

Assessing Disparities in Clemency Hearing Selection

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Abstract

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Clemency serves as a crucial mechanism for early release in Washington state, where parole has been abolished and mandatory sentencing minimums have increased long-term incarceration. While prior research has examined clemency hearing outcomes in terms of petitioner demographics and offense type, far less is known about the early stages of the clemency process – particularly the factors that influence whether a petition advances to a full board hearing. This thesis analyzed data from 77 clemency petitions to explore factors associated with advancement to full board hearings using bivariate and multivariate analyses. This thesis pursued two primary aims: (1) to assess whether disparities in hearing selection exist across petitioner demographic characteristics (e.g., ethnoracial identity, gender, and age), and (2) to examine how legal and contextual factors influence the likelihood of receiving a hearing. Bivariate results showed no significant differences across demographic groups; meanwhile, petitioners with legal representation, release plans, and severe sentences were more likely to

advance, while sex offense convictions reduced the likelihood. No predictors were statistically significant in the multivariate analysis, though trends aligned with bivariate findings, indicating a complex, discretionary selection process influenced by institutional support and case factors. These findings suggest that clemency hearing selection decisions are influenced by specific legal and support-related factors which may advantage some petitioners over others and inadvertently reproduce disparities. Results point to a need for greater consistency and objectivity in decision-making. Given the exploratory nature of this thesis and the limited research on clemency hearing selection, further research is warranted to examine how structural inequities shape petition outcomes and to inform more equitable clemency petition review process.

Background

The rise of mass incarceration in the United States stems from anti-crime legislation beginning in the 1970s, which emphasized punitive measures in response to concerns about violent crime. Policies like the “three strikes” laws of the 1990s led to longer, inflexible sentences, dramatically increasing the prison population (Lee, 2010). Washington State pioneered this approach with the Persistent Offender Accountability Act (POAA) in 1993, mandating life without parole (LWOP) for a third “strike” offense (Blagg et al., 2015). These laws, along with others such as the 1995 “Hard Time for Armed Crime” law and the abolition of parole in 1984, have disproportionately impacted marginalized communities (Beckett & Evans, 2020). For example, Black individuals make up 37% of those sentenced under the POAA in Washington State, despite representing just 4% of the state’s general population (Lee & Levin, 2024). As a result of these policies, many states like Washington now faces a growing population of incarcerated people serving long or life sentences, with 28% of prisoners serving terms over 10 years and 20% serving life sentences (Beckett & Evans, 2020). The aging population poses additional challenges, as 15% of those incarcerated are over 55 years old, a demographic associated with higher healthcare costs but lower recidivism rates (Georgoulas-Sherry et al., 2020). With parole abolished, clemency has become a critical avenue for early release in many jurisdictions, including Washington State, but only a fraction of petitions reach a hearing due to capacity restraints (Brehmer, 2023).

Clemency broadly refers to the governor’s authority to grant relief from a criminal sentence and includes several forms, including pardons and commutations. This thesis focuses specifically on commutations—the reduction or termination of an active prison sentence—as a mechanism for sentence relief. Commutations are a critical tool for individuals currently

incarcerated who are serving lengthy or life sentences, especially in the absence of parole. In this context, commutations are particularly important for addressing the legacy of punitive sentencing laws, including mandatory minimums and the Three Strikes law, which have disproportionately impacted marginalized communities (Lee & Levin, 2024).

Clemency practices, encompassing pardons and commutations, vary significantly across jurisdictions. Historically, clemency has been used sparingly, with decisions influenced by political considerations and systemic biases (Barkow, 2009; Gunderson, 2022; Seeds, 2019). For example, governors nearing the end of their terms or not seeking re-election are often more likely to grant clemency, avoiding potential political fallout (Gunderson, 2022). However, the application of clemency remains inconsistent across jurisdictions and is often shaped by local politics and cultural attitudes (Canossini, 2023; Gunderson, 2022; Horowitz, 2024). While this thesis focuses on commutations, a broader review of clemency practices is necessary, as both petitions for commutations and pardons are processed through the same mechanism and evaluated using the same criteria. The Clemency and Pardons Board in Washington State reviews both types of petitions through a unified process, making it essential to understand how discretion operated within the broader clemency framework to fully grasp how commutations are evaluated.

The Clemency Process in Washington State

Under Washington State law, the governor may grant extraordinary release upon the recommendation of the Clemency and Pardons Board for reasons such as advanced age, serious health issues, extraordinary meritorious acts, or other extraordinary circumstances (*RCW 9.94A.885*, 2009). The Clemency and Pardons Board (CPB) is a five-member body appointed by the governor, confirmed by the senate, serving four-year terms with the possibility of

reappointment (*RCW 9.94A.880*, 1981). One member is internally elected to serve as chair, and the board operates under the administrative support of the Washington State Office of the Attorney General. Regarding qualifications, the only formal requirement for membership on the Clemency and Pardons Board is that individuals must be legally registered voters in the State of Washington. While the Governor may take a candidate's experience and background into account during the appointment process, there is no legal obligation to select members with specific professional qualifications. In practice, appointees often have backgrounds in law, law enforcement, corrections, or public service; however, there is no mandate to ensure diversity of perspective, expertise in trauma-informed practices, or representation from impacted communities. The lack of structured qualifications for board membership is particularly important in the context of discretion and potential bias.

Petitions submitted to the board undergo a multi-stage review process, beginning with an initial assessment to ensure they meet specific baseline criteria (Scarborough, 2017). In Washington State, criteria include: if the petitioner has had a previous hearing, the new petition cannot be filed within three years of that hearing; if a petitioner has previously submitted a petition that was denied a hearing by the Preliminary Review Committee, the new petition cannot be filed within two years of that decision; ten years must have elapsed since the date of conviction; judicial remedies, such as appeals or resentencing opportunities, must be exhausted prior to filing a petition; and the conviction must have been entered by a Washington state court. Cases that fail to meet the board's baseline criteria are denied without further review.

After this initial review, the petition is forwarded to the Preliminary Review Committee, consisting of two rotating board members. These members assess whether the petition warrants a hearing before the full board, with a single vote required to advance it. Due to limited capacity,

the board typically reviews 30-40 petitions (including both pardons and commutations) annually during quarterly meetings, and most petitions do not proceed to a hearing. Petitioners are informed of the committee's decision, and the county prosecutor is also notified. The prosecutor is then responsible for reaching out to the victim(s) of the underlying conviction to provide them an opportunity to share their input (*RCW 9.94A.885*, 2009). At public hearings, petitioners present their case, often supported by witness testimony and a release plan. Prosecutors, victims, and other stakeholders may also provide input. Once the board reaches a recommendation, it is forwarded to the governor's office for review. The governor then decides whether to approve or deny the petition. If granted, conditional commutations may include requirements like community supervision, with violations resulting in sentence reinstatement.

