

STATUS REPORT ON PAROLE, 1995:  
RESULTS OF AN NIC SURVEY

November 1995

**National Institute of Corrections**

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# STATUS REPORT ON PAROLE, 1995: RESULTS OF AN NIC SURVEY

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## INTRODUCTION

Criminal justice broadly and corrections in particular are perhaps more in the public eye than they have been at any other point in United States history. Citizen discussion and media coverage of crime and society's response to it have done much to increase public understanding of issues such as sentencing, intermediate sanctions, and the use of imprisonment. Despite these advances, however, misperceptions do persist. Parole, for example, is sometimes thought of loosely as the early and—for that reason—inappropriate release of inmates from prison. Under today's pressure for predictability in sentences and increased time to be served in prison, this limited view of parole can make it a target for reform.

Closing the supposed “open door” of parole may seem to be a positive step toward improving criminal justice and corrections policies, a view that has periodically gained proponents up to the present day. As actually practiced, however, parole is not an open door. It is a system for the carefully considered release of eligible inmates from prison as well as a system that enhances the likelihood that offenders are successful in establishing a crime--free life in the community.

Parole has many strengths: its extension of correctional control over the offender into the community; its deliberative process of release consideration; its involvement of the public and crime victims in the justice process, and its role in assuring public safety, to name just a few. Those who want to improve their correctional systems as well as the public perception of corrections may want to consider the strengths that parole offers, communicate these strengths, and find opportunities to build on them. The experience of many agencies contributing to this study strongly support the view of parole as an asset to the corrections system.

### What Is Parole?

Though parole differs greatly from jurisdiction to jurisdiction, nowhere is it a mechanism for the random release of dangerous prisoners. Parole in a given jurisdiction may include:

- A process for considering the appropriateness of an eligible offender's release from prison to community supervision.
- A period of community--based supervision after a prison term, through which the corrections system can maintain control over the offender, provide assistance in his or her transition to the community, provide continued treatment programming, and monitor his or her successful adjustment to life outside the institution—or return him or her to prison if public safety is threatened.
- A power vested in a person or group to make informed release decisions for individual offenders, once the offender has reached parole eligibility.

Far from being random, the parole decisions of the person or group—the paroling authority—are carefully considered. They are based on offenders' criminal history, performance in the institution, potential risk to the community, and plans for release, as well as on input from crime victims and communities.

Parole board members<sup>1</sup> undertake their duties with personal commitment. Knowledge, training, and the use of increasingly sophisticated predictive tools contribute to their decision processes. Board members represent the citizens' perspective as they consider the intent of the sentencing court, the offender's current situation, and the overarching goal of public safety. Further, boards have an organizational memory of individual offenders and their cases, their failures to achieve parole or their progress toward that goal through education, treatment, and similar programs. None of these features is matched by a system that sets an automatic release date as the sentence is imposed.

### Purpose of the Survey

By initiating this study, the National Institute of Corrections (NIC) sought to describe parole, both as practiced in the United States in 1995 and as modified and shaped by policies set in place since 1990. The project's comprehensive approach included an examination of parole in fifty-two U.S. jurisdictions: the fifty states, the District of Columbia, and the federal government.

Themes in policy activity affecting parole. Parole recently has been an area of focus for several legislatures seeking ways to be tougher on criminals. New laws have lengthened sentences for violent or drug-related crimes; others have created requirements for the percentage of a sentence that must be served before an inmate is eligible for parole; and laws in some states have “abolished parole” by eliminating the human element in the release decision.

Paroling authority discretion to release inmates is, of course, just one of many aspects of parole that are undergoing policy consideration. Other changes have had less to do with punitiveness and more to do with effectiveness and with the openness of the parole process to both public and crime victim involvement. Nor are legislatures the only source of policy shifts affecting parole; new policies have been formulated by the paroling authorities themselves or by the broader corrections or public safety agency of which they are a part.

The breadth of change taking place in parole in this five-year period illustrates both the vitality of parole and jurisdictions' overall commitment to its place in their correctional systems. Findings in key areas such as the involvement of victims in the parole process, offender eligibility for release, and the role of the paroling authority in prison population management are discussed beginning on page 4.

The status of current paroling authority practice. Given the pace of changes imposed on parole throughout the 1990s, researchers, practitioners, and policy formulators need current data on parole powers and processes. This study therefore sought to capture a current view of how parole and related functions are managed by the states. Profiles of parole in each jurisdiction begin on page 12. The state profiles and Tables 1 through 23 in Appendix I provide a detailed view of parole and its operation throughout the United States in 1995.

The following table indicates findings on the current discretionary releasing authority vested in U.S. parole boards:

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1. The name of the paroling authority varies among U.S. jurisdictions. For consistency, this report uses the general terms “parole board” and “board” where appropriate.

Number of jurisdictions in which the paroling authority has discretionary power to order the release of eligible offenders from prison, for offenses committed in 1995:	35
Paroling authority has complete discretion	16
Paroling authority has limited discretion, based on offense of conviction	19
Number of jurisdictions in which the paroling authority lacks the discretionary power to order the release of eligible offenders from prison, for offenses committed in 1995:	17
Paroling authority continues to hear cases sentenced under earlier codes	16
Paroling authority does not review cases sentenced under earlier codes	1

### Project Method

This study examined many of the same issues as an earlier NIC--supported project conducted by the Association of Paroling Authorities, International (APAI) in 1990. Results of that project were reported in *The Practice of Parole Boards*, published by the Council of State Governments in 1994. Borrowing significantly from the APAI survey instrument, the NIC Community Corrections Division and Information Center developed a survey in early 1995 that was distributed to the paroling authorities in fifty states and the District of Columbia, as well as the U.S. Parole Commission. All fifty-two of these agencies responded to the survey. Agency responses were converted into a standardized narrative for each paroling authority. Data on specific aspects of the paroling authority and the release function in each jurisdiction were tabulated and are presented in Appendix I.

Agency respondents also were asked to identify policy changes since 1990 that have affected parole in their jurisdictions and to describe them or provide supporting documentation. Summaries of these policy actions were prepared and combined with the standard narratives into a profile for each state. The profile for each jurisdiction was returned to the paroling authority for review, discussion, and corrections. This ongoing process of verifying and expanding on the information contributed to a better presentation of the issues than would have been possible using survey responses alone. Personnel within the paroling authorities were very responsive to questions they fielded from NIC throughout this phase of the project, and their contributions to the project are greatly appreciated.

While the profile information was being finalized, staff examined the policy actions reported by survey respondents to identify patterns, similarities, and trends. The overall draft document was presented to participants in a September 1995 session of NIC's annual conference of state paroling authority chairs, and it was completed later that fall.

Limitations of the data. Readers should note that, in addressing policy changes that have affected parole, the study sought information only on changes that were actually adopted, whether by legislatures or by parole or corrections agencies. No attempt was made to examine every successful and unsuccessful policy consideration. To do so would have brought a more complete picture into focus but would have been beyond the scope of this study.

In addition, the survey instrument did not cover every possible aspect of parole. The cost implications of the changing availability of parole and the specific criteria for making parole release decisions are examples of areas that, if explored, could lead to a fuller understanding of parole as currently practiced.

Finally, the information presented here should not be assumed to be fully comprehensive for each state or jurisdiction. Many agencies contributed valuable information during the review process that fell outside the specific topics covered in the survey. It is likely that many more agencies would have done the same had additional follow-up taken place.

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## RECENT POLICY ACTIONS IN PAROLE

The results of the current survey demonstrate several trends in parole since 1990. Policy changes related to parole since that date have principally occurred as a result of legislation, although some have emerged from internal policy changes within the paroling authority or the broader correctional system.

The areas of parole that have seen the most substantial changes in the greatest number of jurisdictions include:

- Potential involvement of crime victims;
- Parole boards' discretionary release powers;
- Sentencing code modifications that affect offender eligibility for parole;
- Parole boards' involvement in inmate population management; and
- New programs and supervisory techniques.

Significant changes that were reported by fewer agencies—such as the increasing openness of the parole process to the public and the growing range of programs and placements available for paroled offenders—are discussed later in this section.

### Potential Involvement of Crime Victims

Many parole boards have formalized or expanded the access of crime victims to the hearing process and their opportunities to provide input to the release decision. Since 1990, twenty-eight jurisdictions acted either through legislation or board policy to increase victims' participation in the parole process.

For example:

- 3 Parole boards in Florida and Virginia are required to notify victims of impending release hearings, if requested.
- 3 The District of Columbia, Oregon, Rhode Island, Oklahoma, Tennessee, West Virginia, and Wyoming now permit victims to be present at release hearings and to present written or verbal statements.
- 3 Jurisdictions including Connecticut, Illinois, Indiana, and Maryland have given victims the specific right to provide input to their parole boards.

Several jurisdictions have initiated specific programs to facilitate victims' involvement in parole:

- 3 The Massachusetts Parole Board is purchasing a videoconferencing system to permit

victims of violent offenses to participate at a distance in parole hearings while the hearing is taking place.

- 3 Texas has established a Victims Service Department within the Board of Pardons and Paroles. The department responds to the needs of victims and their families, who have the opportunity to appear before at least one member of the board and detail in writing the impact of the offense.
- 3 The Ohio Parole Board holds a "Victim Conference Day" each month, on which victims may meet personally with board staff and express their views.
- 3 Virginia has an outreach procedure to encourage victim input and allow them to participate in determining release conditions for indeterminately sentenced offenders.
- 3 The parole board in Wisconsin meets with crime victims and their families at a location they select, eliminating their need to travel and to be exposed to the prison environment. The board also is involved in training victim--witness coordinators and meets regularly with community and victim advocacy groups.
- 3 Georgia and Wisconsin each have a full--time parole board employee to manage victim assistance. In Wisconsin, the office has an "800" number for assistance.

#### Parole Boards' Discretionary Release Powers

Legislatures across the nation have modified the powers of the paroling authorities to make parole release decisions. Some changes have expanded the role of the parole boards in determining the appropriate release of eligible offenders. Others have diminished the role of the paroling authority with the goal of maximizing the amount and predictability of prison time served by all offenders or by certain categories of offenders. Though in two--thirds of U.S. jurisdictions, the parole board retains discretionary releasing authority for all or some offenders, twelve parole boards in the past five years have lost some or all of their discretionary release powers as the result of such policy changes.

Parole board gains in releasing authority. In at least three jurisdictions, paroling authorities have gained, or regained, discretionary release powers.

- 3 After a period of nine years in which the Connecticut Board of Parole did not have discretionary releasing authority, the board has regained full release authority. The intent of the legislation was to ensure decisions based on public safety rather than institutional and system needs. At the same time, the Board of Parole also received responsibility for supervising parolees, a change that has placed all release, supervision, and violation decisions under the board's jurisdiction and a single operational philosophy.
- 3 In New Hampshire, legislation has authorized the parole board to select low--risk, nonviolent inmates for release before their minimum parole dates.
- 3 The Wisconsin Parole Commission regained control over release of some offenders through the state's new provision for presumptive mandatory release, under which the board can order offenders to serve until their maximum discharge date. The provision is used, for example, for serious offenders who refuse treatment while in prison.

Board authority losses for certain offenders. In four jurisdictions, new laws have eliminated the parole boards' authority to parole some categories of offenders, especially violent offenders.

- 3 Legislation in Georgia and South Carolina removed the parole boards' authority to parole offenders convicted of certain serious and/or violent offenses.
- 3 In New York, the board's release discretion has been curtailed for second--time felons convicted as "violent felony offenders."
- 3 The California Board of Prison Terms lost its discretionary releasing authority for all inmates except those who received an indeterminate life sentence.

