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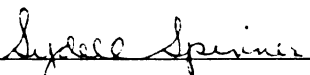


This is to certify that the
thesis entitled
PAROLE DECISION MAKING AND THE
AMERICAN INDIAN

presented by
KURT DAVID SIEDSCHLAW

has been accepted towards fulfillment
of the requirements for

M.S. degree in CRIMINAL JUSTICE


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PAROLE DECISION MAKING AND THE
AMERICAN INDIAN

By

Kurt David Siedschlaw

A THESIS

Submitted to
Michigan State University
in partial fulfillment of the requirements
for the degree of

M. S.

MASTERS IN CRIMINAL JUSTICE

College of Social Science

1977

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ABSTRACT

The purpose of this study is to isolate the variables contributing to a parole board not granting an early release, in the form of parole, to those persons incarcerated during 1970, in a midwest state prison system. American Indian offenders completed more of their sentence in prison than did white offenders with similar basic characteristics. American Indian offenders are viewed more critically than whites when prior record and major institutional infractions are examined. This is an initial phase of research and should not be considered conclusive.

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I wish, above all others, to thank my partner in research, study and life, Joni Marie Tschetter-Siedschlaw. When I was ready to quit she kept me going. I hope I can be of as great of assistance to her as she has been to me. I also thank the Tschetter and Siedschlaw families for their support. Smallest, but not least, in furnishing inspiration at the low points in work and study is my daughter, Alissa Marie.

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CHAPTER I

INTRODUCTION

Prison and parole boards are the object of this study. Prison, in this study, is the facility used for the purpose of housing persons who have been determined by the police and judicial process to be in violation of the criminal statutes and to be of sufficient threat to the community that they should be removed from the community and placed in a confined situation. The prison is responsible for enforcing the order of the Court in regard to the offender and carrying that order out in an effective manner. Effective in this definition supposes a "just" manner in completing this responsibility.

The responsibility of the parole board is to enforce, with as much justice as possible, the lawful statutes in regard to release of incarcerated individuals. "Parole Board" need not be defined specifically by number of persons, specific statute authority or administrative processes. The only factor significant at this point is the resulting action of the parole board in regard to the board's effect upon the length of time an inmate serves in regard to the original sentence.

The criminal justice system as a whole must function within the greater societal population. This population exerts pressure upon the system. Societal and environmental stress is exerted upon the entire system. The prison setting is the only portion of the criminal justice system which affords any degree of insulation from the "real world" pressure. Until prison, the offender has been, to a greater or lesser degree,

within an environment in a proximity to that offender's home, friends and family. Prison in general is as isolated a community as currently exists in our nation. This isolation has brought depravation of varying degrees.¹ This isolation should also provide an opportunity to enforce rules and regulations in a "just" manner.

Theoretically, prison staff can regulate the economy of inmates in regard to purchases and sales of merchandise. Theoretically, prisons control behavior by isolating those persons of a violent nature and establishing classifications through which to enforce compliance with the rules and regulations.

Inequality of police action and enforcement are challenged in our nation's judicial system constantly. The police are continually visible in the community and are subject to close scrutiny when acting out the enforcer role in everyday activity.

The courts of our nation are supposed to support the premise of "blind justice" in their functioning as enforcers. They are to be sure "the law" is carried out effectively. The courts also exist in a setting where their actions are visible to the community. The courts are subject to direct community pressure and to direct review by appeals courts.

Class and racial bias in police action is supposedly rectified or filtered out in the court process. The court's actions have, however, demonstrated figures showing that the court's current sentencing

¹ Krantz, Sheldon, The Law of Corrections and Prisoner's Rights, (West Publishing, St. Paul, Minnesota, 1973), pp. 519-528.

procedures contain inherent class bias.²

It is apparent by the representation of minority group members in our nation's prisons that minority group members are sentenced to prison more often than members of the societal majority. An example of this inequality in representation of minority group members in prison exists in the State of Michigan. In 1977, 55 percent of Michigan's prison population was black.³ The percentage of blacks in the free world population in Michigan is approximately ten percent. Throughout history, many theories have been presented on the issue of causation of criminal activity. Among the various theories, race as a determining factor in criminal activity, has been ruled out. Delinquent behavior is "not related to religion, nationality or race".⁴ Although theories are still being investigated and researched, it is virtually impossible to determine the extent to which genetic variations operate to produce certain conduct.⁵ The fact remains that lower class minority race members are over represented in our criminal justice system.

² Smith, Joan and Fried, William, The Uses of the American Prison, (Lexington Books, D.C. Heath and Company, Lexington, Massachusetts, 1974), pp. 33-34.

³ Office of Public Information, Michigan Department of Corrections, (September, 1977).

⁴ Hartinger, Walter; Eldefonso, Ed. and Coffey, Allan, Corrections: A Component of the Criminal Justice System, (Goodyear Publishing Company, Pacific Palisades, California, 1973), pp. 247-248.

⁵ Wolfgang, Marvin E., Crime and Race: Conceptions and Misconceptions, (Institute of Human Relations Press, The American Jewish Committee, 165 E. 56th St., New York, New York 10022, 1974), p. 29.

The over-representation of minority members in American prisons is a reality. It exists. It will continue to exist for years to come. The issue of crime causality is not at question in this study. What is at question is the equality of action taken in regard to persons in the system. The complexity of the problem of class or racial bias involved in police and court activity is too complex for examination in a single individual exploration. The prison receives a product. The prison system has little choice in the selection of this product. The system enforces institutional rules and regulations in relation to this product, and at some point a product is presented to a parole board for consideration for release.

What factors appear significant to the parole board in determining a persons fitness for parole? Does race act as a significant factor in parole granting? What factors appear to influence the parole board in the most significant manner in allowing an early release from prison?

This study will be undertaken to examine the make-up of a particular prison population. The purpose of this study is to isolate the variables contributing to a parole board not granting an early release, in the form of parole, to those persons incarcerated during 1970 in a midwest state prison system.

Numerous characteristics relate in a positive manner to the granting of parole to incarcerated persons. Race, as a characteristic, should have no effect upon a person being granted or not granted an early release from prison.

As indicated previously, figures are available to demonstrate a class bias and a racial bias in regards to those persons sent to prison.

If the determination to release a person early from a prison setting is based on such factors as type of offense, prior record, age and institutional behavior; that individual's race should not have a significant relationship to the granting or denial of early release.

Many researchers have examined prison populations and parole board decision making processes. It has been determined that minority group members vastly over-represent their free world counter-part in our prison populations. In this study, the effort is made to determine whether a system; through initial analysis, is inequitable in its administration of parole granting authority in regard to the American Indian.

The study will involve an examination of the characteristics of those persons committed to a particular prison system during the calendar year 1970. The effort will be made to isolate those factors that appear to have the greater impact on the parole granting decision.

If other than equal administration of justice is indicated in regard to the American Indian in this study, it may merely add support to the studies of others which indicate inequitable administration of justice in regard to minority group members. More can be accomplished than adding fuel to the cry of racial discrimination. If race, in the final analysis, was a significant factor in granting of early releases during 1970; do items exist that indicate the source of that inequality?

Questions must be asked in regard to isolating racial discrimination during the parole board decision process. Given the existence of prejudice or discrimination by both the offender and the system, does racial membership indicate its influence significantly in the results of prison disciplinary proceedings?

Are the factors influencing the granting of early release existant and isolated prior to incarceration in the sentences administered through actions of enforcement by the police and courts?

A descriptive analysis of this prison population will be presented. A descriptive analysis of several influences affecting early release in the form of parole will be completed, and an attempt made to indicate the direction of future analysis in this situation to reduce or eliminate forms of inequity that may appear in the 1970 population. Whether or not an individual's racial characteristics significantly affect the decision to give a person an early release from prison or not is of primary concern to this study. This study is limited in that little research has been completed in the past that has applied strict statistical standards or employs a solid scientific, methodologically sound framework. This study is limited to simple analysis of initial relationships. In order to supply even broad conclusive statistical results, advanced methods of studying the interrelationships of the variables, such as regression analysis, must be applied.

This is an initial step in an attempt to examine the treatment of inmates at the point of a parole board decision to grant or deny an early release from prison. The comparisons in this study will be between Caucasian persons (for simplicity hereafter referred to as "white") and the Native American or American Indian.

CHAPTER II

REVIEW OF LITERATURE

A review of literature relating to possible discrimination in early release decisions made by parole administrators in relation to the American Indian produces very few definitive studies. Several studies were discovered but they will be examined at a later point. A number of studies will be presented to demonstrate the broader areas of discrimination relating to the administration of the criminal justice system as it regards the American black. A brief review of studies in regard to causation of criminality in regard to race must be addressed first.

"Race is not a causal factor in increased criminal behavior."⁶ This statement is supported by Hartinger, Eldefonso and Coffey, in Corrections: A Component of the Criminal Justice System, when they relate to the ethnic backgrounds of delinquent youth. They found when Black and White offenders were compared, those coming from the same area showed little difference in criminal activity. They go further to state that delinquency is "not related to religion, nationality or race."⁷ These authors indicated that the higher percentage of crime committed by Blacks could "relate to a high unemployment rate in the black ghetto predisposing an inordinate number of black male adults to economic

⁶ Hartinger, Eldefonso and Coffey, Corrections: A Component of the Criminal Justice System, pp. 248-254.

⁷ Ibid., p. 253.

deprivation which in turn causes them to alleviate their poverty through criminal behavior."⁸

In Sociology of Punishment and Corrections, Edward Green reported that blacks are sentenced differently depending on who the criminal and victim are. Green conducted a critique of a study in regard to this phenomenon by Johnson.⁹ Johnson identified and examined four categories in sentencing: negro vs. white, white vs. white, negro vs. negro, and white vs. negro. The negro committing an act against another negro was not given as severe of a sentence as a crime against a white person. Green in critizing Johnson's examination of sentencing, points out his error in not considering the severity of the offense or the circumstances leading to the commission of the offense. When examining the added variables, Green concludes that there is no warrant for the charge of racial discrimination in sentencing. He goes on to explain, "Variation in sentencing according to the race of the offender and the victim does exist, but it is a function of intrinsic difference between the races in patterns of criminal behavior."¹⁰

It is not the purpose of this study to examine the impact of race upon sentencing but simply to support the fact of the existance of

⁸
Ibid.

⁹
Green, Edward, "Race and Sentencing", Sociology of Punishment and Corrections, Johnson, Savitz and Wolfgang, (Wiley and Sons, New York, New York, 1970), p. 248.

¹⁰
Ibid., p. 253.

racial influence on sentencing. More minority group members appear in our prison populations than would be present in a free society sample. Studies have been completed that show that despite possible discrimination in sentencing, once parole eligibility is reached, neither the minimum nor the maximum of a sentence had significant affect upon the decision to parole.¹¹

The dilemma of racial bias in the administration of our criminal justice will remain in existence. As indicated by Wolfgang:

"What can be said beyond the oft-repeated assertion that white bias by the community, the police, prosecutors, judges and juries accounts for most of the high rate of negroes in criminal statistics? The assertion may very well be true, but despite the many documented individual cases of such discrimination, there is practically no verified, methodologically adequate scientific research to prove that this kind of bias actually causes the disparity in rates, or that elimination of administration or judicial bias would eliminate the disparity. Research on the topics, while admittedly difficult to perform, is sorely needed."¹²

Numerous groups representing the black americans in our nation are supporting and encouraging research into racial bias, racial bias most

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Heinz, Anne M.; Heniz, John P.; Sanderowitz, Stephen J. and Vance, Mary Anne, "Sentencing by Parole Board: An Evaluation", The Journal of Criminal Law and Criminology, (Northwestern University School of Law, Vol. 67, #1, March 1976, The William and Wilkins Company, Baltimore, Maryland 21202).