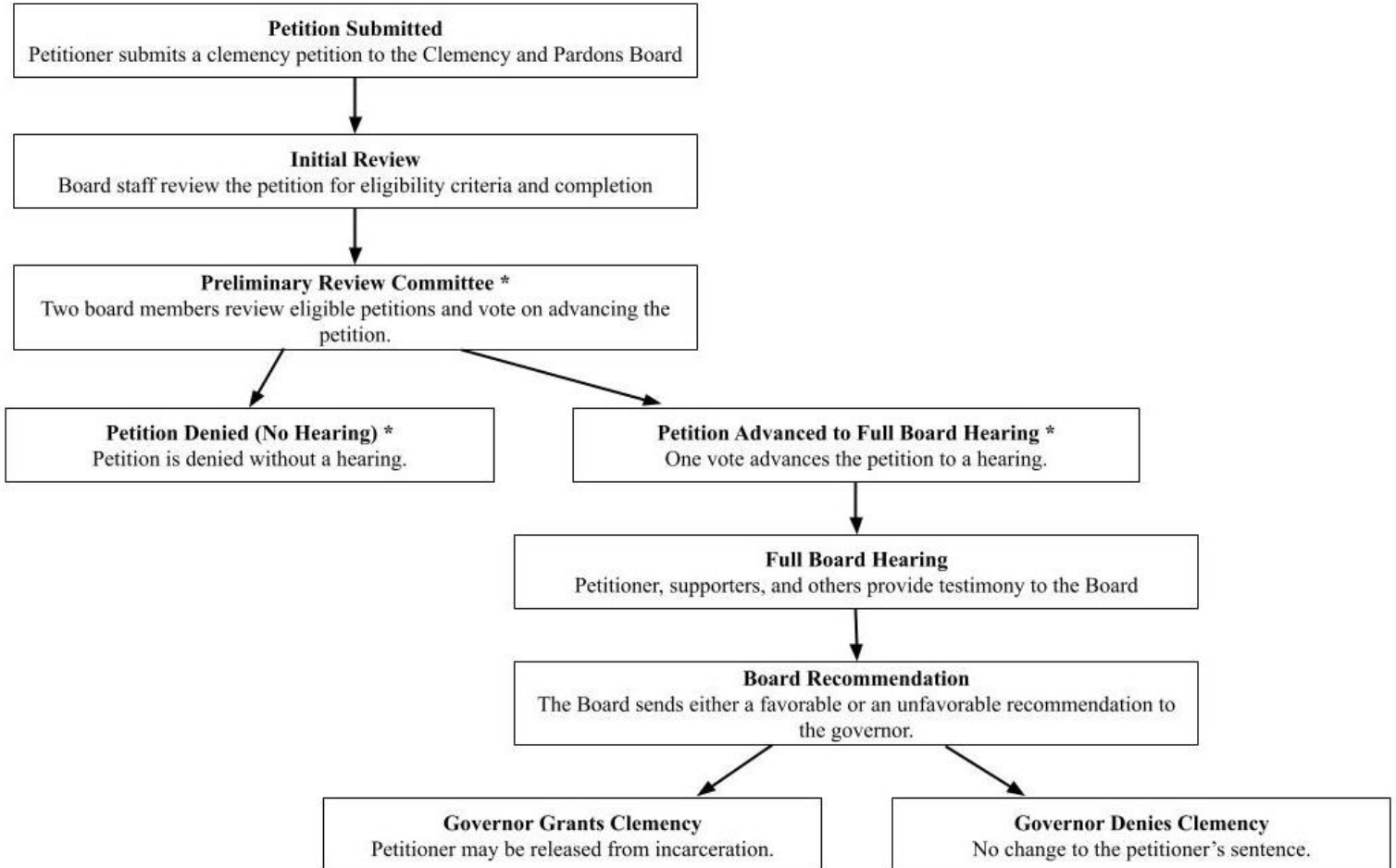
The statute outlining the board's role provides limited guidance on evaluating clemency petitions, stating that commutations and pardons should be granted only in "extraordinary cases" (*RCW 9.94A.885*, 2009). However, it offers some clarification, allowing for extraordinary release in instances of serious health issues, advanced age, senility, extraordinary meritorious acts, or other exceptional circumstances (*RCW 9.94A.885*, 2009). The board has outlined specific guidelines to aid in its review of petitions. According to its policy manual, petitioners are expected to thoroughly explain how their situation differs from others in similar circumstances (Rancourt et al., 2018). Examples of guidelines provided by the board for its consideration of petitions include: the seriousness of the offense; the impact on the victims; whether there is a significant and documented need for clemency; acceptance of responsibility, remorse, and atonement; personal development and positive life changes since the offense occurred; the petitioner's criminal history and other relevant background; whether the individual has complied

with all obligations imposed by the court; the amount of time elapsed since the offense occurred; and the risk or benefit to the community.

Clemency serves as a critical mechanism for reviewing and potentially altering the sentences of incarcerated individuals, offering a pathway for release in a system that otherwise lacks robust options for early release (M. Gill, 2010; Seeds, 2019). In Washington State, where parole has been abolished, clemency plays an especially significant role in addressing long and life sentences. Despite growing attention to clemency as a critical mechanism for justice reform, substantial gaps exist in our understanding of the clemency process in many states, including Washington (Canossini, 2023; V. Horowitz, 2024). Specifically, little is known about the criteria influencing the selection of cases for hearings, the extent of ethnoracial identity, gender, or geographic disparities in these outcomes, or how legal factors shape decision-making. These gaps hinder efforts to enhance transparency and accountability in clemency proceedings, underscoring the need for further research to ensure that this process operates fairly and equitably for all petitioners.

Figure 1 presents a visual representation of the clemency process in Washington State, detailing each step from petition submission to the governor's final decision. This study specifically focuses on the state where the Preliminary Review Committee decides whether a petition will advance to a full board hearing or be denied without a hearing. Understanding the factors that influence this decision point is critical, as it represents a significant gatekeeping mechanism within the clemency process.

Figure 1



The clemency process in Washington State.

* Indicates where in the clemency process this study is focused on.

Disparities in Clemency Outcomes

Disparities in clemency outcomes have been documented, with evidence of racial, gender and sentence-based inequities (V. Horowitz, 2024). It is important to note that literature often evaluates pardons and commutation outcomes together, as both forms of clemency are processed through the same review structure and share overlapping criteria. As such, research on clemency broadly informs our understanding of the commutation process. Research has found that people of color, particularly Black men, are underrepresented among clemency recipients relative to

their incarceration rates (Gunderson, 2022; V. Horowitz & Uggen, 2019; Seeds, 2019). Conversely, women and those convicted of non-violent offences are disproportionately more likely to receive clemency than men and those convicted of violent crimes (Gunderson, 2022; Jacobsen & Lempert, 2013). The length and type of sentence also influences clemency outcomes, often further perpetuating disparities in the criminal legal system (Brehmer, 2023; Pridemore, 2000). For instance, research indicates that individuals serving long sentences or LWOP face disadvantages such as prosecutorial and victim opposition, the subjective high bar of “extraordinary circumstances”, and the bias towards homicide convictions when petitioning for clemency, even when they demonstrate rehabilitation or pose a low risk to public safety (Brehmer, 2023; Love, 2010). Mandatory sentencing, such as "three strikes laws," further exacerbate these disparities (Brehmer, 2023; V. Horowitz, 2024).

