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## Early Release and Recidivism

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DISCUSSION PAPER SERIES

IZA DP No. 13035

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MARCH 2020

## DISCUSSION PAPER SERIES

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# Early Release and Recidivism

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## ABSTRACT

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### Early Release and Recidivism\*

Does early release decrease or increase the probability that ex-convicts will return to prison? We exploit unique data from Israeli courts, where appearance before the judge throughout the day has an arbitrary component. We first show that judges more often deny parole requests of prisoners appearing further from the judges' last break. We then use this variation in instrumental variable estimations and find that early releases reduce the propensity of prisoners to return to prison. Robustness checks suggest that later and earlier cases are largely comparable and that potential selection is unlikely to explain the results.

**JEL Classification:** D9, K14, K40

**Keywords:** parole, recidivism, early release, sentence length, judges

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# 1 Introduction

Does early release increase or decrease the probability that a convict will return to prison? Understanding how early release affects recidivism is essential to assessing the effectiveness of parole programs, in which prisoners are released before they complete their full prison term (Nagin, Cullen and Jonson, 2009; Nagin, 2013). Yet, theoretically the effect of early release is ambiguous. On the one hand, prisoners can gain crime-specific human capital behind bars or may benefit from rehabilitation programs after release, which would mean that early release can decrease recidivism. On the other hand, prisoners can gather more general human capital by working or studying in prison, which can then serve as a basis for obtaining work after their release. In this case, early release would increase recidivism. Assessing the effect of early release decisions empirically is difficult because these decisions are not random; that is prisoners who receive parole are different from those who do not get released early.

In this paper, we tackle the empirical problem of estimating the causal effect of early release on recidivism by exploiting that judges' decisions can be influenced by extraneous factors. Previous research suggests that tired judges or judges in a bad mood rule more harshly (Cho, Barnes and Guanara, 2017; Eren and Mocan, 2018; Heyes and Saberian, 2019). We exploit judges' apparent sensitivity to the number of cases they have previously decided since their last break, perhaps because of hunger, bad mood, or choice fatigue (Danziger, Levav and Avnaim-Pesso, 2011*a*; Augenblick and Nicholson, 2016). We exploit this behavioral pattern to estimate how early-release decisions driven by extraneous factors affect recidivism. First, we build on previous results by Danziger, Levav and Avnaim-Pesso (2011*a*), who show that judges are less likely to grant parole the more cases they have decided on since their last break. We find a similar, though weaker, pattern with newly collected data from the same setting. Second, we use the ordinal position as an instrumental variable to estimate the effect of early release on recidivism.

We analyze parole decisions made by Israeli judges between 2005 and 2008. We find that a 1 percentage point increase in the probability of obtaining parole reduces the probability of returning to prison by 2013 by 0.6 percentage points. Similarly, a 1-month reduction in sentence length reduces the probability of recidivating by 8 percentage points, while a 1 percentage point reduction in prison time reduces the likelihood of recidivating by 2 percentage

points. As we discuss below, these estimates are in the range of estimates which compare electronic monitoring to incarceration.

These results are important for at least three reasons. First, imprisonment is the main means of punishing criminals. Governments, however, face increasing pressure from rising incarceration rates. In the United States, corrections expenditures increased from 1980 to 2010 more than threefold, from around \$20 billion to more than \$80 billion (Kearney et al., 2014). Early release from prison could be one way to address the growing financial burden. But, in the US, France, and Israel 42% to 46% of prisoners return to prison within 5 years after release. To know whether early release from prison could reduce costs, one needs to consider the likelihood of released convicts returning to prison. The stakes are high given the cost of several hundred thousand dollars for each case of recidivism in the United States and Israel. We provide one of the first estimates of the effect of getting early release through parole on recidivism.<sup>1</sup> We find that early release leads to a lower likelihood of recidivism. One interpretation of our finding is that governments should consider increasing the incidence of early release.

Second, prison conditions matter for prisoner well-being during their time in prison and for their reintegration into society (Chen and Shapiro, 2007; Drago, Galbiati and Vertova, 2011; Mastrobuoni and Terlizzese, 2019). Research across disciplines in the social sciences demonstrates large negative effects of long prison time on human capital (Bayer, Hjalmarsson and Pozen, 2009; Aizer and Doyle, 2015), access to employment (Agan and Starr, 2017), psychological well-being (Johnson Listwan et al., 2010; Fazel and Baillargeon, 2011), health (Fazel and Baillargeon, 2011; Khan et al., 2011), family life (Chui, 2016), and social capital (Morenoff and Harding, 2014). Importantly, these factors are linked to recidivism rates. For instance, worse emotional well-being at the time of release relates to a higher likelihood of recidivism (Baillargeon et al., 2009; Listwan et al., 2013; Tangney, Stuewig and Martinez, 2014). The negative effects of prison time may be larger when prison conditions are worse (Chen and Shapiro, 2007; Drago, Galbiati and Vertova, 2011; Mastrobuoni and Terlizzese, 2019). But, prison overcrowding is commonplace: French and Italian prisons operate at more than 117% and U.S. prisons at 103% of their capacity.<sup>2</sup> Early release from prison

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<sup>1</sup>Similar to in the United States, prisoners on parole in our setting have to check in with the local police on a regular (monthly) basis, have to register their current address, and must not leave the country.

<sup>2</sup>See the regularly updated World Prison Brief based on data from the Institute for Criminal Policy Research for more information on incarceration around the world.

reduces prison crowding with likely positive externalities on current inmates' well-being and probability of reintegration. Recently the Israeli parliament had to pass a law to allow the Israeli Prison Service to release prisoners because of overcrowding. We provide evidence that early release can indeed be a viable option to address prison overcrowding.

Third, the findings highlight the long-run effects of decisions driven by psychological factors. The current literature focuses on the immediate impact of psychological factors in decision making. We show that extraneous psychological factors can generate important long-run externalities. In our and other cases, the impact of psychological factors may be prevented by simple interventions, such as mandating breaks for judges.

In terms of our empirical setting, we examine three potential challenges to our identification strategy pointed out in reaction to a paper by Danziger, Levav and Avnaim-Pesso (2011*a*) that serves as inspiration for our first stage. First, Weinshall-Margel and Shapard (2011) argue that the likelihood of a lawyer being present is higher shortly after a break. We address the concern that lawyer presence drives our results in three ways: (i) by holding lawyer presence fixed and controlling for the interactions between all controls and fixed effects with an indicator variable for lawyer presence, (ii) by reweighting the data according to entropy balancing (Hainmueller, 2012; Athey and Imbens, 2017), and (iii) by splitting the sample into represented and nonrepresented prisoners. The results indicate that lawyer presence does not drive the relationship between ordinal position and parole decisions (see also Danziger, Levav and Avnaim-Pesso, 2011*b*).

Second, Glöckner (2016) argues that judges act rationally and aim to adhere to a certain session length. Such behavior may produce a pattern similar to what we find in the first stage. We test several of Glöckner's predictions and conclude there is little indication that judges aiming at a certain session length is the main reason for the first stage.

Third, we relax the assumption that prisoners and other parties have no control over the ordinal position and that there is no direct effect of the ordinal position. The test results suggest that there would need to be much larger selection on unobservables than observables or a large direct effect for the true effect to be zero. The results seem reasonable, as we have proxies for most factors that judges have to take into account by law. In sum, selection is unlikely to drive the results.

This article contributes to several strands of literature. It contributes to the evidence on the causal effect of early release on recidivism. The literature relies on natural experiments,

such as collective pardons in Italy that released around 40% of the prison population (Drago, Galbiati and Vertova, 2009; Barbarino and Mastrobuoni, 2014). Drago, Galbiati and Vertova (2009) estimate that a 1-month earlier release decreases the recidivism risk by 1.4% relative to the recidivism rate of 11.5%. We surmise that the effect they report is smaller than ours because their data is limited to 7 months post-release, whereas we are able to track prisoners for up to 7 years. Not surprisingly, their recidivism rate of 11.5% is much lower than ours of 42%. Furthermore, a collective release of this size not only affects each prisoner’s future, but also drastically shapes the environment inside and outside of prison by affecting crime, prisoner suicide, politics, and deterrence (Drago, Galbiati and Vertova, 2009; Barbarino and Mastrobuoni, 2014; Campaniello, Diasakos and Mastrobuoni, 2017; Drago, Galbiati and Sobbrío, 2020). In our case, the early-release decision is less likely to have large effects beyond the effect on the prisoner.

An alternative to incarceration is electronic monitoring. Our point estimates are in the range of estimates from using differential rollout of electronic monitoring (Henneguelle, Monnery and Kensey, 2016) or judge leniency as an instrument for electronic monitoring versus incarceration (Di Tella and Schargrodsky, 2013). Henneguelle, Monnery and Kensey (2016) show an 11% reduction in recidivism within 5 years in France and Di Tella and Schargrodsky (2013) document a more than 48% reduction in recidivism within 3 years in Argentina because of electronic monitoring. A key difference from our setting is that convicts under electronic monitoring do not face prolonged prison time. For these convicts the stigma of the conviction may be relatively lower. In our case, the stigma that convicts face is similar for prisoners who are released early and prisoners who are not. They only differ in how much time they spend in prison.

This paper also relates to the literature on the effects of incarceration and sentence length at the start of incarceration. Kuziemko (2013) exploits a practice in the U.S. state of Georgia in which prison terms are assigned by parole boards according to a point system when the prisoners arrive at the prison. She estimates a month less in prison increases the probability of returning to prison within the following 3 years by 1.3 percentage points or 4% relative to the 34% recidivism rate.<sup>3</sup> Several other studies examine the effect of incarceration

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<sup>3</sup>Zapryanova (2017) uses data from the same setting but exploits judge severity as an additional instrument to disentangle the effects of the judge’s originally assigned sentence length from the consequent reduction through a parole board *before* prisoners go to prison. Zapryanova (2017) does not find large effects of substituting ex-ante prison time with ex-ante parole time in addition to the effects of sentence length documented in Kuziemko (2013). Using discontinuities in sentencing guidelines in Michigan, Franco et al. (2019) show



on recidivism with different conclusions. While Bhuller et al. (2020) find lower recidivism rates in Norway, Mueller-Smith (2015) estimates an increase in the frequency and severity of recidivism using data from Texas.<sup>4</sup> In contrast, we focus on early releases conditional on the conviction, rather than on the effect of the original incarceration decision.<sup>5</sup>

Last, this is one of the first studies to exploit behavioral reactions to extraneous factors as an instrumental variable. In a previous application, Ginsburgh and van Ours (2003) show that artists' ranking in the Queen Elizabeth Piano Contest heavily affects their future income. The authors exploit the fact that juries' rankings are influenced by the pianists' random starting positions. Future research could use behavioral reactions to extraneous factors as instrumental variables to study consumer behavior (Levav et al., 2010; Busse et al., 2015), political decision making (Augenblick and Nicholson, 2016; Meier, Schmid and Stutzer, 2019), or crime (Dahl and DellaVigna, 2009; Card and Dahl, 2011). Judicial decisions seem to be particularly well-suited to this investigation: Emotional judges affected by an extraneous loss of their college football team or higher temperatures tend to rule more harshly (Eren and Mocan, 2018; Heyes and Saberian, 2019), are more lenient on birthdays of defendants (Chen and Philippe, 2018), impose longer sentences when they match on first initials with defendants (Chen, 2019), and can be susceptible to the gambler's fallacy (Chen, Moskowitz and Shue, 2016). Researchers could use the documented effects, among others, for evaluations of incarceration.

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in a recent working paper that spending the entire sentence in prison increases the likelihood of recidivism and decreases the likelihood of employment. In contrast, Landersø (2015) finds lower unemployment among convicts with longer sentence lengths due to a change in sentencing guidelines in Denmark. For a review about the state of the evidence on incarceration see Doleac (2019).

<sup>4</sup>These and additional studies exploit random assignment of judges (Kling, 2006; Green and Winik, 2010; Aizer and Doyle, 2015; Dobbie, Goldin and Yang, 2018; Bhuller et al., 2020) or defendants (Abrams, 2011; Mueller-Smith, 2015). Mueller-Smith (2015) discusses the difficulties of applying instrumental variable estimation in such settings. One problem is that judges can rule on multiple dimensions (e.g., sentence length and fine). See Thorley (2015) for an appraisal of whether de jure judge randomization translates to de facto randomization. Correlations of incarceration and recidivism found in a meta-analysis by Gendreau, Goggin and Cullen (1999) suggest a higher likelihood of recidivism after incarceration.

<sup>5</sup>The judges that convict prisoners in our setting are also different from the judges who make the parole decision.

## 2 Data and Setting

### 2.1 Setting

**Incarceration Conditions and Rehabilitation** — The Israeli Prison Service is a government agency with a budget of \$380 million in 2011 that currently runs 32 prisons. The prison population has been growing. It increased from 9,500 prisoners in 2000 to over 21,000 prisoners in 2014 while the population size increased by 30% (World Prison Brief, 2014). This increase was driven by so-called security prisoners, whose share of the prison population rose from around 30% to 40%. Security prisoners have been arrested for nationalistically motivated offenses. The vast majority of prisoners are male. In 2005, women made up 5% of Israeli prisoners (World Prison Brief, 2014), which is equivalent to the share of female prisoners in Northwestern Europe and lower than the 7% in the United States (Bhuller et al., 2020).

Sentence lengths in Israel are shorter than in the United States and longer than in Europe. In our data the median sentence length is 14 months and the average is 21 months. In the United States, the average sentence length is 35 months and in Western Europe 7 months (the comparison figures are based on Bhuller et al., 2020). In spite of the longer sentence lengths, the Israeli Prison Service has only \$17,000 available per prisoner (purchasing power adjusted, in 2011). This is much less than the Western European average of \$66,000 and also smaller than the U.S. average of \$31,000. Israel is comparable to Portugal (\$19,000) and Alabama (\$17,000) in expenditure per prisoner.

Does the low expenditure affect prison conditions? Israeli prisons “generally meet international standards” according to reports by the International Red Cross. However, the United Nations, the U.S. State Department, and the Israeli Public Defenders Office have highlighted problems with medical access, prison facilities, and prisoner rehabilitation.

One of the most important issues is the limited access to health care (see, e.g., the 2017 annual report by the Israeli Public Defenders Office). Prisoners are not integrated into Israel’s typical healthcare system. The Israeli Prison Service is responsible for prisoner healthcare and pays healthcare providers. The Israeli Prison Service can deny healthcare because of budgetary and other reasons. Consequences can include long delays for medical care and subpar medical attention.

Another persistent issue is overcrowding (see the 2004, 2007, and 2017 reports by the Israeli Public Defenders Office for more details). In the 2000s, up to 10 prisoners lived in each cell and shared a combined shower and toilet. The limited space is associated with a lack of sanitation and higher violence. Prisoners have to live in a space of 2 to 3 square meters, which is much less than the 4.5 square meters available to prisoners in other developed countries and mandated by Israeli regulations. As a consequence, the Israeli supreme court has ordered the Israeli Prison Service to improve living conditions and increase space per prisoner. To enable the Israeli Prison Service to adhere to the supreme court ruling, the parliament recently passed a law to allow the Israeli Prison Service to release several hundred prisoners. Other issues include the overuse of solitary confinement, cases of prisoner abuse, and sparse family contact (particularly when family members have to cross a border). Taken together, these issues indicate that Israeli prison conditions appear to be harsher than in Northwestern Europe and, depending on the specific comparison, less harsh than in the United States (see also Dervan, 2011).

Prisoners can welcome visitors every 2 weeks for 30 minutes and have possibilities to exercise, enjoy occasional vacations, and access vocational and occupational training (for more details, see the 2017 report by the Israeli Public Defenders Office). The latter are part of a broad set of programs that encompass addiction, therapy, and work programs. Unfortunately, these programs are only sparsely used and some of the educational programs are accessible only to Hebrew speakers. In 2012, only 1,500 of the more than 20,000 prisoners engaged in education activities.<sup>6</sup> On the whole, only 38% of prisoners engaged in any correctional activities in 2012.<sup>7</sup> One reason for the low share of prisoners participating in rehabilitation could be the lack of social workers in prisons. The number of social workers has been stagnating since the early 2000s in spite of a more than twofold increase in the prison population.

There are programs in place to assist individuals after release from prison. For recently released prisoners who need close supervision, so-called hostels offer up to 1 year of housing and transition programs. Ex-convicts receive 2 months of welfare payments in case of unemployment and receive some support for a job search. Post-release counseling, however, is scarce. Counseling offices are understaffed and counseling opportunities are limited, partic-

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<sup>6</sup>This may be concerning given the 7,000 illiterate prisoners. Similarly, only 1,000 of the 7,000 prisoners with drug problems were being treated.

<sup>7</sup>In 2000 to 2005 this rate seems to have been higher, as around 40% of prisoners had some sort of work.

ularly in Arab areas (see the 2014 State Comptroller Report). Moreover, prisoners cannot keep the earnings from work they do in prison, which may hamper reintegration.<sup>8</sup> There have been initiatives to improve prison conditions and extend and evaluate prison rehabilitation programs, but during the time period we study, conditions in prisons were not ideal.

**Incarceration and Recidivism Rates** — The Israeli context resembles the European and US contexts in some, but not all dimensions. A key difference is that Israel has higher incarceration rates than countries in Northwestern Europe but lower rates than in the United States (Figure A.1). In 2006, Israel had an incarceration rate of just over 300 prisoners per 100,000 inhabitants. The rate is higher than the population-weighted average incarceration rate of around 100 in Northwestern Europe and lower than the U.S. rate of around 700.<sup>9</sup>

Israel is comparable to the United States and France in the rate of ex-prisoners who return to prison, see Figure A.2 (Fazel and Wolf, 2015).<sup>10</sup> Over the years 2005–2008, for which we have data, recidivism rates over 5 years are around 42% in Israel. The U.S. recidivism rate is 45% in the years 2005–2010, and France reports a recidivism rate of 46% in 2002. In sum, Israel has a larger prison population than European countries. In terms of recidivism rates, Israel is similar to France and the United States.

**Parole Law** — In Appendix E we provide a translation of the “Release on Parole Law,” which outlines the information the judge has to take into account when ruling, as well as additional information on the rules governing early release from prison and violations of parole (see, e.g., “13. Terms of Probation”). Prisoners can apply for parole after serving two thirds of their sentence in prison. Accordingly, the modal sentence reduction amounts to one third of the original sentence length. Usually prisoners can apply for a parole hearing if they were sentenced to 6 months or more.

The judge decides on whether to free a prisoner. The parole board consists of a judge and two experts (in criminology, social work, psychology, psychiatry, or education), as well as a member of the Israeli Prison Service. The judge can choose to consult with the board

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<sup>8</sup>They can spend the money only in the prison canteen.

<sup>9</sup>There was an increase in the prison population in Israel in 2006 that is attributable to an increase in security prisoners, possibly because of the second intifada (Ganor and Falk, 2013).

<sup>10</sup>Because there is only very limited information on recidivism rates across countries, we show the rates of all countries that reported 5-year reimprisonment rates in Fazel and Wolf (2015).

**Table 1: Factors the Judge Has to Take Into Account by Law**

Category	Specific Considerations	Proxy Variables for Categories
I. Severity of the Offense	(1) Severity of the Offense (2) Pending Indictments	Severity of the Crime, Sentence Length
II. Criminal Record	(3) Prior Convictions (4) Prior Board Hearings <sup>+</sup> (5) Commutation of Previous Sentences	No. of Incarcerations
III. Prisoner Behavior	(6) Prisoner Behavior (7) Expert Opinion	Categorization of Behavior
IV. Rehabilitation Plan	(8) Rehabilitation Plan* (9) Probation Service Opinion*	Plan for Rehabilitation Indicator
V. Personal Information	(10) Demographics	Ethnicity, Gender

*Note:* See Appendix E, Release on Parole Law Section 9, Consideration of the Board, for more details. The numbers in brackets in the table refer to the corresponding subparagraphs. The document was translated from Hebrew by a translator. \*Has to be taken into account only if available. <sup>+</sup>We drop cases that are about reconsidering previous decisions of the parole board, which limits the relevance of this factor for our analysis.

members, but ultimately the judge makes the decision on the parole petition.<sup>11</sup> If the judge grants early release, the prisoner can leave the prison shortly after. In our data, the median prisoner with an early release left the prison within 4 days and 95% of prisoners with an early release left the prison within 27 days of the parole hearing. Prisoners must not commit another crime with a sentence longer than 3 months, must register their current address, must not leave the country, and must check in with the police once a month.<sup>12</sup>

By law the judge must assess a prisoner’s merit for parole based on five main factors (see Table 1): the severity of the offense, the criminal record, behavior in prison, the potential for participation in a rehabilitation program if released, and personal information. Lawyers and court personnel who observe the actual practice think that the first four factors are the most relevant for a ruling (Danziger, Levav and Avnaim-Pesso, 2011a). The data contain proxy variables for most of the factors the judge has to consider by law.

<sup>11</sup>Single judges make the decision in the common law legal system of Israel. This is in contrast to U.S. courts with juries. For more information see [https://www.rotenberglaw.co.il/\\_Uploads/dbsAttachedFiles/The\\_Judiciary\\_The\\_Israeli\\_Court\\_System.pdf](https://www.rotenberglaw.co.il/_Uploads/dbsAttachedFiles/The_Judiciary_The_Israeli_Court_System.pdf).

<sup>12</sup>If a prisoner violates the parole terms and winds up back in prison, it is difficult to apply for parole again.

## 2.2 Data

An attorney who was not aware of the research question collected the data by hand from original case files for the years 2005, 2006, and 2008.<sup>13</sup> The data cover decisions by a parole board that handles approximately 40% of the parole petitions in Israel. The data are from the same setting as the data in Danziger, Levav and Avnaim-Pesso (2011a), but newly collected and more comprehensive.

Our original data set contains 2,360 cases handled by nine judges. Official reports note that a parole board handles 30 cases on average per day, which corresponds to the number of cases per day in our data. The share of early releases granted is 42%, which is more than the 33% in the official data over the years 2005, 2006, and 2008.<sup>14</sup> A likely reason for this discrepancy could be that security prisoners are usually not released early and are not in our sample. When we scale the share of early releases in the official data by the share of security prisoners of roughly 30%, the share of prisoners released early in our sample of 42% is similar to the 43% implied by the official data.

We restrict the data for the analysis. We exclude 779 cases in which the decision was postponed to a later date because of administrative reasons and 91 cases in which the decision was agreed on beforehand between the lawyer and the prosecution. We concentrate on the 1,036 cases in which the judge ruled on a new parole request. We therefore exclude 454 cases in which the decision was about a change in the imprisonment conditions or about reversing an earlier parole decision. We further drop cases in which the judge did not grant parole but the prisoner file indicated a reduction in sentence length and cases in which the judge had granted parole but the official record showed no reduction in sentence length. We drop 76 cases for which we have no data on recidivism and 36 cases for which we do not know the reduction in sentence length.<sup>15</sup> Finally, we drop outliers with a prison sentence longer than 8 years (43 cases, or 5%). One reason is that prisoners sentenced to 8 years or more do not have access to some rehabilitation programs in prison, which may impact their likelihood of

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<sup>13</sup>Because of the delicate nature of the case files, the authors had to sign a confidentiality agreement with the courts giving assurance that the collected data would not be distributed. The data were collected when time constraints permitted collection, which means that the cases in the data are from a quasi-random set of dates. Prisoner's names were redacted from the data by the attorney before the authors obtained it.

<sup>14</sup>The official statistics come from the 2015 report by the Israeli Prison Service on recidivism of prisoners released in 2008: <https://www.gov.il/he/departments/guides/mamrim?chapterIndex=12>.

<sup>15</sup>Unfortunately, we do not have data on whether prisoners were still on trial.

getting parole and their recidivism rates.<sup>16</sup> We consider the results including these long-term prisoners in Section 5.

The resulting data set contains 804 rulings. It covers parole requests handled on 82 days in the years 2005, 2006, and 2008 from 17 prisons in Israel. The data also include information on whether an ex-convict went back to prison before 2013.<sup>17</sup>

Summary statistics of the resulting data seem comparable to official statistics. The recidivism rate in our data is 42% (with an average time to recidivism of 4 years) and the recidivism rate over 5 years is 42% based on official statistics for the same years. In both data sets, prisoners obtaining an early release have a lower likelihood of returning to prison (see Figure A.3 for the official statistics in 2005, 2006, and 2008).<sup>18</sup> Prisoners serving the full prison term recidivate with a likelihood of 49.9% in our data and 46.7% according to official statistics. In contrast, prisoners getting an early release recidivate with a probability of 36.7% in our data and 30.6% based on official statistics. Similarly, recidivism rates are higher for prisoners with two incarcerations than for those with one incarceration in our data (44% vs. 31.7%) and in the official statistics (42% vs. 25.9%).

