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1347

Table R12

Release Type by Sentence Length
Mandatory Releasees and Parolees
1970 - 1980

	Mandatory Releasees	Parolees	
Months Sentenced	#	#	%
Under 7	27	17	39%
7 - 12	103	74	42%
13 - 24	103	122	54%
25 - 36	68	144	68%
37 - 60	40	159	80%
61 - 120	18	78	81%
Over 120	3	38	93%
Total	362	632	

Table R13

Release Type by Sentence Length
Mandatory Releasees and Parolees
1975 - 1980

	Mandatory Releasees	Parolees	
Months Sentenced	#	#	%
Under 7	13	2	13%
7 - 12	61	16	21%
13 - 24	80	53	40%
25 - 36	57	75	57%
37 - 60	35	95	73%
61 - 120	16	49	75%
Over 120	2	15	88%
Total	264	305	

Matrix Decision Making

The last report on this undertaking* left off with spelling out the principles of matrix decision making and sample formats of decision tables. The next step in the progression from experimentation with the ideas underlying matrix decisions to operationalization involves analyzing data on terms served. In the months elapsing since last report those data have been secured and tentatively analyzed (data editing remains incomplete).

The derivation of risk scores is an empirical endeavor, risk scores being the product of the relation between parole performance and background factors. In the previous analysis the 665 Alaska parole cases under study were segmented into four risk categories--very low risk, low risk, medium risk, and high risk. The very low risk cases are seen essentially as cases on which risk is not an element. The risk dimension thus makes a contribution to the release decision in about 40% of the cases (269 of 665).

The other axis of the matrix has to do with seriousness. The decision was made to follow the new Alaska Criminal Code (effective January 1, 1980) on this dimension.[3] Thus, the categories that dimension encompasses are: Unclassified, Felony A, Felony B, Felony C, Misdemeanor A, Misdemeanor B, and Violation. Because our interest is in imprisoned offenders, the last three categories have marginal applicability

A decision matrix adhering to these constraints takes this general form:

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* Neitheructt, M. G. *Alaska and Parole Guidelines.* San Francisco: Bay Area Research Design Associates, November 1979

Table M1

General Form
Decision Matrix

Crime Categories	Risk Scores: 0 & Over	-1 - -4	-5 - -8	-9 & Under
Unclassified				
Felony A				
Felony B				
Felony C				
Misdemeanor A				
Misdemeanor B				
Violation				

Several issues are pertinent to applying this decision form to parole release choices. One can be relatively secure in the supposition that risk scores will relate to release (at least parole release) outcomes because the scores were derived using parole performance as the criterion. However, it may be that the crime categories are related to empirical considerations.

Further, assurance is absent that there is any correlation between risk and prison time served or between "seriousness" and time served. This dilemma is made more complex by the possibility that whatever relations do exist will take forms not readily clarified by accepted analytical approaches. Thus, it is necessary to look at some varied presentations of relationships before placing the cases in a two-dimensional table.

When the study cases are classified on the seriousness dimension and placed in risk categories, the following table emerges. Table M2 tells us that mean months of prison time served before parole increase steadily as risk becomes greater (reading across the table) and that terms served decrease consistently as crime categories grow less serious (reviewing

Table M2

MEAN MONTHS
TIME SERVED

Alaska Parolees

1971 - 1979

Crime Categories	Risk Scores: 12 - 0 #	12 - 0 Mos.	-1 - -4 #	-1 - -4 Mos.	-5 - -8 #	-5 - -8 Mos.	-9 - -15 #	-9 - -15 Mos.	
Unclassified	17	50.2	5	69.2	2	92.5	0		
Felony A	122	18.3	46	28.8	10	61.1	1		
Felony B	143	16.1	68	23.4	27	33.0	0		
Felony C	52	12.0	33	16.4	7	24.3	0		
Misdemeanor A	11	8.2	4	13.8	1	37.0	0		
Misdemeanor B	9	7.6	2	17.5	0		0		
Violation	Too few to categorize								
Unknown	42		33		28		2		
Total	396		191		75		3		665

Table M3

Parolee
Median Months Served
by Crime Category
by Risk Group

Crime Category	Risk Group: Lowest Risk Mdn Mos	Mid80% Mos Svd	Mid60% Mos Svd	#	Low Risk Mdn Mos	Mid80% Mos Svd	Mid60% Mos Svd	#	Moderate Risk Mdn Mos	Mid80% Mos Svd	Mid60% Mos Svd	#	High Risk #
Unclassified	37	9 - 94	16 - 91	17	45	-	-	5	-	-	-	2	
Felony A	14	5 - 34	8 - 26	122	26	11 - 48	16 - 43	46	49	29 -108	36 - 79	10	
Felony B	15	5 - 28	6 - 23	143	20.5	10 - 41	12 - 31	68	33	18 - 49	19 - 45	27	
Felony C	10	5 - 22	8 - 17	52	13.5	7 - 30	10 - 23	33	24	17 - 32	17 - 32	7	
Misdemeanor A	6	3 - 16	3 - 15	11	13	-	-	4	-	-	-	1	
Misdemeanor B	6	2 - 8	2 - 8	9	-	-	-	2	-	-	-	0	
Unknown				42				33				28	
Total				396				191				75	3

table columns). Cautions about the size of the study groups in the misdemeanor and violations seriousness cells and in the highest risk group remain appropriate. Also, the number of unknown cases in each risk score column could have an impact.

Looking at mean time served is not adequate, however, because the mean may be an inappropriate measure of central tendency when scores vary widely. Thus Table M3 presents median months served (the median being the middle point of each score array) and then the middle 80% time served range and the middle 60% time served range. Again, the medians follow the pattern of the means. Note, however, that Felony A and B "lowest risk" cases (column 1, row 2) have similar medians, probably indicating that the A and B Felonies are treated as comparable unless the inmate is a parole risk. Notice also that the differences in felony class ranges appear primarily on the upper bounds.

With added confidence that the data have some consonance with "reasonable expectations" (that more serious offenders will serve more time and that greater risks will do likewise), we can move to fill in the decision matrix. Were a decision maker hearing analogous cases to those analyzed here to employ a time-set matrix designed to encompass 80% of the relevant cases, his/her reference table would look something like Table M4.

Table M5 affords the same perspective but includes only the middle 60% of the terms served.

In each of these tables (M4 and M5) the decision maker would be viewing products of release decisions which have ranged over substantial numbers of months. Since one of the purposes of these matrices is to increase equity in decision making (that is, enhance the degree to which like inmates are treated alike), one can take the opposite tack and refer to a matrix in which minimum variability is described, with

Table M4

Months Served Matrix
80% Inclusive

Crime Category	Risk Scores			
	0 & Over	-1 - 14	-5 - -8	-9 & Under
Unclassified	9 - 94	-	-	-
Felony A	5 - 34	11 - 48	29 - 108	-
Felony B	5 - 28	10 - 41	18 - 49	-
Felony C	5 - 22	7 - 30	17 - 32	-
Misdemeanor A	3 - 16	-	-	-
Misdemeanor B	2 - 8	-	-	-
Violation	-	-	-	-

Table M5

Months Served Matrix
60% Inclusive

Crime Category	Risk Scores			
	0 & Over	-1 - -4	-5 - -8	-9 & Under
Unclassified	16 - 91	-	-	-
Felony A	8 - 26	16 - 43	36 - 79	-
Felony B	6 - 23	12 - 31	19 - 45	-
Felony C	8 - 17	10 - 23	17 - 32	-
Misdemeanor A	3 - 15	-	-	-
Misdemeanor B	2 - 8	-	-	-
Violation	-	-	-	-

documentation of exceptions.

A method of doing this is to start with the category median and allow only 10% variation above and below that value. This results in a matrix like Table M6. Though this

Table M6

Months to be Served Matrix
10% Bounded Median

	Risk Scores			
Crime Category	0 & Over	-1 - -4	-5 - -8	-9 & Under
Unclassified	36 - 47	45	-	-
Felony A	11 - 17	21 - 35	41 - 57	-
Felony B	12 - 17	17 - 22	27 - 39	-
Felony C	8 - 12	12 - 15	18 - 30	-
Misdemeanor A or B or Violation	4 - 8	11 - 19	-	-

table has the form and configuration the data dictate (that is, it is a strict interpretation of the data, starting in each cell with the population median score and moving up and down the array to include the 20% of cases nearest the median), it has some discontinuities that may be troublesome. The "Unclassified, -1 - -4" value is not a range but a fixed term, the product of a limited number of relevant cases. Also, the table gives no assistance with cases falling in 7 cells (including all the highest risk cases); again, we see the impact of strictly interpreting rules applied to a limited population.

Thus, we face the same quandary many others working with similar data have met. Several have used an approach sometimes referred to as "smoothing". In other words, the data are conformed to assure easier application while preserving the empirical sense of the findings.

There are several aspects of judgment that impact the table's final form. One way to bring the decision matrix to

a more useful state could be to modify it as follows.

Table M7

Example
Months Served Matrix

Crime Category	Risk Scores 0 & Over	-1 - -4	-5 - -8	-9 & Under
Unclassified	36 - 47	41 - 50		
Felony A	11 - 17	21 - 35	41 - 57	
Felony B	12 - 17	17 - 22	27 - 39	
Felony C	8 - 12	12 - 15	18 - 30	
Misdemeanor/ Violation	4 - 8	11 - 19		

The "Unclassified, -1 - -4" range can be settled upon by taking the average range of the other -1 - -4 categories and distributing this average around the category median. Similar procedures can be used to as great an extent as is deemed necessary; however, it is important to recognize that these steps exceed the grasp which these analyses can give and so are based on such considerations as "policy", "public protection," etc. It is highly unlikely that many cases of great risk but with misdemeanor/violation crimes will be encountered, so the last two vacant cells in the matrix probably are inconsequential.

A different situation exists regarding the last column of the table. It is observable that there are few of these cases getting parole. It may be, though, that several such persons appear before the Board. We get some idea of this by looking at mandatory release time served data. These seem to say that very few of these types of cases are being released from Alaska prison custody, since only 15 subjects in that set had served over 5 years.

Release Matrix

The matrices presented thus far have used all available

data because a large number of cases is necessary to allow stability of findings. Alaska presents a peculiar necessity for using only part (rather than all) of the available data, in that in 1974 substantial law changes introduced minimum terms as a significant release-decision consideration.

Thus, all things considered, we felt it necessary to develop the final form of the suggested matrix resting only on 1975 and succeeding cases. Thus, Table M8 takes only those cases paroled on and after January 1, 1975 into consideration. Notice that that gives somewhat more smoothness in form and also reflects higher minimum terms for several categories.

The work is incomplete, of course, for matrix decision making requires continuing update. At this juncture, though, the preferred decision set seems to be reflected in Table M8.

Table M8

Suggested
Months Served Matrix
(1975 & later cases base)

Crime Category	Risk Scores			
	0 & Over	-1 - -4	-5 - -8	-9 & Under
Unclassified				
Felony A	17 - 23	29 - 36	41 - 57	
Felony B	16 - 21	21 - 28	33 - 41	
Felony C	13 - 19	14 - 19	18 - 24	
Misdemeanor/ Violation	7 - 10	11 - 19		

Race - An Afterword

Throughout these endeavors the Board has (commendably) been open to consideration of use of any factor whose relation to parole performance (risk) could be demonstrated empirically. Some original decision factors were deleted because of their instability, their susceptibility to devious alteration, etc.

Race, though a "hot" issue, has steadfastly been retained in the risk analyses, the Board's view being that if it added information it should be retained as a consideration. Feedback on the published work to date has been laden with (sometimes ominous) comments about using race as a release decision factor. Thus, the Board has asked the Alaska Attorney General for a formal legal opinion on the matter and requested an analysis of how many cases would actually change risk categories as a result of deletion of race from the scoring program.

The Attorney General's report is not yet in hand. Data analysis reveals that only 14 cases would change risk score categories with the deletion of race. In most instances the person's risk score would improve though, ironically, in a few the risk score is made more detrimental by deletion of the item.

Conclusion

As this report tells, the primary task during this contract period was to develop a time served matrix which the Alaska Board of Parole could implement. That task has been accomplished, as have several others. It is recommended that it be used in a "dry run" a couple of hearing schedules and then be implemented. Meantime, the Board needs to find the resources to have analytical services available to it, to update the tables at least semi-annually, to keep its computerized case records current, to assure its ability to respond to data inquiries fully, and to forward its desire to understand more fully its own practices and their implications.

FOOTNOTES

1. See: Neithercutt, M. G. *Parole Guidelines for Alaska.* Juneau: Alaska Board of Parole, December 1979

2. The data base herein fluctuates somewhat as cases have been added in phases. The mandatory release group is stable throughout, though parolee counts vary.

3. Pending legislation was used to classify drug offenses.

AMERICAN CORRECTIONAL ASSOCIATION

STANDARDS
for
Adult Parole Authorities

Second Edition

In cooperation with the
COMMISSION ON ACCREDITATION
FOR CORRECTIONS

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Criminal Justice Programs, Law Enforcement Assistance Administration,
United States Department of Justice

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Contents

ORGANIZATION AND ADMINISTRATION

Organization and Legal Basis

2-1001 The jurisdiction has a single authority provided by statute which has parole decision-making power with respect to all offenders convicted of a felony who are sentenced to a term of imprisonment and are eligible for discretionary parole. (Important)

DISCUSSION: Jurisdiction refers to a governmental level parole authority* which handles convicted felony offenders. In order to ensure uniformity of procedures and to lessen the probability of disparate decisions, it is important that there exist a centralized source of parole decision-making in a given jurisdiction. Decision-making is defined here to mean release, revocation, and the establishment of the conditions of release. This does not exclude certain juveniles or misdemeanants under the authority's jurisdiction.