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Wolfgang, Marvin E., Crime and Race: Conceptions and Misconceptions, (Institute of Human Rights Press, The American Jewish Committee, 165 E. 56th Street, New York, New York 10022, 1964), p. 35.

specifically directed at the American Black. The N.A.A.C.P., Martin Luther King, Jr. Center for Social Change and others have encouraged and supported this type of social research.

The number of organizations actually encouraging and supporting research of racial bias as it affects the American Indian are few. The Native American Rights Fund of Boulder, Colorado, is one of these supportive organizations. This organization and the Bureau of Social Science Research, Inc., of Washington, D.C. has supplied information specifically on the Native American in the penal setting.

Griffiths, Hall and Winfree, three doctoral students from the University of Montana conducted an empirical assessment of factors related to parole outcome in regard to American Indians and Whites.¹³ These researchers attempted to study the differences between American Indians and whites who were returned to prison as parole violators. Their work was not well defined. They examined alcohol use, education, previous state incarcerations, previous state paroles, enrollment in prison schools, time served until release and initial residence upon parole. The variables were not well defined and were scaled in a manner that would demonstrate very little discrimination in variances. Alcohol use was defined simply by an institutional judgment of whether or not an inmate had a drinking problem. Formal education was grouped into low (0 to 8 years schooling), medium (from 9 to 11 years), and high (12 years to college). Previous

state incarcerations related to less than 2 prior state incarcerations equaling low involvement; two or more incarcerations, equaled high involvement. There was no further examination of prior involvement of the offender in the criminal process. The number of prior paroles was considered important and was divided into 3 categories of low (0 or 1 prior parole), medium (2) and high (3 or more). Time served until release was also poorly scaled, in that time served was simply grouped into divisions of low (0 to 6 months served), medium (7 to 12 months) and high (13 plus months served). No discussion was undertaken to relate parole granting regulations or authority except to state that the earliest a parole could be granted was 3 months after commitment. Initial residence after parole was grouped into, living with wife, parents, alone and other.

The study included 1,201 cases but the lack of proper scaling of the variables considered would suggest results that were far from conclusive. The question of education and a relationship to parole outcome was suggested by demonstrating that American Indians with 12 years of education or less, failed at a rate of 53.1 percent on parole, while whites in that same group only failed at a rate of 41.2 percent. The analysis suggested that the rate of failure for both groups, increased for persons with more than 12 years of education.

The number of prior incarcerations was suggested as being directly related to parole outcome, and time served was only predictive of a successful parole, if the time served was short. The outcome of time served relates only to 6 months or less being served with no consideration being given for length of sentence, type of offense, whether violence was involved in the offense and what "good time" considerations might be

allowed.

These authors conclude that there is a significant relationship between the number of previous state incarcerations, number of prior paroles, time served before release, the initial residence and parole outcome. They conclude their project indicating, "the failure for Indians consistently remained at high levels, even for the four variables which were significant (to parole success) for both groups."¹⁴

The final statement of a higher rate of failure for American Indians is the only assumption made in this report that the current researcher can accept as valid or reliable. The authors call for further analysis of the problem of lack of literature on this subject and examination of inequities in the current system. The call is applauded by this researcher, but these authors supplied little solid, empirical data from which to build.

Byron Swift and Gary Bickel, examined differential treatment of federal parole in regard to American Indian and non-Indian inmates during 1973 and 1975.¹⁵ The specific question examined was whether American Indian offenders experienced discriminatory treatment in the granting of parole. Swift and Bickel suggest that when crime categories were controlled,

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Ibid., p. 3.

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Swift, Byron and Bickel, Gary, "Comparative Parole Treatment of American Indians and non-Indians at U.S. Federal Prisons, Fiscal Years 1973 and 1974", (Bureau of Social Science Research, Inc., 1990 M. Street, N.W., Suite 700, Washington, D.C. 20036, Dec. 1974).

American Indians not only spent 15 percent more time in prison before parole, but also received longer original sentences. Therefore, American Indians in the crime categories for which they showed substantial representation, actually served 35 percent more time in prison than non-Indian offenders.¹⁶ This report, for the factors considered, appears to be sound. The problems of this report; when the reader determines that other than length of sentence and crime category, no other variables are used to differentiate the population, became apparent when such variables as prior record, age and prison disciplinary action are brought into the influences of the parole treatment.

This researcher does not suggest that these factors would necessarily alter the results of the Swift and Bickel research, but such factors must be considered if attempting to do a definitive study. The study's primary contribution to the examination of possible discrimination in parole decision making is to point out the importance of crime category. The report demonstrates some form of discrimination in original sentences. American Indians parole in 1973 and 1974 had sentences averaging 43.7 months and 39.9 months respectively, while the corresponding non-Indian groups served 35.8 months and 37.4 months.¹⁷ Although this researcher can not discount the implications of discrimination in the treatment of parole, the data presented can not encourage a definite conclusion of

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Ibid., p. 3.

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Ibid., p. 14.

racial discrimination at the parole decision making point.

A preliminary report of a study on the prisoners paroled from the South Dakota Prison system from 1970 through 1974, finds that "the overall parole rate (or 'rate of release-by-parole', defined as the number of prisoners released by parole as a percentage of all prisoners released) is significantly and consistently lower over the period for Indian prisoners than for non-Indians."¹⁸ The report indicated a 41.6 percent rate of parole for non-Indians and a 27.5 percent rate of parole for Indians. The report continues by stating a total time served of original sentence for Indians of 40.3 percent and 33.5 percent for non-Indians.

Considering that no explanation of methodology was presented and that no elaboration on the data was made, only 2 conclusions can be accepted from this data: (1) a lesser parole rate, for the years covered, was indicated for the American Indian offender, (2) American Indians served more of their original sentence than non-Indians.

SUMMARY

The parole decision making process has been questioned as to considerations of procedural due process and notice to the offender.¹⁹

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Bickel, Gary W., "A Preliminary Report to Native American Rights Fund", (Bureau of Social Science Research, Ind., 1990 M. Street, N.W., Washington, D.C., 20036, February, 1975.).

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Heinz, Anne; Senderowitz, John P. and Vance, Mary Anne, "Sentencing by Parole Board: An Evaluation", The Journal of Criminal Law and Criminology, (Northwestern University School of Law, Vol. 67, #1, March 1976).

These, among the numerous other possible criticisms, have been voiced in objection to the existence of parole boards. The question is one of hot dispute. Most of the recommendations are stated in projections of a "better" system. The concern of this research is not to present suggestions for some future system, but rather determine what has been done in the immediate past for possible direction in improving the system today.

The procedure is possibly subject to debate, but what have been the results of the procedure that has existed? The criteria used to grant parole may not be easily identified or prioritized, even by the parole board. Whatever the criteria, has a specific bias been the rule in granting parole? Ignorance, pure caprice, bigotry, or other abuses of discretion are alleged influences of those parole decisions.²⁰

As indicated in other portions of this text, studies have been completed to study racial bias against Blacks in our nation's prison system. What are the biases that exist in parole decision making in regard to the American Indian?

²⁰Ibid., p.1.

CHAPTER III

METHODOLOGY

The objectives of this study are two-fold. The initial goal is to present a descriptive analysis of a prison population for 1970. The second is to examine several variables to determine their relative importance in affecting the early release of those persons received at this state prison during the calendar year 1970, in considering racial differences.

The variables used in the descriptive analysis are the same as the variables examined for their impact on the parole decision. Although other variables were recorded, the primary variables being examined are: (1) age at time of prison commitment, (2) race as indicated on inmate prison entry record, (3) education completed at time of commitment as recorded on prison entry record, (4) juvenile record, whether or not the inmate had involvement with the criminal justice system as a juvenile, as indicated in Federal Bureau of Investigation records, (5) adult record, extent of prior involvement with the criminal justice system as and adult, as indicated by Federal Bureau of Investigation records and (6) specific offense for which offender was sentenced.

Variables to be considered that evolve during the prison setting stay are, discipline, whether or not an inmate received official action in regard to prison infractions and to what degree, and results of parole appearances, whether subject was paroled, continued, denied parole or refused to appear for parole.

Age was determined by subjects recorded birthdates. Age was calculated with only those persons within one month of their birthdate at the time of commitment being given the next higher age. The initial data collection allowed for actual age. Age was computed into categories after initial analysis. The age categories were selected by what appeared as natural groupings for this population. Greater differentiation was made in the younger ages due to the "n" at the lower range. Age categories were 18 years and younger, 19 to 21 years, 22 to 26 years, 27 to 38 years and 39 to 50+ years.

Race was grouped into white, American Indian, black, spanish speaking, oriental and other, during original data collection. After initial analysis these areas were regrouped into white, American Indian and other. "Other" in this study represents 2.4 percent of the population or 6 cases and was disregarded after initial frequencies were determined, due to the low number of cases.

Education was originally allowed actual range from 0 to 12 years, G.E.D., vocational training, 1 to 2 years college, 3 plus years but no graduation and finally college graduate. Initial distribution results suggested logical groupings of 1 to 8 years as group 1, 9 through 11 as group 2, 12 years, G.E.D. and vocational training as group 3, and college composing group 4.

Juvenile record was recorded as: (1) no formal record indicated, (2) those that had received juvenile probationary periods and (3) those juveniles who had experienced juvenile institutionalization. Adult record is recorded in much the same manner allowing for: (1) no record, (2) misdemeanor arrests, and (3) those with records of prior felony probation sentences.

Prior prison terms were examined through groupings that illustrated: (1) no prior prison, (2) 1 prior prison term, (3) 2 or 3 prior prison sentences, (4) 4 or 5 prior prison terms, and (5) 6 plus prior prison terms. The prior prison record was recorded from the Federal Bureau of Investigation record checks by the institution.

Offense types in the original data collection allowed for the total range of offense types. These types were reduced to 4 groups consisting of: (1) personal assaultive violent crimes, (2) property offenses, (3) checks and frauds and (4) all other offenses. The specification of these groups will be examined further in the analysis presentation.

This study was conducted on all prison commitments to a prison system in a midwest state during the calendar year 1970. This prison system consists of a maximum security unit for male offenders which was constructed at the turn of the century. A trustee cottage and a prison farm exist in conjunction with the main maximum security units.

Original data was drawn from 3 sets of records from within the institution. The 3 sets consisted of the original inmate face sheet, the institution disciplinary records and the parole board records of action on cases.

Initial analysis allows for simple descriptive percentages and frequencies for the entire population. When the first steps are taken in examining a population whose sentences range from three months to life, a realistic method must be determined for looking at sentence length as it relates to parole or no parole.

Initial calculations are allowed statutorially for a minimum of 2 months per year credit for good behavior. This calculation is made shortly after arrival at the institution and can only be removed through parole board action. Although the credit, or "good time", is calculated on a sliding scale that increases "good time" with longer sentences, 2 months per year is a minimum allowed to everyone.

The effect of "good time" on actual sentence is to reduce a 12 month sentence to 10 months. A direct computation can be made for each sentence by multiplying the original sentence by 5/6. This gives a person a little more realistic idea of an offender's actual length of sentence. Without considering the increase in percentage of "good time" for the longer sentences, this basic calculation allows the observer to examine all possible parole releases for the group who may have had actual sentences from 0 to 72 months.

Since data on this population was gathered in July of 1976, which covers a 66 month period, it in effect would include persons paroled or released in some other fashion, who had sentences ranging to at least 73 months. Sentences of 76 months or less accounts for all cases examined except for 17 cases. These cases will not be examined in the analysis of parole release. This category represents a racial distribution of 13 or 87 percent whites receiving sentencing of from 77 months to 40 years and American Indians 2 or 13 percent. Two whites were the only cases ranging from 41 years to life.