In addition to information about recidivism and the verdict, the data summarize the information that the judges had in the case file and which they should rely on by law. Note that we do not have protocols from the hearings themselves, where specific mitigating circumstances may have been discussed.

Table A.1 gives the descriptive statistics. Our data include the number of incarcerations including the current incarceration<sup>19</sup> (*avg.* = 2.2), the gravity of the crime committed<sup>20</sup> (*avg.* = 3), the number of months convicted (*avg.* = 21, *median* = 14), whether the prisoner was represented by a lawyer (*avg.* = 0.4), the presence of a rehabilitation program if granted parole, ethnicity, gender, and behavior in prison. More than half of the prisoners are released early. The modal sentence reduction is one third of the original sentence length because prisoners can petition for parole after they have served two thirds of their original sentence.

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<sup>16</sup>The Israeli Prison Service does not give prisoners sentenced to more than 7 years access to drug and alcohol rehabilitation programs (see the State Comptroller Annual Report for the fiscal year 2012).

<sup>17</sup>For some cases, the data on recidivism were collected in 2012.

<sup>18</sup>The level differences are consistent with level differences observed in France for releasing prisoners on “semi-liberty” (Monnery, Wolff and Henneguelle, 2020).

<sup>19</sup>We replace nine missing values for incarceration with the mode, which is one incarceration.

<sup>20</sup>A highly experienced judge, two criminal attorneys, and two experienced prison wardens independently ordered the gravity of offense for the seven classes of crimes committed. Ordering was identical for the five experts and ranged from misdemeanor (1) to felony (7); see also Danziger, Levav and Avnaim-Pesso (2011*a*).

This corresponds to a 3.6 month reduction in sentence length on average (for the distributions of the reduction as a percentage and in months, see Figure A.4). In addition, our data include the name of the lawyer and the prison of origin for a subset of cases.

Judges take up to two food breaks, for a snack (usually between 10 am and 12 pm) and lunch (usually between 1 pm and 3 pm). The breaks split the day into three decision sessions. The breaks are at the discretion of the judges, and the judges are not aware of the cases that follow each break. We are interested in the ordinal position of each case within the resulting 224 decision sessions. The ordinal position indicates the distance of a parole request from the last break, or if in the beginning of the day, from the arrival of the judge. The ordinal position indicates the case position taking into account all cases heard by the judge.<sup>21</sup> The first case takes a value of 1 (for the distribution of the ordinal position, see Figure A.5).

### 3 Empirical Strategy

**Ordinal Position and Parole Decisions** — We exploit variation in parole decisions captured by the ordinal position of cases. Figure 1 depicts the timing of events. The probability of getting parole decreases according to the ordinal position of a case since the last break of the judge (see Figure 2). The relationship is substantially smaller than in Danziger, Levav and Avnaim-Pesso (2011*a,b*), but still sizable.<sup>22</sup> A lucky prisoner who appears before the judge early has an up to 20 percentage point higher likelihood of getting parole. Mechanically, the percentage reduction in prison time and the reduction in prison time in months also decrease by ordinal position (see Figure B.1). In turn, the early release may affect the probability of an ex-convict reoffending.

**Figure 1: Timing of Events**



<sup>21</sup>The count includes postponements of the decision to later dates, cases in which an agreement between lawyers and judges was reached beforehand, decisions on a change in sentence conditions, and decisions on reversing earlier parole decisions.

<sup>22</sup>Danziger, Levav and Avnaim-Pesso (2011*a*) find a reduction of the parole likelihood from roughly 60% to less than 10%. In our case, we observe a reduction from 60% to around 30%. One reason for the discrepancy could be that we include the full range of observations, whereas Danziger, Levav and Avnaim-Pesso (2011*a*) exclude the last 5% of cases at the end of a session.



**Psychological Mechanisms** — Why are ordinal position and parole decision related? Danziger, Levav and Avnaim-Pesso (2011*a*) suggest that the effect they observe is consistent with judges showing mental fatigue although they did not explicitly test this explanation (Vohs et al., 2008). Arguably, fatigued judges opt for the status quo, which keeps prisoners behind bars (Danziger, Levav and Avnaim-Pesso, 2011*a*). Levav et al. (2010) report similar choice patterns consistent with mental fatigue in the context of luxury car purchases. Indeed, psychologists have shown that cognitive performance declines because of mental fatigue when individuals engage in a single task (Randles, Harlow and Inzlicht, 2017). Even comparatively short tasks can lead to fatigue effects. Augenblick and Nicholson (2016) find that voters are more likely to opt for the status quo as the number of ballot positions they have already decided on increases. In sum, evidence from various settings and disciplines suggests that a form of mental fatigue could drive the observed pattern.<sup>23</sup>

Other psychological factors that might also contribute to an effect of ordinal position include general fatigue, mood changes, and hunger. Several papers show an effect of tiredness on performance: Cho, Barnes and Guanara (2017) exploit daylight savings time to show that judges rule more harshly if sleepy, Pope (2016) shows marked declines in student test performance in the afternoon, and Sievertsen, Gino and Piovesan (2016) document that students perform worse on tests later in the day.<sup>24</sup> With respect to mood, Eren and Mocan (2018) show that judges whose college football team lost rule more harshly and Heyes and Saberian (2019) show judges are less lenient on hot days. In addition, Chen, Demers and Lev (2018) document that executives’ and analysts’ mood deteriorates throughout the day. Ashton (2015) finds hungry individuals make less patient decisions and Ballard et al. (2017) show that hunger leads to lower activation of cortical structures used for systematic information

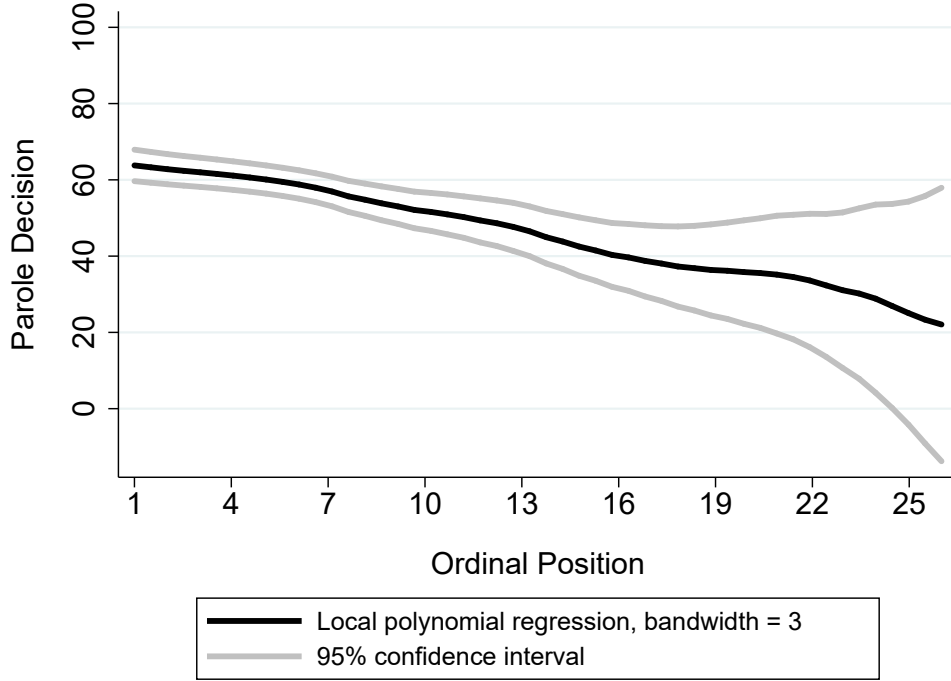
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<sup>23</sup>Daljord, Urminsky and Ureta (2017) assess whether the relationship between ordinal position and parole decision in Danziger, Levav and Avnaim-Pesso (2011*a*) is consistent with the predictions of a specific formal model of status quo theory developed by Daljord, Urminsky and Ureta (2017). The authors replicate the main patterns observed in the original data examined by Danziger, Levav and Avnaim-Pesso (2011*a*), including the lack of a correlation between prisoner characteristics and ordinal position. They argue, however, that the results are not entirely compatible with their status quo theory because the conditional propensity to grant parole given the ordinal position increases with the likelihood of having granted parole to the last prisoner (a pattern that we observe, too). Yet, the authors state that they are not able to test alternative psychological explanations, such as other forms of fatigue, tiredness, anger, or hunger, that could generate the observed pattern (Daljord, Urminsky and Ureta, 2017).

<sup>24</sup>Previous research has also shown that rulings are more inconsistent when judges face a high workload (Norris, 2018).

processing.<sup>25</sup> Although several mechanisms responsible for order effects may be at work, the specific mechanism that affects judges' decision making is not relevant to the interpretation of our results as long as it does not relate to prisoners' unobservable characteristics.<sup>26</sup>

**Figure 2: Ordinal Position and the Likelihood of Getting Parole**



*Note:* The figure shows the estimated likelihood of getting parole (black line) and the corresponding 95% confidence interval (gray lines). The estimates stem from the Epanechnikov kernel function (bandwidth = 3.0) based on 804 cases.

**Assignment of the Ordinal Position** — A feature of the setting is that the ordinal position is not under the precise control of prisoners or lawyers. Four factors characterize the institutional setting:

First, the cases were treated according to the arrival time of vans from the prisons with some consideration of the arrival time of lawyers if prisoners were represented. Because of

<sup>25</sup>Several papers document large effects of emotions on behavior and economic preferences; see, e.g., Card and Dahl (2011); Cohn et al. (2015); Meier (2019). Another explanation could be that judges make less moral decisions when tired: Kouchaki and Smith (2014) and Dickinson and McElroy (2017) show that subjects taking part in experiments late in the day make less moral or altruistic choices.

<sup>26</sup>Plonsky et al. (2019) raise one more possibility: contrast effects could induce serial correlation in judicial decision-making. In their setting, asylum court judges decide on up to 5 cases per day. They find that judges are less likely to grant asylum to earlier applicants. This is at odds with our first stage, which could be due to differences in the decision-context, the judges, or the number of cases the judges decide on. We hope that future research examines more closely which cognitive or emotional processes are at work and how they differ by context.

traffic or departure delays from the prisons, it is plausible that the arrival time of vans was not under sufficiently precise control of any of the involved parties to sort within a decision session.

Second, lawyers were unlikely to know when, exactly, judges would take food breaks. The breaks were difficult to predict because of the variance in their timing. Also, lawyers had no knowledge of the number of cases preceding their own (Danziger, Levav and Avnaim-Pesso, 2011*a,b*). In addition, lawyers would have had to plan for the vans' arrival from the prison to attain a specific ordinal position. Note that these considerations are only relevant for the roughly 40% of prisoners who are represent by a lawyer.

Third, lawyers and prisoners did not have an incentive to sort for a higher likelihood of getting parole. Lawyers, members of the parole boards, and court clerks did not know of the effect of the ordinal position on rulings, according to survey responses (Danziger, Levav and Avnaim-Pesso, 2011*a,b*). They expected that judges, adhering to factors specified in the parole law, would base their decision on whether the prisoner had an approved rehabilitation program, the number of incarcerations, the severity of the offense, and the sentence length (Danziger, Levav and Avnaim-Pesso, 2011*a*).

Fourth, judges were not aware of any details of the upcoming cases. They received a case file directly before the ruling. Therefore, judges were not aware of the details of upcoming cases when deciding on whether to take a break. In sum, the institutional setting seems to provide a valid natural experiment. We discuss potential threats to identification, such as sorting into ordinal position and a nonmonotonic impact of ordinal position on the likelihood of getting parole in Section 5.

**Instrumental Variable Estimation** — We exploit the variation in early release with instrumental variable estimation. In the first stage we regress three indicators for early releases  $y_i$  on the ordinal position  $OrdinalPos_i$ .  $OrdinalPos_i$  is the number of the ordinal position of the case. The early releases  $y_i$  are captured by the parole decision, which is 100 if parole was granted and 0 otherwise, the percentage point reduction in prison time, or the reduction in the number of months in prison.<sup>27</sup> We estimate the following baseline specifications for the first and second stage:

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<sup>27</sup>We use 100 instead of 1 for granting parole since it reduces the need for decimals in the tables.

$$y_i = \delta_{judge-lawyer} + \lambda_{session-lawyer} + \gamma_{day-lawyer} + \alpha OrdinalPos_i + X_i' \beta + \varepsilon_i \quad (1^{st} \text{ stage})$$

$$Recidivism_i = \delta_{judge-lawyer} + \lambda_{session-lawyer} + \gamma_{day-lawyer} + \mu \hat{y}_i + X_i' \beta + \varepsilon_i \quad (2^{nd} \text{ stage})$$

For both stages, we control for judge-lawyer presence fixed effects,  $\delta_{judge-lawyer}$ , decision session-lawyer presence fixed effects (i.e., three decision sessions  $\times$  lawyer presence),  $\lambda_{session-lawyer}$ , day of week-lawyer presence fixed effects,  $\gamma_{day-lawyer}$ , and the following controls  $X_i'$ : a dummy indicating whether a lawyer was present, gravity of offense dummies, number of incarcerations, a dummy indicating whether the prisoner would be able to take part in a rehabilitation program after the release, nationality, gender, sentence length in months according to the original decision, dummies for the behavior in prison (not available, negative, or positive), and dummies for missing values of the variables. We also include interaction terms of each control with lawyer presence.

We use the predicted values  $\hat{y}_i$  from the first stage for whether parole was granted, the size of the sentence reduction in percentage points, or the reduced prison time in number of months in the second stage. The estimate for  $\mu$  then gives us the effect of an early release, as captured by the three variables.<sup>28</sup>

We include controls and fixed effects to alleviate concerns about selection. The controls summarize the information presented to the judge in the case file, which the judge has to consider by law (see Table 1). Lawyers and court personnel think that these are the most relevant factors for a ruling (Danziger, Levav and Avnaim-Pesso, 2011a). We use interaction terms with lawyer presence because lawyer presence correlates with the rulings of the judges.<sup>29</sup>

We use ordinary least squares (OLS) for estimation because of the granular fixed effects included and the instrumental variable estimation. To account for temporal correlation in

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<sup>28</sup>We also estimate the reduced-form relationship as follows:

$$Recidivism_i = \delta_{judge-lawyer} + \lambda_{session-lawyer} + \gamma_{day-lawyer} + \alpha OrdinalPos_i + X_i' \beta + \varepsilon_i, \quad (\text{reduced form})$$

<sup>29</sup>Our results are robust to dropping the lawyer presence interactions; see Appendix C.

decision making by a judge within a day, the standard errors account for clustering on judge–date.

## 4 Main Results

**Instrumental Variable Estimates** — Table 2 shows the estimates for the second stage and the OLS estimates. Table 3 gives the estimates for the first stage. For the first stage, we use the ordinal position as an instrument for the parole decision, the percentage point reduction in sentence length, and the months less spent in prison. For the second stage, we estimate the effect of the measures of an early release on recidivism.

**Table 2: Early Release and Recidivism, Second Stage**

Dependent Variable	Recidivism {0,100} – Avg.: 42%					
	(1) OLS	(2) IV	(3) OLS	(4) IV	(5) OLS	(6) IV
Parole Decision	-0.12** (0.06)	-0.64** (0.26)				
Percentage Reduction in Sentence Length			-0.37** (0.18)	-2.06** (0.85)		
Reduction in Sentence Length in Months					-0.24 (0.56)	-8.06** (3.76)
Judge–Lawyer FE	X	X	X	X	X	X
Session–Lawyer FE	X	X	X	X	X	X
Day–Lawyer FE	X	X	X	X	X	X
Controls	X	X	X	X	X	X
Observations	804	804	804	804	804	804
Judge–Date Clusters	88	88	88	88	88	88

*Note:* The table shows the estimated effect of the instrumented indicators for early release on the propensity to recidivate in percentage points using two-stage linear least squares. It also gives the uncorrected ordinary least squares (OLS) estimates. IV uses the predictions from the first stage with the ordinal position as the instrument. Standard errors (in parentheses) are based on clustering at the judge–date level.

\*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < 0.01$

Early release reduces recidivism. Table 2 shows that a 1 percentage point increase in the probability of getting parole reduces recidivism by 0.6 percentage points (see column 2). Column 4 shows that a 1 percentage point reduction in sentence length leads to a 2 percentage point decrease in recidivism. A 1-month reduction in sentence length reduces the propensity to return to prison by 8 percentage points, as shown in column 6. The results are

**Table 3: Early Release and Recidivism, First Stage**

Dependent Variable	Parole Decision {0,100} – Avg.: 58%	Percentage Reduction [0,92) – Avg.: 17%	Reduction in Months [0,33] – Avg.: 3.57
	(1)	(2)	(3)
Ordinal Position	-1.38*** (0.32)	-0.43*** (0.10)	-0.11*** (0.03)
Judge–Lawyer FE	X	X	X
Session–Lawyer FE	X	X	X
Day–Lawyer FE	X	X	X
Controls	X	X	X
Observations	804	804	804
Judge–Date Clusters	88	88	88
R-squared	0.46	0.47	0.56

*Note:* The table shows the estimated first stage effect of the ordinal position captured by the number of the ordinal position on three indicators for an early release using linear least squares. Standard errors (in parentheses) are based on clustering at the judge–date level.

\*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < 0.01$

similar when we use the number of minutes passed since the last break or an indicator for the first three cases as instrumental variables (see Tables B.1 and B.2).

The OLS estimates are smaller than the instrumental variable estimates. This could be because of selection or because instrumental variable estimation identifies the effect on compliers instead of the effects on the whole population. Compliers are prisoners at the margin of getting parole, for whom getting parole may be particularly important.<sup>30</sup> As previous research has shown, prison time in general puts tremendous strain on health and social ties (Fazel and Baillargeon, 2011; Khan et al., 2011; Morenoff and Harding, 2014). The relative reduction in sentence length is substantial as the modal early release is one third of the original prison term. In light of the issues with prisoner health care, overcrowding, and rehabilitation in Israeli prisons, it seems plausible that the marginal prisoner strongly benefits from reduced prison time.

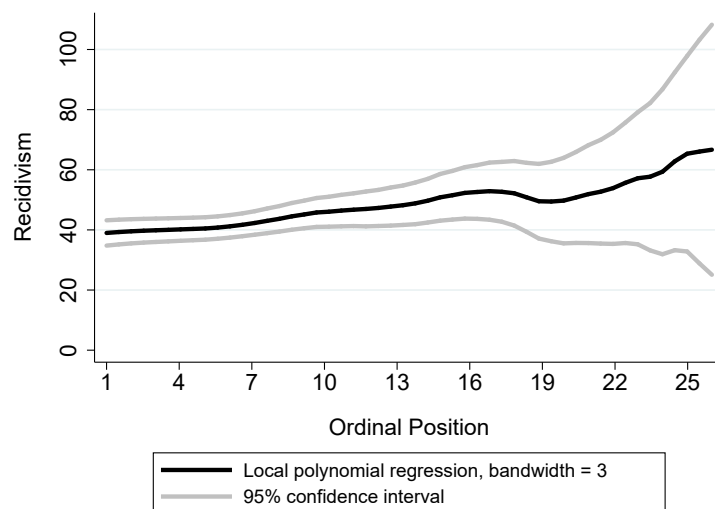
The point estimates are comparable to estimated effects of electronic monitoring when compared to incarceration. Exploiting differential rollout of electronic monitoring in France, Henneguelle, Monnery and Kensey (2016) document a 6 to 7 percentage point reduction in recidivism over 5 years, which corresponds to an 11% reduction. The average sentence length

<sup>30</sup>Unfortunately, it is not possible to identify compliers. It may be possible to identify subgroups that are more likely to be compliers (Bhuller et al., 2020), but because of the sample size, this is not feasible in our setting.

for electronic monitoring in their sample is 5 months. Di Tella and Schargrotsky (2013) report a 48% reduction in recidivism after a prisoner receives a more lenient judge who opts for electronic monitoring instead of incarceration. The reduction corresponds to an 11 to 16 percentage points reduction off a 22% recidivism rate over an average of 3 years of follow-up. In their case, prisoners face an average of 14 months on electronic monitoring instead of harsh prison conditions in Argentina. The larger effect in Di Tella and Schargrotsky (2013) compared to Henneguelle, Monnery and Kensey (2016) may be explained by longer sentence lengths and differences in prison conditions. Electronic monitoring differs in that the time spent incarcerated is minimal, but as in the case of an early release, prisoners can move pretty freely and engage in activities they desire. It thus seems sensible that our estimates are in line with the estimated effects of electronic monitoring.

Table 3 shows the first stage estimates. A later position leads to a lower likelihood of an early release. The smallest  $t$  value is 3.7. Accordingly, the  $t$  values are larger than the rule-of-thumb threshold for weak instruments of  $t = 3.2$  or  $F = 10$  (Stock and Yogo, 2005).

**Figure 3: Ordinal Position and Recidivism**



*Note:* The figure shows the estimated propensity to recidivate (black line) and the corresponding 95% confidence interval (gray lines). The estimates stem from the Epanechnikov kernel function (bandwidth = 3.0) based on 804 cases.

**Table 4: Ordinal Position and Recidivism**

Dependent Variable	Recidivism {0,100}		
	Avg.: 42%		
	(1)	(2)	(3)
Ordinal Position	1.11*** (0.36)	1.04*** (0.37)	0.89** (0.36)
Judge–Lawyer FE		X	X
Session–Lawyer FE		X	X
Day–Lawyer FE		X	X
Controls			X
Observations	804	804	804
Judge–Date Clusters	88	88	88
<i>R</i> -squared	0.01	0.08	0.16

*Note:* The table shows the estimated effect of the ordinal position on the propensity to recidivate in percentage points using ordinary least squares (OLS). Ordinal Position indicates the case number since the last break. Standard errors (in parentheses) are based on clustering at the judge–date level. \*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < 0.01$

**Reduced-Form Estimates** — We show the reduced-form relationship between the ordinal position and recidivism in Figure 3. A higher ordinal position leads to a higher probability of recidivism.

The relationship prevails conditional on fixed effects and controls. Table 4 shows the reduced-form estimates. If a prisoner appears one case later, the probability of returning to prison is 0.9–1.1 percentage point higher (see columns 1–3). The effects are stable across specifications, which supports our claim of exogeneity of the ordinal position. We consider the last argument in more detail in our robustness checks.

**Three-Stage Least Squares** — The above model does not fully capture the timing of events. A reduction in sentence length occurs only if a prisoner gets parole. The instrumental variable estimates do not account for this dependency. We therefore also estimate three-stage least squares (3SLS) in Table B.3.

First, we regress parole on ordinal position. Next, we use the prediction for the parole decision in the second stage to predict the reduction in either percentage points or sentence



length in months. In the third stage, we use the prediction of these reductions to estimate the effect of the size of the sentence reduction on recidivism, assuming that there is no direct effect of the ordinal position on the reduction in sentence length except through parole. We present evidence consistent with this in Section 5. The results from 3SLS are similar in magnitude to the two-stage instrumental variable estimations. For instance, a 1 percentage point reduction in sentence length reduces the likelihood of recidivism by 2 percentage points, which is equivalent to the estimates of the main specification.

**Incapacitation** — Figure B.2 shows the relation in distance in years between the year of recidivism and the parole decision year according to the parole hearing outcome. Unfortunately, we were able to obtain this information for only 314 individuals. We observe that individuals who get parole recidivate earlier than individuals who do not get parole. A 1 percentage point increase in the likelihood of getting parole instrumented by ordinal position leads to a 0.04-year ( $se = 0.02$ ) decrease in the length of time before recidivism conditional on all fixed effects and controls. However, while ex-convicts with early release are (almost mechanically) more likely to recidivate earlier, they do so at a lower rate, as our main results indicate.

## 5 Robustness Checks

**Variants of Fixed Effects** — We assess the sensitivity of our estimates to a variety of fixed effects in the second stage and in the first stage (see Tables C.1 and C.2). We show the results for instrumented parole decision and reduction in sentence length in months. The results are equivalent for the estimates with the percentage point reduction in prison time.

Weinshall-Margel and Shapard (2011) argue that the prison of origin could play a role in the ordinal position. For instance, some prisons may be overrepresented in earlier versus later sessions. But including fixed effects for the prison of origin and a fixed effect for missing prison of origin does not alter the first- or second-stage estimates substantially.

