

Parole Board Survey 2004

What is the current status of the boards releasing authority and what other duties does the board have beyond the releasing function?

In terms of response:

·“Yes”, means all most full discretion with some statutory limits.

·“Yes, limited”, means discretion except in dealing with certain type offenders.

·“Yes, very limited”, means they still have discretion in a number of old code cases, but little if any discretion with individuals who committed a crime after a set date.

·“No”, means there is little discretion or parole has been totally abolished. However, many boards still have authority over other areas of release, like setting conditions and handling revocations for mandatory releases to supervision. In the “Comment” section many of these other functions are included.

Almost all boards are involved in making clemency recommendations to the governor. In most cases, these duties have not been included and those administrative duties which are carried out by all parole boards are not included.

ALABAMA - YES - Comment: The Board has absolute discretion over all releases. No person is released from prison except by parole, end-of-sentence or after serving the incarceration portion of a split sentence.

ALASKA – YES - Comment: The Board has full authority over the release of inmates who are eligible for parole. They set release conditions on all releases both mandatory and discretionary.

ARIZONA - YES, VERY LIMITED - Comment: The Board has authority over offenders who have committed felony offenses prior to January 1, 1994, the Board has the exclusive power to grant, set condition for release, deny parole, order work furlough, house arrest and absolute discharge. The Board also has the authority to recommend clemency, commutation, pardon, and reprieves to the Governor.

ARKANSAS - YES, VERY LIMITED - Comment: The Board only has discretion for cases whose crimes were committed prior to 1994. The Board conducts pardon and clemency hearings, along with victim input hearings.

CALIFORNIA - YES, VERY LIMITED - Comment: The Board has discretion to release the indeterminate sentenced inmates, commonly referred to as “lifers”, only after a hearing conducted by a panel of Board members and concurrence by the Governor. The Board has authority to approve parole plans and conditions of release for determinate sentenced inmates. The Board conducts revocation hearings for all those under supervised release.

COLORADO - YES - Comment: The Board has exclusive control over the parole of individuals pursuant to 18-1.3-904 C.R.S. There is a mandatory parole period (up to five years) except sex offenders who committed their crime after 11/1/98, and have lifetime supervision. Mandatory parole applies to all inmates prior to 1993, except sex offenders who are discretionary. The Board is authorized to order transfer of an inmate to any correctional facility if it deems it is in the best interest of the inmate and public. There are legislatively imposed limitations on the placement options and revocation time for certain non-violent offenders whose parole is revoked for technical violations.

CONNECTICUT - YES - Comment: The Board has discretionary authority over offenders sentenced to two year and 1 day or more. The Board considers most non-violent offenders without a face to face hearing. All violent offenders have face to face hearings. The Board sets conditions on both parole and mandatory releases. They also process revocation hearings. Legislation in 2004 created a new Board of Parole & Pardons and gave the chairperson the authority to release persons up to 18 months prior to the release date established by the Board of Parole.

DELAWARE - YES, VERY LIMITED - Comment: Parole has been abolished for all those convicted individuals who committed their crime after 6/30/90. The Board holds hearings for modification of sentences to sentencing courts upon applications from the Department of Corrections and commutation cases. The Board makes recommendation regarding the release of offenders not under parole jurisdiction to the sentencing judge and the Board of Pardons. The Board has jurisdiction over those offenders who have been released on merit and good behavior credits. The Board sets release conditions. The Board has authority over parole and mandatory release violators.

FLORIDA - YES – VERY LIMITED - Comment: The state abolished parole in 1983 with the implementation of sentencing guidelines. The Board did retain paroling authority over pre -1983 inmates. The Board still does medical paroles, sets terms and conditions of supervision for statutorily mandated released inmates. All inmates who committed a capital murder and sentenced to life prior to 10/1/94 and inmates who committed a capital sexual battery prior to 10/1/1995 are parole eligible. The Addiction Recovery Program is under the Board which requires mandatory post-prison supervision for offenders who committed a crime after 7/1/01 and have a history of substance abuse. The Board has prison population management authority when there is insufficient prison bed space. The Board is the investigative arm for the Governor in considering the restoring of civil rights or relief from punishment.

GEORGIA - YES - LIMITED - Comment: The board has total authority over the parole process with few exceptions. A 1994 law mandated a minimum 10-year prison sentence on first conviction for anyone convicted of the seven most violent crimes. There is no parole for this group. The second conviction of these types of crimes is a life sentence without parole. Felony offenders convicted of any fourth felony are not eligible for parole. They have unfettered discretion in clemency matters.

HAWAII - YES - Comment: The Sentencing Court does impose mandatory minimum sentences at their discretion for repeat offenders and those crimes which under statute have mandatory

minimum sentences attached to the conviction. The Board will not consider inmates for parole until the minimum sentence is served. They can set minimum sentences, set conditions, decide revocation, decide early discharge from supervision and make recommends for pardons to the governor.

IDAHO – YES - Comment: The Board has full discretion regarding release of inmates. They have all the functions regarding the release and return of individuals. The Board has commutation and pardon authority. The Board may discharge a parolee after one year of supervision. A Board rule requires a sex offender and violent offender to serve one third of the remaining sentence under supervision before being considered for discharge. Those with life sentences must serve 5 years.