The actual release date divided by the "good time" date gave a percentage that illustrated percentage of time served before release (release date \div (sentence \times 5/6) = % of time served). It is this

calculation for sentences less than 76 months that is used to examine cases that would have been eligible for parole consideration.

The types of release allowed for categories of: (1) straight release-time served, (2) paroled, (3) suspended sentences, (4) released to new offense - new sentence, (5) pending - can not be considered, (6) appeal bond, (7) died in prison and (8) released to other authority - state or federal detainer. The only categories considered in the final data will be straight release-time served and paroled since the parole board has no impact on the remaining types of releases. Straight release and paroled cases are then included in a distribution of percentage of time served with 1.00 equaling straight release and any percentage less than 1.0 indicating some type of parole board action. This particular distribution is then examined for persons with sentences of less than 76 months.

To begin the examination of race and a relationship to parole granting an initial distribution of race by percent of time served needs to be established and the variables to be considered then compared, to indicate their individual relationships to percentage of time served and the distribution represented in the original table. The variables considered will be inserted in the program so that the tables will represent race by percent of time served $[\text{release time} + (\text{sentence} \times 5/6)]$ by variables (V1 through V8).

The primary statistical function to be examined will be chi square to indicate representative relationships that are significant. The significance at .05 will be considered. The cross-tabulations will be examined for cell representation and percentage of distribution. The emphasis for this study is percentage distribution.

CHAPTER IV.

ANALYSIS

GENERAL FREQUENCIES

During the calendar year 1970, 255 persons entered this prison system. One case, a duplicated case, was missing critical data and was coded to 0. Whether descriptions are in whole numbers or percentage representation, the sum under any one variable may not equal 255 or 100 percent, due to missing data in some areas.

Of the persons committed to the prison, 31 percent were under 21 years of age. Those between 22 and 38 years of age represent 46 percent of the population; persons from 39 to 50 years of age represent 19 percent of the group; while those over 50 years of age comprised 4 percent. The mean age of this population was 28.4 years, while the most frequently appearing age group was 19 years old, that represented 20 persons of the 254 cases.

The racial frequencies represented, 171 persons (67%) as being white, 77 persons (30%) American Indian and 6 persons (2%) comprising the collapsed category of other. These 6 cases were comprised of 3 blacks, 2 spanish speaking and 1 oriental. With the conclusion of the initial description, the category "other" will be recoded to "o", so that comparisons and percentages will be comparing white and Native Americans only.

Marital status of the 1970 population is represented as: 48 percent single - never married, 21 percent married, 2 percent separated and 28 percent widowed or divorced. Area of birth shows that 22 percent of

the inmates were born on a reservation, 43 percent were from within the state other than reservation, 19 percent were from immediate neighboring states, 16 percent from other portions of the United States and .4 percent were from foreign countries.

In examining education of American Indians and whites only, 39 percent had eight years of schooling or less. Of that group, 69 percent were white and 31 percent were Native American. Persons with educational levels of 9 through 11 years comprised 42 percent, with whites equaling 60 percent and American Indians equaling 40 percent. Persons who had completed high school passed the G.E.D. or had some vocational training made up 42 percent of the population with whites comprising 86 percent and American Indians 14 percent. Only 9 persons had college educations, all of whom were white.

Looking at juvenile and adult records, without controlling for race, 66 percent of the total cases had no juvenile record, 5 percent had been on juvenile probation and 29 percent had been in a juvenile institution. Adult records indicated 24 percent of all inmates had no prior record, 24 percent had misdemeanor arrest or probation offenses and 23 percent had been on prior felony probation supervision. Twenty-eight percent (28%) of the total inmates had indications of prior felony arrests. The number of felony arrests is very possibly misleading in that record keeping and the sending of arrest records to the Federal Bureau of Investigation is not completed on a universal basis, especially from small rural law enforcement agencies prior to 1970. The same type of allowance for error might be brought into play in juvenile records and their not having been kept and recorded properly prior to 1970.

The record of prior prison sentences should represent a fairly accurate picture in that most sentenced felons have their records forwarded to the Federal Bureau of Investigation by both the sentencing county and the receiving institution. The total population picture shows 49 percent of the inmates as not having served prison time on prior sentences. Seventeen percent (17%) had 1 prior prison term, 20 percent had 2 or 3 prior prison sentences and 9 percent had 4 or 5 prior prison sentences and 5 percent had more than 6 prior prison terms to their record.

The offense for which an offender was sentenced to prison during 1970 was originally collected in a manner to allow the total range of offenses to be recorded. The distribution of offenses by race include the following:

CRIME CATAGORIES BY RACE

	RACE TOTAL AND PERCENT			
	White		American Indian	
1. MURDER OR MANSLAUGHTER	8 (89%)		1 (11%)	
2. ARMED ROBBERY	4 (66%)		2 (33%)	
3. FELONY ASSAULT	8 (89%)		1 (11%)	
4. RAPE	8		0	
5. CHILD MOLESTATION	5		0	
6. INCEST	1		0	
7. BURGLARY	29 (54%)		24 (45%)	
8. GRAND LARCENY	16 (57%)		12 (42%)	
9. CHECKS	38 (16%)		23 (37%)	
10. CON GAMES - FRAUD	4		0	
11. MULTIPLE (1-4)	2		0	
12. MULTIPLE (7-8)	12 (63%)		4 (21%)	
13. MULTIPLE (9-10)	3		0	
14. REVOCATIONS SS & PB	10 (76%)		3 (23%)	
15. DRUGS	8		0	
16. D.W.I.	10 (91%)		1 (9%)	
17. ESCAPE	4 (40%)		6 (60%)	
18. FAILURE TO SUPPORT	1		0	
TOTALS	171 (67%)		77 (30%)	

RELEASE TYPE

The variations of possible release types have been indicated previously. Here is the distribution of the total prison population that was admitted during 1970 and subsequently released.

RELEASE TYPE		
STRAIGHT	121	48%
PAROLED	88	35%
SUSPENDED SENTENCE	17	7%
RELEASE TO NEW OFFENSE	8	3%
PENDING (were not eligible for any action)	4	2%
APPEAL BOND	6	2%
DIED IN PRISON	2	.8%
DIED ON PAROLE	1	.4%
RELEASED TO OTHER AUTHORITY	7	3%
TOTALS	<u>254</u>	

PAROLE BOARD ACTION

Seventy percent (70%) of all persons committed to prison during 1970 appeared for some type of parole board action. Seventeen percent (17%) are accounted for by other release types and 7 percent are accounted for in that they had sentences of such a length that would not allow for a parole appearance at the point of data collection in July, 1976. These percentages allow a remaining 6 percent that represent cases with missing data. This 6 percent represents 15 cases which must be considered in presenting the total implications of this research in regard to the paroling decision.

SENTENCE

Sentences given to the respective groups (white and American Indian) varied in the following manner: Mean = 29 months, Median = 24 months and Mode = 24 months for whites versus a Mean = 24 months, Median = 15 months and a Mode = 15 months for the American Indian offenders. It

should be remembered from the representation on the previous table that of the violent crimes of murder, manslaughter, armed robbery, felony assault, rape, child molestation and (because of the "n" of 1) incest, the American Indian comprises only 12 percent of these offenders. This being the case American Indians would rationally have shorter overall sentences.

The question to be examined later is how does percentage of time served relate to the various variables of offense, prior prison sentences, juvenile record, age, education and internal prison variables?

Internal discipline procedures in regard to inmates show that 34 percent of all inmates had no prison infractions of any kind. In addressing the category of major disciplinary proceedings above, 45 percent of the total population had no major infractions recorded, 13 percent had 1, 14 percent had 2 or 3, 8 percent had 4 or 5 and 15 percent of the inmates had 6 or more major infractions recorded. This variable as with the others will be examined further.

RACE BY PERCENTAGE OF TIME SERVED

It is at this point that the various factors must be brought together to determine just what can be examined in order to study whatever relationship exists between race and percentage of time served before release. The first factor is the formula (percentage of time served = release ÷ [sentence × 5/6]). This factor will reduce the "n" to 194, having recorded all missing data to 0. The second factor is race, having recorded all values other than American Indian and white to 0.

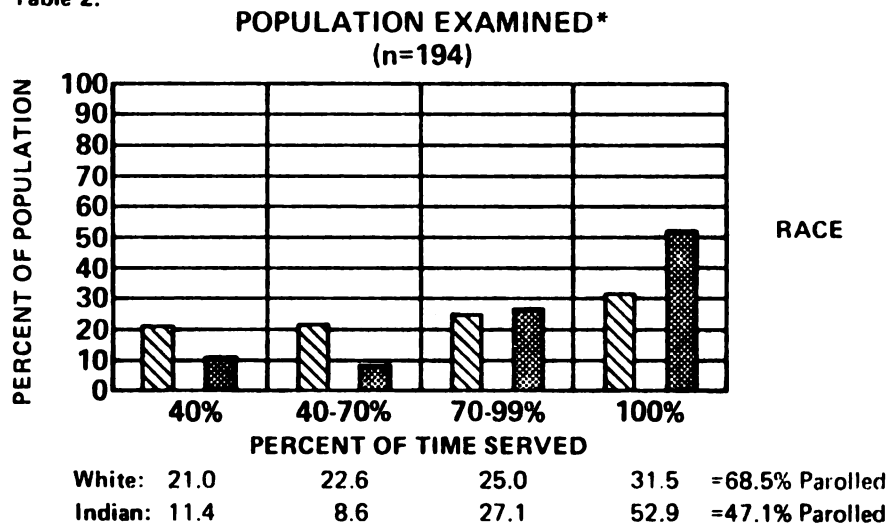
The percentage in percent of time served was recorded into natural groupings to allow an appropriate "n" in certain categories. These recorded percentages were represented by 1 = less than 40 percent, 2 = 40 to 70 percent, 3 = 70 to 99 percent and 4 = 100 percent of time served. The table representing race by percent time served is illustrated below.

Table 1
Sentence Proportion Served

Race	Less Than 40%	40-70%	70-99%	100%	
White	26	28	31	39	124
% of row	21.0	22.6	25.0	31.5	62.9%
% of column	76.5	82.4	62.0	51.3	
% of population	13.4	14.4	16.0	20.1	
American Indian	8	6	19	37	70
% of row	11.4	8.6	27.1	52.9	36.1%
% of column	23.5	17.6	38.0	48.7	
% of population	4.1	3.1	9.0	19.1	
	34	34	05	76	194
	7.5%	17.5%	25.8%	39.2%	

The following is a table representation of percent of time served by race. Categories of time served are 0 to 40% served, 40-70% served, 70-99% served and 100% of the sentence served.

Table 2.



Without exploring further, a case might be presented suggesting that race was the determining factor in percentage of time served in that 80 percent of the American Indians served from 70 to 100 percent of their time compared to whites with 56.1 percent serving 70 to 100 percent of their time. Further steps must be taken to examine other variables as they may appear to affect percentage of time served. No conclusions beyond the implication of American Indians spending a larger percentage of time before release can be made at this point.

AGE

As a rule of thumb the older a man is when release from prison, the less likely he is to return to crime.²¹ If this is true and the parole board is in agreement, then age should be significant in considering the percentage of time served and should be equally a factor with whites as with Native Americans. (See Appendix B, Tables 4 through 6)

The distribution of cases by race when examining age does not differ significantly from the original representation of race by percent of time served. American Indians are represented more to a small degree, in the lower age groups including all persons under 21 years of age. This slightly higher percent representation may be understood when the fact that Native Americans had a median age of 20.4 years for males which is eight (8) years younger than the general population,²² is presented.

EDUCATION

Careers in delinquency and crime tend to go hand in hand with retardation in educational endeavors.²³ Does the parole board agree, through their action, with this premise? (See Appendix B, Table 3).