2-1002 When the parole authority is administratively part of a federal, state or local overall correctional agency, it is independent from the control of any of the units in the agency in its decision-making functions. (Essential)

DISCUSSION: A central principle of parole decision-making is that a parole authority should base its decisions on an objective assessment of the needs of the offender and the community. Thus, while a parole authority needs to be sensitive to the views of many persons, particularly those who have responsibility for operating correctional programs, the authority must retain its autonomy if it is to serve its purposes. A wide variety of factors may be properly weighed in reaching its conclusions. However, the authority must resist outside efforts to unduly attempt to influence its decisions, such as those of the affected institution. (See related standard 2-1007)

2-1003 While parole investigation and supervisory staff may be administratively independent from the parole authority, they are responsive to the authority in all areas determined by state policy* or procedures.* (Important)

DISCUSSION: There must be a cooperative effort between the parole authority, and the parole investigation and supervisory staff in order to provide the offender with the best possible supervision. Feedback on the status of parolees is important to the parole authority's decision-making process. Likewise, changes in parole authority policy and procedure or conditions of parole can affect the work of parole supervisory staff.

2-1004 The parole authority has the power to require that general and specific conditions of parole be enforced during the supervision of parolees. (Essential)

DISCUSSION: Since a parole authority frequently bases its decisions on the assumption that certain specific procedures will be followed by parole supervisory staff, the authority should have the power to specify general and specific conditions regarding the supervision of parolees. This power should be indicated no matter where the administrative responsibility for field staff is located.

2-1005 All staff, including any hearing examiners* employed by the parole authority, are directly responsible to the authority with respect to carrying out the policies of the authority. (Essential)

DISCUSSION: Hearing examiners should be considered staff of the parole authority and directly responsible to the authority both administratively and operationally. The decision to grant, deny or revoke parole may be assigned to the hearing examiners. (See related standard 2-1047 and 2-1115)

2-1006 The parole authority has the legal power to secure prompt and full information which it deems necessary from courts, probation, institutions, parole, halfway houses, and other agencies or staff which would be applicable. (Essential)

DISCUSSION: A parole authority cannot operate without the kinds of information necessary for its task. It is crucial that timely and accurate information be made available from the required sources in a form useful to parole decision-makers. Though the parole authority has legal authority to require the submission of such information, it should collaborate with the agencies involved in developing the means through which it is to be delivered and the format in which it is to be presented.

2-1007 The parole authority has power to grant or deny parole and does not serve merely as an advisory body to another official or agency (Essential)

DISCUSSION: In order to achieve competent and impartial parole decision-making, with sound policies and their consistent application, the parole authority should have the power to act with finality. Serving simply as an advisory board to an elected or appointed state official does not meet this test. Such arrangements negate the required autonomous character of parole decision-making. (See related standard 2-1002)

2-1008 The parole authority has the statutory power to cause the arrest of parolees and the power to revoke parole. (Essential)

DISCUSSION: Basic to the functioning of the parole authority is the capacity to revoke as well as to grant parole. As with the power to grant parole, the authority's power to arrest and to revoke should be indicated by statute. Parole field staff may arrest parolees on the issuance of detention warrants.

2-1009 While the existence of a statutory limit may prevent discharge prior to two years of parole, the parole authority has the statutory power to discharge from parole in all cases subsequent to this limitation. (Essential)

DISCUSSION: It is sometimes costly to the resources of the jurisdiction, frequently an unnecessary impediment to a parolee, and always unfair to require a person to remain under parole supervision when it has been demonstrated that neither the jurisdiction nor he or she will benefit from continued parole supervision. The power to discharge from parole in some jurisdictions may apply only after statutory minimums of not more than two years have been met. Even if this is the case, the authority should have the ultimate power to discharge from parole. (See related standard 2-1124 and 2-1125)

2-1010 When requested in matters of clemency, the authority conducts an investigation, provides necessary factual information and, when requested, makes a recommendation to the clemency authority. (Essential)

DISCUSSION: Forms of clemency include pardon, commutation of sentence, reprieve and remission of fine. Statutes govern eligibility, specific requirements and the method for obtaining clemency. Most often the parole authority is advisory to the governor in matters of clemency. When a request is made the authority should complete a thorough investigation covering all requirements of the law or the requesting body. When requested, the authority should make a recommendation regarding the granting of clemency.

2-1011 Written policy and procedure govern the handling of clemency requests when the authority is empowered to handle them. (Important)

DISCUSSION: Policy and procedure should be developed to encompass all aspects of clemency, although some types of pardons, such as those of "innocence," are handled through the courts. Pardons of "forgiveness" generally stipulate a time period between the completion of sentence and the time of petition for pardon. They require the individual to have shown respect for the law and obedience to it during that period. Parole authority policy and procedure should be developed with the governor's office or other appropriate body regarding the steps in the process. When a recommendation on clemency is requested it should be made based on the unanimous vote of the full authority.

Administration and Staffing

2-1012 The parole authority has a current organizational chart that accurately reflects the structure of authority, responsibility and accountability within the agency. The chart is reviewed annually, and updated if needed. (Essential)

DISCUSSION: A current organizational chart is necessary for providing employees a clear administrative picture. The chart should reflect the grouping of similar functions, an effective span of control, lines of authority, and an orderly channel of communication. Names of units and duties should reflect precisely what is entailed.

2-1013 The chairperson of the parole authority initiates an annual review by all authority members of the authority's policies; revisions and updating of the policies are undertaken, when necessary. (Essential)

DISCUSSION: Although the parole authority chairperson has specific executive responsibilities, it is crucial that all the parole authority members be involved in the development and review of authority policy. The authority chairperson should operate within the policies fixed by the entire authority, moving beyond them only where expedient and with subsequent review. (See related standard 2-1017 and 2-1063)

2-1014 **The parole authority has a policy and procedure manual which is readily available to inmates, parolees, staff a..d the public and which is reviewed at least annually, and updated if needed. (Essential)**

DISCUSSION: An administrative manual is important i. order to assist staff in understanding the operating procedures of the agency. Important to an effective manual system is the capacity for periodic updating.

2-1015 **The parole authority has sufficient staff to perform its responsibilities efficiently and without accumulating work backlog. (Essential)**

DISCUSSION: In order to carry out the variety of administrative tasks which are required, the parole authority must be adequately staffed. There must be staff available to systematically prepare needed materials, answer correspondence properly, process legal and administrative documents, schedule and conduct interviews in the office, and prepare documents required by the legislature, executive, and the public. (See related standard 2-1029)

2-1016 **Administrative personnel are availabl. to maintain supervision of the parole authority's staff, not to exceed a ratio of six to one, unless such a deviation can be shown to not impair effective staff supervision. (Important)**

DISCUSSION: Although ideal ratios of supervisors to staff are difficult to specify, it is clear that sufficient supervisory personnel are needed to make certain that an organization functions well. Therefore, unless a deviation in the span of control can be justified, no more than six staff members should be supervised directly by an administrator.

2-1017 **Written policy and procedure provide for a communications system within the authority that requires, at a minimum, that the authority chairperson meet at least monthly with all authority division heads and/or supervisors, and that all authority division heads and/or supervisors meet monthly with all employees. (Essential)**

DISCUSSION: Regular staff meetings help ensure open communications among employees. The use of agendas and the preparation of minutes should be required at all staff meetings. (See related standard 2-1013)

2-1018 **Legal assistance is readily available to the parole authority to meet the authority's requirements in policy formulation, to advise in individual cases, and to represent the authority when required before courts and other appropriate bodies. (Essential)**

DISCUSSION: With present day demands on parole auth rities, immediate availability of effective legal staff is required on a continuou. basis.

2-1019 **Parole authority headquarters are located in physical facilities which provide privacy for authority members and staff, and which have space and equipment necessary for the effective and efficient processing of business. (Important)**

DISCUSSION: Adequate facilities can increase the efficiency and quality of the work of the parole authority by providing sufficient space and privacy for hearings. Parole authority members must be able to provide each case the attention and thorough review necessary for a fair and impartial hearing. (See related standard 2-1029)

2-1020 Offenders are furnished assistance in understanding the parole process, if needed, including written and/or oral translations; this includes the hearing process and the conditions of parole. (Essential)

DISCUSSION: When physical or mental handicaps or language barriers prevent offenders under the control of the jurisdiction from fully understanding the parole process, parole conditions, parole procedures, or hearings and appeals, assistance is provided to the offender by personnel qualified in working within the offender's problem area. (See related standards 2-1084 and 2-1102)

Planning and Coordination

2-1021 The parole authority has a written set of long-range goals and objectives which are reviewed annually, and updated if needed. (Essential)

DISCUSSION: Long-range goals and objectives, either developed alone or jointly with the agency of which the authority is part, attests that the parole authority is progressively preparing for the future.

2-1022 Members of the parole authority annually participate in evaluating and identifying progress made in reaching practical and specific objectives of the long-range plan. (Essential)

DISCUSSION: Long-range objectives are meaningless if they are not reviewed to determine what action has been taken, and what decisions should be made to comply with plans. All parole authority members should be actively involved in this process in order to be aware of the direction in which the agency is moving.

2-1023 The parole authority participates directly, or in discussion through the agency of which it may be a part, in federal, state and regional criminal justice planning efforts. (Essential)

DISCUSSION: In recent years there has been a growing effort to focus attention on criminal justice systems as totalities consisting of many interdependent parts. Planning efforts which involve a total systems approach are underway in states and regions. Parole authorities should participate fully in such efforts to represent the needs of independent parole decision-making bodies, and to seek means of articulating their own long-term plans with those of the total system. (See related standard 2-1064).

2-1024 At least one member of the parole authority meets at least semiannually with the directors of institutions from which paroles are granted and/or with the head of the jurisdiction's correctional agency to develop means of coordinating programs, to undertake joint planning, and to agree on means of implementing and evaluating such plans. In states in which the authority paroles from local jurisdictions, an authority staff member meets at least annually with heads of local correctional agencies. (Essential)

DISCUSSION: Systematic and joint planning between institutional personnel and parole authority members is central to an effective correctional effort. It is not only important that communication occur on an individual case by case basis, but that there be agreement on programmatic directions, respective roles in those programs, and specific means of facilitating their operations.

2-1025 Each member of the parole authority visits one or more institutions and a representative sample of the community facilities in the jurisdiction at least annually, specifically for the purpose of meeting with staff and inmates to exchange information about programs, institutional operations, and parole policies and procedures. (Essential)

DISCUSSION: Parole authority members should visit institutions and community facilities in their jurisdiction at least annually to become directly and personally aware of the nature of programs, and to have the opportunity to obtain direct feedback from persons involved.

2-1026 A member of the parole authority meets at least semiannually with the administrative staff of the parole investigation and supervision agency to develop means of coordinating efforts, to undertake joint planning, and to agree on means of implementing and evaluating such plans. (Essential)

DISCUSSION: It is clear that the parole authority must depend in major part for its effectiveness on the staff of the parole investigation and supervision agency. Equally, the parole authority has significant impact on the activities of parole officers. Realistic and detailed planning between field staff and the parole authority is crucial.

2-1027 At least one member of the parole authority meets at least annually with representatives of relevant criminal justice agencies—police, prosecution, courts—to develop means of coordinating programs, to undertake joint planning, and to agree on means of implementing and evaluating such plans. (Essential)

DISCUSSION: A parole authority, because of its strategic position in the criminal justice system, has an important role to perform in working effectively with related agencies, and particularly in carrying out joint planning and evaluation efforts with them.

2-1028 **Members of the parole authority, or their representatives, initiate continuing interaction with the field parole staff through conferences, seminars, and visits to field offices. (Essential)**

DISCUSSION: First-hand communication is a necessity if a parole authority is to maintain an awareness of the conditions in the community, and particularly, of the consequences of various policies it has enunciated. It is also important that parole authority members gain first-hand information about various local residential programs and community services. Visits, conferences, and seminars at field offices are necessary to gain such information.

FISCAL MANAGEMENT

2-1029 The parole authority has a clearly defined budget which provides for personnel, operational and travel costs sufficient for the operation of the authority, and subject to its administrative control. (Essential)

DISCUSSION: The authority's budget should be defined and subject only to the general rules and regulations which apply to all agencies in the jurisdiction. (See related standards 2-1015 and 2-1019)

2-1030 The parole authority employs a budgetary system which links, on a continuing basis, program functions and activities to the cost necessary for their support. (Important)

DISCUSSION: The authority must have access to a budgetary system which allows it to weigh the costs of its various functions and thereby plan effectively for wise allocation of resources. Appropriate and well developed financial procedures should exist which allow the parole authority to review expended funds periodically, and to plan necessary reallocations of unencumbered funds. It is important that budget planning is continued throughout the year so the funds are fully and effectively utilized.

2-1031 The parole authority chairperson is responsible for a detailed budget request and justification which is prepared and presented on behalf of the agency at times designated by law. (Essential)

DISCUSSION: Fixed clear responsiblity is essential to the budgetary process. Although many of the tasks of budget preparation should be delegated to staff members, the chairperson should be held responsible for making certain that an adequate budget is prepared according to the requirements of the governmental system in which the parole authority is situated. The parole authority chairperson should have the opportunity to present a budget request directly to the decision-makers in the budget allocation process.