Entire loss of boards' release authority over new prison commitments. Eight legislatures have ended their parole boards' authority to make discretionary release decisions for all inmates entering the prison system. These changes did not affect the boards' parole powers for previously sentenced inmates, nor did they end these states' requirements for parole supervision after release. These eight jurisdictions—Arkansas, Arizona, Delaware, Kansas, Mississippi, North Carolina, Ohio, and Virginia—joined nine that had acted before 1990 to eliminate discretionary parole release.<sup>2</sup>

- 3 In Arkansas, the parole board retains some authority only in serious cases (e.g., murder 1, kidnapping, rape, or certain drug--related crimes). The board does only a paper review of serious offenders in most cases, the purpose of which is not to determine whether the inmate should be released but to set conditions on the release. Release of an inmate can be delayed until he or she has completed any in--prison conditions imposed. Most inmates are mandatorily transferred out of the DOC to the Department of Community Punishment without review by the board.
- 3 The Arizona legislature revised the state's criminal code in 1993, eliminating discretionary parole release decisions for offenders convicted of crimes committed on or after the statute's effective date. Inmates are required to serve 85 percent of their sentences, with 15 percent reduction possible through credits for good behavior.
- 3 Delaware's 1990 sentencing guidelines removed the parole board's discretionary release authority. Instead, the state has a sentence modification process, through which the board may recommend sentence modifications to the sentencing court.
- 3 Kansas developed sentencing guidelines in 1993, establishing two grids, one for drug--related felonies and the second for non--drug--related felonies.
- 3 Mississippi's legislature abolished the parole board's discretionary release authority in April 1995. The law requires all offenders to serve 85 percent of their sentences, with the possibility of having the remaining 15 percent revoked for behavior.
- 3 The North Carolina board has no discretionary release authority over offenders convicted on or after October 1, 1994. The single exception is those convicted of driving while intoxicated (DWI), over whom the board retains responsibility for release decisions.
- 3 The Ohio legislature has abolished the parole board's discretion for parole release of offenders sentenced after July 1, 1996. Parole will be replaced by determinate sentences, automatic release, and a mandatory period of "post--release control." Despite an overall loss of release control, however, the board will retain the authority to delay release of offenders

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2. The nine jurisdictions that had eliminated discretionary parole release before 1990 are Florida, Illinois, Indiana, Maine, Minnesota, New Mexico, Oregon, Washington, and the U.S. Parole Commission.

based on institutional behavior and is empowered to impose “bad time” to equal up to one-half of the original prison term. The board will also continue to set the term of post-release control and to set community-based sanctions for each offender on release.

- 3 Virginia abolished discretionary parole through parole and good conduct allowances for all felons during a special legislative session in 1994.

#### Sentencing Code Modifications That Affect Offender Eligibility for Parole

To ensure that offenders—especially violent or repeat offenders—are held in prison for longer periods of time, legislatures have been revising their criminal codes. The new codes often limit discretion both at the front end, at sentencing, as well as at the back end, parole. Legislatures nationwide have passed truth-in-sentencing statutes, established new mandatory minimum sentences, eliminated statutory and/or earned good time, and generally revised their sentencing codes in the direction of greater determinacy. These measures have, in effect, delayed parole eligibility for the offenders affected. The net result is that, in at least half of the jurisdictions studied, certain categories of offenders are required to serve substantially longer time before they can be considered for parole than they would have five years ago.

- 3 The legislatures in states including Missouri, Montana, Nebraska, and Texas passed laws requiring some or all inmates to serve specified percentages of their sentences before they can be considered for parole. Inmates in some jurisdictions must serve 85 percent of the imposed prison term, a benchmark standard used in the Federal Violent Crime Control and Law Enforcement Act of 1994 (the “Crime Bill”).
- 3 The minimum time Maryland inmates must serve for a conviction of a violent crime has increased from 25 to 50 percent of the imposed prison sentence.
- 3 The Massachusetts and Michigan boards cannot consider inmates for parole until they have served 100 percent of their minimum sentence, minus earned good time; statutory good time has been eliminated in Massachusetts.

Lawmakers have also changed sentencing statutes to increase the minimum term to be served on a life sentence or to remove the possibility of parole for some life sentences. Over the past five years, at least nine legislatures have addressed the issue of parole eligibility for life-sentenced inmates.

- 3 California's “three strikes” law created life sentences without the possibility of release for third-time serious or violent offenders.
- 3 In six jurisdictions (the District of Columbia, Georgia, Montana, North Carolina, West Virginia, and Wisconsin) new legislation mandated life sentences “with no parole” or “with no mercy” for certain categories of offenders.

#### Parole Boards' Role in Inmate Population Management

As prison terms are lengthened, prison populations must grow. Crowding in prisons eventually forces policymakers to find ways, besides costly construction and operation of new prisons, to relieve population pressures. Paroling authorities have sometimes become de facto regulators of prison populations—the outlet through which the consequences of other policy decisions can be amended. Parole boards assume this population control role most directly through implementing emergency release policies, but also by developing or utilizing alternatives to incarceration for parole violators.

Emergency release policies. Emergency release policies have been created by state governors,

legislatures, and other policymakers and involve the oversight of prison populations by a designated commission or board. The policies define the procedures to be implemented when the prison population exceeds a certain level. When the commission determines that facility capacity has been exceeded, certain inmates are either discharged from their sentences or made immediately eligible for parole consideration. These mechanisms have been controversial from the beginning—and in any case, they do not create a permanent solution to crowding.

In 1981, Michigan became the first state to adopt an emergency release act designed to relieve crowding. By 1988, another twenty-one jurisdictions had adopted emergency powers acts, although some later rescinded them as new construction or, occasionally, revised sentencing practices eased prison crowding. Since 1990, four additional jurisdictions (Florida, Hawaii, Oklahoma, and Rhode Island) have developed emergency release mechanisms.

The jurisdictions developing such mechanisms since 1990 call on their parole boards in varying degrees to implement these policies:

- 3 Florida's Control Release Program, first activated in November 1990, provides that when the prison population reaches a specified level, the parole board must review for release offenders convicted of certain offenses.
- 3 In 1993, Hawaii's legislature created a Corrections Population Management Commission, which includes the chair of the paroling authority, to establish inmate population limits for each facility and develop policies to keep populations under these caps. In addition, Hawaii's parole board now reviews inmates four months prior to their tentative parole dates, rather than two months prior as in the past. In order to free bed space as quickly as possible, the board has also advanced the parole release dates of those it has decided to parole.
- 3 Rhode Island created a commission to deal with crowding. If and when a certain level of crowding is reached, the commission will authorize the parole board to make parole release decisions. The specified level of crowding has not yet been reached.

Prison population caps have been overturned in two states:

- 3 In North Carolina, additional prison construction alleviated facility crowding.
- 3 In Iowa, the cap was overturned as a result of political pressure. In that state, the board has changed its focus from finding every inmate who was remotely possible for parole to keeping the public safety as its primary concern.

Alternatives to incarceration for parole violators. Because of the large numbers of prison admissions that are due to the return of parole violators, jurisdictions are increasingly looking for alternatives to reincarceration in dealing with potential revocations. (Although the survey did not request 1994 figures on admissions, a comparison of the number of violators revoked from parole with the total year--end prison population indicates that in some states, the number revoked was equal to as many as 18 to 20 percent of the total year--end inmate population. [See Table 23, Appendix I.]

Since 1990, sixteen jurisdictions (Connecticut, the District of Columbia, Florida, Georgia, Hawaii, Kansas, Louisiana, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, Texas, and Washington) have formulated new responses to violations of parole. These responses range from violation guidelines or informal policies designed to reparole violators or reinstate their parole in lieu of revocation to the creation of specific new alternatives to reincarceration. A number of



boards have developed explicit policies to structure revocation decisions and to find cost--effective alternatives to incarceration for those who commit both technical violations and new offenses.

In some cases, the sanction or placement is designed to respond specifically to the nature of the parole violation. Such policies both control prison populations and address offenders' criminogenic needs.

- 3 Parole boards in Florida, Hawaii, and New York require those who violate because of substance abuse problems to participate in intensive substance abuse treatment.
- 3 West Virginia's policy is to revoke and reincarcerate for new offenses and to increase supervision or provide substance abuse programming for technical violators.
- 3 In North Dakota, the board has been involved with the Division of Parole and Probation in developing a program that allows a parole officer to impose an intermediate sanction on a parole violator without returning the parolee to the parole board.
- 3 The Oregon system of structured sanctions provides a graduated response to violations, with reincarceration the most severe sanction.
- 3 Pennsylvania's parole board, in response to the crowded facilities that contributed to the 1989 Camp Hill riots, developed a halfway--back program and an intensive supervision program for technical parole violators who might otherwise have been incarcerated.
- 3 Washington's intermediate sanctions grid for parole violators is designed to reverse revocation trends and assure parole success, but it also affects prison populations.

#### Other Significant Policy Changes

Openness of the parole process. Paroling authority operations have been made more open to the public in at least six states (Delaware, Kentucky, Nevada, North Carolina, Tennessee, and West Virginia). These agencies are leading a movement in the broader corrections field toward accountability and the fostering of public trust.

- 3 Tennessee and West Virginia have made parole consideration hearings open to the public.
- 3 The Nevada Parole Commission is now required to provide public notification of the potential release of a violent offender. The public then has an opportunity to provide input into the board's decision.

Offender programs. In many states, programs and placements for parolees have been developed or expanded since 1990. The Ohio parole board created a placement specialist position to assist parolees who have difficult treatment needs.

- 3 Five states (Georgia, Hawaii, Nebraska, New York, and West Virginia) initiated additional substance abuse programs for parolees. Georgia's program includes institutional treatment for revokees who have substance abuse treatment needs.
- 3 Hawaii, New York, Louisiana, and West Virginia developed specialized programs for paroled sex offenders. Programs targeted for parolees with mental illnesses were created in Hawaii and West Virginia.
- 3 Texas established a program of residential treatment on parole after the offender has received treatment in an institutional therapeutic community setting.

- 3 Parole agencies in Virginia, North Carolina, and Texas established day reporting centers. (Day reporting centers are a relatively new development in U.S. corrections; study data indicate that eighteen parole boards now can require an offender to participate in a day reporting center program.)

Medical parole. The recent growth in “medical parole” is a result of several forces—cost factors, population pressures, and humanitarian concerns among them. While these policies may result largely from humane concerns, several agencies specifically identified them as cost--saving, population management efforts. They are a logical response to state policies that have increased the population of elderly, infirm inmates with expensive health care needs.

- 3 Eight jurisdictions (the District of Columbia, Florida, Idaho, Kentucky, Louisiana, Minnesota, Missouri, New York, and Vermont) initiated policies in the past five years to allow early parole reviews or conditional releases of inmates on medical grounds.
- 3 Minnesota's policy is to release such inmates only if “it has been determined that health costs are likely to be borne by medical assistance, Medicaid, general assistance medical care, veteran's benefits, or by another federal or state medical assistance program, or by the inmate.”

Clemency. Policy actions related to clemency proceedings have been in the direction of both more and less parole board involvement. Six states (Arizona, California, Florida, Indiana, New Mexico, and Ohio) described changes in this area.

- 3 In Florida, the board was given a more active role in clemency.
- 3 California ended a requirement for parole board clemency review of life sentences, and the parole board in New Mexico no longer has any clemency responsibilities.
- 3 Recent policy changes in Ohio will restrict the frequency of clemency applications. In Indiana, no clemency will be considered until an inmate has served at least ten years.

Notification of release. Five states (Alabama, Louisiana, Nebraska, Nevada, and New York) adopted policies requiring notification of the victim or the community when offenders are released.

- 3 Nebraska's notification policy relates specifically to mentally disordered sex offenders.
- 3 The New York parole board notifies police agencies of all releases; parole officers must personally contact local police in the case of sex offenders.

## Conclusion

Recent policy changes in jurisdictions nationwide—whether the changes have been large or small, few or many—reflect an ongoing commitment to improving corrections systems generally and parole functions in particular. Some “getting tough” is evident in the changes that have taken place, but moves toward punitiveness have been more than balanced by changes designed to genuinely improve effectiveness and efficiency.

As concern about crime increases among the public, policymakers may continue to feel pressure to increase sentences and extend the period of incarceration served, particularly by serious, violent offenders. Cost implications, philosophical concerns, and other matters will also need to be taken into account in the formulation of future policy. The present study confirms that constructive changes can be made

which meet multiple objectives in criminal justice, while building on the unique strengths that parole brings to the correctional system.



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## PAROLING AUTHORITY PROFILES

## ALABAMA

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### Alabama Board of Pardons and Paroles

Authority for adult parole entity:	Statutory.
Agency's link with adult corrections:	The board operates independently of the corrections agency.
Offender populations under agency authority:	Adult felons and misdemeanants.
Field services provided:	Board provides both probation and parole supervision.

#### Recent Policy Developments

- Eligibility for parole release. The legislature has established mandatory minimums for offenders convicted of some offenses, e.g., certain drug--related crimes.
- Involvement of victims in parole processes. The Board of Pardons and Paroles is required to notify agencies in the criminal justice system and victims of certain types of crimes when an offender is considered for parole release.

#### Board Structure

The Board of Pardons and Paroles has three members, all of whom are full--time. The term of appointment is six years. Members' terms on the board are staggered. The number of members required for a quorum depends on length of sentence served. Two members are needed if the inmate has served at least one--third of the sentence; if less than one--third has been served, all three members must approve the release. Revocations are authorized by majority vote of the full board.

#### Discretion for Parole Release

For inmates being sentenced under current law, parole release decisions are made by the board. Board members are responsible for making release decisions. The initial parole eligibility date is determined at the board's discretion.