²¹ Glaser, Daniel, The Effectiveness of a Prison and Parole System, (Bobbs-Merrill, Company, Inc., Indianapolis, New York, 1969), p. 18

²² United States Department of Commerce Bureau of Census, "We the Americans", U.S. Bureau of Census, Census Population 1970, (U.S. Government Printing Office, Washington, D.C., 1971) p. 5.

²³ Glaser, Ibid., p. 174.

In considering education on a whole, no cell within the total percentages of white and Native American representation varies greater than 1.5 percent. If American Indian distribution among the education categories where the majority of American Indians are represented (less than 11 years of schooling) is compared to the white distribution, the American Indians are under-represented in releases prior to 70 percent of time served. Eighty-one percent (81%) of the whites with education of less than 11 years were paroled prior to 70 percent of the time being served. Only 38.9 percent of the American Indians in this same category were released prior to 70 percent time served. The whites would appear to have a 42.1 percent greater chance of parole with education as the only criteria than would be present for the Native American. Again caution must be issued that this representation does not explain the interrelationship of education with other variables.

The importance of Native Americans not receiving equal consideration if education is a criteria is supported by the 1970 census report which indicates that the education level for the American Indian was 9.8 years of schooling while the national average was 12.1.²⁵ This would place, as indicated previously more American Indians in the less than 11 years of education category. Although those with lower education may not be paroled as readily, the representation by race should not vary by the degree that it does.

²⁵ U.S. Department of Commerce, Ibid., p. 13.

OFFENSE

Other than sentence length and prior records, the type of offense would logically be the most apparent item to consider in relation to criminal activity and a projected physical threat to the community. The factor of sentence length has already been dealt with. The examination of the offense committed is next at hand. Offense types, as indicated, are grouped into four categories. The categories consist of: (1) violent personal crimes; (2) property offenses; (3) checks and fraud and (4) other. In presenting the analysis of violent crimes that had generally longer sentences, it must be remembered that the "n" of cases may be smaller due to not having been eligible for parole consideration within the 6 year time span from January, 1970 through the collection of data in 1976. (See Appendix B, Tables 7 through 11).

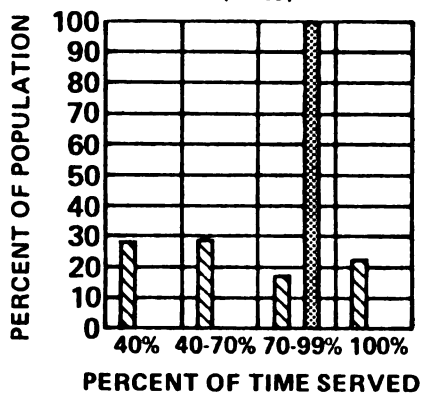
The type of offense committed appears to affect the percent of time served. American Indians committed only 15 percent of the violent - assaultive crimes that had sentences that allowed them to be considered for parole in the 6 year period of this study. That 15 percent represents only 3 cases. All 3 cases served from 70 to 99 percent of their time. The white offenders in the group were distributed throughout the categories, with 58.8 percent (10 of 17 cases) being released prior to 70 percent of their sentences being served.

Property offenses and the percent of time served before release corresponded directly to the original comparison of race by time served, as does the crime category of checks and fraud. The category of "other" indicates the American Indian (7 cases) served all of their time. These 7 cases are summarized into one, Driving While Intoxicated case

and the remaining six were escape cases. The representation for the white offenders in these two categories are 10 and 2 respectively.

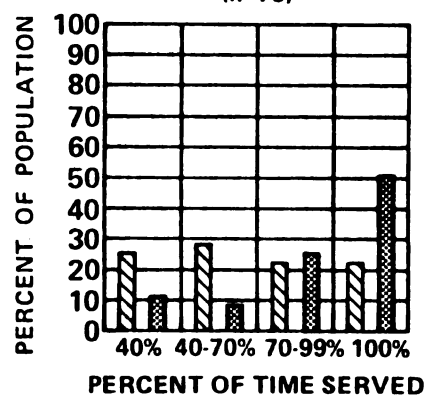
The category of escape may explain why 6 of the 7 cases served 100 percent of their time. These escape offenders would have been serving a felony sentence or awaiting sentencing on a felony when they escaped. An inmate of the state prison who escapes must serve all of any present sentence and a minimum of 1/2 to 2/3 of his "good time" on the escape charge, depending on how many prior felony offenses he may have had.

Table 8.
VIOLENT, ASSULTIVE CRIMES
(n=20)



White: 28.4 29.4 17.6 23.5 (n=17) 85%
Indian: 0.0 0.0 100 0.0 (n=3) 15%

Table 9.
PROPERTY CRIMES
(n=78)



White: 25.6 27.9 23.3 23.3 (n=43) 55.1%
Indian: 11.4 8.6 25.6 51.4 (n=35) 44.9%

It would appear that American Indians who commit property offenses are possibly viewed as a greater economic threat to the community than the white offender. It would also appear that those Native Americans who commit violent-assaultive offenses are evaluated as more of a threat than the white offender, even though no Native Americans

appeared in the 100 percent of their time served category. This assumption will be addressed further in Chapter V.

Caution must again be issued. Numerous other issues must be addressed; some of which relate to economics, employment, home community and various other individual variables before any statement of conclusive prejudice can be made.

PRIOR RECORD

Prior record for this study is examined through juvenile record, adult record and prior prison sentences. These are considered as individual variables and their interrelationship although considered, will not be examined in this study. (See Appendix B, Tables 12 through 22).

The juvenile record illustrates that only the lack of a record is significant. The degree of juvenile involvement with the criminal justice system in regard to juvenile probation or juvenile institutionalization is not significant. Some factor other than the degree or extent of juvenile record is responsible for whatever discrepancy exists causing the Native American to serve a higher percentage of time. The population size does indicate that more Native Americans have had a juvenile institution exposure, (whole population, whites = 64 percent, Indians = 36 percent; juvenile institutional experience, whites = 52 percent, Indians = 48 percent) than would be suggested by their percentage in the population makeup.

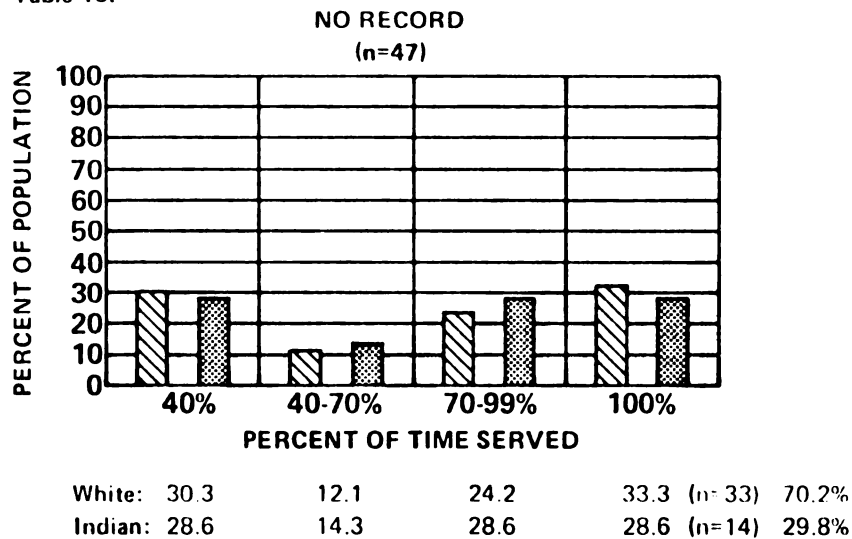
Adult record, other than prison is examined via categories of no arrests, misdemeanor offenses and felony probation. Those offenders with no prior record were represented in a generally equal distribution

in percent of time served. The Native American without a record of adult offenses served slightly less percent of overall time than the white offender. The American Indians received an early release at a rate of 4.7 percent greater frequency. In general those inmates without prior records were treated the same. More of those offenders who had prior misdemeanor records served 100 percent of the terms than those who had no record at all. White offenders who served all of their time in this category represented 37 percent of their group. This is a 4 percent increase in 100 percent of time served over those white offenders with no record. The same comparison with American Indian offenders shows that 60 percent of the Native Americans with misdemeanor records served all of their time. This is a 30.2 percent increase over those Native Americans with no record. This initially suggests that the American Indian with a prior record of misdemeanor offenses is given less opportunity for parole release than the white offender. Will this view of the American Indian as less desirable for release than the white offender be supported in looking at prior felony probation records and prison terms?

Persons who had prior felony probation terms again represented a spread of 24.6 percent more Native Americans serving 100 percent of their time than white offenders. Although the distribution of persons released who had prior felony probation records is much more evenly distributed, white offenders had a 2 percent advantage over the Native American in serving less than 40 percent of the sentence, 10.3 percent advantage of being released within 40 to 70 percent of the sentence and a 12.2 percent advantage in being released between 70 and 99 percent of their sentence. Although the small "n" in this variable (24 whites and 19

Native Americans) points out that a difference of one or two persons in a cell could cause a vast change in the percentage representation for a particular group, it is felt that the statistical representation is important. The representation suggests that for some reason, as yet unexplained, the American Indian with a record is viewed differently than the white offender with the same type of record.

Table 15.



In referring to Table 15, having no prior prison sentence is a positive factor in being released, sometime prior to 100 percent of time served point. This chart is not statistically significant. Practical viewing indicates no gross advantage given to either the white or Native American inmates. A slight 3.4 percent advantage is experienced by the white inmates. However, when this advantage is restated it represents 3 persons. Possibly, this representation is not statistically or practically significant, but it does suggest that slight advantage for the white offender.

Those American Indian offenders with 1 prior prison term spent more time on a whole, in prison before their release although the percent of release prior to 100 percent is varied by only 1.2 percent in favor of the white offender. Again it must be remembered that, practically speaking, 1.2 percent equals only .2 of a case.

Offenders with 2 or 3 prior prison terms on their record spent a larger percent of their sentence before release. Of those that completed all of their time, the Native American was represented at a 27.2 percent higher rate than the white inmates (42.9% white vs. 66.7% American Indian). The 27.2 percent difference would represent 5 cases.

Table 19.

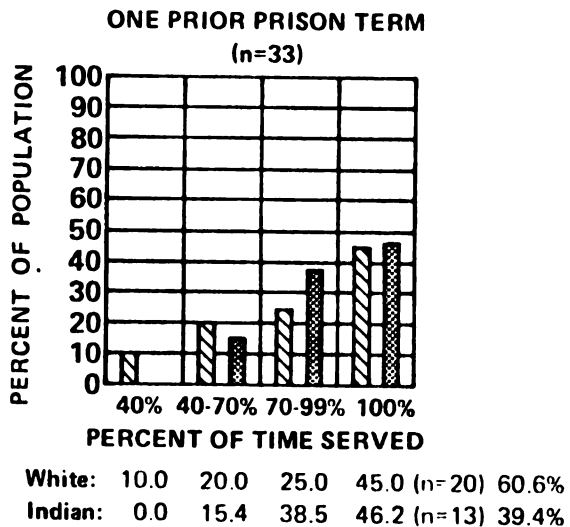
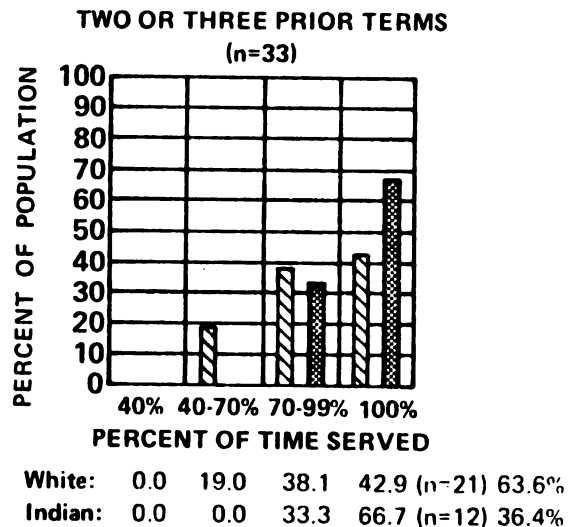


Table 20.



