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The Influence of Parole Case Characteristics and Construal Level on Parole Decisions and Perceived Humanness

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Abstract

Despite the low rate of discretionary parole release in New York, much is still unknown about the processes underpinning parole decisions. The present paper delves into how aggravating and mitigating parole case characteristics (e.g. institutional behavior) relate to parole decisions and the perceived humanness of parole applicants. The paper also examines how construal level can moderate the above relationships. Finally, a moderated mediation model outlining the pattern of these relationships is posited and tested. 122 New York residents were recruited online and randomly assigned to read either an abstractly or concretely construed transcript for an interview with a parole applicant. Participants then completed a questionnaire asking how they perceived the case's characteristics, whether they would grant or deny parole, their decision certainty, their preferred specific parole disposition and the perceived humanness of the applicant. Results showed that cases perceived to have more mitigating characteristics were associated with greater certainty in granting parole, more lenient specific dispositions, and more perceived humanness. Additionally, for cases perceived to have more aggravating characteristics, abstract (versus concrete) construals led to greater certainty in granting parole. However, construal level did not moderate the relationships involving specific disposition or perceived humanness. Lastly, the posited model was partially supported, such that the direct effect of case characteristics on decision certainty was moderated by construal level; however, construal level did not moderate the indirect effect through perceived humanness. These findings lay the groundwork for more extensive parole research and have implications for parole applicants preparing for parole reviews.

Keywords: case characteristics, construal level, parole decisions, perceived humanness

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Parole systems in the U.S. have received much criticism for their contributions to mass incarceration (Kilgore, 2013; Lin, 2010). These criticisms are especially relevant in the state of New York, which has one of the largest parole populations in the country (The Center Square, 2020). For example, data from 2018 shows that more than a quarter of people on parole in New York were reincarcerated for reasons other than a new conviction (Kaeble & Alper, 2020). In response, activists have moved the needle by collaborating with local lawmakers to enact policies introducing non-carceral alternatives for people with non-criminal technical violations (N.Y. Legis. Assemb., 2021; N.Y. Legis. Sen., 2021).

The Board of Parole is part of the Department of Corrections and Community Supervision (DOCCS) in New York and consists of 15 members appointed by the Governor. Each person applying for discretionary release usually has their case brought before a panel of two or three parole board members for review (DOCCS, n.d.a). Importantly, activists have raised concerns about the low rates of approval for discretionary release in New York state. Preliminary data from 2018 show that 81% of interviews conducted by the Board of Parole were with people applying for discretionary release, either for the first time (i.e. an initial appearance) or otherwise (i.e. a reappearance). Notably, the approval rates for these two categories of interviews were also the lowest, coming in at only 37% and 38% respectively (DOCCS, n.d.b). These low approval rates, in combination with the aforementioned fact that New York has one of the biggest parole populations in the U.S., thus impact a sizeable number of New Yorkers. Furthermore, many are being denied discretionary release (hereafter referred to simply as parole) not just once, but multiple times; this results in more than a third of people who had been denied parole remaining

incarcerated for five years or more in addition to their minimum sentence length (Correctional Association of New York, 2019).

For parole applicants incarcerated for highly publicized offenses, such as those that are violent in nature, one explanation for the low parole approval rates is an overemphasis on the nature of this initial offense. A recent study in New York found that, in 3 out of 5 parole denial cases, the decision to deny parole was solely based on concerns that granting parole would "deprecate the seriousness of the [original offense] so as to undermine respect for law" (Heller et al., 2021, p. 5). To put this another way, many people incarcerated for violent offenses have their parole decisions predetermined the moment they are convicted. In fact, this phenomenon has been likened to resentencing parole applicants for their initial offense (Hammock & Seelandt, 1999; Holcombe, 2021). In response, activists and lawmakers championed the Fair and Timely Bill which, among other things, would require the Board of Parole to deny parole only based on concerns of "current and unreasonable risk" that could not be managed via parole supervision (N.Y. Legis. Assemb., 2020; N.Y. Legis. Sen., 2020). Unfortunately, as of the writing of this paper, the Bill has yet to be passed by any body of the New York legislature.

All in all, parole release is an existing mechanism for taking New Yorkers out of jails and prisons, reducing the substantial toll that incarceration can have on various aspects of their lives (Aaron & Dallaire, 2010; Harman et al., 2007; Schnittker & John, 2007). Hence, there is a need for a better understanding of the processes underlying parole decisions. More crucially, research needs to decipher how these decision-making processes could be altered to have a broader perspective of the parole applicant's case in its entirety, ameliorating the inordinate importance assigned to the nature of the initial offense. Hence, this paper first looks at parole case characteristics peripheral to the nature of the initial offense and examines whether they can

influence outcomes for the parole applicant. Specifically, the outcomes of interest comprise both the parole decisions themselves, as well as the extent to which parole applicants are perceived as human. Additionally, this paper will explore whether a perspective informed by Construal Level Theory could interact with the characteristics of a parole case and lead to varying outcomes.

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Literature Review

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Parole Case Characteristics and Parole Decisions

As discussed prior, while there are a multitude of factors to consider in parole decision making, the nature of the initial offense tends to ultimately hold sway (Cotton, 2008). Since the initial offense is an unalterable fact of the past (Heller et al., 2021), this may automatically put people incarcerated for violent offenses in a disadvantageous position vis-à-vis obtaining parole release. However, to borrow the language used in sentencing procedures, it is noteworthy that other 'peripheral' factors may further contextualize the initial offense and either increase (i.e. aggravate) or decrease (i.e. mitigate) the perceived severity of the initial offense (Morgan & Mannheimer, 2009). To put it another way, the function of these other factors may not be to eclipse the nature of the initial offense in terms of importance but merely to reframe it in the present day. Indeed, such a perspective may be the best way to reconcile the parole board's excessive prioritizing of the nature of the initial offense with their responsibility to arrive at parole decisions "based upon the totality of the circumstances" (Hammock & Seelandt, 1999, p. 539). This paper will subsequently outline three classes of peripheral factors, hereafter referred to as parole case characteristics: the applicant's retelling of the initial offense, institutional behavior, and post-release plans.

First, the parole applicant's retelling of the initial offense from their perspective in the present is a salient case characteristic to consider. The objective facts of the initial offense, such as the actual degree of harm inflicted or the legal determinations of *mens rea*, were already established during sentencing. Thus, instead of merely rehashing immutable facts, the parole review process is an opportunity to evaluate how the applicant has made sense of who they were during the initial offense versus who they are now (Ruhland, 2020). This does not necessarily mean that the content of the applicant's recount should be taken at face value. Instead, the retelling allows for a better assessment of "the process by which [the parole applicant] arrives at those words" (Skrapec, 2001, p. 50); that is, the growth (or lack thereof) they have experienced in order for them to contextualize the initial offense within their larger life narrative in this way. Consequently, the retelling of the initial offense could lead to aggravating or mitigating adjustments to the perceived severity of the initial offense.

Second, the parole applicant's actions while incarcerated can have an aggravating or mitigating effect on perceptions of the initial offense. Institutional behavior has been consistently found to be relevant to parole decisions to some degree (Caplan, 2007). Mooney and Daffern (2011) posit that parole board members take note of institutional behavior because these behaviors are being compared to those involved in the initial offense. If, while incarcerated, a parole applicant continues to engage in antisocial behaviors that resemble those involved in the initial offense (i.e. offense paralleling behaviors), that may be an indication that the parole applicant has not changed for the better. Conversely, engaging in prosocial behaviors that functionally resemble those involved in the initial offense (i.e. prosocial alternative behaviors) show that the applicant has developed new and adaptive ways of responding to the same situations. Thus, by drawing parallels to the initial offense, the parole applicant's behavior while

incarcerated serve as parole case characteristics that may have aggravating or mitigating effects on how the initial offense is regarded.

Third, the applicant's plans for life after parole release, including plans for maintaining important relationships as well as those for more practical arrangements, are also case characteristics that can shape how the initial offense is viewed. The initial offending behavior, as well as the subsequent incarceration, place burdens on relationships between incarcerated people and their loved ones (Christian & Kennedy, 2011). However, extensive post-release plans demonstrate that the applicant values strong ties with loved ones in the community despite the damage done to these ties. Specifically, plans to maintain or repair relationships may serve as an implicit acknowledgement of the harm parole applicants have caused to people in their lives due to the initial offending behavior (Wexler, 2011). Moreover, accommodation and employment plans may reveal the presently existing social capital the applicant is able to draw from, suggesting that efforts were made to repair the relational harm caused by the initial offending behavior. Hence, post-release plans can be an indication of whether the relational damage resulting from the initial offense has been addressed, and thus, cause the initial offense to be reinterpreted in a more aggravating or mitigating way.

In summary, even with keeping the nature of the initial offense constant, the characteristics of a parole case may have an aggravating or mitigating influence on how the initial offense comes across to parole board members. Thus, as with sentencing, it is expected that cases with characteristics that aggravate the initial offense will result in a harsher parole decision, whereas cases with characteristics that mitigate the initial offense will result in a more favorable parole decision. Therefore, this paper will investigate empirically whether parole case characteristics can significantly shape parole decisions.

Parole Case Characteristics and Perceived Humanness

In the wake of the tragic Columbine school shooting, the media began to propagate the idea that there was a burgeoning generation of violent juveniles (Muschert, 2007). While this narrative has been disproven and widely considered a myth, the term 'superpredator' used by the media to describe these youth is an exemplar of the broader societal trend of likening justice-involved people to dangerous beasts (Stupple, 2014; Vasiljevic & Viki, 2013). By stereotyping justice-involved people as incompetent, immoral and unsociable, justice-involved people become deprived of their humanity in the eyes of the general public (Rodríguez-Pérez et al., 2021).

As with parole decisions, research indicates that the nature of the initial offense plays a salient role in influencing the extent to which the justice-involved person is perceived to be human (Khamitov et al., 2016). Thus, people in general find reassurance in defining justice-involved people based on the nature of the initial offense and are uninterested in other aspects of them that cast them in a sympathetic light; in fact, becoming aware of these other aspects can be discomforting because they indicate that justice-involved people are "as human as we are" (Waldram, 2007, p. 968). Hence, to combat the instinct to dehumanize, it may be all the more necessary to flesh out justice-involved people as three-dimensional human beings, rather than singularly "depraved [and] …more savage than beasts" (Hoover, 1947, p. 32, as cited in Freedman, 1987). This recalls the earlier discussion on how parole case characteristics can provide further context to the nature of the initial offense and cast it in an aggravating or mitigating light. Thus, it follows that, if the nature of the initial offense that is the impetus for dehumanization is re-examined, the perception of parole applicants as less than human may shift accordingly.

Indeed, the three classes of parole case characteristics outlined in the section prior have the potential to alter the perceived humanness of parole applicants through the way they reframe the nature of the initial offense. Waldram (2007) mentions examples of humanization that are relevant to the retelling of the initial offense and post-release plans. In recounting the initial offense, an acknowledgement of sexual abuse experienced in childhood and how the resulting trauma played a role in the initial offense could humanize a parole applicant. Similarly, a post-release plan to reunite with their devoted children provides a counterweight to the initial offense by showing that the applicant is, just as most people are, also capable of mutually loving relationships. Further, Evans (2018) writes of how pursuing a college education in prison – that is, institutional behavior that is constructive – helped one person incarcerated for murder demonstrate that they were a different person from who they were at the time of the initial offense.

All in all, by contextualizing the nature of the initial offense within other aspects of the parole applicant's life, parole case characteristics may influence the extent to which parole applicants are perceived to be human. Case characteristics that aggravate the initial offense (hereafter referred to as aggravating case characteristics) could reinforce existing stereotypes of incarcerated people, leading to further dehumanization of applicants. In contrast, case characteristics that mitigate the initial offense (hereafter referred to as mitigating case characteristics) could challenge a unidimensional understanding of incarcerated people and serve to humanize applicants. Therefore, this paper aims to determine whether parole case characteristics can significantly affect the perceived humanness of parole applicants.

Applying Construal Level Theory to Case Characteristics and Parole Decisions

There is research to substantiate the idea that the parole decision-making process is "arbitrary and capricious" (Bell, 2019). This lack of consistency in parole decisions is not without its ramifications, especially as it pertains to racial justice; indeed, a review found that only 1 in 6 Black first-time parole applicants were granted parole compared to 1 in 4 White first-time applicants (Schwirtz et al., 2016). Hence, unfortunately for parole applicants, the vagueness inherent in the parole review process leaves much to be desired.

Researchers have endeavored to illuminate the specific psychological processes that underlie parole decisions. For instance, Carroll (1978) draws attention to the causal attributions that parole board members make when trying to determine a parole applicant's role in the initial offense. In their study, they found that board members who perceived the initial offense to have arisen out of stable factors (e.g. personality traits) were more likely to assign parole applicants to unfavorable dispositions. Indeed, attributions of stability render the causal factor applicable across multiple situations and instances, whereas attributions of instability tie the causal factor exclusively to a particular situation and point in time.

This idea of stability or instability over place and time is extensively discussed in Construal Level Theory (CLT). Trope and Liberman (2010) delineate abstract or higher-order construals as superordinate global representations that apply across place and time. For example, when parole board members attribute an offense to an applicant's "lack of control" (Carroll, 1978, p. 380), there is a sense that this attribution encompasses multiple settings and instances. In this way, abstract construals are inseparable from a greater degree of spatial, temporal and even social distance (Stephan et al., 2010, 2011), which have collectively been termed 'psychological distance'. Conversely, concrete or lower-order construals involve attributing an

offense to a situation-specific factor, such as victim provocation, that represent the offense as a result of antecedents specific to a single place and time. Correspondingly, concrete construals are inextricable from psychological proximity (i.e. less psychological distance). Hence, CLT asserts that construal level and psychological distance are intertwined concepts. Consequently, given that psychological distance is linked to prejudice (Corrigan et al., 2001), it is no surprise that varying construal level can also affect how positively people are perceived (Luguri et al., 2012). Hence, especially in evaluative contexts such as the parole review process, construal level (and psychological distance) potentially has appreciable implications for how parole board members decide on a parole applicant's case.

Exactly how construal level/psychological distance may influence parole decisions is still up for debate. There is a dearth of research on CLT as it pertains to parole decision-making per se. Nevertheless, given the data indicating that the motivation to punish may underlie parole denial decisions (Vîlcică, 2018), it may not be far-fetched to make extrapolations based on literature on CLT and punishment decisions. In fact, one study in particular by Gollwitzer and Keller (2010) explains how construal level/psychological distance, when examined alongside case characteristics, can account for punishment decisions. In this study, respondents were informed of a student who had hidden library books away from other library users. Within the study's 2 x 2 factorial design, respondents were then assigned to conditions where the student was either a first-time or repeat offending student (representing mitigating and aggravating case characteristics respectively), and either psychologically proximal or distant (evoking concrete or abstract construals respectively). The results showed a main effect of case characteristics, such that the repeat offending student incited more anger and concern and was prescribed more severe punishments than the first-time offending student. Intriguingly, there was also a significant

interaction effect where respondents assigned to the first-time offending student were less angry, less concerned and endorsed less severe punishment when the student was psychologically proximal versus psychologically distant. In contrast, when assigned the repeat offending student, respondents were angrier and more concerned when the student was psychologically proximal versus psychologically distant. Hence, this study suggests that psychological proximity/concrete construal intensifies the effect of both mitigating and aggravating characteristics, whereas psychological distance/abstract construal attenuates the effect of these characteristics. In other words, concrete construals augment both the mitigating and aggravating effects of case characteristics, while abstract construals diminish both these effects.