#### Parole Release Decisionmaking

The Board of Pardons and Paroles does not set presumptive parole dates at the time of admission. "Good time" gain or loss is factored into the initial parole eligibility date in some cases.

A personal interview is conducted by a parole board staff member with each eligible inmate during the parole consideration process. If parole is denied at the initial hearing, the subsequent hearing date is established by the board, which has complete discretion in the matter. The board can deny parole and order the inmate to serve out the sentence without additional parole hearings, and it can rescind or void a parole release decision prior to the actual release of an inmate on parole.

Final discharges from parole are granted by the parole board. A minimum period of three years must be served on parole before the parolee is eligible for a final discharge by pardon. The board cannot grant an early final discharge, prior to the maximum expiration of the sentence, except by pardon.

#### Parole of Life--Sentenced Offenders

Under current law, persons sentenced to life in prison will become eligible for parole unless the sentence is for life without parole. The term to be served in prison on a life sentence is determined at the discretion of the Board of Pardons and Paroles.

#### Agency Discretion for Conditions of Parole

The board imposes conditions of parole, which can include standard parole supervision, parole with enhanced treatment/programming conditions, halfway house placement, day reporting, intensive supervision, electronic monitoring, drug testing, payment of supervision fees, payment of restitution, and any other special conditions.

#### Public Access to the Parole Consideration Process

Board policy requires that the public be notified of scheduled parole release hearings. Parole release hearings are open to the public without restrictions. Deliberations of agency personnel at hearings are open to the public without restrictions.

The agency keeps written records of parole hearings. The individual vote of each participating member or other decision-maker is recorded and is a part of the public record.

#### Involvement of Victims in Parole Processes

Crime victims can provide information to the board via written and/or oral statements. The agency notifies crime victims of scheduled parole consideration hearings based on offense type. Crime victims are always permitted to attend adult parole consideration hearings and are notified of the decision. Inmates cannot obtain information provided by crime victims to the board; victim input is confidential.

#### Parole Revocation

The adult paroling authority has revocation powers for all persons released on parole. Preliminary parole revocation hearings are conducted by a parole officer other than the supervising agent. A final parole revocation hearing is conducted by a board member, with a final decision by majority vote.

Options available to decisionmakers at release and revocation hearings are essentially comparable. Dispositions other than return to prison that are available for a person whose parole is revoked include: reinstatement on parole at comparable level of supervision; reinstatement on parole with increased treatment/programming; halfway house placement; day reporting; intensive supervision; electronic monitoring; drug testing; and/or other special conditions.

If parole is revoked, the time the parolee/inmate must remain incarcerated prior to any re-release is neither mandatory nor prescribed. The board has full discretion to revoke parole and order the parolee to serve the remainder of his/her sentence in prison.

#### Mandatory Release

Adult inmates are subject to mandatory release from prison only on expiration of sentence. The board has no involvement in the release process.

#### Other Functions of the Adult Paroling Authority

The board has no role in commutation proceedings, nor is it empowered to grant furloughs to confined inmates. The agency conducts pardon investigations and is empowered to pardon offenders, and it is empowered to grant the restoration of an offender's civil rights.

The parole board is also empowered to remit offender obligations for fines and forfeitures.

Statistical Information, FY 1994

Adult prison population, close FY'94:	19,270
Adult offenders considered for parole release in FY'94	5,633
Adult offenders released on parole in FY'94	1,942
Percentage of those considered who were released:	34.5%
Total adult parolees under supervision, close FY'94	7,306
Final revocation hearings held, FY'94	Not available
Adult paroles revoked and returned to confinement, FY'94	860
Adult paroles revoked and re--paroled at the same time, FY'94	Not available
Cases released from adult parole supervision, FY'94 (Includes those released with or without a final discharge)	Not available
Total parole agency budget, FY'94	\$16,153,195



## ALASKA

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### Alaska Board of Parole

Authority for adult parole entity:	Constitutional, statutory, and regulatory.
Agency's link with adult corrections:	The Board of Parole operates independently of the corrections agency but is linked for administrative and/or budgetary purposes.
Offender populations under agency authority:	Adult felons and misdemeanants.
Field services provided:	None; parole supervision is provided by the DOC Division of Community Corrections.

#### Recent Policy Developments

The Alaska Parole Board's responsibilities have not changed since 1990.

#### Parole Board Structure

The board has five members, all part-time, serving five-year terms. Board terms are staggered. A quorum of three members is required for parole release and parole revocation hearings.

#### Discretion for Parole Release

For inmates being sentenced under current law, parole release decisions are made by paroling authority members only. The board has discretionary releasing authority for all cases except offenders given a presumptive sentence. Persons without a presumptive sentence are eligible for parole after serving one-quarter of the imposed sentence. Persons with a presumptive sentence—those sentenced on a second or subsequent felony conviction—are ineligible for discretionary parole release but are released when good time equals one-third of the sentence.

Persons convicted of murder 1, murder 2, or kidnapping are eligible for discretionary parole release only after serving a statutory mandatory minimum. For murder 1, the minimum is one-third of the sentence, or twenty years. For murder 2 or kidnapping, the minimum term is one-third of the sentence or five years, whichever is greater.

The initial parole eligibility date is determined by statute.

#### Parole Release Decisionmaking

The Board of Parole does not set presumptive parole dates at the time of admission. “Good time” gain or loss is not factored into the initial parole eligibility date.

A personal interview with each eligible inmate is conducted by one or more board members during the parole consideration process. If parole is denied at the initial hearing, the subsequent hearing date is established by the paroling authority, which has complete discretion in the matter. The agency can deny parole and order the inmate to serve out the sentence without additional parole hearings. The agency has the ability to rescind or void a parole release decision prior to the actual release of an inmate on parole.

Final discharges from parole are granted by the board. The agency may grant an early final discharge from parole, prior to the maximum expiration of the sentence. A minimum period of two years must be served on parole before a parolee is eligible for a final discharge.

### Parole of Life--Sentenced Offenders

Under current law, all persons sentenced to life in prison will become eligible for parole. Inmates serving a life sentence must serve twenty years before becoming eligible.

### Agency Discretion for Conditions of Parole

The agency sets the conditions of parole release and can require any of the following for an offender released on parole: standard parole supervision; parole with enhanced treatment/programming conditions; halfway house; intensive supervision; drug testing; and payment of restitution (only if ordered by the court).

### Public Access to the Parole Decision Process

The board does not notify the public of scheduled adult parole release hearings. Neither hearings nor board deliberations are open to the public.

The agency keeps written and audio tape records of parole hearings. Although the individual vote of each participating paroling authority member or other decision--maker is recorded, it is considered confidential and is not released to the public.

### Involvement of Victims in Parole Processes

Crime victims can provide information to the paroling authority via written and/or oral statements. The agency notifies crime victims of scheduled parole consideration hearings if the victim has asked to be notified. If the crime is against a person, crime victims are permitted to attend adult parole consideration hearings. Victims are notified of the decision if they have asked to be notified. Inmates are able to obtain information provided by crime victims to the paroling authority.

### Parole Revocation

The adult paroling authority has revocation powers for all persons released on parole. Preliminary parole revocation hearings are conducted by a board member. A final parole revocation hearing is conducted by the full board.

Options available to decisionmakers at release and revocation hearings are essentially comparable. Dispositions other than return to prison that are available for a person whose parole is revoked include: reinstatement on parole at comparable level of supervision; reinstatement on parole with increased treatment/programming; halfway house; intensive supervision; and drug testing.

If parole is revoked, the time the parolee/inmate must remain incarcerated prior to any re--release is neither mandatory nor prescribed. The agency has full discretion to revoke parole and order the parolee to serve the remainder of his/her sentence in prison.

### Mandatory Release

Adult inmates are subject to mandatory release from prison when "good time" accrues to equal one--third of the sentence. The board sets conditions of mandatory release. Field supervision is always provided for persons mandatorily released from prison after a sentence of two years or more.

If a person mandatorily released on parole commits a violation, the board is empowered to investigate the case, conduct a revocation hearing, and make a final determination. Parole revocation for a person mandatorily released on parole results in a term of imprisonment equal to one--third of the sentence—in effect a revocation of the good time that triggered the mandatory release.

### Other Functions of the Adult Paroling Authority

The role of the board in commutation proceedings is to conduct investigations and provide data to another decision-making authority. In pardon proceedings, the board also conducts investigations, providing data to the governor or another decision-making authority. The adult paroling authority is not empowered to grant furloughs to confined inmates or to grant the restoration of an offender's civil rights.

### Statistical Information, FY 1994

Adult prison population, close FY'94:	2,965
Adult offenders considered for parole release in FY'94	224
Adult offenders released on parole in FY'94	74*
Percentage of those considered who were released:	33%
Total adult parolees under supervision, close FY'94	678
Final revocation hearings held, FY'94	327
Adult paroles revoked and returned to confinement, FY'94	300**
Adult paroles revoked and re--paroled at the same time, FY'94	82
Cases released from adult parole supervision, FY'94 (Includes those released with or without a final discharge)	315 successful
Total parole agency budget, FY'94	\$473,000

\*This figure includes only discretionary releases.

\*\*This figure includes revocations of both persons mandatorily released and those released at board discretion.

## ARIZONA

### Arizona Board of Executive Clemency

Authority for adult parole entity:	Statutory.
Agency's link with adult corrections:	The board operates independently of the corrections agency.
Offender populations under agency authority:	Adult felons.
Field services provided:	None; parole supervision is provided by the DOC Division of Community Corrections.

#### Recent Policy Developments

- Discretion for parole release. A new criminal code took effect in Arizona on January 1, 1994, which abolishes discretionary parole for persons who commit felony offenses on or after that date and are sentenced to a term of imprisonment. Persons committing offenses after January 1, 1994 must serve 85 percent of the term imposed, with the remaining term to be served under community supervision. Discretionary parole release remains unchanged for persons who committed felonies before that date. Under the new code, the Board of Executive Clemency is responsible for the revocation process for these offenders.
- Paroling agency involvement in clemency proceedings. [Information not available; see S.B. 1250.]

#### Parole Board Structure

The board has seven members, all full-time, who are appointed for five-year terms. Members' terms on the board are staggered. A quorum of three members is required for parole release and parole revocation hearings and for work furlough, home arrest, and absolute discharge releases. The chairman can designate two-member panels, with the deciding vote cast by the chairman in the case of a split decision.

#### Discretion for Parole Release

For inmates being sentenced under current law, release dates are determined by statute. The board has discretionary releasing authority for offenders who committed offenses before January 1, 1994. Initial parole eligibility dates are determined by statute.

#### Parole Release Decisionmaking

The agency does not set presumptive parole dates at the time of admission. "Good time" gain or loss is not factored into the initial parole eligibility date.

For offenders committing offenses before January 1, 1994, a personal interview is conducted by a three-member panel of board members with each eligible inmate during the parole consideration process. If parole is denied at the initial hearing, the subsequent hearing date is established by statute at between six and twelve months; six months is usual. The board cannot deny parole and order the inmate to serve out the sentence without additional parole hearings. It can rescind or void a parole release decision prior to the actual release of an inmate on parole.

Under the 1993 legislation, the parole expiration date is the earned release credit date (the sentence expiration date less earned good time). Discharge from parole supervision is automatic. The board may grant an early final discharge from parole, prior to the earned release credit date.

### Parole of Life--Sentenced Offenders

Under current law, inmates given a life term are not eligible for parole. The prison system holds a number of inmates, the specific number of which is not available, who were sentenced to life imprisonment under an earlier code and who may eventually become eligible for parole consideration.

### Agency Discretion for Conditions of Parole

The Board of Executive Clemency sets the conditions of parole for discretionary release. It can require any of the following for an offender released on parole: standard parole supervision; parole with enhanced treatment/programming conditions; halfway house; intensive supervision; electronic monitoring; drug testing; payment of supervision fees; and payment of restitution.

### Public Access to the Parole Decision Process

Notifying the public of scheduled parole release hearings is mandated by statute. Adult parole release hearings are open to the public without restrictions. Deliberations of agency personnel at hearings are open to the public without restriction.

The agency keeps written and audio tape records of parole hearings. The individual vote of each participating paroling authority member or other decision-maker is recorded and is a part of the public record.

### Involvement of Victims in Parole Processes

Crime victims can provide information to the paroling authority via written and/or oral statements. The agency notifies crime victims of scheduled parole consideration hearings if the victim has asked to be notified. In all cases, crime victims are permitted to attend adult parole consideration hearings. Victims are notified of the decision if they have asked to be notified. Inmates can obtain information provided by crime victims to the paroling authority, with the exception of victims' addresses.