Gender Disparities in Clemency

Further complicating the landscape of clemency is the role of gender-based institutional bias. Jacobsen and Lempert (2013) conducted an in-depth analysis of commutation hearings in Michigan and found that these proceedings are often structured around male-centric frameworks of violent crime. These frameworks fail to account for the distinct circumstances that lead many women to incarceration – particularly those involving long-term abuse, coercive control, and survival-based behaviors. They found that women’s narratives of trauma were frequently minimized or dismissed altogether, creating a systemic disadvantage in the clemency process. A key finding of the study was that commutation hearings regularly excluded or devalued women’s experiences of abuse. Officials often questioned why a woman had not left her abuser or suggested that her claims were exaggerated, demonstrating a profound lack of understanding regarding the dynamics of domestic violence and the barriers victims face in escaping abusive

environments (Jacobsen & Lempert, 2013). Institutional responses of criminalizing rather than contextualizing one's actions reflect a punitive culture that prioritizes traditional narratives of crime and redemption, which typically reflect male experiences and fail to account for the socio-structural realities of incarcerated women. The result is a commutation process that systematically marginalizes women, particularly women of color, and diminishes their chances of receiving clemency.

These gendered patterns are not limited to Michigan. Nationally, similar patterns have been observed. According to a report from NYU Law (2018), women made up only 6% of the individuals who received clemency under President Obama's 2014-2017 clemency initiative, despite a 400% increase in the number of incarcerated women since the 1980s. The initiative itself largely prioritized individuals convicted of drug offenses, many of whom were men, while overlooking the unique sentencing structures, trauma histories, and offense types more commonly associated with women. This imbalance reflects how clemency frameworks are often not designed with women in mind, resulting in the continued exclusion of women from opportunities for clemency.

Racial Disparities in Clemency

Racial disparities in clemency outcomes intersect significantly with gender. While white women constituted approximately 52% of Michigan's incarcerated female population, they received 75% of all commutations and 84% of pardons (Jacobsen & D'Orio, 2021). These numbers reveal a racial bias in the clemency process that disadvantages women of color, despite their overrepresentation in the incarcerated population. National trends mirror this pattern. An investigation into presidential pardons by the U.S. Department of Justice found that white petitioners were nearly four times more likely than Black petitioners to receive a presidential

pardon, even after controlling for the nature of their crimes and other relevant factors (Linzer & LaFleur, 2011). The report highlighted how subjective criteria, lack of transparency, and overreliance on recommendations from the Office of the Pardon Attorney contributed to racially disparate outcomes. Further, structural flaws in the federal clemency system – such as a lack of clear standards, minimal oversight, and the dominance of prosecutorial voices – have historically undermined fairness and transparency (Barkow, 2009; Love, 2010). Love (2010) points out that the pardon process has long operated in an ad hoc and politically influenced manner, disproportionately benefiting applicants with access to legal representation, political advocacy, or elite networks. These systemic inefficiencies have consistently disadvantaged Black petitioners, who are less likely to have institutional support and more likely to face skepticism about their claims of rehabilitation (Love, 2010).

Disparities in Discretionary Release Mechanisms: Parole

Though parole and clemency are distinct legal processes, they both function as discretionary pathways for early release from incarceration. Washington State’s clemency process involves a structured review similar to parole hearings. Petitioners present their cases before the Board, which assesses factors such as rehabilitation, risk to public safety, and community support for release. Like parole boards, the Clemency Board considers victim and prosecutorial input, further reinforcing the parallels between the two systems (Barkow, 2009; M. Gill, 2010). Unlike parole – which has been more widely studied – there remains a relative scarcity of research on clemency, particularly in relation to the factors that influence decision-making and outcomes. Given this gap, and the structural and functional similarities between the two mechanisms, a review of parole practices can offer valuable insight into how clemency may be understood. Literature about parole can illuminate the discretionary dynamics that are also at

play in clemency, particularly as clemency increasingly serves as the sole avenue for early release in states without parole, such as Washington.

Factors Influencing Parole Decision-Making

Research on parole board decision-making provides insight into the discretionary nature of early release processes and the factors influencing release decisions. A review by Caplan (2007) highlights several key determinants of parole outcomes, many of which are directly relevant to clemency decisions. In parole hearings, individuals convicted of violent crimes face significant barriers to release (Turpin-Petrosino, 1999). Clemency decisions in Washington State reflect similar patterns, with petitioners convicted of serious offenses – particularly homicide – facing higher levels of scrutiny (Brehmer, 2023). Victim opposition, a key factor in parole denials (Ruhland et al., 2017), also plays a major role in clemency decisions (Brehmer, 2023). Both parole and clemency decisions heavily weigh an individual's conduct while incarcerated. Participation in rehabilitative programs, a lack of disciplinary infractions, and demonstrated remorse all increase the likelihood of a favorable decision (Huebner & Bynum, 2008). The Washington State Clemency and Pardons Board similarly considers these factors when evaluating commutation petitions, requiring petitioners to show significant evidence of rehabilitation and transformation.

Although some studies suggest that race/ethnicity does not directly impact parole decisions (Anwar & Fang, 2015; Morgan & Smith, 2024), Black individuals typically serve longer sentences before being granted parole and are more likely to be reincarcerated for parole violations (Huebner & Bynum, 2008; Lin et al., 2010). In Washington State, racial disparities in incarceration rates suggest that similar patterns may influence clemency outcomes. A report from the Washington State Sentencing Commission showed that Black individuals are

disproportionately impacted by Washington's Persistent Offender Accountability Act (POAA), which mandates life sentences without parole for certain repeat offenses (Henzel, 2003).

Concerning gender, research indicates that while gender has little impact on the likelihood of being granted parole, the parole process for women is distinctly gendered. Hannah-Moffat (2004) and Hannah-Moffat & Yule (2011) find that women seeking parole must convincingly demonstrate personal transformation, often through displays of remorse and insight into their past behavior. This process is gendered in that women are often expected to conform to normative expectations of femininity, such as emotional expressiveness, compliance, and moral reform, in order to be perceived as deserving of release (Hannah-Moffat & Yule, 2011). In Washington State, clemency applicants must similarly frame their petitions around narratives of rehabilitation and redemption, particularly in cases involving violent crimes. These expectations may place additional burden on women petitioners, who must not only show transformation but also navigate gendered assumptions about remorse, victimhood, and moral recovery.

Factors Contributing to Clemency Hearing Selection

Clemency serves as one of the few pathways for release, especially given the elimination of parole as an option in many jurisdictions. However, petitions from individuals sentenced under mandatory minimums are often denied at higher rates due to the perceived severity of their offenses, regardless of contextual factors like their age, health, or time served (Brehmer, 2023). While these disparities in outcomes have been documented, detailed examinations of the board's selection processes, especially in terms of the demographic and legal factors influencing hearing selection decisions, remain limited. This emphasizes the need for further research to understand how factors like ethnoracial identity, gender, crime type, and geography interact to influence hearing selection decisions.

Current Study

This thesis specifically focuses on commutations – or the early release of an individual from confinement through executive clemency—and seeks to address the knowledge gaps surrounding the demographic and legal factors influencing the clemency boards selection process by investigating potential disparities in the clemency hearing selection process. The choice to focus on commutations reflects growing concerns around mass incarceration, extreme sentencing, and the lack of meaningful release mechanisms in Washington State. In the absence of parole, commutation has become one of the only options available for individuals seeking relief from long or life sentences. While clemency more broadly includes pardons, this thesis' focus on commutations centers those currently incarcerated and facing direct consequences of harsh sentencing policies.

