimate terrorism', or where I have graded institutional behaviour 'good', 'mixed' or 'poor', etc. This was unavoidable due to the sensitivity of the data which meant restricted access and meant that I avoided detailed descriptions of real cases to protect the identities of those involved – however, this renders the quantitative data more subjective and less accountable than might otherwise have been the case.

Mitigation: While the secretive quantitative coding makes the study less transparent in some respects, this is mitigated by the fact that:

- i. Many of the 'subjective' variables were subjective insofar as they represented the decision-letter-writer's evaluation of case characteristics, rather than subjective in that they represented the author's appraisal. Since I am studying how the parole board constructs decisions based on the facts as they perceive them, this is

less of a limitation than if I were giving my own judgement on whether – for example – the ‘imminence of risk’ was high, medium or low.

- ii. For the variables where I used my own judgement, such as the nature of the offences (using Johnson’s typology) I was aided by the remarkable straightforwardness of most cases in distinguishing between situational couple violence and intimate terrorism. Indeed, if I were permitted to provide specific case details, this could have led to a tangential project testing the validity of Johnson’s model as a means of differentiating domestic violence cases, such was the starkness of this distinction in all but a handful of cases (which I excluded from the analysis wherever I felt there was room for interpretation).
- e) I have made decisions (which I could easily have made differently) on how to delineate values for certain variables. The most significant of these is the definition of the binary variable that defines the parole decision: whether to release-or-progress-to-open-conditions, or to deny any release or progression. This treats a decision to progress to open conditions the same as a release for analytical purposes, which might not capture the dynamics of the hearing: for example, a prisoner might have been very confident of progression but hoping for release, and most of the hearing came down to a discussion of his application to release, so the decision to progress him to open conditions would really count as a failed parole application when my analysis would treat it as a success.

Mitigation: While my treatment of the smaller number of ‘progression’ decisions as a subset of release decisions is arguably arbitrary, it has not affected the results. First, my reading of the decision letters was that in most cases the prisoners progressed to open conditions were applying for this, so a progression counted as a ‘successful’ application from their perspective. Second, I have conducted a sensitivity analysis by repeating the entire set of logistic regressions and cross-tabulations for the dataset when excluding those cases where the prisoner was progressed to open conditions (see Appendix 8). This did not change the results in terms of which variables had a statistically significant or insignificant relationship with the decision. The same

applied to other discretionary choices where I grouped a middle category either side of the binary divide: switching the middle category to the opposite side still produced a significant (or insignificant) relationship for each relevant variable.

- f) My interviews discussed domestic violence cases, while my quantitative analysis ended up focusing solely on domestic violence perpetrated by men against women. The interviews suffer some limitations inherent to thematic analysis: it is hard for me to make clear claims about the language interviewees use (Braun & Clarke, 2013); and there is often a risk of “incoherence or inconsistency” when interpreting the raw data (Holloway & Todres, 2003).

Mitigation: While the quantitative element is formally more specific than the qualitative, since it analyses parole decisions about domestic violence *perpetrated by men against women*, and I had not restricted the focus in this way while doing the interviews, it is notable that every interviewee’s transcript refers to domestic violence perpetrators as ‘he’ – only rarely do interviewees even refer to female perpetrators (and then only in reference to it being vanishingly rare). I am therefore confident, based on the respective frequencies of gendered offending in the quantitative sample, that my interviewees’ experience of domestic violence cases was overwhelmingly if not entirely of male-on-female abuse. I clarified some terms at the start (e.g. “a domestic violence case” meant that the offender had committed an offence against a current or former intimate partner resulting in either the index conviction or a reason for recall) and adjusted some of my own terminology (e.g. the project initially used the term ‘intimate partner violence’ but – as discussed in the Literature Review – I noted that every interviewee referred to ‘domestic violence’ so reflected this in the dissertation). I have double-coded transcripts alongside my supervisors (who have different research and professional backgrounds, and different underlying assumptions) to test and improve the consistency of terminology and themes.

- g) The interviews also have some specific limitations: the volunteers are, by definition, those who are willing and able to assist with a research study, so cannot necessarily be regarded as a perfectly representative sample of parole board members (for example, an interest in academic research might indicate a greater interest in a particular theme, or a greater exposure to research findings). Like all interviewers, I had to walk a fine line: too little structure or direction and the interview would lack coherence or relevance; too much and I risk imposing my own voice on the data.

Mitigation: The interviewees, while volunteers, nevertheless broadly represented the composition of professional backgrounds within the current Parole Board of England and Wales (though slightly over-representing probation officers at the expense of judges), and while I still had to walk that 'line' between too much and too little structure, this was made easier by the elite backgrounds of the interviewees: they could reasonably be expected, more so than members of the general public, to focus on the topic in hand (so even their more extraneous 'tangents' arced back to the question) and to assert themselves and 'know their own mind' in a conversation (so I was less concerned, but still mindful, about the risk of 'leading' their answers).

- h) One aspect of the research will become unavoidably less relevant over time since the Imprisonment for Public Protection (IPP) sentences have not been issued since 2012. An identical study would expect to find fewer prisoners serving such sentences with each passing year.

Mitigation: The somewhat distorting effect of the Imprisonment for Public Protection (IPP) sentences, and the implied pressure to release prisoners serving them, ultimately represents an opportunity for future researchers to replicate the study and note the difference made by the phasing-out of these sentences. Any such study would still be able to distinguish life sentences from fixed-term sentences, without the presence of IPP sentences confounding the comparison.

7.7.3. What this means for the applicability of this research

This study could have been improved, mainly through a larger sample of decision letters covering a longer period. A larger sample would have allowed more sophisticated quantitative analysis controlling for known significant factors to test more subtle associations between other variables and the release decision. The sensitive nature of the primary data also necessitates less transparency about my coding than I would have liked. I have comprehensively listed the apparent limitations of the study in 7.6.2 above, and in 7.6.3 I have either mitigated those limitations or demonstrated why they have minimal effect on the applicability of this research.

The main limitations of this research are ones of scale. Far from undermining the study's applicability, the study can therefore be seen as a coherent small-scale piece of research which demonstrates a novel but systematic approach to analysing parole decisions. This approach could easily be 'scaled-up' to cover a longer period or a wider range of cases, developing the same methodology to include multivariate analyses. This has applicability beyond parole decisions: a similar systems approach that incorporates quantitative analyses to explore statistical associations alongside qualitative analyses to understand why, and how, those associations exist, and which merges these analyses into a complex adaptive system of the decision-making process, has applications in many fields of decision-making, in criminal justice and beyond.

But the applicability of this research lies not only in its methodology. While the relatively small scale of the study limits the scope of its findings, I have still obtained significant findings which are very unlikely to be coincidental. The systems model of the parole decision in 7.5 is supported by both the qualitative and quantitative primary data. This model provides support for the sequential and institutional emphasis proposed in the 'new parole' model of the 1990s, when applied to domestic violence cases in England and Wales. While it does not test the concept of Johnson's typology of domestic violence directly, this research showed how the type of domestic violence, more than the frequency, affects how parole boards construct a concept of risk manageability.

This research also reminds us of the difference between conscious and unconscious influences on decision-making, especially when mediated by ‘risk colonisation’ theory and the need to reduce organisational as well as societal harm. Parole board members are not in awe of the psychologist and approach their recommendations with respectful scepticism, and they demonstrate little confidence that attending a domestic violence perpetrator programme will change an offender’s behaviour – and yet the psychologist’s report is a strong driver of the ultimate decision, and attendance on a perpetrator programme (or rather, not failing to attend one, which is where the significance lies) also influences the outcome. Both factors act as useful hooks on which to hang a decision to release, which the board might have reached in a wider evaluation of the case characteristics. The board is more conscious of the significance of the risk management plan and the difference between level and manageability of risk, but the nuanced difference between a ‘pattern’ of offending (which every interviewee highlighted as a major factor affecting their decision) and the ‘nature’ of that offending, may be of interest to parole board members reflecting on their decision-making.

Next, in chapter 8, I explore these implications for policy and practice in more detail, exploring how this study can be used by practitioners and future researchers.

8. Implications of this Research

8.0. Introduction

The previous chapter, Discussion, summarised the key findings of this dissertation and how they answered the research questions. The chapter showed how those findings contributed to a model of the parole decision as a complex system.

This chapter answers a further question: “So What?”. It outlines the significance of those research findings for various audiences. I have addressed implications for the following readers:

- Academic researchers (studying social sciences generally)
- Academic researchers (studying parole board decisions, criminology, decision-making, or a similar field)
- Academic researchers (studying domestic violence)
- Researchers-in-practice (in various fields that involve risk-based decisions)
- Parole Board members
- Professionals contributing to parole hearings
- People who have suffered the effects of domestic violence

8.1. This research provides insights for those outside the parole process into why an abuser has been released

8.1.1. How the parole board has decided to release an offender

This research helps shed a light into an often-misunderstood process, thus helping to inform people with an interest in the outcome of a parole hearing who are not directly involved in the process. This includes women whose partners have abused them (or one of their loved ones) and subsequently been jailed. People will understandably want to know how a parole board reaches a decision to release an abuser from prison, and what influences that decision. This dissertation fills a gap in the research, as the first study to explore decision-making specifically around

domestic violence perpetrators, and the first to construct the decision using a systems approach (discussed more in 8.8.)

While my findings will not necessarily apply to every case, it might be helpful for anyone whose abuser has been released (or is approaching a parole hearing), what makes the difference.

In summary:

- The board will start the hearing open-minded but initially averse to a release, although if the abuser is subject to a life or imprisonment for public protection (IPP) sentence then this will offset that aversion to some extent. While boards feel a general pressure not to release prisoners, they also feel some pressure to release prisoners 'stuck' on IPP sentences.
- The abuser must first convince the psychologist (if one has been commissioned), the offender supervisor (who has known him during his time in prison) and the offender manager (who will be supervising him after release) of his suitability to be released. If these professionals oppose release, there is a very low likelihood that he will be released.
- The board are not just looking for evidence that the abuser has 'ticked the boxes'. It is not enough (though it is important) that an abuser attends programmes, behaves well in custody, and works well with professionals – the board are unlikely to release him if he has done all these things but still shows a lack of insight or honesty about his crimes. Boards are not convinced by prisoners who attend a course, although they will be even less impressed if he refuses to attend.
- Parole board members will often release an abuser who still poses a risk of harm – indeed, they rarely consider a released prisoner a 'low' risk of reoffending. In most cases their evaluation is not that the prisoner is low risk but that his risk is manageable. A key finding from my research is that this 'manageability' is closely linked to the abuser's original offences: they would

be less likely to release a prisoner who controlled and dominated his partner, especially if he did so in secret, than someone who is more chaotic and did not exert control, even if the latter was just as violent and dangerous. Even if they had a long-standing 'pattern' of abuse, a pattern is more manageable than someone whose abuse was hidden and unpredictable.

8.1.2. What this means for people outside the parole process

This matters for people's subsequent actions. I do not extend this to victims of domestic abuse and their families – I do not believe it is ever a victim's responsibility to stop a violent man abusing them, and I am careful to avoid framing it that way. Responsibility for preventing further harm rests on the offenders themselves and those charged with managing their risk. The key implication here is that the parole board's decision to release an offender should not be read as a verdict that he is now "safe" – instead, it simply means that the board believes the risk he poses can be managed in the community. This means that:

- a) Victims and their families should not treat a release decision as a sign that the parole board have necessarily been 'tricked' by the perpetrator (although that can never be ruled out) – in most cases they are far from convinced that the offender is a low risk, but instead are more confident that they can be managed by the probation service and, if necessary, recalled to prison when they display warning signs of potential reoffending.
- b) Professionals who become aware of an offender being released should see the risk not just in terms of the offender themselves but in terms of the capacity of professionals to manage them – the fact that the offender has been released should not prompt a relaxed approach (treating the parole board's decision as a 'vote of confidence' in the offender being genuinely reformed) but a more vigilant one (recognising the role that the board expect the community to play in managing the offender). Probation officers are already surely aware of this responsibility, but other professionals who have contact with released offenders may be less clear as to why they have been released.

- c) Media organisations reporting on a parole board's decision need to engage with the decision on its own terms: newspapers often criticise a parole decision either because the offender does not 'deserve' to be released, or on the grounds that he still poses a risk of harm. Parole boards are required to decide whether continued imprisonment is necessary to protect the public, not justified as a punishment, so (rightly or wrongly) it is not their role to take a retributivist position. Likewise, reporting on a parole decision can often engage in the wrong argument, not recognising that it is the manageability of the risk, rather than the level of risk itself, that is key. Any critique of a parole board's decision to release an offender should instead focus on the merits of their view that he is 'manageable' not on the merits of a view (which the board may not even hold) that he is 'reformed' or that he 'deserves' to be released into the community.
- d) This research does not explore the effectiveness of any given measure for reducing reoffending – I had originally planned to test the effectiveness of domestic violence perpetrator programmes, but this would require a far greater level of resources than available to a sole junior researcher. This research does however explore themes identified in previous research on domestic violence, and how these influence a parole board's decision as to whether to release a perpetrator. These are therefore pertinent to researchers studying domestic violence more broadly, or even to researchers studying violent offences more generally. At the time of writing, there is increasing interest in the emerging theme of linking terrorist attacks with a prior history of domestic violence (Pain, 2014; Smith, 2019).

