

HB

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(parole board)

Interim file

# KILA, Inc.

Fairbanks Drug Treatment  
Center  
(907) 458-5715

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Center  
(907) 452-1841

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Integrated and Coordinated  
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December 5, 1979

Samuel H. Trivette  
Executive Director  
Alaska Board of Parole  
Pouch H-01E  
Juneau, Alaska 99811

Dear Sam,

First and foremost, I want to apologize for the fact that you apparently did not receive the list of individuals who received carbon copies of the letter we sent to your office regarding DONALD HEFLIN. There was no attempt to "blind carbon" anyone without your knowledge; the list was apparently left out of your copy. Please accept my apologies.

With regard to your letter of 14 November 1979: It is evident that we have a difference of opinion on this case! Our primary concern is that Donny not be left in the Fairbanks Correctional Center for any great length of time; it simply makes our job that much more difficult. Furthermore, the degree of mutual misunderstanding is overwhelming and hopefully this letter will clarify.

The initial letter was not written with the intention of putting "...the members of the Board in a poor light." The integrity of the individual Board members was not questioned; we were only registering serious objections to a specific decision made by the Board as a whole. While we have not always agreed with Board decisions in the past, we have never before registered a complaint until this relatively unusual case became an issue. It did not occur to us--and certainly was not our intention--to perceive our written complaint as something personally insulting either to yourself or the Board members.

You appear to be questioning our professionalism and our objectivity--particularly in the area of confidentiality. Perhaps the statement in our earlier letter was poorly worded, but we can only release almost all patient information if a signed consent is on file. It is not correct to state that we cannot release negative information; we simply cannot release information without a signed consent. It is not a matter of interpretation as the enclosed copy of the Federal Regulations clearly

indicates. While it may be true that other programs have a different attitude about the regulations, it is also true (according to the Drug Enforcement Administration) that at least one Alaskan program may be prosecuted for confidentiality violations in a matter involving a criminal justice client.

There are situations when this extraordinary right to confidentiality may actually work against a client, and we have discussed this with Mr. Allen and his colleagues on many occasions. While we encourage clients to sign releases and open doors for communication, we cannot and will not force them to do so. Much of the basis for your questioning our objectivity may stem from the fact that you are rarely--if ever--informed when the FDTC staff finds a client inappropriate for treatment. This happens more frequently than you may realize. (We are rarely involved in cases where repeated violence is documented or where the individual is unable to perform significant sorts of commitment activities.) Needless to say, under such circumstances, we are not given permission to testify about a client's failure to perform; we are simply absent from any hearing.

Again, based on misunderstandings regarding confidentiality, Board comment and your letter indicate that the FDTC was unaware of Mr. Heflin's situation until after contact with Mr. Allen. That is simply not correct. The FDTC counselor was aware of the difficulty from the beginning, but was not at liberty to discuss it with anyone except Mr. Heflin. We thought we made this clear at the hearing.

Mr. Heflin was in contact with his counselor regularly, requesting additional support and service and guidance. It is true that Mr. Heflin did not tell his Parole Officer the specifics until some time later--and this fact was never disputed. Such a situation is one that has been discussed with Mr. Allen frequently; he is in a somewhat different role than most counselors, if for no other reason than that he has the power to arrest persons on probation or parole. Don has acknowledged the problems this creates in the area of trust development, and we are still trying to develop procedures that will allow open communication. But as he and the FDTC staff know only too well, most criminal justice clients have a long-standing and deeply ingrained suspicion of anyone in enforcement. We are not defending this attitude, but merely acknowledging it as one of the realities we must deal with almost every day.

We are well aware of the fact that Mr. Heflin's original offense was armed robbery, and that it is his only felony conviction. But we are also well aware of the fact that Mr. Heflin does not have a long history of violent crime, a fact that we feel offers additional support to our position. The FDTC does understand and appreciate the responsibility the Board has to protect this community; we feel a responsibility in this area

also. If we had reason to believe that Mr. Heflin presented a danger to the Fairbanks community, we would not have appeared for him at the Board meeting--nor would we be objecting to his current incarceration.


You note that Mr. Heflin was comfortable with the frequent number of urine specimens he was providing following the preliminary hearing. We are well aware of that fact, and it is one of the reasons why they were being taken. Every person in treatment has an individual "treatment plan" and each is somewhat different than any other. Mr. Heflin's urinalysis schedule was initially a sporadic one because the staff and Mr. Heflin agreed that his relationship with the FDTC was such that should any problems occur, he would notify us before such problems became evident in laboratory reports. This proved to be correct!

Mr. Heflin's treatment plan has been tightened considerably since his difficulties and was, in fact, modified long before the October hearing.

The purpose of the FDTC is therapeutic intervention, not supervision. Client participation is the essential ingredient in successful treatment programs and thus plans must reflect the client's goals and abilities. These plans change as the client and his/her situation change--not as a result of a major program policy changes (at least, in most all cases).

We hope this letter, as well as the preceding correspondence, helps all of us to better understand the differing opinions. We do not believe that differences in opinion should result in the termination of professional relationships. Rather, we hope that meaningful dialogues will help us resolve the difficulties.

Sincerely,

  
Frank J. Gold, EdD  
Programs Director

cc: Donald Heflin  
Governor Jay Hammond  
Commissioner Helen Beirne  
Charles Campbell, DOC  
Re Charles Parr  
Panel Board Members

treatment is actually carried on after the enactment of the applicable statute, then all the records should be covered irrespective of when the treatment was begun, because such records clearly are being maintained after the enactment of the legislation.

Section 2.12(d) has been included to make explicit one of the legislative purposes of the authorizing legislation, and is in terms descriptive of the records which are to be confidential. The effect of the recordkeepers on whom a duty is thus imposed. The result is that, for example, where a State agency maintains an individual client record which contains identifying information about a client (i.e., patient) receiving treatment or rehabilitation services for drug abuse, such a record is clearly covered and maintained in connection with the above prevention function, and is subject to the provisions of this part. The fact that the record may also be required by statute or regulations pertaining to eligibility for Federal Financial Participation would in no way exempt the record from the prohibitions and requirements of this part. Thus, it would be unlawful and a violation of these regulations for such a record to be made available to a law enforcement agency or to anyone without the prior written consent of the client or publicly for other welfare purposes or for any other administrative or investigative purposes which could invade or tend to invade the privacy of the client as a third party.

2.13 General rules regarding confidentiality.—Rules.

(a) In general. Records to which this part applies shall be confidential and shall be disclosed only as authorized by this part, and may not otherwise be disclosed in any civil, criminal, administrative or punitive proceeding conducted by any Federal, State, or local authority, whether such proceeding is commenced before or after the effective date of this part.

(b) Unconditional compliance required. The prohibition upon unauthorized disclosure applies irrespective of whether the person seeking disclosure actually has, or information sought, has the means of obtaining it, enjoys official status, or is obtained a subpoena, or otherwise has other justification or basis for disclosure, not expressly authorized under this part.

(c) Information covered by prohibition. The prohibition on unauthorized disclosure covers all information about the patient, including their attendance or absence, where, about, or status, whether or not recorded, in the course of program personnel, except as provided in paragraph (d) of this section.

(d) Information on program premises or personnel. Where a patient or threatens to commit a crime on the premises of the program, or in the presence of the program personnel, the risk involved or re-

quiring such crime to a law enforcement agency, but such report shall not identify the suspect as a patient. In any such situation, program personnel should be given to request in order under Subpart E of this part to permit the disclosure of such limited information about the patient as may be necessary under the circumstances.

(e) Implicit and explicit disclosures prohibited. The disclosure that a person was or is attending or had been answering to a particular description, name, or other identification is not or has not been attending a program, whether over a period of time or on a particular occasion, is fully as much subject to the prohibitions and conditions of this part as a disclosure that such a person is or has been attending such a program. Any improper or unauthorized request for any disclosure of records or information subject to this part must be met by a non-committal response.

(f) In-patients and residents. The presence of any in-patient in a medical facility or resident in a residential facility for the treatment of drug or alcohol abuse may be acknowledged to callers and visitors with his written consent. Without such consent, the presence of any in-patient or resident in a facility for the treatment of a variety of afflictions may be acknowledged to callers in such a way as not to indicate that the patient is being treated for drug or alcohol abuse.

2.13-1 General rules regarding confidentiality.—Basis and purpose.

(a) Section 2.13(a) contains the general principle of the statutory provisions, and is unchanged from 41 CFR 101.23 of the previous regulations.

(b) Sections 2.13(b) and 2.13(c) have been added on the basis of written comments on the draft regulations published August 22, 1954, in which there was a documented report that counsel for a program had advised the program that it could furnish information to the FBI about patients without their written consent and without completing a full judicial proceeding in accordance with Subpart E of this part. Sections 2.13(b) and 2.13(c) should clarify the original intent of the statutes and regulations to the extent of precluding such errors in the future.

(c) In the situation described in § 2.13(d), the desirability of the general prophylactic rule prohibiting disclosures by program personnel about patients regardless of whether such disclosures are from a written record must yield to the practical necessity to permit protection from and prompt reporting of a criminal act. In the preamble to the final set of regulations issued under 21 CFR 1.175, it was emphasized that the operation of that section in no way creates a presumption of criminality. 17 FR 2146 (November 17, 1952). Section 2.13(d) is consistent with that concept, and is added to clarify the same.

(d) Section 2.13(d) is changed from 41 CFR 101.23 to read as follows: "The fact that a patient is on the premises of a program does not constitute

been deleted on the basis of comments that correctly pointed out that such a citation, if given by an institution or program maintaining some records covered by this part and some not, would serve to identify the records inquired about as pertaining to treatment covered by this part.

Section 2.13(f) merely clarifies the effect of the preceding paragraphs in the special situations to which paragraph (f) relates.

2.14 Penalty for violations.—Rules.

(a) Penalty provided by law. Any person who violates any provision of the authorizing legislation or any provision of this part shall be fined not more than \$500 in the case of a first offense, and not more than \$5,000 in the case of each subsequent offense.

(b) Application to subsequent offenses. Where a defendant has committed one offense under either section authorizing this part or any provision of this part authorized by that section, any offense thereafter committed under the same section or any provision of this part authorized under that section shall be treated as a subsequent offense.

2.14-1 Penalty for violations.—Basis and purpose.

(a) Section 2.14 states the criminal penalties provided for in subsection (f) of the sections authorizing this part. It is included in this part for convenience and completeness. Some of the comments received on this section when originally proposed suggested that criminal penalties for violation should include imprisonment, but such a change would have to be made by legislation rather than rulemaking.

(b) Section 2.14(b) clarifies the intention that the "subsequent offense" need not be identical to the first offense, as long as it is committed with respect to the same statutory section. For example, a person whose first offense had consisted of improperly releasing the name of a patient in an alcoholic treatment program would be punishable for a "subsequent offense" if he later gives out information from the diagnostic work-up of an alcoholic patient.

2.15 Minor patients.—Rules.

(a) Definition of minor. The term "minor" means a person who has not attained the age of 18 years or, in a State where a different age is expressly provided by State law as the age at which a person ceases to be a minor, the age prescribed by the law of such State.

(b) Consent to disclosure in general. Except as provided in paragraph (c), where consent is required for any disclosure under this part, such consent in the case of a minor must be given by both the minor and his parent, guardian, or other person authorized under State law to act in his behalf, but any disclosure made after the patient has ceased to be a minor may be consented to only by the patient.

(c) Rule when State law authorizes treatment without parental consent. Where a patient, acting alone, has the

(2) To any other program which is not more than 200 miles distant and which is not a member of any central registry of which the inquiring program is a member.

(3) *Procedure in case of apparent consent.* When an individual pursuant to paragraph (2) is made of another treatment program and the response is affirmative, the two programs may engage in such further communication as may be necessary to establish whether an error has been made, and if none, the programs should proceed in accordance with sound clinical practice and any applicable regulations pertaining to the type of treatment involved.

(4) *Registry procedure in case of apparent consent enrollment.* When an inquiry pursuant to paragraph (1) is made of a permissible central registry and its response is affirmative, it may advise the inquiring program of the name, address, and telephone number of the program, or it may advise the other program of the identity of the patient and the name, address, and telephone number of the inquiring program, or it may do both, and in any case the two programs may then communicate as provided in paragraph (1) above.

(5) *Advice to patient.* When the policies and procedures of any program require any disclosures pursuant to this section before any patient is accepted into or continued in treatment, the program shall inform the patient in writing, in accordance with § 2.31, of the nature and extent of any such disclosures and the address of any program of which disclosures will be made. Notwithstanding the requirement of § 2.31, the patient's consent shall be deemed to have been given if the patient has been informed by any other such program established within 200 miles of the program serving such program, and shall be deemed to have been given as long as the patient remains enrolled in the program to which he is given.

§ 2.31-1 *Prevention of certain multiple disclosures.—Basis and purpose.*

Section 2.31 is based upon § 1401.23 of the previous regulations. It was omitted from the August 22, 1974 draft, but comment on the omission made it clear that the Federal areas of the country, central to the States, are a functional component of the health care system, and that regulations to police their operations are needed.

§ 2.32-1 *Legal counsel for patient.—Rules.*

When a bona fide attorney-client relationship exists between an attorney and a patient, the patient's release may be obtained by the attorney upon the written consent of the patient endorsed by the attorney. Information so disclosed may not be further disclosed by the attorney.

§ 2.33-1 *Legal counsel for patient.—Basis and purpose.*

Section 2.33 simplifies and broadens the scope of the policy contained in

§ 1401.25 of the previous regulations. Its purpose is to assure the availability to the attorney, with the client's consent, of information needed as a basis for advice and counsel. The purpose of the prohibition on further disclosure by the attorney is to guard against the possibility that the attorney might be forced to serve as a conduit for otherwise prohibited disclosures to third parties. Ordinarily the attorney-client privilege would suffice, but that privilege is subject to a waiver by the client whereas this prohibition is not. Where there is a need for disclosure to a third party of any given information about any patient, this prohibition in no way affects the availability of other sections of this part to authorize such disclosure by the program.

§ 2.34-1 *Patient's family and others.—Rule.*

When consent is given in accordance with § 2.31, information evaluating his current or past status in a treatment program may be furnished to any person with whom the patient has a personal relationship unless, in the judgment of the person responsible for the patient's treatment, the disclosure of such information would be harmful to the patient.

§ 2.35-1 *Patient's family and others.—Basis and purpose.*

Section 2.35 is based upon the same policy as contained in § 1401.24 of the previous regulations. It is intended to protect the confidential nature of the information disclosed.

§ 2.36-1 *Third-party payers and funding sources.—Rules.*

(1) *Transition of information.* Disclosure of information to third-party payers or funding sources may be made only with the written consent of the patient given in accordance with § 2.31 and any such disclosure must be limited to that information which is reasonably necessary for the discharge of the legal or contractual obligations of the third-party payer or funding source.

(2) *Prohibition on disclosure.* Where a funding source or third-party payer maintains records of the identity of recipients of treatment or rehabilitation services for alcohol or drug abuse such records are, under the authorizing legislation, maintained in connection with the performance of an alcohol or drug abuse prevention function and are subject to the restrictions upon disclosure set forth in this part.

§ 2.37-1 *Third-party payers and funding sources.—Basis and purpose.*

Section 2.37 is based upon the general authority to prescribe regulations to carry out the purposes of the authorizing legislation. The great diversity of contractual arrangements and legal requirements under which the obligations of third-party payers and funding sources are carried on preclude the prescription of detailed provisions mandating compliance with these regulations, even if that were otherwise desirable. The general principle set forth in § 2.37, however, is intended to give the program the maximum

and where coverage exists, provide a standard which will minimize the likelihood of violations. See also § 2.12-1(p).

§ 2.38 *Employers and employment agencies.—Rules.*

(a) *Disclosure permitted.* Where consent is given in accordance with § 2.31, a program may make disclosures in accordance with this section.

(b) *Eligible recipients.* A program may make disclosures under this section to public or private employment agencies, employment services, or employers.

(c) *Scope of disclosure.* Ordinarily, disclosures pursuant to this section should be limited to a verification of the patient's status in treatment or a general evaluation of progress in treatment. More specific information may be furnished where there is a bona fide need for such information to evaluate hazards which the employment may pose to the patient or others, or where such information is otherwise directly relevant to the employment situation.

(d) *Criteria for approval.* A disclosure under this section may be made if, in the judgment of the program director or his authorized representative appointed as provided in § 2.17(b), the following criteria are met:

(1) The program has reason to believe, on the basis of past experience or other credible information (which may in appropriate cases consist of a written statement by the employer), that such information will be used for the purpose of assisting in the rehabilitation of the patient and not for the purpose of identifying the individual as a patient in order to deny him employment or advancement because of his history of drug or alcohol abuse.

(2) The information sought appears to be reasonably necessary in view of the type of employment involved.

§ 2.38-1 *Employers and employment agencies.—Basis and purpose.*

Section 2.38 is based on the rulemaking power conferred by subsection (b) (1) of the authorizing legislation, and is adapted from § 1401.26 of the previous regulations. Its purpose is to allow disclosures reasonably necessary and appropriate to facilitate the employment of patients and former patients, while protecting patients against unnecessary or excessively broad disclosures. It was urged in a comment received on the August 22, 1974 draft that disclosures to employers be flatly prohibited on the ground that the employer's sole legitimate concern is with on-the-job performance. While we are not unsympathetic to this view, a countervailing consideration is that in the case of an employee or applicant who is known by the employer to have a problem with drugs or alcohol, knowledge by the employer of a genuine effort by the employee to deal with it can make the difference between a job and no job.

§ 2.39 *Criminal justice system referrals.—Rules.*

(a) *Consent authorized.* Where participation by an individual in a treatment program is made a condition of such in-

individual's release from confinement, the disposition or status of any criminal proceedings against him or the execution or suspension of any sentence imposed upon him, such individual may consent to unrestricted communication between him and any person to whom he is assigned or to whom he is assigned in fulfillment of such condition and (2) the court granting probation, or other post-arrest or pretrial conditional release (2) parole board or other authority granting parole, or (3) probation or parole officers responsible for his supervision.

(b) *Duration of consent.* Where consent is given for disclosures described in paragraph (a) of this section, such consent shall expire sixty days after it is given or when there is a substantial change in such person's status, whichever is later. For the purposes of this section, a substantial change occurs in the status of a person who, at the time the consent is given, has been—

(1) Arrested, when such person is actually charged or unconditionally released from arrest;

(2) Formally charged when the person has been discharged with probation or the trial of such person has been commenced;

(3) Brought to a trial which has commenced, when such person has been actually discharged;

(4) Released when the sentence has actually expired.

(c) *Revocation of consent.* An individual whose release from confinement, probation or parole is conditioned upon participation in a treatment program shall revoke a consent given by him in accordance with paragraph (a) of this section if there has been a formal revocation or termination or revocation of release from confinement, probation or parole.

(d) *Restrictions on redisclosure.* Any person who directly or indirectly re-discloses information to this section may be held liable for the disclosure thereof only in connection with their official duties with respect to the particular individual with respect to whom it was acquired. Such persons may not make such information available to general investigative agencies or other persons who use it in unrelated matters or make it available for dissemination.

**§ 2.40-10. Criminal justice system referrals—Status and purpose.**

The basis of extensive written reports and oral communications regarding the subject matter of § 2.40-10 is the May 9, 1975 notice published in the Federal Register, 40 FR 22010. In that notice, we indicated that the HUD, as a result of the committee's report, imposed a § 2.40-10 effective immediately and proper for the purposes of the authorization.

Under the best standpoint, it would be difficult to determine a consistent policy for probation or parole, the Department has taken a lead down in the Department. 38 U.S.C. 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

treatment program to the effect that a patient's status or progress in treatment was unsatisfactory. Thus, if such an evaluation were all that could be communicated by a program about a particular patient's conduct during the period he was in treatment, a condition requiring satisfactory participation in a treatment program would be all intents and purposes become unenforceable. Moreover, if it were held to be enforceable, the operative decision on the revocation issue would then be made by the program, arguably exacerbating rather than alleviating its role-conflict problem. It may thus be the part of wisdom to confess that some degree of role-conflict is inherent in the situation of any program which accepts criminal justice referrals. If so, the issue then becomes that of finding the most constructive way to handle the conflict, rather than a sterile and futile effort to avoid it altogether.

(c) We are persuaded that in many instances a prohibition on free communication between probation officers and court abuse program clients would have profoundly deleterious effects on the rehabilitative process. Many probation officers strive to work with a certain degree of freedom, professional and personal. They are people, no different than they are dealing with a client. Such will necessarily be relaxed, and if they have the information necessary to intervene at an early stage of such an episode, their intervention can often make the difference between success and failure for the client.

(d) There is, however, nothing in these regulations which precludes treatment programs from entering into agreements or arrangements with agencies or institutions of the criminal justice system to regulate or restrict the subject matter or form of communications of information about patients. For example, such an arrangement might provide for free oral communication between counselors and probation officers, while restricting formal written reports by the program to specified types of so-called hard data such as a attendance and urinalysis results. In view of widely differing conditions and attitudes in various parts of the country, substantial variations in such arrangements are not only expectable but desirable.

(e) As to the aspect of the matter which was not adequately considered or dealt with in the May 9 proposal, it is the hope which the rules laid down in § 2.40-10 have in the full decision. There is a high correlation between the disposition of the matter and the full decision. The full decision which may be made out of the matter. The correct law for the matter is that for those who receive treatment and supervision, as against those who simply receive the treatment and supervision, is a way of dealing with the matter which would be in the best interest of the matter. The correct law for the matter is that for those who receive treatment and supervision, as against those who simply receive the treatment and supervision, is a way of dealing with the matter which would be in the best interest of the matter.

(f) It can be concluded that § 2.40-10 in any way restricts the necessity to obtain written consent from patients, whether

or not referred by the criminal justice system, before disclosures for the purposes here involved can be made by programs. We have been urged to make an exception from the requirement of § 2.40-10 in the case of paroles and probationers, but such an exception would be wholly unsupported by the authorizing legislation. In fashioning these regulations, it is not our privilege to adorn a tabula rasa according to our own predilections; rather, it is our duty to interpret the statute with fidelity to its spirit, its terms, and its purposes.

**§ 2.40-10. Situations not otherwise provided for—Rules.**

(a) *Criteria for approval.* In any situation not otherwise specifically provided for in this subpart, where consent is given in accordance with § 2.40-10, a program may make a disclosure for the benefit of a patient from the records of that patient if, in the judgment of the program director or his authorized representative approved as provided for in § 2.40-10, all of the following criteria are met:

(1) There is no suggestion in the written consent or the circumstances surrounding it as known to the program, that the consent was not given freely, voluntarily, and without coercion.

(2) Granting the request for disclosure will not cause substantial harm to the relationship between the patient and the program or to the program's capacity to provide services in general.

(3) Granting the request for disclosure will not be harmful to the patient.

(4) *Circumstances deemed beneficial.* For the purposes of this section, the circumstances under which disclosure may be deemed to be beneficial to a patient include, but are not limited to, those in which the disclosure may assist the patient in connection with any public or private claim, right, privilege, gratuity, benefit or other interest accruing to, or for the benefit of, the patient or the patient's immediate family. Examples of the foregoing include welfare, Medicare, unemployment, workmen's compensation, accident or medical insurance, public or private pension or other retirement benefits, and any claim or defense asserted or which is an issue in any civil, criminal, administrative or other proceeding in which the patient is a party or is affected.

**§ 2.40-11. Situations not otherwise provided for—Status and purpose.**

(a) Section 2.40 is based upon § 1401.33 of the previous regulations, amended to reflect the expansion made by the change in the law with respect to the permissible scope of consensual disclosures.

(b) A strong case can be made for the proposition that § 2.40 should, in effect if not expressly, require a program to make any disclosure requested by a patient. The discretion vested in the program, it can be argued, is at best an expression of overprotective paternalism, and at worst, an invitation to programs to cover up material potentially embarrassing to themselves. Bearing in



Official Business

# Alaska State Legislature

## House of Representatives

### Committee on Judiciary

*file copy*  
Pouch V  
State Capitol  
Juneau, Alaska 99811

March 11, 1980

The Honorable Terry Gardiner  
Speaker of the House  
Alaska State Legislature  
Pouch Y, State Capitol  
Juneau, Alaska 99811

Dear Mr. Speaker:

In compliance with AS 44.66.010 - 060 and referral by the Speaker of the House on January 15, 1980, the House Judiciary Committee has conducted a review of the State Board of Parole.

By letter of July 31, the Speaker had notified the Committee of the forthcoming referral, thereby permitting advance work to be done during the interim between legislative sessions.

Committee staff conducted the necessary research. Also available to the Committee were the Executive Summary, Alaska Corrections Master Plan, 1979, and A Performance Review of the Alaska State Board of Parole, Division of Legislative Audit, May 9, 1979.

In addition to receiving testimony during interim hearings, the Committee held three hearings in Juneau. Also, two teleconference hearings were held to receive testimony from Anchorage, Fairbanks, Ketchikan, Dillingham, Kenai, Nome and Bethel.

A total of about 35 witnesses testified, including the Director, Division of Corrections; the present Chairman, a former Chairman, and the Executive Director of the Board. One other member of the Board attended a hearing but did not testify.

Art. III, Sec. 21, of the Alaska Constitution requires that "a parole system shall be provided by law". The Committee received an opinion from the Legislative Affairs Agency to the effect that the Constitution does

not mandate a parole board. One option which was considered would have done away with the Parole Board and had the sentencing judge retain jurisdiction over the parolee. Once this option was rejected, the choices narrowed to a parole board in some form.

Testimony indicated that the workload of the present Board is heavy. The Chairman estimated that the average member spends 60 days a year on Board duties. The Committee considered the possibility of a full-time, paid board, but rejected it. (The new criminal code which prohibits parole for those convicted of second and succeeding felonies may result in a reduced workload after a few years.)

Also considered was the possibility of establishing a second board and dividing the work between the two. Prisoner reclassification and transfer could, however, result in both boards being involved with the same parolee or potential parolee. This seems undesirable.

Testimony indicates that Parole Board members may rely too heavily on "gut reactions" in deciding whether or not to grant parole. Although no human being can be perfectly objective, and a completely mechanical system would probably be unacceptable, there is need for a proper balance. The Board has recognized this need and is considering objective criteria which have shown a high correlation with successful parole.

A matter of concern to the Committee was the recidivism rate among parolees. Although only about 4% were reincarcerated because they committed a new felony, about 20% went back to prison for technical violations (violating conditions set by the Board at the time parole was granted). Examples of such conditions are (1) that the prisoner have an assured job as part of his parole plan, which may be impossible in a village situation, and (2) that the parolee not associate with other felons, although these may be in some cases his only friends or close acquaintances. In effect, about a fourth of all parolees are returned to prison, a disturbing statistic in view of the present and expected overcrowding in Alaska's correctional institutions. The Judiciary Committee, therefore, spent a significant amount of time considering the parole conditions now being set.

Findings required by AS 44.66.050(d) follow:

(1) an identification of the problems or the needs that the programs and activities of the board, commission or agency are intended to address;

Finding: There is a need to avoid unnecessary incarceration.

(2) a statement, to the extent practicable, of the objectives of the program of the board, commission, or agency program, and its anticipated accomplishments;

Finding: The Parole Board is intended to provide for mitigation of sentence while simultaneously protecting the general public.

(3) an identification of any other programs having similar, conflicting or duplicate objectives;

Finding: There are no similar or conflicting programs.

(4) an assessment of alternative methods of achieving the purposes of the program;

Finding: The program could be handled by the judicial branch but this would remove the element of judgment by one's peers.

(5) an assessment of the consequences of eliminating the board, commission or program and consolidating its activities with another program, or of funding it at a lower level;

Finding: The program is constitutional and cannot be eliminated. Funding it at a lower level would make it very ineffective.

(6) a justification for the recommended continuation or extension of the board, commission or program, and an explanation of the manner in which it avoids duplication of or conflict with other efforts; and

Finding: The program is necessary and no other agency performs similar functions.

(7) any other information which, in the opinion of the committee, would improve the performance of the board, commission or agency with respect to its representation of and responsiveness to the public interest.

Finding: Other information will be contained in legislation to be introduced or in other portions of this report.

The Judiciary Committee finds that:

- (1) The Alaska State Board of Parole is necessary and should be continued.
- (2) Statutory changes are needed to improve the functioning of the Board. The Committee will propose a bill incorporating these changes.
- (3) The chances that parole will be successful, from the standpoints of both society and the parolee, are to some extent dependent on the prisoner's willingness and ability to change while in prison. Educational, alcohol treatment, psychiatric counseling and work programs are generally unavailable or inadequate. The Judiciary Committee recommends approval of additional funds and personnel spaces for the Division of Corrections for programs which can be shown to reduce recidivism.

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Charles H. Parr, Chairman

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Nels A. Anderson, Jr.

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Ramona L. Barnes

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Fred E. Brown

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Theima Buchholdt

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Hugh Malone

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Terry Martin

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Patrick M. O'Connell

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Randy Phillips

*file copy - H. Judiciary*

# PAROLE GUIDELINES FOR ALASKA



## ALASKA BOARD OF PAROLE

DECEMBER 1979

# STATE OF ALASKA

JAY S. HAMMOND, Governor

**DEPT. OF HEALTH AND SOCIAL SERVICES**

BOARD OF PAROLE

ALASKA BOARD OF PAROLE  
POUCH H-01E  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-3384

November 30, 1979

Dear Colleague:

Attached is the final draft of the consultant's report prepared to assist us in developing parole guidelines in Alaska. Although this is the consultant's final report, the Board's work in developing and implementing guidelines is far from complete. Several issues developed during the work of the grant which the Board felt needed immediate attention. One of these was the issue of race or ethnic background and how this might relate to the parole process. As a result, several additional tables have been included in the final draft of the consultant's report. We also asked the contractor to pull together information from our files regarding ethnic background and how parolees of each race did on parole. This information was compiled after the report was written and therefore is included on the last page of this letter.

The next phase of the development of parole guidelines is to establish a "time served" axis that gives the ranges of times normally served for a given crime. This information was collected regarding those persons paroled, but a significant number of errors turned up in the coding, and the contractor nor the Board members felt comfortable with attempting to use these figures as the basis for establishing the "time served" matrix. In order to get an adequate picture of the amount of time the Board requires offenders to serve for a given crime, it appears necessary that we look at how much time offenders serve before they are paroled, and how much time those offenders must serve in custody when the Parole Board denies them parole. Only by viewing both of these variables will we have a complete picture of the history of the Board's behavior.

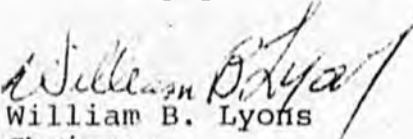
Page 2  
November 30, 1979

The current grant does not allow us to look at both of these factors and hopefully additional funding will be made available in the near future so that we can continue with the development of our guidelines. Some jurisdictions, including Oregon, have opted to develop a time served matrix without first looking at the history of the paroling authorities decisions. The Alaska Parole Board members have rejected this approach, and wish to review the historical data before adopting the time served matrix. This was also the recommendation of our consultant.

The concept of guidelines has been broadened since its inception to include utilization in many other areas than parole. The Alaska Division of Corrections has been working closely with the Parole Board throughout the Board's guidelines project and hopes to use the guidelines concept for custody classification, program selection, disciplinary hearings, and possibly in other similar areas.

A necessary component to the successful utilization of guidelines in any system is the continuous updating of the "risk table". This is an absolute necessity since experience in other jurisdictions has shown the risk factors that are significant in predicting success or failure today may not be predictive a year or two from now. It is the expectation of the Board that the State of Alaska will provide the necessary resources in the near future to allow the Board to set up and continue the research that would enable us to successfully utilize guidelines here in Alaska. We will keep you and your co-workers advised of our progress in this area.

Sincerely yours,

  
William B. Lyons  
Chairman

Sincerely yours,

  
Samuel H. Trivette  
Executive Director

Attachment: Race & Parole  
Performance Table

RACE & PAROLE PERFORMANCE TABLE

| RACE       | Continued on Parole |     | Absconder |    | Technical Violator |     | Substantive Violator* |     | Total       |
|------------|---------------------|-----|-----------|----|--------------------|-----|-----------------------|-----|-------------|
|            | #                   | %   | #         | %  | #                  | %   | #                     | %   | #           |
| WHITE      | 302                 | 79% | 8         | 2% | 52                 | 14% | 19                    | 5%  | 381         |
| BLACK      | 70                  | 64% | 2         | 2% | 24                 | 22% | 14                    | 13% | 110         |
| NATIVE     | 106                 | 70% | 2         | 1% | 35                 | 23% | 9                     | 6%  | 152         |
| OTHER      | 15                  |     |           |    |                    |     |                       |     | 15          |
| TOTAL      | 493                 | 75% | 12        | 2% | 111                | 17% | 42                    | 6%  | 658<br>100% |
| WHITE      | 302                 | 79% | 8         | 2% | 52                 | 14% | 19                    | 5%  | 381         |
| ALL OTHERS | 191                 | 69% | 4         | 1% | 59                 | 21% | 23                    | 8%  | 277         |

\* New Felony Conviction

This report was prepared by Bay Area Research Design Associates under contract with the Alaska Board of Parole. The research was supported by the National Institute of Corrections grant number AI8. Points of view or opinions stated in this document are those of the author and do not necessarily represent the official position or policies of the National Institute of Corrections or the Alaska Board of Parole.

## SUMMARY

In its endeavor to search out new ideas and develop research that would improve the parole process in Alaska, the Alaska Board of Parole in 1978 secured a grant from the National Institute of Corrections and contracted with Bay Area Research Design to provide parole guidelines familiarity and "salient factor" research. The assumption has been that current parole guidelines technology can aid in predicting parole risk using a small set of background factors such as age, sex, prior offending, race, marital status, and employment history. The use of guidelines does not entirely eliminate the Board's discretion but provides the Board with structure, control, and numerical values in the exercise of its discretion. There are seven major parole decisions and recommendations that are amenable to help from guidelines.

They are:

|              |                  |
|--------------|------------------|
| Grant Parole | Program/Planning |
| Deny Parole  | Program Review   |
| Continuation | Revocation       |
| Discharge    |                  |

Although various parole release decision models exist, many paroling authorities have developed a matrix model that eliminates much of the uncertainty of parole. The matrix model immediately settles the question of the time period to be served using the "salient risk factors." As an example of how guidelines work, this study looks closely at the

Minnesota Parole Guidelines system adopted in May, 1976.

The Minnesota system provides each inmate with an upper and lower release date as the result of research data on the treatment of similar cases. The inmate can then participate in programs as outlined by the Board and be released at the lower release date or do as he chooses and be released at the upper date. This method provides the institution with release dates shortly after commitment to prison for program planning purposes and eliminates some parole game playing. The key is obviously to provide as much equity as possible to offenders convicted of similar crimes with similar backgrounds. The development of guidelines in Oregon proceeded very differently from Minnesota in that it is not based on any empirical data of its own but used the U.S. Parole Commission's matrix model. Oregon also has developed a matrix for parole revocation and for institutional custody/supervision level assignments. As an additional example, Michigan's guidelines are significant because they are based on only three risk factors:

1. Is the crime Rape, Robbery or Homicide.
2. Has the parole applicant been found guilty of major institutional misconduct.
3. Was the parole applicant arrested prior to his 15<sup>th</sup> birthday.

The data analyzed in this study in Alaska comprised 665 cases paroled by the Alaska Board of Parole from 1971 through

early 1979. The research uncovered 22 statistically significant factors that correspond to the assessment of risk out of a possible 50 factors considered. These 22 significant factors were compared with the empirical base rate of 75% non-failures on parole and 25% failures and were reduced to 19 items grouped on a risk evaluation score sheet. These 19 items now represent the factors the Alaska Board of Parole has chosen to evaluate risk of parole violation. This process will result in a matrix with risk graduated on one side and terms of imprisonment on the other. In order for the Board to complete its matrix it must now assign terms of imprisonment to various levels of crimes that are compatible with the new criminal code which will become effective January 1, 1980.

Bay Area Research has also evaluated the parole denial letters written by the Board between 1975 and early 1979. These findings indicate that "seriousness of the offense" was most often used as a reason for denial with "prior record" second, and "treatment consideration" ranking third. Two or more reasons were provided in 97% of cases and the Board listed as many as eight reasons for not granting parole in some cases.

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BAY AREA  
*Research Design*  
ASSOCIATES

ALASKA  
AND PAROLE GUIDELINES

M. G. Neithercutt  
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November 1979

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## Introduction

From its initiation in the United States in about 1870<sup>1</sup> until the late 1960's parole went largely unremarked. Its first 100 years were fitful but *Hyser v. Reed*<sup>2</sup>, in 1963, was the first clear notice of what scrutiny was coming shortly.

Paroling authorities were sensitive to their problems, nonetheless; they were not lulled by their relative anonymity. In 1964 a group of representatives from the Association of Paroling Authorities met to discuss their needs for data<sup>3</sup> and in 1966 parole became the only corrections segment of the criminal justice system operating a national data system.<sup>4</sup>

The U. S. Parole Commission (then Board) approached Uniform Parole Reports staff in 1969, noting their assessment of the quality work of that system, and asked this staff to put together a cooperative venture, deriving from extant data and expertise, that would enable them to understand more clearly how their decisions were being made and plan rational evolution of their decision processes.

Mindful of the patent sentencing disparities they and their fellow boards faced daily and concerned for the importance of their work, they asked assistance with two basic dilemmas. How does one make optimal:

1. individual case decisions and
2. general policy elections?

They were unable to undertake their own research and felt the need of independent, experienced personnel to operationalize

their concerns. In 1970 the National Institute of Law Enforcement and Criminal Justice provided the funding and the initial parole guidelines research/demonstration program got underway.<sup>5</sup> Almost from the project's first day it was obvious that this innovative enterprise was the eye of a storm. Those who basically supported parole as an institution feared the consequences of sharing daily operations data and observations with "those researchers" and some who accepted these dangers were critical of the Board and research unit used, the funding source, and of particular facets of the research plan. Though forming an advisory group was simple, finding a way to meld disparate views was something else.

For example, there were acid (and accurate) critiques of the "wasteful" inclusion of "on line" capabilities. The federal board was thought unrepresentative of parole practices nationally; the research group was described as unable/unwilling/unlikely to draw objective conclusions.

By 1973 most could see that the plan had "worked";<sup>6</sup> the U. S. Board was in a position to regionalize and begin making decisions using the "salient factors" pinpointed.<sup>7</sup> The detractors were much in evidence yet and several court challenges faced use of the decision tool. There were scathing testimony, articles, and books in evidence.<sup>8</sup> Paroling authorities in nearly every state were anxious to learn all they could about the subject. In short, the current environment of support versus discontent had become familiar.

One thing was certain; the idea was spreading: the U. S. Board would not be the last to work with guidelines. At this point in time at least 10 boards have actively worked on guidelines and 35 have expressed interest in doing so.<sup>9</sup> The parole boards in every state in the Union have participated in meetings where their usage was a focal agenda item.<sup>10</sup>

The items of concern surrounding these approaches are such that no guidelines user is apt to be in a position to take the "large view" necessary to their exposition. That is, one cannot hope in an operating agency to even master one's own complex tasks, much less move beyond those, in an objective posture, to evaluate a set of complicated activities. Thus, Bay Area Research Design Associates (BARDA) has undertaken this collaboration with the Alaska Board of Parole to enhance guidelines familiarity and utility.

#### Prediction

The issues surrounding prediction of behavior take us far beyond the reach of parole and the scope of the law. Throughout recorded history mankind has relished the power resident in the capacity to foresee the acts of others.

The criminal law's mandates rest to a considerable extent on this potential. This is particularly true in the less intrusive sentence modalities--and parole is among the least intrusive of these.

As is true of many topics in this inquiry, the prediction literature is almost totally non-specific to corrections though

most of the central work has been developed on parole.

The literature on prediction is so vast that it is better simply to refer the interested reader to summaries of it, as found in Mannheim and Wilkins,<sup>11</sup> Neithercutt,<sup>12</sup> and Simon.<sup>13</sup>

The essence of the literature seems to be that one can predict future offending to an efficiency level of accounting for 15 - 20% of the variance in new criminality using a fairly small set of background factors. Those which prove most useful usually are:

- |                 |                    |
|-----------------|--------------------|
| prior offending | offense            |
| age             | marital status     |
| sex             | employment history |
|                 | race               |

Such elements as institutional adjustment or other "treatment" considerations have not proved very useful in prediction equations, with some scattered (though heartening) exceptions.

Thus, as a stark proposition, the answer to the question "Can parole reasonably expect to excel in behavior (future criminality) prediction?" probably is "No". That, however, is not the real issue. The fundamental issue is whether or not contemporary prediction technology offers potential assistance to parole. The response to that query properly is that extant technology has a great deal to lend us.

Parole's tasks can be defined as requiring prediction for purposes of aiding release decisions and averting violations during supervision periods. The emerging parole guidelines technology promises aid in both these arenas.

## "Decision Goals"

If we assume that some discretion in decision making is essential, a central issue is how to use this discretion within existing legal and ethical constraints.<sup>14</sup> The task becomes one of structuring and controlling discretion, not eliminating it. The notion of "equity" implies that similar decisions will be applied to similar situations.

The basic emphasis in the federal guidelines has been placed on selected characteristics of the offense (called "seriousness") and certain attributes of the offender (the "risk" dimension). The risk factor reflects the board's concerns about recidivism.

As we consider this topic further we will see that there are many dimensions on which decisions can be made, there are many ways to describe and use each of these dimensions, and there are several points from which to originate in using each tool.

Perhaps the basic decision guidelines question has to do with goals. Since there are several settings in which parole authorities make decisions, it is helpful to look at a number of these to give us focus.

There are 7 major settings in parole decisions/recommendations that are amenable to help from guidelines. These frameworks are:

|              |                          |
|--------------|--------------------------|
| grant parole | program planning/setting |
| deny parole  | program review           |
| continuation | revocation               |
| discharge    |                          |

Each of these orientations has a somewhat different flavor and so it is worthwhile to look at them individually.

Grant Parole. In the grant mode the essential question is whether to parole the client. This can take some special twists, as where the client is psychotic or demonstrably dangerous. Essentially, though, if the decision is favorable to the inmate we have a grant decision and the other questions are "When?" and "On what conditions?"

Each of these, from the "yes - no" grant/deny choice through date and conditions set, is a decision that can be aided by decision rules. And, of course, guidelines can be viewed as nothing but unusually clearly formulated decision rules or policy statements.

Deny Parole. A second side to the grant option is its opposite, the decision to deny. In its baldest form it means a permanent removal from parole jurisdiction; the client will not be considered again and s/he will release from his sentence by operation of law, taking into account good time, program time, and/or any of those other considerations that are pertinent in the various jurisdictions. The fundamental unknowns here are "Whether?" to deny, and if so, "What to recommend instead?" If the answer to the first question is that parole is not to be granted on this sentence, the second question is the focus.

Continuation. The grant/deny decision may become a continuation decision when it is first faced. Those decisions which are most important--and most troublesome--to authorities usually involve the continuation decision--sometimes, repeatedly. Here you have decided either not to decide or that you probably will

parole, but not now; that you probably will not outright deny, but possibly later. Thus, the grant/deny questions have been tentatively answered pending further input. The two new questions set for yourself, then, are "How long?" and "What else do we need to know?" The continuation decision is in fact a denial decision if no reconsideration date is ever set. Unless the new hearing date is fixed with some notions about what will be pertinent to the choices at that time, the continuation may verge on simple procrastination. Certainly here extensive use of guidelines is possible.

Program Planning/Setting. The next consideration takes us into considerable difference of opinion. Regardless of one's view of the role of parole authorities in programming, it is the rare board that makes no input to this area. In fact, probably there is none in the country that has no impact on program. There are several questions here. They include "Offender needs?", "Institutional/community resources?", and "Milestones or criteria?" After the parole grant they still include these questions, but the "Institutional resources?" query takes a second seat to "Community resources?" as the parole officer attempts reintegration and his other objectives.

Some boards are very active in programming. Where this is the case, the fact that guidelines can assist with such decisions is important to them. Others avoid or ignore these considerations, preferring to assess options at fixed points in time or when violations occur. How relevant the use of guidelines at each of

ese junctures is to your special interests is an exploration that develops differently in each board.

Program Review. The program review function is closely tied to program planning/setting considerations, of course. In a jurisdiction where a highly developed program is hammered out with the parole board as a major participant, this can be a central concern. For example, if a board uses an approach such as Mutual Agreement Programming, where a detailed, written agreement that is much like a contract is controlling, that board can be heavily involved throughout the parole phases of the offender's history. In any situation where a continuation is granted subject to some performance by the client, there is an element of program review. Thus, the questions here are "When to review?", "On what criteria?", and "With what results?"

Revocation. Once the client becomes a parolee the focus of the parole authority changes radically. Since virtually every parole has revocation implications, this is a big piece of the action in each jurisdiction. Here, again, one's philosophy of corrections has much to do with how this function is operationalized. In any case, though, there are some basic salient factors. The questions here are "On what conditions?", "On what showings?", and "With what sanctions?"

That guidelines can be developed to aid in this area is clear from the work of the Pennsylvania Board of Parole. The revocation question includes elements of all prior decisions. It is the point at which we decide whether to recycle the client or

not. If we decide another response loop is necessary then we will replay each decision point already passed through. If not, the possibility looms that it is only a matter of time until we have to elect revocation action anyway, and that, in the interim, there may be a cost to the community we would rather avoid.

Discharge. The corollary to the revocation decision is that related to discharge. In many jurisdictions the parole authority has the statutory duty to consider persons who have responded to supervision without known incident for discharge either at specified times or as otherwise provided. (Occasionally the law puts the burden of initiating this review on the client.) Whatever the statutes say, every board has "de facto" discharge power through its omission of supervision. This can be exercised by allowing another agency to "carry the ball" in cases of duplicate supervision or by just not requiring contact with a client who has been around a long time or is being forgotten for some other reason.

Because these decisions have little of the urgency about them that attends many other problems, they tend to be relegated to a back seat. The questions relevant here, though, are "Whether to discharge?", "When to discharge?", and "Whether to discharge fully?"

#### 7 MAJOR PAROLING AUTHORITY DECISIONS:

GRANT RELEASE  
DENY RELEASE  
CONTINUATION

PROGRAM PLANNING/SETTING  
PROGRAM REVIEW  
REVOCATION

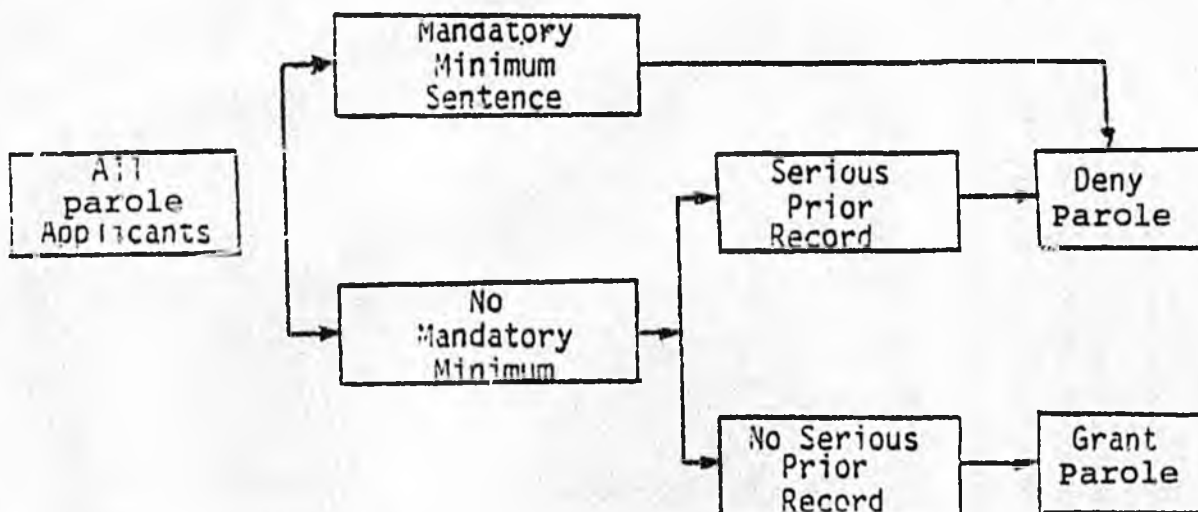
DISCHARGE

There may be some other decision points that interest you particularly. These could include:

Expungement recommendations  
Bail grants to parolees awaiting new trials and violation hearings  
and some more exotic in flavor.

There are two basic types of decision orientations that are used in the parole setting. We can call these "Sequential Model" and "Matrix Model" decisions. They both rest on the same primary technology but they can serve different purposes. Their essential characteristics are seen in the following drawings:

### DECISIONS Sequential Model



DECISIONS  
Matrix Model

Risk of New Offenses

|                              |       | Low           | High |                 |
|------------------------------|-------|---------------|------|-----------------|
| Seriousness<br>of<br>Offense | Least | 0-6<br>months |      |                 |
|                              |       |               |      |                 |
|                              |       |               |      |                 |
|                              | Most  |               |      | 48-60<br>months |

Expected Months to be Served in Prison

The sequential model has direct application in the choice between continuing prison and opting for parole. Thus, one might use a sequential approach to make this "first cut". The model shows a way we do that now; we do not parole if the subject offense carries a mandatory minimum term. The technology begins to be of use to us at the second juncture in the model, for here the issue of what defines a "serious prior record" is settled empirically. That is, those prior records that lead us to expect future offending are (from a community protection stance) called "serious". However, the criteria can be changed to reflect whatever orientation one wishes to serve. Also, the branching can be carried through several steps, rather than just the two pictured.

The matrix model can be used in conjunction with, or apart from, the sequential approach. For example, one can move through the sequential application only so far as necessary to encounter the "deny parole" option and then input the "salient factors" (here, "risk" and "seriousness")--which, too, can be derived

empirically--to determine how long or within what range of months (shown here) the sentence appropriately lies. Both the salient factors and the time periods can take on vastly different characteristics given the setting in which they are employed.

#### U. S. Parole Commission

Some of the previous examples come from U. S. Parole Commission research. That experience is widely known and extensively documented. Suffice it to provide specific examples of federal decision tables and give more detail about a less well-known development, that in Minnesota.

#### Minnesota Guidelines<sup>15</sup>

##### *Sample Application of the Guidelines*

When an inmate is admitted to prison, the caseworker completes the risk of failure worksheet, using the pre-sentence investigation report and existing departmental records, if any. A copy is given to the inmate and if the accuracy of any information is challenged, the caseworker verifies it.

The initial hearing normally is held within 60 days of admission. Ten days before the hearing the MCB (Minnesota Corrections Board) receives copies of the risk of failure worksheet and the institutional case summary. At the initial hearing the MCB determines the guideline time indicated by the *risk of failure* score and severity level of the *offense*. The MCB considers all additional information to determine if significant aggravating or mitigating factors are present.

If such factors are found, the MCB departs from the guidelines

**United States Parole Commission Adult Guidelines  
for Decision Making: Customary Total Time (in Months)  
Served before Release (Including Jail Time)**

---

| <b>Offender Characteristics—Severity of<br/>Offense Behavior (examples)</b>                          | <b>Offender Characteristics—<br/>Parole Prognosis<br/>(salient factor score)</b> |                       |                       |                       |
|--|--|-----------------------|-----------------------|-----------------------|
|  | <b>Very<br/>Good<br/>(11-9)</b>  | <b>Good<br/>(8-6)</b> | <b>Fair<br/>(5-4)</b> | <b>Poor<br/>(3-0)</b> |
| <b>Low</b>   | 6-10   | 8-12                  | 10-14                 | 12-16                 |
| Immigration law violations   |  |                       |                       |                       |
| Minor theft (includes larceny and<br>simple possession of stolen property<br>less than \$1,000)      |  |                       |                       |                       |
| Walkaway   |  |                       |                       |                       |
| <b>Low moderate</b>  | 8-12   | 12-16                 | 16-20                 | 20-25                 |
| Alcohol law violations   |  |                       |                       |                       |
| Counterfeit currency (passing/possession<br>less than \$1,000)                                       |  |                       |                       |                       |
| Firearms Act, possession/purchase/sale—<br>single weapon—not altered or machine<br>gun               |  |                       |                       |                       |
| Forgery/fraud (less than \$1,000)  |  |                       |                       |                       |
| Drugs:   |  |                       |                       |                       |
| Marijuana, possession (less than \$500)  |  |                       |                       |                       |
| Selective Service Act violations   |  |                       |                       |                       |
| Theft from mail  |  |                       |                       |                       |
| <b>Moderate</b>  | 12-16  | 16-20                 | 20-24                 | 24-30                 |
| Bribery of public officials  |  |                       |                       |                       |
| Counterfeit currency (passing/possession<br>\$1,000-\$2,000)   |  |                       |                       |                       |
| Drugs:   |  |                       |                       |                       |
| "Heavy Narcotics," possession by<br>addict (less than \$5,000)                                       |  |                       |                       |                       |
| Marijuana, possession (\$500 or over)  |  |                       |                       |                       |
| Marijuana, sale (less than \$5,000)  |  |                       |                       |                       |
| "Soft Drugs," possession (less than<br>\$5,000)  |  |                       |                       |                       |
| "Soft Drugs," sale (less than \$500)   |  |                       |                       |                       |
| Embezzlement (less than \$20,000)  |  |                       |                       |                       |
| Explosives, possession/transportation  |  |                       |                       |                       |
| Firearms Act, possession/purchase/<br>sale—altered weapon(s), machine<br>gun(s), or multiple weapons |  |                       |                       |                       |
| Income tax evasion   |  |                       |                       |                       |

**Adult Guidelines for Decision Making (con't.)**

| <b>Offense Characteristics - Severity of<br/>Offense Behavior (examples)</b>               | <b>Offender Characteristics -<br/>Parole Prognosis<br/>(salient factor score)</b> |                       |                       |                       |
|--|---|-----------------------|-----------------------|-----------------------|
|  | <b>Very<br/>Good<br/>(11-9)</b>   | <b>Good<br/>(8-6)</b> | <b>Fair<br/>(5-4)</b> | <b>Poor<br/>(3-0)</b> |
| Interstate transportation of stolen/<br>forged securities (less than \$20,000)             |   |                       |                       |                       |
| Mailing threatening communications   |   |                       |                       |                       |
| Mann Act (no force—commercial purposes)  |   |                       |                       |                       |
| Misprision of felony   |   |                       |                       |                       |
| Receiving stolen property with intent to<br>resell (less than \$20,000)                    |   |                       |                       |                       |
| Smuggling of aliens  |   |                       |                       |                       |
| Theft, forgery/fraud (\$1,000-\$19,999)  |   |                       |                       |                       |
| Theft of motor vehicle (not multiple theft<br>or for resale)                               |   |                       |                       |                       |
| <b>High</b>  | <b>16-20</b>  | <b>20-26</b>          | <b>26-32</b>          | <b>32-38</b>          |
| Burglary (bank or post office)   |   |                       |                       |                       |
| Counterfeit currency (passing/possession<br>of more than \$20,000)                         |   |                       |                       |                       |
| Counterfeiting (manufacturing)   |   |                       |                       |                       |
| Drugs:   |   |                       |                       |                       |
| "Heavy Narcotics," possession by<br>addict (\$500 or more)                                 |   |                       |                       |                       |
| "Heavy Narcotics," sale to support<br>own habit  |   |                       |                       |                       |
| Marijuana, sale (\$5,000 or more)  |   |                       |                       |                       |
| "Soft Drugs," possession (\$5,000 or more)   |   |                       |                       |                       |
| "Soft Drugs," sale (\$500-\$5,000)   |   |                       |                       |                       |
| Embezzlement (\$20,000-\$100,000)  |   |                       |                       |                       |
| Interstate transportation of stolen/<br>forged securities (\$20,000 or over)               |   |                       |                       |                       |
| Organized vehicle theft  |   |                       |                       |                       |
| Receiving stolen property (\$20,000 or over)   |   |                       |                       |                       |
| Robbery (no weapon or injury)  |   |                       |                       |                       |
| Theft, forgery/fraud (\$20,000-\$100,000)  |   |                       |                       |                       |
| <b>Very high</b>   | <b>26-36</b>  | <b>36-45</b>          | <b>45-55</b>          | <b>55-65</b>          |
| Armed robbery  |   |                       |                       |                       |
| Drugs:   |   |                       |                       |                       |
| "Heavy Narcotics," possession by<br>nonaddict  |   |                       |                       |                       |
| "Heavy Narcotics," sale for profit (no<br>prior conviction for sale of heavy<br>narcotics) |   |                       |                       |                       |
| "Soft Drugs," sale (more than \$5,000)   |   |                       |                       |                       |

**Adult Guidelines for Decision Making (con't.)**

| <b>Offense Characteristics – Severity of<br/>Offense Behavior (examples)</b>   | <b>Offender Characteristics –<br/>Parole Prognosis<br/>(salient factor score)</b>  |                       |                       |                       |
|--|--|-----------------------|-----------------------|-----------------------|
|  | <b>Vary<br/>Good<br/>(11-9)</b>  | <b>Good<br/>(8-6)</b> | <b>Fair<br/>(5-4)</b> | <b>Poor<br/>(3-0)</b> |
| Extortion<br>Mann Act (force)<br>Sexual Act (force)<br>Greatest  | (Specific ranges are not given<br>because of the limited num-<br>ber of cases and the extreme<br>variations in severity possible<br>within the category) |                       |                       |                       |
| Aggravated felony (e.g., armed robbery,<br>sexual assault) – weapons fired<br>or serious injury<br>Aircraft hijacking<br>Drugs:<br>"Heavy Narcotics," sale for profit<br>(prior conviction[s] for sale of<br>heavy narcotics)<br>Espionage<br>Kidnapping<br>Willful homicide |  |                       |                       |                       |

NOTE: If an offense is not listed above, the proper category may be obtained by comparing the severity of the offense with that of similar offenses listed.

If an offense behavior can be classified under more than one category, the most serious applicable category is to be used.

If an offense behavior involved multiple separate offenses, the severity level may be increased.

If a continuance is to be recommended, allow 30 days (1 month) for release program provision. These guidelines are predicated upon good institutional conduct and program performance.

Source: Travis, L. F. III and V. O'Leary, *Changes in Sentencing and Parole Decision Making: 1976-78*. New York: National Parole Institutes, 1979, pp. 13 - 15.

and assigns a release date deemed appropriate and consistent with past treatment of similar cases. They also give the inmate a written statement specifying why they departed. If reasons for departure are not present, the MCB assigns a release date based on guideline time.

Where the guidelines provide a time range, the "upper limit" release date is a guaranteed parole date so long as the inmate:

- a. is not convicted of a "major" disciplinary code violation and
- b. presents a satisfactory reentry plan.

Major disciplinary violations include those behaviors in the institution which would be felonies or assaultive misdemeanors in the free community. The inmate is told that if such major disciplinary convictions occur the assigned release date is in jeopardy.

Inmates eligible for and wanting a MAP contract are assigned a "lower limit" release date, which is a guaranteed parole date

#### REASONS FOR SELECTING A TWO YEAR FOLLOW-UP PERIOD:

1. MOST PAROLE FAILURES--HOWEVER DEFINED-- OCCUR WITHIN THE FIRST SIX MONTHS OF RELEASE
2. MOST PAROLEES ARE DISCHARGED AFTER TWO YEARS OF SUCCESSFUL ADJUSTMENT
3. "GENERATING" AND "VALIDATING" GROUPS MUST BE COMPARABLE; LONGER FOLLOW-UPS REDUCE COMPARABILITY
4. TWO YEARS MAY BE A REASONABLE PERIOD OF ACCOUNTABILITY TO THE PUBLIC FOR PAROLE

PAROLE RELEASE DATE MATRIX (effective 11-15-76)

| Severity Level | Offenses   | Number "Yes" Responses on Worksheet | 0    | 1-2   | 3-4   | 5     | 6     |
|----------------|--|-------------------------------------|------|-------|-------|-------|-------|
|                |  | Predicted Group Failure Rate        | 11%  | 28%   | 35%   | 49%   | 63%   |
| I.             | UUMV<br>Possession of a Controlled Substance<br>Forgery, Aggravated Forgery, Uttering a Forged Instrument  | Risk of Failure Level               | I.   | II.   | III.  | IV.   | V.    |
|                |  |                                     | 4-12 | 5-12  | 6-12  | 11-17 | 18-28 |
| II.            | Aggravated Criminal Damage to Property—no weapon<br>Burglary—no weapon—not in dwelling<br>Receiving Stolen Property<br>Simple Arson<br>Theft—\$100 to \$2,500; Theft by Check<br>Terroristic Threats<br>Defeating Security on Personality<br>Damage to Public Property   |                                     | 5-12 | 6-12  | 11-17 | 18-24 | 25-36 |
| III.           | Theft—more than \$2,500<br>Burglary—weapon—not in dwelling<br>Burglary—no weapon—dwelling<br>Escape from Custody<br>Aggravated Criminal Damage to Property—weapon*<br>Indecent Liberties—no injury*<br>Criminal Sexual Conduct—Fourth Degree*<br>Possession of Controlled Substance with intent to Sell*<br>Dangerous Weapon—Machine Gun   |                                     | 6-12 | 11-17 | 18-24 | 25-32 | 33-45 |
| IV.            | Burglary—weapon—dwelling**<br>Simple Robbery<br>Aggravated Arson<br>Aggravated Assault<br>Indecent Liberties—injury<br>Kidnapping—no injury<br>Criminal Sexual Conduct—Third Degree<br>Attempted Murder—Second Degree; Third Degree<br>Incest<br>Sexual Intercourse with Child—over age 16<br>Confining own Child; False Imprisonment<br>Burglary with Tool<br>Theft from Person<br>Sale of a Controlled Substance |                                     | 17   | 24    | 32    | 40    | 53    |
| V.             | Aggravated Robbery<br>Manslaughter—Second Degree<br>Criminal Negligence<br>Attempted Murder—First Degree<br>Conspiracy to Commit Murder—First Degree<br>Sexual Intercourse with Child—age 14 to 16   |                                     | 24   | 32    | 45    | 60    | 76    |
| VI.            | Manslaughter—First Degree<br>Criminal Sexual Conduct—First Degree; Second Degree<br>Kidnapping—injury<br>Sodomy; Sodomy with Child<br>Sexual Intercourse with Child—age 10 and under, and age 11 to 13   |                                     | 42   | 50    | 60    | 75    | 92    |
| VII.           | Murder—Third Degree  |                                     | 72   | 86    | 109   | 135   | 170   |
| VIII.          | Murder—Second Degree   |                                     | 86   | 108   | 145   | 194   | 240   |
| IX.            | Murder—First Degree  |                                     | 204  | 241   | 301   | 385   | life  |

ELIGIBLE FOR MAP  
(Except where noted)

NOT ELIGIBLE FOR MAP  
(Except where noted)

\*Not Eligible for MAP Contract

\*\*Eligible for MAP Contract

upon prior completion of a MAP contract, absence of major misconduct convictions, and a satisfactory reentry plan. The MCB outlines its general expectations for the MAP contract (for example, complete a vocational program, compile a good work record in prison, etc.) and refers the inmate to staff for contract development. Within 2 months a contract ratification hearing is held. Failure to complete a MAP contract cancels the lower limit date assigned. Thus, inmates have nothing to lose by initiating a MAP contract.

