



ROBINA INSTITUTE
OF CRIMINAL LAW AND CRIMINAL JUSTICE

Parole Release and Revocation Project

ASSOCIATION OF PAROLING AUTHORITIES INTERNATIONAL
ANNUAL TRAINING CONFERENCE
MAY 17, 2016

Parole Release and Revocation Project – Purpose and Goals

- Emerging National Conversation Directed at Sentencing and Correctional Reform
- Renewed Attention Directed at Paroling Authorities

Parole Release and Revocation Project – Purpose and Goals

- Two goals inform the Robina Parole Project:
 1. Examine decision-making: discretionary release and post-release violations process
 2. Contribute to a knowledge base that informs the law and practice of paroling authorities

Work Currently Underway

- Legal Profiles of 50 States and U.S. Parole Commission
- National Survey of Parole Boards
- On-site collaboration targeting internal Parole Board improvements and reforms
- By the Numbers: A Portrait of Parole Release & Revocation Across the States
- Infographics Highlighting Parole Trends

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PROFILES IN PAROLE RELEASE AND REVOCATION:

Examining the Legal Framework in the United States

A publication by the Robina Institute of Criminal Law and Criminal Justice

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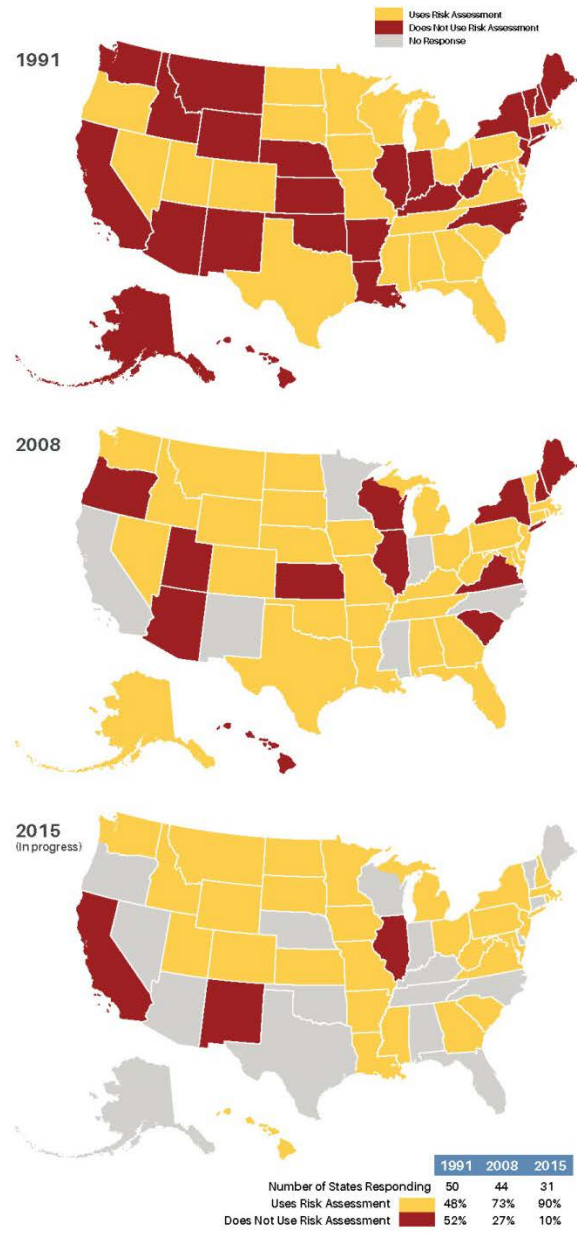
BY THE NUMBERS:
Parole Release and Revocation Across 50 States

A publication by the Robina Institute of Criminal Law and Criminal Justice



Increasing Use of Risk Assessment Tools at Release

Over the last 25 years, there has been a significant increase in the number of states that use risk assessment tools when making a release decision.

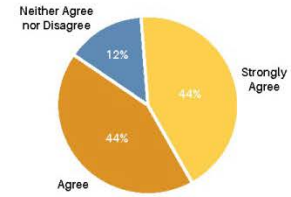


Parole Release and Revocation Project

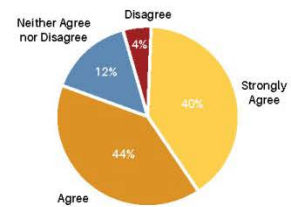
Parole Board Chairs' View (2015)

Includes Responses from 25 Chairs

The use of actuarial tools to assess the risk and criminogenic needs of offenders is essential to making informed decisions about parole release



The use of actuarial tools to assess the risk and criminogenic needs of offenders contributes to greater public safety in release decisions



Suggested Citation: Mariel Alper, Ebony Puhland, Edward Rhina, Kevin Reitz & Cecilia Klingholz, Increasing Use of Risk Assessment at Release in *Briefing on Releasing Authorities*, Robina Institute of Criminal Law and Criminal Justice (2015) (Forthcoming).

Type of Risk Assessment Used at Release

	2008	2015
Level of Service Inventory-Revised (LSI-R)	27%	42%
COMPAS	7%	13%
Client Management Classification (CMC) tool	2%	3%
Criminal Sentiments Scale (CSS)	5%	3%
Static-99	39%	71%
Salient Factor Score	11%	3%
In House Instrument	41%	32%
Other	18%	42%
Number of States Responding	44	31

Parole Release and Revocation Advisory Council

- Advisory Council formed at start with a Diverse Membership
- Role of Advisory Council
 - Identify Critical Issues, Policy Relevant Research, Effective Strategies/Practices
- Contributed to Design – Provided Feedback on National Parole Survey Results



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THE CONTINUING LEVERAGE OF PAROLING AUTHORITIES:

Findings from a National Survey

2015 National Parole Survey

- ❖ Endorsed by APAI
- ❖ Responses from 45 States and the U.S. Parole Commission
 - Response rate varies from question to question
- ❖ Three sections
 - Section A – information on the structure and administration of parole boards
 - Section B – statistical data and technology use in parole practices
 - Section C – chairs' views and opinions on issues and challenges