8.2. The composition of the board might affect the outcome

As discussed in 7.1, the 'finding' of a link between the number and background of parole board members at a hearing, and the parole decision, is the weakest in this dissertation due to the lack of data available to test the intriguing theme emerging from the interviews (and not contradicted by the available quantitative data). And yet,

if supported by further research, it could have the most direct and quantifiable implications of all the findings in this study.

This is because, if a three-person panel is more likely to release an offender than a panel of one or two (when controlling for experience), this turns what seems a minor administrative allocation into a major variable affecting the outcome of the case. Prisoners' solicitors will presumably lobby for their clients' parole applications to be heard before a three-person panel of the most-experienced members available.

I am, of course, not drawing any conclusion as to the merits of any decision to release a prisoner– that would depend on an evaluation of the 'accuracy' of the parole board's judgements based on reoffending rates, which is beyond the scope of this research. However, using the proxy measures of a) the professional judgements of psychologists, offender supervisors and offender managers, and b) the parole board members' own personal reflections, in both cases the feeling of those involved is that the board is more likely to be risk-averse than risk-tolerant – they are much more likely to reject an application despite professional recommendations to release than vice-versa, and several interviewees have commented that they feel they have erred on the side of refusing rather than granting parole.

In either event, if the decision to allocate cases to a lone parole board member is made strictly as a cost-saving measure then it would certainly be counter-intuitive if my hypothesis is correct – while I cannot precisely quantify the cost of unnecessarily keeping a prisoner incarcerated for an additional six months, I am confident enough to suggest that it surely far exceeds the cost of paying one or two additional parole board members to hear a case.

The other part of the composition hypothesis – that less-experienced members are likely to be more risk-averse – is just as significant theoretically but is probably less significant in its implications for parole board policy. For obvious reasons the board cannot assign only its most experienced members to every case, and while this finding reinforces the importance of balancing board composition between more- and less-experienced members, my impression from the interviews is that this intuitive

idea is already well-established – in other words, newer parole board members are already likely to be paired with more experienced colleagues.

8.3. Parole boards have absorbed messages from domestic violence research

Parole board members have, consciously or unconsciously, absorbed messages from research around the nature of domestic violence. In at least two respects, decision-making for domestic violence cases differed accordingly from the findings of research into general parole decisions:

8.3.1. Parole acknowledgement of the ‘blame it on the drink’ fallacy

Parole boards consider drug and alcohol misuse a significant factor for crimes in general (Bradford & Cowell, 2012; Mooney & Daffern, 2014), based on the likelihood that an offender under the influence would lose their inhibitions or ‘instrumental compliance’ (Bottoms, 2001) and therefore be more likely to reoffend, given the role of impulsivity in predicting offending (Gottfredson & Hirschi, 1990b).

While substance misuse in some cases increases the risk of repeated domestic violence (Almond et al., 2017; Hirschel et al., 2009), parole board members in this study were wary of the idea that a reduction in substance abuse while in prison had any bearing on a *change* in the risk of reoffending, echoing the consistent message from domestic violence research that abuse could not be ‘blamed on the drink’ (Galvani, 2006; Lane & Knowles, 2000; Stanley, 2012).

This is a nuanced distinction, which overlaps with the distinction between situational couple violence and intimate terrorism (M. P. Johnson, 2006b), discussing in 8.2.2. below. While alcohol can never (and should never) be *blamed* for domestic violence, it is nevertheless *associated* with increased violence in some cases, namely where the abuser is impulsive, chaotic, and unlikely to exert any control (over their partner or over themselves). Such offenders require more change than simply becoming sober (if they abuse a partner when their inhibitions are lowered, they need to

address *why* they feel inclined or entitled to abuse them at all) but will be less likely to offend (towards partners or in general) if they can stay sober. However, abusers who exert control over a victim are a different matter entirely: if a controlling and coercive man becomes sober in prison, this might just mean that next time he abuses a partner, he stays alert rather than falling asleep drunk, allowing him to prevent her calling the police afterwards. In these cases, abuse is not associated with a lack of control but with an abundance of it. Parole board members in this study grasped this issue, articulating the distinction in the interviewees and showing in the decision letters no association between substance misuse and release decisions (where it was even discussed at all).

8.3.2. Developing the role of Johnson's typology

From the perspective of domestic violence research, the most interesting implication comes from the research on typologies of abuse. Building on the distinction between 'situational couple violence' and 'intimate terrorism', where the latter is far more gendered than the former (M. P. Johnson, 2006a), this research finds that parole boards are more likely to release perpetrators of offences that I had coded as 'situational couple violence' than perpetrators of offences I had coded as 'intimate terrorism'. This research does not have the scope to determine whether perpetrators of intimate terrorism are more dangerous in the community than perpetrators of situational couple violence – it simply concludes that the parole board are more likely to release this kind of offender.

What is particularly relevant is that this 'nature' of domestic violence was a stronger predictor of a release decision than other, more concrete distinctions such as whether the abuser killed or raped their victim, whether they had previous convictions for domestic violence and violence in general, and whether drugs and alcohol were a factor.

While previous research demonstrates the validity of this typology and its value as a predictor of reoffending, this study is (to my knowledge) the first to identify this distinction overlapping significantly with criminal justice decisions. None of the interviewees or decision-letter-writers explicitly referenced the distinction between

situational couple violence and intimate terrorism – this quantitative finding is based on my own coding of the cases. But while I initially identified this as a caveat or limitation to the study, this could also be interpreted as a triangulation of the validity of Johnson’s typology. In other words, this research has identified that even without reference to (or possibly even awareness of) his model, parole board members in England and Wales have come to their own conclusions based on their practice experience and other research on coercion and control. They have identified the distinction as important enough to result in a statistically significant difference in release decisions for situational couple violence and intimate terrorism cases. This represents a convergence between academic research identifying different ‘types’ of domestic violence and their significance, and front-line practice in criminal justice identifying the same distinction. This is encouraging for both the parole board and Johnson’s typology, and an indicator to future researchers of the potential value in studying the different mechanisms between situational couple violence and intimate terrorism, and the different risk profiles and risk management strategies for both.

This important theme also accounted for a what first looked like a contradiction in the findings: that parole board members highlighted the ‘pattern of offending’ as highly important to their decision-making, while the quantitative analysis found no significant association between the decision and any variables describing that ‘pattern’, *except* for the variable of Johnson’s typology. This was also an interesting finding for researchers studying decision-making: while parole board members as a category are more educated, experienced, and naturally reflective than the general population, there is nevertheless a subtle difference between their conscious and unconscious decision-making process. In the next section 8.3., I explore a similar but more substantial difference.

8.4. Professional recommendations have more influence than parole board members realise, and fulfil different roles

The stand-out finding of this research, detailed in 7.2, has significant implications for both research and practice around the use of professional reports in parole hearings and beyond.

8.4.1. Filling a gap in the research, by producing quantitative findings as to the significance of professional recommendations for the parole decision

Recommendations from the offender manager, offender supervisor and psychologist are by far the best predictors of whether the parole board releases a prisoner. This is consistent with previous research (Proctor, 1999) that emphasised 'eligibility factors' linked to process and professional recommendations over case-specific factors and the need for a 'sponsor' to recommend release (Meyer, 2001), and is applied here for the first time specifically to domestic violence cases.

The other important in which this finding fills a gap in research is in the way in which parole board members privilege agent-based, case-specific variables in their conscious thought processes about how the decision is shaped, rather than institutional, structural factors. This is significant: there is already well-established literature on the role of the unconscious mind in decision-making, and on the role of structures and agents in societal dynamics. This research provides a concrete example for researchers in social psychology and decision-making of how the structural influences are not only significant in decision, but also incorporated less consciously than other, more 'available' variables. I say 'less consciously' rather than 'unconsciously' since parole board members are fully aware of structural pressures, but may not appreciate how influential they are in their decisions.

8.4.2. The enhanced value of genuinely independent, authoritative decisions

This finding is important to anyone submitting reports to a parole hearing. Parole board members may have bemoaned the way a psychologist was 'placed on a pedestal' but they valued the contribution of each professional based not on their professional background but on their demonstrated professional competence and knowledge of the prisoner. Interviewees also highlighted the importance of a professional recommendation being genuinely autonomous, rather than derived from a previous report (usually the psychologist's). Parole boards valued a considered, independent view given by someone who had developed knowledge of a prisoner over an extended period, far more than a recommendation by a highly qualified

professional who had either minimal experience of the prisoner or had based their view on someone else's.

8.4.3. The effective 'veto power' of these recommendations

One of the most striking findings of this research is how rarely a parole board releases a prisoner in the face of opposition from the offender manager, offender supervisor and psychologist. The reverse is not always true: while the board usually follow a recommendation for release, they may take a more cautious view depending on other factors. But such is the strength of association between a recommendation against release and a decision not to release, that professional recommendations prior to the hearing amount to a *de facto* 'veto' against release since those recommendations make it much harder for the board to justify a release decision even if they disagree.

At face value, there is an incongruity between the strong association between offender manager, offender supervisor and (especially) psychologist recommendations, and the release decision on the one hand, and interviewees' nuanced and caveated views of these recommendations on the other. First reading of the interviews suggests that parole board members respect professionals' expertise but take them with a 'pinch of salt', often disagreeing with them – while the quantitative data finds that disagreement is much rarer than this suggests.

The prisoners' impression that they're not getting released unless the psychologist recommends it (Shingler & Needs, 2018) may be correct – if a prisoner walked into a hearing knowing that the offender manager, offender supervisor and/or psychologist(s) were against their release (and there were no dissenting professional views), they would face a negligible chance of release.

The basis for this strong association (especially when the recommendation is against release) reflects the fraught wider environment of the parole board's decisions, and their exposure to criticism for a decision perceived to be overly risk-tolerant. A parole board faced with professional recommendations opposed to release could disagree with these recommendations (just as they could – and do – when the

recommendation is for release), but they will be far more exposed to criticism if they decide to release a prisoner who later offends, when the key professional contributors had advised against it. This is an example where an evaluation of 'organisational' or 'institutional' risk (Rothstein et al., 2006) clashes with an evaluation of 'societal' risk due to a process of 'responsibilisation' in criminal justice (Hinds & Grabosky, 2010; Kemshall, 2002).

8.4.4. The purpose of the professional report

I have reflected on my own experience in this respect: I worked outside the parole board, but provided similar analyses of risk, and recommendations, for a court as an expert witness. While I always hoped that I provided a comprehensive, insightful analysis that transformed the court's understanding of a case, I was often anxious that my report added nothing substantive that wasn't already understood. This anxiety was probably justified, and yet this did not reduce the demand for my reports.

This research has placed my previous professional experience (and many others') in a different context. The primary purpose of a professional recommendation is to illuminate the decision-making process, thus indirectly reducing societal harm by improving the quality of the decision. However, it also has a secondary purpose: to provide a concrete justification for the decision-maker in reaching their decision, reducing organisational harm by reducing the decision-maker's exposure to criticism. In most cases, these purposes overlap, making the secondary purpose moot – after all, the decision-maker and report-writers have access to the same information and are both experienced in the same type of case, even if they have different specialisms.

This reflection presents another question for further research: is the same pattern repeated in other decision-making contexts, whereby a more risk-tolerant professional recommendation is a necessary but insufficient precondition for a more risk-tolerant decision?

8.5. Domestic Violence Perpetrator Programmes are for signalling, more than for growth

8.5.1. The role of the domestic violence perpetrator programme in the parole decision

Parole boards are more likely to release a prisoner who has successfully completed such a programme, but *not* because they necessarily believe the programme has any effect (indeed, many interviewees doubted the programmes' effectiveness). Instead, the programme acts as part of another 'hook' where a board is otherwise content that an offender has genuinely reduced their inherent risk, but they need something concrete on which to 'hang' this justification. More often, the significance of attending a perpetrator programme lies in relation to the absence of attending a programme – while a board may not be convinced that attendance reduces risk, they are understandably concerned that *failing* to attend a programme suggests a lower level of insight and a higher level of risk, making them less inclined to release.

8.5.2. Implications for the role of the domestic violence perpetrator programme

In 7.3.2. I framed the purpose of attending the programme in terms of signalling theory in economics. The board are not simply using the offender's attendance on a programme to 'cover their backs' but genuinely recognise the difference between prisoners who have attended a programme and those who have refused to do so. However, just as an employer values an applicant's academic degree more for what it represents about their underlying ability and corresponding incentives, likewise the parole board values attendance on the programme because of what it says about the offender's possible underlying motivations and ability to reflect. While this helps distinguish the group that I highlighted in the latent class analyses (see 6.1) as 'resistant' and most likely to reoffend (the group they are least likely to release), attendance on the programme does not distinguish between those displaying genuine change and those paying 'lip service' – a problem the board are aware of.

