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THE CONTINUING LEVERAGE OF RELEASING AUTHORITIES:

Findings from a National Survey

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ROBINA INSTITUTE
OF CRIMINAL LAW AND CRIMINAL JUSTICE

THE CONTINUING LEVERAGE OF RELEASING AUTHORITIES:

Findings from a National Survey

A Report on a National Survey of Releasing Authorities

By

Ebony L. Ruhland, Edward E. Rhine, Jason P. Robey, and Kelly Lyn Mitchell

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Association of Paroling Authorities International

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- Jeff Peterson, Immediate Past President of APAI, and former Executive Officer, Hearings and Release Unit, Minnesota Department of Correction

The Parole Release and Revocation Project

The Parole Release and Revocation Project of the Robina Institute of Criminal Law and Criminal Justice is committed to engaging releasing authorities in both indeterminate and determinate sentencing states in examining all elements of the discretionary parole release and post-release violations process. A goal of this project is to contribute to the enhancement of decision-making at every stage. Most recently, it has completed a comprehensive, national survey of releasing authorities and included in this report are detailed findings on paroling practices across the nation. Additionally, the robin partners with select jurisdictions is currently underway to develop comprehensive profiles of each state focusing on the legal framework of parole release and revocation.

Authors

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Parole Release and Revocation Advisory Council

The Parole and Release Revocation Advisory Council is comprised of representatives from the Association of Paroling Authorities International (APAI), the U.S. Parole Commission, parole boards, the National Parole Resource Center (NPRC), and the academic and public policy community. The Advisory Council provides guidance and feedback on Parole and Release Revocation projects, goals, and research. To learn more about this distinguished advisory council, visit **www.robinainstitute.umn.edu/areas-expertise/parole-release-revocation.**

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CONTENTS

CONTENTS

TABLES, CHARTS, AND FIGURES

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Glossary of Terms

Indeterminate Systems of Sentencing: are those that do not state with any certainty a date of release from prison at sentencing, but permit discretionary decisions to release by parole boards at the back-end, albeit with adjustments or allowances for earned credit reductions.

Determinate Sentencing Systems: are those in which an offender's date of release can be predicted with a fair amount of accuracy at the time a term of imprisonment is imposed by a judge following a criminal conviction, albeit with adjustments or allowances for earned credit reductions.

Releasing Authority: refers to the individuals and organizational entity in government whose function is to consider offenders for parole, render decisions for release from prison, set conditions and/or monitor offenders under supervision, and/or determine revocation outcomes.[1]

Hearing Officers/Case Officers/Hearing Examiners: refers to the individuals who have varying levels of responsibility and authority to make decisions that range from voting to release or to revoke parole, in conjunction with Releasing Authority Members, and/or to analyze cases, and make recommendations to them.

Parole Release Guidelines: structure the release decision by factoring-in the recommended time to be served, the severity of the criminal offense, and the results of a risk assessment, thereby creating period of confinement prior to release subject to an affirmative review by a parole board.

Risk and Needs Assessment Instruments: offer actuarial tools incorporating a standard set of questions for evaluating individual cases that predict the likelihood of future reoffending. Some tools include static or unchangeable risk factors (e.g., age at first conviction), as well as criminogenic needs or dynamic risk factors (e.g., substance abuse) that may be mitigated by evidence-based programming and interventions.

Evidence-Based Practice: is grounded in a growing literature calling for an approach to decision-making informed by the use of empirical research to guide policy, programming, and practice.

Revocation: reflects a decision by a parole board to formally terminate an offender's conditional release for violations of parole supervision, post-release supervision or supervised release.

Preliminary Revocation Hearing: is a first- stage preliminary hearing held by an impartial decision maker to assess if there is probable cause to believe that the parolee has violated the conditions of parole.

Final Revocation Hearing: happens if probable cause is found. Then, a second-stage final revocation hearing is conducted during which the parolee is accorded a modicum of due process protections in reaching a determination of the outcome.

THE CONTINUING LEVERAGE OF RELEASING AUTHORITIES:

Findings from a National Survey

Chapter One: Releasing Authorities and the Robina Institute's Parole Survey

The Shifting Context of Releasing Authorities

Paroling, or more generally, releasing authorities, have experienced dramatic changes and daunting challenges to their operations over several decades. However, they continue to exert a substantial impact on correctional systems throughout the nation. Starting in the 1970s and continuing through the 1990s, numerous states moved towards greater determinacy in their sentencing structures, while the country as a whole pursued "tough on crime" measures aimed at increasing the number of offenders committed to prison and the length of time they would serve.[2] This was in response to the growing criticisms directed at treatment as a goal of sentencing grounded in emerging research showing the limited efficacy of rehabilitative programs then in place. Given the de-emphasis on rehabilitation, another purpose of criminal sentencing—holding offenders accountable through the punishment of incarceration—became more prominent. Since paroling authorities were traditionally viewed as responsible for discerning when rehabilitation had taken place, and for releasing offenders when more "punishment" could still be exacted, support for parole among legislators, scholars, and the public decreased in many jurisdictions.

During this period, releasing authorities faced widespread criticisms questioning their lack of transparency in operations, and decision-making practices viewed by many as arbitrary and unjust. The evolving sensibilities of the era called for greater fairness and consistency in sentencing. This was followed by increased demands for more severity in criminal punishments which exerted significant pressure on releasing authorities.[3] Parole decision-makers witnessed a loss of legitimacy and a sharp curtailment in their authority to grant discretionary release. Upwards of twenty states abolished their parole boards or measurably pared back the scope of their jurisdiction, in many instances, to only those offenders sentenced before the effective date of the more restrictive statute.[4] At the federal level, the Comprehensive Crime Control Act of 1984 was enacted, which produced the U.S. Sentencing Commission, federal sentencing guidelines, and plans for the eventual phasing-out of the U.S. Parole Commission.

Despite these historical changes, discretionary parole release remains an influential component across the correctional landscape today. Even during the heyday of parole board abolition two states, Colorado and Connecticut, abolished and then restored the release granting function. At present, it appears that a majority of states retain some version of discretionary release housed within indeterminate sentencing systems. In states that do not, their releasing authorities often exercise discretionary authority over "old code" offenders, that is, those convicted prior to the effective date of the determinate sentencing statute, and/or inmates serving life sentences. What the latter illustrates is even in states with sentencing structures that are largely determinate in nature, a percentage of the offender population is subject to discretionary parole review. Notably, in some states governed by determinacy in their sentencing codes, the share of offenders falling under the jurisdiction of the parole board has been growing (e.g., California). Varying degrees of indeterminacy exist within determinate sentencing structures. In fact, there are no purely indeterminate or determinate sentencing systems. All jurisdictions in unique ways combine elements of both.[5]

Regardless of the sentencing structure in place, the discretion enjoyed by releasing authorities, while diminished, continues to impact on the timing of release of large numbers of offenders hoping to exit prison prior to the expiration of their maximum sentence. Though relatively small agencies, the clout of parole boards or their equivalent is disproportionate to the size of their membership. In 2013 national figures show that in 46 states a total of 340 parole board members granted 187,035 discretionary entries to parole.[6] Four states accounted for 61% of the total, granting a combined 113,920 paroles. These states include Pennsylvania (54,749), Texas (33,737), Georgia (14,565), and Missouri (10,869). These numbers do not include, nor is it easy to acquire, data that speak to states' rates of parole approval and denial.[7] It is evident that prison policies and the ebb and flow of correctional populations across the nation are shaped, decisively in some jurisdictions, by the imprint of such decisions.

There is another feature of parole boards that has remained less well-known, until recently. Even if the parole board's releasing authority has been constricted or abolished, they nonetheless serve as the principal decision-makers in the parole violations and revocation process. Their leverage often extends to the setting of the conditions of parole, post-release supervision, or mandatory supervised release. Though parole field staff enforce such conditions, and are expected to respond to any violations by offenders, the parole board is vested with making a final determination whether to re-imprison the violator, or impose an alternative sanction.[8]

In recent years there has been a discernible shift in the prospects of releasing agencies, mainly tied to the discretionary decision to approve or deny parole. For the past fifteen years, no parole board has been abolished, and only one (in New York) has suffered a significant loss of its discretionary release authority.[9] One state, Mississippi, recently expanded its parole granting function for nonviolent crimes.[10] Another state, Michigan, is reviewing the feasibility of embedding in statute the concept of presumptive parole for low risk offenders. Recently, the Governor of California announced a ballot initiative for the fall 2016 proposing that offenders convicted of non-violent crimes be given consideration for discretionary parole release. If enacted, this would represent a major recalibration for a state that was one of the first to embrace determinate sentencing forty years ago. Whether these developments, collectively, represent a hiatus in the drive to abolish parole boards, one that will reacquire momentum in years to come, or presage a substantive reversal in direction relative to the future of parole release, remains an open question.

There is, however, little doubt that the policies and practices of releasing authorities in the U.S. continue to be important. For this reason, it is of value to examine their present role and decision-making jurisdiction. The consequences of distributing low visibility, but high impact discretion within indeterminate sentencing systems, and to a lesser extent, determinate sentencing schemes, have been overlooked, if not dismissed altogether, by lawmakers, judicial decision-makers, and academics who view the releasing function as no longer viable.

Robina Institute's National Survey of Releasing Authorities

With limited exceptions, there is a scarcity in the research literature directly engaging releasing authorities and the breadth of their decision-making.[11] To a significant extent, there continues to exist a "black box" when it comes to the understanding of parole release and revocation. Several research projects have been conducted at the national level aimed at achieving a more precise depiction of releasing authorities and the scope of their work within whatever sentencing system they operate.[12] As these efforts go back nearly a decade and more, there is value in taking stock of releasing authorities as they presently function.

The Robina Institute of Criminal Law and Criminal Justice launched the Parole Release and Revocation Project in 2014. The national survey of releasing authorities represents a key initiative of this project. The survey itself was designed and disseminated in March 2015 to every state and the U.S. Parole Commission. The survey was endorsed by the Association of Paroling Authorities International (APAI). The survey was divided into three sections: Section A: The Structure and Administration of Parole Boards; Section B: Information Systems and Statistical Information; and Section C: Issues and Future Challenges Facing Paroling Authorities. Section A requested that paroling authorities complete information pertaining to the sentencing framework in which they work, as well as their structure, administrative operations, release decision-making, parole or post-release supervision, and violations and revocation processes. Section

B asked for data pertaining to parole board activities, the presence of an IT Information System, the use of statistical reports, and how the parole board relies on such information in its policies and major areas of decision-making.[13] Finally, Section C focused on releasing authorities' chairs themselves soliciting their views on the issues and challenges they presently confront, future trends, and recommendations they had for improving or reforming the conduct of parole (The survey instrument is available upon request).

The period for returning a response was extended on several occasions, eventually closing at yearend 2015. The response rate for the survey totaled 45 states out of 50 (90%). The U.S. Parole Commission responded, as well. The five states that did not complete the survey were Maine, North Carolina, Tennessee, Vermont, and Wisconsin. The response rate often falls for individual questions, ranging from slightly over 40 to roughly 30 states responding for a given question. The total number of respondents for each question is noted frequently throughout the report.

While the Robina survey was in development, the National Parole Resource Center (NPRC) issued ten practice targets as a resource to guide releasing authorities. [14] These practice targets are examples of best practices in the field, which are supported by research. This resource is intended to guide releasing authorities in their risk reduction practices, efficient use of resources, victim relations and participation, and maintaining discretion while remaining transparent and credible. The ten practice targets provide an assessment tool for releasing authorities when reviewing their own operations and are considered "best practices" by the parole community. Several questions in the survey were tailored to address specific practice targets. Relevant practice targets are highlighted where they relate to questions and findings from the survey.

This is the first comprehensive survey of parole boards completed in nearly 10 years. Its findings provide a rich database for better understanding the policy and practice of releasing authorities. The last survey to be conducted of releasing authorities was in 2007/2008.[15] The current report offers an expansion and update of previous surveys. The results summarized within the report are intended to offer a useful resource for releasing authorities, correctional policy-makers and practitioners, legislators, and those with a public policy interest in sentencing and criminal justice operations.

Chapter Two: The Reach and Role of Releasing Authorities

Discretionary Parole Release

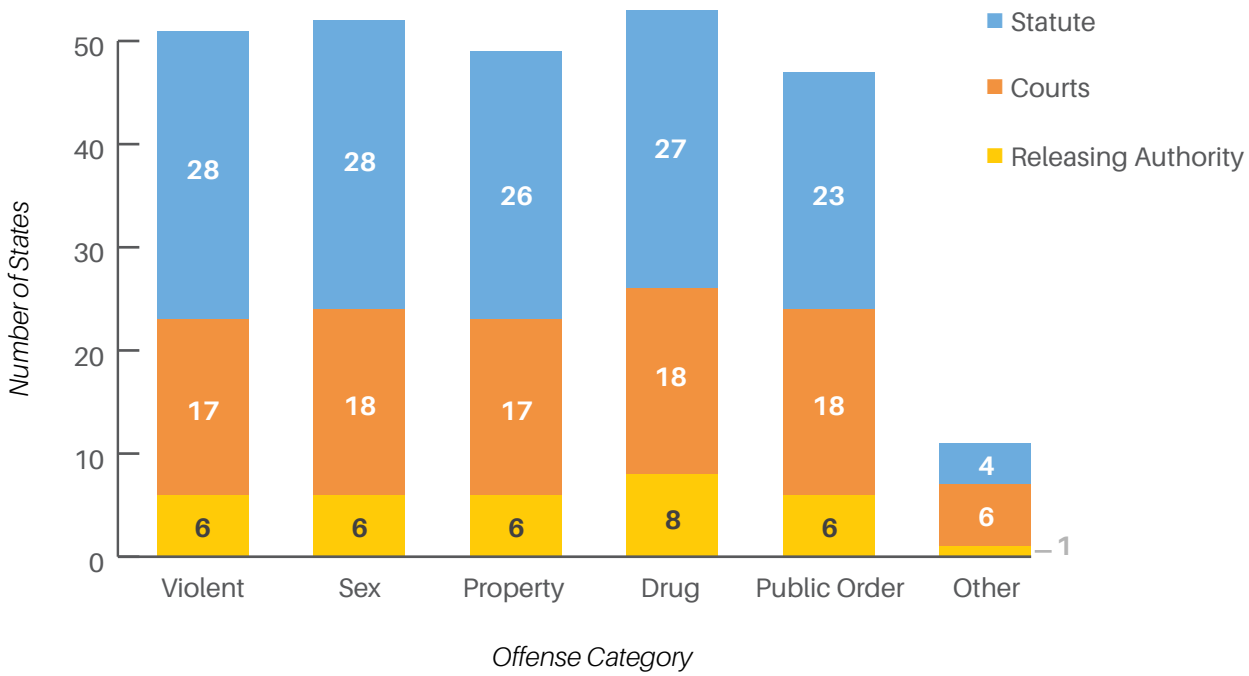
When individuals are sentenced to prison, the question foremost in their minds is likely, "When will I get out?" The answer to this question is highly dependent on the nature of the prison term, and the power of the releasing authority to determine the timing of release.

The nature of the prison term is also dependent on whether the sentencing structure is determinate or indeterminate. For purposes of the survey, "determinate sentencing systems" were defined as those in which an offender's date of release can be predicted with a fair amount of accuracy at the time a term of imprisonment is imposed by a judge following a criminal conviction, albeit with adjustments or allowances for earned credit reductions. For example, in Minnesota, the court pronounces a definite term of years at the time of sentence, and then state law dictates that the offender will serve two-thirds of that pronounced term in prison and one-third of that term on post-release supervision.[16] In contrast, "indeterminate sentencing systems" were defined as those that do not state with any certainty a date of release from prison at sentencing, but permit discretionary decisions to release by a releasing authority at the back-end, with adjustments or allowances for earned credit reductions. For example, in Pennsylvania, the court pronounces a minimum and maximum sentence and the offender is eligible for release upon completion of the minimum sentence.[17]

When asked to *self-report* which type of sentencing system each state had, 11 (26%) states reported that they had a determinate system, 12 (29%) reported that they had an indeterminate system, and 19 (45%) reported that their state incorporated elements of both systems.

The role of the releasing authority varies based on whether it operates in a determinate or indeterminate system. If state law sets a formula for determining how

Chart 1. Source of Authority for Setting Minimum Term



long an offender will serve in prison – as in determinate sentencing structures – then the releasing authority will have little to no discretion to set the release date. If a state follows a more traditional parole model, then the releasing authority may have broad discretion to determine the date of release for a majority of offenders.

Of the 43 states responding to a question about release discretion within their systems, 28 reported they practice discretionary release decision-making for the majority of offenders, 8 reported that they have discretion only for inmates convicted prior to the implementation of determinate sentencing, 1 state only for inmates serving life sentences, and another 7 reported having discretionary release decision making authority for inmates in both of the latter two categories.

The releasing authority's jurisdiction over release discretion is not an "all or nothing" proposition. Instead, releasing authorities exercise varying degrees of leverage mainly over offenders convicted of a felony, but also inclusive of misdemeanor convictions resulting in a prison sentence in a sizeable number of states. Of 42 responding states, 90% (38 states) reported that they had sole jurisdiction over adult offenders. One state (2.4%) noted such jurisdiction over juvenile offenders, and 3 respondents (7.1%) indicated they had jurisdiction over adult and juvenile offenders. Additionally, of 41 respondents, 66% (27 states) had jurisdiction over felons only, while roughly a third 34% (14 states) had jurisdiction over both felons and misdemeanants.