Main Themes

❖ Sentencing Framework

❖ Release Decision-Making

❖ Notification and Parole Procedures with Inmates

❖ Parole or Post Release Supervision

❖ Parole Violations and Revocations

❖ Appointment Process and Board Membership

❖ Parole Board Chairs' Views

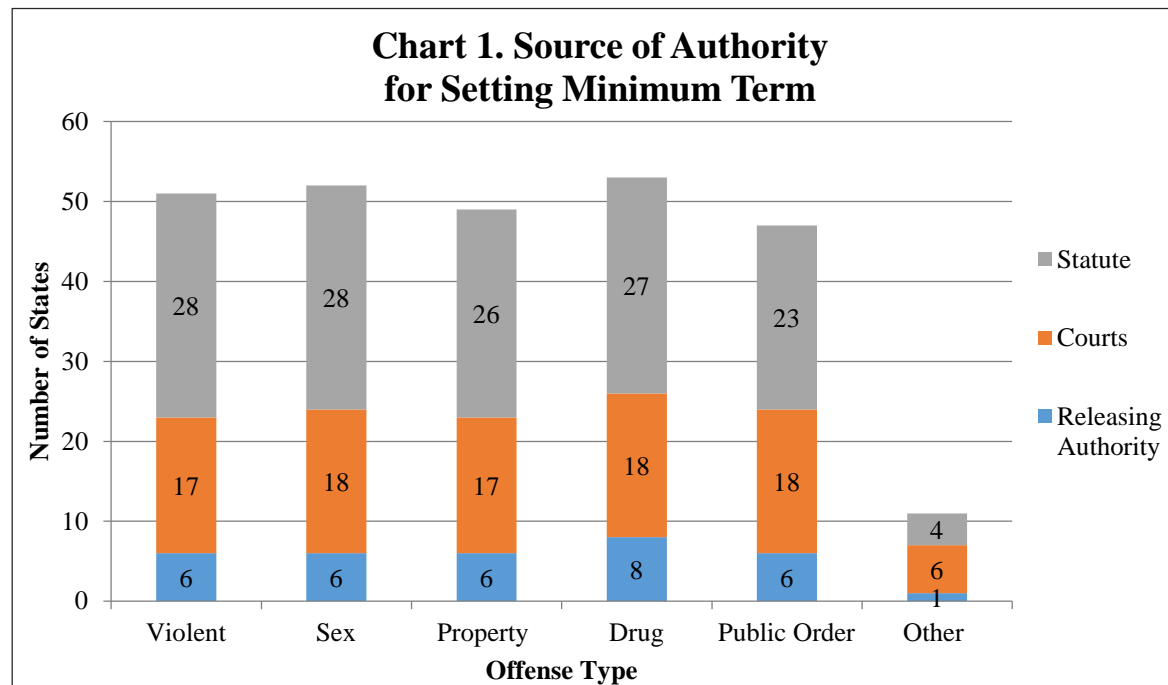
Sentencing Framework

Sentencing Framework

- ❖ *Self-report* of the type of sentencing system for each state:
 - 11 states (26%) were determinate
 - 12 states (29%) were indeterminate
 - 19 states (45%) incorporated elements of both systems

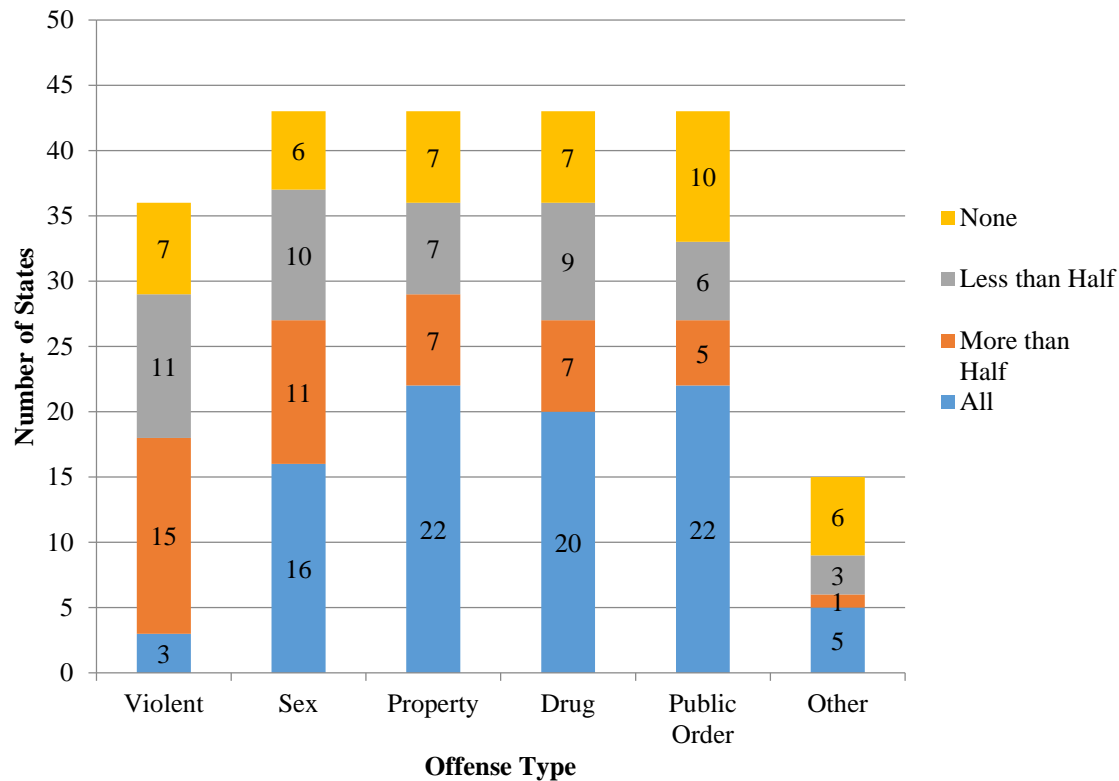
Sentencing Framework

- ❖ Majority had the minimum term set by statute
 - Determinate states almost uniformly did not have power to set minimum



Sentencing Framework

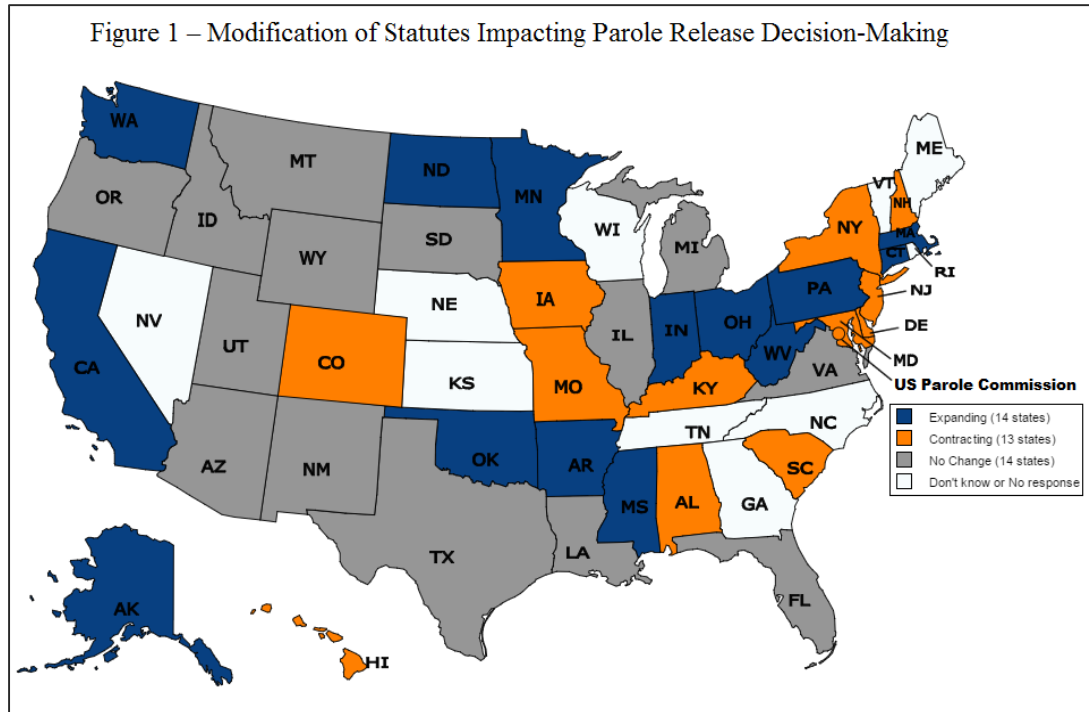
**Chart 2. Authority to Release
Prior to Maximum Release Date**



