

Contents lists available at [ScienceDirect](https://www.sciencedirect.com)

International Journal of Law, Crime and Justice

journal homepage: www.elsevier.com/locate/ijlcrj

The predictors of decisions to grant parole in China: Evidence from four prisons in Z province

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ARTICLE INFO

Keywords:

Parole
Age
Race/ethnicity
Family relationships
Drug use
China

ABSTRACT

Based on a sample of 1098 prisoners, this study examined the influence of age, race/ethnicity, family relationships, and drug use along with legal factors on decisions about whether to grant parole to prisoners in Zhejiang Province, China. The first model showed that age and family relationships of offenders do not play as strong a role in China as in the United States, but race/ethnicity and drug use have a significant impact on parole decisions. The second model demonstrated that with the addition of legal factors, the influence of extrajudicial factors is no longer significant, while legal factors such as administrative punishment, monthly scoring assessment, surrender of ill-gotten gains or payment of compensation, risk of recidivism, crime type, fulfillment of monetary sanctions are important factors in parole decisions in China. Finally, this paper explains that the legal factors may be the key criteria upon which Chinese judicial organs make parole decisions.

1. Introduction

Even if the criminal law is well formulated and criminal procedure is fairly designed, the penalty execution system is the last gateway of criminal justice and will eventually go awry if it is not rational, has defects in its design, or is separated from the underlying purposes of criminal justice (Lin and Shen, 2017). A parole system as part of a penalty execution system centers on conditional early release of prisoners to reflect the value of leniency in the penalty policy and to increase the granting of parole with the goal of reversing the vicious circle of “more imprisonment, more crime.” This purpose has been widely accepted, driving penalty execution systems worldwide to standardize their parole processes and increase the rate at which parole is granted. In the United States, the parole system has long been the most widely used form of release from American prisons. Among 95% of the prisoners who are eventually released back into the community in the United States, about 39% are released through discretionary parole guidelines, and this proportion is increasing year over year (Bahr et al., 2010; Morgan and Smith, 2008).

In China, provisions of the parole system were first written into the Criminal Law of 1979. This law was amended in 1997 to define more parameters for the parole scheme, and the requirements and conditions of parole were further revised in 2011 in the 8th Amendment to the Criminal Law (see Table 1). The provisions as revised set conditions for parole based on time served and substantive behavioral indicators. As to time frames, a criminal sentenced to fixed-term imprisonment must serve at least half of the originally

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<https://doi.org/10.1016/j.ijlcrj.2022.100557>

Received 3 October 2021; Received in revised form 29 August 2022; Accepted 29 September 2022

Available online 18 October 2022

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sentenced term of imprisonment; a criminal sentenced to life must actually serve a term of imprisonment of at least 13 years. As to substantive conditions of parole, the judicial organ making the parole decision determines whether the offender applying for parole meets all four of the following requirements: (1) conscientious observance of prison regulations; (2) acceptance of education and reform; (3) signs of repentance; and (4) no risk of recidivism. Even with these conditions met, parole is not available, however, for recidivists or criminals who are sentenced to a fixed term of more than 10 years or to life imprisonment for homicide, rape, robbery, kidnapping, arson, explosion, throwing of dangerous substances or organized violent crimes (Dong and Zhao, 2019). It is clear from the above provisions that the legal factors affecting the parole decision-making of judicial authorities in China can be extremely stringent and restrictive. At the same time, when making parole decisions, judicial organs are also influenced by factors transcending the criminal law provisions on parole, which are called extra-legal factors (such as race/ethnicity, drug use, etc.) and play a crucial role in determining whether an offender is ultimately granted parole. Accordingly, under the influence and limitation of the legal and extra-legal factors mentioned above,¹ the implementation rate of parole in China has remained in a low level.

The 8th Amendment states that a convict released on parole is subject to community correction under parole supervision and management. According to a report on China's community correction program, the rate of release on parole in China fluctuated between 1.34% and 2.93% from 1995 to 2003; from 2003 to 2007, the rates of release on parole in China each year were 1.41%, 1.25%, 1.12%, 1.23% and 1.23% (Chen and Chen, 2018); the latest data also showed that the rate of release on parole in China was 1.28% in 2016, and the parole rate in 25 provinces was less than 1%, which was the lowest in nearly a decade (Lin, 2017). In addition, according to a set of provincial parole data, from 2016 to 2019, the parole rate in Province F was 0.90%, 1.10%, 1.76% and 1.30% in each respective year (Wang, 2021). The rate of release on parole in the province appears to be roughly consistent with that of the whole country, and it has been in a state of stagnation, which is not conducive to the effective return of criminals to society under a more lenient criminal penalty policy.

In order to accurately understand the root of China's limited application of parole, we explored the key factors on which the Chinese judicial authorities make decisions on parole. The objects of our investigation were 1098 criminals in Chinese prisons who met the time and substantive conditions of parole, and the dependent variable was "whether parole was granted." Accordingly, we divided the criminals into two groups: criminals eligible for parole but not granted parole by the court (Group A), and criminals eligible for parole and granted parole by the court (Group B) (to be explained later). We then used binary logistic regression analysis to estimate how the relevant legal and extrajudicial factors predicted the parole decision by Chinese judicial organs. More specifically, by studying the influence of some commonly noted legal factors (monthly scoring assessment, confession, acceptance of punishment, and return of ill-gotten gains) and extrajudicial factors (age, race/ethnicity, family relations, and drug use) on parole decision-making in China, this paper distinguishes the influence of legal factors and extrajudicial factors on parole decision-making by Chinese judicial organs so as to expand the scope of parole-related research (Huebner and Bynum, 2006; Mooney and Daffern, 2014; Ruhland, 2020). This is a unique contribution because focusing on the legal and extrajudicial factors that affect decisions on parole deepens our understanding of China's practice with respect to parole and its similarities to and differences from the United States. Meanwhile, the present research results help us to explain and speculate on the legal and extrajudicial factors that Chinese judicial organs consider in making parole decisions to provide theoretical guidance for future parole decision-making and management of community correction for those on parole.

1.1. Literature review

In China, most parole-eligible offenders are released on parole mainly because it is believed that they will follow the rules and regulations concerning their parole and that they will not commit new criminal behaviors that endanger society once they are on parole (Jiang et al., 2014). More specifically, parolees must find a way to support themselves, reestablish social ties with their family members, relatives, and friends, stay away from drugs and contacts who break the law and commit crimes, stay in the city where they live, report their activities according to the regulations of the supervision authority, and abide by the regulations of reception (Chen and Chen, 2018; Dong and Zhao, 2019; Lin, 2017).

In the United States, many studies on parole have found that extrajudicial factors like age, race/ethnicity, family relationship, and drug use play an important role in parole decision-making (Huebner and Bynum, 2006; Hussemann and Siegel, 2020; Matejkowski et al., 2011; Ruhland, 2020). Even though research results are not conclusive, empirical studies have generally demonstrated that in parole cases, older criminals, African-American inmates, criminals with little family support, and criminals with a history of drug use may be less likely to obtain parole than other criminals (Hail-Jares, 2021; Mooney and Daffern, 2014; Ruhland, 2020; Vîlcică, 2018). The present research expands existing studies on parole decision-making by examining the effect on the administration of parole cases in China of extra-legal factors typically thought to be influential, namely an offender's age, race/ethnicity, family relationships, and drug use, to determine whether research on parole decisions in the United States applies equally in the Chinese social context. Next, we will discuss in detail the influence of these extrajudicial factors and their theoretical underpinnings in an effort to elucidate the logical

¹ Legal factors affecting parole decisions are generally stipulated and specified in the Criminal Law Amendment (VIII) in Table 1; extra-legal factors, affecting parole decisions, refer to factors that are not explicitly provided for in criminal law and play a key role in determining whether an offender is granted parole, such as race/ethnicity, drug use, etc. Usually, these extra-legal factors cannot become legal until the legislation is amended, but proper consideration of extra-legal factors in parole decision-making can effectively prevent judicial officers from being subject to rigid thinking and only acting upon the provisions of the law, avoid inflexibility and simplistic approach in implementing the law, and ensure that the parole decision-making is totally guided by the legal norms, and the extra-legal factors related to a case can be fully considered so as to achieve fairness and justice.

connection between these four factors and parole decision-making.