The offenders with 6 plus prior prison terms demonstrate a marked difference in the number of Native Americans serving 100 percent of their time. There are 14 whites and 14 Native Americans, yet 85.7

percent (12 cases) of the Native Americans served all of their time versus 28.6 percent (4 cases) of whites. Various factors could influence this difference. These factors may be employment opportunities, vocational skills, family background, home situation or other unexplored variables. These various influences will be explored and outlined in the summary.

DISCIPLINARY ACTION

Internal institution variables are consistently considered by parole boards in making decisions as to whether or not to release early. This fact is supported by Louis Carney's text identifying three areas of "primary concern".²⁷ (1) severity of the commitment offense, (2) prognosis for parole success or failure and (3) institutional adjustment. A factor of institutional adjustment is the disciplinary action, if any, brought against the inmate. Other aspects could include participation in programs, completion of training programs, etc. The most apparent internal prison factor that may influence the parole board is considered by this writer to be the extent of disciplinary action against the inmate.

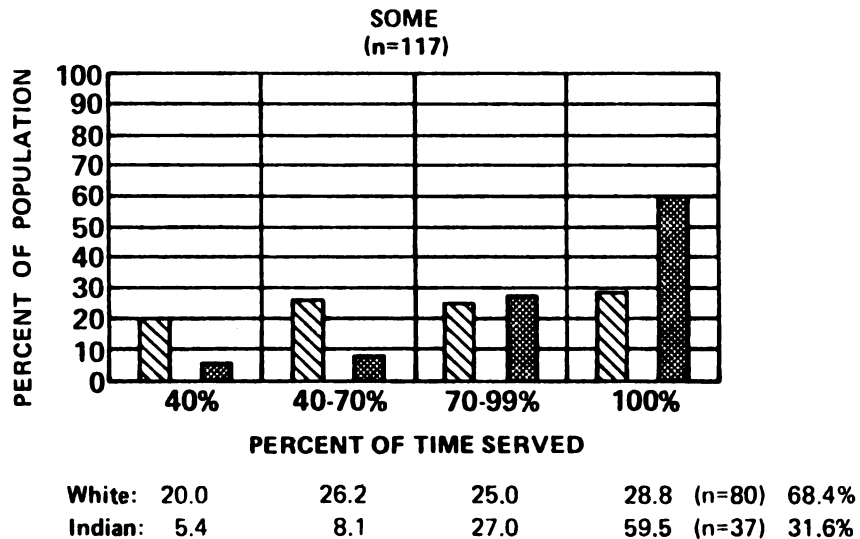
The fact of having no record of prison disciplinary infractions shows no significance to the question of difference in treatment by race.

²⁷

Carney, Louis P., (Probation and Parole: Legal and Social Dimensions, (McGraw Hill Book Company, New York, New York 1971) p. 190.

However, when the question of the influence of any recorded disciplinary infractions is reviewed it indicates that the American Indians in this setting with infractions serves all of their time at a rate of 59.5 percent compared to the rate of 28.8 percent with White inmates. These figures do not allow for the degrees of infractions, major or minor, nor do they allow for the gross number of infractions. The major infractions, being the more serious institutional offenses, should logically be a prime measure of institutional adjustment.

Table 24.



Major infractions for purposes of comparison consist of 5 groups. Group one represents those inmates with no major infractions. Group two is comprised of inmates with only one major infraction. Group three consists of offenders with two or three major infractions while Groups four and five include four or five infractions and six plus infractions respectively.

American Indian inmates, during 1970, did not represent any higher than normal percentage of those with disciplinary records (American Indians = 31.6% of those with infractions versus 68.4% white inmates). In fact the Native American representation is approximately 5 percent lower than it should be, all other factors being equal.

The questions of major infractions and their effect on percent of time served is initially addressed by examining those offenders with no major infractions record. The distribution of cases of American Indians and whites are not altered to a significant degree by the lack of a major infractions record. Examination of the table representing the varying degrees of major prison infractions ranging from 1 to 6 plus presents the viewer with an immediate over-representation of American Indians in the 100 percent of time served cells. The American Indian committing major institutional infractions, whether it be one or five, is viewed for some reason differently than the white offender in these categories. The only area where major infractions is not significant is when examining cases with six plus prison infractions where the "n" size is again small and thus the percent representation may be too misleading. (Refer to Tables 25 through 29).

CHAPTER V.

SUMMARY

Race should not be a determining factor in whether an early release from prison is granted or not. The steps taken in this study demonstrate that American Indians, as a group, spent a higher percentage of time in prison than did the white inmate population.

NOTE: The major factors that appear to be more critical for the American Indian are crime type, prior record, prior prison terms served and extent of major internal prison disciplinary actions.

There was no significant difference indicated between races in the area of education when relating to those persons with less than 11 years of education. It appears that a racial bias as far as the number of years of education did not affect the early release decision.

Although those American Indians serving all of their time is equal to the white group, for those under 21 years of age, of those that had an early release the American Indian served a larger percentage of time. Thirty-three percent of American Indians versus seven percent of the white offenders spent from 70% to 99% of their time. Offenders serving from 40% to 70% of their time were 10 percent versus 31 percent for Indians and whites respectively, while those serving less than 40 percent were fairly equal, 39 percent and 33 percent respectively. The older American Indian offenders did spend more time in prison than

the older white offender. Sixty-six percent (66%) of the American Indian offenders served all of their sentence, whereas white offenders represented only 33 percent of the persons serving 100 percent of their sentence. One factor that may affect this large percentage of American Indians spending their total time in prison is that 71.4 percent of those inmates with more than 4 prior prison sentences were American Indian. This group may be the representative factor in the number of older American Indians serving 100 percent of their time. As suggested in the Introduction this particular difference may be eliminated in a multiple regression analysis.

NOTE: American Indian offenders who committed violent offenses and property crimes served greater portions of their sentences than did the white offenders.

The American Indians represented in the crime category of "other" served all of their time. Of these cases (n=7) 6 were serving sentences on escape and 1 was serving a driving while intoxicated charge. The offenses usually represent short sentence equal to 1 year or less and offenses which are not looked at favorably by the parole board for early release from prison due to the nature of the offense and relatively short term of sentence. The influence of this small subgroup of American Indians versus whites in this crime category is represented in Table 11 in the Appendix.

Analysis indicates that juvenile record was not a decisive factor in granting parole and that those with records showed no significant

difference in percent of time served. As prior adult record is examined, the more complex the prior involvement with the criminal justice system the more the percentage of time served. As the progression moves toward multiple prior prison terms, from those with no record, the gap between the percentage of American Indians serving all of their time and the white counterpart grows wider. Those with more severe records represent a high concentration of American Indians with a combined total of 60 percent of all persons with 4 plus prior prison terms representing American Indians. Seventy-one point four percent (71.4%) of those serving all of their time, compared with 47 percent representation of whites in this group, serving all of their time.

NOTE: American Indian offenders had fewer institutional infractions than would be thought from a random sample. The American Indians represented only 31.6% of internal disciplinary infractions while they compose 36.1% of this population. Native Americans composed only 34.75% of all major institutional infractions in this population. Yet the American Indian offender with from 1 to 6+ major infractions serves all of their time in 61.73% of the cases compared to 27.95% of their white counterpart serving to the 100% time served point.

The above statement must be read strictly as a representation of the population distribution and can not be used without studying inter-related variables to support a statement of racial discrimination. These Indian offenders making up the larger percent serving all of their time, may be the same cases as are represented with multiple prior prison terms and more serious offenses. This possible relationship can

not be tested conclusively without more advanced analysis.

This study has allowed initial analysis to give direction for further research. The American Indian committing certain offenses, violent-assaultive, and property crimes, are somehow either different or are viewed differently by the parole board. Indian offenders with prior records either are different or are viewed as being different than their White counterparts. The American Indian offender who has committed major institutional infractions, although not greater in actual number of infractions is different, or viewed as different, from the white inmate in the same situation.

The key may lie not only in the examination of the inter-relationship of the variables studied but in the view and perceptions of the parole board and the American Indian offender. Experimentation and research into the view or attitude of the offender and the view of attitude of the parole board is of key importance at this point.

Hall and Simkus of the University of Montana Department of Sociology address attitude of the court and the offender in the sentencing of American Indian defendants. "The offender's 'attitude' before the bench was repeatedly mentioned as a crucial unmeasurable factor behind their sentencing decision"²⁷ This relates primarily to the offender's attitude as perceived by the court, or in the case of this study, the

²⁷ Hall, Edwin L. and Simkus, Albert A. "Inequality in the Types of Sentences Received by Native Americans and Whites", Criminology, (Vol. 13 N. 2, August, 1975, American Society of Criminology.), p. 216.

the parole board. As suggested by Hall and Simkus, the American Indian offender, expecting unequal or arbitrary justice may project a hostile or negative image that is viewed as uncooperative, defiant, or negativistic by the authority involved.²⁸ Comments collected from several parole board members involved with the population being studied support the importance of the inmates attitude in deciding whether to grant an early release or not and at what point in the amount of time allotted for a sentence should a release be allowed.

The other side of attitude is also difficult to measure. It would appear from this data that the American Indian who commits a violent crime or a property offense (i.e., burglary or grand larceny) is viewed as a less favorable candidate for early release. The same generalization also appears true for American Indians who commit major institutional infractions. These items are included in a discussion of attitude because it would appear that these offenders may be viewed by the parole board as being persons who would cost the community more in economic terms.

This brings to point the question of the actual or perceived economic stability of the offender. An area not directly addressed in this study is the employability of the offender. Employability may range from job history and skills to job opportunities in the area to which the defendant wishes to go. Unemployment on the reservation of

²⁸

Ibid., pp. 214-219.

this area in 1970 was three times higher than the national average.³⁰ Offenders, even if granted parole, could not be released from this prison system unless they had verified employment.

The parole board's attitude of the home setting of the offender wishing to return to a reservation area, rightly or wrongly, may be viewed as returning to a living community setting that would be detrimental to a successful parole completion. The area of employment, both historical and employment as projected in parole plans is of prime concern for future study. Included in study would have to be employment record, skills, training, attitudes and community opportunities. The home, family, and community environment, its actual, as well as the parole board's conception of it, must be evaluated in regard to its ability or lack of ability to supply, support and encourage the offenders in an employment situation.

The question that rises from this study and that suggests a primary focus for further research is the further exploration of the economics involved with the American Indian inmate. Employment, as suggested, is an important factor. Education and training although not suggested as directly influential of a favorable early release most certainly affects the individual's employability. A model might be established that, holding crime type, prior record, and institutional infractions constant, could examine employment history, job related training and employment market as major factors in completing parole

and thus in parole decision making. If these factors can be examined more closely than the question of racial discrimination can be examined more critically. It is possible that membership in a racial minority group and an unstable economic situation can not be separated in examining a prison population. If indeed it can not then the direction for the prison systems, corrections, and society in general should concentrate on economic improvement in the form of job training and job development.

Implications for the present system would indicate that if the prison is functioning in a similar fashion now, as it was in 1970, that prison is administering the correctional process (in terms of recorded disciplinary proceedings) in an equitable and fair manner.

This study would indicate that the present parole board would be prudent in examining their personal views of the offender. The parole board must examine as many aspects of each case as possible, but when examining prior record, offense type and major institutional infractions it should be cautious not to add some form of unwarranted negative connotations on the Native American who may have an extended record or several major infractions to their record. Those inmates with more complex criminal histories must possibly be retained within the institution but race of that individual should not increase or decrease the percentage of the sentence to be served.