The guidelines do not restrict inmate eligibility for medical paroles, special reviews or temporary paroles during their incarceration.

Two months before the release date, the MCB holds a reentry hearing and approves or rejects a general reentry plan, specifying residence, employer, etc. The MCB reviews the specific plan 10 days before the release date and, if consistent with the general reentry plan, grants parole effective on the release date. If not consistent, the MCB gives written reasons and continues the case until the inconsistencies are removed.

#### *Benefits of the Guidelines*

##### *Certainty of Release Date*

After 2 months the inmate has a certain release date and knows the extent to which that date can be reduced, and what it will take to reduce it. The inmate can decide if the reduction is worth the effort and, if it is not, can reject MAP participation without affecting the upper limit release date. Thus, coerced

programming or treatment have not been eliminated but the degree of coercion--that is, the reduction for MAP completion--has been limited and specified and the inmate is given information on which to assess his or her options and to make a more rational decision.

*Increased Effectiveness of Institutional Planning*

Certain release dates facilitate inmate and staff planning for the use of institutional programs and resources. If an inmate has an 18 month lower limit release date and a MAP contract calling for completion of a 10 month welding program at another institution, all parties know well in advance that the inmate must be transferred by the eighth month of incarceration.

In addition, the guidelines facilitate reentry planning. Under the previous system, caseworkers prepared a reentry plan--including specific job placements and living arrangements--every time the institutional classification team recommended parole to the MCB. Frequently the MCB would not grant parole, resulting in a waste of caseworker time and an unnecessary "drain" on community resources. This, in turn, reduced staff morale, which affected the quality of reentry plans developed and further increased probability of parole denial. Under the guidelines, a single specific reentry plan is developed.

*Reduced "Game Playing"*

Inmates know that regardless of their behavior they will not be paroled before the lower limit release date. Thus, there

CATEGORIES OF PREDICTOR VARIABLES  
MINNESOTA

JUVENILE RECORD

ADULT CRIMINAL RECORD

CURRENT COMMITTING OFFENSE(S)

INSTITUTIONAL DISCIPLINARY RECORD

SOCIAL HISTORY

- a. marital status
- b. employment stability
- c. family criminality
- d. education
- e. drug and alcohol use

DEMOGRAPHIC VARIABLES

- a. age
- b. race
- c. sex

should be less "game playing" by inmates seeking to "con" the MCB into an early parole.

#### *Equity of Treatment*

Inmates with similar risk and severity profiles will be assigned the same period of incarceration. Any differences in actual time served before parole will be the result of institutional conduct and accomplishments--factors over which the inmate has control. For departure cases, the MCB applies similar extensions or reductions when similar reasons for departure exist.

#### *Increased Certainty for other CJS Elements*

For the first time criminal justice officials have a clear idea of the effect of their discretionary decisions on the length of incarceration for those imprisoned. Since the impact of plea bargaining on time served will be clear to judges, prosecutors, defenders, and defendant, plea bargaining may be exercised in a more enlightened and responsible manner. (Project staff frequently receive telephone calls from prosecutors, defenders or probation agents asking the effect of various plea bargaining or sentencing options on time served under the guidelines for specific cases before them.)

#### *Guidelines Experience to Date*

The guidelines went into operation on May 1, 1976 at the State Reformatory and the following month at the State Prison.

#### *Parole Rates & Institutional Populations*

Since January 1, 1974--when the MCB became operational--institutional populations have varied directly with the rate of

"YES" OR "NO"

MINNESOTA RISK ITEMS

1. PRIOR CONVICTION OF SAME OFFENSE?
2. 19 OR YOUNGER AT FIRST FELONY CONVICTION?
3. TOTAL OF 3 OR MORE FELONY CONVICTIONS,  
INCLUDING CURRENT SENTENCE(S)?
4. ONE OR MORE PRIOR ADULT COMMITMENTS  
TO STATE CORRECTIONAL INSTITUTIONS?
5. 2 OR MORE PRIOR PROBATION/PAROLE FAILURES  
AS AN ADULT?
6. CURRENT SENTENCE INCLUDES BURGLARY  
CONVICTION(S)?

release on parole, with institutional commitments remaining fairly constant. During 1974, the MCB released 909 parolees and adult institutional populations reached a low average daily population of 1,220 in October. During 1975, 606 inmates were paroled, a reduction of 33%, and average daily adult population reached 1,649 by December. When the guidelines went into effect in May 1976 average daily population was 1,690.

It was expected that the MCB guidelines would increase the rate of release on parole by reducing the variance in time served. Thus, anyone in the institutional population who had served more than his guideline time (or who would have served more than the guideline time by his next annual review) was eligible for a special review for release when he had served

his guideline time.

There was a marked increase in the rate after implementation of the guidelines. During the 12 months preceding implementation the MCB paroled an average of 51 inmates per month. Since, paroles have averaged 75 per month, a 47% increase.

In 1976 the MCB released 774 inmates, an increase of 27% over 1975 levels. If the guidelines had been in effect for the entire year the MCB would have paroled about 900 inmates in 1976, only slightly below the actual number of 1974 paroles granted.

The guidelines have slowed the rate of population increase. The average increase in average daily population during the 12 months preceding implementation was 15.4 inmates per month. Since initiation the average increase has been 1.7 inmates monthly. In December 1976 the average daily population was 1,702, only 12 above the average daily population at implementation. This suggests that the rate of release under the guidelines is very close to the rate of commitment.

The MCB has been criticized for their variation in release rate from 1974 to 1975. Critics have charged that the Board--influenced by a "get tough" public opinion--had become increasingly conservative in releasing practices, demonstrating that parole decision-making was "political", in the broad sense of the word. While it is too early for conclusive statements, it appears that the guidelines have tended to stabilize rates of release, and thus remove the grounds for such criticisms.

*Rates of Departure under the Guidelines*

How often should parole boards depart from their guidelines? Clearly there is no "right" answer to this question. If exceptions are frequent, it could be argued that the guidelines are a sham, providing a "front" behind which the parole board continues to engage in arbitrary and capricious decision making. If the board seldom departs they could be accused of being "mechanistic", failing to inject "humanity" into the process through their clinical judgment.

During the guidelines operation so far the Board has departed from them in about 17% of the cases, a figure comparable to the experience of the U. S. Parole Commission.

Every 3 months an analysis of departures is conducted.

Three factors are examined:

1. rate of departures
2. reasons for and directions and amounts of departures
3. risk and severity levels of departure cases.

These analyses are presented to the Board, and, if appropriate, changes in the guidelines are suggested. For example, if a particular reason for departure is used frequently, it might be desirable to amend the guidelines to deal with that situation.

If certain "cells" in the matrix account for a disproportionate number of departures, it indicates that the guideline time in that cell may be inappropriate. After 3 months of operation, they found that low-risk aggravated robbers were often given less time than indicated by the guidelines. They checked 1974 and 1975 MCB releasing practices and found that the guideline times were about 6 months too high for this type offender.

Accordingly, the MCB reduced the guideline time and applied the reduction retroactively to low-risk aggravated robbers previously assigned release dates. Appendix B gives substantial current detail about Minnesota practice.

#### Other Specialties

There are perhaps no human services disciplines that fail to employ behavior predictions at some level--no matter how unsophisticated--and our lives rest on predictions of all types. The current flap over the unsafe conditions of our nation's bridges is a case in point. It has been estimated that about 110,000 bridges in the United States are "dangerous to use"; the limits of these predictions vary greatly, of course. Used long enough, a bridge predicted as in danger of collapse will accommodate the prognosticator, just as a scattered few correctional clients continue to recidivate even after they have led lives free of known crimes for several years. At the outer bound, though, all bridges will fail eventually; not all correctional clients will reenter the system.

Medicine is usually referenced as that human services field which epitomizes advanced diagnostic/predictive technology. As it happens, though some sophisticated technology is used in medical research, many of the basic leaps medicine has made have been through diligent observation alone. Medical practitioners labor under comparable constraints to those on correctional functionaries. Thus, there have been no strict experimental-control, human subject

studies done on basic medical phenomena like tetanus vaccine results because ethical implications preclude them--just as they forestall random sentencing experiments. However, the same technology that underlies the decision models we just enumerated underpins the observations a physician makes in his examining cubicle and the tests his laboratory performs.

#### Oregon Guidelines

The development of guidelines in Oregon has proceeded quite differently from that in the federal system and in Minnesota. In Oregon, the parole board apprized itself of the work particularly of the U. S. Parole Commission and, accompanied by statutory alterations, initiated guidelines (see Appendix C). Their plan now is to test and adjust the guides as they are used.

The Oregon board also has administratively constructed a violation matrix. On the vertical axis are types of violations ranging from least to most serious. On the horizontal axis are indices to parole performance to the time of violation. These

#### Oregon Parole Violation Matrix

| <u>Violations</u>                          | <u>Parole Performance</u>     |                 |                            |
|--|-------------------------------|-----------------|----------------------------|
|  | <u>7 thru 5</u>               | <u>4 thru 2</u> | <u>1 and 0</u>             |
| Documented Technical                       | Record                        | Record          | Reprimand<br>or 0 - 4 mos. |
| Major Technical/<br>Misdemeanor Conviction | Reprimand<br>or 0 - 4<br>mos. | 4 - 6 mos.      | 6 - 8 mos.                 |
| Felony Finding                             | 6 - 10<br>mos.                | 8 - 12<br>mos.  | 10 - 14<br>mos.            |
| Felony Conviction                          | Recalculate Matrix            |                 |                            |

are, of course, quite similar to offense seriousness and risk measures described in prior pages. The matrix takes the form just presented currently.

If a parolee who has an otherwise good or fair parole adjustment receives a documented technical violation the matter is simply recorded; if that parolee has a poor parole adjustment s/he may be reprimanded or returned to an institution for 4 to 6 months. The ranges of violation responses run to a maximum 10 - 14 month reinstitutionalization for a felony finding by the Board on a parolee whose adjustment has been poor. If a parolee sustains a new felony conviction the process is begun over by entry into the original guidelines matrix.

Neither the parole guidelines nor the reconviction matrix has been validated. The Oregon Department of Corrections is to participate in this effort by doing the original case scoring and by monitoring case outcomes. They have added a matrix for use in classification and custody/supervision level assignments. They are using matrices on good time forfeiture considerations, DOC recommendations to the parole board, and length of time in segregation unit. Appendix C affords considerable detail in that regard. Note, however, that none of the final decision factors in these matrices has been derived empirically.

#### Wisconsin

The state of Wisconsin uses guidelines for assignment of cases for supervision purposes. There, in contrast to Oregon, the background study employed has been extensive, particularly

as an effort is made to assess and meet client needs (see Appendix D).

Though that work is not directly pertinent to the concerns of this paper, it is salient to note that similar approaches can be used to direct intervention in field settings as an adjunct to board decision making. Wisconsin also provides an example of the variety of longitudinal follow-up necessary to make guidelines systems contemporary and viable.

#### Michigan\*

The Michigan Department of Corrections began monitoring risk factors in 1976. In early 1978 they initiated a prisoner classification and parole granting sequence utilizing them. They isolated their factors by computer analysis of 2,000 male parole records for the year 1971.

Inmates with these characteristics are considered high violence risks:

1. currently serving time for robbery, sexual assault or homicide
2. found guilty of major institutional misconduct or involuntarily placed in administrative segregation by the prison's security classification committee
3. first arrested or petitioned for criminal activity before 15th birthday

If an offender has all 3 factors he is counted a "very high risk of violence"; "high risks" are those without factor 3 present. "Very low risks of violence" are serving time for non-assaultive

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\* These comments rely heavily on "Michigan Spots New 'Risk' Factors", *California Correctional News* 32: 25, 34 (February 1978).

felonies and were married before their current offense.

The Michigan population looks something like this, the last column indicating percentage of those rearrested for a violent crime within 2 years after prison release:

| <u>Risk of</u> | <u>nt Crime</u> | <u>Releasees in Category</u> | <u>New Arrests</u> |
|----------------|-----------------|------------------------------|--------------------|
| Very High      |                 | 5%                           | 40.0%              |
| High           |                 | 7%                           | 20.5%              |
| Middle         |                 | 45%                          | 10.5%              |
| Low            |                 | 24%                          | 6.5%               |
| Very Low       |                 | 19%                          | 2.5%               |

A prisoner with all the following characteristics is deemed likely to commit a property crime on parole:

1. has a reported juvenile history
2. is guilty of serious institutional misconduct
3. was first arrested before age 15.

Very high risk property offenders constitute 24% of all prison releases and have a 40% probability of rearrest for property crimes within 2 years.

#### Pennsylvania

The Pennsylvania Parole Board has not used its guidelines yet but is worthy of note because it has developed revocation instrumentation. This process is detailed in Appendix E.

#### Risk Assessment

The concept of "risk" can be formulated and applied in numerous ways. In the context of parole guidelines it most

often is an empirically derived assessment of likelihood of reoffending. In the data analyzed in this study, 665 cases paroled by the Alaska Board of Parole from 1971 through early 1979 have been tallied to yield a picture of success and violation on parole as these relate to offender characteristics and environmental factors.

The basic criterion, "Parole Performance", was categorized 4 ways:

Outcome code:      Continued on Parole  
                          Absconder  
                          Technical Violation  
                          New Felony Conviction.\*

This afforded the following configuration.

\* \* \* \* \*

Table R-1  
 Parole Performance

| <u>Category</u>       | <u>#</u> | <u>%</u> |
|-----------------------|----------|----------|
| Continued on Parole   | 496      | 75%      |
| Absconder             | 13       | 2%       |
| Technical Violation   | 111      | 17%      |
| New Felony Conviction | 42       | 6%       |
| Unknown               | <u>3</u> | <u>-</u> |
| Total                 | 665      | 100%     |

\* \* \* \* \*

As Table R-1 tells 75% of the cases were categorized as

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\* See Appendix G for a sample Code Sheet.

non-failures at the time of coding and 25% had breached parole by absconding, committing rules violations or sustaining a new felony conviction. Note that this does not translate to a 75% "success rate" because cases were not followed a set period of time; some had been on parole for years and some had served only a few months. With only 3 cases with unknown outcomes (less than  $\frac{1}{4}$  of 1% of the 665 target parolees), though, confidence in the specification of the criterion variable appears warranted.

With this basic 75-25 population bifurcation one can proceed to assess the relation of various corresponding data elements to this criterion, aiming at identifying those which will help in assessing likelihood of parole violation (our empirical definition of risk). (See the appended code sheet for the 50 data items collected and their categories.) This presents 49 comparisons for assessment.

#### Risk Variables

Nearly half--22 (44%)--of the comparisons gave a statistically significant indication of correspondence between Parole Performance and the assessment variable. We begin by looking at those items which give us information about likelihood of parole violation.

On the assumption that parole violations are what parole decision-makers want to avoid by employing risk measures, and because there are too few violators in certain categories to yield stable findings, each significant item is taken in turn,

beginning with whether the parolee was on probation or parole at the time s/he committed the offense leading to the current parole. The possibilities are limited, of course; either the offender was or was not an active probationer or parolee at the time of the current offense. Table R-2 tells that 78% of those paroled who were not on probation/parole when they committed their current crimes had no coded violation while only 69% of those who were in these supervision statuses avoided known violations. Thus, this item differentiates the population significantly on parole performance, as the  $x^2$  (Chi-square) value ending the table shows. Any Chi-square greater than 3.84 for this table would be considered significant.

\* \* \* \* \*

Table R-2

Probation/Parole Status at Offense

| <u>Status</u>           | <u>Outcome</u>      |                  |
|-------------------------|---------------------|------------------|
|                         | <u>No Violation</u> | <u>Violation</u> |
|                         | <u>#</u>            | <u>%</u>         |
| Not on Probation/Parole | 359                 | 78%              |
| On Probation/Parole     | 123                 | 69%              |
| Unknown                 | 27                  | 4%               |
| Total                   | 665 cases           |                  |
| $x^2 = 6.29$            | df = 1              | P less than .02  |

\* \* \* \* \*

Whether the parolee had a juvenile probation/parole record gives a similar result. As seen in Table R-3, parolees without such known backgrounds were coded as without violations 82% of the time whereas those with juvenile records had such designations

Table R-3  
 Juvenile Probation/Parole Record

| <u>Code</u> | <u>Outcome</u>      |                  |
|-------------|---------------------|------------------|
|             | <u>No Violation</u> | <u>Violation</u> |
|             | <u>#</u>            | <u>%</u>         |
| None        | 206                 | 82%              |
| One or More | 97                  | 73%              |
| Unknown     | 280                 | 42%              |
| Total       | 665 cases           |                  |

$$x^2 = 4.03$$

$$df = 1$$

P less than .05

\* \* \* \* \*

73% of the time. Note, however, that 42% (280) of the cases have "Unknown" codes, suggesting this may be a less useful indicator than the supervision status item discussed in the preceding paragraph.

Similar findings occur for juvenile institutional record holders, though this item and the preceding one overlap imperfectly. Those coded as having juvenile institutional records avoided violation codes 67% of the time; their colleagues who

\* \* \* \* \*

Table R-4  
 Juvenile Institutional Record

| <u>Code</u> | <u>Outcome</u>      |                  |
|-------------|---------------------|------------------|
|             | <u>No Violation</u> | <u>Violation</u> |
|             | <u>#</u>            | <u>%</u>         |
| None        | 229                 | 83%              |
| One or More | 62                  | 67%              |
| Unknown     | 296                 | 45%              |
| Total       | 665 cases           |                  |

$$x^2 = 9.67$$

$$df = 1$$

P less than .01

were not in juvenile institutions had 83% "success rates".  
Again there are ample missing cases.

Table R-4 also introduces a new caveat. While the difference between performance ratios in the two juvenile institutional record categories is substantial, relatively few persons (92 or 14% of the 665 cases) were coded as having been in juvenile penal institutions. From the vantage point of selecting likely failures, this item lends little information.

Those parolees who located out of state tended to perform better on supervision than those remaining in Alaska. The bulk, of course, stayed inside the state so, again, we see a variable which lends information on a relatively small segment of the population. Note, though, that, for all practical purposes, this item was coded on all parolees so it has potential as an encompassing indicator.

\* \* \* \* \*

Table R-5  
Release Residence

| <u>Code</u>  | <u>Outcome</u>      |                  |
|--------------|---------------------|------------------|
|              | <u>No Violation</u> | <u>Violation</u> |
|              | <u>#</u>            | <u>%</u>         |
| Out of State | 110                 | 85%              |
| In-state     | 381                 | 73%              |
| Unknown      | 12                  | 2%               |
| Total        | 665 cases           |                  |
| $x^2 = 8.76$ | df = 1              | P less than .01  |

Table R-6  
Sentence Length

| <u>Months</u> | <u>Outcome</u>      |                  |
|---------------|---------------------|------------------|
|               | <u>No Violation</u> | <u>Violation</u> |
|               | <u>#</u>            | <u>%</u>         |
| 0 - 12        | 75                  | 90%              |
| 13 - 24       | 104                 | 83%              |
| 25 - 36       | 114                 | 76%              |
| 37 - 60       | 118                 | 74%              |
| Over 60       | 81                  | 58%              |
| Unknown       | 7                   | 1%               |
| Total         | 665 cases           |                  |

$$x^2 = 36.84$$

$$df = 4$$

P less than .001

\* \* \* \* \*

Sentence Length also is an item that correlates strongly with parole performance. Those whose sentences are 12 months or less have a 90% violation-free rate, compared to 83% for those sentenced to 13 - 24 months, 76% for 25 - 36 months, 74% for 37 - 60 months, and 58% for over 60 months.

\* \* \* \* \*

Table R-7

Race

| <u>Race</u> | <u>Outcome</u>      |                  |
|-------------|---------------------|------------------|
|             | <u>No Violation</u> | <u>Violation</u> |
|             | <u>#</u>            | <u>%</u>         |
| White       | 302                 | 79%              |
| Black       | 70                  | 64%              |
| Native      | 106                 | 70%              |
| Other       | 15                  | 100%             |
| Unknown     | 7                   | 1%               |
| Total       | 665 cases           |                  |

$$x^2 = 18.48$$

$$df = 3$$

P less than .001

Race also relates strongly to parole performance in this population, as seen in Table R-7. Blacks have the lowest "success" rate at 64% and "Others" have the highest at 100%. There are, of course, only 15 cases in the "Other" group.

There are numerous ways to categorize the sentencing judge variable. However, it is clear, regardless of how the 50 judges in this study are arrayed, that clients sentenced by some judges

\* \* \* \* \*

Table R-8  
Sentencing Judge

| <u>Judge</u>     | <u>Outcome</u>      |                  |
|------------------|---------------------|------------------|
|                  | <u>No Violation</u> | <u>Violation</u> |
|                  | <u>#</u>            | <u>%</u>         |
| 4                | 70                  | 89%              |
| 6                | 39                  | 66%              |
| All Others       | 383                 | 74%              |
| Unknown          | 8                   | 1%               |
| Total            | 665 cases           |                  |
| $\chi^2 = 10.66$ | df = 2              | p less than .01  |

\* \* \* \* \*

Table R-9  
Marital Status at Offense

| <u>Status</u>              | <u>Outcome</u>      |                  |
|----------------------------|---------------------|------------------|
|                            | <u>No Violation</u> | <u>Violation</u> |
|                            | <u>%</u>            | <u>#</u>         |
| Single/Separated/Divorced  | 319                 | 73%              |
| Married/Cohabiting/Widowed | 164                 | 80%              |
| Unknown                    | 21                  | 3%               |
| Total                      | 665 cases           |                  |
| $\chi^2 = 4.63$            | df = 1              | P less than .05  |

do far better on parole than others. For our purposes at this juncture it suffices to designate some of these by number in Table R-8. This table is open to considerable speculation. Do particular judges send people to prison who do not need to come and thus garner high success rates? Are some judges unusually effective in sentencing? Do some magistrates have an uncanny knack for sending people who will be harmed by prisons to them? The queries go on.

Marital Status at Time of Offense relates to outcome. This may be seen by aggregating those who are coded Married, Cohabiting or Widowed and those who are Single, Separated or Divorced.

Similarly, Marital Status at the Time of the Release Hearing is predictive of parole outcome. Those who are married do significantly better than their peers; the few coded "separated" present a worse risk.

\* \* \* \* \*

Table R-10  
Marital Status at Release Hearing

| <u>Status</u> | <u>Outcome</u>      |                  |
|---------------|---------------------|------------------|
|               | <u>No Violation</u> | <u>Violation</u> |
|               | <u>#</u>            | <u>%</u>         |
| Single        | 245                 | 72%              |
| Widowed       | 15                  | 79%              |
| Separated     | 18                  | 69%              |
| Cohabitation  | 0                   | 0                |
| Married       | 124                 | 83%              |
| Divorced      | 87                  | 72%              |
| Unknown       | 11                  | 2%               |
| Total         | 665 cases           |                  |

$$x^2 = 7.02$$

$$df = 4$$

P greater than .05

One of the strongest relationships in the data set surrounds Sentence Credit. This may reflect the earlier described importance of sentence length, since in Alaska time credited to sentence is a statutory matter--though the details of this remain unexplained.

\* \* \* \* \*

Table R-11  
Sentence Credit

| <u>Days Credited</u> | <u>Outcome</u>      |                  |
|----------------------|---------------------|------------------|
|                      | <u>No Violation</u> | <u>Violation</u> |
|                      | <u>#</u>            | <u>%</u>         |
| Under 10             | 137                 | 85%              |
| 10 - 100             | 192                 | 74%              |
| 101 - 300            | 133                 | 67%              |
| Over 300             | 14                  | 67%              |
| Unknown              | 30                  | 5%               |
| Total                | 665 cases           |                  |
| $\chi^2 = 21.09$     | df= 3               | P less than .001 |

\* \* \* \* \*

The number of parole hearings a person receives before parole on the current offense also relates to outcome, possibly mirroring the Board's ability to recognize good risks and release them forthwith while deferring less likely performers.

Generally, whether or not a weapon was used in the offense is not salient to parole performance. The exception to that regards employing a knife or razor, though few cases are affected.

Table R-12  
Parole Hearings

| <u>Number</u>  | <u>Outcome</u>      |                  |
|----------------|---------------------|------------------|
|                | <u>No Violation</u> | <u>Violation</u> |
|                | <u>#</u>            | <u>%</u>         |
| First          | 152                 | 80%              |
| Second         | 172                 | 77%              |
| Third          | 45                  | 58%              |
| Fourth or More | 36                  | 67%              |
| Unknown        | 120                 | 18%              |
| Total          | 665 cases           |                  |
| $x^2 = 15.75$  | df= 3               | P less than .01  |

\* \* \* \* \*

Table R-13  
Weapons

| <u>Weapon</u> | <u>Outcome</u>      |                  |
|---------------|---------------------|------------------|
|               | <u>No Violation</u> | <u>Violation</u> |
|               | <u>#</u>            | <u>%</u>         |
| Knife/Razor   | 25                  | 63%              |
| Other/None    | 455                 | 76%              |
| Unknown       | 29                  | 4%               |
| Total         | 665 cases           |                  |
| $x^2 = 3.88$  | df= 1               | P less than .05  |

Additional to the elements of juvenile prior record that relate to parole performance (discussed in preceding pages), certain measures of adult criminal history relate to supervision outcome. Number of prior felonies is one of these, the relation being clear and direct: as extensiveness of felonies history enlarges, likelihood of parole violation increases, too.

\* \* \* \* \*

Table R-14  
Prior Felony Convictions

| <u>Number</u>    | <u>Outcome</u>      |                  |
|------------------|---------------------|------------------|
|                  | <u>No Violation</u> | <u>Violation</u> |
|                  | <u>#</u>            | <u>%</u>         |
| 0                | 294                 | 82%              |
| 1                | 90                  | 75%              |
| 2                | 42                  | 70%              |
| 3                | 21                  | 54%              |
| 4+               | 28                  | 47%              |
| Unknown          | 29                  | 4%               |
| Total            | 665 cases           |                  |
| $\chi^2 = 45.68$ | df = 4              | P less than .001 |

\* \* \* \* \*

A similar, though not so distinct, picture relates to misdemeanor history; Table R-15 pictures this.

Whether there is a history of adult probation failure is relevant, too. Why those with 1 failure do worse than the other groupings is not discernible from the data (see Table R-16).

Table R-15  
Prior Misdemeanor Convictions

| <u>Number</u> | <u>Outcome</u>      |          |                  |
|---------------|---------------------|----------|------------------|
|               | <u>No Violation</u> |          | <u>Violation</u> |
|               | <u>#</u>            | <u>%</u> | <u>#</u>         |
| 0             | 161                 | 84%      | 31               |
| 1             | 71                  | 82%      | 16               |
| 2             | 51                  | 73%      | 19               |
| 3             | 36                  | 71%      | 15               |
| 4+            | 160                 | 68%      | 76               |
| Unknown       |                     | 29       | 4%               |
| Total         | 665 cases           |          |                  |
|               | $\chi^2 = 17.40$    | df= 4    | P less than .01  |

\* \* \* \* \*

Table R-16  
Adult Probation History

| <u>Probation Failures</u> | <u>Outcome</u>      |          |                  |
|---------------------------|---------------------|----------|------------------|
|                           | <u>No Violation</u> |          | <u>Violation</u> |
|                           | <u>#</u>            | <u>%</u> | <u>#</u>         |
| 0                         | 354                 | 80%      | 86               |
| 1                         | 92                  | 65%      | 50               |
| 2+                        | 22                  | 73%      | 8                |
| Unknown                   |                     | 53       | 8%               |
| Total                     | 665 cases           |          |                  |
|                           | $\chi^2 = 14.82$    | df= 2    | P less than .001 |

Table R-17  
Adult Parole History

| <u>Parole Failures</u> | <u>Outcome</u>           |                       |
|------------------------|--------------------------|-----------------------|
|                        | <u>No Violation</u><br># | <u>Violation</u><br># |
| 0                      | 421                      | 116                   |
| 1                      | 47                       | 24                    |
| 2+                     | 8                        | 10                    |
| Unknown                | 39                       | 6%                    |
| Total                  | 665 cases                |                       |

$$\chi^2 = 15.28$$

$$df = 2$$

$$P \text{ less than } .001$$

\* \* \* \* \*

In the same vein, a history of adult parole failure indicates risk potential. Those who have failed once--and, particularly, more than once--are worse risks than the general population. Note that the incidence of known parole failure history is rather small in this population. This suggests the "worst" failures are those coming to light.

Crime victim type relates to risk, though only those coded "Other" and "No Victim" depart from the mainstream substantially on Parole Performance (Table R-18).

Drug History is relevant here. Those coded as Consistent Users did far less well on parole than their colleagues, though their numbers are small. When Consistent Users are contrasted with all others the difference is significant. Whether more nearly complete information on this item would enhance or detract

Table R-18  
Crime Victim

| <u>Victim Type</u>  | <u>Outcome</u>      |                  |
|---------------------|---------------------|------------------|
|                     | <u>No Violation</u> | <u>Violation</u> |
|                     | <u>#</u>            | <u>%</u>         |
| Friend/Acquaintance | 120                 | 77%              |
| Stranger            | 185                 | 70%              |
| Firm/Organization   | 80                  | 73%              |
| Other               | 2                   | 100%             |
| No Victim           | 93                  | 87%              |
| Unknown             | 27                  | 4%               |
| Total               | 665 cases           |                  |
| $x^2 = 13.03$       | df = 4              | P less than .02  |

\* \* \* \* \*

Table R-19  
Drug History

| <u>Category</u>  | <u>Outcome</u>      |                    |
|------------------|---------------------|--------------------|
|                  | <u>No Violation</u> | <u>Violation</u>   |
|                  | <u>#</u>            | <u>%</u>           |
| None             | 80                  | 74%                |
| Experimentation  | 109                 | 78%                |
| Habit/Addiction  | 37                  | 73%                |
| Consistent Usage | 22                  | 56%                |
| Unknown          | 327                 | 49%                |
| Total            | 665 cases           |                    |
| $x^2 = 7.23$     | df = 3              | P greater than .05 |

from its usefulness cannot be determined at this point.

Alcohol History presents similar results. When "Problem Drinker/Alcoholic" is set against the other codes the difference is significant.

\* \* \* \* \*

Table R-20  
Alcohol History

| <u>Category</u>           | <u>Outcome</u>      |                    |
|---------------------------|---------------------|--------------------|
|                           | <u>No Violation</u> | <u>Violation</u>   |
|                           | <u>#</u>            | <u>%</u>           |
| None                      | 14                  | 78%                |
| Occasional Use            | 181                 | 75%                |
| Problem Drinker/Alcoholic | 92                  | 65%                |
| Unknown                   | 263                 | 40%                |
| Total                     | 665 cases           |                    |
|                           | $\chi^2 = 4.76$     | df= 2              |
|                           |                     | P greater than .05 |

\* \* \* \* \*

In those few instances where the client had a full time live in treatment program specified as a condition of parole, performance was much below par. If one lumps treatment programs specified versus programs unspecified the parole performance contrast is statistically significant.

If the parolee was released to live with his/her spouse (Table R-22) prognosis was highly favorable; if the residence was "Alone", "Not Specified" or "NA" prognosis was poor.

We end this section by noting that one other variable--

Table R-21  
Parole Treatment Program

| <u>Parole Program</u> | <u>Outcome</u>      |                    |
|-----------------------|---------------------|--------------------|
|                       | <u>No Violation</u> | <u>Violation</u>   |
|                       | <u>#</u>            | <u>%</u>           |
| Specified             | 81                  | 70%                |
| Not Specified         | 378                 | 77%                |
| Full Time Live In     | 34                  | 67%                |
| Unknown               | 8                   | 1%                 |
| Total                 | 665 cases           |                    |
| $x^2 = 4.75$          | df = 2              | P greater than .05 |

\* \* \* \* \*

Table R-22  
Parole Living Arrangements

| <u>Living with:</u>    | <u>Outcome</u>      |                  |
|------------------------|---------------------|------------------|
|                        | <u>No Violation</u> | <u>Violation</u> |
|                        | <u>#</u>            | <u>%</u>         |
| Parents                | 104                 | 79%              |
| Spouse                 | 96                  | 85%              |
| Relatives              | 54                  | 74%              |
| Roommate/Halfway House | 69                  | 76%              |
| Alone/Not Specified/NA | 169                 | 68%              |
| Unknown                | 9                   | 1%               |
| Total                  | 665 cases           |                  |
| $x^2 = 12.76$          | df = 4              | P less than .02  |

Months on Parole--also relates highly to Parole Outcome. Since this item value is not known when release is being considered, it is not useful in the releasing decision. However, were one to construct revocation guidelines it might well come into play. Those persons serving longer parole terms had progressively higher "success" rates.

Data on the other half of the variables scrutinized in this study appear in Appendix A. None of those yielded results useful to the central concern here, though some might be reformulated to lend aid in the release decision.

\* \* \* \* \*

Table R-23  
Months on Parole

| <u>Months</u> | <u>Outcome</u>      |                  |
|---------------|---------------------|------------------|
|               | <u>No Violation</u> | <u>Violation</u> |
|               | <u>#</u>            | <u>%</u>         |
| - 6           | 117                 | 59%              |
| 6 - 12        | 121                 | 73%              |
| 13 - 24       | 90                  | 80%              |
| 25 - 60       | 87                  | 88%              |
| 60+           | 19                  | 95%              |
| Unknown       | 68                  | 10%              |
| Total         | 665 cases           |                  |
| $x^2 = 40.13$ | df= 4               | P less than .001 |

### Risk Assessment Usage

There are several ways to conceive of uses for risk items that relate significantly to performance criteria. One of the simplest of these is called the "Burgess Method" and assigns points to each variable according to an individual's score on each predictor.

We can create such a risk evaluation sheet for each potential parolee by taking the significant items and scoring them according to their relation to the criterion variable. We can give a potential parolee a point for each favorable factor and deduct a point for each unfavorable factor s/he exhibits. Adopting the requirement that only factors over 5 percentage points above or below the "base rate" are scored results in the following tabulation.

## Example

## Risk Evaluation Tally

|   |           |           |
|---|-----------|-----------|
| 1. Was the subject on probation/parole at the time the current offense(s) occurred? | No        | Yes<br>-1 |
| 2. Has s/he a juvenile probation or parole record?                                  | No<br>+1  | Yes       |
| 3. Has s/he a juvenile institutional history?                                       | No<br>+1  | Yes<br>-1 |
| 4. Is this person to release out of state?  | Yes<br>+1 | No        |
| 5. Is the current sentence under 25 months?   | Yes<br>+1 | No        |
| Is the current sentence over 60 months?   | No        | Yes<br>-1 |
| 6. Is s/he black?   | No        | Yes<br>-1 |
| Is s/he other than black, white or native   | Yes<br>+1 | No        |
| 7. Was the sentencing judge "4"?  | Yes<br>+1 | No        |
| Was the sentencing judge "6"?   | No        | Yes<br>-1 |
| 8. At the time of the offense:  |           |           |
| was the subject married?  | Yes<br>+1 | No        |
| was s/he cohabiting?  | Yes<br>+1 | No        |
| 9. At the time of the release hearing:  |           |           |
| is the client married and not separated?  | Yes<br>+1 | No        |
| is the client separated?  | No        | Yes<br>-1 |

|  |           |           |
|--|-----------|-----------|
| 10. Were less than 10 days credited on the current sentence?                     | Yes<br>+1 | No        |
| Were more than 100 days credited?  | No        | Yes<br>-1 |
| 11. Is this the inmate's 3rd or subsequent parole hearing on this incarceration? | No        | Yes<br>-1 |
| 12. Was a knife or razor used in the offense?                                    | No        | Yes<br>-1 |
| 13. Is there no prior felony record?   | Yes<br>+1 | No        |
| Has s/he 3 or more prior felonies?   | No        | Yes<br>-1 |
| 14. Has the client less than 2 misdemeanors?                                     | Yes<br>+1 | No        |
| Has the client over 3 misdemeanor convictions?                                   | No        | Yes<br>-1 |
| 15. Has the subject one (only) adult probation failure?                          | No        | Yes<br>-1 |
| 16. Does the client have a recorded prior adult parole failure (1 or more)?      | No        | Yes<br>-1 |
| 17. Was there a crime victim?  | No<br>+1  | Yes       |
| 18. Has the subject a history of consistent drug usage?                          | No        | Yes<br>-1 |
| 19. Is there a Problem Drinker/Alcoholism history?                               | No        | Yes<br>-1 |
| 20. Does the parole plan specify a full time live in program?                    | No        | Yes<br>-1 |
| 21. Will this individual release to live with his/her spouse?                    | Yes<br>+1 | No        |
| Will s/he live in an alone/not specified/NA situation?                           | No        | Yes<br>-1 |

A person can accumulate 13 points if all positive factors are present and can lose 17 points, if all negative points apply. Scores ranging over 31 points (from +13 through -17) could be encountered. The lower one's score the less favorable is one's expected parole performance, though this expectation would need empirical observation and documentation.

#### A Release Matrix

As preceding pages tell, parole guidelines approaches often interface some notion of crime seriousness and some assessment of risk. Usually the crime seriousness measure is a result of experienced judgment; crimes are listed according to their believed "seriousness". Risk is assessed empirically, as the foregoing pages have done for Alaska data. The 2 are then put together in the form presented earlier and the cells are filled in with spans of months which reflect current time-served practice.

Alaska presents a unique circumstance, though, in that as guidelines are being considered a new criminal code is being activated. Despite that fact, this study was designed to yield the historical time served record typical of matrix development. However, when the data were dissected it became obvious that available records would not support such an activity. Thus, it is suggested that the risk dimension be defined using empirical data, that the seriousness dimension follow the new

criminal code, and that the months-served-by-category be determined as a policy matter.

The Alaska parole guidelines matrix thus would look something like this:

Example

Time to be Served before First Parole

| <u>Seriousness</u> | <u>Risk</u>                    |                               |                                 |                                   |
|--------------------|--------------------------------|-------------------------------|---------------------------------|-----------------------------------|
|                    | <u>15 - 8</u><br><u>Points</u> | <u>7 - 0</u><br><u>Points</u> | <u>-1 - -9</u><br><u>Points</u> | <u>-10 - -17</u><br><u>Points</u> |
| "A"<br>Felony      | 30% - 35%<br>of sentence       | 40% - 45%                     | 50% - 55%                       | 60% - 70%                         |
| "B"<br>Felony      | 25% - 30%<br>of sentence       | 35% - 40%                     | 45% - 50%                       | 55% - 65%                         |
| "C"<br>Felony      | 20% - 25%<br>of sentence       | 25% - 30%                     | 30% - 35%                       | 40% - 50%                         |
| Misdemeanor        |                                | 50% - 60%<br>of sentence      | 70% - 80%                       | 90% - 100%                        |

The time served cells herein could depend on the sentence passed, based on the finding (previously presented) that sentence length relates to parole outcome. The terms

Example

Time to be Served before First Parole

| <u>Seriousness</u> | <u>Risk</u>                    |                               |                                 |                                   |
|--------------------|--------------------------------|-------------------------------|---------------------------------|-----------------------------------|
|                    | <u>15 - 8</u><br><u>Points</u> | <u>7 - 0</u><br><u>Points</u> | <u>-1 - -9</u><br><u>Points</u> | <u>-10 - -17</u><br><u>Points</u> |
| "A"<br>Felony      | 18 - 24<br>months              | 25 - 30<br>months             | 31 - 60<br>months               | 61 - 120<br>months                |
| "B"<br>Felony      | 14 - 16<br>months              | 17 - 20<br>months             | 21 - 35<br>months               | 36 - 60<br>months                 |
| "C"<br>Felony      | 12 - 14<br>months              | 15 - 18<br>months             | 19 - 25<br>months               | 26 - 36<br>months                 |
| Misdemeanor        |                                |                               | 8 - 10<br>months                | 10 - 12<br>months                 |

assigned would be subject to good time, of course, and the Board could exempt any case from the guidelines by justifying that action as the result of exceptional positive or negative circumstances.

The matrix also could take the same form but assign terms to be served explicitly (second example). This application would emphasize Board concern for smoothing sentence disparity among judges, setting an administrative standard for terms which is less subject to input from the judiciary.

The next 39 pages supply definitions and terms to underlie the matrices. Note that information on drug crimes is omitted; the law apparently is yet to be addressed from this perspective.

CONVERSION TABLE

PRIOR CRIMINAL CODE

NEW CRIMINAL CODE

Accepting bribe  
AS 11.30.050

Receiving a bribe  
AS 11.56.110

Act of officer  
having custody;  
Act of person not officer  
AS 11.30.250;260

Tampering with  
public records  
AS 11.56.820(a)(2)

Aggravated assault  
AS 11.15.225

Assault in the first degree  
AS 11.41.200(a)(2)

Arson in the first degree;  
Arson in the second degree  
AS 11.20.010;020

Arson in the first degree  
AS 11.46.400  
(If risk of serious  
physical injury)

- or -

Arson in the second degree  
AS 11.46.410  
(If building damaged)

Arson in the third degree  
AS 11.20.030

Arson in the first degree  
AS 11.46.400  
(If risk of serious  
physical injury)

- or -

Criminal mischief in the  
first, second, third  
or fourth degree  
AS 11.46.480-486  
(Classification depends  
on type of property  
damaged and value  
of property)

PRIOR CRIMINAL CODE

NEW CRIMINAL CODE

Arson in the fourth degree  
AS 11.20.050

Attempted arson in  
the second degree  
AS 11.31.100(d) (3)

Assault and assault and battery  
AS 11.15.230

Assault in the third degree  
AS 11.41.230(a) (1)  
(If defendant causes  
physical injury)

- or -

Assault in the third degree  
AS 11.41.230(a) (3)  
(If victim placed in  
fear of physical injury)

- or -

Harassment  
AS 11.61.120(a) (5)  
(If victim is subjected  
to offensive physical  
contact; primarily for  
slaps, kicks and sexual  
touchings that do not  
qualify as sexual  
assaults)

Assault while armed  
AS 11.15.190

Assault in the first degree  
AS 11.41.200(a) (1)  
(If defendant causes  
physical injury by means  
of dangerous instrument)

- or -

Assault in the second degree  
AS 11.41.210(a) (2)  
(If victim is placed  
in fear of imminent  
serious physical injury  
by means of dangerous  
instrument)

- or -

Assault in the third degree  
AS 11.41.230  
(If victim placed in fear  
of imminent physical  
injury)

Assault with a dangerous weapon  
AS 11.15.220

Assault in the first degree  
AS 11.41.200(a)(1)  
(If defendant causes  
physical injury by  
means of dangerous  
instrument)

- or -

Assault in the second degree  
AS 11.41.210(a)(2)  
(If victim is placed in  
fear of imminent serious  
physical injury by  
means of a dangerous  
instrument)

- or -

Assault in the third degree  
AS 11.41.230  
(If victim placed  
in fear of imminent  
physical injury)

Assault with intent to kill  
or commit rape or robbery  
AS 11.15.160

Attempted murder in the  
first degree  
AS 11.31.100(d)(1)  
(If intent is to  
cause death)

- or -

Sexual assault in  
the first degree  
AS 11.41.410  
(If victim suffers serious

physical injury during  
attempted sexual pene-  
tration without consent)

- or -

Attempted sexual assault  
in the first degree  
under AS 11.41.410(a)(1)  
AS 11.31.100(d)(2)  
(If attempt to engage  
in sexual penetration  
without consent)

- or -

Robbery in the first degree  
AS 11.41.500(a)(3)

Attaching or detaining  
dead body for debt  
AS 11.40.450

Misconduct involving  
a corpse  
AS 11.61.130(a)(3)

Attempt  
AS 11.05.020

Attempt  
AS 11.31.100

Blackmail  
AS 11.15.300

Coercion  
AS 11.41.530

Bribery  
AS 11.30.040

Bribery  
AS 11.56.100

Burglary in dwelling house  
AS 11.20.080

Burglary in the first degree  
AS 11.46.300(a)(1)

Burglary not in  
dwelling house  
AS 11.20.100

Burglary in the  
first degree  
AS 11.46.300(a)(2)  
(If defendant armed with  
firearm, causes or  
attempts to cause  
physical injury, or  
uses or threatens to use  
a dangerous instrument)

- or -

Burglary in the  
second degree  
AS 11.46.310

Burning to defraud insurer  
AS 11.20.070

Arson in the first degree  
AS 11.46.400  
(If person placed in  
danger of serious  
physical injury)

- or -

Arson in the  
second degree  
AS 11.46.410  
(Note limited affirm-  
ative defense in  
subsection (b))

Buying, receiving or con-  
cealing stolen property  
AS 11.20.350

Theft in the first, second,  
third or fourth degree  
AS 11.46.120-150  
(Classification depends  
on value of property  
or services involved.  
See AS 11.46.100, Theft  
defined; AS 11.46.110,  
Consolidation of  
theft offenses: plead-  
ing and proof; AS 11.-  
46.190, theft by  
receiving)

Careless use of firearms  
AS 11.15.200

Assault in the  
second degree  
AS 11.41.210(a)(2)  
(If defendant recklessly  
caused serious physical  
injury by means of  
dangerous instrument)

- or -

Assault in the  
third degree  
AS 11.41.210(a)(2)  
(If through criminal  
negligence defendant  
caused physical injury  
by means of dangerous  
instrument)

- or -

Misconduct involving  
weapons in the  
second degree  
AS 11.61.210(a)(2)  
(If defendant discharged  
firearm with reckless  
disregard for risk of  
damage to property or  
physical injury)

Carrying a concealed weapon  
AS 11.55.010

Misconduct involving  
weapons in the  
third degree  
AS 11.61.220(a)(1)

Child stealing  
AS 11.15.290

Kidnapping  
AS 11.41.300  
(If not by relative)

- or -

Custodial interference  
in the first degree  
AS 11.41.320  
(If defendant is rela-  
tive, has intent to  
hold child for pro-  
tracted period and  
takes child out of  
state)

- or -

Custodial interference  
in the second degree  
AS 11.41.330  
(If defendant is rela-  
tive and has intent  
to hold child for  
protracted period)

- or -

Failure to permit visit-  
ation with a minor  
AS 11.51.125  
(If failure to permit  
visitation in con-  
formity with court  
order)

Compounding or concealing  
crime  
AS 11.30.190

Compounding  
AS 11.56.790

Concealment of death of child  
AS 11.40.090

Misconduct involving  
a corpse  
AS 11.61.130(a)(1)

Concealment of merchandise  
AS 11.20.275

Concealment of merchandise  
AS 11.46.220

Conspiracy against  
rights of persons  
AS 11.60.340

Interference with consti-  
tutional rights  
AS 11.76.110

Contributing to delin-  
quency of child  
AS 11.40.130

Contributing to the de-  
linquency of a minor  
AS 11.51.130

Credit Cards (Alaska Credit  
Card Crimes Act)  
AS 11.22

Fraudulent use of  
of a credit card  
AS 11.46.285  
(If unauthorized use  
of credit card to  
obtain property.  
Classification de-  
pends on value of  
property obtained)

- or -

Obtaining a credit card  
by fraudulent means  
AS 11.46.290

- or -

Theft in the third degree  
AS 11.46.140(a)(2)  
(If theft of credit card)

Cruelty to animals  
AS 11.40.480

Cruelty to animals  
AS 11.61.140

Defrauding hotel, boardinghouse  
campground, trailer court,  
bar or restaurant operator  
AS 11.20.480

Theft in the first, second,  
third or fourth degree.

AS 11.46.120-150

(Classification depends  
on value of property or  
services involved. See  
AS 11.46.100, Theft de-  
fined; AS 11.46.110, Con-  
solidation of theft  
offenses: pleading and  
proof; AS 11.46.200,  
Theft of services)

Deprivation of rights  
under color of law  
AS 11.60.350

Interference with cons-  
titutional rights  
AS 11.76.110

Desertion or nonsupport  
of spouse or child  
AS 11.35.010

Endangering the wel-  
fare of a minor  
AS 11.51.100

(If desertion of child  
under circumstances  
creating substantial risk  
of physical injury)

- or -

Criminal nonsupport  
AS 11.51.120  
(If nonsupport of child)

Destroying, altering or  
concealing evidence  
AS 11.30.315

Tampering with physical  
evidence  
AS 11.56.610(a)(1)

Disinterment of body  
AS 11.40.440

Misconduct involving a corpse  
AS 11.61.130(a)(1)

Disorderly conduct  
AS 11.45.030

Disorderly conduct  
AS 11.61.110

Drawing of check with  
insufficient funds  
AS 11.20.230

Issuing a bad check  
AS 11.46.280

Driving or taking water-  
craft or aircraft without  
the owner's consent  
AS 11.20.145

Criminal mischief  
in the second degree  
AS 11.46.482(a)(4)  
(If vehicle taken  
without owner's con-  
sent and vehicle  
damaged in an amount  
\$500 or more)

- or -

Criminal mischief in  
the third degree  
AS 11.46.484(a)(2)  
(If vehicle taken  
without owner's consent)

Embezzlement  
(by employee or servant;  
by bailee; of public money;  
by trustee; by fiduciary)  
AS 11.20.280; 290  
300; 330; 340

Theft in the first, sec-  
ond, third or fourth  
degree  
AS 11.46.120-150  
(Classification depends  
on value of property  
or services involved.  
See AS 11.46.100(1),  
Theft defined; AS 11.-  
46.110, Consolidation  
of theft offenses:  
pleading and proof)

- or -

PRIOR CRIMINAL CODE

NEW CRIMINAL CODE

Escape  
AS 11.30.090

Misapplication of property  
AS 11.46.620  
(If defendant is fiduciary  
or property belongs to  
government or finan-  
cial institution)

Escape in the first degree  
AS 11.56.300  
(If escape from cor-  
rectional facility by  
means of deadly weapon)

- or -

Escape in the second degree  
AS 11.56.310  
(If escape from cor-  
rectional facility,  
from official deten-  
tion on charge of  
felony, or official  
detention and pos-  
sesses a firearm)

Escape in the third degree  
AS 11.56.320  
(If escape during move-  
ment incident to con-  
finement in correct-  
ional facility on charge  
of misdemeanor)

- or -

Escape in the fourth degree  
AS 11.56.330  
(If escape from  
official detention  
for misdemeanor, or un-  
lawful evasion and  
leaves or attempts to  
leave state)

PRIOR CRIMINAL CODE

NEW CRIMINAL CODE

Escape  
AS 11.30.090

Misapplication of property  
AS 11.46.620  
(If defendant is fiduciary  
or property belongs to  
government or finan-  
cial institution)

Escape in the first degree  
AS 11.56.300  
(If escape from cor-  
rectional facility by  
means of deadly weapon)

- or -

Escape in the second degree  
AS 11.56.310  
(If escape from cor-  
rectional facility,  
from official deten-  
tion on charge of  
felony, or official  
detention and pos-  
sesses a firearm)

Escape in the third degree  
AS 11.56.320  
(If escape during move-  
ment incident to con-  
finement in correct-  
ional facility on charge  
of misdemeanor)

- or -

Escape in the fourth degree  
AS 11.56.330  
(If escape from  
official detention  
for misdemeanor, or un-  
lawful evasion and  
leaves or attempts to  
leave state)

PRIOR CRIMINAL CODE

NEW CRIMINAL CODE

Extortion  
AS 11.20.345

Extortion  
AS 11.41.520

Failure to permit visit-  
ation with minor child  
AS 11.36.010

Failure to permit visit-  
ation with a minor  
AS 11.51.125

False alarms  
AS 11.45.050

Making a false report  
AS 11.56.800  
(If false information  
to peace officer with  
intent of implicating  
another in a crime,  
or that a crime has  
occurred or is about  
to occur, or false  
report or false alarm  
that a situation cal-  
ling for an emergency  
response exists)

- or -

Terroristic threatening  
AS 11.56.810  
(If report involves cir-  
cumstance dangerous  
to human life and  
person placed in fear  
of physical injury to  
anyone, building  
evacuated or serious  
public inconvenience  
results)

Falsifying or destroying  
corporate or company records  
AS 11.20.430

Falsifying business records  
AS 11.46.630

PRIOR CRIMINAL CODE

NEW CRIMINAL CODE

Filing, or offering for filing, false or forged instruments  
AS 11.30.270

Offering a false instrument for recording  
AS 11.46.550  
(If instrument is false)

- or -

Forgery in the first, second or third degree  
AS 11.46.500-510  
(If instrument is forged; Classification depends on type of instrument)

Flourishing, pointing or discharging firearm in public place  
AS 11.55.050

Misconduct involving weapons in the second degree  
AS 11.61.210(a)(3)  
(If firearm discharged with reckless disregard for risk of damage to property or risk of physical injury)

Forgery of evidences of debt or uttering forged evidence of debt  
AS 11.25.020

Forgery in the first or second degree  
AS 11.46.500;505

Forgery of record or certificate and uttering forged instrument  
AS 11.25.010

Forgery in the first or second degree  
AS 11.46.500;505

PRIOR CRIMINAL CODE

NEW CRIMINAL CODE

Fraudulent conveyance  
AS 11.20.390

Theft in the first,  
second, third or fourth  
degree.

AS 11.46.120-150  
(Classification depends  
on value of property  
or services involved.  
See AS 11.46.100,  
Theft defined; AS 11.-  
46.110, Consolidation  
of theft offenses:  
pleading and proof;  
AS 11.46.180, Theft  
by deception)

Fraudulent sale of personalty  
subject to security interest  
AS 11.20.400

Defrauding creditors  
AS 11.46.730

Fraudulent use of telecom-  
munication service  
AS 11.20.495

Theft in the first,  
second, third  
or fourth degree  
AS 11.46.120-150  
(Classification de-  
pends on value of  
property or services  
involved. See AS 11.-  
46.100, Theft defined;  
AS 11.46.110, Consol-  
idation of theft  
offenses: pleading and  
proof; AS 11.46.200,  
Theft of services)

Gambling offenses  
AS 11.60.010-060  
AS 11.60.140-190

See generally  
AS 11.66.200-280,  
Gambling offenses

Illegal use of telephones  
AS 11.45.035

Harassment  
AS 11.61.120(a) (2)  
(If failure to terminate connection with intent to impair ability of person to place or receive calls)

- or -

Harassment  
AS 11.61.120(a) (3)  
(If repeated calls at extremely inconvenient hours)

- or -

Harassment  
AS 11.61.120(a) (4)  
(If anonymous or obscene call or call that threatens physical injury)

Impersonating peace officer  
AS 11.30.220

Impersonating a public servant  
AS 11.56.830

Incest  
AS 11.40.110

Incest  
AS 11.41.450  
(If victim is defendant's ancestor, descendant, brother, sister, uncle, aunt, nephew or niece)

- or -

Sexual assault in the first degree  
AS 11.41.410(a) (4)  
(If victim under 18 and defendant's son or daughter)

PRIOR CRIMINAL CODE

NEW CRIMINAL CODE

Inciting commission of crime  
AS 11.10.070

Solicitation  
AS 11.31.110

Indecent exposure  
and exhibition  
AS 11.40.080

Disorderly conduct  
AS 11.61.110(a)(7)

Influencing witnesses, judges  
or jurors or obstructing  
administration of justice  
AS 11.30.320

See generally Chapter 56,  
Article 4, Offenses re-  
lating to judicial and  
other proceedings  
AS 11.55.510-620

Injury to highways, public  
recreation facilities, or  
highway signs

Obstruction of highways  
AS 11.61.150  
(If risk of injury  
or highway impassable)

- or -

Littering  
AS 11.46.488

- or -

Criminal mischief in  
the second, third  
or fourth degree  
AS 11.46.482-486  
(Classification depends  
on amount of damage)

Issuing checks, without  
funds or credit  
AS 11.20.210

Issuing a bad check  
AS 11.46.280

PRIOR CRIMINAL CODE

NEW CRIMINAL CODE

"Joyriding"  
AS 28.35.010

Criminal mischief in  
the second degree  
AS 11.46.482(a)(4)  
(If vehicle taken  
without owner's con-  
sent and vehicle  
damaged in an amount  
\$500 or more)

- or -

Criminal mischief  
in the third degree  
AS 11.46.484(a)(2)  
(If vehicle taken with-  
out owner's consent)

Kidnapping  
AS 11.15.260

Kidnapping  
AS 11.41.300

Larceny from the person  
AS 11.15.250

Theft in the second degree  
AS 11.46.130(a)(3)

Lewd or lascivious  
acts toward children  
AS 11.15.134

Sexual assault in  
in the first degree  
AS 11.41.410(a)(3)  
(If defendant, being  
16 or older, engages  
in sexual penetration  
with person under 13)

- or -

Sexual assault in the  
second degree  
AS 11.41.420  
(If sexual contact  
is without consent)

- or -

PRIOR CRIMINAL CODE

NEW CRIMINAL CODE

Larceny of money  
or property  
AS 11.20.140

Making a false report  
to a police officer  
AS 11.30.215

Making or possessing tool  
or material designed  
for counterfeiting  
AS 11.25.030

Contributing to the de-  
linquency of a minor  
AS 11.51.130(a)(4)  
(If defendant, being 19  
or older, engages in  
sexual contact with  
person under 16)

Theft in the first,  
second, third or  
fourth degree  
AS 11.46.120-150  
(Classification depends  
on value of property  
or services involved.  
See AS 11.46.100(1),  
Theft defined; AS 11.-  
46.110, Consolidation  
of theft offenses:  
pleading and proof)

Making a false report  
AS 11.56.800  
(If defendant gives false  
information to peace  
officer with intent of  
implicating another in a  
crime, that a crime has  
occurred or is about to  
occur, or that an  
emergency exists)

Criminal possession  
of a forgery device  
AS 11.46.520

PRIOR CRIMINAL CODE

NEW CRIMINAL CODE

Malicious destruction of oil  
and gas facilities or property  
AS 11.20.517

Criminal mischief in  
the first degree  
AS 11.46.480(a)(3)  
(If pipeline damaged)

- or -

Criminal mischief in  
the second degree  
AS 11.46.482(a)(2)  
(If pipeline is  
tampered with)

Malicious mischief and  
destruction of property  
AS 11.20.515

Criminal mischief in  
the first, second,  
third or fourth degree  
AS 11.46.480-486  
(Classification depends  
on type of property  
involved and amount  
of damage)

Malicious or wanton  
injury to animals  
AS 11.20.520

Cruelty to animals  
AS 11.61.140

- or -

Criminal mischief in the  
second, third or fourth  
degree  
AS 11.46.482-486  
(Classification depends  
on value of animal)

Mayhem  
AS 11.15.140

Assault in the first degree  
AS 11.41.200(a)(2)

PRIOR CRIMINAL CODE

NEW CRIMINAL CODE

Manslaughter  
AS 11.15.040

Murder in the second degree  
AS 11.41.110(a)(1)  
(If defendant intends  
to cause serious  
physical injury or  
knows that his conduct  
is substantially cer-  
tain to cause death  
or serious physical  
injury)

- or -

Murder in the second degree  
AS 11.41.110(a)(2)  
(If death occurs under  
circumstances mani-  
festing extreme in-  
difference to value  
of human life)

- or -

Manslaughter  
AS 11.41.120  
(Recklessly causing  
death, including death  
caused while driving  
while intoxicated)

Mishandling of public records  
AS 11.30.240

Tampering with  
public records  
AS 11.56.820(a)(2)

Murder in the first degree  
AS 11.15.010

Murder in the first degree  
AS 11.41.100(a)(1)  
(If intent to cause death)

- or -

Murder in the second degree  
AS 11.41.110(a)(3)  
(felony murder)

PRIOR CRIMINAL CODE

NEW CRIMINAL CODE

Murder in the second degree  
AS 11.15.030

Murder in the first degree  
AS 11.41.100(a)(1)  
(If intent to  
cause death)

Neglect or refusal  
to aid officer  
AS 11.30.200

Refusing to assist  
a peace officer or  
judicial officer  
AS 11.56.720

Negligent Homicide  
AS 11.15.080

Manslaughter  
AS 11.41.120  
(If defendant reck-  
lessly causes death)

- or -

Criminally negligent  
homicide  
AS 11.41.130  
(If defendant, with  
criminal negligence,  
causes death)

Negligent use of  
combustible materials  
AS 11.15.340

Criminally negli-  
gent burning  
AS 11.46.430

Obstructing an officer  
AS 11.30.210

Resisting or interfer-  
ing with arrest  
AS 11.56.700

Obstruction of access  
to public records  
AS 11.30.245

Tampering with  
public records  
AS 11.56.820(a)(2)

Obtaining money or property by false pretenses  
AS 11.20.360

Theft in the first, second, third or fourth degree  
AS 11.46.120-150  
(Classification depends on value of property or services involved.  
See AS 11.46.100, Theft defined; AS 11.46.110, Consolidation of theft offenses: pleading and proof; AS 11.46.180, Theft by deception)

Offering false evidence  
AS 11.30.290

Tampering with physical evidence  
AS 11.56.610(a)(2), (4)

Officer allowing escape or refusing to receive prisoner  
AS 11.30.120

Permitting an escape  
AS 11.56.370

Perjury and subornation of perjury  
AS 11.30.010

Perjury  
AS 11.56.200

- or -

Perjury by inconsistent statements  
AS 11.56.230

- or -

Solicitation of perjury  
AS 11.31.110(c)(3)

Polygamy  
AS 11.40.050

Unlawful marrying  
AS 11.51.140

PRIOR CRIMINAL CODE

NEW CRIMINAL CODE

Possession by convicts  
AS 11.55.030

Misconduct involving weapons in the first degree  
AS 11.61.200(a)(1)

Possession of firearms while under the influence of intoxicating liquor or drug  
AS 11.55.070

Misconduct involving weapons in the second degree  
AS 11.61.210(a)(1)

Preparing false evidence  
AS 11.30.300

Tampering with physical evidence  
AS 11.56.610(a)(2)

Procuring another to commit self murder  
AS 11.15.050

Murder in the first degree  
AS 11.41.100(a)(2)  
(If suicide compelled or induced by duress or deception)

- or -

Manslaughter  
AS 11.41.120(a)(2)  
(If defendant aids a suicide)

Prostitution offenses  
AS 11.40.200-430

See generally: Prostitution and related offenses  
AS 11.66.100-150  
(Crime of prostitution is AS 11.66.100)

Rape

AS 11.15.120

Sexual assault in  
the first degree  
AS 11.41.410(a) (1)  
(If sexual penetration  
without consent)

- or -

Sexual assault in  
the first degree  
AS 11.41.410(a) (3)  
(If sexual penetration  
with person under 13  
by defendant 16  
or older)

- or -

Sexual abuse of a minor  
AS 11.41.440(a) (1)  
(If sexual penetration  
with person 16-13 by  
defendant 16 or older)

Receiving unauthorized fees;  
nonfeasance in office  
AS 11.30.230

Receiving unlaw-  
ful gratuities  
AS 11.56.120

- or -

Official misconduct  
AS 11.56.850

Retention of lost property  
AS 11.20.260

Theft in the first,  
second, third  
or fourth degree  
AS 11.46.120-150  
(Classification depends  
on value of property  
or services involved.  
See AS 11.46.100, Theft  
defined; AS 11.46.110,  
Consolidation of theft  
offenses: pleading and  
proof; AS 11.46.160,  
Theft of lost or  
mislaid property)

PRIOR CRIMINAL CODE

NEW CRIMINAL CODE

Riot and unlawful assembly  
AS 11.45.020

Riot  
AS 11.61.100

Robbery  
AS 11.15.240

Robbery in the first degree  
AS 11.41.500  
(If defendant armed with  
deadly weapon or repre-  
sents that he is armed,  
uses or attempts to use  
dangerous instrument  
or represents he is  
armed, or causes or  
attempts to cause  
serious physical injury)

- or -

Robbery in the second degree  
AS 11.41.510

Shooting at buildings  
AS 11.55.060

Misconduct involving wea-  
pons in the second  
degree  
AS 11.61.210(a)(3)  
(If firearm discharged  
with reckless dis-  
regard for risk of  
damage to property  
or risk of physical  
injury)

Shooting from, on,  
or across highways  
AS 11.55.065

Misconduct involving  
weapons in the sec-  
ond degree  
AS 11.61.210(a)(2)

Shooting, stabbing, or  
cutting with intent to  
kill, wound or maim  
AS 11.15.150

Assault in the first degree  
AS 11.41.200(a)(1)  
(If intent to cause  
serious physical injury)

- or -

Attempted murder

AS 11.31.100(d)(1)

(If intent to cause death)

Sodomy

AS 11.40.120

Oral and genital intercourse is included in the definition of "sexual penetration"

AS 11.81.900(b)(52)

Punished as sexual assault in the first, second or third degree depending on type of conduct

AS 11.41.410-430

(Note the Code does not criminalize, consensual acts of sodomy between adults in private)

Stealing, removing or damaging parts of an aircraft

AS 11.20.525

Criminal mischief in the second degree

AS 11.46.282(a)(2)

(If tampering with airplane or helicopter)

- or -

Theft in the first, second, third or fourth degree.