Determining the Minimum and Maximum Prison Terms

Releasing authorities have widely varying degrees of control over the length of offenders' prison terms. When asked directly where the power to establish the minimum term of sentence lies between the releasing authority, courts, and statute, or some combination of all three, the majority of respondents reported that the minimum term is set by statute. There was virtually no change in response when broken down by offense category (see Chart 1). Those states that had previously described their sentencing systems as determinate almost uniformly reported that the releasing authority did not have the power to establish the minimum term. For all offense categories, over half of the respondents noted that the minimum time to serve under present sentencing law is a percentage of the sentence. Just over a third of the

Chart 2. Percent of Specific Offenders Within Each Offense Category Where Board Has Authority to Release Before Maximum Term

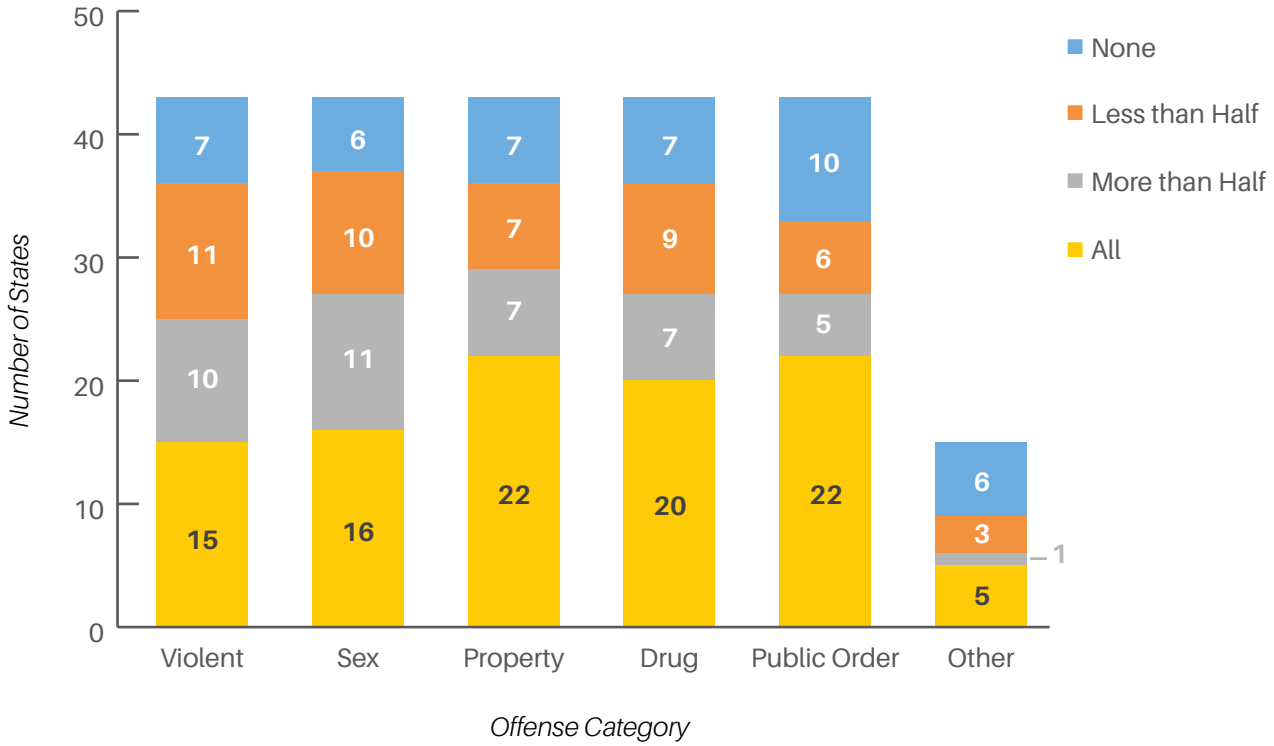
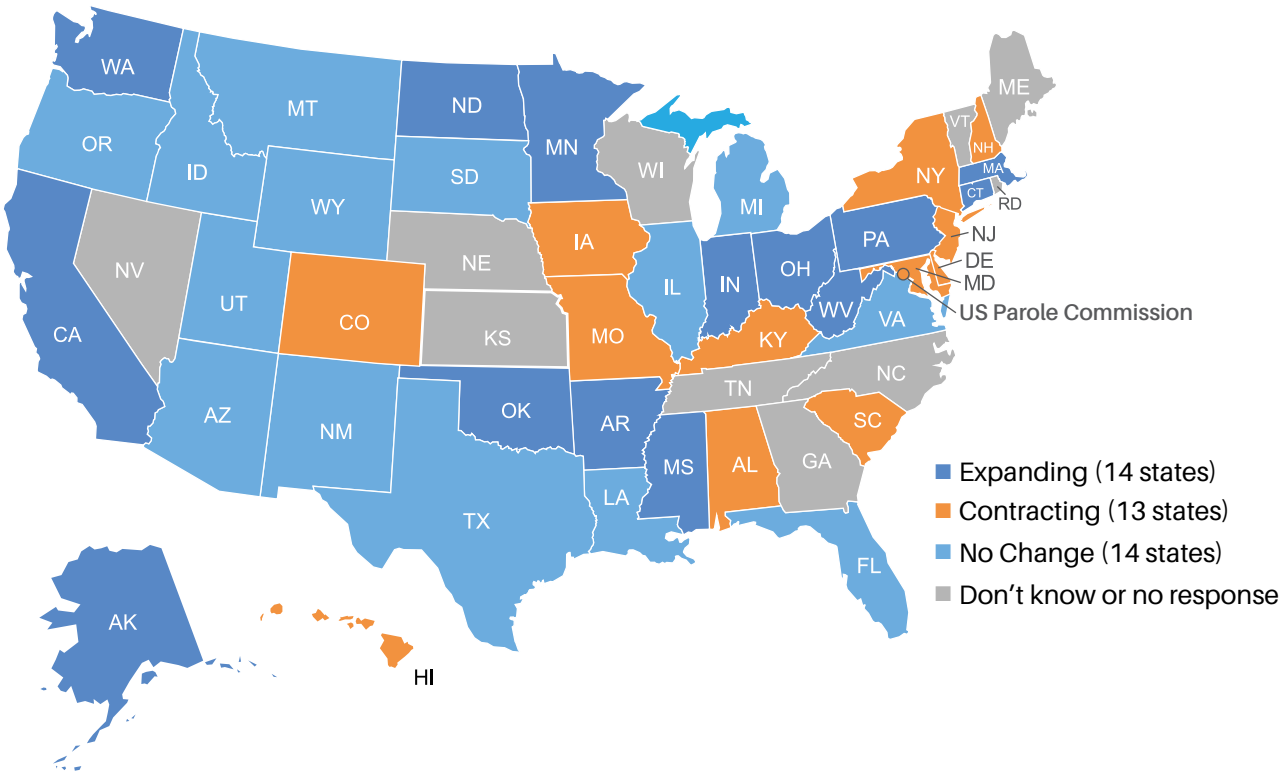


Figure 1. Expansion or Contraction of Release Decision-Making Over Past 15 Years (2000-2015)



states indicated that the minimum is a fixed amount of time. Wyoming, Iowa and the U.S. Parole Commission responded that there was "no minimum."

In establishing that the *minimum term* of the prison sentence is mostly determined by statute, another question is whether the releasing authority has the power to release offenders prior to the maximum release date. Here the results *did* vary by offense category. Many states reported having the ability to release offenders before the maximum release date for all property (22), drug (20), and public order offenders (22) (see Chart 2). The numbers drop a bit for sex offenses, with slightly fewer states (16) having such authority for all sex offenders. But an additional 11 states reported having the authority to release before the maximum release date for more than half of sex offenders. The numbers drop slightly further for violent offenders, with just 15 states reporting the ability to release all offenders prior to the maximum release date, and 10 states reporting that they had such authority for more than half of violent offenders.

All but one of the states self-described as having indeterminate sentencing structures reported that there were no broad offense categories for which they did not have some discretion to release offenders prior to the maximum release date—that is, they had discretionary release authority for at least one specific offense within the category. These states were also more likely to have the ability to release offenders before the maximum release date for more than half of the specific offenses in all categories. Conversely, it was much more common for releasing authorities in determinate states to report that they had no discretion to release offenders before the maximum release date. Across all offense categories, 4 or 5 of the 11 determinate states reported this lack of authority.

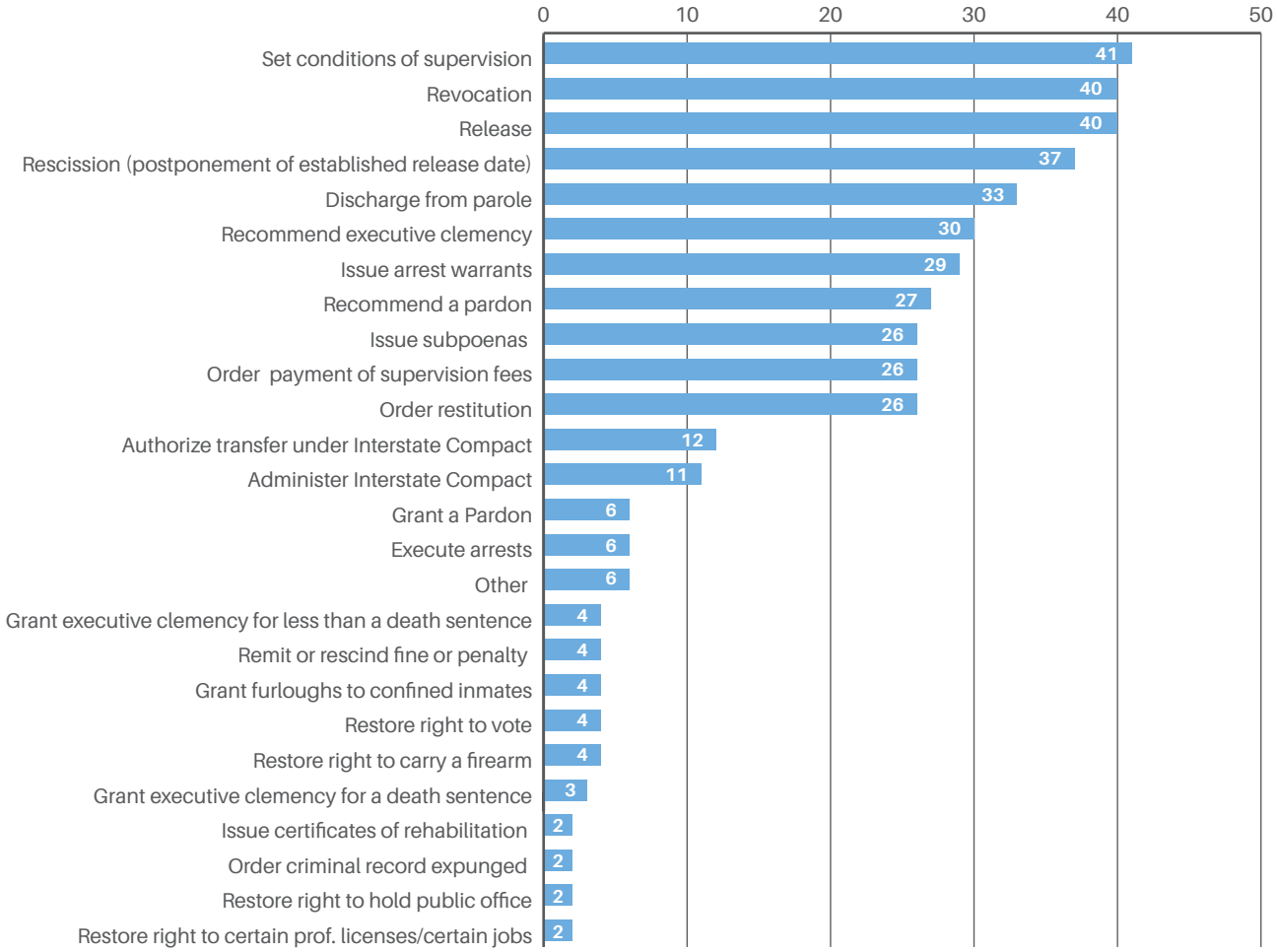
Virtually all of 30 responding states reported that there is no presumption that parole will be granted at first eligibility for release—and this was true across all offense categories. The most significant exceptions were Hawaii and New Jersey, which responded that, by statutory mandate, inmates convicted of property, drug, and public order offenses must be afforded a presumption of release at first eligibility.

Parole Board Jurisdiction: Expansion and Contraction

One measure of parole boards' expansion or contraction during the past 15 years is how their release authority has changed. Of 41 jurisdictions responding, 14 respondents (34%) reported that their legislatures had expanded their discretionary parole release authority, while another 13 respondents (31%, including the U.S. Parole Commission) reported that their discretionary parole release authority had been statutorily diminished. An additional 14 respondents (34%) reported no change in the scope of their releasing authority (see Figure 1).

A sizeable majority of 41 respondents, including the U.S. Parole Commission, indicated that they have broad jurisdiction to make decisions extending across the entirety of the parole process. This most often implicates release from prison, rescission (postponement of the release date), setting supervision conditions, revocation, and ordering discharge from parole. Rescinding a release date that has already been set, noted in 37 states, means an offender's release will be revisited at a later time due usually to disciplinary violations. A large number (26 states) reported having the ability to set specific conditions of supervision such as the payment of supervision fees and restitution. A large majority also reported having the powers needed to address violations such as issuing arrest warrants and subpoenas (29 and 26 states, respectively). And many in this group also reported having jurisdiction to recommend executive clemency and pardons (30 and 27, respectively). Respondents noted additional powers ranging from administering the interstate compact to addressing collateral consequences for parolees, such as the right to vote, hold public office, acquire certain professional licenses, or work in particular occupations (see Chart 3).

Chart 3. Releasing Authority Powers



Chapter 3: Organization, Board Membership, and Agency Composition

Organizational Structure

Of 45 states responding to questions about location in government, 40 (89%) reported that their releasing authority is housed within the executive branch of government—with a variety of configurations. Twenty states (44%) reported that their releasing authority is independent, but administratively attached to the department of corrections. The next largest group (9 states, 20%) reported that their releasing authority is an independent and autonomous agency, while an additional 7 states (16%) reported that the releasing authority is an independent entity administratively attached to an agency other than the department of corrections. Five respondents (11%) noted their placement within the department of corrections, while four marked "other" (see Chart 4).

Of 43 respondents who answered questions about fiscal responsibility, 28 (65%) reported that the releasing authority had an independent budget, and an additional 4 (9%) stated that their budget was independent, but appeared as a line item in another agency's budget, most commonly the department of corrections. Eleven states (26%) reported their releasing authority did not have an independent budget.

Statutory Qualifications

The rigor and range of statutorily-required qualifications for releasing authority membership varies significantly across the country. Though a majority of states said they had such qualifications, a noticeable number noted the absence of statutory prerequisites for board membership. Of 45 respondents on this point, 25 states (56%) reported statutory requirements for releasing authority membership, while 19 states and the U.S. Parole Commission (44%) reported no required qualifications (see Figure 2).

Of the 25 states with statutory qualifications, one required a community college degree, 10 required a non-specific college degree, while another 14 prescribed a minimum number of years of experience in criminal justice or a related field. For those who required some threshold of years of related experience, the most common response was 5 years. Several states required both education and a set number of years of experience. Similarly, 2 respondents noted that board members lacking educational degrees needed to have, in exchange, more years of experience.

Chart 4. Organizational Nature of Releasing Authority

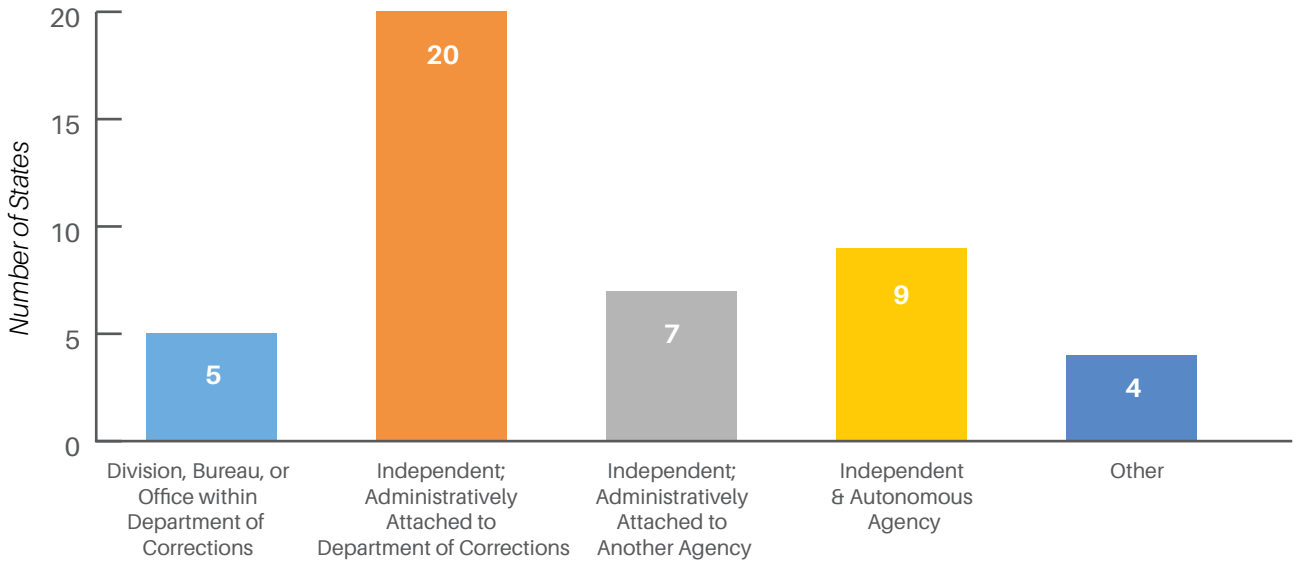
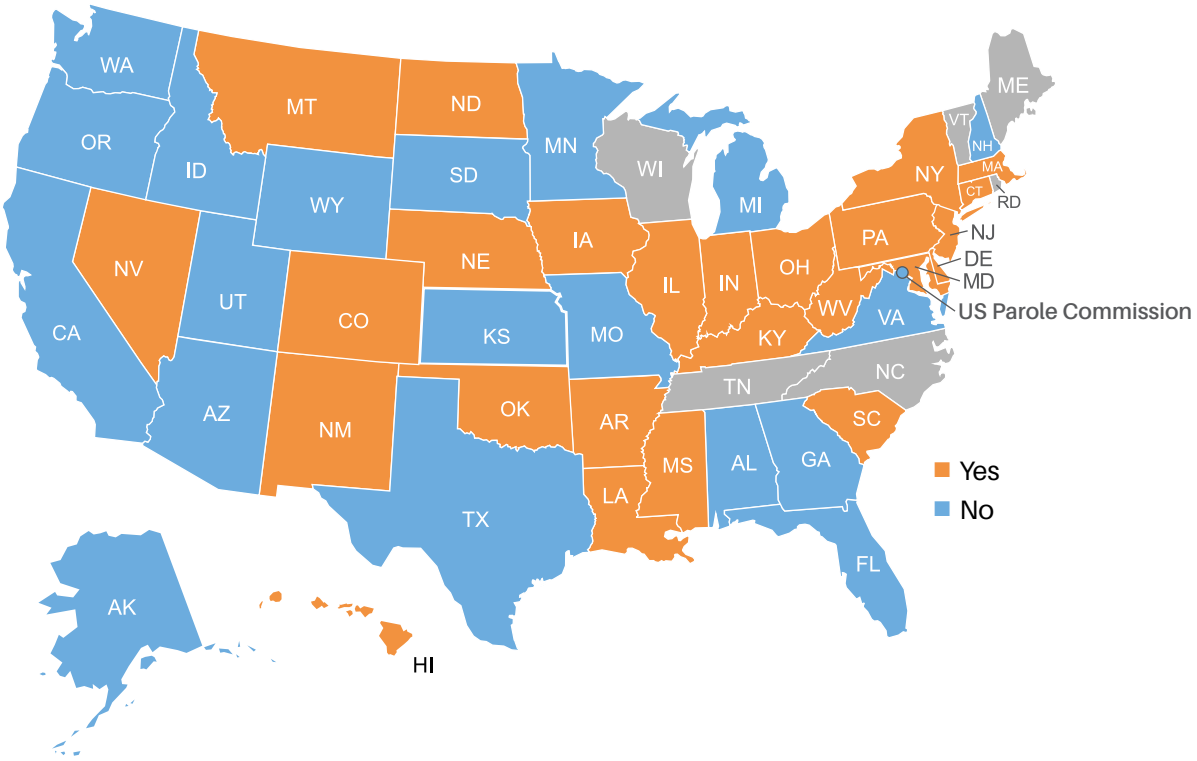


Figure 2. Statutory Qualifications for Board Members' Education or Experience



Appointment Process

The central figure in the appointment process to the releasing authority in most states is the Governor. A total of 37 respondents stated that the Governor had the sole authority to make an appointment, while 3 states indicated that the Governor and another agency were involved in the appointment process. For the U.S. Parole Commission, the President makes the appointment. Across the U.S., the executive branch clearly plays a leading role in contributing to the composition of releasing authority membership.