This study is severely limited in not having subjected the data collected to regression analysis. The study, as completed to this point does supply the initial descriptive analysis to give better direction for future research. The strength of the variable relationships are not tested but the existence of relationships are indicated. The amount of

time served before release is affected by prior record, crime type and institutional infractions. The question from this point is how strong and how consistent are those relationships when other variables are introduced?

This researcher expects to proceed from this point to examine the interrelationship of the variables examined in this study. Through regression analysis the variables in which racial bias may truly be a significant factor may possibly be isolated and dealt with.

Some readers may have predicted the areas suggested for future study, i.e., attitudes and employment or economic stability. This study has however established a basis in solid data collection and an initial analysis that contains a set of variables with which to test various hypothesis. Indicated in the appendix is the total range of data that was collected. In the future with proper controls and manipulation the existence and/or extent of racial bias relating to parole decision making can be tested to a more conclusive extent.

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APPENDICES

APPENDIX A
VARIABLES COLLECTED IN PRISON STUDY

VARIABLES IN PRISON STUDY

VARIABLE	VARIABLE NAME	VARIABLE CATEGORIES
ID #	Individual Case	001 - 255
V1	<u>Month</u> Month Received	01 - 12
V2	<u>Age</u> Age at time of commitment	14 - 75
V3	<u>Race</u>	1 = White 2 = American Indian 3 = Other 9 = Missing Data
V4	<u>Marital</u> Marital Status	1 = Single 2 = Married 3 = Separated 4 = Divorced/ Widowed 9 = Missing Data
V5	<u>Educat.</u> Education	00 - 12 (Actual # Years) 13 = G.E.D. 14 = 1-2 yrs. coll. 15 = 3+ yrs. coll. 16 = Coll. grad. 17 = Voc. Training 99 = Missing Data
V6	<u>Birth</u> Place of Birth	1 = Home State 2 = Neighboring State 3 = Reservation 4 = U.S. (other than 1-3) 5 = Foreign Country 9 = Missing Data
V7	<u>Town</u> Town of Sentence	01 - 35
V8	<u>Judge</u> Sentencing Judge	01 - 22

VARIABLE	VARIABLE NAME	VARIABLE CATEGORIES
V9	<u>Offense</u> Present Offense	01 = Murder 02 = Manslaughter 03 = Armed Robbery 04 = Felony Assault 05 = Rape 06 = Child Molestation 07 = Incest 08 = Burglary 09 = Grand Larceny 10 = Checks 11 = Confidence Game - Fraud 12 = Multiple Felony (1-4) 13 = Multiple Felony (5-7) 14 = Multiple Felony (8-9) 15 = Multiple Felony (10-11) 16 = Revocation of SS. or Prob. 17 = Drugs 18 = Driving While Intoxicated 19 = Failure to Support 20 = Escape 21 = Carrying a Concealed Weapon 99 = Missing Data
V10	<u>Violent</u> Violence indicated in present offense	1 = No 2 = Yes 9 = Missing Data
V11	<u>Sentence</u>	01 - 84 (Actual no. of months) 85 = 85-96 86 = 97-108 87 = 109-120 88 = 121-132 89 = 133-144 90 = 145-156 91 = 157-168 92 = 169-180 93 = 181-240 94 = 241-480 95 = Life

VARIABLE	VARIABLE NAME	VARIABLE CATEGORIES
V12	<u>JUVREC</u> Juvenile Record	1 = No record Indicated 2 = Arrest Indicated (no action) 3 = Probation 4 = State Training School 5 = State Hospital 9 = Missing Data
V13	<u>JUVCONT</u> Total number of juvenile contacts	1 = 1 2 = 2 3 = 3 4 = 4 5 = 5-10 6 = 11+ 7 = None Indicated 9 = Missing Data
V14	<u>JUVPROB</u> Total length of time if on probation (in months)	1 = 1-3 months 2 = 4-6 3 = 7-9 4 = 10-12 5 = 13-15 6 = 16-24 7 = 25+ 8 = None Indicated 9 = Missing Data
V15	<u>JUVINST</u> Total length of time in juvenile institutions	1 = 1-3 months 2 = 4-6 3 = 7-9 4 = 10-12 5 = 13-15 6 = 16-24 7 = 25+ 8 = None Indicated 9 = Missing Data
V16	<u>ADTOTAL</u> Total # of acts with the Criminal Justice System	1 = 1 2 = 2 3 = 3 4 = 4 5 = 5 6 = 6-10 7 = 11+ 8 = None Indicated 9 = Missing Data

VARIABLE	VARIABLE NAME	VARIABLE CATEGORIES
V17	<u>ADREC</u> Adult record other than prison	1 = No Record Indicated 2 = Traffic Offenses 3 = Misdemeanor Arrests 4 = Felony Arrests 5 = Misdemeanor Probation 6 = Felony Probation 9 = Missing Data
V18	<u>ADCONT</u> Total number of contacts with the Criminal Justice System of a felony nature (other than prison)	1 = 1 2 = 2 3 = 3 4 = 4 5 = 5-10 6 = 11+ 7 = None Indicated 9 = Missing Data
V19	<u>PRIOR 1</u> Most recent prior offense type	01 = Murder 02 = Manslaughter 03 = Armed Robbery 04 = Assault with intent 05 = Rape 06 = Child Molesta- tion 07 = Incest 08 = Burglary 09 = Grand Larceny 10 = Checks 11 = Confidence Game 12 = Others 13 = None Indicated 99 = Missing Data
V20	<u>PRIOR 2</u> Second most recent prior offense type	01 = Murder 02 = Manslaughter 03 = Armed Robbery 04 = Assault with intent 05 = Rape 06 = Child Molesta- tion 07 = Incest 08 = Burglary 09 = Grand Larceny 10 = Checks

VARIABLE	VARIABLE NAME	VARIABLE CATEGORIES
V20 (con't)	<u>PRIOR 2</u> Second most recent prior offense type	11 = Confidence Game 12 = Other 13 = None Indicated 14 = Missing Data
V21	<u>PRIORS</u> Total number of prior prison sentences	1 = 1 2 = 2 3 = 3 4 = 4 5 = 5 6 = 6-10 7 = 11+ 8 = None Indicated 9 = Missing Data
V22	<u>LAP</u> Length of prior prison sentences (accumulated months)	001 - 481 + months
V23	<u>LAPRO</u> Length of prior felony probation (accumulated months)	1 = 1-6 2 = 7-12 3 = 13-18 4 = 19-24 5 = 25-30 6 = 31-36 7 = 37-48 8 = 49+ 9 = Missing Data

INTERNAL PRISON VARIABLES

V24	<u>DISCIPL</u> Prison discipline action	1 = None 2 = Some 9 = Missing Data
V25	<u>MINOR</u> Total number of minor infractions	1 = 1 2 = 2 3 = 3 4 = 4 5 = 5 6 = 6-10 7 = 11+ 8 = None Indicated 9 = Missing Data

VARIABLE	VARIABLE NAME	VARIABLE CATEGORIES
V26	<u>MAJOR</u> Total number of major infractions	1 = 1 2 = 2 3 = 3 4 = 4 5 = 5 6 = 6-10 7 = 11+ 8 = None Indicated 9 = Missing Data
V27	<u>RELEASE</u> Type of release from prison	1 = Straight (time served/GT) 2 = Paroled 3 = Suspended Sentence 4 = Released to New Number/ New Offense 5 = Pending (still serving sentence) 6 = Out on Appeal Bond or by Court Order 7 = Died in Prison 8 = Died on Parole 9 = Released to other authority (state or federal)
V28	<u>TRELEASE</u> Number of months before first release	01 - 66 99 = Missing Data
V29	<u>DISCHARG</u> Total of months from commitment to discharge	01 - 66 (Actual no. of months) 66 = Still serving 99 = Missing Data
PAROLE BOARD DECISIONS		
V30	<u>CUT</u> Did subject receive a cut or pardon	1 = No 2 = Yes 9 = Missing Data

<u>VARIABLE</u>	<u>VARIABLE NAME</u>	<u>VARIABLE CATEGORIES</u>
V31	<u>RESULTS</u> Results of parole appearance	01 = Paroled 1st appearance 02 = Continued 1 or more months 03 = Parole denied by board 04 = Refused to appear 05 = Paroled 2nd appearance 06 = Continued 2nd appearance 07 = Parole denied 2nd appearance 08 = Refused to appear 2nd time 09 = Paroled after 3 or more appearances 10 = Parole denied at subsequent hearings 11 = Refused to appear at additional hearings 12 = Parole Revoked 99 = Missing Data
V32	<u>OUTCOME</u> If paroled what was the outcome?	1 = No violations indicated (dis- charged) 2 = Violations re- ported (remained in community) 3 = Violated - returned on technical violations 4 = Violated - new convictions 5 = not applicable 9 = missing data
V33	<u>RETURN</u> If returned -what type?	1 = Parole revoked 2 = Suspended sentence revoked 3 = New sentence 4 = Not applicable 9 = Missing Data

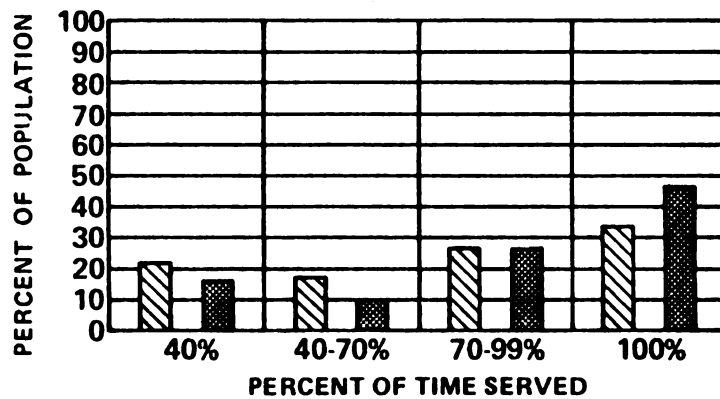
<u>VARIABLE</u>	<u>VARIABLE NAME</u>	<u>VARIABLE CATEGORIES</u>
V34	<u>NRETURN</u> Has subject returned on subsequent crime?	1 = No 2 = Yes 9 = Missing Data
V35	<u>REPEAT</u> No. of new convictions since 1970	1 = 1 2 = 2 3 = 3 4 = 4+ 5 = None recorded 9 = Missing Data

APPENDIX B

TABLES

TABLES LEGEND

All tables represent the portion of each race group, whites and Indians, which is included in the percent of time served categories. Each table from Table 3 to Table 29 illustrates the percent distribution of whites and Indians for that particular variable. Representation are presented in approximate bar comparison and exact percent figures. The lined bar represents the white population and the dotted bar represents the American Indian population.



White:	22.0	17.1	26.8	34.1 (n=41)	57.7%
Indian:	16.7	10.0	26.7	46.7 (n=30)	42.3%

Table 2.