This study utilizes administrative data from clemency petitions in Washington State to address two study aims. The first aim focused on identifying whether disparities exist in clemency hearing selection according to petitioners' ethnoracial identity, gender, age, and risk of deportation status. The second study aim focused on exploring whether and how legal characteristics of clemency petitions influence the likelihood of being granted a hearing. Rather than examining final outcomes – such as whether clemency is ultimately granted by the governor – this thesis focuses on an earlier, often overlooked point in the process: whether a petition advances to a hearing before the full board. This stage represents a crucial gatekeeping moment in the clemency process that determines which petitions are given further consideration by the board. This focus offers new insight into how discretion operates at the front end of the clemency process and highlights how equity issues may arise long before final determinations. Understanding how and why disparities emerge in the clemency process can help inform policy

and practice to enhance transparency and accountability, ensuring the process operates fairly and equitably for all petitioners.

Methods

Data

The data for this study were obtained through public records requests submitted to two state agencies: the Washington State Clemency and Pardons Board (the Board) and the Washington Department of Corrections (DOC). Clemency petition files were obtained from the Board through a public records request, and included information on hearing outcomes, representation status, sentencing information, and additional contextual information about the petition. Data obtained from DOC included information on petitioners' gender identity, ethnoracial identity, disciplinary infractions incurred during incarceration, and legal financial obligations (LFO).

Sample

The sample consisted of 77 individuals who submitted clemency petitions to the Board and met specific inclusion criteria. Petitions were only collected if they were reviewed by the Preliminary Review Committee within the CPB, ensuring all cases in the dataset were eligible for a potential hearing. Petitions that were submitted to the Board but were not reviewed by the committee due to ineligibility or incompleteness were excluded from this study. This ensured that only petitions eligible for potential hearing were included in the analysis. Additional exclusion criteria included the removal of one case in which the petitioner was sentenced to only one month in jail, as this sentence length was ineligible for clemency. Duplicate entries were also addressed: in cases where individuals petitioned more than once, only the most recent petition was retained. In instances where identical petitions were sent multiple times, duplicates were

removed. For individuals who submitted petitions in multiple years with differing outcomes, the petition that did not result in a hearing was included. Additionally, 28 cases were excluded from the analysis due to missing data, resulting from a multitude of reasons. First, incomplete records for some petitions were received from the Clemency and Pardons Board, likely due to clerical errors such as missing supplemental materials to petitions. Second, some petitioners left specific questions on the clemency petition blank, leading to additional gaps in the data set. In some cases, only CPB data was received in time for analysis, while corresponding data from the Department of Corrections was delayed. As a result, cases that had incomplete data were not included in the final analytic sample. for variables derived from DOC records and were excluded from the final analytic sample.

Of the 77 total petitioners, the majority were male (88%, $n = 68$) and were on average 31.45 years old at the time of sentencing (range = 18–59 years, $SD = 11.22$) and 50.47 years old at the time of petition submission (range = 28–82 years, $SD = 13.04$). The ethnoracial composition of the sample was: 56% white ($n = 43$), 27% Black ($n = 21$), 7% Native ($n = 5$), 7% Hispanic ($n = 5$), 3% Asian/Pacific Islander ($n = 2$), and 1% biracial ($n = 1$).

Measures

Dependent Variable

The dependent variable in this study was whether the petitioner was granted a clemency hearing. Receiving a hearing indicates that the petitioner advanced beyond the preliminary review stage and had their case reviewed by the full clemency board. Hearing status was measured dichotomously based on records from the Clemency and Pardons Board, where 0 = did not receive hearing and 1 = did receive hearing. In the sample, 42% of petitioners ($n = 32$) received a hearing, while 58% ($n = 45$) did not.

Independent Variables for Aim 1

To examine potential disparities in hearing selection, several demographic characteristics were included as independent variables. *Age at sentence* was a continuous measure (in years) which was operationalized by subtracting the petitioner's birthdate from the date of their original sentencing. *Age at petition* was a continuous measure (in years) which was operationalized by subtracting the petitioner's birthdate from the date they submitted their clemency petition. *Gender* was recorded as a binary variable using information provided in clemency petitions and DOC records (0 = female, 1 = male). *Ethnoracial Identity* was based on the petitioner's self-reported racial identity or classification in DOC records. Lastly, *At risk for deportation* measured whether the petitioner faced potential deportation based on their response to the question on the clemency petition (0 = no, 1 = yes). Petitioners who left this question blank on their petition were coded as "0" (no), based on the assumption that risk of deportation was not claimed as a basis for clemency. Approximately, 4% ($n = 3$) faced risk of deportation.

Independent Variables for Aim 2

To assess how legal and contextual factors influenced the likelihood of receiving a hearing, several legal and case-related characteristics were examined. Measures were operationalized using information included on the clemency petitions and are detailed further below.

Individual and Petition Related Characteristics

Medical issues captured whether the petitioner reported experiencing any serious health issues that warranted clemency consideration on their petition (0 = no, 1 = yes). Blank responses were recoded as "0" (no), under the assumption that medical need was not presented as a reason for clemency. *Representation* captured whether the petitioner reported having legal or other

representation during their clemency (0 = no, 1 = yes). *Additional charges* captured whether the petitioner had additional criminal charges beyond the primary (0 = no, 1 = yes). Two dichotomous indicators (0 = no, 1 = yes) were used to assess whether a no contact order was imposed as part of the petitioner's conviction: *Reported no contact order* and *did not report no contact order*. Petitioners who left the no-contact order question blank were coded as "1" under *Did not report no contact order* to ensure that non-responses were not treated as definitive "no" answers. Among petitioners, 10% reported medical issues ($n = 8$), 71% indicated having had representation ($n = 55$), 56% reported additional charges ($n = 43$), 56% had a no contact order ($n = 43$), and 5% of petitioners ($n = 4$) did not report whether a no-contact order was imposed.

Sentencing Factors

Several sentencing factors were also examined by pulling information from the sentencing documents included in the petition submissions. *Life sentence* captured whether the petitioner was serving a life sentence without the possibility of parole (0 = no, 1 = yes). *Three strikes* captured whether the petitioner was convicted under Washington State's Three Strikes Law, resulting in a life sentence (0 = no, 1 = yes). *Murder* captured whether the petitioner was seeking clemency from a sentence resulting from a conviction involving murder, which included six unique categories of murder charges: aggravated murder 1st degree, attempted murder 1st degree, attempted murder 2nd degree, murder 1st degree, murder 2nd degree, and solicitation of murder 1st degree. These items were combined into a dichotomous indicator of any murder conviction (0 = no, 1 = yes). *Sex crime* assessed whether the petitioner was seeking clemency from a sentence resulting from a sex crime conviction. This variable was created using five dichotomous indicators, each representing a different sex crime: child molestation 1st degree, rape 1st degree, rape 2nd degree, rape of child 1st degree, rape of child 2nd degree. These items

were combined into a dichotomous indicator of any sex crime (0 = no, 1 = yes). *Weapon involvement* captured whether the petitioner reported involvement of a weapon in the offense (0 = no, 1 = yes). Among petitioners, 29% were serving life sentences ($n = 22$), 12% were convicted under the Three Strikes law ($n = 9$), 47% were convicted of murder ($n = 36$), 8% were convicted of a sex crime ($n = 6$), and 64% had a conviction which involved a weapon ($n = 49$).

Victim-Related Factors

All victim-related variables were derived from questions on the clemency petition in which petitioners self-reported whether the victim was personally known, whether there were multiple victims, and whether the victim sustained injuries. In one burglary case, blank responses to these questions were coded as “no”, as the crime involved property and no direct victim.