2-1032 The parole authority chairperson participates in the legislative budget allocation process, subject only to the general rules and regulations which apply to all agencies in the jurisdiction. (Important)

DISCUSSION: The opportunity to present its case directly to those who allocate funds is extremely important to the parole authority. To simply submit a budget to larger departmental units is not sufficient. Presentations which are filtered through many layers tend to lose their force. The parole authority chairperson should have the opportunity to explain the authority's budget request to significant decision-makers in the budget allocation process.

2-1033 The parole authority chairperson solicits input from parole authority members and staff in the preparation of the budget. (Important)

DISCUSSION: Although the final accountability for budget preparation should be centered in the parole authority chairperson, the responsibility for budget development should be spread as broadly as possible. Other authority members and staff should be required to participate in the budget-making process.

PERSONNEL

Authority Members

2-1034 **Members of the parole authority* are chosen through a system defined by statutes or administrative policy, and with explicitly defined criteria. (Essential)**

DISCUSSION: Partisan political considerations have too frequently entered into the selection of parole authority members. Though, from time to time, qualified persons are appointed under a system dominated by political considerations, often the result has been the appointment of unqualified persons as parole authority members. It is imperative that explicitly established criteria be employed in the appointment of parole authority members.

2-1035 **At least two thirds of the members of the parole authority have at least a baccalaureate degree. (Essential)**

DISCUSSION: A variety of educational backgrounds may qualify a person to sit on a parole authority, and individuals who do not have baccalaureate degrees may be uniquely qualified by other training or experience to serve on a parole authority. However, a parole authority must have a capacity for policy formation and articulation, an awareness of contemporary research findings and correctional techniques, and skills in system planning and management. These tasks require that an authority include in its membership some members with the minimum of a baccalaureate degree.

2-1036 **At least two thirds of the members of the parole authority have at least three years experience in a criminal justice or juvenile justice position, or equivalent experience in a relevant profession. (Essential)**

DISCUSSION: While a variety of experience can be appropriate, it is expected that the parole authority membership will include persons who have had a substantial experience in professions, such as law and clinical practice, which are directly relevant to parole decision-making and policy* development.

2-1037 **Parole authority members represent a diversity of the significant population under the jurisdiction of the agency. (Essential)**

DISCUSSION: It is vital for effective decision-making and public support that a parole authority be representative of the entire community, and that offenders are dealt with by persons who represent both sexes and the racial and ethnic groups in the jurisdiction.

2-1038 **Members of the parole authority do not seek or hold public office which would represent a conflict of interest while a member of the authority. (Essential)**

DISCUSSION: Members of the parole authority should not disenfranchise themselves during their term on the authority. During their term, however, political considerations should never enter the decision-making process. The avoidance of conflict of interest is essential to the objective role of the authority. (See related standard 2-1080)

2-1039 **Positions of members of the parole authority are full-time. In jurisdictions where the parole authority has a minimum of cases to be heard, the chairperson must be full-time but other members may be part-time. A full justification for such action is necessary. (Important)**

DISCUSSION: The task and scope of the work of the parole authority is such that full-time members should be appointed. In small jurisdictions, or those where there are few cases to be heard by the authority, justification of an alternative to a full-time authority will be considered.

2-1040 **Tenure on the parole authority is no less than five years. Legal provision allows for the removal of parole authority members for good and demonstrated cause only after a full and open hearing when one has been requested by the member. (Important)**

DISCUSSION: While even longer terms are desirable, it is important that parole authority members have at least five-year terms on an authority to provide stability of membership and freedom from undue concern about reappointment. It should be understood that a term of five years does not mean that the expectation exists that a parole authority member will not be reappointed. Conversely, reappointment should not be considered automatic.

2-1041 **If a fixed term of office is used in the appointment of parole authority members, the terms of the members are staggered. (Essential)**

DISCUSSION: Continuity of policy is an important goal for a correctional system which seeks equity and efficiency. Static policy is not the general goal. Change will be an ongoing need; however, if it is to occur, it should be orderly with due regard for previous organizational history. Abrupt alterations of program which fail to consider prior efforts almost inevitably produce unwarranted disparities in decisions, and make stable program development very difficult. In a key correctional unit, such as the parole authority, continuity of policy is a necessity and staggered terms of appointment are one important means of achieving it.

2-1042 **Salaries of parole authority members are within twenty percent of the salary paid to judges of courts having trial jurisdiction over felony cases. (Essential)**

DISCUSSION: The decision-making responsibility of parole authority members is comparable to that of judges of courts having trial jurisdiction. This level of compensation can help attract persons with the required skills and experience to serve on parole boards.

2-1043 **The parole authority consists of no less than three members. (Essential)**

DISCUSSION: The breadth of skills and backgrounds required and the value of joint decision-making in facilitating greater objectivity argue for a minimum of three parole authority members.

2-1044 **One of the members of the parole authority is designated as chairperson. (Essential)**

DISCUSSION: A single person on the authority must be designated as responsible for the authority's administrative management. The chairperson should have full authority for administrative detail, although on policies and case dispositions decision-making authority should be shared equally among all members.

2-1045 **The authority chairperson has the responsibility to coordinate the work schedules of authority members, assign cases as provided by authority policy, and to chair meetings of the authority. (Essential)**

DISCUSSION: The policies which govern their assignment should be developed by all authority members. However, it is essential that there exist within the authority efficient means of carrying out its work, including the coordination of activities and the assignment of cases. The chairperson is the appropriate person to carry out these executive tasks.

2-1046 **The chairperson is the official spokesperson for the parole authority. When acting as the official spokesperson, the chairperson expresses views at all times which are consistent with approved policies of the authority. (Essential)**

DISCUSSION: The orderly exercise of business requires that there exist a single person in the authority through which the flow of official business with outside agencies is controlled. Included here are such matters as press releases, budget presentations, and official communications. Of course, all authority members and staff will play important roles in dealing with persons external to the authority, but it is essential that such channels are governed by authority policy, and that the chairperson remains as the official source of communications for the authority. (See related standards 2-1126 and 2-1128)

Staff Of Authority

2-1047 **The chairperson has legal responsibility for organizing, staffing, controlling and directing the work of the authority's staff. (Essential)**

DISCUSSION: While the authority members should set policy in administrative matters, it is necessary that there exist a clear line of executive responsibility. That executive responsibility should rest with the chairperson, and authority members should refrain from being involved in the details of administrative practice. Policy and case decisions are suited to group situations. Executive management is very difficult when responsibility is diffused among many individuals. (See related standards 2-1005, 2-1045 and 2-1054)

2-1048 The staff of the parole authority is covered by a merit system,* which complies with equal employment and affirmative action provisions, and is paid at a level equal to other employees of the jurisdiction who are doing comparable work. (Essential)

DISCUSSION: The quality of the parole authority's staff is vital to its effective operation. Thus, it is essential that sound public employee policies are in effect with respect to the authority's staff. A merit system and an adequate scale of compensation are the key elements of such a sound policy. (Essential)

2-1049 There is an affirmative action program that has been approved by the appropriate government agency. (Essential)

DISCUSSION: An affirmative action program should contain necessary guidelines to accomplish the public policy goal of equal employment opportunity. For example, all persons should be able to compete equally for entry into and promotion within the organization. The program should also be designed to seek out qualified minority groups and women, in order to encourage their participation in the staff development program of the organization. The program should include corrective actions, where needed, in policies regarding rate of pay, demotion, transfer, layoff, termination, and upgrading.

2-1050 When deficiencies in regard to the utilization of minority groups and women exist, the authority can document the implementation of its affirmative action program, showing annual reviews and necessary changes required to keep the program current. (Essential)

DISCUSSION: The authority must be able to demonstrate implementation of its affirmative action plan through personnel records that reflect increases in the hiring and promotion of minority groups and women. At review, at least annually, of the affirmative action program should ensure continuing compliance.

2-1051 Written policy specifies that equal employment opportunities exist for all positions. (Essential)

DISCUSSION: Men and women should have equal opportunities to compete for any position within the organization. Section 703 of Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972, however, details instances of exception which do not constitute unlawful employment practices. Nevertheless, authorities should continuously evaluate their work environment to provide employment opportunities for both men and women.

2-1052 Hearing examiners* have at least a baccalaureate degree; written policy permits the substitution of experience when documented. (Essential)

DISCUSSION: A variety of educational backgrounds may qualify a person to be a hearing examiner, and selected individuals may be qualified by training and experience to serve as examiners.

2-1053 At least two thirds of the hearing examiners have at least three years experience in a criminal justice or juvenile justice position, or equivalent experience in a relevant profession. (Essential)

DISCUSSION: Hearing examiners should have experience in occupations and professions which are directly relevant to parole decision-making.

Training

2-1054 Written policy* and procedure* designate that the chairperson is responsible for orientation and in-service staff training* programs. (Essential)

DISCUSSION: Although responsibility for carrying out training may be delegated, ultimate accountability should be with the chairperson of the authority. It is recognized that the chairperson may be dependent upon resources from the parent agency to carry out this responsibility. (See related standard 2-1047)

2-1055 Written policy and procedure provide that the authority's training programs for all employees are coordinated and supervised by a qualified staff member at a supervisory level. (Essential)

DISCUSSION: A qualified staff member, possibly in the parent agency, should have responsibility for planning and implementing the training program and coordinating it with other employee programs. While training may be conducted through institutes or other outside resources, the staff person coordinating the program should receive specialized training in the fundamentals of training and staff development.

2-1056 There is a written training and staff development plan for all authority employees. (Essential)

DISCUSSION: Provision should be made for training all employees, using a written plan with specific goals and timelines for each training unit. The plan should be reviewed annually, and updated if needed.

2-1057 The parole authority provides 40 hours of initial orientation for all full-time employees including new parole authority members, prior to their assuming assigned duties. (Essential)

DISCUSSION: Supervisory personnel of the agency should provide immediate orientation for all newly employed personnel to familiarize them with all agency policies and procedures. The orientation should include, at a minimum, an historical perspective of the agency goals and objectives, programs, procedures, policies and regulations, job responsibilities, personnel policies, and the role of the parole authority in the criminal justice system of the jurisdiction.

2-1058 All part-time staff and volunteers working less than 40 hours per week receive training appropriate to their assignments; volunteers working the same schedule as full-time, paid staff receive the same training as full-time staff. (Essential)

DISCUSSION: Since they are under the supervision of full-time staff, part-time staff and volunteers who do not have full-time staff assignments, should receive training specific to their particular function. In cases where volunteers function as full-time staff, however, they must receive the same training as provided full-time paid staff.

2-1059 **Parole authority members and all full-time employees receive a minimum of 40 hours of relevant training and education annually, in addition to administrative staff meetings. (Essential)**

DISCUSSION: The authority's staff must have regular opportunities for training and continuing education related to their various functions, as well as to broader issues involved in the authority's activities. Training may include: decision-making skills; new changes in law; court decisions; correctional policies and programs; communications skills; problem-solving; reports on research; and specialized training for support staff. Such training may be in the form of relevant courses at colleges, universities or professional institutes.

MANAGEMENT INFORMATION AND RESEARCH

Management Information Systems

Note: An information system* may be very sophisticated, using modern computer technology, or it may be relatively simple, using manual counting systems. The goal of such a system is to provide statistical information for use in making management decisions.

2-1060 The parole authority* has access to and uses an organized system of information retrieval and review that is part of an overall research and decision-making capacity. (Essential)

DISCUSSION. A parole authority can neither chart new policies,* control the applications of old ones, nor even be aware of their consequences without an organized system of retrieval and review. Not only is such a system important in terms of controlling applications of policy, but also in providing a base for evaluating different kinds of policy options.

2-1061 The parole authority or the agency of which it is a part maintains parole outcome measures, such as those developed by the Uniform Parole Reports* or an equivalent system. (Essential)

DISCUSSION: Extreme variation in the manner in which outcomes are measured among parole systems makes informed comparisons across jurisdictions extremely difficult, leads to confusion, and to a lack of sound development in the field. It is essential that there be a clear method of separating the types of outcomes (discharge, conviction of a felony, technical violations, etc.), as well as standardized follow-up periods. The definitions used by the Uniform Parole Reports have been developed cooperatively across the United States, and form the basis of a sound standardized system. They, or comparable systems, should be utilized by parole authorities in computing outcome measures.

2-1062 The parole authority has established a procedure* for receiving reports, at least quarterly, from those persons in charge of the information and research systems; the reports should include population characteristics and the status of parolees and offenders in the system. The authority is able to also retrieve, upon demand, information which has been entered into the system. (Important)

DISCUSSION: In order for a parole authority to monitor policies effectively, be alert to potential difficulties and plan for future actions, it must receive certain data periodically. The information obtained should include the number and type of offenders and parolees in the system, including those in community programs, the status of offenders in relation to their release, the length of sentences, the number and type of arrests of parolees, revocations by types of violations, and program information, such as the number unemployed and the types of programs parolees are attending.