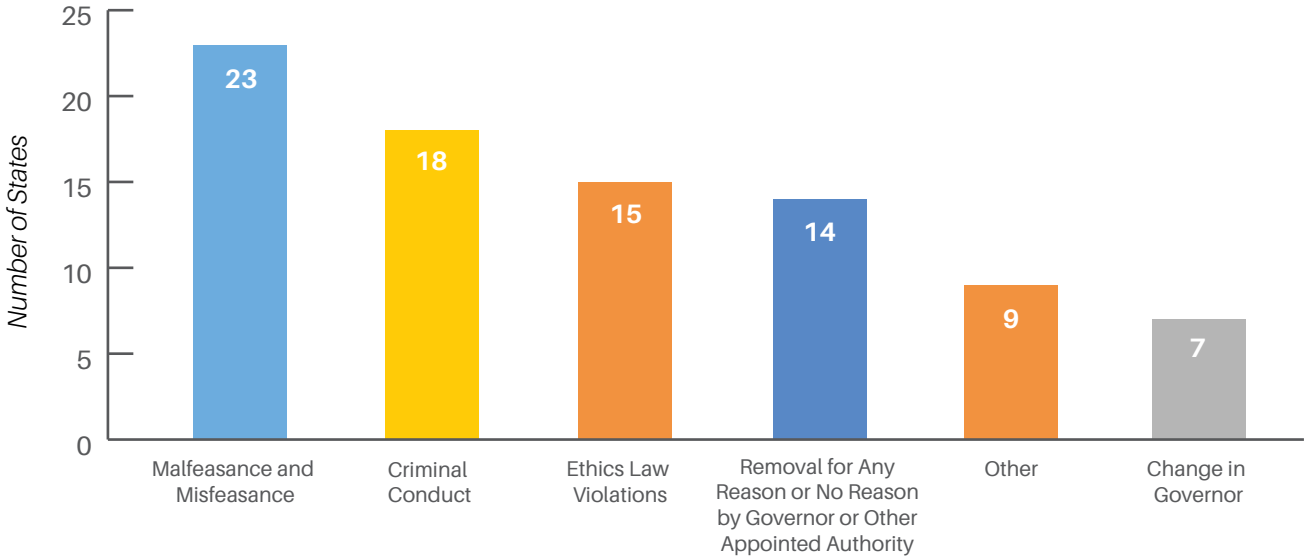
A sizeable majority (31 respondents) indicated that a legislative body must confirm appointments to the releasing authority. In another 3 states, the Governor confirms the appointments (Alaska, Kansas, and Missouri), while in two states the Director or Commissioner of Corrections confirms the appointments (Michigan and Minnesota). In one state (Indiana) the gubernatorial appointment process does not require confirmation.

The role and leverage of the Governor carries over into the selection of the chairperson of the releasing authority. In 32 states, the chairperson is selected by the Governor. The responsibility for making this selection shifts to the Director or Commissioner of Corrections in 5 states, while in another 5 jurisdictions, board members themselves make this determination. In two additional states, the Governor is involved in the process, but is not the sole decision maker (see Table 1).

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?	37	0	4	0	-	9	0
Who confirms an appointment?	3	31	2	2	-	5	4
Who selects the Chairperson?	32	0	5	0	5	3	0

Chart 5. Circumstances for Removal of a Board Member



The combination of predominantly gubernatorial appointments, subject to legislative confirmation, highlights the extent to which the political process shapes the institutional structure and membership of releasing authorities throughout the country. The imprint of the political environment depends to some extent on whether limits are placed on how many board members from the same party may serve together. Of 40 respondents, a total of thirty-two states (80%) indicated there is no limit set for the number of board members from the same political party, while eight states (20%) have such limits. Twenty-three out of 44 respondents (52%) answered affirmatively to all three political components: Governors' appointments, legislative confirmations, and no constraints on the party affiliations of board members.

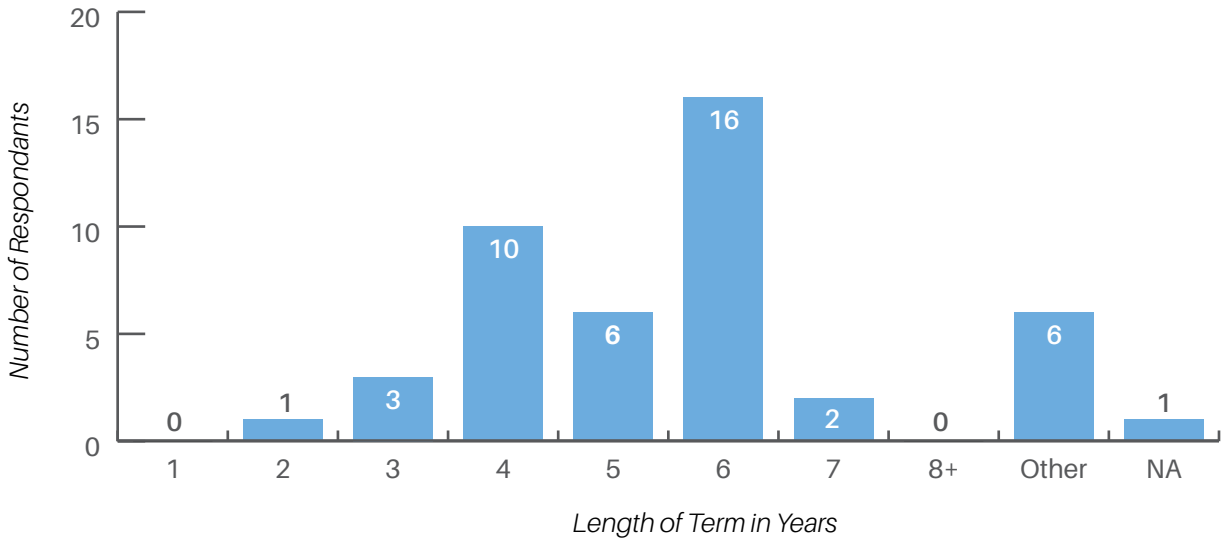
Once appointed, releasing authority members are subject to removal in all jurisdictions, but removal processes and criteria vary. Chart 5 compiles the responses of 40 states and the U.S. Parole Commission on reasons for removal; respondents were asked to select as many criteria as applied. The two most common grounds for removal included "Malfeasance and Misfeasance" (23 states, 56%), "Criminal Conduct" (18 states, 44%), and "Ethics Law Violations" (15 states, 38%). There are some jurisdictions where releasing authority members can be removed for no reason whatsoever (14 states, 34%), or by the transitioning of the Governorship (7 states, 17%).

Length of Terms and Staggered Terms

The continuity of paroling authority operations is affected by the length of board members' terms, and the extent to which they serve fixed or staggered terms of appointment. Staggered terms are also important because they establish a regular pattern that entire boards do not turn over at once, and make it more difficult for governors (or other appointing authorities) to terminate the entire board in one sweep. On length of appointments, see Chart 6. Of 44 respondents, the most common answers (32 states, 73%) fell in the range of 4 to 6 year terms, with 6 year terms the most common (16 states). Six states chose the "other" option, where they wrote comments instead of specific numbers. Two of these states reported that board members serve concurrently with the Governor, while two other states indicated that board members serve at the "pleasure of the Governor." In one state, board members serve an unspecified or open term. As for staggering of terms, 36 of 42 respondents (86%), said board members serve staggered terms, while in the remaining six jurisdictions (14%) they do not.

Virtually every board member may pursue the renewal of his or her term of appointment. When asked if board members' terms may be renewed all 43 responding releasing authorities said "yes." However, some states have term limits. One respondent noted that members cannot serve longer than 8 years, while another respondent said board members' terms were open.

Chart 6. Term Lengths of Board Members



Agency Size and Board Membership

The statutory qualifications, appointment process, and length of term all coalesce into the actual membership of paroling authorities. What follows expands the analysis to consider several characteristics associated with the actual composition of releasing authority membership. The survey asked respondents for specific information pertaining to the chairperson and each board member: gender, race, age, length of term, employment status, compensation, and educational achievement. Though thirty-eight respondents provided information for this question, the response rate varies within each question as individual states answered some, but not all, of the demographic queries. For example, 37 respondents provided information on the gender of the chairpersons, while only 23 respondents furnished data on the chairpersons' educational attainment. The summary below represents those who responded to the specific parts of each question. Nonetheless, the overall responses offer a reasonable snapshot of board members.

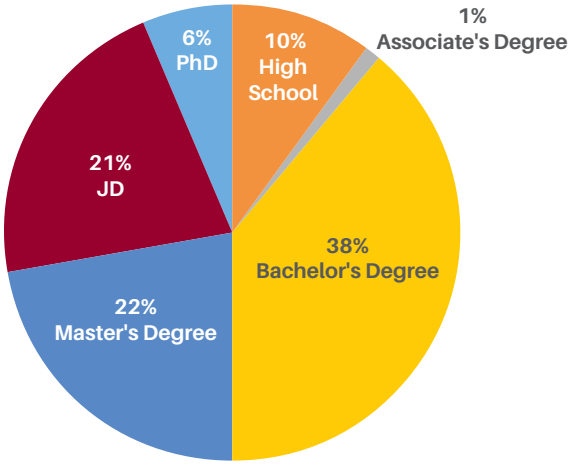
Of 252 board members for whom gender was reported, a total of 61% were male. For chairpersons this gender difference was slightly greater, with 65% males. Of the 253 board members for whom the variable of race was reported, 65% were white or Caucasian, 23% black or African American, 6% Hispanic or Latino, and 6% remained as other, unknown, or multiracial. Compared to the racial composition of the United States as a whole, there is an overrepresentation of white and black board members and an underrepresentation of Hispanic board members.

In terms of age, the average across 192 board members was 57 years old. For the chairpersons, the average age dropped slightly to 51 years. The specific ages for a small number of board members was imputed as several respondents entered age ranges because they did not know the exact age of their fellow board members. This diminishes, albeit slightly, the accuracy of these figures.

The length of service on the board indicates notable on-the-job experience. For 35 chairpersons, the average length of service was 5.2 years. For 242 board members with a reported length of service, the average was slightly lower at 4.7 years. However, these averages are greatly affected by 30 board members who have over 10 years of service, 7 of whom have over 15 years of experience. When these board members are removed, the average length of service for board members as a whole is 3.6 years. Of the 206 board members with a reported appointment status, 76% were full-time. Of 31 chairpersons, 26 were full-time and only 5 were part-timeSee Chart 6 for Term Lengths of Board Members.

The educational background of the board members varied greatly, but almost 90% had achieved a bachelor's degree or higher. Of the 154 board members with a reported highest educational attainment, 10% had a high school diploma, 1% had an associate's degree, 38% had a bachelor's degree, 22% had a master's degree, 21% had a JD, and 6% had a PhD. Those with bachelors, masters, or law degrees accounted for 71% of the board members. See Chart 7 for an illustration of these findings.

Chart 7. Educational Achievement of Board Members



In our sample, the presence or absence of statutorily required qualifications for board membership in individual states did not show corresponding effects on the overall educational attainments of board members (See Chart 8). Within the states that had statutorily defined qualifications, there were 71 board members representing 10 states with a reported educational level; and 85 board members representing 14 states without statutorily defined qualifications. The states *with* defined qualifications had greater percentages of board members with high school degrees, bachelor's degrees, and law degrees. On the other hand, states *without* statutory qualifications had higher percentages of board members with Master's degrees and Ph.Ds.

Administrative Staffing

The staffing level of releasing authorities is a key component of their organizational structure. Numerous releasing authorities have staff who work independently, but contribute to the capacity of the releasing authority members to complete their tasks and responsibilities in a timely and efficient manner. Such staff include administrators, case examiners or hearing officers, parole officers, and other support staff.

The structure of leadership within these agencies is particularly salient. Of 44 respondents, a total of 33 (75%) have an executive director or the equivalent of a full-time administrator who is not a member of the board. In other words, the majority of the releasing authorities are administratively led by someone who answers to and assists in the daily operations of the board. However, this does not mean that the board and its chairperson have no role in the administration of the agency. In just over half of the responding agencies, 26 (51%) out of 44, the chair of the board serves as the Chief Executive Officer. Moreover, the relevant parole statute or law gives administrative agency oversight to the chair for 29 (66%) out of 44 releasing authorities. Table 2 illustrates the findings pertaining to the chair.

Chart 8. Statutorily Defined Qualifications and Educational Achievement of Board Members

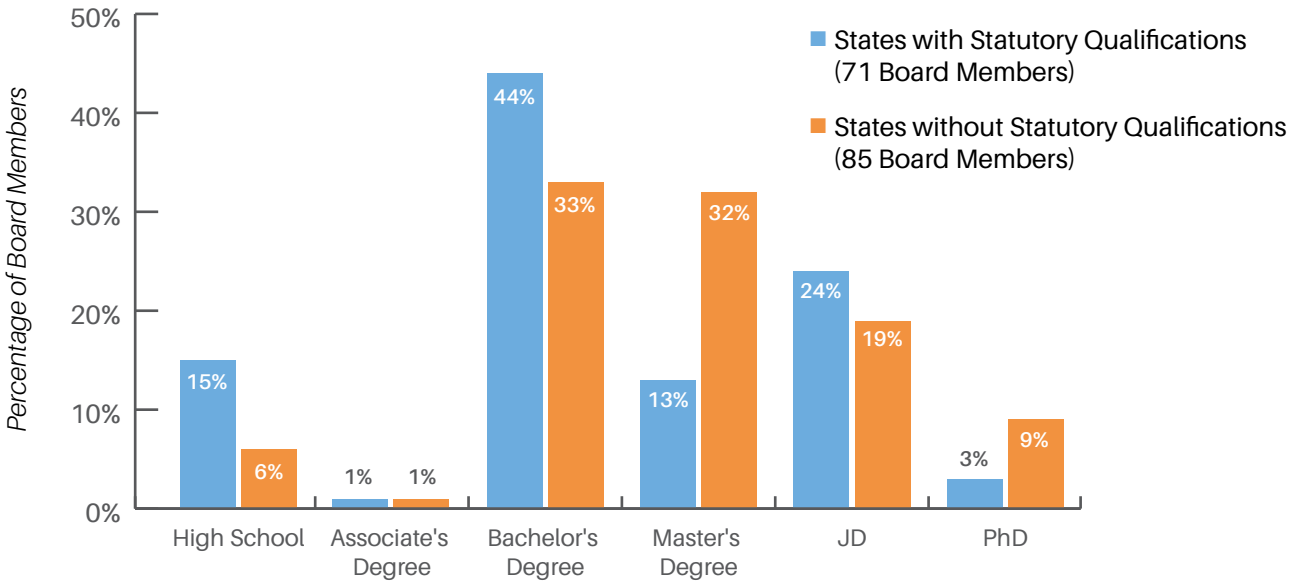


Table 2. Administrative Authority of the Board Chair			
	Yes	No	NA
Does the chair of the releasing authority serve as the CEO?	26	9	9
Does the parole law give administrative agency oversight to the chair?	29	10	5

The vast majority of releasing authorities employ 50 or fewer individual staff serving in full-time administrative, managerial, professional, and/or secretarial positions. Of 42 respondents at both the state and federal level, a total of 24 agencies (57%) reported staffing levels of 25 personnel or less, with 18 (42%) showing staffing levels at 15 or fewer staff. If staffing is adjusted upwards to a range of 50 or less, and 75 or less, these same figures become, respectively, 28 (67%) and 33 (79%). At the high end of the continuum, another 7 (16%) paroling authorities noted staffing levels near or above 500 positions (Alabama, Georgia, Massachusetts, Missouri, New Jersey, Pennsylvania, Texas). These figures demonstrate a fair measure of polarity with two-thirds to three-quarters of the respondents revealing a modest staff capacity, while just under one-fifth have far higher staffing levels.

Hearing Officers or Examiners

Among releasing authorities that relied on hearing officers or examiners, nearly all such positions were full-time. Within the overall group of respondents (N = 27, including the federal system), 25 boards (93%) employed hearing officers or examiners on a full-time basis with three also drawing on part-time personnel. Two (7%) agencies indicated they deploy fewer full- than part-time hearing examiners (Iowa and Virginia). Ranging from a low of one (Oklahoma) to a high of 40 (California), the total number of number of full-time hearing officers or examiners for the 27 respondents combined was 338, with an average of 12.5 per releasing authority. The vast majority of respondents employ 15 or fewer full-time hearing officers or examiners.

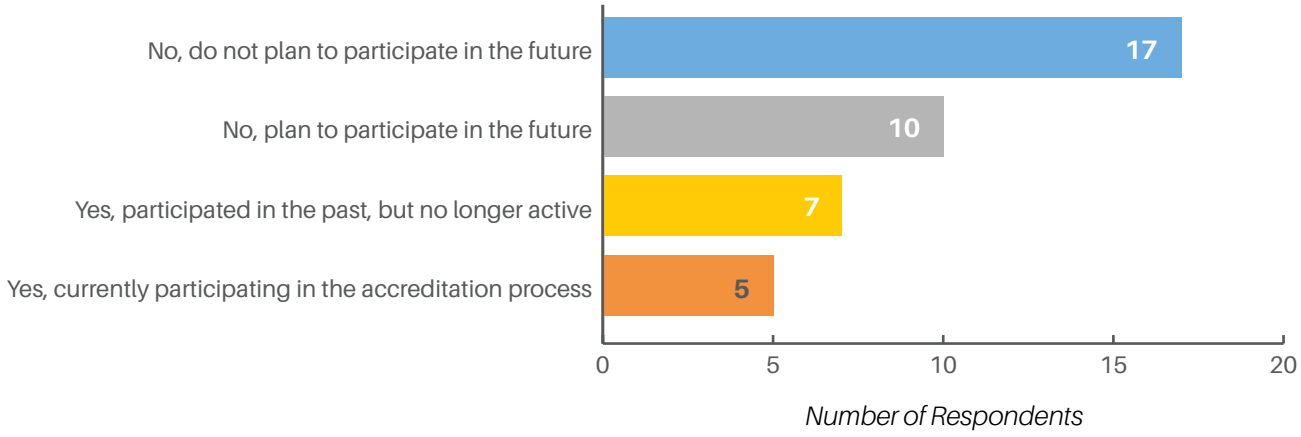
Pursuit of Accreditation

The American Correctional Association (ACA) created the Commission on Accreditation for Corrections in 1974 to review and evaluate compliance with ACA standards by correctional agencies and facilities. Each releasing authority's participation in the ACA accreditation process is voluntary, and boards must pay a fee to ACA in order to participate in the process. Reaccreditation is required every three years.[18]

In our 2015 survey, 7 of 39 responding agencies (18%) were ACA accredited at the time of their response. The ACA accredited states were Arkansas, Louisiana, Mississippi, Montana, New York, Ohio, and Pennsylvania.

The same 39 states also responded about their participation in the accreditation process in the current year, past involvement, and future plans, as summarized in Chart 9. Among the respondents, 27 states (70%) had never sought ACA accreditation. A total of 17 states (44%) indicated they had not sought accreditation and do not plan to do so in the future. Another 10 states (26%) had never participated, but expressed an intention to do so in the future. Meanwhile, 12 states (31%) reported that they were currently participating in the accreditation process or had done so in the past.

Chart 9. Participation in ACA Accreditation Process



Chapter 4: Parole Release

Prisoners have few constitutional Due Process protections in release proceedings. The U.S. Supreme Court decision in *Greenholtz v. Inmates of the Nebraska Penal and Correctional Complex,* 442 U.S. 1 (1979), established that prisoners have no "liberty interest" in the parole release process unless such an interest is created by state law in a specific jurisdiction. As a result, most of the law of parole release is determined by state legislatures, state courts, and parole boards themselves.

Mission and Vision Statements

National Parole Resource Center Practice Target: "Develop and strengthen agency level policy making, strategic management, and performance measurement skills/capacities."

A number of paroling authorities have taken steps to establish transparency in how release decisions are made and what factors are considered.[19] Of 43 respondents, 38 releasing authorities (88%) reported publishing information explaining how their parole process works. Only 5 states said that they do not furnish this sort of information.

