



KEY FINDINGS

COMPREHENSIVE, INDEPENDENT RESEARCH REPORT ON KEY PAROLE ISSUES & TOPICS

- **Structure of Parole/Releasing Authorities**
- **Scope of Releasing Authorities**
- **Factors Determining Release**
- **Release Decision Process**
- **Time Served**
- **Supervision Policy and Practice**
- **Violations of Conditions/Revocations**
- **Statistics and Recidivism**

... and more

FROM: CHARLES TRAUGHBER, APAI President and Chair, Tennessee Board of Probation and Parole and CATHERINE McVEY, Chair, 2007-2008 Survey Committee, APAI Chair, Council of Parole/Releasing Authorities and Chair, Pennsylvania Board of Probation and Parole

THE ASSOCIATION OF PAROLING AUTHORITIES INTERNATIONAL (APAI) is a not-for-profit organization established in the early 1970s as the sole recognized voice for the highest professional standards of responsible parole practice. As an organization, we are dedicated to advancing the profession of parole boards and releasing authorities (RA) by demonstrating that the release processes of the criminal justice system are essential elements for making our society a safer, better place to live. APAI undertook an initiative in 2007 to conduct an independent and comprehensive survey to update knowledge about parole boards and releasing authorities with responsibility for determining offender release from prison and post-release supervision. This document reports the Executive Summary and Key Findings of that survey.

Parole boards and releasing authorities play an essential role within our criminal justice systems in that they are responsible for...

- **ASSESSING** offenders' readiness for release to the community
- **STRUCTURING** supervision through imposed conditions, parolees environment and activities, and
- **RECOMMITTING** offenders who cannot continue to be safely and effectively managed in the community.

The APAI survey was successful in gathering a robust amount of information about the policies and protocols of the RAs domestically and, to a lesser extent, internationally. The survey contains in-depth, comparative data of U.S. jurisdictional and federal systems of parole and release as well as information pertaining to international parole entities. Full findings are presented in the body of the complete report, which is available on APAI's website:

www.apaintl.org/en/aw_surveys.html

The 2007 survey will serve as the foundation for future parole and release system surveys that will be conducted by APAI. It is anticipated that the future surveys will focus as well on timely topics, which will be examined in greater detail. As these surveys are completed, they too will be made available on APAI's website in the Resources section.

If you are interested in advance findings as new surveys are released, please contact us so we can keep you apprised of future studies:

www.apaintl.org/en//ab_contactus.html

We will be happy to place you on a First-To-Know basis for future related information.

— Throughout this document, the term 'releasing authority' (RA) refers to parole boards or other releasing entities.

Statistics and Recidivism

- 19 U.S. RAs (44%) reported some level of difficulty in producing statistics for "number of offenders paroled."
- 29 U.S. RAs provided recidivism rates over periods ranging from one to over three years.
- 14 U.S. RAs reported that their one-year average recidivism rate grew by 25%, 4 RAs reported two-year rates of 35% and 11 RAs reported three or more year rates of 43.4%.
- The most cited events included in recidivism rates were new convictions (29), revocation for new criminal activity (28) and technical violations (28), all of which resulted in a return to prison.
- 19 U.S. RAs reported having secure alternative facilities that can be used in place of incarceration. Of these, 15 reported that violators could be held in these facilities for several months or longer without being counted in the recidivism rate.
- Of the non-U.S. respondents, two reported moderate to high difficulty in reporting statistics and two reported high to impossible in reporting statistics.
- Of the non-U.S. respondents, three respondents reported a one year recidivism rate between .5% - 8.5%.

— Throughout this document, the term 'releasing authority' (RA) refers to parole boards or other releasing entities.
— Because all RAs function differently, some questions or sections of questions did not apply and therefore were not answered by all respondents. In these cases, percentages do not necessarily represent all RAs. For further comparative data, see the full report.