Relating this research to parole decisions, these findings imply that parole applicants with mitigating case characteristics are consistently more likely to be given less punitive parole decisions than those with aggravating case characteristics. More importantly, for parole applicants with mitigating case characteristics, it may be optimal to evoke concrete representations of the parole case in order for applicants to receive a more favorable decision outcome. Conversely, for applicants with aggravating case characteristics, construing parole cases abstractly may lead to a more favorable decision outcome. Further research aiming to confirm these predictions will not merely be of theoretical interest. In fact, given the profound ramifications of parole denial for applicants, providing applicants with empirically sound guidance on how to frame the strengths and weaknesses of their case is of paramount importance. Consequently, it is imperative that researchers further elucidate the relationships between parole case characteristics, construal level, and parole decisions.

Applying Construal Level Theory to Case Characteristics and Perceived Humanness

In addition to its pertinence to parole decisions, CLT has profound relevance for the perceived humanness of parole applicants. As touched on earlier, the dehumanization of justice-involved people entails stereotyping them as a group lacking in certain qualities exclusive to human beings (e.g. warmth, Harris & Fiske, 2006). Indeed, dehumanization is an intergroup phenomenon that involves the ingroup engaging in the "denial of full humanness in *others*" (i.e. outgroup members; Haslam, 2006, p. 252, emphasis added).

Of note, the dehumanization of Black justice-involved people is even more severe, perhaps because they are additionally regarded as members of a 'racial outgroup' in a White-majority society (Kunstman et al., 2013). As such, they tend to be more associated with stereotypes specific to criminality compared to their non-Black counterparts (Hetey & Eberhardt, 2014). In fact, researchers have documented the tendency for people to dehumanize Black justice-involved individuals via associating them with apes, as well as the weighty implications of making these associations. For example, when words alluding to apes were primed, participants rated police violence directed at Black suspects as more justified than that directed at their White counterparts (Goff et al., 2008). Moreover, there is evidence that it is this Black-ape association (i.e. dehumanization) — not just racial prejudice alone — that explains racial disparity in real-world police violence. In Goff et al. (2014), the authors reported that, independent of racial prejudice, officers who exhibited stronger Black-ape associations (i.e. higher levels of dehumanization) also used greater degrees of force with Black than with White juvenile suspects. All in all, to ensure that Black justice-involved people are not denied the "equal protection of the laws" (U.S. Const. amend. XIV), there may be a need to contend with

the phenomenon of dehumanization in analyzing the outcomes of the criminal legal system, including those pertaining to the parole context.

       To explain why ingroup and outgroup members are perceived to possess different degrees of human attributes, it is apt to circle back to the concept of construal level/psychological distance discussed earlier. Intuitively, outgroup members are more psychologically distant from the self in comparison to ingroup members, and research finds that it is this psychological distance that is associated with outgroup members being attributed fewer human qualities (Rodríguez-Pérez et al., 2011). Consequently, by virtue of the near-inseparability between construal level and psychological distance, it is small wonder that there is also evidence connecting construal level to perceived humanness; certainly, when a person was described with less detail (i.e. construed more abstractly), the tendency to dehumanize the person was stronger (Haslam & Bain, 2007). Hence, there is sufficient basis for the postulation that differing construal levels could influence the extent to which another person is perceived as human.

       Reincorporating parole case characteristics into this discussion, it is possible to postulate how construal level would interact with case characteristics to influence perceived humanness. Specifically, Gong and Medin (2012) found that concrete construals elicited more extreme judgments of morality, such that virtuous behaviors (comparable to mitigating case characteristics) were viewed as more moral, while transgressions (comparable to aggravating case characteristics) were viewed as more immoral. In contrast, abstract construals resulted in less extreme judgments of morality for both types of behavior. Given that morality is an indicator of humanness (Fiske, 2018), it could be surmised that these findings on judgments of morality could extend to perceptions of humanness as well. In other words, concrete construals could magnify the mitigating and aggravating effects of case characteristics on perceived humannes,

while abstract construals may instead mute these effects. Of note, this anticipated pattern of relationships in relation to perceived humanness exactly echoes that discussed earlier with respect to parole decisions.

All in all, as no known study has examined parole case characteristics in tandem with construal level with respect to perceived humanness, this paper will break new ground by investigating the relationships between these constructs empirically.

**Positing a Moderated Mediation Model**

The prior sections have elaborated on the two outcomes of interest – parole decisions and perceived humanness – in separate discussions. However, this paper will probe the possibility that these two outcomes are related and could be analyzed within the same model. As a matter of fact, there is research to support linking parole decisions with perceived humanness.

Firstly, the literature on the role of dehumanization in punishment strongly suggests a similar role for dehumanization in parole decisions. In an earlier section, extrapolations were made from the literature on punishment to the parole review context because it has been shown that denying parole is at least partially driven by punitiveness considerations (Marquez-Lewis et al., 2013). Thus, by inspecting how perceived humanness relates to punishment, we can posit how perceived humanness relates to parole decisions. Indeed, studies reveal that people who dehumanize incarcerated people more also report stronger retributive attitudes, as well as preferences for longer periods of incarceration and harsher sentences (Bastian et al., 2013; O'Toole & Fondacaro, 2017; Viki et al., 2012). Hence, perceiving incarcerated people as less human is associated with support for more severe punishment. Correspondingly, regarding parole applicants as less human may be related to a preference for a more punitive parole decision, contributing to a parole denial. Conversely, seeing a parole applicant as more human

may instead be linked to a less punitive parole decision, elevating the likelihood of granting parole.

A second line of evidence that connects parole decisions and perceived humanness is the concept of remorse. Despite the ambiguity surrounding its definition and evaluation, remorse remains an influential consideration in the granting of parole (Bronnimann, 2020). Indeed, parole board members take a lack of remorse to indicate that applicants are "not ready" and require further incarceration (Ruhland, 2020, p. 652), which is accompanied by a dehumanizing effect on parole applicants (Deska et al., 2020). One possible explanation for the dehumanizing effect is that researchers consider remorse, alongside other similar emotions, measures of perceived humanness (Leyens et al., 2001). These emotions are collectively known as secondary or 'uniquely human' emotions (Cuddy et al., 2007), which are exclusive to human beings and contrasted with primary or 'non-uniquely human' emotions (e.g. pleasure, pain; Demoulin et al., 2004). Consequently, parole board members could be denying parole because applicants are ostensibly exhibiting insufficient remorse, and correspondingly, insufficient humanness. In summary, there is substantial evidence to suggest a connection between parole decisions and perceived humanness.

Therefore, given the previously outlined and hypothesized relationships between parole case characteristics, construal level, perceived humanness, and parole decisions, a moderated mediation model that encompasses these relationships could be postulated (Figure 1). This paper tested this model in order to illuminate the precise pattern of relationships between the constructs of interest. Of note, the testing of the model remained ancillary to the analyses of the main relationships explored in earlier sections.

Figure 1

Proposed Moderated Mediation Model
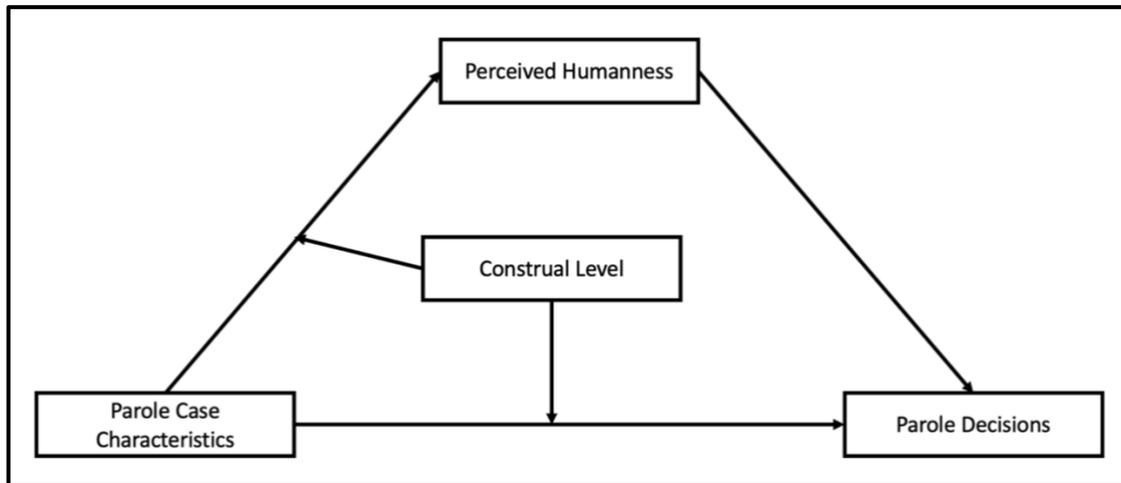
Note. Construal level is theorized to interact with parole case characteristics to indirectly influence parole decisions through perceived humanness. Construal level is also expected to interact with parole case characteristics to directly influence parole decisions.

Present Study

In short, the primary aims of this paper involved examining the effect of parole case characteristics and construal level on parole decisions and perceived humanness. Regarding parole decisions, two different facets of parole decisions were examined in this paper: the certainty with which the parole decision was made (i.e. parole decision certainty) and the specific arrangements for the applicant following the parole decision (i.e. specific parole disposition). Based on the literature reviewed prior, the following hypotheses were tested:

1ai: Participants presented a case with more mitigating characteristics will be more certain of their decision to grant parole, whereas those presented with a case with more aggravating characteristics will be more certain of their decision to deny parole.

1aii: The relationship in 1ai will be moderated by construal level in that, for cases with more mitigating characteristics, concrete (versus abstract) construals will be associated with greater certainty in the decision to grant parole; in contrast, for cases with more aggravating characteristics, abstract (versus concrete) construals will be associated with greater certainty in the decision to grant parole.

1bi: Participants presented a case with more mitigating characteristics will be more likely to assign the applicant a more lenient specific parole disposition, whereas those presented with a case with more aggravating characteristics will be less likely to assign the applicant a more lenient specific parole disposition.

1bii: The relationship in 1bi will be moderated by construal level in that, for cases with more mitigating characteristics, concrete (versus abstract) construals will be associated with a higher likelihood of assigning the applicant a more lenient specific parole disposition; in contrast, for cases with more aggravating characteristics, abstract (versus concrete) construals will be associated with a higher likelihood of assigning the applicant a more lenient specific parole disposition.

2i: Participants presented a case with more mitigating characteristics will perceive parole applicants as more human, whereas those presented with a case with more aggravating characteristics will perceive parole applicants as less human.

2ii: The relationship in 2ai will be moderated by construal level in that, for cases with more

mitigating characteristics, concrete (versus abstract) construals will be associated with more

perceived humanness; in contrast, for cases with aggravating characteristics, abstract (versus

concrete) construals will be associated with more perceived humanness.

As a secondary aim, the proposed moderated mediation model was tested based on the

following hypothesis:

3: Construal level moderates the indirect effect of parole case characteristics on parole decision

certainty through the applicant's perceived humanness. Construal level will also moderate the

direct effect of parole case characteristics on parole decision certainty.

Methods

Participants

According to calculations made via G*Power (Faul et al., 2009), the estimated minimum

sample size required for multiple regression analyses with a medium effect size, power of .8 and

an alpha value of .05 is 77. However, to be conservative, while also taking into account available

funding, a target sample size of 125 was recruited. A quota sample of participants was recruited

through Prolific, an online recruiting platform used by many academic researchers. While a

similar platform called Amazon Mechanical Turk (MTurk) has also been employed widely by

researchers, data quality concerns have been raised, especially those attributed to an

underrepresentation of participants who are 'naïve' (i.e. have less extensive experience with

psychological studies; Robinson et al., 2019). In contrast, Prolific users have been shown to be more naïve than their MTurk counterparts and also significantly more honest (Peer et al., 2017).

Quota sampling was employed in the present study due to a recognition of recent political developments and their likely impact on the present study. In particular, during the recent New York City mayoral elections, reports showed that many Black and low-income voters supported then candidate Eric Adams, who promised to be "tough on crime" should he be elected (Wahid, 2021). Hence, given the justice issues discussed in this study, it would be remiss not to make especial efforts to include the perspectives of New York residents from racial minorities and lower socioeconomic groups. Accordingly, this study used quota sampling to ensure that the various racial and socioeconomic groups constituted sufficient portions of the study sample.

Regarding race, in accordance with Prolific's and the U.S. Census data's race categories, participants were grouped into one of the following five race quota categories: Asian, Black, White, Multiracial, and Other (e.g. Alaskan Native). For socioeconomic status (SES), recent data from the U.S. Census Bureau (2019) puts the median annual household income in New York at about $68,500. However, due to Prolific categorizing users into $10,000 household income brackets, the median was rounded up to $70,000 for the purposes of this study. Hence, participants with an annual household income of $70,000 or higher were considered 'higher SES', whereas those with an annual household income of less than $70,000 were considered 'lower SES'.

Consistent with recommendations by Prolific, 10 'microstudies' were created to achieve a representative sample of New York residents with respect to race and SES. These microstudies were identical, except for the specific inclusion criteria (with respect to race and SES) and the microstudy's sample size. Participants were assigned to the appropriate microstudy based on the

race and annual household income information they had previously provided on their Prolific

profiles. Each microstudy had a sample size proportionally determined with reference to U.S.

Census Bureau (2019) data on New York state. In summary, Table 1 shows the sample sizes for

the 10 microstudies.

Table 1

Subsample sizes and percentages for quota sample (race by socioeconomic status)

Race/Ethnicity	Socioeconomic status		
	Lower SES	Higher SES	Total
Asian	6 (4.8%)	5 (4.0%)	11 (8.8%)
Black	11 (8.8%)	11 (8.8%)	22 (17.6%)
White	43 (34.4%)	44 (35.2%)	87 (69.6%)
Multiracial	2 (1.6%)	1 (0.8%)	3 (2.4%)
Other	1 (0.8%)	1 (0.8%)	2 (1.6%)
Total	63 (50.4%)	62 (49.6%)	125 (100.0%)

Other than these stipulations above, the only inclusion criteria for participants were that

they had to be aged 18 and above, and were listed as a New York state resident on Prolific.

Participants were reimbursed USD $3.75 for the 15-minute study through the Prolific platform,

in line with the $15 minimum hourly wage in New York state (New York State, n.d.).

Procedure

This study forms the first half of a larger research project on New York residents'

opinions on parole. The present study focused on examining residents' responses to a specific

individual applying for parole. It employed an online questionnaire conducted via Qualtrics, a

platform for online surveys. Participants were directed to the Qualtrics link, where they provided their informed consent electronically.

In the main body of the questionnaire, participants were first given a brief introduction to the parole process and the Board of Parole in New York state. As an attention check, participants responded to one multiple-choice question about the information given in the brief introduction. Next, participants were informed that they would be reading a transcript of an interview conducted by the Board of Parole with a parole applicant named Louis Jones. Besides his name, they were given his date of birth, current age, corrections facility and a headshot. Then, participants were randomly assigned to one of six interview transcript versions corresponding to the 2 (construal level: abstract versus concrete) X 3 (case characteristics: aggravating versus neutral versus mitigating) factorial design. After reading the transcript, participants completed a set of three attention check multiple-choice questions asking about transcript content that was not manipulated across conditions (e.g. "Who will Louis live with if granted parole release?"). Subsequently, participants completed a manipulation check item assessing their perception of the characteristics of Jones' parole case. Following this, participants completed two measures of perceived humanness presented in a random order: the secondary emotions scale and the Ascent of Man (AOM) measure. They were then asked for their decision on whether to grant or deny parole to the applicant. After that, participants responded to the measures of the two facets of parole decisions presented in a random order: an item measuring certainty in their decision to grant or deny parole, and an item asking about the specific disposition they believed to be appropriate for the applicant following the parole decision (e.g. grant parole with strict curfew).

Finally, participants provided basic demographic information about themselves and were debriefed.

Study Stimuli

As discussed throughout this paper, people convicted of violent offenses may be denied parole predominantly because of the nature of the initial offense. Coupled with the fact that people convicted of violent offenses make up about 2 in 3 people incarcerated in New York state prisons (Dworakowski, 2018), it was important that the case adapted for the present study involve an applicant incarcerated for a violent initial offense. Thus, parole interview transcripts involving such applicants were sourced from a local parole advocacy group and one applicant's case was selected. In order for the case to be considered representative of most people incarcerated for violent offenses, special attention was paid to selecting a case in which the severity of the applicant's convictions was neither too severe nor too minor.