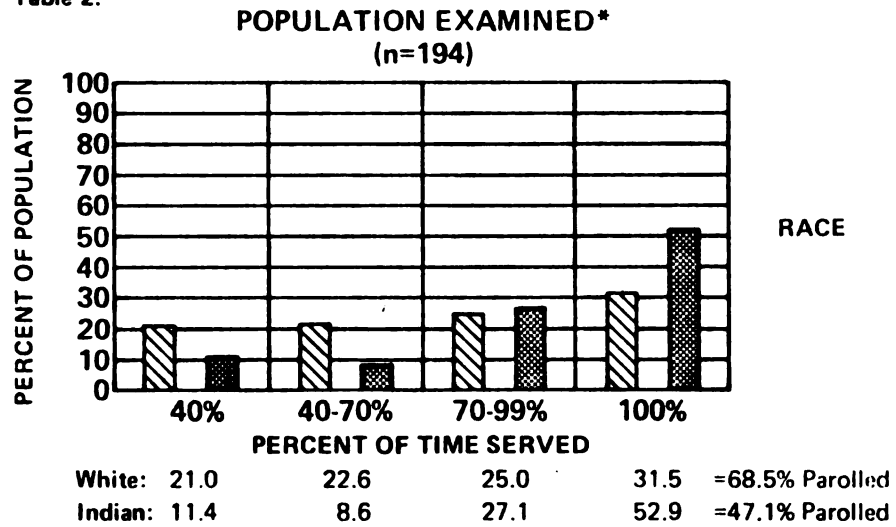
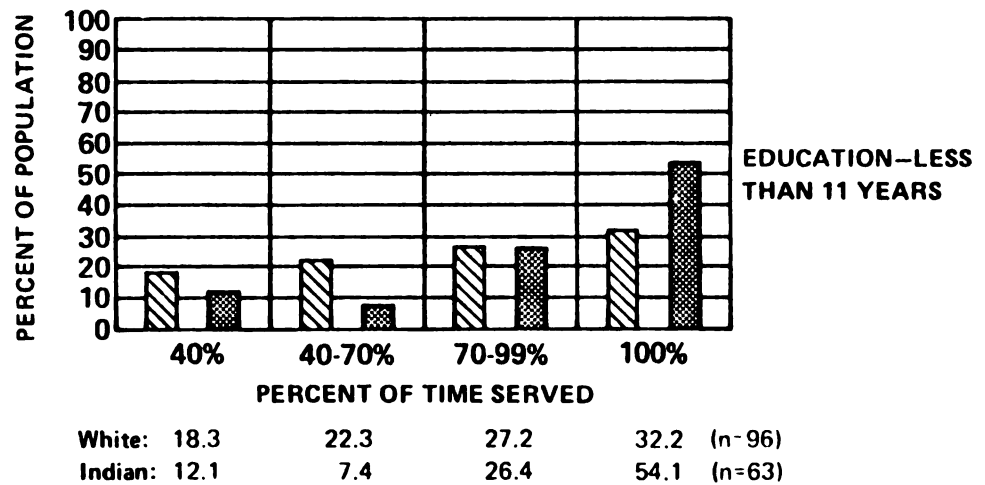


Table 3.



On graph, American Indian is represented by column to the right in each category.

Table 4.

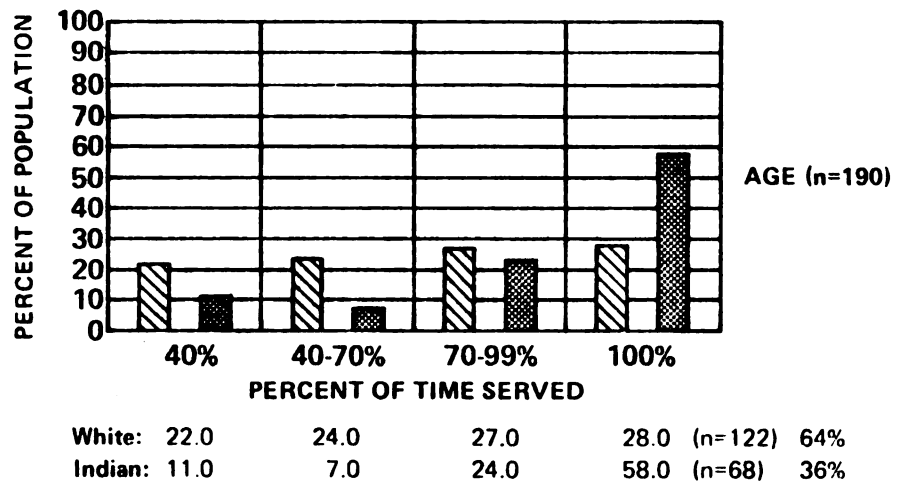


Table 5.

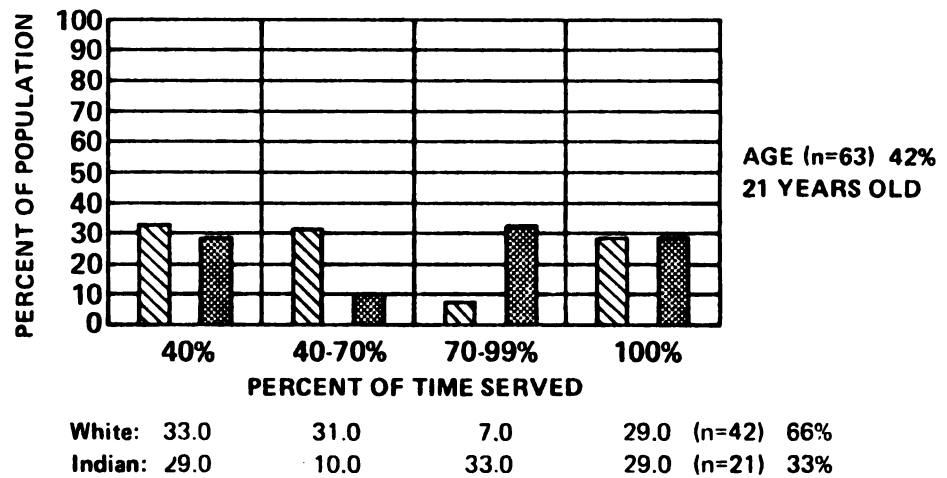


Table 6.

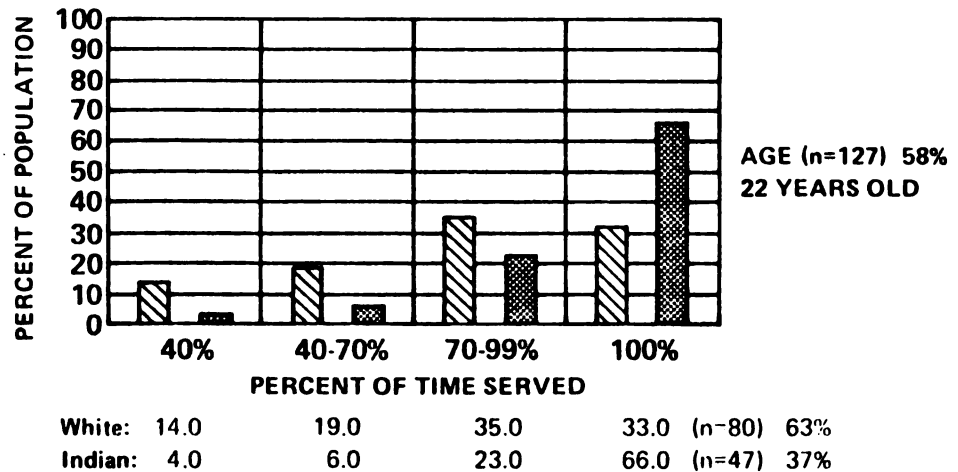


Table 7.

ALL CRIMES

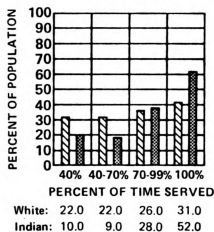


Table 8.

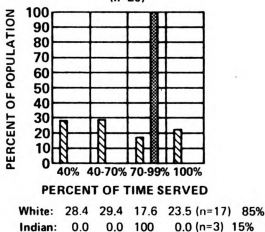
VIOLENT, ASSULTIVE CRIMES
(n=20)

Table 9.

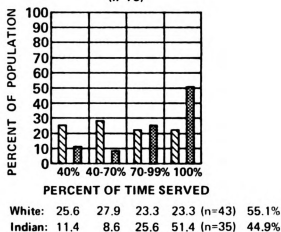
PROPERTY CRIMES
(n=78)

Table 10.

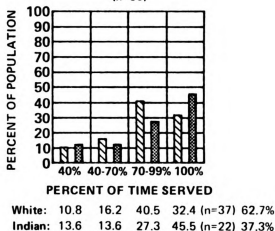
CHECKS AND FRAUD
(n=59)

Table 11.

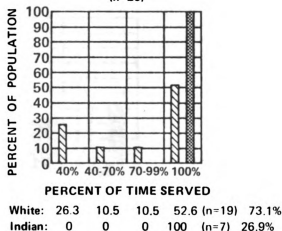
OTHER
(n=26)

Table 12.

**NO RECORD
(n=121)**

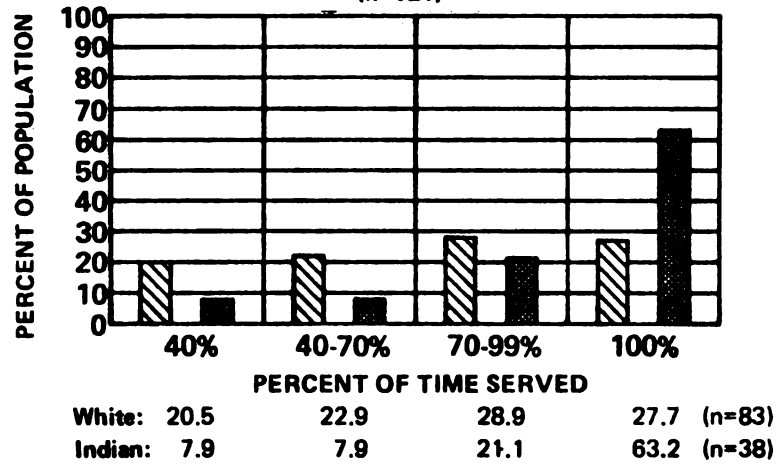


Table 13.

**JUVENILE PROBATION
(n=11)**

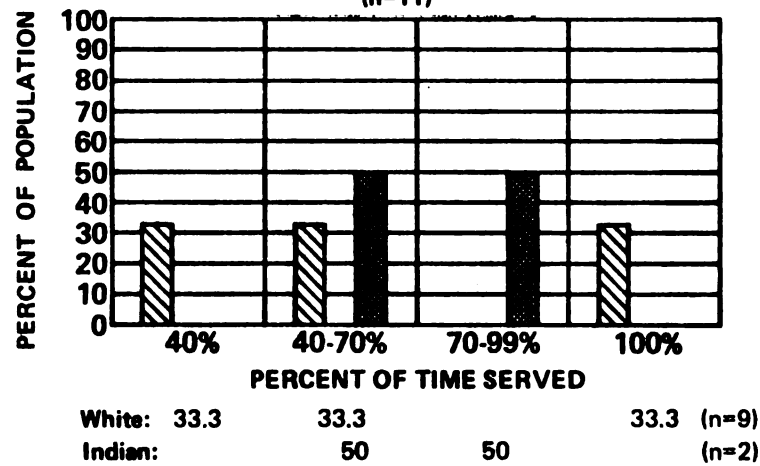


Table 14.

**JUVENILE INSTITUTIONALIZATION
(n=62)**

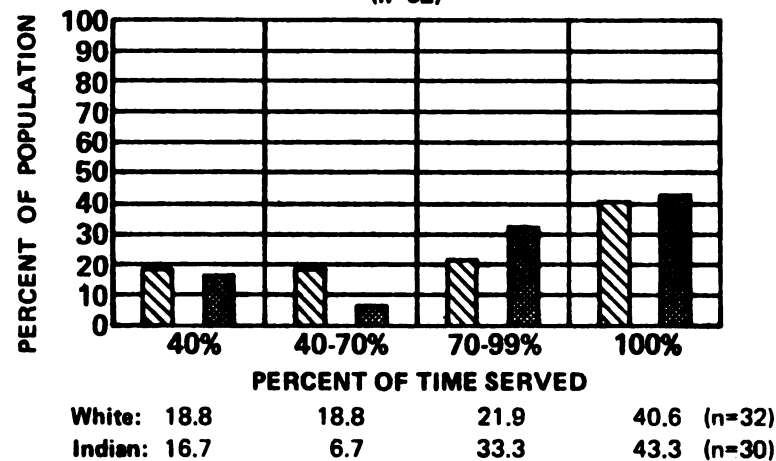


Table 15.