A recent document issued by the National Institute of Corrections stated that it was important for parole boards to identify and articulate their goals and objectives to give "parole leaders and board members a set of foundational principles to guide them in their decisions."[20] Of 44 releasing authorities, 38 (86%) reported having adopted a mission statement, while 19 (44%) stated they had a vision statement. A total of 12 (27%) releasing authorities noted they also had a statement of values or principles. Four releasing authorities (9%) reported having none of these documents.

Of 40 respondents, 30 (75%) releasing authorities said these materials were used to assist their decision making, while the remaining 10 (25%) reported they were not used for this purpose. An additional question asked if they publish guidelines, decision rules, or criteria used relative to the parole release decision process and, if so, where. Of 40 respondents, 36 parole boards (90%) reported publishing such information, while 4 (10%) indicated they did not. Table 3 highlights the various places where this information may be found. For a sizeable number of paroling authorities, the four main sources include administrative rules, statute, an agency's website, or its internal policies.

Table 3. Where is Parole Information Published?	
Administrative Rule	25
Statute	22
Agency website	19
Agency Policy	17
Annual Report	6
Strategic Plan	2
Other (please specify)	4

"Other" responses included the placement of information in brochures and in sentencing guidelines. Two releasing authorities (Georgia and Maryland) give this information to offenders either by sending it to the inmate when the board receives notification of their admission to the prison system, or by publishing it in correctional facility libraries.

Use of Risk Assessment in Release Decision-Making

National Parole Resource Center Practice Target: "Use of a good, empirically-based actuarial tool to assess risk and criminogenic needs of offenders."

For some time, releasing authorities have been moving toward the adoption of risk assessment instruments and parole guidelines to bring greater structure and consistency to release decision-making. At present, the vast majority of parole boards rely on an actuarial tool to assess

offenders' risk and needs prior to making release decisions. Of forty respondents, thirty-six states (90%) reported using such a tool, while 4 jurisdictions (10%) indicated they do not (these were California, Illinois, New Mexico, and the U.S. Parole Commission). In past surveys, the use of risk assessment tools was far less prevalent than in 2015: in 1991, only 48% of paroling authorities reported that they used such instruments, rising to 73% in the 2008 survey.[21]

Of the 36 states that use such tools, 27 (75%) report that the tools are available to the public or researchers. The risk assessment instruments that are utilized vary widely across jurisdictions. The most commonly used tool for conducting comprehensive offender risk assessments is the Level of Service Inventory-Revised (LSI-R). A significant number of instruments have been developed in-house. Fifteen releasing authorities (42%) reported using risk assessment tools developed in-house, and 8 of them said they validated the assessment using the offender population in their jurisdiction.

Table 4 illustrates the actuarial tools used in the 36 releasing authorities and whether those instruments have been validated in their jurisdictions. Clearly, all risk assessment tools are not the same. Several releasing authorities checked multiple instruments in response to this question highlighting that some tools are designed for specific populations (e.g., Static-99 for sex offender populations). A few respondents indicated that an instrument was validated in their home district, but the instrument was not used by the releasing authority. Meanwhile, other respondents indicated that an instrument is used but did not indicate whether the instrument is validated in their jurisdiction. Thus, the use column is not necessarily the total of the validated and not validated columns. The table shows no consensus on the actuarial tool most commonly adopted.

Many states reported using the Level of Service Inventory-Revised (LSI- R) and Static-99. The LSI-R is a dynamic risk assessment instrument that tracks risk and needs by identifying criminogenic factors and providing information to develop a treatment plan.[26] The Static-99 is used exclusively for assessing adult male sex offenders.[27] According to respondents, these two tools were highly likely to have been validated on correctional populations in their home jurisdictions (as reported by 77% of states that use the LSI-R and 65% that employ the Static-99).

Table 4. Use and Validation of Risk Assessment Tools

	Use	Validated in Home Jurisdiction	Not Validated in Home Jurisdiction
Static-99[22]	23	17	3
Instrument developed in-house	15	8	4
Level of Service Inventory-Revised (LSI-R)[23]	13	13	2
COMPAS[24]	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[25]	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

Other instruments were used less frequently. Three releasing authorities reported using the Ohio Risk Assessment System (ORAS), while an additional 3 releasing authorities noted their use of the Minnesota Sex Offender Screening Tool Revised (MnSOST-R). Two states reported using STABLE, which is another risk assessment tool designed specifically for sex offenders. Other assessments relied on, but not included in Table 4, are the Adult Substance Abuse Survey, V-Rag, PSCAN, PCL-R, HCR, PRAT, ARORA, MMPI, SVR, and Montana's BOPP risk assessment.

Calculating based on all risk assessment tools in current use by 36 respondents, approximately 76% of the instruments in use have been validated using offender populations in the home jurisdictions, while 24% have not been validated.

Parole Guidelines and Structured Decision Tools in Release Decision-Making

National Parole Resource Center Practice Target: "Develop and use clear evidence-based, policy-driven decision-making tools, policies, and guidelines that reflect the full range of a paroling authority's concerns."

In addition to actuarial tools, releasing authorities were also asked if they relied on parole guidelines, or similar decisional tools, to assist in their release decision making. Parole guidelines take a number of forms. The most common and original form of guidelines are "matrices" incorporating, typically, some combination of severity of offense and risk of re-offending bound within specific ranges of times to be served. Sequential decision-tree models are another, more recent, form of parole guidelines that express a releasing authority's policy by way of specific factors to be considered in each case, and how these impact a "guidelines recommendation" to grant or deny parole.[28]

Of 39 respondents, 17 releasing authorities (44%) noted using release guidelines or sequential models, while the larger cluster of 22 jurisdictions (56%) responded that they did not do so. When queried whether they considered low risk offenders for release at the earliest possible time, 31 of the 35 releasing authority respondents (89%) answered affirmatively, while 4 (11%) indicated they would not. Seventeen of 35 respondents (49%) indicated that, for low risk offenders, they would refrain from requiring enrollment or completion of specific programming as a condition of release, while 18 (51%) would not do so.

When asked if institutional and community resources should be targeted to mid- and high-risk offenders, 6 of 33 respondents (18%) required such an emphasis in their release policies, while 11 (33%) recommended it. Another 16 (48%) did not recommend or require it.

Across 34 respondents, 19 releasing authorities (56%) state in their release decision-making that higher risk offenders will be viewed positively if they have participated in risk reduction programming targeted to their criminogenic needs. This factor is not a consideration for the remaining 15 releasing authorities (44%), despite the commonly acknowledged saliency of institutional program participation highlighted in Table 5.

One further question asked whether inmates have the opportunity to review and contest their risk assessment scores. The states split almost evenly on this issue. Of 37 respondents, 18 releasing authorities (49%) stated that inmates can contest the results of their risk assessment, while such an opportunity was not provided in the other 19 states (51%).

Factors Considered During the Release Process

Table 5 displays the factors releasing authorities are most commonly authorized to consider when assessing offenders' readiness for release. As opposed to most areas in this 2015 survey, there was overwhelming consensus among respondent jurisdictions in their official statements of release criteria. As shown in Table 5, all of the 19 most common factors were in force in more than three-quarters of the 40 respondent jurisdictions. All "other" factors, not among the top 19, were limited to only 20% of the reporting states. While this is an impressive degree of uniformity, it does not tell us how frequently each factor arises in individual cases, or how much weight releasing authorities assign to specific factors.[29]

The 19 "consensus" release criteria fall largely into two sets: "static" factors that offenders cannot change during their period of incarceration, and "dynamic" factors that take account of offenders' behavior while serving the current sentence.

Among all 40 responding states, the nature of the present offense and the offender's prior adult criminal record are universal factors that boards are instructed to consider. This is consistent with previous research findings that these two static factors are heavily weighted by releasing authorities in their release decisions.[30] Other static factors, used in 90% or more of responding states, include previous parole adjustments, history of illegal drug use, previous probation adjustments, prior juvenile record, and age at first conviction.

Dynamic factors are also well represented among the consensus release criteria: offenders' institutional program participation and psychological reports are authorized considerations in all 40 responding jurisdictions, with the inmate's disciplinary record close behind (per 39 of 40). There is near unanimity about the need for boards to evaluate the inmate's demeanor during the parole hearing, closely followed by the inmate's testimony, together with treatment reports and discharge summaries. Consideration of the offender's case plan, presumably reflecting preparation for reentry, emerged in 88% of the responses.

Some authorized criteria in the consensus group reflect a mixture of static and dynamic factors. These include psychological reports (in 100% of responding states) and risk assessments or reports (in 97.5%).[31]

Finally, the consensus criteria include a number of "opinion" or "preference" factors, which allow designated individuals to add their views to the decisional analysis. These include victim input (97.5% of responding states), inmate family input (92.5%), prosecutor input (87.5%), and input from the sentencing judge (77.5%).

Table 5. Information Considered in Release Decision-Making

Nature of the present offense	40
Prior adult criminal record	40
Institutional program participation	40
Psychological report	40
Inmate's Disciplinary Record	39
Risk assessments or reports	39
Previous parole adjustment	39
Victim input	39
History of illegal drug use	39
Inmate's disposition or demeanor at hearing	38
Previous probation adjustment	37
Inmate family input	37
Inmate testimony	37
Prior juvenile criminal record	36
Age at first conviction	36
Treatment reports or discharge summaries	36
Prosecutor input	35
Offender's case plan as prepared by institutional staff	35
Sentencing judge input	31
Other (Please specify)	5

Releasing Authority Chairs' Ranking of the Factors

The views of releasing authority chairs on a range of issues will be highlighted in the final chapter of this report. However, one of the questions directed to chairs is especially relevant here: They were asked to rank the importance of 17 factors in release decisions (similar to the factors in Table 5). A total of 29 chairpersons responded, yielding the list compiled in Chart 10.[32]

Thirteen chairs (45%) ranked the "nature" of the present offense as the most important factor. The "severity" of the current offense was a close second, with four first-place rankings and twelve second-place rankings. These two factors overlap significantly in their focus on the circumstances of the original offense.

Nine chairs ranked prior criminal record as the next most important factor. The placement of "current offense" and "prior record" at the top of Chart 10 is consistent with previous research.[33] If we extrapolate the *combined* importance of the "original crime" and prior record, these static factors make up a definitive first tier of the decisional process. Prisoners' current and past criminal conduct are prime considerations for sentencing judges and, months or years later, are reevaluated during the

prison-release process. (Inmates' previous adjustments while on probation or parole were also meaningful static factors, in the middle of the pack as ranked in Chart 10.).

The next four factors, in order of importance assigned by the 29 responding chairs, focus on in-prison conduct and empirically-founded risk and needs assessments. These may be thought of as second-tier considerations. Here the center of gravity shifts to scrutiny of inmates' post-sentencing behavior, and to projections of their needs and risks of recidivism. Seven of the 29 chairs ranked the inmate's disciplinary record as the fourth most important consideration overall, with prison program participation not far behind. Other dynamic variables cluster in the bottom half of the hierarchy, including psychological reports, treatment reports, and the inmate's testimony and demeanor at sentencing.

All third-party "opinion" or "preference" factors fell in the bottom half of the rankings, but with important differences. The chairs ranked input from sentencing courts, offenders' families, and prosecutors at the very bottom of the scale—and their weighted scores indicate a distinct drop-off in importance compared with the remainder of the chart. Notably, however, input from the victim was assigned much greater significance in the release decisional process than other opinion or preference factors, ranking 9th out of all 17 factors in Chart 10.

Other Considerations: Alleged Criminal Conduct and Time Credits

The survey also asked if releasing authorities can consider alleged criminal conduct for which the inmate has not been convicted, if the conduct is not admitted by the inmate. Of 37 respondents, 25 releasing authorities (68%) said they weighed such information in release proceedings. The remaining 12 (32%) indicated they did not.

Table 6 shows information on what types of credits inmates may earn to advance their eligibility for parole consideration, to lower their maximum sentences, or both. Inmates may earn sentence reductions through "good" time (meaning not getting into disciplinary or other trouble in prison), and/or by actively participating in prison programs.[34]

Most states offer sentence discounts of some kind, but vary the categories of offenses for which they are available. For example, nine releasing authorities do not offer any credits for offenders with violent offense convictions; 6 do not offer such credits for sex offenders.

Chart 10. Chairs' Ranking of Release Factors in Order of Importance

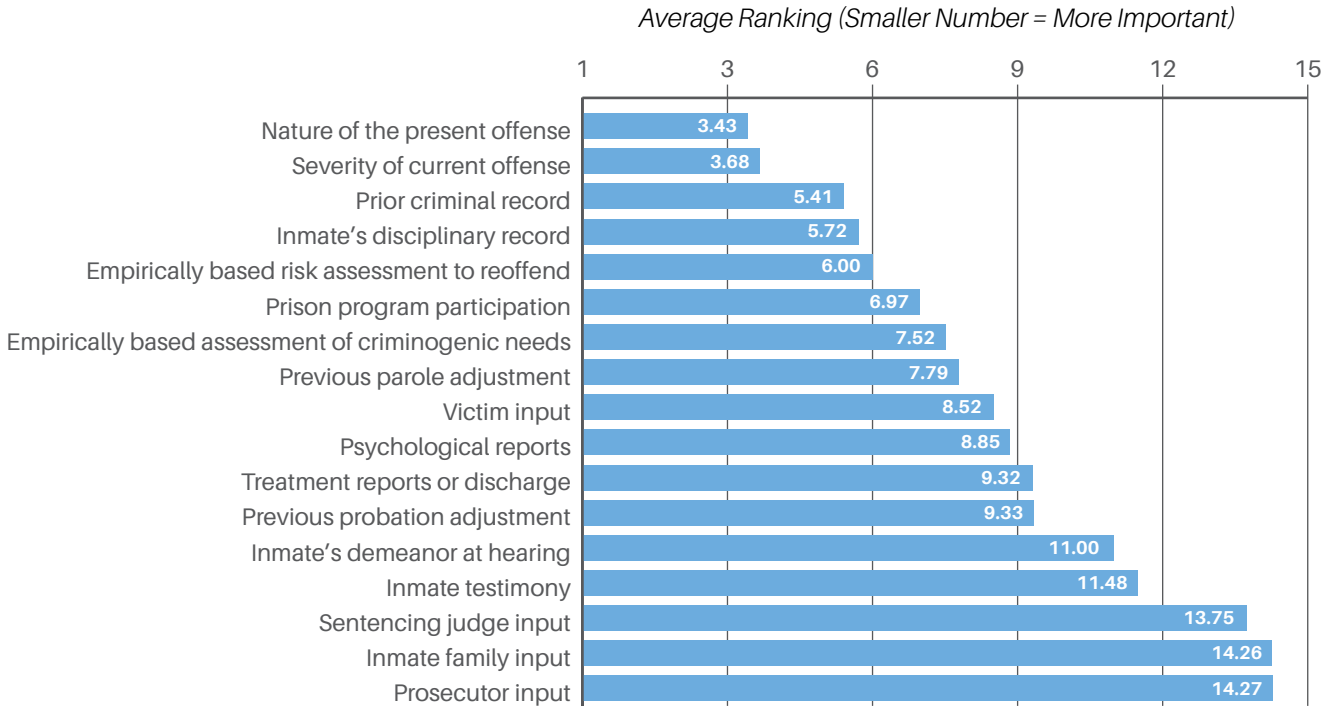


Table 6. Credits Earned to Advance Parole Eligibility and/or Reduce Incarceration Length						
	Time off credits are not available	Statutory good time lost only for infractions	Meritorious good time earned for successful program participation/ completion	Extraordinary credits for special acts	Emergency credits for systems at or above their capacity	Other time off credits
Violent Offense	9	16	18	9	1	2
Sex Offense	6	15	18	9	0	2
Property Offense	2	17	20	9	1	3
Drug Offense	2	18	21	10	2	3
Public Order	2	16	19	10	1	3
Other (please specify)	0	0	3	2	0	0

A majority of respondent states grant meritorious good time for successful program participation and/or completion. There are similarities between violence and sex offenses, with 18 states offering this as an option for both categories of offenses. These numbers increase slightly for offenders convicted of property, drug, and public order offenses.

Sixteen releasing authorities have statutory good time provisions that are available for offenders convicted of violent offenses, and in 15 states such provisions are applicable to sex offenders. The numbers are similar for offenders convicted of property, drug, and public order offenses. To a lesser extent, states offer extraordinary credits for special acts. The availability of earning emergency credits in states where correctional facilities are close to capacity or overcrowded occurs very infrequently.

Participation and Input in the Release Process

To help inform the release decision, input is often considered from a broad range of individuals and decision-makers. Thirty-eight releasing authorities responded to this question, and consistent with other research findings all reported they consider input from the victim. It it is important to note that all 50 states and the U.S. Parole Commission have laws that allow for victim impact statements either at sentencing, parole hearings, or both.[35] The next three highest categories of input considered by the respondents included feedback from the offender's family, the district attorney, and the judge, at 36 (95%), 34 (89%), and 31 (82%), respectively. The "other" category showed that 6 releasing authorities considered input from the general public, while 4 allowed input from corrections staff, and 3 from defense attorneys (see Table 7).

Table 7. Sources of Input in Release Decision	
Victim	38
Offender's Family	36
District Attorney	34
Judge	31
Law Enforcement	29
Other (please specify)	15

A related question with 40 respondents reveals that this input most often takes the form of written correspondence for both victims (40) and non-victims (35). In-person interviews were recorded as the second most common way to gather victim input in 38 jurisdictions and non-victim input in 21 jurisdictions. Twenty-one releasing authorities allow victim input to be obtained through videotaped correspondence, a number that drops to 7 relative to non-victim input (see Table 8).

In the vast majority of cases, the releasing authority notifies victims of scheduled parole consideration hearings. Specifically, of 40 respondents in 27 states (68%) the releasing authority provides such notice either in all cases or if it accords with the victim's wishes. In another 12 states (30%), a separate agency attends to the notification. One state (2%) answered no to this question.

Table 8. Types of Input Permissible Under Law		
	Victim Input	Non-Victim Input
Written correspondence	40	35
In-person interviews	38	21
Telephone interviews	31	15
Videotaped correspondence	21	7

Most releasing authorities also notify the public of when parole hearings are scheduled. Of 40 respondents, 18 releasing authorities (45%) are required to do so by statute, while 9 authorities do it voluntarily. Such notification is not provided by 13 releasing authorities (33%). Twenty-four releasing authorities also have hearings that are open to the public. Half of this group let the public attend without any restrictions, and the other half imposed restrictions. Fifteen of the releasing authorities do not have hearings open to the public.

Some states allow individuals to observe release proceedings but not participate. In other states, however, individuals present may speak at the hearing. Table 9 illustrates the range of individuals that may be present and those who may also participate during a releasing authority hearing.

The responses show great variation across the different parties. The majority of respondents permit inmates to be present and speak (37). A sizeable number of releasing authorities also afford inmates' attorneys (24) the same opportunity, prison or program staff (23), case managers (24), and victim/victim representative (23) to be present and speak. Another 21 releasing boards permit the media to be present, but only 1 allows the media to speak during a hearing.

Of 38 jurisdictions responding, if an inmate is indigent, 10 releasing authorities (26%) reported there is a right to appointed counsel in the hearing process at state expense. Twenty-eight boards (74%) do not recognize such a right.

Releasing authorities are far less likely to give the public access to their deliberations. Of 39 respondents, 12 releasing authorities (31%) reported that its deliberations are open to the public. Of those 12, 5 noted that its deliberations were open without any restrictions, while the remaining 7 impose some restrictions. Twenty-seven releasing authorities (69%) do not open their deliberations to the public.