2-1063 Parole decision-making, statistical, and research data are among the factors used by parole authority members in decision-making and policy development. The parole authority receives feed-back information on a continuing basis about the outcomes of its parole decisions and there is evidence that this information is acted upon in the reviews and revisions of parole decision-making criteria and policy. (Important)

DISCUSSION: Since the very nature of parole decision-making involves judgments based on factual data and policy considerations, the members of the authority should constantly be informed of the results of their judgments. The careful collection, assessment, and use of this feedback information can be instrumental in the improvement and refinement of parole decision-making and policy development. (See related standard 2-1013)

2-1064 Consistent with confidentiality requirements, the parole authority or the agency of which it is a part collaborates with criminal justice and human service agencies in programs of information gathering, exchange and standarization, including national data collection efforts. (Important)

DISCUSSION: Planning and assessment on a system-wide basis are needed in the juvenile and criminal justice fields. The key to effective collaboration is standardized and shared information. An example of the value of this activity is the Uniform Parole Reports Program, which was developed by the joint efforts of parole authorities in the United States. Such national systems require full cooperation by all parole authorities. While it is important that parole authorities take an active role in shaping joint programs of information sharing, it is also vital that they be particularly sensitive to issues of confidentiality and privacy of parole records. (See related standards 2-1023, 2-1068 and 2-1079)

Research

2-1065 The authority chairperson reviews all research designs prior to the start of research. (Important)

DISCUSSION: Research should not be permitted to proceed until the research design and the requirements of authority staff are understood fully. (See related standard 2-1067)

2-1066 The parole authority permits, encourages, and utilizes internal research as well as research conducted by outside professionals. (Important)

DISCUSSION: It is impractical for a parole agency to carry out internally all research needed. Responsible researchers are interested in carrying out research in the juvenile and criminal justice fields, and with encouragement by parole authorities, their efforts can be directed toward this specific area. Parole authorities should actively encourage the participation of responsible researchers in parole studies.

2-1067 **Parole authority members and designated staff participate with researchers in deciding which questions should be addressed, which data should be gathered, and how that data should be presented. (Important)**

DISCUSSION: (See related standard 2-1065)

2-1068 **When approving projects by researchers, the parole authority, or the agency of which it is a part, ensure the privacy and interests of offenders and other parties for the cases under study. (Essential)**

DISCUSSION: Although it is obviously important that parole authorities facilitate research, it is essential that they safeguard the privacy and interests of offenders, their families, and other persons. Thus, before any research is undertaken, the research protocols should be reviewed to make certain that appropriate safeguards exist to protect the privacy and interests of those individuals who are the subject of that research. Once these concerns are satisfied, the parole authority should agree to the publication of the results of any research; it may require that before such research is published the authority has the right of comment to the researcher concerned. (See related standard 2-1064)

2-1069 **Written policy and procedure specify the method for dissemination of research findings. (Important)**

DISCUSSION: Written policies and guidelines will prevent misunderstandings about the publication and dissemination of research results. As a general rule, research findings should be published and distributed regardless of the nature of the findings. Their publication can avoid duplication of effort elsewhere and provide for the sharing of knowledge and experience throughout the corrections field.

SCHEDULING AND INFORMATION

2-1070 There is a documented procedure* for determining the time necessary to thoroughly consider each case, based on the types of cases being heard; in a normal working day scheduling does not exceed twenty cases, with a maximum of fifteen cases concerning term setting, release consideration or revocation, and additional cases not requiring extensive hearing* or deliberation, not to exceed a total of 20 of both types of cases. (Essential)

DISCUSSION: The authority* should give full consideration to every case based on the type of case being considered and the criteria used in decision-making. Procedures should allow for each case to be heard when eligible, and time should be set aside for review of the case record prior to seeing the offender. Interview time with the offender should allow for questions from the authority member or examiner and for questions from the offender. Thirty minutes per case, including prior review, interview and decision-making time should be considered the minimum time necessary for most cases. (See related standards 2-1074 and 2-1094)

2-1071 Offenders are notified in writing of their first legal eligibility date for a parole hearing within 90 calendar days after being received in a correctional institution. (Essential)

DISCUSSION: This information can be conveyed to each offender individually or through a pamplet or guidebook which gives the legal requirements pursuant to a parole hearing. The parole authority should see that institutional parole officers provide such information and that counselors and other advisors are conversant concerning parole eligibility statutes.

2-1072 Offenders are scheduled automatically for hearing and review by the parole authority within one year after being received in a correctional institution if there is no minimum eligibility date. (Essential)

DISCUSSION: It is essential that an offender be seen by a parole authority representative relatively soon after he or she is received in an institution, or as soon as first eligible for parole consideration. At this time, the authority should explain its criteria for parole to the offender. Offenders and institutional personnel, early in the offender's institutional stay, should have a clear idea of the authority's view of the inmate's case, and the factors which the authority sees as important in determining the parole date. (See related standard 1086)

2-1073 Offenders may be released earlier than initially anticipated, according to law and in conformity with the authority's previously established and written criteria. (Essential)

DISCUSSION: Criteria should be established by the parole authority which may be used to advance the parole date of an offender. For example, the behavior of the inmate in a work-release program, particularly meritorious efforts while in the institution, or a mutually agreed upon program contract may be among the conditions which a parole authority might establish as legitimate criteria for advancing a release date.

2-1074 Prior to a hearing, parole authority members and hearing examiners* review information available in writing about an offender's prior history, current situation, events in the case since any previous hearing, information about the offender's future plans, and relevant conditions in the community. (Essential)

DISCUSSION: The degree to which a parole hearing is effective will be determined in large measure by the quality and accuracy of the information which is available to the person hearing the case. It is essential that information is available about an offender's prior history, his current situation, and the events in his case since any previous hearing. Information about the offender's future plans and about relevant conditions in the community are also needed. (See related standard 2-1071 and 2-1094)

2-1075 Materials in case files are appropriately classified, organized and identified in a way which meets the needs of the authority. (Essential)

DISCUSSION: Parole decision-makers should not be required to use files which are so poorly organized that it is difficult to locate needed materials. In cooperation with institutional authorities and other related agencies, a form for the organization of materials in files should be agreed upon. Well-organized files containing appropriate material placed so that decision-makers have ready access to it should be the rule.

2-1076 Materials in the case files are clearly identified as to source, and confidentiality is noted as necessary. (Essential)

DISCUSSION: The source of the material being considered by the authority is essential in order for them to realistically view the factors involved. The classification of confidentiality is necessary for some of the material the board reviews, and such material should be clearly marked "confidential."

2-1077 There is a procedure whereby materials used by the authority in decision-making are verified; materials which cannot be verified are so noted. (Essential)

DISCUSSION: Parole authority members must rely on the accuracy of the material in the case files; therefore, there must be a procedure which will enable the materials to be verified by the time the members are involved in a decision-making policy.*

2-1078 For those cases which, in the opinion of parole authority members, an examination and opinion is required of psychiatrists or psychologists, qualified members of the appropriate professions are available to provide the needed examinations and opinions. (Essential)

DISCUSSION: The opinion of psychiatrists or psychologists are at times extremely important in parole decision-making. Psychiatrists and psychologists should have a state license or certification.

2-1079 The parole authority and the agency of which it may be a part have a written policy regarding the confidential nature of individual case information, and have put into effect specific rules as to the persons who may have access to such information, and the staff who are responsible for the release of that information. (Essential)

DISCUSSION: Protection of the confidentiality of material available to the authority on individual cases is essential. The authority should have procedures which are clearly understood, and which include the persons designated as responsible for the release of case information, and to whom that information may be released. (See related standard 2-1064)

HEARING PROCESS

Note: These standards apply to release hearings, revocation hearings,* rescission decisions and appeals.

2-1080 Policy* and procedure* provide for the withdrawal of an authority member or hearing examiner* in cases which represent a conflict of interest. (Essential)

DISCUSSION: In any case where a parole authority* member or hearing examiner has personal knowledge of a case or could in any way benefit from the outcome of a case, that person should withdraw completely from the decision-making process for that case. (See related standard 2-1038)

2-1081 The person conducting the hearing* is responsible for the recording and preservation of a summary of the major issues and findings in the hearing. (Essential)

DISCUSSION: The keeping of a record of the events of the hearing for the purpose of subsequent review is essential. It is particularly important for future hearings to be able to review the record of a hearing, and have an awareness of the issues which had been raised previously. The use of dictating equipment is quite appropriate for this purpose. (See related standard 2-1067)

2-1082 The criteria which are employed by the parole authority in its decision-making are available in written form and are specific enough to permit consistent application to individual cases. Case decisions indicate that granting, denying, reviewing, and revocation decisions are in conformity with the written criteria. (Essential)

DISCUSSION: Various criteria should be developed which will assist the authority in making parole decisions. These criteria should go beyond statutory minimums to include the types of information which have a consistent relationship to parole success or failure.

2-1083 There is a process, available in written form, whereby the decisions of panels or hearing examiners can be reviewed by the full authority under rules fixed by it, and offenders are informed of the steps necessary to avail themselves of that process. (Essential)

DISCUSSION: The development of a decision review process is an important development in parole. In general, most parole decisions should be made by the hearing examiners or panels of parole authority members who interview the offender. However, a system of appeal, preferably to authority members not involved in the first hearing, should be established, and rules of the use of this process should be fixed. If there are only a few authority members, and all of them participate in initial decisions, some process of review or rehearing in a case should nonetheless be in effect. (See related standard 2-1009)

2-1084 Offenders receive timely assistance, to include translation for offenders with language difficulties, from qualified personnel on all parole procedures to help them in appearances before the parole authority, in appeals, and in dealing effectively with parole procedures. (Essential)

DISCUSSION: For a number of offenders, parole procedures are complicated, and if they are without assistance, they are at a great disadvantage with respect to the parole system. The provision of representation can ease this problem, but it is crucial that qualified personnel assist offenders in all matters with respect to parole, including the development of resources that enhance the opportunities for an inmate to cope successfully with the requirements of release. Assistance includes interpretation to long term offenders of parole procedures within one year of being received at an institution. (See related standards 2-1020, 2-1088, 2-1090 and 2-1114)

2-1085 The offender is notified personally and orally by the parole authority members or hearing examiners who have heard the case as to the recommendation or decision immediately after the hearing. (Essential)

DISCUSSION: The parole authority needs to clarify personally the meaning of its decision, and to discuss the subsequent steps which might be taken by the offender. For all these reasons, it is essential that the parole authority meet personally with each offender after the interview to make the outcome of the case known and understandable to the offender.

PAROLE RELEASE HEARINGS

2-1086 **At the first hearing* of offenders eligible for parole, the parole authority* sets a tentative release date. If circumstances prevent the setting of a tentative release date at the first hearing, a subsequent hearing is held within one year for the purpose of setting a tentative release date. In any event, the parole authority gives reasons in writing for any deferral of decision. (Essential)**

DISCUSSION: Uncertainty surrounding the time an offender must serve in an institution should be eliminated as soon as possible after commitment. Inmates need to establish goals based on tentative release dates, and make plans for release. At the first parole hearing, a date of release may be considered but not fixed. Any date fixed at the first hearing or later hearings could be altered based on new information, institutional behavior, or the possibility of success based on the offender's ability to handle lesser levels of security. The reasons for deferral should be articulated and a definite review date established for a future hearing. (See related standards 2-1072 and 2-1123)

2-1087 **Offenders are held beyond tentative release dates only after a hearing by the authority, at which time the reasons for deferral of parole are articulated in writing. (Essential)**

DISCUSSION: In general, there is an expectation that a tentative parole date once fixed will be observed unless sound reasons to the contrary are evidenced. From time to time, sufficient information will come to an authority's attention to require it to defer a date. In such a case, the authority makes a record of the specific reasons for the deferral of parole, and fixes a definite time for the next review of the case. The aim is to keep a clear release date, known to inmates and correctional officials, and to articulate the reasons for various actions taken by the parole authority.

2-1088 **No offender is denied parole or given a deferment unless a personal hearing is held before the parole authority. (Essential)**

DISCUSSION: Cases may be reviewed periodically through files and correspondence; however, each time that the denial of parole is possible, a personal hearing before a parole authority member or hearing examiner takes place. An important purpose of this hearing is to give the offender a chance to present his case directly to responsible decision-making authorities, a basic and important element in a fair system. Further, no matter how carefully developed a record system may be, frequently during the course of a face-to-face interview, inaccuracies are discovered or relevant information which is not included in the official record is obtained. (See related standard 2-1084)

2-1089 **Policy* and procedure* exist for hearings in absentia. Hearings in absentia are limited to cases where the absence of the offender is unavoidable and there is documentation of the reasons for this situation. (Essential)**

DISCUSSION: In cases when the offender is in a mental institution or a facility in another jurisdiction, a hearing in absentia may be conducted. In no case should such a procedure be used where an offender simply refuses to attend a hearing. Hearings in absentia should observe the same safeguards as hearings where the offender is present, and require that the offender knowingly and voluntarily absent him/herself from the hearing.

2-1090 **Offenders are notified in writing at least 14 calendar days in advance of their hearings and are specifically advised as to the purpose of the hearing. (Essential)**

DISCUSSION: It is essential that offenders be well-advised as to the purpose of the parole hearing, and have information about the kinds of issues which will be discussed. Too often, offenders are unclear as to precisely what is happening, and are unable to take full advantage of the hearing which is given to them. In this respect, it is important that institution personnel work closely with offenders to help them prepare for the hearing, and to assist in the development of material for presentation to the authority. (See related standard 2-1084)

2-1091 **Hearings are conducted in privacy. (Essential)**

DISCUSSION: Parole hearings should be conducted in surroundings which are comfortable and appropriately furnished, which provide sufficient privacy for the offender and allow the authority to convey an atmosphere conducive to a dignified hearing. Where necessary, security should be provided.

2-1092 **Parole hearings are conducted with careful attention to the inmate, and with ample opportunity for the expression of his or her views. (Essential)**

DISCUSSION: Fair parole hearings are an important part of the parole process. They should be conducted without extraneous interruptions, and with very careful focus on the offender. A significant effort should be made to give the inmate a full opportunity to express his or her views, and to provide the inmate with an understanding of the requirements for release consideration.