❖ All but one of the indeterminate states could release all inmates prior to the maximum sentence

- Releasing authorities in determinate states less likely to have such authority

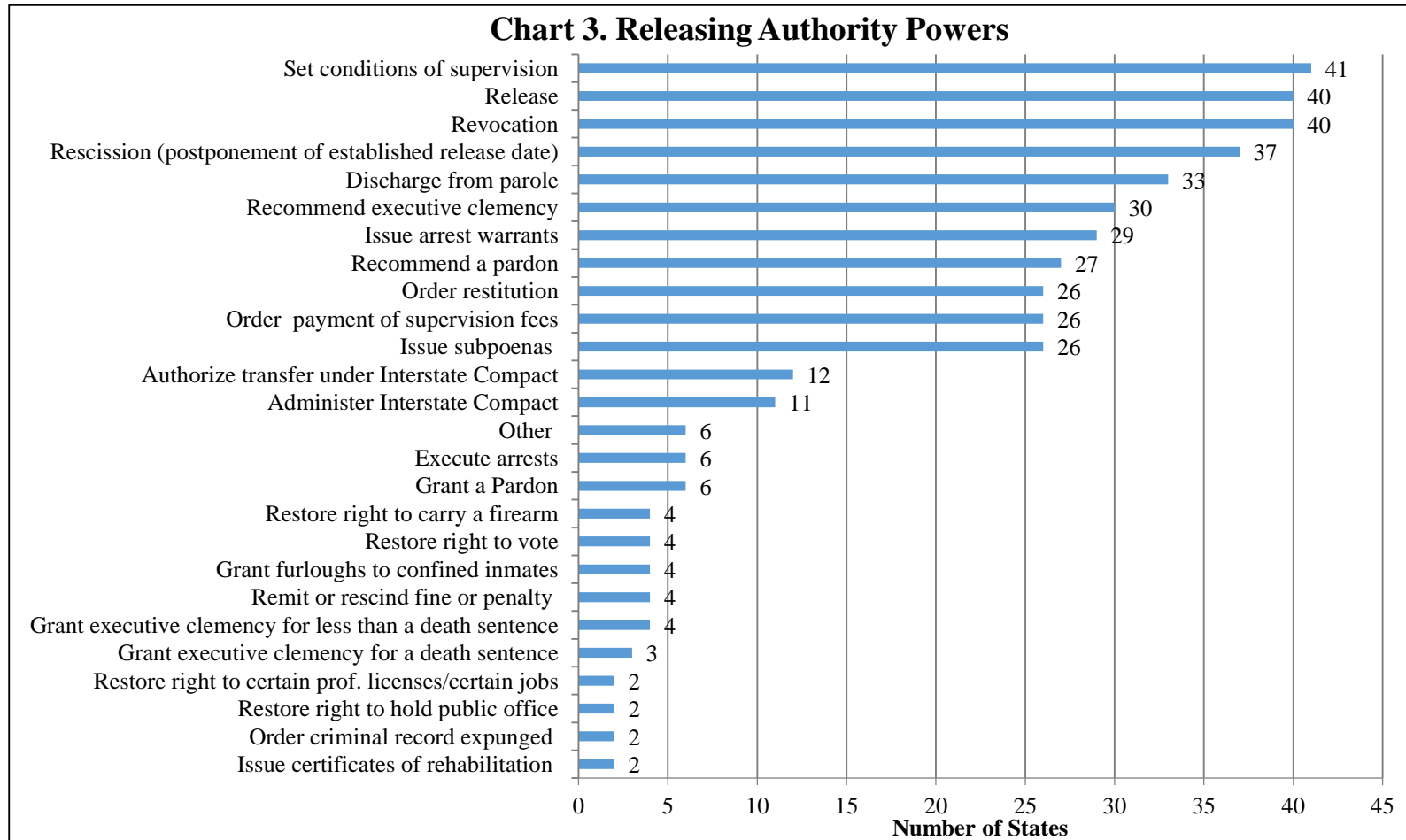
Sentencing Framework



❖ Effects of statute modifications on discretionary parole release practices over the past 15 years

- 14 jurisdictions (34%) expanding
- 13 jurisdictions (31%) contracting
- 14 jurisdictions (34%) no change

Sentencing Framework



Release Decision-Making

Release Decision-Making

- ❖ Releasing authorities are fairly transparent
 - 38 (88%) publishing information explaining how their parole process works
 - 5 (12%) do not publish such information
- ❖ The states split evenly on whether inmates can review and contest their risk assessments. Of 37 respondents:
 - 18 (49%) allow inmates to contest risk assessment results
 - 19 (51%) deny this opportunity
- ❖ 39 respondents on the use of parole guidelines or sequential models
 - 17 (44%) use them
 - 22 (56%) do not use them