This has implications for students of signalling theory and social psychology, but also for policymakers in the Prison Service –as discussed in 7.3.2, the value of the perpetrator programme could currently be replicated simply by asking the offender whether they are willing to attend, without offering the programme itself. I am *not* suggesting this as a serious proposal – even if I am correct in this assumption, word would soon get around that the programme was non-existent, reducing the perceived cost of attending to ‘Resistant’ offenders and reducing the value of the exercise (i.e. people would volunteer for the programme despite having no intention of attending, knowing that they would not have to). However, this provides an important touchstone for policymakers and parole board members, if a key plank of their rehabilitative programme was ‘only’ a signalling exercise.

One thing would change this situation – sound, consistent research evidence demonstrating the effectiveness of the programmes offered. To this end, the ongoing studies into programme effectiveness by REPROVIDE, based at Bristol University (Morgan, 2019) are especially important – their use of a randomised control trial removes the problem identified above, where the prisoners who refuse to attend a programme are inherently higher-risk due to their refusal to even pretend to address their offending behaviour. Parole board members would surely place far more emphasis on the transformative potential of a perpetrator programme if they were satisfied that it was genuinely transformative (or at least likely to reduce the risk of reoffending, rather than just signal a lower risk). Likewise, the continued absence of persuasive evidence of these programmes’ effectiveness would require an altogether different approach that involved rethinking their use in prisoner rehabilitation.

8.5.3. Further implications for providers of professional reports and services

For these implications, and the implications in 8.3 above regarding professional reports, I have considered whether any ‘moral injury’ could be created by this research. Originally framed in terms of war veterans (Shay, 2014), this is the process whereby people in a position of authority in a high-stakes situation feel that their actions are a “betrayal of what is naturally right”, with consequences for their mental health. Similar effects have been identified among those who feel they witnessed or failed to prevent the same ‘betrayal’ (Litz et al., 2009). The same mechanism has

been noted in criminal justice among the police (Papazoglou & Chopko, 2017), and among other emergency services (Martin et al., 2017) and in education (Levinson, 2015). This has forced me to reflect on my own career choices and the reasons why I no longer work in the family courts, including the feeling that my own reports were not required for their own merits but for the role they played in providing decision-makers with ‘cover’ to make marginal judgements with high stakes.

I recognise the potential for moral injury among anyone providing a ‘service’ with ambiguous or insignificant outcomes, and have again reflected on where I, and my colleagues, have felt similarly redundant and counter-productive when being urged to recommend or provide a service when we had reason to doubt its effectiveness. However, this potential for ‘injury’ in providers of perpetrator programmes is not based on the limited weight that parole boards seem to place on the inherent value of the programme – it is based on the apparent lack of inherent value in the programme (according to current research evidence at the time of writing).

Likewise, I am confident that this research will not impact negatively on the skilled professionals who provide recommendations to the parole board. This research does not detract from the value of their contributions – quite the contrary, it demonstrates that their contributions have unmatched significance in the parole decision. Similarly, I have not argued that the professional reports lack substance but highlighted their dual role in the process: as a ‘hook’ to help the board make a release decision that they might otherwise have made anyway, *and* as a source of valuable inherent insights, as the interviewees have made clear. It is simply that the latter role has more significance for research and for understanding the complex nature of the decision than has previously been recognised.

8.6. More comprehensive feedback on case outcomes could improve parole board members’ intuitive judgement

By their own accounts, parole board members incorporate a significant degree of intuitive judgement in their decision-making. The impression made by the offender, and the parole board member’s instinctive sense of whether they express genuine

remorse or pose a higher risk of reoffending, are unavoidably subjective and allow for a considerable role for unconscious heuristics in their decisions – this could account for the nuanced differences between their perceived and actual emphases on different variables.

At face value, this reliance on intuition is undesirable – parole board decisions seem to lack the characteristics that make ‘recognition-primed decision-making’ (based on intuitive judgement) more dependable. They involve relatively low validity (outcomes are hard to predict) and, crucially, the parole board member has little systematic feedback on their decisions. So even where the parole board member is highly experienced and skilled in their role, they are arguably placed in a situation where intuitive judgement has previously been found to be less accurate (though only slightly) compared to actuarial assessments of risk.

But this disadvantage could easily be mitigated, especially for more experienced members. At present, parole board members are typically only made aware of the outcomes of their decisions when they are informed that a prisoner they released has reoffended. It is understandable that the parole board should focus its resources in this way, since they suffer greater organisational harm when a released prisoner reoffends than when a prisoner remains unnecessarily incarcerated – but this compounds the findings of research into the psychology of decision-making, insofar as decision-makers are much more likely to be averse to a negative outcome where they have changed the status quo, rather than maintained the status quo.

I recommend providing parole board members with feedback about the progress of offenders following a hearing, regardless of outcome. The feedback need not be in-depth: examples could be:

“12-month follow-up on decision on [date] to grant release for [Prisoner A]. Prisoner recalled on [date] due to breach of license conditions”

or

“6-month follow-up on decision on [date] to grant release for [Prisoner B]. Prisoner remains in the community on license.”

or

“12-month follow-up on decision on [date] to refuse release for [Prisoner C]. Prisoner released on [date] at next hearing; remains in the community on license”

or

“18-month follow-up on decision on [date] to refuse release for [Prisoner D]. Prisoner refused parole at two subsequent hearings; remains in closed conditions”.

I would draw attention to:

- The brief nature of the information, which should be easily available on parole records and easy to disseminate to any members still in the role (they might still have provision to request further feedback if they are keen to find out more about the case)
- The provision of feedback not only for those who have reoffended, but for those who have not.
- The provision of feedback not only for those who were released, but for those who were not released.

This approach treats outcomes equally rather than highlighting reoffending – under my proposal, parole board members would naturally still be more concerned if they found out that a prisoner they released had reoffended, but they would be able to place that outcome in the context of their other decisions, in reflecting on whether that adverse outcome was foreseeable or a statistical fluke.

My proposal would have some implications for the parole board’s resources but could improve the quality of parole boards’ intuitive decision-making. Under the current system, experienced members of the parole board are, with each decision, accruing the raw material they require to hone their recognition-primed decision-making, but lack the means to do so in the absence of systematic feedback on case outcomes. Intuitive judgement will always have its weaknesses, but it can be employed far more usefully when such feedback is available. It would still be less useful than the feedback that develops a firefighter’s intuition – they would only know months or years later how a decision turned out, but for someone with several years’ experience on the parole board this would still amount to a significant knowledge base.

8.7. This research highlights several important questions for future researchers

My conclusions also give rise to further questions for researchers looking to develop knowledge of this field:

- 1) If the psychologist's recommendation is so significant to the outcome of parole decisions in domestic violence cases, then: *How do psychologists construct their recommendations in domestic violence parole cases?*
- 2) If the decision can be constructed as a complex system involving various 'hooks' where key inputs have a role in moving the decision forward, then: *Does the systems model of the parole decision hold up for other datasets of decisions across other types (or all types) of crimes?*
- 3) Regarding the nuanced significance of perpetrator programmes: *Is there a relationship between attendance on programmes and parole decisions for all crimes, and if so, is it because parole boards believe the programmes reduce the level of risk, or is it because (as for domestic violence cases in this study) failure to complete a programme is a warning sign?*
- 4) If parole boards are influenced by the nature of domestic violence, then: *Are more controlling domestic violence perpetrators more likely to reoffend after release from prison? In other words, if the parole board is influenced by the perceived manageability of risk, is this perception accurate?*
- 5) *Are domestic violence perpetrators who attend perpetrator programmes less likely to reoffend after release than those who have not? Since refusal to engage with a programme may be a proxy risk factor, it would be especially interested to test the difference in reoffending rates within a sample of offenders who have all expressed a willingness to attend a programme, but where (for reasons unrelated to either the research or the offender) a programme has not been provided – in other words, a natural experiment.*

- 6) *Are parole board members more likely to recommend release (or be part of a panel that recommends release) if they are more experienced, or from a legal background?* This may be inextricable, and need to be researched alongside, a further question:
- 7) *Are parole boards more likely to recommend release when they take decisions as part of a three-member panel?* This may need to be examined alongside question 6) due to the risk of the variables confounding each other (a problem laid out by Reis & Judd, 2000). This is because a parole board member assigned to decide a parole application on their own is almost certain to have extensive experience on the parole board, while a new or relatively inexperienced member will only be asked to make decisions as part of a two- or three-member board. This complicates the distinction between the different types of hearing: if my hypothesis is correct and having three members on a board increases the likelihood of release, this effect may be masked if my other hypothesis on the matter is correct – that greater experience of board members increases the likelihood of release. It would therefore be important to build a sufficient dataset to allow the sample to be broken-down both by number of members on the panel, and by the level of experience of the members.

8.8. This research provides a model for future researchers and researchers-in-practice

Even for researchers with no specific interests in criminal justice, domestic violence or decision-making, this research makes a valuable contribution. This dissertation provides examples, for solo and early-career researchers, of:

8.8.1. A genuinely mixed-method research design

This research employed a ‘mixed-priority’ (R. B. Johnson et al., 2007) set of methods to a field of study. My methods differed from the common practice of creating

separate qualitative and quantitative studies in parallel – instead, this dissertation interweaves the different elements at the data-gathering, results, and analysis phases, providing a useful small-scale example of how this can work in practice for a solo researcher.

8.8.2. Using a systems approach to construct a process as a complex system

This research used a systems approach to construct a multifaceted process (in this case, a parole decision) as a complex adaptive system rather than a linear, discrete set of causes and effects.

The systems approach used here offers a framework for incorporating quantitative and qualitative data, not in a formal synthesis but in a way which offers links between positivist associations (between inputs and outputs) and interpretivist findings on how agents have constructed meaning for specific inputs within the overarching structure. The model in this research considers the roles played by overarching structures and the agents that operate within them but goes beyond that, in identifying relationships within and between different subsystems, and identifying nonlinear relationships, in a systems analysis.

8.8.3. Using the parole decision letter as a unit of analysis.

This a novel variation on previous similar research by Bradford & Cowell (2012), whose larger study used parole dossiers. Researchers in this field would still be advised to use the more comprehensive dossiers if resources allow, but for a given level of researcher time, my use of the decision letter allowed me to analyse an order of magnitude more cases. This of course required a lower level of detail, but the decision letter still sums-up most of the key variables effectively.

8.8.4. Specificity

This research tested previous findings about parole research in the geographical context of England and Wales, and in the case-specific context of domestic violence

offences. This is the first study I am aware of that examines parole decisions in this context.

I have conducted my research with an eye on the usefulness of my dissertation for the 'researcher-in-practice' or 'researcher-practitioner': the full-time professional with an interest in scholarship who hopes to develop their profession through a combination of practice and theoretical wisdom.

8.8.5. The researcher-in-practice

Well-established as a concept for research in itself in fields as diverse as midwifery (Luyben, 2014), architecture (Sookhoo, 2017), nursing (Arber, 2006) and therapeutic work (Conneeley, 2002), the role of 'praxis', which originates in education studies, involves the interplay between practice wisdom and theoretical knowledge (R. A. Stewart, 2001). This concept was famously developed into the idea of 'experiential learning' (Kolb, 2014): a feedback loop whereby the reflective practitioner has a concrete experience in their field, reflects on the experience, uses abstract concepts to help inform the reflection, and actively experiments with how the ideas could incorporate into practice before applying this learning to their next concrete experience, and so on. The practitioner-researcher effectively formalises this learning cycle by conducting research projects relating to their field of practice.

Having worked both as a practitioner carrying out discrete pieces of work-based research, and a visiting researcher invited to assist organisations as part of a partnership between organisations and universities, I understand both the value and challenges of this kind of research. I have conducted this research with a view on how a researcher within the parole board or similar institution might conduct small-scale research in this way.

The researcher-in-practice has the disadvantages of limited time (since they typically fit their research around a full-time job) and in some cases limited access to the resources and influence of a university environment. They also have advantages of immersion in the subject matter, and crucially *access* – while a researcher-in-practice must still obtain permissions to use the available data in a research

capacity, rather than a professional capacity, having done this they usually require no additional help in physically accessing data or staff, since they already have this as part of their professional role. After several months of seeking this physical access after receiving all relevant permissions, I was all too aware of the advantage I had previously enjoyed as an 'insider'.

The nature of these advantages and disadvantages can potentially result in research that is immersive, detailed and practice-focussed but lacking in methodological or theoretical depth (Jarvis, 1999; Mellor, 2001). My own experience left me well-placed for this research: my positionality as a former practitioner gave me some critical distance, but also the advantages of greater familiarity with the criminal justice system than a lay researcher.

8.8.6. Key messages for researchers-in-practice

This research assists the researcher-in-practice who approaches their work from a practical perspective, by:

- i. Demonstrating how a small-scale study can still produce meaningful quantitative findings, given access to an institutional dataset that the researcher is familiar with.
- ii. Outlining a template for mixed-methods research that draws on two sources that the researcher-in-practice may find easier to access than the university academic: interviews with high-status, time-poor professionals; and case files from confidential databases.
- iii. Providing a methodological basis and theoretical framework for conducting this kind of research in the workplace - while bearing in mind that an insider conducting such research would need to add further reflection around the impact of their role on their positionality in the research and around how this affects power dynamics in the data-collection (Conneeley, 2002).