AS 11.46.120-150

(If property is taken. Classification depends on value)

- or -

Criminal mischief in the second, third or fourth degree.

AS 11.46.482-484

(If property is damaged. Classification depends on value)

PRIOR CRIMINAL CODE

NEW CRIMINAL CODE

Threats and false  
reports of bombing  
AS 11.45.055

Terroristic threatening  
AS 11.56.810

Trespass  
AS 11.20.610;630;635;650

Criminal trespass  
in the first degree  
AS 11.46.320  
(If in dwelling or on  
real property with  
intent to commit a crime)

- or -

Criminal trespass in  
the second degree  
AS 11.46.330  
(If on premises or  
in propelled vehicle)

Unauthorized entry, use  
or occupancy of propert,  
AS 11.20.135

Criminal trespass in  
the first degree  
AS 11.46.320  
(If in dwelling or  
real property with  
intent to commit  
a crime)

- or -

Criminal trespass in  
the second degree  
AS 11.46.330  
(If on premises or in  
propelled vehicle)

- and -

Defense: emergency  
use of premises  
AS 11.46.340

Unlawful evasion  
AS 11.30.093

Unlawful evasion in the  
first or second degree  
AS 11.56.340;350

Use of firearms during the  
commission of certain crimes  
AS 11.15.295

Robbery in the first degree  
AS 11.41.500(a)(1)

- or -

Burglary in the  
first degree  
AS 11.46.300(a)(2)(A)

- and -

Sentences of imprisonment  
for felonies  
AS 12.55.125(c)(1)

TERMS OF IMPRISONMENT AND AUTHORIZED FINES IN REVISED CRIMINAL CODE

|  |                            |                             |                            |
|--|----------------------------|-----------------------------|----------------------------|
|  | FIRST FELONY<br>CONVICTION | SECOND FELONY<br>CONVICTION | THIRD FELONY<br>CONVICTION |
|--|----------------------------|-----------------------------|----------------------------|

|            |           |           |               |
|------------|-----------|-----------|---------------|
| "A" Felony | 0-20      | 5-[10]-20 | 7 1/2-[15]-20 |
|            | 3-[6]*-20 |           |               |
| "B" Felony | 0-10      | 0-[4]-10  | 3-[6]-10      |
|            |           |           |               |
| "C" Felony | 0-5       | 0-[2]-5   | 0-[3]-5       |
|            |           |           |               |

MAXIMUM FINES - PERSONS

Murder or kidnapping - \$75,000  
 A, B, or C Felony - \$50,000  
 A misdemeanor - \$ 5,000  
 B misdemeanor - \$ 1,000  
 Violation - \$ 300

MAXIMUM FINES - ORGANIZATIONS

All offenses - \$100,000 or  
 3 X pecuniary gain  
 - whichever is greater

KEY

Number in bracket is presumptive sentence.  
 Number to left is lowest mitigated  
 sentence. Number to right is highest  
 aggravated sentence.

\* Six year presumptive term applies if first  
 A felony conviction, other than manslaughter,  
 and defendant used or possessed a firearm  
 during the offense or caused serious physical  
 injury.

MAXIMUM TERMS OF IMPRISONMENT  
 FOR MISDEMEANORS

A misdemeanor - 1 year  
 B misdemeanor - 90 days

CLASSIFICATION OF OFFENSES IN REVISED CRIMINAL CODE

UNCLASSIFIED FELONIES

Murder in the First Degree  
AS 11.41.100  
20-99 years

Murder in the Second Degree  
AS 11.41.110  
5-99 years

Kidnapping  
AS 11.41.300  
5-99 years

CLASSIFIED FELONIES

2-2

| A   | B  | C   |
|---|--|---|
| Attempted Murder or Kidnapping<br>AS 11.31.100(d) (1)       | Attempted A felony<br>AS 11.31.100(d) (2)        | Attempted B felony<br>AS 11.31.100(d) (3)       |
| Solicitation of Murder or Kidnapping<br>AS 11.31.110(c) (1) | Solicitation of A felony<br>AS 11.31.110(c) (2)  | Solicitation of B felony<br>AS 11.31.110(c) (3) |
| Manslaughter<br>AS 11.41.120                                | Assault II<br>AS 11.41.210                       | Criminally Negligent Homicide<br>AS 11.41.130   |
| Assault I<br>AS 11.41.200                                   | Sexual Assault II<br>AS 11.41.420                | Custodial Interference I<br>AS 11.41.320        |
| Sexual Assault I<br>AS 11.41.410                            | Unlawful Exploitation of a Minor<br>AS 11.41.455 | Sexual Assault III<br>AS 11.41.430              |

CLASSIFIED FELONIES

| A   | B   | C  |
|---|---|--|
| Robbery I<br>AS 11.41.500   | Robbery II<br>AS 11.41.510                                      | Sexual Abuse of a Minor<br>AS 11.41.440  |
| Arson I<br>AS 11.46.400   | Extortion<br>AS 11.41.520                                       | Incest<br>AS 11.41.450   |
| Escape I<br>AS 11.56.300  | Theft I<br>AS 11.46.120   | Coercion<br>AS 11.41.530   |
| Criminal Possession of<br>Explosives with Intent<br>to Commit Murder or<br>Kidnapping<br>AS 11.61.240(b)(1) | Issuing a Bad Check,<br>\$25,000 or more<br>AS 11.46.280(d)(1)  | Theft II<br>AS 11.46.130   |
|   | Burglary I<br>AS 11.46.300                                      | Concealment of Merchandise,<br>\$500 or more<br>AS 11.46.220(c)(1)                   |
|   | Arson II<br>AS 11.46.410  | Removal of Identification<br>Marks, \$500 or more<br>AS 11.46.260(b)(1)              |
|   | Criminal Mischief I<br>AS 11.46.480                             | Unlawful Possession (of<br>Altered Property), \$500<br>or more<br>AS 11.46.270(b)(1) |
|   | Forgery I<br>AS 11.46.500                                       | Issuing a Bad Check, \$500<br>or more<br>AS 11.46.280(d)(2)                          |
|   | Scheme to Defraud<br>AS 11.46.600                               | Fraudulent Use of a Credit<br>Card, \$500 or more<br>AS 11.46.285(b)(1)              |
|   | Defrauding Creditors,<br>\$25,000 or more<br>AS 11.46.730(c)(1) |  |

2-3

CLASSIFIED FELONIES

B

Bribery  
AS 11.56.100

Receiving a Bribe  
AS 11.56.110

Perjury  
AS 11.56.200

Escape II  
AS 11.56.310

Interference with  
Official Proceedings  
AS 11.56.510

Receiving a Bribe by a  
Witness or Juror  
AS 11.56.520

Criminal Possession of  
Explosives with Intent  
to Commit A felony  
AS 11.61.240(b)(2)

Promoting Prostitution I  
AS 11.66.110

C

Obtaining a Credit Card by  
Fraudulent Means  
AS 11.46.290(a)(1),(2)

Burglary II  
AS 11.46.310

Criminal Mischief II  
AS 11.46.482

Forgery II  
AS 11.46.505

Criminal Possession of Forgery  
Device  
AS 11.46.520

Criminal Simulation \$500 or  
more  
AS 11.46.530(b)(1)

Offering a False Instrument  
for Recording  
AS 11.46.550

Falsifying Business Records  
AS 11.46.630

Commercial Bribe Receiving  
AS 11.46.660

Commercial Bribery  
AS 11.46.670

2-4

CLASSIFIED FELONIES

C

Defrauding Creditors, \$500  
- \$25,000  
AS 11.46.730(c)(2)

Endangering Welfare of Minor  
AS 11.51.100

Perjury by Inconsistent State-  
ments  
AS 11.56.230

Escape III  
AS 11.56.320

Permitting an Escape  
AS 11.56.370

Promoting Contraband I  
AS 11.56.375

Jury Tampering  
AS 11.56.590

Misconduct by a Juror  
AS 11.56.600

Tampering with Physical Evidence  
AS 11.56.610

Hindering Prosecution I  
AS 11.56.770

Terroristic Threatening  
AS 11.56.810

2-5

2-5

CLASSIFIED FELONIES

C

Riot

AS 11.61.100

Misconduct Involving Weapons I

AS 11.61.200

Criminal Possession of Explosives with Intent to Commit

B Felony

AS 11.61.240(b)(3)

Unlawful Furnishings of Explosives

AS 11.61.250

Promoting Prostitution II

AS 11.66.120

Promoting Gambling I

AS 11.66.210

Possession of Gambling Records I

AS 11.66.230

2-6

CLASSIFICATION OF OFFENSES IN REVISED CRIMINAL CODE

MISDEMEANORS AND VIOLATIONS

| A   | B   | VIOLATIONS   |
|---|---|--|
| Attempted C Felony<br>AS 11.31.100(d) (4)   | Attempted A or B misdemeanor<br>AS 11.31.100(d) (5)                                 | Littering<br>AS 11.46.488  |
| Solicitation of C Felony<br>AS 11.31.110(c) (4)                                   | Solicitation of A or B misdemeanor<br>AS 11.31.110(c) (5)                           | Failure to Permit<br>Visitation with a Minor<br>AS 11.51.125   |
| Assault III<br>AS 11.41.230   | Theft IV<br>AS 11.46.150  | Refusing to Assist Peace<br>Officer or Judicial Officer<br>AS 11.56.720  |
| Reckless Endangerment<br>AS 11.41.250   | Concealment of Merchandise,<br>less than \$50<br>AS 11.46.220(c) (3)                | Gambling- First Offense<br>(Second offense & each<br>subsequent offense<br>is Class B misdemeanor)<br>AS 11.66.200 |
| Custodial Interference<br>AS 11.41.330  | Removal of Identification Marks<br>less than \$50<br>AS 11.46.260(b) (3)            | Selling or Giving Tobacco<br>to a Minor<br>AS 11.76.100  |
| Theft III<br>AS 11.46.140   | Unlawful Possession (of Altered<br>Property), less than \$50<br>AS 11.46.270(b) (3) |  |
| Concealment of Merchandise,<br>\$50-\$500<br>AS 11.46.220(c) (2)                  | Issuing a Bad Check, less than<br>\$50<br>AS 11.46.280(d) (4)                       |  |
| Removal of Identification<br>Marks \$50 - \$500<br>AS 11.46.260(b) (2)            | Fraudulent Use of a Credit Card,<br>less than \$50<br>AS 11.46.285(b) (3)           |  |
| Unlawful Possession (of<br>Altered Property), \$50<br>-\$500 (AS 11.46.270(b) (2) |   |  |

2-7

MISDEMEANORS

A

B

Issuing a Bad Check, \$50-\$500  
AS 11.46.280(d) (3)

Fraudulent Use of Credit  
Card, \$50 - \$500  
AS 11.46.285(b) (2)

Obtaining a Credit Card by  
Fraudulent Means  
AS 11.46.290(a) (3)

Criminal Trespass I  
AS 11.46.320

Criminally Negligent Burning  
AS 11.46.430

Failure to Control or  
Report a Dangerous Fire  
AS 11.46.450

Criminal Mischief III  
AS 11.46.484

Forgery III  
AS 11.46.510

Criminal Simulation, \$50-  
\$500  
AS 11.46.530(b) (2)

Obtaining a Signature by  
Deception  
AS 11.46.540

Criminal Trespass II  
AS 11.46.330

Criminal Mischief IV  
AS 11.46.486

Criminal Simulation, less  
than \$50  
AS 11.46.530(b) (3)

Unlawful Evasion II  
AS 11.56.350

Hindering Prosecution II  
AS 11.56.780

Impersonating a Public Servant  
AS 11.56.830

Disorderly Conduct  
AS 11.61.110 (10 day  
maximum)

Harrassment  
AS 11.61.120

Obstruction of Highways  
AS 11.61.150

Misconduct involving  
Weapons III  
AS 11.61.220

MISDEMEANORS

A

B

Criminal Impersonation  
AS 11.46.570

Misapplication of Property  
AS 11.46.620

Deceptive Business Practices  
AS 11.46.710

Misrepresentation of Use of  
a Propelled Vehicle  
AS 11.46.720

Defrauding Creditors, \$500  
or less  
AS 11.46.730

Criminal Nonsupport  
AS 11.51.120

Contributing to the Delin-  
quency of a Minor  
AS 11.51.130

Unlawful Marrying  
AS 11.51.140

Receiving Unlawful Gratuities  
AS 11.56.120

Unsworn Falsification  
AS 11.56.210

Criminal Possession of  
Explosives with Intent  
to Commit A or B Mis-  
demeanor  
AS 11.61.240(b) (5)

Prostitution  
AS 11.66.100

2-3  
6-9

MISDEMEANORS

A

Escape IV

AS 11.56.330

Unlawful Evasion I

AS 11.56.340

Promoting Contraband II

AS 11.56.380

Tampering with a Witness

AS 11.56.540

Simulating Legal Process

AS 11.56.620

Resisting or Interfering  
with Arrest

AS 11.56.700

Compounding

AS 11.56.790

Making a False Report

AS 11.56.800

Tampering with Public  
Records

AS 11.56.820

Official Misconduct

AS 11.56.850

Misuse of Confidential  
Information

AS 11.56.860

2-10

2-10

MISDEMEANORS

A

Misconduct Involving a  
Corpse

AS 11.61.130

Cruelty to Animals

AS 11.61.140

Misconduct Involving Weapons II

AS 11.61.210

Possession of Burglary Tools

AS 11.61.230

Criminal Possession of Ex-  
plosives with Intent to  
Commit C Felony

AS 11.61.240(b)(4)

Promoting Prostitution III

AS 11.66.130

Promoting Gambling II

AS 11.66.220

Possession of Gambling  
Records II

AS 11.66.240

Possession of Gambling  
Device

AS 11.66.260

Interference with Consti-  
tutional Rights

AS 11.76.110

### Application

Once the data are analyzed and the prototype matrices are produced, the next step is to engage the decision-making body in a factor review to determine if any salient factors are not to be utilized. These decision sessions were held on October 4 - 5, 1979 in Anchorage.

The Board went through the "Example Risk Evaluation Tally" and opted to delete the sentencing judge item (because neither judge used there is any longer in a relevant position) and the parole plan factor (because its presence could detract from optimal release planning). This left a possible score range of 28 points--+12 - -15.

When risk scores in the generating population are divided into groups of two's the configuration on the following page emerges. There were no persons with more than 11 positive points in this population and none had a net total of -11 or fewer. Five points through -6 points was the heavy concentration area (see page 94).

Except in the extreme score ranges--over 7 points and under -8 points--the configuration of "success" rates is progressive and consistent; those with higher scores have higher rates of violation-free performance and vice-versa. There is a consistent performance at above the "base rate" (the overall "success" rate of 75%) until the 0 point in the score array is reached. Those with positive net scores perform

## Risk Scores by Category

| <u>Parole Outcome</u> | <u>Scores</u> |              |            |            |            |            |            |
|-----------------------|---------------|--------------|------------|------------|------------|------------|------------|
|                       | <u>11+</u>    | <u>11-10</u> | <u>9-8</u> | <u>7-6</u> | <u>5-4</u> | <u>3-2</u> | <u>1-0</u> |
| No Known Violation    | 0             | 1            | 2          | 20         | 66         | 94         | 117        |
| Known Violation       | 0             | 0            | 1          | 1          | 8          | 18         | 29         |

| <u>Parole Outcome (cont.)</u> | <u>Scores (continued)</u> |              |              |              |               |                |                |            |
|-------------------------------|---------------------------|--------------|--------------|--------------|---------------|----------------|----------------|------------|
|                               | <u>-1--2</u>              | <u>-3--4</u> | <u>-5--6</u> | <u>-7--8</u> | <u>-9--10</u> | <u>-11--12</u> | <u>-13--14</u> | <u>-15</u> |
| No Known Violation            | 96                        | 60           | 28           | 9            | 1             | 2              | 0              | 0          |
| Known Violation               | 46                        | 31           | 20           | 8            | 3             | 1              | 0              | 0          |

## Risk Categories Percentages

| <u>Parole Outcome</u> | <u>11-10</u> | <u>9-8</u> | <u>Scores</u> |            |            | <u>1-0</u> |
|-----------------------|--------------|------------|---------------|------------|------------|------------|
|                       |              |            | <u>7-6</u>    | <u>5-4</u> | <u>3-2</u> |            |
| No Known Violation    | 100%         | 67%        | 95%           | 89%        | 84%        | 80%        |
| Known Violation       | 0%           | 33%        | 5%            | 11%        | 16%        | 20%        |
| % of Total Population | 0%           | 0%         | 3%            | 11%        | 17%        | 22%        |

| <u>Parole Outcome</u> | <u>-1--2</u> | <u>-3--4</u> | <u>Scores (continued)</u> |              |               | <u>-11--12</u> |
|-----------------------|--------------|--------------|---------------------------|--------------|---------------|----------------|
|                       |              |              | <u>-5--6</u>              | <u>-7--8</u> | <u>-9--10</u> |                |
| No Known Violation    | 68%          | 66%          | 58%                       | 53%          | 25%           | 67%            |
| Known Violation       | 32%          | 34%          | 42%                       | 47%          | 75%           | 33%            |
| % of Total Population | 21%          | 14%          | 7%                        | 3%           | 1%            | 0%             |

above the base rate; those with net negative scores have "success" rates below the average for the population.

Once these characteristics are established for the scoring approach, it remains to aggregate scores so they are relevant and manageable. Score categories that are vacant are irrelevant; a large number of categories is cumbersome. We can reduce this information thusly.

| Score Category                        | Risk            |                 |                 |                  | Total<br>(12--15) |
|---------------------------------------|-----------------|-----------------|-----------------|------------------|-------------------|
|                                       | 12-0<br>points  | -1--4<br>points | -5--8<br>points | -9--15<br>points |                   |
| Number                                | 357             | 233             | 65              | 7                | 662               |
| "Successes"                           | 300             | 156             | 37              | 3                | 496               |
| % "Successes"                         | 300/357;<br>84% | 156/233;<br>68% | 37/65;<br>57%   | 3/7;<br>43%      | 496/662;<br>75%   |
| % of Total<br>Cases in Score<br>Range | 357/662;<br>54% | 233/662;<br>35% | 65/662;<br>10%  | 7/662;<br>1%     | 662/662;<br>100%  |

Other score categorizations are feasible, of course. This one might be said to concentrate on those risks beyond general population intensity, dealing with that approximate  $\frac{1}{2}$  of the group who present substantial risk as progressively in need of more detailed release consideration. The assumption here is that the Board, for the sake of community protection, does well to consider holding unusual risks for longer terms.

The "Risk Evaluation Tally" now takes the form:

## ALASKA BOARD OF PAROLE

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## RISK EVALUATION TALLY

|     |   |     |     |
|-----|---|-----|-----|
| 1.  | Was the subject on probation or parole at the time the current offense(s) occurred? | No  | Yes |
|     |   |     | -1  |
| 2.  | Has s/he a juvenile probation or parole record?                                     | No  | Yes |
|     |   | +1  |     |
| 3.  | Has s/he a juvenile institutional history?  | No  | Yes |
|     |   | +1  | -1  |
| 4.  | Is this person to release out of state?   | Yes | No  |
|     |   | +1  |     |
| 5.  | Is the current sentence under 25 months?  | Yes | No  |
|     |   | +1  |     |
|     | Is the current sentence over 60 months?   | No  | Yes |
|     |   |     | -1  |
| 6.  | Is s/he black?  | No  | Yes |
|     |   |     | -1  |
|     | Is s/he other than black, white or native?  | Yes | No  |
|     |   | +1  |     |
| 7.  | At the time of the offense:<br>was the subject married?                             | Yes | No  |
|     |   | +1  |     |
|     | was s/he cohabiting?  | Yes | No  |
|     |   | +1  |     |
| 8.  | Were less than 10 days credited on the current sentence?                            | Yes | No  |
|     |   | +1  |     |
|     | Were more than 100 days credited?   | No  | Yes |
|     |   |     | -1  |
| 9.  | Is this the inmate's 3rd or subsequent parole hearing on this incarceration?        | No  | Yes |
|     |   |     | -1  |
| 10. | Was a knife or razor used in the offense?   | No  | Yes |
|     |   |     | -1  |
| 11. | Is there no prior felony record?  | Yes | No  |
|     |   | +1  |     |
|     | Has s/he 3 or more prior felonies?  | No  | Yes |
|     |   |     | -1  |

- |   |           |           |
|---|-----------|-----------|
| 12. Has the client less than 2 misdemeanor convictions?                             | Yes<br>+1 | No        |
| Has the client over 3 misdemeanors?   | No        | Yes<br>-1 |
| 13. Has the subject one (only) adult probation failure?                             | No        | Yes<br>-1 |
| 14. Does the client have a recorded prior adult parole failure (1 or more)?         | No        | Yes<br>-1 |
| 15. Was there a crime victim?   | No<br>+1  | Yes       |
| 16. Has the subject a history of consistent drug usage?                             | No        | Yes<br>-1 |
| 17. Has s/he a Problem Drinker/Alcoholism history?                                  | No        | Yes<br>-1 |
| 18. At the time of the release hearing:<br>is the client married and not separated? | Yes<br>+1 | No        |
| is the client separated?  | No        | Yes<br>-1 |
| 19. Will this individual release to live with his/her spouse?                       | Yes<br>+1 | No        |
| Will s/he live in an alone/not specified/NA situation?                              | No        | Yes<br>-1 |

Also, during the decision sessions some preference was voiced for having term-fixing follow specific periods of months, rather than the sentence passed. This has the primary advantage of moderating sentence disparity--where needed. Using the new criminal code categories to index crime seriousness was elected. The example time served matrix then takes a somewhat different form.

Modified Example  
Time to be Served before First Parole

|               | 12-0<br><u>points</u> | <u>Risk Score</u>      |                        | -9--15<br><u>points</u> |
|---------------|-----------------------|------------------------|------------------------|-------------------------|
|               |                       | -1--4<br><u>points</u> | -5--8<br><u>points</u> |                         |
| Misdemeanor   |                       |                        | 8-10<br>months         | 10-12<br>months         |
| "C"<br>Felony | 12-14<br>months       | 15-18<br>months        | 19-25<br>months        | 26-36<br>months         |
| "B"<br>Felony | 14-16<br>months       | 17-20<br>months        | 21-35<br>months        | 36-60<br>months         |
| "A"<br>Felony | 18-24<br>months       | 25-30<br>months        | 31-60<br>months        | 61-120<br>months        |

The terms displayed in each table cell remain exemplars because no empirical data are in hand from which to derive these terms. Before the table can be activated as a decision base pertinent data need to be garnered and analyzed.

Utility

From the vantage point of risk, how useful would this variety of release matrix be? Clearly it would provide a common

frame of reference for decision makers and would act as a guard against through-time, covert changes in decision policy.

It rests on the assumption that the vertical axis reflects seriousness. Because that axis comes from a criminal code that will not take effect until January 1, 1980, no empirical data can be brought to bear as yet. The implication is that the Board will need to critically review its use of this axis periodically (perhaps about every 6 months) and make changes as indicated.

The risk axis has an empirical base and, though it, too, will need review regularly, can be assessed according to accuracy in treating existing data. Essentially it sees all those with scores of "0" and higher as not being risks, the assumption being that they are serving sentences for other than risk considerations and that, other than in cases exempted by the Board from the matrix, relatively minimal terms are appropriate to address those ends. As progressively less desirable risk scores attach to cases the matrix calls for lengthened terms; this implies that risk is properly addressed by added confinement.

This means individual parole applicants are to be given terms based on the risk group into which each falls. That mandates consideration of how many persons in each category will be incorrectly assessed.

In the first risk range ("12-0 points") 84% "succeeded". Thus, the matrix calls for releasing 57 people at "minimum date" assuming them to be good risks when they will, in fact, violate their paroles. Five of those persons in this population were absconders, 39 were technical violators, and 13 sustained new felony convictions. Thus, 5 (31%) of the "Absconders" will have been treated erroneously as successes; 39 (36%) of the "Technicals" and 13 (32%) of the "Substantives" (those with new felony convictions) likewise. These can be seen as getting less stringent intervention than risk considerations might dictate.

| Score Category | 12-0<br>points |     | -1--4<br>points |     | -5--8<br>points |     | -9--15<br>points |     | Total   |     |
|----------------|----------------|-----|-----------------|-----|-----------------|-----|------------------|-----|---------|-----|
| Number         | 357            |     | 233             |     | 65              |     | 7                |     | 662     |     |
| "Failures"     | 57             |     | 77              |     | 28              |     | 4                |     | 166     |     |
| Absconders     | 5              | 1%  | 7               | 3%  | 1               | 2%  | 3                | 43% | 16      | 2%  |
| Technicals     | 39             | 11% | 50              | 21% | 19              | 29% | 1                | 14% | 109     | 16% |
| Substantives   | 13             | 4%  | 20              | 9%  | 8               | 12% | 0                |     | 41      | 6%  |
| "Errors"       | 57 16%         |     | 156 67%         |     | 37 57%          |     | 3 43%            |     | 253 38% |     |

Each subsequent score group has more concentration of "Technicals" and "Substantives" (except the "-9--15", which is too small to be stable), cases that may be conceived of as more serious violators, with the "Substantives" being most heavily concentrated--proportionally--in the "-5--8" score range. Those are ends this type of device seeks. The other side of that, however, is that more than 1/2 of the "-1--4" group and of the "-5--8" group do not violate their paroles. Thus, if

one asks the question "how accurate is the risk prediction that all those with positive scores will succeed and all those with negative scores will fail?" the answer is that 253 cases (38% of the total) are erroneously predicted thusly. The immediate response could then be that we are better off predicting all to be successes; on the basis of the base rate of 75% we would miss only 25% of the cases.

In a world of practicalities, though, one can argue that the prediction that all will succeed is not viable. Thus, one can opt for a greater margin of error in order to derive information about the group of central concern-- those who will fail on parole. Decision matrices attend this orientation.

## DENIALS

A Summary Report to  
the  
Alaska Board of Parole

*Background*

For several years the Alaska Board of Parole has issued a letter each time an inmate is denied parole. The letters follow an established format that consists of a date, address, salutation, summary of action taken (that parole has been denied pursuant to a hearing on a given date and the next consideration hearing date scheduled, if any), reasons for these actions, a discussion of pertinent law and other considerations, an invitation to discuss the action with an institutional counselor (who receives a copy of the letter) or with the letter's author, a closing, and the signature of a Parole Board officer.

There has been considerable foment in the past decade or so over the propriety of formal notice of the reasons for denial decisions. Practice varies widely across the United States with Alaska having one of the most formal and personal mechanisms for communication to parole aspirants of the Board's thinking regarding their cases. One of the sources of this diversity is that neither professional parole practitioners nor any observing group (including inmates) seem agreed upon:

1. what factors legally can be considered in making the release choice,
2. which considerations are helpful in guiding wise release practices,
3. who is best able to match the interests of the society against those of the inmate in the release contemplation

matrix,

4. what aid the inmate (or his representatives) can lend decision-makers at this juncture,
5. and so on.

As seems to be the case in virtually every segment of the criminal justice system, there are critics aplenty "assisting" parole practitioners. Examples of these abound. I remember some 3 years ago receiving a call from the Florida House's Health and Rehabilitation Services Committee Subcommittee on Corrections. This subcommittee was concerned that the Parole and Probation Commission not consider the inmate's attitude when deciding upon release dates. Within a few days of that call I was leafing through a respected text on the topic<sup>1</sup> wherein the (British) parole board was abjured to tell the inmate they were doing so when they searched for evidence of attitude change.

Certainly the debate over propriety of given considerations waxes most acrimonious in "fuzzy" areas such as guaging of another's "attitude". The prototype is familiar, though; almost no known decision element has escaped criticism as unfair, illegal, immoral or otherwise distasteful as grounds for denying (or vice versa) parole. Standard decision bases are criticized freely: some contend current offense is not appropriate because that was a key basis for deciding the original sentence, prior offense record is attacked because that record recounts acts that already have been punished, and on it goes.

Amidst this malestrom the Alaska Board of Parole considers not only what its decision in each case will be but why it is making that election. Further, it transmits a letter to the relevant inmate within days after the decision, noticing what will occur and the reasons therefor.

Recently it has been concentrating attention on what these decisions reasons look like. The next 5 pages present a preliminary document formalizing that area.

Laudable as that effort is, the Board noted a lack of empirical

A. THE TYPE OF CRIME

1. The extreme serious nature of your offense.
2. The violent nature of your offense.
3. The nature of your offense.
4. A crime that involved a Firearm.
5. A crime that involved a Weapon.
6. Although your present offense is non violent in nature it is considered to be very serious.

B. PRIOR CONVICTIONS

1. You have an extensive arrest record.
2. You have an extensive history of drug abuse.
3. You have an extensive history of alcohol related crimes.
4. You have a previous felony conviction.
5. The Judge's sentencing remarks.
6. You have an extensive juvenile record.

C. PAST PAROLE OR PROBATION SUCCESS

1. You have violated conditions of probation in the past.
2. You have violated conditions of parole in <sup>THE</sup> past.
3. You were on probation when the current offense was committed.
4. You were on parole when the current offense was committed.
5. It is felt that you have been dealt with in a lenient manner by the court especially in view of the fact you have repeatedly committed crimes.
6. You were given the opportunities to remain in the community and

1. You have failed to complete an alcohol program.
2. You have failed to complete a drug rehabilitation program.
3. The record reflects that you have not overcome your alcohol problem, which is <sup>the</sup> primary causal factor in your criminal behavior.
4. The Board strongly suggests that you:
  - A. Receive psychological counseling.
  - B. Seek drug counseling.
  - C. Become involved in long term alcohol counseling.
  - D. Seek vocational training and develop a specific job plan.
  - E. Involve yourself in intensive counseling.
  - F. Become more involved in institutional programming.
5. It is felt you have not demonstrated initiative or motivation to develop a constructive release plan.
6. It is felt you have little insight into your problems ~~you~~, you are unable to accept the responsibilities placed upon you by society and you have little motivation to change your lifestyle.
7. You need to develop a concrete and verified parole plan.
8. Your release plans are neither concrete or verified and you do not have sufficient funds to live on at the present time, if released.

E. INSTITUTIONAL PERFORMANCE

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1. The Board did not feel that your behavior indicated you were mature enough to handle the responsibilities of parole at this time.
2. Your inability to make an adequate adjustment and follow institutional regulations while incarcerated.
3. You were involved in a major incident where good time was removed.
4. You have been involved in serious criminal behavior while incarcerated which resulted in an additional conviction.

F. ENCOURAGEMENT

1. The Board strongly suggest that;
  - A. You continue your good institutional adjustment.
  - B. You continue to act in a responsible manner.
  - C. You should learn to do things for yourself, rather than depending on family and friends to support you.
  - D. You continue your educational endeavors.
  - E. You continue your vocational training endeavors.
  - F. You learn to deal with your emotional problems.
  - G. You learn to control and deal with your temper.
  - H. You develop a more positive attitude toward yourself, the institution as well as society.
  - I. You establish constructive goals and meet the goals you set.
  - J. You put together a more viable release plan, before your case is next reviewed.
  - K. You continue your involvement in positive activities.

2. The Board noted that you have:
  - A. Completed your GED.
  - B. Completed you AA degree.
  - C. Improved your attitude and behavior.
  - D. Involved yourself in the Phase Program.
  - E. Adjusted well to incarceration.
  - F. Maintained good behavior.
  - ~~G. Involved yourself in,~~

## G. LAST SENTENCE

1. The fact that the Parole Board wishes to review your case is not an indication that you will be paroled.
2. It is felt that the nature of your offense and your behavior warrants the time sentenced to be served.
3. Overall, the Board did not perceive any positive changes in your attitude or your understanding of the causal factors in your situation.
4. The Board considers you a poor risk for parole at this time.
5. The Board suggests that during the remainder of your sentence you become involved in any program available to you within the institution.
6. The Board agrees with the Alaska Supreme Court that violent criminal conduct which causes injury to the victim should be firmly dealt with, and that the protection of society and affirmation of societal norms should assume primary focus as the leading criteria for sentencing.

THE PAROLE BOARD IS NOT PUNITIVE BUT IS GENUINELY CONCERNED WITH ITS RESPONSIBILITY TO PLACE ONLY THOSE WHO HAVE PREPARED THEMSELVES BY THE INSTITUTIONAL EXPERIENCE BACK INTO FREE AND COMPETITIVE SOCIETY.

YOU SHOULD BE AWARE ~~THE~~ INTENT OF THE THREE MONTH CONTINUANCE IS TO REVIEW YOUR PROGRESS AND IT SHOULD NOT BE CONSTRUED AS AN INTENTION TO GRANT PAROLE

THE MAJOR FACTORS LEADING THE BOARD'S DECISION NOT TO PAROLE YOU AT THIS TIME INCLUDED

information on what reasons they were using and how the reasons were being employed. Thus, copies of the denial letters written by the Board from 1975 through early 1979 were made available to Bay Area Research Design Associates (BARDA) for analysis.

A total of 516 letters to 418<sup>2</sup> inmates were provided. The letters all took a form very much like the letter making up the next 2 pages (appropriately blanked out for privacy purposes), though their contents exhibited considerable variety. Some were less than a page long and several were 3 or more pages in length. It was fairly typical for an "old timer" to receive a detailed, extended recitation of the arrest history he had accumulated, particularly if the Board saw that history as a primary decision factor.

It also was not unusual for several reasons to be espoused, sometimes any one of which most would consider quite adequate. A reading of the letters revealed, though, that few cases will hear more than 8 reasons for a denial so the analysis was truncated there. Further, the Board never cites the fact that parole has been denied previously as grounds for current denial so the 516 decisions were treated distinctly, the assumption being that each decision stands unique, though clearly a heinous offense may be mentioned repeatedly as an inmate builds a file of denials.

The decisions were coded in the order they appeared in each letter, not assuming necessarily that the one mentioned first was the pivotal concern. Instead, we present "first" denial reasons, "second" denial reasons, etc. as a matter of chronology, the need for some order being apparent. Thus, the following pages tell the written reasons 418 inmates received from the Alaska parole board (through as many as 8 per decision) for that Board's electing not to parole on that consideration hearing.

#### *Approach*

A copy of each denial letter was furnished BARDA with the understanding we would "Provide analysis of all Alaska 'not paroled' letters from calendar years 1976, 1977, 1978 to ascertain visibility

December 1, 1977

Mr.  
P. O. Box 600  
Eagle River, Alaska 99577

Dear Mr.

On October 24, 1977, you appeared before the Alaska Board of Parole. At that time it was the board's decision to continue your case to the July, 1978, board meeting.

The major factors leading to their decision not to parole you at this time include the nature of your offenses, burglary not in a dwelling and grand larceny. You and a accomplice broke into a business establishment and took a large quantity of merchandise. During the commission of this burglary the two watch dogs on the premises were killed. A second accomplice assisted you in removing goods from the store. The stolen property was then transported to your residence. You were later apprehended and placed in custody. At the time of sentencing the court stated "There are things which bother me in this case, because after this very serious crime occurred, the burglary, the larceny, the grand larceny relating to the dogs being killed and the way they were killed, you continue to engage in criminal conduct. It did not shock you that you changed your life pattern and that concerns me a great deal." The court was referring to drugs being found in your residence approximately one month after the burglary occurred. The record reflects you have used alcohol since the age of 16 and have used various drugs since you were in the seventh grade. The record also indicates in the past you have had difficulty controlling your temper. The institutional record reflects you have maintained good adjustment and have been involved in GED studies, group and self help study as well as individual counseling and counseling

Mr.  
Page 2  
December 1, 1977


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with the Wing counselor. Your involvement in programs and counseling at the institution is seen as a positive effort to deal with your problems. However, it is felt you need to continue in intensive programming and to complete phase programming. It is felt you need to do more time due to the serious nature of your offenses. The board would encourage you to maintain your present positive attitude and adjustment.

In considering each case, the board uses as their guidelines Sections 33.15.060, 33.15.080 and 33.15.230(b) of the Alaska Statutes, and other areas it considers important specifically those areas which are outlined in pages four and five of the "Parole Standards" booklet. Each case is reviewed individually by the board and their decisions are based upon the aforementioned factors, with appropriate weight being given the respective factors. The comments made by the board in your case and presented in the above paragraph are factors which enabled their decision to be made but this does not mean that other factors not mentioned were omitted or not considered by the board, only that the board felt the aspects noted above were of primary importance to them when making their decision and in not granting parole to you at this time.

I would suggest that you discuss this letter with your institutional counselor once you have read it. Feel free to contact me if you have any other questions about the board's decision.

Sincerely yours,



Amy Webb  
Parole Board Officer

AW/vh  
cc: Jean Slack, Institutional Counselor

and frequency of Parole Board decision factors." Each letter was read and coded by a research criminologist in the following format:

| <u>Field(s)</u> | <u>Item</u>                          | <u>Item Code(s)</u>   |
|-----------------|--------------------------------------|---|
| 4               | Identification #                     | 4 digit sequential, unique identifier<br>0001-0418  |
| 6               | Letter Date                          |   |
| 5               | Current Charges<br>(not exceeding 5) | <ul style="list-style-type: none"> <li>A. Burglary in a Dwelling/Burglary/<br/>Unauthorized Entry</li> <li>B. Burglary not in a Dwelling/Carry-<br/>ing a Firearm during a BNIAD</li> <li>C. Assault with a Deadly Weapon</li> <li>D. Carrying a Concealed Weapon</li> <li>E. Larceny/Grand Larceny</li> <li>F. Lewd and Lascivious Acts toward<br/>a Child</li> <li>G. Loitering in or about a Building</li> <li>H. Forgery/Checks/Passing Forged<br/>Checks</li> <li>J. Contributing to the Delinquency<br/>of a Minor</li> <li>K. Embezzlement</li> <li>L. Manslaughter</li> <li>M. Murder 1st</li> <li>N. Murder 2d/Negligent Manslaughter</li> <li>O. Possession of H. S. Drugs/LSD<br/>with intent to Sell</li> <li>P. Probation/Parole Violation</li> <li>Q. Receiving and Concealing/Conceal-<br/>ing</li> <li>R. Robbery/Use of Firearm while<br/>Committing Robbery</li> <li>S. Sale of Drugs/H. D. S.</li> <li>T. Rape/Statutory Rape</li> </ul> |

Field(s)ItemItem Code(s)

- U. Tampering with a Motor Vehicle
  - V. Malicious Destruction of Personal Property
  - W. Unauthorized Entry
  - X. Felony Joyriding
  - Y. Operating a Motor Vehicle while Intoxicated
  - Z. Cutting/Shooting with Intent to Kill/Wound/Maim
  - 1. Felon in Possession of Firearm/  
Use of Firearms/Careless use of Firearms
  - 2. Possession of Narcotics/Pos-  
session of Narcotics for Sale
  - 3. Assault and Battery
  - 4. Obtaining Money under False Pretenses/Credit Cards violation
  - 5. Accessory
  - 6. Failure to Satisfy
  - 7. Trespass
  - 8. Escape
  - 9. Mayhem
  - \*. Introduction of Contraband
  - #. Arson
  - % Petty Larceny
  - &. Kidnapping
  - ! Habitual Criminal
  - \$ Other
- "Assaults to ..." and attempts were coded as the crime attempted
- 1. Fairbanks (Box 317)
  - 2. Eagle River (Box 200)
  - 3. Juneau (Box 309)
  - 4. Palmer (Box 919)

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Letter Address

Field(s)ItemItem Code(s)

- |   |                  |   |
|---|------------------|---|
|   |                  | 5. Anchorage (Box 439 - Annex<br>Box 2100<br>Box 2100 - Annex)  |
|   |                  | 6. McNeil Island  |
|   |                  | 7. Leavenworth  |
|   |                  | 8. Ketchikan (Box 8880)   |
|   |                  | 9. Springfield  |
|   |                  | 0. Ridgeview  |
|   |                  | A. Lompoc   |
|   |                  | B. Terminal Island  |
|   |                  | C. Nome   |
|   |                  | D. Marion   |
|   |                  | E. Terre Haute  |
|   |                  | F. Ashland  |
| 8 | Denial Reason(s) | 1. Arrest/Conviction Record (A/C)   |
|   |                  | 2. Probation/Parole/Other<br>Conditioned Release Violation<br>(PPV)   |
|   |                  | 3. Drug Abuse History (DAB)   |
|   |                  | 4. Institutional Misconduct (ICD)   |
|   |                  | 5. Immaturity/Emotional Problems/<br>Dependency/Failure to Learn from<br>Past Experience/Lack of<br>Insight (IMT) |
|   |                  | 6. Nature of Offense (Serious/<br>Violent) (OFF)  |
|   |                  | 7. Alcohol Abuse History (AAB)  |
|   |                  | 8. Bad Temper/Poor Impulse Control<br>(CTL)   |
|   |                  | 9. Need more Treatment/Training/<br>Programmer T)   |

Field(s)ItemItem Code(s)

- A. Develop/Verify Release Plan  
(RPL)
- B. Judge Recommends Denial/  
Sentencing Comments (JRC)
- C. Poor Military (MIL)
- D. Job History (JOB)
- E. Set Off Requested by Inmate  
(IRQ)
- F. Ineligible for Parole (-EL)
- G. Residential Instability (RES)
- H. No Personal Interview (-IN)
- I. District Attorney Comments  
(D A)
- J. Inadequate Release Funds ( \$ )
- K. Need More/Should Serve More  
Time (TIM)
- L. Physical Health (HLH)
- M. Poor Parole Risk/Risk to  
Community (RSK)
- N. Poor Family Relationships (FAM)
- O. Insufficient Grounds for Parole  
(NGD)
- P. Leniency (LEN)
- Q. Attitude (ATT)
- R. Lack of Effort by Inmate (-EF)
- S. Evasiveness/Denial (EVA)
- T. Poor Associates (ASO)
- U. Probation Officer Recommendation  
(POR)
- V. Need More Information (-IF)
- W. Progressively More Serious/  
Frequent Involvements (+SR)
- X. Tie Vote (TIE)
- Y. Criminal Pattern (PTN)

| <u>Field(s)</u> | <u>Item</u>        | <u>Item Code(s)</u>   |
|-----------------|--------------------|---|
|                 |                    | Z. Inmate Refusal of Parole<br>Conditions (REF)   |
|                 |                    | #. Lack of Concern for Victim (VCC)   |
|                 |                    | !. Demands of Public (PDM)  |
| 3               | Continuance Length | Number of Months (1 month increments)<br>OOA. to end of sentence<br>OCB. rescind previous parole order,<br>deny further consideration<br>OON. no time specified |
| 1               | Letter Signator    | 1. Amy Webb<br>2. Gwen Byington<br>3. Samuel Trivette<br>4. Richard Collum  |
| 1               | Sex                | 1. if female  |

The data on decisions reasons were then entered into a micro-processor (computer) and analyzed as to identity, extensiveness of use, proportion of use, and order of use. The following 8 pages present tabulations of reasons in order of their mention. Each reason is listed on each table with only those receiving mention as a first reason having a frequency in the "FIRST" table, the second reasons in the "SECOND" table, etc. Only reasons appearing often enough to make up 1% or more of the group are percentaged.

Looking at the "FIRST" table we see that all unsuccessful applicants were given at least one reason for being set off ("NONE" is blank). The most prevalent first-mentioned denial basis was offense ("OFF") meaning that in 273 cases, 53% of the total 516, the seriousness<sup>3</sup> of the offense(s) involved the reason mentioned first for denial. Arrest or Conviction Record (A/C") was the primary item in 78 (15%) of the denials; existence of a past Probation, Parole or Other Conditioned Release Violation(s) ("PPV") assumed first mention in 49 (9%) of the instances. Institutional Misconduct ("ICD") came first in 16 cases (7%), with Drug Abuse History ("DAB"), Inmate Requests ("IRQ"),<sup>4</sup> and Release Plan ("RPL")<sup>5</sup> surfacing 3% and 2% of the time, respectively.

Alaska Parole Board  
Parole Denial Reasons  
1975 - 1979

FIRST

| <u>REASON</u> | <u>#</u> | <u>%</u> | <u>REASON</u> | <u>#</u> | <u>%</u> | <u>REASON</u> | <u>#</u> | <u>%</u> | <u>REASON</u> | <u>#</u> | <u>%</u> |
|---------------|----------|----------|---------------|----------|----------|---------------|----------|----------|---------------|----------|----------|
| A/C           | 78       | 15%      | PPV           | 49       | 9%       | DAB           | 13       | 3%       | ICD           | 36       | 7%       |
| IMT           | 6        | 1%       | OFF           | 273      | 53%      | AAB           | 6        | 1%       | CTL           | 1        |          |
| TRT           | 4        | 1%       | RPL           | 9        | 2%       | JRC           | 2        |          | MIL           |          |          |
| JOB           | 1        |          | IRQ           | 15       | 3%       | -EL           |          |          | RES           |          |          |
| -IN           |          |          | D A           | 1        |          | \$            |          |          | TIM           | 2        |          |
| HLH           |          |          | RSK           |          |          | FAM           | 1        |          | LEN           | 2        |          |
| ATT           | 2        |          | -EF           | 4        | 1%       | EVA           | 1        |          | ASC           |          |          |
| POR           |          |          | -IF           | 3        | 1%       | +SR           |          |          | TIE           | 6        | 1%       |
| PTN           | 1        |          | REF           |          |          | VCC           |          |          | PDM           |          |          |
| NGD           |          |          |               |          |          |               |          |          | NONE          |          |          |

TOTAL 516 100%

Alaska Parole Board  
Parole Denial Reasons

1975 - 1979

SECOND

| <u>REASON</u> | <u>#</u> | <u>%</u> | <u>REASON</u> | <u>#</u> | <u>%</u> | <u>REASON</u> | <u>#</u> | <u>%</u> | <u>REASON</u> | <u>#</u> | <u>%</u> |
|---------------|----------|----------|---------------|----------|----------|---------------|----------|----------|---------------|----------|----------|
| A/C           | 108      | 21%      | PPV           | 94       | 18%      | DAB           | 40       | 8%       | ICD           | 41       | 8%       |
| IMT           | 11       | 2%       | OFF           | 21       | 4%       | AAB           | 61       | 12%      | CTL           | 6        | 1%       |
| TRT           | 22       | 4%       | RPL           | 11       | 2%       | JRC           | 8        | 2%       | MIL           |          |          |
| JOB           | 4        | 1%       | IRQ           |          |          | -EL           | 1        |          | RES           |          |          |
| -IN           | 1        |          | D A           | 2        |          | \$            | 2        |          | TIM           | 7        | 1%       |
| HLH           |          |          | RSK           | 12       | 2%       | FAM           | 1        |          | LEN           | 19       | 4%       |
| ATT           | 4        | 1%       | -EF           | 4        | 1%       | EVA           | 9        | 2%       | ASO           |          |          |
| POR           |          |          | -IF           |          |          | +SR           | 1        |          | TIE           |          |          |
| PTN           | 8        | 2%       | REF           |          |          | VCC           | 1        |          | PDM           | 1        |          |
| NGD           |          |          |               |          |          |               |          |          | NONE          | 16       | 3%       |

TOTAL 516 100%

Alaska Parole Board  
Parole Denial Reasons  
1975 - 1979

THIRD

| <u>REASON</u>  | <u>#</u> | <u>%</u> | <u>REASON</u> | <u>#</u> | <u>%</u> | <u>REASON</u> | <u>#</u> | <u>%</u> | <u>REASON</u> | <u>#</u> | <u>%</u> |
|----------------|----------|----------|---------------|----------|----------|---------------|----------|----------|---------------|----------|----------|
| A/C            | 67       | 13%      | PPV           | 41       | 8%       | DAB           | 35       | 7%       | ICD           | 28       | 5%       |
| IMT            | 34       | 7%       | OFF           | 13       | 3%       | AAB           | 56       | 11%      | CTL           | 3        | 1%       |
| TRT            | 40       | 8%       | RPL           | 42       | 8%       | JRC           | 7        | 1%       | MIL           | 2        |          |
| JOB            | 1        |          | IRQ           | 2        |          | -EL           | 3        | 1%       | RES           |          |          |
| -IN            |          |          | D A           | 2        |          | \$            | 7        | 1%       | TIM           | 3        | 1%       |
| HLH            |          |          | RSK           | 13       | 3%       | FAM           | 2        |          | LEN           | 22       | 4%       |
| ATT            | 5        | 1%       | -EF           | 18       | 3%       | EVA           | 11       | 2%       | ASO           |          |          |
| POR            |          |          | -IF           | 4        | 1%       | +SR           | 1        |          | TIE           |          |          |
| PTN            | 10       | 2%       | REF           |          |          | VCC           | 1        |          | PDM           |          |          |
| NGD            |          |          |               |          |          |               |          |          | NONE          | 43       | 8%       |
| TOTAL 516 100% |          |          |               |          |          |               |          |          |               |          |          |

Alaska Parole Board  
Parole Denial Reasons  
1975 - 1979  
FOURTH

| <u>REASON</u>  | <u>#</u> | <u>%</u> | <u>REASON</u> | <u>#</u> | <u>%</u> | <u>REASON</u> | <u>#</u> | <u>%</u> | <u>REASON</u> | <u>#</u> | <u>%</u> |
|----------------|----------|----------|---------------|----------|----------|---------------|----------|----------|---------------|----------|----------|
| A/C            | 27       | 5%       | PPV           | 31       | 6%       | DAB           | 18       | 3%       | ICD           | 41       | 6%       |
| IMT            | 35       | 7%       | OFF           | 3        | 1%       | AAB           | 49       | 9%       | CTL           | 6        | 1%       |
| TRT            | 62       | 12%      | RPL           | 29       | 6%       | JRC           | 15       | 3%       | MIL           | 1        |          |
| JOB            | 9        | 2%       | IRQ           | 2        |          | -EL           | 1        |          | RES           |          |          |
| -IN            |          |          | D A           | 4        | 1%       | \$            | 5        | 1%       | TIM           | 8        | 2%       |
| HLH            | 1        |          | RSK           | 26       | 5%       | FAM           |          |          | LEN           | 17       | 3%       |
| ATT            | 6        | 1%       | -EF           | 13       | 3%       | EVA           | 6        | 1%       | ASO           | 1        |          |
| POR            | 2        |          | -IF           | 2        |          | +SR           |          |          | TIE           |          |          |
| PTN            | 4        |          | REF           |          |          | VCC           |          |          | PDM           |          |          |
| NGD            |          |          |               |          |          |               |          |          | NONE          | 92       | 18%      |
| TOTAL 516 100% |          |          |               |          |          |               |          |          |               |          |          |

Alaska Parole Board  
Parole Denial Reasons  
1975 - 1979  
FIFTH

| <u>REASON</u> | <u>#</u> | <u>%</u> | <u>REASON</u> | <u>#</u> | <u>%</u> | <u>REASON</u> | <u>#</u> | <u>%</u> | <u>REASON</u> | <u>#</u> | <u>%</u> |
|---------------|----------|----------|---------------|----------|----------|---------------|----------|----------|---------------|----------|----------|
| A/C           | 13       | 3%       | PPV           | 8        | 2%       | DAB           | 13       | 3%       | ICD           | 33       | 6%       |
| IMT           | 37       | 7%       | OFF           | 4        | 1%       | AAB           | 13       | 3%       | CTL           | 15       | 3%       |
| TRT           | 52       | 10%      | RPL           | 18       | 3%       | JRC           | 7        | 1%       | MIL           | 5        | 1%       |
| JOB           | 2        |          | IRQ           | 5        | 1%       | -EL           | 1        |          | RES           |          |          |
| -IN           |          |          | D A           | 6        | 1%       | \$            | 4        | 1%       | TIM           | 15       | 3%       |
| HLH           |          |          | RSK           | 32       | 6%       | FAM           | 2        |          | LEN           | 18       | 3%       |
| ATT           | 1        |          | -EF           | 13       | 3%       | EVA           | 11       | 2%       | ASO           |          |          |
| POR           | 1        |          | -IF           | 2        |          | +SR           | 3        | 1%       | TIE           |          |          |
| PTN           | 6        | 1%       | REF           |          |          | VCC           |          |          | PDM           |          |          |
| NGD           | 1        |          |               |          |          |               |          |          | NONE          | 175      | 34%      |

TOTAL 516 100



Alaska Parole Board  
Parole Denial Reasons

1975 - 1979

## SEVENTH

| <u>REASON</u> | <u>#</u> | <u>%</u> | <u>REASON</u> | <u>#</u> | <u>%</u> | <u>REASON</u> | <u>#</u> | <u>%</u> | <u>REASON</u> | <u>#</u> | <u>%</u> |
|---------------|----------|----------|---------------|----------|----------|---------------|----------|----------|---------------|----------|----------|
| A/C           | 1        |          | PPV           | 3        | 1%       | DAB           | 1        |          | ICD           | 9        | 2%       |
| IMT           | 13       | 3%       | OFF           |          |          | AAB           | 4        | 1%       | CTL           | 6        | 1%       |
| TRT           | 46       | 9%       | RPL           | 12       | 2%       | JRC           | 5        | 1%       | MIL           |          |          |
| JOB           | 2        |          | IRQ           | 5        | 1%       | -EL           |          |          | RES           | 1        |          |
| -IN           |          |          | D A           | 2        |          | \$            | 2        |          | TIM           | 11       | 2%       |
| HLH           | 3        | 1%       | RSK           | 16       | 3%       | FAM           |          |          | LEN           | 1        |          |
| ATT           | 4        | 1%       | -EF           | 12       | 2%       | EVA           | 3        | 1%       | ASO           | 1        |          |
| POR           |          |          | -IF           | 1        |          | +SR           | 2        |          | TIE           |          |          |
| PTN           | 1        |          | REF           |          |          | VCC           |          |          | PDM           |          |          |
| NGD           |          |          |               |          |          |               |          |          | NONE          | 349      | 68%      |

TOTAL 516 100%

Alaska Parole Board  
Parole Denial Reasons  
1975 - 1979

EIGHTH

| <u>REASON</u>  | <u>#</u> | <u>%</u> | <u>REASON</u> | <u>#</u> | <u>%</u> | <u>REASON</u> | <u>#</u> | <u>%</u> | <u>REASON</u> | <u>#</u> | <u>%</u> |
|----------------|----------|----------|---------------|----------|----------|---------------|----------|----------|---------------|----------|----------|
| A/C            |          |          | PPV           |          |          | DAB           |          |          | ICD           | 3        | 1%       |
| IMT            | 6        | 1%       | OFF           |          |          | AAB           | 1        |          | CTL           | 1        |          |
| TFT            | 30       | 6%       | RPL           | 17       | 3%       | JRC           | 2        |          | MIL           |          |          |
| JOB            |          |          | IRQ           | 2        |          | -EL           | 1        |          | RES           |          |          |
| -IN            |          |          | D A           | 1        |          | \$            |          |          | TIM           | 5        | 1%       |
| HLH            |          |          | RSK           | 21       | 4%       | FAM           |          |          | LEN           | 1        |          |
| ATT            | 6        | 1%       | -EF           | 4        | 1%       | EVA           |          |          | ASO           |          |          |
| POR            |          |          | -IF           |          |          | +SR           |          |          | TIE           |          |          |
| PTN            |          |          | REF           |          |          | VCC           |          |          | PDM           |          |          |
| NGD            |          |          |               |          |          |               |          |          | NONE          | 415      | 80%      |
| TOTAL 516 100% |          |          |               |          |          |               |          |          |               |          |          |

The "SECOND" table tells that 97% (500) denials were accompanied by 2 or more reasons. Arrest or Conviction Record surfaced as the second reason for delay of release in 21% (108 instances); Probation, Parole or Other Conditioned Release Violation appeared 18% of the time. Alcohol Abuse History ("AAB") touched 12% (61 cases); Institutional Misconduct and Drug Abuse History came up in 8% of these considerations. Prior Lenience<sup>6</sup> ("LEN"), Offense, and Treatment ("TRT")<sup>7</sup> entered in in 4% of the denials as second factors.

That item most likely to be given as a third reason for parole denial was prior record (67, 13%), noting that 92% of the set offs were accompanied by 3 or more reasons. Alcohol Abuse History entered into consideration 11% of the time at this juncture; prior conditions violations, treatment needs, and release plan inadequacies all surfaced 8% of the time.

Treatment needs (12%) are most often voiced as a fourth denial reason. Alcohol Abuse History (9%) continues to be a concern and Immaturity/Emotional Problems/Dependency/Failure to Learn from Past Experience/Lack of Insight ("IMT") comes up 7% of the time; prior conditions violations, institutional misconduct, Bad Temper/Poor Impulse Control ("CTL"), and release plan each receives comment 6% of the time. The concept of Poor Parole Risk/Risk to the Community ("RSK") has been a marginal player in earlier explanations of decisions and receives recognition as a fourth reason for denial 5% of the time.

66% of the denials were accompanied by at least five reasons. Most often appearing in the fifth slot are treatment (10%), immaturity (7%), institutional conduct and risk (6% each); no other reason is stated more than 3% of the time.

Just under 1/2 (47%) of the cases were given 6 reasons for denial. Again treatment considerations are most often chronicled (10% of the time), release plans foster discomfort 6% of the time, and immaturity spawns mention 4% of the time.

Only treatment needs (9%) have much prevalence among the seventh reasons given for parole deferment. At the eighth juncture

treatment is given as an explanation 6% of the time. Fully 80% of the cases are told less than 9 reasons so analysis beyond this point is not fruitful.

Combination of all reasons given affords an overall view of which explanations were used most frequently. Because this method sums over total entries through 8 the most prevalent value is "NONE", numbering 1,363 (33%) of the 4,128 (516 denials with 8 possible reasons each); keep in mind that all denials carried at least one explanation. Offense was most often enumerated as of concern, with arrest record and treatment needs a close second. Prior release conditions violations weighed heavily in the denials, with institutional conduct and alcohol abuse history appearing regularly.

#### *Summary*

The preceding pages present the Alaska Board of Paroles' 1975-1979 denial letters' contents as they relate to stated reasons for parole deferment. The first reason given parolees for a negative decision turns on the nature of the offense committed. All denials are accounted for by at least one reason.

Second reasons most typically are arrest/conviction record and a history of conditioned release violation(s). Arrest/conviction records and alcohol abuse history pace third denials; fourth deferment reasons rest on treatment considerations or alcohol abuse histories most typically.

Treatment needs lead fifth denial reasons. Less than 1/4 the cases are afforded as many as 6 reasons, treatment considerations, again, being most often stated as sixth, seventh, and eighth place determinants of denial.

Offense, prior record, and treatment concerns are most prevalent over the denial reasons set.

Alaska Parole Board  
Parole Denial Reasons  
1975 - 1979  
COMBINED

| <u>REASON</u> | <u>#</u> | <u>%</u> | <u>REASON</u> | <u>#</u> | <u>%</u> | <u>REASON</u> | <u>#</u> | <u>%</u> | <u>REASON</u> | <u>#</u> | <u>%</u> |
|---------------|----------|----------|---------------|----------|----------|---------------|----------|----------|---------------|----------|----------|
| A/C           | 297      | 7%       | PPV           | 234      | 6%       | DAB           | 128      | 3%       | ICD           | 208      | 5%       |
| IMT           | 165      | 4%       | OFF           | 315      | 8%       | AAB           | 198      | 5%       | CTL           | 47       | 1%       |
| TRT           | 307      | 7%       | RPL           | 168      | 4%       | JRC           | 51       | 1%       | MIL           | 11       |          |
| JOB           | 25       | 1%       | IRQ           | 34       | 1%       | -EL           | 7        |          | RES           | 1        |          |
| -IN           | 2        |          | D A           | 20       |          | \$            | 21       | 1%       | TIM           | 64       | 2%       |
| HLH           | 4        |          | RSK           | 134      | 3%       | FAM           | 7        |          | LEN           | 92       | 2%       |
| ATT           | 30       | 1%       | -EF           | 77       | 2%       | EVA           | 48       | 1%       | ASO           | 2        |          |
| POR           | 3        |          | -IF           | 13       |          | +SR           | 8        |          | TIE           | 6        |          |
| PTN           | 33       | 1%       | REF           | 1        |          | VCC           | 2        |          | PDM           | 1        |          |
| NGD           | 1        |          |               |          |          |               |          |          | NONE          | 1,363    | 33%      |

TOTAL 4,128 100%

## DENIALS NOTES

1. Morris, P. and F. Beverly, *On License: A Study of Parole*. London: John Wiley & Sons, 1975, p. 89.

2. A person may be denied parole more than once, receiving an explanatory letter each time. Most inmates in this file had only one denial letter on the current offense(s) though one had 4 and a few had 3.

3. "Seriousness" seems to pertain prevalently either to frequency of depredations, size of monetary loss, breach of special duty (as in embezzlement) or violence or potential for violence.

4. Usually an inmate's request to be set off was couched in expression of needs for graduated release (work release, education release...`. This item's importance may be somewhat exaggerated in these analyses because the letters showed a formalized procedure of mentioning this element at the outset when it pertained, a practice which may not reflect ascendancy of the request.

5. The Board apparently adheres rather strictly to its requirement that inmates formulate acceptable release plans and verify their components. Often the inmate was told he needed to verify the employment segment of his release plan, for example. In a few instances the inmate was absent any release preparation at all; in some s/he was insisting on release to undertakings and surroundings the decision-makers deemed unacceptable.

6. In the leniency circumstance, often the Board would take account of the tendency of courts to allow inmates numerous "chances" before finally incarcerating them.

7. The treatment item consisted of an expression by the Board that the inmate needed more treatment of (usually psychological) maladies, further training or to complete a current program phase before release would be optimal.