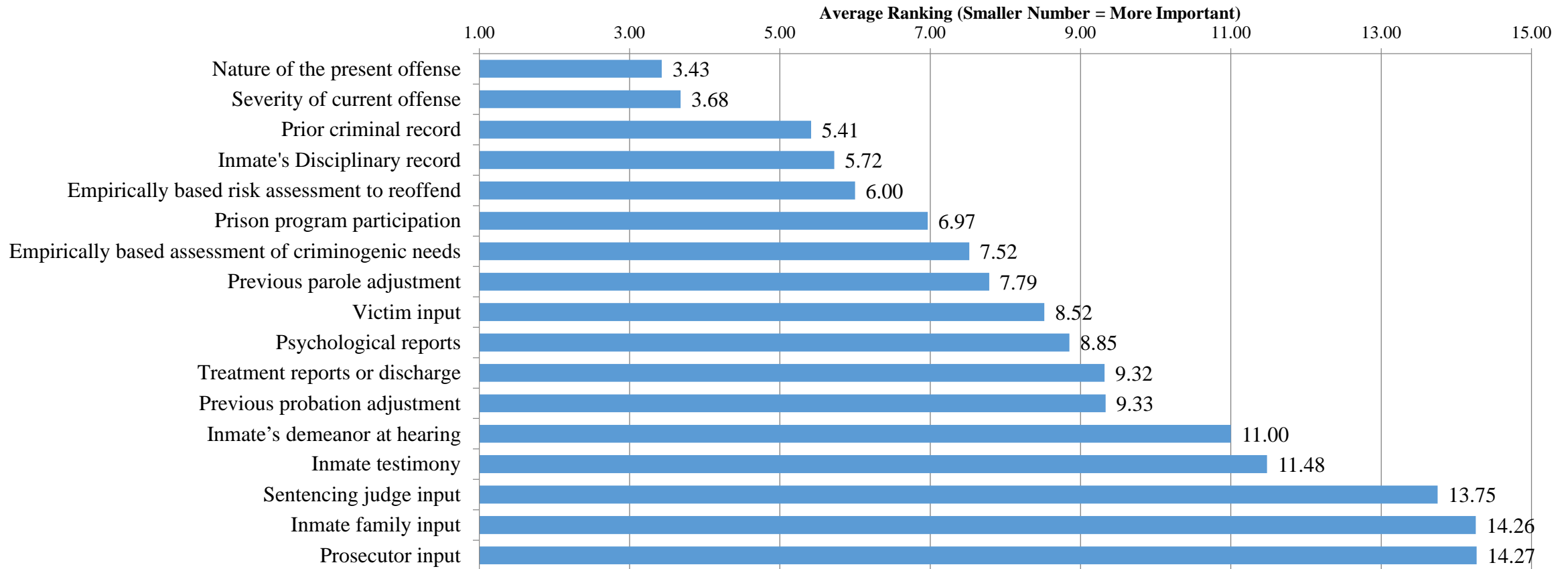
Release Decision-Making

Table 4. Use and Validation of Risk Assessment Tools

	Use	Validated in Home Jurisdiction	Not Validated in Home Jurisdiction
Static-99	23	17	3
Instrument developed in-house	15	8	4
Level of Service Inventory-Revised (LSI-R)	13	13	2
COMPAS	3	4	0
Client Management Classification (CMC) tool	3	2	0
Salient Factor Score	1	1	0
Criminal Sentiments Scale (CSS)	1	0	0
ORAS	2	2	1
MnSOST	2	1	1
STABLE	2	1	1
LARNA	1	1	0
LS/CMI	1	0	0
VASOR	1	0	1
ABEL Assessment and Psychosexual evaluation	1	0	1
DPSCS Standardized Risk Assessment	1	1	0
Other (please name the instrument)	4	2	0

Release Decision-Making

Chairs' Ranking of Release Factors in Order of Importance



Release Decision-Making

❖ Sources of input considered in release decision-making from 38 respondents

- Victim – 38 (100%)
- Offender's Family – 36 (95%)
- District Attorney – 34 (89%)
- Judge – 31 (82%)
- Law Enforcement 29 (76%)

Release Decision-Making

- ❖ Reliance on panels for 39 paroling authorities
 - 31 states (80%) rely on a panel
 - 8 (20%) do not
- ❖ Most have a panel of 3 members
- ❖ Virtually all panels require a majority vote

Notification and Parole Procedures with Inmates

Notification and Parole Procedures with Inmates

- ❖ Establishment of presumptive parole release dates for inmates following prison admission
 - 19 states (48%) do
 - 16 states (40%) do not
 - 4 states (12%) not applicable

Notification and Parole Procedures with Inmates

Table 13. Requirements for Interviews with Inmates in Release Decision Process	
Interviews are required for all parole eligible inmates	27
Interviews are for some (not all) parole eligible inmates	9
Interviews are not required for parole eligible inmates but do occur	3
Inmates are not interviewed	0

Notification and Parole Procedures with Inmates

❖ Do the members of the releasing authority use the parole interview process as an opportunity to encourage the offender's motivation to change (referred to more recently as motivational interviewing)?

- Yes – 36 (90%)
- No – 3 (8%)
- Not applicable – 1 (2%)

Notification and Parole Procedures with Inmates

Table 15. Time Frame for Inmate Notification

At or immediately after the hearing/interview	19
Within 7 days of the hearing/interview	6
Between 8 and 30 days of the hearing/interview	13
Greater than 30 days after the hearing/interview	2

Notification and Parole Procedures with Inmates

Table 16. Is The Inmate Entitled To Appeal Or To Request that the Releasing Authority Reconsider Its Decision?

Yes – Statutory	8
Yes – Administrative	18
Yes – Agency Policy	16
No	11

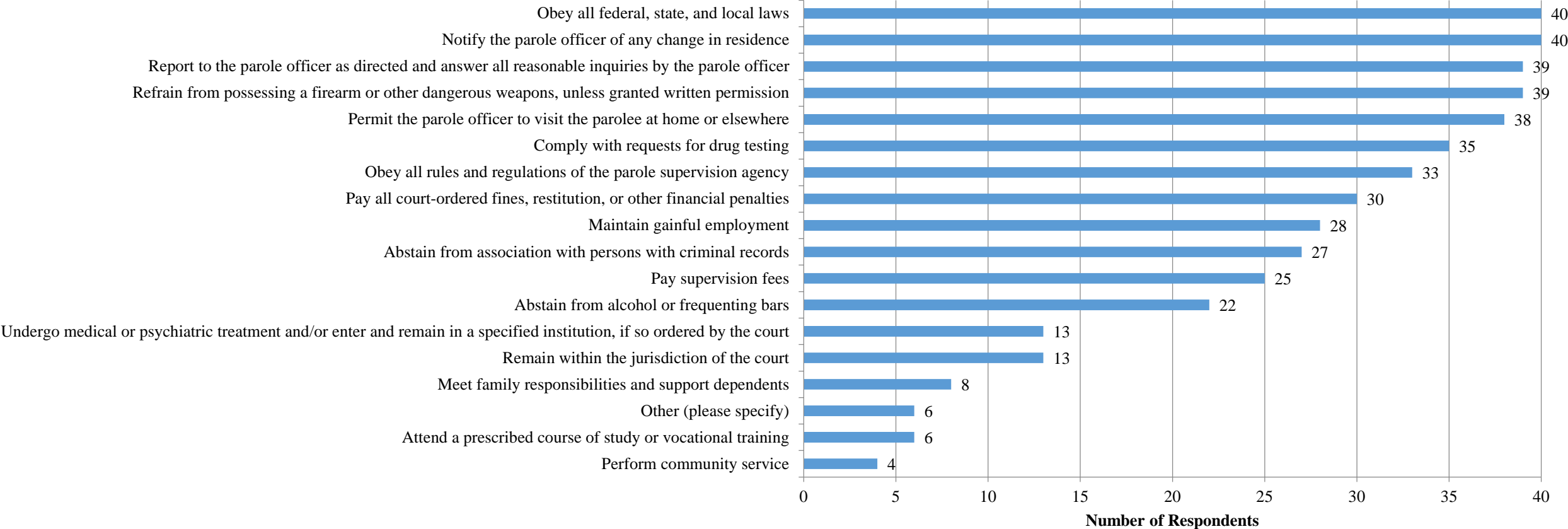
Parole or Post-Release Supervision

Parole or Post-Release Supervision

- ❖ 41 respondents on their authority over parole supervision
 - 21 (51%) have full authority
 - 10 (24%) have partial authority
 - 10 (24%) no such authority or jurisdiction
- ❖ Greater authority over setting the conditions of supervision
 - 38 (93%) determine the conditions
 - 3 (7%) do not set conditions
- ❖ Authorities split on setting specific level of supervision
 - 20 (49%) set the level of supervision for individual cases
 - 21 (51%) do not

Parole or Post-Release Supervision

Chart 12. Conditions Required for All Parolees



Parole or Post-Release Supervision

- ❖ Tailoring conditions by risk level
 - 26 (65%) require more conditions for medium- or high-risk offenders than low-risk
 - 14 (35%) do not tailor conditions to risk level

- ❖ 14 (38%) have policies to affirmatively minimize conditions for low-risk offenders
 - 23 (62%) do not

Parole or Post-Release Supervision

❖ Amount of time releasee's must serve under supervision for 38 respondents

- 20 (53%) – the period between release date and maximum sentence expiration
- 8 (21%) – period is determined by statutory prescription
- 10 (26%) – marked “other” to specify their unique situation