Victim known captured whether the victim was personally known to the petitioner (0 = no, 1 = yes). *Multiple victims* captured whether multiple victims were involved in the offense (0 = no, 1 = yes). *Victim injured* captured whether the victim sustained injuries as a result of the offense (0 = no, 1 = yes). Among petitioners, 52% knew their victim ($n = 40$), 40% were involved in offenses with multiple victims ($n = 31$), and 66% had victims who sustained injuries ($n = 51$).

Legal History and Rehabilitative Efforts

Several legal history and rehabilitative effort factors were also examined. *Prior convictions* captured whether the petitioner had any prior criminal convictions before the current offense (0 = no, 1 = yes). To account for missing responses on the prior conviction question, two variables were created: *Reported prior convictions* and *did not report prior convictions*.

Petitioners who left the prior convictions question blank were coded as “1” under *did not report prior convictions*, allowing for the identification of missing responses as a distinct category rather than assuming an absence of prior convictions. *Programming* captured whether the

petitioner reported engaging in any forms of rehabilitative programming during incarceration (0 = no, 1 = yes). *Employment* captured whether the petitioner reported employment during incarceration (0 = no, 1 = yes). *Education* captured whether the petitioner reported completing formal education during incarceration (0 = no, 1 = yes). *Release plan* captured whether the petitioner submitted a detailed plan for housing, employment, and social support upon release as a supplemental item to their petition (0 = no, 1 = yes). Among petitioners, 71% had prior convictions ($n = 55$), 4% of petitioners ($n = 3$) did not report whether they had prior convictions, 91% reported formal education ($n = 70$), and 69% submitted a release plan ($n = 53$). Both programming and employment variables were not included in the final analysis due to 100% ($n = 77$) of petitioners reporting “yes” for both categories.

Certificates captured the number of rehabilitative or educational certificates earned during incarceration, while *letters of support* captured the number of letters submitted on behalf of the petitioner and included as supplemental materials for clemency petitions. On average, petitioners reported having 12.35 certificates (range = 1-55, $SD = 11.31$) and 11.11 letters of support (range = 0-68, $SD = 12.35$).

Financial Factors and Institutional Behavior

Finally, financial and institutional behavior variables were included. *Legal financial obligations (LFO)* captured whether the petitioner was imposed with financial penalties as part of their sentence based on petitioners’ response to a specific question on the petition and DOC records (0 = no, 1 = yes). *Outstanding LFOs* captured whether the petitioner still owed financial penalties at the time of their petition petitioners’ response to a specific question on the petition and DOC records (0 = no, 1 = yes). Among petitioners, 96% had LFOs imposed ($n = 74$), and 51% had outstanding LFOs at the time of petition ($n = 39$). *Number of infractions* captured the

total number of disciplinary infractions incurred during incarceration prior to petition submission based on a review of supplemental petition materials and DOC records, with a mean of 21.79 (range = 0–148, $SD = 25.29$). *Length of sentence served* measured the total number of months the petitioner had served at the time of petition and was calculated in months by subtracting the petitioner's incarceration start date from the date of petition submission. Petitioners in the sample had served an average of 226.74 months at the time of their petition (range = 26–526, $SD = 99.66$).

Analysis

The analysis was conducted in two phases corresponding to the study aims. To address aim 1, bivariate analyses were performed to examine differences in demographic characteristics between those who received a hearing and those who did not. Chi-square tests were used for categorical variables, and independent samples t-tests were used for continuous variables.

To address aim 2, a logistic regression model was used to examine the relative impact of different legal and contextual factors on the likelihood of receiving a hearing. The outcome variable was whether a petitioner received a hearing (0 = no, 1 = yes). Independent variables were selected for inclusion in the logistic regression model based on two criteria: (1) statistically significant and moderately strong bivariate correlations with the outcome variable ($r \geq .50$), and (2) theoretical relevance and support from prior literature.

It should be noted that although the bivariate correlations between release plan and representation and the dependent variable fell slightly below the $r = .50$ threshold, both variables demonstrated statistically significant associations and were therefore retained in the model. Their inclusion was further supported by findings in prior research identifying these variables as important predictors of clemency outcomes. Variables that were included based on theoretical

significance and findings from prior literature included *education*, often associated with institutional rehabilitation and personal transformation (Hannah-Moffat & Yule, 2011; Huebner & Bynum, 2008); *murder* and *sex crime convictions*, both of which have been shown to significantly influence clemency and parole decisions due to perceived public safety concerns (Brehmer, 2023; Turpin-Petrosino, 1999); *ethnoracial identity* and *gender*, which have been widely studied as potential sources of disparities in clemency outcomes and were essential to assess potential systemic bias (Gunderson, 2022; V. Horowitz & Uggen, 2019; Jacobsen & Lempert, 2013); and *number of certificates earned*, which served as an indicator of institutional engagement and rehabilitative effort (Huebner & Bynum, 2008).

Results

Aim 1: Disparities in Hearing Selection

Table 1 presents the demographic characteristics of petitioners and compares individuals who received a clemency hearing to those who did not. Among those who received a hearing, 84% were male and 16% were female, compared to 91% male and 9% female among those who were not selected for a hearing. The majority of hearing recipients were white (53%), followed by 31% identifying as Black, 9% Hispanic, 3% Asian/Pacific Islander, and 3% Native. In contrast, among those not selected, 58% were White, 24% Black, 4% Hispanic, 2% Asian/Pacific Islander, and 9% Native. One biracial petitioner and three individuals facing deportation were in the sample, with no notable difference in hearing outcomes across these groups. Age showed the most pronounced difference: those who received a hearing were older, on average, at the time they submitted a petition ($M = 52.93$) compared to those who did not receive a hearing ($M = 49.37$).

Table 1

Differences in hearing selection across demographic characteristics of petitioners ($N = 77$)

Petitioner Characteristics	Hearing Status			χ^2 (df)
	Total N (%)	Yes N (%)	No N (%)	
Gender				
Male	68 (88%)	27 (84%)	41 (91%)	.82 (1)
Female	9 (12%)	5 (16%)	4 (9%)	
Ethnoracial Identity				
White	43 (56%)	17 (53%)	26 (58%)	2.8 (5)
Black	21 (27%)	10 (31%)	11 (24%)	
API	2 (3%)	1 (3%)	1 (2%)	
Native	5 (7%)	1 (3%)	4 (9%)	
Hispanic	5 (7%)	3 (9%)	2 (4%)	
Biracial	1 (1%)	0 (0%)	1 (1%)	
Facing Deportation				
Yes	3 (4%)	1 (3%)	2 (4%)	.08 (1)
No	74 (96%)	31 (97%)	43 (96%)	
	M (SD)	M (SD)	M (SD)	t (df)
Age at Sentence ^a	31.45 (11.22)	31.33 (9.47)	32.33 (11.60)	-.419 (75)
Age at Petition ^b	50.47 (13.04)	52.93 (12.94)	49.37 (13.40)	-2.14 (75)*

Abbreviations: API = Asian/Pacific Islander.

^a Range = 18 – 59 years.

^b Range = 28 – 82 years.

* $p < 0.05$.

