

955 HJ 983 HB 983 (FILE NO. 3)

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

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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



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.

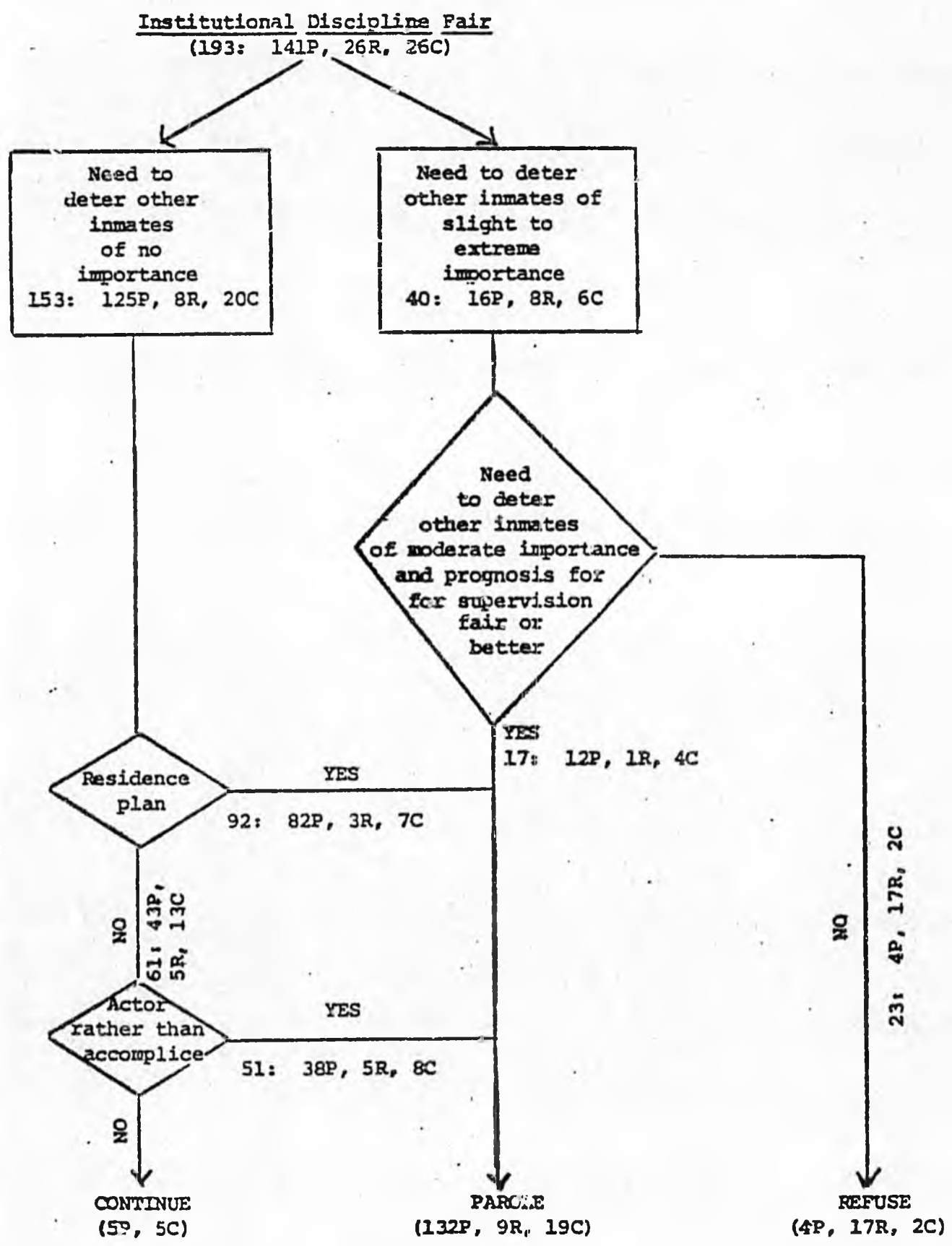
Most of the cases which did not meet these criteria on the "need for attention" and "institutional adjustment" variables were refused. However, a few such cases were continued, and the variables which best predicted this decision outcome were an institutional report of mental pathology and the board 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 Percent Correct</u>
	<u>Membership</u>		<u>Parole</u>	<u>Refuse</u>	<u>Continue</u>	
Sequential Model	Paroled	618	604	9	5	87%
	Refused	109	26	82	1	
	Continued	74	64	3	7	
Additive Model	Paroled	618	599	15	4	86%
	Refused	109	26	83	1	
	Continued	74	64	3	7	
Facts Alone	Paroled	618	597	19	2	81%
	Refused	109	58	51	0	
	Continued	74	66	6	2	
Facts Plus Nonfacts	Paroled	618	596	16	6	86%
	Refused	109	22	84	3	
	Continued	74	63	5	6	
Factor 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 Forgery of prescription Oth. rs with 2-yr. max. Promote suicide Unlawful imprisonment Bigamy Trading public office Perjury 2 Tampering with witness Escape 2 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 Malicious mischief 2 Theft 2 (\$250-\$1,500) Forgery Render criminal assistance 1 Promote prostitution 2	4-7	8-12	13-16	17-20
	Manslaughter 2 Rape 3 Assault 3 Auto theft Extortion 2 Incest Communicate with minor for immoral purpose	6-12	13-18	19-24	25-30
	Livestock theft Poss. stolen property Bribery Perjury Bribing witness Promote prostitution 1	1-5	6-11	12-18	19-24
	Burglary 2 Theft 1 Extortion 1 Contraband Malicious mischief Escape 1 CDS	5-9	10-15	16-20	21-25
	Manslaughter 1 Assault 2 Arson 2 Kidnap 2 Robbery 2 Rape 2 Indecent liberties 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: Burglary Larceny Auto theft Possession of stolen property Drug offenses Escape	2-7	8-13	14-19	20-24
	Violent offenses, including: Assault Weapons violations Robbery Sex offenses	3-8	9-15	16-21	22-28
A	Larceny Receiving stolen property Auto theft Escape Checks Other	1-8	9-17	18-25	26-32
	Sale of drugs to person under 18 Sale of heroin (2nd offense)	6-15	16-23	24-32	33-40
	Assault 1 Arson 1 Robbery 1 Burglary 1	10-17	18-25	26-33	34-40
	Murder 2 Kidnap 1 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:

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

LAST NAME: \_\_\_\_\_ FIRST NAME: \_\_\_\_\_ MI: \_\_\_\_\_

HEARING

- 1) JUDGE'S RECOMMENDATION:   // FAVORABLE  
                                  // NOT FAVORABLE  
                                  // INDECISIVE/  
                                  NONCOMMITTAL  
                                  // UNKNOWN/NONE
- 2) DISTRICT ATTORNEY'S  
RECOMMENDATION               // FAVORABLE  
                                  // NOT FAVORABLE  
                                  // INDECISIVE/  
                                  NONCOMMITTAL  
                                  // UNKNOWN/NONE
- 3) DOC'S RECOMMENDATION:   // FAVORABLE  
                                  // NOT FAVORABLE  
                                  // INDECISIVE/  
                                  NONCOMMITTAL  
                                  // UNKNOWN/NONE

- 4) MEMBERS VOTES ON PAROLE RELEASE:
- |    | <u>CODE</u> | <u>FOR</u> | <u>AGAINST</u> |
|----|-------------|------------|----------------|
| 1. | _____       | _____      | _____          |
| 2. | _____       | _____      | _____          |
| 3. | _____       | _____      | _____          |
| 4. | _____       | _____      | _____          |
| 5. | _____       | _____      | _____          |

RELEASE PLAN

- 1) JOB TRAINING PROGRAM:   // SPECIFIED  
                                  // NOT SPECIFIED  
                                  TYPE \_\_\_\_\_
- 2) TREATMENT PROGRAM:       // SPECIFIED  
                                  // NOT SPECIFIED  
                                  // FULLTIME LIVE  
                                  IN  
                                  TYPE \_\_\_\_\_
- 3) EDUCATION PROGRAM:       // SPECIFIED  
                                  // NOT SPECIFIED
- 4) RETURNING TO FULL  
TIME EMPLOYMENT               // YES  
                                  // NO
- 5) OTHER \_\_\_\_\_