Parole or Post-Release Supervision

- ❖ Significant authority to grant final release for 40 releasing authorities
 - 32 (80%) grant final discharge from parole
 - 8 (20%) do not

- ❖ Less authority to grant early discharge (prior to maximum expiration of sentence)
 - 24 (63%) have authority to grant early discharge
 - 14 (37%) cannot grant early discharge

Parole Violations and Revocations

Parole Violations and Revocations

- ❖ Significant authority to adjudicate violations of supervision
 - 31 (82%) adjudicate violations
 - 7 (18%) do not

- ❖ Decreasing authority over the last 5 years due to statute or policy?
 - 8 (21%) have been limited in “who” they could revoke
 - 9 (24%) have been limited in “how long” the confinement period could be for those revoked

Parole Violations and Revocations

- ❖ 26 of 36 (72%) releasing authorities publicly provide information about the revocation process
 - Similar response to information published about release decision-making

- ❖ Use of preliminary hearings to determine probable cause for 38 releasing authorities
 - 30 (79%) provide a preliminary hearing
 - 5 (13%) determine probable cause administratively
 - 3 (8%) combine preliminary hearings with the final revocation hearing

Parole Violations and Revocations

**Table 21. Preliminary Parole Revocation Hearings:
Who Conducts?**

Hearing Officer/Examiners	18 (58%)
Parole Officer, Other than Supervising Agent	4 (12%)
Parole Board Members	2 (6%)
Administrative Law Judges	2 (6%)
Judge	1 (3%)
Other	4 (12%)

**Table 23. Final Parole Revocation Hearings:
Who Conducts?**

Parole Board Members	21 (55%)
Hearing Officer/Examiners	11 (29%)
Administrative Law Judges	3 (8%)
Judge	1 (3%)
Other	2 (5%)

Parole Violations and Revocations

Table 27. Actuarial Assessments at Revocation Required by:

Statute	11 (29%)
Administrative Rule	5 (13%)
Agency Policy	12 (32%)
Risk Assessment not Required	10 (26%)

Table 26. Use - Validation of Risk Assessment Tools in Revocation Decisions

	Use and Validated	Use and Not Validated	Not Used
Static-99	13	0	15
Level of Service Inventory-Revised (LSI-R)	12	1	17
Instrumental developed in-house	6	0	16
COMPAS	4	0	18
Salient Factor Score	3	0	18
Client Management Classification (CMC) tool	1	0	18
Criminal Sentiments Scale	0	0	19
Other	5	1	1

Parole Violations and Revocations

❖ Majority of releasing authorities (29; 78%) use progressive sanctions grids or more structured guidelines

Table 28. Factors in Sanctions Grid	
Seriousness of violation	22 (85%)
Parolee risk level	21 (81%)
Parolee criminogenic needs	15 (58%)
Parolee conviction offense	14 (54%)
Prior violations	13 (50%)
Prior sanctions	13 (50%)
Other (please specify)	3 (12%)

Parole Violations and Revocations

- ❖ Setting the amount of time to be served for a revocation
 - 25 releasing authorities (69%) have this authority

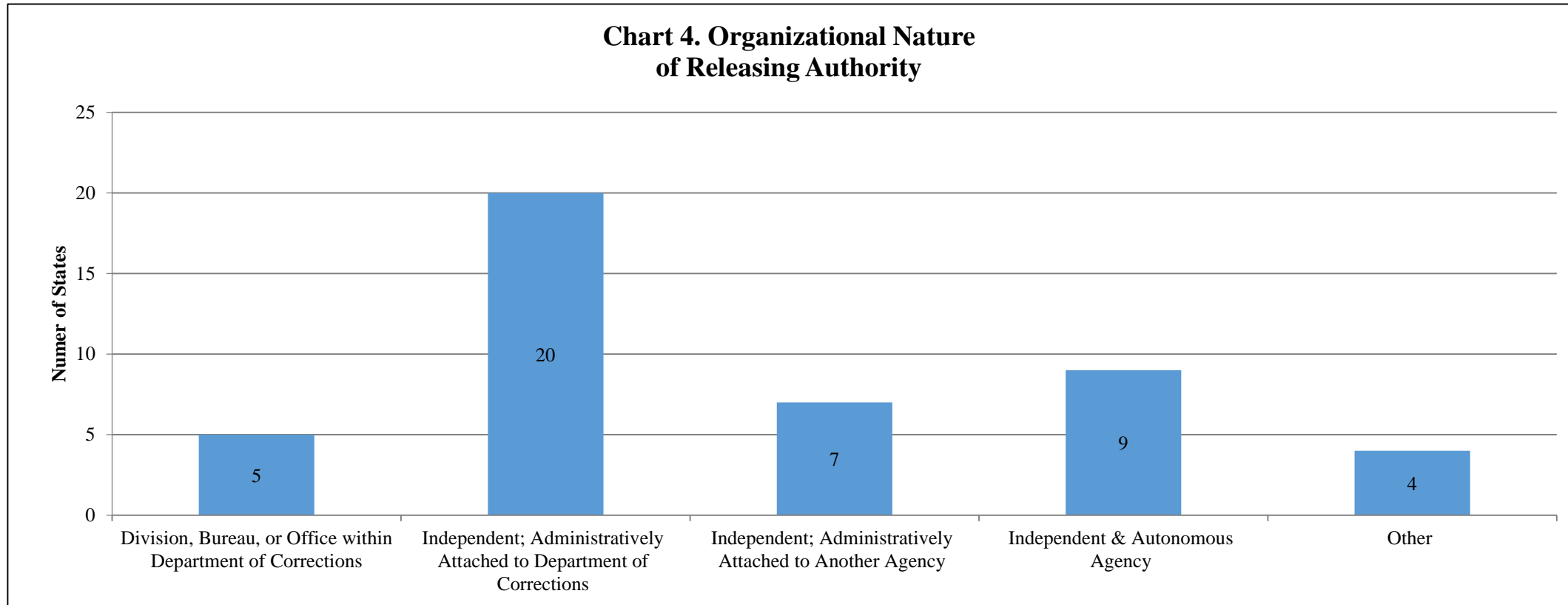
- ❖ Leverage enabling them to revoke and order parolees to serve the remainder of their sentence
 - 34 (91%) have this authority
 - 16 without restrictions, while 18 are subject to some limitations
 - 3 (8%) do not have this authority

Parole Violations and Revocations

Table 29. Possible Outcomes if Revoked	
Restore to parole status, modify conditions	33
Restore to parole status, no change	32
Reincarceration for original term	28
Revoking parole and sending to an in-prison treatment program	28
Not revoking parole but placing the parolee in a community-based treatment facility	27
Incarceration for short-term jail	18
Not revoking parole but placing the parolee in an intermediate sanction facility	17
Discharge from parole	14
Serve out-of-state concurrently to new sentence	13
Restore to parole status, extend term of supervision	11
Serve out-of-state consecutively to new sentence	10
Incarceration for new term	9
Other (Please specify):	7