** $p < 0.01$.

*** $p < 0.001$.

Chi-square analyses revealed no statistically significant differences in hearing selection by gender ($\chi^2(1) = 0.82, p = .365$), ethnoracial identity ($\chi^2(5) = 2.80, p = .732$), or deportation status ($\chi^2(1) = 0.08, p = .775$). However, an independent samples t-test indicated that age at the time of petition submission significantly differed by hearing outcome. Specifically, petitioners who received a hearing were, on average, older ($M = 52.93, SD = 12.94$) than those who did not ($M = 49.37, SD = 13.40$), $t(75) = -2.14, p < .05$. Age at sentencing did not differ significantly between groups.

Aim 2: Factors Influencing the Likelihood of Hearing Selection

To assess how legal and contextual factors influenced the likelihood of receiving a clemency hearing, both bivariate and multivariate analyses were conducted (detailed below).

Bivariate Analysis

Bivariate correlations revealed several significant associations between legal characteristics and hearing selection status (Table 2). Notably, petitioners who submitted a detailed release plan were significantly more likely to receive a hearing ($r = .454, p < .001$), as were those who had legal representation during the clemency process ($r = .417, p < .001$). Petitioners serving life sentences without the possibility of parole were also more likely to receive a hearing ($r = .517, p < .001$), as were individuals sentenced under the Three Strikes law ($r = .349, p = .002$). Length of sentence served was positively associated with hearing selection ($r = .312, p = .006$), showing that those who received a hearing had served a greater amount of time.

Table 2

Bivariate correlations between independent variables and hearing selection

Variables	r	p-value
Release Plan	.454 ***	<0.001
Life	.517 ***	<0.001
Represented	.417 ***	<0.001
Education	-.375 ***	<0.001
Length of Sentence Served	.312 **	.006
Certificates	-.291 *	.014
Letters of Support	.110	.428
Three Strikes	.349 **	.002
Number of Infractions	-.146	.205
Murder	.055	.636
Victim Injured	-.122	.289
Victim Known	-.138	.230
Additional Charges	-.152	.186
LFO	-.103	.375
Weapon Involvement	-.020	.863
Outstanding LFO	.094	.414
Multiple Victim	-.047	.682
Medical Issues	.058	.614
Sex Crime	-.245 *	.032
Reported Prior Conviction	-.108	.348
Did Not Report Prior Conviction	.239 *	.037
Reported No Contact Order	-.152	.186
Did Not Report No Contact Order	-.197	.085

Abbreviations: LFO = Legal financial obligations

* $p < 0.05$.

** $p < 0.01$.

*** $p < 0.001$.

Several rehabilitative and educational indicators were negatively associated with hearing selection. Specifically, a greater number of certificates earned during incarceration correlated with a lower likelihood of receiving a hearing ($r = -.291, p = .014$), as did completion of formal education ($r = -.375, p < .001$). Additionally, petitioners who had a documented sex crime conviction were significantly less likely to advance to a hearing ($r = -.245, p = .032$). A small but significant positive association was found between hearing selection and those who did not report prior convictions ($r = .239, p = .037$). Other factors, such as the number of letters of support, victim injury, or weapon involvement, did not show significant relationships with hearing outcomes in the bivariate analysis.

Several independent variables also demonstrated strong intercorrelations. Length of sentence served showed a strong positive correlation with the presence of a release plan ($r = .517, p < .001$), suggesting that individuals who had served longer sentences were more likely to have structured reentry plans. Three Strikes status was positively correlated with life sentence ($r = .575, p < .001$), reflecting the policy link between mandatory sentencing and sentence severity. Victim injury was highly correlated with murder charges ($r = .614, p < .001$), and multiple victims and additional charges were also strongly correlated with each other ($r = .677, p < .001$).

Multivariate Analysis

A logistic regression model was used to further examine the relative influence of legal and contextual variables on the likelihood of receiving a hearing (Table 3). While no predictors reached conventional levels of statistical significance in the multivariate model, several variables demonstrated expected trends. Specifically, length of sentence served demonstrated a positive

relationship with hearing selection ($B = 0.028$, $SE = 0.015$), approaching statistical significance ($p \approx .057$). The presence of a victim injury was associated with a reduced likelihood of receiving a hearing ($B = -4.437$, $SE = 2.658$), also approaching statistical significance ($p \approx .095$). Although variables such as having a release plan, representation, a life sentence, or a Three Strikes conviction did not achieve significance, their positive coefficients aligned with bivariate trends.

Table 3
Logistic regression model predicting hearing selection status

Variables	B (SE)	OR [95% CI]
Female	3.67 (3.23)	39.14 [.07, 22098.84]
API	4.39 (4798.01)	80.23 [.000]
Biracial	22.55 (41052.93)	6212125641 [.000]
Black	-1.88 (1.96)	.15 [.003, 7.07]
Hispanic	.36 (2.17)	.144 [.02, 101.16]
Native	-3.39 (2.45)	.03 [.000, 4.09]
Facing Deportation	13.13 (4881.28)	501213.35 [.000]
Representation	1.85 (2.28)	.635 [.07, 556.14]
Additional Charges	1.70 (2.65)	5.46 [.03, 985.64]
Life Sentence	2.83 (3.31)	16.93 [.03, 11007.06]
Three Strikes	20.27 (15921.19)	636693888 [.000]
Murder	2.46 (2.05)	11.73 [.21, 652.54]
Sex Crime	-25.12 (11757.11)	.000 [.000]
Multiple Victims	2.15 (1.95)	8.62 [.19, 391.54]
Victim Injured	-4.44 (2.66) ^a	.01 [.000, 2.16]
Education	-63.05 (13428.56)	.000 [.000]
Number of Certificates	-.02 (.06)	.98 [.87, 1.10]
Release Plan	43.63 (8358.72)	.886E+18 [.000]
Length of Sentence Served	.03 (.02) ^a	.1.03 [1.00, 1.06]

Abbreviations: API = Asian/Pacific Islander.

* $p < 0.05$.

** $p < 0.01$.

*** $p < 0.001$.

^a $p < .10$.

Discussion

This thesis aimed to examine disparities in clemency hearing selection by analyzing demographic and legal factors that may influence whether a petitioner receives a hearing before the Washington State Clemency and Pardons Board. Utilizing administrative data from 77 clemency petitions reviewed by the Preliminary Review Committee, the study applied both bivariate and multivariate statistical analyses to address study aims. No statistically significant differences in hearing selection based on gender, or ethnoracial identity were found, however, age at the time of petition submission had a significant positive association with hearing selection, with older petitioners more likely to receive a hearing. Several legal and institutional support factors were found to be positively associated with receiving a hearing in bivariate analyses, including whether the petitioner submitted a release plan, had legal representation, reported serving a life sentence, or being sentenced under the Three Strikes law. Conversely, rehabilitative factors, including educational attainment and the number of certificates earned during incarceration, were negatively associated with hearing selection. Petitioners who were older at the time of submission were also significantly more likely to receive a hearing. These associations did not maintain statistical significance at the $p < .05$ level in the multivariate model; however, trends were in the expected direction based on the bivariate findings. Taken together, these results suggest that clemency hearing selection decisions may be shaped by a combination of institutional support factors (such as representation and reentry planning), sentence severity, and the amount of time spent incarcerated, highlighting both the complexity and subjectivity of the selection process. The results of this thesis offer valuable insight into the types of factors that appear to influence clemency hearing selection outcomes in Washington State, while also highlighting areas for further investigation.