### Parole Revocation

The Board of Executive Clemency has revocation powers for all persons released on parole. Preliminary parole revocation (probable cause) hearings are conducted by a hearing officer. A final parole revocation hearing is conducted by a panel of three board members.

Options available to decisionmakers at release and revocation hearings are essentially comparable. Dispositions other than return to prison that are available for a person whose parole is revoked include: reinstatement on parole at comparable level of supervision; reinstatement on parole with increased treatment/programming; halfway house; electronic monitoring; and drug testing. If parole is revoked, the time the parolee/inmate must remain incarcerated prior to any re-release is both mandatory and prescribed, as a period of six months. The agency may not revoke parole and order the parolee to serve the remainder of his/her sentence in prison.

### Mandatory Release

Adult inmates are subject to mandatory release from prison upon expiration of the determinate sentence. The Board of Executive Clemency has no involvement in cases of mandatory release. Field supervision is always provided for persons mandatorily released from prison, except those who have reached their sentence expiration date or earned release credit date. These exceptions are under "unsupervised release."

Under Arizona's newest criminal code, if a person mandatorily released on supervision commits a violation, the paroling authority's role is to conduct revocation proceedings. Parole revocation for a person mandatorily released on supervision results in resumption of the original prison term.

#### Other Functions of the Adult Paroling Authority

The role of the Board of Executive Clemency in both commutation and pardon proceedings is to conduct investigations and recommend action to another decision-making authority. The board can grant work furloughs to confined inmates. Although the agency is not empowered to grant the restoration of an offender's civil rights, a pardon recommendation if approved by the governor would restore those rights.

Additional powers of the board include conducting reprieve hearings for death row inmates, after a warrant of execution has been issued, and making recommendations to the governor.

#### Statistical Information, FY 1994

Adult prison population, close FY'94:	21,133
Adult offenders considered for release in FY'94	9,503*
Adult offenders granted release in FY'94	4,373*
Percentage of those considered who were released:	46%
Total adult parolees under supervision, close FY'94	Not available
Final revocation hearings held, FY'94	966
Adult paroles revoked and returned to confinement, FY'94	Not available
Adult paroles revoked and re--paroled at the same time, FY'94	Not available
Cases released from adult parole supervision, FY'94 (Includes those released with or without a final discharge)	Not available
Total parole agency budget, FY'94	\$1,890,600

\*These figures include consideration for general parole, parole to a consecutive sentence, parole to a detainer, work furlough, and home arrest.

## ARKANSAS

### Arkansas Post Prison Transfer Board

Authority for adult parole entity:	Statutory.
Agency's link with adult corrections:	The board operates independently of the corrections agency.
Offender populations under agency authority:	Felons only, including adults as well as youthful offenders, managed as a distinct population.
Field services provided:	None; parole supervision is provided by the DOC Field Services Division.

#### Recent Policy Developments

- Discretionary parole release. A 1993 bill significantly changed the Post Prison Transfer Board's duties and responsibilities. The board no longer has discretionary release responsibility for most offenders convicted of a felony committed on or after January 1, 1994. With the exception of persons convicted of specified violent or drug--related crimes, inmates will not come up for parole but will be mandatorily transferred out of the Arkansas Department of Corrections to the Department of Community Punishment. The intent of the act was to ensure that offenders are under correctional supervision for the full term of their sentences and to place conditions on any transfer from prison.

The board continues to have a role in cases in which the offender was convicted of murder 1, rape, aggravated robbery, causing a catastrophe, engaging in a continuing criminal enterprise, or manufacture or delivery of more than 28 grams of a schedule I or II narcotic. The board will do only a paper review of such inmates' cases, unless the inmate is classified high risk/high need by an objective risk/needs assessment tool, or the victim has requested input on the transfer conditions, or the inmate has received a major disciplinary report which has resulted in loss of good time. If any of these three conditions exist, the board must interview the inmate. However, the purpose of such interviews is not to consider whether to parole: the board's only role is to set conditions for release. The board will have only two options: 1) Transfer the inmate to the Department of Community Punishment; or 2) Delay transfer until the inmate has completed a specific course of action. Upon verification that the course of action has been completed, the inmate will be transferred.

- Involvement of crime victims. No notices will be sent to officials or victims regarding the transfer of inmates, unless victims have previously asked to be notified.

#### Parole Board Structure

The Post Prison Transfer Board has seven members, including five full--time members and two part--time members. The term of appointment is seven years. Terms on the board are staggered. A quorum of four members is required for parole release and parole revocation hearings.

#### Discretion for Parole Release

For inmates being sentenced under current law, mandatory release eligibility is determined by statute. The board reviews the release of offenders convicted of specified violent or drug--related crimes, identified above, and can delay release until a course of action has been completed. Inmates sentenced to death or life without parole are not eligible for parole release consideration; those sentenced to life are not eligible unless their sentence is commuted to a term of years.

### Parole Release Decisionmaking

The Post Prison Transfer Board sets presumptive parole dates at the time of admission. "Good time" gain or loss is factored into the initial parole eligibility date.

A personal interview with each eligible inmate is conducted by one or more board members during the parole consideration process. If parole is denied at the initial hearing, the subsequent hearing date is established by paroling authority regulation or policy. The board cannot deny parole and order the inmate to serve out the sentence without additional parole hearings. The agency has the ability to rescind or void a parole release decision prior to the actual release of an inmate on parole.

Final discharges from parole are granted by the Post Prison Transfer Board. The board may not grant an early final discharge from parole, prior to the maximum expiration of the sentence. Sentencing laws determine the minimum period of time that must be served on parole before a parolee is eligible for a final discharge.

### Parole of Life--Sentenced Offenders

Under current law, inmates given a life term are not eligible for parole, unless the sentence is commuted to a term of years.

### Agency Discretion for Conditions of Parole

The board can require any of the following for an offender released on parole: standard parole supervision; parole with enhanced treatment/programming conditions; drug testing; payment of supervision fees; and payment of restitution.

### Public Access to the Parole Decision Process

Notifying the public of scheduled parole release hearings is required by board policy. Adult parole release hearings as well as the deliberations of agency personnel at hearings are open to the public, with some restrictions.

The board keeps written and audio tape records of parole hearings. The individual vote of each participating board member or other decision--maker is recorded and is a part of the public record.

### Involvement of Victims in Parole Processes

Crime victims can provide information to the board via written and/or oral statements. The agency notifies crime victims of scheduled parole consideration hearings if the victim has asked to be notified. Crime victims are permitted to attend parole consideration hearings only at the discretion of the inmate, who has the choice of an open or closed hearing. Victims are notified of the decision if they have asked to be notified. Victim input to parole hearings is confidential and cannot be obtained by the inmate.

### Parole Revocation

The Post Prison Transfer Board has revocation powers for all persons released on parole. Preliminary parole revocation hearings are conducted by an administrative law judge/hearing officer/examiner. A final parole revocation hearing is conducted by a board member and an administrative law judge/hearing officer/examiner.

Options available to decisionmakers at release and revocation hearings are essentially comparable. Dispositions other than return to prison that are available to the board for a person whose parole is revoked include: reinstatement on parole with increased treatment/programming; intensive supervision; and drug testing.

If parole is revoked, the time the parolee/inmate must remain incarcerated prior to any re--release is



mandatory but not prescribed. The Post Prison Transfer Board may not revoke parole and order the parolee to serve the remainder of his/her sentence in prison.

#### Mandatory Release

Adult inmates are subject to mandatory release from prison based upon sentencing statutes which authorize transfer dates. The board sets parole conditions for cases mandatorily released and can delay release of persons convicted of specified offenses until a course of action has been completed. Field supervision is provided for persons mandatorily released from prison, if imposed by paroling officials.

If a person mandatorily released on parole commits a violation, the board is empowered to investigate the case, conduct a revocation hearing, and make a final determination. If parole is revoked for a person mandatorily released on parole, a date for parole consideration by paroling officials is set for six months from the revocation date.

#### Other Functions of the Adult Paroling Authority

For both commutation and pardon proceedings, the Post Prison Transfer Board conducts investigations and recommends action to another decision-making authority. The board is not empowered to grant furloughs to confined inmates, nor can it restore an offender's civil rights.

#### Statistical Information, FY 1994

Adult prison population, close FY'94:	8,900
Adult offenders considered for parole release in FY'94	Not available
Adult offenders released on parole in FY'94	Not available
Percentage of those considered who were released:	Not available
Total adult parolees under supervision, close FY'94	Not available
Final revocation hearings held, FY'94	Not available
Adult paroles revoked and returned to confinement, FY'94	Not available
Adult paroles revoked and re--paroled at the same time, FY'94	Not available
Cases released from adult parole supervision, FY'94 (Includes those released with or without a final discharge)	Not available
Total parole agency budget, FY'94	Not available

## CALIFORNIA

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### California Board of Prison Terms

Authority for adult parole entity:	Statutory.
Agency's link with adult corrections:	The paroling authority operates independently of the corrections agency, but it is linked administratively and/or for budgetary purposes.
Offender populations under agency authority:	Adult felons.
Field services provided:	Parole supervision.

#### Recent Policy Developments

- Discretion for parole release. California prisoners are either indeterminately or determinately sentenced. Determinately sentenced prisoners are released at the completion of the court-imposed term, less credits; various bills have lengthened the time served by determinately sentenced prisoners by decreasing the credits and creating longer determinate sentences. The Board of Prison Terms has release authority for those with indeterminate sentences, i.e., life sentences other than sentences of life without the possibility of parole. Legislation has also provided for many more life terms.
- Eligibility for parole release for offenders receiving a life sentence. With variations depending on the offense, the minimum eligible parole date for offenders with life sentences will be the term less credits. One year before the minimum eligible parole date, the prisoner receives his or her first suitability hearing. As originally enacted, the determinate sentence law gave all life prisoners annual suitability hearings, but amendments since 1992 have permitted longer denials. Under 1994 amendments, any life prisoner may be deferred up to two years and any murderer up to five years, providing specified findings are made.
- Revocation process. Under 1992 legislation, the Department of Corrections was responsible for revocation hearings from September 15, 1992 to November 30, 1994. The Board of Prison Terms has been responsible for revocation proceedings since December 1, 1994.
- Involvement of victims. Since 1991, victims or next of kin may submit audio or videotaped testimony to life parole consideration hearings.
- Clemency. The board has repealed all regulations requiring review for possible recommendation of pardon for persons sentenced to life without parole.

#### Parole Board Structure

The Board of Prison Terms has nine commissioners, all full-time, appointed for four-year terms. Their terms on the board are staggered. Parole consideration hearings for life-sentenced inmates are conducted by a panel of three persons, at least two of whom are commissioners. The third may be a deputy commissioner. Parole revocation hearings are conducted by one deputy commissioner.

#### Discretion for Parole Release

For inmates receiving an indeterminate sentence under current law, the initial parole eligibility date is fixed by regulation and statute. Parole suitability decisions are made by commissioners and deputy commissioners. Offenses subject to an indeterminate (life) term include murder, kidnapping for robbery or ransom, numerous other felonies, and "third strikes"—a third felony conviction where the first two convictions were for violent or serious crimes. Sentences of death or life without the possibility of

parole may be imposed for special circumstances murder and other specified offenses. Determinately sentenced inmates are paroled by statute on service of the court-imposed term less credits. Offenses subject to determinate sentences include most felonies, robbery, burglary, arson, etc.

#### Parole Release Decisionmaking

The Board of Prison Terms sets presumptive parole dates at the time of admission. “Good time” gain or loss is factored into the initial parole eligibility date. The first parole consideration hearing is held one year before the minimum parole eligibility date.

Determinately sentenced inmates are paroled on service of the term less credits, without involvement of the commission. Determinately sentenced offenders must serve three years on parole unless they receive an early discharge, as authorized by statutory provisions.

For indeterminately sentenced inmates, commissioners conduct a personal interview during the release consideration process. By agency regulation and statute, the subsequent hearing date for an inmate denied parole may be set at two years, or five years on a murder conviction. The panel cannot deny parole and order the inmate to serve out the sentence without additional parole hearings. The board can rescind or void a parole release decision prior to the actual release of an inmate on parole, except for those determinately sentenced.

Final discharges are granted by the Board of Prison Terms, for both determinate and indeterminate sentences. Statute authorizes the board to grant an early final discharge from parole, prior to the maximum expiration of the sentence. A minimum period—one year for non-violent offenders and two years for violent offenders—must be served on parole before a parolee is eligible for a final discharge.

#### Parole of Life--Sentenced Offenders

Under current law, persons receiving an indeterminate life term will become eligible for parole. Some life sentences carry no possibility of parole. The minimum term to be served on a life sentence is seven years or a higher period as established by statute, e.g., twenty-five years, subject to credits, for murder. The prison system holds 12,000 life-sentenced inmates who will eventually become eligible for parole consideration.