Appointment Process and Board Membership

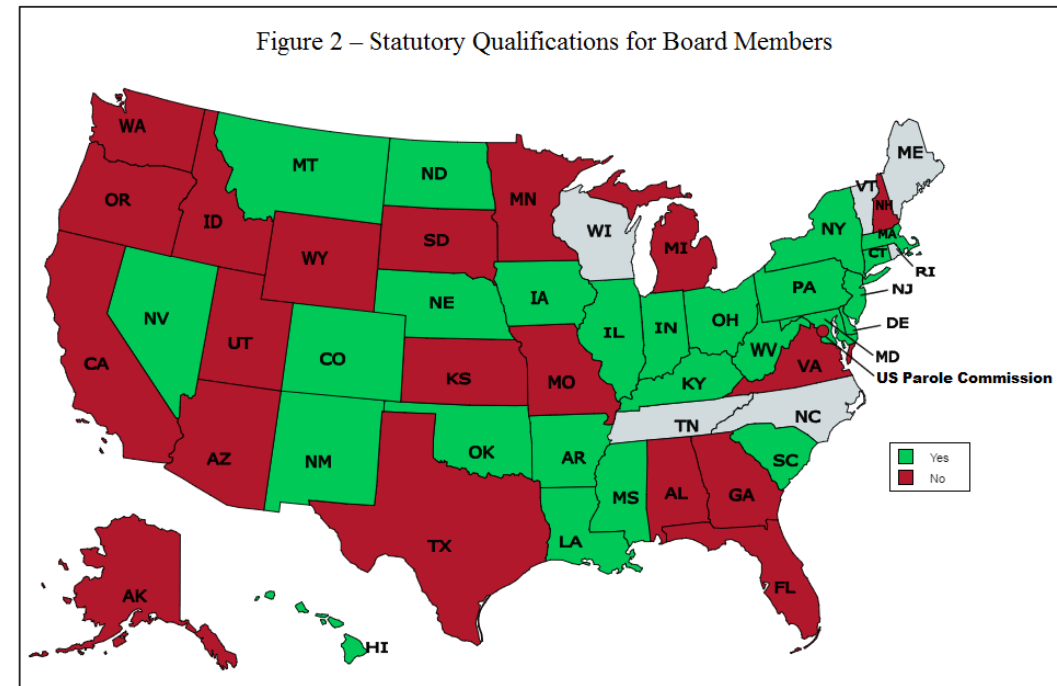
Appointment Process and Board Membership



Appointment Process and Board Membership

❖ 25 states (44%) reported that their releasing authority has statutory requirements for board members

- 18 states and the U.S. Parole Commission (44%) do not



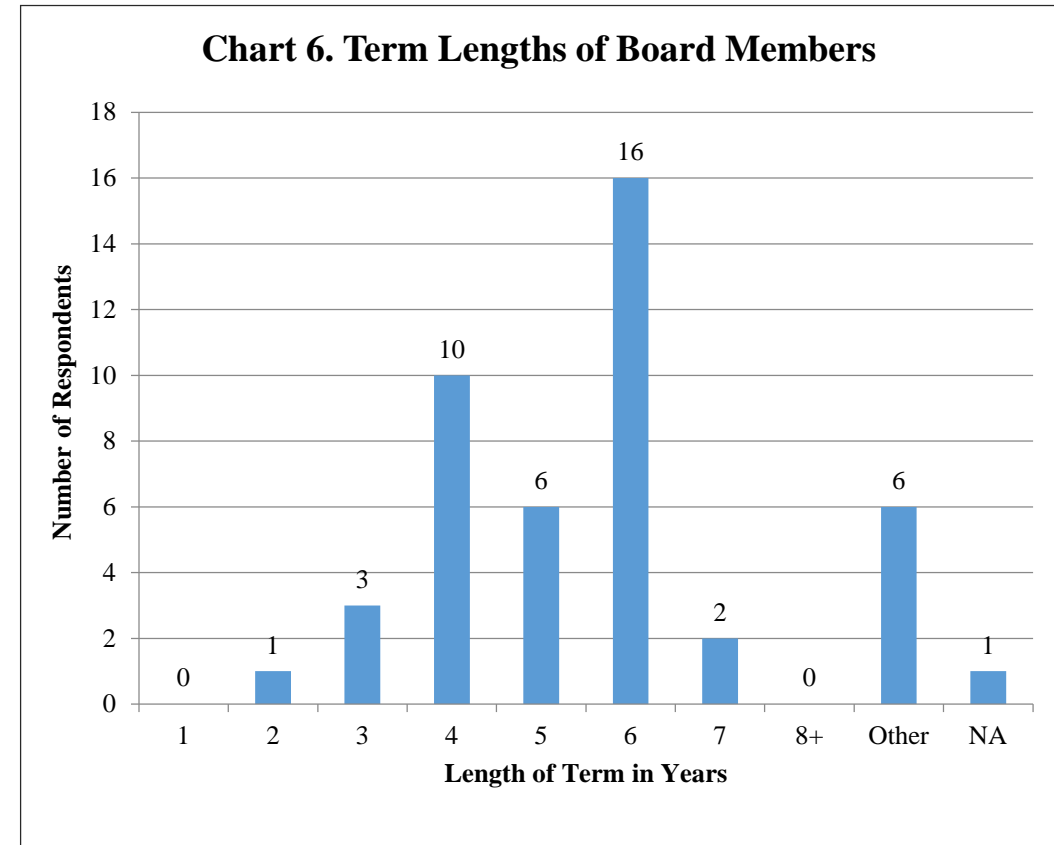
Appointment Process and Board Membership

Table 1. Board Member Appointment Process

	Governor	Legislative Body	Director/Commissioner of Corrections	Civil Service	Fellow Board Members	Other	NA
Who has the authority to make an appointment to the parole board or releasing authority?	37	0	4	0	-	9	0
Who confirms an appointment to the parole board or releasing authority?	3	31	2	2	-	5	4
Who selects the Chairperson to the parole board or releasing authority?	32	0	5	0	5	3	0