ILLINOIS - NO - Comment: All individuals who committed a crime after 2/1/78 have determinate sentences and therefore are not eligible for parole. The Board is the paroling authority for juvenile offenders in the system. For both discretionary and mandatory release the Board sets the conditions of release. They are also the authority over revocation of both types of release. They are the body that revokes or restores inmates good conduct credits. They make recommendations for pardons, reprieves and commutations to the governor.

INDIANA - NO - Comment: Discretionary parole was abolished in 1977, but the Board still has parole supervision. The Board may grant parole to offenders for crimes committed prior to 10/1/77 and re-parole those who fall within this guideline.

IOWA - YES - Comment: The Board is the sole releasing authority for both parole and work release. They handle revocations, recommend commutations and pardon to the governor and restoration of citizenship.

KANSAS - YES, VERY LIMITED - Comment: Individuals whose crimes were committed after 7/1/93 receive a determinate sentence and are not eligible for parole. The Board has authority over all old code cases. The Board sets conditions of release on all releases and has revoking authority over anyone released.

KENTUCKY - YES - Comment: Certain violent offenders must serve a minimum time before eligible for parole. The Board can not consider any form of early parole except for medical paroles. Final discharges from parole are no longer issued prior to reaching maximum expiration date of sentence. Parole consideration for defined violent offenders was moved from 50 per cent to 85 per cent. There is life without parole for capital offenses. Sex offenders can not be paroled until they have completed treatment. No person who commits certain specified offenses who was armed or wore body armor can be paroled.

LOUISIANA - YES - Comment: All crimes against person cannot be paroled.

MAINE - NO - Comment: Parole was abolished in 1976 and only a few cases that still can be considered for parole. Only one person was paroled in 2001.

MARYLAND - YES - Comment: The Board is the paroling authority for all inmates sentenced to six months or more to the Division of Corrections or local jail facilities except for those sentenced to a term of life or life with all but a fixed number of years suspended. The governor is the paroling authority for those offenders. The Board issues retake warrants for alleged violations of parole or mandatory release supervision and handle revocations.

MASSACHUSETTS - YES - Comment: The Board has parole authority over all cases except a few sex offenders who under an old law are not eligible.

MICHIGAN - YES - Comment: Once the prisoner serves the minimum sentence less good time, the Board has jurisdiction to parole. The Board may now parole certain lifers sentenced for 650 grams or more of cocaine after 15 to 20 years depending on other prior convictions and cooperation with police. The Board has authority over all parole-related functions.

MINNESOTA - NO - Comment: There is not a parole board in the traditional model; however they do have a Commissioner's Advisory Panel for the Review of Life-Sentenced offenders (discretionary releases). The Department of Corrections also has a Hearing and Release Unit that coordinates the lifer review process; is responsible for all administrative hearings and reviews to which inmates and released offenders are entitled, including disciplinary hearings and release revocations; and approves offender release plans.

MISSOURI - YES, LIMITED - Comment: The Board has jurisdiction over most offenders except those convicted of dangerous felony and those sentenced involving a third or subsequent commitment, have a prison term and a conditional release term. The Board has authority to parole while the inmate is on the prison term. The Board grants or denies administrative/conditional release by recommending for or against good time credits. Hearings can be held for those subject to conditional release relating to them not following prison rules, failure in a program, etc. to consider extension of the conditional release date. The Board may grant or deny early discharge from supervision. Court-ordered probationers are supervised by Board staff.

MISSISSIPPI - YES, VERY LIMITED - Comment: The Board has discretion only if the crime was committed prior to 7/1/95.

MONTANA - YES - Comment: The Board has full authority over the release of inmates. The offender shall serve one fourth of their sentence to be eligible for parole. Individuals serving a life sentence will not be eligible until they have served 30 years. The Board does have subpoena power requiring the attendance of witnesses or the production of records.

NEBRASKA - YES - Comment: The Board has full authority over the parole of inmates from the prison system. Individuals are eligible for consideration after serving one half of their minimum term. No such reduction of sentence shall be applied to any term imposing a mandatory minimum. A parolee whose parole has been revoked shall be considered by the Board for reparole at any time in the same manner as any other committed offender eligible for parole. Every offender sentenced to consecutive terms, whether received at the same time or at any time

during the original sentence, shall be eligible for parole when the offender has served one-half the minimum term.

NEVADA - YES - Comment: The Board has discretion over all inmates except for the following: Life without parole - however, if it is commuted to lesser penalty the person may be paroled if they have served at least 20 years and meet other conduct and behavior requirements. There are also restrictions of the parole of certain sex offenses unless a panel certifies the inmate does not represent a high risk to re-offend. The Board sets conditions for all released. The Board also conducts public meeting when setting policy.

NEW HAMPSHIRE - YES

NEW JERSEY - YES - Comment: The Board is the paroling authority for all sentenced to the state prison system and for offenders in county jails for terms greater than 60 days. Once an offender is paroled the Board has the authority to discharge a parolee prior to the expiration of their sentence.

NEW MEXICO - YES – VERY LIMITED - Comment: The Board has paroling authority over all cases who committed their crime prior to 1979. All others receive mandatory parole. The Board set conditions and handle revocation on parole cases. They also are responsible for executive clemency, medical and geriatric paroles and pardons.

NEW YORK - YES - LIMITED - Comment: The Board has the authority to grant parole to selected inmates when they have completed their minimum term. The Board sets conditions and handles revocations on both parole cases, conditional or presumptive releases. The Board also issues violation warrants.