In addition, the estimates also barely change if we include fixed effects for the number of cases the prisoner’s attorney handles in our sample period or if we include judge-specific trends. The point estimates are within the confidence intervals of the main estimates, but less precise, if we use fixed effects for each of the 224 judge–session–date combinations together

with controls. This mainly tests whether we exploit within- or across-session variation. It is a very demanding specification and therefore it is not surprising that the second-stage estimates are less precise. For instance, a 1 percentage point increase in the likelihood of getting parole reduces the likelihood of recidivating by 0.48 ( $se = 0.27$ ) percentage points. The size of the coefficient estimates — which are similar to the main estimates — suggests that a substantial share of the variation we exploit stems from within judge-session-date variation rather than from across-session variation. In the last specification we use all fixed effects and controls but drop the interaction of the fixed effects and controls with lawyer presence. The resulting estimates are larger than the estimates from our main specification.

**Placebo Test: Randomized Ordinal Position** — Could it be that the relationship between ordinal position and parole decisions is spurious, for example, because of the distribution of the ordinal position variable? We randomly reassign the ordinal position across cases 500 times to test whether the first stage relationship between the ordinal position and the probability of getting parole is spurious. Each time, we estimate the baseline specification with all fixed effects and controls. This results in a placebo distribution of effect sizes. We then compare the coefficient estimate of the true ordinal position with the distribution of the placebo estimates. While we expect small effects of the randomly assigned ordinal position, we expect a large effect of the true ordinal position.

The estimate of the treatment effect of the true ordinal position is large when compared to the empirical distribution of placebo estimates (see Figure C.1). The empirical  $t$  distribution is centered at zero and seems to have slightly larger tails than the theoretical  $t$  distribution, but the distribution is well behaved overall. The test indicates a nonspurious effect of the ordinal position.

**Sensitivity of Coefficient Estimates to Single Clusters** — Young (2019) highlights that instrumental variable estimates can be sensitive to small changes in the data, such as dropping a single cluster of observations. We examine whether this is a concern in our setting. Figures C.2 and C.3 show the coefficient estimates and corresponding  $t$  value distributions when either dropping each cluster once or dropping a random 10% sample of observations. All coefficient estimates are smaller than zero and indicate a sizable effect of early release on recidivism. Jackknife estimates of the standard errors (which are based on dropping each

cluster once) confirm the visual impression (see Tables C.3 and C.4). The estimated standard errors indicate statistical significance on the first and second stages.

**Decision to Delay the Ruling** — Judges not only can grant or deny parole but also can delay the ruling to a later date. This may lead to a violation of the exclusion restriction, as the ordinal position could have a direct effect on recidivism through impacting the decision to delay (Mueller-Smith, 2015).

We observe that the share of delays, like the share of denied parole petitions, increases with the ordinal position (see Figure C.4).<sup>31</sup> Unfortunately, we do not have information on the outcomes of delayed decisions. However, it seems highly likely that a delayed decision means a weakly longer prison term. The reasons are that prisoners can only be released after the hearing and are usually released for their remaining sentence. To address the concern that delays could bias the estimates, we therefore estimate the first and second stages categorizing the decision to delay as “no parole.” Table C.5 shows that the estimated effects of early release lie within the confidence intervals of our main estimates (see Table C.6 for the corresponding first stage).

**Heterogeneity** — We may be concerned that some prisoners actually benefit from appearing before the judge late. This would be a violation of the monotonicity assumption. We split the sample according to the median values of the number of incarcerations, months convicted, and gravity of offense. We also split it according to good and bad behavior. The first stage estimates are negative for 9 of 10 subsamples (see Table C.7). Only one statistically insignificant and arguably small estimate has a positive sign. We therefore cannot reject the monotonicity assumption. The estimates reveal a stronger relationship of ordinal position with the probability of getting parole for prisoners with a higher number of incarcerations, longer sentences, and worse behavior. The pattern could potentially be worrisome, as it indicates judges’ psychological state matters more among already worse-off prisoners.

Using the sample with prisoners convicted for more than 8 years, we estimate a weaker first stage for the effect of ordinal position on the reduction in sentence length (see Table C.8). The reason is that there are some prisoners who got large sentence reductions in higher ordinal positions. Table C.9 shows the second-stage results based on all prisoners for the outcomes

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<sup>31</sup>Some decisions to delay need not be parole decisions, however, we do not have information on which decisions to delay concern other types of rulings.

for which we have a strong first stage. The results are similar for the effect of parole and the reduction in sentence length as a percentage on recidivism.

In Table C.10 we show the results when we restrict the sample to individuals who had their parole hearings in 2005 or 2006 and therefore drop the 20 cases from 2008. We also drop individuals from the sample who recidivated after 7 years, which we observe almost exclusively for parole decisions in 2005. Accordingly, the table shows the effects on recidivism up to 6 years after release. We find slightly smaller coefficient estimates than in the main sample. However, the estimates point in the same direction and lie within the confidence intervals of the main results.

## 6 Alternative Explanations

First, we examine whether prisoners select into ordinal position based on when they apply for parole, and we assess the comparability of later and earlier cases with balance tests. Taken together, 11 of 12 variables are balanced across ordinal position, yet we find that prisoners with higher ordinal positions are less likely to be represented by a lawyer. Additional checks suggest, however, that this does not drive our results. Second, we consider the endogeneity of breaks. Third, we relax the assumption of randomness of the ordinal position and check the robustness of our estimates to two different sets of identifying assumptions.

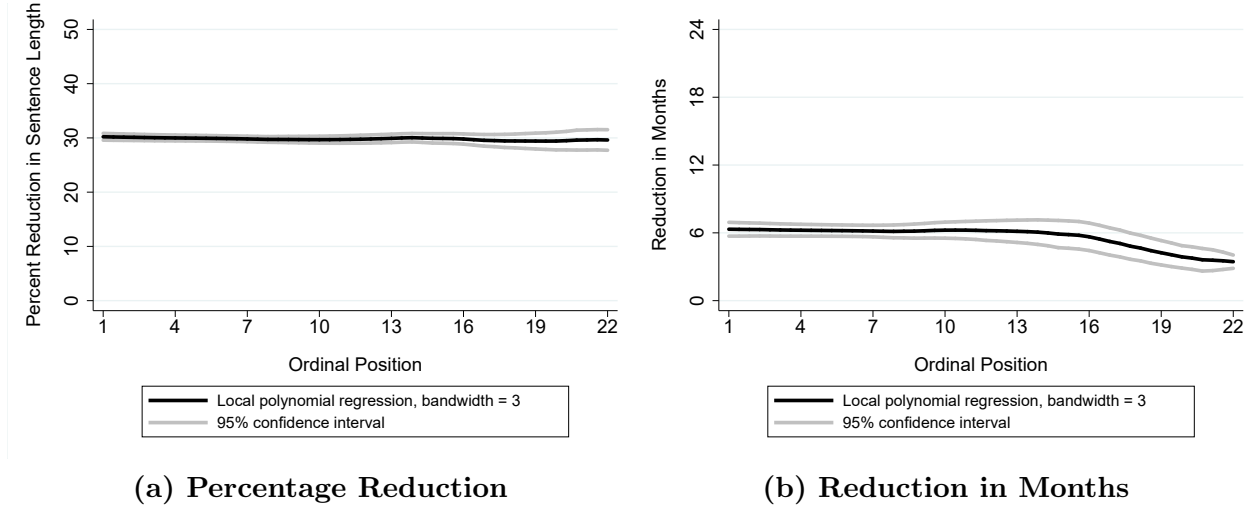
### 6.1 Selection of Prisoners

One alternative explanation for the first stage relationship is a selection of prisoners into ordinal position. In particular, prisoners with worse prospects for parole might appear before the judge later in the day. The evidence we present adds to the extensive quantitative and qualitative evidence in Danziger, Levav and Avnaim-Pesso (2011*a,b*) on the validity of the first stage.

**Selection of Prisoners Based on the Timing of Applying for Parole** — Judges, in most cases, grant parole for the remaining third of the sentence. What if there was a large effect of the ordinal position on the length of parole conditional on the parole decision? This would imply a selection of prisoners into an ordinal position. For instance, there could be a selection of prisoners into when they apply for parole during their sentence. Therefore,

in the absence of large selection effects, we predict no sizable relationship between ordinal position and the reduction in sentence length conditional on getting an early release.

**Figure 4: Reduction in Sentence Length Conditional on Getting an Early Release**



*Note:* The figure shows the estimated size of the sentence reduction (black line) and the corresponding 95% confidence interval (gray lines). The estimates stem from the Epanechnikov kernel function (bandwidth = 3.0) based on 804 cases.

Consistent with this prediction, we do not find a strong relationship between ordinal position and the reduction in sentence length in months or percentage conditional on an early release (see Figure 4). We also estimate small and statistically insignificant effects of the ordinal position on the size of the reduction in regressions (see Table D.1). The results are similar when we drop prisoners who received a 33% reduction in prison time.

**Selection of Prisoners Based on Ex-Ante Observables** — In a next step, we check whether ordinal position relates to the control variables. A relationship between several variables and the ordinal position points to a selection of prisoners.

We examine variables across the ordinal position with nonparametric regressions. We examine most of the variables that the law requires judges to take into account when ruling (Danziger, Levav and Avnaim-Pesso, 2011*a,b*): the number of incarcerations, sentence length at conviction, gravity of offense, and behavior in prison. We plot these and six other variables against ordinal position in Figure 5. Table D.2 presents the linear regression results including all fixed effects.

Two results merit attention. First, of all balance tests, only 1 of 12 variables is not balanced across ordinal position (also counting the reduction in sentence length tests above).

The one imbalance is that prisoners appearing later have a lawyer less often; see also Weinshall-Margel and Shapard (2011). For the other variables, a joint  $F$  test indicates little explanatory power of the variables conditional on fixed effects (see Table D.3). Second, the gravity of offense might be lower for prisoners at a higher ordinal position. While the second result leads to a potential bias toward zero of the effect of early release, the first relationship could be a driver of the estimated effect of early release.

**Lawyer Presence** — Do prisoners with no lawyer representation at the end of the sessions drive the results? This is unlikely given that we include interactions of the control variables and fixed effects with lawyer presence and in light of qualitative evidence from surveys. Lawyers’ survey responses indicate that they had no incentive to sort into an ordinal position to change the likelihood of getting parole (Danziger, Levav and Avnaim-Pesso, 2011*a,b*).

Note that a prisoner with a lawyer is 18 percentage points ( $se = 3$ ) more likely to get parole conditional on controls and fixed effects.<sup>32</sup> This could be the effect of having a lawyer per se or of being a person who gets a lawyer.<sup>33</sup> We therefore explore whether our results are driven by lawyer presence with two tests.

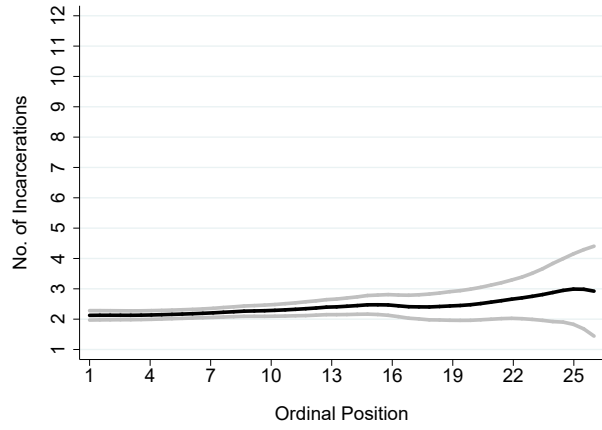
For the first test, we use entropy balancing as proposed by Hainmueller (2012). The idea is to get balance in covariates by weighting observations. That is, we reweight the data such that there is no imbalance remaining of lawyer presence across ordinal position. Hainmueller proposes that one should then use the weights that minimize differences in covariates in regressions. This reduces bias caused by potential selection (Hainmueller, 2012; Athey and Imbens, 2017). Accordingly, we first weight each observation such that there is no discrepancy across control and treatment groups in covariates (we exclude the interaction terms with lawyer presence). Thereby, an indicator variable for the first three cases serves as our treatment variable. Second, we test whether the reweighting works. We regress the dummy that indicates the presence of a lawyer on the indicator variable for the first three cases using the weights. We find no relationship of the dummy for the first three cases, with  $\beta_{balanced} = 0.03$  ( $se = 0.04$ ). This effect is small compared to the results from the regressions without weights where the coefficient is  $\beta = 0.17$  ( $se = 0.04$ ). Finally, we use the weights in

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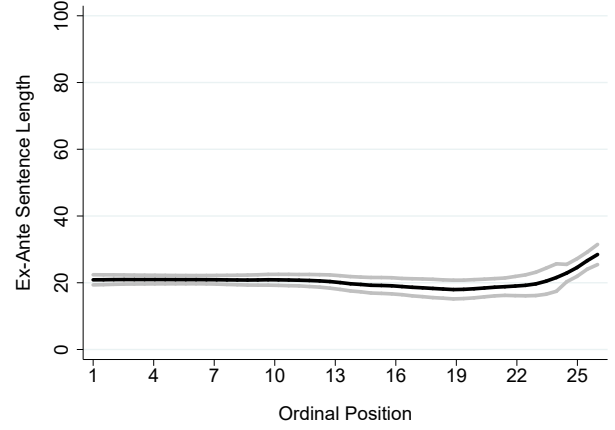
<sup>32</sup>Lawyer presence relates to only a -0.6 percentage point ( $se = 3.9$ ) lower probability of recidivating conditional on controls and fixed effects.

<sup>33</sup>Each prisoner can apply for a free lawyer and the application is then assessed on the basis of need.

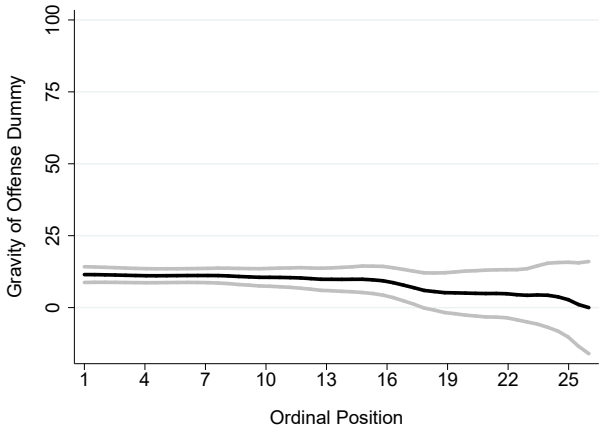
Figure 5: Balance Tests, Nonparametric



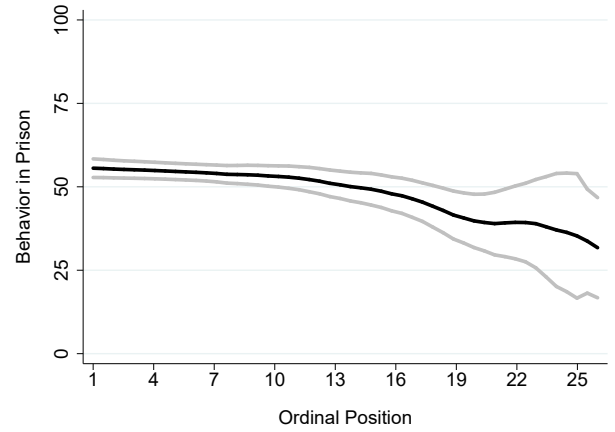
(i) Incarcerations



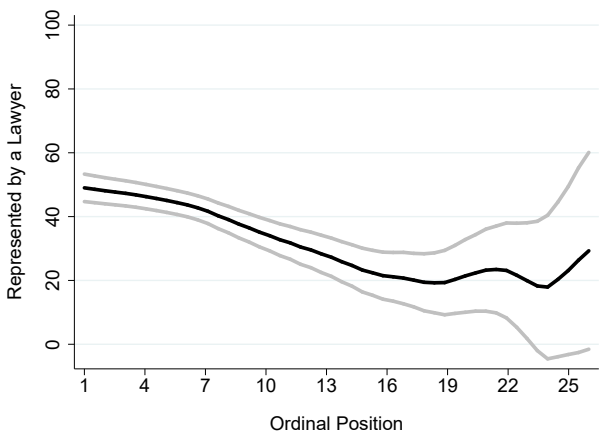
(ii) Ex-Ante Sentence Length



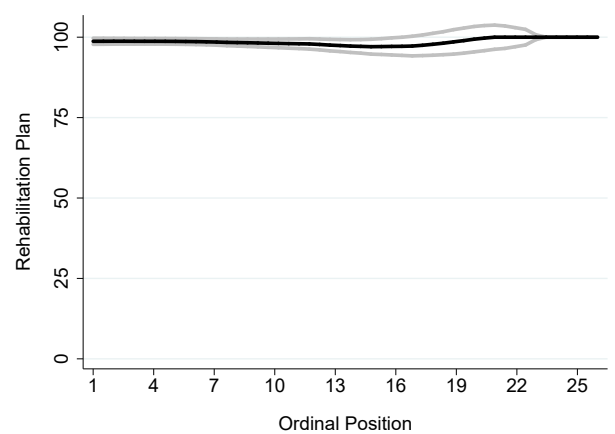
(iii) Gravity of Offense



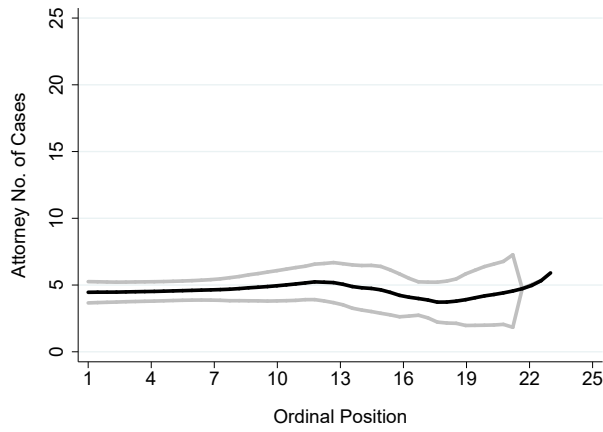
(iv) Behavior in Prison



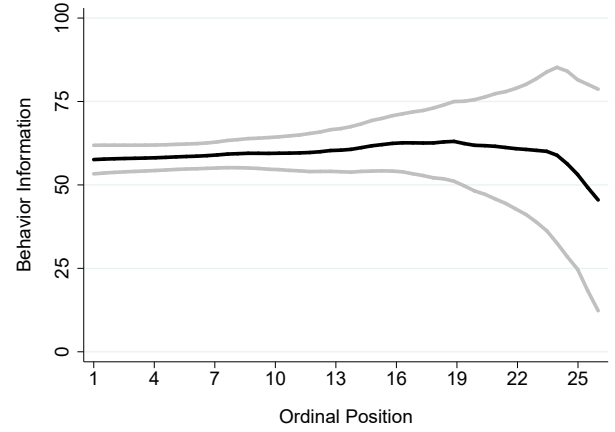
(v) Represented by a Lawyer



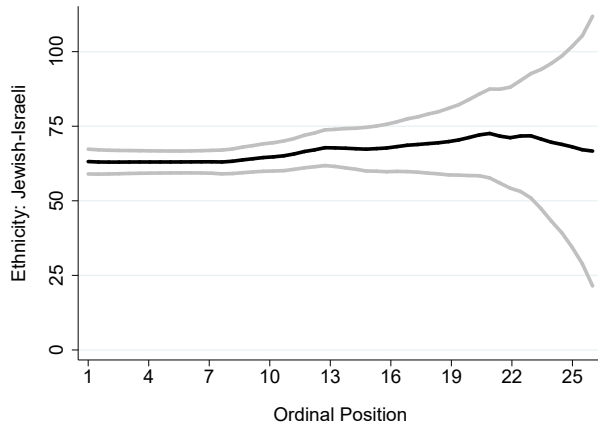
(vi) Rehabilitation Plan



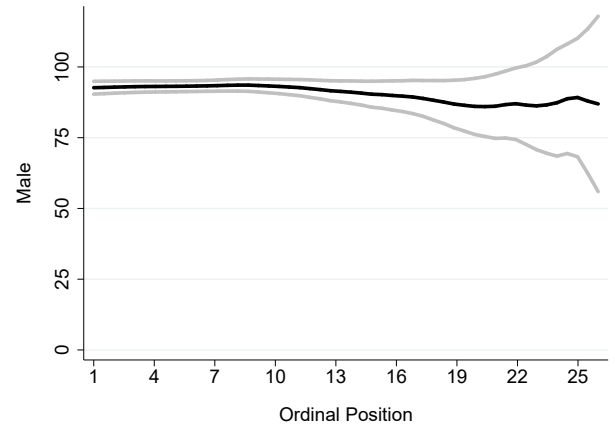
(vii) No. of Cases of Attorneys



(viii) Information on Behavior



(ix) Ethnicity



(x) Gender

*Note:* Each graph shows the average value of the dependent variable (black lines) and the corresponding 95% confidence interval (gray lines) plotted against the ordinal position. The estimates stem from the Epanechnikov kernel function (bandwidth = 3.0). Gravity of offense here takes the value 100 if the gravity was higher than 3 and 0 otherwise. The corresponding figure looks similar when using all information. No. of cases of attorneys refers to the total number of cases we observe in the data for each attorney. Behavior in prison is 100 if the prisoner behaved well, 50 if the information was not available, and 0 if the prisoner behaved badly. We drop observations with missing values for whether a rehabilitation plan is in place and ethnicity. The resulting graphs are based on 802 observations. We know the number of cases of the attorney for 331 cases (panel vii).



the instrumental variable regressions. The estimates are within the confidence intervals of the main results with the unweighted data (see Tables D.4 and D.5).

For the second test, we split the sample according to whether a lawyer was present, exploiting only variation given representation. The point estimates are negative and sizable across represented and nonrepresented prisoners. We show the second and first stages for nonrepresented prisoners in Tables D.6 and D.7. Tables D.8 and D.9 show the estimates for represented prisoners. The estimates in the second stages are imprecise because we drop half of the sample, but they point in the same direction as the main results. We estimate the smallest effect of a 1-month reduction in sentence length on recidivism for the sample of prisoners represented by a lawyer ( $\beta = -6.21$ ,  $se = 4.95$ ). The effects of parole and percentage reduction in sentence length on recidivism are similar across groups and when compared to the main results. The additional results suggest that lawyer presence is unlikely to drive the estimates.

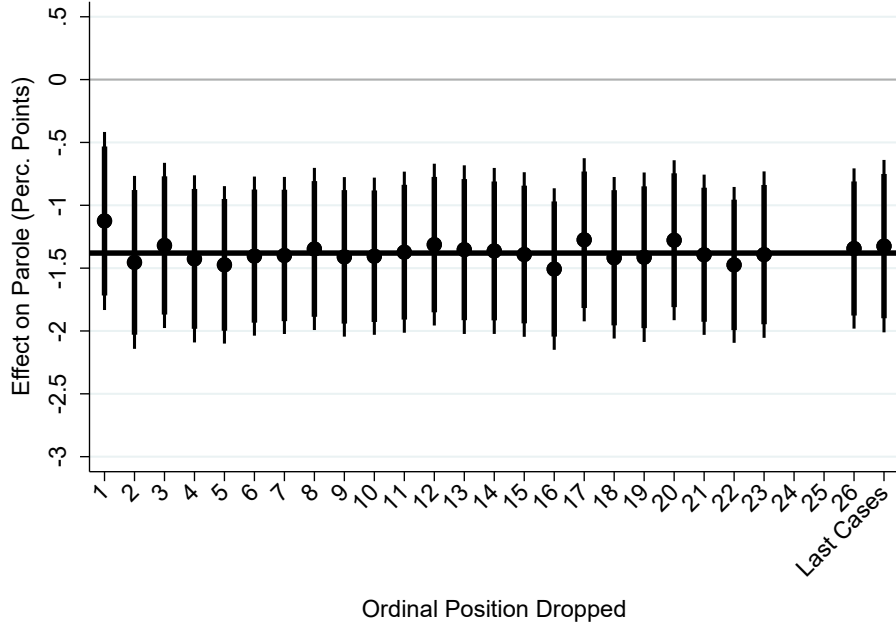
## 6.2 Endogenous Breaks

Judges may take breaks depending on the length of the upcoming case. Our institutional setup largely prevents this. But, it might be possible if the judges follow a stopping criterion to reach a specific session length and therefore stop after short cases to prevent taking a long case before their break (Glöckner, 2016). Glöckner also argues that there might be a relationship between early releases and ordinal position if there is autocorrelation in judges' decisions in combination with judges having some target for the duration of a session. In that case, complex rulings at the end of a session would shift to the first position of the next decision session.