8.9. Summary

This chapter pulled out key themes from the research, as applied to specific audiences, in 8.1 to 8.7 above. I have highlighted the value of this dissertation to different fields and to research beyond domestic violence and parole studies, as well as questions for future research.

This study has wide-ranging and significant implications at all levels.

For outsiders, it sheds light into a parole decision-making process that can seem opaque, reinforcing the importance of vigilance around a released offender since the board's decision rests on the manageability of their risk, not just on the risk itself. It also provides a reassuring insight into the board's decision-making insofar as it is responsive to research and to the specific characteristics and challenges of domestic violence offending, most notably in the lower weight assigned to substance misuse compared to decisions for crimes in general, and in the incorporation of research on the importance of the nature or type of domestic violence involved.

For parole board members and others involved in the decision, this research challenges preconceptions about the role of the professional recommendation and about the role of the perpetrator programme in shaping the outcome. This research compels a re-evaluation of how to manage hearings where the professionals have opposed release and demonstrates to those professionals the power of their recommendation as an effective veto over release. This dissertation applies signalling theory to the offender's attendance on domestic violence perpetrator programmes, where the significance (based on the current state of the research into effectiveness) is more about the offender's decision to engage rather than the inherent usefulness of the programme. This research also highlights the potentially serious issues for resource allocation and for equity between hearings, if further research supports the emerging hypothesis that a three-person, more-experienced board is much more likely to release a prisoner than a one- or two-person board or one with less experience.

Finally, this research is a valuable model for all kinds of researchers. It is useful for those working on the topics of domestic violence and/or parole decisions where the findings themselves contribute to the field, as the first known study ever to study the two fields together. It provides a systems model for researchers studying decision-making, as a way of incorporating different types of data and as a means of understanding the dynamics between inputs and outputs via the interaction between systems and agents within the decision. It provides sole researchers and researchers-in-practice – PhD students, early career researchers, or full-time professional with research interests – an example of small-scale but valuable research using limited resources, which can be enhanced substantially by the access afforded to an ‘insider’, even one who is not a full-time researcher. The research also lays out a series of questions for further research studies which would complement and develop my findings.

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Appendix 1: Ethical Approval form, authorised by the Institute of Education on 25th October 2018

Doctoral Student Ethics Application Form

Anyone conducting research under the auspices of the Institute of Education (staff, students or visitors) where the research involves human participants or the use of data collected from human participants, is required to gain ethical approval before starting. This includes preliminary and pilot studies. Please answer all relevant questions in simple terms that can be understood by a lay person and note that your form may be returned if incomplete.

Registering your study with the UCL Data Protection Officer as part of the UCL Research Ethics Review Process

If you are proposing to collect personal data i.e. data from which a living individual can be identified **you must be registered with the UCL Data Protection Office before you submit your ethics application for review**. To do this, email the complete ethics form to data-protection@ucl.ac.uk. Once your registration number is received, add it to the form* and submit it to your supervisor for approval.

If the Data Protection Office advises you to make changes to the way in which you propose to collect and store the data this should be reflected in your ethics application form.

Section 1 Project details		
a.	Project title	Decision-making in child protection and public protection around perpetrators of domestic abuse, in London and South-East England
b.	Student name and ID number (e.g. ABC12345678)	Chris Dyke A-5325341880
c.	*UCL Data Protection Registration Number	Z6364106/2018/07/78 social research (issued 19 th July 2018)
c.	Supervisor/Personal Tutor	Carol Rivas
d.	Department	Institute of Education (Social Science)
e.	Course category (Tick one)	PhD <input checked="" type="checkbox"/> EdD <input type="checkbox"/>
		DEdPsy <input type="checkbox"/>
f.	If applicable , state who the funder is and if funding has been confirmed.	Economic and Social Research Council, confirmed April 2018
g.	Intended research start date	September 2018
h.	Intended research end date	September 2021
i.	Country fieldwork will be conducted in <i>If research to be conducted abroad please check www.fco.gov.uk and submit a completed travel risk assessment form (see</i>	UK

	<p>guidelines). If the FCO advice is against travel this will be required before ethical approval can be granted: http://ioe-net.inst.ioe.ac.uk/about/profservices/international/Pages/default.aspx</p>	
j.	Has this project been considered by another (external) Research Ethics Committee?	
	Yes <input type="checkbox"/>	External Committee Name:
	No X <input type="checkbox"/> go to Section 2	Date of Approval:
<p>If yes:</p> <ul style="list-style-type: none"> - Submit a copy of the approval letter with this application. - Proceed to Section 10 Attachments. 		
<p>Note: Ensure that you check the guidelines carefully as research with some participants will require ethical approval from a different ethics committee such as the National Research Ethics Service (NRES) or Social Care Research Ethics Committee (SCREC). In addition, if your research is based in another institution then you may be required to apply to their research ethics committee.</p>		

Section 2 Research methods summary (tick all that apply)

X Interviews	<input type="checkbox"/> Controlled trial/other intervention study
<input type="checkbox"/> Focus groups	

- X Questionnaires
- Action research
- Observation
- Literature review

- X Use of personal records
- Systematic review **if only method used go to Section 5.**
- Secondary data analysis **if secondary analysis used go to Section 6.**
- Advisory/consultation/collaborative groups
- X Other, give details: Document Analysis of Case Files

Please provide an overview of the project, focusing on your methodology. This should include some or all of the following: purpose of the research, aims, main research questions, research design, participants, sampling, data collection (including justifications for methods chosen and description of topics/questions to be asked), reporting and dissemination. Please focus on your methodology; the theory, policy, or literary background of your work can be provided in an attached document (i.e. a full research proposal or case for support document). *Minimum 150 words required.*

I will analyse the thought process underlying how child protection chairs, probation officers, judges and other professionals assess the risk posed by people who have abused their partners. I have considered alternative methodologies depending on how they support this aim while minimising the use of personal information and the burden on participants.

The key consideration is that I need to access real-life decisions and real-life decision-makers. I had considered abstract, detached methodologies to minimise both the use of personal information and the burden on (or use of) any participants – I could conduct extensive reviews of literature, or conduct role-

playing exercises in workshops with volunteers where I use fictional case studies. These may have a role to play, but would severely limit the applicability and reliability of the research and so I have not used them. For my research to have practical application it needs to consider the way decisions are made in practice, and the perspectives of the people making them.

The best way to minimise the burden on participants would be to review case files only – this would require minimal professional time once I had been granted access to databases in the participating organisations. This will form a major plank of my project. However, reviewing files alone risks producing a one-dimensional project that only has a limited perspective on the underlying thought processes of decision-makers, although it does allow me to see how the decisions themselves pan out in practice, since the decisions are explained to some extent in key documents. A feedback loop between one-to-one interviews with decision makers, and analysis of case files, allows more sophisticated consideration of how decisions are made and the assumptions underlying them, and how this affects which factors carry most weight in decision-making and so I will do this.

By contrast, a project based solely or mostly on interviews would mean I would require no access to personal (and highly sensitive) information about real cases in local authority or probation files. I would be able to gain insights from speaking to decision-makers, using carefully-planned interview structures, and talk in general about cases (or refer anonymously to cases) to prevent any scenario where I come into contact with personally-identifying information regarding perpetrators of abuse or their families. (I would of course still have personally identifying information on the interviewees themselves, as discussed below).

However, an interviews-only methodology would lose the breadth that I would gain by analysing large numbers of case file documents. It would also leave open the prospect that decision-makers act differently in practice than they do in an abstract, reflective discussion.

I have therefore opted for a methodology that incorporates both content analysis of files and interviews with decision-makers.

I have also proposed a short survey for decision-makers to try to reach a wider pool of participants than my interviewees – doing so will also remove the geographical constraints that apply to my face-to-face interviews. The burden to this pool of volunteers will be around 20 minutes of their time, and the degree of identification will be even lower than that applicable to the interviewees – an online survey could be more readily anonymised.

Section 3 Research Participants (tick all that apply)

Tic Early years/pre-school

Ages 5-11

Ages 12-16

Young people aged 17-18

Adults *please specify below*

Unknown – specify below

No participants

NB: Ensure that you check the guidelines carefully as research with some participants will require ethical approval from a different ethics committee such as the [National Research Ethics](#)

[Service](#) (NRES) or [Social Care Research Ethics Committee](#) (SCREC).

Section 4 Security-sensitive material (only complete if applicable)

Security sensitive research includes: commissioned by the military; commissioned under an EU security call; involves the acquisition of security clearances; concerns terrorist or extreme groups.

a.	Will your project consider or encounter security-sensitive material?	Yes <input type="checkbox"/> *	No X
b.	Will you be visiting websites associated with extreme or terrorist organisations?	Yes <input type="checkbox"/> *	No X
c.	Will you be storing or transmitting any materials that could be interpreted as promoting or endorsing terrorist acts?	Yes <input type="checkbox"/> *	No X

* Give further details in **Section 8 Ethical Issues**

Section 5 Systematic reviews of research (only complete if applicable)

a.	Will you be collecting any new data from participants?	Yes <input type="checkbox"/> *	No
b.	Will you be analysing any secondary data?	Yes <input type="checkbox"/> *	No

* Give further details in **Section 8 Ethical Issues**

If your methods do not involve engagement with participants (e.g. systematic review, literature review) **and** if you have answered **No** to both questions, please go to **Section 8 Attachments**.

Section 6 Secondary data analysis (only complete if applicable)

a.	Name of dataset/s	Database records relating to domestic abuse cases [note: these are not primary data for research, but primary data in public services – I have filled in this section in case it is applicable]		
b.	Owner of dataset/s	Partner local authorities		
c.	Are the data in the public domain?	Yes <input type="checkbox"/>	No X	
			<i>If no, do you have the owner's permission/license?</i> Yes X No* <input type="checkbox"/>	
d.	Are the data anonymised?	Yes <input type="checkbox"/>	No X (though at least one partner organisation has proposed anonymizing the data before I see it)	
			<i>Do you plan to anonymise the data?</i> Yes X No* <input type="checkbox"/>	
			<i>Do you plan to use individual level data?</i> Yes* X No	

	<input type="checkbox"/>		
	Will you be linking data to individuals?	Yes* <input type="checkbox"/>	No <input type="checkbox"/>
	X		
e.	Are the data sensitive (DPA 1998 definition)?	Yes* X	No <input type="checkbox"/>
f.	Will you be conducting analysis within the remit it was originally collected for?	Yes <input type="checkbox"/>	No* X
g.	If no , was consent gained from participants for subsequent/future analysis?	Yes <input type="checkbox"/>	No* X
h.	If no , was data collected prior to ethics approval process?	Yes X	No* <input type="checkbox"/>
* Give further details in Section 8 Ethical Issues <input type="checkbox"/>			
If secondary analysis is only method used and no answers with asterisks are ticked, go to Section 9 Attachments .			
Section 7 Data Storage and Security			
Please ensure that you include all hard and electronic data when completing this section.			
a.	Data subjects - Who will the data be collected from?		

	<p>1) confidential files related to perpetrators of domestic abuse, held in databases by local authority children’s services, legal departments and Multi-Agency Risk Assessment Conference (MARAC) administrators; and by probation services.</p> <p>2) transcripts from interviews with decision-makers: parole board chairs in the probation service; independent reviewing officers in children’s services; judges in the family and criminal courts;</p> <p>In both cases, the data and interviewees will be accessed with the permission of a senior manager within each organization responsible for the data. So far, this has involved getting provisional acceptance from Assistant Directors and Directors of Local Authority Children’s Services (who have also coordinated approval from Heads of Legal Services, MARAC and Probation Services). The acceptance is provisional pending confirmation of ethical approval within UCL.</p>
<p>b.</p>	<p>What data will be collected? Please provide details of the type of personal data to be collected</p> <p>From files: data relating to the characteristics of the case, and the factors influencing the decision (as articulated in the decision-making documents).</p> <p>From interviews: personal reflections by decision-makers on the decision-making process.</p> <p>In both cases, personally identifying information will be redacted.</p>
<p>c.</p>	<p>Disclosure – Who will the results of your project be disclosed to?</p> <p>I will directly feed back my findings to the interviewees (decision-makers) and the senior managers within the participating organisations who have granted permission for me to access their data.</p> <p>The project as a whole will be published in the public domain.</p>

d.	<p>Data storage – Please provide details on how and where the data will be stored i.e. UCL network, encrypted USB stick*, encrypted laptop* etc.</p> <p>UCL network (individual folder) and personal laptop (encrypted and password-protected). I will store my personal laptop behind a locked door at my home address, or in a locker at university to which only I have the key, behind a locked door.</p> <p>*Advanced Encryption Standard 256 bit encryption which has been made a security standard within the NHS</p>	
e.	<p>Data Safe Haven (Identifiable Data Handling Solution) – Will the personal identifiable data collected and processed as part of this research be stored in the UCL Data Safe Haven (mainly used by SLMS divisions, institutes and departments)?</p>	<p>Yes X No <input type="checkbox"/></p>
f.	<p>How long will the data and records be kept for and in what format? Ten years.</p> <p>Will personal data be processed or be sent outside the European Economic Area? (If yes, please confirm that there are adequate levels of protections in compliance with the DPA 1998 and state what these arrangements are: No</p> <p>Will data be archived for use by other researchers? (If yes, please provide details.) Yes: archived in the UCL Data Safe Haven as above.</p>	

Section 8 Ethical issues

Please state clearly the ethical issues which may arise in the course of this research and how will they be addressed.