#### Agency Discretion for Conditions of Parole

The Board of Prison Terms can require any of the following for an offender released on parole: standard parole supervision; parole with enhanced treatment/programming conditions; halfway house; day reporting; intensive supervision; electronic monitoring; and drug testing.

#### Public Access to the Parole Decision Process

The Board of Prison Terms is not required to notify the public of scheduled parole release hearings, nor are hearings open to the public. The agency keeps written and audio tape records of the hearings. The written record of the hearings includes the votes of panel members and is public record.

#### Involvement of Victims in Parole Processes

Crime victims can provide information to the board via written and/or oral statements and by audiotapes and/or video presentations. The board notifies crime victims of scheduled parole consideration hearings if they have asked to be notified, and victims may attend hearings if they have asked to attend. Victims are notified of the decision if they have asked to be notified. Inmates cannot obtain information provided by crime victims to the board. However, some victims request that copies of submitted information be sent to the inmate.

### Parole Revocation

The Board of Prison Terms holds revocation powers for all persons released on parole. Only in very rare cases are preliminary parole revocation hearings conducted. Parole revocation hearings are conducted by deputy commissioners.

Options available to decisionmakers at release and revocation hearings are generally comparable. Dispositions other than return to prison that are available to the board at revocation include: reinstatement on parole at comparable level of supervision; reinstatement on parole with increased treatment/programming; day reporting; intensive supervision; electronic monitoring; and drug testing. If parole is revoked, the time the parolee/inmate must remain incarcerated prior to any re-release is neither mandatory nor prescribed. The statutory maximum return to custody for violation of parole conditions is twelve months. Legislation to permit longer revocation times is pending. The board may not revoke parole and order the parolee to serve the remainder of his/her sentence in prison.

### Mandatory Release

Inmates are subject to mandatory release from prison upon expiration of a determinate sentence. The period on parole for persons given a determinate sentence is fixed at three years, unless the Board of Prison Terms grants an early discharge from parole. The Department of Corrections sets parole conditions for cases mandatorily released, based on guidelines of the Board of Prison Terms.

Field supervision is provided for persons mandatorily released from prison. If a mandatory releasee commits a violation, the Department of Corrections investigates, and the Board of Prison Terms conducts hearings and makes a final determination. Parole revocation for a person mandatorily released on parole results in a maximum of twelve months of reincarceration.

### Other Functions of the Adult Paroling Authority

The Board of Prison Terms contributes to commutation proceedings by conducting investigations and recommending action to the governor. For pardon proceedings, the board conducts investigations and provides data to the governor. The board is not empowered to grant furloughs to confined inmates. An offender's civil rights are automatically restored, with the exception of possession of guns.

### Statistical Information, FY 1994

Adult prison population, close FY'94:	124,813
Adult offenders considered for parole release in FY'94	1,808
Adult offenders released on parole in FY'94	91,322*
Percentage of those considered who were released:	Not available
Total adult parolees under supervision, close FY'94	87,704
Final revocation hearings held, FY'94	16,919**
Adult paroles revoked and returned to confinement, FY'94	45,972
Adult paroles revoked and re--paroled at the same time, FY'94	Not available
Cases released from adult parole supervision, FY'94 (Includes those released with or without a final discharge)	25,422
Total parole agency budget, FY'94	\$10.4 million

\* This figure includes persons mandatorily released on parole after completing a determinate sentence less credits.

\*\* This figure does not include extensions or postponements, nor does it include 51,048 screenings.

## COLORADO

### Colorado Board of Parole

Authority for adult parole entity:	Statutory.
Agency's link with adult corrections:	The paroling authority operates independently of the corrections agency but is linked for budgetary purposes.
Offender populations under agency authority:	Adult felons and misdemeanants.
Field services provided:	None; parole supervision is provided by the DOC Division of Adult Parole Supervision.

#### Recent Policy Developments

- Eligibility for parole release. Those sentenced to Class 2 through Class 6 felonies are eligible for parole after having served 50 percent of the imposed sentence, less any good time. Those previously convicted of a violent crime and then convicted of second degree murder, first degree assault, first degree kidnapping, first or second degree sexual assault, first degree arson, first degree burglary, or aggravated robbery must serve 75 percent of their sentence. Anyone who has been convicted of a crime of violence twice before must serve at least 75 percent of the sentence and then, if released, serve a period of parole up to the time remaining on the original sentence.
- Discretion for parole release. Legislation established parole release guidelines.

#### Parole Board Structure

The Board of Parole has seven members, all full-time, appointed to three-year terms. Board terms are staggered. Although a quorum of only one member is required to conduct parole release and parole revocation hearings, two signatures are required for a release decision and one signature for a revocation.

#### Discretion for Parole Release

For inmates being sentenced under current law, parole release decisions are made by board members only. The Board of Parole has discretionary releasing authority for offenders who were convicted before July 1, 1979 or after July 1, 1985, except that under current law, inmates given a life term are ineligible for parole release. Legislation since 1990 has set percentage requirements for time to be served by specific classes of offenders before they reach parole eligibility, as noted above. The initial parole eligibility date is determined by statute.

#### Parole Release Decisionmaking

The board does not set presumptive parole dates at the time of admission. "Good time" gain or loss is factored into the initial parole eligibility date.

A personal interview with each eligible inmate is conducted by one or more board members during the parole consideration process. If parole is denied at the initial hearing, the subsequent hearing date is established at the discretion of the board. The board can deny parole and order the inmate to serve out the sentence without additional parole hearings if within the statutory time frame. The agency also has the authority to rescind or void a parole release decision prior to the actual release of an inmate. Final discharges from parole are granted by the board. The agency may grant an early final discharge from parole, prior to the maximum expiration of the sentence. There is no minimum period of time that must be served on parole before a parolee is eligible for a final discharge.

### Parole of Life--Sentenced Offenders

Under current law, inmates given a life term are not eligible for parole.

The Colorado prison system holds 500 inmates who were sentenced to life imprisonment under an earlier code and who may eventually become eligible for parole consideration. By statute, inmates serving a life sentence must serve ten, twenty, or forty years before becoming eligible for parole.

### Agency Discretion for Conditions of Parole

The Board of Parole imposes statutory and discretionary conditions of release for offenders placed on parole. The board may require standard parole supervision; parole with enhanced treatment/ programming conditions; halfway house placement; day reporting; intensive supervision; electronic monitoring; drug testing; payment of supervision fees; payment of restitution; and/or other specific conditions.

### Public Access to the Parole Decision Process

Statute requires the Board of Parole to notify the public of scheduled parole release hearings. Adult parole release hearings are open to the public without restrictions. However, deliberations of agency personnel at hearings are closed to the public.

The agency keeps written and audio tape records of parole hearings. The individual vote of each participating board member or other decisionmaker is recorded and is a part of the public record.

### Involvement of Victims in Parole Processes

Crime victims can provide information to the Board of Parole via written and/or oral statements as well as video tapes. The agency notifies crime victims of scheduled parole consideration hearings if the victim has asked to be notified. In all cases, crime victims are permitted to attend adult parole consideration hearings. Victims are notified of the decision if they have asked to be notified. Inmates cannot obtain information provided to the board by crime victims; their testimony is confidential.

### Parole Revocation

The Board of Parole has revocation powers for all persons released on parole. Both preliminary parole revocation hearings and final parole revocation hearings may be conducted by a board member or an administrative law judge.

More options are available to decisionmakers at parole release hearings than at revocation hearings. Dispositions other than return to prison that are available to the Board of Parole for a person whose parole is revoked include halfway house placement and a term in county jail.

If parole is revoked, the time the parolee/inmate must remain incarcerated prior to any re--release hearing is not mandatory, but it is prescribed as a maximum of one year. The agency may revoke parole and order the parolee to serve the remainder of his/her sentence in prison, if the remainder of the sentence is less than one year.

### Mandatory Release

Certain adult inmates, as determined by the laws under which they were convicted, are subject to mandatory parole release from prison upon expiration of a determinate sentence. The Board of Parole sets parole conditions for cases mandatorily released, and sets the length of parole for crimes committed between July 1, 1984 and June 30, 1985.

Field supervision is always provided for persons mandatorily released from prison. If a person mandatorily released on parole commits a violation, the board is empowered to investigate, conduct a hearing

to revoke, and make a final determination in the case. Parole revocation for a person mandatorily released on parole results in resumption of the original prison term.

#### Other Functions of the Adult Paroling Authority

The Board of Parole has no role in commutation proceedings, pardon proceedings, inmate furloughs, or restoration of an offender's civil rights.

#### Statistical Information, FY 1994

Adult prison population, close FY'94:	10,500
Adult offenders considered for parole release in FY'94	9,128
Adult offenders released on parole in FY'94	2,082
Percentage of those considered who were released:	23%
Total adult parolees under supervision, close FY'94	1,960
Final revocation hearings held, FY'94	2,319
Adult paroles revoked and returned to confinement, FY'94	890
Adult paroles revoked and re--paroled at the same time, FY'94	[Not available]
Cases released from adult parole supervision, FY'94 (Includes those released with or without a final discharge)	1,596
Total parole agency budget, FY'94	\$800,000

## CONNECTICUT

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### Connecticut Board of Parole

Authority for adult parole entity:	Statutory.
Agency's link with adult corrections:	Agency operates independently of the corrections agency.
Offender populations under agency authority:	Adult felons and misdemeanants.
Field services provided:	The Board of Parole provides parole supervision.

#### Recent Policy Developments

- Discretion for parole release. Effective October 1, 1990, the board received discretionary release authority for persons serving definite sentences in excess of one year. Following the abolition of parole in Connecticut in 1981, discretionary release authority had shifted to the corrections department. This program, known as Supervised Home Release (SHR), came under enormous criticism by the late 1980s because it had become the principle vehicle by which the DOC released inmates in an overcrowded system. Releases were based on institutional/system needs rather than public safety needs. The 1990 legislation phased out the SHR program and restored discretionary release authority to the autonomous, citizen--represented Board of Parole.
- Responsibility for parole supervision. Effective July 1, 1994, responsibility for parole supervision was transferred to the Board of Parole. All release, supervision, and violation decisions are now under the board's jurisdiction. This legislation was preceded by a nine--month study by the General Assembly's Program Review Committee. Its report concluded that release and supervision should be consolidated to make them operationally and philosophically compatible. In addition, the report concluded that a conflict of interest was present in the DOC's role in decisions related to violations, just as in the DOC's role in release decisions.
- Placements/programs for parolees/parole violators. As of July 1, 1995, the board will receive sufficient funding to provide programs and services necessary to maintain an effective parole system. These programs will be used as preventive measures as well as for response to violation behavior.
- The parole release hearing process. Legislation in 1993 authorized the board to establish hearing examiner positions to review eligible offenders serving sentences of less than four years and to make release recommendations to the board itself. The measure was intended to make the process more efficient by obviating the need for costly hearings. The board has not yet developed procedures to exercise this authority.

#### Parole Board Structure

The board has thirteen members, including one full--time and twelve part--time members. The term of appointment is four years, except for the position of board chair, whose term is coterminous with the that of the governor. Members' terms on the board are staggered. A quorum of two members is required for parole release and parole revocation hearings.

#### Discretion for Parole Release

Board members make parole release decisions for inmates being sentenced under current law. The board has discretionary releasing authority for all cases except for those involving the following of-



fenses, if committed after July 1, 1981: murder, capital felony, felony murder, and arson murder. The initial parole eligibility date is determined by statute.

#### Parole Release Decisionmaking

The board does not set presumptive parole dates at the time of admission. "Good time" gain or loss is not factored into the initial parole eligibility date.

A personal interview is conducted by two or more board members during the parole consideration process. If parole is denied at the initial hearing, the subsequent hearing date is established by the paroling authority, which has complete discretion in the matter. The agency can deny parole and order the inmate to serve out the sentence without additional parole hearings. The agency can rescind or void a parole release decision prior to the actual release of an inmate on parole.

Final discharges from parole are granted by the Board of Parole. The agency may grant an early final discharge from parole, prior to the maximum expiration of the sentence. There is no specified minimum amount of time an offender must serve on parole before he/she becomes eligible for early final discharge.

#### Parole of Life--Sentenced Offenders

Under current law, offenders given a life term are not eligible for parole. The prison system holds 40 inmates who were sentenced to life imprisonment under an earlier code, for crimes committed before July 1, 1981, and who may eventually become eligible for parole consideration. The minimum time to be served by these offenders was set by the sentencing court.