1.2. Age and parole decisions

The research demonstrates that the parole board will use a number of criteria, including age, when making parole decisions (Hail-Jares, 2021). A researcher analyzed 511 parolees convicted of sexual offenses in a state in the Midwest of the United States, and found that younger criminals were more likely to be given parole, whereas older criminals were less likely, because members of the parole board appear to view elder sexual offenders as posing a larger risk to the community than younger sexual offenders when making parole decisions (Huebner and Bynum, 2006). In addition, an analysis of 1172 parolees in Pennsylvania, United States, by Vîlcică (2018) revealed that the older the criminal, the lower the likelihood of parole release. Specifically, compared to younger criminals, the likelihood of release for those older than 35 reduced by 40 percent. This finding is corroborated by the research by Houser et al. (2019), which demonstrated that the odds ratio of 0.63 ($p < .05$) for age score indicated that the chance of parole decreased by 37% for every 1-point rise in this variable, suggesting that the parole board's likelihood of releasing an older criminal on parole decreases with age. In conclusion, the aforementioned studies all demonstrate the existence of a strong association between age and parole decisions. Therefore, in the United States parole decision-making process, the age factor plays an important role in parole board's consideration (Bahr et al., 2010; Mooney and Daffern, 2014).

In China, Article 22 of the Provisions of the Supreme People's Court on the Application of Law in Handling Cases of Commutation and Parole in 2016 states that "when handling parole cases, judicial organs should consider the offender's age, physical condition, personality characteristics, sources of living after parole, and other factors." From the aforementioned rules, it may be concluded that China considers the age of criminals to be a major element when deciding whether to grant parole. Hypothetically, few studies have directly examined age difference in parole decision-making, but some Chinese scholars have indirectly done so by analyzing the relationship between age and the risk of recidivism of offenders serving prison sentences. For example, Kong and Huang (2011), through surveying 715 offenders in Chinese prisons, found that the likelihood of recidivism after release from prison was mainly associated with the age of an offender. Based on this and a sample of 2886 offenders in Chinese prisons, Zeng (2013) further found that the likelihood of recidivism decreased by 33.4% for each one-unit increase in offenders' ages of their first offenses, indicating that statistically there is a significant negative association between offenders' ages and their risk of recidivism after release from prison or parole, which is to say that the lower the age of an offender, the higher the likelihood of recidivism he or she might have. Therefore, does this imply that the judiciary is more inclined to grant parole for older criminals than for younger offenders when making parole decisions? In this respect, we believe it is necessary to examine the correlation between offenders' age and parole decisions in China through an empirical investigation.

1.3. Race/ethnicity and parole decisions

Race/ethnicity bias has always been an important factor influencing decisions on parole (Morgan and Smith, 2008). Research has long explored racial and ethnic disparities and bias in criminal justice decision-making. For example, some studies have found that police are more likely to monitor, verbally summon, arrest, and physically abuse racial and ethnic minorities (Cooper, 2015; Fine and Cauffman, 2015). Another study found that in the process of criminal proceedings, the court is more inclined to refuse bail for racial and ethnic minorities and issue harsher sentences (Walker et al., 2004). Compared to white groups, the incarceration rate of black men is at least six times that of white men, and the incarceration rate of black women is twice that of white women (Carson, 2014). By comparing the parole decision-making process as applied to white and black criminals, some researchers have also discovered that black criminals not only spend more time in prison before parole, but also are less likely to be granted parole and have to meet additional criteria before parole is granted (Carroll and Mondrick, 1976). When offenders with comparable criminal histories and convictions are evaluated for parole, black criminals generally spend four months longer than white offenders, 62 months for black offenders and 58 months for white offenders, respectively (Hughes et al., 2001). In addition, the association between race and parole decision-making has been found to be complicated by other studies. Simply saying, minorities were significantly less likely to be paroled; however, the race-ethnicity effect disappeared when the community protection and parole readiness measures were included (Huebner and Bynum, 2006).

China is a multiethnic country with Han and 55 other racial/ethnic groups. According to China's seventh national census, the population of ethnic minorities is 125.47 million, accounting for 8.89% of the total population of 1411.78 million in China (National Bureau of Statistics of China, 2021). Because of China's policies for ethnic minorities, ethnic minority suspects can get preferential legal treatment over Han criminals (Li et al., 2018). These public policies in contemporary China are similar to affirmative action policies in the United States (Sautman, 1998). In other words, the current Chinese approach to management of race and ethnicity is focused on the principle of preserving ethnic diversity while allowing the state to help ethnics to gradually advance in society, that is, the state encourages each ethnic minority community to progress to modernization at its own pace. This race/ethnicity management policy specifically consists of three interrelated elements: (1) recognition and classification of race/ethnicity; (2) autonomous regional systems to address race/ethnicity; and (3) preferential policies for racial and ethnic minorities (Leibold, 2013). In particular, Chinese ethnic minorities can interpret, modify, and enforce applicable national policies in accordance with their local norms and habits. At the same time, they enjoy preferential access to jobs, higher education, and political positions, as well as enjoying certain exceptions to

family planning restrictions, special tax incentives, and the right to protect and use their own culture, language, and religion, similar to affirmative action policies in the United States (Sautman, 2010). In addition, China has also been offering substantial subsidies through a national finance and regional matching plan to promote the economic development of areas where ethnic minorities live in compact communities (Leibold, 2013). More importantly, the state has adopted the “two less and one leniency” for ethnic minority suspects, the so-called “two less and one leniency” policy for racial/ethnic minorities refers to China’s criminal policy of “less arrest, less death penalty, and generally lenient treatment” for minority criminals. This policy has played an important role in maintaining the social order in ethnic minority areas of China, safeguarding the human rights of ethnic minority offenders, promoting the smooth development of criminal justice in autonomous ethnic minority regions, and providing the principle and policy upon which to make correct criminal decisions (Qu, 2018). Some scholars noticed that after the implementation of this policy in China’s criminal justice system, ethnic minority criminals have in fact received preferential judicial treatment. For instance, if the crimes committed by ethnic minority members are in fact tied to their surrounding environment and their religious customs, they are more likely to be given probation, detention, or fines rather than incarceration in prisons overseen by the National Prison Administration Bureau of the Ministry of Justice (Liu and Huo, 2015). Similarly, in terms of parole decision-making, for minority criminals’ applications for parole, the judiciary may be inclined to make a decision to grant parole, that is, minority criminals are more likely to apply for parole than Han criminals (Erkin, 2012). Therefore, we have reason to believe that race/ethnicity may be an important factor for Chinese judicial organs to decide whether they can be granted parole, that is, minority criminals are more likely to be granted parole, while Han criminals are the opposite.

1.4. Family relationships and parole decisions

Numerous studies have demonstrated that the parole board must take into account the criminal’s familial ties and prosocial support while determining their eligibility for parole (Gavazzi et al., 2003; Ruhland, 2020). Through investigation and interviews with 37 criminal justice system actors in Michigan, the US, some researchers discovered that whether criminals establish close ties with their families (such as parents, children, and partners) and receive their strong support is crucial in determining whether the parole board will grant parole. In addition, all of the respondents (criminals) who participated in the study reported that they would be repeatedly asked about the type and quality of family relationships during the interview, because whether the criminals have close family ties after release and whether they can obtain their support are important factors for the parole board to consider when making parole decisions (Hussemann and Siegel, 2020). The investigation of 694 paroled prisoners in Iowa, the US, revealed that the parole board is more likely to grant parole to criminals who have close family ties and are frequently visited by relatives (such as spouses, children, parents/grandparents, other family members, and friends) in prison (Hail-Jares, 2021). In other words, authorities may need proof of such familial support as a proxy for rehabilitation and maintenance of public safety as the support of family members provides paroled offenders with an immediate, tangible safety net, so inmates who reported having strong family ties were more likely to find steady employment and less likely to reoffend after parole (Berg and Huebner, 2011; Cochran, 2014). Moreover, prisoners who have tight family relationships and are ready to spend more time with their families are more likely to participate in more prosocial activity following release and ultimately succeed in parole (Bahr et al., 2010; Maruna and Toch, 2005). Therefore, in the US, parole board members’ decisions are heavily influenced by whether prisoners have positive family relationships and get the support of relatives and family members (Matejkowski et al., 2010).

In China, when submitting a parole proposal, the prison authorities typically provide the court with basic information about the prisoners’ current family members and family relations, their residence after parole, and their impact on the community in which they reside, so that the court can evaluate the proposal and make a decision regarding parole (Dong and Zhao, 2019). As a result, it is crucial for Chinese judicial officials to evaluate whether or not the family relationships of offenders are harmonious. Theoretically, few scholars have directly explored the connection between family relationship and parole decision, but some Chinese scholars have indirectly done so by analyzing the connection between family relationship and risk of recidivism of offenders serving prison sentences. For example, by surveying 715 offenders in Chinese prisons, some scholars found that offenders with poor family relationships had a higher risk of recidivism (Kong and Huang, 2011). Based on this and a survey sample of 2886 offenders in Chinese prisons, Zeng (2013) further found that for every 1-unit increase in the intensity of offenders’ family relationship toward harmony, the likelihood of their recidivism would correspondingly decrease by 30.2%. These results suggest that family members who engage in law-abiding activities may act as a tie that restricts those offenders’ behaviors of parole violation or reoffending, which is to say that informal monitoring by family members appears to help paroled offenders refrain from parole violations and reoffending (Unlu et al., 2020). Indirectly, the preceding data demonstrates that the support of the family is an essential factor for the Chinese judicial authorities to consider when deciding whether to grant parole (Gao, 2021). Therefore, we believe that it is necessary to examine whether there is a correlation between offenders’ family relationship and parole decisions in China.