All issues that may apply should be addressed. Some examples are given below, further information can be found in the guidelines. *Minimum 150 words required.*

- | | |
|--|--|
| <ul style="list-style-type: none">- Methods- Sampling- Recruitment- Gatekeepers- Informed consent- Potentially vulnerable participants- Safeguarding/child protection- Sensitive topics | <ul style="list-style-type: none">- International research- Risks to participants and/or researchers- Confidentiality/Anonymity- Disclosures/limits to confidentiality- Data storage and security both during and after the research (including transfer, sharing, encryption, protection)- Reporting- Dissemination and use of findings |
|--|--|

My Methods involve:

- A questionnaire sent to decision-makers in probation, legal and social care services, asking about the decision-making process in determining the risk of a perpetrator of domestic abuse.

Drawing on best practice guidance on questionnaire research⁵, the questionnaire will not seek any identifying information about individual cases, and will be submitted anonymously by respondents (accessed through BASW and similar partner agencies with large mailing lists). I will not hold any information on questionnaire respondents.

- With regard to my interviews, I am aware of the dangers of pseudonymization⁶ – this could occur if, for example, I have anonymized a respondent as “an Independent Reviewing Officer in a south-east London borough, with prior experience as a probation officer and magistrate” when this only describes one (perhaps well-known) professional in the region. I would take care to describe roles more broadly when necessary, providing some context for my interviews while also preventing the accidental breach of someone’s confidentiality. An alternative approach would be to remove a particular case from the analysis altogether. Pseudonymization could also occur when data is held anonymously but the anonymity could be reversed: for example, if I also hold a list of interviewees with their real name and a code number, so that while an interview would be recorded as ‘R2’, I could see on my list that ‘R2’ was assigned to ‘John Smith’. I am however at an advantage insofar as my project does not require me to follow-up with original participants so that I will not record any personally identifiable data, although I have balanced this against the need for participants to be allowed to withdraw. Therefore, I will tell each participant what ‘interviewee number’ they are, while keeping no record myself of names

⁵ Kelley, K., Clark, B., Brown, V., & Sitzia, J. (2003). Good practice in the conduct and reporting of survey research. *International Journal for Quality in health care*, 15(3), 261-266.

⁶ Tinabo, R., Mtenzi, F., & O'Shea, B. (2009, November). Anonymisation vs. Pseudonymisation: Which one is most useful for both privacy protection and usefulness of e-healthcare data. In *Internet Technology and Secured Transactions, 2009. ICITST 2009. International Conference for*(pp. 1-6). IEEE.

attached to numbers. Therefore, a participant could later email me, giving their number and asking that I withdraw their information from the project, without running any of the risks from pseudonymization. The replacement of names with codes allows me to share data with my supervisors without them ever seeing personally identifiable information – another advantage of this method⁷

- Access to sensitive files to review decision-making documents on real cases. This requires exceptional care to avoid leaking personally identifying data (which I will be viewing). I will be transcribing (redacted) excerpts from these documents to create my corpus for analysis, while looking at the screen with the original documents (on a desktop computer within the organisation's buildings, where it cannot be viewed by those without existing access), so that at no point will personally identifying information be recorded on my computer. At no stage will I be working with the data (even anonymous data) in a public setting. The characteristics would include aspects of perpetrators' behaviour, or developments or treatment carried out since the time of their offence, which are sensitive. Indirect identification would be more likely where the characteristics of the case are rare or subsequent developments are unusual or newsworthy.
- Interviews with decision-makers. The interviewees themselves will not be identified, and will be participating with their fully informed consent (participant information sheet and consent form provided). Personally identifying information for any relevant cases will be redacted, except for the role they act in (and I may only provide a broad description of their role if being more specific would inadvertently identify them: for example, if an interviewee is the only female judge in the

⁷ Kalra, D., Gertz, R., Singleton, P., & Inskip, H. M. (2006). Confidentiality of personal health information used for research. *Bmj*, 333(7560), 196-198.

region, I may have to either omit their gender – requiring me to do so across the study – or reframe the job title as “a legal professional”). I will have no means of identifying the participants after our interviews and will not keep any record of which interviewee number applied to whom.

My Sampling is limited to the UK (in the case of the questionnaire) and to London and South-East England for the interviewees and access to files. This reflects my own practical scope and the locations of the targeted organisations. This means the results may not be applicable to a larger geographical area but this limitation will be addressed in the dissertation. There is no prospect of a future conflict of interests: while I have been heavily involved in social care in my previous career, I am not pursuing social work any further and will not encounter any of my interviewees unless they also change career.

My Recruitment will involve a request disseminated in each participating organization via my Gatekeepers (in most cases a Director or Assistant Director). I will not be recruiting participants directly but will be reliant on volunteers putting themselves forward, fully-informed of the nature and purpose of the research. Informed Consent forms will be signed and available during the research, although they will not be stored longer-term to protect participant confidentiality. I will only be able to link interviewees to their data if they choose to give me their number to allow me to do so (e.g. if they wish to withdraw their data).

The participants will not be especially vulnerable people – they will all occupy relatively senior positions in their professions and will, by the nature of their roles, have an in-depth understanding and

experience of the areas I'm investigating. Nevertheless they will be given the contact details of relevant organisations should the project trigger any personal issues. I will not continue any interviews that seem to create (evident) feelings of distress for the interviewee (though there is of course no way of eliminating this risk if the interviewee successfully suppresses such feelings).

The nature of the research is highly sensitive, both inherently (due to focusing on domestic abuse) and on a personal level (I will be encouraging people in high-stress positions to reflect on their own decision-making) – I am at pains to address in the information sheet (and will do so in person) that I am researching themes and not evaluating the quality of individuals' practice. I will have debriefing available through my supervisors.

All participants will also have a thorough understanding of Child Protection, and will understand the limitations to confidentiality (especially relevant regarding criminal activity, as discussed in research⁸) spelled out in the consent form and information sheet. I would contact the relevant child safeguarding agencies (which may well be the partner organisations themselves, unless institutional misconduct is apparent) in the event that any information I receive suggests that a child or member of the public might be in danger.

There is no international dimension to the data-gathering itself, which will be entirely contained within the UK. However, in my analysis I will consider the relevance of the research to wider national and

⁸ Israel, M. (2004). Strictly confidential? Integrity and the disclosure of criminological and socio-legal research. *British Journal of Criminology*, 44(5), 715-740.

institutional organisations and processes and demonstrate any benefits of the research at a global or international level.

There is negligible risk to me as a researcher, although I have borne in mind research⁹ into the effects on academics of working with data on violence and abuse – I have taken on board the recommendations about using supervision as a safe space and emotional touchstone, although I have been familiar with such cases over 15 years of a previous career. Likewise, it is foreseeable that participants might feel stress related to their jobs and their past decisions, although this would be comparable to the risks of any similar feelings arising during any reflective exercise or training sessions normally held for these professionals. I have also considered my role in the research: ethical research requires reflexivity¹⁰, and I have to recognize my role as a researcher who was previously a practitioner with day-to-day experience with victims and perpetrators of domestic violence as a social worker and expert witness in the courts. The latter does not preclude the former, but requires transparency with all concerned.

See above regarding anonymity: no personally identifying information will be entered in any of my project documents. Where, even after redaction, the details of a particularly unusual case make it potentially identifiable, I will either remove this case from the analysis or redact relevant information that could indirectly identify the people involved.

⁹ Nikischer, A. (2018). Vicarious trauma inside the academe: understanding the impact of teaching, researching and writing violence. *Higher Education*, 1-12.

¹⁰ Finlay, L. (2002). Negotiating the swamp: the opportunity and challenge of reflexivity in research practice. *Qualitative research*, 2(2), 209-230.

As laid out in my participant information sheet and consent form, there are various standard limits to confidentiality that would involve a risk of harm to a member of the public (particularly a child) – by virtue of their roles, my interviewees will be very familiar with the limitations of confidentiality when safeguarding is involved, since they work as safeguarding professionals.

During the research, I will store raw data only on my laptop and on my individual folder on UCL's network. I will from time to time share partial or whole documents with my supervisors. At no point will I hold personally identifying records on my own computer or share them with a supervisor. After the research, the raw data will be stored on the UCL's Data Safe Haven for ten years, while the report itself will be available as a searchable dissertation in the public domain, and in the form of a journal article. I will provide copies of my data for deposit at the UK Data Service.

During my studies I also aim to publish 3 or 4 additional articles drawing from provisional findings. Data protection and wider ethical considerations also apply to the process of publication¹¹ - ethical research does not simply represent a hurdle to clear at the start of a project, but a mindset I should adopt from the planning stage through to data storage and publication¹². When submitting any articles for journal publication (or even for a PhD dissertation that will be made publicly available) I will need to reflect on the information gathered, after the analytical process, and consider whether anything I have written or

¹¹ Burgess, R. G. (2005). Ethics and educational research: an introduction. In *The ethics of educational research* (pp. 10-18). Routledge.

¹² Back, L. (2007). *The art of listening*. Berg.

gathered since the start of the project has the potential to cause harm or distress to anyone involved directly or indirectly – this might require me to consider subsequent public and policy developments, or the context in which I am publishing. I would need to abide at all times by the principle that informed consent is not open-ended, but grants limited permission to use data in a particular context for a particular purpose: my final publication(s) should respect these limits.

Section 9 Attachments Please attach the following items to this form, or explain if not attached

a.	Information sheets, consent forms and other materials to be used to inform potential participants about the research (<i>List attachments below</i>)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<i>If applicable/appropriate:</i>			
b.	Approval letter from external Research Ethics Committee		Yes <input type="checkbox"/>
c.	The proposal ('case for support') for the project		Yes <input type="checkbox"/>
d.	Full risk assessment		Yes <input type="checkbox"/>

Section 10 Declaration

I confirm that to the best of my knowledge the information in this form is correct and that this is a full description of the ethical issues that may arise in the course of this project.

I have discussed the ethical issues relating to my research with my supervisor. X

I have attended the appropriate ethics training provided by my course. *

*This form is being submitted prior to attendance on these courses; however, I will be attending the appropriate courses as a matter of priority upon enrolling on this course.

I confirm that to the best of my knowledge:

The above information is correct and that this is a full description of the ethics issues that may arise in the course of this project.

Name	C.Dyke
Date	20.08.2018

Please submit your completed ethics forms to your supervisor for review.

Notes and references

Professional code of ethics

You should read and understand relevant ethics guidelines, for example:

British Psychological Society (2009) *Code of Ethics and Conduct*, and (2014) *Code of Human Research Ethics*

or

British Educational Research Association (2011) *Ethical Guidelines*

or

British Sociological Association (2002) *Statement of Ethical Practice*

Please see the respective websites for these or later versions; direct links to the latest versions are available on the Institute of Education <http://www.ucl.ac.uk/ioe/research/research-ethics>

Disclosure and Barring Service checks

If you are planning to carry out research in regulated Education environments such as Schools, or if your research will bring you into contact with children and young people (under the age of 18), you will need to have a Disclosure and Barring Service (DBS) CHECK, before you start. The DBS was previously known as the Criminal Records Bureau (CRB) . If you do not already hold a current DBS check, and have not registered with the DBS update service, you will need to obtain one through at IOE.

Ensure that you apply for the DBS check in plenty of time as will take around 4 weeks, though can take longer depending on the circumstances.

Further references

The www.ethicsguidebook.ac.uk website is very useful for assisting you to think through the ethical issues arising from your project.

Robson, Colin (2011). *Real world research: a resource for social scientists and practitioner researchers* (3rd edition). Oxford: Blackwell.

This text has a helpful section on ethical considerations.

Alderson, P. and Morrow, V. (2011) *The Ethics of Research with Children and Young People: A Practical Handbook*. London: Sage.

This text has useful suggestions if you are conducting research with children and young people.

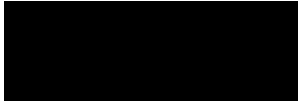
Wiles, R. (2013) *What are Qualitative Research Ethics?* Bloomsbury.


A useful and short text covering areas including informed consent, approaches to research ethics including examples of ethical dilemmas.

Departmental use

If a project raises particularly challenging ethics issues, or a more detailed review would be appropriate, the supervisor **must** refer the application to the Department Research Ethics Coordinator (via ioe.researchethics@ucl.ac.uk so that it can be submitted to the Research Ethics Committee for consideration. A departmental research ethics coordinator or representative can

advise you, either to support your review process, or help decide whether an application should be referred to the REC. If unsure please refer to the guidelines explaining when to refer the ethics application to the IOE Research Ethics Committee, posted on the committee's website.