Implications for Research

The strong, positive bivariate associations between institutional support and hearing selection (i.e. having a release plan and legal representation) highlight the critical role that access to resources and advocacy plays in the clemency process. These findings suggest that applicants who can present a more organized or resourced petition may be viewed more favorably, raising important questions about unequal access to support within carceral institutions. Although these associations did not remain statistically significant in the multivariate model, the consistent directional trends (i.e., positive coefficients) indicate a possible influence that may be more clearly detectable in larger samples.

Conversely, the negative associations between rehabilitative indicators and hearing selection were unexpected. Petitioners who completed formal education or earned a higher number of in-prison certificates were actually less likely to receive a hearing. These trends did not emerge as significant predictors in the multivariate model, but they raise questions about how rehabilitation is perceived by members of the clemency board. One possibility is that such efforts are interpreted as attempts to compensate for especially serious offenses, or that they are not weighted heavily relative to factors like crime severity. Further research is needed to explore how and why rehabilitative factors contribute to decision-making by clemency boards; this area of research could benefit from qualitative methods in particular, such as interviews with board members, to explore how indicators of rehabilitation are interpreted in practice.

A small but significant positive bivariate association was observed between hearing selection and petitioners who did not report prior convictions. This may suggest that the absence of such information was perceived by members of the clemency board as an indicator of limited criminal history. It may also reflect data gaps in the form of incomplete self-reporting by

petitioners or missing records in the submitted documentation – both of which can result in an underrepresentation of prior offenses. As these ambiguities may shape board perceptions and decision-making, future research should examine how inconsistently reported or omitted information influences clemency hearing selection outcomes. Interviews with petitioners could explore their experiences completing the clemency petition, including whether they found the questions clear, whether they intentionally omitted certain information, and what barriers they faced in accessing or presenting their full criminal history. Additionally, interviews or surveys with individuals who assist petitioners – such as attorneys, Department of Corrections (DOC) staff, or peer mentors – could shed light on common areas of confusion or inconsistency in petition submissions. On the administrative side, researchers could conduct a content analysis of petition forms to identify which sections are most frequently left blank and cross-reference these with DOC records to assess the accuracy and completeness of submitted information. Such work would not only clarify the impact of missing data on decision-making but also inform revisions to the petition process to promote greater transparency, consistency, and equity.

Victim-related factors may also play a nuanced role in hearing selection. The presence of a victim injury was associated with a reduced likelihood of receiving a hearing in the multivariate model (at the $p < .10$ level). This suggests that cases involving physical harm to a victim may be scrutinized more heavily, even when other indicators, such as institutional support or time served, are favorable. Additionally, bivariate analyses revealed that victim injury was strongly and positively correlated with murder convictions, and that multiple victims and additional charges were also strongly and positively correlated. These patterns indicate that such variables may represent overlapping dimensions of case complexity or severity and may therefore exert compound effects on decision-making. Future research should further investigate

how these factors interact to shape board perceptions of risk, deservingness, and harm.

Interviews or case study analyses of petition files could examine how board members interpret victim-related harm in the context of rehabilitation, remorse, and public safety, and whether such interpretations vary by offense type or petitioner characteristics. Understanding these dynamics could clarify how decision-makers navigate high-severity cases and whether certain forms of harm disproportionality hinder opportunities for relief.

Ethnoracial disparities in petition submissions also warrant further attention. Although the sample size was limited, notable group differences in who applies for clemency and under what conditions raise important questions about disparities. In this sample, Black individuals made up 27% of petitioners, despite comprising only 18% of Washington State's prison population (Carson, 2022). While this may suggest high engagement with the clemency process, it more likely reflects disproportionate exposure to extreme sentencing, such as life without parole (LWOP) or Three Strikes enhancements, both of which have long been criticized for contributing to, and exacerbating, racial disparities within the criminal legal system (Lee & Levin, 2024). This pattern appears to extend into the clemency process, where individuals most affected by extreme sentencing – disproportionately Black – are also those seeking relief through petitions. Future research should examine the racialized dimensions of sentence severity and how they shape the clemency process. Specifically, future research could explore how prosecutorial discretion, plea bargaining practices, judicial sentencing patterns, and prior criminal history enhancements may differ by ethnoracial identity and contribute to more severe sentences. It would also be valuable to investigate whether disparities in charging decisions (e.g., overcharging in Black and Brown communities), cumulative disadvantage from prior system involvement, or biased risk assessments play a role in shaping who ends up eligible for

clemency. Understanding how these systemic practices drive racial disproportionality in extreme sentencing can illuminate the broader context in which clemency petitions are filed.

In contrast, some groups appear underrepresented in this study's petition sample. Hispanic individuals account for 17% of Washington State's prison population (Carson, 2022) but only accounted for 7% of clemency petitions in the current sample, and Asian/Pacific Islander (API) individuals make up 5% of the prison population (Carson, 2022) but just 3% of petitioners in this sample. These disparities may point to structural or informational barriers – such as lack of legal support, limited awareness of clemency options, or cultural and linguistic obstacles – that prevent certain groups from engaging with the process. Future research should explore these mechanisms more directly by examining how information about clemency is distributed within correctional facilities, whether certain groups have less access to legal aid or advocacy networks, and how language barriers, cultural perceptions of authority, or mistrust in the legal system may influence willingness or ability to petition. Interview-based or ethnographic research with incarcerated individuals could offer critical insights into the social, institutional, and cultural factors that shape who applies for clemency and why. Investigating these dynamics is essential for understanding equity in access and addressing gaps in procedural justice.

Implications for Policy and Practice

This thesis offers several implications for improving the clemency process in Washington State, particularly in how the board approaches determination of risk, what is considered “successful” rehabilitation, and the procedural justice process. One of the most notable findings was the board's apparent openness to petitions involving life without parole (LWOP) and Three Strikes sentences, both of which were significantly associated with hearing selection at the bivariate level. This may suggest a recognition of the excessive nature of these sentences –

especially under the Three Strikes law, which has been criticized for being overly punitive – that is, mandating life sentences for non-violent or relatively minor third offenses (Lee, 2010). The board’s willingness to engage with such cases could reflect an evolving perspective on proportionality and fairness, particularly as Washington State moves away from mandatory minimums and overly punitive sentencing regimes (Beckett & Goldberg, 2024). However, such decisions may be inconsistently applied if they remain subject to political pressure. Clemency remains a highly politicized process, often shaped more by public sentiment and concerns about political backlash – such as being labeled “soft on crime” – than by rehabilitative potential or systemic injustice (Barkow, 2009; Gunderson, 2022). To counter this, the clemency board should be structurally insulated from direct political influence. Governors and board members may be hesitant to support clemency for fear of negative media coverage or electoral consequences, especially for stigmatized offenses. To counter this, appointments should prioritize a diverse range of life experiences and professional expertise – including those from diverse identity backgrounds, legal professionals, formerly incarcerated individuals, correctional staff, and mental health experts – and should be protected from partisan turnover. A more balanced board composition could also help mitigate implicit biases and better reflect the complex realities of the incarceration and reentry experience. Transparency in decision-making criteria and independent oversight could further support consistent, evidence-based evaluations.