To preserve the real parole applicant's anonymity, their name was changed to Louis Jones in the adapted transcripts for this study. Also, the correctional facility mentioned in the stimuli is a fictional one. Names of other individuals detailed in the original transcripts were also changed. Instead of providing a photo depicting the real applicant, a headshot of a model was used. The model, who is a Black man, had given prior permission for their photo to be used for justice-related research. Thus, Jones is presented as a Black man applying for parole. His race was deliberately made explicit to participants in light of the previously discussed literature on the racial disparities in justice-related decisions and dehumanization. In summary, for all intents and purposes, participants were presented with a fictional parole applicant, though they were not made aware of this fact until they were debriefed.

The real parole case comprised several interviews conducted by the Board of Parole with the real parole applicant over the last decade. Information across these original interview transcripts was pooled and adapted into a 'prototypical' transcript. This was done while

preserving much of the content and language used in the original transcripts involving the real

applicant, so as to enhance the sense of realism in the stimuli. The prototypical transcript

contained three subsections titled "Initial offense", "Time in Prison", and "Current

support/Future plans" which detail various aspects of the case in the applicant's voice. The

"Initial offense" subsection recounted the circumstances surrounding the initial offense that led

to incarceration. Next, the "Time in prison" subsection provided information on institutional

behavior, outlining the infractions incurred, as well as the personal growth and development that

occurred in prison. Lastly, the "Current support/Future plans" subsection comprised post-release

plans describing present-day relationships with people in the community alongside plans for

accommodation and employment.

　　　　After crafting the prototypical transcript, the transcript was modified to create an abstract

and a concrete version of the prototypical transcript. These versions formed the basis for the

manipulation of construal level. In modifying these transcripts, reference was taken from

procedures in prior studies where global descriptions of motives and situations were used to elicit

abstract construals, while specific descriptions were used to elicit concrete construals (Fujita et

al., 2006; Kim et al., 2013). In the present study, for example, the parole applicant was described

as having "been in trouble with the law once before for theft" in the abstract construal

conditions; conversely, he was described as having "been to jail once before for stealing a bike"

in the concrete construal conditions. Hence, these two transcript versions constituted the abstract

and concrete versions of the transcript in the neutral characteristics conditions.

　　　　Next, the transcript versions in the neutral characteristics conditions served as the

template for the versions in the aggravating and mitigating characteristics conditions. There has

been scant discussion on the theoretical underpinnings for deeming factors aggravating or

mitigating in sentencing, despite the widespread use of these factors in justice systems around the world (Manson, 2011). Indeed, one author has suggested that the judgment of a factor as mitigating or aggravating is frequently "a matter of intuition" (Cheng, 2017, p. 508). In spite of this definitional ambiguity, it was necessary for the present study's objectives to conceptualize mitigating and aggravating characteristics in a manner that could be adapted to fit the parole context and was natural for a vignette-type stimulus. Hence, reference was taken from Butler and Moran (2007), which listed mitigating and aggravating factors in relation to the sentencing for a specific robbery and murder case. Of these, two mitigating factors (i.e. "physically abused as a child" and "extreme mental or emotional disturbance") were selected to inform the transcript versions in the mitigating characteristics conditions, whereas one aggravating factor (i.e. "prior history of violence") shaped the transcript versions in the aggravating characteristics conditions. Accordingly, the transcript versions in the mitigating characteristics conditions feature a heightened intensity in the abuse the applicant faced in childhood, as well as its undeniably debilitating aftereffects; thus, his violent offenses were explicitly acknowledged as manifestations of his unresolved trauma. In contrast, the transcript versions in the aggravating characteristics conditions depict a less sympathetic applicant who had ingrained and maladaptive responses to conflict; instead of a traumatic past, the parole applicant's violent offenses stemmed from uncontrollable rage and were propelled by his feelings of jealousy and pride. For the purposes of comparison, the parole applicant in the neutral characteristics conditions falls somewhere between those in the mitigating and aggravating depictions, recognizing the traumatic experiences in his childhood but not linking them to his offenses. To be exact, between the three case characteristics conditions, the specific areas that were altered include the circumstances surrounding the initial offense and the offense in prison, the insights gained after

the prison offense, the applicant's achievements while in prison, the extent to which he was able to demonstrate positive social connections in the community, and his employment opportunities post-release. For example, transcripts in the neutral characteristics conditions describe the parole applicant gaining insight into his past when he realizes he "had picked up poor values". In the aggravating characteristics conditions, he instead says he "was just behaving as [his] father taught [him], not much more to it". In contrast, the parole applicant in the mitigating conditions discovers he "had experienced many types of hardship and often relived [his] trauma through flashbacks". Crucially, the nature of the initial offenses Jones was convicted with were not manipulated across conditions. Hence, only the case characteristics peripheral to the nature of the initial offense (i.e. parole case characteristics) were varied across conditions.

Measures

Independent Measure

  Parole Case Characteristics.

  As there are no known studies that have manipulated case characteristics in the parole context using the method outlined above, a manipulation check was deemed necessary. In light of the aforementioned conceptual ambiguity surrounding mitigating and aggravating characteristics, the present study introduced a novel measure to serve as a manipulation check to assess the resulting "mental state" post-manipulation (Lench et al., 2014); that is, the manipulation check evaluated participants' subjective perceptions of how mitigating or aggravating the parole case characteristics were.

  Once again, reference was taken from the literature on mitigating and aggravating factors in sentencing. In particular, two future-oriented factors were pertinent to the parole context. On one hand, taking reference from Ashworth (2011), it can be argued that the parole applicant's

potential to make positive societal contributions, given their efforts at rehabilitation while in

prison (e.g. pursuing higher education), may have a mitigating effect on how the initial offense is

viewed. On the other hand, as discussed in Morgan and Mannheimer (2009), the future

dangerousness of the convicted person may have an aggravating effect on how the initial offense

is regarded. Thus, the present study incorporated both future contributions and future

dangerousness into a single item measuring how mitigating or aggravating the parole case's

characteristics were perceived to be; hereafter, this construct will be referred to as perceived

parole case characteristics. The item is as follows: "There were many details in the case that

show that the applicant has potential for positive change." Participants rated the extent to which

they agreed with the above statement on a scale from 0 (*strongly disagree*) to 10 (*strongly*

agree); hence, a higher score indicates that the characteristics of the case were perceived to be

more mitigating, whereas a lower score suggests that they were perceived to be more

aggravating.

Dependent Measures

Perceived Humanness.

Two measures of perceived humanness were employed in this study.

Firstly, as a subtle means of assessing perceived humanness, a measure of the attribution

of secondary emotions to the parole applicant was administered. Secondary emotions (e.g.

compassion) are considered to be uniquely human features (Leyens et al., 2001); thus, the

attribution of secondary emotions to a target person has been used by researchers as a measure of

humanization (e.g. Čehajić et al., 2009). Being cognizant of the prior discussion on the role of

remorse in parole decisions, the present study employed the list featured in Costello and Hodson

(2010) as it includes remorse amongst its items. This list was also selected because of its equal

number of positive and negative valence emotions, ameliorating the bias that emotional valence may have on the responses. Participants rated on a scale from 1 (*not at all*) to 5 (*very much so*) the degree to which they felt the parole applicant experiences the list of six primary and six secondary emotions; however, only the ratings for secondary emotions were included in the analysis. Ratings on the secondary emotion items were summed up, regardless of emotional valence. Costello & Hodson (2010) reported Cronbach's alpha values of .83 and .91 for the secondary emotions scale in two independent studies, indicating good-to-excellent internal consistency. Also, when used to evaluate the perceived humanness of immigrants, the authors found a significant correlation between the secondary emotions scale and a trait-based measure of perceived humanness; hence, there is evidence of the secondary emotions scale's convergent validity when used in evaluations of outgroup members in society, such as immigrants and, potentially, incarcerated people. In the present study, the secondary emotions subscale exhibited good internal consistency ($\alpha = .87$).

Secondly, in order to include a blatant measure of perceived humanness, the Ascent of Man (AOM; Kteily et al., 2015) scale was employed. Despite being a recently constructed scale, the AOM has already been used in numerous studies to investigate the overt dehumanization of stigmatized and minority groups (see, e.g., Kersbergen & Robinson, 2019; Bruneau et al., 2020). The AOM positions a slider rating scale consisting of a range from 0 to 100 under an adaptation of The Road to Homo Sapiens, which portrays the stepwise evolution from ape (corresponding to a 0 value) to 'advanced' human (corresponding to a 100 value). Participants were asked to slide the indicator to the point on the scale that represents how evolved they believed the parole applicant to be. When used to compare perceived humanness in Americans versus non-Americans, the AOM scores were correlated with measures of animalistic and mechanistic

dehumanization, demonstrating that the AOM scale has adequate convergent validity when employed for the evaluation of outgroup members in American society, including non-Americans and, potentially, incarcerated people (Kteily et al., 2015).

Parole Decisions.

As outlined in the hypotheses, two aspects of parole decisions were examined in the present study: parole decision certainty and specific parole disposition. As the measures for both aspects require participants to have made a decision to either grant or deny parole to the applicant, participants indicated this decision first before proceeding to the two measures.

First, a measure was employed to evaluate the extent to which participants were certain in their decision to grant or deny parole. Decision certainty is a frequently measured construct in studies on jury decision making (see, e.g., Davis et al., 1976; Schmittat & Englich, 2016; Stasser & Davis, 1981), which shares similarities with parole decision making in that they both involve group-based judgments within a criminal legal context. Referencing the procedure in Lindsey and Miller (2011), participants rated their parole decision certainty on a scale of 1 (*very uncertain*) to 5 (*very certain*). Next, the certainty rating was multiplied by +1 if the participant had decided to grant parole and -1 if the participant had chosen to deny parole. Removing the non-existent zero value and using the appropriate linear transformations, this resulted in a 10-point scale ranging from 1 (*very certain in denying parole*) to 10 (*very certain in granting parole*).

Second, a measure was included to assess the parole decision more specifically by asking participants to select the most appropriate disposition following the parole decision. If participants chose to grant parole, they were asked to choose from three dispositions, arranged here in order of increasing leniency: *grant parole with strict curfew and ban from living near or*

entering school zones, *grant parole with strict curfew*, and *grant parole (with no special conditions)*. If participants chose to deny the applicant parole, they decided between the following three dispositions, arranged here in order of decreasing leniency: *deny parole for now and reconsider in 12 months*, *deny parole for now and reconsider in 24 months*, and *deny parole for the rest of the sentence*. These two three-point ordinal scales serve as graduated measures for parole decisions and are aimed at assessing the magnitude or 'extremeness' of the parole decision. This use of graduated measures to assess parole decisions was inspired by a Canadian study by Cumberland and Zamble (1992). However, the disposition options in the Canadian study could not be used in the present study as there are no known adequate translations for some of the Canadian dispositions (e.g. day parole) in the New York parole system. Hence, the disposition options were modified to fit the stipulations for New York state as described in the DOCCS Community Supervision Handbook (DOCCS, n.d.c).

Analysis Plan

SPSS Version 25.0 was used to conduct all data analyses.

Separate multiple linear regression models were planned with secondary emotions, AOM and parole decision certainty as the dependent variables. Each of these models included parole case characteristics, construal level group (i.e. abstract versus concrete), and the interaction term for these two variables as predictors.

The specific disposition measure of parole decisions was analyzed using ordinal logistic regression with the proportional odds model. Participants who granted parole were analyzed in a separate model from those who denied parole. As in the linear regression models, each of the ordinal logistic regression models included parole case characteristics, construal level group, and the interaction term for these two variables as predictors.

The proposed moderated mediation model was tested via the PROCESS macro (Hayes, 2017) in SPSS. The model 8 template was employed and analysis was conducted with bootstrapping in 5000 samples. Parole case characteristics was entered as the independent variable, whereas secondary emotions was designated as the mediating variable. As the sole continuous indicator of parole decisions, parole decision certainty was used as the dependent variable. Finally, construal level group was the moderating variable for both the indirect and direct pathways.

Results

Preliminary Analyses and Modifications to Analysis Plan

There were no missing data in this study, as almost all items in the online questionnaire were designated as mandatory to complete. Additionally, three participants who did not answer at least 75% of the attention check questions correctly (i.e. at least three out of four correct answers) were removed before further analysis occurred.

An examination of AOM scores showed that they were severely negatively skewed, so much so that 52 participants (42.6%) input the maximum score of 100 as their response. When the AOM was entered as the dependent variable in the linear regression analysis, the homoscedasticity assumption was violated. Attempts to rectify this issue via data transformations were unsuccessful; thus, the AOM scale was not included in the analyses.

Moreover, preliminary analyses involving assumption testing flagged issues with the parole decision certainty scores. Although the present study closely followed the procedure for transforming these scores as laid out in Lindsey and Miller (2011), the resulting distribution was bimodal. Consequently, when linear regression was conducted with parole decision certainty as

the dependent variable, the homoscedasticity assumption was violated. Data transformation

techniques did not rectify this issue. Thus, in order for regression analyses to proceed,

participants who granted parole would have to be analyzed in a separate model from those who

denied parole. However, as only 25 participants decided to deny parole to the applicant, this

subset of participants was much smaller than the minimum sample size of 77 required for the

planned analyses. Hence, for the testing of Hypothesis 1 and 3, only data from the 97 participants

who granted parole were included in the analyses. Accordingly, the range of possible parole

decision certainty scores became restricted, such that participants' ratings were between 6 (*very

uncertain of granting parole*) and 10 (*very certain of granting parole*).

Furthermore, preliminary analyses revealed that the experimental manipulation of parole

case characteristics via the transcript stimuli did not pass the manipulation check. A one-way

ANOVA was conducted with case characteristics group (aggravating, neutral or mitigating) as

the independent variable and perceived parole case characteristics as the dependent variable. No

significant difference was found amongst the aggravating (M = 7.1, SD = 2.3), neutral (M = 7.3,

SD = 1.9), and mitigating (M = 7.8, SD = 1.9) groups (F (2, 119) = 1.33, p = .27). Likewise,

further analyses revealed that there were no significant differences between the three case

characteristics groups in terms of secondary emotions (F (2, 119) = 1.56, p = .21); additionally,

for participants who granted parole to the applicant, the three groups were not significantly

different in parole decision certainty ratings (F (2, 94) = 1.87, p = .16) nor the specific

disposition they assigned to the applicant (χ^2 (4, 97) = 7.13, p = .13). Hence, given that the

experimental manipulation of parole case characteristics did not pass the manipulation check, but

also did not influence the dependent variables, it was deemed appropriate to merge data across

the three groups for analyses. Accordingly, while the single-item measure of perceived parole

case characteristics was initially intended to only be a check for the experimental manipulation,

it now replaced the case characteristics groups as the independent variable for the subsequent

analyses. Consequently, as parole case characteristics variable was now measured on a

continuous scale, the scores were mean centered prior to analyses to ameliorate multicollinearity

concerns, as recommended by Iacobucci et al. (2016).

Sample Descriptives

The final sample comprised 122 participants. The participants were relatively young (M

= 33.9, SD = 13.0, range = 18.0 – 72.0) and trended liberal (M = 2.9, SD = 1.5). In comparison

to the wider population of New York state (U.S. Census Bureau, 2019), the sample also included

more women and people with a four-year college or postgraduate degree. More information on

the final sample's demographics is presented in Table 2, whereas descriptive statistics for

variables of interest are shown in Table 3.