NORTH CAROLINA - YES - VERY LIMITED - Comment: The Board only has authority over those offenders who committed their crime prior to 4/10/94. They do have authority over offenders who committed DWIs after 10/1/94. The Board sets conditions and handling revocations on all those released either by parole or to post – release supervision. The Board approves or disapproves of work release, sets restitution and upon request makes recommendation to the governor on executive clemency.

NORTH DAKOTA – YES – LIMITED - Comments: The Board has paroling authority over all inmates except those who are serving 85% of their sentence.

OHIO - YES, VERY LIMITED - Comment: The Board does not have authority over those sentenced for crimes committed after 7/1/96. The Board does set conditions for those released on parole or determinate sentences. The Board is empowered to impose “bad time” for institutional rule infractions that would be a criminal offense outside prison. “Bad Time” extends the sentence imposed by the sentencing court and may be imposed in increments of 15, 30, 60, 90, days per infraction with accumulation not to exceed half of the original determinate sentence.

OKLAHOMA - YES, VERY LIMITED - Comment: The Board can only recommend release to the Governor, who is the final releasing authority. The Board can recommend conditions and

programs. Anyone committed for certain violent offenses on or after March 1, 2000 will have to serve 85% of their sentence (generally offenders serve 1/3) before parole eligibility.

OREGON - YES, VERY LIMITED - Comment: The Board imposes prison terms and makes parole decisions on offenders whose crime was committed prior to 11/1/89 and those who have been sentenced as “dangerous offenders” or for aggravated murder and murder that is eligible for parole. The Board approves release plans and imposes conditions for offenders being release from state prisons and county jails under the Boards jurisdiction.

PENNSYLVANIA – YES - Comment: The Board has exclusive release authority over offenders with sentences of two years or more when they become eligible for parole at the expiration of their minimum sentence. Offenders with sentences of less than two years remain under the courts jurisdiction. The Board may not parole any offender prior to the expiration of the minimum sentence. The Board Chair has the statutory responsibility to “secure the effective application of the probation system in all courts, in the state and the enforcement of the probation law.”

RHODE ISLAND - YES - Comment: All inmates are eligible after serving one fourth of their sentences except for those who have life without parole. The Board has jurisdiction over all inmates serving over a six month sentence. The Board now has the responsibility of sexual offender community notification. The Board determines the risk level for reoffending and carries out community notification with local police for sex offenders.

SOUTH CAROLINA - YES, LIMITED - Comment: Discretionary parole was abolished for certain crimes with sentences of 20 years or more committed after 1/1996. The Board has discretionary release authority over all others inmates.

SOUTH DAKOTA - YES, VERY LIMITED - Comment: Only inmates who committed their crime prior to 7/1/96 are eligible are for parole. The Board still has authority over all old code cases.

TENNESSEE - YES, LIMITED - Comment: There is no parole for a person who committed a crime against a person offense on or after 7/1/95. The Board has releasing authority over all other offenders. The Board handles revocations on all offenders released from the prison system. Probationers are under the jurisdiction of the court but are supervised by the Board’s staff.

TEXAS -YES - Comment: The Board is empowered to determine which prisoners are to be released on parole or discretionary mandatory supervision. They also set conditions of supervision, and handle revocation for all releases.

UTAH - YES - Comment: When a death sentences is commuted their sentence shall be life without parole.

VIRGINIA - YES, VERY LIMITED - Comment: Only those who committed a crime prior to the 1995 abolishment of parole are eligible.

VERMONT – YES - Comment: The Board determines if offenders will be released on parole with conditions established by the Board. The Board has authority over all revocation processing. The Board also has authority to terminate, revoke or modify the condition of a court-ordered Supervised Community Sentence.

WASHINGTON - YES, VERY LIMITED - Comment: The Board has two different classes of offenders under its jurisdiction: Offenders who committed their crime prior to July 1, 1984 - in these cases the Board may parole these offenders only if they find that the offender is “rehabilitated and a fit subject to be released.” Certain sex offenders who committed their crime on or after 9/1/2001 – these offenders may be paroled “unless by a preponderance of the evidence the Board finds that they are more likely than not to commit another sex crime.”

WEST VIRGINIA - YES - Comment: The Board has the authority to release after an inmate has served the minimum of his/her indeterminate sentence or one fourth of his/her definite term sentence. The Board can grant parole with special conditions; revoke parole after an evidentiary hearing or with a hearing based on a new felony; and if so requested by the Governor, investigate and consider all applications for pardon, reprieve, or commutation and shall make a recommendation thereon to the Governor.

WISCONSIN - YES, VERY LIMITED - The truth and sentencing law that took effect in January of 2000 eliminated parole for individuals arrested after that date. Anyone sentenced to less than one year is eligible. The Board still has authority over old code cases.

WYOMING – YES - Comment: The Board considers all Inmates after they serve a set minimum except those with life sentences. They can also remove or restore an inmate’s good time. The Board is authorized to restore voting rights to one-time non-violent offenders after 5 years of being discharged from their sentence.

U.S. PAROLE COMMISSION - YES, LIMITED - Comment: Offenses committed on or after 11/1/87 are not eligible for parole. On 8/5/98 the Commission assumed paroling authority over District of Columbia cases. The Commission will be abolished in November unless Congress acts to continue them.

PUERTO RICO - YES

U.S. ARMY - YES - Comment: The Army now has a life without parole sentence. Congress also increased the time served on a regular life sentence prior to clemency or parole consideration from 5 years for initial clemency to 10 years and from 10 years to 20 years for initial parole consideration.