If Glöckner's (2016) argument holds, we should observe longer cases at the beginning of the session rather than at the end. To assess this, we plot the case length against the ordinal position in Figure D.1. We do not find any stark contrasts between earlier and later cases in terms of time of deliberation. The regression coefficient of the ordinal position on case length conditional on all controls and fixed effects is 0.04 ( $se = 0.16$ ). In the following, we focus on the robustness of the first stage relationships, which lies at the core of Glöckner's argument.

If the estimates are driven by endogenous breaks, the estimates should be close to zero in the first stage when we drop the first few or last few cases, according to simulations by

**Figure 6: Effect of the Ordinal Position on Parole Conditional on Dropping an Ordinal Position**



*Note:* The figure shows the coefficients for the effect of ordinal position on parole conditional on dropping a specific ordinal position or the last cases from the sample. The point estimates are shown by the black dots. The 90% confidence intervals are shown by the thick lines and the 95% confidence intervals by the thin lines. The horizontal black line shows the baseline estimate. There are no coefficient estimates for dropping ordinal position numbers 24 and 25 since we do not have these positions in our final data set. Last cases refers to any last case, no matter the ordinal position the case had.

Glöckner (2016). We use several checks to test whether the last cases drive our results. First, we drop each ordinal position. Figure 6 shows that the results do not depend on single ordinal positions or on the last cases. Second, we drop the first three cases and the last three cases separately. Table D.10 shows smaller point estimates than our main estimates but the estimates remain large and negative.<sup>34</sup> In a similar vein, it could be that the last few minutes in a session drive the effect (Glöckner, 2016). Our first stage results are similar in size when we drop the last 5 minutes of each decision session while keeping all of the first cases irrespective of their distance to the end of the session (see Table D.10).

If judges shift cases according to case length it implies that case length and ordinal position contain similar information (Glöckner, 2016). That is, judges stop after short cases at high ordinal positions to avoid taking up a long case. To test this, we include the case

<sup>34</sup>The corresponding estimates in the second stage are slightly smaller in magnitude and more imprecisely estimated due to the loss of power.

length of the previous case as a control variable in the first stage. We assign the case length of the last case to every case within the day-judge combinations. For the first case of every day we assign a case length of 0 to the previous case.<sup>35</sup> The first stage relationships are equivalent to the main results when holding constant the case length of the previous case (see Table D.11). Relatedly, Glöckner (2016) predicts smaller relationships if the number of minutes since the break is used instead of the ordinal position. The first stage estimates, however, are statistically significant at  $p < 0.01$  when using the number of minutes since the last break. The second-stage estimates are equivalent to the estimates when using the ordinal position variables as an instrument (see Tables B.1 and B.2).

Another argument is that judges' decisions correlate across ordinal position for reasons other than fatigue (Glöckner, 2016). For instance, judges could aim to make a certain quota. We explore this in two ways. First, we control for the share of positive rulings up to this point within the day (see Table D.12). Second, we control for whether the last parole decision was positive or negative (see Table D.13). Across the board, all first stages remain sizable.<sup>36</sup>

### 6.3 Relaxing the Strict Exogeneity Assumption

**Lower Bounds Estimates** — The above discussion of alternative explanations largely ignores the concern that prisoners could sort on unobservables. For most factors the judge has to take into account by law, we include proxy variables (see Table 1). But there may be unobservables that affect our estimates. For example, an unobservable would be that prisoners with fewer pending indictments could be more likely to appear before the judge early in a session. Other examples would be a more favorable expert opinion on the behavior of the prisoner or the rehabilitation plan. In the worst case, selection like this would lead us to overestimate the effect of early release on recidivism.

How large could the bias be? We use two methods to explore this question. First, we use a method by Oster (2019) that allows us to estimate the lower bound of the reduced-form and first stages, as well as a selection parameter quantifying how large selection on unobservables would have to be for the actual effect to be zero. Second, we use an approach proposed by

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<sup>35</sup>Dropping first cases does not affect our conclusions.

<sup>36</sup>The second-stage coefficients are all negative and sizable though sometimes imprecisely estimated due to variation absorbed by the controls.

Conley, Hansen and Rossi (2012) for checking the sensitivity of our estimates to a direct effect of ordinal position on recidivism.

**Table 5: Sensitivity of the Estimates to a Potential Violation of the Exclusion Restriction I**

	First Stage Dependent Variable						Reduced F.	
	Parole D.		Perc. R.		Months R.		Recidivism	
	(1)		(2)		(3)		(4)	
	$\beta^*$	$\delta$	$\beta^*$	$\delta$	$\beta^*$	$\delta$	$\beta^*$	$\delta$
Ordinal Position	-1.06	3.28	-0.33	3.22	-0.09	3.54	0.79	5.41
Observations	804	804	804	804	804	804	804	804

*Note:* The table shows lower bound estimates of the effect,  $\beta^*$ , and the selection parameter,  $\delta$ , which indicates how much more of the selection would have to be explained by unobservables rather than observables for the true effect to be zero. The parameters are estimated with Oster’s (2019) method. Parole D. refers to parole decision; Perc. R. refers to percentage reduction in prison length; Months R. refers to the reduction in sentence length in months. Standard errors specified for the estimation are clustered on the judge–date level. The estimates are based on a comparison of the R–squared including all controls and fixed effects (as in the main results) with the R–squared without any controls and fixed effects.

Oster (2019) shows that the causal effect can be bound using the reaction of the estimate to the inclusion of controls and fixed effects — given that the controls are informative about unobservables. This seems reasonable in our setting because variables such as sentence length or gravity of offense are most likely correlated with unobservables such as the number of pending indictments. If the effect size does not vary much with the inclusion of controls compared to the increase in the variation explained, the  $R^2$ , it is unlikely that the bias caused by unobservables is large (Oster, 2019).<sup>37</sup> We have to make an assumption on the attainable  $R^2$  in our setting to apply Oster’s (2019) method. We follow Oster’s (2019) proposition to assume an attainable  $R^2$  of 1.3 times the  $R^2$  of the specification with controls and fixed effects.<sup>38</sup>

On the basis of this assumption we estimate two parameters:  $\delta$  and  $\beta^*$ . Parameter  $\delta$  indicates how much larger the selection on unobservables would have to be, compared to the

<sup>37</sup>Bhuller et al. (2020) use a similar reasoning in the context of random judge assignment.

<sup>38</sup>Oster shows that more than 90% of the results from randomized controlled trials survive this threshold, while less than 60% of the results from observational data survive. Since the experimental results are most likely causal estimates, Oster suggests using the experimental results as a benchmark and choosing the maximal attainable  $R^2$  such that 90% of the experimental results survive.

selection on observables, for the true causal effect to be zero. Parameter  $\beta^*$  gives the lower bound estimate of the causal effect assuming that the selection on unobservables is weakly smaller than the selection on observables ( $\delta \leq 1$ ).

In Table 5 we show  $\beta^*$  and  $\delta$  for the first stage and for the reduced form. The lower bound estimates lie within the confidence interval of the main estimates. The smallest  $\delta$  is 3.2, which means that the selection on unobservables would have to be more than 3.2 times larger than what we capture with the observables for any of the causal effects to be zero. Since we include controls for most factors that judges have to take into account by law, selection on unobservables seems unlikely to explain the main results.

In addition, we assess the sensitivity of our estimates using a method developed by Conley, Hansen and Rossi (2012), who show that instrumental variable estimates can be bound with an assumption about the extent of the violation of the exclusion restriction. We assume that a potential direct effect picked up by the instruments,  $\gamma$ , is  $0 \leq \gamma \leq 1/3 \times \beta$ . We take  $\beta$  as the reduced-form effect of the ordinal position in Table 4.<sup>39</sup> We estimate that even if a third of the reduced-form effect of these variables is because of a direct effect, the upper bound of the coefficient estimate is still below zero for both instruments and all endogenous variables (see Table D.14). In sum, even if the exclusion restriction was violated, our estimates suggest sizable negative causal effects of early releases on recidivism.

## 7 Conclusion

Prison populations are increasing worldwide, an increase that is accompanied by an increase in economic and social costs. A remedy could be early release from prison on parole. To assess the viability of this remedy, one needs to assess the effect of early release on later criminal behavior. We examine the effect of early release on recidivism using variation in parole decisions driven by extraneous factors. We find that early release reduces the likelihood of recidivism.

Assessing the effect of early release on recidivism is difficult. Researchers cannot simply randomize early releases from prison. We propose a novel way to identify causal effects: extraneous factors as instruments. We think that this approach is widely applicable because

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<sup>39</sup>We follow Satyanath, Voigtländer and Voth (2017) in the implementation and Clarke and Matta (2018) with respect to the estimation.

experts, such as judges, make important decisions that are influenced by plausibly irrelevant factors (DellaVigna, 2009).

Judges decide on the freedom of prisoners. In spite of their power, they are still human and prone to the influence of factors such as temperature, sports game outcomes, or fatigue (Chen, Moskowitz and Shue, 2016; Cho, Barnes and Guanara, 2017; Eren and Mocan, 2018; Heyes and Saberian, 2019). We first replicate the finding that judges are less likely to grant early release after they have already decided many cases (Danziger, Levav and Avnaim-Pesso, 2011a). We then identify the effect of early release on recidivism by exploiting the case ordering as the instrumental variable. Our results indicate that prisoners who appear before the judge later and are less likely to get early release are more likely to return to prison. The results are consistent with the notion, among others, that convicts build up crime-specific human capital behind bars and the criminogenic effect of subpar prison conditions (Chen and Shapiro, 2007; Drago, Galbiati and Vertova, 2011; Mastrobuoni and Terlizze, 2019; Mueller-Smith, 2015).

Our findings have important policy implications for governments and judiciaries. Our results imply that judges should release a prisoner when they are close to being indifferent between ruling for early release versus further incarceration. Moreover, when statistical algorithms support rulings of judges (Kleinberg et al., 2018; Stevenson and Doleac, 2019), our estimates could provide a relevant input for the decision of granting parole.

Governments face increasing cost from correctional measures and prison overcrowding. In light of our findings, governments may want to increase the incidence of early release on parole. More early releases may help address three issues: the growing number of prisoners, prison overcrowding, and high recidivism rates. Recidivism rates may be reduced not only because of a lower likelihood of recidivism for released prisoners, but also because of a reduction in overcrowding, which may improve remaining inmates' well-being and their likelihood of reintegration.

Governments have multiple options to increase the incidence of early release: collective pardons, mandating breaks for judges, changing sentencing guidelines, targeted early release programs, and heightening the importance of parole boards (see, e.g., Drago, Galbiati and Vertova, 2009; Kuziemko, 2013). As a complement or a substitute it may be effective to extend rehabilitation programs in prison to further improve prisoners' chances of reintegration (Bhuller et al., 2020). For assessing the options it is key to also understand the externalities

of these policies, such as the causal impact of reducing overcrowding and potential deterrence effects (Nagin, 2013). We leave assessments of overall effectiveness to future research.

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# Early Release and Recidivism

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## Appendix

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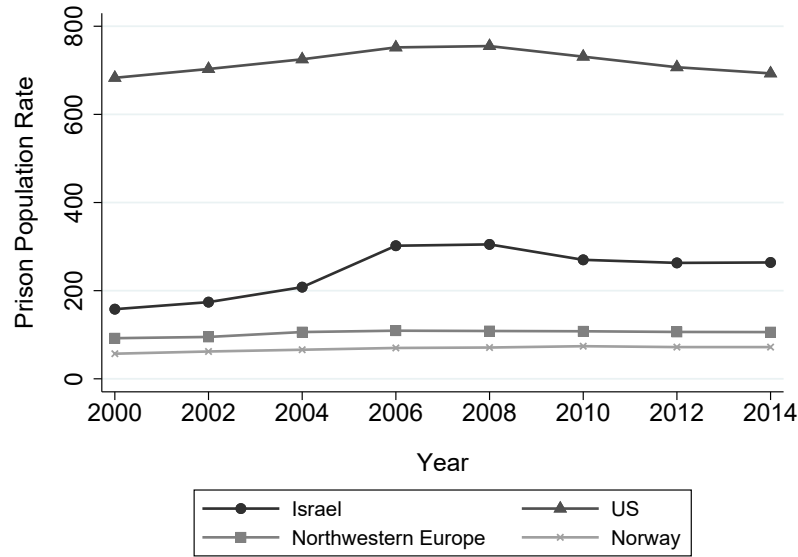
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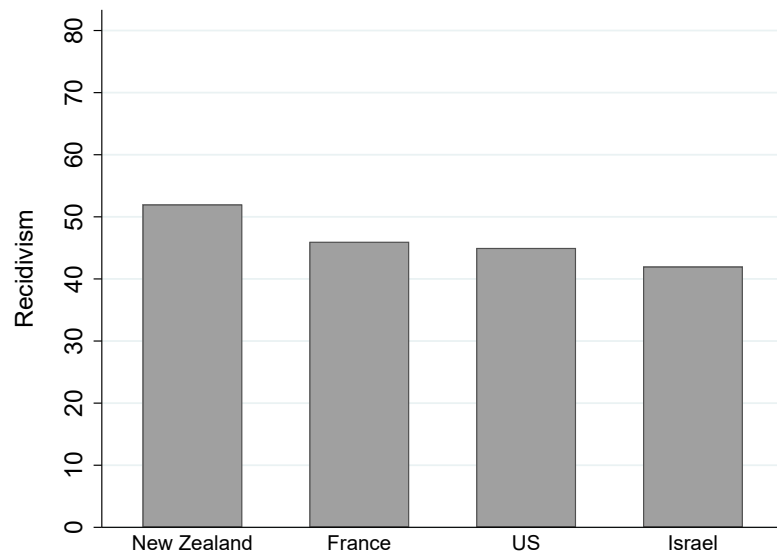
## A Data and Setting

Figure A.1: Incarceration Rates in Israel, Northwestern Europe, and the US



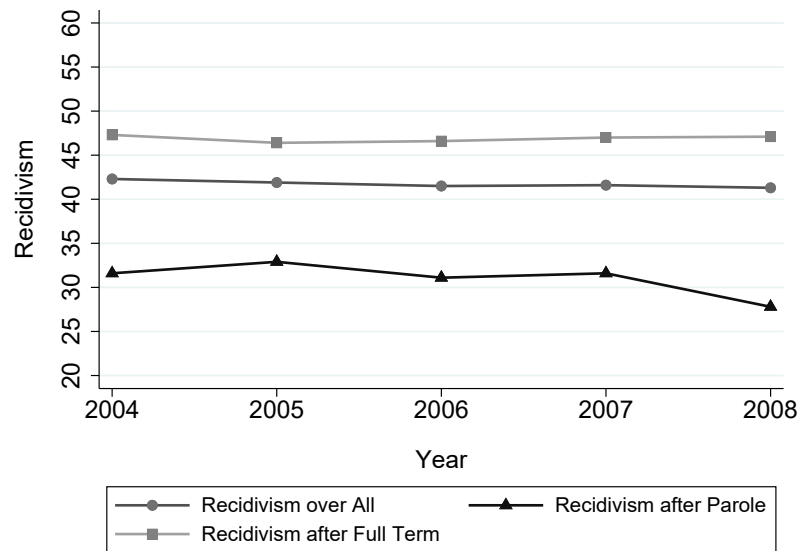
*Note:* Incarceration rates based on data from the Institute for Criminal Policy Research. The time series for Northwestern Europe represents a population weighted average of Austria, Belgium, Denmark, Finland, France, Germany, Ireland, the Netherlands, Norway, UK (England and Wales, Scotland), Sweden, and Switzerland. The increase in incarceration rates in Israel comes from an increase in the share of security prisoners in 2006 from 32 to 40 percent (Ganor and Falk, 2013).

Figure A.2: Comparison of Recidivism Rates



*Note:* Recidivism refers to returning to prison within 5 years after release. The selection periods are 2002–2003 for New Zealand, 2002 for France, 2005–2010 for the US, and 2004 for Israel. The data comes from Fazel and Wolf (2015).

**Figure A.3: Early Release and Recidivism Across Years**



*Note:* Recidivism rates based on the 2015 report by the Israeli Prison Service on recidivism of prisoners released in 2008: <https://www.gov.il/he/departments/guides/mamrim?chapterIndex=12>.

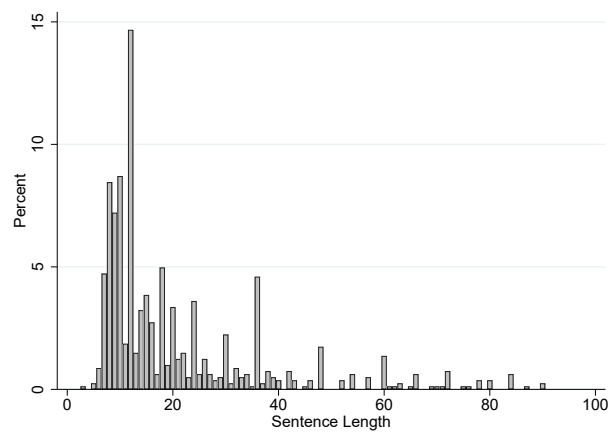


**Table A.1: Descriptive Statistics**

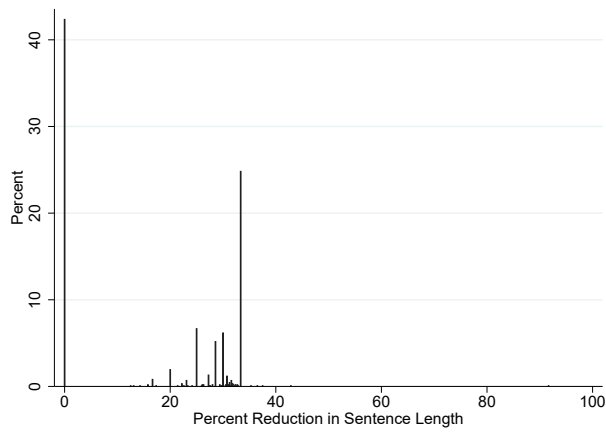
Variable	Mean	SD	Min.	Max.	N
<i>Dependent Variables</i>					
Recidivism	42.29	49.43	0	100	804
Parole Decision	57.59	49.45	0	100	804
Percent Reduction in Sentence Length	17.28	15.38	0	92	804
Reduction in Sentence Length in Months	3.57	5.07	0	33	804
<i>Main Independent Variable</i>					
Ordinal Position	5.87	4.56	1	26	804
<i>Covariates</i>					
Gravity of Offence	3.04	0.56	1	7	804
No. of Incarcerations	2.21	1.86	1	12	804
Rehabilitation Program Planned	0.99	0.12	0	1	803
Sentence Length	20.78	16.56	3	90	804
Represented by a Lawyer	0.42	0.49	0	1	804
No. of Cases by Attorney	4.62	6.32	1	24	332
Behavior in Prison	0.54	0.32	0	1	804
Jewish-Israeli	0.64	0.48	0	1	803
Male	0.93	0.26	0	1	804

*Note:* We use a dummy for the missing values in case of ethnicity and rehabilitation program. The number of incarcerations statistics cover 9 observations where missing values were replaced by the modus, which is one incarceration (the sample is mostly comprised of first time offenders and incarceration also counts the current incarceration). Behavior refers to an ordinal variable where 1 refers to good behavior in prison, 0 refers to bad behavior in prison, and 0.5 refers to no information available. We use dummies for each realization in the regressions. We have 4 missing values for the attorney. We only include the 95% of cases with a conviction of less than 8 years (96 months) which is equivalent to dropping 43 observations.

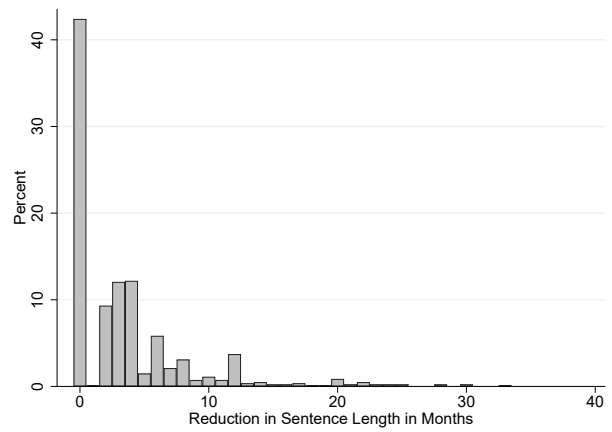
**Figure A.4: Histograms of Sentence Length, Reduction in Sentence Length in Percent, and Reduction in Sentence Length in Months**



**(a) Sentence Length in Months**



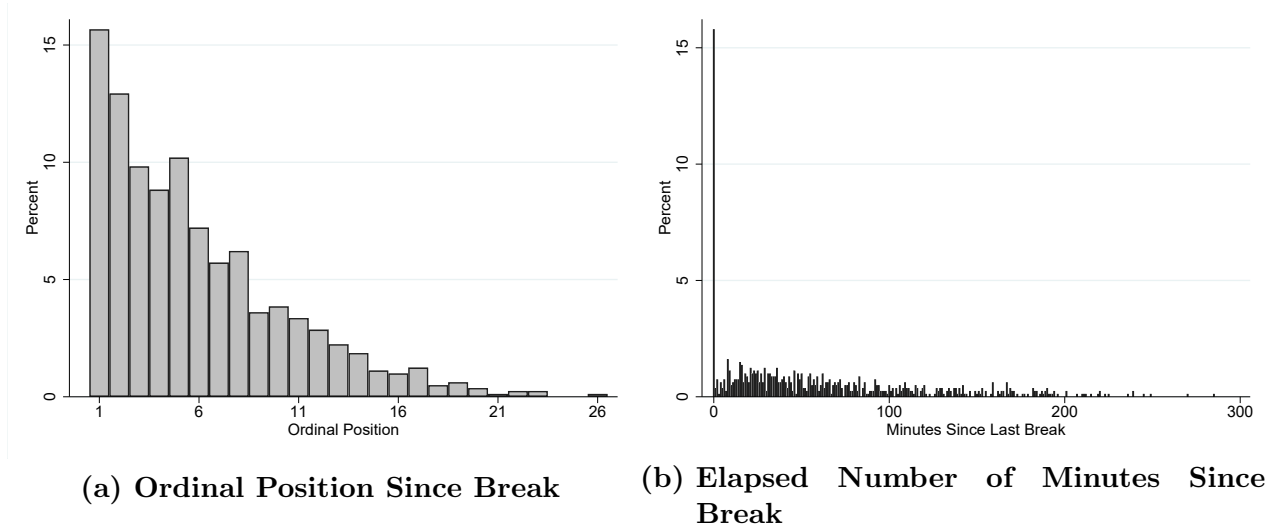
**(b) Reduction in Sentence Length in Percent**



**(c) Reduction in Sentence Length in Months**

*Note:* The graphs show histograms of the respective variables. The reduction in percentage points shows bunching at 33% since usually prisoners are eligible for parole once they spent two thirds of their sentence.

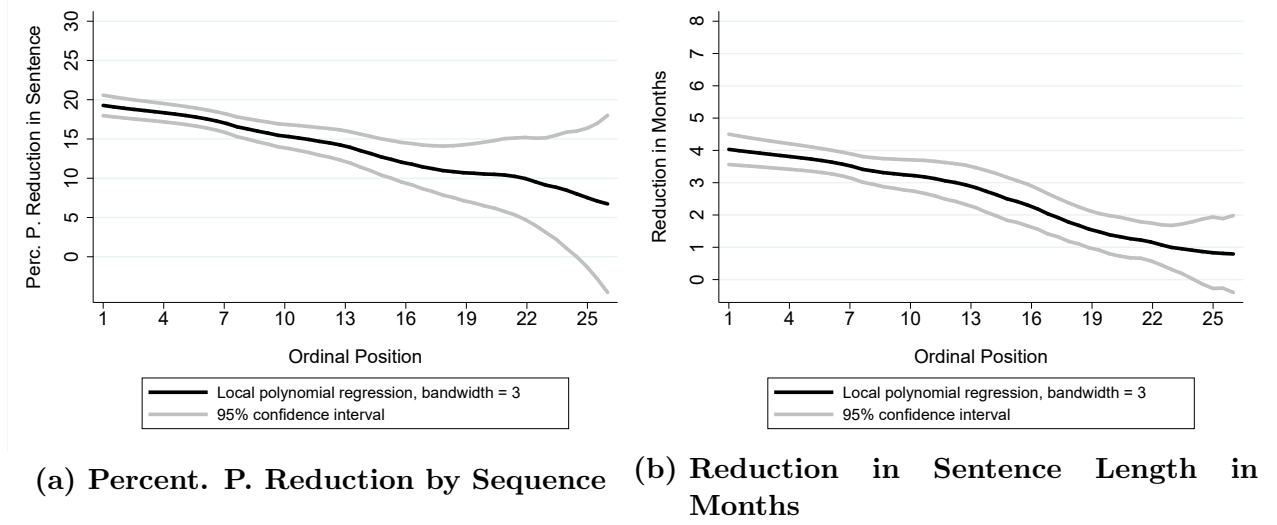
**Figure A.5: Histograms of Independent Variables**



*Note:* The graphs show histograms of the respective variables. Due to missing data on the dependent variable or due to exclusion from the sample for other reasons we do not have observations for all possible ordinal positions in the final sample.