#### Agency Discretion for Conditions of Parole

The board can require any of the following for an offender released on parole: standard parole supervision; parole with enhanced treatment/programming conditions; halfway house placement, day reporting; electronic monitoring; drug testing, and residential drug treatment. Payment of supervision fees and restitution are not required of offenders.

#### Public Access to the Parole Decision Process

By agency policy, the board notifies the state's victim advocacy office, the prosecutor, and the public defender of scheduled parole release hearings. Other formal public notification is not required. Adult parole release hearings are open to the public, but because they are held in prisons, certain restrictions apply. The deliberations of agency personnel at hearings are not open to the public; they are held in executive session.

The agency keeps written and audio tape records of parole hearings. The individual vote of each participating member or other decision-maker is not recorded.

#### Involvement of Victims in Parole Processes

Crime victims can provide information to the paroling authority via both written and/or oral statements. The agency notifies crime victims of scheduled parole consideration hearings if the victim has asked to be notified. Crime victims are always permitted to attend adult parole consideration hearings and are notified of the decision if they have asked to be notified.

Inmates can obtain information provided by crime victims to the board if the information is provided in a public meeting; otherwise victim testimony is confidential.

### Parole Revocation

The adult paroling authority has revocation powers for all persons released on parole. A parole officer other than the supervising agent conducts the preliminary parole revocation hearing. A final parole revocation hearing is conducted by a two or more board members.

Options available to decisionmakers at release and revocation hearings are essentially comparable. Dispositions available to the board, other than return to prison, for a person whose parole is revoked include reinstatement on parole with increased treatment/programming; halfway house placement, day reporting; electronic monitoring; drug testing, and residential drug treatment.

If parole is revoked, the time the parolee/inmate must remain incarcerated prior to any re--release is neither mandatory nor prescribed. The board may revoke parole and order the parolee to serve the remainder of his/her sentence in prison, with full discretion.

### Mandatory Release

Adult inmates are subject to mandatory release from prison upon expiration of a determinate sentence. The adult paroling authority has no involvement in mandatory release, and no field supervision is provided for these offenders.

### Other Functions of the Adult Paroling Authority

The Connecticut Board of Parole has no role in commutation proceedings, pardon proceedings, the restoration of civil rights, or inmate furloughs, except in the case of fifteen--day pre--release furloughs, which are supervised by the board.

### Statistical Information, FY 1994

Adult prison population, close FY'94:	11,000*
Adult offenders considered for parole release in FY'94	3,000
Adult offenders released on parole in FY'94	1,500
Percentage of those considered who were released:	50%
Total adult parolees under supervision, close FY'94	1,000
Final revocation hearings held, FY'94	180
Adult paroles revoked and returned to confinement, FY'94	170
Adult paroles revoked and re--paroled at the same time, FY'94	75
Cases released from adult parole supervision, FY'94 (Includes those released with or without a final discharge)	Not available
Total parole agency budget, FY'94	\$448,000**

\* The adult prison population in August 1995 was 15,000.

\*\* The total parole agency budget for 1995--96 was \$9,075,800.

## DELAWARE

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### Delaware Board of Parole

Authority for adult parole entity:	Statutory.
Agency's link with adult corrections:	Board operates independently of the corrections agency.
Offender populations under agency authority:	Adult felons and misdemeanants.
Field services provided:	None; parole supervision is provided by the DOC Division of Community Services.

#### Areas of Recent Policy Change

- Discretion for parole release. Legislation passed in 1990 to remove the Parole Board's discretionary release authority. Instead, the state now has a sentence modification process, in which the board may recommend sentence modifications to the sentencing court. The board holds regular hearings for the purpose of making these recommendations for good cause.
- Agency rules. In response to legislative requirements, the board is developing a system of rules to codify the full range of its operations. The resulting document will state explicitly the agency's openness and accountability in terms of victims' and offenders' rights.

#### Parole Board Structure

The Board of Parole has five members, including a full-time chair and four part-time members. The term of appointment is four years for board members; there is no specified term of appointment for the board chair. Members' terms on the board are staggered. A quorum of three members is required for parole release and parole revocation hearings.

#### Discretion for Parole Release

For inmates being sentenced under current law, the release date is determined by statute; offenders must serve no less than 75 percent of the imposed sentence in prison. The Board of Parole has discretionary releasing authority only for offenders who were convicted of crimes committed before June 30, 1990.

#### Parole Release Decisionmaking

The Board of Parole does not set presumptive parole dates at the time of admission. "Good time" gain or loss is not factored into the initial parole eligibility date.

A personal interview is conducted by a minimum of three board members with each eligible inmate during the parole consideration process. If parole is denied at the initial hearing, the subsequent hearing date is established by both board regulation and state statute. The board can deny parole and order the inmate to serve out the sentence without additional parole hearings. It also can rescind or void a parole release decision prior to the actual release of an inmate on parole.

Final discharges from parole are granted by the Board of Parole. The board may grant an early final discharge from parole, prior to the maximum expiration of the sentence. A minimum period of one year must be served on parole before a parolee is eligible for a final discharge, unless the prison term expires earlier.

### Parole of Life--Sentenced Offenders

Under current law, inmates given a life term are not eligible for parole. The prison system holds 164 inmates who were sentenced to life imprisonment under an earlier code and who may eventually become eligible for parole consideration.

### Agency Discretion for Conditions on Parole

The parole board can impose special conditions of parole, which are applied in addition to standard conditions. The board can require any of the following for an offender released on parole: standard parole supervision; parole with enhanced treatment/programming conditions; halfway house placement; day reporting; intensive supervision; electronic monitoring; drug testing; administrative parole (minimal supervision); payment of supervision fees; and payment of restitution.

### Public Access to the Parole Decision Process

Both statute and agency policy require the board to notify the public of scheduled parole release hearings. Adult parole release hearings are not open to the public, nor are the deliberations of board personnel at hearings.

The board keeps written records of parole hearings. The individual vote of each participating board member or other decision--maker is recorded, but it is considered confidential and is not released to the public.

### Involvement of Victims in Parole Processes

Crime victims can provide information to the paroling authority via written and/or oral statements. The Department of Correction and the Board of Parole are responsible for notifying crime victims of scheduled parole consideration hearings. Crime victims are always permitted to attend adult parole consideration hearings, and they are notified of the decision when victim contact information is available. Inmates cannot obtain information provided by crime victims to the paroling authority; victim input is confidential.

### Parole Revocation

The adult paroling authority has revocation powers for all persons released on parole or mandatory release. Preliminary parole revocation hearings are conducted by a parole officer supervisor. A final parole revocation hearing is conducted by, at minimum, a quorum of board members.

Options available to decisionmakers at release and revocation hearings are essentially comparable. Dispositions other than return to prison that are available for a person whose parole is revoked include: reinstatement on parole at comparable level of supervision; reinstatement on parole with increased treatment/programming; halfway house placement; day reporting; intensive supervision; electronic monitoring; and drug testing.

If parole is revoked, the time the parolee/inmate must remain incarcerated prior to any re--release is neither mandatory nor prescribed. The agency has full discretion to revoke parole and order the parolee to serve the remainder of his/her sentence in prison.

### Mandatory Release

Adult inmates are subject to mandatory release from prison when they reach their good--time release dates. The Board of Parole sets parole conditions and the supervision level for cases mandatorily released. Field supervision is always provided for persons mandatorily released from prison.

If a person mandatorily released on parole commits a violation, the Board of Parole is empowered to

conduct a revocation hearing and make a final determination. Parole revocation for a person mandatorily released on parole may result in the offender serving of the balance of the prison term, less street time, or the offender may be re--released or his/her case reheard.

#### Other Functions of the Board of Parole

The Board of Parole contributes to commutation proceedings by conducting investigations and recommending action to the Board of Pardons. The board has no role in pardon proceedings, nor is it empowered to grant furloughs to confined inmates. It can grant the restoration of an offender's civil rights.

Pursuant to the state's truth in sentencing act, the Board of Parole holds hearings for the purpose of making recommendations to the sentencing judge for sentence modification for "good cause."

#### Statistical Information, FY 1994

Adult prison population, close FY'94:	2,854
Adult offenders considered for parole release in FY'94	321
Adult offenders released on parole in FY'94	99
Percentage of those considered who were released:	31%
Total adult parolees under supervision, close FY'94	777 parolees*
Final revocation hearings held, FY'94	127
Adult paroles revoked and returned to confinement, FY'94	76
Adult paroles revoked and re--paroled at the same time, FY'94	22
Cases released from adult parole supervision, FY'94 (Includes those released with or without a final discharge)	250
Total parole agency budget, FY'94	\$278,700 (actual expenditures)

\* Figure does not include mandatory releasees.

## DISTRICT OF COLUMBIA

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### District of Columbia Board of Parole

Authority for adult parole entity:	Statutory.
Agency's link with adult corrections:	Board operates independently of the corrections agency.
Offender populations under agency authority:	Adult felons and misdemeanants sentenced to more than 180 days; also youthful offenders, managed as a distinct population.
Field services provided:	Board provides parole supervision.

#### Recent Policy Developments

- Eligibility for parole release. The Omnibus Criminal Justice Reform Amendment Act of 1994, effective June 22, 1994, reduced the maximum sentence for certain misdemeanor offenses from one year to 180 days, thereby making them non-parolable sentences. The bill also required offenders convicted of crimes of violence to serve at least 85 percent of the minimum sentence imposed prior to being released on parole and to serve a mandatory minimum sentence in its entirety. Statutory provisions were repealed for "institutional good time credits," which previously were applied to certain minimum and maximum sentences to determine when an offender would be eligible for discretionary or mandatory release on parole. "Meritorious good time credits" were established and may be earned "for performing exceptionally meritorious service or performing duties of outstanding importance in connection with institutional operations," but such good time credits cannot reduce minimum sentences imposed for crimes of violence by more than 15 percent.
- Eligibility for parole of life sentenced offenders. The First Degree Murder Amendment Act of 1992, effective April 24, 1992 established a sentence of life without possibility of parole under certain circumstances and increased the minimum sentence for murder 1 from twenty to thirty years.
- Programs and placements for parolees. Consistent with the board's mission to protect the public interest, promote rehabilitation of offenders, and protect individual rights, the rehabilitation and/or treatment needs of offenders are considered in both the parole decisionmaking process and in the supervision program. However, an offender's noncompliance with board instructions to participate in certain programs while incarcerated as preparation for parole will not usually be the sole basis for denying parole, if the opportunity to participate in or complete the specified program(s) has not been available to the offender.
- Programs/placements for technical violations of parole. The board will usually refrain from ordering a period of reincarceration for a parolee who has committed only noncriminal (technical) violations of parole conditions, unless: 1) one or more of the noncriminal parole violations indicates an intent to avoid effective parole supervision; or 2) the parolee poses a threat to him/herself or to others if allowed to remain in the community; or 3) the board determines that reincarceration is the most appropriate sanction for an individual parolee.
- Involvement of victims. The Omnibus Criminal Justice Reform Act of 1994 formalized provisions for crime victims to contribute to the parole decision process. Among other provisions, it afforded the victim of a crime of violence, or a representative of the victim's family if the victim has died, the right to be present at the offender's parole hearings and to submit a written statement of opinion on whether parole should be granted.

- Medical parole. The Medical and Geriatric Parole Act of 1992, effective May 15, 1993, established the authority of the D.C. Board of Parole to grant medical or geriatric parole to certain geriatric, permanently incapacitated, or terminally ill inmates.

- Technical amendments. The Technical Amendments Act of 1994 amended the board's rules in the D.C. Municipal Regulations to clarify that actions specified in the board's parole guidelines are advisory rather than mandatory, repealed the parole guideline forms appended to the rules, and repealed the responsibility of the Department of Corrections for establishing standards for parole supervision in conjunction with the board.

#### Parole Board Structure

The Board of Parole has five members, all full-time, who are appointed for five-year terms. Terms on the board are staggered. Parole release and revocation hearings are conducted by one or more board members or a hearing examiner; three members are needed to make a release or revocation decision.

#### Discretion for Parole Release

For inmates being sentenced under current law, parole release decisions are made by board members only. The Board of Parole has discretionary releasing authority for all cases involving sentences of more than 180 days. The initial parole eligibility date is determined by statute.

#### Parole Release Decisionmaking

The Board of Parole does not set presumptive parole dates at the time of admission. "Good time" gain or loss is factored into the initial parole eligibility date set by the D.C. Department of Corrections.

A personal interview with each eligible inmate is conducted by one or more board members or a hearing examiner during the parole consideration process. If parole is denied at the initial hearing, the subsequent hearing date is established by the paroling authority, which has complete discretion in the matter. Board rules contain recommended set-offs, but the board may impose any set-off it deems appropriate. The agency can deny parole and order the inmate to serve out the sentence without additional parole hearings. The agency also has the authority to rescind or void a parole release decision prior to the actual release of an inmate on parole.