U.S. AIR FORCE – YES - Comment: The Board has full releasing authority over all inmates in military confinement facilities, except those serving death or life without parole. The Board also approves transfers of inmates to the Federal Bureau of Prisons and an inmate’s entry into the Return to Duty Program. The Board may grant clemency, reductions in confinement or severity punitive discharge. The Board will review inmates serving life without parole for clemency after

the individuals has served 20 years, however the granting of clemency is an act of the Secretary of the Air Force.

U.S. NAVY - YES

ONTARIO, CANADA – YES

QUEBEC, CANADA - YES

BRITISH COLUMBIA, CANADA - YES

CANADA NATIONAL BOARD – YES - Comment: The Board is empowered to make conditional release decisions for federal offenders serving 2 years or more and offenders in provinces and territories without their own parole board. The Board releases conditionally in various forms –temporary absences, day parole and full parole. The Board may also establish conditions for offenders who have been given a long term supervision order imposed by the court. The Board may also detain an offender serving a serious offense past their statutory release date until the end of their sentence if they feel the individual is likely to commit a violent offence. The Board has authority over those offenders that receive statutory release.

NEW SOUTH WALES, AUSTRALIA - YES

VICTORIA, AUSTRALIA – YES

ENGLAND & WALES – YES, LIMITED - Comment – The new Criminal Justice Act of 2003 has abolished parole for determinate sentenced offenders. The Board still has authority over lifers and “dangerous offenders.

VIRGIN ISLANDS – YES

Hong Kong – YES, LIMITED - Comment: There are two distinctive statutory Boards administering three parole schemes. Release Under Supervision Scheme: Individuals who served not less than half or 20 months (whichever is longer) of a sentence of three years or more may apply for release to supervision. Pre-release Employment Scheme: Individuals serving two years or more and are within 6 months of completing their sentence are eligible. Conditional Release Scheme: Inmates with indeterminate sentences may be released conditionally. They will be placed under supervision for up to 2 years. Individuals serving life sentences and those subject to deportation are not eligible for these programs. All decisions of the Board is subject to the approval of the Chief Executive. The Board also considers application for early release and reviews the sentences of juvenile prisoners.

Summary

Sixty-four boards are included in this group. The 50 state boards have 30 that still have almost full discretion or operate with some limits. Sixteen state boards either have been abolished or are operating under what one might call a sun-down provision, in that they have discretion over a

small or diminishing parole-eligible population. Many of these boards that have little to no releasing authority over the majority of the population still have responsibility for other parole functions such as the following: reviewing release plans, setting parole conditions, approving good time, and handling revocations for conditional released parolees.

The following information for 2004 has current data as of 12/31/04 and calendar 2004. We have information from 48 boards: 43 states, U.S. Parole Commission, National Board of Canada, U.S. Air Force, Ontario, and Hong Kong. Information from past surveys can be found on our web site.

Parole Board Terms and Number os Members

See Table IV for data relating to board terms and number of members. There are 48 boards reporting. State Boards represent 43. There are few boards that do not follow the norm. The National Parole of Canada appointments for their full time members are for a period not to exceed 10 years. However in practice full time members are appointed for five years and part time members for three years. Florida statute states that “no person is eligible to be appointed for more than two consecutive six year terms.” The Illinois Board has 15 members of which five are appointed for a one year term, five for a two year term and five for a three year term. If reappointed it will be for six years. Rhode Island Parole Board Chair can only be appointed for two year while board members are appointed for three year terms. Minnesota, Ohio and Wisconsin do not have a set number of years for appointments. Two states have seven year terms followed by 17 having six year terms, six have five year terms, 13 have four year terms and seven have three year terms.

The number of members on boards varies a great deal. When only counting the 43 state boards (24 full time and 19 part time) that responded to the survey there is a total of 198 full-time board member and 95 part time for a total of 288. Counting state boards that report and those that did not there are 28 full time and 22 part time boards. The number of members would be over 325 with all reporting. One will note on Table IV that there are boards that have both full and part time members. Noteworthy is the National Board of Canada with 43 full time and 34 part time members. Ontario also reports seven full time and 30 part time members. Five states CT, DE, HI, RI and WA only have the chair that is full time. Parole Boards’ workloads are impossible to determine for a variety of reasons. A not very scientific way at looking at workload is to total all the revocation hearings from Table II and the parole consideration hearings from Table III and divide by the number of board members (2 part time equal 1). Following this method California leads the boards with 7188 hearing per board member, follow by Texas with 5098 per board member. Other states with full time board that are in the top ten are: PA - 3336, MI - 2593, MO - 1882, KY - 1558, Ohio - 1450, MD - 1239, AR - 1184 and MA - 1060. South Carolina has a part time board and has a ratio of 1820 per board member. This is more hearings than most full-time boards. Other part time boards with high ratios are Hawaii with 950 and New Mexico with 903. There are many factors that impact the workload of boards besides the hearings they conduct. Some of these boards have Hearing Officers or other staff that help in the conducting of hearings.

Are Board Appointments Required by Statute to Have Certain Qualifications?

When asked if there was a statutory requirement that had to be met before an individual could be appointed to the parole board, 27 boards responded that had statute requirements. These requirements are listed. Those not list did not indicate any requirements.

Arizona – A board appointee must have expressed an interest in the State’s Correction’s system, no two members can share the same career discipline.