## B Main Results

Figure B.1: First Stage Relationships



*Note:* Each graph shows the average value of the dependent variable (black solid line) and the corresponding 95% confidence interval (gray solid lines). The estimates stem from the Epanechnikov kernel function (bandwidth = 3.0).

Table B.1: Indicator for First Three Cases and Cumulated Minutes Since Last Break as Instruments, First Stage

Dependent Variable	Parole Decision {0,100} – Avg.: 58%		Percent Reduction [0,92] – Avg.: 17%		Reduction in Months [0,33] – Avg.: 3.57	
	First 3 IV2	Min. IV3	First 3 IV2	Min. IV3	First 3 IV2	Min. IV3
	(1)	(2)	(3)	(4)	(5)	(6)
Indicator First Three	12.14*** (3.29)		3.71*** (1.04)		0.91*** (0.31)	
Minutes Since Last Break		-0.11*** (0.02)		-0.03*** (0.01)		-0.01*** (0.00)
Judge–Lawyer FE	X	X	X	X	X	X
Session–Lawyer FE	X	X	X	X	X	X
Day–Lawyer FE	X	X	X	X	X	X
Controls	X	X	X	X	X	X
Observations	804	804	804	804	804	804
Judge–Date Clusters	88	88	88	88	88	88
R-squared	0.46	0.46	0.46	0.47	0.56	0.57

*Note:* The table shows the estimated effect of an indicator for the case being among the first 3 cases handled by the judge (IV2) and elapsed time in minutes (IV3) since the session start as the instruments on the three indicators for an early release using OLS. The mean session length is 60 minutes ( $sd = 57$ ), the likelihood of being among the first three cases is 0.38. Standard errors (in parentheses) are based on clustering at the judge–date level. \*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < 0.01$

**Table B.2: Indicator for First Three Cases and Cumulated Minutes Since Last Break as Instruments, Second Stage**

Dependent Variable	Recidivism {0,100} Avg.: 42%					
	First 3	Min.	First 3	Min.	First 3	Min.
	IV2	IV3	IV2	IV3	IV2	IV3
	(1)	(2)	(3)	(4)	(5)	(6)
Parole Decision	-0.71** (0.30)	-0.75*** (0.27)				
Percent Reduction in Sentence Length			-2.33** (0.99)	-2.39*** (0.89)		
Reduction in Sentence Length in Months					-9.48** (4.16)	-8.98** (3.77)
Judge–Lawyer FE	X	X	X	X	X	X
Session–Lawyer FE	X	X	X	X	X	X
Day–Lawyer FE	X	X	X	X	X	X
Controls	X	X	X	X	X	X
Observations	804	804	804	804	804	804
Judge–Date Clusters	88	88	88	88	88	88

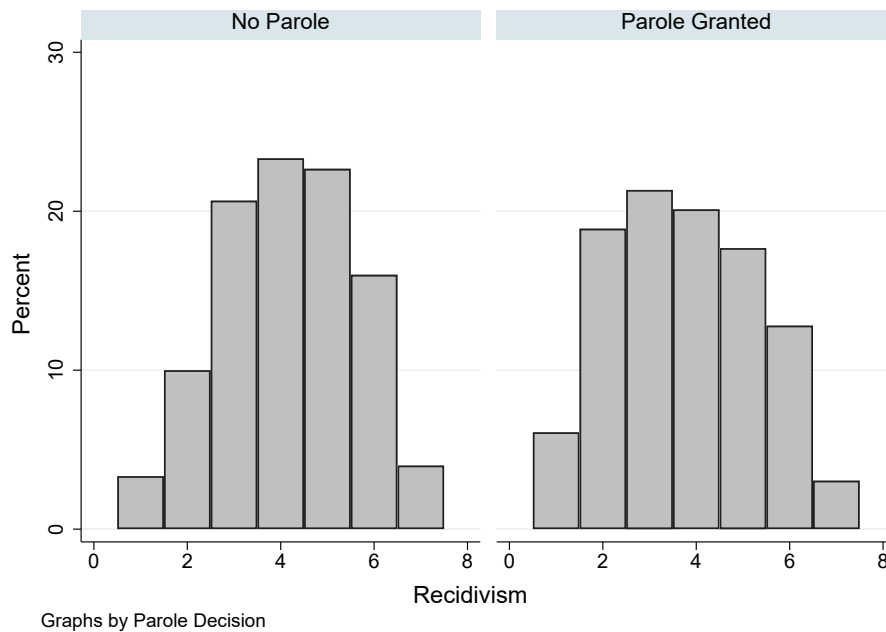
*Note:* The table shows the estimated effect of the instrumented indicators for early releases on the propensity to recidivate in percentage points using two stages linear least squares. IV2 uses an indicator for the first three cases as an instrument. IV3 uses the elapsed time in minutes since the session start as the instrument. Standard errors (in parentheses) are based on clustering at the judge–date level. \*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < 0.01$

**Table B.3: Early Release and Recidivism, 3SLS**

	Dependent Variable					
	1st Stage Parole D.	2nd Stage Percent R.	3rd stage Recidivism	1st Stage Parole D.	2nd Stage Months R.	3rd Stage Recidivism
Ordinal Position	-1.38*** (0.31)			-1.38*** (0.31)		
Parole D.		0.31*** (0.02)			0.08*** (0.02)	
Perc. Reduction			-2.06** (0.97)			
Months R.						-8.06** (3.83)
Judge-Lawyer FE	X	X	X	X	X	X
Session-Lawyer FE	X	X	X	X	X	X
Day-Lawyer FE	X	X	X	X	X	X
Controls	X	X	X	X	X	X
Observations	804	804	804	804	804	804

*Note:* The table shows the estimated effect of the ordinal position on the propensity to recidivate in percentage points using three stages least squares. Standard errors in parentheses. \*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < 0.01$

**Figure B.2: Time to Recidivism Depending on Parole Status**



*Note:* We know the year of recidivism for 314 individuals of 340 individuals who recidivated. Of the ones where we know the year of recidivism 150 did not get parole and 164 did get parole. We plot the distance in years to the parole hearing for each individual conditional on the parole status.

# C Robustness Checks

Table C.1: Early Release and Recidivism, Alternative FE, Second Stage

Dependent Variable	Recidivism {0,100} – Avg.: 42%									
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Parole Decision	-0.66** (0.27)	-0.72*** (0.28)	-0.72*** (0.28)	-0.48* (0.27)	-0.80*** (0.31)					
Reduction in Sentence Length in Months						-8.71** (4.27)	-9.52** (4.38)	-8.71** (3.93)	-7.11 (4.76)	-10.31** (4.72)
Prison FE	X					X				
Attorney Case No. FE		X					X			
Judge Trends			X					X		
Judge-Session-Date FE				X					X	
All FE & Contr. Without Lawyer Int.					X					X
Judge-Lawyer FE	X	X	X	X		X	X	X	X	
Session-Lawyer FE	X	X	X	X		X	X	X	X	
Day-Lawyer FE	X	X	X	X		X	X	X	X	
Controls	X	X	X	X		X	X	X	X	
Observations	804	804	804	804	804	804	804	804	804	804
Judge-Date Clusters	88	88	88	88	88	88	88	88	88	88

*Note:* The table shows the estimated effect of the instrumented indicators for early releases on the propensity to recidivate in percentage points using two stages linear least squares. The estimation uses the predictions from the first stage with the ordinal position as the instrument. All FE & Contr. Without Lawyer Int. refers to a specification with all controls and fixed effects but without the interaction terms with lawyer presence. When the data on attorneys or the prison of origin is not available a missing value fixed effect is estimated. Standard errors (in parentheses) are based on clustering at the judge-date level. \*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < 0.01$

**Table C.2: Early Release and Ordinal Position, Alternative FE, First Stage**

Dependent Variable	Parole Decision {0,100} – Avg.: 58%					Reduction in Months [0,33] – Avg.: 3.57				
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Ordinal Position	-1.39*** (0.33)	-1.34*** (0.33)	-1.34*** (0.32)	-1.65*** (0.51)	-1.28*** (0.32)	-0.10*** (0.04)	-0.10*** (0.04)	-0.11*** (0.03)	-0.11** (0.05)	-0.10*** (0.03)
Prison FE	X					X				
Attorney Case No. FE		X					X			
Judge Trends			X					X		
Judge–Session–Date FE				X					X	
All FE & Contr. Without Lawyer Int.					X					X
Judge–Lawyer FE	X	X	X	X		X	X	X	X	
Session–Lawyer FE	X	X	X	X		X	X	X	X	
Day–Lawyer FE	X	X	X	X		X	X	X	X	
Controls	X	X	X	X		X	X	X	X	
Observations	804	804	804	804	804	804	804	804	804	804
Judge–Date Clusters	88	88	88	88	88	88	88	88	88	88
R–squared	0.48	0.47	0.47	0.62	0.43	0.59	0.58	0.57	0.70	0.54

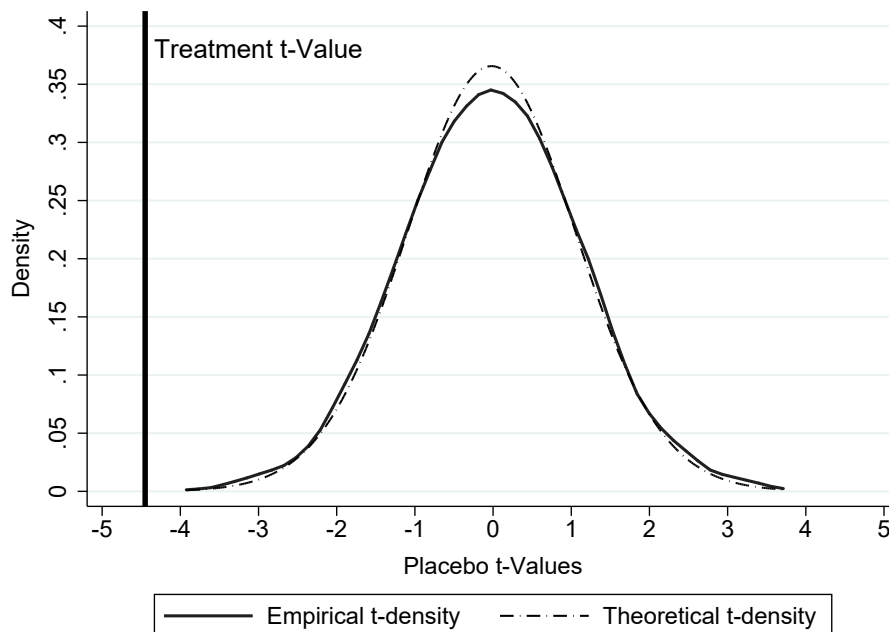
*Note:* The table shows the estimated effect of the ordinal position captured by the number of the ordinal position.

All FE & Contr. Without Lawyer Int. refers to a specification with all controls and fixed effects but without the interaction terms with lawyer presence. When the data on attorneys or the prison of origin is not available a missing value fixed effect is estimated. Standard errors (in parentheses) are based on clustering at the judge–date level.

\*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < 0.01$

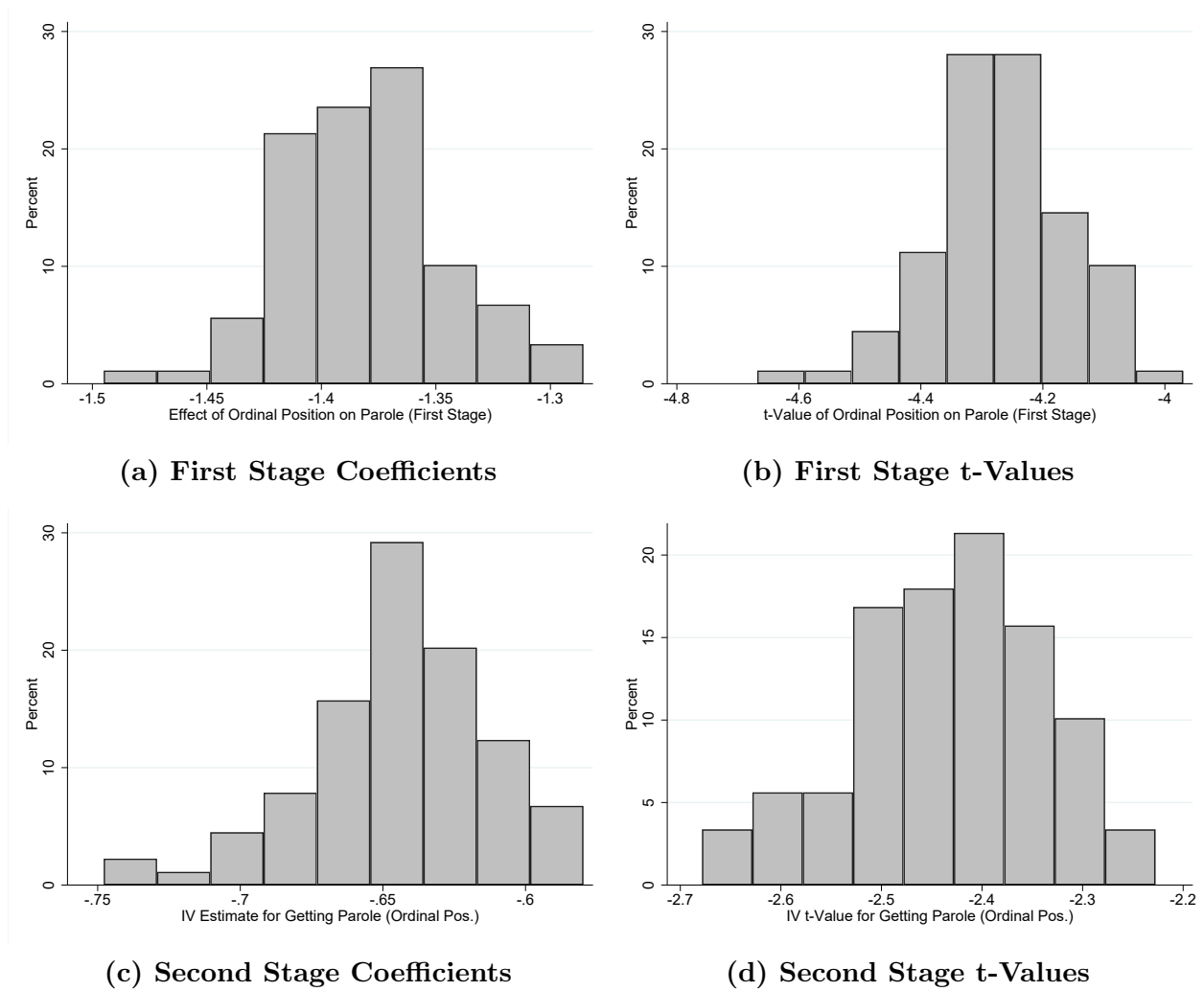


**Figure C.1: Randomized Ordinal Position**



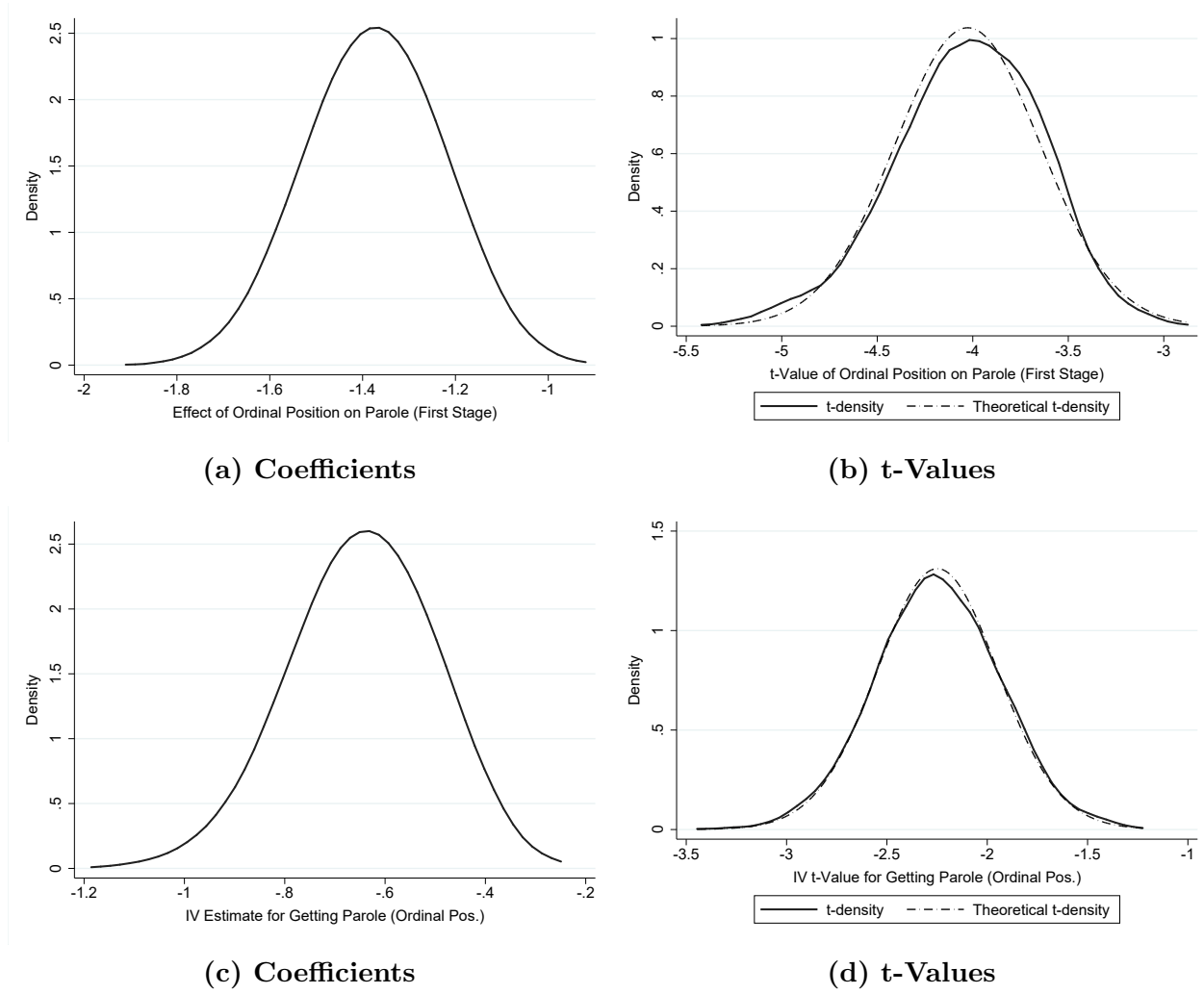
*Note:* The figure shows the empirical distribution of t-values under a placebo ordinal position, the t-value under our baseline specification, as well as the theoretical t-distribution with 54 degrees of freedom (88 judge-date clusters minus the controls and the fixed effects). We obtain the empirical t-distribution by randomly reshuffling the ordinal position across cases 500 times. Each time, we estimate our baseline specification with the parole decision as the dependent variable and regress it on the ordinal position including all fixed effects and controls. The treatment t-value is -4.3 and the t-value of the true ordinal position. Of the simulated t-values, 1% are larger than  $|t|=2.9$ .

**Figure C.2: Sensitivity of the IV and First Stage Estimates when Dropping Each Cluster**



*Note:* The graphs show histograms of coefficient estimates and t-values. The estimates are from single regressions where each regression drops one of the judge-date clusters.

**Figure C.3: Sensitivity of the IV and First Stage Estimates to Dropping 10% of Observations**



*Note:* The graphs show histograms of coefficient estimates and t-values. The estimates stem from single regressions where each regression drops a randomly chosen set of 81 observations from the sample. The black solid line shows the estimate density using a kernel with  $\text{bandwidth}=0.1$ . The black dashed line shows a theoretical t-distribution with 53 degrees of freedom which corresponds to the average number of clusters in the reduced samples minus fixed effects and controls. In the first stage, 95% of estimates are smaller than -1.19 and 95% have t-values smaller than -3.45. In the second stage, 95% of estimates are smaller than -0.47 and 95% have t-values smaller than -1.76.

**Table C.3: Jackknife Standard Errors, Second Stage**

Dependent Variable	Recidivism {0,100} – Avg.: 42%					
	(1) OLS	(2) IV	(3) OLS	(4) IV	(5) OLS	(6) IV
Parole Decision	-0.12** (0.06)	-0.64** (0.29)				
Percent Reduction in Sentence Length			-0.37** (0.18)	-2.06** (0.95)		
Reduction in Sentence Length in Months					-0.24 (0.58)	-8.06* (4.29)
Judge–Lawyer FE	X	X	X	X	X	X
Session–Lawyer FE	X	X	X	X	X	X
Day–Lawyer FE	X	X	X	X	X	X
Controls	X	X	X	X	X	X
Observations	804	804	804	804	804	804
Judge–Date Clusters	88	88	88	88	88	88

*Note:* The table shows the estimated effect of the instrumented indicators for early releases on the propensity to recidivate in percentage points using two-stage linear least squares. It also gives the uncorrected ordinary least squares (OLS) estimates. IV uses the predictions from the first stage with the ordinal position as the instrument. Standard errors (in parentheses) are based on jackknife estimated standard errors clustering at the judge–date level.

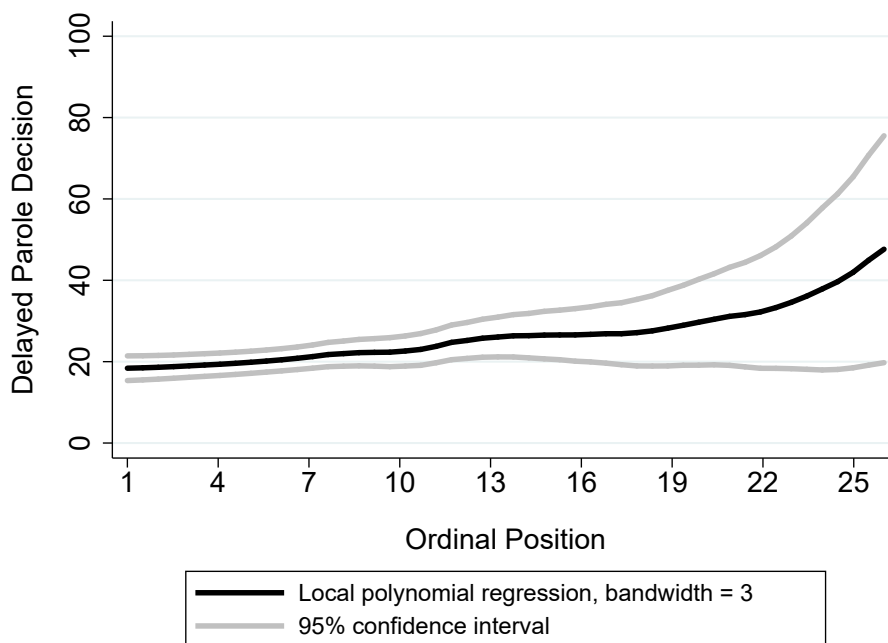
\*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < 0.01$

**Table C.4: Jackknife Standard Errors, First Stage**

Dependent Variable	Parole Decision {0,100} – Avg.: 58%	Percent Reduction [0,92] – Avg.: 17%	Reduction in Months [0,33] – Avg.: 3.57
	(1)	(2)	(3)
Ordinal Position	-1.38*** (0.33)	-0.43*** (0.10)	-0.11*** (0.04)
Judge–Lawyer FE	X	X	X
Session–Lawyer FE	X	X	X
Day–Lawyer FE	X	X	X
Controls	X	X	X
Observations	804	804	804
Judge–Date Clusters	88	88	88
R-squared	0.46	0.47	0.56

*Note:* The table shows the estimated first stage effect of the ordinal position captured by the number of the ordinal position on three indicators for an early release using linear least squares. Standard errors (in parentheses) are based on jackknife estimated standard errors clustering at the judge–date level. \*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < 0.01$

Figure C.4: Choice to Delay the Decision



*Note:* The figure shows the estimated propensity to delay a decision (black solid line) and the corresponding 95% confidence interval (gray solid lines). The estimates stem from the Epanechnikov kernel function (bandwidth = 3.0).