## FOOTNOTES

1. Bental, D. J. *Parole Officer, An Examination of the Occupational Career of California Parole Agents*. Berkeley: University of California, 1970 (unpublished dissertation), p. 136
2. *Hyser v. Reed*, 318 2d 225 (D. C. Cir. 1963)
3. Gottfredson, D. M., M. G. Neithercutt, P. S. Venezia, and E. A. Wenk, *A National Uniform Parole Reporting System*. Davis, California: Uniform Parole Reports, December 1970  
Pertinent commentary/methodology go back a long way; see, for example, Dudley, D. O., L. E. Ohlin, A. J. Reiss, Jr., and H. R. Stanton, "Formal Devices for Making Selection Decisions", *American Journal of Sociology* 58: 573 - 584 (1953).
4. Neithercutt, M. G., W. H. Moseley, and E. A. Wenk, *Uniform Parole Reports: A National Correctional Data System*. Davis, California: Uniform Parole Reports, March 1975
5. Singer, S. M. and D. M. Gottfredson, *Development of a Data Base for Parole Decision-Making*. Davis, California: NCCD Research Center, June 1973
6. See: Gottfredson, D. M., L. T. Wilkins, P. B. Hoffman, and S. M. Singer, *The Utilization of Experience in Parole Decision-Making, A Progress Report*. Davis, California: NCCD Research Center, June 1973 and Conrad, J. P. "Editorial Notes", *Journal of Research in Crime and Delinquency* 13: 105 - 106 (July 1976)
7. Gottfredson, D. M., P. B. Hoffman, M. H. Sigler, and L. T. Wilkins, "Making Paroling Policy Explicit", *Crime and Delinquency* 21: 34 - 44 (January 1975), at pp. 37ff
8. For example, the pronouncements of Gaylin, Mitford, and others have been acerbic.
9. Gottfredson, D. M., C. A. Cosgrove, L. T. Wilkins, J. Wallerstein, and C. Rauh, *Classification for Parole Decision Policy*. Washington: U. S. Government Printing Office, July 1978
10. See: Gottfredson, D. M., L. T. Wilkins, and P. B. Hoffman, *Guidelines for Parole and Sentencing*. Lexington, Massachusetts: Lexington Books, 1978

11. Mannheim, H. and L. T. Wilkins, *Prediction Methods in Relation to Borstal Training*. London: Her Majesty's Stationery Office, 1955, pp. 1 - 27
12. Neithercutt, M. G. *Predicting Outcomes of Federal Parolees*. Berkeley: University of California, June 1968 (unpublished dissertation), pp. 3 - 18
13. Simon, F. *Prediction in Criminology*. London: Her Majesty's Stationery Office, 1971
14. Gottfredson, Cosgrove, Wilkins, Wallerstein, and Rauh, *op. cit.*
15. This section is taken largely from *ibid.*, Appendix B.

Appendix A  
NON-SIGNIFICANT DATA TABLES

Table A-1

## Offense

| <u>Offense</u>  | <u>Outcome</u>      |          |                           |
|-----------------|---------------------|----------|---------------------------|
|                 | <u>No Violation</u> |          | <u>Violation</u>          |
|                 | <u>#</u>            | <u>%</u> | <u>#</u>                  |
| Non-person      | 254                 | 78%      | 73                        |
| Person          | 241                 | 72%      | 93                        |
| Unknown         | 4                   |          |                           |
| Total           | 665 cases           |          |                           |
| $\chi^2 = 2.68$ | df= 1               | P        | N.S.<br>(not significant) |

Table A-2  
Physical Assault

| <u>Assault?</u> | <u>Outcome</u>      |          |                  |
|-----------------|---------------------|----------|------------------|
|                 | <u>No Violation</u> |          | <u>Violation</u> |
|                 | <u>#</u>            | <u>%</u> | <u>#</u>         |
| Yes             | 180                 | 74%      | 63               |
| No              | 314                 | 76%      | 101              |
| Unknown         | 7                   |          |                  |
| Total           | 665 cases           |          |                  |
| $\chi^2 = .21$  | df= 1               | P        | N.S.             |

Table A-3  
Injury to Victim

| <u>Victim Injury?</u> | <u>Outcome</u>      |                  |          |
|-----------------------|---------------------|------------------|----------|
|                       | <u>No Violation</u> | <u>Violation</u> |          |
|                       | <u>#</u>            | <u>%</u>         | <u>#</u> |
| Yes                   | 130                 | 71%              | 53       |
| No                    | 337                 | 76%              | 107      |
| Unknown               | 38                  | 6%               |          |
| Total                 | 665 cases           |                  |          |
| $x^2 = 1.61$          | df = 1              | P N.S.           |          |

Table A-4  
Vulnerable Victim

| <u>Victim a child, elderly,<br/>sick or handicapped?</u> | <u>Outcome</u>      |                  |          |
|--|---------------------|------------------|----------|
|  | <u>No Violation</u> | <u>Violation</u> |          |
|  | <u>#</u>            | <u>%</u>         | <u>#</u> |
| Yes  | 31                  | 84%              | 6        |
| No   | 449                 | 74%              | 156      |
| Unknown  | 23                  | 3%               |          |
| Total  | 665 cases           |                  |          |
| $x^2 = 1.69$   | df = 1              | P N.S.           |          |

Table A-5  
Crime Partners

| <u>Partners?</u> | <u>Outcome</u>      |                  |
|------------------|---------------------|------------------|
|                  | <u>No Violation</u> | <u>Violation</u> |
|                  | <u>#</u>            | <u>%</u>         |
| No               | 351                 | 73%              |
| Yes              | 143                 | 79%              |
| Unknown          | 6                   | 1%               |
| Total            | 665 cases           |                  |
| $\chi^2 = 2.17$  | df= 1               | P N.S.           |

Table A-6  
Psychiatric Report

| <u>Is there a psychiatric report?</u> | <u>Outcome</u>      |                  |
|---------------------------------------|---------------------|------------------|
|                                       | <u>No Violation</u> | <u>Violation</u> |
|                                       | <u>#</u>            | <u>%</u>         |
| No                                    | 342                 | 76%              |
| Yes                                   | 154                 | 72%              |
| Unknown                               | 3                   |                  |
| Total                                 | 665 cases           |                  |
| $\chi^2 = 1.48$                       | df= 1               | P N.S.           |

Table A-7  
Alcohol/Drug Treatment

|  | <u>Outcome</u>      |                  |          |
|--|---------------------|------------------|----------|
|  | <u>No Violation</u> | <u>Violation</u> |          |
|  | <u>#</u>            | <u>%</u>         | <u>#</u> |
| Is there a history of alcohol/<br>drug treatment program<br>involvement? |                     |                  |          |
| No   | 472                 | 75%              | 158      |
| Yes  | 18                  | 78%              | 5        |
| Unknown  | 12                  | 2%               |          |
| Total  | 665 cases           |                  |          |
| $\chi^2 = .13$   | df= 1               | P                | N.S.     |

Table A-8  
Prior Treatment Success

|   | <u>Outcome</u>      |                  |          |
|---|---------------------|------------------|----------|
|   | <u>No Violation</u> | <u>Violation</u> |          |
|   | <u>#</u>            | <u>%</u>         | <u>#</u> |
| Any notation of prior alcohol/<br>drug treatment program success? |                     |                  |          |
| None or success   | 479                 | 75%              | 160      |
| Failure   | 15                  | 75%              | 5        |
| Unknown   | 6                   | 1%               |          |
| Total   | 665 cases           |                  |          |
| $\chi^2 = 0$  | df= 1               | P                | N.S.     |

Table A-9  
Job Training Program

| <u>Program</u> | <u>Outcome</u>      |          |                  |
|----------------|---------------------|----------|------------------|
|                | <u>No Violation</u> |          | <u>Violation</u> |
|                | <u>#</u>            | <u>%</u> | <u>#</u>         |
| Not specified  | 438                 | 75%      | 143              |
| Specified      | 53                  | 76%      | 17               |
| Unknown        | 14                  | 2%       |                  |
| Total          | 665 cases           |          |                  |
| $\chi^2 = 0$   | df = 1              | P N.S.   |                  |

Table A-10  
Full Time Education Program

| <u>Program</u> | <u>Outcome</u>      |          |                  |
|----------------|---------------------|----------|------------------|
|                | <u>No Violation</u> |          | <u>Violation</u> |
|                | <u>#</u>            | <u>%</u> | <u>#</u>         |
| Not specified  | 448                 | 75%      | 150              |
| Specified      | 43                  | 78%      | 12               |
| Unknown        | 12                  | 2%       |                  |
| Total          | 665 cases           |          |                  |
| $\chi^2 = .29$ | df = 1              | P N.S.   |                  |

Table A-11  
Returning to Full Time Employment

| <u>Full time employment?</u> | <u>Outcome</u>      |                  |
|------------------------------|---------------------|------------------|
|                              | <u>No Violation</u> | <u>Violation</u> |
|                              | <u>#</u>            | <u>%</u>         |
| Yes                          | 333                 | 75%              |
| No                           | 153                 | 74%              |
| Unknown                      | 11                  | 2%               |
| Total                        | 665 cases           |                  |
| $\chi^2 = .10$               | df= 1               | P N.S.           |

Table A-12  
Age at Parole

| <u>Age</u>      | <u>Outcome</u>      |                  |
|-----------------|---------------------|------------------|
|                 | <u>No Violation</u> | <u>Violation</u> |
|                 | <u>#</u>            | <u>%</u>         |
| 18 - 25         | 232                 | 78%              |
| 26 - 33         | 129                 | 72%              |
| 34 - 41         | 67                  | 74%              |
| 42+             | 65                  | 71%              |
| Unknown         | 6                   | 1%               |
| Total           | 665 cases           |                  |
| $\chi^2 = 2.89$ | df= 3               | P N.S.           |

Table A-13

## City

| <u>City</u> | <u>Outcome</u>      |                  |
|-------------|---------------------|------------------|
|             | <u>No Violation</u> | <u>Violation</u> |
|             | <u>#</u>            | <u>%</u>         |
| Fairbanks   | 142                 | 78%              |
| Anchorage   | 260                 | 73%              |
| Ketchikan   | 27                  | 69%              |
| Juneau      | 18                  | 75%              |
| Other       | 49                  | 84%              |
| Unknown     | 3                   |                  |
| Total       | 665 cases           |                  |
|             | $x^2 = 5.36$        | df = 4           |
|             |                     | P N.S.           |

Table A-14

## Institution of Release

| <u>Institution</u>       | <u>Outcome</u>      |                  |
|--------------------------|---------------------|------------------|
|                          | <u>No Violation</u> | <u>Violation</u> |
|                          | <u>#</u>            | <u>%</u>         |
| Anchorage SCC            | 35                  | 81%              |
| Fairbanks NRCI           | 33                  | 80%              |
| Palmer                   | 117                 | 76%              |
| Fairbanks CC             | 43                  | 70%              |
| All federal institutions | 25                  | 74%              |
| All others               | 243                 | 75%              |
| Unknown                  | 8                   | 1%               |
| Total                    | 665 cases           |                  |
|                          | $x^2 = 2.32$        | df = 5           |
|                          |                     | P N.S.           |

Table A-15  
Goodtime Lost/Withheld

| <u>Goodtime</u> | <u>Outcome</u>      |                  |
|-----------------|---------------------|------------------|
|                 | <u>No Violation</u> | <u>Violation</u> |
|                 | <u>#</u>            | <u>%</u>         |
| 0 days          | 432                 | 76%              |
| 1 - 10 days     | 18                  | 69%              |
| 11 - 20 days    | 11                  | 58%              |
| Over 20 days    | 25                  | 69%              |
| Unknown         | 17                  | 3%               |
| Total           | 665 cases           |                  |
| $\chi^2 = 4.45$ | df= 3               | P N.S.           |

Table A-16  
Type of Trial

| <u>Type</u>     | <u>Outcome</u>      |                  |
|-----------------|---------------------|------------------|
|                 | <u>No Violation</u> | <u>Violation</u> |
|                 | <u>#</u>            | <u>%</u>         |
| Plea            | 204                 | 74%              |
| Jury            | 40                  | 73%              |
| Judge           | 15                  | 94%              |
| Parole Board    | 3                   | 60%              |
| Unknown         | 315                 | 47%              |
| Total           | 665 cases           |                  |
| $\chi^2 = 3.78$ | df= 3               | P N.S.           |

Table A-17  
Sophistication in Crime Planning

| <u>Sophistication</u> | <u>Outcome</u>      |                  |
|-----------------------|---------------------|------------------|
|                       | <u>No Violation</u> | <u>Violation</u> |
|                       | <u>#</u>            | <u>%</u>         |
| None known            | 104                 | 75%              |
| Planned alone         | 240                 | 73%              |
| Planned with others   | 151                 | 78%              |
| Unknown               | 4                   | 1%               |
| Total                 | 665 cases           |                  |
| $\chi^2 = 1.81$       | df= 2               | P N.S.           |

Table A-18  
Burglary

| <u>Type of burglary</u>  | <u>Outcome</u>      |                  |
|--------------------------|---------------------|------------------|
|                          | <u>No Violation</u> | <u>Violation</u> |
|                          | <u>#</u>            | <u>%</u>         |
| Not a burglary           | 406                 | 76%              |
| Residential burglary     | 32                  | 74%              |
| Non-residential burglary | 56                  | 69%              |
| Unknown                  | 5                   | 1%               |
| Total                    | 665 cases           |                  |
| $\chi^2 = 1.64$          | df= 2               | P N.S.           |

Table A-19  
Amount of Property Loss

| <u>Dollar Loss</u> | <u>Outcome</u>           |                       |
|--------------------|--------------------------|-----------------------|
|                    | <u>No Violation</u><br># | <u>Violation</u><br># |
| \$0                | 259                      | 79%                   |
| \$1 - 1,000        | 63                       | 71%                   |
| Over \$1,000       | 26                       | 76%                   |
| Unknown            | 213                      | 32%                   |
| Total              | 665 cases                |                       |
| $x^2 = 2.50$       | df = 2                   | P N.S.                |

Table A-20  
Number of Victims Having Bodily Injury

| <u>Injured</u> | <u>Outcome</u>           |                       |
|----------------|--------------------------|-----------------------|
|                | <u>No Violation</u><br># | <u>Violation</u><br># |
| None           | 333                      | 76%                   |
| One            | 115                      | 73%                   |
| More than one  | 21                       | 72%                   |
| Unknown        | 8                        | 1%                    |
| Total          | 665 cases                |                       |
| $x^2 = .68$    | df = 2                   | P N.S.                |

Table A-21  
Judge's Recommendation

| <u>Recommendation</u>   | <u>Outcome</u>      |                  |
|-------------------------|---------------------|------------------|
|                         | <u>No Violation</u> | <u>Violation</u> |
|                         | <u>#</u>            | <u>%</u>         |
| Favorable               | 21                  | 70%              |
| Not favorable           | 7                   | 64%              |
| Indecisive/noncommittal | 20                  | 83%              |
| Unknown                 | 600                 | 90%              |
| Total                   | 665 cases           |                  |
| $\chi^2 = 1.94$         | df= 2               | P N.S.           |

Table A-22  
Dist Attorney Recommendation

| <u>Recommendation</u>   | <u>Outcome</u>      |                  |
|-------------------------|---------------------|------------------|
|                         | <u>No Violation</u> | <u>Violation</u> |
|                         | <u>#</u>            | <u>%</u>         |
| Favorable               | 5                   | 63%              |
| Not favorable           | 9                   | 60%              |
| Indecisive/noncommittal | 4                   | 67%              |
| Unknown                 | 636                 | 96%              |
| Total                   | 665 cases           |                  |
| $\chi^2 = .08$          | df= 2               | P N.S.           |

Table A-23  
Division of Corrections Recommendation

| <u>Recommendation</u>   | <u>Outcome</u>      |          |                  |
|-------------------------|---------------------|----------|------------------|
|                         | <u>No Violation</u> |          | <u>Violation</u> |
|                         | <u>#</u>            | <u>%</u> | <u>#</u>         |
| Favorable               | 402                 | 76%      | 125              |
| Not favorable           | 34                  | 67%      | 17               |
| Indecisive/noncommittal | 40                  | 71%      | 16               |
| Unknown                 | 31                  | 5%       |                  |
| Total                   | 665 cases           |          |                  |
|                         | $\chi^2 = 2.73$     | df = 2   | P N.S.           |

Table A-24  
Members' Votes

| <u>Vote</u>              | <u>Outcome</u>      |          |                  |
|--------------------------|---------------------|----------|------------------|
|                          | <u>No Violation</u> |          | <u>Violation</u> |
|                          | <u>#</u>            | <u>%</u> | <u>#</u>         |
| 3 or less for parole     | 139                 | 75%      | 47               |
| 4 for parole             | 97                  | 76%      | 30               |
| 5 for parole             | 25                  | 66%      | 13               |
| Any votes against parole | 77                  | 71%      | 32               |
| Any abstentions          | 2                   | 67%      | 1                |
| Unknown                  | 202                 | 30%      |                  |
| Total                    | 665 cases           |          |                  |
|                          | $\chi^2 = 2.37$     | df = 4   | P N.S.           |

Appendix B

MINNESOTA

MINNESOTA CORRECTIONS BOARD: ADULT AND YOUTHFUL  
OFFENDER PAROLE POLICIES AND PROCEDURES (7-100.0)

INTRODUCTION

It is the purpose of the following to establish the rules, regulations, and policies which will govern the operation of the Minnesota Corrections Board in discharging its responsibilities relative to the granting of parole, the revocation of parole, and such other responsibilities as defined by law.

7-101.0 BOARD ADMINISTRATIVE RULES

.1 Quorum:

- a. Situations calling for a five-member quorum:
  - (1) Lifers-murder in the first degree, M.S. 609.185
  - (2) Persons serving extended terms of imprisonment as dangerous offenders, M.S. 609.16
  - (3) A transfer of a youthful offender to adult offender status, M.S. 242.27
  - (4) The discharge of a youthful offender, M.S. 242.31 (pardon extraordinary)
  - (5) Special interest cases. On the motion of the Chairman or an individual Board member, any Board matter can be put before the full Board for consideration.
- b. Situations calling for a three-member quorum:
  - (1) Youth offender cases
    - (a) Initial hearing
      - i. Granting or revoking parole
      - ii. Committing to an institution
    - (b) Medical parole
    - (c) Work Release
    - (d) Temporary parole
    - (e) Institution progress reviews
    - (f) Movement within the institutional system that reduces security classification
    - (g) Granting or revoking parole
    - (h) Parole progress reviews
    - (i) Issuing a final discharge (without result of pardon extraordinary)
  - (2) Adult serving any sentence for crime against person
    - (a) Initial hearing
    - (b) Medical parole
    - (c) Temporary parole

7-101.1  
cont'd:

- (d) Work Release
- (e) Movement within the institutional system that reduces security classification
- (f) Granting parole

c. Situations calling for a two-member quorum:

(1) Adult serving sentence for crime against property

- (a) Initial hearing
- (b) Temporary parole
- (c) Medical parole
- (d) Work Release
- (e) Movement within the institutional system that reduces security classification
- (f) Granting parole

(2) Adult serving sentence for either crime against person and/or property

- (a) Non-appearance, institutional progress review
- (b) Parole progress
- (c) Parole revocation
- (d) Discharge

.2 Voting:

- a. All persons serving sentences for crimes against persons shall appear before three-member panels, except at their initial hearing. Any decision to assign a target release date below that indicated by the Parole Release Date Matrix must be made by a panel of three or more members. In any case where the decision for parole is not unanimous, that inmate shall be continued to the next five-member panel. In the case of first degree murder, the vote of the five-member panel for parole must be unanimous.
- b. Where a two-member panel splits its vote on a decision, the case will be put at the head of the calendar of the Board's next meeting of a three-member panel at the same institution where the case is situated. Such a tie vote may be heard by the same members originally hearing the case plus one or more additional Board members. This rule does not preclude an individual Board member from putting it before the full Board.
- c. On those occasions when a Board member is unable to participate in a full Board action and a panel of four sits as a full Board and there is a tie vote of two to two, the vote will constitute a "No" vote and the previous action shall continue.

.3 Abstention From Voting:

- a. When a Board member wishes to abstain from voting on a given case, the abstention constitutes a "No" vote. An abstaining vote does not constitute a lack of quorum. (The above method of voting represents an opinion of our Attorney General.)

7-101.9  
cont'

- the Board will receive and consider written letters and affidavits pertaining to individuals up for possible release. As time permits, and by appointment, Board members will interview attorneys and other interested persons representing the incarcerated.
- b. After each such interview, the Board member will dictate for the office record and the institution file a short summary of the discussion.
- c. Where for valid reason, such as the safety of an informant, the Board member believes it to be detrimental to release to an inmate the results of an interview, the Board member may direct that the note of the interview not be shared with the inmate.
- .10 Hearings: All decisions of the Board shall be made on the basis of the offender's total situation consistent with the Board's threefold legal responsibility: to protect society, to offer assistance to the offender, and to deter criminal behavior.
- .11 Chairman To Conduct Hearings: The Board shall conduct its hearings as designated by the Chairman.
- .12 Minutes Of Board Actions:
- a. At each hearing a Board member designated by the Chairman shall cause to be written a statement containing a rationale for confinement or release, specific conditions of parole, or suggestions for improving the inmate during further incarceration.
- b. If a member dissents in a decision, it shall be recorded as a dissent if the member so directs.
- c. Inmates shall be furnished with a copy of the official action affecting their case at the time of their hearing.
- .13 Frequency Of Hearings: The Board shall conduct hearings every month at the State Prison, the State Reformatory for Men, the Minnesota Correctional Institution for Women, and the Minnesota Metropolitan Training Center. Hearings at the St. Peter State Security Hospital will be held as required. Insofar as possible, inmates will be given at least thirty days notice of an impending hearing affecting them.
- .14 Initial Hearing: At all adult institutions, inmates shall have an initial hearing within the first two months of incarceration.
- .15 Length Of Continuance: No continuance shall be for a period longer than twelve months. All continuances of less than one year will be set on for hearing, insofar as possible, before the same members who granted the continuance.
- .16 Setting Future Parole Dates: The Board may, when it appears advisable, grant release effective on or after a specific future date, but in no case beyond sixty days after the hearing at which the parole is granted.

7-101.3  
cont'd.

- b. A scheduled member is expected to participate in all cases coming before the Board. The exception to this rule is in those instances where a Board member for personal reasons, such as a personal relationship to the inmate or his family or the victim, finds it difficult to maintain an unbiased position. In these instances he will notify the Chairman as soon as he becomes aware of the case on the calendar in order that another member may be moved to that panel.
- .4 Election Of Officers: The Board shall elect its own Vice-Chairman and Secretary annually in January.
- .5 Acting Chairman: Whenever the permanent Chairman is not presiding at a hearing, he shall designate another member as "Acting Chairman".
- .6 Dealing With News Media:
- a. Inquiries from the media relating to particular Board action shall be referred to the Chairman.
  - b. In those cases in which the Board anticipates or senses strong public interest, it may issue its own press release setting forth its actions and its reasons therefore.
- .7 Amendment Of Board Rules: Notice, How Given And To Whom:
- The Board reserves the right to amend, alter, or change its rules, procedures, and policies at any time. Such changes may be made by a majority of the Board members present and voting at any regularly scheduled meeting. Notice of such changes shall be given in writing to the Commissioner of Corrections and to the administrators of the adult institutions for appropriate posting and distribution deemed necessary and will become effective thirty days after such notice.
- .8 Emergency Temporary And Medical Paroles:
- a. When the Board is not in session and/or when two or more members are not readily available, any member may, in the case of emergency such as illness or death, grant emergency temporary or medical parole. Emergency temporary parole requests must be substantiated by ample evidence verified by institution caseworker and/or field staff.
  - b. On the next working day, the member shall dictate a memo to the file on the action.
- .9 Board Not Required To Hear Oral Arguments:
- a. The Board shall not be required to hear oral arguments from any attorney or other witnesses in favor of or against parole. However,

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- 7-101.17 No Hearing Solely For Granting Jail Time Credit: The Board shall not consider a request for a hearing solely for the purpose of granting credit for jail time. Credit for time spent in jail or lockups prior to conviction or while on parole shall be taken into consideration at the time of the inmate's regularly scheduled hearing date and shall be considered as one of the many factors in determining length of initial continuance.
- .18 Classification Team Review: Requests for special appearances, temporary and medical paroles will be considered only after study, report, and favorable recommendation by the classification committee.
- .19 Early Review - Special Hearings:
- a. An inmate may apply for an early review at any time during his continuance unless at the outset of that continuance the Board has specifically indicated that an early review will not be entertained. The following criteria shall govern eligibility for an early review.
    - (1) New developments and changes (previously unknown to the Board) which would cause a material change in an earlier rehabilitation program.
    - (2) A change in sentence as a result of a commutation or reduction of sentence.
    - (3) Family hardship (e.g. severe economic loss such as immediate loss of the family farm, business, etc.).
    - (4) Achievement of performance objectives in accordance with a specific behavior change plan previously agreed upon by the Board and the inmate, reduced to writing, and signed by the principle party hereto.
    - (5) As provided in Section 7-104.0 Parole Decision-Making Guidelines.
  - b. The classification committee shall review the application and make a recommendation to either grant or deny the early review. If their recommendation is for denial, the inmate shall not appear before the Board. An inmate whose request for early review is denied by the classification committee may appeal that denial in writing to the Chairman of the Corrections Board within thirty days of notification of such denial. If the classification committee approves the early review application, it will be presented in writing and without inmate appearance to the next Board hearing team meeting in that institution. The application shall outline how the inmate meets the criteria set forth for early review. If the Board members considering the early review application grant the early review, the matter will be placed on the calendar within one month. If the Board denies the application for early review, the inmate shall be continued to his previously established continuance date.

7-101.20 Christmas Discharges:

- a. Inmates whose sentences are scheduled to expire between December 25 and the last day of February of the following year inclusively may be considered for Christmas discharge at the December hearing subject to the following conditions:
- (1) The inmate must have an average or above work record.
  - (2) The inmate must not have received a major misconduct report later than July 1 of the calendar year.
  - (3) The inmate must not have been returned to the institution as a parole or work release violator later than July 1 of the same year.
  - (4) The inmate must not have a detainer.
  - (5) The inmate's release must be consistent with public safety.

.21 Work Release:

- a. The main purpose of work release is to help a person make a constructive and satisfying transition from institutionalization to community life. It will be generally granted to an individual whom the Board believes is ready to return to community life and who is within the last three months of his continuance. All applications for work release shall be made to the work release staff.
- b. All persons granted work release shall be expected to be on the program for a minimum of ninety days. An early release from the program will be granted only for good cause as determined by the work release staff and the Board. If the Board deems that the welfare of the client will be benefited, the time on work release may be extended.
- c. The classification committee and the work release staff shall jointly process the application for work release and make a recommendation for granting or denying work release. If the recommendation is approved, the matter will be presented in writing to the next Board of the proper quorum meeting in that institution. If the Board members considering the application grant work release, the inmate will appear before the Board immediately. If the Board members considering the application deny the work release, the inmate will not be seen and will be continued to his/her previously established continuance date.

- .22 Annual Review Of Parole Adjustment: The Board shall review the progress and adjustment of all parolees at least once each twelve months following their release from the institution.

7-101.23 Separate Rules For Parole Revocation Proceedings: The rules contained herein do not apply to parole revocation proceedings.

.24 No Time Credit After Revocation: When the Board has revoked the parole of a parolee, he shall not receive further credit on his sentence from the date of revocation until the date he is returned to custody.

.25 New Hearings For Parole Violators With Technical Violations: Parole violators with technical violation of their parole agreements who are returned to the institution shall be heard by the Board within sixty days after readmission.

7-102.0 PAROLE REVOCATION PROCEDURES

.1 Investigation: The parole agent shall be responsible for investigating reports of alleged violation of parole conditions to determine whether or not a violation has occurred.

.2 Reporting:

a. The parole agent, in consultation with his supervisor, shall prepare a violation report if it is determined that the allegation of parole violation is sufficient to begin revocation proceedings.

(1) Factors to be considered in commencing the parole revocation process shall include the conditions of the individual's parole as determined by the language of the releasing agreement and the seriousness of the alleged violation. Any conviction of new felony offenses will be reported to the Board for its determination in considering when parole revocation proceedings shall be commenced.

(2) When there is serious doubt about the advisability of moving towards a parole revocation proceeding and a community resource or restructured parole plan would be more practical than a return to the institution, the parole agent and supervisor shall consult with a member of the Board for permission to continue an individual on parole. The Board member can approve a restructured parole plan and can order a continuation of parole. The agent must record this transaction on the alleged violation report and also report the results of the interchange between the Board and the parole agent and/or supervisor. Any revision of the parole agreement must be accomplished with substantially the same formality as the execution of the original agreement.

(3) Where the evidence of an alleged violation is clear and convincing, the parole agent shall proceed to submit to the supervisor a violation report which alleges the specific facts of the violation, the supporting evidence, and the sources of information.

7-102.4  
cont'd.

- (2) Upon receipt of the determination that revocation proceeding should begin, the agent shall give the parolee a copy of the report of alleged violations; advise the parolee of his rights; set a tentative date for the preliminary (probable cause) hearing; and advise the parolee of his right to counsel of his own choosing or to the services of the State Public Defender if unable to afford counsel of his own.
- (3) At the time of giving the parolee notice as required by (2) above, or as soon thereafter as possible, the agent shall mail copies of the same to the State Public Defender, Law School, University of Minnesota, Minneapolis, Minnesota 55455.
- (4) When the date, time and place of the Preliminary Hearing has been finally determined, written notice thereof must be given the parolee, his own attorney if he has one, or to the State Public Defender's Office. The notice to the attorney or State Public Defender should include a copy of the violation report, if available, and the parolee's location. If not immediately available, effort should be made to provide a copy of same to the attorney or public defender as much in advance of the hearing as is reasonably possible. (See 7-105.4 and 7-105.5 for samples of reports - Corr. 376.)

b. Time

- (1) The preliminary hearing shall be held as promptly as possible after reasonable notice is given to the parolee and his attorney. At least ten (10) working days notice must be given to the State Public Defender's Office.

c. Location

- (1) The preliminary hearing will be held in a municipality near the site of the alleged violation, or near the residence of the parolee, or in the general geographical area of either. In the seven-county Metro area, revocation hearings may, at their discretion, be heard by members of the Board "on site". In the out-state area, the preliminary hearing will be conducted by hearing officers of the Department of Corrections.
- (2) Factors to consider in selection of a location within the limits listed above include the convenience of witnesses, the transportation difficulties of the parolee, and the availability of an efficient means of transportation for the probable cause hearing officer.

7-102.5 Rights Of Parolee:

- a. Notice of the date, time, and location of the preliminary hearing will be given to the parolee in writing a reasonable time after the Board decides to hold such a hearing. (See 7-105.5 for Corr. 376 - Notice of Preliminary/Revocation Hearing.)
- b. Information to be given to the parolee shall include:
  - (1) Time, date, and location of the hearing.
  - (2) Purposes of the hearing.
  - (3) A report of alleged parole violations.
  - (4) Notice that the State Public Defender will be asked to provide counsel until and unless the parolee retains private counsel.
  - (5) Notice of the parolee's right to contest the allegations or to show mitigating circumstances at the hearing by testifying, presenting witnesses, affidavits and documentary evidence, and by cross-examining adverse witnesses who appear.
  - (6) Notice of the opportunity to waive the preliminary hearing and the consequences of such a waiver.
  - (7) Notice that failure to appear at the hearing may be grounds for revocation of parole, and will be grounds for the issuance of a warrant and placement in actual custody.

.6 Waiver:

- a. The parolee may waive his rights to a preliminary hearing at any time prior to the hearing date.
- b. Waiver of the preliminary hearing shall include in writing an explanation that such waiver will result in the return of the parolee to the institution assigned to by the Commissioner. Upon return to the institution, the parolee shall be informed of his right to a revocation hearing to be held within sixty days of his return to the institution to which assigned by the Commissioner.
- c. The parole agent shall inform the Board and the State Public Defender of a waiver by the parolee.
- d. After waiver of the preliminary hearing, the parolee shall be immediately placed in custody by the parole agent and arrangements made for return to the institution assigned to by the Commissioner or to some other place of detention provided by law.

.7 Custody and Use of Warrants:

- a. The parolee will not be in custody prior to the preliminary hearing unless an order to place in custody (warrant) is issued by a Board member.

7-102.7  
cont'd.

- b. The agent may place the parolee in custody in the emergency situation where a Board member is unavailable if the agent determines it is necessary that the parolee be in custody at that time. In no case shall the parole agent hold a parolee in custody longer than seventy-two (72) hours (legal holidays excluded) without a review by a Board member.
- c. The request for a warrant must allege specific facts establishing the alleged violation, indicate the sources of information, and cite reasons for the need for custody.
- d. The Board shall make known the reasons for the warrant and, in its discretion, sources of information upon request of the parolee's counsel.
- e. The decision to issue a warrant shall be based on the specific facts alleged, reliability of the information, and that circumstances surrounding the alleged violation exist justifying the issuance of a warrant.
- f. Absconders from parole supervision:
  - (1) All warrants issued by the Board based on absconding from parole supervision shall be deemed to have stopped the time from running on the sentence. At the time of the hearing, following the apprehension of the individual, the Board will make the determination about whether to re-instate the time that has been lost during the abscontion.
  - (2) All Board warrant authorizations based upon absconding shall be marked to indicate that time has stopped running on the sentence.
- g. Circumstances under which a warrant will be issued are:
  - (1) Failure to keep in contact with the parole agent as may be required in the parole agreement.
  - (2) Failure to appear at a scheduled hearing.
  - (3) Existence of a substantial probability that the parolee will not appear at a scheduled hearing.
    - (a) Factors relevant in determining whether it is substantially certain the parolee will not appear at a scheduled hearing include:
      - i. Present parole adjustment, excluding alleged current violation.
      - ii. Past behavior in similar situations.
      - iii. Actual danger to self.
      - iv. Imminent danger to the public.

7-102.7  
cont'd.

- (4) Waiver of a preliminary hearing shall be sufficient in itself to justify issuance of a warrant.
- (a) Factors relevant in determining whether a parolee should be held in custody after a finding of probable cause in the district court, an indictment by a grand jury, or a waiver of the preliminary hearing may include:
- i. Imminent danger to the public as evidenced by prior convictions for crimes against persons.
  - ii. The allegation of the commission of a new offense against persons.
  - iii. Past behavior in similar situation.
  - iv. Danger to witnesses as evidenced by past history toward adverse witnesses.

h. The finding of probable cause sufficient to bind a man over for proceedings in the district court shall be sufficient to continue to hold a parolee who is one of the following:

- (1) Previously convicted of a dangerous offense, i.e. previously convicted of crimes against persons.
- (2) An habitual offender, i.e. a person previously convicted of more than two felonies not arising out of the same course of action.
- (3) Parolees charged with the commission of a dangerous offense.

Agents shall immediately seek warrants on those individuals falling into the above categories. In those cases where an agent desires the release of an individual pending trial, he shall submit a report to the Board setting forth with full particularity the reasons why the individual should be at liberty. This report must deal with the question of public safety in detail.

- i. After the warrant is issued, the parolee will be held in a county jail or other approved facility near the site where the preliminary hearing is to be held. The parolee will not be returned to an institution prior to the preliminary hearing unless such hearing is waived.
- j. At the time the parolee is placed in custody, or as soon thereafter as possible, the agent must provide the parolee with notice of the manner in which he or she has violated the terms and conditions of his or her parole and notice of those rights set out in 7-102.5 Rights of Parolee.

8 Return to Institution of Individuals Who are Absconders Out of State and Those Convicted of New Felony Crimes:

- a. Absconders who are apprehended outside the geographic limits of the State of Minnesota will be returned immediately to the institution assigned to by the Commissioner. A revocation hearing will then be commenced at that institution.

7-102.8  
cont'd.

- b. Individuals convicted of a new felony crime will be immediately returned to the institution assigned to by the Commissioner as soon as the conviction occurs.
- c. There will be no restructuring of parole in the field of "out-of-state" absconder status or of a new felony crime/conviction.
- d. New misdemeanor convictions and/or technical violations must be reported to the Board. However, planning for those individuals is left to the discretion of the agent unless specific instructions in individual cases are given by the Board.

.9 Conduct of the Revocation Hearings:

- a. The parolee may be represented at the hearing by the State Public Defender unless he retains private counsel. The Attorney General's Office may represent the State.
- b. The parolee has the right to testify in his own behalf.
- c. The parolee may present testimony of witnesses, affidavits, and other documentary evidence.
- d. Department of Corrections personnel are responsible for presenting evidence establishing the alleged violation through testimony of witnesses or affidavit, or by other documentary evidence.
- e. The parole agent must be present at the hearing.
- f. Issues which may be contested are the facts supporting the violation, evidence of mitigating circumstances, and the evaluative question of whether the violation warrants revocation or some other disposition.
- g. The Board may cause alternative dispositions to revocation of parole to be developed. Such options may include:
  - (1) Continuance on parole with added restrictions or modification of existing conditions.
  - (2) Continuance on parole with a warning.
  - (3) Continuance on parole on previous conditions.
- h. The Board shall issue a written statement containing the evidence relied on and reasons for disposition.
- i. The parolee and his counsel shall each receive a copy of the statement of findings.
- j. The Board shall cause the revocation hearing to be mechanically recorded and shall preserve the recording for a period of thirty days after the final disposition hearing.
- k. Revocation hearing before the Board shall be available to all persons alleged to have violated their parole, including:
  - (1) Parolees who have waived preliminary hearing.

7-102.9  
cont'd.

- (2) Parolees who failed to appear at a scheduled preliminary hearing or an on-site revocation hearing.
  - (a) Failure to appear at either of the above hearings forfeits the right to an "on-site" hearing, and that individual shall have his/her revocation hearing at the institution assigned to by the Commissioner upon return.
- (3) Parolees who have absconded from supervision, except that no preliminary hearing is required where the parolee is returned from out of state or has been convicted of a felony while on parole.
- (4) Parolees who have been recommitted based upon conviction of a new offense while on parole.
- l. The resident parole agent will cause a revocation hearing to be scheduled within sixty days of the return of the parolee to the institution.
- m. The resident parole agent shall cause prompt notification to the State Public Defender of the time, date, and location of the hearing.
- n. The "Parole Violator Returnee" form (sample of Corr. 378 on 7-105.6) should accompany the parolee upon his return to the institution.

.10 Institution Proceedings:

The "Parole Violator Returnee" form is checked to inform the institution staff of the reasons for the return. If the parolee is returned for any of the following reasons, a revocation hearing must be scheduled as provided in 7-102.9 -1.

- a. After a finding of probable cause.
- b. Upon waiver of preliminary hearing.
- c. Upon being taken into custody for failure to appear at a preliminary hearing or on-site hearing.
- d. Returned to state from out of state.
- e. Commitment pursuant to conviction of felony while on parole.

.11 Appeal:

Minnesota statutes do not provide for an appeal from a Minnesota Corrections Board parole revocation hearing except those individuals who are on Youthful Offender status pursuant to Minnesota Chapter 242.

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7-103.0 TEMPORARY PAROLE

.1 Introduction:

- a. The Board is legally authorized to grant temporary paroles within the state for periods up to five days.
  - (1) By interpretation and opinion of the Attorney General of Minnesota, temporary parole may be granted only to those individuals who are eligible for regular parole. Individuals serving sentences with mandatory minimums are, therefore, not eligible for temporary parole until the service of the minimum as required by law.
  - (2) A single inmate may not receive more than six (6) temporary paroles per year.

.2 Purpose:

- a. The Board will consider applications to temporary parole for the following purposes:
  - (1) To visit and/or assist in family emergencies, such as death or critical illness of a member of the immediate family. Immediate family is defined as father, mother, brother, sister, spouse, child, or surrogate parent.
  - (2) On recommendation of appropriate medical staff to obtain necessary medical treatment not available at the institution.
  - (3) To participate in completion of release plans, including interviews with prospective employers, school enrollment procedures, obtaining suitable residence, and to test and solidify relationships which are important to the inmate's future adjustment into the community.

.3 Procedures for Making Application:

- a. Inmates desiring to be considered for temporary parole shall initiate their request on the form "Application for Temporary Parole" (sample of Corr. 361 on 7-105.7). The completed application will be submitted to the individual's institutional caseworker who shall:
  - (1) Verify all information submitted by the inmate in support of his request for temporary parole.
  - (2) Refer the application, with comments and recommendations, to the classification team.
  - (3) The classification team shall review the application and, if approved, shall refer it to the Board for final determination.

7-103.3  
cont'd.

- b. If a temporary parole is recommended by the classification team, the institutional staff will be responsible for notifying field agents and district supervisors of the pendency of the application and when it will be heard by the Board. This notification will be given to the field staff not less than ten working days prior to the date on which the Board is scheduled to review the request. This notification shall permit the agent sufficient time in which to review the application, investigate if necessary, and to report to the Board any views which he might hold on the granting of the proposed temporary parole.
- c. In the case of extreme emergency, such as noted in 7-103.2a.(1), the written notice to the agent and the supervisor may be replaced by telephone notification. In such a case, the institutional staff will make a written notation in the record attesting to such notification.
- d. At any time that the institutional caseworker and/or the classification team feels that a community investigation by the field staff is necessary to verify circumstances or to test community feelings, such a referral may be made in writing prior to denying or recommending the temporary parole.

.4 Eligibility for Temporary Parole:

- a. Applicants must be eligible for parole as defined and interpreted in 7-103.1a.(1).
- b. Applicants must have a good conduct record free of major report adjudication for at least six months prior to application date.
- c. Applicants must be assigned to a custody status less than maximum.
  - (1) Inmates assigned to a minimum custody unit who are within six months of their next appearance before the Board and who are eligible for parole at that hearing will also be considered for increased temporary paroles if a plan for such increased temporary paroles is submitted to and approved by the Board. It shall be the caseworker's responsibility to provide the Board with a plan indicating how gradually increasing temporary paroles during an inmate's last several months in the institution will benefit the individual without decreasing the protection of the public.
- d. Applicants shall have a demonstrated level of responsible and mature judgment and adjustment which will provide the Board with a reasonable assurance that the applicant will fully comply with the requirements of the temporary parole. Examples of demonstrated levels of responsibility and maturity might be such things as exceptional work performance, program involvement, and/or meritorious institutional accomplishments.

7-103.4  
cont'd.

- e. Applicants must have made their initial appearance before the Board and have received no comment by the Board in that initial hearing which would prohibit a temporary parole.
- f. Applicants must be able to demonstrate that they have sufficient financial resources to facilitate their temporary parole plan. No funds may be used which will reduce the inmate's institutional savings account to below one hundred dollars.
- g. Except under unusual circumstances, requests for temporary parole will not be considered until at least ninety days have elapsed since the last temporary parole application unless part of a Board-approved graduated temporary parole pre-release plan.
- h. In the case of those inmates whose presence in the community will cause considerable public concern, temporary parole applications will not be approved except for the most compelling of reasons.

.5 Violations of Conditions of Temporary Paroles:

a. Failure to return

- (1) If a temporary parolee fails to return to the institution at the designated time, the institution staff member responsible shall immediately notify the Department's Fugitive Unit and the field agent(s) involved.
  - (a) Upon such notification, the Fugitive Unit shall issue the Board's warrant for arrest, notify appropriate law enforcement agencies, and begin procedures to apprehend and return the violator.
- (2) Upon return of the violator to the institution:
  - (a) The field agent shall:
    - i. Investigate the fugitive's activities while on temporary parole and on fugitive status.
    - ii. Write a return violator report.
  - (b) The institution staff person responsible shall interview the returnee and write a report setting forth the inmate's version of the violation.
- (3) At the time of the inmate's next regularly scheduled review, all facts of the temporary parole violation, including those reports referred to above, shall be brought to the Board's attention.
- (4) No temporary parole violator will be eligible for further temporary paroles until the first regularly scheduled annual review next occurring after the temporary parole violation.

7-103.5  
cont'd.

b. New Offenses:

- (1) Temporary parole violators returning with new offense(s) will be considered as new admissions.

7-104.0 PAROLE DECISION-MAKING GUIDELINES

.1 Introduction:

- a. The Minnesota Corrections Board has three main goals: (1) to protect the public, (2) to deter crime, and (3) to rehabilitate offenders. In order to accomplish these goals, the Minnesota Corrections Board will consider factors relating to risk of failure on parole, severity of the committing offense, and inmate behavior and conduct while imprisoned to determine the length of time individual inmates will be incarcerated.
- b. The objectives of the parole decision-making guidelines are:
  - (1) To provide a rational method of determining length of incarceration which allows the Minnesota Corrections Board to accomplish its goals;
  - (2) To establish a method of parole decision-making that assures equitable treatment of inmates;
  - (3) To assign target release dates to inmates at their initial appearance before the Minnesota Corrections Board.

.2 Determining Time to be Served Prior to Parole:

a. Assigning a target release date:

After implementation of these guidelines, each inmate will be assigned a target release date, either at the inmate's admission hearing or at the inmate's next annual review. It will be the policy of the Minnesota Corrections Board that similar inmates committing similar offenses and with similar institutional behavior ought to serve similar periods of incarceration prior to parole.

b. Factors used to assign target release date:

In assigning a target release date, the Minnesota Corrections Board will consider factors relating to the risk of failure on parole, the severity of the committing offense, and aggravating or mitigating factors. The Board will classify inmates into similar categories of risk of failure and severity of committing offense. The Board will use an empirical parole prediction device as an aid to their clinical judgment, and will use an offense severity ranking, copies of which are included in the Forms section of these guidelines (7-105.0). The Board will use a parole release date matrix to determine target release dates for similar categories of inmates. In each case the Board will determine if

7-104.2  
cont'd.

significant aggravating or mitigating factors are present in the case. If such factors are present, the Board may adjust the time to a more appropriate level and must provide the inmate with a written statement of the reasons for this decision.

c. Mutual Agreement Program (MAP) contract:

The following persons are eligible for MAP contracts: persons who are not currently serving a sentence for a crime against a person, and who will reach their target release date in thirty months or less. Effective July 1, 1977, the Minnesota Corrections Board will begin accepting applications for participation in the MAP program from inmates convicted of crimes against persons where the victim was not injured and who will reach their target release date in thirty months or less. The only exception to this will be persons convicted of sex offenses or where, regardless of offense title, a reading of the description of the offense indicates that it was really of a sexual nature. Inmates eligible for participation in MAP contracts will be assigned a target release date by the Board, and can at a later date "contract" for a MAP release date with the MAP coordinator. The MAP release date will be somewhere within the range indicated on the Parole Release Date Matrix and will depend upon the amount of involvement in institutional programming included in the contract. The lower figure of the ranges indicated in the Parole Release Date Matrix is the soonest date a person could be released with completion of a MAP contract. The target release date is a guaranteed parole date with non-participation or non-completion of a MAP contract and with good institutional behavior. The MAP release date, upon ratification by the Board, is a guaranteed release date upon prior completion of the MAP contract and with good institutional behavior. For persons not eligible for MAP contracts, participation in education, vocational training, job assignments, or treatment will not affect their target release date.

d. Effect of institutional misconduct on time served until parole:

If an inmate is convicted of or pleads guilty (including so-called waivers) to a violation of the institutional disciplinary code that could be charged as a felony, gross misdemeanor, or misdemeanor in a criminal court, the Board will extend the target release date assigned at initial hearing. The length of the extension will vary with the seriousness of the misconduct.

.3 Application of the Guidelines:

a. New admissions:

Persons admitted to Minnesota adult correctional institutions on or after April 5, 1976, will be assigned target release dates under provisions of these guidelines at their initial hearing, normally within two months of their admission date.

7-104.3  
cont'd.

b. Persons in the population on May 3, 1976:

Persons in the population of adult correctional institutions on May 3, 1976, will be assigned a target release date at the time of their next annual review. In the event that an inmate in the population on the date of implementation will have served longer than the "upper limit" indicated by the Parole Release Date Matrix before his or her next annual review, that inmate may request a special review prior to the next annual review.

- (1) If an inmate requests a special review under Section 7-104.3b (above), the request will be screened by a single member of the Board who will determine the accuracy of the factual information on which the request is based.
- (2) If the member determines that the actual information is correct, the case will be placed on a calendar within thirty days. The inmate is entitled to a personal appearance before the Board at this hearing.
- (3) If the member finds that the facts do not support the inmate's request, the member will give a written statement to the inmate stating the reasons for the finding.

.4 Types of Hearings Under These Guidelines:

There are three types of hearings under these guidelines: initial hearing (at which the target release date is assigned), interim annual review, and re-entry hearings.

a. Initial hearings

(1) Purpose of hearing:

The purpose of the initial hearing is to ensure that the Board has complete and accurate information on each case in order to assign an appropriate target release date.

(2) Personal appearance of inmate:

- (a) Inmates serving a Minnesota sentence who are in custody in a Minnesota correctional institution are entitled to a personal appearance before the Board at the hearing at which a target release date is assigned. If an inmate signs a written waiver of his or her entitlement to a personal appearance, or if an inmate refuses to sign a waiver or attend the hearing, the Board may, at its discretion, assign a target release date in the inmate's absence.
- (b) Inmates serving a Minnesota sentence who have been transferred to an institution in another state, or transferred to a federal institution, are not entitled to a personal appearance before the Board at the hearing at which a target release date is assigned.

7-104.4  
cont'd.

(3) Responsibility of caseworker:

- (a) Providing to the inmate and the Board the following information ten working days before the initial hearing:
  - i. Information needed to assess risk of failure on parole.
  - ii. Information needed to assess the severity of the committing offense.
  - iii. Information regarding aggravating or mitigating circumstances.
  - iv. Presentence investigation.
  - v. Sentencing transcript.
  - vi. Psychiatric or psychological reports.
  - vii. Institutional case summary.
- (b) Verifying all the above information by consulting official records.
- (c) Re-verifying information on which the inmate contends the official records available to the caseworker are in error.
- (d) Explaining to the inmate prior to the hearing MAP (Mutual Agreement Program) eligibility requirements, the effect of MAP participation on time incarcerated, and the procedures for initiating a MAP contract.

(4) Role of inmate:

The inmate may present any documentary material to the Board which deals with the information considered by the Board at the hearing. The inmate may challenge the accuracy of factual information used by the Board to arrive at a decision. If the challenged information has not been reverified, the Board will continue the case until reverification is complete. If the challenged information has been reverified, the inmate is responsible for re-checking the disputed information, and the Board may assign a target release date based on the reverified, but disputed, information. If the inmate produces new information which indicates that the Board acted upon erroneous data, the Board will schedule a new hearing for the purpose of assigning a target release date based upon accurate information.

(5) Responsibility of the Minnesota Corrections Board:

The Board will review the information prepared by the caseworker relating to risk of failure, severity of committing offense, aggravating or mitigating factors, pre-sentence investigation, sentencing transcripts, psychiatric or psychological reports, etc., and will review any documentary material on these matters presented by the inmate. The Board will assign a target release date, and where the date deviates from the time indicated by the Parole Release Date Matrix,

7-104.4  
cont'd.

the Board will provide the inmate with a written statement of the reasons for its decision and the information used to make that decision.

b. Interim annual reviews

Annual reviews between the initial hearing and the re-entry hearing will be non-appearance reviews. For these annual reviews the caseworker will prepare a summary which contains information relative to:

- (1) Inmate progress on MAP contract, if applicable.
- (2) Inmate participation in activities, programs, treatment, education, vocational training, work assignments, etc.
- (3) Any convictions (including guilty pleas or "waivers") of violations of the Inmate Disciplinary Code, and the disposition for each conviction.
- (4) Any reports given the inmate for meritorious behavior.

Caseworkers will provide the copies of this summary to the Board and to the inmate ten working days before the scheduled interim review.

c. Re-entry hearing

It is the policy of the Board that no inmate will be paroled without a satisfactory re-entry plan. Approximately sixty days before the target release date assigned at the initial hearing the Board will hold a re-entry hearing to facilitate development of a re-entry plan.

(1) Purpose of the hearing:

The purpose of the re-entry hearing is to develop an approved general re-entry plan which adequately protects the public and which meets the needs of the inmate.

(2) Personal appearance of inmate:

The inmate is entitled to a personal appearance before the Board at the re-entry hearing.

(3) Responsibility of inmate and caseworker:

The inmate and his or her caseworker will develop a general re-entry plan and will submit the plan to the agent of record at least twenty working days before the scheduled re-entry hearing, and to the Board at least ten working days before the scheduled re-entry hearing. Absence of response from the agent of record at the time of the re-entry hearing will be interpreted by the Board as concurrence with the provisions of the general re-entry plan. This plan shall deal with the following areas:

7-104.4  
cont'd.

- (a) Residence
- (b) Employment
- (c) Special conditions

(4) Role of the Minnesota Corrections Board:

At the re-entry hearing the Board will review the adequacy of the general re-entry plan, and, if the proposed plan is inadequate, will make written suggestions for alterations. If the proposed plan is satisfactory, the Board will approve the general re-entry plan and will direct the inmate, caseworker, agent of record, and courtesy agent (if applicable) to develop a detailed re-entry plan. The detailed re-entry plan must be submitted to the Board at least ten working days before the target release date. The Board will review the detailed re-entry plan in a non-appearance review. If the detailed re-entry plan is consistent with the approved general re-entry plan, the Board will grant parole effective on the target release date. If the Board determines that a detailed re-entry plan is inconsistent with the approved general re-entry plan, it will provide a written statement to the caseworker and the inmate which specifies the areas of inconsistencies, and will continue the case until the inconsistencies have been remedied.

.5 Disposition of Special Types of Cases Under the Guidelines:

a. Inmates with multiple committing offenses and concurrent sentences:

The Board will establish the target release date by using the most severe of the committing offenses, as indicated by the Offense Severity Index, and the appropriate risk of failure category. The Board may consider the additional committing offenses as aggravating factors and may adjust upwards the target release date.

- (1) Inmates with multiple convictions for first, second, or third degree murder serving concurrent sentences: The Board will establish the target release date by determining the time indicated by the Parole Release Date Matrix for the most severe of the committing offenses and the appropriate risk of failure category, and by adding an additional seven years for each additional first degree murder conviction, by adding an additional five years for each additional second degree murder conviction, and by adding an additional three years for each additional third degree murder conviction.

b. Inmates with multiple committing offenses and consecutive sentences:

The Board will establish the target release date by determining the time indicated by the parole release date matrix for the most severe of the offenses for which there are consecutive sentences, and the appropriate risk of failure level, and then increasing that time by adding the time (or time range) indicated by the parole release date matrix for each consecutive offense at the appropriate level of severity and the lowest level of risk.

7-104.5  
cont'd.

c. Parole revocations with a new felony conviction:

Persons whose parole is violated after conviction of a new felony offense, and who are committed to the Commissioner of Corrections or to the Minnesota Corrections Board, will be considered under these guidelines as a new admission. The Board will add six months to the time indicated by the parole release date matrix (for the parole violation) and will consider the person's previous conviction(s) as an aggravated circumstance when determining a target release date for the new conviction.

d. Parole revocations for violations of technical rules:

These guidelines will not apply to persons whose parole is revoked for violation of technical rules. Generally, persons are deemed to have served enough time for the offense(s) they have committed. In making decisions regarding persons whose parole is revoked for violation of technical rules, the policy of the Board will be to reinstitute a revised parole plan, unless:

- (1) The preponderance of available evidence suggests that the inmate would pose a danger to public safety if reparaoled, or
- (2) The person has multiple revocations for violation of technical rules under the current sentence.

e. Cases where statutory sentence conflicts with the guidelines:

In any case where a statutory sentence conflicts with the target release dates indicated in the parole release date matrix (such as sentences with mandatory minimums or sentences under the extended term law), the statutory sentence is binding.

f. Persons with maximum security custody classification:

Persons with maximum security custody classification on the target release date will not be considered for parole by the Board until the maximum security custody classification is removed.

g. Inmates with disciplinary reports pending or serving disciplinary segregation sentences:

Inmates with disciplinary reports pending or serving disciplinary segregation sentences will not appear before the Board at scheduled personal appearance hearings. The names of persons with disciplinary charges pending or serving disciplinary segregation sentences will appear on the calendar, but their cases will be continued until completion of the disciplinary process.

h. Persons serving mandatory minimum sentences:

The Board will not assign target release dates to persons serving mandatory minimum sentences for murder in the first degree until they have served the mandatory minimum. Likewise, the Board will not set target release dates for persons serving consecutive, multiple minimum sentences. All other individuals, i.e., those

7-104.5  
cont'd.

serving single counts of a year and a day and three-year minimum sentences will have their target release dates set at the time of their admission hearing.

i. Criminal Negligence:

Where persons committed for Criminal Negligence have no prior criminal history, where the Criminal Negligence did not occur in the course of the commission of another felony, and where the person otherwise has exhibited a stable pattern of community living, the Board will assign a lower target release date than indicated by the Parole Release Date Matrix. This date will be consistent with the nature of the problem contributing to the Criminal Negligence and the resources available to address the problem. Where the Criminal Negligence is one element in a pattern of criminal behavior, the Board will not reduce the target release date, and may extend it on the basis of specified aggravating circumstances.

j. Extension of release date for offenses involving injury:

In cases where the committing offense involved shooting or stabbing the victim or where the victim was beaten to an extent requiring medical treatment, the Board will establish the target release date by determining the time indicated by the Parole Release Date Matrix at the appropriate level of risk and severity, and adding ten months to that time.

In cases where the committing offense involved great bodily harm, defined as injury (a) creating high probability of death, (b) protracted hospitalization, or (c) permanent or protracted loss of bodily function or organ, the Board will remove the case from the matrix and assign a target release date based on the specific facts of the case.

k. Retroactive application of changes in the guidelines:

(1) Whenever changes in the guidelines are promulgated under section 7-101.7, the Board will apply those changes retroactively to all inmates previously assigned target release dates where:

- (a) the Board did not depart from the time indicated by the guidelines in effect at the time the target release date was originally assigned; and,
- (b) where the cumulative effect of the revised guidelines would reduce the previously assigned target release date.

(2) Procedure for retroactive application:

- (a) A personal appearance hearing is not required for the Board to reduce a previously assigned target release date.
- (b) Generally reductions of target release date will be made at an eligible inmate's next annual review.

7-104.5  
cont'd.

(c) In the event that a reduced target release date would result in parole before the next annual review, the inmate may request a special review for an early assignment of the reduced target release date, following the procedure outlined in section 7-104.3b., except that a personal appearance hearing is not required to reduce the target release date.

l. Credit for pre-trial confinement:

In establishing the target release date, the Board will reduce the time indicated by the Parole Release Date Matrix by the amount of time--if any--the inmate was confined between arrest and conviction for the current offense. "Jail credit" procedures, relating to sentence expiration, are not affected by this section.

m. Matrix guideline time exceeds expiration:

In cases where the guideline time indicated by the Parole Release Date Matrix exceeds expiration of the sentence, the Board will establish the target release date by finding the highest number of months at that level of severity below expiration of the sentence.

n. Impact of escape on target release date:

For inmates returning from escape from a state correctional institution without a new felony conviction, or with a new conviction for escape and a concurrent sentence, the previously assigned target release date will be extended by 6 to 12 months, according to the procedure set forth in section 7-104.6. Any aggravating factors, over and above the act of escape, will be taken into consideration in establishing the range of the extension. Nothing in this policy will be construed to confer MAP eligibility on an inmate not eligible under regular MAP criteria.

Inmates returning from escape from a state correctional institution with a new escape conviction and a consecutive sentence will receive a new target release date based upon the procedure set forth in section 7-104.5b.

o. New felony conviction while on escape, furloughs, temporary paroles, or medical paroles:

Inmates who receive new felony convictions while on furloughs, temporary paroles, medical paroles, or escape will be assigned a new target release date based on the time indicated by the parole guidelines for the new offense or new offenses plus the unserved balance of the previously assigned target release date for the prior offense.

7-104.6 Extension of Target Release Dates:

a. Reasons for extension of target release dates:

Once a target release date is assigned an inmate, it may be extended only in the following circumstances:

- (1) During the renegotiation of a MAP contract. In this circumstance, the extension will apply only to the "lower limit" assigned at the initial hearing. In no case will the renegotiation of a MAP contract result in an increase of the "upper limit" assigned at the initial hearing.
- (2) After conviction of (or plea of guilty to) a violation of the inmate disciplinary code which could be charged as a felony, gross misdemeanor, or misdemeanor in a criminal court.
- (3) After a psychiatric diagnosis of severe emotional disturbance.

b. Procedure for extension of target release date:

- (1) The Board shall set a date for a hearing on the question of extending the target release date for disciplinary convictions. The hearing will be held on the date of the next interim annual review, or at the re-entry hearing, whichever is sooner.
- (2) At the re-entry hearing, the Board may extend the target release date to a specified future date if a psychiatric diagnosis indicates severe emotional disturbance, and the Board will recommend to the Department of Corrections that the individual be committed, transferred, or placed in a facility or program providing appropriate treatment.
- (3) The inmate is entitled to a personal appearance before the Board. If the inmate waives his right to appear or refuses to appear the Board may hold the hearing in his or her absence.
- (4) The caseworker shall schedule a hearing and shall give the inmate and the Board a notice ten working days before the hearing which specifies the nature of the hearing.

.7 Record of Hearings:

The Board will tape record all hearings in which inmates appear before the Board in person and will preserve the tapes for a period of one year.

.8 Recision Hearing:

If an inmate receives a disciplinary misconduct report after a parole has been granted but before the inmate leaves the institution, the Board shall immediately hold a recision hearing to nullify the previous action to grant parole pending disposition of the disciplinary report.

7-105.0 FORMS

| <u>Form Name / Use</u>                             | <u>Form Number</u> |
|--|--------------------|
| .1 Parole Agreement                                | Corr. 240          |
| .2 Temporary Parole Agreement                      | Corr. 359          |
| .3 Temporary Parole Denial Report                  | - - - - -          |
| .4 Notice of Parole Violation and Right to Hearing | Corr. 376          |
| .5 Notice of Preliminary/Revocation Hearing        | Corr. 376          |
| .6 Parole Violator Returnee                        | Corr. 378          |
| .7 Application for Temporary Parole                | Corr. 361          |
| <u>Matrix:</u>                                     |                    |
| .8 Risk of Failure Work Sheet                      | Corr. 388          |
| .9 Parole Release Date Matrix                      | (7-1-77)           |
| <u>MAP:</u>  |                    |
| .10 Offense Eligibility                            | (9-12-75)          |
| .11 Standard Contract                              | - - - - -          |
| .12 Refusal  | MAP form #3        |
| .13 Medical Parole                                 | Corr. 275          |

Form Sample

# State of Minnesota Minnesota Corrections Authority

## PAROLE AGREEMENT

WHEREAS, it appears to the Minnesota Corrections Authority that \_\_\_\_\_  
presently confined in the \_\_\_\_\_ is eligible for parole, and

WHEREAS, the said Authority, after careful consideration, believes that there is a reasonable probability that said individual will lead a law-abiding life and believes further that the release of said individual on parole is compatible with the welfare of society;

Now, THEREFORE, be it known that the Minnesota Corrections Authority, under the authority vested in it by law, grants parole to \_\_\_\_\_ and does authorize his release from the institution at such time as a parole plan, including employment and housing arrangements, has been approved. Upon being paroled and released he shall be and remain in the legal custody and under the control of the Minnesota Corrections Authority, subject to the rules, regulations, and conditions of this parole set forth on the reverse side of this agreement.

Signed in duplicate this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

STATEMENT OF RULES, REGULATIONS, AND CONDITIONS  
UNDER WHICH PAROLE IS GRANTED

Form Sample

In consideration of the parole granted to me by the Minnesota Corrections Authority I do hereby accept such parole and agree to abide by the following terms and conditions:

- 1. I will report immediately upon arrival at my destination, either by mail, telephone, or personal visit, to my supervising agent who is:

Name: \_\_\_\_\_ Telephone No. \_\_\_\_\_

Address: \_\_\_\_\_

- 2. I will abide by the terms and conditions contained in this agreement and be subject to the supervision of an assigned agent.