About APAI

THE ASSOCIATION OF PAROLING AUTHORITIES INTERNATIONAL, a not-for-profit network, serves as the recognized voice for the highest professional standards of responsible parole practices. APAI is dedicated to the training and education of all those serving on parole boards and releasing authorities.

As sentencing systems have evolved to include various types of releasing authorities that support supervision following release, so too has APAI. Membership is drawn from U.S. and international jurisdictions with decision-making authority in the field of parole, from release to supervision to revocation. APAI's membership includes parole board chairs, parole board members, releasing authorities, releasing authority staff, hearing examiners/officers, parole supervision staff and other correctional professionals.

Website: Our website is frequently updated and provides a wealth of resource information, including surveys dating back to 1999. Visit us at www.APAINTL.org.

Acknowledgments

THIS SURVEY was commissioned by the Association of Paroling Authorities International. APAI acknowledges the following collaborative effort that brought this survey forward:

- **RESEARCH** was conducted by the Center for Research on Youth and Social Policy (CRYSP), University of Pennsylvania, Philadelphia PA, under the direction of Susan Kinnevy, Ph.D. and Joel Caplan, Ph.D.
- **FUNDING**, in part, was provided by the Public Safety Performance Project of the Pew Center on the States, Washington DC and the JEHT Foundation, New York NY.
- **LEADERSHIP AND EXPERTISE** were provided by Catherine McVey, Chair, Pennsylvania Board of Probation and Parole and APAI Survey Committee Chair; John Prevost, Assistant Director for Research, Evaluation and Technology, Georgia State Board of Pardons and Parole; and Jake Horowitz, Senior Associate, the Public Safety Performance Project of the Pew Center on the States.



2007 / 2008

Association of Paroling Authorities International

INTERNATIONAL SURVEY OF PAROLING AND RELEASING AUTHORITIES

Executive Summary and Key Findings

The APAI is the recognized voice for the highest professional standards of responsible parole practice.

www.APAINTL.org

APAI partnered with the Center for Research on Youth and Social Policy (CRYSP) at the University of Pennsylvania, the Pennsylvania Board of Probation and Parole, the Public Safety Performance Project of The Pew Charitable Trusts' Center on the States, and the Georgia State Board of Pardons and Paroles to design and implement an international survey of releasing authorities. The survey was sent to the administrative head of every releasing authority (RA) that was a member of APAI as of November 2007 (n=67). Respondents were asked a series of questions related to the structure and scope of the RA, the release decision process, time served and early release, supervision, violations of supervision, and revocation. RAs were also asked about decision-making instruments and to provide statistics on their offender populations. The response rate was 87.7%, with 47 of 50 U.S. jurisdictions, four U.S. Federal and six non-U.S. Releasing Authorities participating.

Appointments and Accountability

Most RAs are appointed by the Governor and serve an average of five years. They are most often independent agencies or affiliated with Departments of Corrections. A majority of RAs have the authority to make final release decisions and make those decisions with mixed determinate and indeterminate sentencing structure. Over half the RAs require interviews with parole eligible offenders prior to release, with interviews conducted in-person by a panel of RA members in most cases. A minimum of three panel members and three votes are needed to decide release.

The top three sources of input considered by RAs in their decision release process are from the victim, the offender's family and the district attorney. Other factors that impact most heavily on the decision to release are crime severity, crime type and offender criminal history, respectively. The most frequently cited factor in delayed release is a delay in program completion. Program completion is a prerequisite for release of some offenders in most RAs; almost all report that they do not have enough available programs. Most RAs permit time-off credits for all offender types, the most common one being statutory good time.

Authority, Supervision and Revocation

More than half of the RAs have full authority over supervision and most have the power to set conditions of supervision for all their offenders across crime categories. More than half of the RAs also have the authority to terminate supervision prior to maximum sentence for all offenders across crime categories. The most often cited responses to violations of supervision are outpatient and inpatient treatment programs, electronic monitoring and house arrest. Most RAs can approve motions to revoke parole, and over half can issue arrest warrants. Almost all RAs have the authority to manage or adjudicate violations, although only 75% can set the time-to-serve for revocation.