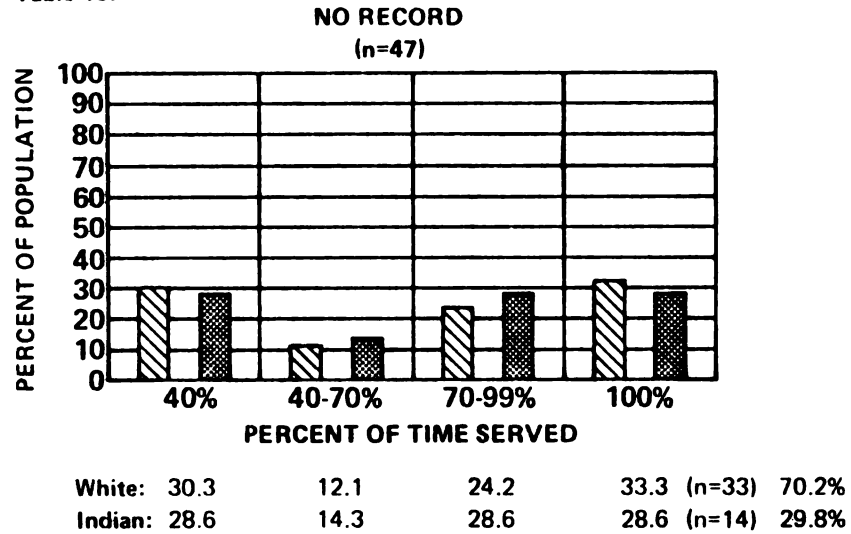


Table 16.

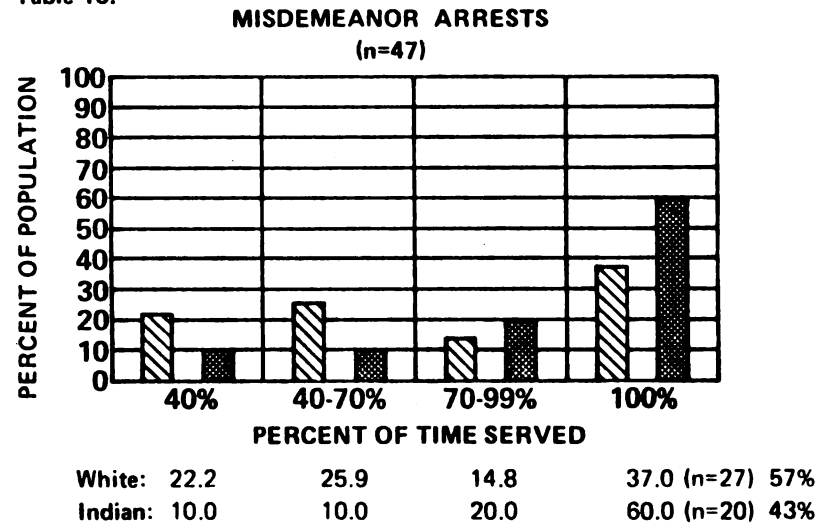


Table 17.

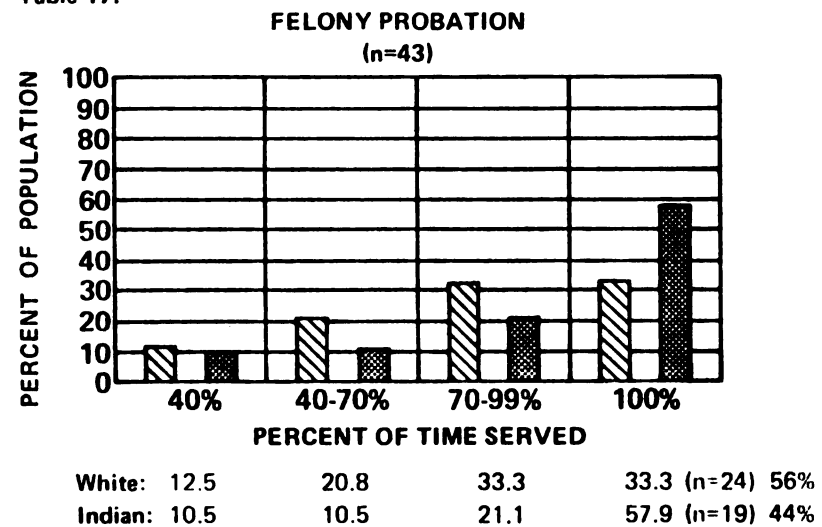
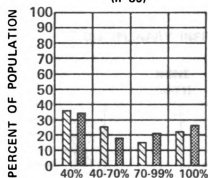


Table 18.

NO PRIOR PRISON
(n=89)

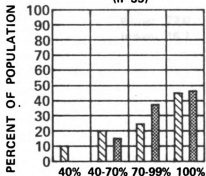


PERCENT OF TIME SERVED

White: 36.4 25.8 15.2 22.7 (n=66) 74.2%
 Indian: 34.8 17.4 21.7 26.1 (n=23) 25.8%

Table 19.

ONE PRIOR PRISON TERM
(n=33)

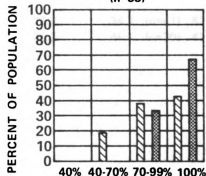


PERCENT OF TIME SERVED

White: 10.0 20.0 25.0 45.0 (n=20) 60.6%
 Indian: 0.0 15.4 38.5 46.2 (n=13) 39.4%

Table 20.

TWO OR THREE PRIOR TERMS
(n=33)

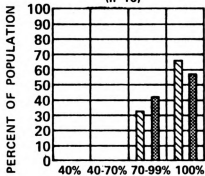


PERCENT OF TIME SERVED

White: 0.0 19.0 38.1 42.9 (n=21) 63.6%
 Indian: 0.0 0.0 33.3 66.7 (n=12) 36.4%

Table 21.

FOUR OR FIVE PRIOR TERMS
(n=10)

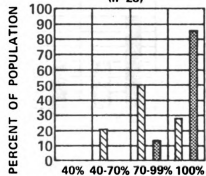


PERCENT OF TIME SERVED

White: 0.0 0.0 33.3 66.7 (n=3) 30%
 Indian: 0.0 0.0 42.9 57.1 (n=7) 70%

Table 22.

SIX PLUS PRIOR TERMS
(n=28)



PERCENT OF TIME SERVED

White: 21.4 50.0 28.6 (n=14) 50%
 Indian: 0.0 0.0 14.3 85.7 (n=14) 50%

Table 23.

DISCIPLINARY INFRACTIONS

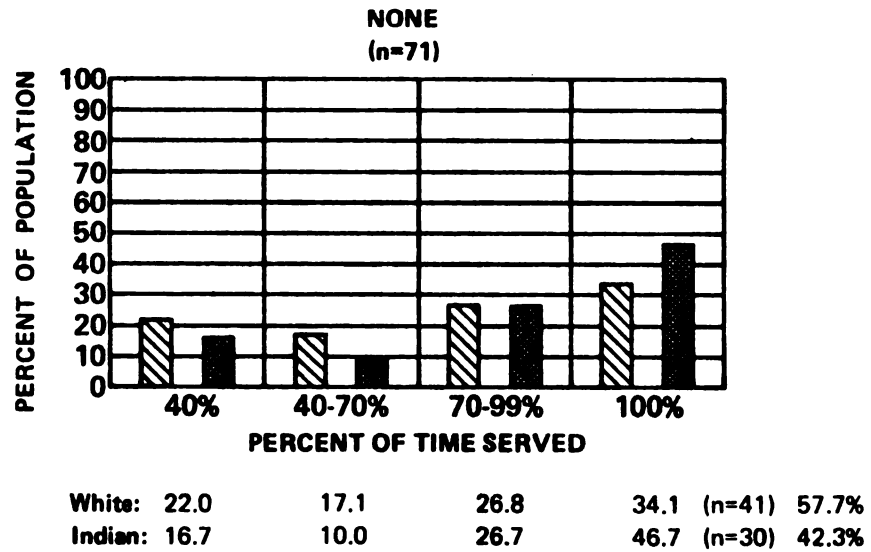


Table 24.

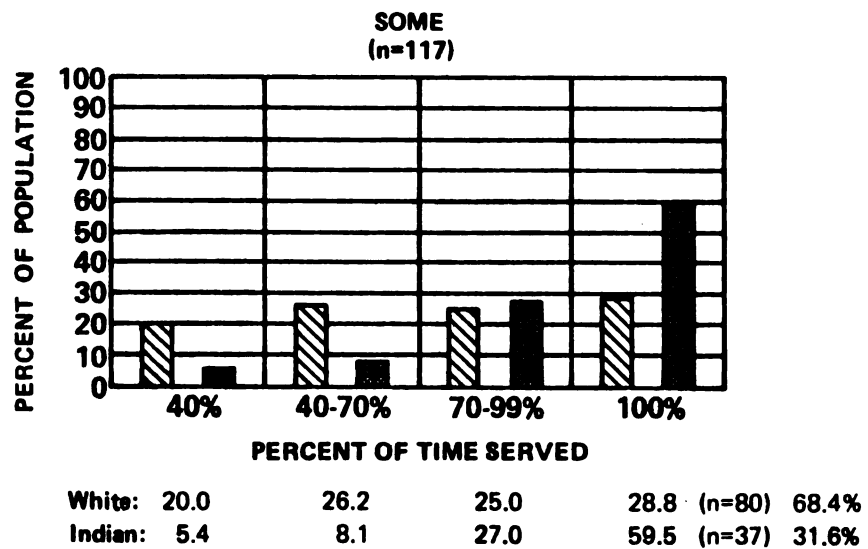
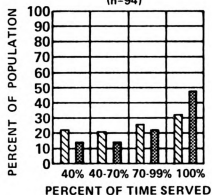
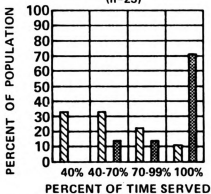


Table 25.
NO MAJOR DISCIPLINARY INFRACTIONS
(n=94)



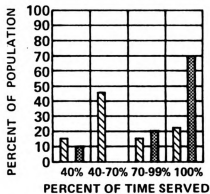
White: 22.0 20.3 25.4 32.2 (n=59) 62.8%
Indian: 14.3 14.3 22.9 48.6 (n=35) 37.2%

Table 26.
ONE MAJOR INFRACTION
(n=25)



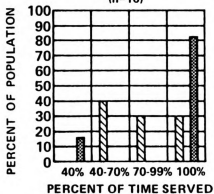
White: 33.3 33.3 22.2 11.1 (n=18) 72.0%
Indian: 0.0 14.3 14.3 71.4 (n=1) 28%

Table 27.
TWO OR THREE INFRACTIONS



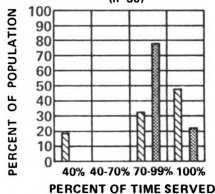
White: 15.4 46.2 15.4 23.1 (n=13) 56.5%
Indian: 10.0 0.0 20.0 70.0 (n=10) 43.5%

Table 28.
FOUR OR FIVE INFRACTIONS
(n=16)



White: 0.0 40.0 30.0 30.0 (n=10) 62.5%
Indian: 16.7 0.0 0.0 83.3 (n=6) 37.5%

Table 29.
SIX PLUS INFRACTIONS
(n=30)



White: 19.0 0.0 33.3 47.6 (n=21) 70%
Indian: 0.0 0.0 77.8 22.2 (n=9) 30%

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