Although this study did not directly measure stigma, the finding that petitioners convicted of sex offenses were significantly less likely to receive a hearing in the bivariate analysis likely reflects the enduring stigma associated with these convictions. Specifically, certain types of convictions – including sex offenses – may carry a level of stigma among board members that may override their perceptions of petitioners’ rehabilitative efforts. Similar dynamics likely

apply to petitioners with murder convictions or cases involving victim injury or multiple victims – variables that were not independently significant in bivariate analysis but showed strong intercorrelations (i.e. murder and victim injury, multiple victims and additional charges). These associations may reflect the board’s potential reliance on perceived dangerousness or moral judgment rather than individualized assessments of risk or change. Without adequate training in trauma-informed and desistance-based frameworks, board members may unintentionally perpetuate narratives of irredeemability, particularly in high-severity cases. Regular educational efforts could support more balanced and fair evaluation by introducing board members to current research related to recidivism and disparities, the psychology of change and identity transformation, the effects of incarceration on mental health, and cognitive-behavioral indicators of reduced risk for reoffending. Familiarity with these concepts would help board members better recognize meaningful rehabilitation and move beyond static assessments of past behavior.

Finally, the role of institutional support in hearing selection, especially the significance of a detailed release plan and legal representation, underscores the practical barriers faced by many petitioners. Those without access to legal resources or reentry planning may be overlooked, regardless of the merit of their case. A more equitable clemency process would include resources for incarcerated individuals to prepare strong applications. These could include dedicated clemency petition preparation workshops, access to reentry specialists who can help develop comprehensive housing and employment plans, pro bono legal clinics or partnerships with public defenders for petition drafting, and peer support programs to assist with gathering letters of support and documentation of rehabilitative efforts. By institutionalizing access to rehabilitative and clemency supports within correctional facilities – rather than relying on external networks –

Washington State can ensure that the clemency process remains accessible not just to those with legal knowledge or external networks, but to all individuals seeking a second chance.

Study Limitations

This thesis is limited by its small sample size, which restricted statistical power and therefore impacted my ability to detect more nuanced or statistically significant relationships. Several associations found at the bivariate level, such as the positive association between hearing selection and not reporting prior convictions suggest trends that may have reached statistical significance in a larger sample. The small sample size also led to a number of analytic challenges, including reduced variation across some variables and high variability in others, which limited model reliability.

Additionally, it is important to acknowledge limitations related to the logistic regression model, particularly the odds ratios and confidence intervals (CIs) reported in Table 3. Several variables yielded extremely large odds ratios and wide or unstable CIs, including some with upper or lower bounds approaching zero or infinity. These values reflect underlying challenges of the small sample size and limited variability within certain variable categories, both of which reduce the stability and precision of model estimates. While coefficients generally aligned with expected trends, the instability of these intervals limits confidence in the reliability of specific associations. Some of the reported CIs—especially those resulting from sparse or highly skewed data—would be considered statistically unacceptable by many in the scientific community. These CI values are reported as-is in the interest of transparency but should be interpreted with caution. Future research with a larger sample size would likely improve the stability of model estimates and generate more interpretable and scientifically robust confidence intervals, allowing for stronger conclusions about the predictors of hearing selection.

The data used in this thesis were drawn from administrative records obtained via public records requests to the Washington State Clemency and Pardons Board (CPB) and Department of Corrections (DOC). While these records provided unique access to actual petition materials, the dataset was constrained by several important limitations. First, some cases were excluded due to missing or incomplete records, either because full petitions were not included in the public disclosure, supplemental documents were omitted, or DOC records were not provided in time for analysis. This missingness reduced the final analytic sample and likely skewed representativeness. Additionally, there were inconsistencies in how data were recorded and reported across cases. Some petitioners left questions blank or submitted partially completed applications, while others included robust supplemental materials. These inconsistencies resulted in a lack of standardized measures across cases. For example, variables like “prior convictions” or “no contact orders” relied on self-report, and blank responses had to be interpreted cautiously. The presence of missing or ambiguous data may have influenced how some variables were coded and analyzed.

There were also several measurement limitations that shaped the findings. Some of the variables included in the analysis may not fully capture the underlying constructs they aim to represent, therefore impacting the validity of such measures. For instance, educational attainment was coded as a binary variable, yet the depth or type of education (e.g., GED vs. college degree) was not captured, which may have impacted how that measure related to perceptions of rehabilitation. Similarly, the number of certificates earned was used as a proxy for rehabilitative engagement, but this measure does not account for quality, relevance, or rigor of the programming. Risk of deportation was derived from a single yes/no question on the petition, and

many petitioners left it blank, likely underestimating the true rate or relevance of immigration concerns.

Additionally, a number of variables were excluded from analysis due to high variation or limited interpretability in this sample. For example, while county of conviction data was available for each petitioner, I was unable to examine county-level differences given the limited number of petitioners in each county. This limited the ability to draw meaningful conclusions about geographic disparities or patterns. Additionally, I was unable to include victim-related variables – such as opposition or input – as this information was primarily considered during the clemency hearing stage, rather than during the initial review stage which was the focus of this study. As such, these factors were not consistently documented in the petition materials or relevant to the study’s analytic scope despite their potential relevance to the outcome of interest.

The use of binary gender as a measure also represents a limitation in the analysis. Gender was drawn from DOC records and petition materials and coded as male or female. This fails to capture non-binary or transgender identities and does not account for how gender identity may be perceived or interpreted by the board in relation to decision-making. Moreover, the small number of female petitioners in the current sample ($n = 9$) limited the ability to detect meaningful gender-based differences or disparities in hearing selection outcomes. With such a small subgroup, any statistical comparisons involving gender lack sufficient power and may obscure patterns of inequity that could emerge in a larger sample. This underrepresentation may reflect broader systemic barriers that discourage or prevent women from pursuing clemency, and future research should explore these barriers more closely. To better understand how gender influences clemency hearing selection decisions, future research would benefit from a more inclusive

approach to gender and a larger sample that enables robust analysis of how gendered experiences and narratives influence the clemency process.

This thesis utilized data from one state, Washington, which has a unique political and legal context; as such, findings from this study may not be generalizable to clemency hearing selection outcomes in other states. The elimination of parole, presence of the Three Strikes law, and history of clemency as a political tool shape how mercy is practiced in this jurisdiction. Washington state's political climate during the time period of study may also have influenced clemency decisions. For example, board composition – including the gender, race, or political orientation of board members and the governor – likely played a role in shaping outcomes but could not be accounted for here due to the limited scope. Additionally, the time period examined was relatively narrow and lacked variation in key contextual factors such as changes in leadership or shifts in public opinion.

Finally, this thesis cannot determine causality, only associations, meaning that further research is needed to assess the mechanisms through which these factors causally affect clemency hearing selection outcomes. A more robust dataset that includes a greater number of jurisdictions, spans a longer period of time, and integrates qualitative insights, would be essential for deepening our understanding of clemency decision-making and addressing the significant gaps in transparency, equity, and accountability within the hearing selection process.

Conclusion

This thesis provides an initial examination of factors influencing clemency hearing selection in Washington State. Bivariate findings indicated that petitioners who were older, legally represented, had release plans, or faced severe sentences were more likely to receive hearings, whereas those with sex offense convictions and reports of victim injury appeared to

reduce the likelihood of hearing selection. Although these associations were not significant in the multivariate context, the patterns nevertheless illustrate the discretionary and multifaceted nature of clemency decisions and raise concerns about equity, transparency, and access to legal resources. Addressing these structural barriers through clearer evaluation criteria and institutional supports is essential to foster fairness in clemency processes. Given the dearth of research on clemency hearing selection as well as the exploratory nature of the current study, further research is warranted to better understand clemency decision-making and ensure mercy is applied justly.

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