Table C.5: Including Decision to Delay as Equivalent to No Parole, Second Stage

Dependent Variable	Recidivism {0,100} – Avg.: 42%					
	(1) OLS	(2) IV	(3) OLS	(4) IV	(5) OLS	(6) IV
Parole Decision	-0.09* (0.04)	-0.59*** (0.19)				
Percent Reduction in Sentence Length			-0.30** (0.14)	-2.32*** (0.85)		
Reduction in Sentence Length in Months					-0.40 (0.53)	-9.71** (4.08)
Judge–Lawyer FE	X	X	X	X	X	X
Session–Lawyer FE	X	X	X	X	X	X
Day–Lawyer FE	X	X	X	X	X	X
Controls	X	X	X	X	X	X
Observations	1018	1018	1018	1018	1018	1018
Judge–Date Clusters	88	88	88	88	88	88

*Note:* The table shows the estimated effect of the instrumented indicators for early releases on the propensity to recidivate in percentage points using two-stage linear least squares. It also gives the uncorrected ordinary least squares (OLS) estimates. IV uses the predictions from the first stage with the ordinal position as the instrument. Standard errors (in parentheses) are based on clustering at the judge–date level. \*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < 0.01$

**Table C.6: Including Decision as Equivalent to No Parole, First Stage**

Dependent Variable	Parole Decision	Percent Reduction	Reduction in Months
	(1)	(2)	(3)
Ordinal Position	-1.61*** (0.29)	-0.40*** (0.09)	-0.10*** (0.03)
Judge–Lawyer FE	X	X	X
Session–Lawyer FE	X	X	X
Day–Lawyer FE	X	X	X
Controls	X	X	X
Observations	1018	1018	1018
Judge–Date Clusters	88	88	88
R–squared	0.36	0.36	0.47

*Note:* The table shows the estimated effect of the ordinal position the decision to delay using OLS. Standard errors (in parentheses) are based on clustering at the judge–date level. \*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < 0.01$

**Table C.7: Sample Splits, First Stage**

Dependent Variable	Parole Decision {0,100}									
	Incarcerations		Months Convicted		Gravity of Off.		Behavior: Good		Behavior Info.	
	Low (1)	High (2)	Low (3)	High (4)	Low (5)	High (6)	Yes (7)	No (8)	Yes (9)	No (10)
Ordinal Position	-1.20** (0.54)	-1.59*** (0.39)	-0.94* (0.54)	-1.87*** (0.50)	-1.31*** (0.36)	-2.21 (1.65)	-1.61*** (0.36)	0.35 (0.63)	-2.05*** (0.51)	-0.36 (0.37)
Judge–Lawyer FE	X	X	X	X	X	X	X	X	X	X
Session–Lawyer FE	X	X	X	X	X	X	X	X	X	X
Day–Lawyer FE	X	X	X	X	X	X	X	X	X	X
Controls	X	X	X	X	X	X	X	X	X	X
Observations	416	388	415	389	718	86	608	196	472	332
Judge–Date Clusters	83	84	85	83	88	44	85	71	83	79
R–squared	0.43	0.48	0.45	0.53	0.45	0.72	0.41	0.32	0.31	0.77

*Note:* The table shows the estimated first stage effect of ordinal position on three indicators for an early release using OLS. Standard errors (in parentheses) are based on clustering at the judge–date level. Gravity of Off. refers to gravity of offense. \*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < 0.01$

**Table C.8: Early Release and Recidivism, Incl. Long-Term Prisoners, First Stage**

Dependent Variable	Parole Decision	Percent Reduction	Reduction in Months
	(1)	(2)	(3)
Ordinal Position	-1.28*** (0.30)	-0.38*** (0.09)	0.01 (0.05)
Judge-Lawyer FE	X	X	X
Session-Lawyer FE	X	X	X
Day-Lawyer FE	X	X	X
Controls	X	X	X
Observations	847	847	847
Judge-Date Clusters	88	88	88
R-squared	0.45	0.46	0.59

*Note:* The table shows the estimated first stage effect of the ordinal position captured by the number of the ordinal position on three indicators for an early release using OLS. Standard errors (in parentheses) are based on clustering at the judge-date level. \*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < 0.01$

**Table C.9: Early Release and Recidivism, Incl. Long-Term Prisoners, Second Stage**

Dependent Variable	Recidivism {0,100} Avg.: 42%		
	(1)	(2)	(3)
Parole Decision	-0.83*** (0.30)		
Percent Reduction in Sentence Length		-2.77*** (1.05)	
Reduction in Sentence Length in Months			Weak IV
Judge-Lawyer FE	X	X	X
Session-Lawyer FE	X	X	X
Day-Lawyer FE	X	X	X
Controls	X	X	X
Observations	847	847	847
Judge-Date Clusters	88	88	88

*Note:* The table shows the estimated effect of the instrumented indicators for early releases on the propensity to recidivate in percentage points using two stages linear least squares. It uses the predictions from the first stage with the ordinal position as the instrument. Standard errors (in parentheses) are based on clustering at the judge-date level.

\*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < 0.01$

**Table C.10: Early Release and Recidivism, Recidivism up to 6 Years (Without 2008 Observations), Second Stage**

Dependent Variable	Recidivism {0,100} – Avg.: 42%					
	(1) OLS	(2) IV	(3) OLS	(4) IV	(5) OLS	(6) IV
Parole Decision	-0.12** (0.06)	-0.52** (0.26)				
Percent Reduction in Sentence Length			-0.37** (0.18)	-1.65* (0.86)		
Reduction in Sentence Length in Months					-0.24 (0.58)	-6.36* (3.65)
Judge–Lawyer FE	X	X	X	X	X	X
Session–Lawyer FE	X	X	X	X	X	X
Day–Lawyer FE	X	X	X	X	X	X
Controls	X	X	X	X	X	X
Observations	773	773	773	773	773	773
Judge–Date Clusters	86	86	86	86	86	86

*Note:* The table shows the estimated effect of the instrumented indicators for early releases on the propensity to recidivate in percentage points using two stages linear least squares. It uses the predictions from the first stage with the ordinal position as the instrument. We drop the 20 observations from 2008 and restrict the sample to individuals that either did not recidivate or recidivated within 6 years after their parole hearing. Standard errors (in parentheses) are based on clustering at the judge–date level. \*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < 0.01$



## D Alternative Explanations

**Table D.1: The Effect of Ordinal Position on the Reduction in Prison Time Conditional on Getting an Early Release**

Dependent Variable	Perc. P. Reduction [0,92) – Avg.: 17%	Reduction in Months [0,33] – Avg.: 3.57
	(1)	(2)
Ordinal Position	-0.02 (0.05)	-0.01 (0.02)
Judge–Lawyer FE	X	X
Session–Lawyer FE	X	X
Day–Lawyer FE	X	X
Controls	X	X
Observations	463	463
Judge–Date Clusters	85	85
R–squared	0.42	0.92

*Note:* The table shows the estimated effect of the ordinal position on the the reduction in prison length conditional on an early release using OLS. Standard errors (in parentheses) are based on clustering at the judge–date level. \*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < 0.01$

**Table D.2: Balance Tests (Parametric)**

Dependent Variable	Incarcerations [1,12]	Months Convicted [3,90]	Gravity of Offence [1,7]	Behavior in Prison {0,1}	Behavior Information {0,1}	Represented by Lawyer {0,1}	Rehab. Plan {0,1}	Case No. of Attorney [1,24]	Ethnicity Jewish-Israeli {0,1}	Gender {0,1}
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Ordinal Position	0.01 (0.02)	-0.03 (0.13)	-0.01* (0.00)	-0.00 (0.00)	-0.00 (0.00)	-0.03*** (0.00)	0.00 (0.00)	0.01 (0.10)	0.00 (0.00)	-0.00 (0.00)
Judge-Lawyer FE	X	X	X	X	X		X	X	X	X
Session-Lawyer FE	X	X	X	X	X		X	X	X	X
Day-Lawyer FE	X	X	X	X	X		X	X	X	X
Observations	804	804	804	804	804	804	804	332	803	804
Judge-Date Clusters	88	88	88	88	88	88	88	82	88	88
R-squared	0.06	0.05	0.05	0.07	0.08	0.08	0.06	0.09	0.04	0.15

*Note:* The table shows the estimated effect of the ordinal position on control variables using OLS. Standard errors (in parentheses) are based on clustering at the judge-date level. All fixed effects are included. Note that fixed effects are not interacted with lawyer presence in the specification with lawyer presence as the dependent variable. We exclude missing values of the dependent variable in the balance tests, that is why there are sometimes less than 804 observations. \*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < 0.01$

**Table D.3: Joint Balance Test**

Dependent Variable	Ordinal Position [1,26], Avg.: 5.9
	(1)
Gravity of Offence, 1	1.13 (1.50)
Gravity of Offence, 2	0.44 (1.95)
Gravity of Offence, 3	0.27 (1.23)
Gravity of Offence, 4	-0.41 (1.32)
Gravity of Offence, 5	-3.35 (2.28)
Gravity of Offence, 6	-0.72 (1.71)
Gravity of Offence, 7	Ref.
No. of Incarcerations	0.04 (0.09)
Rehabilitation Plan: Yes	0.11 (1.12)
Jewish-Israeli: Yes	0.38 (0.28)
Female	0.06 (0.70)
Sentence Length	0.00 (0.01)
Behavior in Prison: Bad	0.65 (0.41)
No Information on Behavior	Ref.
Behavior in Prison: Good	-0.14 (0.39)
Joint F-value	1.11
Judge-Lawyer FE	X
Session-Lawyer FE	X
Day-Lawyer FE	X
Observations	802
Judge-Date Clusters	88
R-squared	0.18

*Note:* The table shows the estimated effect of control variables on ordinal position. Standard errors (in parentheses) are based on clustering at the judge-date level. We exclude two observations with missing values for ethnicity and plan for rehabilitation. The joint F-value is 1.11 with a corresponding p-value of 0.36.  
\*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < 0.01$

**Table D.4: Reweighting According to Entropy Balancing (Hainmueller, 2012), Second Stage**

Dependent Variable	Recidivism {0,100} – Avg.: 42%					
	(1) IV1	(2) IV2	(3) IV1	(4) IV2	(5) IV1	(6) IV2
Parole Decision	-0.72** (0.29)	-0.77** (0.33)				
Percent Reduction in Sentence Length			-2.31** (0.97)	-2.51** (1.10)		
Reduction in Sentence Length in Months					-9.39** (4.57)	-10.01** (4.44)
Judge–Lawyer FE	X	X	X	X	X	X
Session–Lawyer FE	X	X	X	X	X	X
Day–Lawyer FE	X	X	X	X	X	X
Controls	X	X	X	X	X	X
Observations	804	804	804	804	804	804
Judge–Date Clusters	88	88	88	88	88	88

*Note:* The table shows the estimated effect of the instrumented indicators for early releases on the propensity to recidivate in percentage points using two stages linear least squares with weights from entropy balancing (Hainmueller, 2012). IV1 uses the predictions from the first stage with the ordinal position as the instrument. IV2 uses the predictions from the first stage with the first three cases as the instrument. Standard errors (in parentheses) are based on clustering at the judge–date level. \*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < 0.01$

**Table D.5: Reweighting According to Entropy Balancing (Hainmueller, 2012), First Stage**

Dependent Variable	Parole Decision		Percent Reduction		Reduction in Months	
	IV1	IV2	IV1	IV2	IV1	IV2
	(1)	(2)	(3)	(4)	(5)	(6)
Ordinal Position	-1.45*** (0.33)		-0.45*** (0.10)		-0.11*** (0.03)	
Indicator First Three		12.03*** (3.35)		3.67*** (1.08)		0.92*** (0.32)
Judge–Lawyer FE	X	X	X	X	X	X
Session–Lawyer FE	X	X	X	X	X	X
Day–Lawyer FE	X	X	X	X	X	X
Controls	X	X	X	X	X	X
Observations	804	804	804	804	804	804
Judge–Date Clusters	88	88	88	88	88	88
R–squared	0.45	0.45	0.46	0.46	0.58	0.58

*Note:* The table shows the estimated first stage effect of the ordinal position captured by the number of the ordinal position (IV1) or by an indicator for appearing as one of the first three prisoners (IV2) on three indicators for an early release using OLS with weights from entropy balancing (Hainmueller, 2012). Standard errors (in parentheses) are based on clustering at the judge–date level. \*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < 0.01$

**Table D.6: Prisoner *Not* Represented by a Lawyer, Second Stage**

Dependent Variable	Recidivism {0,100}		
	Avg.: 44%		
	(1)	(2)	(3)
Parole Decision	-0.64*		
	(0.38)		
Percent Reduction in Sentence Length		-2.00*	
		(1.17)	
Reduction in Sentence Length in Months			-10.01
			(6.74)
Judge–Lawyer FE	X	X	X
Session–Lawyer FE	X	X	X
Day–Lawyer FE	X	X	X
Controls	X	X	X
Observations	468	468	468
Judge–Date Clusters	85	85	85

*Note:* The table shows the estimated effect of the instrumented indicators for early releases on the propensity to recidivate in percentage points using two stages linear least squares. Standard errors (in parentheses) are based on clustering at the judge–date level.

\*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < 0.01$

**Table D.7: Prisoner *Not* Represented by a Lawyer, First Stage**

Dependent Variable Avg.:	Parole Decision	Percent Reduction	Reduction in Months
	46%	14%	3 Months
	(1)	(2)	(3)
Ordinal Position	-1.25***	-0.40***	-0.08*
	(0.44)	(0.13)	(0.04)
Judge–Lawyer FE	X	X	X
Session–Lawyer FE	X	X	X
Day–Lawyer FE	X	X	X
Controls	X	X	X
Observations	468	468	468
Judge–Date Clusters	85	85	85
R-squared	0.40	0.40	0.47

*Note:* The table shows the estimated first stage effect of the ordinal position on three indicators for an early release using OLS. Standard errors (in parentheses) are based on clustering at the judge–date level. \*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < 0.01$

**Table D.8: Prisoner Represented by a Lawyer, Second Stage**

Dependent Variable	Recidivism {0,100} Avg.: 40%		
	(1)	(2)	(3)
Parole Decision	-0.65 (0.53)		
Percent Reduction in Sentence Length		-2.15 (1.78)	
Reduction in Sentence Length in Months			-6.21 (4.95)
Judge–Lawyer FE	X	X	X
Session–Lawyer FE	X	X	X
Day–Lawyer FE	X	X	X
Controls	X	X	X
Observations	336	336	336
Judge–Date Clusters	82	82	82

*Note:* The table shows the estimated effect of the instrumented indicators for early releases on the propensity to recidivate in percentage points using two stages linear least squares. Standard errors (in parentheses) are based on clustering at the judge–date level.

\*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < 0.01$

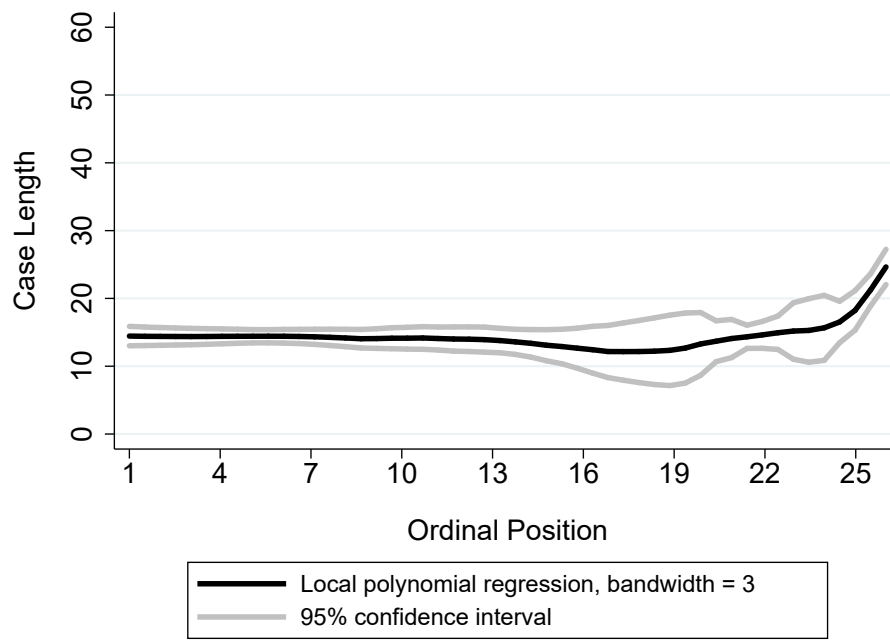
**Table D.9: Prisoner Represented by a Lawyer, First Stage**

Dependent Variable Avg.:	Parole Decision 73%	Percent Reduction 22%	Reduction in Months 5 Months
	(1)	(2)	(3)
Ordinal Position	-1.65*** (0.53)	-0.50*** (0.18)	-0.17*** (0.06)
Judge–Lawyer FE	X	X	X
Session–Lawyer FE	X	X	X
Day–Lawyer FE	X	X	X
Controls	X	X	X
Observations	336	336	336
Judge–Date Clusters	82	82	82
R–squared	0.44	0.46	0.61

*Note:* The table shows the estimated first stage effect of the ordinal position captured by the number of the ordinal position on three indicators for an early release using OLS. Standard errors (in parentheses) are based on clustering at the judge–date level.

\*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < 0.01$

Figure D.1: Duration of Case Length and Ordinal Position



*Note:* The figure shows the average case length (black solid line) and the corresponding 95% confidence interval (gray solid lines). The estimates stem from the Epanechnikov kernel function (bandwidth = 3.0).



Table D.10: Dropping Cases at the Beginning or End of a Session, First Stage

Dependent Variable	Parole Decision			Percent Reduction			Months Reduction		
	First 3	Last 3	Last 5 Min.	First 3	Last 3	Last 5 Min.	First 3	Last 3	Last 5 Min.
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Ordinal Position	-0.94* (0.50)	-0.90** (0.40)	-0.97** (0.42)	-0.31* (0.16)	-0.33*** (0.12)	-0.32** (0.13)	-0.09* (0.05)	-0.09** (0.04)	-0.08** (0.04)
Judge-Lawyer FE	X	X	X	X	X	X	X	X	X
Session-Lawyer FE	X	X	X	X	X	X	X	X	X
Day-Lawyer FE	X	X	X	X	X	X	X	X	X
Controls	X	X	X	X	X	X	X	X	X
Observations	495	616	581	495	616	581	495	616	581
Judge-Date Clusters	80	88	83	80	88	83	80	88	83
R-squared	0.49	0.46	0.47	0.49	0.48	0.46	0.50	0.60	0.55

*Note:* The table shows the estimated first stage effect of the ordinal position captured by the number of the ordinal position on three indicators for an early release using OLS. We drop cases as indicated: the first 3 cases (First 3), the last 3 cases (Last 3), and the cases in the last 5 minutes (Last 5 Min.). Standard errors (in parentheses) are based on clustering at the judge-date level. \*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < 0.01$

**Table D.11: Controlling for the Decision Length of the Previous Case, First Stage**

Dependent Variable	Parole Decision	Percent Reduction	Reduction in Months
	(1)	(2)	(3)
Ordinal Position	-1.31*** (0.33)	-0.41*** (0.10)	-0.10*** (0.03)
Length of Last Decision	-0.18 (0.15)	-0.06 (0.04)	-0.03** (0.01)
Judge–Lawyer FE	X	X	X
Session–Lawyer FE	X	X	X
Day–Lawyer FE	X	X	X
Controls	X	X	X
Observations	804	804	804
Judge–Date Clusters	88	88	88
R-squared	0.46	0.47	0.57

*Note:* The table shows the estimated first stage effect of the ordinal position captured by the number of the ordinal position on three indicators for an early release using OLS. Standard errors (in parentheses) are based on clustering at the judge–date level.

\*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < 0.01$

**Table D.12: Controlling for the Share of Positive Parole Decisions Within a Day, First Stage**

Dependent Variable	Parole Decision	Percent Reduction	Reduction in Months
	(1)	(2)	(3)
Ordinal Position	-1.03*** (0.34)	-0.33*** (0.10)	-0.09** (0.03)
% Point Positive Dec. in Day	0.62*** (0.07)	0.19*** (0.02)	0.04*** (0.01)
Judge–Lawyer FE	X	X	X
Session–Lawyer FE	X	X	X
Day–Lawyer FE	X	X	X
Controls	X	X	X
Observations	804	804	804
Judge–Date Clusters	88	88	88
R-squared	0.52	0.52	0.59

*Note:* The table shows the estimated first stage effect of the ordinal position captured by the number of the ordinal position on three indicators for an early release using OLS. Standard errors (in parentheses) are based on clustering at the judge–date level.

\*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < 0.01$

**Table D.13: Controlling for the Last Parole Decision, First Stage**

Dependent Variable	Parole Decision	Percent Reduction	Reduction in Months
	(1)	(2)	(3)
Ordinal Position	-1.28*** (0.34)	-0.40*** (0.10)	-0.10*** (0.03)
Last Case: Parole Granted	3.53 (2.91)	0.92 (0.88)	0.49* (0.27)
Last Case: No Parole Decision	2.63 (5.04)	0.89 (1.60)	0.35 (0.43)
Judge–Lawyer FE	X	X	X
Session–Lawyer FE	X	X	X
Day–Lawyer FE	X	X	X
Controls	X	X	X
Observations	804	804	804
Judge–Date Clusters	88	88	88
R-squared	0.46	0.47	0.57

*Note:* The table shows the estimated first stage effect of the ordinal position captured by the number of the ordinal position on three indicators for an early release using OLS. Standard errors (in parentheses) are based on clustering at the judge–date level. Last Case: No Parole Decision refers to the last case either being a missing value or there was no previous case since the last break (i.e., the first case in a session).

\*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < 0.01$

**Table D.14: Sensitivity of the Estimates to a Potential Violation of the Exclusion Restriction II**

Bounds on:	Relative Size of Direct Effect	IV: Ordinal Position Bounds
		(90% Confidence Int.)
Parole D.	1/5	(-0.78, -0.18)
	1/3	(-0.78, -0.13)
Perc. R.	1/5	(-2.49, -0.57)
	1/3	(-2.49, -0.41)
Months. R.	1/5	(-10.03, -2.16)
	1/3	(-10.03, -1.55)
FE & Controls		X
Observations		804

*Note:* The table shows upper and lower bound estimates of the causal effect based on Conley, Hansen and Rossi (2012). The relative size of the direct effect is in reference to the reduced-form effects of the respective instruments. Standard errors for the calculation are clustered on judge–date level.

## **E Parole Law**

What follows is an English translation of the law (originally in Hebrew) by a professional translator.

## Release on Parole Law, 5761-2001

Penalization and Criminal Law – Penalization, Imprisonment and Arrest – Suspended Sentences

Penalization and Criminal Law – Penalization, Imprisonment and Arrest – Release and Parole Board

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## Complete and revised version

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## release on parole Law, 5761-2001\*

### Chapter A: Interpretation

#### 1. In this Law –

Definitions

Published [Book of Laws 5761 No. 1795](#) of June 20, 2001 page 410 ([Bill Proposal 5761 No. 2979](#) page 518).

Amended [Book of Laws 5762 No. 1817](#) of December 30, 2001 page 47 ([Bill Proposal 5762 No. 3046](#) page 113) – Amendment No. 1.

[Book of Laws 5762 No. 1859](#) of July 24, 2002 page 487 ([Bill Proposal 5762 No. 3141](#) page 694) – Amendment No. 2.

[Book of Laws 5763 No. 1895](#) of June 25, 2003 page 511 ([Government Bill Proposal 5763 No. 27](#) page 468) – Amendment No. 3.

[Book of Laws 5764 No. 1935](#) of March 31, 2004 page 364 ([Government Bill Proposal 5764 No. 73](#) page 270) – Amendment No. 4 in Section 4 of the Amendment to the Prisons Ordinance Law (No. 28), 5764-2004. Canceled in HCJ 2605/05 **College of Law and Business v. Minister of Finance** (published in the *Nevo* Database, November 19, 2009).