Victims' rights extend beyond completion of the hearing process. Of 40 respondents, victims are given notice of the releasing authority's decision in all but two states (5%). In the remaining 38 states (95%) victims receive notification of the parole decision. The releasing authority automatically sends the victim notification for all cases in 4 states (10%), whereas in 22 states (55%) the releasing authority only sends the notification if the victim so desires. In another 12 states (30%), a separate agency serves the notification.

The information victims share with the releasing authority is considered confidential in most jurisdictions. Of 40 respondents, victim input is treated as confidential and not revealed to inmates in 28 states (70%). In another 6 states (15%), inmates can obtain victim information. Six additional states (15%) indicated they provide victim information if it is disclosed in a public or open meeting.

Table 9. Role and Status of Possible Attendees at Release Hearings

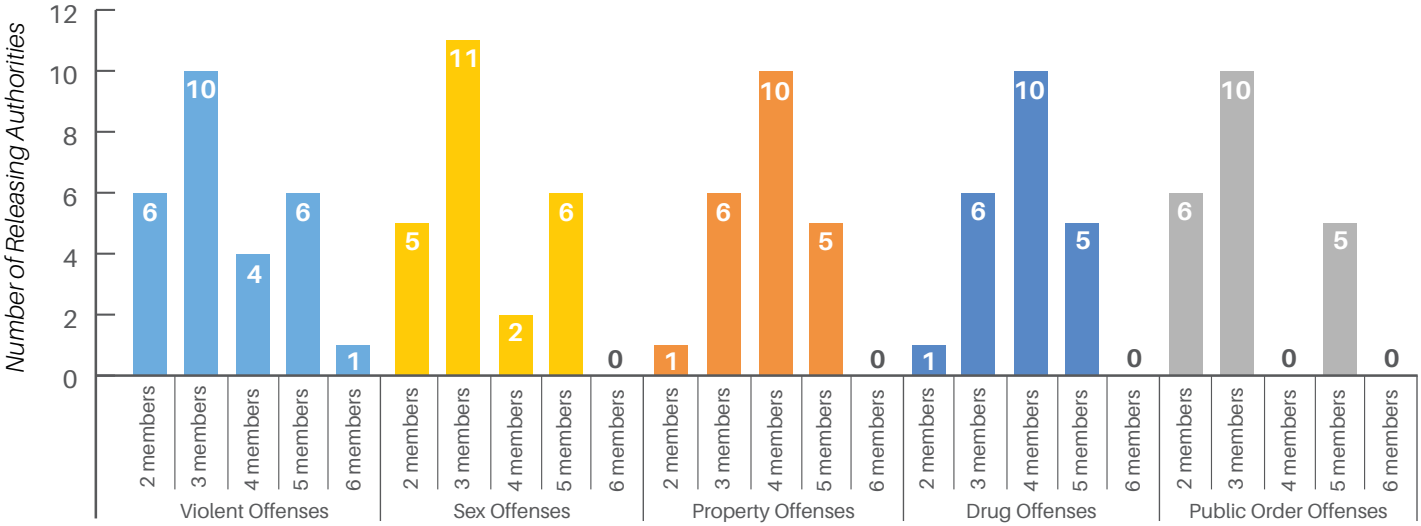
	May be present and speak	May be present but may only observe	Cannot be present
Inmate	37	0	1
Inmate's attorney	24	4	9
Case manager	24	3	7
Prison or program staff	23	7	4
Victim/victim representative	23	3	10
Prosecutor	20	5	11
Inmate's representative (other than attorney)	20	4	13
Hearing examiners/Hearing officers	20	3	7
Inmate's family	17	5	14
Expert witness	13	6	14
General Public	3	17	17
Media	1	20	15
Other (Please specify)	3	0	0

Panel Voting

As shown by the figures below, releasing authorities tend to work in panels for release decision voting. Of 39 respondents, 31 (80%) indicated a reliance on panels, while the remaining 8 (20%) do not. For those that use panels, the number of panel members vary by type of crime. Most panels require approximately 3 voting members. A majority of responding states (10) require a larger panel of 4 for drug and property crimes. Otherwise, there is little variation in the number of panel members between offense categories.

The survey also asked about the minimum number of votes needed to grant release for the majority of offenders in each offense category. Though the total number of respondents answering this question varied slightly across offense categories (from 33-35), the required votes ranged from 2 to 6 in the violent offense categories. In the remaining categories, most releasing authorities stated between 2 to 3 votes were needed to grant release for the other categories of sex, property, drug, and public order offenses with a range from 2 to 5 votes. Across the various categories of offenses and panels, in virtually all instances a majority vote is required when releasing authorities act to grant release.[36]

Chart 11. Number of Panel Members Required by Offense Category



Use of Hearing Officers

Some releasing authorities use hearing officers or their equivalent to conduct interviews or hearings with inmates or parolees. While they may perform these tasks in a significant number of jurisdictions, it is evident in the responses that the decision authority of hearing officers is often not equivalent to that of a releasing authority member. Hearing officers in some instances may provide recommendations, but in the vast majority of cases they do not exercise the final decision. Table 10 shows that such leverage occurs for a very small number of instances for some or all releases across each of the offense categories. One respondent, (California), allows hearing officers the same authority as releasing authority or parole board members for violent, sex, and property crimes (leaving unanswered drug and public order crimes).

Table 10. Cases Where Case/Hearing Officers Have Identical Authority to Releasing Authority

	For all releases	For some releases	For no releases
Violent Crimes	1 (3%)	3 (10%)	26 (87%)
Sex Crimes	1 (3%)	3 (10%)	26 (87%)
Property Crimes	2 (6%)	2 (6%)	24 (80%)
Drug Crimes	2 (6%)	2 (6%)	23 (77%)
Public Order Crimes	1 (3%)	2 (6%)	23 (77%)

Table 11 shows when hearing officers provide recommendations to releasing authority members and when they prepare case summaries. The majority of releasing authorities (ranging from 17-18 depending on the category of offense) do not use hearing officers. For those that employ hearing officers it is evenly split between hearing officers who make recommendations and those that prepare case summaries for releasing authority members.

Burden of Proof

The survey asked two questions addressing the burden of proof that applies to both contested issues of fact and the evidentiary standard associated with the decision to grant or deny parole. As shown in Chart 11, most releasing authorities responded that for both situations there is no burden of proof requirement because the forum for parole consideration is considered an administrative hearing. Nonetheless, 13 releasing authorities noted they apply a preponderance of the evidence standard for contested issues of fact, while 2 states use the standard of clear and convincing evidence. On the ultimate question of whether release will be granted or deferred, 4 boards reported using the preponderance standard, while an additional 4 boards said they use the clear and convincing standard. No releasing authorities used the standard of beyond a reasonable doubt for either contested issues of fact or to drive parole release decision-making.

Table 11. Case/Hearing Officers Authority to ...

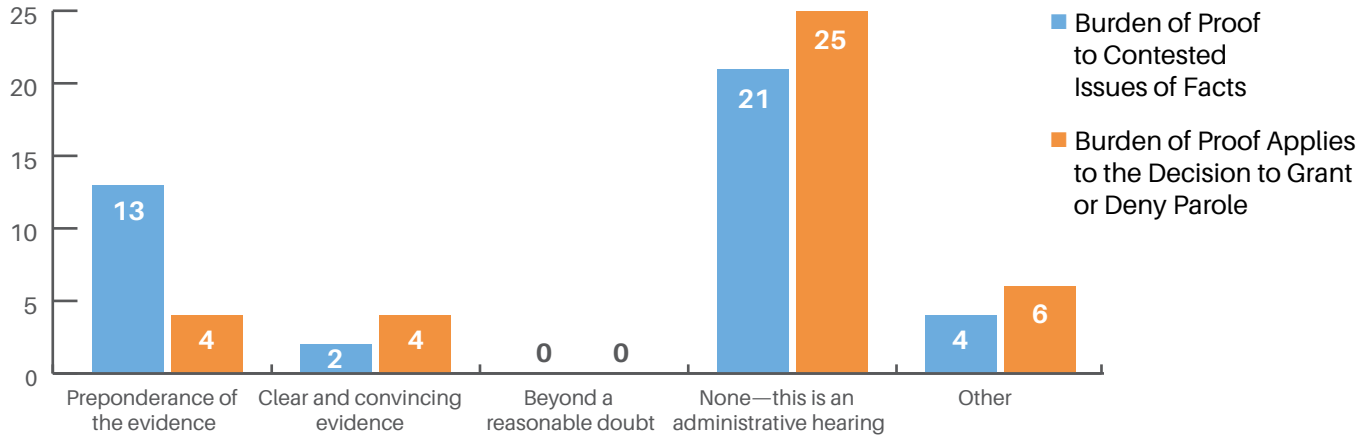
	Make recommendations for release to releasing authority members	Prepare case summaries for releasing authority members
Violent Crimes	13	14
Sex Crimes	13	14
Property Crimes	14	13
Drug Crimes	14	12
Public Order Crimes	13	13

Notification and Parole Procedures with Inmates

National Parole Resources Center Practice Target: "Use the parole interview/hearing/review process as an opportunity to- among other goals- enhance offender motivation to change."

Of 39 respondents, in 23 states (59%) prison staff let inmates know at admission or shortly thereafter when they are *eligible* for release on parole. In another 12 states (31%), prison staff and releasing authorities both let the inmate know, while releasing authorities alone in 3 states (8%) share such information with offenders. Just as importantly, in 18 states (46%) prison staff inform inmates of *the initial parole hearing date* soon

Chart 12. Burden of Proof in Release Decisions



after they are admitted into the system. In another 5 states (13%) it is just the releasing authority, and in 7 states (18%) both the prison staff and the releasing authority inform the inmate. Of 39 respondents, 19 states (48%) establish presumptive parole release dates for all or some of the inmate population following their admission to prison; 16 (40%) do not, while another 4 states (13%) marked "Not Applicable" in their response.

As shown in Table 12, releasing authorities or prison staff in many states also give inmates information on steps they can take to increase their prospects for earning parole. Table 12 illustrates who provides this information. Of 35 respondents, the releasing authority and prison staff both furnish such information to offenders in 19 states (54%), with prison staff or the releasing authority doing so directly themselves in 8 (23%), and 4 (11%) states, respectively.

Table 12. Publication of Information on Steps Inmates Must Take to Enhance Possibility for Parole	
Yes, by the releasing authority	4
Yes, by the prison staff	8
Yes, by both (releasing authority and prison staff)	19
No	4

Some states, albeit fewer, also give inmates information intermittently to gauge the inmate's progress toward earning a favorable parole consideration. Of 33 states responding, 7 states (21%) do so through the releasing authority and prison staff during their incarceration, while 8 states (24%) offer this information through prison staff. However, the majority of respondents, 18 (55%), reported their states do not provide this information on an intermittent basis.

When releasing authorities engage in efforts to inform or educate inmates, they do so primarily regarding the parole release process (in 27 states) and reentry planning (in 20 states). To a much lesser extent, releasing authorities also share their values and principles (in 5 states) and mission statements (in 4 states).

In terms of the hearing process, a significant number of releasing authorities are required to interview all inmates who are eligible for parole. In a smaller cluster of jurisdictions, interviews are required for some but not all parole-eligible inmates. A majority of respondents, 27 (69%) fall into the former category, while 9 (23%) reside in the latter group. In 3 states (8%), inmate interviews are not required but, in fact, are reported to occur. No releasing authority reported not holding interviews with inmates. Table 13 highlights these findings.

Across respondent jurisdictions, interviews with inmates may be held in person, by video conference, or by telephone. The majority of respondents reported using a variety of all 3 methods, with an equal emphasis on in-person and video-conference interviews. As is shown, there is far less use of the telephone (see Table 14).

One of the more salient trends affecting releasing authorities currently is the emphasis placed on motivational interviewing. Given this development, a question was asked whether releasing authority members use the parole interview process as an opportunity to encourage offenders' motivation to change. Of 39 respondents, the vast majority, a total of 36 (92%) answered affirmatively, while 3 releasing authorities (7%) said they do not use this approach. The high number of respondents to this question could reflect that releasing authorities are

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

drawing on the principles of motivational interviewing, but not actually using the entire framework of motivational interviewing during the course of individual parole hearings.

Table 14. Allowed Methods of Offender Interviewing			
	In Person	Video Conference	Telephone
Violent	30	30	13
Sex	30	29	13
Property	27	29	13
Drug	27	29	13
Public Order	27	28	13
Other (Please specify)	2	1	1

Of 40 respondents, 19 releasing authorities (48%) reported that they tell inmates at the parole hearing, or immediately following the hearing, of their decision to grant or deny parole. The next highest number, 13 states (33%), notify the inmate of the board's decision between 8 and 30 days after the hearing, while another 6 releasing authorities (15%) do so within seven days of the hearing. Only 2 states take longer than 30 days to notify the inmate of the board's decision (See Table 15).

Among 40 respondents, 27 (68%) notify inmates both verbally and through a written letter or document. Another 12 states (30%) provide notification only in writing. One state (3%) does it solely by verbal communication.

The consequences of a decision to deny parole can be far-reaching. Of 40 respondents, 11 releasing authorities (28%) stated they have the authority to deny parole and order the inmate to serve out the remainder of his or her sentence without additional hearings. Acknowledging some restrictions, another 15 (38%) affirmed they have the same authority. The remaining 14 releasing authorities (35%) stated they did not have the leverage to make this kind of decision.

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

Provision for Review of Decision and Appeal

Releasing authorities were asked if written reasons were required by checking one or more sources directing such action. The results show that if parole is denied, in 24 states the inmate is entitled to a written reason for denial per administrative rules. In 18 states this is required by statute, while in 16 states it is required by agency policy. In another 7 states there is no rule or policy requiring the provision of a written reason for denial. In a sizeable number of jurisdictions, this information is made available to the public. Of 39 respondents, 23 states (59%) make information for the denial available to the public. However, 16 states (41%) do not do so.

In terms of challenging or reviewing the outcome, 11 states reported that inmates are not entitled to appeal or to request that the releasing authority reconsider its decision. Table 16 highlights that some states allow inmates to appeal or request the releasing authority to reconsider its decision to deny release either through statute, administrative rule, or administrative policy. More specifically, offenders are authorized to request such an action via statute in 8 states, administrative rule in 18 states, and by agency policy in 16 states.

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

Chapter 5: Parole or Post-Release Supervision

In many states, releasing authorities play a significant role in the administration of parole field services, establishing levels of supervision (for case management purposes), and setting the conditions of parole or post-release supervision. Though the actual conduct of supervision is performed by parole field services agencies, the releasing authority when granting release and imposing conditions is prescribing its expectations concerning the goals to be pursued during the period of supervision. In playing these roles, releasing authorities and parole field services, regardless of where they are housed, are functionally interdependent.

Out of 41 respondents, 21 (51%) releasing authorities indicated they exercised full authority for parole supervision when asked about administration and jurisdiction. Another 10 (24%) noted they had partial authority, while 10 (24%) releasing authorities said they had no such authority or jurisdiction.

Parole Supervision: Setting Levels and Conditions

National Parole Resources Center Practice Target: "Fashion condition setting policy to minimize requirements on low risk offenders, and target conditions to criminogenic needs of medium and high risk offenders."

The responses across 41 sites were almost evenly split between releasing authorities that recommended a specific level of supervision for individual cases versus those who did not. A total of 20 releasing authorities answered affirmatively, while the remaining 21 (51%) stated they did not specify a supervision level.

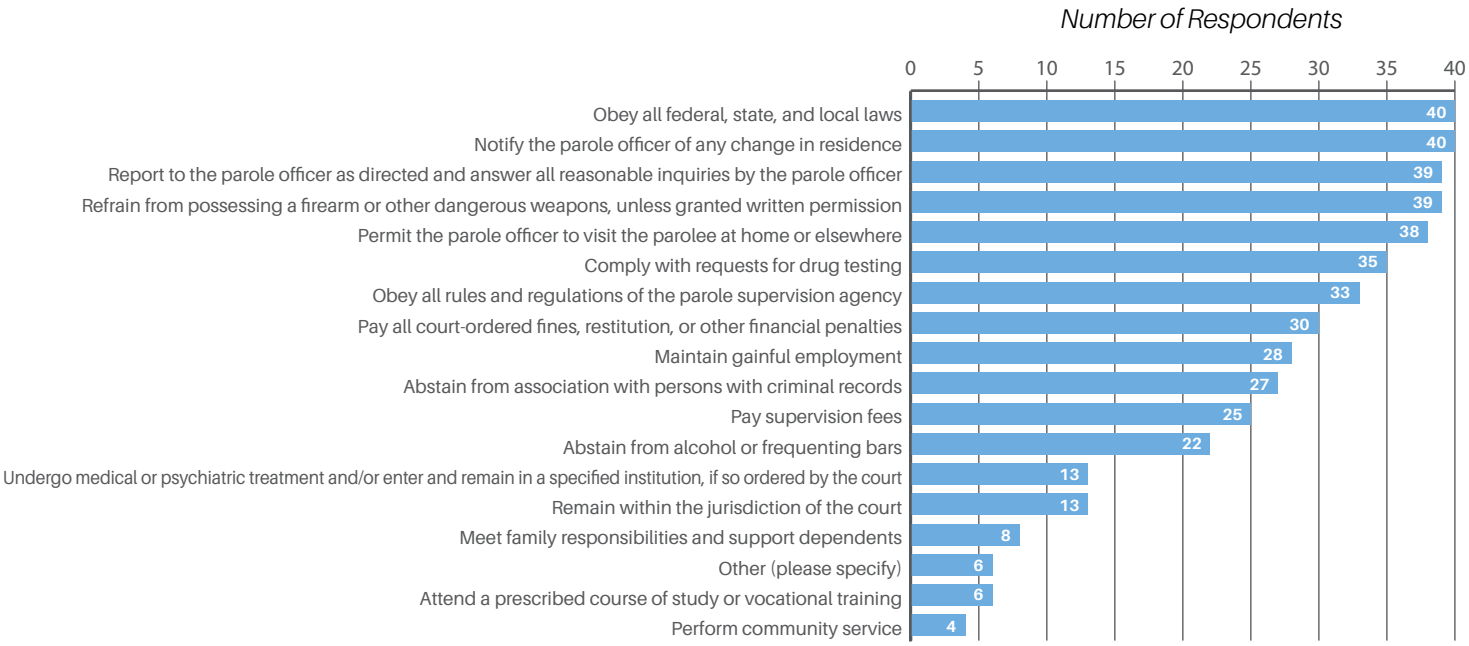
In contrast, the vast majority of releasing authorities are responsible for setting conditions that govern supervision. A total of 38 releasing authorities (93%) determine the conditions driving parole or post-release supervision. Only 3 states (7%) do not set conditions. Most releasing authorities can impose standard conditions (34 of 41 respondents) and special conditions (39 of 40 respondents). Parole field service agencies on the other hand have less authority to impose special conditions. According to the responses of the releasing authorities about their respective field service agency, 11 field service agencies (27%) can impose special conditions without any approval necessary, while 26 (63%) could only do so with the approval of the releasing authority. Four field service agencies (10%) could not impose special conditions.

The period of supervision in the community combines a number of objectives and, though the emphasis varies across states, they include monitoring the conduct of parolees or supervised releases, providing assistance, and ensuring that all court-ordered fines, restitution, or other financial obligations or penalties are paid, including supervision fees. Drawing from a total of 40 respondents, Chart 12 highlights a range of conditions and the frequency with which they are imposed on all parolees.

The top eight conditions were imposed by 30 or more of releasing authorities (75%), with the top five conditions being required by 35 of the respondents (88%). The "Other" category which was selected by six releasing authorities, included the requirement to remain in state or get permission to leave the jurisdiction.