Table 2

Demographics of Study Sample (N = 122)

	N (%)
Race (constrained by quotas)	
Asian	9 (7.4)
Black	22 (18.0)
White	86 (70.5)
Multiracial	3 (2.5)
Other	2 (1.6)
Socioeconomic status (constrained by quotas)	
High ($\geq$ $70,000 in annual household income)	60 (49.2)
Low (< $70,000 in annual household income)	62 (50.8)
Gender	
Women	75 (61.5)
Men	45 (36.9)
Non-binary	2 (1.6)
Education	
Less than high school	1 (0.8)
High school/GED diploma	33 (27.0)
Two-year college degree	11 (9.0)
Four-year college degree	52 (42.6)
Postgraduate degree	25 (20.5)

Table 2 (continued)

Place of residence	
Within five boroughs of New York City	61 (50.0)
Outside of five boroughs of New York City	61 (50.0)

Table 3

Descriptive Statistics of Measures for Variables of Interest (N = 122)

	M	*SD*	Range of scores in sample
Perceived parole case characteristics	7.4	2.0	0.0 to 10.0
Secondary emotions	22.5	4.7	8.0 to 30.0
Parole decision certainty (granted parole, $N = 97$)	9.0	0.9	7.0 to 10.0

	N (%)
Assigned to abstract condition	61 (50.0)
Assigned to concrete condition	61 (50.0)
Parole decision (granted parole)	97 (79.5)
Curfew and school zone ban	15 (12.3)
Curfew only	54 (44.3)
No special conditions	28 (23.0)

Note. *M* = mean; *SD* = standard deviation.

Hypothesis 1a: Perceived Case Characteristics, Construal Level and Parole Decision

Certainty

As mentioned previously, Hypothesis 1 was tested only with the data from the 97

(79.5%) participants who decided to grant parole to the applicant.

Parole decision certainty scores were regressed on the perceived parole case

characteristics scores, construal level group and the interaction between these two variables;

detailed findings are shown in Table 4. For participants who granted parole, the overall linear

regression model was significant ($R^2 = .45$, $F (3, 93) = 25.52$, $p < .001$), showing that including

the three predictors in the model provided significantly more explanatory power than a model

without these predictors. Indeed, the adjusted R^2 value indicates that perceived aggravating-

mitigating characteristics, construal level, and the interaction term between these two variables

collectively explained more than 40% of the variance in parole decision certainty.

As predicted in Hypothesis 1ai, the more mitigating a case's characteristics were

perceived to be, the more certain participants were of granting parole to the applicant ($b = 0.49$, t

$= 7.83$, $p < .001$). With respect to Hypothesis 1aii, the moderating effect of construal level was

significant ($b = -0.20$, $t = -2.06$, $p = .04$). Using the benchmarks suggested by Acock (2014) for

standardized beta coefficients, the main effect of parole case characteristics on parole decision

certainty had a large effect size ($\beta = 0.79$), whereas the moderating influence of construal level

was a moderate effect ($\beta = -0.22$).

To probe the moderating effect of construal level, a simple slopes analysis was

conducted; Figure 2 shows a visual representation of the findings. The analysis revealed that,

when a case's perceived characteristics were more aggravating (i.e. low perceived case

characteristics score with a mean-centered value of -0.40), construal level was predictive of

parole decision certainty ($b = 0.41$, $t = 2.48$, $p = .02$). In other words, the disparity in decision certainty was significant between abstractly and concretely described cases. Specifically, participants presented with an abstractly described case were significantly more certain of their decision to grant parole than participants presented with a concretely described case. However, in contrast to expectations, when a case's perceived characteristics were more mitigating (i.e. high perceived case characteristics score with a mean-centered value of 2.60), the disparity in decision certainty was not significantly different between abstractly and concretely described cases ($b = -0.20$, $t = -0.84$, $p = .40$). In summary, the data from participants who granted parole partially supported Hypothesis 1aii.

Table 4

*Coefficients for Multiple Linear Regression with Parole Decision Certainty as the Dependent Variable for Participants who Granted Parole (N = 97)*

	b	β	SE	t	p
Constant	8.59	-	0.10	82.49	$< .001$
Perceived case characteristics	0.49	0.79	0.06	7.83	$<. 001$
Construal level	0.33	0.19	0.15	2.26	.03
Perceived case characteristics X Construal level	-0.20	-0.22	0.10	-2.06	.04

Overall model: $R^2 = .45$, adjusted $R^2 = .43$, $F (3, 93) = 25.52$, $p < .001$

Note. β = standardized coefficient; *SE* = standard error.

Figure 2

Interaction Effect between Perceived Parole Case Characteristics (Mean-Centered) and

Construal Level for Participants who Granted Parole (N = 97)
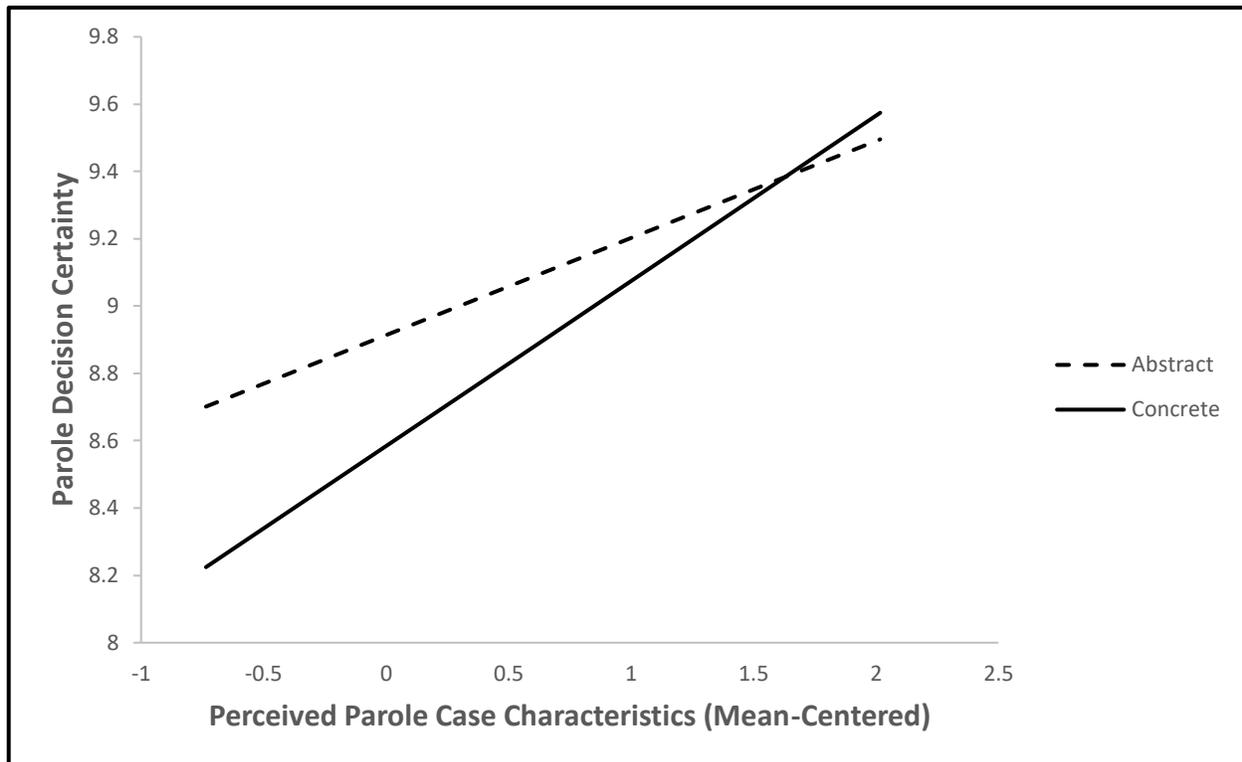
Note. At lower levels of perceived parole case characteristics (i.e. more aggravating

characteristics), abstract (versus concrete) construals are associated with a significantly higher

certainty in the decision to grant parole. At higher levels of perceived parole case characteristics

(i.e. more mitigating characteristics), the difference in decision certainty between construal levels

is not significant.

Hypothesis 1b: Perceived Case Characteristics, Construal Level and Specific Parole

Disposition

For participants who granted parole, analysis showed that the model containing the three

predictors fit the data significantly better than the base model (χ^2 (3, 97) = 12.18, p = .01).

Consistent with Hypothesis 1bi, perceived parole case characteristics had a significant main effect on the specific parole disposition ($OR = 1.62$, 95% CI [1.09, 2.40], $p = .02$); in other words, for every one unit increase in the extent to which the case characteristics are perceived to be mitigating, the odds of participants selecting a more lenient parole disposition becomes 1.62 times higher. In contrast, Hypothesis 1bii was not supported by the data. The moderating effect of construal level was not significant ($OR = 1.08$, 95% CI [0.60, 1.94], $p = .79$), indicating that the differences in specific disposition selection in abstractly versus concretely construed cases was similar in cases perceived to have more mitigating characteristics and in cases perceived to have more aggravating characteristics. More details on this analysis are provided in Table 5.

Table 5

Coefficients for Ordinal Logistic Regression with Specific Parole Disposition as the Dependent Variable for Participants who Granted Parole (N = 97)

	Coef	*SE*	*p*	OR	95% CI
Perceived case characteristics	0.48	0.20	.02	1.62	1.09 to 2.40
Construal level	-0.37	0.44	.41	0.69	0.29 to 1.64
Perceived case characteristics X Construal level	0.08	0.30	.79	1.08	0.60 to 1.94

Overall model: χ^2 (3, 97) $= 12.18$, $p = .01$

Note. Coef = coefficient estimate; *SE* = standard error; OR = odds ratio; 95% CI = 95% confidence interval.

Hypothesis 2: Perceived Case Characteristics, Construal Level and Perceived Humanness

The total secondary emotions scores were regressed on the perceived parole case characteristics scores, construal level group and the interaction between these two variables; detailed findings are displayed in Table 6. The overall model was significant (R^2 = .43, F (3, 118) = 29.59, p < .001), evincing that including these three predictors in the model provided significantly more explanatory power than a model without these predictors. In fact, the adjusted R^2 value indicates that perceived case characteristics, construal level, and the interaction term between these two variables collectively explained more than 40% of the variance in secondary emotions.

Consistent with Hypothesis 2i, the more mitigating a case's characteristics were perceived to be, the more secondary emotions (i.e. uniquely human emotions) were attributed to the parole applicant (b = 1.35, t = 5.78, p < .001). However, Hypothesis 2ii was not supported by the data. The predicted moderating effect of construal level was not significant (b = .27, t = .83, p = .41); that is, the disparity in attributed secondary emotions between abstractly and concretely presented cases when participants perceived cases to have mitigating characteristics were not significantly different than that when participants perceived cases to have aggravating characteristics.

Table 6

Coefficients for Multiple Linear Regression with Secondary Emotions as the Dependent Variable (N = 122)

	b	β	SE	t	p
Constant	22.54	-	0.46	48.90	< .001
Parole case characteristics	1.35	0.59	0.23	5.78	< .001
Construal level	0.05	0.01	0.65	0.08	.94
Parole case characteristics X Construal level	0.27	0.09	0.32	0.83	.41

Overall model: $R^2 = .43$, adjusted $R^2 = .42$, $F(3, 118) = 29.59$, $p < .001$

Note. β = standardized coefficient; *SE* = standard error.

Hypothesis 1 and 2: Follow-up Ancillary Analyses

As highlighted earlier, the participants recruited for the present study were more likely to be young, identify as a woman, have a college degree, and hold liberal views. Hence, these demographic variables may serve as alternative explanations for the significant findings outlined in preceding sections. To rule out these possible alternative explanations, follow-up analyses were conducted with respect to the main hypotheses in this paper (i.e. Hypotheses 1 and 2). Specifically, relationships between the four demographic variables (i.e. age, gender, education and political orientation) and all the independent and dependent variables were examined preliminarily via Pearson or Spearman bivariate correlations or chi-square tests of independence whenever appropriate. Then, any demographic variables that were significantly related to the independent or dependent variables were entered into the relevant regression models as

additional predictors. Of note, as there were too few participants that identified as non-binary,

this follow-up analysis was only conducted with data from participants who identified as men or

women. Moreover, to account for education level categories that applied to very small numbers

of participants, education level categories were collapsed into three groups: high school/GED

diploma or less, college degree (including both 2-year and 4-year degrees), and postgraduate

degree. Two dummy variables representing having only a college degree and having a

postgraduate degree were then created, such that participants with a high school/GED diploma or

less were designated as the reference group.

In all the analyses involving parole decision certainty or specific parole disposition (N =

95), none of the four demographic variables were significantly related to perceived parole case

characteristics, construal level, parole decision certainty or specific parole disposition. Hence, it

can be inferred that the findings vis-à-vis parole decisions were not influenced by the

demographic skews in the sample. On the other hand, in the analyses involving perceived

humanness (N = 120), participant age was correlated with perceived case characteristics (r =

-.22, p = .02), indicating that younger participants were more likely to perceive the parole case as

having more mitigating characteristics. Additionally, gender was correlated with both perceived

case characteristics (r = .24, p = .008) and secondary emotions (r = .23, p = .01), suggesting that

women were more likely to perceive the case as having more mitigating characteristics and the

applicant as being more human. Thus, age and gender were entered as additional predictors into

the linear regression model tested in Hypothesis 2. The results of this analysis yielded the same

conclusions as in the original model, despite accounting for variations in age and gender:

perceived case characteristics remained a significant predictor of perceived humanness (b = 1.32,

t = 5.55, p < .001) and construal level did not have a significant moderating influence on the

relationship between perceived case characteristics and perceived humanness ($b = 0.25$, $t = 0.76$, $p = .45$). Altogether, the follow-up analyses support the assertion that, despite the sample's differences in demographic makeup in comparison to that of New York state, these differences did not have an impact on the present study's conclusions.

Hypothesis 3: Moderated Mediation Model

The proposed model was analyzed with participants who granted parole. A visual representation of noteworthy findings is presented in Figure 3, while detailed results are displayed in Table 7. All path notations (e.g. â, ĉ') were adapted from MacKinnon et al. (2007).

Figure 3

Proposed Moderated Mediation Model with Unstandardized Coefficients for Participants who

Granted Parole (N = 97)
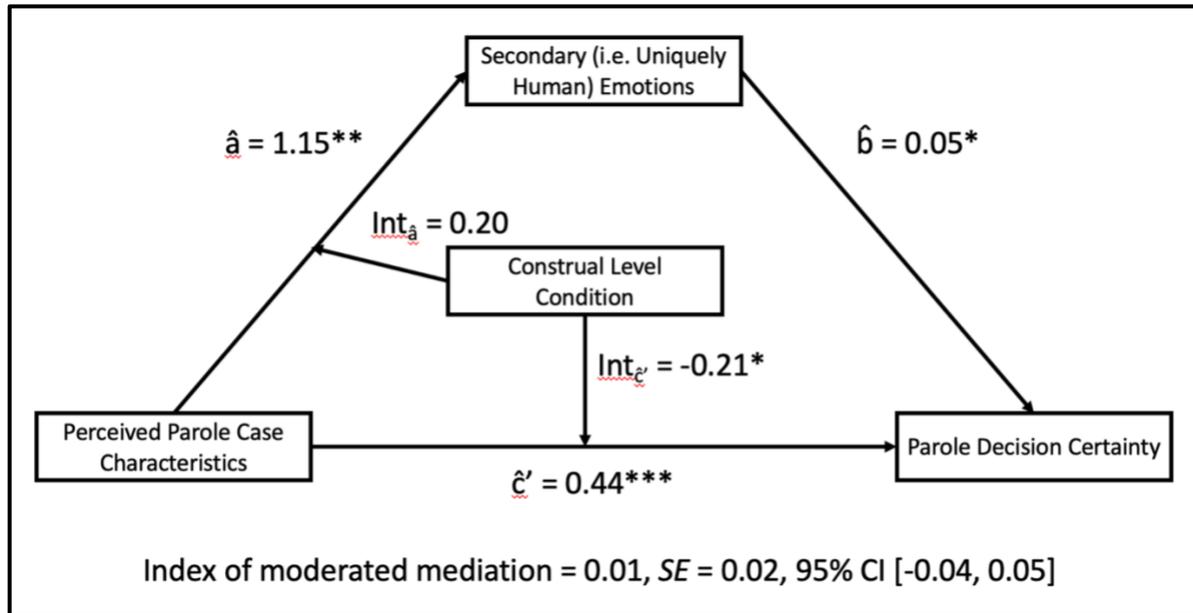
Note. Construal level moderates the direct pathway between perceived parole case characteristics

and parole decision certainty, but does not moderate the indirect pathway through perceived

humanness. Accordingly, the index of moderated mediation has a 95% confidence interval that

includes zero, indicating that the moderated mediation effect is not significant. $\hat{a}$ = direct effect

of perceived parole case characteristics on secondary emotions; $\hat{b}$ = direct effect of secondary

emotions on parole decision certainty; $\hat{c}'$ = direct effect of perceived parole case characteristics

on parole decision certainty accounting for secondary emotions; $Int_{\hat{a}}$ = interaction effect of

construal level with perceived parole case characteristics on secondary emotions; $Int_{\hat{c}'}$ =

interaction effect of construal level with perceived parole case characteristics on parole decision

certainty; *SE* = standard error; 95% CI = 95% confidence interval.