2-1093 **The parole authority has a written policy which determines who may be present at the parole hearing. (Essential)**

DISCUSSION: The parole authority has a responsibility to see that parole hearings are carried out in an orderly and fair manner. This will limit the number of persons who may be in attendance. At the same time the authority has a responsibility to the public and to the inmate to allow attendance at a hearing of those people who will be of assistance to the offender or to the authority.

2-1094 **Materials on cases are reviewed before offenders are brought into a hearing room, and during the hearing, references are made to files by authority members, hearing examiners, and other staff only to refresh their memories of the case and to determine questions of fact. (Important)**

DISCUSSION: It is very distracting for files to be read while an offender is in the hearing room. This does not convey to the inmate a high level of awareness or concern for his or her case. Persons responsible for conducting parole hearings should review case material in advance of the hearing. (See related standards 2-1070 and 2-1074)

2-1095 **Offenders are provided with the information on which parole decisions are made, except that information which, in accordance with the authority's written policy, is specifically classified by an authority member or hearing examiner as confidential for good and sufficient reasons, and is so designated. Offenders are informed of the fact that information designated as confidential was used in making a decision. (Essential)**

DISCUSSION: Parole, in a number of important respects, involves the delegation of sentencing power. Thus, the issues are very much the same as those involved in the defendant's right to disclosure of the pre-sentence investigation, and similar rules should govern. In the absence of compelling reasons for non-disclosure, the inmate should be familiar with the information regarding his or her case. When information is not made available to an inmate because of its sensitive nature, it should be so identified in the file. Agency policy should spell out what information will be made available to the inmate, particularly when his or her mental and/or social adjustment might be affected, when a co-defendant is involved, when a confidential juvenile record is included, or when informants are named in the record. Staff and authority members should have clear instructions on the release of official information. Records and documents must be handled in accordance with established procedures or upon other proper authorization. It is important for subsequent review that it be clear which material was not open to review by the offender.

2-1096 **The reasons for a parole decision are written, signed by a person authorized by the authority, and made available to appropriate staff and to the offender within 21 calendar days of the offender's hearing. (Essential)**

DISCUSSION: The writing out of the reasons for the decision is a crucial part of the parole decision-making process. Having this written document is essential for a number of reasons: it provides a basis of appeal; it is important for institutional officials and offenders in shaping their future programs; it is helpful for research purposes; and it provides for the continued development of criteria.

2-1097 **The parole authority does not accept the presence of a detainer* as an automatic bar to parole; it pursues the basis of any such detainer; and it releases the offender to detainers where appropriate. (Important)**

DISCUSSION: Detainers represent an outstanding charge which may or may not be adjudicated, and should not automatically constitute a bar to parole. Parole staff should, as a matter of practice, trace out detainers to determine their basis, and when appropriate, parole authorities should parole inmates to detainers.

2-1098 The status of the offender as a foreign national does not preclude access to parole consideration. (Essential)

DISCUSSION: Parole authorities should release foreign nationals for return to their home countries under whatever circumstances may be worked out with the home countries, and in the best interest of all concerned. At the present time, there are no formal agreements between the United States and other countries for completion of sentences. However, informal arrangements are sometimes possible and supervision when needed can be arranged on a courtesy basis with a governmental or non-governmental organization in the offender's home country. Under the circumstances, and as a matter of principle, such arrangements should be undertaken only with the consent of the offender.

CONDITIONS OF PAROLE

2-1099 General conditions for release which apply to all parolees and mandatory releases under supervision are limited to requirements that a parolee observe the law, maintain appropriate contact with the parole system, and notify the parole agency of changes in residence. (Essential)

DISCUSSION: The critics of parole have argued that the rules tend to be moralistic, or that they tend to be overly vague and unfairly invade the privacy of parolees. In most cases, general conditions which apply to all parolees should require simply that a parolee observe the law, maintain appropriate contact with the parole system, and notify the parole field agency of changes in residence.

2-1100 In addition to the general conditions of release which apply to all cases, the parole authority* adds special and specific conditions for individual cases that are related to the previous offense pattern and the probability of further serious law violations by the individual parolee. (Important)

DISCUSSION: Special conditions of release should be added only when they are clearly relevant to the parolee's compliance with the requirements of the criminal law. Conditions should not concern themselves with the lifestyle of the offender as such, but should be tested directly against the probability of serious criminal behavior by the individual parolee.

2-1101 The offender is given an opportunity to present his or her views to the parole authority about specific parole conditions which may be imposed on him or her. (Essential)

DISCUSSION: As much as possible, the offender should be encouraged to make known to the parole authority his or her views about the conditions which will be imposed. The parolee should have an opportunity to appeal any request of a parole officer to fix a new condition of parole. The parolee should clearly understand how such an appeal can be pursued and steps should be taken to see that the parolee can avail himself or herself of such procedures.

2-1102 Written copies of the conditions of parole are furnished to the parolee, and are explained to him or her. (Essential)

DISCUSSION: Conditions of parole should be reviewed with the parolee so that he or she fully understands them. A regular program in the institution should exist to assist parolees in understanding the conditions of their release, and in dealing with any problems involved in their release plans. (See related standard 2-1020)

2-1103 The parolee acknowledges in writing that he or she has received and understands the conditions of his or her parole. (Essential)

DISCUSSION: (See related standard 2-1102)

2-1104 The parolee and/or the parole field staff may request that parole conditions be amended. If the parole authority approves, it makes needed amendments in writing. (Essential)

DISCUSSION: Parole is a dynamic process, and as the parolee's adjustment changes, so should the conditions of parole supervision. A procedure* by which the parolee and/or the parole field staff can request and the parole authority review and grant changes as needed in the conditions of release best serves the interest of public protection and the welfare of the individual parolee.

2-1105 Parole authorities require that the parolee complies with all applicable provisions of the Interstate Compact for the Supervision of Probationers and Parolees,* or the Interstate Compact for Juveniles, and that he or she is fully aware of the requirements of transfer under these Compacts. (Essential)

DISCUSSION: Essential resources for the effective supervision of probationers and parolees are the Interstate Compact for the Supervision of Probationers and Parolees, and the Interstate Compact for Juveniles. It is important to the effective operation of these Compacts that all rules governing the conditions of these Compacts are carefully observed, and that parolees transferring between jurisdictions are fully advised as to their provisions and accept them.

ARREST AND REVOCATION

Determination

2-1106 Warrants for the arrest and detention of parolees, pending a determination by the parole authority as to whether parole should be revoked, or provisionally revoked, are issued only upon the affirmative approval of a parole authority* member or the statewide or regional director of parole supervision services. (Essential)

DISCUSSION: The arrest and detention of a parolee on violation charges is a serious act with profound implications for the parolee. In view of the loss of liberty which results from the issuance of a detention warrant,* the need for such a warrant should be reviewed by a parole authority member or the statewide or regional director of parole services. The power to issue detention warrants should be exercised by such administrative personnel, not by the parole officer involved directly in the supervision process.

2-1107 Warrants for the arrest and detention of parolees are issued only upon adequate evidence which indicates a probable serious or repeated pattern of violation of parole conditions and a compelling need for detention pending the parole authority's initial revocation decision. (Essential)

DISCUSSION: The standard for the issuance of detention warrants may not rise to the standard of probable cause required for arrest on criminal charges. However, to justify issuance of a detention warrant, sufficient evidence should be produced to indicate that parole conditions have been seriously breached and that detention is required. Detention may be required in order to prevent injury to an individual or the public, to interrupt a serious continuing violation of parole, or to assure the presence of a parolee at a preliminary hearing when it is determined that the parolee would not attend voluntarily.

2-1108 When parole violation charges are based on the alleged commission of a new crime, a detention warrant is not issued unless the parolee's presence in the community would present an unreasonable risk to public or individual safety. (Essential)

DISCUSSION: The issuance of a detention warrant often precludes a parolee who is charged with committing a new crime from the possibility of bail or other forms of pre-trial release. As a general rule, parolees should be able to seek the forms of pre-trial release which are available to other criminal defendants. However, the presence of other serious parole violation charges or a danger to public or individual safety may justify the issuance of a detention warrant when a parolee is charged with committing a new crime.

Preliminary Hearing

2-1109 When a parolee is arrested on a detention warrant, or when a detention warrant is lodged as a back-up to bail in conjunction with pending criminal charges, a preliminary hearing* is held within fourteen calendar days after the arrest and detention of the parolee or the lodging of the detention warrant; however, when there has been a conviction or a finding of probable cause on new criminal charges, the preliminary hearing is not required. (Essential)

DISCUSSION: The United States Supreme Court case of *Morrissey* v. *Brewer* 408 U.S. 471 (1972) requires, as a matter of due process, that a preliminary hearing be conducted as soon as possible after a parolee is taken into custody, while evidence and sources are readily available. The purpose of the hearing is to determine whether probable cause exists to believe that parole conditions have been violated. Later cases in various jurisdictions have held that a conviction or a finding of probable cause on new criminal charges takes the place, for due process purposes, of the preliminary parole hearing.

2-1110 The preliminary hearing is held in or near the community where the violation is alleged to have occurred or where the parolee has been taken into custody. (Essential)

DISCUSSION: (See related standard 2-1109)

2-1111 The preliminary hearing may be delayed or postponed for good cause, and the parolee may waive the hearing if first informed of rights pertaining to the hearing and of the consequences of waiving the hearing. (Essential)

DISCUSSION: Due process requires that any waiver of rights by the parolee be done knowingly and voluntarily. Therefore, the parole authority should assure that no form of coercion is used to induce a waiver of the preliminary hearing, and that the parolee understands the nature and consequences of the hearing before waiving it.

2-1112 The authority may delegate to a member of the parole administrative staff or to field officers the authority to conduct a preliminary hearing and make findings as to grounds for revocation. (Essential)

DISCUSSION: The *Morrissey* case provides that the hearing officer need not be a judicial official, but may be a parole staff member, so long as that staff member is impartial.

2-1113 The preliminary hearing is conducted by an administrative staff member or officer who has not previously been involved in the case. (Essential)

DISCUSSION: In view of the requirement that the hearing officer be impartial, it is inappropriate for the officer who supervised the parolee, or an individual who authorized the parolee's detention to conduct the preliminary hearing.

2-1114 · **At least three days prior to the preliminary hearing, the parolee is notified in writing of the time and place of the hearing, and of the specific parole violation(s) charged. The parolee is also advised in writing of the right to:**

Present evidence and favorable witnesses

Disclosure of evidence

Confront adverse witness(es), unless the witness(es) would be subjected thereby to a risk of harm

Have counsel of choice present, or, in case of indigent parolees who request assistance to adequately present their case, have counsel appointed

Request postponement of the hearing for good cause

(Essential)

DISCUSSION: Due process requires that the parolee receive notice of the hearing, of the specific acts alleged to constitute parole violations, and of all rights with respect to the hearing. Consistent with the United States Supreme Court case of *Gagnon* v. *Scarpelli* 411 U.S. 778 (1973), a parole authority should decide, on a case-by-case basis, whether to appoint counsel for an indigent parolee who requests such assistance. Among the factors to be considered in making this decision are; whether the parolee denies committing the alleged violation(s); whether there are mitigating factors which are complex or otherwise difficult to develop or present; and whether the parolee appears to be capable of speaking effectively for himself. (See related standards 2-1084 and 2-1118)

2-1115 **The person who conducts the preliminary hearing determines whether there is probable cause to revoke parole and hold the parolee for a revocation hearing before the parole authority. The parole authority may empower the hearing officer to make the provisional revocation decision, or merely to report his/her findings and recommendation to the parole authority for a decision as to revocation. The hearing officer issues a verbal decision or a recommendation immediately after the hearing and provides a written decision to the parolee within 21 calendar days of the hearing. (Essential)**

DISCUSSION: The hearing officer should make a summary of the documents presented and responses made at the preliminary hearing in order to make a determination as to probable cause for revocation. Although the findings need not be formal, the officer should state the reasons for the determination and indicate the evidence relied upon.

2-1116 **The parolee is returned to prison only when probable cause is found at the preliminary hearing and when it is determined, after considering the appropriateness of less severe sanctions, that the clear interest of the public requires reincarceration. (Essential)**

DISCUSSION: The preliminary hearing has a usefulness that goes beyond the narrow fact-finding process. The hearing may provide an occasion to identify and reverse potentially harmful patterns of conduct, or to identify gaps in the program of supervision and recommend alternatives. The parole authority should consider not only whether a violation of parole has been committed, but also whether a less severe sanction is appropriate. (See related standard 2-1120)

Revocation Hearing

2-1117 The revocation hearing is conducted within 60 calendar days after the parolee's return to prison as a parole violator; a delay or postponement for good cause may be approved by the authority chairperson or designate. (Essential)

DISCUSSION: The *Morrissey* case requires that the revocation hearing, as well as the preliminary hearing, be timely. Subsequent cases have held that a revocation of parole will be invalidated if, without justifiable cause, a revocation hearing is not provided within a reasonable time after the return of the parolee to prison. Delays or postponements should be granted only sparingly.