A separate question pertained to the possibility of waiving supervision fees. For states that order supervision fees, of 30 respondents, 24 (80%) reported that supervision fees can be waived for the parolee, while 6 states (20%) prohibited the waiving of such fees. Though monthly supervision fees show considerable variation across the states, ranging from a minimum of $10 to a maximum of $100, the overall average ranged within $30 to $35. Of 30 respondents, only 8 states (27%) stated they adjust supervision fees on a sliding scale based on the releasee's economic situation; the majority of states (22; 73%) do not have a provision for sliding fees.

Chart 13. Conditions Required for All Parolees



As Table 17 shows, most releasing authorities establish supervision conditions for parolees or those on post-release supervision, regardless of the crime of conviction.

Of note, the U.S. Parole Commission fell into the category of "Some" in Table 17. This reflects the percentage of the total federal prison population of inclusive individuals sentenced in both federal courts as well as the Superior Court for the District of Columbia. More specifically, the Commission has the authority to set conditions of supervision for all federal parolees but not the conditions of supervision for federal offenses committed after November 1, 1987. The Commission has the authority to set the supervision conditions for all District of Columbia prisoners either released on parole or whose sentence includes a term of supervised release.

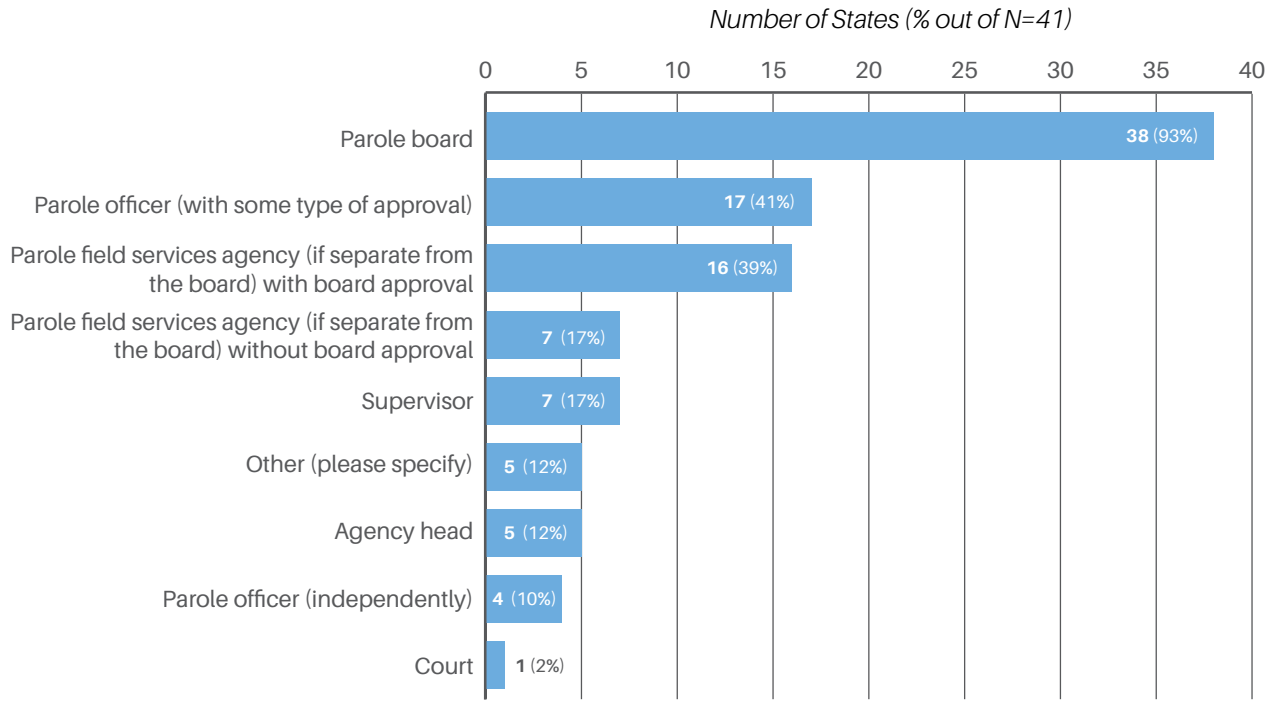
Forty respondents, well over half of them or 26 (65%) report requiring more conditions for offenders assessed as medium or high risk than for those who are assessed as low risk. The remaining 14 releasing authorities (35%) do not tailor the number of conditions to risk level. Of 37 respondents, 14 (38%) reported having policies that affirmatively minimize the supervision requirements for low risk parolees, whereas 23 (62%) do not.

National Parole Resources Center Practice Target: "Use influence and leverage to target institutional and community resources to mid and high risk offenders to address their criminogenic needs."

Table 17. Portion of Offenders for which Releasing Authority Establishes Conditions of Supervision

	All	Some	None	Don't know
Violent	34	3	2	2
Sex	32	5	1	1
Property	33	3	3	2
Drug	34	3	2	1
Public Order	33	3	2	1
Other (please specify)	1	1	1	0

Chart 14. Authority to Modify Parole Conditions



As shown in Chart 13, 38 respondents said their releasing authorities have the authority to modify parole conditions during the period of supervision. A significant number of respondents also reported that parole officers or parole field agencies have similar authority (17 and 16 respondents, respectively), albeit with some type of board approval. Only 4 states reported that parole officers can modify conditions independently without seeking approval. In one state, "other" included hearing and release unit officers possessing the authority to modify conditions, while elsewhere respondents used the "other" category to clarify that certain officials have limited authority to modify conditions. For instance, in one state only releasing authority members can change special conditions, however, in that same jurisdiction the parole field services agency can modify the standard conditions. In another state, an agency head may add special conditions before release. And finally, one state mentioned that parole officers can make requests to modify conditions to the releasing authority.

Parole Supervision: Terms or Time under Supervision

Of 37 respondents, 16 states (43%) indicated there is a minimum period of time that released individuals must serve on parole before acquiring eligibility for final discharge. The service of such a minimum is not required in 21 states (57%). Table 18 below identifies the states in which a minimum period of supervision must be served before a final discharge may be granted.

Of 38 respondents, twenty releasing authorities[37] (53%) stated the amount of time releasees must serve is the period between their date of release and the expiration of the maximum prison sentence, while 8 releasing authorities[38] (21%) stated it was determined by statutory prescription requiring a specific amount of time. Table 19 summarizes the answers of 10 respondents (26%) who marked "other" for this question.

Table 18. States with Supervision Period Requirements

1. Alaska	9. Minnesota
2. California	10. New York
3. Colorado	11. Ohio
4. Hawaii	12. Oregon
5. Indiana	13. Virginia
6. Kansas	14. West Virginia
7. Kentucky	15. Wyoming
8. Maryland	16. U.S. Parole Commission

Table 19. Length of Parole or Post-Release Supervision	
State	Amount of Time under Parole Supervision (Other Responses)
Alabama	The time remaining between parole release date and end of sentence date.
Hawaii	Inmates released on parole can remain on parole until the expiration of their maximum sentence, but can also be considered for early discharge.
Kansas	Depends upon the nature of the offender's sentence. Some have fixed time, some have fixed times adjusted by available good time and some are at the discretion of the paroling authority.
Kentucky	Until minimum sentence date.
Missouri	Release to maximum, but offender can earn compliance credits and board has the ability to grant a discharge after 3 years if there is compliance, regardless of unexpired sentence that remains.
North Dakota	Longest good time controls the release date.
Ohio	Governed by policy and board discretion.
U.S. Parole Commission	The release certificate sets forth that the released inmate will be supervised until the maximum expiration of the sentence. However, the released prisoner is eligible for termination from parole supervision after 2 years and there is a statutory presumption that parole will be terminated after 5 continuous years of community supervision, unless the Commission finds that there remains a likelihood that the individual will violate any law.
Utah	Parole for statutorily defined "person" crimes is the time between the release date and sentence expiration. Parole supervision length is capped by statute for all other offenses.
West Virginia	Minimum is 1 year for all offenses, except life sentences which must serve at least 5 years. All offenses except life sentences also have a maximum date.

For a majority of jurisdictions, the length of the supervision term is not fixed. For those jurisdictions in which the supervision term *is* fixed, it appears that the length of supervision varies by the type of offense, especially for sex offenses or crimes of violence (Table 20).

Parole Discharge

Of 40 respondents, 32 releasing authorities (80%) grant final discharge from parole, while 8 (20%) do not possess this authority. Of 38 respondents, in 24 (63%) the releasing authority has the power to grant an *early* final discharge from parole (prior to maximum expiration of the sentence), while in 14 states (37%), they do not.

Table 20. Fixed Time: Length of Supervision Varies by Offense		
	Yes	No
Violent	9	4
Sex	11	3
Property	5	8
Drug	5	8
Public Order	3	8
Other (please specify)	1	2

With 39 respondents, it appears that in most states, notably 23 (59%), supervisees can be discharged from parole even if they have unpaid fines or other fees, assuming they have completed all other conditions of supervision. In 16 states (41%), however, they cannot be discharged if they still have outstanding financial obligations of this kind.

Of 39 respondents, it appears that in some jurisdictions offenders are eligible to earn credits that may shorten the time they serve on parole or post-release supervision. A total of 15 releasing authorities (38%) noted that offenders are eligible for such credits or other means that serve to reduce the supervision period. However, 24 releasing authorities (62%), the majority, do not offer this option. Two releasing authorities (5%) use written contracts or formal agreements to state that parole or post-release supervision will be terminated early for good behavior over a specific period of time (Maryland and South Carolina). This has been called "goal parole" in the policy literature.[39]

Chapter 6: Parole Revocation Supervision

Jurisdiction, Transparency, and Reach

Releasing authorities play a critical role in the parole violations and revocation process, in most instances making the final decision to revoke an offender's parole status. Despite the contraction in discretionary release decision-making experienced by releasing authorities across a sizeable number of states, the vast majority exercise wide-ranging jurisdiction in determining whether offenders who violate the conditions of their supervision will remain in the community, or be returned to prison. This leverage is found in states governed by both indeterminate and determinate sentencing structures.

Of 38 respondents, 31 releasing authorities (82%) possessed the authority to adjudicate violations of supervision, while 7 boards (18%) said this authority resided elsewhere. It does not appear that releasing authorities nationally have been subject to a major contraction of their revocation authority. During the past five years, only 8 (21%) of 38 respondents indicated that their authority over "who" they could revoke had been limited either by statute, or policy. Over three-quarters, or 30 releasing authorities (79%) indicated no such decrease. This parallels the findings from a question asking if statutes or policies had been promulgated over the determination of "how long" those who were actually revoked must remain in confinement. Of 37 responses, 9 releasing authorities answered affirmatively, while the remaining 28 (76%) stated their leverage had not been limited.

Recall that a significant percentage of releasing authorities furnish their release policies and practices on their agencies' website or in some other forum. In like manner, of 36 respondents, 26 releasing authorities (72%) indicated they provide information detailing the revocation process. The remaining 10 (28%) said they did not.

There has been a long-standing recognition that the policies driving revocation practices represent an important contributor to prison population growth in most states. It is thus significant that, of 37 respondents, at least 30 (81%) indicated that a violation of *any* condition of parole constituted grounds for its revocation. Another three (8%) agreed, adding that in addition the offender had to be found to present a danger to public safety. Four (11%) releasing authorities offered "other" answers suggesting, however, a similar reach.

In a 1972 decision *Morrissey v. Brewer*, 408 U.S. 471, the U.S. Supreme Court ruled that the termination of a parolee's liberty inflicts a "grievous loss"; one sufficient to trigger due process protections under the Fourteenth Amendment. Though the Court stated that the revocation of parole is not part of a criminal prosecution, and does not represent an adversarial proceeding, its pursuit should incorporate two distinct stages providing for preliminary and final revocation hearings.

Preliminary Revocation Hearings

Of 38 respondents, most releasing authorities (30; 79%) provide a preliminary hearing for parolees suspected of violating their conditions of supervision to establish probable cause. Another 5 (13%) determine probable cause administratively rather than through a hearing, and in 3 states (8%) the preliminary hearing and final hearing are combined.

For releasing authorities that have preliminary hearings, Table 21 illustrates who conducts the preliminary parole revocation hearing.

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 22. Attendance at Preliminary Parole Revocation Hearings			
	May be present and may participate	May be present but may observe only	Cannot be present
Parolee	29	0	0
Parolee's attorney	24	2	2
Parolee's witnesses	23	2	3
Expert witness	17	3	4
Media	1	8	16
General Public	1	7	16
Other (please specify)	3	0	0

In the "other" category, New Hampshire reported that an executive assistant to the parole board may conduct revocation hearings. In Missouri, a hearing officer/parole officer who is not the supervising parole officer may conduct such hearings. Montana reports that probation and parole supervising officers may conduct revocation hearings. The U.S. Parole Commission has a different person who conducts preliminary hearings for those arrested in the District of Columbia areas versus those arrested outside of the District. For the former, a hearing examiner conducts the preliminary or probable cause hearing. For those arrested outside the area, a parole officer, other than the supervising agent, conducts the preliminary probable cause hearing.

Of twenty-nine respondents, 27 (93%) permit a parolee to waive preliminary parole revocation hearings, but in 2 (6%) of those states (Louisiana and New Jersey), permission to waive is granted only upon admission of guilt. The results are almost evenly split on the permissibility of out-of-custody preliminary parole hearings; 15 states (54%) allow for out-of-custody preliminary parole hearings, while the other 13 (46%) preclude this option.

As Table 22 shows, of the 30 states that reported conducting a preliminary hearing, 29 (97%) stated that the parolee may be present and participate in the hearing (one state did not answer this question). Another twenty-four (83%) allow the parolee's attorney to participate and 23 (79%) permit the parolee's witnesses to be present and participate, as well. Only 1 state has a provision giving the general public the opportunity to be present and participate (though members of the public may observe in 7 other states). Similarly, 1 state allows the media to attend and participate, while the same opportunity absent participation is afforded the media in 8 states. With respect to the column marked "other," Missouri reported that it permits adverse witnesses, South Dakota allows for the presence and participation of Department of Correction's staff, and Utah gives the parole agent the option to participate in the preliminary hearing. Just over half (16; 55%) of the releasing authorities do not allow the general public or the media to attend preliminary hearings.

Final Revocation Hearings

Table 23 arrays the key decision-makers who conduct final hearings. Out of 38 respondents, such hearings are conducted by releasing authority members in 21 states (55%), while hearing officers or hearing examiners do so in another 11 states (29%). Administrative Law judges, and judges, do so in a much smaller number of states.

In the category of "Other," in Table 23, Missouri administers the final hearing through a parole panel which includes a board member, a hearing analyst, and an institutional parole supervisor. Pennsylvania reported that the majority of final hearings are held by hearing officers but, if the parolee requests, they can choose to have a hearing before a hearing officer and a board member.

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%)

Table 24. Attendance at the Final Parole Revocation Hearing			
	May be present and may participate	May be present but may only observe	Cannot be present
Parolee	30 (81.1%)	7 (18.9%)	0
Parolee's attorney	28 (75.7%)	8 (21.6%)	1 (2.7%)
Parolee's witnesses	28 (75.7%)	8 (21.6%)	1 (2.7%)
Expert witness	23 (63.9%)	7 (19.4%)	3 (8.3%)
Victim	15 (44.1%)	8 (23.5%)	9 (26.5%)
Offender's family	11 (31.4%)	11 (31.4%)	11 (31.4%)
Media	1 (2.9%)	19 (55.9%)	13 (38.2%)
General public	1 (2.9%)	17 (50%)	14 (41.2%)
Other (please specify)	4	0	0

The attendees at final parole revocation hearings are noted in Table 24. Of 37 respondents, 30 (81%) permit the parolee to be present and participate, while 7 jurisdictions allow for their attendance only. Nearly the same breakdown applies to the parolee's attorneys and witnesses. Expert witnesses are permissible and may participate in 23 states (64%), while victims are permitted to be present and participate in 15 states (44%). Expert witnesses and victims are not authorized to participate in 7 (19%) and 8 (24%) of the jurisdictions, respectively, during such hearings. Family members of the parolee are permitted to be present, but only observe in 11 states (31%), participate in 11 states (31%), and are excluded in 11 states (31%).

When facing parole revocation, parolees or supervised releasees are entitled to a degree of due process in light of the U.S. Supreme Court's *Morrissey* decision. There is state-by-state variation in how *Morrissey's* requirements are met, however. Table 25 summarizes the procedural rights that attend to final revocation hearings in 38 responding jurisdictions.

All states said they provide the parolee with written notice of alleged violations. Another 33 releasing authorities (87%) disclose evidence of the violation, while 36 (95%) offer offenders the opportunity to be heard in person, present evidence and witnesses, and confront and cross-examine adverse witnesses (N = 32; 84%). Representation by counsel followed close behind with 27 releasing authorities (71%) routinely providing such assistance. Far fewer releasing authorities provide for disclosure of information from the inmate's file (12; 32%),or disclosure of parolees' risk assessment scores (8; 21%).

Table 25. Due Process Routinely Provided at Final Revocation Hearings	
Written notice of the alleged violation(s)	38
Opportunity to be heard in person and to present evidence and witnesses	36
Disclosure of evidence of the violation(s)	33
Opportunity to confront and cross-examine adverse witnesses	32
Written statement of reasons for the decision, and evidence used in arriving at that decision	29
Representation by Counsel	27
Disclosure of information in inmate file	12
Disclosure of risk assessment score, if any	8
Other (Please specify)	4

Use of a Validated or Non-Validated Risk Assessment Instrument in Revocation

National Parole Resource Center Practice Target: "Develop policy-driven, evidence-informed responses to parole violations that incorporate considerations of risk, criminogenic needs, and severity, assure even-handed treatment of violators, and utilize resources wisely."

Just as actuarial risk-assessment tools have been adopted by a substantial number of releasing authorities to assist in determining whether to grant or deny parole, releasing authorities use similar instruments for guidance in the revocation process. Table 26 shows which instruments are used and whether they have been validated within the jurisdiction under which the parolee population falls.

There is variation in the instruments used for revocation purposes. The respondents indicated that multiple instruments are used, most likely because some instruments are designed to assess specific types of offenders (e.g., sex offenders), while others are intended to be generally applicable to the full offender population. Many releasing authorities (13) deploy the Static-99, an actuarial risk assessment used with adult male sex offenders, and the instrument has been validated in all of their jurisdictions.[40] Four releasing authorities report using COMPAS (Correctional Offender Management Profiling for Alternative Services). This instrument includes several domains that measure risk and needs assessments, in addition to incorporating treatment and case management options.[41] Six releasing authorities reported using other instruments including the Ohio Risk Assessment System (ORAS), the Level of Service/Case Management Inventory (LS/CMI), the Minnesota Sex Offender Screening Tool- Revised (MnSost), STABLE,[42] and the Parole Violation Decision Making Instrument (PVDMI) developed and used by California.

During the past decade and more, various states have examined their approach to violations and revocation policy targeting both probationers and parolees (e.g., Kansas; Ohio). In some instances, the legislature has required that the state adopt an actuarial tool aligned with evidence-based correctional practice. Table 27 shows that of 38 respondents, an actuarial assessment was required in 28 states by statute, administrative rule, or agency policy. A total of 11 (29%) releasing authorities relied on such a tool given a statutory mandate, while another 12 (32%) did so via agency policy, or under administrative rule (5; 13%). In the remaining 10 (26%) jurisdictions, there was no requirement calling for the adoption of a risk assessment instrument.