*p < 0.5. **p < .01. ***p < .001.

Table 7

Unstandardized Coefficients for Proposed Moderated Mediation Model for Participants who

Granted Parole (N = 97)

Exogenous variable		Endogenous variable: Secondary emotions					
	Path	Coef	*SE*	*t*	*p*	LLCI	ULCI
Constant	-	22.85	0.59	38.89	< .001	21.69	24.02
Perceived charact	$\hat{a}$	1.15	0.35	3.26	.002	0.45	1.86
Secondary emotions	-	-	-	-	-	-	-
Construl level	$w_{\hat{a}}$	0.11	0.82	0.14	.89	-1.51	1.74
Perceived charact X Construl level	$Int_{\hat{a}}$	0.20	0.55	0.36	.72	-0.90	1.30

Overall model: $R^2 = .18$, $F (3, 93) = 6.92$, $p < .001$

Table 7 (continued)

Exogenous variable		Endogenous variable: Parole decision certainty					
	Path	Coef	*SE*	*t*	*p*	LLCI	ULCI
Constant	-	7.53	0.42	17.94	< .001	6.70	8.36
Perceived charact	ĉ'	0.44	0.06	6.81	< .001	0.31	0.56
Secondary emotions	b̂	0.05	0.02	2.59	.01	0.01	0.08
Construl level	wĉ'	0.32	0.14	2.29	.02	0.04	0.60
Perceived charact X Construal level	Intĉ'	-0.21	0.10	-2.22	.03	-0.40	-0.02

Overall model: $R^2 = .49$, $F(4, 92) = 21.99$, $p < .001$

Note. Perceived charact = perceived parole case characteristics; coef = unstandardized coefficient estimate; *SE* = standard error; LLCI = lower limit of 95% confidence interval; ULCI = upper limit of 95% confidence interval.

As in the testing of Hypothesis 1aii, construal level significantly moderated the direct relationship of perceived parole case characteristics on parole decision certainty (Intĉ' = -0.21, $t = -2.22$, $p = .03$).

Secondary emotions was found to only partially mediate the relationship between perceived case characteristics and parole decision certainty. The indirect effect of perceived case characteristics on parole decision certainty through secondary emotions was significant for participants in the abstract construal level condition (âb̂ = 0.06, *SE* = 0.03, 95% CI [0.01, 0.12])

and the concrete construal level condition ($\hat{a}\hat{b}$ = 0.05, SE = 0.03, 95% CI [0.01, 0.12]), as evinced by 95% confidence intervals that did not include zero. Further, after adjusting for the mediator (i.e. secondary emotions), perceived case characteristics still predicted parole decision certainty significantly ($\hat{c}'$ = 0.44, t = 6.81, $p < .001$). Hence, the significant indirect and direct effects indicate the partial, rather than full, mediation effect of secondary emotions.

Finally, as in the testing of Hypothesis 2ii, construal level did not significantly moderate the relationship of perceived parole case characteristics on secondary emotions ($Int_{\hat{a}}$ = 0.20, t = 0.36, p = .72). As a result, the index of moderated mediation was not significant, as indicated by a 95% confidence interval that included zero (index = 0.01, SE = 0.02, 95% CI [-0.04, 0.05]); that is, the indirect effects in the abstract and concrete conditions were not significantly different.

All in all, the proposed moderated mediation model was not fully supported by the data, evincing only partial support for Hypothesis 3.

Discussion

The low rate of parole approval in New York state is alarming and demands attention from researchers. Generally, researchers have a role to play in shaping public opinion on any issue to do with the criminal legal system (Ghandnoosh, 2014). Additionally, producing more research on how parole decisions are made in New York could better inform activists and policymakers on how to ensure that the mechanism of discretionary parole fulfils its purpose of decarceration and reintegrating incarcerated people back into society. On a micro level, research on parole decision processes can assist parole applicants and their advocates implement more effective strategies in preparation for the review process.

While it is naturally vital to examine the practical outcomes of the parole review process (i.e. the parole decision), it is also important to consider how parole applicants are regarded by the Board of Parole as they are put through a trying process. Hence, in its investigation of parole decision processes, this paper honed in on two relevant outcomes: the parole decisions themselves, as well as the perception of parole applicants as human.

The Unequivocal Influence of Parole Case Characteristics

Research points to the centrality of the nature of the initial offense in shaping the outcome of the parole review process (Marquez-Lewis et al., 2013). Thus, one of the first aims of the present study was to examine whether peripheral case characteristics, which could conceivably aggravate or mitigate how serious the initial offense is regarded to be, could influence the parole decision. The findings from this study supported this proposition. When looking at people who granted parole, both the certainty in the decision to grant parole and the likelihood of assigning a more lenient specific parole decision were greater for participants who perceived the parole case to have more mitigating characteristics. While this result seems commonsensical, it is noteworthy that these more favorable parole decision outcomes emerged despite the nature of the initial offense. Hence, this provides proof of the influence case characteristics can have on parole decision outcomes, even in cases where the initial offense is violent in nature. These findings garnered from participants recruited from the general public stand in opposition to research with actual parole board members. Indeed, real-world parole data suggests that some applicants are denied parole despite having cases with mitigating characteristics, such as the completion of required in-prison programs and having accurate post-release plans (West-Smith et al., 2000; Vîlcică, 2018). This contradiction between the present study's findings and the real-world parole data is a profound indication of the disparity in

opinion between members of the general public (i.e. participants in the present study) and actual

parole board members. While this disparity could be attributed to the lower stakes research

participants are confronted with in a hypothetical parole decision scenario, it may also be an

indication that parole boards are out of step with public sentiment (Lindsey & Miller, 2011).

Thus, the finding that the general New York public is in support of mitigating case

characteristics being related to more favorable parole outcomes could be a wake-up call to the

Board of Parole. Indeed, Board of Parole members need to reassess the relevance they assign to

parole case characteristics in the course of making parole decisions.

In a similar vein, the present study also explored whether parole case characteristics

could shape the extent to which parole applicants were perceived as human. By inspecting the

degree to which applicants were attributed uniquely human emotions, the present study found

that applicants were perceived as more human when their cases were also perceived to have

more mitigating characteristics. This finding lends greater support to the implications of prior

research suggesting that mitigating case characteristics, such as pursuing education while

incarcerated or having strong ties with loved ones in the community, can ameliorate the

dehumanization that accompanies conviction and incarceration (Evans, 2018; Waldram, 2007).

Indeed, bringing attention to mitigating case characteristics may humanize applicants in the same

way that prison visitation programs do: providing greater context to the initial offense. Once

incarcerated people are understood to be more than the nature of the initial offense, they start to

be perceived to be "just like us" (Duncan & Balbar, 2008, p. 309). Consequently, the present

study can be a source of encouragement for parole applicants because it demonstrates

empirically that, at least in the eyes of the general public, their initial offense is not the sole

indicator of how others perceive them. In fact, there is discernable value in helping others

understand the context around their initial offense, as well as reinventing themselves post-conviction through constructive institutional behavior and planning for life post-release.

Overall, parole case characteristics play a substantial role in influencing important outcomes of the parole review process, especially in cases where parole is granted. Hence, while the nature of the initial offense may remain front and center in the parole decision-making process, parole case characteristics can provide some much-needed context that aggravates or mitigates subjective views of the severity of the initial offense.

The Equivocal Moderating Effect of Construal Level

The preceding discussion outlined the implications of parole case characteristics for the parole review process. However, when an applicant's case is already put up for review by the Board of Parole, most of the characteristics of the parole case (e.g. programs completed, employment plans) have been documented and essentially immutable. Regardless of whether these case characteristics have an aggravating or mitigating influence on how the initial offense is regarded, the parole applicant at this point in time is no longer able to alter these 'static' characteristics. Hence, a more important aim of the present study was to explore whether some other proximal and malleable factor within the parole applicant's control, such as construal level, could change the course of the parole review.

The present study first focused on the moderating influence of construal level with respect to parole decision certainty. Specifically, it was hypothesized that, for cases with more mitigating characteristics, describing the case concretely (versus abstractly) would induce a higher degree of certainty in the decision to grant parole; conversely, for cases with more aggravating characteristics, describing the case abstractly (versus concretely) would result in a higher degree of parole decision certainty. The present study found support for the moderating

effect of construal level only for cases with more perceived aggravating characteristics, where

describing the case abstractly (versus concrete) led to greater certainty in the decision to grant

parole. Conversely, construal level did not affect parole decision certainty for cases perceived to

have more mitigating case characteristics.

The above pattern of findings in the present study represents a departure from that in

Gollwitzer and Keller (2010) in that the moderating effect of construal level was only replicated

for cases with more perceived aggravating characteristics. At first glance, this departure is

unexpected given that both studies are highly similar in their focus on case characteristics and

construal level in relation to a decision response to an offense. However, it should be noted that

Gollwitzer and Keller (2010) assessed responses to a transgression with relatively minor

implications (i.e. hoarding library books prevents access to other students). In comparison, in the

present study, the consequences of an erroneous decision could mean imposing unnecessary

further incarceration on an applicant or granting parole release to an applicant likely to reoffend.

Indeed, the latter of these may be the primary concern for parole board members; not only are

there implications for public safety, but there is also considerable apprehension towards the

political backlash that may arise in the case of a reoffense (Schwartzapfel, 2015; Williams,

2020). Thus, these concerns about future dangerousness may have compelled participants to

attend particularly to the way perceived aggravating case characteristics were described (i.e.

abstractly or concretely). Accordingly, participants may have been less attentive to how cases

were construed when they were perceived to have more mitigating characteristics, resulting in a

lack of a moderating effect of construal level for these cases.

Regardless, the above findings in relation to the certainty in granting parole may give

some measure of comfort to parole applicants, especially those with case characteristics that are

less than ideal. As alluded to previously, parole decision making parallels jury decision making in many respects due to the criminal legal context in which they occur, as well as the influence of group dynamics during deliberations. In the literature on jury decision making, a juror's uncertainty in their initial individual decisions makes them more susceptible to informational influence during group deliberations; thus, they are more prone to changing their stance on the verdict (Stasser & Davis, 1981, Tanford & Penrod, 1986). Similarly, an individual parole board member who is uncertain in their decision to grant parole may be considerably open to persuasion by other parole board members who have chosen to deny parole. Hence, to maximize the decision certainty for parole board members deciding to grant parole, parole applicants and their advocates should leverage the findings from the present study and draw attention to the mitigating characteristics of their cases. Additionally, in acknowledging aggravating characteristics, they should eschew specificity and strive towards portraying aggravating characteristics in a more abstract and global manner.

The present study also examined the moderating influence of construal level with respect to the specific parole disposition. To be exact, for cases with more mitigating characteristics, describing the case concretely (versus abstractly) was hypothesized to result in a higher likelihood of assigning the applicant a more lenient specific disposition (e.g. parole with no additional special conditions); conversely, for cases with more aggravating characteristics, abstract (versus concrete) descriptions were anticipated to lead to a higher likelihood of assigning a more lenient specific disposition. Contrary to expectations, for participants who granted parole, construal level did not moderate the relationship between perceived case characteristics and specific parole disposition. In fact, irrespective of case characteristics, varying the construal level did not affect the likelihood of assigning any specific disposition to the

applicant (i.e. the main effect of construal level was not significant; see Table 5). Examining this finding in conjunction with the significant finding in relation to parole decision certainty, there are several ways to interpret this result. One explanation involves taking these findings at face value and concluding that, whereas the moderating effect of construal level is substantial enough to shape a subtler parole decision outcome (i.e. certainty in one's decision), it is not large enough to change a parole board member's thoughts on the more tangible specific disposition outcome. Another interpretation could be that the experimental manipulations of the construal level were not strong enough to elicit a significant moderating effect of construal level. If this is the case, future studies need to invest considerable efforts into crafting descriptions of parole cases that are at further extremes of the abstract-concrete construal continuum. Alternatively, it is possible that the three-point scale representing specific dispositions of varying leniency did not possess sufficient sensitivity to detect the moderating effect of construal level. Thus, future studies can explore using scales with a larger number of intermediate disposition options to improve the instrument's sensitivity.

Next, the present study explored the moderating influence of construal level in relation to the extent to which parole applicants were perceived as human. In particular, for cases with more mitigating characteristics, representing cases concretely (versus abstractly) was anticipated to lead to parole applicants being attributed more human qualities; conversely, for cases with aggravating characteristics, abstract (versus concrete) construals were expected to result in applicants being perceived as more human. Surprisingly, the results revealed that construal level did not moderate the relationship between perceived case characteristics and perceived humanness; indeed, regardless of case characteristics, varying the construal level of the case description did not have an impact on how human the applicant was perceived to be (i.e. the

main effect of construal was not significant; see Table 6). Once again, this finding could be interpreted as is, indicating that representing cases in abstract or concrete terms has no real bearing on the degree to which parole applicants are perceived as human. However, given that the present study is the first known investigation into the interaction between parole case characteristics and construal level in relation to perceived humanness, it may be too hasty to rule out the possibility of other explanations. For example, the non-significant finding could once more be attributed to an insufficiently potent experimental manipulation of construal level. Alternatively, other measures of perceived humanness may have been more pertinent for the present study; indeed, if the AOM scores had been more suitable for linear regression analysis, it would have been enlightening to compare such a blatant measure of perceived humanness alongside the more implicit secondary emotions scale. In fact, given that language likening incarcerated people to beasts can be more blatantly expressed (Ellis, 2007), a measure of blatant dehumanization may be more appropriate for the parole context (Kteily & Landry, 2022). Future studies could improve on the experimental design of the present study to shed more light on the complex relationships between parole case characteristics, construal level and perceived humanness.

All in all, the present study yielded ambivalent results with regard to the relevance of construal level for the parole review process in cases where parole is granted. While construal level did have a moderating effect with respect to parole decision certainty, it did not have the hypothesized effects on the specific parole disposition and the perceived humanness of the parole applicant. However, the present study is indisputably an important addition to the existing literature by being the first known study to apply CLT to the context of parole. Indeed, the present study is merely the first step in uncovering the complex relationships between construal

level and various parole outcomes, providing direction for future studies to delve deeper in their investigations.

Same Model, Separate Mediation and Moderation Effects

Given the research literature suggesting the interrelations between parole case characteristics, construal level, parole decisions, and perceived humanness, an ancillary aim of the present study was to propose an explanatory model for how these constructs were related to each other (Figure 1). Specifically, it was hypothesized that parole case characteristics would have a direct effect on parole decision certainty. It was also hypothesized that parole case characteristics would have an indirect effect on parole decision certainty through perceived humanness. In other words, the hypotheses were relatively conservative in predicting perceived humanness to only partially mediate the relationship between parole case characteristics and parole decision certainty. Finally, both indirect and direct effects were anticipated to be moderated by construal level. In particular, the moderation of the indirect effect (i.e. the moderated mediation effect) would mean that the indirect effects through perceived humanness were anticipated to be significantly different at an abstract versus concrete construal level. However, the results from the present study provided only partial support for the proposed relationships in the model for participants who decided to grant parole.