I shall at all times follow the instructions of my supervising agent and keep him informed of my residence and activities.

I will ask for his guidance and assistance and follow his directions with the day-to-day problems which might arise during my parole, including but not limited to the following: the purchase of motor vehicles; the driving of motor vehicles; borrowing money; credit or installment buying; changing employment or school programs; or getting married.

- 3. I shall submit such reports as may be required and shall reply promptly to any communications about my parole.
- 4. I shall not possess or use narcotics or other drugs or preparations, except those prescribed for me by a physician.
- 5. I will not purchase or otherwise obtain, or have in my possession, any type of firearm or dangerous weapon. (The "Federal Gun Control Act of 1968" prohibits such permission being given to persons who have been convicted of a felony.)
- 6. Conviction of a felony, gross misdemeanor, or any misdemeanor, except traffic violations, is a violation.
- 7. I will not leave the state without written permission from my supervising agent, and then only under such terms and conditions as he may prescribe in writing.
- 8. SPECIAL CONDITIONS: (include residence and employment)
- 9. I understand that any conduct by me in violation of the terms and conditions listed under paragraphs 4 through 8 above will subject me to being taken into immediate custody by the Minnesota Corrections Authority and institution of proceedings for revocation of my parole. It is further understood that a continuous course of conduct in violation of the provisions in paragraphs 1 through 3 above may also result in my being taken into custody and revocation proceedings begun.
- 10. I hereby do waive extradition to the State of Minnesota from any jurisdiction in or outside the United States where I may be found and also agree that I will not contest any effort by any jurisdiction to return me to the State of Minnesota.

I hereby certify that this parole agreement and Statement of Rules, Regulations and Conditions has been read and explained to the parolee and he has agreed and consented to these rules, regulations and conditions upon his release, this

\_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

\_\_\_\_\_  
Institution Agent or Field Agent

I hereby certify that I fully understand this parole agreement and all the rules, regulations and conditions set forth herein, and I hereby agree to be bound by all the rules, regulations and conditions of this agreement. I certify that I have received a copy of this agreement.

\_\_\_\_\_  
Parolee

Date Released: \_\_\_\_\_; Cash Received \$ \_\_\_\_\_

Balance \$ \_\_\_\_\_; Expiration Date: \_\_\_\_\_

Distribution:

- Original - Central Office
- 2nd copy - Parolee
- 3rd copy - Agent
- 4th copy - Inst. File

State of Minnesota

MINNESOTA CORRECTIONS AUTHORITY

TEMPORARY PAROLE AGREEMENT

WHEREAS, it appears to the Minnesota Corrections Authority that \_\_\_\_\_  
\_\_\_\_\_ presently confined at \_\_\_\_\_  
is eligible for a temporary parole, and

WHEREAS, the said Authority, after careful consideration, believes that conditional release on such  
parole will materially enhance this person's progress toward rehabilitation, and that the temporary parole  
is compatible with the welfare of society.

NOW, THEREFORE, be it known that Minnesota Corrections Authority, under the authority  
vested upon it by Laws 1973, Chapter 654, grants temporary parole to \_\_\_\_\_  
and does hereby authorize his release from the institution in which he is confined. Upon being paroled  
and released he shall be and remain in the legal custody and under the control of the Minnesota  
Corrections Authority, subject to the rules, regulations and conditions of this parole as set forth on the  
reverse side of this agreement.

Signed in duplicate this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PART VII - PAROLE, PROBATION DEPARTMENT OF CORRECTIONS 7-105.2  
& PARDON BOARD STATEMENT OF RULES, REGULATIONS, AND CONDITIONS July 1977  
PROCEDURES UNDER WHICH THE TEMPORARY PAROLE IS GRANTED

Form Sample

In consideration of the parole granted to me by the Minnesota Corrections Authority I do hereby accept such parole and agree to abide by the following terms and conditions:

1. I will report immediately to my destination, which is:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone No. \_\_\_\_\_

1. I recognize that my release on temporary parole is conditional and that I am subject to the control and jurisdiction of the Minnesota Corrections Authority.

2. I will immediately notify my agent (indicated below) if I am arrested or become involved in any other situation which could have a bearing on my conditional release.

3. I understand that I am to remain at liberty only for the designated number of days and that I must return promptly on the last day of the period.

4. I understand that willful failure to return to the institution from temporary parole shall be considered as a violation of temporary parole and I will be deemed a fugitive.

5. I will reply promptly to any communication from any authorized representative of the Commissioner of Corrections or the Minnesota Corrections Authority.

6. I understand that the Minnesota Correction Authority has the authority to place me in custody at any time and to revoke my temporary parole in the event that I violate any of the terms or conditions thereof.

7. If I am convicted of or involved in the commission of a felony, gross misdemeanor or violation of any federal, state or local law or ordinance pertaining to the possession of firearms or narcotics or other prohibited drugs or any unlawful behavior involving moral turpitude, I understand that my temporary parole will be revoked and that I will be returned to custody.

8. I hereby do waive extradition to the State of Minnesota from any jurisdiction in or outside the United States where I may be found and also agree that I will not contest any effort by any jurisdiction to return me to the State of Minnesota.

9. In case of problem or difficulty with the law I will immediately contact:

\_\_\_\_\_  
Name of Parole Agent

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone No.

Date Parole Effective \_\_\_\_\_

Date Parole Terminates \_\_\_\_\_

At \_\_\_\_\_ O'Clock

I hereby certify that this parole agreement and statement of rules, regulations, and conditions has been read and explained to the parolee and he has agreed and consented to these rules, regulations and conditions upon his release, this

\_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Supervisor

I hereby certify that I fully understand this parole agreement and all the rules, regulations, and conditions set forth for me to comply with, and I hereby agree to be bound by all the rules, regulations, and conditions of this agreement. I certify that I have received a copy of this agreement.

\_\_\_\_\_  
Parole

STATE OF MINNESOTA  
DEPARTMENT OF CORRECTIONS  
MINNESOTA CORRECTIONS BOARD

TEMPORARY PAROLE DENIAL REPORT

To: \_\_\_\_\_ No. \_\_\_\_\_ Date: \_\_\_\_\_

On the basis of our consideration of all available information, we have decided to deny your temporary parole application.

Checked below are the reasons for this decision:

- \_\_\_\_\_ You are too far removed in time from your next scheduled review by the Authority.
- \_\_\_\_\_ You may not be paroled at your next scheduled hearing and will be serving further time in confinement.
- \_\_\_\_\_ Your history of assaultive behavior may indicate a potential for further illegal acts in the community.
- \_\_\_\_\_ You may have the potential to commit further illegal acts in the community.
- \_\_\_\_\_ You may have the potential to use drugs or alcohol excessively while on temporary parole.
- \_\_\_\_\_ You are not eligible for a temporary parole because you have not served the minimum time of your sentence before parole eligibility.
- \_\_\_\_\_ You have not maintained a good conduct record for six months prior to your application.
- \_\_\_\_\_ Your custody status is not less than maximum.
- \_\_\_\_\_ You have not demonstrated a level of maturity to warrant a temporary parole.
- \_\_\_\_\_ You have had a temporary parole within the last ninety days.
- \_\_\_\_\_ Your reasons for a temporary parole are insufficient.
- \_\_\_\_\_ Other \_\_\_\_\_

COMMENTS \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_  
Signature of Authority Member \_\_\_\_\_

STATE OF MINNESOTA  
DEPARTMENT OF CORRECTIONS

Form Sample

NOTICE OF PAROLE VIOLATION AND OF RIGHT TO HEARING

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE: \_\_\_\_\_

I. It is alleged that you have violated the terms and conditions of your parole in the following manner:

II. A. You are entitled to:

1) A Preliminary Hearing to determine if there is probable cause or reasonable ground to believe that you have violated your parole as alleged above; and

2) A Revocation Hearing to finally determine whether you have violated your parole and to either revoke your parole or continue on parole under such terms and conditions as may be imposed by the Minnesota Corrections Authority.

B. The Preliminary Hearing will be conducted at a suitable place in the community in which the violation occurred by a Hearing Officer appointed by either the Commissioner of Corrections or the Minnesota Corrections Authority.

C. At both the Preliminary Hearing and the Revocation Hearing you will have the following rights:

1) To appear and speak in your own behalf and to present witnesses and other evidence, including documentary evidence;

2) To disclosure of the evidence against you;

3) To cross-examine witnesses against you, unless the Hearing Officer or the Minnesota Corrections Authority finds good cause for not allowing such confrontation.

4) To a written statement of the evidence against you and the findings and reasons for (a) finding probable cause, and (b) revoking parole.

5) To be represented by counsel of your own choosing if you are able to afford counsel. If you are unable to afford counsel, the Public Defender will be asked to represent you.

- III. You will be notified of the nature of your hearing, Preliminary or Revocation, and of the date, and place thereof. Notice will also be sent to your attorney, if you have one.
- IV. If members of the Minnesota Corrections Authority are available in the community in which the alleged violation took place and a timely hearing before them can be arranged, no Preliminary Hearing will be held.
- V. If you are not in custody - i.e., if you have been left at liberty during the pendency of proceedings to revoke your parole, failure to appear at the date, time and place of a scheduled Preliminary or Revocation Hearing is cause for Revocation of your parole and return to confinement.
- VI. You may waive your right to a Preliminary Hearing, however, waiver of a Preliminary Hearing will result in your being taken into custody and returned to the institution from which paroled for a Revocation Hearing which will be held before the Minnesota Corrections Authority within \_\_\_\_\_ days of your return to such institution.

I, \_\_\_\_\_, do hereby acknowledge receipt of the foregoing Notice and that it has been fully explained to me.

Dated: \_\_\_\_\_  
PAROLEE

I, \_\_\_\_\_, with full knowledge of the consequences, do hereby waive my right to a Preliminary Hearing.

Dated: \_\_\_\_\_  
PAROLEE

I, \_\_\_\_\_, Supervising Corrections Agent, do hereby certify that on \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, the above named Parolee refused to acknowledge receipt of the foregoing Notice, wherefore, the same has been explained to him and a true exact copy left with him.

\_\_\_\_\_  
CORRECTIONS AGENT

STATE OF MINNESOTA  
DEPARTMENT OF CORRECTIONS

NOTICE OF  PRELIMINARY HEARING  
 REVOCATION

(To be given personally to Parolee)

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE: \_\_\_\_\_

Your  Preliminary  Revocation Hearing will be held on \_\_\_\_\_

\_\_\_\_\_ at \_\_\_\_\_, \_\_\_\_\_

DATE

TIME

PLACE

A copy of the Violation Report is either attached or will be given to you or your attorney, if you have one, within seventy-two (72) hours.

Your rights in regard to the hearing were explained to you in the Notice of Violation and Right to a Hearing.

If you fail to appear at this hearing your parole will be revoked and an Apprehension Warrant will be issued for your apprehension and immediate return to the institution.

\_\_\_\_\_  
TITLE  
\_\_\_\_\_

cc: Parolee  
Parolee's Attorney  
Department Attorney  
Minnesota Corrections Authority

STATE OF MINNESOTA

Form Sample

MINNESOTA CORRECTIONS AUTHORITY

TO: \_\_\_\_\_

In the matter of \_\_\_\_\_ # \_\_\_\_\_

who was heretofore conditionally released from the \_\_\_\_\_

\_\_\_\_\_ on \_\_\_\_\_  
(parole; probation; work release; temp parole)

IT HAS BEEN MADE TO APPEAR TO THE SATISFACTION of the Minnesota Corrections Authority that probable cause exists upon which to believe that \_\_\_\_\_ above named, has violated the terms and conditions of his/her conditional release, and that he should be placed in actual custody pending final hearing and disposition of his case;

NOW THEREFORE, You are authorized and commanded to receive \_\_\_\_\_ aforesaid, into your custody and safekeeping pending the further Order of the Minnesota Corrections Authority.

Probable Cause is found to exist upon the following:

- Preliminary Hearing on \_\_\_\_\_ at \_\_\_\_\_
- Preliminary Hearing waived, Waiver attached
- Taken into custody pursuant to M. S. 243.05 after failure to appear at Preliminary Hearing.
- Returned to State of Minnesota by extradition or pursuant to waiver of extradition.
- Revocation of parole by M.C.A.

MINNESOTA CORRECTIONS AUTHORITY

By \_\_\_\_\_  
(Authorized Signature)

APPLICATION FOR TEMPORARY PAROLE

\_\_\_\_\_ Institution

Last Name \_\_\_\_\_ First Name \_\_\_\_\_ Initial \_\_\_\_\_ Age \_\_\_\_\_ Number \_\_\_\_\_

I request temporary parole for \_\_\_\_\_ days to begin on \_\_\_\_\_ date and end on \_\_\_\_\_ date

for the following purpose: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I will stay with \_\_\_\_\_ Name \_\_\_\_\_ Relationship \_\_\_\_\_

Who lives at \_\_\_\_\_ (Complete Address)

Transportation will be: \_\_\_\_\_ (bus, relative's car, etc.)

Total estimated expense for the temporary parole: \_\_\_\_\_ . I have: \_\_\_\_\_  
available, from \_\_\_\_\_ (savings, relatives, etc.) My current custody is \_\_\_\_\_

My last commission appearance was \_\_\_\_\_ Month-Year . My next commission appearance is \_\_\_\_\_ Month-Year

My last request for temporary parole was \_\_\_\_\_ Month-Year

My adjustment in the institution has been: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ (MCIW applicants indicate point quota, current point balance and recent fines)

A temporary parole would help me reach the following goals set with me, by my caseworker and classification team:  
\_\_\_\_\_  
\_\_\_\_\_

The above facts have been verified by \_\_\_\_\_  
\_\_\_\_\_ Name and position (Caseworker, agent, etc.)

Form Sample

PART VII - PAROLE, PROB. *This Side For Staff And Commission Use Only*  
 & PARDON BOARD PROCEDURES  
 CASEWORKER COMMENTS AND RECOMMENDATION

7-105.7  
 July 1977

Form Sample

\_\_\_\_\_ Recommended \_\_\_\_\_ Not Recommended

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 Caseworker Signature

CLASSIFICATION TEAM RECOMMENDATION

\_\_\_\_\_ Recommended \_\_\_\_\_ Not Recommended

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 Team Chairman Signature

ADULT CORRECTIONS COMMISSION/YOUTH CONSERVATION COMMISSION

\_\_\_\_\_ Granted \_\_\_\_\_ Denied

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

|                                       |   |                                     |                                      |                                  |                      |  |  |
|---------------------------------------|---|-------------------------------------|--------------------------------------|----------------------------------|----------------------|--|--|
| (11-6)<br>R.I.N. <input type="text"/> | (7-8)<br>CARD NO. <input type="text"/> <input type="text"/> | (9)<br>ACC <input type="checkbox"/> | (10)<br>YCC <input type="checkbox"/> | (11) REASON FOR TEMPORARY PAROLE |                      |  |  |
|                                       |   |                                     |                                      | <input type="checkbox"/>         | family emergency     |  |  |
|                                       |   |                                     |                                      | <input type="checkbox"/>         | medical              |  |  |
|                                       |   |                                     |                                      | <input type="checkbox"/>         | social adjustment    |  |  |
|                                       |   |                                     |                                      | <input type="checkbox"/>         | pre-release planning |  |  |
| DATE APPLICATION APPROVED             | BY CASEWORKER (12-17)                                       | BY CLASSIFICATION (18-23)           | BY COMMISSION (24-29)                |                                  |                      |  |  |
| DATE APPLICATION DISAPPROVED          | (30-35)   | (36-41)                             | (42-47)                              |                                  |                      |  |  |
| DATE OF DEPARTURE                     | (48-53)   | TOTAL DAYS (60-62)                  | DATE REVOKED BY VIOLATION (83-88)    | 69) REASON REVOKED               | HOW RETURNED (70)    |  |  |
| DATE OF RETURN                        | (54-59)   |                                     |                                      | 1 absconded                      | self                 |  |  |
|                                       |   |                                     |                                      | 2 technical                      |                      |  |  |
|                                       |   |                                     |                                      | 3 misdemeanor                    |                      |  |  |
|                                       |   |                                     |                                      | 4 gross misdemeanor              |                      |  |  |
|                                       |   |                                     |                                      | 5 felony                         | fugitive             |  |  |

Copies: ACC  
 Orig. to base file  
 Commission packets (3)

C.O. file - Research  
 Agent  
 Supervisor

YCC  
 Orig. to base file  
 Commission Packets (2)

C.O. file-research  
 Agent  
 Supervisor

MINNESOTA CORRECTIONS BOARD - RISK OF FAILURE WORKSHEET  
 PART VII - PAROLE, PROBATION  
 AND PARDON BOARD PROCEDURES

DEPARTMENT OF CORRECTIONS

7-105.8  
 July 1977

Inmate \_\_\_\_\_ Inst. # \_\_\_\_\_ Date of Birth \_\_\_\_\_

| Admission Offense | Adm. Date | Sentence | Form Sample |           |
|-------------------|-----------|----------|-------------|-----------|
|                   |           |          | Cc/Cs       | Exp. Date |
| _____             | _____     | _____    | _____       | _____     |
| _____             | _____     | _____    | _____       | _____     |
| _____             | _____     | _____    | _____       | _____     |

State Time Already Served \_\_\_\_\_ Recorded Jail/Wkhse Time \_\_\_\_\_

| ITEM   | YES | NO |
|--|-----|----|
| 1. The inmate has a prior conviction for exactly the same offense as any offense for which the inmate is now under sentence. |     |    |
| 2. The inmate was 19 or younger at the time of the first felony conviction.  |     |    |
| 3. The inmate has a total of three or more felony convictions, including convictions for the current sentence.               |     |    |
| 4. The inmate has one or more prior adult commitments to state correctional institutions.                                    |     |    |
| 5. The inmate has two or more prior probation or parole failures as an adult.  |     |    |
| 6. The inmate's current sentence includes one or more burglary convictions.  |     |    |
| Sev. Level _____ Risk Level _____ Matrix Time _____ Total # _____ Yes  |     |    |

AGGRAVATING CIRCUMSTANCES

MITIGATING CIRCUMSTANCES

DISTRIBUTION: Inmate Copy

CASEWORKER \_\_\_\_\_  
 DATE \_\_\_\_\_

REASONS FOR DEPARTURE

INFORMATION USED FOR DECISION

**CERTIFICATION**

W/IN

DEP

TYPE OF HEARING

- \_\_\_\_\_ New Admission
- \_\_\_\_\_ Annual Review
- \_\_\_\_\_ Special Review

MCB MEMBERS

- \_\_\_\_\_ MULCRONE
- \_\_\_\_\_ GREEN
- \_\_\_\_\_ SKWIERA
- \_\_\_\_\_ MELCHERT
- \_\_\_\_\_ BYRNES
- \_\_\_\_\_ LINDE
- \_\_\_\_\_ RYAN

- \_\_\_\_\_ # MOS. ASSIGNED BY MCB
- \_\_\_\_\_ # MOS. SERVED IN STATE INST.
- \_\_\_\_\_ # MOS. JAIL CREDIT
- \_\_\_\_\_ # MOS. LEFT TO PAROLE
- \_\_\_\_\_ TRD (date comp. from \_\_\_\_\_ )

MAP ELIGIBLE \_\_\_ YES \_\_\_ NO

DISTRIBUTION

- 1 - Inmate
- 1 - Institution
- 1 - C.O. File
- Research

MEMBER \_\_\_\_\_ DATE \_\_\_\_\_

14. PART VII - PAROLE, PROBATION AND PARDON BOARD PROCEDURES

DEPARTMENT OF CORRECTIONS

7-105.9  
July 1977

| PAROLE RELEASE DATE MATRIX (effective 7-1-77) |  | Number "Yes" Responses on Worksheet |       |       |       |       |
|---|--|-------------------------------------|-------|-------|-------|-------|
| Severity Level                                | Offenses   | Predicted Group Failure Rate        |       |       |       |       |
|   |  | Risk of Failure Level               |       |       |       |       |
|   |  | 0                                   | 1-2   | 3-4   | 5     | 6     |
|   |  | 11%                                 | 28%   | 35%   | 49%   | 63%   |
|   |  | I.                                  | II.   | III.  | IV.   | V.    |
| I.  | UUVV<br>Possession of a Controlled Substance<br>Forgery, Aggravated Forgery, Uttering a Forged Instrument  | 4-12                                | 7-12  | 9-12  | 11-17 | 18-28 |
| II.   | Aggravated Criminal Damage to Property—no weapon<br>Burglary—no weapon—not in dwelling<br>Negligent Fires<br>Possession of Burglary Tools<br>Receiving Stolen Property<br>Arson—Third Degree<br>Theft—\$100 to \$2500; Theft by Check<br>Terroristic Threats<br>Defeating Security on Personality<br>Damage to Public Property   | 7-12                                | 9-12  | 11-17 | 18-24 | 25-36 |
| III.  | Theft—more than \$2500<br>Burglary—weapon—not in dwelling<br>Burglary—no weapon—dwelling<br>Escape from Custody<br>Aggravated Criminal Damage to Property—weapon<br>Indecent Liberties—no injury*<br>Criminal Sexual Conduct—Fourth Degree*<br>Possession of Controlled Substance with Intent to Sell<br>Dangerous Weapon—machine gun<br>Felon in Possession of Pistol<br>Arson—Second Degree<br>Prostitution—other acts prohibited  | 9-12                                | 11-17 | 18-24 | 25-32 | 33-45 |
| IV.   | Burglary—weapon—dwelling<br>Simple Robbery<br>Aggravated Arson; Arson—First Degree<br>Aggravated Assault<br>Indecent Liberties—injury*<br>Kidnapping—no injury<br>Criminal Sexual Conduct—Third Degree*<br>Attempted Murder—Second Degree; Third Degree<br>Incest<br>Sexual Intercourse with Child—over age 16*<br>Confining own Child; False Imprisonment<br>Burglary with Tool<br>Theft from Person<br>Sale of a Controlled Substance<br>Prostitution—Soliciting or Inducing Person Under 18 to Practice | 11-17                               | 18-24 | 26-32 | 34-40 | 47-53 |
| V.  | Aggravated Robbery<br>Manslaughter—Second Degree*<br>Criminal Negligence*<br>Attempted Murder—First Degree<br>Conspiracy to Commit Murder—First Degree<br>Sexual Intercourse with Child—age 14 to 16*  | 18-24                               | 26-32 | 39-45 | 51-60 | 67-76 |
| VI.   | Manslaughter—First Degree<br>Criminal Sexual Conduct—First Degree; Second Degree<br>Kidnapping—injury<br>Sodomy; Sodomy with Child<br>Sexual Intercourse with Child—age 10 and under, and age 11 to 13   | 42                                  | 50    | 60    | 75    | 92    |
| VII.  | Murder—Third Degree  | 72                                  | 86    | 109   | 135   | 170   |
| VIII.   | Murder—Second Degree   | 86                                  | 108   | 145   | 194   | 240   |
| IX.   | Murder—First Degree  | 204                                 | 241   | 301   | 355   | 416   |

ELIGIBLE FOR MAP  
(Except where noted)

NOT ELIGIBLE  
FOR MAP

\*Not Eligible for MAP Contract - Any inmate whose offense involved injury to the victim will not be eligible for MAP. Persons convicted of sex offenses or where, regardless of offense title, a reading of the description of the offense indicates that it was really of a sexual nature will not be eligible for MAP.

OFFENSE ELIGIBILITY FOR MINNESOTA  
MUTUAL AGREEMENT PROGRAMMINGForm Sample

| Minnesota<br>Statute<br>Number | Minnesota<br>Offense<br>Code Number |   |
|--------------------------------|-------------------------------------|---|
| 152.15                         | 707                                 | Illegal Possession or Use of Narcotic Drugs         |
| 243.55                         | 703                                 | Illegal Possession or Use of Intoxicating Liquors   |
| 340.55                         | 701                                 | Illegal Sale of Intoxicating Liquors                |
| 609.42                         | 802                                 | Bribery of Public Officials                         |
| 609.425                        | 804                                 | Corruptly Influencing Legislators                   |
| 609.445                        | 811                                 | Failure to Pay Over State Funds                     |
| 609.455                        | 821                                 | Permitting False Claims Against Government          |
| 609.465                        | 822                                 | Presenting False Claims to Public Officials or Body |
| 609.48                         | 820                                 | Perjury   |
| 609.52                         | 204                                 | Theft over \$100.00                                 |
| 609.525                        | 201                                 | Bringing Stolen Goods into State over \$100.00      |
| 609.53                         | 203                                 | Receiving Stolen Property over \$100.00             |
| 609.54                         | 202                                 | Embezzlement of Public Funds                        |
| 609.55                         | 205                                 | Unauthorized Use of Motor Vehicle                   |
| 609.58                         | 403                                 | Burglary  |
| 609.59                         | 407                                 | Possession of Burglary Tools                        |
| 609.61                         | 406                                 | Defrauding Insurer                                  |
| 609.615                        | 404                                 | Defeating Security or Realty over \$100.00          |
| 609.62                         | 405                                 | Defeating Security or Personality                   |
| 609.625                        | 301                                 | Aggravated Forgery                                  |
| 609.63                         | 303                                 | Forgery   |
| 609.635                        | 305                                 | Obtaining Signature by False Pretense               |
| 609.64                         | 306                                 | Recording, Filing of Forged Instrument              |
| 609.645                        | 304                                 | Fraudulent Statements                               |
| 609.65                         | 302                                 | False Certification by Notary Public                |
| 609.82                         | 814                                 | Fraud In Obtaining Credit over \$100.00             |
| 609.825                        | 803                                 | Bribery of Participant or Official in Contest       |
| 609.83                         | 812                                 | Falsely Impersonating Another                       |

September 12, 1975

Form Sample

MINNESOTA CORRECTIONS BOARD

MINNESOTA MUTUAL AGREEMENT PROGRAM CONTRACT

NAME: \_\_\_\_\_, No. \_\_\_\_\_, at \_\_\_\_\_

Contingent upon the successful completion of the following listed contract objectives and compliance with the stated contract conditions, the Minnesota Corrections Board shall grant parole to \_\_\_\_\_ by \_\_\_\_\_ but not before \_\_\_\_\_.

CONTRACT OBJECTIVES:

The objectives below comprise the program that has been negotiated between \_\_\_\_\_ and the Minnesota Corrections Board on \_\_\_\_\_, 19\_\_\_\_.

Form Sample

CONDITIONS UNDER WHICH THIS CONTRACT MAY BE RENEGOTIATED OR CANCELLED

1. I understand that during the life of this contract should I be found guilty by the Institutional Disciplinary Court of an offense, which, if dealt with in a court of law, could result in a conviction for a criminal offense (felony or misdemeanor), this contract is suspended and is subject to renegotiation or cancellation at the Minnesota Corrections Board's discretion.
2. I understand that it is my responsibility to protect the custody level rating I have at the time of entering into this contract. Should this contract call for a reduction in custody level (for example, minimum status), it is my responsibility to achieve the required custody level. I further understand that should I fail to acquire the custody status required, this contract is suspended until that custody status is achieved. If the required custody status cannot be achieved within the time limitation set to meet the objectives of this contract, the contract is subject to renegotiation or cancellation at the Minnesota Corrections Board's discretion.
3. I understand that should I commit an act which may be considered a breach of contract before the effective date of parole, the Minnesota Corrections Board may suspend the order of parole pending the outcome of any administrative hearings required to establish breach of contract. If a breach of contract is established, it is subject to renegotiation or cancellation at the Minnesota Corrections Board's discretion.
4. If previously unknown information regarding pending felony prosecution or detainers from other jurisdictions became available, the contract may be renegotiated or cancelled at the Minnesota Corrections Board's discretion. I further understand that should any detainer be in full force and effect upon completion, by me, of my obligations under this contract, that any parole pursuant to this contract shall be to that detainer.
5. I understand that should this contract be cancelled, I will return to the upper level time period assigned to me at my initial hearing before the Minnesota Corrections Board. I further understand that the hearing at the upperlevel time period can be for parole consideration but that the Minnesota Corrections Board will decide upon the merits of my case whether a parole will or will not be granted at that time.

SIGNATURES OF CONTRACTING PARTIES

Resident

I, \_\_\_\_\_, have read, or have had read to me, and understand and agree to satisfactorily complete the objectives listed in this contract in consideration of a specific parole date. I further understand that, at any time during this contract, I may request a renegotiation of its terms or unilaterally cancel it without prejudice. I will, to the best of my abilities, carry out the objectives of this contract, and realize that failure to do so will cancel this contract.

By: \_\_\_\_\_

Date: \_\_\_\_\_

DEPARTMENT OF CORRECTIONS

Form Sample

I, \_\_\_\_\_, Department of Corrections, have reviewed the terms of this contract and certify that the programs and services specified in the contract are now available and will continue to be available to enable \_\_\_\_\_ to timely and successfully complete the objectives of this contract.

Minnesota Department of Corrections

By: \_\_\_\_\_

Title: \_\_\_\_\_

MINNESOTA CORRECTIONS BOARD

We, \_\_\_\_\_, \_\_\_\_\_, as members of the Minnesota Corrections Board, agree that the above-named resident will be paroled on \_\_\_\_\_, 19\_\_\_\_, CONTINGENT UPON THE SUCCESSFUL COMPLETION of the objectives of the contract as certified to us by the Department MAP Co-ordinator.

Minnesota Corrections Board

By: \_\_\_\_\_  
(Member)

\_\_\_\_\_  
(Member)

\_\_\_\_\_  
(Member)

Distribution

- Resident
- Base File
- MCA--3
- C. O. File
- Agent
- Supervisor

MAP REFUSAL

NAME: \_\_\_\_\_ NO. \_\_\_\_\_ INSTITUTION \_\_\_\_\_

The MAP Program of responsibilities and advantages have been explained to me during orientation and I have been advised that this program is available to me.

I have considered the above option and alternative options in providing for my eventual return to the community. I have chosen not to participate in a MAP to gain this end.

\_\_\_\_\_  
Resident Signature Date

\_\_\_\_\_  
Institution MAP CO-ordinator Date

CC: Inst. MAP Coordinator  
DOC MAP Coordinator  
Base File  
C.O. File

State of Minnesota

Form Sample

DEPARTMENT OF CORRECTIONS

Minnesota Corrections Authority

MEDICAL PAROLE

The Minnesota Corrections Authority does, by virtue of the authority conferred upon it by law, hereby grant a MEDICAL PAROLE to

\_\_\_\_\_

now confined at the \_\_\_\_\_, at \_\_\_\_\_  
Minnesota, and allow him to go outside the buildings and enclosure of said institution, subject, however, to the following regulations and conditions:

1. He shall at once upon leave the said institution proceed to the \_\_\_\_\_  
at \_\_\_\_\_, Minnesota, an institution with hospital facilities, and there exclusively remain for care and treatment during all of such time as this medical parole is in force and effect, and during the period of this medical parole the \_\_\_\_\_ of the \_\_\_\_\_  
is hereby designated and appointed an agent of the Minnesota Corrections Authority to exercise the necessary supervision and control of the said \_\_\_\_\_.

2. He shall upon leaving the said \_\_\_\_\_ immediately return, or be returned to the said correctional institution unless otherwise determined by the Minnesota Corrections Authority.

3. All expenses in connection with said care and treatment shall be defrayed by the inmate or by those interested in his behalf, and the Minnesota Corrections Authority assumes no obligation directly or indirectly for the payment thereof.

4. He shall as far as consistent with this medical parole, comply with all the rules and regulations of the institution from which he has been granted this medical parole and agrees to be subject to the supervision and control of the \_\_\_\_\_ of such institution.

5. This medical parole shall be terminated upon notice from the institution that the necessity for medical parole no longer exists and upon action by the Minnesota Corrections Authority.

6. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed in triplicate this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

I, \_\_\_\_\_ No. \_\_\_\_\_, an inmate of the Minnesota State  
\_\_\_\_\_, hereby declare that I have carefully read, and do clearly understand, the contents and conditions of the above medical parole, and I hereby accept the same and do pledge myself to honestly comply with said conditions.

Signed in triplicate this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

WITNESSED:

NOTE: ATTACHED ARE

CHANGES IN MCB PAROLE

GUIDELINES. PLEASE MARK

THE AFFECTED SECTIONS

FOR REFERRAL TO THIS

ADDENDUM.

Office Memorandum

DEPARTMENT OF CORRECTIONS

TO : Commissioner Kenneth Schoen  
 Crv Pung  
 Pat Mack  
 All Institutional Wardens and Superintendents  
 Institutional Caseworkers

DATE: May 11, 1978

FROM : R. T. Mulcrone, Chairman  
 Minnesota Corrections Board

PHONE: 296-2443

SUBJECT: Changes in MCB Parole Guidelines

The following changes were approved by the MCB in January and March and are in effect now. Pending a reprinting of existing guidelines, these changes should be noted in your existing copy and this memo should be appended to that copy.

1. 7-104.5 p. Offenders Sentenced Under the Dangerous Offender Statute (M.S. 609.16)

A new section is added with the following language:

Where an inmate is sentenced as a dangerous offender under M.S. 609.16, the target release date will be established by determining the guideline time for the admission offense and by multiplying the guideline time at that level of severity and the lowest level of risk times the number of prior felony convictions and adding the product to the guideline time for the current offense.

Example: An inmate has four total felonies, including a current conviction for aggravated assault with injury and is sentenced as a dangerous offender. He has four "yes" responses. This guideline time would be determined as follows:

|                  |                     |
|------------------|---------------------|
| Current Offense: | 32 months           |
|                  | +10 (Injury)        |
| Prior Felonies:  | +51 (17 x 3 priors) |
|                  | <u>93 months</u>    |

2. 7-104.5b Inmates with Multiple Committing Offenses and Consecutive Sentences.

The existing language is stricken and replaced with the following:

The Board will establish the target release date by determining the time indicated by the parole release date matrix for the most severe offense (whether consecutive or concurrent) and the appropriate level of risk and then increase that time (a) by adding the time for each additional consecutive sentence indicated by

the parole release date matrix at the appropriate level of severity and the lowest level of risk or (b) if none of the other sentences are consecutive, by adding the time indicated by the most severe offense at the appropriate level of severity and the lowest level at risk.

Examples:

A. An inmate has 3 new sentences as follows:

|                    |         |
|--------------------|---------|
| Aggravated Robbery | 0-20 CC |
| Simple Robbery     | 0-10 CS |
| Theft              | 0-5 CC, |
| & 1 "yes" response |         |

The most severe offense is aggravated robbery with a guideline time of 32 months. To this, 17 months would be added for the consecutive simple robbery. No additional time would be added for the concurrent theft. Thus, the guideline time would be  $32 + 17 = 49$  months.

B. An inmate has four new sentences as follows:

|                                     |         |
|-------------------------------------|---------|
| Criminal Sexual Conduct, 3rd degree | 0-10 CS |
| Criminal Sexual Conduct, 4th degree | 0-5 CS  |
| Theft                               | 0-5 CC  |
| Forgery                             | 0-5 CC  |
| & 2 "yes" responses                 |         |

The most severe offense is CSC, 3 with a guideline time of 24 months. To this, 12 months would be added for the consecutive CSC, 4, and 12 months for the other concurrent offenses, making a guideline time of 48 months ( $24+12+12$ ).

3. 7-104.5o is amended by striking the "or" before "escape" on line 2 and adding after the word "escape" the following phrase, "or while in the institution." The title is amended accordingly.

4. 7-104.5a Inmates with Multiple Committing Offenses and Concurrent Sentences

This section is amended by inserting a new sentence after the first sentence which reads as follows:

"Where an inmate is serving concurrent sentences for two or more offenses of equal severity with different admission dates, and where the inmate has not been paroled on any of the offenses, the target release date will be computed from the initial admission date."

(i) The preponderance or available evidence suggests that the inmate would pose a danger to public safety if re-paroled, or

(ii) The person has multiple revocations for technical violations or new non-felony convictions during the current parole.

(b) In determining the period of re-incarceration, the following general standard will be applied:

(i) For a technical violation--three months from the date of readmission;

(ii) For a new misdemeanor or gross misdemeanor--four months from the date of readmission;

(iii) For a new felony conviction where the parolee is not committed for the new felony - six months from the date of readmission.

## 2. Persons Violating Work Release

Inmates violating conditions of work release will be returned to the institution and will receive a minimum continuance of three months from the date of readmission. If the inmate was released to work release after completing a MAP contract, he or she will be continued to their target release date plus three months. If the target release date was passed while on work release, the inmate will be continued for three months from the date of readmission.

## 3. No Credit for Jail Time

For persons covered by section 7-104.5d, institutional continuances will not be reduced by the amount of time, if any, such persons were confined in jails between violation and return."

## 9. 7-104.5l Credit for Pre-Trial Confinement:

Amend by inserting the following sentence between the first and second sentence:

"To obtain credit for pre-trial confinement, the inmate must assert his or her claim to such credit within two months of initial MCB review."

## 10. 7-104.5n Impact of Escape on Target Release Date:

Amend by replacing (in lines 1-2) the phrase "from a state correctional institution" with "from custody"...

5. 7-104.5k (1) Change the word "promulgated" to "made."

6. 7-104.2e A new section is added, as follows:

Rectifying Errors in Previously Assigned Target Release Dates

"If the Board discovers it acted upon erroneous information or incorrect computation in assigning a target release date, the Board can assign a new target release date based upon correct information or computation. The inmate may invoke verification procedures under section 7-104.4(3), but once verified, the inmate may not assert a claim to the prior target release date based on erroneous information."

7. 7-104.2c MAP Eligibility:

This section is rewritten to read as follows:

"Effective July 1, 1978, all inmates who will reach their target release dates in 30 months or less are eligible for MAP contracts. Inmates completing MAP contracts who were convicted of crimes where the victim was injured, or convicted of sex offenses or where, regardless of offense title, a reading of the official description of the offense indicates it was a sexual nature, may not be released earlier than 120 days before the target release date. Moreover, for these inmates, where a psychological or psychiatric evaluation indicates a characterological disorder, inmates will be released only to a program designed to treat that disorder. Where no characterological disorder is found, these inmates will be released only through work release."

(This language would replace the first 10½ lines of section 7-104.2(c). The balance of that section would remain unchanged.)

8. 7-104.5d Retitle: Revocation of Paroles or Work Release for Violations of Technical Rules or New, Non-Felony Criminal Convictions:

The existing language of 7-104.5d is stricken and replaced with the following:

"1. Persons violating parole release:

- (a) Generally, those paroled are deemed to have served enough time for the offense for which they were committed. For such people who violate parole with technical violations or new non-felony convictions, the Board will return the individual to a state correctional institution for a short period of time and then re-institute a revised parole plan, unless:

11. Delete current language under 7-104.6a (1), and replace with the following:

"Following escape from a state correctional institution pursuant to section 7-104.05n."

12. In section 7-104.5J, second paragraph, lines 4 and 5, delete the language, "remove the case from the matrix", and replace with "depart from the guidelines".
13. In section 7-104.5I, on the second line from the bottom, insert the following phrase after the word "date": "indicated by the parole release date matrix".
14. Place "Aggravated Sodomy" at the sixth level of offense severity on the parole release date matrix, and reduce "Sodomy" from the sixth to the fifth level of offense severity.
15. Add "Aiding and Abetting Escape" as an offense at the third level of offense severity.

RTM:DP:SS

Appendix C

OREGON

## EXHIBIT A

## Part I

## OFFENSE SEVERITY UNDER RULE 254-135-005

| OFFENSE   | RATING | FELONY CLASS |
|---|--------|--------------|
| 163.095 - Aggravated Murder   | 7      | A            |
| 163.115 - Murder  | 7      | A            |
| 166.005 - Treason   | 7      | A            |
| 163.118 - Manslaughter I  | 6      | A            |
| 163.235 - Kidnapping I  | 6      | A            |
| 163.375 - Rape I (Subcategory 1)  | 6      | A            |
| 163.405 - Sodomy I (Subcategory 1)  | 6      | A            |
| 164.415 - Robbery I (Subcategory 1)   | 6      | A            |
| 163.185 - Assault I (Subcategory 1)   | 6      | A            |
| 164.325 - Arson I (Subcategory 1)   | 6      | A            |
| 163.185 - Assault I (Subcategory 2)   | 5      | A            |
| 164.325 - Arson I (Subcategory 2)   | 5      | A            |
| 164.415 - Robbery I (Subcategory 2)   | 5      | A            |
| 162.165 - Escape I  | 5      | B            |
| 164.225 - Burglary I (Subcategory 1)  | 5      | A            |
| 163.175 - Assault II  | 4      | B            |
| 163.225 - Kidnapping II   | 4      | B            |
| 163.365 - Rape II (Subcategory 1)   | 4      | B            |
| 163.395 - Sodomy II   | 4      | B            |
| 164.225 - Burglary I (Subcategory 2)  | 4      | A            |
| 167.017 - Compelling Prostitution   | 4      | B            |
| 164.405 - Robbery II  | 4      | B            |
| 167.207(4) - Criminal Activity in Drugs<br>(Subcategory 1)                          | 4      | A            |
| 163.275 - Coercion (Subcategory 1)  | 4      | C            |
| 164.075 - Theft by Extortion (Subcategory 1)  | 4      | C            |
| 475.992(i) - Manufacture or Delivery of a Controlled<br>Substance (Subcategory 1)   | 4      | A            |
| 475.995 - Unlawful Delivery of a Controlled<br>Substance to a Minor (Subcategory 1) | 4      | A,B          |
| 163.125 - Manslaughter II   | 3      | B            |
| 162.015 - Bribe Giving  | 3      | B            |
| 162.025 - Bribe Receiving   | 3      | B            |
| 167.207(1) - Criminal Activity in Drugs<br>(Subcategory 1)                          | 3      | B            |
| 163.425 - Sexual Abuse I  | 3      | C            |

| OFFENSE -   | RATING | FELONY CLASS |
|---|--------|--------------|
| 164.225 - Burglary I (Subcategory 3)  | 3      | A            |
| 163.365 - Rape II (Subcategory 2)   | 3      | B            |
| 164.215 - Burglary II (Subcategory 1)   | 3      | C            |
| 164.055 - Theft I (Subcategory 1)   | 3      | C            |
| 164.125 - Theft of Services (Subcategory 1)   | 3      | C            |
| 164.085 - Theft by Deception (Subcategory 1)  | 3      | C            |
| 165.013 - Forgery I (Subcategory 1)   | 3      | C            |
| 475.992(1) - Manufacture or Delivery of Controlled Substance (Subcategory 2)          | 3      | A,B,C        |
| 475.992(3) - Unlawful Creation or Delivery of a Counterfeit Substance (Subcategory 1) | 3      | A            |
| 475.995 - Unlawful Delivery of a Controlled Substance to a Minor (Subcategory 2)      | 3      | A,B          |
| 162.065 - Perjury   | 2      | C            |
| 162.155 - Escape II (Subcategory 1)   | 2      | C            |
| 162.205 - Failure to Appear I   | 2      | C            |
| 162.265 - Bribing a Witness   | 2      | C            |
| 162.275 - Witness Receiving a Bribe   | 2      | C            |
| 163.145 - Criminally Negligent Homicide   | 2      | C            |
| 163.205 - Criminal Mistreatment   | 2      | C            |
| 163.257 - Custodial Interference I  | 2      | C            |
| 163.275 - Theft by Coercion (Subcategory 2)   | 2      | C            |
| 163.355 - Rape III  | 2      | C            |
| 163.385 - Sodomy III  | 2      | C            |
| 163.535 - Abandon Child   | 2      | C            |
| 164.055 - Theft I (Subcategory 2)   | 2      | C            |
| 164.095 - Theft by Receiving  | 2      | C            |
| 164.135 - Unauthorized Use of a Motor Vehicle (Subcategory 1)                         | 2      | C            |
| 164.215 - Burglary II (Subcategory 2)   | 2      | C            |
| 164.315 - Arson II  | 2      | C            |
| 164.395 - Robbery III   | 2      | C            |
| 165.013 - Forgery I (Subcategory 2)   | 2      | C            |
| 163.175 - Assault III   | 2      | C            |
| 167.207(4) - Criminal Activity in Drugs (Subcategory 3)                               | 2      | A            |
| 167.207(1) - Criminal Activity in Drugs (Subcategory 2)                               | 2      | A            |
| 164.125 - Theft of Services (Subcategory 2)   | 2      | C            |
| 164.075 - Theft by Deception (Subcategory 2)  | 2      | C            |
| 165.095 - Sports Bribery  | 2      | C            |
| 165.090 - Sports Bribe Receiving  | 2      | C            |
| 166.270 - Ex-convict in Possession  | 2      | C            |
| 166.410 - Sale related (firearms)   | 2      | C            |
| 166.220 - Carrying a Weapon With Intent to Use  | 2      | C            |
| 167.012 - Promoting Prostitution  | 2      | C            |

| OFFENSE   | RATING | FELONY CLASS             |
|---|--------|--------------------------|
| 167.278 - Obtaining Drugs Unlawfully  | 2      | B                        |
| 496.992(3) - Poaching (Subcategory 1)   | 2      | C                        |
| 475.992(1) - Manufacture or Delivery of a Controlled Substance (Subcategory 3)        | 2      | A,B,C                    |
| 475.992(3) - Unlawful Creation or Delivery of a Counterfeit Substance (Subcategory 2) | 2      | B,C                      |
| 475.992(4) - Possession of a Controlled Substance (Subcategory 1)                     | 2      | B,C                      |
| 475.995 - Unlawful Delivery of a Controlled Substance to a Minor (Subcategory 3)      | 2      | C                        |
| 162.185 - Supplying Contraband  | 1      | C                        |
| 162.325 - Hindering Prosecution   | 1      | C                        |
| 163.515 - Bigamy  | 1      | C                        |
| 163.525 - Incest  | 1      | C                        |
| 163.555 - Criminal Nonsupport   | 1      | C                        |
| 164.065 - Theft: Lost, Mislaid  | 1      | C                        |
| 164.075 - Theft by Deception (Subcategory 3)  | 1      | C                        |
| 164.125 - Theft of Services (Subcategory 3)   | 1      | A -\$200 (M)<br>C +\$200 |
| 164.365 - Criminal Mischief I   | 1      | C                        |
| 165.022 - Forged Instrument I   | 1      | C                        |
| 165.032 - Forgery Device  | 1      | C                        |
| 165.055 - Fraudulent Use of a Credit Card   | 1      | A -\$200 (M)<br>C +\$200 |
| 165.070 - Fraudulent Communication Device   | 1      | C                        |
| 167.127 - Promoting Gambling  | 1      | C                        |
| 167.137 - Possession of Gambling Records I  | 1      | C                        |
| 167.212 - Tampering with Drug Records   | 1      | C                        |
| - Welfare Fraud   | 1      | C                        |
| - Felony Traffic  | 1      | C                        |
| 133.723 - Interception of Communication   | 1      | C                        |
| 496.992(3) - Poaching (Subcategory 2)   | 1      | C                        |
| 167.207(1) - Criminal Activity in Drugs (Subcategory 3)                               | 1      | A                        |
| 164.215 - Burglary II (Subcategory 3)   | 1      | C                        |
| 164.135 - Unauthorized Use of a Motor Vehicle (Subcategory 2)                         | 1      | C                        |
| 162.155 - Escape II (Subcategory 2)   | 1      | C                        |
| 475.992(1) - Manufacture or Delivery of a Controlled Substance (Subcategory 4)        | 1      | A,B,C                    |
| 475.992(3) - Unlawful Creation or Delivery of a Counterfeit Substance (Subcategory 3) | 1      | B,C                      |
| 475.992(4) - Possession of a Controlled Substance (Subcategory 2)                     | 1      | B,C                      |
| 475.993 - Violation of Controlled Substance Act by Registrants                        | 1      | C                        |

Conspiracy has the same offense severity as the crime conspired to.

## CHART #2

AFTER SEVERAL MISDIRECTED EFFORTS, THE FOLLOWING LIST OF CRITERIA WAS CHOSEN AS THE KEY FACTORS THAT CORRECTIONAL STAFF SAID, IN RESPONSE TO A SURVEY, THEY USED IN MAKING CLASSIFICATION DECISIONS REGARDING LEVELS OF CUSTODY AND SUPERVISION.

1. NATURE OF OFFENSE;
2. CRIMINAL HISTORY PATTERN;
3. LENGTH OF TIME TO RELEASE DATE;
4. DEMONSTRATED BEHAVIOR PATTERN AND ABILITY TO HANDLE RESPONSIBILITY;
5. MENTAL/EMOTIONAL STABILITY;
6. FAMILY TIES AND INTERPERSONAL RELATIONSHIPS;
7. EMPLOYMENT/ACADEMIC RECORD;
8. DRUG/ALCOHOL PROBLEM;
9. AGE;
10. RECORD OF PHYSICAL FLIGHT TO AVOID RESPONSIBILITY; AND,
11. VIEWS OF OTHER CRIMINAL JUSTICE AGENCIES AND THE PUBLIC.

## CHART #2

AFTER SEVERAL MISDIRECTED EFFORTS, THE FOLLOWING LIST OF CRITERIA WAS CHOSEN AS THE KEY FACTORS THAT CORRECTIONAL STAFF SAID, IN RESPONSE TO A SURVEY, THEY USED IN MAKING CLASSIFICATION DECISIONS REGARDING LEVELS OF CUSTODY AND SUPERVISION.

1. NATURE OF OFFENSE;
2. CRIMINAL HISTORY PATTERN;
3. LENGTH OF TIME TO RELEASE DATE;
4. DEMONSTRATED BEHAVIOR PATTERN AND ABILITY TO HANDLE RESPONSIBILITY;
5. MENTAL/EMOTIONAL STABILITY;
6. FAMILY TIES AND INTERPERSONAL RELATIONSHIPS;
7. EMPLOYMENT/ACADEMIC RECORD;
8. DRUG/ALCOHOL PROBLEM;
9. AGE;
10. RECORD OF PHYSICAL FLIGHT TO AVOID RESPONSIBILITY; AND,
11. VIEWS OF OTHER CRIMINAL JUSTICE AGENCIES AND THE PUBLIC.

EXHIBIT C

LEVEL OF SUPERVISION ELIGIBILITY MATRIX SCHEDULE FOR PROBATIONERS

| CRIME CATEGORY   | MONTHS UNDER SUPERVISION |      |       |       |       |       |       |       |       |       |
|--|--------------------------|------|-------|-------|-------|-------|-------|-------|-------|-------|
|  | 1-6                      | 7-12 | 13-18 | 19-24 | 25-30 | 31-36 | 37-42 | 43-48 | 49-54 | 55-60 |
| 7  | 1                        | 1    | 1     | 1     | 1     | 1     | 1     | 1     | 1     | 1     |
| 6  | 1                        | 1    | 1     | 1     | 1     | 1     | 1     | 1     | 1     | 1     |
| 5  | 1                        | 1    | 1     | 2     | 2     | 2     | 2     | 3     | 3     | 3     |
| 4  | 1                        | 1    | 2     | 2     | 2     | 2     | 3     | 3     | 3     | 3     |
| 3  | 1                        | 2    | 2     | 2     | 2     | 3     | 3     | 3     | 3     | 3     |
| 2  | 1                        | 2    | 2     | 2     | 2     | 3     | 3     | 3     | 3     | 3     |
| 1  | 2                        | 2    | 2     | 2     | 3     | 3     | 3     | 3     | 3     | 3     |
| MATRIX SCHEDULE FOR PROBATIONERS WITH HISTORY/RISK SCORE |                          |      |       |       |       |       |       |       |       | 0 - 2 |

| CRIME CATEGORY   | MONTHS UNDER SUPERVISION |      |       |       |       |       |       |       |       |       |
|--|--------------------------|------|-------|-------|-------|-------|-------|-------|-------|-------|
|  | 1-6                      | 7-12 | 13-18 | 19-24 | 25-30 | 31-36 | 37-42 | 43-48 | 49-54 | 55-60 |
| 7  | 1                        | 1    | 1     | 1     | 1     | 1     | 1     | 1     | 1     | 1     |
| 6  | 1                        | 1    | 1     | 1     | 1     | 1     | 1     | 1     | 1     | 1     |
| 5  | 1                        | 1    | 1     | 2     | 2     | 2     | 2     | 3     | 3     | 3     |
| 4  | 1                        | 2    | 2     | 2     | 2     | 2     | 3     | 3     | 3     | 3     |
| 3  | 2                        | 2    | 2     | 2     | 2     | 3     | 3     | 3     | 3     | 3     |
| 2  | 2                        | 2    | 2     | 2     | 2     | 3     | 3     | 3     | 3     | 3     |
| 1  | 2                        | 2    | 2     | 2     | 3     | 3     | 3     | 3     | 3     | 3     |
| MATRIX SCHEDULE FOR PROBATIONERS WITH HISTORY/RISK SCORE |                          |      |       |       |       |       |       |       |       | 3 - 5 |

| CRIME CATEGORY   | MONTHS UNDER SUPERVISION |      |       |       |       |       |       |       |       |       |
|--|--------------------------|------|-------|-------|-------|-------|-------|-------|-------|-------|
|  | 1-6                      | 7-12 | 13-18 | 19-24 | 25-30 | 31-36 | 37-42 | 43-48 | 49-54 | 55-60 |
| 7  | 1                        | 1    | 1     | 1     | 1     | 1     | 1     | 1     | 1     | 1     |
| 6  | 1                        | 1    | 1     | 1     | 2     | 2     | 2     | 2     | 2     | 2     |
| 5  | 1                        | 1    | 1     | 2     | 2     | 2     | 2     | 3     | 3     | 3     |
| 4  | 1                        | 2    | 2     | 2     | 2     | 2     | 3     | 3     | 3     | 3     |
| 3  | 2                        | 2    | 2     | 2     | 3     | 3     | 3     | 3     | 3     | 3     |
| 2  | 2                        | 2    | 2     | 2     | 3     | 3     | 3     | 3     | 3     | 3     |
| 1  | 2                        | 2    | 2     | 3     | 3     | 3     | 3     | 3     | 3     | 3     |
| MATRIX SCHEDULE FOR PROBATIONERS WITH HISTORY/RISK SCORE |                          |      |       |       |       |       |       |       |       | 6 - 8 |

| CRIME CATEGORY   | MONTHS UNDER SUPERVISION |      |       |       |       |       |       |       |       |        |
|--|--------------------------|------|-------|-------|-------|-------|-------|-------|-------|--------|
|  | 1-6                      | 7-12 | 13-18 | 19-24 | 25-30 | 31-36 | 37-42 | 43-48 | 49-54 | 55-60  |
| 7  | 1                        | 1    | 1     | 1     | 1     | 1     | 1     | 1     | 1     | 1      |
| 6  | 1                        | 1    | 1     | 1     | 2     | 2     | 2     | 2     | 2     | 2      |
| 5  | 1                        | 1    | 2     | 2     | 2     | 2     | 2     | 3     | 3     | 3      |
| 4  | 2                        | 2    | 2     | 2     | 2     | 3     | 3     | 3     | 3     | 3      |
| 3  | 2                        | 2    | 2     | 2     | 3     | 3     | 3     | 3     | 3     | 3      |
| 2  | 2                        | 2    | 3     | 3     | 3     | 3     | 3     | 3     | 3     | 3      |
| 1  | 2                        | 2    | 3     | 3     | 3     | 3     | 3     | 3     | 3     | 3      |
| MATRIX SCHEDULE FOR PROBATIONERS WITH HISTORY/RISK SCORE |                          |      |       |       |       |       |       |       |       | 9 - 11 |

CHART #3

IN COMPARING THIS LIST WITH THE FACTORS USED BY  
THE PAROLE BOARD TO COMPUTE THE CRIMINAL HISTORY  
RISK SCORE, IT WAS CONCLUDED THAT ASIDE FROM  
SEMANTIC DIFFERENCES, THE FACTORS WERE VERY SIMILAR  
EXCEPT FOR FOUR (4) CRITERIA:

1. LENGTH OF TIME TO RELEASE;
2. DEMONSTRATED BEHAVIOR PATTERN AND ABILITY  
TO HANDLE RESPONSIBILITY;
3. NATURE OF FAMILY TIES AND INTERPERSONAL  
RELATIONSHIPS; AND,
4. VIEWS OF OTHER CRIMINAL JUSTICE AGENCIES  
AND GENERAL PUBLIC.