Colorado – A board appointee must have knowledge of the criminal justice system. Three designated members two from law enforcement and one a former parole or probation officer. A person shall have at least five years of education or experience or combination of both in their field.

Florida – A board appointee is preferred to have a bachelor’s degree and five years of criminal justice experience and proficiency in the English language.

Illinois – A board appointee shall have at least five years of actual experience in the fields of penology, corrections work, law enforcement, sociology, law, education, social work, medicine, psychology, other behavioral sciences or combination thereof. At least 6 members must have 3 years experience in the field of juvenile matters.

Kentucky – A board appointee shall have at least 5 years of actual experience in the field of penology, correction work, law enforcement, sociology, law, education, social work, medicine, or a combination thereof or have served at least 5 years previously on the parole board.

Maryland – A board appointee must be a resident of Maryland and shall have training and experience in law, sociology, psychology, psychiatry, education, social work or criminology.

Missouri – A board appointee shall be a person of recognized integrity and honor, known to possess education and ability in decision making through career experience and other qualifications for the successful performance of their official duties.

Montana – A board appointee shall have knowledge of the American Indian culture and problems. An appointee must possess academic training that has qualified them for professional practice in a field such as criminology, education, psychiatry, psychology, law, social work, sociology, or guidance and counseling. Related work experience in the areas listed may be substituted for these education requirements.

Nebraska – A board appointee shall be of good character and judicious temperament. At least one member shall be female. At least one member shall be from an ethnic minority group. At least one member shall have a professional background in corrections.

Nevada – A board appointee shall have a bachelor's degree in criminal justice, law enforcement, sociology, psychology, social work, law, or the administration of correctional or rehabilitative facilities and programs and not less than 3 years of experience working in one or several of these fields. The Governor shall appoint one member from the following field of experience. No more than two may represent the one fields: prison, probation and parole, law enforcement including investigation, a criminal law attorney (Attorney General, district attorney), social work, and a victim advocate.

New Jersey – A board appointee shall have training or experience in law, sociology, criminal justice, juvenile justice, or related branches of social sciences.

New Mexico – A board appointee shall have such academic training or professional experience as deemed necessary to render them fit to serve.

New York – A board appointee must have a bachelor's or graduate degree and at least five years of experience in criminology, administration of criminal justice, law enforcement, sociology, law, social work, corrections, psychology, psychiatry or medicine.

North Dakota – Board appointments shall be one attorney, one experienced in law enforcement, and four shall have special experience by education or training.

Pennsylvania – A board appointee shall have at least 6 years of professional experience in parole, probation, social work, or related areas, including one year in a supervisory or administrative capacity and a bachelor's degree. Any equivalent combination of training or experience shall be acceptable.

Rhode Island – Appointees are as follows: one law enforcement, one member of the bar, one psychiatrist/neurologist, and one social work/correctional professional.

South Dakota – Three of the board members must be attorneys.

Tennessee – A board appointee shall be given preferences if they have training and/or experience in criminal justice system, law, medicine, education, social work, or the behavioral sciences.

Texas – A board appointee must be a representative of the general public and must reside in the state two years before the appointment.

Vermont – A board appointee shall have some knowledge of criminal justice of human services.

West Virginia – A board appointee shall have a degree in criminal justice or like experience and academic training.

Wisconsin – Board members are civil service employees.

Hong Kong – The board shall have one person who holds or has held a judicial office, they shall be chairman, one person a medical practitioner having experience in psychiatry and one person who had experience or an active interest in the rehabilitation of offenders.

Budgets

Boards were asked if there had been an increase or decrease in their budget for fiscal year 03/04. Twenty three boards (AL, AR, CA, CO, CT, DE, FL, GA, Ill, MD, MA, MI, MO, MT, NE, NJ, NY, RI, SD, TN, WA, WY, and CANADA NATIONAL BOARD) showed an increase for fiscal 03/04. Thirteen boards (AK, KS, KY, NV, NM, OR, PA, SC, TX, WI, ONT, US PAROLE, HONG KONG) showed a decrease for fiscal 03/04. Eight boards (AZ, HI, IA, NC, ND, OH, OK, WV) had no change. Eleven Boards had increases in their budget in 02/03 (AL, CO, CT, DE, FL, MD, MI, NE, NJ, NY, TN, and CANADA NATIONAL BOARD). Three state have had a decrease two years in a row (KS, NV, NM)

Is the Board Required by Statute to Have a Face-to-Face Hearing With all Inmates They Consider for Parole?

Boards were asked if the statute required them to have a face-to-face hearing with all inmates they consider for parole. Fifteen boards answered yes (ID, IL, KS, KY, MD, MO, NM, PA, SC, VT, WA, WV, WI, US PAROLE, ONT). Kentucky did have an exception in that they did not have to hear class D felonies. Michigan stated it depended on their parole guidelines when they would hear an inmate. Vermont is required, if requested by the inmate to have a hearing every two years if they are serving over 15 years.

Can the Board Initially Set an Inmate for File Review Before they Have a Hearing?

When we asked if boards could set an initial review before they had a hearing eleven boards said no (AL, DE, MO, NE, ND, RI, TN, VT, WY, HONG KONG, US AIR FORCE).

Can the Board Release an Inmate on Only a File Review?