Firstly, in line with expectations, the direct effect of perceived case characteristics on parole decision certainty was significantly moderated by construal level. This was an unsurprising result considering previously outlined results from the testing of Hypothesis 1aii, in which the moderating effect of construal level in relation to parole decision certainty was found to be significant. While this finding is of import, the implications of this finding have already been covered in a previous section and will not be reiterated here.

Secondly, perceived humanness was found to partially mediate the relationship between perceived case characteristics and parole decision certainty, regardless of construal level. This finding further illuminates the relationship between parole case characteristics and parole decision certainty. As stated earlier in the results from testing Hypothesis 1aii, the main effect of perceived case characteristics on parole decision certainty had a large effect size ($\beta = 0.79$). Thus, there is value in breaking down this large effect and elucidating the mechanisms that underlie this relationship. The present study accomplishes this by revealing the indirect effect through perceived humanness, suggesting that, when participants are given a case perceived to have more mitigating characteristics, they also perceive the applicant to be possessing more human attributes; in turn, the perception of being more human is associated with a greater certainty in the decision to grant parole. To put it another way, one pathway to obtaining a greater certainty in the decision to grant parole is through humanizing the parole applicant, which occurs due to the applicant possessing case characteristics perceived to be mitigating. Furthermore, as reviewed in an earlier section of this paper, prior research has highlighted the importance of the parole applicant showing sufficient remorse in order for them to be granted parole (Bronniman, 2020). The present study expands on this idea by empirically demonstrating that it is not only remorse, but secondary emotions in general, that influence parole decisions. Specifically, an applicant perceived to experience a greater degree of uniquely human emotions is regarded as more human, which increases the certainty with which parole board members make the decision to grant parole. As discussed previously, parole board members who are more certain of granting parole are less likely to change their stance after deliberating with other parole board members. Consequently, applicants perceived as more human may be given a more favorable parole decision.

However, the fact that the *direct* effect of parole case characteristics on parole decision certainty remains significant after accounting for the mediating effect of perceived humanness indicates that there is more variance to be explained by other possible mediators. Thus, there exist more pathways through which case characteristics may affect parole decision certainty. One example of such an explanation has to do with what Ashworth (2011, p. 29) terms the "pursuit of equality policies". This principle involves counterbalancing the disproportionate negative impact of incarceration on certain groups of people via rendering a more lenient legal decision. This principle is more commonly used to justify lighter sentences for women, due to factors such as the higher prevalence of self-harm among incarcerated women. In the present study, the relevant equity policy may have to do with the identity of the fictional parole applicant as a Black person. As this study was conducted after the passing of George Floyd and in a period in time where there is heightened awareness of racial inequities in the criminal legal system (Civiqs, n.d.), it is possible that White participants were exhibiting racial sympathy, which is the attitude of being troubled by the adversity faced by Black people (Chudy, 2021). Thus, these participants may have been motivated to counteract the more severe impact of justice involvement on Black people for the purpose of upholding racial equity. However, racial sympathy may be attenuated when Black people engage in behaviors White people are opposed to, such as engaging in rioting during protests (Cullen et al., 2021). Hence, in the context of the present study, White participants may have felt less racial sympathy for applicants perceived to have more aggravating case characteristics. On the flip side, for applicants perceived to have more mitigating case characteristics, White participants may have felt more sympathetic and inclined to counterpoise the negative effects of justice involvement, resulting in them being more certain of granting the applicant parole. Hence, racial sympathy may serve as an example of other

mechanisms through which parole case characteristics influence parole decision certainty. Future studies could explore these other mechanisms by incorporating appropriate measures of these potential mediators into their study designs.

Thirdly, contrary to expectations, construal level did not significantly moderate the indirect effect through perceived humanness; that is, the indirect effect associated with the abstract construal group was not significantly different in direction or strength from that associated with the concrete construal group. This result is coherent with the results of the testing of Hypothesis 2ii, which found that construal level did not moderate the relationship between perceived case characteristics and perceived humanness. Hence, the anticipated moderated mediation effect in the proposed model was not supported by the data.

There are various ways to explain the lack of a moderated mediation effect. A couple of these have already been covered in a previous section, such as the ineffective manipulation of construal level and the lack of a blatant measure of perceived humanness that produces viable scores for analysis. Another feasible explanation is that the non-significant finding is reflective of a true absence of a moderating effect of construal level in relation to the indirect effect through perceived humanness. If this is the case, the present study has still contributed to the literature by documenting this negative result. Moving forward, however, it is crucial to note that, while the finding that perceived humanness partially mediates the relationship between perceived case characteristics and parole decision certainty is important, this finding does not afford the applicant many opportunities to directly influence the outcome of the parole decision. As discussed earlier, parole case characteristics are mostly 'locked in' by the time the parole review process begins. Moreover, the applicant's perceived humanness in the eyes of the Board of Parole is not a factor the applicant can affect directly. Consequently, there is a need for

exploratory research into proximal and malleable factors other than construal level that could

moderate the mediating effect of perceived humanness. A possible avenue to explore in future

research is the extent to which attention is brought to the parole applicant's gender. A recent

study by Martin and Manson (2022) found that ascribing gender to inanimate objects had a

greater humanizing effect than ascribing other characteristics (e.g. race, sexual orientation,

religion). Further, when a target person was explicitly described as either a man or a woman and

possessing the corresponding attributes traditionally associated with those genders, they were

rated as more human than a gender non-conforming target person. The authors also provided

empirical backing for the idea that the humanizing effect of gender is explained by the activation

of gender schema, which most people are highly dependent on for efficiently organizing

information about another person. Hence, in the context of a parole review process, the degree to

which an applicant is able to draw attention to their gender may influence how human they are

perceived to be. For parole applicants who are men, this could possibly be done by describing

themselves with stereotypically masculine traits (e.g. assertive, logical; Martin & Manson, 2022).

While this naturally raises issues for parole applicants who do not conform to the gender binary,

future research can explore the implications of emphasizing gender for perceived humanness, as

well as parole decisions. On the whole, research efforts into potential moderators of the indirect

effect through perceived humanness could potentially equip parole applicants with more tools to

prepare them for interacting with the Board of Parole.

All in all, the expected moderated mediation effect was not supported by the data. Both

moderation and mediation effects were found; however, their effects corresponded to separate

pathways within the same model.

Strengths

Besides addressing the paucity of literature on parole in New York state, the present study has several strengths. For instance, the study adds to the dearth of research examining the role of perceived humanness in the parole context. While prior studies have highlighted the dehumanization of justice-involved people in general (see, e.g., Heiphetz & Craig, 2021; Tran et al., 2018), there are few known research endeavors centered on the perceived humanness of people being evaluated for parole. By unearthing evidence of the partial mediation effect involving perceived humanness, the present study brings to light the pertinence of ensuring that parole applicants are perceived as fully human and are treated as such as they go through the parole review process.

Moreover, no known studies have looked at how CLT can be applied to the parole context. Indeed, the present study managed to adapt a method of manipulating construal level to the parole review setting; that is, via altering transcripts of parole interviews to incorporate abstract versus concrete descriptions of events and other relevant information. This method of manipulation was selected above other frequently used methods that would have required artificially introducing a separate priming task beforehand (Freitas et al., 2004; Fujita et al., 2006). Hence, the present study employed a manipulation of construal level that was deemed the most organic with respect to the parole review process in New York. Using this manipulation method, the present study revealed the relevance of construal level to the parole review process through its moderation of the direct effect of perceived parole case characteristics on parole decision certainty.

One possible critique of the present study is that, despite efforts to ensure that various race and socioeconomic groups were adequately represented, the sample was not

demographically representative of people in New York state in other ways (e.g. political

orientation). However, follow-up ancillary analyses demonstrated that the age, gender,

education, and political orientation makeup of the sample did not significantly influence the

conclusions of the main analyses. Hence, this ability to refute the critique of the sample's

representativeness is a strength of the present study.

Limitations and Future Directions

There are a number of limitations of the present study that are important to note as

caveats for its findings. First, it was repeatedly remarked on that the lack of strength in the

experimental manipulation of construal level may have contributed to non-significant findings.

In the present study, construal level was manipulated by varying the level of detail in

descriptions of events and other pertinent information. This method has been shown to be

adequate in studies where the consequences of making a decision were relatively less dire (Kim

et al., 2013), but has not yet been demonstrated to be effective in more high-stakes decisions,

such as those in the criminal legal context. However, as stated earlier, the advantage of using this

method is its organic applicability to the actual parole review process, whereas employing more

tried-and-tested manipulation methods, such as implementing additional priming tasks, may

subtract from the realism of the study scenario. One way to overcome this hurdle may be to

modify an established manipulation method such that it could be naturally incorporated into

vignette-type stimuli while maintaining the fidelity to its underlying theoretical principles. In

particular, one method that could be adapted in this way is the why/how goal priming method

developed by Freitas et al. (2004), which has been used in at least 50 studies (Burgoon et al.,

2013). This priming method requires participants to be assigned to either explaining on

increasingly global levels *why* they strive towards a goal or with increasing specificity *how* they

strive towards a goal. Theoretically, asking why repeatedly induces thoughts about broad

consequences of that goal, whereas asking how repeatedly engenders thoughts about the precise

actions required for attaining that goal (Burgoon et al., 2013). To render this theoretical principle

in vignette form in the context of the present study, the parole applicant could provide more

abstract elaborations for why they engaged in a certain behavior (e.g. completing a treatment

program merely to pass time) or more concrete elaborations for how they engaged in a certain

behavior (e.g. completing a treatment program by filling up worksheets in a classroom every

Tuesday). Future research could incorporate this novel method into pilot studies juxtaposing

different experimental manipulation methods for construal level. Indeed, researchers could

compare across manipulation methods the ratings on items measuring imageability and context

availability, which are both associated with more concreteness (Altarriba et al., 1999). Given that

the present study has already demonstrated the relevance of construal level to parole decision

certainty, it is essential that there is further research into stronger manipulations of construal

level suitable for the parole context.

A second limitation of the present study is the ineffective manipulation of parole case

characteristics via the different transcript versions. An effective manipulation would have

maintained the proposed experimental design and thereby made a stronger case for the causal

effect of parole case characteristics. However, given the lack of consensus on the principles that

underpin what makes characteristics aggravating or mitigating (Cheng, 2017), the ineffectiveness

of the experimental manipulation was not unexpected. In fact, one possible reason for the

ineffective manipulation is the duality of some case characteristics in terms of having the

potential to be both aggravating and mitigating. For example, having an abusive childhood,

which was featured in both the mitigating and neutral case characteristics conditions, may also

be an aggravating case characteristic according to a study by Gordon and Greene (2017). The

authors argue that, due to the impression that childhood abuse may have a lasting effect of

increasing future dangerousness, making decision-makers aware of childhood abuse may in fact

lead them to support more punitive judgments. In addition to childhood abuse, the mitigating

effect of severe mental or emotional distress, which were explicitly described in the mitigating

case characteristic transcript versions, have also been questioned. Indeed, research on people

incarcerated for violent offenses shows that, while mental illness may suggest diminished

capacity in women (i.e. a mitigating factor), it is instead regarded as a sign of greater future

dangerousness in men (i.e. an aggravating factor; Davidson & Rosky, 2015). Hence, even though

childhood abuse and severe emotional distress are considered to be mitigating case

characteristics (Butler & Moran, 2007), people's perceptions of these factors may vary

depending on how they interpret these case characteristics. In fact, there is evidence to suggest

that how parole board members perceive parole case characteristics can be idiosyncratic and

based on their prior personal or occupational experiences (Ruhland, 2020). It is thus possible that

the Louis Jones portrayed in the mitigating case characteristics conditions may have

inadvertently been perceived as having a parole case with more aggravating case characteristics.

Therefore, while a limitation of the present study was the inability to experimentally manipulate

case characteristics, the pivoting to a focus on perceived case characteristics may have better

acknowledged the subjectivity involved in determining the aggravating or mitigating effect of

parole case characteristics. Future studies should thus refocus on perceived parole case

characteristics and go beyond the single-item measure used in the present study; instead, a

multiple-item measure should be designed and implemented for improved content validity.

Relatedly, the manipulation of parole case characteristics was also simplified for the purposes of this exploratory study. The transcript versions in this study presented parole cases that were comprised wholly of aggravating or mitigating characteristics and did not portray cases with a mixture of these characteristics. Even in the neutral case characteristics conditions, great care was taken to ensure that all the case characteristics did not exceed those of the other conditions in terms of aggravating or mitigating influence. However, in reality, it would be too improbable for parole applicants to have case characteristics that were uniformly aggravating or mitigating. Accordingly, future research can expand on the present study's findings by comparing the responses to various case characteristic-construal level combinations within a single parole case.

Third, a drawback of the present study is the insufficient number of participants ($N = 25$) who decided to deny parole to the applicant. This hampered the ability to investigate how parole case characteristics and construal level affect the dichotomous decision to grant or deny parole. While parole decision certainty and the specific parole disposition are important outcomes to consider, the ultimate decision to grant or deny parole has the most profound ramifications for the parole applicant. Thus, before the testing of the proposed hypotheses, a preceding investigation employing a binary logistic regression model would have illuminated how perceived case characteristics, construal level, and the interaction between these two variables were associated with the odds of being granted or denied parole. Unfortunately, using the widely cited rule of thumb of at least 10 events per variable (EPV; Moons et al., 2014) still requires 30 participants who denied parole; moreover, some research suggests that this minimum of 10 EPV is too lenient (Bujang et al., 2018). Hence, the present study was not able to shed light on the impact of parole case characteristics and construal level on the crucial dichotomous decision to

grant or deny parole. This line of investigation remains to be elucidated by future studies with larger sample sizes or perhaps parole cases that would elicit more polarization in the dichotomous parole decision.

Furthermore, participants who granted and denied parole had to be analyzed separately in the testing of Hypothesis 1 and 3 (i.e. those involving parole decisions), leading to participants who denied parole being removed from the final analysis altogether due to insufficient sample size. The inability to include participants who denied parole in these analyses considerably limits the impact of the conclusions drawn from the present study. Most evidently, conclusions drawn from these analyses only extend to participants who chose to grant parole, constituting an issue of restriction of range. Future research should seek to replicate the present study's findings with regard to participants who granted parole as well as contrast them to that of participants who denied parole.

Fourth, a brief acknowledgement of the severely skewed AOM scores must be made. A possible explanation for this is the difference in implementation of the AOM scale in the present study in comparison to that in prior studies. In the seminal study (Kteily et al., 2015) and other studies that have used the AOM scale (see, e.g., Boysen et al., 2020; Cassese, 2020), respondents were asked to rate at least two targets on their perceived humanness. Indeed, it seems that an important element of the AOM scale is the focus on relative rather than absolute ratings to obtain an index of 'relative' perceived humanness. In contrast, participants in the present study were only asked to provide an absolute rating for the parole applicant without comparing him to other targets. Thus, the fact that the AOM scores were severely skewed in the present study may be an indication that the AOM scale is not intended to be used as a measure of absolute perceived humanness. Future research could resolve this issue by replacing the AOM scale with another

blatant measure of absolute perceived humanness, such as the measures of animalistic and

mechanistic dehumanization in Bastian et al. (2013).

Finally, the present study attempted to ensure that New York residents of traditionally

underrepresented racial and socioeconomic groups were represented in the study sample.