- 6) LIVING WITH:             // PARENTS  
                                  // SPOUSE  
                                  // RELATIVES  
                                  // ROOMMATE  
                                  // HALFWAY HOUSE  
                                  // ALONE  
                                  // NOT SPECIFIED  
                                  // N/A
- 7) RELOCATING  
OUT OF STATE?               // YES  
                                  // NO

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

Form R-3  
Effective 11/1/77

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: Severity of Offense Behavior (Examples)	OFFENSE CHARACTERISTICS: Parole Programs (Believe Factor Score)			
	Very Good (11 to 21)	Good (9 to 11)	Fair (6 to 8)	Poor (3 to 5)
<b>LOW</b> Escape (from institution or program (e.g., CVC, work release) - absent less than 7 days) Possession or sale of drugs, small possession (small quantity for sale) Property offenses (theft or simple possession of stolen property) less than \$1,000	6-10 months	8-12 months	10-14 months	12-18 months
<b>LOW-MIDRANGE</b> Alcohol law violations Counterfeit currency (passing/possession less than \$1,000) Misdemeanor law violations Inmate tax evasion (less than \$10,000) 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 Delictive Service Act violations	8-12 months	12-16 months	16-20 months	20-28 months
<b>MIDRANGE</b> Theft of a public official (offer or receipt) Counterfeit currency (passing/possession \$1,000 to \$10,000) Drugs: Misdemeanor, possession with intent to distribute/sale (small scale (e.g., less than 30 lbs.)) "Soft drugs", possession with intent to distribute/sale (less than \$500) Escape (leave program or institution, or absent 7 days or more - on foot or through mail) Firearm Act, possession/purchase/sale (single weapon not covered-off charges or machine gun) Inmate tax evasion (\$10,000 to \$100,000) Violating the existing constitution(s) Misdemeanor of felony Property offenses (theft/robbery/trafficking/interstate transportation of stolen or forged securities/receiving stolen property) \$1,000 to \$10,000 Theft of motor vehicle (not multiple theft or for resale)	12-16 months	16-20 months	20-24 months	24-32 months
<b>HIGH</b> Counterfeit currency (passing/possession \$10,000 to \$100,000) Counterfeit (manufacturing) Drugs: Misdemeanor, possession with intent to distribute/sale (medium scale (e.g., 30 to 1,000 lbs.)) "Hard drugs", possession with intent to distribute/sale (\$500 to \$1,000) Explosives, possession/transportation Firearm Act, possession/purchase/sale (hand-off automatic, machine gun(s), or multiple weapons) Host age (as force - non-military purpose) Theft of motor vehicle (as force) Property offenses (theft/robbery/trafficking/interstate transportation of stolen or forged securities/receiving stolen property) \$10,000 to \$100,000	16-20 months	20-26 months	26-34 months	34-44 months
<b>VERY HIGH</b> Misdemeanor (weapon or threat) Breaching and entering (break or post office-entry or attempted entry to vault) Drugs: Misdemeanor, possession with intent to distribute/sale (large scale (e.g., 1,000 lbs. or more)) "Soft drugs", possession with intent to distribute/sale (less than \$1,000) "Hard drugs", possession with intent to distribute/sale (not exceeding \$100,000) Misdemeanor Host age (force) Property offenses (theft/robbery/trafficking/interstate transportation of stolen or forged securities/receiving stolen property) over \$100,000 but not exceeding \$100,000	26-36 months	36-48 months	48-60 months	60-72 months
<b>EXCEPTION I</b> Approved felony (e.g., robbery; weapon fired - no serious injury) Explosive detonation (involving potential risk of physical injury to personnel) - no serious injury occurred) Misdemeanor (multiple instances (3-11)) Hard Drugs (possession with intent to distribute/sale - large scale (e.g., over \$100,000)) Sexual act-force (e.g., forcible rape)	40-55 months	55-70 months	70-85 months	85-110 months
<b>EXCEPTION II</b> Approved felony-serious injury (e.g., injury involving substantial risk of death, or protracted disability, or disfigurement), Aircraft hijacking Kidnaping 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, marijuana, amphetamine, 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: Severity of Offense Behavior (Classification)	OFFENSE CHARACTERISTICS: Parole Program's Minimum Program Dates			