1.5. Drug use and parole decisions

One of the major risk factors for parolees is drug use, as the vast majority of inmates have struggled with alcohol and other drugs (Bahr et al., 2010; Petersilia, 2005). Carroll et al. (1982) analyzed 838 parolees in Pennsylvania, the US, and discovered that prior drug usage was a significant factor in parole denials. In addition, a study of 292 parolees in Colorado, the US, revealed that criminals

without a history of drug use are more likely to be given parole by the parole board, whereas criminals with a history of drug use are highly unlikely to be granted release (Pogrebin et al., 1986). This finding is confirmed by study conducted by Ruhland (2020), which indicated that offenders with a history of drug use are less likely to be granted parole by the parole board because they are more likely to commit theft or robbery after release to fund their drug usage. Consequently, in order for parolees to effectively complete their probationary period, parole board members will include drug usage as a key criterion when determining whether to grant parole (Matejkowski et al., 2011). The reason lies in that offenders with a history of drug use are more likely to associate with others who use drugs and to engage in a variety of crimes after parole, such as possession of an illegal substance, possession with intent to distribute, possession of drug paraphernalia, selling of drugs, writing bad checks, and various types of theft and fraud (Bahr et al., 2010; Simpson, 2003; Walters, 2020).

In China, concerning the impact of drug use on parole decisions, the Supreme People's Court issued a notice on the summary of the Symposium on the Trial of Drug Crimes in National Courts in 2015, emphasizing that drug control work affects the safety of the country, the rise of the nation, and the welfare of the people, and it is the party's and the government's continuous stance and unwavering attitude to firmly execute drug control. The circumstances for suspension of punishment and commuting of sentence should be severely regulated and the real period of imprisonment shall be increased for drug offenders, and the parole terms must be strictly monitored for drug offenders whose parole is not banned by criminal law. From the aforementioned provisions, it may be inferred that China considers drug usage to be an essential element in limiting parole applications at the institutional level. Theoretically, few researchers have directly studied the relationship between drug use and parole decisions. However, several scholars have indirectly studied this issue by studying the relationship between drug use and the risk of recidivism. For example, some scholars have conducted retrospective interviews with detainees, prison inmates and people receiving detoxification treatment, and found that drug use can directly or indirectly lead individuals to adopt antisocial pattern of life, or combine their former fragmented antisocial representations together, making it even faster for them to become career criminals (Guo et al., 2018). Therefore, the judicial authorities would tighten control over those offenders with a history of drug use when making parole decisions (Guo et al., 2013). Similarly, the results of the empirical analysis suggest that offenders, who have a history of drug use, or have purchased or used drugs within one year of release from prison, are more likely to commit another violation or crime than those who have never been exposed to drugs (Kong and Huang, 2011), this may mean that offenders who have never been exposed to or used drugs are more likely to behave in a lawful manner after parole and to fulfill the duty of prudence, while offenders with a history of drug use may still be subject to drug or substance abuse after parole, which may entail uncertainty and additional risk of reoffending (Hall et al., 2013), and thus the judicial authorities would strictly review the parole applications of offenders with convictions for drug use. Accordingly, it is reasonable to assume that an offender's record of drug use is an important and potential factor for the judicial authorities in China in to determine whether he or she can be granted parole.

2. Methodology

2.1. Data

The data used in this paper comes from a social science study of the Chinese prison system undertaken in Zhejiang Province. From 2018 to 2020, the authors studied the procedural practice in granting of parole in four prisons in Zhejiang Province, conducting a survey and review of a total of 1200 prisoners to ensure the study's maximum representativeness and objectivity. The authors selected prisoners in Zhejiang prison as research samples for many reasons. For one, Zhejiang is a well-developed province in East China. In comparison to other provinces, Zhejiang's prison system has a well-developed parole system that is at the forefront in China, has higher reference value, which makes it an important place to investigate the practice and application of parole system in China (Hu, 2017). Second, there are two provincial-level prisons and two local-level prisons among the four prisons picked. The total number of inmates in these four prisons is high, and the electronic records from the four prisons are fairly standardized, making them fit for sampling. Overall, this satisfies the conditions for an empirical study. Third, through interviews with criminal justice officials in the province, we found that like most jurisdictions in other provinces in China, when hearing parole cases, the judicial authorities in Zhejiang Province strictly follow the requirements of the Criminal Law, Criminal Procedure Law, and other relevant laws and regulations in China to investigate and verify whether offenders requesting for parole meet the conditions for parole, then make decisions on granting parole.

In this study, a stratified random sampling approach was used to select a sample of 1200 people for inquiry from the "comprehensive assessment program for the standard of education and reform of prisoners" in Zhejiang Province. The survey objects were split into two groups, and the empirical analysis was carried out in a step-by-step manner according to a predetermined process, as follows: First, a stratified random sample of 600 people who were parole-eligible but were not granted parole was chosen and assigned to group A (non-parole group) (the prison requests parole but the court decided not to grant parole); second, a stratified random sample of 600 criminals who were eligible for and granted parole (the prison requests parole and the court decided to grant parole) was selected and assigned into group B (parole group); third, the above two groups were investigated to obtain relevant data and information, such that survey data contained official statistical information from the "comprehensive assessment program for the standard of education and reform of prisoners" as well as the offender's self-report materials; finally, the survey information was coded and entered into the SPSS

statistical program for quantitative analysis. Following data processing, files with missing statistical variables were discarded, leaving 1098 valid samples. Group A had 544 samples in the final survey file, accounting for 49.5 percent of the total sample; group B had 554, accounting for 50.5 percent of the total sample. At the same time, in order to compensate for data collection constraints and examine the practice of parole applications from different viewpoints, this analysis also selected some judicial documents from China's Adjudicative Documents Network in which prisoners were not granted parole to more comprehensively study parole decisions in China.²

2.2. Dependent variable

The study used "judicial granting of parole" as the dependent variable to reflect the decision to release a prisoner to the community on parole. It is coded as a categorical variable, with "0" representing denial of parole and "1" representing granting of parole.

2.3. Independent variables

The independent variables of this study were age, race/ethnicity, family relationships, and drug use. Age was an ordinal variable, with a code of 0 = less than 25 years old, 1 = 25–34 years old, 2 = 35–44 years old, 3 = 45 years old to 54 years old, 4 = 55 years old and above. Race/ethnicity, family relationships, and drug use variables were binary codes. In terms of race/ethnicity, a code of 0 = Han ethnicity while 1 = ethnic minority. To differentiate family relationships, a code of 0 = poor family relationships (spouse, parent, or child) or no family while 1 = close family relationships. For drug use, a code of 0 = no drug use history while 1 = history of drug use.

2.4. Control variables

The control variables in this study primarily referred to the legal factors that might influence parole decisions. The critical legal factors impacting parole decisions in China are observance of prison regulations, acceptance of education and reform, signs of repentance, as well as no risk of recidivism.

First, observance of prison regulations simply refers to whether the prisoners followed prison rules and regulations. Prisoners will not be subject to administrative punishment if they do not break prison rules; otherwise, they will be subjected to administrative punishment in prison. As a consequence, we use an "administrative punishment" metric to indicate whether or not inmates complied with prison rules, with a code of 0 = no administrative punishment and 1 = administrative punishment.³

Second, acceptance of education and reform is primarily reflected in the implementation of cultural, vocational, and technical education on inmates.⁴ Therefore, the "monthly scoring and assessment" of prisoners can be used as a major indicator of whether the offender was genuinely willing to accept education and transition, i.e., the better the monthly assessment of criminals, the stronger their sense of reform and the more able they would be to change their bad habits, which is conducive to their smooth return to society in the future. In terms of "monthly scoring and assessment," a code of 0 = less than 80, 1 = 80–99, 2 = 100–119, and 3 = 120 and up.⁵

Third, signs of repentance are when perpetrators genuinely confess to their crimes and accept the punishment and make up for the harm incurred by their crimes to the victims by voluntarily compensating and returning stolen goods as well as actively rebuilding the relationship with the victim. As a result, the metrics of "admission of guilt," "acceptance of punishment," and "return of ill-gotten gains" can be used to determine whether the offender has really repented. In other words, a criminal may voluntarily admit to a crime during criminal proceedings and accept the criminal punishment, indicating that the criminal voluntarily accepts the substantive law's penalty consequences for the crime. Generally, criminals who repent may recognize the harm caused by their previous criminal

² The typical judicial documents in this paper are all from pkulaw database (<https://www.pkulaw.com/case/>). The analysis of these cases allow us to thoroughly analyze and explore the reasons why the judicial organs do not grant parole in China's parole practice, so as to clearly demonstrate the practice of parole decision-making in China.