Student name	Chris Dyke
Student department	DSS
Course	PhD ESRC
Project title	Decision-making in child protection and public protection around perpetrators of domestic abuse, in London and South-East England
Reviewer 1	
Supervisor/first reviewer name	Carol Rivas
Do you foresee any ethical difficulties with this research?	Chris has identified the relevant issues and his solutions are appropriate
Supervisor/first reviewer signature	
Date	4/9/18
Reviewer 2	
Second reviewer name	Kate Hinds
Do you foresee any ethical difficulties with this research?	No

Supervisor/second reviewer signature	
Date	23/10/18
Decision on behalf of reviews	
Decision	Approved X <input type="checkbox"/>
	Approved subject to the following additional measures <input type="checkbox"/>
	Not approved for the reasons given below <input type="checkbox"/>
	Referred to REC for review <input type="checkbox"/>
Points to be noted by other reviewers and in report to REC	
Comments from reviewers for the applicant	
<i>Once it is approved by both reviewers, students should submit their ethics application form to the Centre for Doctoral Education team: IOE.CDE@ucl.ac.uk.</i>	

Appendix 2: Participant Information Sheet

Participant Information Sheet For Interviewees (Decision-makers in domestic violence cases)

UCL Research Ethics Committee granted 27th October 2018

YOU WILL BE GIVEN A COPY OF THIS INFORMATION SHEET

Title of Study: “Decision-making around perpetrators of domestic abuse, in London and South-East England”

Department: Institute of Education (Social Science), University College London

**Name and Contact Details of the Researcher(s): Chris Dyke,
c.dyke.18@ucl.ac.uk**

**Name and Contact Details of the Principal Researcher: Dr Carol Rivas,
c.rivas@ucl.ac.uk**

1. Invitation Paragraph

You are invited to take part in a research study into the factors and thought process involved in making decisions about perpetrators of domestic abuse. Through analysis of decision-making documents, and interviews with people involved in those decisions, the project aims to improve understanding of the weight placed on different factors in practice.

Please read through the following information and ask if there is anything that is unclear, before deciding whether to take part. Thank you very much for your time.

2. What is the project’s purpose?

I will complete my dissertation in 2021.

The dissertation draws on the challenges of predicting the future risk posed by someone who has abused an intimate partner, the weight applied to different factors, and the various methodological approaches used to evaluate this risk. I take a critical realist approach, looking to explore underlying thought processes in practice rather than simply the decisions themselves.

I will examine 'key decisions' around perpetrators of domestic violence. These include:

- A judge (in public or private family proceedings) deciding what sentence to whether to allow a perpetrator to have unsupervised contact with his children, or to have custody of his children.
- A member of the Parole Board deciding whether to approve an offender's parole application.

I will answer the following:

- 1) *How do decision-makers form a view about the risk posed by a perpetrator of domestic abuse?*
- 2) *What factors carry most weight in forming this view and in making a decision about the perpetrator?*

3. Why have I been chosen?

As in 2. above, I am recruiting volunteers who are either:

- Judges in the criminal or family courts
- Parole Board members

who have experience of making decisions about perpetrators of domestic abuse.

I'm contacting you because you've expressed an interest, or your name has been put forward, after I have received approval from the relevant organisation.

4. Do I have to take part?

It is up to you to decide whether or not to take part. If you do decide to take part you will be given this information sheet to keep, and be asked to sign a consent form. You can withdraw at any time without giving a reason. If you decide to withdraw you will be asked what you wish to happen to the data you have provided up to that point.

5. What will happen to me if I take part?

I would like to meet with you for one face to face interview, lasting no more than one hour. I can type a transcript of our conversation as we go – this has the advantage over audio recording insofar as I can show you exactly what data will be kept from our interview.

I can meet you in or near your place of work to minimise the inconvenience to you. If such a meeting is impractical, I could also arrange a telephone interview. I will note your role and type of organisation, but take no personal information otherwise. I will also not keep any contact information for you, to further preserve your confidentiality.

I will however show you the pseudonym which I assign to your data (e.g. "Interviewee B5, a Parole Board member"). I would encourage you to take a note of this pseudonym – if you later decide to withdraw from the study, despite me not holding your personal information you can still request to "withdraw consent for Interviewee B5" which will allow me to withdraw the correct information.

There is no formal compensation for taking part, although I will be extremely grateful for your assistance and will offer refreshments or a meal depending on the time of day we meet.

6. Will I be recorded and how will the recorded media be used?

No – see 5. Above – unless you prefer a recorded interview over having me type while we speak. If so, I will make an anonymous transcript using the recording, and then destroy the recording.

7. What are the possible disadvantages and risks of taking part?

If you are eligible for this study, then the nature of your work is inherently stressful and involves discussing traumatic and distressing episodes. I have personally made recommendations on nearly 3,000 child welfare or child safeguarding cases so I understand the mixed feelings that arise when reflecting on previous decision-making. The interview will foreseeably involve reflection on difficult decisions and complex cases, with all that entails. I would advise against participating if you are currently undergoing any adverse experiences relating to your professional identity and direction, since this research might amplify these.

I would like to reassure you, though, that while the dissertation explores decision-making, this is *in no way* an evaluation of individual decision-makers, but an exploration of the themes that influence decision-making across your profession (and other professions) as a whole. Personally, I have reached many conclusions which, with hindsight, I wish I had made differently – most of my colleagues would say the same. This is, however, not an individual appraisal of any kind and should not be seen as such – your contribution is helping to better understand the nature of decision-making in a highly complex and nuanced field.

8. What are the possible benefits of taking part?

There are no immediate benefits to you as a participant. However, the research will hopefully improve understanding of the decision-making process and the factors (implicitly or explicitly) influencing decisions. This allows the significance of those factors to be evaluated accordingly, potentially improving the success of predictions around future offending and reducing harm to the public.

9. What if something goes wrong?

In the first instance, please raise your complaints with me – c.dyke.18@ucl.ac.uk – or, if this does not resolve the matter, my supervisor Dr Carol Rivas – c.rivas@ucl.ac.uk.

If you feel we have not handled your complaint to your satisfaction, you can contact the Chair of the UCL Research Ethics Committee – ethics@ucl.ac.uk

10. Will my taking part in this project be kept confidential?

Yes. All the information that we collect about you during the research will be kept strictly confidential. You will not be able to be identified in any ensuing reports or publications.

If you have been introduced to the project via a colleague, it is of course possible that they will infer that you have taken part, but I will still not identify which interviewee came from which local authority so your words in my final dissertation will not be attributable to you, even if the reader knew you took part. The only exception to this would be if you provided information that was so specific that your colleague knew this referred to one of your cases.

11. Limits to confidentiality

Your confidentiality will be respected as far as is possible given the nature of the subject matter involved, and the usual limits on confidentiality apply:

- Please note that assurances on confidentiality will be strictly adhered to unless evidence of wrongdoing or potential harm is uncovered. In such cases the University may be obliged to contact relevant statutory bodies/agencies.
- Please note that confidentiality will be maintained as far as it is possible, unless during our conversation I hear anything which makes me worried that someone might be in danger of harm, I might have to inform relevant agencies of this.
- Please note that confidentiality may not be guaranteed; due to the limited size of the participant sample.

- Confidentiality will be respected subject to legal constraints and professional guidelines.
- Confidentiality will be respected unless there are compelling and legitimate reasons for this to be breached. If this was the case we would inform you of any decisions that might limit your confidentiality.
- Confidentiality may be limited and conditional and the researcher has a duty of care to report to the relevant authorities possible harm/danger to the participant or others.

12. What will happen to the results of the research project?

My project should be completed by the autumn of 2021, although I also aim to publish 2 or 3 shorter articles on themes arising during the research, in relevant journals. The PhD will then be in the public domain via the UCL's website, searchable on Google Scholar and other designated search engines for academic research. I intend to redraft the dissertation into a further publication either as a book or journal article.

The raw data (i.e. the full transcripts of our interviews) will not be published in these formats, although various quotes may be included. The raw data itself will be retained in UCL's data repository for secondary analysis projects (which would require their own authorisations) for ten years.

You will not be identified in any of these contexts.

13. Data Protection Privacy Notice

Notice:

The data controller for this project will be University College London (UCL). The UCL Data Protection Office provides oversight of UCL activities involving the processing of personal data, and can be contacted at data-protection@ucl.ac.uk.

[UCL's Data Protection Officer is Lee Shailer and he can also be contacted at data-protection@ucl.ac.uk.](mailto:data-protection@ucl.ac.uk)

Your personal data will be processed for the purposes outlined in this notice. The legal basis that would be used to process your personal data will be the provision of your consent. You can provide your consent for the use of your personal data in this project by completing the consent form that has been provided to you.

Your personal data will be processed so long as it is required for the research project. If we are able to anonymise or pseudonymise the personal data you provide we will undertake this, and will endeavour to minimise the processing of personal data wherever possible.

If you are concerned about how your personal data is being processed, please contact UCL in the first instance at data-protection@ucl.ac.uk. [If you remain unsatisfied](#), you may wish to contact the Information Commissioner's Office (ICO). Contact details, and details of data subject rights, are available on the ICO website at: <https://ico.org.uk/for-organisations/data-protection-reform/overview-of-the-gdpr/individuals-rights/>

Your data will not be transferred outside of the EEA.

14. Who is organising and funding the research?

I have been awarded a three-year stipend by the Economic and Social Research Council to fund this research project.

16. Contact for further information

For further information, please contact me at c.dyke.18@ucl.ac.uk.

You will be given a copy of this sheet and a signed consent form to keep.

Appendix 3: Participant Consent Form

****This is a template form and must be tailored to meet the needs of your study and should be displayed on departmental headed paper.**

CONSENT FORM FOR RESEARCH INTERVIEWEES

Please complete this form after you have read the Information Sheet and/or listened to an explanation about the research.

Title of Study: “Decision-making in child protection and public protection around perpetrators of domestic abuse, in London and South-East England”

Department: Social Science; Institute of Education; University College London

Name and Contact Details of the Researcher(s): Chris Dyke, c.dyke@ucl.ac.uk

Name and Contact Details of the Principal Researcher: Dr Carol Rivas, c.rivas@ucl.ac.uk

Name and Contact Details of the UCL Data Protection Officer: Lee Shailer, l.shailer@ucl.ac.uk

This study has been approved by the UCL Research Ethics Committee on 27th October 2018

Thank you for considering taking part in this research. The person organising the research must explain the project to you before you agree to take part. If you have any questions arising from the Information Sheet or explanation already given to you, please ask the researcher before you decide whether to join in. You will be given a copy of this Consent Form to keep and refer to at any time.

I confirm that I understand that by ticking/initialling each box below I am consenting to this element of the study. I understand that it will be assumed that unticked/initialled boxes means that I DO NOT consent to that part of the study. I understand that by not giving consent for any one element that I may be deemed ineligible for the study.

		Tick Box
1.	*I confirm that I have read and understood the Information Sheet for the above study. I have had an opportunity to consider the information and what will be expected of me. I have also had the opportunity to ask questions which have been answered to my satisfaction	
2.	*I understand that I will be able to withdraw my data up to 3 months after the date of this interview.	
3.	*I consent to the processing of my personal information – my role and context, though not personally identifying information - for the purposes explained to me. I understand that such information will be handled in accordance with all applicable data protection legislation.	
4.	<p>I understand that the information gathered will be kept by Chris Dyke on a password-protected laptop only accessible to him, then stored (in anonymised form) internally at UCL for future examination, with restrictions on access (any subsequent re-analysis would require its own ethical approval).</p> <p>I understand that all personal information will remain confidential and that all efforts will be made to ensure I cannot be identified</p> <p>I understand that my data gathered in this study will be stored anonymously and securely. It will not be possible to identify me in any publications. I understand my role and type of organisation will be recorded.</p> <p>I also understand that in providing information for analysis, it is possible that I could identify myself indirectly (e.g. through giving a specific opinion which I have previously published). I understand that I can, and should, ask the researcher to redact specific sections up to 3 months after the interview date if I realise this is a possibility.</p>	

5.	*I understand that my information may be subject to review by responsible individuals from the University or monitoring and audit purposes.	
6.	*I understand that my participation is voluntary and that I am free to withdraw at any time without giving a reason, without my rights being affected. I understand that if I decide to withdraw, any personal data I have provided up to that point will be deleted unless I agree otherwise.	
7.	I understand the potential risks of participating and the support that will be available to me should I become distressed during the course of the research.	
8.	I have received no promise nor guarantee of benefits in return for my participation (although I understand the project aims to achieve wider societal benefits).	
9.	I understand that the data will not be made available to any commercial organisations but is solely the responsibility of the researcher(s) undertaking this study.	
10.	I understand that I will not benefit financially from this study or from any possible outcome it may result in in the future.	
11.	I agree that my anonymised, pseudonymised research data may be used by others for future research. [No one will be able to identify you when this data is shared.]	
12.	I understand that the information I have submitted will be published as a report and I wish to receive a copy of it. Yes/No	
13.	I hereby confirm that I understand the inclusion criteria as detailed in the Information Sheet and explained to me by the researcher.	
14.	I hereby confirm that: (a) I understand the exclusion criteria as detailed in the Information Sheet and explained to me by the researcher; and (b) I do not fall under the exclusion criteria.	
15.	I have informed the researcher of any other research in which I am currently involved or have been involved in during the past 12 months.	
16.	I am aware of who I should contact if I wish to lodge a complaint.	
17.	I voluntarily agree to take part in this study.	