2-1118 The same procedural and substantive rights which are afforded to a parolee at a preliminary hearing are afforded at a revocation hearing. In addition, a parolee is provided an opportunity at the revocation hearing to demonstrate that, even if parole has been violated, mitigating circumstances exist which suggest that the violation does not warrant revocation. (Essential)

DISCUSSION: The *Morrissey* case mandates essentially the same procedural guarantees for both hearings in the two-state revocation process, and also provides for an opportunity to present mitigating factors at the revocation hearing. This hearing also should go beyond the narrow fact-finding process and the parole authority should weigh the best interests of the parolee and the public in making its final decision. (See related standard 2-1114)

2-1119 Within 21 calendar days of the revocation hearing, the parolee is provided a written statement of the reasons for the determination made and the evidence relied upon. (Essential)

DISCUSSION: The parolee should be informed as soon as possible about the decision to revoke parole. A written statement of reasons and evidence relied upon is required under the *Morrissey* case and also promotes thoughtful decision-making.

2-1120 Alternatives other than further imprisonment are used in decision-making on parole violations. (Essential)

DISCUSSION: Although further imprisonment may be required, parole authorities should use warnings, short-term local confinement, special conditions, varieties of intensive supervision, referral to other community resources, and other alternatives to confinement. (See related standard 2-1116)

2-1121 In jurisdictions where the parole authority has discretion to award or forfeit good conduct deductions for time served on parole in the community, there are written guidelines for the award or forfeiture of such deductions. (Essential)

DISCUSSION: Careful review of individual cases is required in making a determination on provision of credit to the parolee for time served in the community. Written policy should state specific criteria for allowing or disallowing credit for time served in the community when a parolee is imprisoned for a parole violation.

2-1122 **If it is decided that the offender is to be reincarcerated, there is no statutory or administrative prohibition against re-parole on the original charge for which paroled. (Important)**

DISCUSSION: Neither in law nor in practice should any predisposition operate to deny further parole consideration to a parole violator. The fact of parole violation should be considered in the context of an offender's total history in deciding the next appropriate action(s) after revocation of parole.

2-1123 **After a revocation hearing, the parole authority immediately informs the offender of the next tentative release date. When circumstances, such as pending criminal charges or outstanding sentences to be served, prevent the setting of a tentative release date, or when the tentative release date is greater than one year after the revocation hearing, the parole authority sets a date for a review hearing within one year, and advises the offender of this date. (Essential)**

DISCUSSION: In revocation decisions, no less than in release decisions, it is of paramount importance for the parole authority to minimize uncertainty in the mind of the offender. Tentative release dates should be set unless circumstances make it impossible to predict the offender's future eligibility status. The certainty of even a distant tentative release date is preferable to no date at all. When an obstacle to the setting of a date, such as pending criminal charges, is removed, the parole authority should advance the date of the review hearing to the earliest convenient time. (See related standard 2-1086)

DISCHARGE

2-1124 **Parolees are not continued under active parole supervision after one year unless, consistent with the parole authority's* written policy,* good reasons exist to show that such continued supervision is required. (Essential)**

DISCUSSION: Termination of active supervision does not require discharge from parole supervision. Active supervision can be re-instituted if needed. However, active supervision for periods longer than necessary may be unwarranted in many cases, interfere with the life of the parolee, and represent an unwise use of parole resources. Alternatives to active supervision should be considered unless good reasons exist to continue close supervision. (See related standard 2-1009)

2-1125 **If not discharged after one year of release on parole or the statutory minimum period, the parolee may request a discharge review by the authority. (Essential)**

DISCUSSION: (See related standards 2-1009 and 2-1124)

PUBLIC AND LEGISLATIVE RELATIONS

2-1126 **The parole authority* provides evidence of a public information program, which includes the development and distribution of information about the authority, its philosophy and operations. (Important)**

DISCUSSION: It is important that parole authorities carry out an effective public education program, both as a means of support for the parole authority and for developing the opportunities necessary for parolees. An intelligent and effective program of information dissemination is an important component in this program. (See related standards 2-1046 and 2-1128)

2-1127 **The parole authority furnishes information at least biennially to the agency of which it is a part, which is used to report on the authority's objectives, trends in parole release, discharges and revocations, problems, and plans; additional information is provided as required by statewide bodies and the agency of which it is a part. (Essential)**

DISCUSSION: A report, produced at least every two years, is a systematic way of summarizing periodically the activities of the parole authority. Such reports are important for informing decision-makers about the authority's activities, and a well-designed report can also be an important source of public understanding of the authority's activities.

2-1128 **The parole authority has a written policy* which assures that accurate and timely information on individual cases is disseminated to the public. (Essential)**

DISCUSSION: Parole authorities are often called upon to provide information about parole cases, and it is important that policies exist within the parole system indicating who is to provide such information and how it is to be provided. The parole system benefits by providing prompt, candid information to the public, which has a right to such information. Information properly classified as privileged should, of course, be so classified pursuant to written policy and procedure.* (See related standards 2-1046 and 2-1126)

2-1129 **The parole authority maintains regular liaison with appropriate legislative committees, during at least each regular session of the legislature, for the purposes of offering advice and opinions on appropriate legislative matters. (Essential)**

DISCUSSION: It is vital that parole authorities do not simply react to legislative enactments after the facts, but that they also stand ready to advise legislatures on current legislation under consideration.

THE PAROLE SYSTEM

The Commission has considered the purpose and administration of parole systems and recommends that, in its present form, parole be abolished in Alaska. It is recommended that some of the functions purported to be served by parole be abandoned and that the board be eliminated in its entirety.

To provide protection to the public in the sensitive post-release period and guidance to the newly released offender, the Commission recommends that every prisoner serve a period of conditional release akin to probation.

Under the proposal, a convicted offender may serve up to half of his sentence on this conditional release, which may be called "mandatory probation", depending upon his behavior in prison and out. For a model prisoner, half the sentence will be "good time", served on mandatory probation. Any revocation of such release will be handled according to the standards and procedures for probation, generally. Cancellation of "good time" for an offender in custody will be handled according to procedures now mandated by law.

Before exploring further the mechanics and merits of the proposed new system, a review of the principal objections to the present system of parole is in order.

David Fogel, Executive Director of the Illinois Law Enforcement Commission, in a monograph entitled "We are the Living Proof..." written while in residence at the Harvard Law School Center

for Criminal Justice commented on the fact that confusion and aimlessness in sentencing and parole are reflected in the quality of prison life:

> "Like both, it too is effectively ruleless. How could it be otherwise with 95% of its prisoners unable to calculate when they will be released or even what, with a degree of certainty, is demanded of them for release candidacy by parole authorities?"*

The uncertainty created by the present system of parole makes parole a serious enemy of the rehabilitative process and contributes significantly to problems otherwise inherent in depriving individuals of their liberty.

Those who favor the parole system generally offer two grounds in support of their position.

> "First, virtually everyone convicted and sent to a correctional institution is destined to return to live in the community. He can be discharged either with no continuing responsibility on his part of that of the state, or he can be released under supervision at an optimal time and given help in finding a way to live within the law. From this perspective, parole is simply a form of graduated return to the community, a sensible release procedure.
>
> "A second major argument is that a parole board can better judge the precise time at which an inmate should be released. The sentencing judge cannot foretell what new information may be available to a parole board or what

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*Fogel, We are the Living Proof, p. 18, Chapter 4. Unpublished Monograph, 1975.

circumstances might arise which would render one time more favorable than another for an inmate's release. A paroling agency also has the advantage of being able to observe the behavior of the offender when he is in confinement. A corollary to this argument is the idea that a parole board can more objectively appraise the offender when the passions aroused by his offense have cooled."*

While these are undoubtedly valid arguments for the existence of some form of reconsideration of sentence, there are those who offer another reason for parole.

"Though it is seldom stated openly, parole boards often are concerned with supporting a system of appropriate and equitable sanctions. This concern is reflected in several ways, depending upon a jurisdiction's sentencing system. One of the most common is through parole decisions seeking to equalize penalties for offenders who have similar backgrounds and have committed the same offense but who have received different sentences." (Emphasis added)**

Briefly stated, parole finds its raison d'etre in the concepts of proof of rehabilitation, leniency or sovereign grace, or equity. Implicit in these concepts are the assumptions that judges are human and will from time to time err in their sentencing decisions and that offenders as humans can change in character and behavior.

The question remains, however, whether or not a parole system is the only means to these ends. The Commission has concluded that the parole board is a poor instrument for measuring rehabilitation, dispersing charity or equalizing sentences.

* O'Leary, "Issues and Trends in Parole Administration in the United States." 11 Am. Crim. Law J. 100-101. (1972)

** "Corrections" National Advisory Commission on Criminal Justice Standards and Goals (G.P.O. 1973) pp.393-394.

These arguments for parole assume that a parole board is in a position to judge the arrival of an "optimal time". One can legitimately question the efficacy of this assumption. Measuring the success of parole judgements by the frequency of return to prison by those released, the validity of this assumption is highly questionable.

In 1974 the "Citizens Inquiry on Parole and Criminal Justice in New York City" reported the results of their investigation of that state's parole system. Over four years they looked at those who were returned to prison within a year of release. The study groups included those who were released on parole and those who were denied parole and served their full sentences. Overall, there was no significant difference in the return rates for the two groups: about 10-11 percent in each went back within a year's time.*

Findings of a similar nature have occurred in other jurisdictions.** The results call into serious question the ability of a parole board to judge who is and who is not rehabilitated and the fairness of a discretionary system which cannot meet this criteria.

This result can be only partly blamed on the quality of parole board membership, if at all. In nearly every state one

* Citizen's Inquiry on Parole and Criminal Justice. "Report on New York Parole." (New York City, 1974)

** See also, Kastenmeier and Eglit, "Parole Release Decision Making" 22 Am. U. L. Rev. (Spring 1973) 477-525.

board sits to review the records of all prisoners incarcerated within the state. Interviews with the prisoner are usually held, but what do they really reveal? Most involve substantial game playing by the prisoner. But even when this is not the case, the incentive to tell the board what it wants to hear is very strong. Parole board members, generally speaking, are not full-time employees of the criminal justice system.

When not proceeding on dubious intuitive judgments derived from the interview process, the parole board relies upon corrections officials for their information on the progress, or lack thereof, of the prisoner. Since most prisoners must serve a minimum period of time (anywhere from one-third or more of the sentence) before they become eligible for parole, thousands of events transpire upon which corrections officials can form a judgement. Obviously, reporting of this behavior is, inherently, highly selective and thus of questionable reliability.

Even if the board is presented with good information it must still decide how the prisoner is going to act when released to the community. Therein lies the crux of the matter. Predicting human behavior is no small feat under any circumstances. The hard fact is that attitude and behavior behind bars is not an indication of attitude and behavior on the street.

Parole as a moderating influence on sentence assumes that the parole board can more objectively appraise the offender when the passions aroused by his offense have cooled. While this

Alternative methods for providing sentence equalization include strengthing of appellate sentence review,* extension of the time or the creation of new time intervals (with appropriate safeguards) within which application may be made to the court for sentence revision under the rules of court; and, executive clemency. In general a detailed examination of these recourses if beyond the scope of our report this year. It is sufficient to note that they are all legitimate avenues for modification of sentence and, in our present view, all better adopted to this purpose than parole determination.

Societal charity or "giving the offender a break" is frequently considered as one of the basic concepts underlying parole systems. This role may explain why clergymen are frequently appointed to parole boards, presumably as official dispensers of the sovereign's grace. However, there is no statistical data supporting the rationality with which charity is dispersed. Offenders released on parole appear just as likely to be recidivists as those released unconditionally according to one survey. A 1967 study by the Federal Bureau of Prisons of all prisoners released in the United States in 1964 revealed that the median time served by paroles was 21.1 months, while those discharged unconditionally served only 20.1 months. Moreover, these figures do not indicate how much additional time was served by the parolees for violation of parole conditions.

* As extensive review of experience under the 1969 Alaska sentence review legislation is set out in "Five Years of Sentencing Review in Alaska", Erwin, Robert C., 5 UCLA-Alaska Law Rev. 1 at page 1.

The arbitrariness of parole procedures as well as the substance of parole decisions has come increasingly under attack. A recent survey conducted by O'Learly and Nuffield* found that:

> "Parole boards were found to be moving away from their roles as autonomous decision makers and instead are developing an expanded function as part of larger departments of corrections. Parole board members are now, to a greater degree than a few years ago, full time personnel serving longer terms of office - perhaps an indication of a trend towards increased professionalism. Procedures at parole release hearings have not changed much in recent years, except for the manner of informing the inmate of the board's decision. On the other hand, procedures at revocation hearings have shown an increased tendency to accord the offender the right to a number of due process safeguards, a trend that was clear even before the requirements set forth in the recent Supreme Court decision in Morrissey v. Brewer."**

As Alaska's prison population has grown, and the weakness of charitably oriented parole has been more manifest, the national trend towards full time boards and staff for the parole system has increasingly discussed as an option for this state. The Commission's proposal for abolishing parole would obviate the necessity of funding for an elaboration of parole professionals.

In lieu of a parole system, the Commission is recommending a system of "good time" served as mandatory probation. For every day a prisoner spends in an institution following its rules his sentence is reduced by a day Nothing else a prisoner does will result in faster release.

* O'Leary and Nuffield, "A National Survey of Parole Decision Making." Crime & Delinquency July 1973 pp. 378-393.
** Ibid, at 378.

This system will require the Division of Corrections to establish where they have not done so, specific rules of conduct and guides to behavior providing adequate notice to inmates concerning their nature and the penalties which can be imposed for violations. This is not an unreasonable burden on the institution and should result in a more orderly life within institutions, both for inmates and correctional personnel.