When asked if the board could parole an inmate on only a file review fourteen boards said no. (AL, AK, AR, CA, KS, MO, NE, NM, NY, OR, PA, VT, WA, ONT). There were minor exceptions. Kentucky can parole class D felonies without a hearing. Missouri can parole certain non-violent offenders without a hearing. Rhode Island can parole “out state cases” without a hearing.

NEW DUTIES AND TASKS

We asked boards if any new duties or tasks had been added to their area of responsibility, either administratively or statutorily since the 2003 survey. For added duties in past reports visit the

other parole surveys on the web site www.apaintl.org The following are the responses from the 2004 survey:

Alabama – Persons are required to petition the Parole Board for a certificate from the Board which will make them eligible to register to vote.

Alaska – The Board has new duties related to special medical paroles.

California – The paroling authority to parole youth has been merged with the adult parole system. Five Board members are dedicated solely to youth cases. In January of 2007 the Board will revert to adult parole only with 12 members.

Connecticut – The Boards name has been changed to the Board of Pardons and Parole.

Illinois – The Board now decides whether to grant certification of relief from disabilities or certification of good conduct.

Missouri – The Board can now require supervision fees and to sanction them for willful nonpayment. Current sex offenders are now subject to lifetime supervision and electronic monitoring. The Board discretion to convert an offender's consecutive prison sentence into concurrent sentence for crimes occurring under certain circumstances was removed.

New Jersey – The Board shall place certain sex offenders under life time supervision. The Board can not discharge a person under life time supervision. If the individual violates the conditions of parole they can be returned to prison to serve a term of 12 to 18 months. The violation of parole conditions also may constitute a crime in the fourth degree and is subject to prosecution.

New Mexico – The Board had been reviewing inmates as a substitute for a hearing. Currently the Governor has directed the Board to conduct hearings on all they consider. There may be a few exceptions.

Ohio –The Board is required to accept for full Board consideration petitions on any inmate convicted of aggravated murder or murder. The law also allows for petitions of an inmate serving time on technical parole violations.

Tennessee – The Board is authorized to establish a serious offender and violent sex offender monitoring program and to promulgate guidelines governing the program.

Texas – There has been a restructuring of the Parole Board which reduced the number of board members and increased the number of commissioners. The Chair is now the supervisor of the parole commissioners and the agency staff.

Wyoming – The Board is authorized to have its own preliminary hearing officers and removed this staff from Corrections. They are now required to notify victims of their actions.

Prison, Population, Releases & Supervision

[Table I](#) gives the prison population as of 12/31/04. Also included in the table are the number of individuals released by a discretionary decision of the paroling authority, releases to community supervision by means other than discretionary decision making and those inmates that were released at the end of their term without supervision during calendar year 2004. There are gaps and unknowns in the reported data. This mostly is due to the parole boards not having the data available to them and the agencies that have the data seem reluctant to supply it. This makes it impossible to give total numbers, and it is impossible to do comparisons due to the wide range of differences in state parole boards.

Violation Hearings, Revocations & Successful Discharge

[Table II](#) lists the number of violation hearings held by paroling authorities, number of discretionary parolees revoked for new crimes and violations of conditions, and those discretionary parolees who were successfully discharged during calendar 2004. Violation hearings still make up a big part of paroling authorities' workload. There are gaps and unknowns in the data due to the parole boards not having the numbers available and the agencies that have data seem reluctant to supply it. One can get some impression of the trend in revocations and successful discharges by looking at the individual states. It is impossible to do comparisons due to a wide range of differences in state statutes.

Inmates Considered for Parole & Face to Face Hearings

[Table III](#) looks at inmates that were considered for parole during 2004 and how many received a face-to-face hearing. Six Boards responding to the survey reported not having face-to-face hearings. The majority of boards consider parole release by face-to-face hearings. Some of the face-to-face hearings are by video conferencing. One needs to look at the number of parole revocation hearings ([Table II](#)) that boards hold to get a real picture of their workload.

The following are subjects that can be found in earlier surveys on the Association of Paroling Authorities International web site.

Information regarding the following subjects can be found in the 2003 survey at www.apaintl.org.

Appointments, Terms, Structure, Salaries & Budgets

Parole Boards Sensitivity to Overcrowding

What does it Take to Operate at Highest Professional Level?

Use of Parole Guidelines and Assessment Instruments for Parole Decision Making as Well as Assessing the Risk of Sex Offenders

Part - Time Boards Per Diem

Medical Release Policy

Boards use of Video Conferencing

Boards Authority Over Good Time, Conditions, Supervision or Other Programs

Information regarding the following subjects can be found in the 2002 survey at www.apaintl.org.

Staffing for Parole Hearings

Parole of Lifers

Parole Boards in Death Penalty Cases

Governor's Role in Parole Release

Information regarding the following subjects can be found in our 2001 survey at www.apaintl.org.

State's Open Meeting Law as the Relate to Parole Boards

Paroling Authorities and Chairs

Victims

Appointments, Terms, Structure, Salaries & Budgets

Juvenile Offender Parole Boards

Information on this subject is in our 2001 survey and can be found on our web site www.apaintl.org. Information regarding the following subjects can be found in the 2000 survey at www.apaintl.org.

Parole Conditions

Open Hearings and the Media

Parole Board Training

Sex Offender Registration/Notification & Civil Commitment

Court TV and Other TV Shows

Information regarding the following can be found on in 2000 and 2003 surveys at www.apaintl.org

What community Resources are Most Lacking in Regard to Placement of Paroles Back in the Community?