18.	<p>I understand that the data I provide for this project will be stored for no longer than ten years after the date of the research.</p> <p>I would be happy for the data I provide to be archived at UCL</p> <p>I understand that other authenticated researchers will have access to my anonymised, [pseudonymised data.</p>	
-----	--	--

If you would like your contact details to be retained so that you can be contacted in the future by UCL researchers who would like to invite you to participate in follow up studies to this project, or in future studies of a similar nature, please tick the appropriate box below.

	Yes, I would be happy to be contacted in this way	
	No, I would not like to be contacted	

Name of participant

Signature

Date

Appendix 4: Research Registration form, September 2018

Application for inclusion of a research project

All research projects using personal data must be registered with the UCL Data Protection Registration Service **before the data is collected**. This includes projects approved by the Joint Research Office (a partnership between University College London, UCL Hospitals NHS Foundation Trust and the Royal Free Hampstead NHS Trust).

UCL is required by law to comply with the data protection legislation. UCL, is the Data Controller under the Act, and the Council, as the governing body, is ultimately responsible for implementation. However, students who are intending to process personal data for research purposes where they are the Data Controller, are responsible for any processing under the Act, and UCL is not responsible for any processing of personal data where it is not the Data Controller.

This form should only be completed if identifiable data is being collected and used as part of research because identifiable data is personal data and data protection law applies. **The Act does not apply to data rendered anonymous (also known as de-identified), so that the data subjects are not identifiable. In this instances, registration will not be required.**

As part of registering your research, we also need to be notified of changes which effect data protection compliance. You can find out more about the changes you need to tell us about by visiting the [research and data protection](#) website.

All sections must be completed before submitting this form to the data protection team.

A. APPLICATION DETAILS

A1.	Project title:	Decision-making in child protection and public protection around perpetrators of domestic abuse, in London and South-East England
a.	Proposed start date: Sept 2018	Proposed end date: Sept 2021
B. CHIEF INVESTIGATOR (CI); PRINCIPAL INVESTIGATOR (PI)		
B1.	<i>(Undergraduate, postgraduate or research postgraduate cannot be the CI/PI for Ethics purposes).</i>	
a.	Full Name:	Carol Rivas
b.	Position held:	Senior Lecturer
c.	School:	Institute of Education
d.	Faculty:	Social Science
e.	Department:	Social Policy
f.	Email: c.rivas@ucl.ac.uk	Telephone:
	<i>Please note that if the CI/PI is not a UCL employee you should provide details below of a responsible UCL employee below).</i>	
g.	Full Name*:	
h.	Position held:	
I	School:	
J	Faculty:	
k.	Department:	
l.	Email:	Telephone:
C. DATA COLLECTOR (S)		
C1.	Data Collector(s) Details <i>(if Applicant is not the PI e.g. student details):</i>	
a.	Full Name:	Chris Dyke
b.	Position held:	MPhil/PhD Student
c.	School:	Institute of Education
d.	Faculty:	Social Science
g.	Department:	Social Policy

h.	Email: c.dyke@gold.ac.uk (before assigning UCL email address)	Telephone:
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D. DETAILS OF THE PROJECT

Please provide a brief summary of the project, including an explanation of the aims, design, methodology and plans for analysis that you propose to use.

I will analyse how professionals - including child protection chairs, MARAC (multi-agency risk assessment conferences) chairs, social workers, probation officers and solicitors - evaluate the risk posed by people who have abused a partner, and what emphasis they place on different factors. I will read key decision-making documents from local authority files, which outline the reasons for making decisions about whether an abuser's children are still in danger, whether they require continued monitoring by MARAC or probation, and whether they need to be separated from their children. I will examine the themes emerging in the thought processes of the decision-makers, and analyse the content to see how they reach decisions. Alongside this, I will carry out a smaller number of individual interviews with decision-makers: child protection chairs, MARAC chairs, and managers and lawyers from local authority children's services departments. The two strands of my data-gathering will feed into each other: my analysis of documents informs my interview structures; while my interviews will offer new themes or dynamics to incorporate into my study. The project brings together current debates over whether a perpetrator of violence is still dangerous,

with theoretical developments in the study of re-offending. The latter have moved from a narrow focus on past and current observed behaviour, to a more nuanced analysis of the internal mechanisms that underpin violent behaviour. This theoretical framework applies on two levels of my research: I will consider it as an approach to assessing an offender, while also exploring the complex mechanisms underpinning key decision-making

E. PRIVACY IMPACT SCREENING QUESTIONS

If the answer to any of these questions is 'yes', then a [PIA](#) is required

Will the project require individuals to provide information about themselves?

Will information about individuals be shared with organisations or people who have not previously had routine access to the information?

Will the project use information about individuals for a purpose it is not currently used for, or in a way it is not currently used?

Does the project involve you using new technology that might be perceived as being privacy intrusive? For example, the use of biometrics or facial recognition.

Will the project result in you making decisions or treating individuals in ways which can have a significant impact on them?

Is the information about individuals likely to raise privacy concerns or expectations, eg health records or information that people would consider to be particularly private?

Will the project require contact with individuals in ways they may find intrusive, eg unexpected telephone calls?

Will the project use personal data, including personal data obtained from live or operational systems for access or transfer outside the UK (e.g. use of Cloud, Hybrid or offshore support purposes)?

Will the project involve processing sensitive personal data*?

✓

F. DETAILS OF PARTICIPANTS

Please provide details of the potential participants for this project, including how they will be selected and recruited.

Decision-makers in probation, social care, MARACs (multi-agency risk assessment conference) and/or legal services, selected through the gatekeepers of their respective local authorities.

G. DETAILS OF THE DATA BEING PROCESSED

Please describe the details of the personal data that is being collected, including the methods of data collection and analysis.

Personal data for interviewees will be limited – I will note their role and the organization they work in (details of the organization will themselves be redacted for the dissertation) but otherwise take down nothing that would identify them personally.

Personal data for service users on databases will be far more sensitive, but I will not be storing details of the individuals themselves – I am more interested in the rationales for decisions made about them. So I may be studying the (highly confidential) report about why someone was/wasn't released from prison, but the units of analysis would be the reasoning given by the decision-maker. The only necessary personal data required would be basic information to place that reasoning in context, eg 'male, 30-40 years old, convicted of assault' or similar.

H. SHARING (DISCLOSURE)

Please describe how the outcomes of the research will be disseminated (for example provide an explanation as to where, and how, will the results be published, or other mechanisms you will be using to share the potential participants personal data).

Over the course of the three-year doctorate I intend to publish three articles based on my research, in suitable journals. I will also be offering training to staff in the participating organisations by way of giving feedback on my research and my findings. The PhD itself will be kept in the public domain.

I. CONSENT

Consent requirements for research projects can vary widely. Whether you are intending to use a consent form, information sheet, or verbally, it is recommended to assure compliance with the Data Protection Act and with ethical requirements.

Please include the information sheet and consent forms you will be using for this project, and or protocol. If you are not including an information sheet and consent form, please explain how the consent will be recorded?

Please see information sheet and consent form attached.

J. DATA STORAGE

Please describe the arrangements you will make for the security of the data, including how and where it will be stored. i.e. UCL network, *encrypted USB stick, *encrypted laptop etc.

UCL network and personal laptop (encrypted, only accessible to me).

*Advanced Encryption Standard 256 bit encryption which has been made a security standard within the NHS)

Data Safe Haven – Identifiable Data Handling Solution

Will the personal identifiable data collected and processed as part of this research be stored in the UCL Data Safe Haven (mainly used by SLMS divisions, institutes & departments)?

YES

**If no please ensure that you have explained how you will ensure that the data is held securely?

Further information on the Data Safe Haven service is available at:

<https://www.ucl.ac.uk/isd/it-for-slms/research-ig/articles/data-safe-haven-assurance>

K. INTERNATIONAL TRANSFER

Will identifiable data be transferred outside the UK as part of this study? **NO**

Data protection legislation prohibits the transfer of personal data to countries or territories outside the European Economic Area (which consists of the 27 EU member states, Iceland, Liechtenstein and Norway).

At the time of writing the following countries have also been deemed adequate - Andorra, Argentina, Canada, Faroe Islands, Guernsey, Isle of Man, Israel, Jersey, New Zealand, Switzerland and Uruguay.

The Data Protection Officer has produced guidance on the transfer of data overseas and particular to the United States. This is available from the [Data Protection webpages](#).

If you intend to transfer data to a country not mentioned above, please supply details of adequate safeguards below:

Use of cloud computing, or the transfer of personal data to other organisations providing a specific service e.g. transcriptions services.

If you are intending to use, or are considering using a cloud service (defined as access to computing resources, on demand, via network), or plan on using a third party organisation to deliver a service that will involve the transfer of personal data, you should ensure that there is an agreement in place which provides adequate levels of protection so that UCL can meet its obligations and protect the rights of the participants involved.

Please supply further details below, or seek advice by contacting the UCL Data Protection team data-protection@ucl.ac.uk.

L. NOTIFICATION

(Please note that notification is a prerequisite for registration)

Have you informed your department's Data Protection Coordinator about your project? **YES**

M. ETHICS

If you are seeking ethics approval for your research, please provide the relevant project ID Number below.

Any questions regarding ethical approval should be directed to the relevant Ethics Committee or Governance Administrator.

DL Ethics Project ID Number:	
Department Research Office Project ID Number:	
Other Project ID Number:	

If you are not seeking ethical approval for your project, please explain why below:

N. SPONSOR

Please provide details of the sponsor for this research below (if applicable). This can be an individual, company, institution, funding council, or another organisation which takes responsibility for the initiation, management and/or financing of the research.

M1.	Proposed sponsorship arrangement	Economic and Social Research Council stipend
a.	Details of sponsor	Economic and Social Research Council House S12 1UJ

O. CHECKLIST

Please submit your application form together with the appropriate supporting documentation that may be applicable from the list below.

N1.	Documents to be included with the application form	Yes if attached. No if not relevant
a.	Participant information sheet (s)	Yes
b.	Participant consent form (s)	Yes
c.	Parent/guardian information sheet (s) and consent form (s) for research involving participants under the age of 18	No
d.	Questionnaire	No
g.	Advertisement of project	No
h.	Other interview format (s)	No
i.	Other documentation being used to invite/inform participants about the research	No

Approval We may have some questions about the information you provide, but you will normally be provided with a registration number within 5 working days of submitting the form. However, the period leading up to meetings of the Ethics Committee is always very busy, and you should allow more time for your application to be processed. It is therefore very important to check in good time whether you need to register your project.

Please note that Data Protection Registration numbers will NOT be issued when you submit an application form in person to the Data Protection Team.

Submit this form electronically and send to research.data-protection@ucl.ac.uk together with supporting documentation that you are intending to use. Please include 'Data Protection Registration' in the subject field.

This form will be returned to you with the appropriate registration number, which you may quote on your Ethics Application Form, or any other related forms.

Data Protection Registration (Office use only)	
UCL Data Protection Registration Number	Date issued

Appendix 5: Memorandum of Association for Advisory Group, 30th January 2019

Advisory Group for PhD research on decision-making around perpetrators of domestic abuse

Memorandum of Association and Privacy Notice

- 1) The research project lasts until 2021, and explores the following questions:
 - How do decision-makers (judges, Parole Board members, etc) form a view about the risk posed by a perpetrator of domestic abuse?
 - What factors have most bearing (consciously or not) on this view, and on the subsequent decision?
 - How and why does this matter for the welfare (mental and physical) of survivors of domestic abuse?

- 2) The group will communicate mainly by email, but will also aim to meet in person (or via conference call) at least once, during the early stages of the project. The group comprises survivors of violence and professionals who work with survivors (e.g. IDVAs, solicitors, therapists)

- 3) The purpose of this advisory group is:
 - To help frame the research in terms of its usefulness to survivors of domestic violence and those working with them, by identifying the significance of judicial and parole decisions for survivors, with emphasis on survivors' mental health and wellbeing, physical safety, and their own decision-making.
 - To contribute to the research design and the questions put to decision-makers
 - To contribute to the research by suggesting any other considerations for the analysis.

- 4) Privacy notice:
 - a. Personally identifying information

No personally identifying information will be recorded for the research. Personal contact information will be used by Chris Dyke for the purposes of convening a group discussion, and for the purposes outlined in 3) above. None of these contact details will be used outside of these purposes, or passed on to any third parties unless requested by the person identified. Any contributions to the group (see b. below) will be fully anonymised, including removing names of locations or small organisations that might inadvertently identify contributors.

b. Contributions to the group

Written and oral contributions to the project, attributed to “members of the advisory group” may be used in discussions between Chris Dyke and his project supervisors at UCL (Dr Carol Rivas and Dr Karen Schucan Bird) and possibly in discussions with other stakeholders such as participating organisations (eg the Parole Board and family courts) and interviewees. Contributions may also be summarised and used in the final published dissertation.