Final discharges from parole are granted by the board. The agency may grant an early final discharge from parole, prior to the maximum expiration of the sentence, only for adult offenders sentenced under the District's Youth Rehabilitation Act. Other offenders may be placed on inactive supervision status after they have served a minimum of one year on parole, but this does not constitute discharge from parole.

#### Parole of Life-Sentenced Offenders

Under current law, persons sentenced to life in prison with specified minimum sentences will become eligible for parole. The specified minimum term is determined by statute. A sentence of life without parole was made available in 1992 for persons convicted of first degree murder. Before becoming eligible for parole, inmates serving a life sentence for second degree murder must serve fifteen years; those convicted of first degree murder must serve twenty years, or thirty years if the crime was committed on or after April 24, 1992.

#### Agency Discretion for Conditions of Parole

The Board of Parole can require any of the following for an offender released on parole: standard parole supervision; parole with enhanced treatment/programming conditions; intensive supervision; drug testing; inactive supervision; interstate compact parole supervision; and administrative parole, in which

the offender is released to a detainer by another agency, e.g., the U.S. Immigration and Naturalization Service.

#### Public Access to the Parole Decision Process

The Board of Parole is not required to notify the public of scheduled parole release hearings. Adult parole release hearings are not open to the public.

The board keeps written and audio tape records of parole hearings. The individual vote of each participating board member is recorded, but is considered confidential and is not released to the public.

#### Involvement of Victims in Parole Processes

Crime victims can provide information to the board via written statements. The board notifies crime victims of scheduled parole consideration hearings if they have requested notification. Crime victims may attend adult parole consideration hearings unless, in the judgment of the board, this would create a risk of harm. Victims are notified of the decision if they have asked to be notified. Inmates can obtain information provided by crime victims to the board “unless release of that information to the inmate would subject the victim or any other person to risk of harm.”

#### Parole Revocation

The Board of Parole has revocation powers for all persons released on parole. A single parole revocation hearing is conducted by a board member and a hearing examiner.

Options available to decisionmakers at release and revocation hearings are essentially comparable. Dispositions other than return to prison that are available for a person whose parole is revoked include: reparole at a comparable or increased level of supervision; reparole with increased treatment/programming; reparole with intensive supervision; and reparole with drug testing or other special conditions.

If parole is revoked, the time the parolee/inmate must remain incarcerated prior to any re-release is neither mandatory nor prescribed. Board rules recommend a range of incarceration periods that are based on the type of violation and the amount of time remaining on the sentence. The agency has full discretion to revoke parole and order the parolee to serve the remainder of his/her sentence in prison.

#### Mandatory Release

Adult inmates are subject to mandatory release from prison upon the expiration of the maximum sentence less any applicable “good time” credits. Under a population cap mechanism, the mandatory release dates of certain inmates—those who were convicted of nonviolent offenses and are already within 180 days of release—can be advanced by ninety days or 10 percent of the remaining sentence, whichever is less.

The Board of Parole sets conditions of parole for cases mandatorily released and provides parole supervision of mandatory releasees in the community until expiration of the maximum sentence.

If a person mandatorily released on parole commits a violation, the board is empowered to investigate the case, conduct a revocation hearing, and make a final determination. If parole is revoked for a person mandatorily released on parole, the person may be ordered to serve either the remaining period of the prison term, less street time, or the portion of the time remaining on the sentence that is deemed appropriate by the board.



#### Other Functions of the Adult Paroling Authority

The Board of Parole has no role in either commutation or pardon proceedings, nor is it empowered to grant furloughs to confined inmates or the restoration of an offender's civil rights.

Additional powers of the Board of Parole include those related to the District's Youth Rehabilitation Amendment Act of 1985 (YRA). Under the act, the board may: 1) review evaluation reports and make sentence recommendations to the court for adult offenders who are being considered for sentencing under the YRA; 2) grant unconditional discharges to parolees sentenced under the YRA as the board deems appropriate.

The board also can petition the sentencing court to reduce the minimum sentence of offenders, except offenders serving mandatory minimums for crimes such as murder 1 or many drug offenses. Inmates cannot apply to the board for consideration for a reduction in their minimum sentence until they have served three years of the sentence. At least three board members must approve the petition.

#### Statistical Information, FY 1994

Adult prison population, close FY'94:	9,586
Adult offenders considered for parole release in FY'94	4,501
Adult offenders released on parole in FY'94	2,412
Percentage of those considered who were released:	53.6%
Total adult parolees under supervision, close FY'94	4,442
Final revocation hearings held, FY'94	1,489
Adult paroles revoked and returned to confinement, FY'94	884
Adult paroles revoked and re--paroled at the same time, FY'94	88
Cases released from adult parole supervision, FY'94 (Includes those released with or without a final discharge)	3,353
Total parole agency budget, FY'94	\$6,183,000

## FLORIDA

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### Florida Parole Commission

Authority for adult parole entity:	Constitutional and statutory.
Agency's link with adult corrections:	Commission operates independently of the corrections agency.
Offender populations under agency authority:	Adult felons and youthful offender felons.
Field services provided:	None; parole supervision is provided by DOC Probation and Parole Services.

#### Recent Policy Developments

- Prison population management. Under the legislatively developed Control Release Program, when prison populations reach a specified level, the Parole Commission must review for release offenders convicted of certain offenses.
- Parole hearing process. Recent legislation requires parole voting meetings to be held in different parts of the state rather than only in the central office. Inmates are not present at these meetings, having been interviewed by an examiner in the institution.
- Revocation processes. Initially through administrative means and now as authorized by legislation, Florida codified an emergency warrant process. If a parolee is picked up on a felony arrest, local authorities notify the Parole Commission, and a warrant and no--bond hold order are issued immediately and are in effect for seventy--two hours. After a magistrate issues a probable cause finding, the local parole office notifies the Parole Commission and the final revocation process is initiated.
- Involvement of the crime victim. The Parole Commission contacts crime victims to obtain their input and to determine whether they would like to be notified of control release proceedings. If the victim requests notification, the commission must notify or attempt to notify the victim.
- Paroling authority involvement in clemency proceedings. The Parole Commission serves as support staff to the governor and cabinet as the Board of Executive Clemency, providing both investigations and recommendations related to clemency.
- Illegal aliens. As part of a population-- and cost--reduction initiative, the Board of Executive Clemency attempts to identify and deport illegal aliens within the correction system.
- Medical release. Terminally ill or permanently incapacitated offenders who do not pose a threat to the community are released from prison under the Conditional Medical Release Program.

#### Parole Board Structure

The Parole Commission has seven members, all of whom are full--time. Commissioners' term of appointment is six years, and terms on the board are staggered. Parole release may be granted by panels of not less than two commissioners, and revocations are decided by majority vote of the commission.

#### Discretion for Parole Release

For inmates being sentenced under current law, the date of release from prison is determined by statute. The Parole Commission retains discretionary releasing authority for offenders who were convicted for offenses committed before October 1, 1983 and certain capital and life felony cases after that date.

The initial parole eligibility date for offenders sentenced under current law is determined by both agency regulation and statute.

#### Parole Release Decisionmaking

The Parole Commission sets presumptive parole dates at the time of admission to prison. "Good time" gain or loss is not factored into the initial parole eligibility date.

A personal interview is conducted by a staff member with each eligible inmate during the parole consideration process. The votes of no less than two commissioners are needed to approve a parole release. If parole is denied at the initial hearing, both regulation and statute determine the subsequent hearing date. The agency cannot deny parole and order the inmate to serve out the sentence without additional hearings. The agency can rescind or void a parole release decision prior to the actual release of an inmate on parole. Final discharges from parole are granted by the Parole Commission. The agency may grant an early final discharge from parole, prior to the maximum expiration of the sentence. No minimum period of time must be served on parole before a parolee is eligible for a final discharge.

#### Parole of Life--Sentenced Offenders

Under current law, only certain capital felony conviction cases who receive a sentence of life with a twenty--five--year mandatory minimum term and certain life felony conviction cases may become eligible for parole release. Persons receiving a life sentence for other convictions are ineligible for parole consideration. The prison system holds 6,000 inmates who were sentenced to life imprisonment under an earlier code and who may eventually become eligible for parole release. The period that these offenders must serve in prison is determined at the discretion of the Parole Commission after they have served any mandatory minimum portion of the sentence.

#### Agency Discretion for Conditions of Parole

The Parole Commission can require any of the following for an offender released on parole: standard parole supervision; parole with enhanced treatment/programming conditions; day reporting; intensive supervision; drug testing; administrative parole (minimal supervision); community control; and payment of restitution. Payment of supervision fees is a statutorily mandated condition of parole.

#### Public Access to the Parole Decision Process

Both statutes and Parole Commission policy mandate that the public be notified of scheduled parole decision meetings. Adult parole release meetings are open to the public without restrictions, as are the deliberations of agency personnel. The agency keeps written and audio tape records of parole voting. The individual vote of each participating commissioner is recorded and is a part of the public record.

#### Involvement of Victims in Parole Processes

Crime victims can provide information to the paroling authority via written, oral, audio tape, or video tape statements. The Parole Commission always notifies crime victims of scheduled parole consideration hearings. Crime victims are permitted to attend adult parole consideration hearings and are present when the release decision is made. Victims who do not attend hearings are notified of the decision if they have asked to be notified. Inmates cannot obtain information provided by crime victims to the paroling authority; victim input is confidential. However, oral presentations by victims at scheduled hearings are part of the public record and are available to anyone, including the inmate. The Parole Commission advises crime victims regarding the content of their public presentations as appropriate.

#### Parole Revocation

The Parole Commission has revocation powers for all persons released on parole. Preliminary parole

revocation hearings are conducted by a hearing officer/examiner. Final parole revocation hearings are generally conducted by examiners. Revocations are decided by majority vote of the commissioners. Options available to decisionmakers at release and revocation hearings are essentially comparable. Dispositions available to the Parole Commission, other than return to prison, for a person whose parole is revoked include: reinstatement on parole at comparable level of supervision; reinstatement on parole with increased treatment/programming; day reporting; intensive supervision; drug testing; and community control, which is inclusive of any applicable special conditions. If parole is revoked, the time the parolee/inmate must remain incarcerated prior to any re--release is neither mandatory nor prescribed; the agency conducts an initial interview six months after revocation. The agency may not revoke parole and order the parolee to serve the remainder of his/her sentence in prison. Though the commission may exercise its discretion not to parole the inmate, he or she must still receive parole consideration.

#### Mandatory Release

Statutorily prescribed adult inmates are subject to mandatory release from prison—termed Conditional Release—on expiration of a determinate sentence, less gaintime for certain offenses. Mandatory release is also possible through a population control mechanism. The Control Release Authority, a function of the Parole Commission, determines which inmates are released in the event of prison overcrowding. Eligibility for control release is statutorily prescribed, and any actual release is determined for individual offenders by the commission, based on offense and a risk assessment instrument. The Parole Commission sets conditions of release for offenders placed on conditional release or control release, as well as setting the term of release on supervision within or up to the maximum sentence. Field supervision is always provided for persons mandatorily released from prison. If a person mandatorily released commits a violation, the Parole Commission is empowered to investigate the case, conduct a revocation hearing, and make a final determination. If release is revoked, the original prison term resumes; the offender does not receive credit for street time.

#### Other Functions of the Adult Paroling Authority

The Parole Commission contributes to both commutation and pardon proceedings by conducting an investigation and providing a recommendation for action to the governor and cabinet. The commission is not empowered to grant furloughs to confined inmates. It may not grant the restoration of an offender's civil rights, but the agency may recommend civil rights clemency action to the governor and cabinet. Commission members conduct death row hearings and provide an advisory opinion regarding whether the case should be heard before the governor and cabinet.

#### Statistical Information, FY 1994

Adult prison population, close FY'94:	56,052
Adult offenders considered for parole release in FY'94	2,678
Adult offenders released on parole in FY'94	145
Percentage of those considered who were released:	0.054%
Total adult parolees under supervision, close FY'94	2,965
Final revocation hearings held, FY'94	185
Adult paroles revoked and returned to confinement, FY'94	129
Adult paroles revoked and re--paroled at the same time, FY'94	102
Cases released from adult parole supervision, FY'94 (Includes those released with or without a final discharge)	40
Total parole agency budget, FY'94	\$8,777,369

## GEORGIA

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### Georgia Board of Pardons and Paroles

Authority for adult parole entity:	Constitutional.
Agency's link with adult corrections:	Board operates independently of the corrections agency.
Offender populations under agency authority:	Adult felons.
Field services provided:	Board provides parole supervision.