Appointment Process and Board Membership

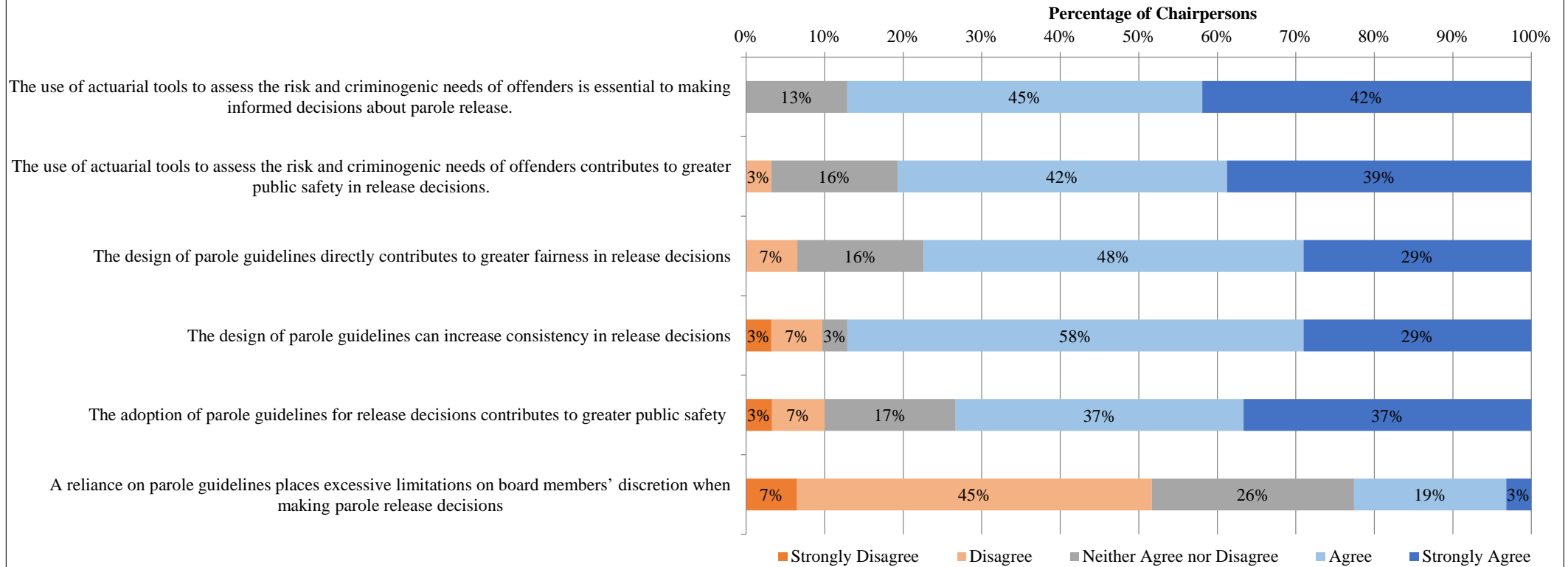
- ❖ Of 44 respondents, the most common length of terms totaling 32 states (73%) were six and four year appointments, followed by five year terms. Two states indicated that board members serve concurrently with the Governor, while two other states reported their board members serve at the “pleasure of the Governor.” In one state, board members serve an unspecified or open term.
- ❖ Of 42 respondents, across thirty six releasing authorities (86%), board members serve staggered terms, while in the remaining six jurisdictions (14%) they do not.