³ It should be noted that the judicial authorities would consider the condition of "observance of prison regulations" when making parole decisions, including the number of disciplinary violations, the number of administrative punishments, and the attitude of the offender after the punishment. Therefore, even if an offender has a record of administrative punishment, it does not mean that he or she fails to meet the condition of "observance of prison regulations". The logic for extracting and coding the subsequent control variables is the same in the following content and will not be repeated.

⁴ Education and reform mainly refers to the education and reform of prisoners in terms of cultural level and vocational and labor skills, so as to achieve the goal of correcting criminals. Specifically, it can be divided into three aspects: (1) Prisons provide literacy education, primary education, and primary secondary education for various criminals based on their educational levels; (2) Prisons provide vocational and technical education to criminals based on their post-release employment needs; (3) Prisons arrange works for inmates to fix their poor habits and help them learn the production skills, and build opportunities for their post-release employment in view of the prisoners' personal circumstances.

⁵ According to the relevant provisions of the Ministry of Justice's "Regulations on scoring and assessing criminals" in 2016, the basic score of a criminal's monthly assessment is 100. "Basic score + bonus score - deducted score" is used for offenders' monthly scoring and assessment. According to the content and standard of the assessment, those who meet the standard will be given basic points, those who have outstanding performance will be given additional points, and those who violate the regulations will be given deduction of points. Therefore, the "monthly scoring and assessment" of criminals fluctuates around 100 points. It should be noted that, due to the differences in the monthly assessment scores of criminals, the "monthly scoring and assessment" in this paper takes the average of the monthly assessment scores of criminals. If a criminal has served 12 months in prison and the total assessment score is 1200, the "monthly scoring and assessment" is 100.

acts to others. The repercussions of the crime are mended to a degree by the active and unconditional return of money and stolen property, which is tangible evidence of repentance, in order to restore financial damage suffered by a victim and have the criminal pay for the crimes. Hence, “admission of guilt” was coded with 0 = non-admission of guilt and 1 = admission of guilt; “acceptance of punishment” was coded with 0 = non-acceptance of punishment and 1 = acceptance of punishment⁶; and “return of ill-gotten gains” was coded with 0 = no return of ill-gotten gains, 1 = partial return of ill-gotten gains, and 2 = full return of ill-gotten gains (if there was no need to return ill-gotten gains, it was considered to be full return of ill-gotten gains).

Fourth, no risk of recidivism refers to the low possibility of the criminal committing new crimes upon release from prison. Consequently, we used Yu and Zhang’s (2004) Recidivism Risk Questionnaire to examine the recidivism risk of parolees during the parole period and after release. The questionnaire contains 25 questions, including “interpersonal relationship before the crime” and “drug use or drug trafficking experience before the crime”. The Cronbach’s alpha coefficient of the questionnaire was 0.93, meaning that the questionnaire’s internal consistency was acceptable. The larger the value, the higher the risk of recidivism.

It is important to note that, in addition to the relevant provisions of Chinese Criminal Law, the Provisions of the Supreme People’s Court on the Trial Procedure of Commutation and Parole Cases issued in 2014 further provide that, when making parole decisions, the judicial organs must take into account the circumstances of crimes, the original sentence and the fulfillment of monetary sanctions in addition to reviewing criminals’ performance during the execution of punishment. Accordingly, we included a few more legal factors that influence parole decisions in the model. First, we used “crime type” and coded it with 0 = a non-violent private right crime, 1 = a non-violent public right crime, 2 = a violent private right crime, and 3 = a violent public right crime, 0 being the least severe offense and 3 being the most severe offense (Bai, 2010).⁷ Second, we used “original sentence” to refer to the number of months in the criminal’s original sentence. For example, if the original sentence was 3 years and 6 months, it was converted to 42 months. Finally, we used “fulfillment of monetary sanctions” to describe the court-ordered repayment of damage against property. Monetary sanctions are those imposed as civil restitution obligations incidental to the crime committed, as well as recovery of other items including orders for the convicted criminal to refund compensation, pay fines, and surrender stolen goods, as provided in Article 41 of the Provisions of the Supreme People’s Court on the Application of Law in Handling Cases of Commutation and Parole (2016). Fulfillment of monetary sanctions was coded with 0 = no fulfillment of monetary sanctions, 1 = partial fulfillment of monetary sanctions, and 2 = full fulfillment of monetary sanctions (if there were no monetary sanctions, it was regarded as full fulfillment of monetary sanctions).

2.5. Procedure

Participants who were included in the study were given their written consent prior to the formal start of the survey. Data for all variables were extracted directly from the “comprehensive assessment program for the standard of education and reform of prisoners”, except for the Recidivism Risk Questionnaire, which was completed by the offenders. It should be noted that most of the data in the “comprehensive assessment program for the standard of education and reform of prisoners” were obtained from court judgment (e.g., age and charge of the offender), and some of the data comes from objective assessments by police officers responsible for convict administration in prisons (e.g., the record of administrative punishment, monthly score assessments, etc.), who have received training in assessing offenders’ drug use, rehabilitation, or repentance, which ensures the accuracy and reliability of the data. In addition, the distribution of the Recidivism Risk Questionnaire and the acquisition of data were collected by trained graduate students with academic background of psychology and sociology, and all participating offenders were informed that they participate in the study on a completely voluntary basis and that they could withdraw at any time. Also, the questionnaire is anonymous and is not subject to review by any prison, court or community correction institution, and the data collected is for the purpose of academic research only.

⁶ The variables of “acceptance of punishment” and “admission of guilt” selected for this study refer to whether offenders voluntarily plead guilty or accept punishment during the criminal proceedings (before courts sentence them), with an aim to exam whether the System for Imposing Lenient Punishments on Those Confessing to Their Crimes and Accepting Punishments in China can be extended to the stage of execution of non-imprisonment criminal punishments (such as parole decision-making). It should be noted that the judicial authorities consider “showing genuine repentance” condition when making parole decisions, mainly by examining whether offenders plead guilty or accept punishment during execution of non-imprisonment criminal punishments, which is assessed from the court’s judgment documents, offenders’ summary of education at entry into prison, personal annual summary and other reports on their thoughts. Generally speaking, if an offender voluntarily pleads guilty or accepts punishment at the stage of criminal proceedings, it shows that he or she has indeed shown repentance; however, if an offender does not plead guilty or accept punishment at the stage of criminal proceedings, it is possible that he or she will voluntarily plead guilty or accept punishment at the stage of execution of sentence. Therefore, even if an offender does not plead guilty or accept punishment at the stage of criminal proceedings, it does not mean that he or she does not show repentance at the stage of execution of non-imprisonment criminal punishments.

⁷ We first divide the crimes in the sample into violent crimes and non-violent crimes. Then, according to the object of infringement, the crimes are further divided into two types: public right crime that destroys public order and private right crime that infringe personal interests. Finally, combining the two standards, four types of crimes are formed: violent public right crime, violent private right crime, non-violent public right crime and non-violent private right crime. Regarding the division of public right crime and private right crime, taking the Chinese criminal law as an example, we classify crimes such as endangering national security or public security, hindering social management order, endangering national defense interests, corruption and bribery, dereliction of duty, and military personnel violating their duties into public rights crimes, and crimes such as infringing citizens’ personal rights, democratic rights, and damage to private property are classified as private right crimes. Most of the crimes in the third chapter of the Chinese Criminal Law are decided by the nature of the transaction and also belong to private right crimes, but monetary crimes, tax-related crimes, smuggling, and others are classified into public right crimes.