However, a possible limitation of the present study has to do with the use of annual household

income as an operationalization of SES. There are many indices of SES in the research literature

and they can be classified as either objective (e.g. education, wealth) or subjective (i.e.

perception of one's position on the social hierarchy), with subjective indices being preferred

(Brown-Iannuzzi et al., 2017). This is because the subjective index takes an "averaging" of

objective indices while also accounting for personal perspectives on one's status (e.g. sense of

financial stability; Singh-Manoux et al., 2003). In contrast, the present study employed an

objective index (i.e. annual household income) as the sole indicator of SES, leading to a biased

assessment of SES. Indeed, more than 3 out of 5 of participants in the lower SES group had at

least a college degree, which is paradoxically an indicator of higher SES. Therefore, future

studies could collect more nuanced information on SES and include a subjective index of SES to

ensure that lower SES New York residents are properly identified and adequately represented.

Conclusion

This paper explored the relationships between parole case characteristics, construal level,

parole decisions and perceived humanness in the New York parole context. Pertinently, this

study was able to demonstrate that parole case characteristics peripheral to the nature of the

initial offense have considerable influence on important outcomes. In fact, the more mitigating a

parole case's characteristics were perceived to be, the more favorable the parole decision was

and the more human the applicant was perceived to be. Moreover, this study introduced a novel application of CLT to the parole context. The study found that, when a case is perceived to have more aggravating characteristics, describing the case more abstractly (versus concretely) improves the certainty of the decision to grant parole. Finally, the present study proposed and tested a model to elucidate the pattern of relationships between the four constructs of interest. Specifically, perceived parole case characteristics predicts parole decision certainty via a direct pathway involving a moderating effect of construal level, as well as an indirect pathway through perceived humanness.

All in all, the present paper illuminated the intersections between the research on parole, perceived humanness and CLT, laying the foundations for future research endeavors. Ultimately, it is hoped that ensuing empirical findings can be translated into practical actions steps and tangible policy changes. Indeed, a better understanding of the processes underlying parole decisions is needed for the sake of the incarcerated individuals eligible for parole, as well as for combating on a system-wide level the ramifications of mass incarceration policies.

References

Aaron, L., & Dallaire, D. H. (2010). Parental incarceration and multiple risk experiences: Effects

on family dynamics and children's delinquency. *Journal of Youth and*

Adolescence, *39*(12), 1471-1484. doi:10.1007/s10964-009-9458-0

Acock, A. C. (2014). *A Gentle Introduction to Stata* (4th ed.). Stata Press.

Altarriba, J., Bauer, L. M., & Benvenuto, C. (1999). Concreteness, context availability, and

imageability ratings and word associations for abstract, concrete, and emotion

words. *Behavior Research Methods, Instruments, & Computers*, *31*(4), 578-602.

https://doi.org/10.3758/BF03200738

Ashworth, A. (2011). Re-evaluating the justifications for aggravation and mitigation at

sentencing. In J. V. Roberts (Ed.), *Mitigation and aggravation at sentencing* (pp. 21-39).

Cambridge University Press.

Bastian, B., Denson, T. F., & Haslam, N. (2013). The roles of dehumanization and moral outrage

in retributive justice. *PLOS ONE*, *8*(4), e61842.

https://doi.org/10.1371/journal.pone.0061842

Bell, K. (2019). A stone of hope: Legal and empirical analysis of California juvenile lifer parole

decisions. *Harvard Civil Rights-Civil Liberties Law Review*, *54*, 455-548.

http://dx.doi.org/10.2139/ssrn.3228681

Boysen, G. A., Isaacs, R. A., Tretter, L., & Markowski, S. (2020). Evidence for blatant

dehumanization of mental illness and its relation to stigma. *The Journal of Social*

Psychology, *160*(3), 346-356. https://doi.org/10.1080/00224545.2019.1671301

Bronnimann, N. (2020). Remorse in Parole Hearings: An Elusive Concept with Concrete

　　　Consequences. *Missouri Law Review*, *85*(2), 1-36.

　　　https://scholarship.law.missouri.edu/mlr/vol85/iss2/18

Brown-Iannuzzi, J. L., Lundberg, K. B., & McKee, S. (2017). The politics of socioeconomic

　　　status: how socioeconomic status may influence political attitudes and

　　　engagement. *Current Opinion in Psychology*, *18*, 11-14.

　　　http://dx.doi.org/10.1016/j.copsyc.2017.06.018

Bruneau, E., Szekeres, H., Kteily, N., Tropp, L. R., & Kende, A. (2020). Beyond dislike: Blatant

　　　dehumanization predicts teacher discrimination. *Group Processes & Intergroup

　　　Relations*, *23*(4), 560-577. https://doi.org/10.1177/1368430219845462

Bujang, M. A., Sa'at, N., & Bakar, Tg Abu Bakar Sidik, T. M. I. (2018). Sample size guidelines

　　　for logistic regression from observational studies with large population: emphasis on the

　　　accuracy between statistics and parameters based on real life clinical data. *The Malaysian

　　　Journal of Medical Sciences*, *25*(4), 122-130. https://doi.org/10.21315/

　　　mjms2018.25.4.12

Burgoon, E. M., Henderson, M. D., & Markman, A. B. (2013). There are many ways to see the

　　　forest for the trees: A tour guide for abstraction. *Perspectives on Psychological

　　　Science*, *8*(5), 501-520. https://doi.org/10.1177/1745691613497964

Butler, B., & Moran, G. (2007). The impact of death qualification, belief in a just world, legal

　　　authoritarianism, and locus of control on venirepersons' evaluations of aggravating and

　　　mitigating circumstances in capital trials. *Behavioral Sciences & the Law*, *25*(1), 57-68.

　　　doi:10.1002/bsl.734

Caplan, J. M. (2007). What factors affect parole: A review of empirical research. *Federal Probation*, *71*(1), 16-19.

Carroll, J. S. (1978). Causal theories of crime and their effect upon expert parole decisions. *Law and Human Behavior*, *2*(4), 377-388. https://doi.org/10.1007/BF01038989

Cassese, E. C. (2020). Dehumanization of the opposition in political campaigns. *Social Science Quarterly*, *101*(1), 107-120. https://doi.org/10.1111/ssqu.12745

Čehajić, S., Brown, R., & González, R. (2009). What do I care? Perceived ingroup responsibility and dehumanization as predictors of empathy felt for the victim group. *Group Processes & Intergroup Relations*, *12*(6), 715-729. https://doi.org/10.1177/1368430209347727

Cheng, K. K. Y. (2017). Aggravating and Mitigating Factors in Context: Culture, Sentencing, and Plea Mitigation in Hong Kong. *New Criminal Law Review*, *20*(3), 506-533. https://doi.org/10.1525/nclr.2017.20.3.506

Christian, J., & Kennedy, L. W. (2011). Secondary narratives in the aftermath of crime: Defining family members' relationships with prisoners. *Punishment & Society*, *13*(4), 379-402. https://doi.org/10.1177/1462474511414781

Chudy, J. (2021). Racial sympathy and its political consequences. *The Journal of Politics*, *83*(1), 122-136. https://doi.org/10.1086/708953

Civiqs. (n.d.). *Do you support or oppose the Black Lives Matter movement?* Retrieved March 18, 2022, from https://civiqs.com/results/black_lives_matter?annotations=true&uncertainty=true&zoomIn=true&trendline=true

Correctional Association of New York. (2019). *Systemic issues with New York's parole release process.*

https://static1.squarespace.com/static/5b2c07e2a9e02851fb387477/t/5c5ae3dab208fc4e6

2abe588/1549460443165/CANY+Fact+Sheet+-+Parole.pdf

Corrigan, P. W., Edwards, A. B., Green, A., Diwan, S. L., & Penn, D. L. (2001). Prejudice,

social distance, and familiarity with mental illness. *Schizophrenia Bulletin*, *27*(2), 219-

225. https://doi.org/10.1093/oxfordjournals.schbul.a006868

Costello, K., & Hodson, G. (2010). Exploring the roots of dehumanization: The role of animal—

human similarity in promoting immigrant humanization. *Group Processes & Intergroup*

Relations, *13*(1), 3-22. https://doi.org/10.1177/1368430209347725

Cotton, R. F. (2008). Time to move on: The California Parole Board's fixation with the original

crime. *Yale Law & Policy Review*, *27*(1), 239-247. https://www.jstor.org/stable/40239711

Cuddy, A. J., Rock, M. S., & Norton, M. I. (2007). Aid in the aftermath of Hurricane Katrina:

Inferences of secondary emotions and intergroup helping. *Group Processes & Intergroup*

Relations, *10*(1), 107-118. https://doi.org/10.1177/1368430207071344

Cullen, F. T., Butler, L. C., & Graham, A. (2021). Racial Attitudes and Criminal Justice

Policy. *Crime and Justice*, *50*(1), 163-245. https://doi.org/10.1086/715911

Cumberland, J., & Zamble, E. (1992). General and specific measures of attitudes toward early

release of criminal offenders. *Canadian Journal of Behavioural Science/Revue*

Canadienne des Sciences du Comportement, *24*(4), 442-455.

https://doi.org/10.1037/h0078752

Davidson, M. L., & Rosky, J. W. (2015). Dangerousness or diminished capacity? Exploring the

association of gender and mental illness with violent offense sentence length. *American

Journal of Criminal Justice*, *40*(2), 353-376. doi:10.1007/s12103-014-9267-1

Davis, J. H., Stasser, G., Spitzer, C. E., & Holt, R. W. (1976). Changes in group members'

decision preferences during discussion: An illustration with mock juries. *Journal of

Personality and Social Psychology*, *34*(6), 1177-1187. doi:10.1037/0022-3514.34.6.1177

Demoulin, S., Leyens, J. P., Paladino, M. P., Rodriguez-Torres, R., Rodriguez-Perez, A., &

Dovidio, J. (2004). Dimensions of "uniquely" and "non-uniquely" human

emotions. *Cognition and Emotion*, *18*(1), 71-96.

https://doi.org/10.1080/02699930244000444

Department of Corrections and Community Supervision. (n.d.a). *Overview: The parole process.*

https://doccs.ny.gov/board-parole

Department of Corrections and Community Supervision. (n.d.b). *Parole Board and Presumptive

Release Dispositions: Calendar Year 2018 (Preliminary Data)*.

https://doccs.ny.gov/system/files/documents/2021/08/2018-parole-board-and-

presumptive-release-dispositions.pdf

Department of Corrections and Community Supervision. (n.d.c). *Community supervision

handbook: Questions and answers concerning release and community supervision.*

https://doccs.ny.gov/system/files/documents/2019/05/Community_Supervion_Handbook.

pdf

Deska, J. C., Almaraz, S. M., & Hugenberg, K. (2020). Dehumanizing prisoners: remaining

sentence duration predicts the ascription of mind to prisoners. *Personality and Social

Psychology Bulletin*, *46*(11), 1614-1627. https://doi.org/10.1177/0146167220911496

Duncan, H. E., & Balbar, S. (2008). Evaluation of a visitation program at a Canadian

penitentiary. *The Prison Journal*, *88*(2), 300-327.

https://doi.org/10.1177/0032885508319210

Dworakowski, K. (2018). *Under custody report: Profile of under custody population as of

January 1, 2018.* Department of Corrections and Community Supervision.

https://doccs.ny.gov/system/files/documents/2019/09/Under%20Custody%20Report%20

2018.pdf

Ellis, E. (2007). An open letter to our friends on the question of language [open letter]. *The

Center for NuLeadership on Urban Solutions*.

https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1004&=&context=pp&=&sei-

redir=1&referer=https%253A%252F%252Fscholar.google.com%252Fscholar%253Fhl%

253Den%2526as_sdt%253D0%25252C9%2526q%253DAn%252BOpen%252BLetter%

252Bto%252BOur%252BFriends%252Bon%252Bthe%252BQuestion%252Bof%252BL

anguage%2526btnG%253D#search=%22An%20Open%20Letter%20Our%20Friends%2

0Question%20Language%22

Evans, D. (2018). The elevating connection of higher education in prison: An incarcerated

student's perspective. *Critical Education*, *9*(11), 1-14.

https://doi.org/10.14288/ce.v9i11.186318

Faul, F., Erdfelder, E., Buchner, A., & Lang, A. G. (2009). Statistical power analyses using G*

Power 3.1: Tests for correlation and regression analyses. *Behavior Research

Methods*, *41*(4), 1149-1160. doi:10.3758/BRM.41.4.1149

Fiske, S. T. (2018). Stereotype content: Warmth and competence endure. *Current Directions in Psychological Science*, *27*(2), 67-73. https://doi.org/10.1177/0963721417738825

Freedman, E. B. (1987). "Uncontrolled Desires": The Response to the Sexual Psychopath, 1920-1960. *The Journal of American History*, *74*(1), 83-106. https://doi.org/10.2307/1908506

Freitas, A. L., Gollwitzer, P., & Trope, Y. (2004). The influence of abstract and concrete mindsets on anticipating and guiding others' self-regulatory efforts. *Journal of Experimental Social Psychology*, *40*(6), 739-752. https://doi.org/10.1016/j.jesp.2004.04.003

Fujita, K., Trope, Y., Liberman, N., & Levin-Sagi, M. (2006). Construal levels and self-control. *Journal of Personality and Social Psychology*, *90*(3), 351-367. doi:10.1037/0022-3514.90.3.351

Ghandnoosh, N. (2014). *Race and punishment: Racial perceptions of crime and support for punitive policies.* The Sentencing Project. https://www.njjn.org/uploads/digital-library/SentencingProject_Race_and_Punishment_October-2014.pdf

Goff, P. A., Eberhardt, J. L., Williams, M. J., & Jackson, M. C. (2008). Not yet human: implicit knowledge, historical dehumanization, and contemporary consequences. *Journal of Personality and Social Psychology*, *94*(2), 292-306. doi:10.1037/0022-3514.94.2.292

Goff, P. A., Jackson, M. C., Di Leone, B. A. L., Culotta, C. M., & DiTomasso, N. A. (2014). The essence of innocence: consequences of dehumanizing Black children. *Journal of Personality and Social Psychology*, *106*(4), 526-545. doi:10.1037/a0035663

Gollwitzer, M., & Keller, L. (2010). What you did only matters if you are one of us: Offenders' group membership moderates the effect of criminal history on punishment severity. *Social Psychology*, *41*(1), 20-26. https://doi.org/10.1027/1864-9335/a000004

Gong, H., & Medin, D. L. (2012). Construal levels and moral judgment: Some complications.

Judgment and Decision Making, *7*(5), 628-638.

https://sjdm.org/journal/12/12627/jdm12627.pdf

Gordon, N., & Greene, E. (2018). Nature, nurture, and capital punishment: How evidence of a

genetic–environment interaction, future dangerousness, and deliberation affect sentencing

decisions. *Behavioral Sciences & the Law*, *36*(1), 65-83. https://doi.org/10.1002/bsl.2306

Hammock, E. R., & Seelandt, J. F. (1999). New York's sentencing and parole Law: An

unanticipated and unacceptable distortion of the parole boards' discretion. *St. John's*

Journal of Legal Commentary, *13*(3), 527-563.

https://scholarship.law.stjohns.edu/cgi/viewcontent.cgi?article=1302&=&context=jcred&

=&sei-

redir=1&referer=https%253A%252F%252Fscholar.google.com%252Fscholar%253Fhl%

253Den%2526as_sdt%253D0%25252C48%2526q%253DNew%252BYork%252527s%2

52Bsentencing%252Band%252Bparole%252BLaw%25253A%252BAn%252Bunanticip

ated%252Band%252Bunacceptable%252Bdistortion%252Bof%252Bthe%252Bparole%

252Bboards%252527%252Bdiscretion.%2526btnG%253D#search=%22New%20Yorks

%20sentencing%20parole%20Law%3A%20An%20unanticipated%20unacceptable%20d

istortion%20parole%20boards%20discretion.%22

Harman, J. J., Smith, V. E., & Egan, L. C. (2007). The impact of incarceration on intimate

relationships. *Criminal Justice and Behavior*, *34*(6), 794-815.

https://doi.org/10.1177/0093854807299543

Harris, L. T., & Fiske, S. T. (2006). Dehumanizing the lowest of the low: Neuroimaging

responses to extreme out-groups. *Psychological Science*, *17*(10), 847-853.

https://doi.org/10.1111/j.1467-9280.2006.01793.x

Haslam, N. (2006). Dehumanization: An integrative review. *Personality and Social Psychology

Review*, *10*(3), 252-264. https://doi.org/10.1207/s15327957pspr1003_4

Haslam, N., & Bain, P. (2007). Humanizing the self: Moderators of the attribution of lesser

humanness to others. *Personality and Social Psychology Bulletin*, *33*(1), 57-68.

https://doi.org/10.1177/0146167206293191

Hayes, A. F. (2017). *Introduction to mediation, moderation, and conditional process analysis: A

regression-based approach*. Guilford Publications.