Table 27. Requirements for Actuarial Assessments at Revocation

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

Reliance on Progressive Sanction Grids or Guidelines

Of 37 respondents, the majority (29; 78%) reported that parole field services uses a progressive sanctions grid or a guidelines-informed approach in their response to sentence violations by supervised releasees. Another 8 releasing authorities (22%) indicated that their parole field services did not take such an approach.

Table 28 addresses the factors considered in progressive sanctions grids and guidelines, where 26 respondents checked all of the factors included in their grid. The most common factors targeted the seriousness of the violation, and the parolee's risk level, at 22 (85%) and 21 (81%), respectively. These issues speak to public safety concerns, while the focus on offenders' criminogenic needs reported by 15 releasing authorities (58%) emphasizes programmatic or treatment-based interventions.

Oregon reported in the "other" category that work is underway on creating or adopting a grid that will also incorporate positive reinforcements.

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%)

Revocation Outcomes

If parole is revoked, there are a range of outcomes that may be imposed, including those identified in a progressive sanctions grid or actuarial instrument, if one is used. Table 29 shows the possible outcomes that releasing authorities reported as falling under their jurisdiction to determine. Thirty-eight respondents responded by checking all of the possible outcomes if parole is revoked. The options checked most often refer to the restoration of the offender either to full parole status with no change (in 32 jurisdictions), or with a modification of conditions (in 33 jurisdictions). Reincarceration (in 28 jurisdictions), reimprisonment for treatment purposes (in 28 jurisdictions), or placing the parolee in a community-based treatment facility (in 27 jurisdictions) are also noted with some frequency. Interestingly, following the finding of a violation, a parolee may be discharged from parole in at least 14 jurisdictions.

The "Other" category shown in Table 29 is not exhaustive, but includes additional options around the decision to revoke.

- "If parole is revoked, it is revoked for the balance of the unfinished maximum sentence(s), and the parole board has the option to determine if and/or when another parole consideration hearing will be held."
- "Re-incarceration to serve term as determined by loss of diminished credits and street time."
- "Revoke and add absconder time to extend term."
- "Revoke parole and next review date for possible re-release."
- "Revoke to prison for remainder of the mandatory parole period."
- "When re-incarcerating the board sets the next parole eligibility date no longer than one year for the offenders (life sentences up to 3 years)."

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

Table 30. Authority to Impose Selected Sanctions as Responses to Conditions Violations					
	Supervising PO	Unit Supervisor	Regional Manager	Case/Hearing Officer	Not available
Outpatient treatment program	22	14	11	9	2
Inpatient treatment program	20	12	10	10	2
Day reporting center	18	12	10	9	4
Electronic monitoring	18	12	11	10	3
Curfew/house arrest	21	13	12	10	1
Halfway back residential center	16	9	9	7	4
Brief stay (few days) in local jail	14	8	8	6	9

If parole is revoked and the releasee is returned to prison, of 36 respondents, over two-thirds of the releasing authorities (25; 69%) set the amount of time to be served for a revocation to prison or jail; the remaining 11 (31%) do not. In addition, for 27 releasing authorities (75%) the time served while on parole is considered to be time served towards the maximum expiration date of the original sentence, if parole is revoked; for 9 releasing authorities (25%) this is not the case. Even more, of 37 respondents, thirty-four releasing authorities (91%) have the leverage enabling them to revoke and order parolees to serve the remainder of their sentence in prison; 16 (43%) can do so with no restrictions, and 18 (48%) can do so subject to some restrictions. Only 3 releasing authorities (8%) reported they could not do so.

Table 30 reveals how wide-ranging the distribution of authority is among the key stakeholders involved in responding to parole violations. The supervising parole officer possesses the most permissive set of options for responding across the entire range of possibilities noted in the chart, more than the unit supervisor, regional manager, and case/hearing officers.

Four other states also reported that releasing authority members have the authority to respond to conditions violations.

In Table 31, 20 out of 36 respondents (56%) report that if parole is actually revoked, a return to prison is not mandatory. However, for 9 releasing authorities (25%), incarceration is mandatory for a prescribed length of time. In 3 states (8%) incarceration is mandatory, but not for a prescribed length of time, while in 4 states (11%) there is no mandatory incarceration, but there is a specified length of time to be served when parole is revoked.

Table 31. Parole Revocation, Reincarceration, Prescribed Length	
Yes, both mandatory incarceration and prescribed length	9 (25%)
Yes, mandatory incarceration but not prescribed length	3 (8%)
Yes, not mandatory incarceration but prescribed length	4 (11%)
No, not mandatory incarceration and not prescribed length	20 (56%)

Chapter 7: Comparative Observations from Releasing Authority Chairs

The findings from the survey convey the considerable variation releasing authorities display, not just in organizational structure and jurisdiction, but also in the breadth and reach of decision-making pertaining to parole release and revocation. The results also point to commonalities and consistencies in how such boards conduct their business. The final section addresses these matters, but does so by offering comparative observations drawing on the 2015 results discussed above, and where possible, two earlier studies that examined many of the same topics and elements of releasing authority operations (Runda, Rhine, and Wetter 1994 (hereafter the 1991 Survey); Kinnevy and Caplan (2008) (hereafter the 2008 Survey).[43] Even more, and unique to the Robina Institute's Survey, the views expressed by releasing authority chairs are highlighted revealing their responses to a host of critical issues and challenges confronting them today.

What follows is a selective discussion comparing releasing authority practices across five key areas of concern. Findings are also incorporated showing how releasing authority chairs rank the significance of salient developments associated with each topic. The areas include: (1) the growing reliance on structured-decision tools, especially actuarial risk assessments, in release decision-making; (2) the opening-up, however problematic, of the decision-making process by giving victims, prosecutors, and judges opportunities to offer input before the board determines whether to approve or deny parole; (3) shifts over time reflecting the decreasing organizational autonomy and independence of releasing authorities; (4) the notable absence of any institutional movement embracing increased professional and statutory qualifications commensurate with the complexity of tasks assigned to releasing authorities; and, (5) the prominent role and sizeable clout exerted by releasing authorities in the violations and revocation process.

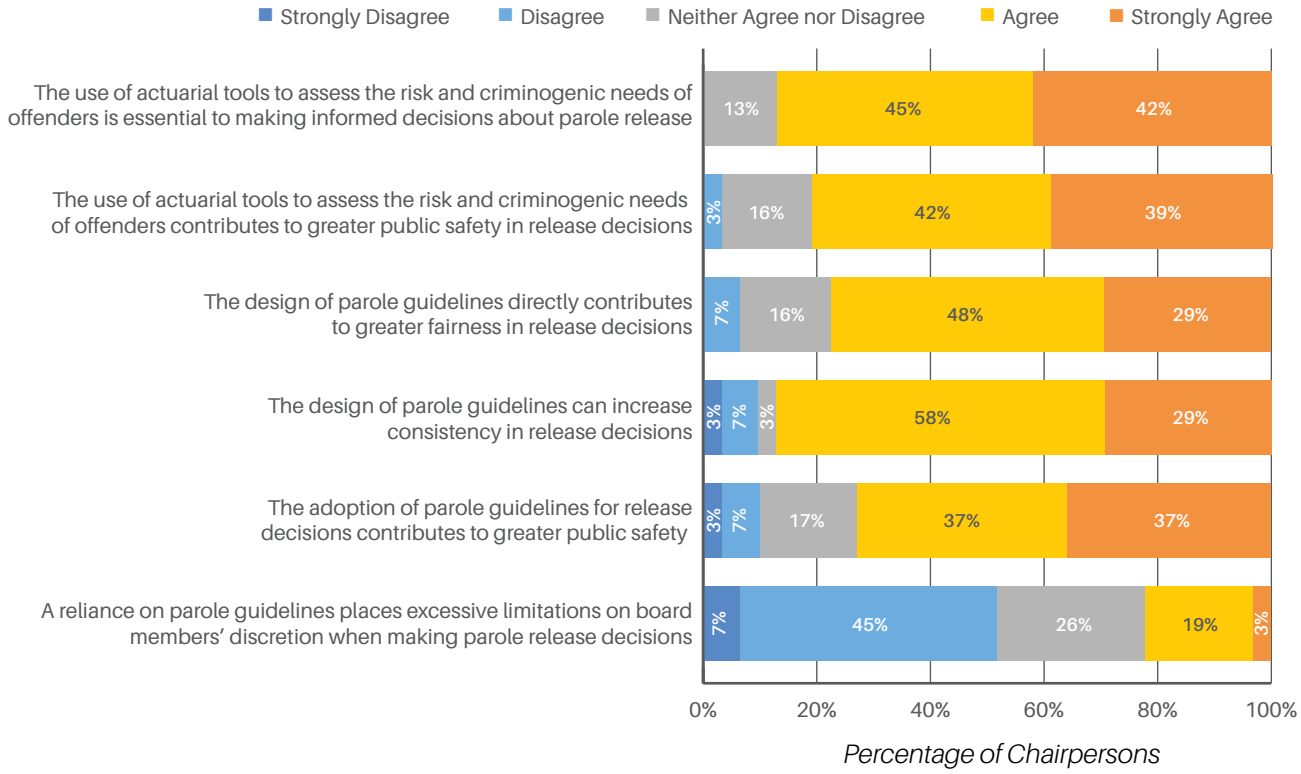
Use of Structured Decision-Making Tools

As noted in Chapter Four, and shown by the 2015 survey, releasing authorities in a majority of states rely on structured-decision tools, most notably risk assessment instruments, when determining whether to grant or deny parole release. With responses from forty states, 36 (90%) jurisdictions indicated that they use such instruments, while only 4 (10%) noted they did not. This reflects a steady and significant increase over time. Comparatively, the findings from the 1991 Survey found that 24 out of 50 responding states (48%) used a risk assessment instrument, while the 2008 Survey found that 32 of 44 states (73%) did so.

Efforts to introduce greater structure can also be found in the extent to which releasing authorities have adopted parole guidelines to inform release decision-making. Recall that of 39 respondents, 17 releasing authorities reported they used of parole guidelines, while the remaining 22 (56%) indicated they did not. While neither the 1991 nor the 2008 Survey asked about this issue, a 1988 ACA Parole Task Force survey capturing data from all 50 states showed that 9 states (18%) had adopted parole guidelines at that time.[44] It appears that releasing authorities' reliance on risk assessment tools has accelerated while the growth in the use of parole guidelines has evolved more modestly.

Nonetheless, the adoption of structured-decision tools represents an important trend toward greater transparency and consistency in how release decisions are made. This trend appears to have substantial support from the Chairs' point of view. Chart 14 highlights the combined views of thirty-one chairs when asked a series of six questions pertaining to the use of actuarial tools and parole guidelines. In general, there was strong agreement among a majority of releasing authority chairs about the importance of the use of actuarial tools in the release decision process and their contribution to public safety. Most also agreed that parole guidelines contribute to greater fairness and public safety, and can increase consistency in release decision-making. But despite these views, nearly half of those responding (45%) felt such guidelines placed excessive limitations on their exercise of discretion when making parole release decisions.

Chart 15. Chairs' Views - Actuarial Tools and Parole Guidelines



Opening-Up the Parole Release Process

During the past several decades, most releasing authorities have "opened-up" the release consideration process to be more inclusive of victims and various justice-system stakeholders. The findings of the 2015 survey are largely consistent with earlier research on this topic. All thirty-eight releasing authorities responding to this issue noted they consider input from the victim. The next three highest categories of input considered by the respondents included feedback from the offender's family (36; 95%), the district attorney (34; 89%), and the judge (31; 82%). This mirrors the 1991 Survey which found that victim input was considered important or very important in 44 jurisdictions, while the input of prosecutors and judges followed closely behind. The 2008 Survey noted that the top three sources of input considered by releasing authorities in reaching their release decisions included the victim, the offender's family, and the district attorney.

The views of the releasing authority chairs vary in the importance they attach to the different sources of input. Chart 15 highlights their collective thinking in response to the value of considering the feedback from victims, the prosecutor, and the judge. While about half of the chairs agreed that victims, sentencing judges, and prosecutors provide valuable input on an inmate's readiness for release, a large percentage (ranging from 36-45%) were neutral on this point.

Organizational Independence and Autonomy

In recent years, there has been a noticeable decrease in the number of states that have fully independent and autonomous releasing authorities.[45] A total of 45 states responded to a question asking about this issue in the 2015 survey showing just 9 states (20%) reported that their releasing authority is an independent *and* autonomous agency. Twenty states (44%) reported that their releasing authority is independent, but administratively attached to the department of corrections. An additional 7 states (16%) reported that the releasing authority is an independent entity administratively attached to an agency other than the department of corrections while 5 (11%) are housed within the latter. Four (9%) marked "other."

The findings from the 1991 Survey reported that 41% of the respondents reported their releasing authorities were autonomous and independent, while the 2008 Survey showed this figure moving higher to 47% of the respondents. Though the wording of this question across the various surveys may have exerted an unknown influence on the results obtained, on the whole, it appears to point in the direction of less autonomy and greater interdependence of releasing authorities with Departments of Corrections.

As Chart 16 reveals, the Chairs display affirmative views on the importance of what may be a shifting relationship with Departments of Corrections relative to the release and return of offenders to the community. While all or nearly all agreed that releasing authorities and departments of corrections must forge and maintain strong partnerships and coordinate their policies and actions to facilitate effective reentry, nearly half of the releasing authority chairs (48%) agreed or strongly agreed that releasing authorities should act independently of Departments of Corrections in establishing release policies and practices.

National Parole Resources Center Practice Target: "Maintain meaningful partnerships with institutional corrections and community supervision and others to encourage a seamless transition process and availability of sound evidence-based programs."

Chart 16. Chairs' Views - Input of Victim, Judge, and Prosecutor

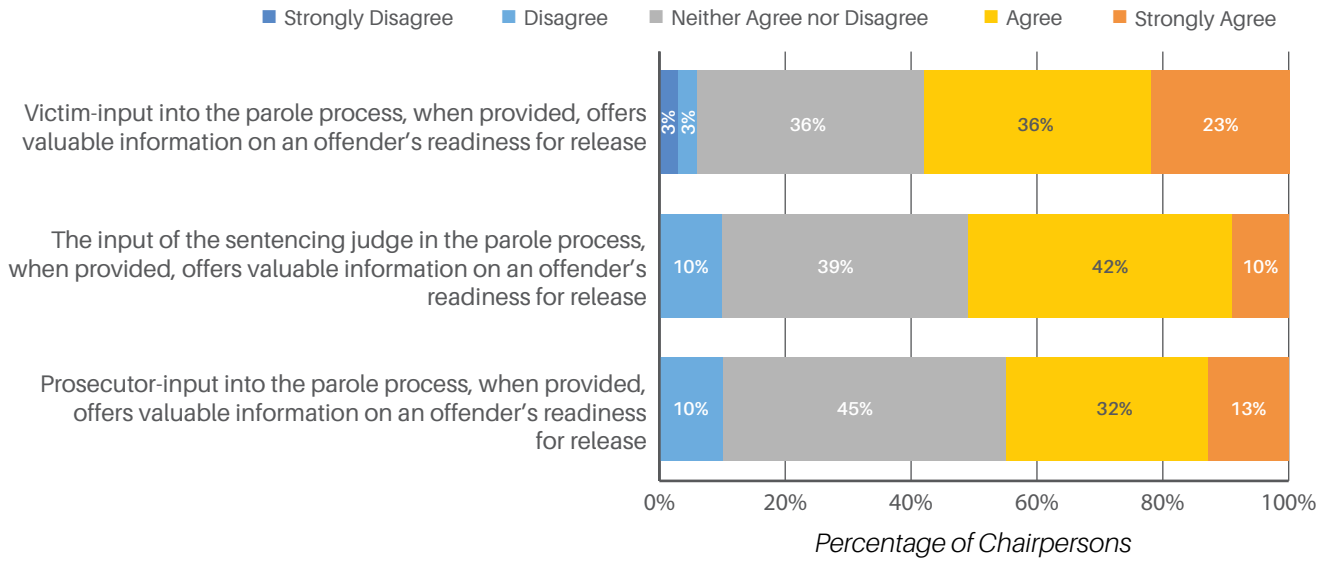
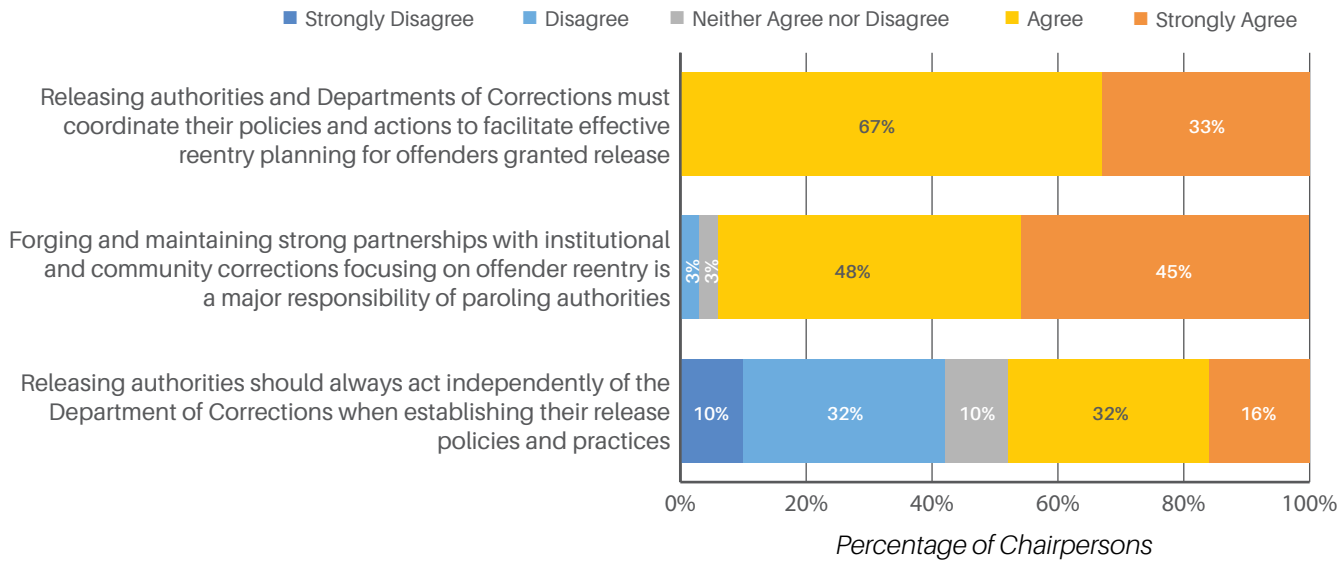


Chart 17. Chairs' Views - Relationship with DOC



Statutory Qualifications for Board Membership

It is important to note that releasing authorities are relatively small agencies. In 2013, 340 board members in 46 states granted 187,035 discretionary entries to parole. This figure does not account for the number of reviews conducted, nor the workload associated with the revocation process. In tandem, these tasks are suggestive of the complexity of the responsibilities assigned to releasing authorities, and the range of competencies required to properly discharge these duties.

The institutional structure of releasing authorities is shaped profoundly by how board members are appointed and, just as importantly, by the continuing absence of meaningful statutory qualifications for board membership. As discussed in Chapter Three, the range of requirements found in the 2015 survey revealed significant variation and a relative absence in rigor across the country, if such qualifications exist at all. Of 45 respondents, twenty-five states (56%) reported having statutory qualifications for releasing authority members, while such qualifications are absent in nineteen states and the U.S. Parole Commission (44%). Of the twenty-five states, one required a community college degree, ten required a non-specific college degree. Fourteen prescribed a minimum number of years of related experience.