3. Findings

Table 2 shows the descriptive statistics of all the variables used in the current study, including the group variable information for both the non-parole sample and the parole sample. As seen in the table, in terms of application of parole, 49.5% of criminals were granted parole, while 50.5% were not. The demographic analysis of criminals shows that the average age of prisoners in the study was 36.39 years old, and the average age of those who were granted parole was 37.09 years old, which was significantly higher than the average age of those who were not granted parole was 35.68 years old. As to race/ethnicity, ethnic minorities accounted for 42.8% of the parole sample, while ethnic minorities made up 23.5 percent of the non-parole sample, a significant difference. As to family relationships, 51.3 percent of the parole sample had close family relations, while 48.0 percent of the non-parole sample did, but the difference was not significant. Just 15.3 percent of the parole sample had a history of drug use, which was significantly lower than the 23.5 percent of the non-parole sample with a history of drug abuse. In terms of administrative punishment, a slightly lower percentage of the parole sample received administrative punishment (37.0%) compared to the non-parole sample (54.8%). The degree of distribution for the monthly scoring and assessment ranged from 0 to 3. The parole sample had an average value of 1.28, which was significantly greater than the non-parole sample's average value of 1.26. In terms of confessing wrongdoing and accepting punishment, the percentage of people admitting guilt (96.2%) and accepting punishment (94.4%) in the parole sample was slightly greater than the proportion of people admitting guilt (81.6%) and accepting punishment (77.0%) in the non-parole sample. The degree of return of ill-gotten gains and fulfillment of monetary sanctions varied from 0 to 2. The parole sample had average values of 1.38 and 1.76, which were slightly higher than the non-parole sample average values of 1.07 and 0.78. As to the risk of recidivism, the mean value of the parole sample was 24.16, significantly lower than the mean value of 93.51 for the non-parole sample. The severity of crimes ranged from 0 to 3, and the average value of the parole sample was 0.50, which was significantly lower than the average value of 1.89 for the non-parole sample. Finally, the average initial sentence term for the parole sample was 68.73, which was slightly higher than the average of 63.20 for the non-parole sample.

Correlations of the major variables are listed in Table 3. In this study, race/ethnicity and drug use were found to be significantly related to granting of parole, while age and family relationships were not. Specifically, ethnic minority prisoners, or prisoners who did not use or come into contact with drugs were granted parole more than Han prisoners, or prisoners who use or touch drugs; however, the age of the criminals, whether or not they had close family relations, and whether or not they had families bore no significant relationship to whether or not the judicial authority awarded parole. Except for the monthly scoring and assessment, all variables in the control variables were significantly related to the granting of parole, with administrative punishment, risk of recidivism, and the type of crime being significantly negatively correlated with the granting of parole, whereas admission of crime, acceptance of punishment, return of ill-gotten gains, original sentence, and fulfillment of monetary sanctions were significantly positively correlated with the granting of parole.

The findings of binary logistic regression, which explored the effect of explanatory variables in the two models for granting of parole, are shown in Table 4. The first is an independent model, which was used to examine the net effect of independent variables on dependent variables. The findings from model 1 revealed that among the four major independent variables, race/ethnicity and drug use had a significant impact on granting parole. The relationship between race/ethnicity and granting of parole differs from findings from the United States, indicating that in China, the likelihood of Han offenders being granted parole is considerably smaller than that of ethnic minority criminals. In particular, ethnic minority prisoners would have a 143.5 percent higher chance of being granted parole ($\beta = 0.890$ and odds ratio = 2.435) than Han prisoners. In terms of drug use, the findings are close to those of the United States, namely, prisoners who do not consume or contact drugs will be 40% more likely to be given parole ($\beta = -0.511$ and odds ratio = 0.600) than prisoners with a history of drug use or contacts.

The second model is a comprehensive model covering both independent and control variables. The analysis of the results from Model 2 (see Model 2 in Table 4) showed that with control variables applied, race/ethnicity and drug use had no significant impact on parole. However, several factors such as administrative punishment, monthly scoring and assessment, risk of recidivism, return of ill-gotten gains, crime type, and fulfillment of monetary sanctions all played a role in Chinese parole decisions. Specifically, there was a significant negative correlation between administrative punishment and granting for parole, with a coefficient value β of -1.453 , indicating that those prisoners with a history of administrative punishment were less likely to be granted parole than those without a history of administrative punishment. In addition, the odds ratio of administrative punishment was 0.234, so the likelihood of prisoners subject to administrative punishment being given parole was decreased by 76.6 percent compared to granting parole without administrative punishment. Second, there was a significant positive correlation between monthly scoring and assessment and the probability that a prisoner would be paroled, with a coefficient value β of 0.762, suggesting that those prisoners with high monthly scores were more likely to be granted parole than those with low monthly scores. To be specific, the odds ratio of monthly scoring and assessment was 2.142, which means that if other considerations were excluded, the possibility of a convict being granted parole would rise by 114.2 percent for each unit increase in the criminal's monthly scoring and assessment. Thirdly, there was a significant positive correlation between granting parole and return of ill-gotten gains. The value of the coefficient β was 0.963, indicating that the more involved a prisoner was in returning the ill-gotten gains, the more likely he or she was to be granted parole than those who had not returned ill-gotten gains. In particular, the odds ratio of return of ill-gotten gains was 2.621, which means that as opposed to parole candidates who had not returned ill-gotten gains, the likelihood of being granted parole for prisoners who had partially returned the ill-gotten gains was increased by 162.1 percent, while the probability for the offenders who had returned all the ill-gotten gains was increased by 324.2 percent. Fourth, there was a strong negative correlation between risk of recidivism and granting of parole, with the coefficient value β of -0.106 , meaning that the greater the risk of recidivism, the less likely the criminal was to be paroled. To be specific, the odds ratio for risk of recidivism was 0.900, so the chance of parole would be cut 10% as the likelihood of recidivism

increased by one unit, excluding the influence of other factors. Fifth, there was a significant negative correlation between type of crime and granting of parole, and the coefficient β was - 0.818, which indicates that those with a propensity for violence and public right crimes were less likely to be granted parole than those with a propensity for nonviolence and private right crimes. In other words, the odds ratio of crime type was 0.441, so after taking other variables out of the equation, if the degree of violence and public nature of an individual's offending increased by one unit, the likelihood of being granted parole was lowered by 55.9%. Lastly, there was a significant positive correlation between fulfillment of monetary sanctions and granting of parole, with a coefficient value β of 1.493, indicating that the more active a prisoner was in fulfilling monetary sanctions, the more likely he or she was to be given parole, compared to those who failed to satisfy monetary sanctions. In particular, the odds ratio of fulfillment of monetary sanctions was 4.451, which means that as compared to parole candidates who failed to complete the monetary sanctions, the probability of those who partially fulfilled the monetary sanctions and completely fulfilled the monetary sanctions would be 345.1 percent and 690.2 percent higher, respectively.

4. Discussion

The criminal law and sentencing systems around the world will undoubtedly lead to the proliferation of non-custodial penalties. The operation of the parole scheme as an important non-custodian execution approach of criminal penalty has become an important indicator of a country's civility in the practice of law (Hussemann and Siegel, 2020; Reitz and Rhine, 2020). As a result, in light of legislative provisions on the conditions of parole in the eighth Amendment to the Chinese Criminal Law, this study explores the effect of certain legal and extrajudicial factors widely examined in current studies on parole decision-making with the aim of providing a more in-depth understanding of China's particular parole decision-making process.

The results of the independent model (Model 1) showed that in Chinese judicial practice, a prisoner's age or family relationships does not seem to be significantly related to whether judicial authorities granted a prisoner's application for parole, which contradicts relevant research findings in the United States contexts (Hail-Jares, 2021; Hussemann and Siegel, 2020; Unlu et al., 2020; Vilcić, 2018; Zhang et al., 2014). Unlike in the United States, the age of a parole applicant and close and harmonious relationships with family members are not always factors in the judicial authority deciding whether to grant parole (Research Group of Shanghai University of Political Science and Law, 2021).

Race/ethnicity and drug use play a part in Chinese judicial decisions on parole. The association between drug use and parole is similar to that found in the United States (Hall et al., 2013; Matejkowski et al., 2011; Ruhland, 2020), prisoners who do not use or touch drugs are more likely to be granted parole, while criminals with a history of drug use or contact are less likely to be granted parole. However, the relationship between race/ethnicity and parole decision-making in China is diametrically opposed to that in the United States (Huebner and Bynum, 2006; Hughes et al., 2001; Morgan and Smith, 2008), i.e., ethnic minority prisoners in China are more likely to be granted parole than non-minority criminals.

Specifically, in China, whether or not a parole applicant has used drugs is a significant factor in the judicial organ's parole decisions (Guo et al., 2013; Xu, 2020). That is to say, driven by economic-compulsive, psycho-pharmacological, systemic and other factors including sexual and physical abuse, mental health, lack of education and employment opportunities and so on, individuals with a history of drug use are more likely to face exposure to or use drugs after parole, to commit administrative violations or to reoffend than those without a history of drug use, thus leading to another imprisonment (Goldstein 1985; Walters, 2020). Therefore, for parole applicants with a history of drug use, the judicial authorities would strictly control the parole applications of these criminals with drug use records when making parole decisions (Bahr et al., 2010; Guo et al., 2018). Dongyu Feng's parole ruling is a typical example of this.⁸ The Gulou District Court, Fuzhou City, Fujian Province, China, sentenced Dongyu Feng to three years and four months in prison for intentional injury to another in 2015. Because of his good behavior in jail, the executive organ, Ningde prison, made a No. 19 proposal (2019) for Feng Dongyu's release on parole and submitted it to the court. Nevertheless, despite the prisoner can abide by prison rules, accept education and reform, and show repentance during his term, the court after careful consideration decided to deny Dongyu Feng parole due to his criminal drug use, finding that his profound subjective malignancy necessitated further education and reform.