[Book of Laws 5765 No. 1961](#) of November 17, 2004 page 11 ([Knesset Bill Proposal 5764 No. 49](#) page 152) – Amendment No. 5 in Section 13 of the Limitations on the Return of a Sex Offender to the Vicinity of the Victim of the Offence, 5765-2004; entry into force on January 1, 2005, and see Section 14 with regard to transitory provisions.

[Book of Laws 5766 No. 2050](#) of January 3, 2006 page 244 ([Bill Proposal 5762 No. 3180](#) page 922) – Amendment No. 6 in Section 32 of the Protection of the Public from Sex Offenders, 5766-2006; entry into force on October 1, 2006, and see Section 34 for more information regarding gradual application.

[Book of Laws 5766 No. 2060](#) of July 10, 2006 page 368 ([Government Bill Proposal 5766 No. 239](#) page 439) – Amendment No. 7.

[Book of Laws 5767 No. 2075](#) of January 1, 2007 page 36 ([Government Bill Proposal 5766 No. 246](#) page 510) – Amendment No. 8.

[Book of Laws 5768 No. 2169](#) of July 27, 2008 page 670 ([Government Bill Proposal 5768 No. 341](#) page 212) – Amendment No. 9 in Section 10 of the Courts Law (Amendment No. 52), 5768-2008.

[Book of Laws 5768 No. 2171](#) of July 30, 2008 page 718 ([Government Bill Proposal 5766 No. 224](#) page 468, [Government Bill Proposal 5768 No. 221](#) page 254) – Amendment No. 10 in Section 57 of the Youth (Judgment, Penalization, and Handling Methods) Law (Amendment No. 14), 5768-2008; entry into force one year after publication.

[Book of Laws 5772 No. 2330](#) of January 10, 2012 page 106 ([Government Bill Proposal](#)

"Imprisonment" - A prison sentence imposed in a criminal trial, except for prison sentences imposed on grounds of failure to pay fines;

"Life Imprisonment" - A prison sentence without a fixed term;

"Life Prisoner" - A person sentenced to life in prison, regardless of whether the sentence has a fixed term;

"Prisoner Rehabilitation Authority" - As defined in the Prisoner Rehabilitation Authority Law, 5743-1983;

The "Board" – a Parole Board or a Special Parole Board;

"Parole Board" - A board appointed in accordance with Section 32;

"Special Parole Board" - A board appointed in accordance with Section 33;

"Penal Law" – The Penal Law, 5737-1977;

(Amendment No. 8) 5767-2007

"Probation Ordinance" – Probation [New Version] Ordinance, 5729-1969;

(Amendment No. 8) 5767-2007

"Probation Service" - As defined in Chapter D of the Probation Ordinance.

(Amendment No. 8) 5767-2007

#### Chapter B: release on parole

2. If a Prisoner whose prison term exceeds three months and does not exceed six months has completed at least two thirds of his prison term, the Commissioner of Prisons may, pursuant to his request, release him from the remainder of his prison term on parole; however, the Commissioner of Prisons will not release such a prisoner, unless he is convinced that the prisoner deserves to be released and that his release does not endanger the safety of the public.

Release on parole –  
prison sentences of  
three to six months

3. If a Prisoner, who is not a Life Prisoner, whose prison term exceeds six months has completed at least two thirds of his prison term, the Parole Board

Release on parole –  
prison sentences that  
exceed six months

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[5771 No. 617](#) page 1572) – Amendment No. 11.

[Book of Laws 5772 No. 2331](#) of January 12, 2012 page 114 ([Government Bill Proposal 5771 No. 594](#) page 696) – Amendment No. 12.

[Book of Laws 5772 No. 2356](#) of May 14, 2012 page 390 ([Government Bill Proposal 5772 No. 658](#) page 374) – Amendment No. 13.

[Book of Laws 5775 No. 2473](#) of November 16, 2014 page 23 ([Knesset Bill Proposal 5774 No. 566](#) page 144) – Amendment No. 14; see Section 3 for more information regarding transitory provisions.

3. The provisions of this Law will also apply to persons whose sentence is yet to be handed down, provided that the Court has given the parties the opportunity to present their cases with respect to its determination under Section 30b of the primary law, as specified in Section 1 of this Law.

[Book of Laws 5765 No. 2482](#) of December 16, 2014 page 77 ([Government Bill Proposal 5774 No. 835](#) page 296) – Amendment No. 15 in Section 2 of the Electronic Supervision of Detainees and Parolees (Legislative Amendments), 5775-2014; entry into force six months after publication.



may, pursuant to his request, release him from the remainder of his prison term on parole; however, the Parole Board will not release such a prisoner, unless it is convinced that the prisoner deserves to be released and that his release does not endanger the safety of the public.

4. If a Prisoner, who is not a Life Prisoner, has been in prison for at least 25 years, the Special Parole Board may release him on parole; even if two thirds of his prison term are yet to elapse; however, the Special Parole Board will not so release such a prisoner, unless it is convinced that the prisoner deserves to be released and that his release does not endanger the safety of the public.

Release on parole  
from long-term  
imprisonment

5. If a Life Prisoner with a fixed prison term has completed at least two thirds of that fixed term, the Special Parole Board may release him from the remainder of the prison term on parole; however, the Special Parole Board will not so release such a prisoner, unless it is convinced that the prisoner deserves to be released and that his release does not endanger the safety of the public.

Release on parole  
from life  
imprisonment

6. Prisoners will not be released on parole from prison terms which they are required to serve on account of the cancellation of their release on parole, except in cases of release on medical grounds as provided in Section

Restriction on  
Release on Parole

7. (a) The Board may, at any time, release a Prisoner on parole, after examining the expert opinion of a physician, if, due to his poor health, the days of the Prisoner are numbered, or if, due to the Prisoner's poor health, his continued stay in prison poses a tangible risk to his life.

release on parole on  
Medical Grounds  
(Amendment No.  
12) 5772-2012

(b) The Board may, at any time, release a Prisoner on parole, for a temporary period of time that may not exceed six months, after examining an expert opinion as provided in Subsection (a) and on the grounds specified in that subsection, and may extend this release by additional periods of time that may not exceed six months on each occasion; the duration of the Prisoner's release under this Subsection will be included in the Prisoner's prison term, unless otherwise determined by the Board.

(Amendment No.  
12) 5772-2012

(c) In deciding to release a Prisoner on parole in accordance with this Section, the Board will also examine considerations of the public good, including the safety of the Prisoner's family and that of the victim and his family.

(d) A decision under Subsections (a) and (b) can, in urgent cases, be made by the Board Chairman, and, when so made, its maximum duration will be 30 days, unless the decision is approved by the Board before the end of that period.

(Amendment No.  
12) 5772-2012

(e) In this Section –

(Amendment No.  
12) 5772-2012

"Prisoner" – Any person sentenced to prison, including persons with regard to whom the Court has decided that they are to serve their prison sentence by way of community service, as provided in Article B1 of Chapter

(Amendment No.  
8) 5767-2007

F of the Penal Law, and provided that said person has begun to serve their sentence;

"Imprisonment" – Including on grounds of failure to pay fines;

(Amendment No. 8) 5767-2007

"Physician" – A physician included on the list formulated for this purpose by the Director General of the Ministry of Health and published in the Official Gazette

8. (a) A Prisoner's prison sentence with regard to release on parole will be the total duration of the prison terms which the Prisoner is required to serve one after the other, excluding the prison term which the Prisoner is required to serve on account of the cancellation of his release on parole

Calculation of imprisonment term

(b) The calculation of the prison term of a Life Prisoner, for the purposes of Section 5, will include the period of time in which the Prisoner was under arrest as a result of the offense that led to the life imprisonment.

(Amendment No. 15) 5775-2014

(c) The calculation of the prison term of persons who are transferred from a detention center to a prison in accordance with Section 25a or 25b(c) of the Youth (Judgment, Penalization and Handling Methods), 5731-1971, will include the period of time in which the person was kept at the facility. This Section was added in July 2008.

(Amendment No. 10) 5768-2008

9. In deciding whether a Prisoner deserves to be released on parole, the Board will consider the expected risk posed by the Prisoner's release to the safety of the public, including the Prisoner's family, the victim of the offense and national security, the prospects of the Prisoner's rehabilitation and his behavior in prison; for this purpose, the Board will take into account, inter alia, the following information:

Consideration of the Board

(1) The offense that resulted in the Prisoner's prison sentence, including the circumstances of the offense, its type, severity, extent and outcomes, the prison term imposed by the Court, or fines or damages in accordance with Section 77 of the Penal Law, which the Prisoner was required to pay as a result of said sentence, whether the Prisoner paid said fines or damages, the reasons for not paying same, and whether the Prisoner's commutation was granted by the President;

(Amendment No. 8) 5767-2007

(2) The contents of the pending indictments against the Prisoner; the type of offenses of which he is accused, the circumstances and outcomes of the offenses based on the indictment;

(3) The Prisoner's prior convictions, their number, frequency, type, severity, circumstances, outcomes, extent and prison sentences served on account thereof;

(4) Prior Board hearings on the Prisoner's case and decisions made at said hearings, including with regard to the cancellation of the Prisoner's release on parole;

(5) Commutation of sentences by the President on account of the

Prisoner's previous prison sentences

(6) The behavior, whether positive or negative, of the Prisoner in prison during his prison term, as provided below:

- (a) Good behavior of the Prisoner during the prison term;
- (b) Positive attitude on the part of the prisoner to work and the measures taken to rehabilitate the prisoner.
- (c) Use of dangerous drugs, as defined in the Dangerous Drugs [New Version] Ordinance, 5733-1973 (hereinafter, "Dangerous Drug");
- (d) Rehabilitation from the use of Dangerous Drugs;
- (e) A criminal offense committed by the Prisoner and the type of offense;
- (f) Behavior that causes tangible harm to other prisoners or correctional officers, or disrupts the operation of the prison;
- (g) Involvement in criminal activity, whether inside or outside the prison;
- (h) Escaping the prison or not returning to the prison on time;

(Amendment No.  
4) 5764-2004

(7) Expert opinion about the Prisoner provided by the Prisons Service, the Israel Police or the security authorities, and, in suitable cases, professional expert opinions as well, inter alia on the subject of incest, domestic violence and mental health;

(Amendment No.  
4) 5764-2004

(8) An expert opinion of the Prisoner Rehabilitation Authority, if provided, regarding the prisoner's release on parole, as provided below, to which greater weight will be ascribed the smaller the part of the prison sentence completed by the Prisoner is:

- (a) An expert opinion that includes a plan to rehabilitate the Prisoner, potential ways of securing regular employment for him or involving him in a therapeutic program; in this context, the level of oversight over the program proposed by the Prisoner Rehabilitation Authority will also be taken into account;
- (b) An expert opinion according to which the Prisoner does not require a rehabilitation program and does not present any criminal behavioral patterns;
- (c) An expert opinion according to which the Prisoner is not suitable for rehabilitation;

(9) With regard to prisoners who, under a probation order issued in accordance with the Probation Ordinance, must be supervised by a probation officer after their release from prison, an expert opinion of the Probation Service, if provided, regarding the Prisoner's release on parole;

(Amendment No.  
8) 5767-2007

(10) The Prisoner's personal information, including his age and marital status.

10. (a) In cases of special severity and circumstances, in which the Board believes that the Prisoner's release on parole will severely harm the public's trust in the justice system, the enforcement of the law and the deterrence of the public, given that there is an unreasonable disparity between the severity of the offense, its circumstances and the sentence imposed on the Prisoner and the prison term which the Prisoner will actually complete if released, the Board may also take these details into account in its decision, in addition to the details specified in Section 9; the significance of the details specified in this subsection with respect to the Board's decision will decrease the greater the part of the prison sentence already completed by the Prisoner is.

Additional considerations of the Parole Board's decision

(b) A Special Parole Board, in deciding whether to release a Life Prisoner on parole, will consider, in addition to the other considerations specified in this Law, whether the Prisoner has notably and tangibly changed in terms of understanding the severity of his actions and his willingness to integrate within and contribute to society.

11. (a) The Board will not decide to release on parole any Prisoner who is serving a sentence due to one of the offenses specified in the Addendum, before a professional team, which will include representatives of the Ministry of Labor and Welfare and the Prisons Service, has furnished it with an expert opinion concerning the extent of the risk posed to the public as a result of the Prisoner's release, including the risk posed to the victim of the offense.

Releasing a prisoner who is serving a sentence for a violent crime or a sex offense committed against a family member

(b) The Minister of Justice may, by way of issuing an order and subject to the approval of the Minister of Labor and Welfare and the Constitution, Legislation and Law Committee of the Knesset, revise the Addendum.

12. (a) The Board will not decide to release on parole any Prisoner who is serving a sentence due to a sex offense or who has a mental illness or disorder, before it receives an expert opinion according to which the Prisoner poses no risk to the public from the person authorized to do so by the Minister of Health. In this Section, "Expert Opinion," in the context of prisoners serving a prison sentence due to a sex offense – Risk Assessment as defined in the Protection of the Public from Sex Offenders Law, 5766-2006 (in this Law, the "Protection from the Public from Sex Offenders Law").

Releasing a prisoner who is serving a sentence for a sex offense or a mentally ill prisoner (Amendment No. 6) 5766-2006

(b) If an Expert Opinion is not filed as provided in Subsection (a), or if an Expert Opinion is filed, which determines that the Prisoner poses a risk to the public to any extent, although he may still be released on the condition that he receive treatment or on any other condition, as recommended in the Expert Opinion, the Board may, notwithstanding the provisions of Subsection (a), release a Prisoner as provided in that subsection, if it believes, on special grounds that must be recorded, that the Prisoner can be released without posing any risk to the public and subject to the terms of release as shall be determined by the Board, and which will ensure such an

absence of risk.

13. (a) Under this Law, the prisoner's release is conditional upon the released prisoner's not committing a misdemeanor or another crime (hereinafter, "Additional Offense") throughout the term of his parole; in this Law, the "Term of Parole" – the Period of time between the Prisoner's release on parole and the end of the prison sentence that the Prisoner would have completed had he not been released, and, with regard to prisoners released as provided in Section 30(b) – The period of time specified by a Special Parole Board under the provisions of that section.

Terms of Probation  
(Amendment No.  
11) 5772-2012

(b) The Board may make a Prisoner's release conditional upon other conditions, including bail.

(Amendment No.  
8) 5767-2007

(c) The Board may, pursuant to the recommendation of the Probation Service or the Prisoner Rehabilitation Authority, make the Prisoner's release on parole conditional upon his participation, during the Term of Parole, in a treatment program supervised by the Probation Service, or in a rehabilitation program formulated by the Prisoner Rehabilitation Authority; such release will also be conditional upon the actuality of the details of the program and the Board may make it conditional upon other conditions for this purpose.

(d) In the absence of any other determination of the Board, the Prisoner's release, in addition to the conditions specified in subsections (a) to (c), will also be conditional upon the following:

(1) The Prisoner will inform the Prison Superintendent of the place where he intends to live during the Term of Parole;

(2) Within 48 hours of the Prisoner's arrival at his place of residence, the Prisoner shall report to the officer responsible for the nearest police station in the District in which he lives (hereinafter, the "Responsible Officer").

(3) The Prisoner will report to the Responsible Officer during the Term of Parole once a month and inform him and the Prison's Superintendent, at the nearest possible juncture, of any change of his place of residence;

(4) The Prisoner may not leave the country.

(Amendment No.  
8) 5767-2007

(e) Restrictions on Prisoners released on parole under this Law, which were imposed by way of order issuance under Section 3 of the Restrictions on the Return of Sex Offenders to the Vicinity of the Victim, 5765-2004 (in this Law, the "Restrictions on Sex Offenders Law"), or by way of court issuance under the Protection of the Public from Sex Offenders Law, are part of the Prisoner's terms of release.

(Amendment No.  
5) 5765-2004  
(Amendment No.  
6) 5766-2006

14. (a) A Board that decides to release a Prisoner on parole will provide the Prisoner with a license in which the Prisoner's terms of release will be specified.

Licenses for  
Parolees

(b) A prisoner released on parole will carry his license throughout the Term of Parole, and shall present it to any police officer pursuant to his request.

15. The Board may, at any time until the end of the Term of Parole, change, at its discretion, the terms of release stipulated in accordance with the provisions of Sections 13(b)-13(d).

Change of Terms of Release

16. (a) Board hearings, excluding hearings that concern a request of a prisoner to hold an additional hearing, and excluding hearings under Chapter E, will be held in the presence of the Prisoner and his counsel, if represented, and at the presence of the Attorney General's counsel; if the counsel of the Attorney General agrees to the Prisoner's early release, and, with respect to Prisoners released on parole – to changes in his terms of release pursuant to his request, the Board hearing may be held subject to the provisions of subsection (c), even in the absence of the Prisoner or his counsel.

Procedure with respect to Parole Applications and Deliberations upon Changes of Release Terms (Amendment No. 8) 5767-2007

(b) The Board's examination of requests to hold a repeat hearing on a Prisoner's case will be held in the absence of the parties.

(c) The Board may not decide to release a Prisoner on parole, including on medical grounds under Section 7, or change the terms of release of a Prisoner released on parole, before the counsel of the Attorney General is given the opportunity to make his case, and will not make a decision as provided below, before the Prisoner and his counsel, if represented, are given the opportunity to make their case;

(Amendment No. 8) 5767-2007

- (1) A decision to not release a prisoner on parole;
- (2) A decision to deny the request of a Parolee to change the terms of his release;
- (3) A decision to worsen the terms of a Parolee's release.

(d) The Board or the Board Chairman may appoint a defender for the Prisoner for the purpose of holding a hearing before the Board, and in this context the provisions of the Public Defense Law, 5756-1995 will apply, *mutatis mutandis*.

(Amendment No. 7) 5766-2006

(e) The Board shall prepare the minutes of its hearings, which will be signed by the Board Chairman; the Prisoner and his counsel may examine the minutes of the hearings on his case and receive a copy thereof, unless the Board decides that the minutes or any part thereof are confidential, on account of the receipt of confidential information in accordance with Section 17.

(f) The Board will take into account, for the purposes of its decision, any information that pertains to the case in question, including confidential information, as defined in Section 17(a), unless it is requested not to take information into account in accordance Section 17 (g).

(g) The decision of the Board will be reasoned and signed by the members of the Board; a copy of the decision will be provided to the Prisoner,

to the counsel of the Attorney General, and, if the release is conditional upon certain conditions as provided in Section 13(c), also to the Probation Service or the Prisoner Rehabilitation Authority, as applicable.

(h) The Minister of Justice, subject to the approval of the Minister of Public Security, will determine the procedures of the Boards, the procedure that governs petitions filed with said Boards, the information that is to be presented to them and the manner of its presentation, as well as the information to be disclosed to the Prisoner or his counsel, if represented, for the purpose of holding a Board hearing, and the manner of its disclosure, provided they are not specified in this Law.

17. (a) The counsel of the Attorney General may present information to the Board the disclosure of which to the Prisoner and his counsel could, in his view, be detrimental to national security, or to another important public matter (hereinafter, "Confidential Information"), and may do so in the absence of the Prisoner and his counsel, and without disclosing its contents to them.

Confidential  
information

(b) if the counsel of the Attorney General requested that Confidential Information as provided in Subsection (a) be presented to the Board, he must inform the Prisoner or his counsel of doing so.

(c) The Board may examine information presented to it as confidential for the purpose of making the decision in the request of the Attorney General as provided in subsection (a) and receive additional details concerning said information from the Attorney General, and may do so in the absence of the Prisoner and his counsel.

(d) Should the Board find that the matter that concerns the nondisclosure of Confidential Information presented to it as provided in Subsection (a) is of greater importance than the need to disclose it to serve justice, it may hold a hearing on the Prisoner's case in the absence of the Prisoner and his counsel and without disclosing the Confidential Information to them.

(e) The Board will inform the Prisoner or his counsel and the counsel of the Attorney General of its decision regarding the request described in this Section, and it may determine that the arguments of the decision, in whole or in part, shall remain confidential.

(f) If the Board decided to not disclose the contents of Confidential Information to the Prisoner and his counsel, in whole or in part, the Board shall provide the Prisoner with details or a summary of the Confidential Information, inasmuch as it is possible to do so without adversely affecting national security or the other public matter in question; if the Information is not disclosed in order to protect the Prisoner, the Board may disclose the Confidential Information only to the Prisoner's counsel, provided that the Prisoner has agreed to this.

(g) If the Board decided to disclose Confidential Information, or if the

Court, as defined in Section 25(b), or the Supreme Court ordered the disclosure of Confidential Information, the counsel of the Attorney General may request that the Board not take the aforementioned Information into account for the purpose of making a decision on the Prisoner's case; should the Attorney General make such a request, the Board shall not take the aforementioned Information into account, and the Information will not be disclosed to the Prisoner and his counsel.

(h) In this Subsection, "Prisoner" – including Parolees.

18. The Minister of Justice, in consultation with the Minister of Public Security and the Minister of Defense, may enact regulations with regard to the procedures that govern the request described in Section 17 and petitions under Section 26, inasmuch as they are not governed by this Law.

Procedure with respect to confidential information

19. If the Board decided not to release a Prisoner, it will not hold another hearing on his case unless one of the following conditions is met:

Re-examination of the Board's decision to not release a prisoner on parole (Amendment No. 8) 5767-2007

(1) The Board determined in its decision, in advance, that it will hold another hearing on the Prisoner's release on parole on the date or on conditions specified by the Board;

(2) The Prisoner Rehabilitation Authority has requested that the Board hold another hearing on the Prisoner's release on parole, which was made conditional on the Prisoner's participation in a rehabilitation program prepared by the Authority for said Prisoner;

(3) The Probation Service has requested that the Board hold another hearing on the Prisoner's release on parole, which was made conditional on the Prisoner's participation in a treatment program supervised by the Probation Service;

(4) The Attorney General has requested that the Board hold another hearing on the Prisoner's release on parole, due to public considerations that justify it;

(5) The Prisoner furnished the Board with a detailed request to hold another hearing on his release on parole at least six months after the Board's decision not to release the Prisoner, and, with respect to Life Prisoners, at least one year after said date, and the Board believes that there the circumstances that constituted the basis of its decision to not release the Prisoner have changed, and that this change justifies another hearing;

(6) The Prisoner has furnished the Board with a detailed request to hold another hearing on his release on parole on a date that is earlier than the aforementioned dates in Paragraph (5), and the Board was presented with facts that were not known and that could not have been known to the Prisoner before the decision not to release him was made, which justify another hearing.

(Amendment No. 8) 5767-2007

19a. (a) If the Board decides to release a prisoner on parole, the counsel of

Re-examination of the Board's decision not to release a prisoner on parole (Amendment No. 8) 5767-2007



the Attorney General may, no later than the date on which the Prisoner is released on parole, request that the Board hold another hearing on his release as previously stated, if, after the decision is made, new facts are revealed that tangibly indicate that the Prisoner does not deserve to be released or that his release will pose a risk to public safety.

(b) If a request under Subsection (a) is made, the Chairman of the Board may order that the Prisoner's release on parole be delayed by up to seven days, and, with respect to Life Prisoners, up to 14 days, or until the decision is made at the repeat hearing under this Section, whichever is earlier.

#### Chapter C: Cancellation of release on parole

20 (a) If a Parolee commits another offense during his Term of Parole, the Board will cancel his release and will require him to serve a prison sentence whose duration is that of the Term of Parole.

Cancellation of  
Release on account  
of an Additional  
Offense

(b) Notwithstanding the provisions of Subsection (a), the Board may, under special circumstances, decide, on grounds that shall be recorded, to allow the continued release of the Prisoner under the conditions specified by it or under other conditions to be determined by it, provided that the prisoner was not sentenced to actual imprisonment as a result of the other offense committed during the Term of Parole; if the Board so decided, a new Term of Parole shall then apply to the Parolee; in this context:

(Amendment No.  
8)  
5767-2007

“Actual Imprisonment” – excluding community service sentences, as provided in Article B1 of Chapter F of the Penal Law;

“New Term of Parole” – The term that begins on the date of the Board’s decision to continue the Prisoner's release, and whose duration is that of the Term of Parole; the Board's decision to continue a Prisoner’s release on parole under this Subsection will only be made once for the same Prisoner.