EXHIBIT D

LEVEL OF SUPERVISION ELIGIBILITY MATRIX SCHEDULE FOR INMATES

| CRIME CATEGORY | MONTHS TO RELEASE |      |       |       |       |       |       |       |       |       |         |
|----------------|-------------------|------|-------|-------|-------|-------|-------|-------|-------|-------|---------|
|                | 1-6               | 7-12 | 13-18 | 19-24 | 25-30 | 31-36 | 37-42 | 43-48 | 49-54 | 55-60 | Over 60 |
| 7              | Min               | Min  | Min   | Med   | Med   | Cls   | Cls   | Cls   | Cls   | Cls   | Cls     |
| 6              | Min               | Min  | Min   | Med   | Med   | Cls   | Cls   | Cls   | Cls   | Cls   | Cls     |
| 5              | Min               | Min  | Min   | Med   | Med   | Cls   | Cls   | Cls   | Cls   | Cls   | Cls     |
| 4              | Min               | Min  | Min   | Min   | Med   | Cls   | Cls   | Cls   | Cls   | Cls   | Cls     |
| 3              | Min               | Min  | Min   | Min   | Med   | Cls   | Cls   | Cls   | Cls   | Cls   | Cls     |
| 2              | Min               | Min  | Min   | Min   | Med   | Cls   | Cls   | Cls   | Cls   | Cls   |         |
| 1              | Min               | Min  | Min   | Min   | Med   | Cls   | Cls   | Cls   | Cls   | Cls   |         |

MATRIX SCHEDULE FOR INMATES WITH HISTORY/RISK SCORE D - 2

| CRIME CATEGORY | MONTHS TO RELEASE |      |       |       |       |       |       |       |       |       |         |
|----------------|-------------------|------|-------|-------|-------|-------|-------|-------|-------|-------|---------|
|                | 1-6               | 7-12 | 13-18 | 19-24 | 25-30 | 31-36 | 37-42 | 43-48 | 49-54 | 55-60 | Over 60 |
| 7              | Min               | Min  | Min   | Med   | Med   | Cls   | Cls   | Cls   | Cls   | Cls   | Cls     |
| 6              | Min               | Min  | Min   | Med   | Med   | Cls   | Cls   | Cls   | Cls   | Cls   | Cls     |
| 5              | Min               | Min  | Min   | Med   | Med   | Cls   | Cls   | Cls   | Cls   | Cls   | Cls     |
| 4              | Min               | Min  | Min   | Min   | Med   | Cls   | Cls   | Cls   | Cls   | Cls   | Cls     |
| 3              | Min               | Min  | Min   | Min   | Med   | Cls   | Cls   | Cls   | Cls   | Cls   | Cls     |
| 2              | Min               | Min  | Min   | Min   | Med   | Cls   | Cls   | Cls   | Cls   | Cls   |         |
| 1              | Min               | Min  | Min   | Min   | Med   | Cls   | Cls   | Cls   | Cls   | Cls   |         |

MATRIX SCHEDULE FOR INMATES WITH HISTORY/RISK SCORE 3 - 5

| CRIME CATEGORY | MONTHS TO RELEASE |      |       |       |       |       |       |       |       |       |         |
|----------------|-------------------|------|-------|-------|-------|-------|-------|-------|-------|-------|---------|
|                | 1-6               | 7-12 | 13-18 | 19-24 | 25-30 | 31-36 | 37-42 | 43-48 | 49-54 | 55-60 | Over 60 |
| 7              | Min               | Min  | Min   | Med   | Med   | Cls   | Cls   | Cls   | Cls   | Cls   | Cls     |
| 6              | Min               | Min  | Min   | Med   | Med   | Cls   | Cls   | Cls   | Cls   | Cls   | Cls     |
| 5              | Min               | Min  | Min   | Med   | Med   | Cls   | Cls   | Cls   | Cls   | Cls   | Cls     |
| 4              | Min               | Min  | Min   | Min   | Med   | Cls   | Cls   | Cls   | Cls   | Cls   | Cls     |
| 3              | Min               | Min  | Min   | Min   | Med   | Med   | Cls   | Cls   | Cls   | Cls   | Cls     |
| 2              | Min               | Min  | Min   | Min   | Med   | Med   | Cls   | Cls   | Cls   | Cls   |         |
| 1              | Min               | Min  | Min   | Min   | Med   | Med   | Cls   | Cls   | Cls   | Cls   |         |

MATRIX SCHEDULE FOR INMATES WITH HISTORY/RISK SCORE 6 - 8

| CRIME CATEGORY | MONTHS TO RELEASE |      |       |       |       |       |       |       |       |       |         |
|----------------|-------------------|------|-------|-------|-------|-------|-------|-------|-------|-------|---------|
|                | 1-6               | 7-12 | 13-18 | 19-24 | 25-30 | 31-36 | 37-42 | 43-48 | 49-54 | 55-60 | Over 60 |
| 7              | Min               | Min  | Min   | Min   | Min   | Min   | Med   | Med   | Cls   | Cls   | Cls     |
| 6              | Min               | Min  | Min   | Min   | Min   | Min   | Med   | Med   | Cls   | Cls   | Cls     |
| 5              | Min               | Min  | Min   | Min   | Min   | Min   | Med   | Med   | Cls   | Cls   | Cls     |
| 4              | Min               | Min  | Min   | Min   | Min   | Min   | Med   | Med   | Cls   | Cls   | Cls     |
| 3              | Min               | Min  | Min   | Min   | Min   | Min   | Med   | Med   | Cls   | Cls   | Cls     |
| 2              | Min               | Min  | Min   | Min   | Min   | Min   | Med   | Med   | Cls   | Cls   |         |
| 1              | Min               | Min  | Min   | Min   | Min   | Min   | Med   | Med   | Cls   | Cls   |         |

MATRIX SCHEDULE FOR INMATES WITH HISTORY/RISK SCORE 9 - 11

EXHIBIT E

LEVEL OF SUPERVISION ELIGIBILITY MATRIX SCHEDULE FOR WORK RELEASE ENROLLEES

| CRIME<br>CATEGORY  | MONTHS UNDER SUPERVISION |      |       |       |       |       |       |       |       |       |
|--|--------------------------|------|-------|-------|-------|-------|-------|-------|-------|-------|
|  | 1-6                      | 7-12 | 13-18 | 19-24 | 25-30 | 31-36 | 37-42 | 43-48 | 49-54 | 55-60 |
| 7  | 1                        | 2    | 2     | 2     | 2     | 2     | 2     | 2     | 2     | 2     |
| 6  | 1                        | 2    | 2     | 2     | 2     | 2     | 2     | 2     | 2     | 2     |
| 5  | 1                        | 2    | 2     | 2     | 2     | 2     | 2     | 2     | 2     | 2     |
| 4  | 1                        | 2    | 2     | 2     | 2     | 2     | 2     | 2     | 2     | 2     |
| 3  | 1                        | 2    | 2     | 2     | 2     | 2     | 2     | 2     | 2     | 2     |
| 2  | 2                        | 2    | 2     | 2     | 2     | 2     | 2     | 2     | 2     | 2     |
| 1  | 2                        | 2    | 2     | 2     | 2     | 2     | 2     | 2     | 2     | 2     |
| MATRIX SCHEDULE FOR WORK RELEASE ENROLLEES WITH HISTORY/RISK SCORE |                          |      |       |       |       |       |       |       |       | 0 - 2 |

| CRIME<br>CATEGORY  | MONTHS UNDER SUPERVISION |      |       |       |       |       |       |       |       |       |
|--|--------------------------|------|-------|-------|-------|-------|-------|-------|-------|-------|
|  | 1-6                      | 7-12 | 13-18 | 19-24 | 25-30 | 31-36 | 37-42 | 43-48 | 49-54 | 55-60 |
| 7  | 1                        | 2    | 2     | 2     | 2     | 2     | 2     | 2     | 2     | 2     |
| 6  | 1                        | 2    | 2     | 2     | 2     | 2     | 2     | 2     | 2     | 2     |
| 5  | 1                        | 2    | 2     | 2     | 2     | 2     | 2     | 2     | 2     | 2     |
| 4  | 1                        | 2    | 2     | 2     | 2     | 2     | 2     | 2     | 2     | 2     |
| 3  | 2                        | 2    | 2     | 2     | 2     | 2     | 2     | 2     | 2     | 2     |
| 2  | 2                        | 2    | 2     | 2     | 2     | 2     | 2     | 2     | 2     | 2     |
| 1  | 2                        | 2    | 2     | 2     | 2     | 2     | 2     | 2     | 2     | 2     |
| MATRIX SCHEDULE FOR WORK RELEASE ENROLLEES WITH HISTORY/RISK SCORE |                          |      |       |       |       |       |       |       |       | 3 - 5 |

| CRIME<br>CATEGORY  | MONTHS UNDER SUPERVISION |      |       |       |       |       |       |       |       |       |
|--|--------------------------|------|-------|-------|-------|-------|-------|-------|-------|-------|
|  | 1-6                      | 7-12 | 13-18 | 19-24 | 25-30 | 31-36 | 37-42 | 43-48 | 49-54 | 55-60 |
| 7  | 1                        | 2    | 2     | 2     | 2     | 2     | 2     | 2     | 2     | 2     |
| 6  | 1                        | 2    | 2     | 2     | 2     | 2     | 2     | 2     | 2     | 2     |
| 5  | 1                        | 2    | 2     | 2     | 2     | 2     | 2     | 2     | 2     | 2     |
| 4  | 1                        | 2    | 2     | 2     | 2     | 2     | 2     | 2     | 2     | 2     |
| 3  | 2                        | 2    | 2     | 2     | 2     | 2     | 2     | 2     | 2     | 2     |
| 2  | 2                        | 2    | 2     | 2     | 2     | 2     | 2     | 2     | 2     | 2     |
| 1  | 2                        | 2    | 2     | 2     | 2     | 2     | 2     | 2     | 2     | 2     |
| MATRIX SCHEDULE FOR WORK RELEASE ENROLLEES WITH HISTORY/RISK SCORE |                          |      |       |       |       |       |       |       |       | 6 - 8 |

| CRIME<br>CATEGORY  | MONTHS UNDER SUPERVISION |      |       |       |       |       |       |       |       |        |
|--|--------------------------|------|-------|-------|-------|-------|-------|-------|-------|--------|
|  | 1-6                      | 7-12 | 13-18 | 19-24 | 25-30 | 31-36 | 37-42 | 43-48 | 49-54 | 55-60  |
| 7  | 1                        | 2    | 2     | 2     | 2     | 2     | 2     | 2     | 2     | 2      |
| 6  | 1                        | 2    | 2     | 2     | 2     | 2     | 2     | 2     | 2     | 2      |
| 5  | 1                        | 2    | 2     | 2     | 2     | 2     | 2     | 2     | 2     | 2      |
| 4  | 2                        | 2    | 2     | 2     | 2     | 2     | 2     | 2     | 2     | 2      |
| 3  | 2                        | 2    | 2     | 2     | 2     | 2     | 2     | 2     | 2     | 2      |
| 2  | 2                        | 2    | 2     | 2     | 2     | 2     | 2     | 2     | 2     | 2      |
| 1  | 2                        | 2    | 2     | 2     | 2     | 2     | 2     | 2     | 2     | 2      |
| MATRIX SCHEDULE FOR WORK RELEASE ENROLLEES WITH HISTORY/RISK SCORE |                          |      |       |       |       |       |       |       |       | 9 - 11 |

EXHIBIT F

LEVEL OF SUPERVISION ELIGIBILITY MATRIX SCHEDULE FOR PAROLEES

| CRIME CATEGORY | MONTHS UNDER SUPERVISION |      |       |       |       |       |       |       |       |       |       |        |         |         |         |         |
|----------------|--------------------------|------|-------|-------|-------|-------|-------|-------|-------|-------|-------|--------|---------|---------|---------|---------|
|                | 1-6                      | 7-12 | 13-18 | 19-24 | 25-30 | 31-36 | 37-42 | 43-48 | 49-60 | 61-72 | 73-84 | 85-102 | 103-144 | 145-150 | 151-240 | 241-300 |
| 7              | 1                        | 1    | 1     | 1     | 1     | 1     | 1     | 1     | 2     | 2     | 2     | 2      | 2       | 2       | 2       | 2       |
| 6              | 1                        | 1    | 1     | 1     | 1     | 1     | 2     | 2     | 2     | 2     | 2     | 2      | 3       |         |         |         |
| 5              | 1                        | 1    | 1     | 1     | 1     | 2     | 2     | 2     | 2     | 3     | 3     | 3      | 3       |         |         |         |
| 4              | 1                        | 1    | 1     | 1     | 2     | 2     | 2     | 2     | 3     | 3     | 3     | 3      | 3       |         |         |         |
| 3              | 1                        | 1    | 2     | 2     | 2     | 2     | 2     | 3     | 3     | 3     | 3     | 3      | 3       |         |         |         |
| 2              | 1                        | 1    | 2     | 2     | 2     | 2     | 3     | 3     | 3     |       |       |        |         |         |         |         |
| 1              | 1                        | 1    | 2     | 2     | 2     | 3     | 3     | 3     | 3     |       |       |        |         |         |         |         |

MATRIX SCHEDULE FOR PAROLEES WITH HISTORY RISK SCORE 0 - 2

| CRIME CATEGORY | MONTHS UNDER SUPERVISION |      |       |       |       |       |       |       |       |       |       |        |         |         |         |         |
|----------------|--------------------------|------|-------|-------|-------|-------|-------|-------|-------|-------|-------|--------|---------|---------|---------|---------|
|                | 1-6                      | 7-12 | 13-18 | 19-24 | 25-30 | 31-36 | 37-42 | 43-48 | 49-60 | 61-72 | 73-84 | 85-102 | 103-144 | 145-150 | 151-240 | 241-300 |
| 7              | 1                        | 1    | 1     | 1     | 1     | 1     | 2     | 2     | 2     | 2     | 2     | 2      | 2       | 2       | 2       | 2       |
| 6              | 1                        | 1    | 1     | 1     | 1     | 2     | 2     | 2     | 2     | 2     | 2     | 2      | 3       |         |         |         |
| 5              | 1                        | 1    | 1     | 1     | 2     | 2     | 2     | 2     | 3     | 3     | 3     | 3      | 3       |         |         |         |
| 4              | 1                        | 1    | 1     | 2     | 2     | 2     | 2     | 2     | 3     | 3     | 3     | 3      | 3       |         |         |         |
| 3              | 1                        | 1    | 2     | 2     | 2     | 2     | 2     | 3     | 3     | 3     | 3     | 3      | 3       |         |         |         |
| 2              | 1                        | 1    | 2     | 2     | 2     | 2     | 3     | 3     | 3     |       |       |        |         |         |         |         |
| 1              | 1                        | 2    | 2     | 2     | 2     | 3     | 3     | 3     | 3     |       |       |        |         |         |         |         |

MATRIX SCHEDULE FOR PAROLEES WITH HISTORY RISK SCORE 3 - 5

| CRIME CATEGORY | MONTHS UNDER SUPERVISION |      |       |       |       |       |       |       |       |       |       |        |         |         |         |         |
|----------------|--------------------------|------|-------|-------|-------|-------|-------|-------|-------|-------|-------|--------|---------|---------|---------|---------|
|                | 1-6                      | 7-12 | 13-18 | 19-24 | 25-30 | 31-36 | 37-42 | 43-48 | 49-60 | 61-72 | 73-84 | 85-102 | 103-144 | 145-150 | 151-240 | 241-300 |
| 7              | 1                        | 1    | 1     | 1     | 1     | 2     | 2     | 2     | 2     | 2     | 2     | 2      | 2       | 2       | 2       | 2       |
| 6              | 1                        | 1    | 1     | 2     | 2     | 2     | 2     | 2     | 2     | 3     | 3     | 3      | 3       | 3       | 3       | 3       |
| 5              | 1                        | 1    | 1     | 2     | 2     | 2     | 2     | 2     | 3     | 3     | 3     | 3      | 3       | 3       | 3       | 3       |
| 4              | 1                        | 1    | 2     | 2     | 2     | 2     | 3     | 3     | 3     | 3     | 3     | 3      | 3       | 3       | 3       | 3       |
| 3              | 1                        | 2    | 2     | 2     | 2     | 3     | 3     | 3     | 3     | 3     | 3     | 3      | 3       | 3       | 3       | 3       |
| 2              | 1                        | 2    | 2     | 2     | 2     | 3     | 3     | 3     | 3     |       |       |        |         |         |         |         |
| 1              | 1                        | 2    | 2     | 2     | 2     | 3     | 3     | 3     | 3     |       |       |        |         |         |         |         |

MATRIX SCHEDULE FOR PAROLEES WITH HISTORY RISK SCORE 6 - 8

| CRIME CATEGORY | MONTHS UNDER SUPERVISION |      |       |       |       |       |       |       |       |       |       |        |         |         |         |         |
|----------------|--------------------------|------|-------|-------|-------|-------|-------|-------|-------|-------|-------|--------|---------|---------|---------|---------|
|                | 1-6                      | 7-12 | 13-18 | 19-24 | 25-30 | 31-36 | 37-42 | 43-48 | 49-60 | 61-72 | 73-84 | 85-102 | 103-144 | 145-150 | 151-240 | 241-300 |
| 7              | 1                        | 1    | 1     | 1     | 2     | 2     | 2     | 2     | 2     | 2     | 2     | 2      | 2       | 2       | 2       | 2       |
| 6              | 1                        | 1    | 2     | 2     | 2     | 2     | 2     | 3     | 3     | 3     | 3     | 3      | 3       | 3       | 3       | 3       |
| 5              | 1                        | 1    | 2     | 2     | 2     | 2     | 3     | 3     | 3     | 3     | 3     | 3      | 3       | 3       | 3       | 3       |
| 4              | 1                        | 2    | 2     | 2     | 2     | 3     | 3     | 3     | 3     | 3     | 3     | 3      | 3       | 3       | 3       | 3       |
| 3              | 1                        | 2    | 2     | 2     | 2     | 3     | 3     | 3     | 3     | 3     | 3     | 3      | 3       | 3       | 3       | 3       |
| 2              | 1                        | 2    | 2     | 2     | 2     | 3     | 3     | 3     | 3     |       |       |        |         |         |         |         |
| 1              | 2                        | 2    | 2     | 2     | 2     | 3     | 3     | 3     | 3     |       |       |        |         |         |         |         |

MATRIX SCHEDULE FOR PAROLEES WITH HISTORY RISK SCORE 9 - 11

DEFINITIONS OF INSTITUTION CUSTODY LEVELS

In the Division's institutions, four (4) potential degree of custody levels of classification were established: (1) Maximum; (2) Close; (3) Medium; (4) Minimum.

| LEVELS OF CUSTODY | DEFINITION OF CUSTODY LEVELS  |
|-------------------|---|
| (1) MAXIMUM       | <p>Maximum custody is assigned to those inmates who are considered active, extreme escape risks, or who demonstrate conduct which represents a continuing source of agitation or an actual or potential threat of physical violence toward others. Maximum custody inmates may be given special security housing and are not permitted out of their assigned cell/room except when in the actual custody of a staff member. Restraints may be used at the discretion of the superintendent. Maximum custody is not assigned using the matrix to be described later; rather, it is assigned to inmates after an Administrative Hearing, based on any or all of the following criteria: (a) any inmate receiving more than six (6) disciplinary reports within a six-month period; (b) any inmate nearing the end of a long period in disciplinary segregation; (c) any inmate shown to be a disruptive influence in the general population by verified information, even though he or she may have received few if any disciplinary reports; (d) any inmate with a documented prior history of rule violation being classified as a security risk in another institution; or (e) any inmate volunteering for a Maximum Custody classification because he/she believes his or her life is in peril in the general population.</p> |
| (2) CLOSE         | <p>This custody level is assigned to those individuals whose trustworthiness has not been demonstrated or about whom unverified information is the principal guide. This classification serves to alert staff of the need for closer supervision and awareness of such inmates. Persons classified as Close Custody may move about freely <u>in authorized areas within the security perimeter</u>. They may go outside the security perimeter only for reasons consistent with accepted rehabilitation practices (i.e., medical trips, visits to critically ill family, etc., and only with constant, immediate supervision of assigned staff. Restraints may be used at the discretion of the superintendent.</p>   |
| (3) MEDIUM        | <p>This custody level is assigned to inmates who appear to be trustworthy to some degree, either through demonstrated behavior or verified information. Such inmates may move about freely in authorized areas within the security perimeter and participate in all activities for which they are eligible. In addition, inmates given a Medium Custody classification may be permitted to go outside the perimeter security of the institution for reasons consistent with rehabilitative practices without constant supervision, but they must receive periodic supervisory checks by a staff member.</p>   |
| (4) MINIMUM       | <p>This custody level is assigned to inmates who appear to be trustworthy, either through demonstrated behavior or verified information to the degree of being eligible for participation in programs and work activities outside the institution security perimeter without supervision.</p> <p>In accordance with ORS 163.105 inmates convicted or aggravated murder may not be considered for assignment to Minimum or Medium Custody until the minimum term of confinement has been completed.</p>  |

**OREGON ADMINISTRATIVE RULES  
CHAPTER 255 — BOARD OF PAROLE**

EXHIBIT B

TIME TO BE SERVED UNDER RULE 255-35-025

CRIMINAL HISTORY/RISK ASSESSMENT SCORE

|           |      |      |      |
|-----------|------|------|------|
| 11-9      | 8-6  | 5-3  | 2-0  |
| Excellent | Good | Fair | Poor |

OFFENSE SEVERITY RATING

(All ranges in Categories 1-6 shown  
in months)

|            |                  |                  |                  |                  |
|------------|------------------|------------------|------------------|------------------|
| Category 1 | <6               | <6               | 6-12<br>( 4-8 )* | 12-22<br>( 8-18) |
| Category 2 | <6               | 6-10<br>( 4-8 )  | 10-18<br>( 8-14) | 18-28<br>(14-24) |
| Category 3 | 6-10<br>(4-8)    | 10-16<br>( 8-12) | 16-24<br>(12-20) | 24-36<br>(20-32) |
| Category 4 | 10-16<br>(8-12)  | 16-22<br>(12-18) | 22-30<br>(16-24) | 30-48<br>(24-42) |
| Category 5 | 18-24<br>(12-20) | 24-30<br>(20-26) | 30-48<br>(26-40) | 48-72<br>(40-62) |
| Category 6 | 36-48            | 48-60            | 60-86            | 86-144           |

Category 7\*\*

|               |           |           |           |           |
|---------------|-----------|-----------|-----------|-----------|
| Subcategory 2 | 8-10 yrs  | 10-13 yrs | 13-16 yrs | 16-20 yrs |
| Subcategory 1 | 10-14 yrs | 14-19 yrs | 19-24 yrs | 24-Life   |

\*Months in parentheses represent range for youthful offenders (21 or younger at time of conviction).

\*\*The range for murders committed after December 7, 1978 shall be 25 years as required by ORS 163.115.

## Chart 5

DEFINITIONS OF FIELD SUPERVISION LEVELS

In the Division's field operations, three (3) potential degrees of supervision were established to govern management or probationers, work release enrollees, and parolees under Field Services Jurisdiction.

| Level of Supervision                  | DEFINITION OF SUPERVISION LEVEL  |
|---------------------------------------|--|
| <u>INTENSE</u><br><br><u>TYPE I</u>   | <p>This classification is assigned to those clients who may pose a significant threat to the safety and well-being of the general public, or whose program stability indicates need for maximum attention.</p>   |
| <u>MODERATE</u><br><br><u>TYPE II</u> | <p>This classification is assigned to those clients in need of direct or indirect personal supervision by a professional, utilizing techniques that reasonably assure compliance with the law, and conduct in accordance with the aims of the programs.</p>  |
| <u>MINIMUM</u><br><br><u>TYPE III</u> | <p>This classification is assigned to those clients whose conduct indicates self-compliance with the law and aims of a program, and who appear to be stable in the community. Clients in this category require only minimal attention. Direct intervention by a professional would occur only to resolve emergent issues.</p>              |
| <u>RED</u><br><br><u>TAGGING</u>      | <p>Parolees, probationers and work release enrollees who present an actual or potential physical danger, regardless of the classification, are identified by red tags on files and field sheets. This identification may not be removed without specific approval of the Regional Manager. Red Tags are not assigned using the matrix.</p> |

CHART 6

CRITERIA FOR INCREASING OR DECREASING LEVELS OF CUSTODY OR SUPERVISION

Thomas G. Toombs

| CRITERIA   | DEFINITIONS  |
|--|--|
| <p>1. Established Performance Record and Demonstrated Ability to Handle Responsibility</p> | <p>This consists of documented information that indicates an individual (a) is an active, extreme risk to escape or abscond, (b) is a continuing source of actual or potential violence and/or agitation, or (c) has made no effort to improve him/herself. Any of these three factors may be sufficient reason to deny a reduction in level of custody supervision and/or to cause the assignment of a level of custody supervision that is a more restrictive category than that recommended by the matrix. Documented information of this nature on probationers, parolees, or work release enrollees results in a recommendation for probation/parole revocation, or removal from work release.</p> <p>Documented information that an individual is not an escape risk, a source of violence, or that he/she has sought to improve him/herself may be sufficient reason to grant a reduction to a lower level of custody/supervision than that recommended by the matrix, at a time earlier than that indicated by the matrix.</p> |
| <p>2. Family Ties and Interpersonal Relationships</p>                                      | <p>Verified information from family members and/or others with whom the individual is personally related that indicates the nature of a client's family ties and/or interpersonal relationships with others may cause the client to escape, abscond or pose a threat to others may be sufficient reason to deny a reduction in custody or level of supervision and/or cause an increase to a more restrictive category than that provided in the matrix. Verified information of this nature on Field Services' clients may result in a recommendation for parole/probation revocation, or removal from work release enrollment.</p> <p>Verified information of this sort of a positive nature from family members and/or others with whom the client is personally related may be sufficient reason to grant a reduction to lower-level supervision and at a time earlier than that indicated by the matrix.</p>  |
| <p>3. Views of the Public and/or Other Criminal Justice Agencies</p>                       | <p>Verified information from the general public and/or other criminal justice agencies that indicates a client is considered a serious public nuisance or a serious danger to the general public may be sufficient reason to deny a reduction in supervision and/or cause an increase to a more restrictive category than that provided by the matrix. Verified information of this nature on Field Services' clients may also result in a recommendation for parole or probation revocation or removal from work release enrollment.</p> <p>Verified information that indicates a client is not a nuisance or danger to the public may be sufficient reason to grant a reduction to lower-level supervision and at a time earlier than is indicated by the matrix. Confidential information certified by staff as reliable may be used in applying these criteria. In such instances, the source of the information is not revealed to the individual client.</p>   |

EXHIBIT A

Criminal History/Risk Assessment Under Rule 30-031

| ITEM   | SCORE   |
|--|---------|
| (A) No prior felony or misdemeanor convictions as an adult or juvenile:*   | 3       |
| One prior conviction:  | 2       |
| Two or three prior convictions:  | 1       |
| Four or more prior convictions:  | 0 _____ |
| (B) No prior incarcerations (i.e., executed sentences of 90 days or more) as an adult or juvenile:                             | 2       |
| One or two prior incarcerations:   | 1       |
| Three or more prior incarcerations:  | 0 _____ |
| (C) Age at first commitment of 90 days or more:**  |         |
| 26 or older:   | 2       |
| 19 through 25:   | 1       |
| 18 or younger:   | 0 _____ |
| (D) Never escaped, failed parole or probation:***  | 2       |
| One incident of the above:   | 1       |
| Any two or more incidents of the above:  | 0 _____ |
| (E) Has no admitted or documented heroin or opiate derivative abuse problem, or has no admitted or documented alcohol problem: | 1       |
| One or more of the above:  | 0 _____ |
| (F) Verified period of 5 years conviction free in the community prior to present offense:                                      | 1       |
| Otherwise:   | 0 _____ |
| TOTAL HISTORY/RISK ASSESSMENT SCORE:   | =====   |

\*Do not count convictions over 20 years old, convictions that have been pardoned, or juvenile or adult "status offenses" (runaway, truancy, incorrigibility, drunk in public).

\*\*If no prior commitment, use age at present conviction.

\*\*\*Count probation failure only if it resulted from new crime; count any parole failure.

SENTENCE STANDARDS

Presumptive Sentences and Customary Variations  
if a Prison Term is Warranted

CRIMINAL HISTORY/RISK ASSESSMENT SCORE

|                   |             |             |             |
|-------------------|-------------|-------------|-------------|
| 11-9<br>Excellent | 8-6<br>Good | 5-3<br>Fair | 2-0<br>Poor |
|-------------------|-------------|-------------|-------------|

OFFENSE SEVERITY  
RATING

|            | 11-9<br>Excellent   | 8-6<br>Good     | 5-3<br>Fair     | 2-0<br>Poor     |
|------------|---------------------|-----------------|-----------------|-----------------|
| Category 1 | 2 years *<br>± .5   | 2 years<br>± .5 | 3 years<br>± .5 | 5 years<br>± 1  |
| Category 2 | 2 years<br>± .5     | 3 years<br>± .5 | 4 years<br>± .1 | 6 years<br>± 1  |
| Category 3 | 3 years<br>± .5     | 4 years<br>± 1  | 5 years<br>± 1  | 7 years<br>± 2  |
| Category 4 | 4 years<br>± 1      | 5 years<br>± 1  | 6 years<br>± 2  | 9 years<br>± 2  |
| Category 5 | 5 years **<br>± 1   | 7 years<br>± 2  | 10 years<br>± 2 | 14 years<br>± 2 |
| Category 6 | 10 years<br>+ 2 *** | 12 years<br>+ 2 | 16 years<br>+ 3 | 20 years<br>+ 4 |
| Category 7 | Life                | Life            | Life            | Life            |

\* It is normally assumed that for defendants with these characteristics (inside solid lines) probation or a jail sentence will suffice; if, however, a judicial determination is made that a prison is warranted, the number on the grid indicates the presumptive sentence in years.

\*\* Defendants with these characteristics (inside broken lines) are imprisoned or placed in Community Corrections, jail or placed upon Probation depending upon aggravation and mitigation surrounding current crime or criminal history.

\*\*\* Plus or minus numbers ( $\pm$ ) represent years and correspond to the maximum variation allowed the Parole Board. These figures represent the customary variation from the presumptive sentences. If a greater variation above the presumptive sentence is desired, consider using a mandatory minimum. If a greater reduction is desirable, simply reduce the sentence as appropriate or recommend parole release below the guidelines.

Appendix D

WISCONSIN

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

STATE OF WISCONSIN

Division of Corrections

JUVENILE ASSESSMENT

Form C-504 (9/78)

|   |       |                 |            |                           |
|---|-------|-----------------|------------|---------------------------|
| Client Name<br>Last   | First | M.I.            | Client No. | D.O.B. (Month, Day, Year) |
| Date placed on parole or state probation supervision.<br>(Month, Day, Year) |       | Agent Last Name |            | Area No.                  |

For each item below, select the single appropriate answer and enter the associated code or number in the adjacent blank.

ASSIGNED LEVEL OF SUPERVISION:

- 1. Routine
- 2. Intensive

PROGNOSTIC RATING:

- 1. Very Positive
- 2. Moderately Positive
- 3. Moderately Negative
- 4. Very Negative
- 9. Not Reported

PARENTAL COUNSELING/SERVICES:

- 1. Offered and Refused
- 2. Offered and Accepted
- 3. Not Offered
- 4. Another Agency Is Delivering Service
- 5. Not Applicable
- 9. Not Reported

LIVING ARRANGEMENT:

- 1. With Parent(s)
- 2. With Other Relatives
- 3. Group Home
- 4. Foster Home
- 5. Residential Treatment Facility
- 6. Spouse
- 7. Independent or Alone
- 8. Other
- 9. Not Reported

NUMBER OF CHILDREN LIVING WITH CLIENT:  
(Enter 99 for Not Reported)

NEED CHILD CARE:

- 1. Yes
- 2. No
- 9. Not Reported

LAST GRADE COMPLETED:

- 00. None
- 01-12. (Enter specific number)
- 13. High School Graduate
- 14. Some College
- 15. Ungraded
- 16. Special Education
- 17. GED or HED
- 18. Tech. or Voc. School
- 99. Not Reported

CURRENTLY IN SCHOOL:

- 1. Yes
- 2. No
- 9. Not Reported

CURRENT EMPLOYMENT:

- 0. Unemployed And Not Looking
- 1. Unemployed And Looking
- 2. Full-Time (35-40 hrs/wk)
- 3. Full-Time But Seasonal
- 4. Part-Time (20-34 hrs/wk)
- 5. Part-Time (less than 20 hrs/wk)
- 9. Not Reported

CURRENT MONTHLY EARNINGS:

- 1. None
- 2. \$1 - \$199
- 3. \$200 - \$399
- 4. \$400 - \$599
- 5. \$600 - \$799
- 6. \$800 - \$999
- 7. \$1000 or more
- 9. Not Reported

NUMBER OF INSTITUTIONAL STAYS:

- 0. None
- 1-7. (Enter specific number)
- 8. Eight or More
- 9. Not Reported

NUMBER OF PRIOR FORMAL PLACEMENTS:

- 0. None
- 1-7. (Enter specific number)
- 8. Eight or More
- 9. Not Reported

ATTITUDE:

- 1. Motivated to Change; Receptive to Assistance
- 2. Dependent or Unwilling to Accept Responsibility
- 3. Rationalizes Behavior; Negative; Not Motivated to Change
- 9. Not Reported

AGE AT FIRST DELINQUENCY ADJUDICATION:  
(Enter 99 for Not Reported)

NUMBER OF PRIOR DELINQUENCY ADJUDICATIONS:

- 0. None
- 1. One
- 2. Two
- 3. Three
- 4. Four or More
- 9. Not Reported

ANY DELINQUENCY ADJUDICATIONS FOR AN ASSAULTIVE OFFENSE (The use of a weapon, physical force or the threat of force):

- 1. Yes
- 2. No
- 9. Not Reported

NUMBER OF PROBATION PERIODS UNDER THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES:

- 0. None
- 1-7. (Enter specific number)
- 8. Eight or More
- 9. Not Reported

NUMBER OF PROBATION PERIODS UNDER COUNTY:

- 0. None
- 1-7. (Enter specific number)
- 8. Eight or More
- 9. Not Reported

NUMBER OF STATE PROBATION OR PAROLE REVOCATIONS:

- 0. None
- 1-7. (Enter specific number)
- 8. Eight or More
- 9. Not Reported

INSTITUTION OF RELEASE OR TYPE OF PROBATION:  
(See code list on reverse side of last page. If other or out-of-state, please enter 99 in the adjacent blank and specify below.)

MAJOR DELINQUENT ACT:  
(See codes on reverse side of last page.)

INSTITUTION OF RELEASE OR TYPE OF PROBATION CODES

- 62 Camp Flambeau
- 61 Ethan Allen School
- 81 Lincoln Hills School - Male
- 87 Lincoln Hills School - Female
- 88 Interstate Compact - Parole
- 89 Interstate Compact - Probation
- 93 Juvenile Regular Probation
- 94 Juvenile Custody Probation
- 99 Other; Out-of-State; Not Applicable

MAJOR DELINQUENT ACTS CODES

| Offense                                      | Offense   |
|--|---|
| 000 Murder, Degree Unspecified               | 710 Narcotic Drug Use and/or Possession                     |
| 001 Murder, First Degree                     | 711 Narcotic Drug Sale, Manufacture, or Distribution        |
| 002 Murder, Second Degree                    | 720 Marijuana Use and/or Possession                         |
| 009 Attempted Murder                         | 721 Marijuana Sale, Manufacture, or Distribution            |
| 010 Manslaughter, Abortion (Death of Mother) | 730 Other Dangerous Drug Use and/or Possession              |
| 019 Negligent Homicide                       | 731 Other Dangerous Drug Sale, Manufacture, or Distribution |
| 100 Robbery (Unarmed)                        | 740 Other Drug Violations (Specify, Statute Number _____)   |
| 101 Robbery (Armed)                          | 750 Weapons, Concealed or Reckless Use of                   |
| 200 Assault, Battery                         | 760 Escape  |
| 201 Mayhem                                   | 801 Attempt, Except Rape or Murder                          |
| 202 Aggravated Assault, Battery              | 802 Possession of Burglarious Tools                         |
| 203 Injury By Conduct Regardless of Life     | 810 Abortion  |
| 204 Injury By Negligent Use of Weapon        | 815 Arson   |
| 301 Burglary (Armed)                         | 820 Bigamy  |
| 302 Burglary (Unarmed)                       | 825 Conspiracy, Solicitation, Bribery                       |
| 303 Entry Into Locked Vehicle                | 830 Extortion (Threats)                                     |
| 400 Theft, Except Auto                       | 835 Gambling  |
| 409 Receiving Stolen Property                | 840 Kidnapping, Abduction                                   |
| 460 Fraud                                    | 850 Malicious Destruction of Property                       |
| 461 Embezzlement                             | 855 Abandonment, Non-Support                                |
| 500 Forgery                                  | 860 Perjury   |
| 501 Worthless Checks, Issuance of            | 870 Contributing to Delinquency of a Minor                  |
| 605 Sexual Assault, First Degree             | 871 Enticing a Minor  |
| 606 Sexual Assault, Second Degree            | 910 Prostitution (Female)                                   |
| 607 Sexual Assault, Third Degree             | 920 Disorderly Conduct, Vagrancy, Drunkenness               |
| 608 Sexual Assault, Fourth Degree            | 981 Absconding  |
| 609 Statutory Rape                           | 982 Illegitimate Pregnancy                                  |
| 631 Sexual Intercourse Without Consent       | 984 Problem Drinking  |
| 632 Incest                                   | 985 Uncontrollable  |
| 633 Indecent Behavior With a Child           | 986 Traffic Violation                                       |
| 634 Adultery                                 | 988 Truancy   |
| 635 Sexual Perversion (Sodomy)               | 989 Other Juvenile Rules Violations (Specify _____)         |
| 636 Lewd and Lascivious Behavior             |   |
| 638 Prostitution, Pandering, Commercial Vice |   |
| 639 Obscene Matter                           |   |

THE FOLLOWING DOCUMENT(S) MAY NOT FILM  
LEGIBLY BECAUSE OF POOR QUALITY OF THE  
ORIGINAL.

**ASSESSMENT OF CLIENT RISK**

|  |                 |    |               |
|--|-----------------|----|---------------|
| Client Name<br>Last  | First           | Mi | Client Number |
| Probation Control Date or Institution Release Date<br>(Month, Day, Year) | Agent Last Name |    | Number        |

Select the appropriate answer and enter the associated weight in the score column. Total all scores to arrive at the risk assessment score.

|  |   | SCORE |
|--|---|-------|
| Number of Address Changes in Last 12 Months:<br>(Prior to incarceration for parolees)  | 0 None<br>2 One<br>3 Two or more  | _____ |
| Percentage of Time Employed in Last 12 Months:<br>(Prior to incarceration for parolees)  | 0 60% or more<br>1 40% - 59%<br>2 Under 40%<br>0 Not applicable   | _____ |
| Alcohol Usage Problems:<br>(Prior to incarceration for parolees)   | 0 No interference with functioning<br>2 Occasional abuse; some disruption of functioning<br>4 Frequent abuse; serious disruption; needs treatment                 | _____ |
| Other Drug Usage Problems:<br>(Prior to incarceration for parolees)  | 0 No interference with functioning<br>1 Occasional abuse; some disruption of functioning<br>2 Frequent abuse; serious disruption; needs treatment                 | _____ |
| Attitude:  | 0 Motivated to change; receptive to assistance<br>3 Dependent or unwilling to accept responsibility<br>5 Rationalizes behavior; negative; not motivated to change | _____ |
| Age at First Conviction:<br>(or Juvenile Adjudication)   | 0 24 or older<br>2 20 - 23<br>4 18 or younger   | _____ |
| Number of Prior Periods of Probation/Parole Supervision:<br>(Adult or Juvenile)  | 0 None<br>4 One or more   | _____ |
| Number of Prior Probation/Parole Revocations:<br>(Adult or Juvenile)   | 0 None<br>4 One or more   | _____ |
| Number of Prior Felony Convictions:<br>(or Juvenile Adjudications)   | 0 None<br>2 One<br>4 Two or more  | _____ |
| Convictions or Juvenile Adjudications for:<br>(Select applicable and add for score. Do not exceed a total of 5. Include current offense.)                                    | 2 Burglary, theft, auto theft, or robbery<br>3 Worthless checks or forgery  | _____ |
| Conviction or Juvenile Adjudication for Assaultive Offense within Last Five Years:<br>(An offense which involves the use of a weapon, physical force or the threat of force) | 15 Yes<br>0 No  | _____ |

**TOTAL** \_\_\_\_\_

FACILITY OF RELEASE CODE LIST

- |   |  |
|---|--|
| 02 Wisconsin State Prison - Inst. Proper      | 30 Black River Camp - Adult              |
| 04 Wisconsin State Reformatory - Inst. Proper | 31 Camp Flambeau - Adult                 |
| 11 Wisconsin Correctional Inst. - Adult       | 32 Camp Gordon                           |
| 12 Kettle Moraine Correctional Inst.          | 33 Camp McNaughton                       |
| 15 Wisconsin Correctional Inst. - Y.O.        | 35 Walworth Pre-Release Center           |
| 17 Taycheedah Correctional Inst. - Female     | 40 Community Correctional Center - Male  |
| 18 Taycheedah Correctional Inst. - Male       | 42 Abode                                 |
| 21 Oregon Farm                                | 47 Women's Community Correctional Center |
| 22 Thompson Farm                              | 50 Baker House                           |
| 23 Union Grove Farm                           | 53 St. John's                            |
| 24 Winnebago Farm                             | 54 Black River Camp - Y.O. - Male        |
| 25 Oakhill State Camp                         | 57 Goodland Camp - Y.O. - Female         |

90 Probation  
— Other (Specify)

THE PRECEDING DOCUMENT(S) MAY NOT FILM  
LEGIBLY BECAUSE OF POOR QUALITY OF THE  
ORIGINAL.

# **PROJECT REPORT #14**

A TWO YEAR FOLLOW-UP REPORT



**DEPARTMENT OF HEALTH AND SOCIAL SERVICES**

**CASE CLASSIFICATION/STAFF DEPLOYMENT PROJECT**

**BUREAU OF COMMUNITY CORRECTIONS**

**DIVISION OF CORRECTIONS**

THE WISCONSIN  
CASE CLASSIFICATION/STAFF DEPLOYMENT PROJECT

Robert J. Capener, Director

A TWO YEAR FOLLOW-UP REPORT

JULY, 1979

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### ACKNOWLEDGEMENTS

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*Further, we are grateful to Ed Buehler, Director of the Wisconsin Bureau of Community Corrections for his steadfast belief in our project.*

*Most of all, we acknowledge our debt to the many Wisconsin probation and parole agents and supervisors who willingly served on the committees and provided practical input throughout the developmental and implementation stages of the project.*

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## I. INTRODUCTION

The primary objectives of Probation and Parole are protection of the community and rehabilitation of the offender. To achieve these objectives probation and parole agencies exert controls and offer services. However, not all offenders require the same level of supervision or exhibit the same problems. Most experienced probation and parole agents utilize some intuitive system of classifying offenders into differential treatment and surveillance modes, usually based on subjective judgments of client needs and their perception of the client's potential for continued unlawful behavior. It seems reasonable to assume that without this type of caseload management, successes would diminish and failures increase. However, this untested, highly individualized approach cannot provide information necessary to rationally deploy staff. The criteria used in determining the appropriate level of supervision are probably as varied as agents' experiences, education and philosophical approaches to the job.

Various types of classification instruments have been developed and utilized by field services. Many are based on a statistical measure of the client's probability of revocation which is used to aggregate offenders into high, medium, and minimum supervision groups. Tests of these measures have often demonstrated that they provide accurate assessment of risk, yet current utilization is limited. One criticism of predictive tables is that the criteria for success or failure are often limited to whether a revocation occurs during the period of supervision. Such a measure poses two problems: (1) the period of supervision varies depending on the sentence imposed by the courts, and, (2) decisions regarding revocation differ substantially between jurisdictions.

In some instances, revocation can result from a rules violation, while on other occasions an offender will be continued on probation despite being convicted of a new offense.

Prior classification efforts and risk assessment studies provide probation and parole agencies with three basic premises on which to base future efforts. These are:

1. There is little data available to suggest that a simple reduction in caseloads effects a corresponding decrease in criminal behavior. The number of contacts between offenders and agents is seemingly unrelated to success or failure when the assignment to a supervision level is made on a random basis. Evaluations of prior programs suggest that systematic case classification which identifies the type of cases upon which increased effort should be expended is essential.
2. Base expectancy measures appear to be the most promising form of risk assessment developed to date. The California Base Expectancy Tables, for example, have been tested using thousands of clients over a number of years and have been clearly validated.
3. The first six to twelve months of supervision are critical to successful completion of probation or parole. Violation rates tend to decline as time on supervision increases.

A classification system should, at a minimum, provide a rationale for deploying agency resources, enabling administrators to make efficient use of available staff, and to avoid providing services to offenders who do not require them.<sup>1</sup> A complete classification scheme can also assist probation and parole agents in identifying needs and problems of clients and provide a basis for more effective case planning.

The large number of offenders entering probation and parole systems usually requires that any classification instruments utilized must be administered by line staff. This is especially true of large county or state agencies.

Cost factors generally preclude the initiation of processes comparable to institutional classification systems where assessments are completed by highly trained staff at reception centers.

Perhaps the principal explanation for the failure of classification systems to gain widespread utilization is that while substantial effort has been expended to develop valid and reliable instruments, less effort has been devoted to implementation problems. Experience with initiating a comprehensive implementation hinges on five factors. They are:

1. The scoring system for any classification device should be simplified to the extent possible. Complex tabulations will reduce reliability. Even the most sophisticated and valid classification system is of no value if those charged with doing the classifying do not complete the scale(s) properly.

2. The classification rationale must be readily apparent and accepted by Probation and Parole staff. If line staff believes the classification criteria are inappropriate, the instruments simply become excess forms to complete. Proper attention may not be given to the classification procedure, thus diminishing its validity. Treatment recommendations may be ignored.

Alluding to such problems, Breed (1967) states that:

For research to play an effective role in the development of an increased body of knowledge in the field of corrections, it must become participating partners with operational staff in program planning, program development and program evaluation. This does not mean that theoretical research has no place in the future. It does mean that action or practice oriented research will become more important and meaningful in the years ahead. A classification system which is understandable and able to be communicated allows for far greater participation in the research process by line staff. They are able to report in definable terms what their goals for clients are -- the progress they are making towards their goals -- and impressions as to how their practical experiences relate to theoretical postulations. Research staff should be able to tabulate, scale, and present material in a form that can be used by operational staff.

Including probation and parole staff in the development of a classification device not only can strengthen the instruments but helps to instill confidence and ensure acceptance of the system.

3. Consideration of probation and parole agents' subjective judgment ought to be maintained. In an age of management by objectives, emphasis on accountability, and increasing utilization of standards, staff engaged in the provision

of direct services often feel professional discretion is being systemically eroded. Allowing agent impressions to effect the level of supervision can provide valuable input and gain agent support which is essential to successful implementation.

4. Periodic reassessments should be an integral part of any classification process. Reassessments compel probation and parole agents to regularly appraise client progress. This type of systematic assessment may not otherwise be done as agents tend to focus on the more immediate demands of a full workload.

Reclassifications are necessary because client's situations, needs, and risk of continued unlawful behavior may alter substantially over time.

Recurrent classifications will help move clients through probation or parole with greater precision. The agent's attention is often focused on a small number of problematic clients and investigations and as a result, relatively problem-free cases may be "carried" in the system because the agent has not taken the time to properly assess progress.

5. Classification should be incorporated into the agency's recordkeeping system. Paperwork is a sensitive subject in any organization and classification forms which add to the paperwork burden of line staff, rather than replacing old data collection documents wherever possible, are likely to

be resisted. Combining classification and data collection documents assures that classification is done for every case and prevents duplication of data collection tasks.

Classification should also be used by unit or office supervisors as the primary measure of accountability. A comprehensive classification system identifies client needs, problems, and risk of continued offending. It follows logically that the original case plan and subsequent reevaluation reports should deal with those needs, problems, and risk. This presents an ideal opportunity for supervisory input, including an assessment of agent effort, suggestions of alternative methods of treatment, and recommendations for additional staff training when it is needed.

#### 11. OVERVIEW OF THE WISCONSIN CLASSIFICATION SYSTEM

The Wisconsin Bureau of Community Correction is responsible for the supervision of all adult probationers and both juvenile and adult parolees in Wisconsin. In 1979 the Bureau employed about 380 probation and parole agents to supervise approximately 18,000 adults and 1,000 juveniles. The State is divided into six regions with headquarters in the cities of Madison, Waukesha, Milwaukee, Green Bay, Eau Claire, and Rhinelander. The Milwaukee and Waukesha regions are almost entirely urban areas; the Madison and Green Bay regions, a mixture of urban and rural settings; and the Eau Claire and Rhinelander regions are, for the most part, rural areas. Hence, any classification system developed for Wisconsin had to

be applicable in the urban centers as well as the farming and recreation areas of the State.

The Wisconsin effort to develop a classification system began in 1975 as a result of a directive from the State Legislature to improve the effectiveness of service delivery to state probationers and parolees through establishment of a case classification system. The final product of classification was expected to be a method for deploying staff based on workload reported in each office.

Several aspects of the Wisconsin effort are noteworthy. First, while L.E.A.A. funds were obtained to provide research capabilities, the Division of Corrections, Bureau of Community Corrections, assigned eight agents to devote 50% of their time for a three-year period to the Case Classification Project. In addition, probation and parole staff, supervisors, and agents throughout the state served on various committees involved in the development of standards. Finally, an individual from top management (initially the deputy director of the Bureau of Probation and Parole and subsequently a former regional chief) was appointed as project director to coordinate work between research and line staff. All of these factors underscore the Wisconsin Division of Correction's commitment to develop a viable classification system through the involvement of Corrections' practitioners.

The Case Classification/Staff Deployment Project (CC/SD) began with the following objectives:

1. The development of a comprehensive classification process which assesses clients according to need for services and risk of continued unlawful activity.

2. Development of a classification process which would help agents to quickly determine an appropriate supervision strategy.
3. Development of structured levels of supervision including defined criteria for initial placement and movement between levels.
4. Establishment of standards for agent functions.
5. Determination, through time studies, of the time required by agents to meet agency standards.
6. Development of a data system which would enable the Bureau to budget based on workload.

Considerable emphasis was placed on implementing case classification in Wisconsin, with the realization that line staff support is essential to success. The system was initiated in one region at a time, and line staff was encouraged to suggest changes in both procedure and in the instruments used to classify. This process resulted in many improvements as more people and their ideas became involved in classification. Offices were revisited often to answer questions, solicit suggestions, and to help ensure a smooth transition.

In addition, classification forms were incorporated into the agency's data collection system to routinize classification and avoid duplication in paperwork. The results of these efforts is best judged by the fact that the classification system has been in place, statewide, for nearly two years

(for over three years in some regions) and that the Bureau of Community Corrections budget for the 1979-81 biennium is based for the first time on workload measures, rather than caseload count.

### III. CLASSIFICATION INSTRUMENTS

The Wisconsin system assigns clients to different levels of supervision based on need for agency services and the risk of continued unlawful activity. Scales were developed to provide a measure of these dimensions.

#### Risk Scale

The Case Classification/Staff Deployment Project sought to avoid developing a risk assessment scale based simply on revocation or discharge as the outcome criterion, but one which would assess a client's propensity for further unlawful or rule-violating behavior. To accomplish this, analysis of the outcome measures included absconsions, rules violations, arrests, misdemeanor convictions, felony convictions, and revocations. After randomly selecting a construction sample (250 discharged or revoked cases), criminal history and socioeconomic factors were entered in a multiple regression analysis to determine the combination of variables that would best predict future behavior. Ten factors were isolated and weighted, many of which appear on other risk assessment instruments.

In the interest of community protection and at the behest of the Wisconsin Division of Corrections, offenders who have committed an assaultive offense within the last five years are placed under maximum supervision for (at

ASSESSMENT OF CLIENT RISK

|  |      |       |                 |               |
|--|------|-------|-----------------|---------------|
| Client Name  | Last | First | MI              | Client Number |
| Probation Control Date or Institution Release Date<br>(Month, Day, Year) |      |       | Agent Last Name | Number        |

Select the appropriate answer and enter the associated weight in the score column. Total all scores to arrive at the risk assessment score.

|  |   | SCORE |
|--|---|-------|
| Number of Address Changes in Last 12 Months:<br>(Prior to incarceration for parolees)  | 0 None<br>2 One<br>3 Two or more  | _____ |
| Percentage of Time Employed in Last 12 Months:<br>(Prior to incarceration for parolees)  | 0 60% or more<br>1 40% - 59%<br>2 Under 40%<br>0 Not applicable   | _____ |
| Alcohol Usage Problems:<br>(Prior to incarceration for parolees)   | 0 No interference with functioning<br>2 Occasional abuse; some disruption of functioning<br>4 Frequent abuse; serious disruption; needs treatment                 | _____ |
| Other Drug Usage Problems:<br>(Prior to incarceration for parolees)  | 0 No interference with functioning<br>1 Occasional abuse; some disruption of functioning<br>2 Frequent abuse; serious disruption; needs treatment                 | _____ |
| Attitude:  | 0 Motivated to change; receptive to assistance<br>3 Dependent or unwilling to accept responsibility<br>5 Rationalizes behavior; negative; not motivated to change | _____ |
| Age at First Conviction:<br>(or Juvenile Adjudication)   | 0 24 or older<br>2 20 - 23<br>4 19 or younger   | _____ |
| Number of Prior Periods of Probation/Parole Supervision:<br>(Adult or Juvenile)  | 0 None<br>4 One or more   | _____ |
| Number of Prior Probation/Parole Revocations:<br>(Adult or Juvenile)   | 0 None<br>4 One or more   | _____ |
| Number of Prior Felony Convictions:<br>(or Juvenile Adjudications)   | 0 None<br>2 One<br>4 Two or more  | _____ |
| Convictions or Juvenile Adjudications for:<br>(Select applicable and add for score. Do not exceed a total of 5. Include current offense.)                                    | 2 Burglary, theft, auto theft, or robbery<br>3 Worthless checks or forgery  | _____ |
| Conviction or Juvenile Adjudication for Assaultive Offense within Last Five Years:<br>(An offense which involves the use of a weapon, physical force or the threat of force) | 15 Yes<br>0 No  | _____ |

TOTAL \_\_\_\_\_

least) the first six months of probation or parole. This policy is reflected by the last item on the scale which assigns 15 points for recent assaultive offenses, which automatically requires maximum supervision. At reevaluation, assaultive offenders are not assessed the additional 15 points, but are assigned to supervision levels based solely on risk and need scores.

The Wisconsin Bureau of Community Corrections has had over two years of experience with the risk assessment scale and it has proven to be a valid predictor of future criminal activity. Table 1 is based on the first termination documents received which could be matched with risk scores at admission and illustrates the strong correlation between revocations and initial risk assessment scores.

TABLE 1

REVOCATION RATE BY INITIAL RISK ASSESSMENT SCORES

| INITIAL RISK SCORE* | NUMBER ASSESSED | NUMBER REVOKED | REVOCATION RATE |
|---------------------|-----------------|----------------|-----------------|
| 0-3                 | 543             | 5              | 0.92%           |
| 4-7                 | 124             | 28             | 2.49%           |
| 8-9                 | 492             | 28             | 5.69%           |
| 10-11               | 387             | 38             | 9.82%           |
| 12-14               | 432             | 54             | 12.50%          |
| 15-19               | 498             | 78             | 15.66%          |
| 20-24               | 362             | 94             | 25.97%          |
| 25-29               | 252             | 94             | 37.30%          |
| 30 and Above        | 141             | 60             | 42.55%          |
| Total Sample        | 4,231           | 479            | 11.32%          |

\*Scores were aggregated (for this presentation) to the point where an additional increment in risk scores was accompanied by a significant increase in the revocation rate. The 15 points assigned to assaultive offenders were not included in risk scale computations because this item is not predictive of continued criminal activity.

## REASSESSMENT OF CLIENT RISK

SELECT THE APPROPRIATE ANSWER AND ENTER THE ASSOCIATED WEIGHT IN THE SCORE COLUMN. TOTAL ALL SCORES TO ARRIVE AT THE RISK ASSESSMENT SCORE.

|  |  | SCORE |
|--|--|-------|
| NUMBER OF ADDRESS CHANGES IN LAST 12 MONTHS: . . . . .   | 0 NONE<br>2 ONE<br>3 TWO OR MORE   | _____ |
| AGE AT FIRST CONVICTION . . . . .<br>(OR JUVENILE ADJUDICATION)                                  | 0 24 OR OLDER<br>1 20 - 23<br>2 19 OR YOUNGER  | _____ |
| NUMBER OF PROBATION/PAROLE REVOCATIONS . . . . .<br>(ADULT OR JUVENILE)                          | 0 NONE<br>2 ONE OR MORE  | _____ |
| NUMBER OF PRIOR FELONY CONVICTIONS . . . . .<br>(OR JUVENILE ADJUDICATIONS)                      | 0 NONE<br>1 ONE<br>3 TWO OR MORE   | _____ |
| CONVICTIONS OR JUVENILE ADJUDICATIONS FOR . . . . .<br>(SELECT ALL APPLICABLE AND ADD FOR SCORE) | 1 BURGLARY<br>1 THEFT<br>1 AUTO THEFT<br>1 ROBBERY<br>2 WORTHLESS CHECKS<br>2 FORGERY  | _____ |
| <b>RATE THE FOLLOWING BASED ON PERIOD SINCE LAST CLASSIFICATION:</b>                             |  |       |
| PERCENTAGE OF TIME EMPLOYED: . . . . .   | 0 60% OR MORE<br>1 40% - 59%<br>2 UNDER 40%<br>0 NOT APPLICABLE  | _____ |
| ALCOHOL USAGE/PROBLEMS: . . . . .  | 0 NO APPARENT PROBLEMS<br>2 MODERATE PROBLEMS<br>5 SERIOUS PROBLEMS  | _____ |
| OTHER DRUG USAGE/PROBLEMS: . . . . .   | 0 NO APPARENT PROBLEMS<br>1 MODERATE PROBLEMS<br>3 SERIOUS PROBLEMS  | _____ |
| PROBLEMS IN INTERPERSONAL RELATIONSHIPS . . . . .<br>(CURRENT LIVING SITUATION)                  | 0 NONE<br>1 FEW<br>3 MODERATE<br>5 SEVERE  | _____ |
| SOCIAL IDENTIFICATION . . . . .  | 0 MAINLY WITH POSITIVE INDIVIDUALS<br>3 MAINLY WITH DELINQUENT INDIVIDUALS   | _____ |
| RESPONSE TO COURT OR BUREAU IMPOSED CONDITIONS . . . . .   | 0 NO PROBLEMS OF CONSEQUENCE<br>3 MODERATE COMPLIANCE PROBLEMS<br>5 HAS BEEN UNWILLING TO COMPLY                                   | _____ |
| USE OF COMMUNITY RESOURCES . . . . .   | 0 NOT NEEDED<br>0 PRODUCTIVELY UTILIZED<br>2 NEEDED BUT NOT AVAILABLE<br>3 UTILIZED BUT NOT BENEFICIAL<br>4 AVAILABLE BUT REJECTED | _____ |

TOTAL SCORE \_\_\_\_\_

In total, utilizing cut-off points of 8 and 15, 1.98% of low risk clients, 9.15% of moderate risk clients, and 26.0% of high risk clients were revoked.

#### Reassessment Risk Scale

The predictive table used at intake emphasizes criminal history items. Therefore, persons with extensive prior involvement with courts and corrections will rate as higher risks than will most first or second-time offenders. However, a different scale is used at six-month intervals to reclassify clients. The reevaluation risk scale shifts emphasis from criminal history factors to items which reflect the client's overall adjustment while on probation or parole. It includes assessments of client's response to court or corrections imposed conditions of probation or parole, use of community resources, and interpersonal relationships. This type of assessment allows clients who have adjusted well in the community to progress to lower levels of supervision and can move clients who continue to exhibit problems to higher supervision levels.

#### Needs Scale

In developing a Needs Assessment Instrument, CC/SD sought to standardize the manner in which agents assess the problems and deficit areas of their clients. This objective led to the development of a table which identifies and assigns weights to eleven categories of needs commonly evidenced in probationers and parolees. The Need Assessment Scale, (see the following page), was the result of the cooperative efforts of Wisconsin probation and parole agents and research staff.

ASSESSMENT OF CLIENT NEEDS

|  |      |       |                 |               |
|--|------|-------|-----------------|---------------|
| Client Name  | Last | First | MI              | Client Number |
| Probation Control Date or Institution Release Date<br>(Month, Day, Year) |      |       | Agent Last Name | Number        |

Select the appropriate answer and enter the associated weight in the score column. Higher numbers indicate more severe problems. Total all scores. If client is to be referred to a community resource or to clinical services, check appropriate referral box.

| ACADEMIC/VOCATIONAL SKILLS                  |   |    |   | REFERRAL | SCORE  |    |   |                          |     |
|---|---|----|---|----------|--|----|---|--------------------------|-----|
| -1  | High school or above skill level                                    | 0  | Adequate skills able to handle every day requirements                         | +2       | Low skill level causing minor adjustment problems                          | +4 | Minimal skill level causing serious adjustment problems                         | <input type="checkbox"/> | ___ |
| <b>EMPLOYMENT</b>                           |   |    |   |          |  |    |   |                          |     |
| -1  | Satisfactory employment for one year or longer                      | 0  | Secure employment, no difficulties reported, or homemaker, student or retired | +3       | Unsatisfactory employment, or unemployed but has adequate job skills       | +6 | Unemployed and virtually unemployed; needs training                             | <input type="checkbox"/> | ___ |
| <b>FINANCIAL MANAGEMENT</b>                 |   |    |   |          |  |    |   |                          |     |
| -1  | Long-standing pattern of self sufficiency, e.g., good credit rating | 0  | No current difficulties   | +3       | Situational or minor difficulties  | +5 | Severe difficulties may include garnishment, bad checks or bankruptcy           | <input type="checkbox"/> | ___ |
| <b>MARITAL/FAMILY RELATIONSHIPS</b>         |   |    |   |          |  |    |   |                          |     |
| -1  | Relationships and support exceptionally strong                      | 0  | Relatively stable relationships   | +3       | Some disorganization or stress but potential for improvement               | +5 | Major disorganization or stress   | <input type="checkbox"/> | ___ |
| <b>COMPANIONS</b>                           |   |    |   |          |  |    |   |                          |     |
| -1  | Good support and influence  | 0  | No adverse relationships  | +2       | Associations with occasional negative results                              | +4 | Associations almost completely negative   | <input type="checkbox"/> | ___ |
| <b>EMOTIONAL STABILITY</b>                  |   |    |   |          |  |    |   |                          |     |
| -2  | Exceptionally well adjusted, accepts responsibility for actions     | 0  | No symptoms of emotional instability, appropriate emotional responses         | +4       | Symptoms but do not prohibit adequate functioning, e.g., excessive anxiety | +7 | Symptoms prohibit adequate functioning, e.g., latches out or retreats into self | <input type="checkbox"/> | ___ |
| <b>ALCOHOL USAGE</b>                        |   |    |   |          |  |    |   |                          |     |
| 0   | No interference with functioning                                    | +3 | Occasional abuse, some disruption of functioning                              | +6       | Frequent abuse, serious disruption, needs treatment                        |    |   | <input type="checkbox"/> | ___ |
| <b>OTHER DRUG USAGE</b>                     |   |    |   |          |  |    |   |                          |     |
| 0   | No interference with functioning                                    | +3 | Occasional substance abuse, some disruption of functioning                    | +5       | Frequent substance abuse, serious disruption, needs treatment              |    |   | <input type="checkbox"/> | ___ |
| <b>MENTAL ABILITY</b>                       |   |    |   |          |  |    |   |                          |     |
| 0   | Able to function independently                                      | +3 | Some need for assistance, potential for adequate adjustment and retardation   | +6       | Deficiencies severely limit independent functioning, moderate retardation  |    |   | <input type="checkbox"/> | ___ |
| <b>HEALTH</b>                               |   |    |   |          |  |    |   |                          |     |
| 0   | Good physical health; seldom ill                                    | +1 | Handicap or illness interferes with functioning on a recurring basis          | +2       | Serious handicap or chronic illness; needs frequent medical care           |    |   | <input type="checkbox"/> | ___ |
| <b>SEXUAL BEHAVIOR</b>                      |   |    |   |          |  |    |   |                          |     |
| 0   | No apparent dysfunction   | +1 | Mild or perceived integrated or minor problems                                | +3       | Mild or perceived chronic or severe problems                               |    |   | <input type="checkbox"/> | ___ |
| <b>AGENT'S IMPRESSION OF CLIENT'S NEEDS</b> |   |    |   |          |  |    |   |                          |     |
| -1  | Minimum   | 0  | Low   | +3       | Medium   | +5 | Maximum   |                          | ___ |

TOTAL \_\_\_

It was determined that crisis needs should not be considered as classification criteria. An immediate need for shelter or meal money, for example, is usually the result of a more extensive problem such as unemployment, drug abuse, or emotional instability. Although an important agent function, crisis intervention generally provides temporary solutions to problems symptomatic of more complex needs.

An extensive list of possible client needs was prepared and used to survey incoming clients over an eight-month period in Madison. The eleven categories of needs which comprise the final scale are thought to encompass the wide range of problems that are most commonly evidenced in probationers and parolees. The scale is designed not only to be a classification device, but to provide a common denominator for assessing the composite severity of problems, to aid in formulating a case plan, and to provide an instrument for uniformly assessing the progress of clients.

Periodic reevaluations are required at six-month intervals to reflect changes in the client's situation, service needs, and risk of continued criminal activity. Reclassifications also require the agent to review case progress and, if appropriate, alter the case plan, goals, and objectives accordingly.

The system is designed to move clients to lower levels of supervision as their need for services are met. Thus, while approximately 45% of new clients are initially placed in maximum supervision, about half move to lower supervision levels at subsequent evaluations. Table 2 illustrates the average change in need scores from initial classification to first reevaluation.

TABLE 2

CHANGE IN CLIENT NEEDS AT FIRST REEVALUATION

(Total sample - 2,827 clients)

| INITIAL SCORE | AVERAGE CHANGE |
|---------------|----------------|
| 30 and Above  | -9.2 Points    |
| 25 - 29       | -6.6 Points    |
| 20 - 24       | -4.4 Points    |
| 15 - 19       | -3.0 Points    |
| 14 and Under  | +0.4 Points    |

VALIDITY OF THE NEEDS ASSESSMENT SCALE

Each item on the needs scale is assigned a weight based upon the relative time required by the supervising agent to provide service. Originally, the weights were selected by professional judgment backed by experience. To determine if the weighting system is a valid indicator of time required by clients, needs assessments of 482 individuals were cross-tabulated with time devoted to each client over a two-month period. The time spent should vary within each supervision level if the system is valid. Table 3 shows the relationship between time and needs.

TABLE 3

RELATIONSHIP OF NEEDS SCORES TO SUPERVISION TIME

| NEEDS ASSESSMENT SCORE                 | LOW SUPERVISION | MEDIUM SUPERVISION | MAXIMUM SUPERVISION | AVERAGE |
|--|-----------------|--------------------|---------------------|---------|
| (Average Minutes Per Client Per Month) |                 |                    |                     |         |
| 9 or Less                              | 40.0            | 61.9               | 92.4                | 47.7    |
| 10 - 14                                | 45.3            | 90.6               | 105.3               | 79.7    |
| 15 - 19                                | NA              | 69.7               | 116.9               | 86.8    |
| 20 -24                                 | NA              | 95.4               | 184.3               | 142.0   |
| 25 - 29                                | NA              | 104.3              | 180.9               | 160.2   |
| 30 or More                             | NA              | 107.2              | 196.7               | 185.5   |

Generally, the average amount of time spent on clients increased as needs scores increased. In only two instances was this pattern reversed. The average time devoted to medium supervision clients with scores in the 15 to 19 range was lower than the time spent on clients in the 10 to 14 range; and less time was spent on maximum supervision clients with needs scores in the range 25 to 29 than individuals with needs assessment totals in the 20 to 24 range. Overall however, the study indicated that the weighting system utilized in the needs scale presents a reasonably accurate relationship between time needed for service delivery and overall need scores.

INTER-RATER RELIABILITY OF THE NEEDS ASSESSMENT SCALE

Extensive reliability testing of the needs assessment scale was undertaken to determine if the definitions associated with each need category result in consistent ratings when different agents assessed the same clients based on identical information.

Consideration was given to two different methods of presenting information regarding clients to agents participating in the study: Presentence Investigations and taped interviews. Other states have used presentence investigations to test the reliability of classification instruments. Missouri, for example, used presentence investigations to test the reliability of the Client Analysis Scale utilized in that state.<sup>3</sup> Agents were asked to read presentence reports and make independent ratings of each scale item. This technique, however, was rejected by Case Classification/Staff Deployment staff on the basis that the agent writing the report had already selected information contained in the Social; hence a percentage of any reliability statistic attained could be attributed to this factor. The CC/SD Project chose to have agents independently rate clients' needs based on taped interviews between client and agent. A semi-structured format (of approximately 45 to 60 minutes duration) was used which, in most cases, covered all eleven categories of needs to be assessed. Of the nearly 200 interviews that were taped, nine were selected for use in this study. The selection was based primarily on the clarity of the tape, not on content or client characteristics. No attempt was made to use tapes where the existence and severity of problems was unusually apparent.

Groups of agents from ten different locations participated in the study. Efforts were made to obtain a reasonable mix of urban, rural, new and experienced agents.

Two assumptions were made regarding the reliability analysis:

1. Taped interviews are not the best media for assessing inter-rater reliability. Ideally, a group of agents should participate in all client and collateral contacts for the first 30 days of supervision and then independently rate client needs. However, given the time constraints of field staff, the use of taped interviews was the best method available for testing reliability. It was assumed that because agents generally base actual needs assessments on more than one contact and on more information than was presented in the interview, agreement on the existence or non-existence of a problem (rather than level of severity) would be a sufficient measure of inter-rater reliability.
2. Certain need categories would be difficult to assess without verifying evidence. For example, if an individual was suspected of having mental deficiencies which severely limit independent functioning, agents would generally request intelligence testing for that client to determine the extent of the problem. Therefore, it was assumed that the reliability figure attained for some items (emotional stability, mental ability, and sexual behavior) would be lower than reliability attained in actual practice.