Revocation of "good time credit" should result only after an administrative hearing at which the inmate can defend himself according to procedures now generally applicable to good time loss hearings. While we do not propose the adoption of all standards applicable to a probation revocation to an administrative hearing on loss of good time, almost any process would be a clear advance over parole denials at which inmates have almost no procedural rights. Both sides will know in advance what their rights and responsibilities are, and what consequences will flow from disregard of those factors. This system will introduce a new degree of certainty to prison life.

Moreover, because "good time" under this proposal would be the only avenue to early release, the Division of Corrections may find that its rehabilitation programs will become more relevant or even undergo changes in their basic nature. Unquestionably, inmates gravitate towards rehabilitation programs within institutions which they perceive as having current favor with parole boards

rather than those which might be most appropriate to their need or real personal interest. Too frequently, an individual who has no desire to honestly participate in a rehabilitation program will do so because it will look good on his record at parole hearings. These kind of participants inject a motivational distortion disruptive to those who are participating for more sincere reasons.

Elimination of parole con games would create an atmosphere in which it would be desirable to give a more substantial voice in the type of programs offered within institutions to inmates. The result might be an improvement ir over-all rehabilitation programming. At the very least one might assume that day-to-day conditions within institutions should improve since the inmates would be engaged in activities serving <u>their</u> goals as opposed to activities serving the ends of the correctional system.

In sum, under a "good time" procedure a prisoner knows the day he enters prison how much time he will have to serve and under what conditions. If his behavior conforms to institution rules and regulations he knows when he will be released. This system removes most release-related incentive for an inmate to participate in rehabilitation oriented programs and allows the programs to operate and be evaluated according to their real justification.

As earlier indicated, though a prisoner may be a model, the special jurisdiction of the criminal justice system over him does not end until his until full sentence is served. Earned good time converts to mandatory probationary time in which the state

can both assist in and evaluate the offenders readjustment to society for up to two years.

It is contemplated that the offender will serve his mandatory probation according to general conditions of probation similar to those now used in Alaska but subject to piecemeal release of condition at the discretion of the division of corrections, based upon the necessity of close supervision and other criteria. The condition that no offense be committed during the period of probation would be unreleasable. Just as with probation as now administered, this would give the prosecutor the option of proceeding on a lesser standard of process and proof for minor offenses which could be served within the remaining mandatory probationary time. There is no extension of mandatory probation however without a fresh conviction.

This system of mandatory probation should in many cases relieve the judge of the necessity of imposing a sentence of probation on condition that the offender first serve a certain amount of time in jail, an existing practice which causes some confusion among the public. It is not intended to restrict existing judicial prerogatives to impose additional terms of probation, probation in lieu of imprisonment etc. (except where barred by mandatory sentence requirements.).

Granted, the proposal does not meet the complaint of those who point out that straight time allows an individual who simply

follows the rules to be released from prison in precisely the same condition character-wise as he entered. However, all the data currently available on the success of prison-run rehabilitation programs strongly suggests that straight time would produce no major change in current results.* It should be clear, however, that the Commission is not questioning the validity of rehabilitation programs currently being offered in Alaska or suggesting that they be abandoned. We are only pointing out that elimination of a system which offers the wrong incentives to participate in such programs is not likely to result in increases in recidivism among inmates after their release from prison.

* While evaluation of rehabilitation programs is not of immediate concern to the Commission, we can not ignore the impressive array of studies which indicate the general failure of rehabilitation programs within prisons, whatever their nature, to have any appreciable impact on recidivism rates. See generally: Martinson, "What Works? - Questions and Answers About Prison Reform" The Public Interest (Spring 1974) pp. 22-54; Hood, "Research on the Effectiveness of Punishments and Treatments," in Crime and Justice, ed. Leon Radzinowicz and Marvin Wolfgang (New York: Basic Books, 1971), vol. 3 pp. 159-182; Bailey, "Correctional Outcome: An Evaluation of 100 Reports," in Crime and Justice, supra, vol. 3, p. 190: and, Wilkins, Evaluation of Penal Measures (New York, Random House, 1969), p. 78.

GOOD TIME AND ITS RELATION TO PAROLE

The Commission has recommended that the system of credit towards early release from sentence, usually called "good time", replace the present parole system. (A detailed explanation of the Commission's reasons supporting this decision can be found in the preceding comments on parole.)

Though Section 21 of Article III of the Alaska Constitution mandates that a system of parole be provided by the legislature by law, we take the view that enactment of the good time system as modified in this proposal includes sufficient characteristics of parole to meet the constitutional standard even though we concluded that the use of the term "parole" in the contemporary context might be misleading.

The Commission recommends that A.S. 33.20.010 - 50, be modified or repealed should legislative action be taken on this proposal to conform with those recommendations.

The Commission recommends that the Legislature provide for a good time system by statute, leaving the matter of development of administrative guidelines to the Division of Corrections.

To facilitate administration of the good time system the Commission recommends that the statute establishing it provide for a day of credit towards release for each day of the sentence served in conformity with division rules and regulations. This standard should apply to all sentenced prisoners, regardless of the crime for which they were convicted.

The Commission also recommends that the Division of Corrections review its rules and regulations governing inmate conduct and the penalties attached thereto in the event a new system of good time is enacted by the Legislature to insure that those rules, regulations and penalties conform to the spirit and intent of the new system.

While the Commission recommends that the Legislature simply provide for the earning of good time and for its forfeiture by statutory enactment, leaving to the Division of Corrections responsibility for the development of guidelines and procedures governing these matters, the Commission does recommend that the decision of the Alaska Supreme Court in McGinnis, et. al v. Stevens, et. al. (No. 1207, December 1, 1975), as it applies to good time, serve as a model in developing guidelines and procedures for administration of the recommended system.

The Division's current practice of maintaining a "time accounting sheet" on each inmate should be continued and the practice of making it available to the inmate upon request maintained under the new recommended system. Similarly, the Division should continue under the new system its practice of providing all new arrivals at institutions with written copies of the rules, regulations and procedures for that institution.

In so far as release from sentence resulting from good time served is concerned, the Commission recommends that such release not be unconditional since it is a new form of parole. The balance of the time remaining on the original sentence should be served by

the inmate under conditions established by the Division of Corrections. Those conditions should be set on a case by case basis. They should be designed to reduce the likelihood that the inmate will recidivate upon release. The range of options open to the Division should correspond with those normally associated with conditions of probation.

Violations of the conditions set at the time of good time release should be dealt with in the same manner as violations of the conditions of probation. That is, procedures for the revocation of probation which are in use at the time of violation of conditions of good time release should govern revocation of the latter.

During the period of release on good time, an individual should not be subject to search and seizure except upon issuance of a warrant or a showing of probable cause.

The Commission recommends that regardless of the length of time remaining on the sentence as a result of good time release, a maximum of two years be the limit of supervision under good time release.

Lastly, the Commission is aware that an occasion may arise in which an inmate, in view of corrections personnel, should be released from prison prior to the time at which he would be eligible for release under a good time system. In those circumstances, the Commission feels it would be appropriate for the Division to petition for executive clemency under A. S. 33.20.070.

HB 225

Sec. 1

Sec. 33.16.010. Established 5 member parole board, presiding officer has a minimum of 2 year related work esperience.

Sec. 33.16.020. Provided for nomination by the Governor.

Sec. 33.16.030. Sets out criteria for qualification of board members.

Sec. 33.16.040. Provides procedures for removal by Governor of board members and appeal process.

Sec. 33.16.050. Allows $100/day compensation for Board members plus travel and per diem expenses.

Sec. 33.16.060. Sets out minimum of 4 meetings per year of the board.

Sec. 33.16.070. Authorizes board to issue subpeona.

Sec. 33.16.080. Describes scope of responsibilities of board including records, standards, recommendations to legislature and commissioner and presentation of annual operating budget. The board shall adopt regulations under AS 44.62 which establish standards for parole eligibility to standards of supervision.

Sec. 33.16.090. Provides for Executive Director and staff.

Sec. 33.16.100. Establish eligibility guidelines for discretionary parole release of non presumptively sentenced prisoners and provided that prisoners released with good time deductions be considered on parole until the end of the period of original sentence.

Sec. 33.16.110. Provides for fixing eligibility for discretionary parole at the time of sentencing when period of imprisonment is over one year and at least 1/3 of term is served.

Sec. 33.16.120. Sets out broad criteria for paroling prisoners.

Sec. 33.16.130. Lists various sources of information for determining suitability, including: 1, presentence report, 2, sentencing recommendations, 3. history at facility, 4. correctional personnel recommendations, 5. criminal history, 6. physical and mental examination.

Sec. 33.16.140. Established prisoner's right to interview with a member of board, materials in pre-parole report he is intitled to see, may waive right to interview and receive a written decision.

Sec. 33.16.150. Provides for order of parole.

Sec. 33.16.160. Sets out parameters for conditions imposed by parole board and right of parolee to request reconsideration.

Sec. 33.16.170. Provides for waiver of hearing.

Sec. 33.16.180. Establishes confidentiality of pre-parole reports.

Sec. 33.16.190. Establishes right to appeal decisions of board to superior court.

Sec. 33.16.200. Assigns commissioner responsibilities including investigations and records.

Sec. 33.16.210. Commissioner may assign probation duties to parole officers.

Sec. 33.16.220. Sets out authority of DOC over paroless. Provides for discharge of parole after 5 years unless the board feels this is contra-indicated.

Sec. 33.16.230. Allows for discretionary release after 2 years of parole.

Sec. 33.16.240. Warrants.

Sec. 33.16.250. Revocation procedures.

Sec. 33.16.260. Basis for arrest on parole violation--warrant exigent circumstances.

Sec. 33.16.270. Allows parole officer to execute arrest.

Sec. 33.16.280. Applicability.

Sec. 33.16.290. Definitions.

Sec.2 Amended language AS 44.66.010(a)(3)

Sec 3. AS 33.20.040(a) Changed to say that persons released with certificates of deduction for good conduct will be on parole for that amount of time specified in the certificate.

Sec. 4. AS 33.15. repealed

Sec. 5. AS.33.16 enacted.

Sec. 6. Allows for replacement of board members

Sec. 7. 7/1/81 effective date.

POSITION PAPER/Department of Health & Social Services

POSITION PAPER
HOUSE BILL 225

House Bill 225 presents many positive changes to the current Parole Board statute including:

a) Five year terms for Board members as recommended by the Commission on Accreditation for Corrections and other professional organizations.

b) Statutorily sets the compensation of Board members at $100 per day for each day they are involved in carrying out Parole Board business.

c) Requires the Board to maintain standards for the release of offenders.

d) Requires the Board's regulations to be promulgated pursuant to the Alaska Administrative Code, making the regulations more accessable to the public.

e) Defines statutorily the bases for the appeal of Board decisions.

f) Sets standards for the imposition of any condition of release and allows the offender to appeal of any condition imposed.

g) Allows the Board to discharge parolees from parole after two years of supervision cutting down the parole officers' workloads and limiting the intrusion of the State into the lives of offenders. It requires the offender be discharged after 5 years unless good cause is shown.

h) Provides clarification of definitions and of the mandatory release statutes.

i) Establishes statutorily the bases for the removal of Parole Board members.

The changes listed in sections a) through g) above are supported by the Commission on Accreditation for Corrections, the Alaska Corrections Masterplan consultants and other professional corrections organizations. These are the same provisions that were included in HB 983 passed by the Alaska House of Representatives in 1980. This bill does an excellent job of balancing the interests of the offenders and of the public. The costs of implementing this bill are negligible. It allows the Parole Board to continue out its functions in a manner that current research shows has been very equitable and just.

POSITION PAPER/Department of Health & Social Services

POSITION PAPER
HOUSE BILL 225

The Department of Law is currently drafting a bill that would abolish the Parole Board. We are taking no position on this bill.

Recommended by _____ Date 3/10/81
Samuel H. Trivetto
Executive Director

Recommended by _____ Date 3/10/81
Charles F. Campbell
Director
Division of Corrections

Approved by _____ Date 3/10/81
Helen D. Bellard
Commissioner
Department of Health
and Social Services

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
Bill/Resolution No. House Bill No. 225
Title An Act relating to parole of offenders & continuing existance of the Board of Parole
Requested by _____ Date _____

II. FISCAL DETAIL
Agency Affected Health and Social Services
Program Category Affected Offender Confinement, Reformation and Supervision
BRU, Program, or Subprogram(s) Affected Adult Confinement; Probation & Community Programs
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

This bill essentially enables the Board of Parole to continue their existance and carry out their responsibilities in the same general manner as in the past. Therefore, there would be no fiscal impact on the Division of Adult Corrections.

IV. DATE March 5, 1981 PREPARED BY Roger C. Iampa
AGENCY Division of Corrections/ Dept. of H & SS.
PHONE 465-3570

Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named) M&B Approval _____ Date _____

JJ-001 (Rev 12/80)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
Bill/Resolution No. House Bill 225
Title An Act Relating to Parole of Offenders: Continuing the Existence of the Board
Requested by Representative Martin Date February 25, 1981

II. FISCAL DETAIL
Agency Affected Department of Health and Social Services
Program Category Affected Justice
BRU, Program, or Subprogram(s) Affected Parole Board
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

		FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100	PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
200	TRAVEL	-0-	5.5	5.9	6.4	6.9	7.5
300	CONTRACTUAL	-0-	2.4	-0-	2.8	-0-	3.2
400	COMMODITIES						
500	EQUIPMENT						
600	LAND & STRUCTURES						
700	GRANTS, CLAIMS, ETC.						
800	COMPENSATION	-0-	23.8	23.8	23.8	23.8	23.8
	TOTAL	-0-	31.7	29.7	33.0	30.7	34.5

FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	31.7	29.7	33.0	30.7	34.5
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

IV. DATE March 5, 1981 PREPARED BY Samuel H. Trivette
AGENCY Parole Board
PHONE 465-3384

Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named) M&B Approval [signature] Date 3/6/81

33-001 (Rev. 12/80)

A. Section .020 & .030, Nomination/Selection of Members

Budget one trip to Anchorage, Fairbanks, Bethel, Nome, Kenai, Ketchikan, and Sitka to meet with organizations to recruit for Board members and to administer member assessment. One additional day trip to one location to do final interviews and train on member responsibilities.