	Very Good (13 to 21)	Good (7 to 11)	Fair (3 to 6)	Poor (3 to 6)
<b>100</b> Escape (upon institution or program in-c., CMO, work release) - absent less than 7 days Violations or staff groups, single possession (small quantity for use only) Property offenses (theft or simple possession of stolen property) less than \$1,000	6-10 months	8-12 months	10-14 months	12-18 months
<b>105</b> Federal law violations Commercial robbery (possession/procurement less than \$1,000) Immigration law violations Federal law violation (less than \$10,000) Property offenses (theft/robbery/trafficking from mail/airmail/air/airmail/transportation of stolen or forged securities/receiving stolen property with intent to resell) less than \$1,000 Statute of Frauds Act violations	8-12 months	12-16 months	16-20 months	20-26 months
<b>110</b> Arbitrary of a public official (offering or accepting) Unauthorized currency (passing/procurement \$1,000 to \$10,000) Drugs Methamphetamine, possession with intent to distribute/sale (small scale (e.g., less than 30 lbs.)) "Soft drugs", possession with intent to distribute/sale (less than \$500) Escape (upon institution or program, or absent 7 days or more - on land or through water) Firearms Act, possession/procurement/sale (single weapon) NCC stand-off (short or machine gun) Federal law violation (\$10,000 to \$100,000) Mailbox threatening communication(s) Kidnaping of children Property offenses (theft/robbery/trafficking/procurement/transportation of stolen or forged securities/receiving stolen property) \$1,000 to \$10,000 Statute of Frauds Act (offering or accepting of bribe) Theft of motor vehicle less than multiple theft or for resale	9-13 months	13-17 months	17-21 months	21-28 months
<b>115</b> Unauthorized currency (possession/procurement \$10,000 to \$100,000) Unauthorized currency (offering/procurement) Drugs Methamphetamine, possession with intent to distribute/sale (small scale (e.g., 30 to 1,000 lbs.)) "Soft drugs", possession with intent to distribute/sale (\$100 to \$5,000) Explosives, possession/transportation Firearms Act, possession/procurement/sale (stand-off weapon(s), machine gun(s), or multiple weapons) State Act (on farm - commercial purpose) Theft of motor vehicle for resale Property offenses (theft/robbery/trafficking/procurement/transportation of stolen or forged securities/receiving stolen property) \$10,000 to \$100,000	12-16 months	16-20 months	20-26 months	26-32 months
<b>120</b> Kidnaping (weapon or threat) Breaking and entering (house or post office-office or attempt of entry to vault) Drugs Methamphetamine, possession with intent to distribute/sale (large scale (e.g., 2,000 lbs. or more)) "Soft drugs", possession with intent to distribute/sale (over \$1,000) "Hard drugs", possession with intent to distribute/sale (not exceeding \$100,000) Kidnaping State Act (farm) Property offenses (theft/robbery/trafficking/procurement/transportation of stolen or forged securities/receiving stolen property) over \$100,000 but not exceeding \$100,000	20-27 months	27-34 months	34-41 months	41-48 months
<b>125</b> Aggravated felony (e.g., robbery, weapon fired - no serious injury) Explosive detonation (involving potential risk of physical injury to person(s) - no serious injury occurred) Kidnaping (multiple instances (2-3)) Hard drugs (possession with intent to distribute/sale - large scale (e.g., over \$100,000)) General out-force (e.g., forcible rape)	30-40 months	40-50 months	50-60 months	60-78 months
<b>130</b> Aggravated felony-serious injury (e.g., injury involving substantial risk of death, or permanent disability, or disfigurement) Kidnaping Kidnaping Kidnaping (intentional 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.
  - Conviction shall be used for guideline purposes according to the underlying offense behavior if such behavior was prosecuted. If the offense is unprosecuted, the conspiracy will be used as long as the conspiracy was prosecuted.

## 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. . .