The results of the analysis are presented in Table 4. Each statistic represents the percentage of raters who agreed on the existence or non-existence of a particular problem for each client. (The rating cited by the majority of the agents was considered the "correct answer." In only one instance did half of the raters decide a need existed while half agreed there was no problem.) The overall percentage of agreement (87%) is considered by CC/SD staff to be quite acceptable for a subjective scale.

#### CLIENT MANAGEMENT CLASSIFICATION

The assessment of risk and needs provides a measure of the client's propensity for further criminal activity and an indication of the amount of agent intervention required to deal with a client's problems. These determine the level of supervision for each client but do not address the question of supervision strategy.

Exhibitionists, armed robbers, murderers, marijuana users, drug pushers, wife beaters, check writers, prostitutes, white-collar offenders, those who fail to pay support, burglars, are all labeled criminal. They differ considerably in terms of type of offense, living stability, acceptance of criminal behavior, likelihood of recommitting crimes, emotional needs, levels of education, work skills, honesty, and other factors. To deal effectively with this variety of people and problems requires both an understanding of the individual as well as knowledge and flexibility in applying different rehabilitation techniques.

Client-agent relationships have considerable impact on the eventual outcome of many cases. Agents need to understand their clients in order to know when to confront and when to support, when to be directive and when not to, when to

TABLE 4

INTER-RATER RELIABILITY OF THE NEEDS ASSESSMENT SCALE

PROBLEM/NO PROBLEM CHOICE

Percentage of Agreement

| N =             | 54     | 54     | 49     | 57     | 45     | 48     | 46     | 47     | 49     | 449              |
|-----------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|------------------|
| Need Category   | Tape A | Tape B | Tape C | Tape D | Tape E | Tape F | Tape G | Tape H | Tape I | Weighted Average |
| Acad/Voc Skills | 87     | NA     | 76     | 70     | 91     | 100    | 98     | 81     | 100    | 88               |
| Employment      | 100    | 91     | NA     | 98     | 96     | 85     | 100    | 62     | 84     | 90               |
| Financial Mgt.  | 98     | 87     | 90     | 98     | 100    | 98     | 100    | 96     | 73     | 93               |
| Mar/Fam Relat.  | 67     | 78     | NA     | 95     | 100    | 50     | 100    | 100    | 92     | 86               |
| Companions      | 83     | 91     | 80     | 88     | 93     | 88     | 95     | 83     | 98     | 89               |
| Emot. Stab.     | 69     | 73     | 71     | 79     | 100    | 58     | 100    | 87     | 77     | 79               |
| Alcohol Usage   | 96     | 80     | 96     | 86     | 100    | 98     | 82     | 100    | 92     | 91               |
| Drug Usage      | 67     | 83     | NA     | 82     | 100    | 100    | 100    | 86     | 85     | 91               |
| Mental Ability  | 69     | NA     | 86     | NA     | 76     | 77     | 76     | 58     | 82     | 79               |
| Health          | 100    | 100    | 100    | 91     | NA     | 84     | 96     | 62     | 96     | 89               |
| Sexual Beh.     | 98     | 94     | 100    | 96     | 64     | 89     | 75     | 55     | 83     | 84               |
| Average         | 85     | 86     | 87     | 88     | 92     | 84     | 93     | 79     | 87     | 87               |

NOTE: NA in any column signifies that the interview did not present sufficient information to rate that item.

N = number of agents that rated each taped interview.

trust and when not to, when to recommend psychotherapy and when not to, when to set rules (and which rules) and when not to. Those who approach their job by relying too heavily on one method (e.g., always being quite controlling) tend to work effectively with some of their clients and not others. Agents who develop a better understanding of the individual client and utilize greater flexibility in applying different rehabilitative techniques can respond more appropriately to the needs of the individual and can be more effective with a greater variety of clients.

An agent often needs considerable experience with an individual to formulate an appropriate casework strategy. This can create problems when dealing with involuntary clients where time is somewhat limited, and the first few months of supervision are often critical to successful completion of probation and parole. Therefore, a method which would reduce the time required to develop casework strategies would be beneficial to Corrections. To this end, a classification tool was developed which could be easily administered by agents to 1) aid in assessing client needs, 2) provide an objective evaluation to help agents formulate goals at the start of probation or parole, and 3) provide agents with different supervision strategies appropriate to different types of clients.

This process (termed Client Management Classification) consists of a 45 minute semi-structured interview and utilizes a forced-choice rating instrument. Four groups of clients are identified based on supervision techniques used in working with each. They are:

1. Selective Intervention
2. Casework/Control
3. Environmental Structuring
4. Limit Setting

This classification helps agents anticipate clients' behavior and problems they may present and provide recommendations for dealing with each type of client. It does not contribute to the assignment of a level of supervision; it deals generally with how a particular client can best be supervised and does not specifically deal with the amount of supervision needed. Maximum, medium, and minimum supervision clients may be found in all four Client Management Classification categories.

IV. CLASSIFICATION STANDARDS

The initial assessment of risk and needs is completed by the supervising agent within 30 days of receiving the client on probation or parole. The client is assigned to the highest level of supervision that is indicated by either scale (Table 5).

TABLE 5

Risk and Need Assessment

CUT-OFF SCORES

| <u>RISK ASSESSMENT</u> | <u>SUPERVISION LEVEL</u> | <u>NEEDS ASSESSMENT</u> |
|------------------------|--------------------------|-------------------------|
| 15 and Above           | Maximum                  | 30 and Above            |
| 8 - 14                 | Medium                   | 15 - 29                 |
| 7 and Below            | Minimum                  | 14 and Below            |

Based on scores from the risk and need assessment scales, offenders are assigned to maximum, medium, or minimum supervision. The client is assigned to the highest level of supervision indicated by either scale. However, if individual circumstances warrant the assignment to a supervision level other than what is indicated by the scales, an agent can, after obtaining supervisory permission, make the appropriate adjustment.

In general, maximum supervision clients either have a relatively high potential for continued unlawful behavior or have demonstrated substantial need for agency services. Medium supervision clients have relatively lower probabilities of continued criminal activity but still require ongoing agent involvement. Minimum supervision clients manifest relatively few problems and are very likely to successfully complete probation or parole. The minimum number of contacts required for each supervision level follow:

Maximum - at least one face-to-face contact every 14 days by a representative of the agency; home visits as appropriate; monthly verification of residence and employment; collateral contacts as appropriate; staffings at request of agent or supervisor; submittal of a monthly report.

Medium - at least one face-to-face contact every 30 days; monthly verification of employment and residence; home visits and collateral contacts as appropriate; submittal of monthly report.

Minimum - client shall be seen at least once every 90 days in a personal face-to-face contact by a representative of the agency; home visits as appropriate; verification of residence and employment every 90 days; submittal of a monthly report (by mail during "off" months).

Or - receipt of a mailed-in report every 30 days; home visits as appropriate; verification of residence and employment at least once prior to discharge.

V. EVALUATION OF DIFFERENTIAL SUPERVISION

SELECTION OF TEST REGIONS

The Southern Region was the first area of Wisconsin in which the classification system was fully implemented and where initial indications of relative success or failure would be available. A similar region was needed to provide a base for comparing the new system to existing standards. After surveying all six regions, the Eastern Region was selected based on a socioeconomic profile much like that of the Southern Region. Table 6 outlines the data analyzed in the selection procedure and depicts conditions in both regions at about mid point of the two year study period.

TABLE 6

COMPARISON OF TEST REGIONS

|  | SOUTHERN<br>REGION | EASTERN<br>REGION |
|--|--------------------|-------------------|
| Total Population   | 807,654            | 964,363           |
| Population Density   | 93/sq. mi.         | 93/sq. mi.        |
| Percent of Population Aged 18-24                             | 28.5%              | 24.9%             |
| Per Capita Income  | \$5,294            | \$5,003           |
| Percent of Population Earning<br>Less than \$6,000 Annually* | 33.2%              | 31.8%             |
| Unemployment Rate  | 5.4%               | 6.2%              |
| 1977 Probation/Parole Admissions<br>Per 10,000 Population    | 19                 | 14                |

\*Based on 1977 Wisconsin Department of Revenue Tax Statistics.

A lower per capita income and a higher unemployment rate were reported in the Eastern Region. However, fewer people earned less than \$6,000 annually indicating a more equal distribution of total income. The higher proportion of low income people in the Southern Region correlates well with the higher percentage of population aged 18-34 since younger people, especially students, are more likely to fall into the lower income groups. The 18-34 age category is also considered to be a higher "risk" group relative to other adult offenders (in fact, in 1977, 4 of every 5 admissions to probation or parole in Wisconsin were 30 or under) and the higher admission rate reported in the Southern Region also reflects this higher percentage of young adults.

Both regions have reported relatively low staff turnover rates in recent years and the average agent in each region is nearly identical in terms of age, experience, and social worker classification. Profiles of staff from both regions are presented in Table 7.

TABLE 7

COMPARISON OF STAFF IN TEST REGIONS

|  | SOUTHERN<br>REGION | EASTERN<br>REGION |
|--|--------------------|-------------------|
| Number of Agents:  | 47                 | 42                |
| Social Workers I   | 9 (19%)            | 9 (21%)           |
| Social Workers II  | 5 (10%)            | 4 (10%)           |
| Social Workers III   | 33 (71%)           | 29 (69%)          |
| Average Age  | 37.9 years         | 37.5 years        |
| Average Years Employed by<br>Wisconsin Community Corrections | 11.1 years         | 11.5 years        |

MATCHING CRITERIA

To further control for differences between regions, and offender populations, a matched sample methodology was employed. Clients placed on probation or released to parole in the Eastern Region, May through August, 1976, were assessed according to the risk and need scales. However, supervising agents were not told of the resulting classifications and continued to supervise all clients according to former Bureau standards (one face-to-face contact per month for all clients). Clients from the Southern Region, where different standards for maximum, medium, and minimum clients were in effect, were matched on an individual basis to clients from the Eastern Region sample. The matching criteria utilized are presented in the following list.

1. Age (± 2 years)
2. Sex
3. Race
4. Probation or Parole Status
5. Supervision Level (Unassigned for Eastern Region Comparison Group)
6. Total Risk Score (± 3 points, but not across cut-off points for each supervision level)
7. Total Needs Score (± 5 points, but not across cut-off points for each supervision level)
8. Scores from the following items on the risk scale:
  - a. Age at First Conviction (or Juvenile Adjudication)
  - b. Prior Periods of Probation or Parole Supervision
  - c. Convictions for burglary, theft, auto theft, robbery, worthless checks or forgery
9. Scores from the following items on the Needs Assessment Scale:
  - a. Employment
  - b. Alcohol Usage
  - c. Drug Usage

This stringent matching was implemented to control for exogenous factors and to assure that the comparison of outcome data would be between very similar samples. Thus it was hypothesized that any differences in outcomes could be attributed primarily to differences in the level of supervision assigned.

#### OUTCOME DATA

##### A. Maximum Supervision Clients

The implementation of higher standards (doubling the required number of contacts) for clients classified as high risk and/or high need led to the following hypothesis:

The assessed criminal activity of a sample of individuals classified as requiring maximum supervision and subsequently placed under each supervision will be significantly lower than that of a comparison group so classified but supervised in the usual manner.

As Table 8 indicates, clients supervised under the new classification standards had significantly lower rates of criminal activity in five of seven categories analyzed. The other two categories, felonies and absconsions, were also lower under the new standards, but the differences were not significant at the .05 level. The number of persons convicted of a misdemeanor, or were arrested, violated rules of supervision, or were revoked was significantly lower in the Southern Region "experimental" group. The decrease in reported rules violations was perhaps the most surprising statistic, since other studies have indicated that increased contacts often result in the discovery of more rules violating activities.

TABLE 8

REPORTED CRIMINAL ACTIVITY

MATCHED SAMPLES COMPARISONS

(Maximum Supervision Group)

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|   | EASTERN REGION<br>COMPARISON GROUP<br>1 CONTACT/MO. REQUIRED | SOUTHERN REGION<br>EXPERIMENTAL GROUP<br>2 CONTACTS/MO. REQUIRED |
|---|--|--|
|   | N = 113  | N = 113  |
| Number With Any New Offense Reported                                  | 42 (37.2%)   | 20 (17.7%)**   |
| Most Serious Offense Reported:  |  |  |
| Felony  | 19 (16.8%)   | 12 (10.6%)   |
| Misdemeanor   | 23 (20.4%)   | 8 (07.1%)**  |
| Number With Any Absconsions<br>Reported During Supervision            | 13 (11.5%)   | 10 (08.8%)   |
| Number With Any Arrests Reported                                      |  |  |
| Number With Any Rules Violations Reported<br>(Other than Absconsions) | 46 (40.7%)   | 31 (27.4%)*  |
| Number Revoked  | 23 (20.4%)   | 12 (10.6%)*  |

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\*Difference is significant at the .05 level.

\*\*Difference is significant at the .01 level.

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B. Medium Supervision Clients

Because requirements for both the experimental and comparison groups were essentially the same for clients assessed as moderate risk and/or needs, the following hypothesis was made:

The assessed criminal activity of a sample of individuals classified as requiring medium supervision and subsequently placed under such supervision will be no higher than that of a comparison group so classified but supervised in the usual manner.

The outcome criteria analyzed indicated that while fewer people in the experimental group committed new offenses, more persons were convicted of felonies, more persons absconded, and more clients violated probation and parole rules (Table 9). However, the difference between any set of proportions was not significant at the .05 level.

TABLE 9

REPORTED CRIMINAL BEHAVIOR  
MATCHED SAMPLES COMPARISONS  
(Medium Supervision Group)

|   | EASTERN REGION<br>COMPARISON GROUP<br>1 CONTACT/MO. REQUIRED | SOUTHERN REGION<br>EXPERIMENTAL GROUP<br>2 CONTACTS/MO. REQUIRED |
|---|--|--|
|   | N = 71   | N = 71   |
| Number With Any New Offense Reported                                  | 13 (18.3%)   | 9 (12.7%)  |
| Most Serious Offense Reported:  |  |  |
| Felony  | 2 (02.8%)  | 4 (05.6%)  |
| Misdemeanor   | 11 (15.5%)   | 5 (07.0%)  |
| Number With Any Absconsions   |  |  |
| Reported During Supervision   | 1 (01.4%)  | 4 (05.6%)  |
| Number With Any Arrests Reported                                      | 13 (18.3%)   | 10 (14.1%)   |
| Number With Any Rules Violations Reported<br>(Other Than Absconsions) | 10 (14.1%)   | 15 (21.3%)   |
| Number Revoked  | 3 (04.2%)  | 4 (05.6%)  |

NOTE: No set of proportions were significantly different (.05 level).

C. Minimum Supervision Clients

Probationers and parolees identified as low risk and low need had required face-to-face contacts reduced from one per month to one every three months under the new case classification standards. It was hoped

that contact with this group could be reduced without adversely affecting outcomes. This objective led to the adoption of the same hypothesis that was made for the medium supervision group.

The assessed criminal activity of a sample of individuals classified as requiring minimum supervision and subsequently placed under such supervision will be no higher than that of a comparison group so classified, but supervised in the usual manner.

There were no new felony convictions reported in either the comparison or experimental group. Six clients in the comparison group were convicted of new misdemeanor offenses compared with only two from the experimental group. However, the differences in assessed outcomes from both groups, outlined in Table 10, were not significant at the .05 level.

TABLE 10

REPORTED CRIMINAL ACTIVITY

MATCHED SAMPLES COMPARISONS

(Minimum Supervision Group)

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|   | EASTERN REGION<br>COMPARISON GROUP<br>1 CONTACT/MO. REQUIRED | SOUTHERN REGION<br>EXPERIMENTAL GROUP<br>1 CONTACT/3 MO. REQUIRED |
|---|--|---|
|   | N = 58   | N = 58  |
| Number With Any New Offense Reported                                  | 6 (10.3%)  | 2 (03.4%)   |
| Most Serious Offense Reported:  |  |   |
| Felony  | 0  | 0   |
| Misdemeanor   | 6 (10.3%)  | 2 (03.4%)   |
| Number With Any Absconsions<br>Reported During Supervision            | 2 (03.4%)  | 2 (03.4%)   |
| Number With Any Arrests Reported                                      | 6 (10.3%)  | 2 (03.4%)   |
| Number With Any Rules Violations Reported<br>(Other Than Absconsions) | 2 (03.4%)  | 1 (01.7%)   |
| Number Revoked  | 3 (05.2%)  | 4 (06.9%)   |

NOTE: No set of proportions was significantly different (.05 level).

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CONCLUSION AND IMPLICATIONS:

Two years after the implementation of the case classification procedures and standards, data clearly indicate that assigning different levels of supervision based on identification of risk and need factors is having a significant impact on outcomes in Wisconsin.

Criminal activity declined significantly in the high risk/high need group when required contacts were increased. At the same time, decreasing contacts with low risk/low need clients had no perceivable adverse effects.

The implications for probation and parole systems are considerable. Accurate identification of clients who require more time from agency staff as well as identification of probationers and parolees who require few services and are very unlikely to recidivate can help an organization to better allocate its limited resources.

If trends noted in this two year follow-up continue, increased intervention with high risk/high need clients will be quite cost effective. A substantial proportion of the additional cost is immediately offset by reducing required contacts with low risk/low need probationers and parolees. But most importantly, the reductions in arrests, new convictions and revocations in high risk/high need clients will generate considerable savings and reduce jail and prison populations. An extensive cost-benefit analysis will be prepared following analysis of the third year of the study period.

#### VI. COMPUTATION OF WORKLOAD

While Corrections has long attempted to define the optimum, ideal, or maximum caseload that probation or parole agents should be assigned, many administrators have maintained that any standard client-to-agent ratio is an inadequate method of staff deployment because it assumes that all other workload is distributed equally. This, in fact, seldom occurs. The courts' utilization of presentence investigations, for example, can vary substantially among counties.

Perhaps the most conspicuous flaw in equalizing caseloads among all probation and parole staff is that differences in offenders are either ignored or it is assumed that cases are assigned randomly and therefore approximate equalization of workload is attained in the long run. Such an assumption ignores

administrative prerogative to utilize special abilities of staff members and, more importantly, it fails to recognize the effect of local problems, mores and law enforcement practices. However, consideration of local differences is vital if workload is to be equalized. Offenders placed on probation in rural Wisconsin are somewhat different in both need and risk factors from Milwaukee or Madison probationers.

The Wisconsin classification system is designed to identify differences in offenders which will have an impact on the amount of supervision required. It is then possible to ascertain the total workload of each probation and parole office by establishing time requirements for each supervision level, as well as for all other agency functions. Management can then allocate agent positions on a workload, rather than a caseload basis.

Time studies conducted throughout the state furnished an extensive data base for budgeting purposes. In the principal study, approximately 250 agents accounted for all time spent on ten randomly selected clients each, over a two-month period. Investigations, including 401 presentence reports, 221 probation socials and 49 admission investigations, were also time studied. These time studies yield the average amount of time devoted to maximum, medium, and minimum supervision clients and to the various types of investigations for which Wisconsin agents are responsible.

The following two adjustments were made to the raw time study data:

1. The time studies from which budget data were derived were longitudinal studies; i.e., agents were not required to account for all time during working hours but instead recorded to the minute, all time directly relatable to any client selected for inclusion in the study. Time spent waiting for clients who were late for or missed appointments and time between contacts was not recorded. It is reasonable to expect that employees who have contact with the public need time between contacts. This is especially true for employees who deal with involuntary clients. Consultation with the Dean of the College of Industrial Engineering, University of Wisconsin and the Director of Management Analysis, Wisconsin Department of Industry and Human Relations revealed that while the need for time between activities is well recognized, there appears to be no existing objective of how much time should be allowed.

In earlier time studies, agents were required to record all time during working hours, allowing short intervals between activities, (e.g., instructions to a secretary, conversation with a supervisor, etc.) to be included in the preceding activity time. Time per contact in these studies averaged nearly six minutes more than time per contact in the longitudinal studies. Hence, the longitudinal studies were adjusted to reflect this factor.

2. Records were deleted when the required number of contacts was not met since some agents who participated in the time studies had excessive workloads, and complete compliance with the standards was not possible.

The base time utilized for each level of supervision is a statewide average of client and collateral contact time, recording time and case study time. This amounted to 2.55 hours per month for maximum supervision cases, 1.02 hours a month for medium supervision cases, and 0.45 hours per month for clients in minimum supervision. The average travel time recorded in each region was then added to the base to derive the recommended standards for each region. To simplify the budgeting process, regions were combined under the same standards whenever possible. Tables 11 and 12 present the standards utilized for the 1979-81 biennial budget.

TABLE 11

WORKLOAD STANDARDS

By Level of Supervision

(Hours per Month)

|                                    | MAXIMUM | MEDIUM | MINIMUM |
|------------------------------------|---------|--------|---------|
| Madison, Waukesha, Milwaukee       | 3.0     | 1.2    | .55     |
| Green Bay, Eau Claire, Rhinelander | 3.1     | 1.3    | .60     |

TABLE 12

WORKLOAD STANDARDS

By Type of Investigation

---

---

|                                 |           |
|---------------------------------|-----------|
| Presentence Investigations      | 9.0 Hours |
| Probation Social Investigations | 8.0 Hours |
| Admission Investigations        | 8.0 Hours |
| All Partial Investigation       | 5.0 Hours |

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NON-CLIENT RELATED STANDARDS

Wisconsin agents are responsible for carrying out many functions which cannot be related to an individual client. These activities can generally be categorized as program development, community development, and administrative tasks. The budget formula incorporates time standards for these functions. Time was also allocated for professional development (training) and for personal time. The development of these standard time frames is briefly outlined below.

STANDARD FOR PROFESSIONAL DEVELOPMENT: The method for computing time needed for professional development in each Region was designed in accordance with the Division of Corrections Training and Staff Development Plan and after consultation with Bureau of Community Corrections administrators and supervisors and the Project Steering Committee. The standard for professional development

is set at 7.6% of total time for the statewide average. However, this standard varies by Region in relation to staff turnover and the general experience level of staff. New agents are allocated more time for training than experienced agents.

STANDARD FOR COMMUNITY AND PROGRAM DEVELOPMENT: In time studies conducted in 1975 and 1976, agents reported 5.3% of their time in Community and Program Development. The Wisconsin Bureau of Community Corrections recently assumed many new functions placing more emphasis on the development of metro centers, halfway houses, work release centers, etc., all of which require substantial time for Bureau staff. This fact, coupled with the belief that strong relationships with the community, law enforcement and the courts can aid substantially in carrying out other agent functions and also help the general populace to understand the role of the probation and parole agent in the community, led to the establishment of a standard of 7% of total time for Community and Program Development.

In accordance with the union contract, a standard of 6% was established for personal time. In addition, 3% of total time was allocated for non-case related paperwork (expense accounts, daily logs, surveys, etc.).

VACATION, SICK LEAVE, HOLIDAYS, AND PERSONAL LEAVE: Sick leave used for the year 1977 was obtained for each agent and averaged for the whole state. Vacation time (1978 eligibility) was obtained for each agent and averaged for each Region. Holidays and personal time were added to these figures and "time off" per agent was computed for each Region.

VII. BUDGET DEVELOPMENT

A workload budget portrays the relationship between the average time required to perform required activities and total available time. Table 14 presents this process in step wise fashion. The standard time frames used for each level of supervision are based on weighted averages from the six regions of the State. This table does not list all of the functions for which Wisconsin agents are responsible, but presents an example of the type of computations undertaken to produce a workload budget.\*

Table 13 illustrates the process for determining the number of agents needed to supervise clients at each supervision level.

TABLE 13

WORKLOAD COMPUTATIONS

|                     | HOUR<br>RATE | PROJECTED<br>X NUMBER | AVAILABLE<br>TIME | NUMBER OF<br>POSITIONS |
|---------------------|--------------|-----------------------|-------------------|------------------------|
| Maximum Supervision | 3.03         | 6,096                 | 116.5             | 158.5                  |
| Medium Supervision  | 1.23         | 7,746                 | 116.5             | 81.8                   |
| Minimum Supervision | .55          | 4,610                 | 116.5             | 21.8                   |

The methodology utilized to continually track workload in each office is described in the Classification section of the Wisconsin Bureau of Community Corrections Field Manual (Appendix B).

\*For further information, see the Bureau of Community Corrections 1979-81 Budget Report.

TABLE 14

STATEWIDE BUDGET

WORKLOAD STANDARDS

(Statewide Averages)

|         |               |
|---------|---------------|
| Maximum | 3.03 hrs./mo. |
| Medium  | 1.23 hrs./mo. |
| Minimum | 0.55 hrs./mo. |

INVESTIGATIONS

|             |          |
|-------------|----------|
| Presentence | 9.0 hrs. |
| Admission   | 8.0 hrs. |
| Probation   |          |
| Socials     | 8.0 hrs. |

TOTAL AGENT TIME AVAILABLE

52.2 weeks x 40 hours = 2088 hours/year  
 (less vacation, sick  
 leave, holidays) - 259 hours  
 1829 hours/year

Less

| <u>TIME REQUIRED FOR:</u>            | <u>Pct.</u>  | <u>Hrs.</u> |
|--------------------------------------|--------------|-------------|
| Professional Development             | 7.6%         | 138         |
| Program and<br>Community Development | 7.0%         | 128         |
| Administrative Tasks                 | 3.0%         | 55          |
| Personal Time                        | 6.0%         | 110         |
|                                      | <u>23.6%</u> | <u>431</u>  |

Equals

TIME AVAILABLE TO SUPERVISE CLIENTS OR  
 TO CONDUCT INVESTIGATIONS:  
 1398 ÷ 12 = 116.5 hours/month

PROJECTIONS:

1980

|                    |        |
|--------------------|--------|
| End Point Caseload | 18,442 |
| Presentence        |        |
| Investigations     | 4,872  |
| Probation Socials  | 6,074  |
| Admission          |        |
| Investigations     | 1,230  |

PROJECTED CASELOAD BREAKDOWN:

|                     |     |       |
|---------------------|-----|-------|
| Maximum Supervision | 33% | 6,086 |
| Medium Supervision  | 42% | 7,746 |
| Minimum Supervision | 25% | 4,610 |

RESULTING AGENT POSITION REQUEST:

|                     |       |
|---------------------|-------|
| Maximum Supervision | 158.5 |
| Medium Supervision  | 81.8  |
| Minimum Supervision | 21.7  |
| Presentence         |       |
| Investigations      | 31.4  |
| Probation Socials   | 34.8  |
| Admission           |       |
| Investigations      | 7.0   |

### VIII. INFORMATION SYSTEM

The Case Classification/Staff Deployment management information system serves a two-fold purpose. One is the monitoring and evaluation of policies, procedures, programs, and contracts of the agency. The other is the analysis of client characteristics, problems, and needs.

The information system contains data collected on probationers and parolees from agency staff at admission, at termination, and from the courts at admission. The system is designed so that for each offender at the time of admission to probation or parole, a comprehensive client profile is completed. The profile includes demographic data, offense history, and sentence information, needs and risk data, and referral information. Data collected at termination is then merged with admission data providing a before/after record for each client. Data collected at termination includes needs and risk, termination type, new offense data, and information regarding the use of community resources. An overview of the information system is outlined in Appendix C.

Analysis of data falls into three categories: routine reports to management, evaluation of the system, and answers to special requests. Comprehensive periodic reports of admission and termination data for the entire state, for each region, and for each unit are prepared for various levels of management. These reports can be used to identify trends, project populations, examine usage of community resources and plan future purchase of service priorities. Special requests are similar to the reports for management but usually relate to a more specific geographical region, service delivery, client profile, or offense pattern. For example, a Regional Administrator could

receive a breakdown, by county, of the number of clients on supervision for sex crimes who had been referred to a particular community resource agency. This information could serve as a basis for an evaluation of that agency's services which could then be used to negotiate future contracts (Appendix C).

The information system design provides additional measures of agency effectiveness by giving an overall profile of the client at admission and again at termination. For each client, comparisons can be made regarding changes in classification, education, employment, alcohol usage, and other measures of adjustment. In addition, the scales used to classify can be revalidated and revised if appropriate by comparing outcome data (discharges, revocations, and new offenses, etc.) to admission information.

#### UPDATES AND CHANGES

The admission and termination data forms are revised periodically to remove items that have proved to be of little benefit and to reflect changes in the information needs of management. A major addition to the system is being planned at this time involving the addition of the reevaluation of client needs and risk to the automated system. This information will provide a more complete profile of clients while on supervision and provide current information for management and evaluation.

#### REFERENCES

- 1/ National Advisory Commission on Criminal Justice Standards and Goals, Corrections, U.S. Government Printing Office, Washington, D.C., 1973, p. 201.
- 2/ Breed, Allen F., The Significance of Classification Procedures to the Field of Corrections, The President's Commission on Law Enforcement and Administration of Justice, Washington, D.C., 1967, p. 13.
- 3/ German, S., A. C. Mogah, and C. R. Tracer, Jr., Probation and Parole Supervision Classification: The Client Analysis Scale, Jefferson City, Missouri, Spring, 1975.

APPENDIX A

## DEVELOPMENT OF THE WISCONSIN RISK ASSESSMENT SCALE

To aid in the assignment of a level of supervision, a method of assessing a client's propensity for further criminal behavior was developed. In addition to felony and misdemeanor convictions, the concept of criminal behavior was expanded to include absconsions, rules violations, and arrests. Each of these factors was then assigned a weight as illustrated by the following list:

|                                     |   |
|-------------------------------------|---|
| Rules Violations                    | 1 |
| Arrests                             | 1 |
| Misdemeanor Convictions             | 3 |
| Absconsions                         | 5 |
| Felony Convictions                  | 7 |
| Convictions for Assaultive Offenses | 9 |

Each weighted occurrence was then added to a base score of 1. Scores were cut off at 30 in order to prevent a few very high totals from skewing the data.

Information was collected on approximately 250 randomly selected closed or revoked cases. The data analyzed were, to a large extent, determined by a committee of agents, supervisors, and research staff that was responsible for developing differential supervision levels and criteria for assignment to each level. The collective experience and expertise of that group suggested that "risk" could best be determined through the analysis of the following items:

1. Age at intake
2. Number of prior felony convictions
3. Number of prior misdemeanor convictions
4. Number of prior incarcerations - both adult and juvenile
5. Number of prior periods of probation/parole supervision
6. Number of prior revocations
7. Age at earliest arrest
8. Age at earliest conviction
9. Specific offenses (convictions)
10. Use of a weapon
11. Number of address changes in past year
12. Percentage of time employed
13. Problems in inter-personal relationships
14. Social identification (peer group)
15. Attitude
16. Emotional stability
17. Alcohol Usage/Problems
18. Drug Usage/Problems
19. Ability to meet financial needs
20. Ability to manage finances
21. Response to court or Bureau imposed conditions
22. Use of community resources

To select the items which would cumulatively provide the best scale for assessing client risk, a multiple linear regression analysis was implemented. Variables were entered in a stepwise fashion. The standard error of the estimate was minimized after seven variables were entered. The following table outlines the results:

TABLE A

|                                      | MULTIPLE R | R <sup>2</sup> | SIMPLE R | F RATIO |
|--------------------------------------|------------|----------------|----------|---------|
| Attitude                             | .6003      | .36            | .600     |         |
| Age at First Conviction              | .7087      | .50            | .354     |         |
| Prior Revocations                    | .7268      | .53            | .350     |         |
| Alcohol Usage/Problems               | .7412      | .54            | .421     |         |
| No. of Address Changes               | .7513      | .56            | .351     |         |
| Felony Convictions                   | .7591      | .58            | .335     |         |
| Prior Periods of<br>Probation/Parole | .7613      | .58            | .335     | 34.16*  |

\*Significant at the .01 level.

Although factors analyzed explained only 58% of the variance in criminal behavior, the results proved sufficient to classify clients in less precise rankings. (The equation could be used to predict low, medium, and high degrees of criminal behavior rather than actual scores. "Low" criminal behavior meant a score of two or less on the criminal behavior scale. "High" criminal behavior was defined as a revocation or conviction for a new felony offense during the period of supervision.) Utilizing these rankings and comparing them to predicted scores indicated that, overall, 72% of the cases were "placed" correctly using the resultant regression equation.

Of the high risk clients misclassified as moderate risks, 3/4 had scores in the upper third of the moderate range. The substantial crossover between the high and medium risk classification scores indicates that this type of client will be the most difficult to classify accurately.

In an attempt to achieve better results, group means or percentages (depending upon the factor analyzed) were compared for all variables. Based on significant differences and simple correlation coefficients, three items were added to the risk scale. They were:

1. Specific offenses (Burglary, Robbery, Auto Theft, Forgery, Worthless Checks, and Theft)
2. Percentage of time employed
3. Drug Usage/Problems

All ten variables comprising the final scale were then assigned weights based on their correlation with criminal behavior. The scale was then tested utilizing the random sample of closed and revoked cases. While the percentage

of correct predictions actually declined slightly, it was felt that this may be due primarily to the fact that the weight associated with each independent variable was rounded to a whole number somewhat "blunting" the accuracy of the regression equation.

The following table outlines the results:

TABLE B

| AMOUNT OF CRIMINAL<br>BEHAVIOR PREDICTED | ACTUAL AMOUNT OF CRIMINAL<br>BEHAVIOR REPORTED |          |      |
|--|--|----------|------|
|  | Low  | Moderate | High |
| Low (Minimum Supervision)                | 84%  | 10%      | 6%   |
| Moderate (Medium Supervision)            | 32%  | 27%      | 41%  |
| High (Maximum Supervision)               | 10%  | 24%      | 66%  |

CUT-OFF SCORES FOR EACH SUPERVISION LEVEL

The cut-off scores for each level of supervision were set somewhat low for two reasons. First, an important factor, the actual quality and quantity of supervision given each client, could not be included in the analysis. If a basic assumption of probation and parole (supervision will diminish criminal behavior) is at all valid, then successful completion of probation or parole should be strongly influenced by the degree and type of supervision. The regression analysis left 42% of the variance in criminal behavior unexplained indicating that agent intervention may be a significant factor

in decreasing criminal behavior. Secondly, all predictive devices will misclassify some persons. This is regarded as "error" and its probable limits can be stated. However, the "error" term can be manipulated -- and with a predictive scale that will result in an assignment of Corrections' clients to a structured supervision level -- such manipulation seems essential. It was assumed that in a test situation it would be better to over supervise than to under supervise. Hence, the cut-off scores for each level of supervision were lowered so that nearly all of the "error" occurred with clients being assigned to a higher level of supervision than strict interpretation of an individual score would indicate.

The low cut-off scores resulted in only 5% of the entire sample analyzed being classified lower than their actual probation/parole outcomes warranted. Experience has indicated that approximately 50% of all new clients will be classified as high risk.

3.07 CASE PROCEDURE AND PROCESS - Case Classification

3.07 CASE CLASSIFICATION

(1) General Statement

The purpose of Case Classification is (1) to improve the effectiveness of service delivery to the client and (2) to provide a data base for budgeting and staff deployment on a workload rather than a caseload mode.

All adult probationers and parolees must be classified by means of the need and risk scales and supervised according to the standards assigned to the appropriate level of supervision.

(2) Procedure

Form C-502 is the basic classification instrument, completed at the time an adult client is admitted to field supervision.

- (a) Risk Scale This classification device is designed to assess a client's propensity for further criminal behavior. Ten predictive factors are listed relating to criminal history and socioeconomic items. Each item is weighted and the total score is used to assign a level of supervision. In the interest of community protection, all assaultive offenses are weighted so that such offenders are placed in maximum supervision.
- (b) Need Scale This instrument identifies and assigns weights to eleven categories of needs most commonly evidenced in probationers and parolees. The eleven items are scored and the total is used to assign a level of supervision. Treatment plans are formulated on the severity of identified needs using guidelines set forth in CC/SD Project Report #10, "Treatment Guidelines".
- (c) Reassessment of Needs and Risk Clients are re-evaluated at six-month intervals as directed by the ledger schedule. This is accomplished by completing a needs scale and a re-evaluation of risk scale Form CC/SD 10, (C-91). This risk scale differs from the one used at intake by shifting emphasis from criminal history factors to items which reflect the client's adjustment while on supervision. This allows clients who have adjusted well since being placed on supervision to progress to lower levels of supervision and moves clients who continue to exhibit problems to higher supervision levels.

3.07(2)(F) CASE PROCEDURE AND PROCESS - Case Classification (Cont'd)

(f) Ledger Keeping

Each Unit Supervisor will designate a clerical person(s) as ledger keeper to maintain a follow system for classification.

The purpose of ledger keeping is to provide a running total of workload points for each agent, thereby enabling the Supervisor to assign new work and deploy staff. Ledger keeping will also establish a schedule of due dates for reassessment of cases and chronological summaries. The ledger will be maintained on Form CC/SD 12, (C-99).

At the beginning of each month, the Ledger Keeper will prepare a list, by area, of Periodic Summaries and Reassessments due during the month. The Ledger Keeper also prepares a weekly list of overdue C-502's and a monthly list of overdue Periodic Case Summaries and Reevaluations. The agent will receive the original of this listing while a carbon copy is kept by the Ledger Keeper and one carbon copy is routed to the supervisor.

(1) Workload Point System

The purpose of assigning points is to measure workload and is the basis for deployment and assignment.

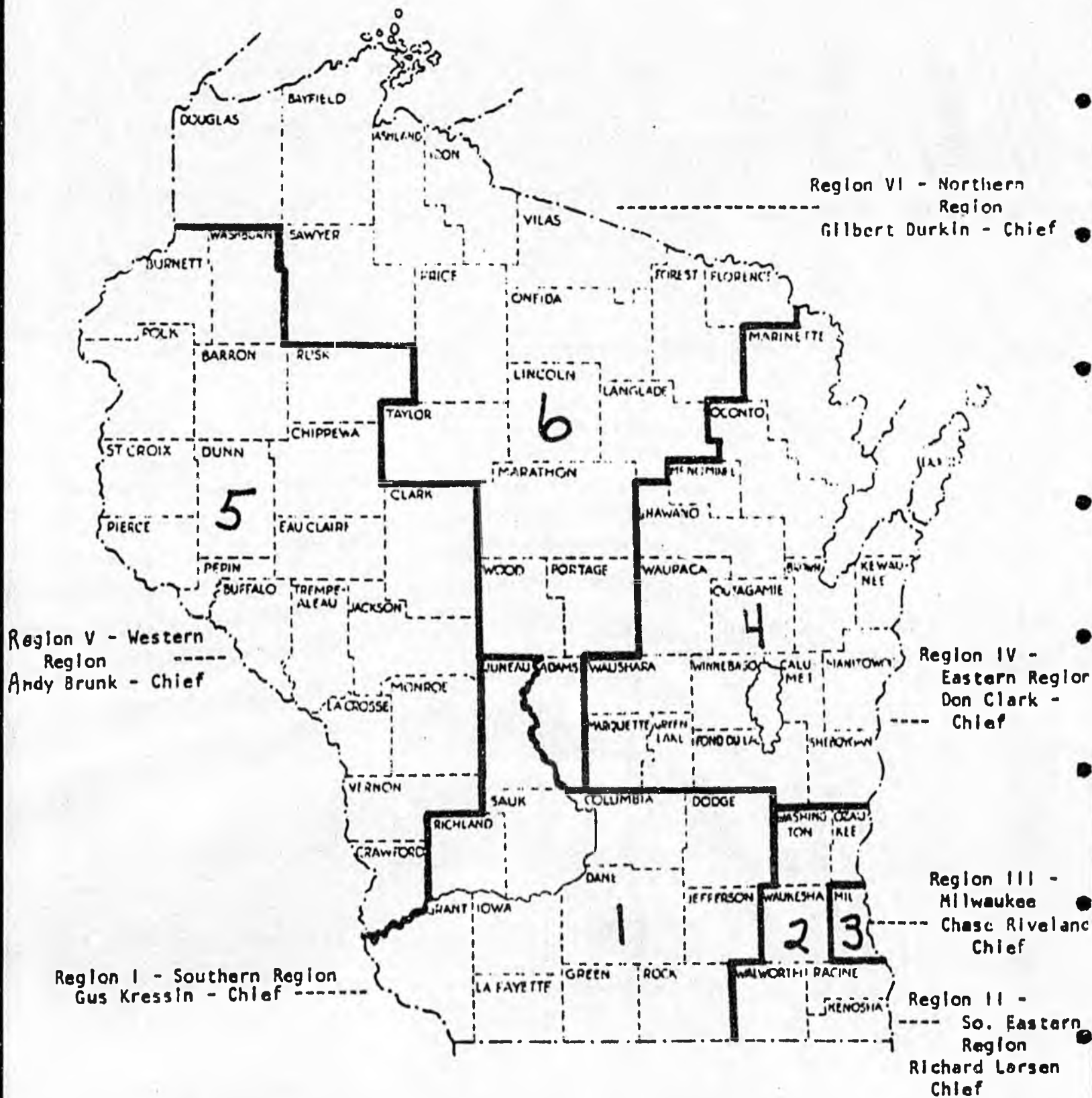
The workload points are as follows:

| <u>WORKLOAD</u>   | <u>ABBREV.</u> | <u>POINTS</u> |
|---|----------------|---------------|
| Presentence Investigation                               | PSI            | 16            |
| Admission Investigation                                 | ADM            | 14            |
| Partial PSI Investigation                               | P/PSI          | 8             |
| Partial ADM Investigation                               | P/ADM          | 8             |
| Partial Prob. Soc. Investigation                        | P/PS           | 8             |
| New Cases with Prob. Soc. Due                           | S/NEW          | 14            |
| New Cases without Social<br>(includes all Transfer-ins) | NEW            | 5             |
| Maximum Supervision Cases                               | MAX            | 5             |
| Medium Supervision Cases                                | MED            | 2             |
| Minimum Supervision Cases                               | MIN            | 1             |
| Juvenile Case   | JUV            | 8             |
| Institution Case (Juvenile)                             | INST-J         | 4             |
| Institution Case (Adult)                                | INST-A         | 4             |
| Absconder Case  | ABS            | 4             |
| Out-of-State Case                                       | OS             | 4             |

(2) Monthly Ledger Summary

On the last working day of each month the Ledger Keeper will complete Form CC/SD 13, (C-100). Figures from this form are computer programmed to detect trends in workloads, regional variations, etc. to provide data essential for development of the Bureau budget.

BUREAU OF COMMUNITY CORRECTIONS



|  |                 |    |               |
|--|-----------------|----|---------------|
| Client Name<br>Last  | First           | MI | Client Number |
| Probation Control Date or Institution Release Date<br>(Month, Day, Year) | Agent Last Name |    | Number        |

**MENTAL HEALTH PROBLEMS**

A. Check any of the following items which apply to the client:

- Suicidal Tendencies \_\_\_\_\_
- Prior Psychiatric Hospitalization \_\_\_\_\_
- Depression \_\_\_\_\_
- Passivity \_\_\_\_\_
- Hostility \_\_\_\_\_
- Thought Disorders \_\_\_\_\_
- Interpersonal Relationship Problems \_\_\_\_\_
- Court Ordered Treatment \_\_\_\_\_

B. 1. Will client be referred to Clinical Services or to a Community Mental Health Agency?  
 (For Drug, Alcohol, MH or DD problems.)

Yes \_\_\_\_\_

2. If no, why not?

No \_\_\_\_\_

- Referral Not Needed \_\_\_\_\_
- Client Currently in Treatment \_\_\_\_\_
- Client Unmotivated \_\_\_\_\_
- Adequate Services Unavailable \_\_\_\_\_

**REFERRAL INFORMATION**

A. Select service(s) requested or currently received and enter appropriate agency code\* in the space(s) provided:

**REFERRAL AGENCY CODE**

|  | #1    | #2    | #3    |
|--|-------|-------|-------|
| 1. Consultation for Case Planning Assistance:                | _____ | _____ | _____ |
| 2. Formal Evaluation (Clinical, Vocational, etc.):           | _____ | _____ | _____ |
| 3. Vocational Training or Job Assistance:                    | _____ | _____ | _____ |
| 4. Mental Health Treatment:                                  | _____ | _____ | _____ |
| 5. Alcohol Treatment:  | _____ | _____ | _____ |
| 6. Drug Treatment:   | _____ | _____ | _____ |
| 7. Developmental Disability Treatment:                       | _____ | _____ | _____ |
| 8. Educational Training:                                     | _____ | _____ | _____ |
| 9. Special Services (Living Arrangement, Money, Food, etc.): | _____ | _____ | _____ |

**\*AGENCY CODES**

- A = Clinical Services (BPR)
- B = 51.42 Agency
- C = 51.437 Agency
- D = DVR
- E = State Mental Health Centers
- F = Job Service
- G = Volunteers in Probation
- H = County Welfare Agency
- I = District Vocational School
- J = Other (Specify Below)

1. \_\_\_\_\_ 3. \_\_\_\_\_

2. \_\_\_\_\_ 4. \_\_\_\_\_

In areas where Clinical Services personnel are available, complete the reverse side to make a referral.

Appendix E  
PENNSYLVANIA

Sentencing by Parole Board:  
The Parole Revocation Decision<sup>1</sup>

John S. Carroll  
Carnegie-Mellon University

R. Barry Ruback  
University of Pittsburgh

Chapter to appear in B. D. Sales (Ed.) Perspectives  
in Law and Psychology, Vol. II: The Jury, Trial,  
and Judicial Processes. Plenum.

In most states and in the Federal system, the sentencing judge is not the sole determiner of how long a convicted offender will be in prison. Typically, the judge sets bounds on the time to be served (e.g., two to six years) without exactly specifying it. An administrative entity, the parole board, reviews the case periodically and decides exactly when to release the offender. Thus, judges and parole boards are jointly responsible for determining incarceration (Genego, Goldberger, and Jackson, 1975; Stanley, 1976).

Parole boards decide not only when to release an offender, but also if and when to place a released offender back in prison. If a parolee does not adhere to the conditions of parole, the parole board is empowered to revoke parole, return the parolee to prison, and specify the date on which the offender may be considered for reparole. This parole revocation procedure places the board almost exactly in the role of judge: they must evaluate evidence, consider mitigating factors, determine whether to incarcerate, and determine how long to incarcerate.

Revocation procedures are initiated against approximately one out of four parolees during their first year on parole (Neithercutt, 1972). These procedures can be the result of either technical violations or new offenses. A technical violation is any act committed by the parolee, other than a new crime, which violates any of the conditions of his parole. Some of the conditions are mandatory features of parole (e.g., in Pennsylvania, moving or travelling without written permission), others are placed upon the individual parolee by the board (e.g., must hold a job, must not use alcohol). Most

technical violations would not be criminal acts if done by someone not on parole. Conviction for any new offense is also a parole violation.

By the end of the first year on parole, 4% of the parolees across the U.S. have been returned to prison as convicted parole violators (CPV's), 8% have been returned as technical violators (TV's), and 4% are absconders (whereabouts unknown). However, roughly half of the technical violators have new convictions or are being returned as technical violators in lieu of prosecution for new offenses. . . By the end of the third year, 8% of the parolees have been returned as CPV's, 17% have been returned as TV's, and 5% are absconders (National Council on Crime and Delinquency, 1975).

This chapter focuses upon how the Pennsylvania Board of Probation and Parole makes revocation decisions about parolees who have been convicted of a new crime while on parole. A convicted parole violator is a true failure for the Board, which is mandated to protect society from offenders and to rehabilitate the individual offender. They have failed to reach either goal in the case of a CPV. The law in Pennsylvania [Pa. STAT. ANN. tit. 61, §331.21a (Purdon)] allows the Parole Board to recommit the CPV to prison as a parole violator and compel him<sup>2</sup> to serve the remainder of his sentence from the date of parole (i.e., the Board may eliminate any credit for the "street time" spent on parole). The Board may at any time grant a recommitted parole violator reparole, if it appears in the best interests of the prisoner and does not present a threat to the community.

The study described in this chapter was initiated because the Pennsylvania Board wanted to know about and control their own decisions. Because we had drawn upon the expert decision makers of the Pennsylvania system

in our own research for the past several years (Carroll & Payne, 1977; Carroll, in press), the Board asked us to collect data that would assist them in their policy evaluation. Their goals were to examine the current decisions of the Board members and Hearing Examiners in CPV revocation hearings, and to develop a set of guidelines to standardize these decisions and avoid any arbitrariness or unfairness among individual decision makers and cases.

In the remainder of this chapter, we will discuss the legal requirements and administrative procedures of the parole revocation decision in regard to convicted parole violators. We will then present our research on the determinants of the revocation decision and a discussion of how our research is being used in policy making by the Pennsylvania Board of Probation and Parole. It should be kept in mind that our conclusions are only relevant to the CPV since the Pennsylvania Board of Probation and Parole has established different procedures for technical parole violators, parolees with new criminal charges, and convicted parole violators.

#### Revocation Procedures

Prior to 1972, the parolee was granted few due process rights. This absence of constitutional safeguards was based upon the theories that parole is a privilege, that the parolee agrees to the terms of the parole "contract", that parole is still a form of custody, and that the board acts in the interests of the parolee's rehabilitation (Fisher, 1972). In 1972, the United States Supreme Court in Morrissey v. Brewer ruled that the due process clause of the sixth amendment as applied to the states by the fourteenth amendment "... requires that a State afford an individual some opportunity to be heard prior to revoking his parole" (Morrissey, pp. 472-473). Although parole revocation is not part of a criminal prosecution and therefore does not

4

constitutionally require all of the rights due a criminal defendant, it does impose a "grievous loss" on the parolee and the revocation must be in accordance with due process.

Specifically, the Court held that certain due process requirements are necessary at a preliminary hearing, after the parolee is arrested for a crime, and at the revocation hearing itself.

#### The Preliminary Hearing

The Court in Morrissey held that a preliminary hearing to determine whether there is probable cause to believe that there has been a parole violation is necessary when a parolee is arrested for a crime. If probable cause is found, the parolee is returned to prison to await the revocation hearing. Obviously, the preliminary hearing is necessary to insure that the temporary revocation of a parole does not occur unless the state has met its burden of proving probable cause. To further insure due process, the Court required that a person not directly involved in the case make the determination of probable cause. In addition, the parolee must be notified of the hearing and the charges against him, has the right to appear and present evidence and witnesses, has the right to cross-examine witnesses, and must receive a summary of the evidence including what supports the determination of probable cause. No preliminary hearing is required if the parolee has been convicted of a new crime, because the conviction provides probable cause that a parole violation has occurred.

In Pennsylvania, a parolee who has been arrested for a new criminal offense may be arrested and detained on a Board warrant pending disposition of the new criminal charges. This Board warrant may be issued under one of several circumstances, which are detailed in the Manual of Operations and Procedures of the Pennsylvania Board of Probation and Parole (1978). When

deciding whether to arrest and detain the parolee, the parole agent, his supervisors, and the Board consider the following eight factors:

- (a) risk to the community if the parolee is released.
- (b) sufficiency of evidence that the parolee has violated parole in a sufficiently serious manner to warrant his return as a technical violator;
- (c) history of the parolee while under supervision;
- (d) whether the parolee was in delinquent status by absconding at the time of arrest by the police;
- (e) seriousness of the offense for which the parolee has been arrested;
- (f) possibility that the parolee may abscond from parole supervision, if released;
- (g) whether the criminal charge involves an alleged use of a firearm or whether physical assault has occurred;
- (h) whether the parolee has other outstanding criminal charges.

#### The Revocation Hearing

After the parolee is found guilty of a new criminal offense committed while he was on parole, the Board is usually notified within a month of the conviction. If the parolee had previously been detained by a warrant pending disposition of the criminal charges, the Board schedules a revocation hearing to determine what sanctions, if any, will be imposed for the violation. If the parolee had not previously been detained, the parole agent and his supervisor must decide whether or not the parolee should be continued on parole. Should they decide to continue the person on parole and the Board concurs with that recommendation, the parolee will be notified of the decision. If the Board does not agree with the recommendation to continue the parolee on parole or if the parole agent and his supervisor recommend that the parolee should be scheduled for a revocation hearing, the parolee will be arrested and a revocation hearing will be scheduled (Manual of Operations and Procedures, 1978).

According to Pennsylvania regulations, for parolees within the jurisdiction of the Pennsylvania Bureau of Correction the revocation hearing must be held no longer than 120 days after the Board receives official notice of

conviction, although the Board usually tries to hold the revocation hearing within 60 days of receiving notice. The hearing must meet the following due process requirements:

- (a) a written notice of the claimed violations of parole;
- (b) disclosure to the parolee of the evidence against him;
- (c) opportunity to be heard in person and to present witnesses and documentary evidence;
- (d) the right to confront and cross-examine adverse witnesses (unless the hearing officer specifically finds good cause for not allowing confrontation);
- (e) a "neutral and detached" hearing body such as a traditional parole board, the members of which need not be judicial officers or lawyers; and
- (f) a written statement by the fact finders as to the evidence relied on and the reasons for revoking parole. (Morrissey, p. 489)

The Supreme Court in Morrissey specifically cautioned that, although certain due process procedures are required, it did not equate the revocation hearing with an adversary criminal trial. Thus, not all of the rights attendant to a criminal trial (for example, the exclusion of inadmissible evidence) were required at the revocation hearing. In Gagnon v. Scarpelli (1973), the Supreme Court held that there was no constitutional right to counsel at all revocation hearings, and that the right to counsel should be determined on a case by case basis. The Court did, however, suggest that an attorney should be appointed when "fundamental fairness" required it, as when the parolee claims he is innocent, or cannot speak effectively regarding compelling mitigating factors.

The Supreme Court of Pennsylvania has ruled, in line with the Morrissey decision, that a parole revocation hearing is required for convicted parole violators (Commonwealth ex rel. Rambeau v. Rundle, 1974). The court in Rambeau held that, because the reincarceration of the parolee is discretionary, a hearing to gather all the facts should be required. In addition to the specifics brought forth at the criminal trial, information that would have

been inadmissible at the trial can be presented at this hearing. According to the Rambeau court, these relevant facts or circumstances outside the record of the conviction enable the Parole Board to make the difficult revocation decision.

The court in Rambeau also held that the parolee is entitled to representation by counsel at the revocation hearing. The court explicitly held that revocation was a "critical stage" because it involved the loss of the convicted parolee's freedom. Thus, the Pennsylvania court ruling in Rambeau requires counsel at all revocation hearings (unless this right is waived) while the national minimum standard stated in Gagnon v. Scarpelli requires counsel at only some hearings depending on the circumstances of the case.

The final requirement of Rambeau is that a quorum (three of five members) of the Parole Board must be present at the revocation hearing. The court in Rambeau based its decision on language in Morrissey stating that due process requires "the opportunity to be heard in person and to present witnesses and documentary evidence" (Morrissey, p. 489). The Pennsylvania Supreme Court held that the right to be heard in person is meaningless unless the criminal parole violator is heard personally by the people who must make the revocation decision, the Parole Board. As was true with the requirement of legal counsel, this requirement that the Board be present at revocation hearings goes beyond the minimum requirements set forth by the United States Supreme Court.

Before the hearing a representative of the Board notifies the parolee, both orally and in writing, of the purpose of the hearing and of his rights to a full Board hearing, to counsel, to speak on his own behalf, to have voluntary witnesses testify, and to present evidence at the hearing. A copy of the written notice is sent to the parolee's counsel or to a public

defender if the parolee is indigent and requests free counsel. About half the parolees waive their Rambeau rights and subsequently have revocation hearings conducted by a Hearing Examiner, whose job is to conduct various types of hearings on behalf of the Board. The waiver of the Rambeau rights to a full Board hearing and to counsel must be "knowingly, intelligently and freely made" (8 Pennsylvania Bulletin at §71.4 (5) (ii) & (iii)), and the parolee must sign the waiver of these rights.

At full Board revocation hearings (Rambeau hearings), the three Board members examine the facts alleged in the parole agent's report and the presentence report of the probation officer. The CPV and his attorney present his side of the incident, particularly any justifying or mitigating circumstances. After the information is presented, the Board makes a decision either to continue the person on parole or to recommit him to prison. Three members of the Board must agree upon any action. The actions of the Board are noted on the CPV's file and transmitted to him within a few weeks.

If the Rambeau rights have been waived, the revocation hearing is held before a Hearing Examiner<sup>3</sup> or a single Board member. The parolee presents any information that may be relevant to revocation, such as any justifying or mitigating circumstances. At the conclusion of the hearing, the Hearing Examiner writes a summary of the hearing and makes recommendations. The narrative and recommendations are then sent to the Board in Harrisburg and read by three members of the Board. After reviewing the case, each Board member makes an individual decision and notes this on the hearing summary near the Hearing Examiner's recommendation. The three Board members meet to discuss the case only if there is disagreement on the disposition of the case or if one Board member would like to discuss the possibility of a special treatment program for the CPV. Once agreement is reached, the

decisions are noted on the CPV's file, and the CPV is notified of the decision within a few weeks.

### Back-Time Setting

If the judgment of the Board member or Hearing Examiner at a revocation hearing is to revoke parole, there are a number of options available. The decision maker usually recommends that the offender be recommitted to prison with review of the case for possible reparole in a specified number of months. The Board may alternatively decide to revoke parole and require the parole violator to serve all of the remainder of his previous maximum sentence. Or, the Board may recommit the offender and reparole immediately. The decision to recommit and reparole is similar to the decision to continue parole in that the CPV leaves custody for the original offense. However, by recommitting the CPV, the Board extends the maximum sentence because the time the parolee was on parole no longer counts against the original sentence. This imposes an additional penalty on the CPV and provides a longer period of parole supervision which does not include any new time that a judge may impose for the new crime. These alternatives are decided upon at the same time as is revocation.

For those offenders who are recommitted, the Board specifies how much "back time" they must serve on their original sentence until they are eligible for release. Back time may be short--when the Board immediately reparaes the offender, longer--until the specified review date, or long--until the end of the original sentence. Back time is considered to begin when the parolee "is taken into custody to be returned to the institution as a parole violator" (PA. STAT. ANN. titl. 61, §<sup>S</sup>331, 21a (Purdon)). Until 1977, this was generally construed to be the time of the revocation hearing. As a result of Mitchell v. Commonwealth (1977), the Pennsylvania Board has instituted new regulations requiring that back time be considered to start at the date the warrant is formally lodged by the Board. All of the cases in our study fall under the

old regulations.

Under Pennsylvania law (PA. STAT. ANN. tit. 61, §331, 21a (Purdon)), a recommitted CPV serves time on his original offense before he serves his new sentence if he had been paroled from a state institution and his new sentence is to be served at a state institution, or if he had been paroled from a county institution and his new sentence is to be served in the same county institution. Under these circumstances, the back time a CPV must serve is like a new minimum sentence, an immediate penalty for violating parole. If the CPV is sentenced to (a) a county institution after being paroled from a state institution, (b) a state institution after being paroled from a county institution, or (c) a different county institution than the one from which he had been paroled, he must serve the new sentence before he can serve the back time.

#### Evaluating Parole Revocation Decisions

The Chairman of the Pennsylvania Board of Probation and Parole first approached us about this project in early 1977. He expressed the Board's concern about anecdotal evidence indicating that back-time decisions sometimes failed to reflect important factors in CPV cases. The Board desired a set of guidelines which would relate back time to important features of the case. The Board wanted these guidelines to focus upon offense types graded by severity, with more severe offenses receiving more punishment. These guidelines would make Board policy explicit, help standardize decisions, and help in the training of new Board members and Hearing Examiners.

The Pennsylvania Parole Board was familiar with an analogous series of studies of the parole release decision by Gottfredson, Wilkins, and their colleagues (Gottfredson, Hoffman, Sigler, & Wilkins, 1975). Their approach formed the basis for the present efforts. Gottfredson et al. worked with the United States Board of Parole to "structure and control discretion--thus strengthening equity (fairness)--without eliminating it" (p. 41). They first identified the primary factors that decision makers considered important, using data from subjective ratings of actual decisions over a six-month period. These factors were the severity of offense, parole prognosis, and institutional behavior of the parole applicant. The second step of their approach was to provide objective criteria for the subjective factors. Thus, time served was considered to be the objective index of severity, and a prediction device was constructed to provide an objective risk prognosis (e.g., aspects of prior record, education, parole plan). Institutional behavior was allowed to remain a subjective determination.

The next step was to relate the severity and risk indices to an amount of time in prison. This was accomplished by tabulating severity and risk scores and actual decisions for a large sample of cases. The result was a two-dimensional system which relates the offense severity and risk prognosis of any parole applicant to a "discretion range" of time to serve. For example, a "moderate" severity offense (e.g., vehicle theft) and a "fair" probability of a favorable parole outcome would give a 20-24 month range of time to serve. This system was implemented, beginning in 1972, as a set of decision guidelines. Hearing Examiners complete an evaluation form for each parole applicant which yields a range of time to serve. Should the recommendation be outside the guidelines, the Hearing Examiner must specify the reasons for the judgment.

The final step in the Gottfredson et al. procedure is guideline modification. Over time, the Board experiences a series of agreements and disagreements with the guidelines. Tabulations of these outcomes provide objective records of disagreements. The Board periodically meets to discuss any changes in the perceived seriousness of a crime, the patterns of time served, the importance to the Board of the severity or risk factors, or discretion ranges that are found to be too broad or too restrictive. Feedback from actual decisions or changes in the explicit policy of the Board can result in modification of the guidelines. Thus, the complete procedure is a self-perpetuating cycle of policy generation and policy evaluation.

The Pennsylvania Board adopted the following plan: (a) we would make a study of current revocation and back time-setting decisions, to illuminate the factors now influencing such decisions, and then, (b) the Board would consider whether this "implicit policy" was reasonable, and perhaps make a new "explicit policy" which would seek to change the relationship of certain

factors to the decisions.

### A Study of Revocation Decisions

In order to identify the important factors in current decisions, we designed a one-page questionnaire to be filled out by each decision maker immediately after each revocation hearing. This initial pilot questionnaire contained our impressions of what should be important in revocation decisions, based upon past studies of parole boards and our discussions with Board members.

A meeting with the five Board members was arranged in which the revocation questionnaire was discussed. Four sample CPV cases that had recently been decided were treated as if they were now in a revocation hearing. Each Board member made recommendations about each case, and filled out our pilot questionnaire. Each case was then discussed until consensus was reached. This helped clarify and make salient the factors under consideration. By the end of this meeting, we had a list of factors the Board considered important.

We modified the pilot questionnaire to contain those factors that had emerged in the previous meeting, and added some factors which impressed us after listening to tape recordings of the meeting. This modified questionnaire was sent to the Board for additional changes, thus producing our final questionnaire.

The final questionnaire contained over 40 items in several categories:

- a) the new offense—the nature of the crime and the trial;
- b) the criminal record, including the original offense, prior offenses, and outstanding charges or detainers;
- c) previous parole performance and evaluations of recidivism risk;
- d) other factors and treatment needs;
- e) time remaining on the original sentence (back-time owed); and
- f) recommendations to re-

commit with specified back time or continue on parole. The actual questionnaire is shown in Figure 1. Additional information about the final disposition of each case was obtained later from the case files.