Travel	3.8

B. Section .050, Compensation

a) Reading reports - assume 225 cases/year X 3/4 hours per file = 23 "member days"
Guess 23 X 5 members X $100 = 11.5

b) Phone log shows average of 30 calls/quarter to the office X 4 quarters = 120 calls/year for handling appeals, requests for special hearings, setting mandatory release conditions, etc.
120 calls X $120 = 12.0

Compensation Total	23.5

C. Section .080, Responsibilities

a) Costs to rent meeting rooms, advertise, professional recording of hearings, to establish regulations in the Alaska Administrative Code.

Contractual	2.4

b) Travel costs for Executive Director and Chairman to conduct 1 day hearings in Anchorage, Fairbanks, and Juneau.

Travel	1.7

c) Compensation for Chairman 3 days at $100.

	.3
Section .080 Total	4.4

Assumptions

1. Travel will increase at a rate of 8% per year.
2. Contractual will increase at a rate of 8% per year, but hearings to modify regulations will be held only once every two years.

STATE OF ALASKA

BOARD OF PAROLE

PAROLE REGULATIONS

SEPTEMBER 1980

TABLE OF CONTENTS

ARTICLE 1. ELIGIBILITY FOR PAROLE

Section

005. ELIGIBILITY GENERALLY. A sentenced state prisoner other than one sentenced under AS 12.55.086 (b) serving a minimum term of at least 181 days, or six months, and who meets the requirements of this chapter, is eligible to be considered for release on discretionary parole by the Board.

Authority: 33.15.080
33.15.180
33.15.230
33.15.240
12.55.086
12.55.125

010. EXCEPTION TO GENERAL ELIGIBILITY. A prisoner sentenced in accordance with AS 12.55.086(b), to a period of incarceration as a condition of a suspended imposition of sentence is not eligible for discretionary parole unless he has been sentenced to a term in excess of one year of imprisonment.

Authority: 12.55.086

015. GROUP A ELIGIBILITY. If the sentenced prisoner's offense was committed prior to May 16, 1974, he is eligible for discretionary parole at anytime unless the sentencing judge required the sentenced prisoner to serve a period of imprisonment before he is eligible for parole, in which case the prisoner is not eligible until that period has been served.

Authority: 33.15.180
33.15.230
33.15.240

020. GROUP B ELIGIBILITY. If the sentenced prisoner's offense was committed after May 15, 1974, but before January 1, 1980, he is eligible for discretionary parole as set forth in this section.

(a) The sentenced prisoner will generally be eligible for discretionary parole after serving one-third of the period of imprisonment.

(b) However, the sentencing judge may require the sentenced prisoner to serve more than the mandatory one-third period of imprisonment before he is eligible for discretionary parole, in which case the prisoner is not eligible until that additional period has been served.

(c) A prisoner sentenced to a term of life under this section is not eligible for discretionary parole until he has served at least 15 years of imprisonment. The sentencing judge may require the sentenced prisoner to serve more than 15 years before he is eligible for discretionary parole, in which case the prisoner is not eligible until the additional period has been served.

Authority: 33.15.080
33.15.180
33.15.230
33.15.240
12.55.086

025. GROUP C ELIGIBILITY. A sentenced prisoner whose offense is committed after December 31, 1979, is eligible for discretionary parole as follows.

(a) A prisoner sentenced for 1st degree murder is not eligible for discretionary parole until he has served a minimum of 20 years of imprisonment, or one-third of his period of imprisonment, whichever is greater.

(b) A prisoner sentenced for 2nd degree murder or kidnapping is not eligible for discretionary parole until he has served a minimum of five years of imprisonment, or one-third of his period of imprisonment, whichever is greater.

(c) A prisoner sentenced in accordance with AS 12.55.125(c), AS 12.55.125(d), or AS 12.55.125(e), or of the crime of manslaughter, is eligible for discretionary parole after serving one-third of the period of imprisonment, unless the sentencing court specified a longer period of eligibility in the judgment and commitment, in which case the prisoner is not eligible until that additional period has been served.

(d) A prisoner sentenced under AS 12.55.135 is eligible for discretionary parole as outlined in Sections 05, 10, 15, and 20.

(e) A prisoner convicted and sentenced in accordance with AS 12.55.125(c)(1), (c)(2), (c)(3), (d)(1), (d)(2), (e)(1), (e)(2), is not eligible to be considered for discretionary parole by the Board.

(f) A prisoner sentenced in accordance with the provisions of AS 12.55.175 is eligible for discretionary parole as set forth in Sections 05, 10, 020(a) and (b).

Authority: 33.15.080
33.15.180
33.15.230
33.15.240
12.55.086
12.55.125
12.55.175

030. EFFECT OF PRIOR SERVICE ON ELIGIBILITY. Time spent in custody prior to sentencing in connection with the offense for which the prisoner is applying for parole, is counted as part of the period of imprisonment in calculating the discretionary parole eligibility date.

Authority: 11.05.040
33.15.080

035. EFFECT OF GOOD TIME ON ELIGIBILITY. The remissions of sentences set forth in AS 33.20.010 and AS 33.20.020 do not reduce the minimum period of imprisonment to be served before the prisoner is eligible for discretionary parole.

Authority: 33.15.080
33.15.100

040. CONCURRENT SENTENCES. Generally when determining discretionary parole eligibility on concurrent sentences, eligibility will be computed on each sentence to insure proper credit is given for prior service on each conviction. The prisoner is eligible for discretionary parole release when he has reached eligibility on all sentences. The most distant eligibility date will be designated as the official discretionary parole eligibility date.

Authority: 11.05.040
33.15.100

045. CONSECUTIVE SENTENCES. Generally, when determining discretionary parole eligibility on consecutive sentences, eligibility will be computed on each sentence and the aggregate of the individual eligibilities becomes the official parole eligibility date. Because of the many differing parole eligibility laws, unusual cases which require computation under more than one section of this article will be reviewed by the Board staff at the request of the parole applicant or the division of corrections.

Authority: 11.05.050
33.15.100

050. CALCULATION OF ELIGIBILITY DATE. Within 60 days after the date of sentence, the division of corrections shall calculate the parole eligibility date of each prisoner eligible for discretionary parole in accordance with Sections 05-45.

Authority: 33.15.100
33.15.150
33.15.230

055. WRITTEN NOTIFICATION OF ELIGIBILITY DATE. Written notification of the eligibility date shall be transmitted to the sentenced prisoner and to the Board office once it is calculated.

Authority: 33.15.100
33.15.150
33.15.230

060. APPEAL OF ELIGIBILITY DATE. If the sentenced prisoner disagrees with the parole eligibility date calculated in accordance with Section 50, he shall immediately notify the Board office in writing of his disagreement and his reasons for believing the calculation in error.

Authority: 33.15.100

ARTICLE 2. ATTENDANCE AT PAROLE BOARD ADJUDICATORY HEARINGS

Section

070. CLOSED GENERALLY. Except as specifically provided in this chapter, Parole Board hearings are closed to the public. Any person, group or agency may submit written information to the Board for consideration.

Authority: 33.15.100
44.62.310

075. PERSONS ALLOWED AT HEARINGS. (a) The members and staff of the Board, the prisoner/parolee, attorneys for the prisoner/parolee or for the State, and the division of corrections employee(s) responsible for the case, may attend Board hearings.

(b) Witnesses called on behalf of the State or on behalf of the parolee may be present to present testimony and answer questions at revocation and rescission hearings.

Authority: 33.15.100
33.15.140
42.62.310

080. ATTENDANCE BY OTHER GOVERNMENT EMPLOYEES. Upon request the Board may allow other government employees or other persons having a legitimate interest in a Board hearing, to attend a hearing. A request to attend a hearing must be made in advance of the hearing to the Board representative in charge of the hearing. The decision to permit attendance is discretionary with the Board. The wishes of the prisoner/parolee will be considered in the decision to allow any observers at a meeting.

Authority: 33.15.100
33.15.140
44.62.310

085. WITNESSES AT HEARING. (a) Any interested individual or official may provide information regarding any person involved in the parole process. Such information must be provided in writing to the Board.

(b) Parole Release Hearings: The Board discourages the physical appearance of witnesses at parole release hearings, and instead prefers to have any relevant testimony reduced to writing. In unusual circumstances, if a prior request is made, the Board may permit the appearance of a witness at a parole release hearing. Unless exigencies make it impossible, the Board requires the witness to have his comments available in written form also.

(c) Revocation & Rescission Hearings: The Parole Board permits the attendance of witnesses at revocation and rescission hearings, and witnesses may be made available by any of the parties to revocation and rescission hearings.

(d) One Witness Present: Only one witness at a time will be permitted to be present and give testimony at a hearing.

Authority: 33.15.100
33.15.140

ARTICLE 3. PAROLE PROGRESS REPORTS

Section

090. DEFINITION. In this chapter "parole progress report" means the reports prepared the Board when a prisoner applies for discretionary parole, and includes the information included in the reports referred to as "pre-parole reports" in AS 33.15.140.

Authority: 33.15.140

095. REQUIREMENT FOR REPORT. A parole progress report must be completed and reviewed in all cases when a prisoner is being considered for discretionary parole by the Board.

Authority: 33.15.140
33.15.150

100. PRESCRIBED FORMS AND FORMAT. A parole progress report will be completed on each discretionary parole applicant on the forms provided by the Board following the format established by the Board.

Authority: 33.15.150
33.15.230

105. ATTACHMENTS TO REPORT. The following information shall be attached to the parole progress report.

(a) All judgments and commitments.

(b) Presentence report.

(c) Psychiatric, psychological, or other mental health reports.

(d) Parole application.

(e) Parole guidelines matrix information

(f) Any letters received by the division of Corrections pertinent to the applicant's request for parole.

Authority: 11.15.134
33.15.060
33.15.150
33.15.230

110. DISCLOSURE OF REPORT. The parole progress report is confidential and may not be disclosed to anyone without the writtern permission of the Board.

Authority: 33.15.100
33.15.140

115. RESPONSIBILITY FOR COMPLETING REPORTS. Parole progress reports will be completed by staff of the division of corrections.

Authority: 33.15.100
33.15.150
33.15.230

ARTICLE 4. DISCRETIONARY PAROLE RELEASE HEARINGS

Section

120. FREQUENCY AND LOCATIONS. (a) The Parole Board will conduct discretionary parole release hearings at least four times annually in the geographic areas of Juneau, Fairbanks and Anchorage.

(b) Prisoners located in Alaska correctional facilities outside the geographic areas of Juneau, Fairbanks and Anchorage will be transported to suitable facilities in these regions for parole release hearings.

(c) A Board representative will travel to contract facilities located outside the State of Alaska twice annually and conduct parole interviews with sentenced prisoners eligible for parole.

Authority: 33.15.100

125. NOTIFICATION OF HEARINGS DATES. (a) The Board will establish the tentative dates of the next Board hearings as soon as possible after the completion of the previous hearings.

(b) Upon the establishment of the tentative Parole Board dates, the Board will notify the state correctional facilities in which the hearings are scheduled and will notify affected contract facilities.

(c) A copy of this notification of schedule will be made available to each person applying for parole under section 135, and the schedule will serve as notification that the Board will be considering his case.

(d) The division of corrections must provide the Board with a list of all prisoners who are scheduled to have their case considered by the Board and a list of all prisoners who are eligible but have waived their appearance, no later than three weeks before the scheduled Board hearings.

(e) The Board may modify any of the hearing dates established under subsection (a), and the Board will notify the division of corrections and any affected contract facility of any changes as soon as possible.

Authority: 33.15.100

130. DISPOSITIONS AVAILABLE TO THE BOARD. At a discretionary parole release hearing, any one of the following decisions may be made by the Board.

(a) The Board may, in its discretion, parole an applicant to an approved plan under Sections 225 and 230, which may include parole within the State of Alaska, parole to any jurisdiction under the interstate compact on parolees, or parole to a detainer from any recognized jurisdiction.

(b) The Board may continue the case for review at any subsequent Board hearing.

(c) The Board may deny the application for discretionary parole and require the prisoner serve the remainder of his sentence without further review of his application.

Authority: 33.15.100
33.15.120
33.15.190

135. APPLICANT RESPONSIBILITIES. (a) The applicant shall provide the appropriate division of corrections staff with all information requested for inclusion in the parole progress report.

(b) The applicant shall fully, completely, and truthfully fill out a parole application. The completed application must be received a minimum of four weeks before the next tentatively scheduled Board hearings in order for the case to be considered at that meeting. If the Board has previously reviewed the prisoner's application, he needs to fill out only the part of the application dealing with release plan and potential problems if released, unless he wishes to change any other information in his initial application.

(c) The applicant shall obtain and provide the division of corrections staff with written documentation of his parole release plan. This should include, but is not limited to, employment verification, job training verification, educational plan verification, housing verfication, and other letters of reference relevant to an applicant's plan. An applicant expecting to return to a small community where no parole officer is located should obtain documentation from the community's governing body of its willingness to receive the applicant in the community.