Heiphetz, L., & Craig, M. A. (2021). Dehumanization and perceptions of immoral intergroup

behavior. In T. Lombtozo, J. Knobe, & S. Nichols (Eds.), *Oxford studies in experimental

philosophy volume 4* (pp. 155-181). Oxford University Press.

https://doi.org/10.1093/oso/9780192856890.001.0001

Heller, B., Green, C., Purkayastha, S., Boldin, A., & King, B. (2021). *Toward a fairer parole

process: Examining parole denials in New York state.* Vera Institute of Justice.

https://www.vera.org/downloads/publications/toward-a-fairer-parole-process-report.pdf

Hetey, R. C., & Eberhardt, J. L. (2014). Racial disparities in incarceration increase acceptance of

punitive policies. *Psychological Science*, *25*(10), 1949-1954.

https://doi.org/10.1177/0956797614540307

Holcombe R. (2021, February 19) New York has a parole problem and it's past time we fixed it.

Fwd.us. https://www.fwd.us/news/new-york-has-a-parole-problem-and-its-past-time-we-

fixed-it/

Iacobucci, D., Schneider, M. J., Popovich, D. L., & Bakamitsos, G. A. (2016). Mean centering

    helps alleviate "micro" but not "macro" multicollinearity. *Behavior Research*

    Methods, *48*(4), 1308-1317. doi:10.3758/s13428-015-0624-x

Kaeble, D., & Alper, M. (2020). Probation and parole in the United States, 2017–2018 (Bulletin

    No. NCJ 252072). *Bureau of Justice Statistics*.

    https://bjs.ojp.gov/content/pub/pdf/ppus1718.pdf

Kersbergen, I., & Robinson, E. (2019). Blatant dehumanization of people with

    obesity. *Obesity*, *27*(6), 1005-1012. https://doi.org/10.1002/oby.22460

Khamitov, M., Rotman, J. D., & Piazza, J. (2016). Perceiving the agency of harmful agents: A

    test of dehumanization versus moral typecasting accounts. *Cognition*, *146*, 33-47.

    https://doi.org/10.1016/j.cognition.2015.09.009

Kilgore, J. (2013). Progress or more of the same? Electronic monitoring and parole in the age of

    mass incarceration. *Critical Criminology*, *21*(1), 123-139. doi:10.1007/s10612-012-9165-

    0

Kim, H., Schnall, S., & White, M. P. (2013). Similar psychological distance reduces temporal

    discounting. *Personality and Social Psychology Bulletin*, *39*(8), 1005-1016.

    https://doi.org/10.1177/0146167213488214

Kteily, N., Bruneau, E., Waytz, A., & Cotterill, S. (2015). The ascent of man: Theoretical and

    empirical evidence for blatant dehumanization. *Journal of Personality and Social*

    Psychology, *109*(5), 901-931. http://dx.doi.org/10.1037/pspp0000048

Kteily, N. S., & Landry, A. P. (2022). Dehumanization: trends, insights, and challenges. *Trends*

    in Cognitive Sciences, *26*(3), 222-240. https://doi.org/10.1016/j.tics.2021.12.003

Kunstman, J. W., Plant, E. A., Zielaskowski, K., & LaCosse, J. (2013). Feeling in with the

   outgroup: Outgroup acceptance and the internalization of the motivation to respond

   without prejudice. *Journal of Personality and Social Psychology*, *105*(3), 443-457.

   doi:10.1037/a0033082

Lench, H. C., Taylor, A. B., & Bench, S. W. (2014). An alternative approach to analysis of

   mental states in experimental social cognition research. *Behavior Research

   Methods*, *46*(1), 215-228. doi:10.3758/s13428-013-0351-0

Leyens, J. P., Rodriguez-Perez, A., Rodriguez-Torres, R., Gaunt, R., Paladino, M. P., Vaes, J., &

   Demoulin, S. (2001). Psychological essentialism and the differential attribution of

   uniquely human emotions to ingroups and outgroups. *European Journal of Social

   Psychology*, *31*(4), 395-411. https://doi.org/10.1002/ejsp.50

Lin, J. (2010). Parole revocation in the era of mass incarceration. *Sociology Compass*, *4*(12),

   999-1010. https://doi.org/10.1111/j.1751-9020.2010.00335.x

Lindsey, S. C., & Miller, M. K. (2011). Discretionary release decisions of actual and mock

   parole board members: Implications for community sentiment and parole decision-

   making research. *Psychiatry, Psychology and Law*, *18*(4), 498-516.

   https://doi.org/10.1080/13218719.2011.625619

Luguri, J. B., Napier, J. L., & Dovidio, J. F. (2012). Reconstruing intolerance: Abstract thinking

   reduces conservatives' prejudice against nonnormative groups. *Psychological

   Science*, *23*(7), 756-763. https://doi.org/10.1177/0956797611433877

MacKinnon, D. P., Fairchild, A. J., & Fritz, M. S. (2007). Mediation analysis. *Annual Review of

   Psychology*, *58*, 593-614. https://doi.org/10.1146/annurev.psych.58.110405.085542

Manson, A. (2011). The search for principles of mitigation: Integrating cultural demands. In J. V.

    Roberts (Ed.), *Mitigation and aggravation at sentencing* (pp. 40-59). Cambridge

    University Press.

Marquez-Lewis, C., Fine, M., Boudin, K., Waters, W. E., DeVeaux, M. I., Vargas, F., ... &

    White-Harrigan, S. (2013). How much punishment is enough? Designing participatory

    research on parole policies for persons convicted of violent crimes. *Journal of Social*

    Issues, *69*(4), 771-796. https://doi.org/10.1111/josi.12041

Martin, A. E., & Mason, M. F. (2022). What does it mean to be (seen as) human? The

    importance of gender in humanization. *Journal of Personality and Social*

    Psychology. Advance online publication. https://doi.org/10.1037/pspa0000293

Mooney, J. L., & Daffern, M. (2011). Institutional aggression as a predictor of violent

    recidivism: Implications for parole decision making. *International Journal of Forensic*

    Mental Health, *10*(1), 52-63. https://doi.org/10.1080/14999013.2010.550984

Moons, K. G., de Groot, J. A., Bouwmeester, W., Vergouwe, Y., Mallett, S., Altman, D. G., ... &

    Collins, G. S. (2014). Critical appraisal and data extraction for systematic reviews of

    prediction modelling studies: the CHARMS checklist. *PLOS Medicine*, *11*(10),

    e1001744. https://doi.org/10.1371/journal.pmed.1001744

Morgan, K., & Mannheimer, M. J. Z. (2008). The impact of information overload on the capital

    jury's ability to assess aggravating and mitigating factors. *William & Mary Bill of Rights*

    Journal, *17*(4), 1089-1137. https://scholarship.law.wm.edu/wmborj/vol17/iss4/4

Muschert, G. W. (2007). The Columbine victims and the myth of the juvenile

    superpredator. *Youth Violence and Juvenile Justice*, *5*(4), 351-366.

    https://doi.org/10.1177/1541204006296173

New York State (n.d.) New York state's minimum wage. https://www.ny.gov/new-york-states-

    minimum-wage/new-york-states-minimum-wage

N.Y. Legis. Assemb. A.4231A. Reg. Sess. 2021-2022 (2021).

    https://www.nysenate.gov/legislation/bills/2021/a4231

N.Y. Legis. Assemb. A.4346A. Reg. Sess. 2019-2020 (2020).

    https://www.nysenate.gov/legislation/bills/2021/a4231

N.Y. Legis. Sen. S.1415A. Reg. Sess. 2021-2022 (2021).

    https://www.nysenate.gov/legislation/bills/2021/s1415

N.Y. Legis. Sen. S.497A. Reg. Sess. 2019-2020 (2020).

    https://www.nysenate.gov/legislation/bills/2019/S497

O'Toole, M. J., & Fondacaro, M. R. (2017). When school-shooting media fuels a retributive

    public: An examination of psychological mediators. *Youth Violence and Juvenile*

    Justice, *15*(2), 154-171. https://doi.org/10.1177/1541204015616664

Peer, E., Brandimarte, L., Samat, S., & Acquisti, A. (2017). Beyond the Turk: Alternative

    platforms for crowdsourcing behavioral research. *Journal of Experimental Social*

    Psychology, *70*, 153-163. https://doi.org/10.1016/j.jesp.2017.01.006

Robinson, J., Rosenzweig, C., Moss, A. J., & Litman, L. (2019). Tapped out or barely tapped?

    Recommendations for how to harness the vast and largely unused potential of the

    Mechanical Turk participant pool. *PLOS ONE*, *14*(12), e0226394.

    https://doi.org/10.1371/journal.pone.0226394

Rodríguez-Pérez, A., Delgado-Rodríguez, N., Betancor-Rodríguez, V., Leyens, J. P., & Vaes, J.

  (2011). Infra-humanization of outgroups throughout the world. The role of similarity,

  intergroup friendship, knowledge of the outgroup, and status. *Anales de*

  Psicología, *27*(3), 679-687.

  https://revistas.um.es/analesps/article/download/135271/123471/517061

Rodríguez-Pérez, A., Brambilla, M., Betancor, V., Delgado, N., & Rodríguez-Gómez, L. (2021).

  Stereotypes and dehumanization: The relationship between the dual models of

  dehumanization and stereotype content. *Social Psychology, 52*(5), 265-274.

  https://doi.org/10.1027/1864-9335/a000454

Ruhland, E. L. (2020). Philosophies and decision making in parole board members. *The Prison*

  Journal, *100*(5), 640-661. https://doi.org/10.1177/0032885520956566

Schmittat, S. M., & Englich, B. (2016). If you judge, investigate! Responsibility reduces

  confirmatory information processing in legal experts. *Psychology, Public Policy, and*

  Law, *22*(4), 386-400. https://doi.org/10.1037/law0000097

Schnittker, J., & John, A. (2007). Enduring stigma: the long-term effects of incarceration on

  health. *Journal of health and social behavior*, *48*(2), 115-130.

  https://doi.org/10.1177/002214650704800202

Schwartzapfel, B. (2015). Parole boards: Problems and promise. *Federal Sentencing Reporter*,

  28(2), 79-84. doi:10.1525/fsr.2015.28.2.79

Schwirtz, M., Winerip, M., & Gebeloff, R. (2016, December 3). The Scourge of Racial Bias in

  New York State's Prisons. *The New York Times.*

  https://www.nytimes.com/2016/12/03/nyregion/new-york-state-prisons-inmates-racial-

  bias.html

Singh-Manoux, A., Adler, N. E., & Marmot, M. G. (2003). Subjective social status: its

    determinants and its association with measures of ill-health in the Whitehall II

    study. *Social Science & Medicine*, *56*(6), 1321-1333. https://doi.org/10.1016/S0277-

    9536(02)00131-4

Skrapec, C. A. (2001). Phenomenology and serial murder: Asking different questions. *Homicide

    Studies*, *5*(1), 46-63. https://doi.org/10.1177/1088767901005001004

Stasser, G., & Davis, J. H. (1981). Group decision making and social influence: A social

    interaction sequence model. *Psychological Review*, *88*(6), 523-551.

    https://doi.org/10.1037/0033-295X.88.6.523

Stephan, E., Liberman, N., & Trope, Y. (2010). Politeness and psychological distance: a

    construal level perspective. *Journal of Personality and Social Psychology*, *98*(2), 268-

    280. https://doi.org/10.1037/a0016960

Stephan, E., Liberman, N., & Trope, Y. (2011). The effects of time perspective and level of

    construal on social distance. *Journal of Experimental Social Psychology*, *47*(2), 397-402.

    https://doi.org/10.1016/j.jesp.2010.11.001

Stupple, A. (2014). Disgust, dehumanization, and the courts' response to sex offender legislation.

    National Lawyers Guild Review, *71*(3), 130-148.

Tanford, S., & Penrod, S. (1986). Jury deliberations: Discussion content and influence processes

    in jury decision making. *Journal of Applied Social Psychology*, *16*(4), 322-347.

https://doi.org/10.1111/j.1559-1816.1986.tb01144.x

The Center Square (2020, December 17). *0.22% of New York residents are incarcerated, study

    finds.* https://www.thecentersquare.com/new_york/0-22-of-new-york-residents-are-

    incarcerated-study-finds/article_58795d38-3a3a-11eb-9e4e-4bd4ea097c34.html

Tran, N. T., Baggio, S., Dawson, A., O'Moore, É., Williams, B., Bedell, P., ... & Wolff, H.

 (2018). Words matter: a call for humanizing and respectful language to describe people

 who experience incarceration. *BMC International Health and Human Rights*, *18*(1), 1-6.

 https://doi.org/10.1186/s12914-018-0180-4

Trope, Y., & Liberman, N. (2010). Construal-level theory of psychological

 distance. *Psychological Review*, *117*(2), 440-463. doi:10.1037/a0018963

U.S. Census Bureau (2019, July 1). *QuickFacts: New York.* Retrieved October 4, 2021, from

 https://www.census.gov/quickfacts/NY

U.S. Const. amend. XIV.

Vasiljevic, M., & Viki, G. T. (2013). Dehumanization, moral disengagement, and public

 attitudes to crime and punishment. In P.G. Bain, J. Vaes, & J. P. Leyens (Eds.)

 Humanness and dehumanization (pp. 137-154). Psychology Press.

Viki, G. T., Fullerton, I., Raggett, H., Tait, F., & Wiltshire, S. (2012). The role of

 dehumanization in attitudes toward the social exclusion and rehabilitation of sex

 offenders. *Journal of Applied Social Psychology*, *42*(10), 2349-2367.

 https://doi.org/10.1111/j.1559-1816.2012.00944.x

Vîlcică, E. R. (2018). Revisiting parole decision making: Testing for the punitive hypothesis in a

 large US jurisdiction. *International Journal of Offender Therapy and Comparative

 Criminology*, *62*(5), 1357-1383. https://doi.org/10.1177/0306624X16668512

Wahid, R. (2021, July 21). Adams won by betting on a New York divided by race and income.

 Bloomberg Equality. https://www.bloomberg.com/graphics/2021-nyc-mayoral-analysis/

Waldram, J. B. (2007). Everybody has a story: Listening to imprisoned sexual

offenders. *Qualitative Health Research*, *17*(7), 963-970.

https://doi.org/10.1177/1049732307306014

West-Smith, M., Pogrebin, M. R., & Poole, E. D. (2000). Denial of parole: An inmate

perspective. *Federal Probation*, *64*(2), 3-10.

Wexler, D. B. (2011). Retooling reintegration: A reentry moot court. *Chapman Journal of

Criminal Justice*, *2*(1), 191-202. https://www.researchgate.net/profile/David-Wexler-

3/publication/228219185_Retooling_Reintegration_A_Reentry_Moot_Court/links/00b7d

524375db71daa000000/Retooling-Reintegration-A-Reentry-Moot-Court.pdf

Williams, T. (2020, February 13). 'It didn't work:' States that ended parole for violent crimes are

thinking again. *The New York Times*. https://www.nytimes.com/2020/02/13/us/parole-

virginia.html