Information regarding the following can be found in the 2000 and 2001 surveys at www.apaintl.org

Interstate Compact Cases

Information on this subject is in our 2000 and 2001 survey and can be found on our web site www.apaintl.org

Prison Pop, Releases & Supervision

TABLE I						
STATES	Prison Pop. 12/31/2004	Discretionary Release 04	Other Sup. Rel 04	Max. Time Rel 04	Discretion Rel. Under supervision 12/31/04	Others Under supervision 12/31/04
Alabama	27016	3090	3417	3064	7645	UK
Alaska	4676	50	643	UK	UK	UK
Arizona	32374	UK	UK	UK	UK	UK

Arkansas	12532	6346	NA	577	UK	NA
California	163939	78	117710	UK	UK	UK
Colorado	20144	1963	3920	1737	2957	4143
Connecticut	18001	2706	442	UK	2037	551
Delaware	6675	14	UK	UK	618	UK
Florida	81974	59	5386	18116	1274	3649
Georgia	47700	13178	NA	UK	21636	NA
Hawaii	5976	732	NA	NA	2296	NA
Idaho	6312	1018	NA	529	13994	1904
Illinois	UK	1884 (1)	27483 (2)	UK	UK	UK
Indiana						
Iowa	8531	3611	1292	UK	UK	UK
Kansas	8991	509	4139	1384		4967 (3)
Kentucky	19047	4274	1838	45	8154	UK
Louisiana						
Maine						
Maryland	22742	2715(4)	5550	4806	4780	5264
Mass.		9211	NA	1759	3200	3
Michigan	48821	11344	578	6284	18104 (3)	
Minnesota	8482	3	4580	1064	UK	UK
Mississippi						
Missouri	30666	8925	802	1558	15688	1191
Montana	3877	490	687	231	810	6481
Nebraska	4072	1113	NA	1355	806	NA
Nevada	11748	1646	808	1840	3610 (3)	
New Hamp.						
New Jersey	UK	10212	NA	NA	11869	2311
New Mexico	6423 (4)	UK	2734	949	2676 (3)	
New York	63699	13241 (4)	9765	2831	38833	14696

			(4)	(4)		
N. Carolina	35756	1330	2120	17693	2120	1581
N. Dakota	1329	656	NA	UK	241	NA
Ohio	44150	3472	7610	12460	6169	11881
Oklahoma	23472	2627	2813	496	4804 (3)	
Oregon	12759	10	5089	3	1569	11198
Penn.	40965	14043	NA	UK	28077	NA
Rhode Island	3197	555	NA	UK	403	NA
S. Carolina	35756	1923	NA	UK	2892	NA
S. Dakota	3075	525	1153	365	2274(3)	
Tennessee	19307	3400	7	2261	8317	0
Texas	135986	19440	10737	7749	37729	37729
Utah						
Vermont	1992	616 (4)	UK	UK	UK	UK
Virginia						
Washington	17000	46	UK	UK	106	UK
West Virginia	5067	799	62	257	887	0
Wisconsin	23000	1669	8900	425	1600	2400
Wyoming	1975	276	NA	232	461	NA
Other Boards						
U.S. Parole Bd.	180000	2222	532	UK	7275	1521
CA Parole Bd.	12207	3774	5150	235	5347	2963
Ontario	6995	312	NA	UK	UK	NA
Hong Kong	12705	22	2245	27836	UK	UK
U.S. Air Force	520	86	5	UK	158	1
(1) 23 Adult, 1861 Juvenile						

(2) 27441 Adult, 44 Juvenile

(3) Both Discretionary & Other

(4) FY 03/04

Violation Hearings, Revocations & Successful Cases

TABLE II

STATE	Revocation Hearings	Discretion Rel. Revoked		Mandatory Revoked		Successfully Discharged	
		Cond. Viol.	New Crime	Cond. Viol.	New Crime	Discr. Rel.	Mand. Rel.
Alabama	1210	295	569	NA	NA	2451	NA
Alaska	1097	28	2	UK	UK	UK	UK
Arizona	2179	2239	75	UK	UK	UK	UK
Arkansas	952	825	137	1526	137	2784	UK
California	122209(1)	UK	UK	UK	UK	UK	UK
Colorado	3675(2)	2400(3)	608 (3)			2130(3)	
Connecticut	1002	569	508	229	166	1050	UK
Delaware	40	21	2	15	11	11	81
Florida	109	33	19	1331	532	197	3131
Georgia	591	1115	1888	NA	NA	61%	NA
Hawaii	380	316	7	NA	NA	684	NA
Idaho	475	269	166	NA	NA	694	NA
Illinois	15900	3	1	7123	3652	UK	UK
Indiana							
Iowa	953	950	10	UK	NA	UK	NA
Kansas	980	2293(3)	169(3)			187	1384
Kentucky	2489	2380	269	NA	NA	968	NA
Louisiana							
Maine							
Maryland	3601(2)	341	190	576	543	1486	2238