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Insert Figure 1  
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The revocation hearing questionnaire was used by all five Board members and eight Hearing Examiners in 295 CPV revocation hearings from March 1 through September 30, 1977. Coders later examined case files to determine the actual Board actions in those cases. Because some case files could not be obtained in time, there were only 216 hearings containing Board actions that were available for our analyses. In order to make Rambeau and non-Rambeau data compatible (Rambeau cases contained posthearing questionnaires from each of three Board members), one questionnaire was randomly selected from each Rambeau hearing.

Our analysis was directed at predicting both revocation decisions and back-time setting on the basis of the information from the questionnaires. The questionnaires contain three distinct types of information that provide both a logical framework for the revocation decision and an organization for analyzing the data: (a) objective facts, such as old and new offense, age, Rambeau vs. non-Rambeau hearing, and so forth; (b) subjective inferences, such as ratings of the severity of the new offense, the likelihood of future offenses, the severity of the criminal record, and so forth; and (c) a recommendation either to recommit the CPV or continue him on parole. If the recommendation is to recommit, a back-time recommendation is also made.

It is logically apparent that facts must precede inferences, inferences precede recommendations and recommendations precede decisions. Although alternative possibilities exist (e.g., inferences are made after the

recommendations as rationalizations), this ordering seems consistent with what is known about parole decisions and reasonable barring evidence to the contrary.

In terms of our analysis, the simplest possibility is that facts predict decisions, and no intervening processes need be invoked. However, it is likely that inferences capture some individual thoughts or facts present in the case but not on the questionnaire that improve prediction. Further, insofar as recommendations and decisions diverge, it is necessary to examine what facts and/or inferences predict this divergence. Thus, the analysis keeps these types of data distinct and examines their interrelationships given the assumed ordering among them.

#### Analysis of Revocation Decisions

In our sample of 216 cases, 78% of the cases were recommitted. Among those cases that were recommitted, 95% of the individual recommendations were to recommit. Among those cases that were continued on parole, 92% of the recommendations were to continue. Thus, knowing only a given recommendation, and predicting that the recommendation would be the final decision, we would be correct in 95% of recommit decisions and 92% of continue decisions (94% of all decisions). There is no fact or inference that can be added to our predictions that improves this accuracy, which is a ceiling on any predictive model of the decision. However, looking at the data another way, 17% of continue recommendations were reversed in the Board action, compared to only 1% of recommit recommendations. Board actions were significantly harsher than recommendations.

What, then, produces the decision (or the recommendation), among the facts and inferences we have measured? Discriminant analyses were used to find various combinations of facts, inferences, and recommendations that would correctly predict the two decision outcomes. Similar analyses were

used to predict recommendations. Examining only the facts in the case, we can correctly predict 75% of decisions on the basis of crime category (of the parole violation offense) and employment on parole. Crime category was determined as the most serious conviction offense among the following: murder, sex, aggravated assault, robbery, burglary, simple assault, drugs, theft, and others. Eight dummy variables were used to represent this categorical variable in the discriminant analyses and in later regression analyses. Employment was a rating of how good the parolees' job involvement had been during parole. More serious offenses and worse employment were associated with recommit decisions.

If we examine the inferences made by the decision maker, we find that the risk of subsequent dangerous offenses and overall parole performance can together predict 81% of decisions. High risk and poor performance are associated with recommit decisions. Combining inferences with facts does not change the predictive power appreciably. Crime category, employment, and risk of subsequent dangerous offenses (parole performance does not add significantly when parole employment is present; together predict ... of decisions.

This level of prediction is quite low. It should be evident that by predicting all cases to be recommitted we would be correct 78% of the time. Our predictions using the facts and inferences hover close to this level. The implication of this is that, based on the data available in the posthearing questionnaire, the decision makers do not seem to be following any one decision rule very consistently. This is itself a demonstration of the desirability of pursuing the guidelines approach.

The accuracy figures we have reported are based upon discriminant analyses where the program uses the knowledge that 78% of decisions are to recommit. Accordingly, predictions are based on a relatively strict criterion resulting

in most predictions being "recommit." This results in more accurate prediction of recommit than continue decisions. For example, the facts alone predict 90% of recommit decisions and 37% of continue decisions. In order to correctly predict more continue decisions, the criterion must be shifted to predict relatively more numerous "continues." In trying to fight against regression to the mean (i.e., it is safer to predict recommit), accuracy drops off. Thus, to do better at predicting the continues, we do worse at predicting the recommitments and do worse overall.

#### Back-Time Setting Decisions

Among those cases that were recommitted, there were 148 cases for which we had available the actual back time that was set by the Board. The average back time set was 11.2 months; median back time was 10 months. The average recommended back time was 10.8 months; the median was 8 months. The decisions and the recommendations correlated  $r = .65$ . Thus, unlike the decision to recommit, the back-time decision does not simply follow from recommendations. Recommended back time accounts for only 42% of the variability in Board decisions. However, the average back-time recommendation does not differ significantly from the average back time set by the Board.

Multiple regression analyses were used to examine the ability of various facts and/or inferences to predict the back time set. Only three facts entered significantly as predictors of back time, together explaining 37% of the variance: crime category, minimum sentence for the crime, and presence of

technical violations. More serious crimes, longer sentences (which probably differentiate crime seriousness within crime categories), and technical violations were associated with longer back time. If we place the recommendations in the prediction equation, we find that recommendations, crime, and maximum sentence explain 57% of the variability in back time.

Examining the inferences made in these cases, we find that back time is longer when there is more risk of subsequent dangerous offenses and a more serious criminal record. These two inferences explain 28% of the variability in back time. Recommendations and risk of subsequent dangerous offenses together explain 34% of the variability. Adding these inferences to the facts does not significantly improve the predictive ability of the facts alone. We should again note that the generally low predictive power could reflect the individual variability in decisions that guidelines are expected to mitigate.

Interestingly, although crime category was the major determinant of back-time decisions, it was not significantly related to back-time recommendations. Instead, the presence of a victim, particularly a helpless victim, and technical violations were associated with recommended back time, although they explain only 15% of the variability in back time. Only one inference was significantly related to recommendations: a pattern of serious offenses (15% of variability). However, other combinations of inferences, such as severity of the new crime and risk of future crime, or severity and overall parole performance, do just about as well (17% of the variability). Adding inferences and facts improves the predictions only a little, with victim, technical violations, and pattern of serious offenses together explaining 21% of the variability in back-time recommendations.

### Rambeau and Non-Rambeau Cases

From the viewpoint of the Board, differences between Rambeau and non-Rambeau cases are an artifact produced by the opportunity for the exercise of due process rights. Those CPVs who exercise their rights have a hearing by three Board members; those who waive that right have a hearing by a single Hearing Examiner. However, the decision is always made by the Board.

Although our analyses show no overall difference between these types of cases (i.e., the variable representing case type does not enter significantly when crime category is previously entered), it is interesting to report that the types of cases differ substantially. Rambeau cases have a more serious violation offense as reflected in a longer sentence, higher frequency of weapons in the offense, and presence of victims (especially helpless or multiple victims). They are likely to have a more activist legal position in the court where they were convicted, including a plea of not guilty, a jury trial, and post-trial appeals. They have a more serious past record, including a longer sentence on the original offense from which they were paroled, and a longer prior record, but less drug use. Finally, Rambeau cases are more likely to be from Philadelphia or Pittsburgh and less likely to be from the small towns and cities of Pennsylvania, than non-Rambeau cases. Thus, it is the more serious urban offenders with more active legal assistance who exercise their due process rights.

These differences in case types are reflected in the fact that 87% of Rambeau cases but 71% of non-Rambeau cases are recommitted (84% and 67% of the respective recommendations are to recommit). It is tempting to conclude that the new Hearing Examiners were overly lenient. This is supported by the result that over the six-month time span of the study, non-Rambeau recommendations became significantly harsher (more like Rambeau cases).

Also, separate analyses of the types of cases suggest that back time in Rambeau cases was set using crime seriousness and technical violations (parole performance) but back time in non-Rambeau cases was set using crime seriousness and prior record. However, with the factual differences between Rambeau and non-Rambeau cases (specifically, crime category) controlled statistically, there was no longer a significant difference between the type of cases. Thus, we must conclude that it is possible but unproven that Hearing Examiners started out continuing many CPVs on parole but gradually accommodated to the norms set by the Board.

It is interesting to examine the three separate recommendations made by Board Members during Rambeau hearings. Examining 35 cases in which there was disagreement among the recommendations of Board members, it becomes somewhat clearer how decisions are derived from recommendations. In 40% of the cases, two recommendations out of three agreed and determined the final decision. In 33% of the cases, one person's recommendation won out over the other two recommendations, which were either both higher or both lower. In 17% of the cases, one recommendation won out against a second; the third was missing. In only 9% of the cases was there a compromise on an intermediate value of back time. The eventual decision did not consistently favor either a longer or shorter back time. Rather, one position won out in nearly every case. What did seem to determine the outcome was who held the position: some Board members were consistently more successful in turning their recommendations into actions, and some Board members were consistently more likely to have recommendations differing from the others. Interestingly, while one of these was fairly successful, the other was quite unsuccessful at influencing the final decision.

### Research and Policy

The research phase of our project had now ended, but that was not the end of the project. Given this summary of past practice, what can the Board (and we) do to affect future decisions? Before discussing what the Board is now doing and how we assisted in the preparation of guidelines, it is important to discuss the process by which research becomes useful in policy formation.

#### Research That Satisfies Needs

It is common for research directed at the functioning of public or private agencies not to be utilized by decision makers. There are many reasons why this might happen, and some merit brief discussion. First, it is often the research enterprise rather than the research results that is desired by those who commission the research. It may be desirable to show that research is going on or that programs are being evaluated in order to generate funds or other support. Second, research may be commissioned in order to justify a policy position. For example, an executive may want it to seem that hirings and firings resulted from the researchers' report rather than from a personal decision. In these cases, research results may be selectively utilized, distorted, or just ignored.

Fortunately, our research enterprise began on highly favorable terms. Our research was initiated by the Board in order to make a positive step toward new policy initiatives. The Board was prepared to use whatever results we could provide. Thus, the above reasons did not appear to be a barrier to the utilization of our results in policy making.

However, another reason why research is not effectively utilized is that the results are stated in a way that makes them difficult to implement in the current context. The results reported in the previous

section are not what the Parole Board could easily use. These analyses describe the revocation decision and back-time setting in a purely empirical manner: what variables explain variation in Board decisions. There are three problems with this report: (a) Not enough information is given to show how to take any given case and predict decisions; (b) If sufficient information were available, it would require complex numerical procedures

to actually calculate the predicted decision; and (c) Some of the predictive variables may not be desirable for use in policy making--the Board may not wish to base its guidelines on judicial behavior or technical violation.

For the above reasons, our report to the Board had to be directed at the needs of the Board. It had to be complete enough to allow immediate prediction from actual cases, simple to use, and look like the expression of a sound, reasonable, and effective Board policy. These guidelines would be used by offenders, lawyer, Board Members, judges, and legislators and should not reflect badly upon the Board.

This final problem may be difficult to understand: we analyzed Board decisions and have the results so how can it be relevant to discuss what the results should look like? The answer is that our data have a characteristic common to naturalistic observations--many different combinations of variables do just about as well at predicting decisions because many variables are highly intercorrelated. It is a property of regression analysis that once one variable enters the regression equation, those variables that are highly correlated with it are unlikely to also enter.

For example, crime category, sentence, presence of assault, presence of weapon, intent to harm, aggravating factors, ratings of crime severity, severity of the record, pattern of serious offenses, risk of subsequent dangerous offenses are all highly intercorrelated and indicate the underlying crime seriousness concept. Similarly, employment on parole, job on parole, technical violations, and overall parole performance are highly intercorrelated indicators of what happened on parole. Thus, when a variable enters the regression equation, we are not sure that the decision maker thought about the variable (e.g., presence of a victim) or about some other variable that was related to it (e.g., the presence of assault). When there are few cases,

much missing data, and high intercorrelations, we cannot be sure what the decision maker really considered. Because there is no one predictive model that alone represents back-time setting, we are justified in selecting a set of predictive variables that satisfy other considerations such as their appropriateness or usefulness as a policy statement.

Perhaps the only way to know what a decision maker really thought about on a case is to utilize a different set of observational techniques, such as asking him or her to "think out loud" while actually reviewing a case (see Payne, Braunstein, & Carroll, in press, for a discussion of this and other new techniques).

#### Guidelines for Back-Time Setting

Although our study offers only a modest level of predictability, and there are obvious problems with missing data and intercorrelations among predictors, it still presents a valuable description of Board decisions. Further, our results correspond with the Board's own ideas of the factors influencing their decisions. Most of the prediction variables relating to back time (crime category, sentence, presence of a victim or assault, and subjective ratings of offense seriousness, pattern of serious crimes, and risk of subsequent dangerous crimes) were all indicators of a desire to punish the parole violation offense.

In preparing a report for the Board that would present usable information about back-time setting, we sought to establish concrete guidelines that would translate important case factors into back time directly (Gottfredson et al., 1975). The Board had specified to us that they wished to base guidelines primarily around crime category. Their wishes coincided with the results, because crime category was the strongest single predictor that was objectively coded (rated seriousness of offense was about as good a predictor). Thus,

crime category emerges as the most desirable basis of guidelines from policy considerations (it is understandable and appears valid) and from research considerations (it is a strong predictor and objectively coded). Table 1 gives the relationship of crime category to back time.

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 Insert Table 1  
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It is possible to create guidelines from Table 1 by using the range or setting some range about the median that includes most of the offenses. Thus, a reasonable guideline for robbery might be 6-18 months. It is desirable that the guidelines not encompass the full range, because the guidelines should change decisions in the direction of consistency. Some proportion of cases (e.g., 20%) should fall outside the guidelines because other case factors will be important and decision makers must not mechanically obey the guidelines. The use of crime category as the sole index of crime seriousness can be improved upon by adding other variables that also reflect seriousness. For example, within a given crime category, offenses receiving longer sentences also received longer back time. Thus, presence of a maximum sentence of over 10 years could be used to shift the guidelines up by adding an extra five months of back time.

Although crime seriousness was the strongest factor in back-time setting, other factors were of some importance. The presence of technical violations was reliably associated with about three months more back time. Individual analyses of Rambeau and non-Rambeau cases suggested that it was Board members (Rambeau cases) only who used technical violations, and that only Hearing Examiners utilized aspects of the prior record.

Making a New Policy

The availability of the results reported in this chapter as a description of the "implicit policy" of the Board and as precursor to guidelines, ushers in the second phase of the project initiated by the Board. Our research

can indicate how crime category, sentences and other variables are related months of back time. We can communicate the present pattern of Board decisions. However, it is up to the Board to make a policy that captures their wishes. Only they can decide how to increase the equity of decisions about CPVs. They must decide what numbers to put into the guidelines—their initial reaction to their past decisions (see Table 1) was that the offenses were not separated enough. They must decide upon the ranges of each offense, how wide the range will be, and how much technical violations will add to back time. The Board has subsequently engaged in research directed at establishing a finer categorization of crime types, which would probably supplant our results of both crime category and sentence.

As researchers, we can give the Board feedback they would not otherwise have, we can offer objective indices of subjective factors, we can relate recidivism reports (when available) to case facts, but the Board must make policy. It is neither the job of researchers, nor even the special ability of researchers, to make policy. Presumably, policy in the future will include a research/evaluation component, such as a reduced form of our questionnaire as a required document in each hearing. With this research component, decisions are open to continued scrutiny, and concrete connections are established among policy making, implementation, and evaluation.

As a final note, it is possible that this research could have been a reactive measure of policy. The new questionnaire immediately increased the workload. More importantly, a copy of the questionnaire was inserted into each case file during the study. The self-conscious nature of this activity could direct attention to those factors on the questionnaire. One anecdote was related to us in which a Board member's recommendation to continue was changed to

recommit when the unfavorable questionnaire ratings were discussed with another Board Member. Additionally, Hearing Examiners might perceive the questionnaire as a communication from the Board regarding what they should consider to be important. Further, the Board's reaction to the questionnaire provided them by Hearing Examiners may be different than their reaction to the ordinary hearing reports.

Summary: What Have We Learned?

It appears that the revocation decision differs markedly from the parole release decision. In Pennsylvania, the revocation and back time decisions focus primarily upon the violation offense in a sanctioning manner, with secondary emphasis on parole performance. In contrast, Parole Board Members do not base the parole release decision upon the seriousness of the current or past offenses (Carroll, in press). Although the judge's sentence is strongly based on criminal acts, the Board considers other case factors in deciding when to release the offender. These factors seem to be special deterrence, risk of future crime, and possibility for rehabilitation. The evaluation of a parole applicant on these factors is not made from the offense types or frequency, but seems based on more subtle aspects of the psychological and social background of the offender.

In summary, revocation decisions are more like judicial sentencing decisions than either are like parole release decisions. Back-time setting seems analogous to a sentencing judgment based on the violation offense, although prison time is actually served against the original commitment offense. It should be clear that a particular decision in the criminal justice system may reflect any of a number of factors, and that decision makers may not be fully aware of their own and others' decision behavior.

As research makes clearer to the public and to criminal justice decision

possible for criminal justice personnel, the public, and researchers to work together toward constructive changes. However, the researcher must be aware of the unique problems with research addressed to policy makers. Most psychologists have been trained to design and present research for an audience of journal editors, reviewers, and fellow researchers. The needs of policy makers are different enough that researchers must make a deliberate attempt to break set.

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### Footnotes

1. Support for this research was provided by National Science Foundation Grant SOC75-18061 to John S. Carroll and John W. Payne and National Institute of Mental Health Grant 7ROIMH32855-01 to the first author. The authors would like to thank Shirley Tucker, who helped code and analyze the data, and Tom Boyden, who completed the data analyses.
2. Parolees will be referred to as "he" or "him" because approximately 95% of parolees in Pennsylvania and in other states are male.
3. There are nine Hearing Examiners in Pennsylvania who have responsibility for conducting the various types of hearings in the parole system, including non-Rambeau revocation hearings. Prior to 1977, field supervisory staff acted as Hearing Examiners in addition to their supervisory role. In 1977, supervisory staff jobs were reorganized and a new job of Hearing Examiner was created. Most of the new Hearing Examiners had been supervisory field staff with experience in conducting hearings.

Table 1

Back Time Statistics by Conviction Offense Type

| Conviction Offense Type <sup>a</sup> | Months of Back Time |       |        |
|--------------------------------------|---------------------|-------|--------|
|                                      | Number              | Range | Median |
| Murder                               | 6                   | 6-57  | 21     |
| Sex                                  | 11                  | 6-94  | 15     |
| Aggravated Assault                   | 12                  | 0-24  | 13     |
| Robbery                              | 34                  | 0-30  | 12     |
| Burglary                             | 28                  | 0-21  | 9      |
| Simple Assault                       | 10                  | 1-16  | 8      |
| Drug                                 | 8                   | 1-19  | 10     |
| Theft                                | 13                  | 0-19  | 8      |
| Other                                | 26                  | 0-15  | 7      |

<sup>a</sup>In descending order of seriousness. Multiple conviction offenses were categorized as the most serious.

Figure Captions

Figure 1: The Revocation Hearing Questionnaire.

COMMONWEALTH OF PENNSYLVANIA  
BOARD OF PROBATION AND PAROLE

Hearing Examiner: \_\_\_\_\_  
Date: \_\_\_\_\_ Rambeau: Yes No

CPV - Revocation Hearing

Case Name: \_\_\_\_\_ Parole No. \_\_\_\_\_ Age: \_\_\_\_\_

A. New Offense Conviction: \_\_\_\_\_

Short Description:

Victim Characteristics: None Standard Helpless Contributor  
Weapon in Offense: Yes No Plea: Plea Bargain Guilty Not Guilty  
Assault in Offense: Yes No Jury Trial: Yes No  
Intent to Harm: Yes No Post-Trial Motions: Pending Dismissed None  
Role in Offense: Actor Accomplice Post-Trial Appeals: Pending Dismissed None  
Attorney Representation: None Weak Strong  
Sentence: \_\_\_\_\_ Court Location: \_\_\_\_\_

Mitigating or Aggravating Factors:

Severity of New Offense: Least 1 2 3 4 5 6 7 8 9 Greatest (Circle one)

B. Criminal Record

Previous Offense Conviction: \_\_\_\_\_

Severity of Previous Offense: Least 1 2 3 4 5 6 7 8 9 Greatest

Sentence: \_\_\_\_\_ Time Served: \_\_\_\_\_

No. of Other Prior Convictions: \_\_\_\_\_ No. of Commitments: \_\_\_\_\_

Pattern of increasing severity of offenses: Yes Some No

Pattern of dangerous offenses: Yes Some No

Drug/Alcohol Usage: None Some Moderate Serious Drug(s): \_\_\_\_\_

Detainers or Outstanding Charges: \_\_\_\_\_

Overall severity of criminal record: Least 1 2 3 4 5 6 7 8 9 Greatest

C. Parole Performance and Prognosis

Time on parole until new offense: \_\_\_\_\_ Technical Violations: Yes No

Employment/ Programs during parole: Very Good Good Fair Poor Very Poor ?

Residential stability during parole: Very Good Good Fair Poor Very Poor ?

Overall Parole Performance: Very Good Good Fair Poor Very Poor ?

Previous parole/probation performance: Very Good Good Fair Poor Very Poor ?

Risk of subsequent offense: Very Low Low Moderate High Very High

Risk of subsequent dangerous offense: Very Low Low Moderate High Very High

D. Other Factors/Special Treatment Needs

Credibility: Very Good Good Fair Poor Very Poor

Psychological/Psychiatric Evaluation Available: Yes No

Most Recent Diagnosis: \_\_\_\_\_

E. Back Time Owed: \_\_\_\_\_ Back Time Set: \_\_\_\_\_

F. Comments:

Report to the Pennsylvania Parole Board:  
Parole Decision Guidelines

John S. Carroll and Dan Coates

Loyola University of Chicago

January, 1979

We have analyzed a total of 801 parole decisions. Of these, 618 cases (77%) were granted parole, 109 cases (14%) were refused, and 74 cases (9%) were continued. Our analyses have been aimed at isolating a small number of variables that predict the division of cases into these three groups. While we have used a number of different approaches, we found that a sequential model of the parole decision was most accurate. This is the type of model used by Gottfredson et.al. (1978) in states with paroling procedures similar to those in Pennsylvania. We will discuss this sequential model in detail, and then briefly explain the other approaches we have employed.

#### The Sequential Model

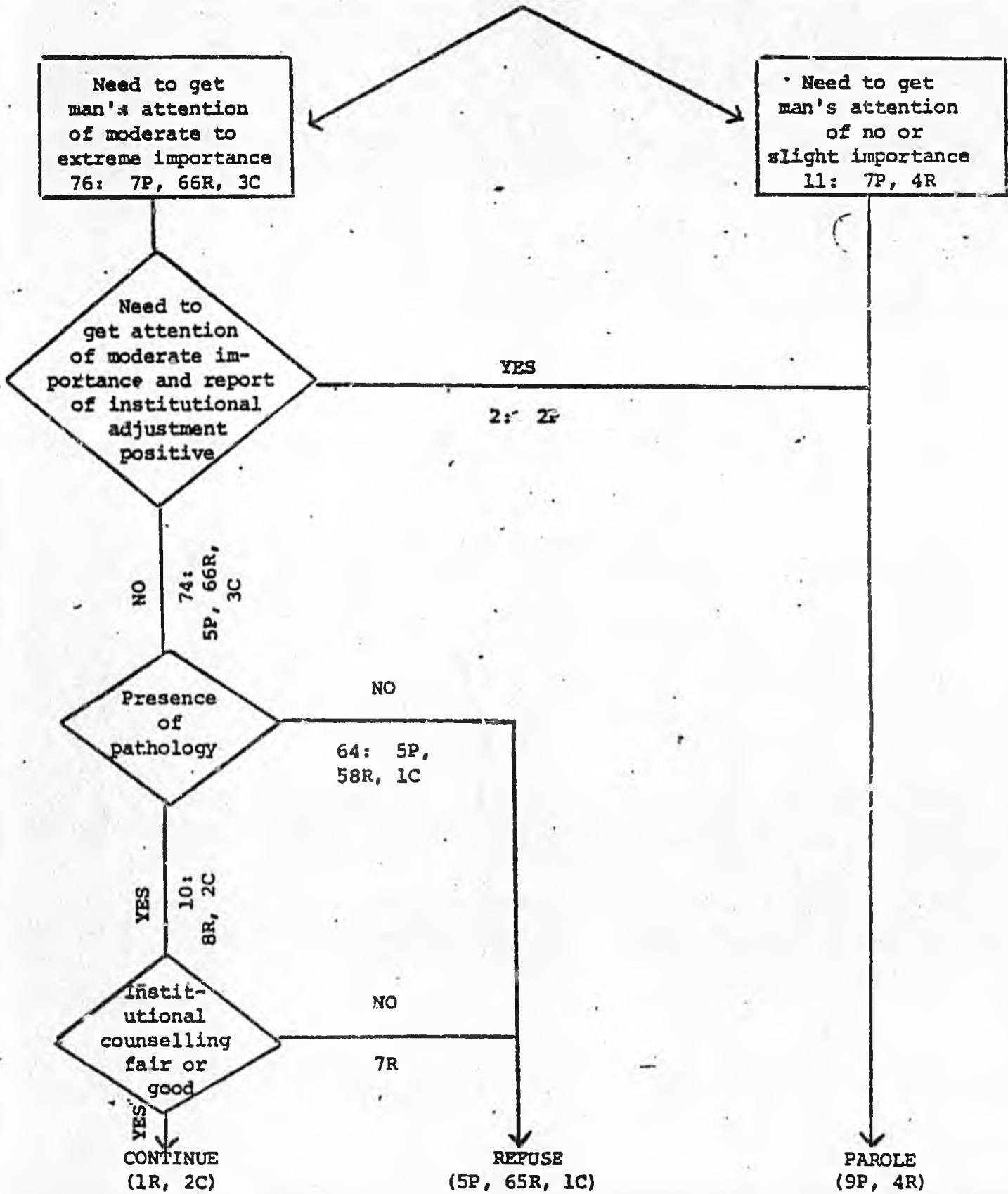
Measures of institutional discipline have consistently explained a large portion of the variance in parole decisions. The single best predictor was the board members' ratings of institutional conduct. We used this measure to divide the 801 cases into three groups: those who had poor discipline (87 cases), those who had fair discipline (193 cases) and those who had good discipline (521 cases). We then conducted discriminant analyses to see which variables would best predict decision outcomes for each discipline group. The findings from these analyses are discussed below.

Poor Discipline: Of 87 parole applicants with poor institutional discipline, 70 (80%) were refused parole. Only 14 (16%) were granted parole, and 3 (4%) were continued. As Figure 1 shows, the variables we found to be most predictive of the decision to parole were the board members' ratings of how important it was to get the man's attention and the institutional ratings of the applicant's adjustment. For half of those paroled, the need to get their attention was rated as being of no or slight importance. In two other cases who were paroled, the need to get their attention was rated

Figure 1

Sequential Model Applied to Past Decisions for Poor Discipline Group

Institutional Discipline Poor (87: 14P, 70R, 3C)



as moderately important, but they had also received positive institutional reports of adjustment. This leads to the prediction that if the need to get the man's attention is of slight or no importance, or it is of moderate importance, but the institutional report is good, the decision outcome will be to grant parole.

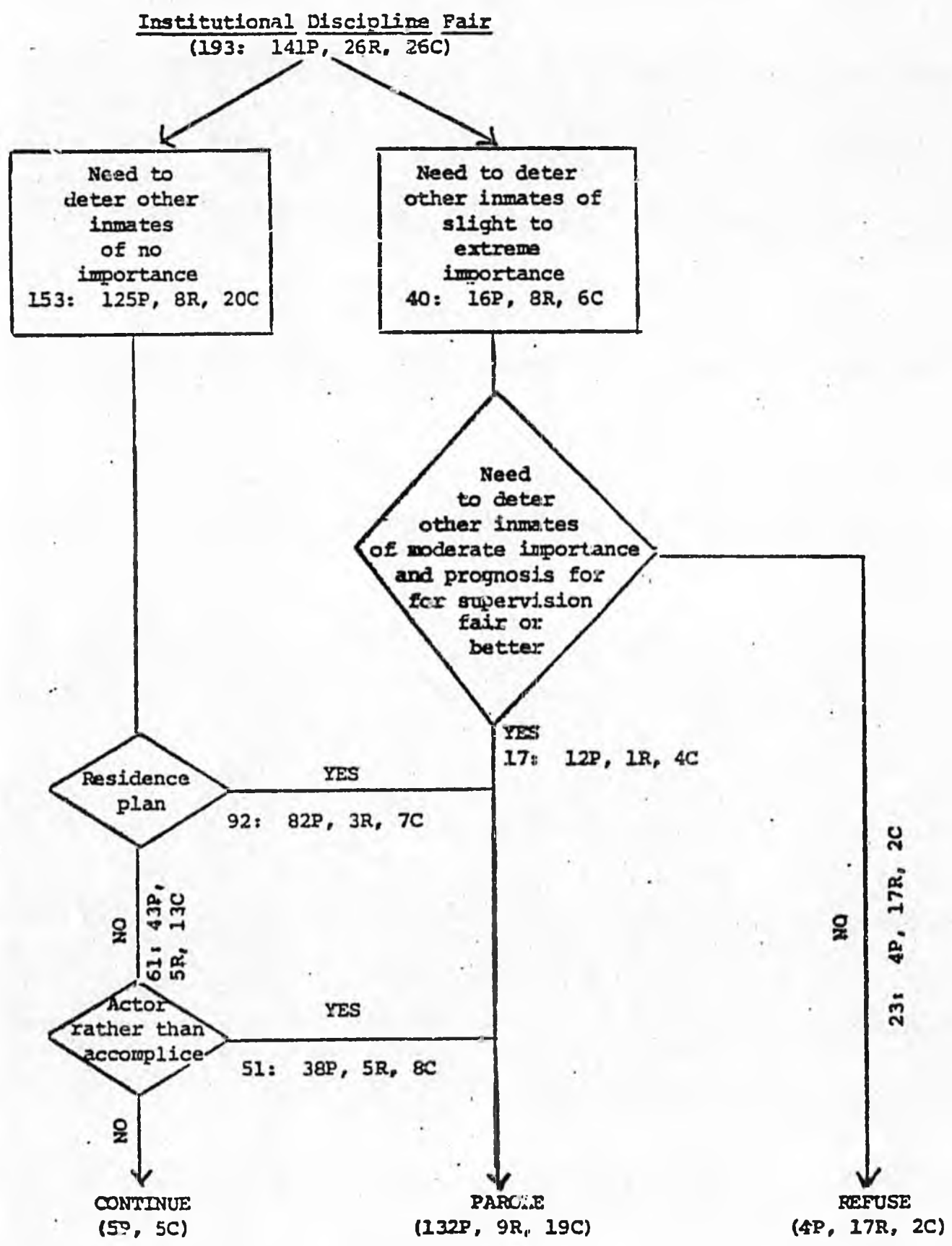
Most of the cases which did not meet these criteria on the "need for attention" and "institutional adjustment" variables were refused. However, a few such cases were continued, and the variables which best predicted this decision outcome were an institutional report of mental pathology and the board members' rating of the applicant's performance in institutional counselling programs. When the inmate was described as mentally disturbed but was also doing well in counselling, board members chose to continue rather than refuse the applicant, perhaps to encourage further progress in the treatment programs.

When used as shown in Figure 1, these four variables (need to get man's attention, institutional reports of adjustment and pathology, and counselling program performance) enable us to correctly classify 87% of the parole applicants in the poor discipline group: 65 of the 70 refused (93%), 9 of the 14 paroled (64%), and 2 of the 3 continued (66%).

Fair Discipline: Of the 193 cases in the fair discipline group, 141 (74%) were granted parole, 26 (13%) were refused, and 26 (13%) were continued. As shown in Figure 2, the variables which were most useful in separating those refused from those paroled were the board members' ratings of how important the need to deter other inmates was and the applicant's prognosis for parole supervision. When the need to deter other inmates was of some importance and the prognosis for supervision was poor, the decision was usually to refuse parole.

Figure 2

Sequential Model Applied to Past Decisions for Fair Discipline Group



A large majority of those cases in which the need to deter other inmates was rated as being unimportant were granted parole. Some of these cases were continued, however. The applicants' living arrangements in the parole plan and their role in the crime were somewhat predictive of the decision to continue. Applicants who had no residence plan and who were accomplices rather than actors in their offense were more likely to be continued.

As shown in Figure 2, by using the variables: need to deter other inmates, prognosis for supervision, residence plan and role in crime, we can correctly classify 80% of the cases in the fair discipline group, 137 of the 141 paroled (94%), 17 of the 26 refused (65%) and 5 of the 26 continued (19%).

Good Discipline: Of 521 people in the good discipline group, 463 (89%) were paroled, 13 (2%) were refused, and 45 (9%) were continued. Two variables were somewhat influential in separating those paroled from those refused: the board member's rating of how important it was to punish the criminal record, and the institutional report of the inmate's program participation. Most of those refused had poor participation reports and higher importance placed on the need to punish their records, but so did many of those who were paroled. Similarly, the parole living plans, the presence of a psychiatric evaluation, and the analysts' rating of the inmate's present environment were somewhat helpful in separating out the continue decisions. Most of those continued had no residence plan, a psychiatric evaluation and a poor rating of present environment, but so did many of the paroled cases. These variables could not therefore be used in a sequential model without misclassifying many of the cases. Consequently, the most accurate prediction is when institutional discipline was good, grant parole. This allows us to

correctly classify 87% of the cases in the good discipline group.

#### Application as Guidelines

Overall, the sequential model correctly classifies 87% of the 801 cases we have analyzed: 604 of the 618 applicants granted parole (98%), 82 of the 109 applicants refused (75%), and 7 of the 74 continued (9%). It should be emphasized that this model does not necessarily represent the way in which parole decisions are actually made. We are not suggesting that the factors we have identified are the most important considerations in the board members' deliberations, or that board members make these considerations in the sequence described. However, the model does isolate a fairly small set of variables and a process for using them which is very predictive of past board decisions. As such, this model could be used as guidelines in future decision making, with some reservations.

One problem with this model is that it relies heavily upon subjective ratings by the board members on rather poorly defined variables such as "the need to get man's attention" or "the need to deter other inmates." While these ratings are the best predictors of parole decision outcomes we have available, the reliability and generalizability of the guidelines would be greatly enhanced by more objective indicators of these variables. We have previously questioned the board as to what is the basis for their ratings on these issues, and this information could be very helpful for improving the guidelines.

Another problem with this model is that it is not very accurate in predicting the decision to continue an applicant. One possibility is that our measures do not adequately tap the considerations which are relevant in making a continue decision. We expected some of our measures, such as the completeness of the parole plan, to more strongly predict continue decisions.

Board members might be continuing inmates with incomplete plans only under certain conditions, such as when there is reason to believe the inmate is capable of making adequate arrangements in the near future. Members may see little point in continuing an inmate, otherwise eligible for parole, who has no hope of having a complete parole plan. The board may want to discuss how they make continue decisions, and perhaps derive a more explicit policy.

#### Alternative Approaches

An Additive Model: As an alternative to the sequential model, it is possible to use an additive model derived from discriminant analyses to predict parole decisions. Using the same variables as those in the sequential model, the results are less accurate than the sequential model, as can be seen in Table 1. It should be noted that this additive model also falsely predicts more refusals. We considered refusing parole to those who would otherwise be granted parole as the worst error guidelines could make.

The Facts Alone: Guidelines based primarily on objective measures would be more reliable and more widely applicable. We identified those factual variables which best predicted decision outcome, and these were: the archival ratings of the inmate's institutional discipline and involvement in educational, vocational and work programs, the living arrangements in the parole plan, the presence of a psychiatric evaluation, the applicant's role in the crime, and the present or past use of alcohol (see earlier report on these variables and parole decisions). The results of using these factual variables in an additive model are presented in Table 1. As can be seen, the facts alone make more errors in predicting decision outcomes than any of the other models.

Facts Plus Nonfacts: The subjective ratings we employed in the sequential

model, i.e., board ratings of institutional discipline, need to get man's attention, counselling performance, need to deter other inmates, prognosis for supervision and institutional reports of adjustment and pathology, were the most useful for distinguishing among cases who were paroled, refused, or continued. However, other nonfactual variables were also significantly related to parole decision, such as institutional reports of the applicant's program participation, the analyst's rating of the inmate's institutional adjustment, and the board member's rating of how important it was to punish institutional behavior. When all the significant factual and nonfactual variables are combined in an additive model, as shown in Table 1, this model is less accurate in predicting decision outcomes than the sequential model despite the fact that it employs more variables.

Factor Scores: Finally, we also conducted a factor analysis on all the nonfactual variables. This procedure separates those variables which are highly inter-related into distinct clusters. These clusters are more reliable indicators than any single measure, so we analyzed how well these clusters could predict parole decisions.

There were four clusters or factors which were significantly related to parole decisions. The first of these was composed of four institutional discipline measures: the ratings of institutional conduct by the board, the case analyst, and the institution, and the boards' ratings of how important it was to punish institutional behavior. The second factor was also related to institutional discipline, and included the boards' ratings of how important it was to get the man's attention, deter other inmates, and punish institutional conduct. A third factor appeared to represent parole outlook and was made up of the boards' ratings of the applicant's prognosis for supervision, credibility during the interview, and risk of future offense. Generally, the more negative the institutional behavior and parole outlook,

the more likely the case was to be refused rather than paroled.

One other factor was composed of the boards' ratings of how important the reactions of the community and the reactions of the judge or district attorney were. The more important they were rated, the more probable it was that the case would be continued. However, when these four factors are used in an additive model to predict parole decisions, they predict no cases being continued. In an attempt to correct this problem, we included the three factual variables which were most strongly related to continue outcomes, the parole residence plan, the applicant's actor or accomplice role in the crime, and the presence of a psychiatric diagnosis. The factor scores, even with these other facts added, were less accurate in predicting parole decisions than the sequential model, as Table 1 shows.

Table 1

## Five Approaches to Predicting Decision Outcomes

| <u>Model</u>              | <u>Actual Group</u> |     | <u>Predicted</u> |               |                 | <u>Overall<br/>Percent Correct</u> |
|---------------------------|---------------------|-----|------------------|---------------|-----------------|------------------------------------|
|                           | <u>Membership</u>   |     | <u>Parole</u>    | <u>Refuse</u> | <u>Continue</u> |                                    |
| Sequential<br>Model       | Paroled             | 618 | 604              | 9             | 5               | 87%                                |
|                           | Refused             | 109 | 26               | 82            | 1               |                                    |
|                           | Continued           | 74  | 64               | 3             | 7               |                                    |
| Additive<br>Model         | Paroled             | 618 | 599              | 15            | 4               | 86%                                |
|                           | Refused             | 109 | 26               | 83            | 1               |                                    |
|                           | Continued           | 74  | 64               | 3             | 7               |                                    |
| Facts<br>Alone            | Paroled             | 618 | 597              | 19            | 2               | 81%                                |
|                           | Refused             | 109 | 58               | 51            | 0               |                                    |
|                           | Continued           | 74  | 66               | 6             | 2               |                                    |
| Facts<br>Plus<br>Nonfacts | Paroled             | 618 | 596              | 16            | 6               | 86%                                |
|                           | Refused             | 109 | 22               | 84            | 3               |                                    |
|                           | Continued           | 74  | 63               | 5             | 6               |                                    |
| Factor<br>Scores          | Paroled             | 618 | 600              | 15            | 3               | 86%                                |
|                           | Refused             | 109 | 24               | 84            | 1               |                                    |
|                           | Continued           | 74  | 67               | 5             | 2               |                                    |

Appendix F

SAMPLE WASHINGTON STATE MATRIX

Washington State Board of Prison Terms and Paroles  
Tentative Guidelines for Time to be Served  
(in months)

| Felony Class | Offense Group   | Prior Criminal Record |       |          |         |
|--------------|---|-----------------------|-------|----------|---------|
|              |   | None                  | Minor | Moderate | Serious |
| C            | CDS with 2-year maximum<br>Forgery of prescription<br>Oth. s with 2-yr. max.<br>Promote suicide<br>Unlawful imprisonment<br>Bigamy<br>Trading public office<br>Perjury 2<br>Tampering with witness<br>Escape 2<br>Possession of stolen property 2 | 1-2                   | 2-3   | 4-5      | 5-6     |
|              | CDS with 5-year maximum   | 7-5                   | 6-10  | 11-14    | 15-18   |
|              | Rackless burning 1<br>Malicious mischief 2<br>Theft 2 (\$250-\$1,500)<br>Forgery<br>Render criminal assistance 1<br>Promote prostitution 2  | 4-7                   | 8-12  | 13-16    | 17-20   |
|              | Manslaughter 2<br>Rape 3<br>Assault 3<br>Auto theft<br>Extortion 2<br>Incest<br>Communicate with minor for immoral purpose  | 6-12                  | 13-18 | 19-24    | 25-30   |
|              | Livestock theft<br>Poss. stolen property<br>Bribery<br>Perjury<br>Bribing witness<br>Promote prostitution 1   | 1-5                   | 6-11  | 12-18    | 19-24   |
|              | Burglary 2<br>Theft 1<br>Extortion 1<br>Contraband<br>Malicious mischief<br>Escape 1<br>CDS   | 5-9                   | 10-15 | 16-20    | 21-25   |
|              | Manslaughter 1<br>Assault 2<br>Arson 2<br>Kidnap 2<br>Robbery 2<br>Rape 2<br>Indecent liberties<br>Felony with firearm  | 5-12                  | 13-19 | 20-26    | 27-34   |

| Felony Class | Offense Group   | Prior Criminal Record |       |          |         |
|--------------|---|-----------------------|-------|----------|---------|
|              |   | None                  | Minor | Moderate | Serious |
| Other        | Non-violent offenses, including:<br>Burglary<br>Larceny<br>Auto theft<br>Possession of stolen property<br>Drug offenses<br>Escape | 2-7                   | 8-13  | 14-19    | 20-24   |
|              | Violent offenses, including:<br>Assault<br>Weapons violations<br>Robbery<br>Sex offenses  | 3-8                   | 9-15  | 16-21    | 22-28   |
| A            | Larceny<br>Receiving stolen property<br>Auto theft<br>Escape<br>Checks<br>Other   | 1-8                   | 9-17  | 18-25    | 26-32   |
|              | Sale of drugs to person under 18<br>Sale of heroin (2nd offense)  | 6-15                  | 16-23 | 24-32    | 33-40   |
|              | Assault 1<br>Arson 1<br>Robbery 1<br>Burglary 1   | 10-17                 | 18-25 | 26-33    | 34-40   |
|              | Murder 2<br>Kidnap 1<br>Rape 1  | 12-19                 | 20-28 | 29-36    | 37-44   |
| Murder 1     |   | 24-31                 | 32-39 | 40-47    | 48-54   |

Note: Felony classes are based on length of maximum sentence:  
Class C -- 5 years or less  
Class B -- 10 years or less  
Other -- more than 10 years but less than 20  
Class A -- 20 years or more

Appendix G

CODE SHEET

OFFENSE: (1) \_\_\_\_\_ (2) \_\_\_\_\_ SENTENCE: \_\_\_\_\_

RACE: // WHITE // NATIVE SEX: // MALE JUDGE: \_\_\_\_\_  
// BLACK // OTHER // FEMALE  
// UNKNOWN

DOB: \_\_\_\_\_ CITY: \_\_\_\_\_ (DATE SENTENCE): \_\_\_\_\_

MARITAL STATUS // SINGLE // DIVORCED  
AT TIME OF OFFENSE: // MARRIED // WIDOW DATE RELEASE  
// SEPARATED // UNKNOWN ON PAROLE \_\_\_\_\_  
// COHABITATION

PRE-SENT EFFECTIVE F/T PAROLE  
CREDIT: \_\_\_\_\_ START DATE: \_\_\_\_\_ DATE: \_\_\_\_\_ ELIGIBLE  
DATE: \_\_\_\_\_

INSTITUTION: \_\_\_\_\_ GOODTIME LOST/WINHHELD: \_\_\_\_\_ MAXIMUM POTENTIAL  
GOODTIME: \_\_\_\_\_

PROJECTED RELEASE DATE: \_\_\_\_\_ PAROLE EXPIRATION DATE: \_\_\_\_\_

TYPE OF TRIAL: // PLEA // JURY // JUDGE // UNKNOWN

DATE OF OFFENSE: \_\_\_\_\_ PAROLE HEARING: // 1st // 2nd // 3rd // more

OUTCOME CODE: // Continued on Parole: # Months after release this happened \_\_\_\_\_  
// Absconder  
// Technical Violation Date \_\_\_\_\_  
// New Felony Conviction

MITIGATING/AGGRAVATING FACTORS

A) WEAPON: // GUN // OTHER // RESIDENTIAL  
// KNIFE/RAZOR // NONE // IF BURGLARY // NON-RESIDENTIAL  
// UNKNOWN

B) PHYSICAL ASSAULT: // YES  
// NO G) PROPERTY LOSS \$ \_\_\_\_\_ Dollar Amount  
// UNKNOWN

C) INJURY TO VICTIM: // YES NUMBER OF // NONE  
(minor or aggravated) // NO H) VICTIMS HAVING // ONE  
// UNKNOWN BODILY INJURY: // MORE THAN ONE  
// UNKNOWN

SOPHISTICATION // NONE KNOWN  
D) IN PLANNING: // PLANNED ALONE I) VULNERABLE VICTIM: // YES  
// PLANNED WITH OTHERS (child, elderly, // NO  
sick, handicapped) // UNKNOWN

E) VICTIM: // FRIEND/ACQUAINTANCE J) OTHER FACTORS: \_\_\_\_\_  
// STRANGER (EXPLAIN) \_\_\_\_\_  
// FIRM/ORGANIZATION \_\_\_\_\_  
// OTHER \_\_\_\_\_  
// NO VICTIM \_\_\_\_\_  
// UNKNOWN \_\_\_\_\_

PRIOR RECORD

LAST NAME: \_\_\_\_\_ FIRST NAME: \_\_\_\_\_ MI: \_\_\_\_\_

HEARING DATE: \_\_\_\_\_

) NONE //

9) DRUG USE: // NONE  
// EXPERIMENTATION  
(not prescribed // HABIT/ADDICTION  
by doctor) // UNKNOWN  
// CONSISTENT USAGE

● PRIOR FELONY // 0  
) CONVICTIONS: // 1 // 4 or more  
// 2 // UNKNOWN  
// 3

● PRIOR MISDEMEANOR // 0 // 4 or more  
) CONVICTIONS: // 1 // UNKNOWN  
// 2  
// 3

10) ALCOHOL USE: // NONE  
// OCCASIONAL  
// PROBLEM DRINKER/  
ALCOHOLIC  
// UNKNOWN

● WAS THERE // NONE  
) PROBATION FAILURE? // 1  
// MORE THAN 1  
// UNKNOWN

11) MARITAL STATUS // SINGLE // MARRIED  
// WIDOWED // DIVORCED  
AT TIME HEARING // SEPARATED // UNKNOWN  
// COHABITATION

● WAS THERE // NONE  
) PAROLE FAILURE? // 1  
// MORE THAN 1  
// Unknown

CODEFENDANTS/ // YES  
12) CRIME PARTNERS: // NO  
// UNKNOWN

ON PROBATION/PAROLE // YES  
) AT TIME OF PRESENT // NO  
● OFFENSE?: // UNKNOWN

13)a. IS THERE A // YES  
PSYCHIATRIC // NO  
REPORT?

ON PROBATION/PAROLE // YES  
) JUVENILE RECORD: // NO  
// UNKNOWN

13)b. IS THERE A // YES  
DIAGNOSED // NO  
SERIOUS PROBLEM? // REPORT, BUT  
UNCLEAR DIAGNOSIS

SPECIFY \_\_\_\_\_

IN JUVENILE  
) INSTITUTION?: // YES  
// NO  
// UNKNOWN

PRIOR ALCOHOL/DRUG // YES (CLARIFY  
14) TREATMENT PROGRAM IN 15)  
INVOLVEMENT: // NO  
(other than AA) // UNKNOWN

15) IF 14 = YES: // INPATIENT  
// OUTPATIENT  
LENGTH OF PROGRAM

ANY NOTATION OF SUCCESS OR FAILURE:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Appendix H  
CURRENT FEDERAL  
GUIDELINES\*

\* Source: U. S. Department of Justice Research Reports. Washington:  
United States Parole Commission Research Unit, July 1978,  
Appendix 4.28 and Appendix 4.29

VII. CURRENT GUIDELINE TABLES  
ADULT

Guidelines for Decision-Making

(Guidelines for Decision-Making, Customary Penal Time to be served before Release (Including Jail time))

| OFFENSE CHARACTERISTICS:<br>Severity of Offense Behavior<br>(Examples)   | OFFENSE CHARACTERISTICS: Parole Programs (Believe Factor Score)  |                   |                  |                  |
|--|--|-------------------|------------------|------------------|
|  | Very Good<br>(11 to 21)  | Good<br>(8 to 11) | Fair<br>(5 to 8) | Poor<br>(3 to 5) |
| <b>LOW</b><br>Escape (from institution or program (e.g., CVC, work release) - absent less than 7 days)<br>Possession or sale of drugs, small possession (small quantity for sale)<br>Property offenses (theft or simple possession of stolen property) less than \$1,000   | 6-10<br>months   | 8-12<br>months    | 10-14<br>months  | 12-18<br>months  |
| <b>LOW-MIDRANGE</b><br>Alcohol law violations<br>Controlled substance (possession/possession less than \$1,000)<br>Misdemeanor law violations<br>Inmate tax evasion (less than \$10,000)<br>Property offenses (theft/robbery/trafficking from mail/automobile/interstate transportation of stolen or forged securities/receiving stolen property with intent to resell) less than \$1,000<br>Selective Service Act violations  | 8-12<br>months   | 12-16<br>months   | 16-20<br>months  | 20-28<br>months  |
| <b>MIDRANGE</b><br>Abuse of a public official (offer or receipt)<br>Controlled substance (possession/possession \$1,000 to \$10,000)<br>Drugs:<br>Misdemeanor, possession with intent to distribute/sale (small scale (e.g., less than 30 lbs.))<br>"Soft drugs", possession with intent to distribute/sale (less than \$500)<br>Escape (leave program or institution, or absent 7 days or more - on foot or through mail)<br>Firearm Act, possession/purchase/sale (single weapon not loaded/off-chamber or machine gun)<br>Inmate tax evasion (\$10,000 to \$100,000)<br>Violating the existing constitution(s)<br>Misdemeanor of felony<br>Property offenses (theft/robbery/trafficking/interstate transportation of stolen or forged securities/receiving stolen property) \$1,000 to \$10,000<br>Suspension/transportation of alien(s)<br>Theft of motor vehicle (not multiple theft or for resale) | 12-16<br>months  | 16-20<br>months   | 20-24<br>months  | 24-32<br>months  |
| <b>HIGH</b><br>Controlled substance (possession/possession \$10,000 to \$100,000)<br>Organized crime (manufacturing)<br>Drugs:<br>Misdemeanor, possession with intent to distribute/sale (medium scale (e.g., 30 to 1,000 lbs.))<br>"Hard drugs", possession with intent to distribute/sale (\$500 to \$1,000)<br>Explosives, possession/transportation<br>Firearm Act, possession/purchase/sale (loaded-off-chamber, machine pistol, or multiple weapons)<br>Host age (as force - non-military purposes)<br>Theft of motor vehicle (or resale)<br>Property offenses (theft/robbery/trafficking/interstate transportation of stolen or forged securities/receiving stolen property) \$10,000 to \$100,000  | 16-20<br>months  | 20-26<br>months   | 26-34<br>months  | 34-44<br>months  |
| <b>VERY HIGH</b><br>Murder (weapon or threat)<br>Breaching and entering (break or pass office-entry or attempted entry to vault)<br>Drugs:<br>Misdemeanor, possession with intent to distribute/sale (large scale (e.g., 1,000 lbs. or more))<br>"Soft drugs", possession with intent to distribute/sale (less than \$1,000)<br>"Hard drugs", possession with intent to distribute/sale (not exceeding \$100,000)<br>Misdemeanor<br>Host age (force)<br>Property offenses (theft/robbery/trafficking/interstate transportation of stolen or forged securities/receiving stolen property) over \$100,000 but not exceeding \$1,000,000  | 26-36<br>months  | 36-48<br>months   | 48-60<br>months  | 60-72<br>months  |
| <b>EXCEPTION I</b><br>Approved felony (e.g., robbery; weapon fired - no serious injury)<br>Explosive detonation (involving potential risk of physical injury to personnel) - no serious injury occurred)<br>Misdemeanor (multiple instances (3-11))<br>Hard Drugs (possession with intent to distribute/sale - large scale (e.g., over \$100,000))<br>Sexual act-force (e.g., forcible rape)   | 40-55<br>months  | 55-70<br>months   | 70-85<br>months  | 85-110<br>months |
| <b>EXCEPTION II</b><br>Approved felony-serious injury (e.g., injury involving substantial risk of death, or permanent disability, or disfigurement),<br>Aircraft hijacking<br>Kidnaping<br>Homicide (intentional or committed during other crime)  | Greater than above - however, specific ranges are not given due to the limited number of cases and the extreme variation possible within the category. |                   |                  |                  |

- NOTES:**
- These guidelines are predicated upon good institutional conduct and program performance.
  - If an offense behavior is not listed above, the proper category may be obtained by comparing the severity of the offense behavior with those of similar offense behaviors listed.
  - If an offense behavior can be classified under more than one category, the most serious applicable category is to be used.
  - If an offense behavior involved multiple separate offenses, the severity level may be increased.
  - If a continuance is to be given, allow 30 days (1 month) for release program provision.
  - "Hard drugs" include heroin, cocaine, morphine, or opiate derivatives, and synthetic opiate substitutes. "Soft drugs" include, but are not limited to, barbiturates, amphetamines, LSD, and hashish.
  - Conspiracy shall be penal for guideline purposes according to the underlying offense behavior if such behavior was consummated. If the offense is unaccomplished, the conspiracy will be rated one step below the consummated offense.

| OFFENSE CHARACTERISTICS:<br>Severity of Offense Behavior<br>(Classification)   | OFFENSE CHARACTERISTICS: Parole Program's Minimum Program<br>(Range)  |                   |                  |                  |
|--|---|-------------------|------------------|------------------|
|  | Very Good<br>(13 to 21)   | Good<br>(7 to 11) | Fair<br>(3 to 6) | Poor<br>(3 to 6) |
| <b>100</b><br>Escape (upon institution or program (e.g., CMO, work release) - absent less than 7 days)<br>Violations or staff groups, single possession (small quantity for use only)<br>Property offenses (theft or simple possession of stolen property) less than \$1,000   | 6-10<br>months  | 8-12<br>months    | 10-14<br>months  | 12-18<br>months  |
| <b>105</b><br>Federal law violations<br>Commercial robbery (possession/proceeds less than \$1,000)<br>Immigration law violations<br>Domestic law violation (less than \$10,000)<br>Property offenses (theft/robbery/trafficking from mail/airmail/airmail/transportation of stolen or forged securities/receiving stolen property with intent to resell) less than \$1,000<br>Domestic driving law violations  | 8-12<br>months  | 12-16<br>months   | 16-20<br>months  | 20-26<br>months  |
| <b>110</b><br>Arbitrary of a public official (offering or accepting)<br>Commercial robbery (possession/proceeds \$1,000 to \$10,000)<br>Drugs<br>Methamphetamine, possession with intent to distribute/sale (small scale (e.g., less than 30 lbs.))<br>"Soft drugs", possession with intent to distribute/sale (less than \$500)<br>Escape (upon institution or program, or absent 7 days or more - on land or through water)<br>Firearms Act, possession/transfer/sale (single weapon)<br>NCC stand-off (short or medium gun)<br>Domestic law violation (\$10,000 to \$100,000)<br>Mailing threatening communication(s)<br>Kidnaping of children<br>Property offenses (theft/robbery/trafficking/obstruction/obstruction transportation of stolen or forged securities/receiving stolen property) \$1,000 to \$10,000<br>Domestic law accepting of bribe(s)<br>Theft of motor vehicle less multiple theft or for rental | 9-13<br>months  | 13-17<br>months   | 17-21<br>months  | 21-28<br>months  |
| <b>115</b><br>Commercial robbery (possession/proceeds \$10,000 to \$100,000)<br>Commercially bonded robbery<br>Drugs<br>Methamphetamine, possession with intent to distribute/sale (medium scale (e.g., 30 to 1,000 lbs.))<br>"Soft drugs", possession with intent to distribute/sale (\$100 to \$5,000)<br>Explosives, possession/transportation<br>Firearms Act, possession/transfer/sale (stand-off weapons), multiple weapons, or multiple weapons<br>Domestic law (on farm - multiple) property<br>Theft of motor vehicle (for rental)<br>Property offenses (theft/robbery/trafficking/obstruction/obstruction transportation of stolen or forged securities/receiving stolen property) \$10,000 to \$100,000   | 12-16<br>months   | 16-20<br>months   | 20-26<br>months  | 26-32<br>months  |
| <b>120</b><br>Kidnaping (weapon or threat)<br>Breaking and entering (bank or post office-carry or attempt of entry to vault)<br>Drugs<br>Methamphetamine, possession with intent to distribute/sale (large scale (e.g., 2,000 lbs. or more))<br>"Soft drugs", possession with intent to distribute/sale (over \$1,000)<br>"Hard drugs", possession with intent to distribute/sale (not exceeding \$100,000)<br>Explosives<br>Domestic law (farm)<br>Property offenses (theft/robbery/trafficking/obstruction/obstruction transportation of stolen or forged securities/receiving stolen property) over \$100,000 but not exceeding \$100,000   | 20-27<br>months   | 27-34<br>months   | 34-41<br>months  | 41-48<br>months  |
| <b>125</b><br>Aggravated felony (e.g., robbery, weapon fired - no serious injury)<br>Explosive detonation (involving potential risk of physical injury to persons) - no serious injury occurred<br>Kidnaping (multiple instances (2-3))<br>Hard drugs (possession with intent to distribute/sale - large scale (e.g., over \$100,000))<br>Domestic law (farm) (e.g., forcible rape)  | 30-40<br>months   | 40-50<br>months   | 50-60<br>months  | 60-78<br>months  |
| <b>130</b><br>Aggravated felony-serious injury (e.g., injury involving substantial risk of death, or permanent disability, or disfigurement)<br>Kidnaping<br>Explosives<br>Kidnaping (functional) or committed during other crime)   | Greater than 78 - however, specific ranges are not given due to the limited number of cases and the extreme variation possible within the category. |                   |                  |                  |

- NOTES:**
- These guidelines are predicated upon good institutional conduct and program performance.
  - If an offense behavior is not listed above, the proper category may be obtained by comparing the severity of the offense behavior with those of similar offense behaviors listed.
  - If an offense behavior can be classified under more than one category, the most serious applicable category is to be used.
  - If an offense behavior involved multiple separate offenses, the severity level may be increased.
  - If a continuance is to be given, allow 30 days (1 month) for release program provisions.
  - "Soft drugs" include heroin, cocaine, marijuana, or opiate derivatives, and synthetic opiate derivatives. "Hard drugs" include, but are not limited to, barbiturates, amphetamines, LSD, and benzoin.
  - Conspiracy shall be used for guideline purposes according to the underlying offense behavior if such behavior was committed. If the offense is uncompleted, the conspiracy will be used and may include the uncompleted offense.

## DRAFT COMMITTEE REPORT ON PAROLE BOARD

In compliance with AS 44.66.010 - 060 and refferal by the Speaker of the House on Jan 15, 1980, the House Judiciary Committee has conducted a review of the State Board of Parole.

Committee staff conducted the necessary research. Also available to the Committee were the Master Plan and A Performance Review of the Alaska State Board of Parole, Division of Legislative Audit, May 9, 1979.

By letter of July 31 the Speaker notified the Committee of the forthcoming referral, thereby permitting advance work to be done during the interim between legislative sessions.

The Committee held four hearings, in Anchorage and Juneau. In addition, two teleconference hearings were held to receive testimony from Anchorage, Fairbanks, Ketchikan, Dillingham, Kenai, Nome and Bethel.

A total of 35 witnesses testified, including the Director, Division of Corrections, and Chairman and Executive Director of the Board. One other member of the Board attended a hearing but did not testify.

Art. III, Sec. 21, of the Alaska Constitution requires that "a parole system shall be provided by law". One option which was considered would have done away with the Parole Board and had the sentencing judge retain jurisdiction over the parolee. Once this option was rejected, the choices narrowed to a parole board in some form.

Testimony indicated that the workload of the present Board is heavy. The Chairman estimated that the average member spends 60 days a year on Board duties. The Committee considered the possibility of a full-time, paid board, but rejected it. (The new criminal code which prohibits parole for those convicted of second and succeeding felonies may result in a reduced workload after a few years.)

Also considered was the possibility of establishing a second board and dividing the work between the two. Prisoner reclassification and transfer could, however, result in both boards being involved with the same parolee or potential parolee. This seems undesirable.

The Judiciary Committee finds that:

- 1 - The Alaska State Board of Parole is necessary and should be continued.
  
- 2 - Statutory changes are needed to improve the functioning of the Board. The Committee will propose a bill incorporating these changes.

M E M O R A N D U M

Attached for consideration by the Committee are three possible options in our Sunset Review for the Parole Board.

Committee members are asked to review these and be prepared to discuss them at an early meeting (report <sup>from</sup> ~~on~~ the Committee must be to the Speaker before the 60th day). Each option has been boiled down and is given in simplified form. Committee members will undoubtedly want to flesh out in much more detail the one they prefer.



PAROLE BOARD OPTION NO. 1

Keep Parole Board essentially in its present form.

Make the necessary changes in statutes to answer the points raised by the Legislative Auditor.

Increase funding for Parole Board staff to insure that a thorough job can be done and that appropriate records can be maintained. This may include computerizing the records.

Require tape-recording of Parole Board hearings as is now done for parole revocation hearings.

Consider changes in length of term for Parole Board members.

An alternative is to create a second Parole Board and divide the State between the two as has been done in the past for Workmen's Compensation Board operations.

PAROLE BOARD OPTION NO. 2

Establish a professional Parole Board specifying the experience and training required for the members (essentially this experience and training would be in areas related in some way to criminal justice).

Parole Board members would be full-time as, e.g., APUC members are now, and would be paid an appropriate salary.

The other points listed in Option No. 1 would still apply except that in this case there would be no consideration of having two boards.

PAROLE BOARD OPTION NO. 3

Abolish the Parole Board (the Constitution requires only that the State have a parole system, not a board).

Establish one of two alternatives for the parole system:

1 - A prisoner serves his full sentence minus good time and is released; upon expiration of the good time <sup>he</sup> ~~and~~ is completely free. If, during <sup>parole</sup> ~~the good time~~, he is convicted of a felony, the good time remaining after the date of the offense must be served in prison prior to beginning the sentence for the latest felony.

2 - The prisoner serves his full sentence minus good time and is released. He is placed under the supervision of the local probation-parole officer who can then file charges with the court if the prisoner violates the law. The sentencing judge would then act on revocation of parole in a way that the Parole Board does not.

Conditions of parole could be established by the judge at the time of sentencing. . .