In addition, in terms of the parole policy in race/ethnicity, different from the United States, the Chinese government has formulated preferential policies for criminal justice decision-making involving minority populations, such as the "two less and one leniency" policy (Israeli, 2010). meaning that when investigating criminal cases concerning ethnic minorities, Chinese judicial organs will recognize the customs, background, faith, and other circumstances of ethnic minorities, and will seek to ensure fewer and more careful arrests. In addition, the death penalty is often not imposed on serious crimes committed by ethnic minority citizens, with the exception of certain ethnic minority criminals where crimes are particularly cruel, social harm is particularly great, and the circumstances are particularly bad (in which case the death penalty is applicable). Furthermore, ethnic minority criminals will be treated more leniently by the judicial body, as shown in the fact that ethnic minority criminals will be given lighter sentences and preferential treatment in penalty execution (such as commutation and parole) (Liu and Huo, 2015).

While drug use and policies related to race/ethnicity have an effect on parole decision-making in China, the general trend is toward standardization. Accordingly, we discovered that legal factors were more important than extralegal factors in parole decision-making in the overall regression analysis (Model 2). In other words, as legal factors (control variables) that determine parole decision-making

⁸ Fujian Ningde Intermediate People's Court (2019) Min 09 Xing Geng No. 308 Criminal Ruling.

were included, the impact of drug use and race/ethnicity on parole decision-making vanished, and the relationship was no longer significant. Indeed, in the history of parole decision-making in China, legal factors such as administrative punishment, monthly scoring and assessment, return of ill-gotten gains, risk of recidivism, type of crime, and fulfillment of monetary sanctions have played a significant role.

First and foremost, the findings demonstrated that the dependent variable (granting of parole) was significantly correlated with previous administrative punishment in jail and monthly scores and assessments of those prisoners for granting parole have been submitted. Specifically, there is a significant negative correlation between the issuance of administrative punishment and granting of parole, implying that those who have received administrative punishment in jail are less likely to be granted parole than those who have not received such punishment (Proctor and Pease, 2000). In Gangfeng Yang's case,⁹ for example, the court ruled that, while Gangfeng Yang was able to follow prison rules, embrace education and reform, and receive recognition from the prison during his term, he had violated several prison rules and needed to undergo more education and reform, so he did not meet the statutory parole conditions. Conversely, the more points an inmate gets on monthly assessments, the more likely he is to be granted parole. The provisions on scoring and appraisal of prisoners (Si Fa Tong [2016] 68) released by the Ministry of Justice in 2016 specifically provide that a prisoner's assessment scores and subsequent praise of a prisoner are to be taken as a significant basis for commutation and parole. As a consequence, in Chinese judicial practice, the monthly assessment score is used in deciding whether a prisoner is granted for parole. For example, in Jiafa Shi's parole decision¹⁰, the court ruled that the offender's performance was so mediocre that he was only praised¹¹ once during the time of reform, which was insufficient to show that the offender actually repented, and therefore the court refused parole. These findings are consistent with current Chinese criminal justice policies, which give criminals who have actively demonstrated reform, have higher monthly assessment scores, and are subject to fewer administrative punishments in prison preferential parole treatment, reflecting the concept of individualized punishment and educational punishment (Dong and Zhao, 2019).

Second, while the current study found no significant correlation between admission of guilt, acceptance of punishment during the criminal procedure stage and granting parole, there was a significant positive relationship between return of ill-gotten gains, fulfillment of monetary sanctions and granting of parole. Admission of guilt and acceptance of punishment during the criminal procedure stage have little influence on granting parole to prisoners since those two factors are considered prior to and at sentencing. The system of imposing lenient punishments on those confessing to their crimes and accepting punishments has been commonly used in China's judicial procedure since the CPC Central Committee proposed the pilot program in 2016, and it has long been called the Chinese version of plea bargaining (Yan, 2020). Against this backdrop, perpetrators can expect lenient treatment provided they willingly plead guilty and accept punishment. The leniency here includes "procedural leniency" and "substantive leniency". Procedural leniency is reflected in changes to or revocation of compulsory measures, non-arrest, discretionary non-prosecution, and use of fast-track sentencing procedures, among other things. Substantive leniency is embodied in the court's leniency in imposing punishment within the statutory sentencing range according to the provisions of each specific crime (Huang, 2017; Sun, 2019). Therefore, in China, since offenders who confess their crimes and accept punishment are treated leniently in the earlier course of criminal proceedings and sentencing, they do not generally receive special judicial consideration again in the execution of the sentence (such as commutation and parole).

The return of ill-gotten gains and fulfillment of monetary sanctions, on the other hand, are significant legal factors affecting decisions on granting parole to prisoners. When a criminal consciously and willingly returns ill-gotten gains and pays for damage to the victim that results from the crime, these are tangible demonstrations of repentance and restoration of the victim-offender relationship. The perpetrator can mitigate the repercussions of the offense to a degree by returning ill-gotten gains, making the victim whole as to other damages, and improving social ties between victim and offender. When the offender acts in the victim's interests in these ways, the legal organ is more likely to grant parole. This finding demonstrates that China's criminal justice recognizes the principle of protecting victim rights (Gottschalk, 2006; Tobolowsky, 1999). To put it another way, in China's parole decision-making, judicial organs have taken into account the interests of victims to a large degree when making parole decisions, and have given victim interests a higher priority in the criminal justice system (Young, 2016), fulfilling victims' psychological and physical needs for justice and fairly repairing social stability. This realizes a restorative justice function for the parole system and protects the needs of victims of crime (Caplan, 2012; Morgan and Smith, 2005). Similarly, criminals who actively fulfill monetary sanctions are often more likely to be paroled than those who do not, a finding which is associated with China's 2018 judicial reform to create a "linkage mechanism between monetary sanctions, commutation, and parole" (Lao, 2018). The rationale behind the system is that the offenders' successful completion of monetary sanctions is a kind of confession and penitence, as well as an indicator of reduced risk of recidivism, while commutation and parole must be implemented on the basis that the risk of recidivism of criminals weakens or disappears. As a result, it has institutional legitimacy to associate fulfillment of monetary sanctions with the application of parole (Andrews and Bonta, 2006;

⁹ Fujian Ningde Intermediate People's Court (2019) Min 09 Xing Geng No. 475 Criminal Ruling.

¹⁰ Anhui Anqing Intermediate People's Court (2019) Wan 08 Xing Geng No. 461 Criminal Ruling.

¹¹ According to the provisions of the Ministry of Justice of the People's Republic of China on scoring and assessing criminals (Si Fa Tong [2016] No. 68), Article 27 provides that if the assessment score of a criminal reaches 600 points and the assessment score of each part is not less than 60% of his basic score, he shall be praised once after being examined by the prison scoring assessment team and reported to the prison scoring assessment leading group for approval; if the assessment score of any part is less than 60% of his basic score, only material rewards shall be given. If praise or a material reward is given, 600 points shall be deducted from the criminal's assessment points, and the remaining points shall be transferred to the next assessment cycle.

Mooney and Daffern, 2014; Zhang et al., 2014). For example, in the case of Qinzhi Guan's parole ruling,¹² the court found that when completing his sentence, Qinzhi Guan was able to abide by prison regulations, embrace education and reform, engage in ideological, cultural, vocational, and professional education and study, actively participate in labor, and work hard to complete the tasks assigned to him; the judicial administration had also recommended that Guan should be put into community correction. However, in view of the seriousness of the offense and negative societal consequences, and he failed to fulfill monetary sanctions despite his ability to do so. Therefore, the court decided that Guan did not meet the legal conditions for parole and rejected the parole application.