Mass.	1127	UK	UK	UK	UK	UK	UK
Michigan	3799	3013(3)	918(3)	NA	NA	5878 (3)	NA
Minnesota	2046	1979	238	UK	197	0	UK
Mississippi							
Missouri	416	4214	2239	368	178	2969	437
Montana	168	154	14	950	228	146	1269
Nebraska	338	UK	UK	NA	NA	667	NA
Nevada	937	349(3)	348(3)			2165(3)	
New Hamp.							
New Jersey	2107	3069	171	53	3	7689	NA
New Mexico	923(2)	UK	UK	UK	UK	UK	846 (2)
New York	0(4)	8241(3)	2112(3)			14912(3)	
N. Carolina	60	273(3)	70(3)	UK	UK	1444	1038
N. Dakota	251	26	97	NA	NA	510	NA
Ohio	4591	487	695	996	1252	2650	4377
Oklahoma	0 (4)	121	282	NA	NA	1058	NA
Oregon	2739	36	102	85	556	285	2787
Penn	9533	3310	1289	NA	NA	5241	NA
Rhode Is.	182	139(3)		NA	NA	277	NA
S. Carolina	373	192	181	121 (5)		939	203
S. Dakota	697	548(3)				449(3)	
Tennessee	1888	820	614	NA	NA	1232	NA
Texas	32439	2442(3)	7942(3)			22012 (3)	
Utah							
Vermont	221	123	UK	UK	UK	UK	UK
Virginia							
Washington	28	19	1	NA	NA	22	NA
West Virg.	281	221	19	NA	NA	406	NA

Wisconsin	UK	53		1340	718	1550	2400
Wyoming	128	85	12	NA	NA	149	NA

Other Boards

U.S. Parole Bd.	2071	1010	672	UK	UK	UK	UK
CA Parole Bd.	4099	633	226	1608	609	3588	3147
Ontario	38(2)	17(2)	11(2)	NA	NA	229(2)	NA
Hong Kong	1	0	0	NA	NA	22	NA
U.S. Air Force	5	1	2	0	1	UK	UK

(1) FY 03

(2) FY 03/04

(3) Both Discretionary and Mandatory

(4) Board does not hold hearings

Inmates Considered for Parole & Face to Face Hearings by the Board

TABLE III

State Inmates	Considered Face to Face	Hearings
Alabama	10561	0
Alaska	146	146
Arizona	624	299
Arkansas	13083	6747
California	4552	4552
Colorado	11078)1)	0
Connecticut	2837	1191
Delaware	100	100
Florida	1592	0
Georgia	14712	0
Hawaii	1681	1521

Idaho	1904	1125
Illinois	2315 (92)	15900 (3)
Indiana		
Iowa		
Kansas	1042	1042
Kentucky	10865	9977
Louisiana		
Maine		
Maryland	8805 (1)	8798 (1)
Mass.	14457	10074
Michigan	25405	22131
Minnesota	NA	NA
Mississippi		
Missouri	11631	12759
Montana	985	1252
Nebraska	3812	1472
Nevada	6664	4163
New Hamp.		
New Jersey	2205	2264
New Mexico	3657(1)	3142(1)
New York	25905	UK
N. Carolina	6158	381
North Dak.	1742	516
Ohio	6106	8466
Oklahoma	8395	1421
Oregon	339	339
Penn	20493	20493
Rhode Is.	1593	1555
S. Carolina	6000	6000
S. Dakota	1277	2201

Tennessee	6693	753
Texas	64008	3247
Utah		
Vermont	1962	1158
Virginia		
Washington	182	182
West Virg.	2832	2434
Wisconsin	8213	6033
Wyoming	614	806
Other Boards		
U.S. Parole Bd.	1555	1491
CA Parole Bd.	5169	3161
Ontario	1578(1)	1495(1)
Hong Kong	35	0
U.S. Air Force	158	154
(1) FY 03/04		
(2) 215 Adult, 2100 Juvenile		
(3) 14473 Adult, 1327 Juvenile		

Number of Board Members and Terms

TABLE IV		
State	Term in Years	# Members
Alabama	6	7 F
Alaska	5	5 PT
Arizona	5	5 F
Arkansas	7	6 F & 1 PT
California	3	17 F
Colorado	3	7 F
Connecticut	4	1 F & 12 PT
Delaware	4	1 F & 4 PT

Florida	6 (1)	3 F
Georgia	7	5 F
Hawaii	4	1 F & 2 PT
Idaho	3	5 PT
Illinois	6 (2)	15 F
Indiana		
Iowa	4	2 F & 3 PT
Kansas	4	3 F
Kentucky	4	7 F & 2 PT
Louisiana		
Maine		
Maryland	6	10 F
Mass.	5	7 F
Michigan	4	10 F
Minnesota	NA	NA
Mississippi		
Missouri	6	7 F
Montana	4	7 PT
Nebraska	6	5 F
Nevada	4	7 F
New Hamp.		
New Jersey	6	15 f & 3 PT
New Mexico	6	9 PT
New York	6	19 F
N. Carolina	4	3 F
N. Dakota	3	6 PT
Ohio	NA	9 F
Oklahoma	4	5 PT
Oregon	4	3 F
Penn.	6	9 F

Rhode Island	3	1 F & 6 PT
S. Carolina	6	7 PT
S. Dakota	4	9 PT
Tennessee	6	7 F
Texas	6	7 F
Utah		
Vermont		5 F
Virginia		
Washington	5	1 F & 2 PT
West Virginia	6	5 F
Wisconsin	NA	7 F
Wyoming	6	7 PT
Other Boards		
U.S. Parole Bd.	3	5 F
CA Parole Bd.	-3	43 F & 34 PT
Ontario	3	7 F & 30 PT
Hong Kong	3	5 F
U.S. Air Force	NA	2 F & 4 PT
U.S. Air Force	\$120,000	\$100,000 \$130,000