(c) Notwithstanding the provisions of Subsection (a), the Board may, under special circumstances, order that a Prisoner whose release was canceled in accordance with Subsection (a) return to serving prison time for a period of time that is shorter than the Term of Parole, and this period of time may not be shorter than half of the Term of Parole; If the Board so ordered, the prison term that was not completed by the Prisoner, in accordance with the Board's order, will be a term of parole that begins upon the Prisoner's release from the prison term completed by him, added by all of the Prisoner’s other terms of probation.

(Amendment No.  
8)  
5767-2007

(d) (Canceled).

21. (a) If a Prisoner was released on parole and violated one of the conditions specified in Section 13 (b)-(e), the Board may cancel the release and order that the Prisoner complete a prison sentence whose duration is that of the Term of Parole or any part thereof; should the Board decide not to cancel the release, it will warn the Parolee against violating the terms of his release, and it may determine that a new term of parole apply to the Parolee;

Cancellation of  
Release on  
account of the  
Violation of  
Another Term  
(Amendment No.  
5) 5765-2004  
(Amendment No.  
15) 5775-2004

in this context, "New Term of Parole" – A period of time that begins on the day of the warning and whose duration is that of the Term of Parole.

(b) If the Board decided, in accordance with Subsection (a), that the Prisoner return to serving prison time for a period of time that is shorter than the Term of Parole, the prison term not completed by the Prisoner, in accordance with the Board's decision, will be a term of parole that begins upon the Prisoner's release from the prison term completed by him, added by all of the Prisoner's other terms of probation.

(c) For the purposes of making its decision under Subsection (a), the Board shall examine, as a main consideration, the public's interest in the Prisoner's compliance with the terms of his release on parole, and shall take into account the severity of the violation, its nature, frequency and the extent of the risk posed to the public on account thereof, and, with regard to the violation of restrictions imposed by way of order issuance under Section 3 of the Restrictions on Sex Offenders Law, the Board will consider the matter of the victim of the offense.

(Amendment No.  
5) 5765-2004

22. (a) The Board may cancel the release on parole of Prisoners even after the lapse of the Term of Parole, although no such release may be canceled:

Cancellation of  
Release after a  
Term of Parole

(1) On account of another offense committed during the Term of Parole as a result of which an indictment has been filed, if more than three months have elapsed since the day on which the Prisoner was sentenced on account of the additional offense by the trial court, and until the date on which the request to cancel the release was filed;

(2) On account of the violation of any of the conditions specified in Section 13, if more than three months have elapsed since the end of the Term of Parole and until the filing of the request to cancel the release.

(b) In this Section –

"Filing a Request" – Including reports under Section 23 (b);

"Sentence" – Including a decision as a result of which community service is discontinued under Section 51j of the Penal Law, a decision to cause the expiry of probation under Section 16 or 17 of the Probation Ordinance, and a decision to cancel a service order under Section 71 of the Penal Law.

(Amendment No.  
8)  
5767-2007

22. Notwithstanding the provisions of Section 45 of the Penal Law, if the release on parole of the Prisoner is canceled in accordance with Sections 20-22, the Prisoner will complete the remainder of the prison term that he is required to complete due to the cancellation of his release cumulatively and prior to any other prison sentence imposed on him, if he committed another offense during the Term of Parole, cumulatively and before any other prison sentence imposed on him as a result of that offense; if the Prisoner is serving

Procedure of  
serving a sentence  
after the  
cancellation of  
release on parole  
(Amendment No.  
8)  
5767-2007

a sentence when his release is canceled, that sentence will be discontinued so that the Prisoner will complete the remainder of the prison sentence which he is required to complete due to the release's cancellation, and will resume at the end of that period of time; in this context, "Imprisonment" – Including imprisonment on account of failure to pay fines.

23. (a) The Board, pursuant to the request of the counsel of the Attorney General, will examine cases of Parolees who violated the terms of their release.

Procedure with respect to the violation of probation terms

(b) The Board will examine cases of Parolees who violated the terms of their release in the absence of a request made by the Attorney General, if, in the decision to release the Prisoner, it determined that a certain authority will report a violation of the terms of service to the Board, and the authority in question reported a violation as previously stated.

(c) Hearings held under Subsections (a) or (b) will be in accordance with Section 16-18, mutatis mutandis; however, if a released Prisoner is summoned to such a hearing, based on the address disclosed by the Prisoner in accordance with Section 13 (b), and the Prisoner fails to attend the hearing, the Board may deliberate upon the violation of the terms of release and cancel the release in the absence of the Prisoner, and he will be entitled to request a repeat hearing in his presence on the same matter.

(Amendment No. 15) 5775-2014

(d) The Board Chairman may issue an order to summon the Prisoner before the Board, to hold a hearing on the request to cancel a Prisoner's release on parole on the date specified in the order; the provisions of Section 73a and 73b of the Courts [Combined Version] Law, 5744-1984 will apply to such an order.

24. The decision of the Board to cancel a Prisoner's release on parole is tantamount to a warrant for his arrest.

Cancellation of Release – Arrest

#### Chapter D: Petitions against the Parole Board and the Special Parole Board

25. (a) The Prisoner and the counsel of the Attorney General may file a petition against a decision of the Commissioner of Prisons under Section 2, or against the decision of the Board (hereinafter, "Petition"), subject to the provisions of Section 26 (d).

Petitions against the Board

(b) Petitions will be filed with the District Court in the jurisdiction of which the prison, in which the Prisoner is held, is located, and, if the Prisoner was released, the prison in which the Prisoner was held before being released (in this Law, the "Court").

(c) the Court will hear a petition under Subsection (a) and will consist of a panel of three judges, which will be appointed by the President of the Court.

(d) the Court is authorized to issue, in connection with petitions under Subsection (a), orders to the authorities and officers of the law, to perform acts or to avoid performing acts in the course of their lawful duties.

(e) Appeals from the decision of the Court with regard to petitions filed in accordance with Subsection (a) can be filed with the Supreme Court, if permission is granted by the Court [this provision was added in July 2008] or by a Supreme Court Justice.

(Amendment No.  
9) 5768-2008

(f) The provisions of this Section do not derogate from the authority of the Supreme Court, sitting as the High Court of Justice, under Section 15(d) of Basic Law: The Judiciary.

26. (a) (1) If the Board decided to disclose Confidential Information to a Prisoner or his counsel, the Attorney General may file a petition against the disclosure of the Confidential Information, in whole or in part, with the Court;

Petitions against the disclosure of confidential information

(2) If the Attorney General informs the Board that he is considering the possibility of filing a petition as provided in Paragraph (1), the Board will not disclose the Information to the Prisoner and his counsel until the petition is finally decided, provided that the petition is filed within 15 days of the date on which said notice is provided.

(b) (1) if a petition against the disclosure of Confidential Information is denied, the counsel of the Attorney General may file an appeal against this decision within 15 days of the date on which the decision to dismiss his petition is presented to him with the Supreme Court, a single Justice of which will hear the appeal;

(2) If the Attorney General informs the Court that denied the Petition that he is considering the possibility of filing an appeal as provided in Paragraph (1), the Board will not disclose the Information to the Prisoner and his counsel until the appeal is finally decided.

(b1) if the counsel of the Attorney General furnishes a notice as provided in Subsections (a)(2) or (b)(2), and later decides not to file a petition or appeal as provided in those subsections, he must inform the Board of this as soon as possible.

(Amendment No.  
8)  
5767-2007

(c) The deliberations upon the petition and appeal against a decision under this Section will be held behind closed doors, and the Court may examine the Confidential Information in order to make a decision regarding the petition and obtain additional information from the Attorney General's counsel about said Information in the absence of the Prisoner and his counsel.

(d) (1) A petition of a Prisoner against the decision of the Board to not disclose Confidential Information will exclusively be within the framework of petitions against the Board's decision to not release the Prisoner, decisions to cancel his release, or decisions to change the terms of his release, as the case may be.

(Amendment No.  
8)  
5767-2007

(2) if a Prisoner's petition to disclose Confidential Information is

granted, the counsel of the Attorney General may file an appeal against this, and the provisions of Subsections (b) and (c), *mutatis mutandis*, will apply to the aforementioned appeal.

27. (a) if the Board decides to release a prisoner on parole, and the counsel of the Attorney General informs the Board that he is considering the possibility of filing a petition against the decision, in accordance with the provisions of Section 25, the Prisoner's release will be delayed by up to 7 days to allow the petition's filing and the filing of a Petition for Stay of Execution within the framework thereof.

Delayed Release

(b) if the counsel of the Attorney General provides notice as specified in Subsection (a) and later decides to not file a petition as specified in that subsection, he will inform the superintendent of the prison of this decision as soon as practicable and the Prisoner will be released before the end of the aforementioned seven days.

28. Petitions under this Chapter will be filed as administrative petitions in accordance with the provisions of the Administrative Courts Law, 5760-2000, subject to the provisions of this Chapter.

Administrative

Chapter E: Commutation and reduction of life sentences

(Amendment No. 11) 5772-2012

29 (a) A Special Parole Board may, pursuant to the request of a Life Prisoner, recommend that the President commute the sentence of the Prisoner by converting his sentence to a prison sentence with a fixed term, in accordance with the power vested in him under Section 11(b) of Basic Law: President of the State (in this Law, "Commutation") after at least seven years have elapsed since the day on which the Prisoner began serving his sentence, and provided that the duration of the recommended commuted prison sentence will be no less than 30 years.

Recommendations concerning the commutation of a life sentence (Amendment No. 8)

(b) If a Life Prisoner cumulatively serves two life sentences or more, a Special Parole Board may, pursuant to his request, recommend that the President commute the sentence of the Prisoner after at least 15 years have elapsed since the Effective Date, and provided that the recommended commuted prison term will be no less than 30 years, which will begin on the Effective Date; in this Section, "Effective Date" – The date on which a Life Prisoner began serving the life sentences imposed on him pursuant to a single sentence or the date on which he was last sentenced to life in prison by the trial court, whichever is earlier.

(c) If a Special Parole Board believes that there is no reason to present the President with such a recommendation as described in Subsections (a) and (b), the Board will deliberate upon the Prisoner's case every two years as of the date on which it reached said conclusion, although it may, on special grounds that will be recorded, deliberate upon the matter before the end of the aforementioned two years.

(Amendment No. 8) 5767-2007

(d) For the purpose of formulating its recommendation to the President

(Amendment No. 8) 5767-2007

with respect to the question of whether to commute the life sentence of a Prisoner and the term of the commuted sentence, the Special Parole Board will examine penal considerations that concern the nature of the offense, its circumstances and outcomes, as well as the personal circumstances of the Prisoner. A special Parole Board may, in exceptional cases, allow the Prisoner to present to the Board with his arguments, for the purpose of formulating its recommendation as previously stated.

(e) If the President commuted the sentence of a Life Prisoner, a Special Parole Board may, pursuant to the Prisoner's request, recommend that the President further commute the sentence, provided that the prison term which the Prisoner will be required to complete if the recommendation of the Board is accepted will be no less than 30 years, and the provisions of Subsection (d) will apply, mutatis mutandis, to the formulation of recommendations under this Subsection as well.

(Amendment No. 8)  
5767-2007

(f) For the purposes of this Section, the provisions of Section 8(b) will apply to the calculation of the term of imprisonment of Life Prisoners .

30. (a) With regard to Life Prisoners, a Special Parole Board may, at any time, pursuant to the request of the President or the Minister of Justice, provide a recommendation regarding the exercise of the President's powers in accordance with Section 11(b) of Basic Law: President of the State.

Recommendations pursuant to the request of the President or the Minister of Justice and the determination of Terms of Probation by a Special Parole Board.  
(Amendment No. 11)  
5772-2012

(b) A Life Prisoner released from prison under Section 11(b) of Basic Law: President of the State will be regarded as having been released on parole, and he will be summoned, prior to his release, before a Special Parole Board to determine the term of his probation and the terms of his release, unless otherwise determined by the President in his decision.

(Amendment No. 11)  
5772-2012

30.a. If a Special Parole Board finds that a Life Prisoner convicted of murdering the Prime Minister was driven by political-ideological motives, for the purposes of Section 29, the Board shall be deemed as having recommended not to commute the Prisoner's sentence, and, for the purposes of Section 30, as having recommended not to exercise the President's powers under Section 11(b) of Basic Law: President of the State; the provisions of Section 29(c) will not apply in this context.

Recommendations concerning a life prisoner convicted of the murder of the Prime Minister  
(Amendment No. 1)  
5762-2001

31. The provisions of Section 30, mutatis mutandis, will apply to the exercise of the powers of the Chief of General Staff under Regulation 55 of the Defense (Emergency) Regulations, 1945 with regard to Life Prisoners.

Recommendations concerning a life prisoner convicted of an exceptionally grave crime of the President of the State  
(Amendment No. 1)  
5765-2001

#### Chapter F: Parole Boards and Special Parole Boards

32. (a) Parole Boards will consist of four members, namely:

Parole Board

(1) A judge appointed by the Minister of Justice, with the consent of the President of the Supreme Court, who will serve as the

Board's chairman;

(2) Two persons appointed by the Minister of Justice, each of which having five years of experience in either of the following fields: criminology, social work, psychology, psychiatry or education; however, educational experience refers to persons who serve or who have served as senior educators and who have practical experience with education and academic training;

(Amendment  
No. 2) 5762-  
2002

(3) A Prisons Service Officer, serving at the rank of Senior Prison Officer or higher and appointed by the Minister of Public Security, will be allowed to participate in the Board's meetings, but will not be allowed to vote.

(b) The members of the Parole Board will be appointed for two-year terms, and may be reappointed for additional two-year terms at the end of each term.

(c) Notice of appointment of Parole Board Members will be published in the Official Gazette.

33. (a) The commutation of the sentences of Life Prisoners will be deliberated upon by a Special Parole Board consisting of four members, namely:

Special Parole  
Board  
(Amendment No. 3)  
5763-2003

(1) A District Court Judge appointed by the Minister of Justice with the consent of the President of the Supreme Court, who will serve as Chairman;

(Amendment No.  
3) 5763-2003

(2) An incumbent Magistrate's Court Judge or a former and retired Magistrate's Court Judge appointed by the Minister of Justice with the consent of the President of the Supreme Court;

(Amendment No.  
3) 5763-2003

(3) A person appointed by the Minister of Justice who has 10 years of experience in one of the fields specified in Section 32(a)(2);

(4) The Ministry of Justice's Pardons Department Director or an attorney, a Pardons Department employee authorized by him for that purpose, and, with regard to deliberations upon the commutation of sentences of Life Prisoners sentenced by a court-martial under Part B of the Defense (Emergency) Regulations, 1945, the Director of the Pardons and the Examination of Sentences Section of the Military Advocate General[this section was added in January 2007 and removed in May 2015].

(Amendment No.  
3) 5763-2003  
(Amendment No.  
8)  
5767-2007  
(Amendment No.  
13) 5772-2012

(b) With regard to any other deliberations that fall within the jurisdiction of a Special Parole Board, the Board will consist of four members, namely:

(1) A District Court Judge appointed by the Minister of Justice with the consent of the President of the Supreme Court, who will serve as Chairman;

(Amendment No.  
3) 5763-2003

(2) Two persons appointed by the Minister of Justice, each of

which having 10 years of experience in one of the fields specified in Section 32(a)(2), and each of which having experience in a different field;

(3) A Prisons Service Officer, serving at the rank of Chief Superintendent or higher and appointed by the Minister of Public Security, will be allowed to participate in the Board's meetings, but will not be allowed to vote.

(c) The provisions of Section 32(b) and (c) will apply, mutatis mutandis, to the appointment of Special Parole Board members.

34. (a) The Minister of Justice will appoint an Administration of Courts employee as the Chief Secretary of the Boards (hereinafter, the "Chief Secretary"), who will be responsible for determining the composition of Parole Boards and Special Parole Boards, the dates of Board meetings, summoning Board members to board meetings, formulating the Boards' procedures and the requisite coordination with Board secretaries.

Secretaries of the  
Committees

(b) The Minister of Public Security will appoint Prison Service officers as Parole Board Secretaries and Special Role Board Secretaries. The Board Secretaries will be responsible for providing the information needed by the Chief Secretary for the purpose of fulfilling his duties and for gathering data and documents needed by the Boards and providing them to the Board members and the counsel of the Attorney General, and all in coordination with the Chief Secretary and as shall be determined by the Minister of Justice subject to the approval of the Minister of Public Security.

#### Chapter G: Miscellaneous Provisions and Legislative Amendments

35. The powers vested in the Board with respect to Prisoners under the provisions of this Law, with regard to Life Prisoners, will be vested solely in Special Parole Boards.

Designation of  
Powers

36. The provisions of Sections 44-46 of the Evidence [New Version] Ordinance, 5731-1971 will not apply to the deliberations of the Board, petitions, motions for permission to appeal and appeals under this law.

Nonapplication of  
the Evidence

37. A police officer may:

Powers of Police  
Officers

(1) Order a Parolee to present him with his license;

(2) Interrogate a Parolee in order to ascertain whether he is in compliance with his terms of release and to interrogate other persons regarding a Prisoner's compliance with his terms of release;

(3) To enter the home or other location at which a Parolee is supposed to stay under the terms of his release, in order to inspect the compliance with said terms, after having identified himself to the person in possession of the house or location and after informing him of the purpose for which entry is required, and may use reasonable force in order to do so;



(4) To enter the home or other location at which a Parolee may not be present under the terms of his release, if he has reasonable grounds to assume that the Parolee is located there, after having identified himself to the person in possession of the house or location and after informing him of the purpose for which entry is required, and may use reasonable force in order to do so.

38. In the Penal Law, 5731-1977 –

Amendment No. 62  
to the Penal Law

(1) Sections 49-51 are canceled;

(2) In Section 51c(b), the words "Section 49(a)" are replaced by the words "Section 2 of the release on parole Law, 5761-2001", and, at the end of that Section, the following words will be added: "Unless the community service was discontinued in accordance with Sections 51i or 51j and the remainder of the prison term which the Prisoner is required to complete as a result of this Paragraph exceeds three months;"

(3) The First Addendum is cancelled.

39. In the Prisons [New Version] 5732-1971 Ordinance (hereinafter, the "Prisons Ordinance") –

Amendment No. 21  
of the Prisons  
Ordinance

(1) Sections 28-34 are canceled;

(2) in Section 36 –

(a) Subsection (b) will be replaced by the following:

"(b) A Prisoner who is on leave under Subsection (a) will be given a license, in which the terms upon which his leave is conditional will be specified."

(a) The following will be added after Subsection (b):

"(c)" A police officer may:

(1) Order a Prisoner on Special Leave under Subsection (a) (in this Section, "Prisoner on Leave") to present him with his license;

(2) Interrogate a Prisoner on Leave in order to ascertain whether he is in compliance with his terms of leave and to interrogate other persons regarding a Prisoner's compliance with his terms of leave;

(3) To enter the home or other location at which a Prisoner is supposed to stay under the terms of his leave, in order to inspect the compliance with said terms, after having identified himself to the person in possession of the house or location and after informing him of the purpose for which entry is required, and may use reasonable force in order to do so;

(4) To enter the home or other location at which a

Prisoner may not be present under the terms of his release, if he has reasonable grounds to assume that the Parolee is located there, after having identified himself to the person in possession of the house or location and after informing him of the purpose for which entry is required, and may use reasonable force in order to do so;

(3) in Section 62a –

(a) In Subsection (b), the end of the Subsection, which begins with the words “However, with regard to petitions,” will be removed;

(a) The following will be added after Subsection (b):

“(c) The provisions of this Section and Section 62b notwithstanding, the provisions of the aforementioned Law will apply to petitions against Parole Boards and Special Parole Boards under the release on parole Law, 5761-2001.”;

(4) Section 68e will be replaced by the following:

“Administrative release is tantamount to release on parole 68e. Administrative release will be regarded as release on parole as defined in the release on parole Law, 5761-2001, and the provisions of the aforementioned Law will apply to administrative release, mutatis mutandis.”

40. Early Release of Prisoners (Legislative Amendments) Law, 5761-2001 is canceled.

Cancellation of the  
Early Release of  
Prisoners  
(Legislative  
Amendments) Law

41. In the Public Defense Law, 5756-1995, the following will be added at the end of Section 18(a):

Amendment No. 3 to  
the Public Defense  
Law

(9)” A prisoner for whom a Parole Board or a Special Parole Board decided to appoint a defender under Section 16(d) of the release on parole Law, 5761-2001.”

42. In the Extension of Emergency Regulations (Judea and Samaria and the Gaza Region – Adjudication of Offenses and Legal Assistance) Law, 5728-1967, in the Addendum, in Regulation 6, Subregulation (a1) will be replaced by the following:

Amendment to the  
Extension of  
Emergency  
Regulations Law

“(a1) The provisions of the release on parole Law, 5761-2001 (hereinafter, the “Release Law”) will apply to the early release of any person serving a prison sentence in Israel in accordance with Subregulation (a), with the following changes:

(1) With regard to Section 9 of the Release Law, for the purpose of deciding whether the Prisoner deserves to be released on parole, the Commissioner of Prisons, the Commander of the Military Police Corps or the Board, as applicable, will also examine the expected risk posed by the Prisoner to the security of Judea,

Samaria and the Gaza Region;

(2) With regard to prisoners held in a military prison:

(a) Any reference in the Release Law to the "Commissioner of Prisons" will be regarded as a reference to the "Commander of the Military Police Corps";

(b) Any reference to a "prison" will be regarded as a reference to a "military prison;"

(c) The provisions of Section 34(b) of the Release Law notwithstanding, the Secretaries of Parole Boards and Special Parole Boards will be appointed by the Commander of the Military Police Corps, and these Secretaries will be officers serving in the Israeli Defense Forces."

43. In the Administrative Courts Law, 5760-2000, the following will be added at the end of Section 5:

Amendment to the  
Administrative  
Courts Law

"(4) An administrative matter which is to be heard by an administrative court under another law, and subject to the provisions of that law."

44. The provisions of this law do not derogate from the provisions of the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip (Jurisdictions and Other Provisions) (Legislative Amendments) Law, 5756-1996.

Saving of Laws

45. The Minister of Justice is entrusted with the implementation of this Law, and he may enact regulations for the purpose of its implementation subject to the approval of the Minister of Public Security and the Constitution, Law and Justice Committee of the Knesset.

Implementation and  
Regulations  
(Amendment No.  
15) 5775-2014

46. This law, excluding Section 47, will enter into force on the first day of the month that begins six months after its publication (in this Law, the "Effective Date"

Effective Date

47. (a) In this Section, the "Interim Period" – The period of time that begins on the date of this Law's publication and ends on the day before the Effective Date.

Special Provisions  
for Interim Periods

(b) Prisoners sentenced to imprisonment during the Interim Period, notwithstanding the Provisions of Section 49(a) and (b) of the Penal Law and Section 28 of the Prisons Ordinance, will complete at least two thirds of the prison term which they are required to complete before they may be released under those sections.

48. (a) Prisoners released with a license prior to the entry into force of this Law, under Section 28 of the Prisons Ordinance, will be regarded as having been released on parole under the provisions of this law, under the conditions specified their his license and the conditions specified in Section 13(a), (c) and (d), and the license granted to him under the aforementioned Ordinance

Transitory

will be regarded as a license under Section 14.

(b) To Prisoners sentenced to imprisonment before the publication of this Law, excluding prisoners sentenced to imprisonment as a result of one of the offenses specified in the First Addendum to the Penal Law, as was in effect prior to the entry into force of this law, the provisions of this Law will apply with the following change: in Sections 2 and 3, the words "two thirds of the prison term" will be replaced by the words "half of the prison term."

(c) Without derogating from the provisions of Sections 9 and 10, the Board will consider the possibility of rehabilitating a Prisoner to which the provisions of Subsection (b) apply based on the expert opinion of the Prisoner Rehabilitation Authority, if provided, in accordance with the rules formulated by the Minister of Justice in consultation with the Minister of Labor and Welfare and subject to the approval of the Constitution, Law and Justice Committee of the Knesset.

### **Addendum**

(Section 11)

1. Violent crimes committed by the Prisoner against a family member, including the false imprisonment of a family member or any other offense that deprived him of his liberty or a peaceful life, including crimes of abuse, neglect or abandonment of family members.
2. Offenses under Article J, in Chapter H of the Penal Law, committed by the Prisoner against a family member.
3. Sex offenses under Article E, in Chapter J of the Penal Law, committed by the Prisoner against a family member.

For the purposes of this Addendum, "Family Member" – as defined in the Prevention of Domestic Violence Law, 5751-1991.

Ariel Sharon  
Prime Minister

Meir Shitrit  
Minister of Justice

Moshe Katzav  
President

Avraham Burg  
Chairman of the Knesset

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