Finally, the current study discovered a significant correlation between type of crime, high risk of recidivism, and parole decisions by judicial bodies, confirming previous research findings (Mooney and Daffern, 2014; Ostermann et al., 2015; Yelderman et al., 2021). Compared to nonviolent crimes, offenders who commit violent crimes (especially violent crimes against public rights) are less likely to be granted parole (Mooney and Daffern, 2014), which also supports the concept of "heavier punishment" in China's criminal justice system for serious violent crimes (Lai, 2019). As Trevaskes (2008) reported, even though China has increasingly loosened its criminal policies, it still severely punishes heinous crimes. Legal organs are correspondingly cautious in granting parole to violent offenders (especially those who commit violent public rights). For example, in the parole case of Ye,¹³ Jiucheng Prison Administration Bureau of Anhui province recommended him to be released on parole as Ye can follow prison rules, accept education and reform, and show repentance during his imprisonment, he could serve his sentence in the community. The court, on the contrary, found that Ye had committed many violent offenses, that his violent tendencies were extreme, and that his negative habits were impossible to alter. Considering that if Ye were paroled, it would be hard to say that he would have "no risk of reoffending", so parole was denied. Similarly, people with higher risk of recidivism are less likely to be granted parole than those with lower risk of recidivism, a result that is consistent with findings from the United States (Kuziemko, 2013; Ostermann et al., 2015; Proctor, 1999). Parole helps inmates serving sentences to transition from jail to non-incarceration, so granting of parole should be tailored to their risk of recidivism. As a result, the 8th Amendment to China's Criminal Law changed the fundamental requirements of parole from "no threat to society after parole" to "no risk of recidivism", stressing the importance of evaluating the risk of recidivism when making parole decisions (Dong and Zhao, 2019). In practice in China, some judicial organs try to use a predictive approach to assign various indices that impact offenders' "recidivism risk," calculate the value for each criminal¹⁴ (China's Prison Criminal Classification Theory and Practice Research Group, 2015; Shanghai Women's Prison Research Group, 2017), and then compare the result to risk thresholds (such as high, medium, and low risk) set in advance to decide whether or not to grant parole (Yu and Zhang, 2004). It should be noted that this pattern is linked to the judicial reform of quantitative proof that Chinese judicial bodies are currently implementing. In terms of sentencing, the Supreme People's Court of China released "Sentencing Guidelines for Common Crimes", which changed the conventional subjective sentencing method and introduced a quantitative method injecting quantitative analysis and evaluation into the sentencing mechanism to more accurately and objectively determine the criminal responsibility of the defendant¹⁵ (Wang, 2016; Yan, 2020). With the encouragement from the Supreme People's Court, the Ministry of Justice further emphasized the use of quantitative proof method to evaluate the recidivism risk of criminals (Di, 2020) in the execution of penalty (including commutation and parole), thereby ensuring that criminals can be effectively monitored, corrected, and assisted after release (or parole), reducing the risk of recidivism, and effectively improving standardization in granting parole.

5. Conclusion

By investigating Chinese parole decision-making based on a sample of 1098 prisoners, the study offers the following significant policy implications. First, similar to the situation in the United States, drug use also has a significant impact on parole decision-making in China. This means that drug use has been a key factor in granting parole both in China and the United States. The reason lies in that when criminals start using drugs after parole and begin to use drugs, they might associate with others also using drugs, then engage in a variety of administrative violations or criminal behaviors, which leads to failure on parole (Bahr et al., 2010; Ruhland, 2020; Wei,

¹² Guizhou Tongren (Local) Intermediate People's Court (2015) Tong Zhong Zhi Jia Zi No.12 Criminal Ruling.

¹³ Anhui Anqing Intermediate People's Court (2019) Wan 08 Xing Geng No. 742 Criminal Ruling.

¹⁴ In China, there is currently no single quantitative evaluation instrument for "risk of recidivism", but it is compiled by judicial organs in various regions based on local situation. For example, there are 13 indicators affecting the "risk of recidivism" in the evaluation tool used by Shanghai women's prison: (1) family/emotional relationship (2) education/employment; (3) residence; (4) addiction problems; (5) peer interaction; (6) interests and hobbies; (7) economic status/consumption habits; (8) current crime; (9) criminal history; (10) pro crime attitude; (11) personality problems; (12) victimization experience; (13) criminal subculture. Another example is the evaluation tool of prison establishment in Zhejiang Province, which considers that there are eight indicators affecting the "risk of recidivism", namely: (1) age; (2) circumstances of this sentence; (3) early family attachment; (4) early school attachment; (5) life and experience; (6) early bad association; (7) anti-social behavior; (8) anti-social personality.

¹⁵ According to the sentencing guidelines of common crimes, when sentencing the defendant, the judge will first determine the starting point of sentencing by examining the defendant's criminal behavior, and then determine baseline punishment on the basis of the starting point. After that, the baseline punishment will be adjusted by considering all the circumstances of sentencing in the case, and a final declaratory punishment will be decided. Taking the defendant Zhao, who is suspected of intentional injury (causing death), as an example. The statutory punishment for the offense is "fixed-term imprisonment of more than 10 years, life imprisonment or death penalty". After determining the benchmark punishment as fixed-term imprisonment of 15 years, considering the fact that he played a relatively small role in the crime, committed crimes during the period of parole, voluntarily confessed in court, actively made compensation, and actively saved the victim, the defendant's sentencing result is: 15 years \times (1-20%) \times (1 + 15%-10% - 5%-5%) = 11.4 years, according to above provisions.

2018).

Second, unlike U.S. parole decision-making practices, offenders' ages and their family relationships do not seem to be the significant factors for China's judicial authorities to consider in granting parole. In the United States, there appears to be some correlation between age, family relationship, and the success of parole. Namely, the younger the offenders and the more harmonious the family relationships they have, and the more likely the judicial authorities are to grant parole for them (Hail-Jares, 2021; Hussemann and Siegel, 2020; Vîlcică, 2018). However, in China, when judicial authorities hear parole cases, it mainly makes decisions based on the Criminal Law, the Criminal Procedure Law, and other relevant laws and regulations, which is to say that they mainly consider factors such as the actual time served by the offender applying for parole, the substance of the parole, and the parole prohibition, then makes decisions on whether to grant parole on this basis (Dong and Zhao, 2019). Therefore, extra-legal factors such as age and family relationships are not considered in parole decision-making, and cannot significantly influence whether the parole is granted.

Third, an important finding is that the relationship between race/ethnicity and parole decision-making in China is the complete opposite of the United States, where race/ethnicity is a significant influence on parole decision-making. Therefore, racial and ethnic minority offenders normally serve longer sentences before parole and are less likely to be granted parole (Huebner and Bynum, 2006; Hughes et al., 2001). However, in China, ethnic minority offenders are more likely to be granted parole because of the criminal policy of "Less Arrest or Death Penalty and More Leniency" by the Chinese government, which allows ethnic minority offenders to receive lenient treatment in the administration of justice. This is not only reflected in the sentencing but also in the strict implementation of punishment (Liu and Huo, 2015).

Fourth, the results of the overall model analysis show that the main factors influencing parole decisions of judicial authorities in China are legal factors rather than extra-legal factors, which indicates that parole decision-making in China are gradually becoming standardized and institutionalized. In other words, "earnestly observing prison regulations, accepting reform through education, truly repenting and having no risk in committing any offense again" are the key factors for China's judicial authorities to consider in parole decision-making. This is because China's parole system adopts a dual power management model in which "the prison is responsible for filing for parole and the court is responsible for ruling on parole", and this separation of responsibilities inevitably requires both authorities to make parole decisions strictly within the framework of the law, so as to unify the standards and ensure the stable and orderly implementation of parole (Dong and Zhao, 2019; Research Group of Sichuan Prison Administration Bureau, 2021). Of course, there is still room for further improving laws and regulations related to parole in China, and a parole decision-making mechanism, centered on quantitative assessment in the risk of recidivism, should be established in the future to promote the standardization and validity of parole decision-making. It is believed that in the foreseeable future, China will continue to expand the policy scope of parole in order to fully show the leniency of parole policy and thus help offenders to better adapt and return to society.

Despite the implications above, this research has certain limitations that could be further explored in follow-up studies. To begin with, the data for this analysis came from a social science survey of the Chinese prison system in Zhejiang Province, rather than from surveys of Chinese prisons in different provinces. As a result, care must be taken in generalizing the findings from this research. Second, the data in this analysis came from a limited number of sources, mostly official statistics from the "comprehensive assessment scheme for the standard of education and reform of inmates" and the content of offenders' self-reports, which could compromise the accuracy of the data. Therefore, future studies could also obtain data from jail guards, prosecutors, community corrections officials, and other sources. Finally, the discussion on what affects parole decisions has certain drawbacks. More factors, such as aggressive disciplinary incidents, the Community Corrections Officer's recommendations for release, and confirmation of accommodation by the offender may be added to study in parole decisions in the future, as they all have been identified as have some influence on parole decision-making in other jurisdictions (Mooney and Daffen, 2014; Morgan and Smith, 2005).

Data availability statement

The data that support the findings of this study are available on request from the corresponding author. The data are not publicly available due to privacy or ethical restrictions.