Parole Board Chairs' Views

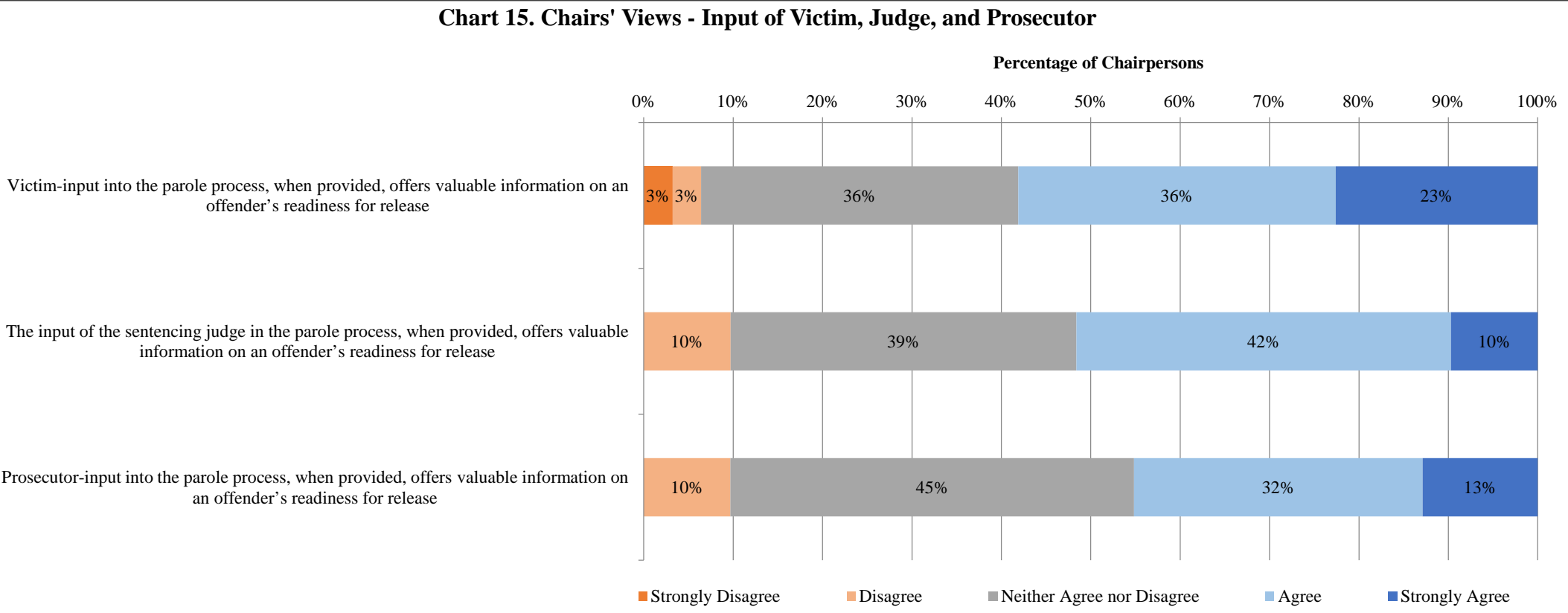
Parole Board Chairs' Views

Chart 14. Chairs' Views - Actuarial Tools and Parole Guidelines



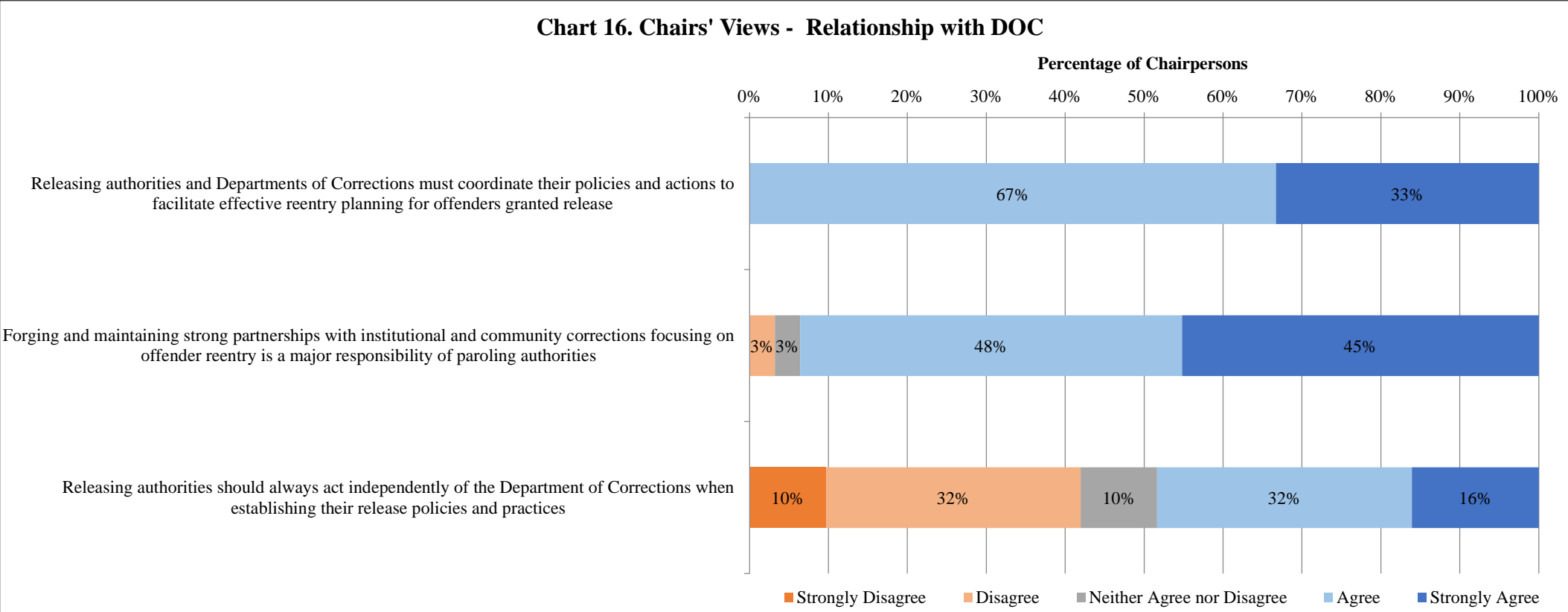
Parole Board Chairs' Views

Chart 15. Chairs' Views - Input of Victim, Judge, and Prosecutor



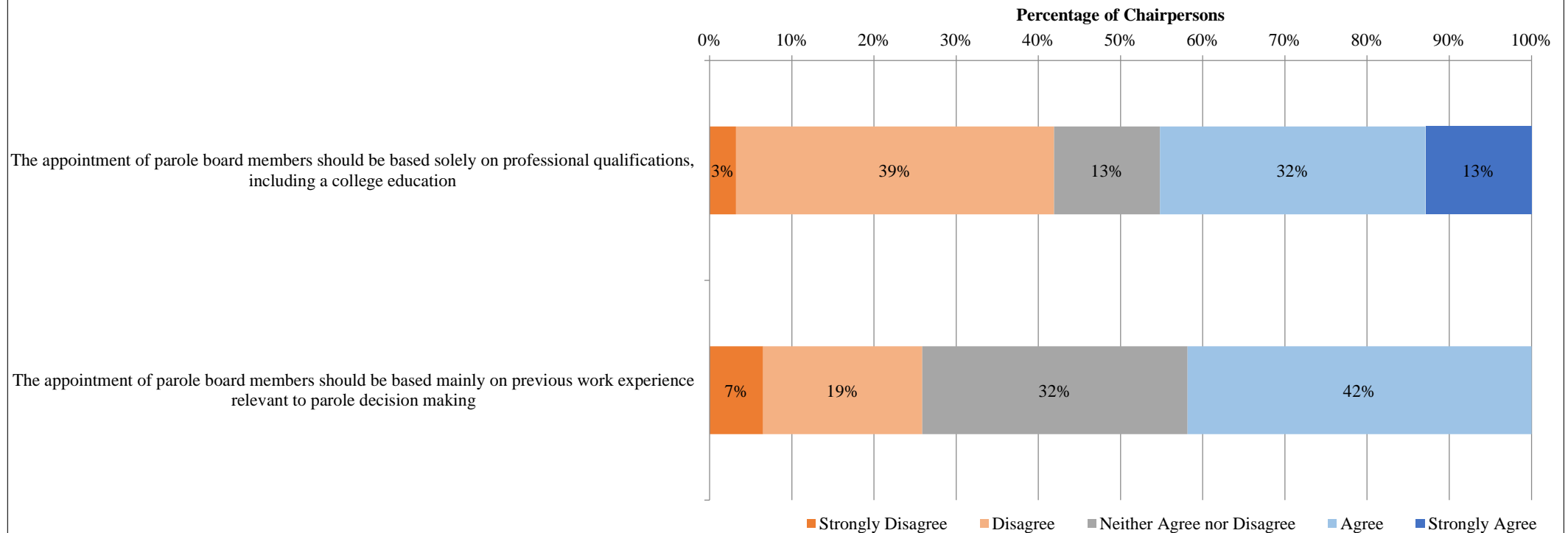
Parole Board Chairs' Views

Chart 16. Chairs' Views - Relationship with DOC



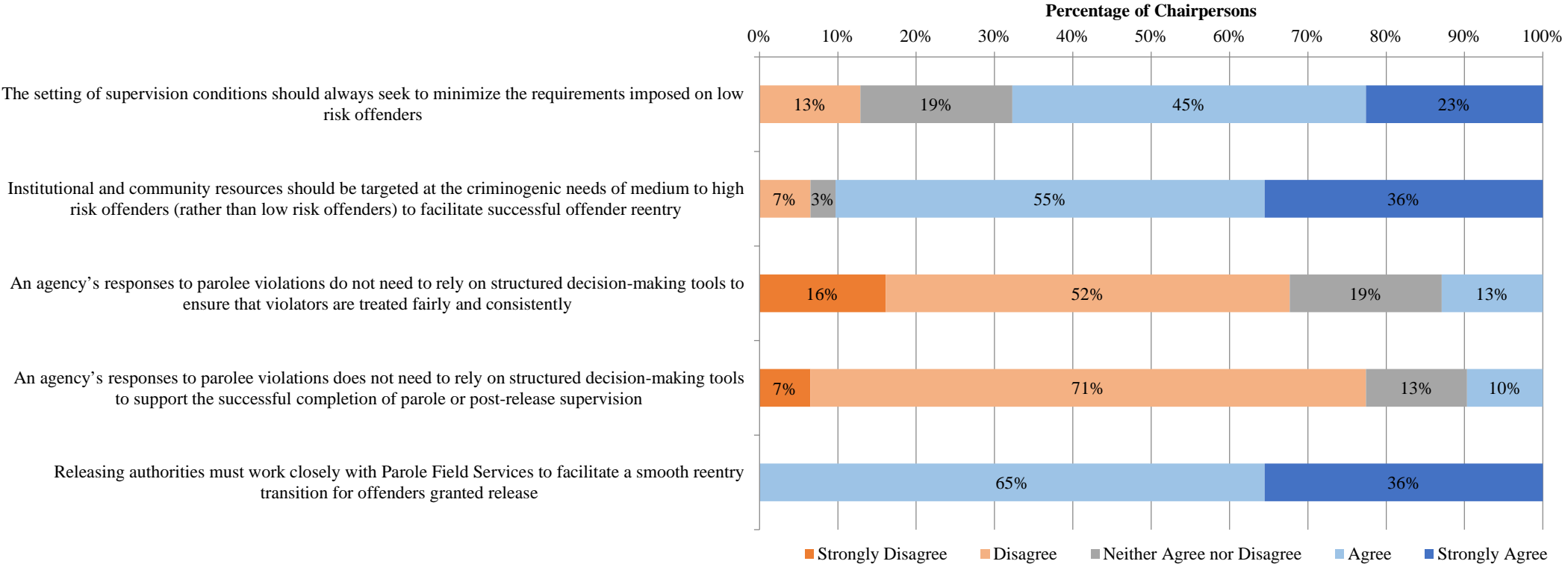
Parole Board Chairs' Views

Chart 17. Chairs' Views - Qualifications of Board Members



Parole Board Chairs' Views

Chart 18. Chairs' Views - Risk Assessments and Decision-Making Tools in Supervision and Revocation



LOOKING AHEAD

❖ **For information on the Parole Release and Revocation Project, go to:**

- <http://www.robinainstitute.org/parole-release-revocation-project/>.

❖ **You may also contact:**

- Edward Rhine (erhine3997@aol.com) or
- Ebony Ruhland (ruhla011@umn.edu)