These results show little change since the 1991 Survey (This issue was not queried in the 2008 Survey). The 1991 findings revealed that 24 states (46.2%) had statutory qualifications, but they centered mainly on requiring a minimum number of years or some experience in criminal justice or a related field. Only seven (13.5%) required a college degree. There were no statutory requirements, professional or otherwise, in the remaining 23 (44.2%) jurisdictions.

In both the 1991 and 2015 Surveys, though there were few professional qualifications defined in statute, a majority of board members possess educational credentials. The former survey indicated that 85.4% of these individuals had a college degree while 58.2% had some post-college education. The 2015 survey results reported that nearly 90% of the board members for whom such information was reported had a bachelor's degree or higher. Of the latter, the most common post-graduate degrees were a Master's Degree, and a law degree (identical to the 1991 Survey). Another 6% had PhDs.

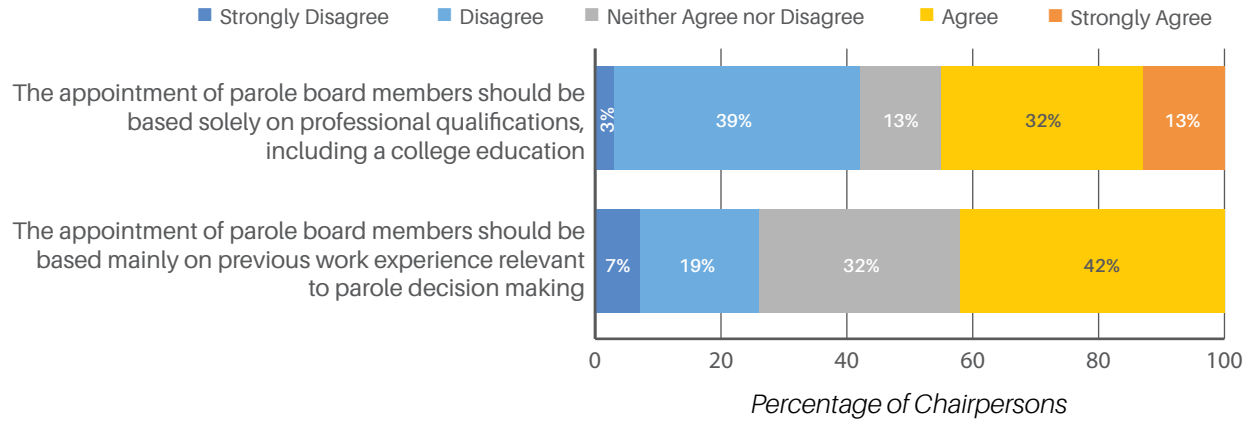
The Chairs' views on this issue show a broader range of opinion or no opinion at all when compared to other challenges they confront. Chart 17 summarizes their responses to two questions that were posed. Not quite half of releasing authority chairs (45%) agreed that the appointment of releasing authority members should be based on professional qualifications, including a college education. This number dropped to 42% when chairs were asked if appointments should be based mainly on previous experience in parole decision-making.

Violations and Revocation Process

Releasing authorities continue to play a crucial role in the violations and revocation process. Their impact is felt in the setting of conditions driving parole or post-release supervision, and in the authority they exercise in responding to violations and making the determination over final revocation outcomes.

As covered in Chapter Five, the 2015 survey found that 92% of releasing authorities establish the conditions of supervision, while in nearly half (48%) of the states these same agencies determined the initial supervision level. With 38 states responding, the results reveal that final revocation hearings are conducted by releasing

Chart 18. Chairs' Views - Qualifications of Board Members



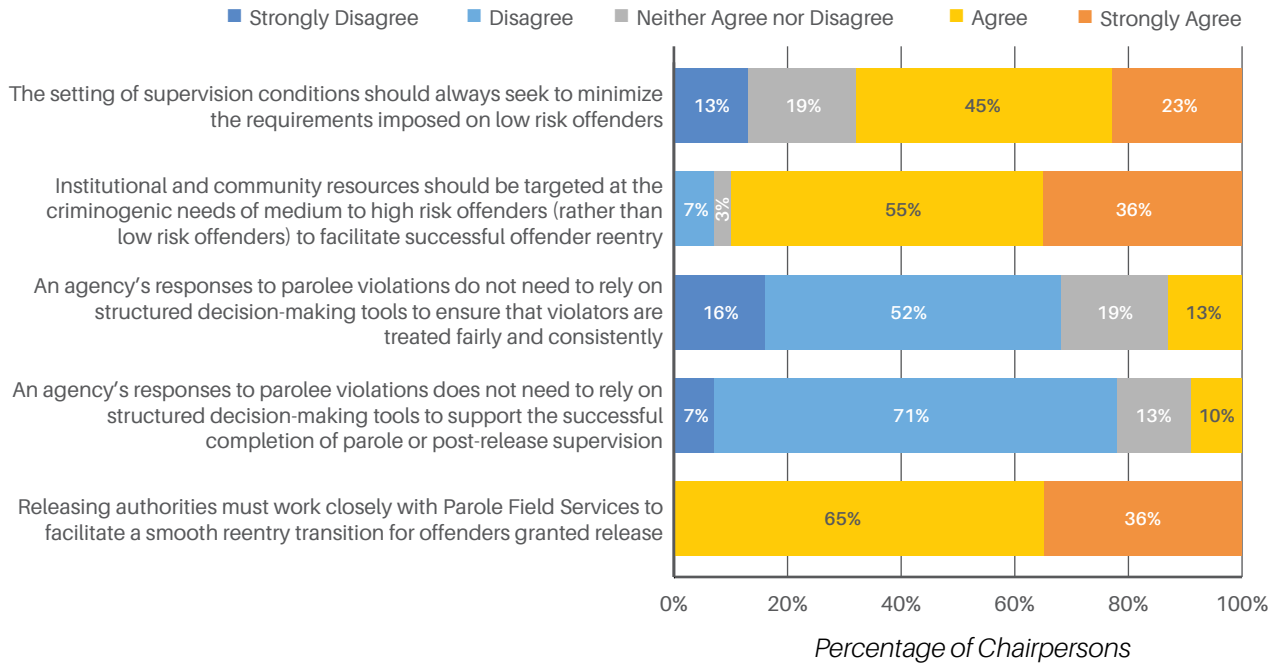
authority members or hearing officers/examiners in 84% of the states, with Administrative Law Judges and judges or others doing so in the remaining jurisdictions. Importantly, though it does not occur as frequently in release decision-making, structured decision tools such as risk assessments and progressive sanctions grids are increasingly used in responding to parolee violations and in deciding whether to revoke parole. Specifically, 29 (78%) of 37 respondents reported using progressive sanction grids, while just 8 (21%) said they did not. An important component of these tools is the parolee's assessed level of risk.

In terms of comparative findings, the 1991 Survey found that releasing authorities conducted final revocation hearings in 67.3% of the jurisdictions, while another 25% used hearing officers, hearing examiners, or administrative law judges. A total of 7.7% used some combination of both. In what was then an emerging development, 7 jurisdictions reported using an objective based-instrument to guide the decision to revoke.

The 2008 Survey show that over 80% of releasing authorities had authority to impose supervision conditions over most categories of offenders. Releasing Authorities also made use of risk assessments in 57% of the jurisdictions, with nearly 50% indicating they also rely on such instruments to set the level of supervision. While 95.7% of releasing authorities in the 2008 survey managed and/or adjudicated violations, 90% possessed the power to revoke supervision. Nineteen states reported using a decision matrix to guide revocation responses.

Chart 18 presents the views of the Chairs on a number of issues tied to the continuum associated with the violations process. Five statements summarized below highlight the growing importance releasing authority chairs attach to risk assessments and structured decision tools relative to supervision and revocation. Nearly all releasing authority chairs (90%) agreed that institutional and community resources should be targeted to the criminogenic needs of medium and high risk offenders, while a smaller majority (68%) agreed that supervision conditions should always be minimized for low risk offenders. A similar majority agreed that reliance on structured decision-making tools for parole violations ensure that violators are treated fairly and consistently and support the successful completion of parole or post-release supervision. All chairs agreed that releasing authorities must work closely with parole field services to facilitate a smooth reentry transition for offenders granted release.

Chart 19. Chairs' Views - Risk Assessments and Decision-Making Tools in Supervision and Revocation



Final Comments

For some time, releasing authorities have encountered numerous challenges to the discretionary discharge of their responsibilities, especially those pertaining to the granting or denying of parole. Yet, releasing authorities have continuously exercised substantial leverage in such matters and in other crucial spheres affecting offenders' liberty interests both in confinement and upon exiting from prison, often to a period of parole or post-release supervision.

The clout releasing authorities have retained is often unrecognized by justice system and other stakeholders. How these agencies go about implementing their statutory duties and operational responsibilities carries enormous implications for everyone with whom they interact. Their decisions cumulatively serve to reinforce or undermine the achievement of fairness, transparency, and openness across the whole of the parole process.

If the operation of releasing authorities reflects an ongoing tension between their under-acknowledged resiliency and ever-present fragility, it appears that numerous releasing authorities, their chairs, and commentators understand there is a pressing need for long-term change and reform.[46] For several years, releasing authorities have been seeking site-specific technical assistance on structured-decision tools, revocation policies, evidence-based practices and other training needs from the National Parole Resource Center (NPRC). Recently, and with funding from the Bureau of Justice Assistance, NPRC entered into an agreement with the Center for Best Practices under the Governors' Association to engage releasing authorities and other state executives in making improvements to the parole process within their home jurisdictions. This commitment enhances collaboration between the governor's offices and releasing authorities. In terms of the Chairs' views on such steps, 90% agreed or strongly agreed that the future credibility of releasing authorities depends on the use of evidence-based practices to inform their decision-making.

This report offers a snapshot of releasing authorities as we found them in 2015. It is our hope that this is a timely and invaluable resource for releasing authorities, and others who are interested in parole decision-making. The information in this report is intended to provide releasing authorities and other key justice system stakeholders with a comparative understanding of their colleagues' work across the nation, and contribute to a larger conversation pertaining to effective parole release and revocation practices.

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Appendix A: Survey Methodology

The Robina Institute's national survey of paroling authorities was an online survey that was divided into 3 sections. Section A was titled the Structure and Administration of Parole Boards and this section included 5 subsection. The subsections included: A1) General Statutory Framework; A2) Parole Board Structure and Administration; A3) Parole Release Decision-Making; A4) Parole and Post-Release Supervision; and A5) Parole Violations and Revocations Process. Section B was titled Information Systems and Statistical Information and Section C was titled Issues and Future Challenges Facing Paroling Authorities.

Because the survey was divided into multiple sections based on topical areas, different individuals could complete the various sections of the survey depending on their expertise and position within the department. For section B, the research manager or individual in charge of data management was specifically asked to complete this section, while section C was designed for parole board chairs or executive directors, if there was no chair. Section A could be filled out by one person or different individuals could complete the various subsections.

The results of this report primarily focus on findings from Sections A and C. Unfortunately, the response rate for Section B was low. Additionally, responses that were filled out for Section B included a significant amount of incomplete information. Many questions under this section asked for specific data that was not readily available and/or compiled for many releasing authorities.

To identify respondents, an initial letter and email was sent to the chairs/executive directors. The letter explained that the Robina Institute would be conducting a survey to explore and compare parole structure and decision making among the 50 states and the U.S. Parole Commission. The letter and email also explained that the survey would be divided into sections and asked the chairs/executive directors to identify who would be the best person within their office to complete each section. They were asked to provide the name, email, address, and phone number for each person who would complete the sections. They were given an electronic link to input this information electronically. Once this information was compiled from all of the states and the U.S. Parole Commission, the specific section of the survey was emailed to that individual. In cases where the chair/executive director failed to respond, a follow-up phone call was made. In some instances advisory council members followed up with chairs/executive directors that they knew.

In 13 releasing authorities the chair/executive director was the only person to complete the survey; in 32 releasing authorities different individuals completed different sections of the survey.

The survey was launched in March 2015 and officially closed in December 2015. To increase our response rate, many follow-up contacts were made to individuals by email and phone calls. Individuals were also encouraged to complete the survey at the 2015 APAI Annual Conference.

If a chair/executive director was responsible for completing the entire survey, then it took approximately 40 to 60 minutes to complete. If individuals were only completing a section of the survey, it took less time. Individuals were able to stop the survey at any time and come back to the same spot to complete it.

The online survey was developed using Qualtrics and constructed by The Office of Measurment Services at the University of Minnesota. Some individuals, especially for section C, chose to complete the survey by hand using a paper copy which they then scanned and emailed back to the research team. This information was then electronically entered by a member of the research team.

Once the survey was officially closed, the responses were compiled for each state.

END NOTES

1 S.C. Kinnevy & Joel M. Caplan, Ass'n of Paroling Authorities Int'l, *Findings from the APAI International Survey of Releasing Authorities* (2008).

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7 Mariel Alper, Robina Inst. of Criminal Law & Criminal Justice, *By the Numbers: Parole Release and Revocation across the States* (2016).

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11 Joel Caplan, What Factors Affect Parole? A Review of Empirical Research, 71 Fed. Prob. (2007); Mario A. Paparozzi & Joel Caplan, *A Profile of Paroling Authorities in America: The Strange Bedfellows of Politics and Professionalism*, 89 Prison Journal 481 (2009); Mario Paparozzi & Roger Guy, *The Giant that Never Woke: Parole Authorities as the Lynchpin to Evidence-based Practices and Prisoner Reentry*, 25 J. Contemp. Crim. Just. 397 (2009).

12 John C. Runda, Edward E. Rhine, & Robert E. Wetter, Council of State Govt's, *The Practice of Parole Boards* (1994); Susan C. Kinnevy and Joel M. Caplan, Ctr. for Research on Youth and Soc. Pol., *Findings from the APAI International Survey of Releasing Authorities* (2008) [hereinafter *2008 Survey*).

13 Section B was not analyzed due to incomplete or inconsistent responses.

14 The National Parole Resource Center (NPRC) is a partnership of the Center for Effective Public Policy and the Association of Paroling Authorities International, supported by funding from the Bureau of Justice Assistance (BJA). The NPRC maintains links with a growing network of organizations that provides information and guidance on substantive topics and related resources. *See* www.nprc.org.

15 2008 Survey, *supra* note 12.

16 Minn. Stat. §§ 244.01, subd. 8 (2016) (defining "term of imprisonment"), 244.05, subd. 1b (2016) (defining the supervised release term).

17 61 Pa. Cons. Stat. Ann § 6137 (2016).

18 Am. Corr. Ass'n, *Seeking Accreditation*, http://www.aca.org/ACA_Prod_IMIS/ACA_ Member/Standards Accreditation/Seeking_Accreditation/ ACA_Member/Standards_and_Accreditation/Seeking_ Accreditation_Home.aspx?hkey=ed52ffa0-24e4-4575-9242- 1aa9d7107e69 (last visited Aug. 19, 2016).

19 Beth Schwartzapfel, *How Parole Boards Keep Prisoners in the Dark and Behind Bars*, Wash. Post, Jul. 11, 2015, https://www.washingtonpost.com/national/the-power-and-politics-of-parole-boards/2015/07/10/49c1844e-1f71-11e5-84d5-eb37ee8eaa61_story.html.

20 Nat'l Inst. of Corr., Paroling Authorities Strategic Planning and Management for Results (2011), http://static. nicic.gov/Library/024199.pdf.

21 Mariel Alper et al., Robina Inst. Institute of Criminal Law & Criminal Justice, *Increasing Use of Risk Assessment Tools at Release* (2015).

22 2 states indicated that Static-99 is validated in their home jurisdiction, but did not indicate that they used Static-99.

23 3 states indicated that LSI-R is validated in their home jurisdiction, but did not indicate that they use LSI-R. 1 state indicated that it uses LSI-R, but did not indicate whether it is validated or not validated.

24 1 state indicated that COMPAS is validated in their home jurisdiction, but did not indicate that they use COMPAS.

25 1 state indicated that ORAS is validated in their home jurisdiction, but did not indicate that they use ORAS.

26 Gerald Bayens & John Ortiz Smykla, Probation, Parole, and Community Corrections: Supervision, Treatment, and Evidence-Based Practices (2012).

27 *See* STATIC 99 Clearinghouse, http://www.static99.org/ (last visited Aug. 19, 2016).

28 For example, although sentencing judge input is included among the release criteria in more than 75% of responding jurisdictions, such input is rarely received by parole boards. Victims provide input in a minority of all cases but, when they do, research suggests a measurable effect on parole boards' release decisions. See Edward E. Rhine et al., *The Future of Parole Release: A Ten-Point Reform Plan, in* Crime and Justice: A Review of Research, vol. 49 (Michael Tonry, ed., forthcoming 2017).

29 Edward E. Rhine, *The Present Status and Future Prospects of Parole Boards and Parole Supervision, in* The Oxford Handbook of Sentencing and Corrections (Joan Petersilia & Kevin R. Reitz eds., 2012).

30 Peggy B. Burke, Ass'n of Parole Authorities, *A Handbook for New Parole Board Members* (2003).

31 Many risk assessment instruments rely heavily or entirely on static factors, but there is a trend to include a greater number of dynamic factors to help assess prisoners' progress toward rehabilitation and readiness for release.

32 All 29 chairpersons listed rankings for at least 6 factors, while 28 ranked a minimum of 12 factors. A total of 17 chairpersons provided a full ranking of all of the factors. Rankings for each factor were tallied and compiled into a single score using a weighting system.

33 2008 Survey, *supra* note 12.

34 Howard Abadinsky, Probation and Parole: Theory and Practice (11th ed. 2012).

35 Am. Prob. & Parole Ass'n, Fact Sheet 5: *Seeking Victim Input*, https://www.appa-net.org/eWeb/docs/ APPA/pubs/PVRPPP-FACTSHEET-5.pdf (last visited Aug. 19, 2016).

36 This represents the responses of 20 to 24 releasing authorities across the offense categories. There were 111 total responses with both a number of panel members and the number of votes required to grant release. Of those 111 responses, 107 responses (96%) indicated that the releasing authority requires a majority vote to grant release.

37 These twenty states are: Alaska, Arkansas, Delaware, Florida, Georgia, Idaho, Iowa, Louisiana, Maryland, Massachusetts, Mississippi, Nebraska, New Jersey, Oregon, Pennsylvania, South Carolina, South Dakota, Virginia, Washington, and Wyoming.

38 These eight states are: California, Colorado, Illinois, Indiana, Minnesota, New Mexico, New York, and Oklahoma.

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42 STABLE is a risk and need assessment designed specifically for sex offenders.

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44 Edward E. Rhine et al, Am. Corr. Ass'n, *Paroling Authorities: Recent History and Current Practice* (1991).

45 Mariel Alper, Ebony Ruhland, & Edward Rhine, Robina Inst. of Criminal Law & Criminal Justice, *Decreasing Organizational Autonomy of Paroling Authorities* (2016).

46 Paroling Authorities Strategic Planning, *supra* note 20.

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The Robina Institute of Criminal Law and Criminal Justice brings legal and sociological research, theory, and policy, together with practice to solve common problems in the field of criminal justice. Through this work, we initiate and support coordinated research and policy analysis and partner with multiple local and state jurisdictions from across the nation to provide recommendations and build links between researchers, practitioners, lawmakers, governing authorities, and the public.

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The Robina Institute of Criminal Law and Criminal Justice was established in 2011 at the University of Minnesota Law School thanks to a generous gift from the Robina Foundation. Created by James H. Binger ('41), the Robina Foundation provides funding to major institutions that generate ideas and promising approaches to addressing critical social issues.

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