Funding

This research is supported by the Philosophy and Social Science Foundation of Shanghai (No. 2020BFX019), the Philosophy and Social Science Foundation of Guangzhou (No. 2022GZGJ203), as well as the Science and Technology Commission of Shanghai Municipality (No. 22692111900).

Declaration of competing interest

The author(s) declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

Appendixes

Table 1
Comparison of parole provisions in China.

Name of legislation Or legislative document	Parole provisions
Criminal Law of 1979	A criminal sentenced to fixed-term imprisonment who has served more than half of the term of the original sentence or a criminal sentenced to life imprisonment who has served not less than 10 years of the term may be granted parole if he shows true repentance and will no longer cause harm to society.
Criminal Law of 1997	A criminal sentenced to fixed-term imprisonment who has served more than half of the term of the original sentence or a criminal sentenced to life imprisonment who has served not less than 10 years of the term may be granted parole if he conscientiously observes prison regulations, accepts education and reform through labor, shows true repentance and will no longer cause harm to society. No parole shall be granted to recidivists or criminals who are sentenced to more than 10 years of imprisonment or life imprisonment for crimes of violence such as homicide, explosion, robbery, rape and abduction.
8th amendment to the Criminal Law	A criminal sentenced to fixed-term imprisonment who has served more than half of the term of the original sentence or a criminal sentenced to life imprisonment who has served not less than 13 years of the term may be granted parole if he conscientiously observes prison regulations, accepts education and reform through labor, shows true repentance and no risk of recidivism. No parole shall be granted to recidivists or criminals who are sentenced to more than 10 years of imprisonment or life imprisonment for homicide, rape, robbery, abduction, arson, explosion, dissemination of hazardous substances or organized violent crime.

Table 2
Descriptive statistics.

Variables	Code	Non-applicable parole samples					Applicable parole samples					Chi-square tests
		Frequency	All cases (%)	M	SD	Range	Frequency	All cases (%)	M	SD	Range	
1. Age				1.60	1.365	0-4			1.75	1.506	0-4	25.167***
25<	0	148	27.2				155	28.0				
25-34	1	147	27.0				128	23.1				
35-44	2	90	16.5				93	16.8				
45-54	3	92	16.9				57	10.3				
≥55	4	67	12.3				121	21.8				
2. Race/ethnicity				0.24	0.425	0-1			0.43	0.495	0-1	45.834***
Han ethnicity	0	416	76.5				317	57.2				
Ethnic minority	1	128	23.5				237	42.8				
3. Family relationships				0.48	0.500	0-1			0.51	0.500	0-1	1.185
Poor family relationship (or no family)	0	283	52.0				270	48.7				
Close family relationship	1	261	48.0				284	51.3				
4. Drug use				0.24	0.425	0-1			0.15	0.361	0-1	11.765**
No	0	416	76.5				469	84.7				
Yes	1	128	23.5				85	15.3				
5. Administrative punishment				0.55	0.498	0-1			0.37	0.483	0-1	34.937***
No	0	246	45.2				349	63.0				
Yes	1	298	54.8				205	37.0				
6. Monthly scoring and assessment				1.26	0.965	0-3			1.28	0.865	0-3	37.890***
80<	0	167	30.7				120	21.7				
80-99	0	99	18.2				189	34.1				
100-119	2	245	45.0				214	38.6				
≥120	3	33	6.1				31	5.6				
7. Admission of guilt				0.82	0.388	0-1			0.96	0.191	0-1	59.600***
No	0	100	18.4				21	3.8				

(continued on next page)

Table 2 (continued)

Variables	Code	Non-applicable parole samples					Applicable parole samples					Chi-square tests
		Frequency	All cases (%)	M	SD	Range	Frequency	All cases (%)	M	SD	Range	
Yes	1	444	81.6				533	96.2				
8. Acceptance of punishment				0.77	0.421	0–1			0.94	0.230	0–1	68.038***
No	0	125	23.0				31	5.6				
Yes	1	419	77.0				523	94.4				
9. Return of ill-gotten gains				1.07	0.773	0–2			1.38	0.742	0–2	47.442***
No return of ill-gotten gains	0	144	26.5				87	15.7				
Partial return of ill-gotten gains	1	217	39.9				169	30.5				
Full return of ill-gotten gains	2	183	33.6				298	53.8				
10. Recidivism risk				93.51	22.030	48–125			24.16	15.942	3–109	1024.132***
11. Crime type				1.89	1.265	0–3			0.50	0.754	0–3	364.935***
Nonviolent private right crime	0	133	24.4				351	63.4				
Nonviolent public right crime	1	68	12.5				147	26.5				
Violent private right crime	2	68	12.5				40	7.2				
Violent public right crime	3	275	50.6				16	2.9				
12. Original sentence				63.20	22.931	22–150			68.73	24.009	24–120	323.856***
13. Fulfillment of monetary sanctions				0.78	0.754	0–2			1.76	0.497	0–2	420.865***
No fulfillment of monetary sanctions	0	226	41.5				18	3.2				
Partial fulfillment of monetary sanctions	1	210	38.6				96	17.3				
Full fulfillment of monetary sanctions	2	108	19.9				440	79.4				

Note: N = 1098; * $p < .05$, ** $p < .01$, *** $p < .001$.

Table 3
Correlations among study variables.

Variables	1	2	3	4	5	6	7	8	9	10	11	12	13	14
1. Whether parole is applicable														
2. Age	0.051													
3. Race/ethnicity	0.204***	0.000												
4. Family relationships	0.033	0.007	-0.024											
5. Drug use	-0.104**	-0.026	-0.033	0.001										
6. Administrative punishment	-0.178***	-0.024	-0.016	0.009	-0.012									
7. Monthly scoring and assessment	0.009	-0.058	-0.059	0.024	0.057	0.003								
8. Admission of guilt	0.233***	-0.007	0.082**	-0.016	-0.033	-0.068*	0.041							
9. Acceptance of punishment	0.249***	0.017	0.060*	-0.013	-0.038	-0.081**	0.050	0.848***						
10. Return of ill-gotten gains	0.200***	-0.002	0.035	0.012	-0.025	-0.037	-0.009	0.013	0.005					
11. Recidivism risk	-0.875***	-0.092**	-0.235***	-0.003	0.110***	0.130***	0.085**	-0.188***	-0.205***	-0.182***				
12. Crime type	-0.558***	-0.029	-0.118***	-0.024	0.101**	0.115***	0.057	-0.112***	-0.118***	-0.205***	-0.182***			
13. Original sentence	0.117***	0.000	0.056	-0.028	-0.008	-0.010	-0.039	0.000	0.006	0.037	-0.107***	-0.081**		
14. Fulfillment of monetary sanctions	0.609***	0.030	0.096**	0.016	-0.040	-0.112***	-0.042	0.114***	0.121***	0.091**	-0.549***	-0.377***	0.075*	

Note: N = 1098; * $p < .05$, ** $p < .01$, *** $p < .001$.

Table 4
Logistic regression model of parole decision-making on explanatory measures.

Variables	Model 1			Model 2		
	β	SE	Exp. (β) (CI 95%)	B	SE	Exp. (β) (CI 95%)
1. Age	0.072	0.043	1.074 [0.987, 1.170]	-0.112	0.142	0.894 [0.677, 1.180]
2. Race/ethnicity	0.890***	0.134	2.435 [1.874, 3.165]	0.306	0.412	1.358 [0.606, 3.045]
3. Family relationships	0.158	0.124	1.172 [0.918, 1.495]	0.357	0.387	1.428 [0.670, 3.048]
4. Drug use	-0.511**	0.159	0.600 [0.439, 0.819]	-0.056	0.512	0.945 [0.346, 2.580]
5. Administrative punishment				-1.453***	0.404	0.234 [0.106, 0.516]
6. Monthly scoring and assessment				0.762***	0.211	2.142 [1.416, 3.240]
7. Admission of guilt				0.648	1.283	1.911 [0.155, 23.621]
8. Acceptance of punishment				1.570	1.198	4.807 [0.459, 50.311]
9. Return of ill-gotten gains				0.963***	0.267	2.621 [1.553, 4.424]
10. Recidivism risk				-0.106***	0.009	0.900 [0.884, 0.916]
11. Crime type				-0.818***	0.164	0.441 [0.320, 0.608]
12. Original sentence				0.015	0.009	1.015 [0.998, 1.032]
13. Fulfillment of monetary sanctions				1.493***	0.248	4.451 [2.737, 7.241]
Constant	-0.373			0.288		
Model χ^2	61.546***			1313.108***		
Nagelkerke R ²	0.073			0.930		

Note: N = 1098; * $p < .05$, ** $p < .01$, *** $p < .001$.

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