The lawful basis for processing of this information is on the basis of consent, which group members can withdraw at any time by informing Chris, who can also provide copies of UCL’s full data protection guidance if required.

- 5) The convenor and point of contact for the group is Chris Dyke, PhD student, Social Science Department, UCL, c.dyke.18@ucl.ac.uk, tel 07482926544. Any complaints should be addressed to Chris in the first instance, or to his primary supervisor Dr Carol Rivas (c.rivas@ucl.ac.uk) otherwise.

C.Dyke 30.1.2019

Appendix 6: Provisional Parole Board Interview Questionnaire

Note: these questions are necessarily provisional. In addition to the following, my interview questions will likely include:

- 1) Asking about themes I have subsequently identified from reading parole board letters and creating a dataset.
- 2) Follow-up questions within the interview itself, based on answers provided by interviewees: the interview is not designed as a straightforward 'Q&A' (which could be achieved through sending a questionnaire form) but a semi-structured qualitative interview

With these caveats in mind, I plan to ask:

This is about making a decision about a known perpetrator of domestic abuse.

- Can you tell me about the experience you've had, or any training provided, about domestic abuse (including impacts, coercion/control etc)
- What kind of factors affect your view of how much danger they pose?
- How do you reach a conclusion that a perpetrator is likely to continue intimate partner abuse?
- How do you reach the point where you feel the perpetrator has genuinely changed, from being a high risk to posing a low or moderate risk?
- Could you tell me about the personal side of the decision-making process?
How does it feel to make these decisions?
- What kind of 'external' factors (that aren't directly to do with the individual case) are you conscious of, when making decisions?
- Could you tell me about times when your view of a perpetrator has changed (in either direction) during your deliberations? How did your mind change?
- All other things being equal, what difference does it make when you know the perpetrator has.....:
 - o ... attended a perpetrators' programme?

- ... aspects of the programme (length, focus, content) / follow-up after release?
 - ... increased/decreased their use of alcohol and drugs?
 - ... received a positive report from a psychologist or psychiatrist?
 - ... committed previous offences?
 - ... been subject to a positive/negative recommendation from their offender manager?
 - ... worked well (or not) with professionals during their sentence?
- What other kinds of variables make a difference to your analysis?
- (for each factor which the interviewer identified as significant) how did this knowledge affect your decision?
- How do you think other people's views/impressions of the decision-making process (the public, other professionals) differs from your experience?
- Have you encountered – or suspected – a perpetrator looking to manipulate you or other professionals? How did this affect the outcome?
- What do you think could make the decision-making process about perpetrators easier for the Parole Board to understand?
-and easier for the public to understand?

Appendix 7: Variables in Quantitative Analysis

Primary variables (*: continuous variable)

(I also kept the prison ID number during the data-gathering process, so that I could return to a file if necessary, and to avoid any duplication. I deleted these ID numbers once I had completed the process).

project ID

sex of offender

gender of offender

*age in years at time of hearing

type of hearing (first/subsequent/recall)

type of incarceration prior to hearing (open/closed/psychiatric)

parole board composition: on papers, or number of panel members

parole board composition: psychologist

parole board composition: psychiatric member

parole board composition: judicial member

*number of hearings

*length of sentence (months)

*months elapsed since offence

*months remaining on sentence at time of hearing

how DV relates to case (index offence / recall offence / combined offences inc DV)

prior offending history

nature of DV (Johnson's typology)

severity of the abuse (Hegarty's Composite Abuse Scale)

1st DV-related offence for case

2nd DV-related offence for case

3rd DV-related offence for case

3rd DV-related offence for case

did not kill victim

did not rape or sexually abuse victim

unconvicted offending

relationship of victim to perpetrator at time of offence

same or opposite gender victim/perpetrator

children involved
relation of children involved to perpetrator
socioeconomic status (NRS grades)
housing situation (upon release)
employment situation (upon release)
offender in relationship at time of hearing
drug and alcohol use
attended domestic violence perpetrator programme
religious conversion
involvement of victim in the hearing
mental health diagnoses
denies index or key recall offence despite conviction
professional concerns about manipulation
board's evaluation of prisoner's institutional behaviour in prison
board's evaluation of prisoner's behaviour in the community (on license or in open)
board's evaluation of effectiveness of the risk management plan
board's evaluation of the suitability and protectiveness of social and community links
board's evaluation of offender's ability to work with professionals
board's evaluation of offender's honesty and openness
board identified further risk reduction programmes required
recommendation of offender manager
recommendation of offender supervisor
recommendation of psychologist
psychiatric recommendation
level of assessed risk of serious harm towards partner
imminence of DV reoffending during remainder of sentence
parole board decision
factors cited by parole board as significant to their decision
factors cited by parole board as significant to their decision
factors cited by parole board as significant to their decision
factors cited by parole board as significant to their decision
factors cited by parole board as significant to their decision
factors cited by parole board as significant to their decision
factors cited by parole board as significant to their decision

decision (progress or knockback)

type of sentence

being in an open prison (psychiatric facilities excluded)

Secondary, binary variables (derived from primary)

A '1' value indicates the following:

No known prior history of DV

No known prior history of violence

Offences predominantly 'situational couple violence' rather than 'intimate terrorism'

No problematic substance misuse

Completed DVPP satisfactorily

Victim input provided to hearing

Institutional behaviour excellent or with only minor issues

Community behaviour moderate or good

Risk Management Plan inherently effective

Good working relationship with professionals

Impressed Parole Board with honesty

Offender Manager recommended release or progression to open conditions

Offender Supervisor recommended release or progression to open conditions

Psychologist recommended release or progression to open conditions

Level of risk deemed low or medium

Imminence of risk deemed low or medium

Social networks deemed protective

Impressed Parole Board with insight*

*3-category variable: a '1' indicates mixed impression while a '2' indicates impressive.

Appendix 8: Examples of sensitivity analyses

Sensitivity analysis 1: excluding decisions to progress to open conditions (all these cases are either rejections or release decisions)

Factor	Released / progressed when present	Released / progressed when absent	Odds ratio	p	Nagelkerke R ² (Highest first)
Offender Supervisor supports release/progression	55 of 65	1 of 36	198.0	<0.001	0.699
Psychologist supports release/progression	21 of 29	0 of 20	n/a	n/a	0.655
Offender Manager supports release/progression	56 of 67	2 of 46	112.0	<0.001	0.678
Positive honesty/openness	23 of 24	12 of 48	69.0	<0.001	0.541
'Robust, effective' risk management plan (compared to cases with concerns about the plan) *	55 of 61	1 of 16	137.5	<0.001	0.626
Positive insight/remorse into offence (compared to 'lack of insight/remorse')	26 of 29	5 of 32	46.8	<0.001	0.494
Positive insight/remorse into offences and behaviour (compared to 'mixed' insight/remorse)	9 of 21	5 of 32	4.05	0.033	0.494

Good working relationship with professionals	44 of 67	2 of 25	22.0	<0.001	0.344
'Medium' or 'low' imminence of harm**	52 of 77	5 of 34	12.1	<0.001	0.300
'Protective' social and community links (compared to 'mixed' or 'concerning' links)	20 of 24	13 of 37	9.231	0.001	0.284
Indeterminate / life sentence (rather than determinate sentence)	42 of 64	17 of 56	4.38	<0.001	0.159
Oral hearing (as opposed to decision made on the papers)	59 of 106	0 of 14	n/a	n/a	0.212
Completed perpetrator programme with positive or neutral feedback	39 of 55	20 of 65	5.484	<0.001	0.202
Coded as Situational Couple Violence (rather than Intimate Terrorism)	25 of 30	32 of 87	8.594	<0.001	0.216
Positive or mixed reports from community releases (rather than serious concerns about community behaviour)	24 of 33	18 of 46	4.148	0.004	0.143
'Model prisoner' or only minor arbitrations in custody	46 of 73	9 of 34	4.733	0.001	0.150
Each year elapsed since offence	n/a	n/a	1.008	0.003	0.108

'Medium' or 'low' risk of harm to future partner**	18 of 23	40 of 91	4.59	0.005	0.102
Open prison (rather than closed estate)	13 of 15	43 of 91	7.256	0.012	0.108
Non-significant factors:					
<i>Lacking problematic or addictive substance use</i>	<i>3 of 4</i>	<i>36 of 39</i>	<i>3.25</i>	<i>0.317</i>	<i>0.019</i>
<i>Offender did not kill victim</i>	<i>42 of 93</i>	<i>17 of 27</i>	<i>0.484</i>	<i>0.107</i>	<i>0.029</i>
<i>No prior DV convictions</i>	<i>31 of 55</i>	<i>28 of 64</i>	<i>1.661</i>	<i>0.171</i>	<i>0.021</i>
<i>Not coded as Severe Combined Abuse (Hegarty)</i>	<i>30 of 51</i>	<i>29 of 69</i>	<i>1.97</i>	<i>0.07</i>	<i>0.036</i>
<i>Victim statement provided</i>	<i>13 of 21</i>	<i>46 of 99</i>	<i>1.872</i>	<i>0.203</i>	<i>0.018</i>
<i>3-person panel***</i>	<i>21 of 40</i>	<i>16 of 34</i>	<i>1.243</i>	<i>0.621</i>	<i>0.004</i>
<i>Offender did not sexually abuse victim</i>	<i>49 of 94</i>	<i>10 of 26</i>	<i>1.742</i>	<i>0.220</i>	<i>0.017</i>
<i>No prior violent convictions</i>	<i>9 of 22</i>	<i>50 of 97</i>	<i>0.651</i>	<i>0.370</i>	<i>0.009</i>
<i>Each additional year of age</i>	<i>n/a</i>	<i>n/a</i>	<i>1.008</i>	<i>0.712</i>	<i>0.003</i>
<i>Each year remaining on sentence</i>	<i>n/a</i>	<i>n/a</i>	<i>1.006</i>	<i>0.580</i>	<i>0.008</i>
<i>Psychologist on the panel***</i>	<i>12 of 29</i>	<i>37 of 91</i>	<i>0.967</i>	<i>0.853</i>	<i>0.000</i>
<i>Judge on the panel***</i>	<i>8 of 14</i>	<i>51 of 106</i>	<i>0.967</i>	<i>0.855</i>	<i>0.000</i>
<i>Acknowledging offence (rather than denial)</i>	<i>54 of 101</i>	<i>5 of 19</i>	<i>0.967</i>	<i>0.855</i>	<i>0.000</i>

<i>No concerns re: suspected manipulation</i>	<i>56 of 103</i>	<i>3 of 17</i>	<i>0.967</i>	<i>0.855</i>	<i>0.000</i>
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Sensitivity analysis 2: regrouping 'insight' category (including cases progressed-to-open-conditions)

Factor	Released / progressed when present	Released / progressed when absent	Odds ratio	p	Nagelkerke R ² (Highest first)
Positive or mixed insight/remorse into offences and behaviour (compared to 'lack of insight/remorse)	45 of 60	8 of 35	10.1	<0.001	0.313

Appendix 9: Guidance to Parole Board members: Framework for Analysis (Parole Board, 2019)

3.3 Framework for Analysis

Analysis of Offending Behaviour (The Past)	Analysis of the Evidence of Change (The Present)	Analysis of the Manageability of Risk (The Future)
<p>Offender History</p> <ul style="list-style-type: none"> • Life history • Life circumstances • Individual characteristics (including mental health) <p>Offending History</p> <ul style="list-style-type: none"> • Offence type • Factual details of the offence • Previous convictions • Patterns of behaviour linked to harm • Signs of stopping offending (gaps in offending pattern) • Agency intelligence • Impact of the offending • Allegations of harmful or risky behaviour <p>• Other relevant issue</p>	<p>Behaviour</p> <ul style="list-style-type: none"> • Behaviour in prison / Behaviour on licence • Evidence of risk factors and/or behaviour linked to serious harm • Engagement with programmes/therapy and other opportunities • Educational and vocational achievements • Use of new skills • Response to challenges and opportunities <p>Attitudes</p> <ul style="list-style-type: none"> • Attitudes towards offending • Developing understanding of behaviour and its impact • Taking responsibility for actions • Motivation • Developing maturity <p>Assessments</p> <ul style="list-style-type: none"> • Risk Assessments • Professional Opinions <p>Other</p> <ul style="list-style-type: none"> • Age • Physical and Mental Health • Other relevant issue 	<p>Internal Controls</p> <ul style="list-style-type: none"> • Openness and honesty • Likelihood of compliance • Relationships with professionals • Individual plans • Individual characteristics <p>External Controls</p> <ul style="list-style-type: none"> • Risk Management Plans • Licence conditions and other controls (including those to protect the victim(s)) • Imminence of risk, warning signs and contingency plans <p>Reintegration</p> <ul style="list-style-type: none"> • Structure and Opportunities • Supportive relationships • Developing a non-offending identity • Outlook <p>• Other relevant issue</p>