Over 90% of RAs can revoke conditional release for all offenders across crime categories. Revocation for most RAs include options that return offenders to prison with or without treatment as well as non-revocation options that place offenders in intermediate sanctions or community-based facilities. Management of community-based facilities usually resides with the RA's correctional authority. Of the instruments used to guide the parole process, the most commonly cited are the Static-99, LSI-R and instruments developed in-house. However, the only instruments that are routinely validated are those developed in-house.

Reporting

The most easily produced and regularly published statistic is the number of offenders paroled in a given calendar year. Other statistics seem to be difficult to produce, perhaps because the RAs are not always the entity that manages statistics. Only 29 RAs provided recidivism rates, with averages ranging from 25.1% calculated for one year to 4.28% calculated for over three years. The offender population used to calculate rates varied too much to report a pattern. The events used to calculate recidivism were generally those that resulted in incarceration. Only 19 RAs reported having secure facilities that can be used in place of incarceration.

– Throughout this document, the term 'releasing authority' (RA) refers to parole boards or other releasing entities.

Structure of Parole/Releasing Authorities

- Members of 34 U.S. RAs are confirmed by legislative process and members of 41 U.S. RAs serve a fixed term of office averaging five years.
- Governors appoint members for 85% of the U.S. RAs.
- Over 75% the U.S. RAs are independent agencies, either standing alone or attached to another entity.
- Of the non-U.S. respondents, all were confirmed by their legislative bodies, serve terms ranging from three - six years.

Scope of Releasing Authorities

- Over a third (34.0%) of U.S. RAs operate within a determinate sentencing framework; under a quarter (21.3%) operate within an indeterminate framework; the remaining (44.7%) use both determinate and indeterminate sentencing.
- 75% percent of U.S. RAs in jurisdictions with determinate sentencing frameworks indicate that they have some authority to release prior to sentence completion, illustrating that even determinate sentencing structures incorporate a discretionary release determination.
- 32% of U.S. RAs have the authority to make pardon release decisions that alter the original sentence.
- Of the non-U.S. respondents, four have both determinate and indeterminate sentencing structures, one did not respond and one has determinate only.

Factors Delaying Release

- 44 U.S. RAs indicate they require program completion as a condition of release and only two U.S. RAs report having enough programs.
- The most commonly ranked factor was "delays in program completion."
- The next most frequently cited factors that delay release are: "offenders not available for interviews," "reports (post sentence and other investigations) not completed on time" and "waiting for victim input."
- Of the non-U.S. respondents, four did not respond, one reported delay in program completion and one reported inadequate staffing as primary reasons of delay.

Release Decision Process

- Over 80% of the U.S. RAs report using decision-making instruments or parole guidelines; over 88% of those that do use instruments include a scoring process.
- Thirty-two out of 37 U.S. RAs responding reported that they use a risk assessment instrument; the most frequently used instruments are those developed in-house, Static-99 (sex offenders only) and LSI-R.
- When U.S. RAs were asked to rank the sources of input they consider in deciding release, in addition to official records on the offender and the crime, the most often cited were the victim (44), the offender's family (42) and the district attorney (41), respectively.
- Depending on the crime, between 60 - 81% of U.S. RAs are required to consider victim input when making release decisions. 87% permit in-person interviews, which are considered to have the most impact by 34 RAs.
- Of the non-U.S. respondents, five reported that they possess the final authority to release for all cases.
- Of the non-U.S. respondents, three reported use of parole guidelines, three do not use guidelines and three report use of other risk assessments.

Time Served

- Just under 50% of the U.S. RAs use a "percent of the sentence" to determine the minimum to serve for violent, sex, drug and public order crimes. Just over 50% use the same guide to determine the minimum for property crimes.
- Approximately one third of the U.S. RAs have fixed minimums for property, drug and public order crimes.
- Between 35 - 40% of U.S. RAs have fixed minimums for violent and sex crimes.
- Of the non-U.S. respondents, for all offense categories, three respondents reported a requirement for a percent of minimum served and one reported a fixed portion of time served.

– Throughout this document, the term 'releasing authority' (RA) refers to parole boards or other releasing entities.

– Six non-U.S. respondents replied to this survey: National Parole Board of Canada, Ontario Parole and Earned Release Board, Parole Board of Bermuda, New Zealand Parole Board, Parole Board of Puerto Rico, and England and Wales Parole Board.

– When the term "U.S. RAs" is used, it is referring to state jurisdictions and does not include responses of the responding Federal entities: U.S. Parole Commission, or the U.S. Army, U.S. Navy and U.S. Air Force Clemency and Parole Boards.

– For complete comparative data, see the full report.

Time Credits

- Over 72% of U.S. RAs (n=34) reported the availability of time-off credits for property, drug and public order offenses.
- Slightly fewer U.S. RAs offered credits for sex offenses (n=28 or 60%) and violent offenses (n=29 or 62%).
- For all crime categories, statutory good time and meritorious good time (program completion) were the two most common circumstances under which credits are offered.
- Of the non-U.S. respondents, four respondents reported time-off credits are not available and one respondent indicated time-off credits are available for all categories.

Interviews

- Almost three-quarters of the responding U.S. RAs report that inmate interviews are required as part of the release decision process.
- A higher percentage of U.S. RAs use in-person interviews during the release decision process across crime categories, with videotaped interviews being used secondarily.
- In 70% of the U.S. jurisdictions, a panel of RA members conducts inmate interviews, with most being a panel of three, or a panel of two with the third as a tie-breaker.
- Of the non-U.S. respondents, three indicated personal interviews are required, one responded that an individual authority member interview is required and five indicated the use of a panel.
- Of the non-U.S. respondents, four indicated a requirement to seek victim input.

Supervision Policy and Practice

- 68% of U.S. RAs have at least some authority over supervision.
- 27 U.S. RAs use a risk assessment instrument to determine conditions of parole.
- 22 U.S. RAs use a risk assessment instrument to determine levels of supervision.
- Over half the U.S. RAs have authority to terminate supervision prior to maximum sentence for all offenders across crime categories.
- Over one third of the U.S. RAs report having no authority to terminate parole for offenders under their jurisdiction regardless of crime categories.
- Of the non-U.S. respondents, four reported no authority over parole and probation jurisdictional or federal populations and one reported partial authority over parole and jurisdictional populations.
- Of the non-U.S. respondents, four reported authority to determine conditions of release for all crime categories and one reported partial authority to set conditions for all crime categories.
- Of the non-U.S. respondents, two indicated use of an assessment instrument to establish levels of supervision.
- Of the non-U.S. respondents, four reported authority to terminate supervision and two reported no authority to terminate supervision.

Violations of Conditions and Revocations

- 19 U.S. RAs (44%) use a decision matrix for intermediate sanctions short of revocation to prison; 12 use a matrix for revocation to prison decisions; 11 use time setting guidelines for revocation decisions.
- Over 90% of the U.S. RAs indicated that they respond to violations using treatment programs, electronic monitoring or house arrest.
- Over 50% of the U.S. RAs indicated that they respond to violations using day reporting centers, brief jail stays, and halfway back residential centers.
- Over 90% of the U.S. RAs can opt to revoke parole and send offenders back to prison.
- Over 70% of the U.S. RAs can revoke parole and send offenders to in-prison treatment programs.
- Over 80% of the U.S. RAs can choose not to revoke parole, but do place offenders in community-based facilities. Over 60% choose not to revoke parole, but do send offenders to intermediate sanction facilities.
- Of the non-U.S. respondents, three reported limited responses available for conditions violations.
- Of the non-U.S. respondents, five reported management of violations with authority to revoke and two reported authority to set time served. However, three hold the authority to revoke, two have the option to send violators to community facilities.

– Throughout this document, the term 'releasing authority' (RA) refers to parole boards or other releasing entities.