#### Recent Policy Developments

Changes affecting parole have been the result of: 1) an increase of 10,000 prison beds; 2) more conservative members of the Parole Board; and 3) public pressures for longer incarceration periods.

- Discretion for parole release. During the 1994 general election the citizens of Georgia passed a constitutional amendment eliminating parole eligibility for offenders convicted of any of seven specified violent crimes. On a second conviction for one of these crimes, an offender is sentenced to life without parole. Although not required to comply with statutory law because of its constitutional authority, the board has agreed to comply with other recent statutory changes.

- Eligibility for parole release. As a result of both a public concern for safety and an increase in the number of prison beds, the board has changed its parole guidelines to raise the minimum amount of time to serve for almost every category of offenders, especially violent offenders.

- Eligibility for parole release of offenders receiving a life sentence. The legislature doubled the minimum time to be served on a life sentence for offenders convicted for a violent offense committed on or after January 1, 1995.

- Determination of parole release dates. The board has adjusted release guidelines to mandate increased amounts of time to be served before an inmate is eligible for release.

- Programs/placements for persons released on parole. In 1990, the board established an in-house substance abuse counseling program for parolees. During the last two years, in partnership with the Georgia Department of Corrections, the board has established therapeutic intensive substance abuse treatment programs at two prisons. The facilities are exclusively for parolees who demonstrate continued substance abuse problems. The programs were established to address a major substance abuse problem in the correctional population, as well as a lack of treatment alternatives.

- Programs/placements for parole violators. The board has established an electronic monitoring program for parolees as a final sanction before revocation to prison. The program is an alternative to revocation for many offenders who violate parole because of substance abuse problems.

- Discharge process. In 1994, the board extended by one year the amount of time an offender must serve on parole before a parole officer can request a commutation of the sentence. This was done, in part, because of a reduction in the number of parolees supervised, which allowed officers to work with offenders for a longer period of time. In addition, the board believes that offenders should demonstrate over a longer period of time that they have earned the right to have their sentence ended.

- Involvement of the victim. Since 1990, the board has been developing a victims' assistance program. A full-time employee is assigned to assist in developing victims' assistance programs and to work with victims' groups so victims are heard and their feelings are made known to the board. The

board has assisted in establishing a victims' restitution program that pays victims for unreimbursed lawsuits from crimes committed by parolees. The board will continue its efforts to ensure that input from crime victims is always an important factor in the consideration process.

#### Parole Board Structure

The Board of Pardons and Paroles has five members, all full-time, appointed for seven-year terms. Board terms are staggered. A quorum of three members is required for parole release and parole revocation hearings as well as all other clemency actions taken by the board.

#### Discretion for Parole Release

For inmates being sentenced under current law, parole release decisions are made by paroling authority members only. The board has discretionary releasing authority for offenders who are eligible based on offense. Effective January 1, 1995, offenders convicted of murder, rape, kidnapping, armed robbery, aggravated child molestation, aggravated sodomy, and aggravated sexual battery are ineligible for parole consideration on a first conviction if the sentence is less than life.

The initial parole eligibility date is determined either by law or by paroling authority discretion. Statute determines the release eligibility of persons convicted of selected violent and drug-related offenses, requiring them to serve a minimum of one-third of the imposed sentence in prison unless convicted on a non-parolable offense.

#### Parole Release Decisionmaking

The agency sets tentative parole dates within eight months of confinement for all non-life cases. Earned time was abolished in Georgia in 1984 and is not a factor in the initial parole eligibility date. However, on final review of an inmate's case prior to the tentative parole date, the inmate may be awarded performance incentive credits as a result of exceptional work, schooling, training, and institutional conduct. Such credits could bring forward the tentative parole date.

All inmates entering the Georgia prison system are interviewed by a Parole Board representative prior to their initial parole consideration. If parole is denied at initial consideration on a non-life sentence, the board can deny parole and order the inmate to serve out the sentence without additional parole consideration. If parole is denied at initial consideration on a life sentence, the board can, by its own policy, establish a reconsideration date between one and eight years later. The agency also has the authority to rescind a tentative parole release decision prior to the actual release of an inmate.

Final discharges from parole are granted by the board or occur automatically on completion of the sentence. The agency may grant an early final discharge from parole, prior to the maximum expiration of the sentence. A minimum period of two years must be served on parole for sentences less than life, and three years for life sentences, before a parolee is eligible for a final discharge.

#### Parole of Life-Sentenced Offenders

Current law provides for sentences of both "life" and "life without parole." By statute, inmates given a "life" sentence for a violent offense become eligible for parole after they have served fourteen years in prison. Persons given a life sentence for a non-violent offense must serve a minimum of seven years.

#### Agency Discretion for Conditions of Parole

The board can require any of the following for an offender released on parole: standard parole supervision; parole with enhanced treatment/programming conditions; electronic monitoring; drug testing; administrative parole (minimal supervision); payment of supervision fees; and payment of restitution.

### Public Access to the Parole Decision Process

The Georgia Board of Pardons and Paroles does not hold hearings; parole release is an administrative process. Deliberations of agency personnel are closed to the public. The individual vote of each participating paroling authority member is recorded but is considered confidential and is not released to the public. All information received by the board in the performance of its duties that is not public record or obtained in a public hearing is classified as confidential state secret.

### Involvement of Victims in Parole Processes

Crime victims can provide information to the paroling authority via written and/or oral statements. The agency notifies crime victims of parole eligibility dates and tentative parole decisions if they have asked to be notified and have provided a current mailing address. Crime victims are not permitted to attend parole consideration proceedings; the agency does not conduct hearings per se. Victim input is confidential and cannot be obtained by inmates.

### Parole Revocation

The Board of Pardons and Paroles has revocation powers for all persons released on parole. Preliminary parole revocation hearings are conducted by a hearing officer. A final parole revocation hearing is conducted by a board member.

Dispositions available to the board at parole release and revocation are roughly comparable, but there are slightly fewer options available to the board for responding to violations. No dispositions other than return to prison are available for a person whose parole is actually revoked. If parole is revoked, the time the parolee/inmate must remain incarcerated prior to any re--release is neither mandatory nor prescribed. The agency has full discretion to revoke parole and order the parolee to serve the remainder of his/her sentence in prison.

### Mandatory Release

Georgia has no mandatory release prior to the expiration of the sentence.

### Other Functions of the Adult Paroling Authority

The Board of Pardons and Paroles has full authority to commute sentences, including death sentences, to grant pardons, to remit sentences, and to restore an offender's civil rights. The board may also grant a temporary release or reprieve under circumstances such as giving birth to a child.

### Statistical Information, FY 1994

Adult prison population, close FY'94:	28,000
Adult offenders considered for parole release in FY'94	13,507
Adult offenders released on parole in FY'94	9,455
Percentage of those considered who were released:	70%
Total adult parolees under supervision, close FY'94	17,525
Final revocation hearings held, FY'94	4,151
Adult paroles revoked and returned to confinement, FY'94	4,151
Adult paroles revoked and re--paroled at the same time, FY'94	0
Cases released from adult parole supervision, FY'94 (Includes those released with or without a final discharge)	9,413
Total parole agency budget, FY'94	\$37,074,000

## HAWAII

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### Hawaii Paroling Authority

Authority for adult parole entity:	Statutory.
Agency's link with adult corrections:	Paroling authority operates independently of the corrections agency but is linked for administrative and/or budgetary purposes.
Offender populations under agency authority:	Felons—adults and youthful offenders.
Field services provided:	Paroling Authority provides parole supervision.

#### Recent Policy Developments

Recent policy changes affecting parole have been a result of crowded conditions in Hawaii's correctional facilities. In 1993, the legislature created an eight--member Corrections Population Management Commission with the primary objective of establishing maximum population limits for each facility and developing policies and procedures to prevent the inmate population from exceeding each facility's capacity. The chairperson of the Hawaii Paroling Authority is a member of the commission. An intermediate sanctions bill proposed by the commission for the 1995 legislative session passed without funding and is operating at one--quarter to one--third of its designed operating level.

- Determination of parole release dates. Beginning in January 1993, the Paroling Authority has moved up the parole hearing dates of those it will consider for parole in order to free bed space. As of January 1995, the parole consideration process has been moved up from the original two months prior to the tentative parole date (TPD) to four months prior to the TPD. The change creates a larger pool of eligible candidates for release at their TPD or earlier.

- Parole release hearing process. In January 1991 the agency created a pre--parole services unit with three parole officers. The unit provides critical information needed for the Paroling Authority's decisions. The process was designed for efficiency and to increase the number of persons seen annually for parole hearings.

- Programs for sex offenders on parole release. In 1990, the state legislature provided the agency with two parole officers to specialize in sex offender supervision and monitoring. The program grew to seventy sex offenders by year--end. In 1993, a third parole officer was added to handle the caseload, which had increased to 120 sex offenders.

- Programs for mentally ill parolees. An initiative to develop a systematic approach to the placement and management of mentally ill criminal offenders in the community began in 1991. At the request of the agency, a psychiatric social worker from the Courts and Corrections Branch, Hawaii Department of Health, was transferred from a correctional facility and assigned to the Hawaii Paroling Authority. The psychiatric social worker was responsible for developing parole release plans for parolees and for coordinating the transition of mental health services from the correctional facility to the community. A parole officer is assigned to provide supervision and monitoring activities. Since the inception of the program, approximately eighty severely disabled mentally ill (SDMI) inmates have been paroled. There are currently forty SDMI remaining in the community under parole supervision; thirty of these persons are on psychotropic medications.

- Substance abuse treatment. In February 1992, the agency received funding from the Edward Byrne Memorial Grant Program to establish a treatment alternatives program for those released from prison as well as for parole violators on their way back to prison. Intensive out--patient and limited



residential substance abuse treatment services were made available. In February 1993, the agency hired a certified substance abuse counselor to provide “in--house” intensive outpatient substance abuse treatment and group counseling. An acupuncturist performs the five--point auricular acupuncture method for detoxification as an adjunct to the out--patient substance abuse treatment. Intensive supervision was made available for inmates who presented higher levels of risk and had a history of severe substance abuse.

- Placements/programs for parole violators. Parole violation guidelines and procedures for administrative hearings were adopted as agency policy in 1992. Included are sanctions ranging from home detention to electronic monitoring as alternatives to the incarceration of violators. The guidelines provide a systematic and consistent means to respond to violations based on their severity and aggravating and mitigating circumstances. In addition, the agency moved up the revocation hearing from within sixty days to within thirty days. This was done to respond more quickly to serious parole violations and to facilitate correctional institutions' classification and housing decisions.

A cooperative agreement was reached with the Department of Public Safety to place selected technical parole violators directly into a work furlough program. In 1995, however, because of extreme prison crowding, the work furlough program could not accommodate parole.

- Discharge process. In 1992, the agency instituted a policy to recommend parole discharges of non--violent offenders convicted of either a class C or B felony upon successful completion of two consecutive years of parole supervision. Non--violent offenders convicted of a class A felony must complete three years of parole supervision. The current state law requires a review and recommendation of all offenders under parole supervision for five years.

#### Parole Board Structure

The Paroling Authority has three members, including one full--time and two part--time members. The term of appointment is four years, which can be repeated once. Members' terms on the board are staggered. A quorum of two members is required for parole release and parole revocation hearings.

#### Discretion for Parole Release

For inmates being sentenced under current law, parole release decisions are made by paroling authority members only. The paroling authority has discretionary releasing authority for all cases except 1) those with a mandatory minimum to serve and 2) life without parole. The initial parole eligibility date is determined by both agency regulation and statute; the authority uses internal guidelines for establishing minimum terms of imprisonment.

#### Parole Release Decisionmaking

The agency sets presumptive parole dates at the time of admission. “Good time” is not accrued and is not a factor in parole eligibility.

A personal interview is conducted by the board with each eligible inmate during the parole consideration process. If parole is denied at the initial hearing, statutes require that subsequent hearings be held every twelve months thereafter. The agency cannot deny parole and order the inmate to serve out the sentence without additional parole hearings. It can rescind or void a parole release decision prior to the actual release of an inmate on parole.

Final discharges from parole are granted by the Paroling Authority. The agency may grant an early final discharge from parole, prior to the maximum expiration of the sentence. A minimum period of two years must be served on parole before a parolee is eligible for a final discharge for those convicted of class “B” and “C” felonies. For class “A” felonies, offenders must serve three years on parole.

### Parole of Life--Sentenced Offenders

Under current law, some persons sentenced to life in prison will become eligible for parole. The exception is persons given a sentence of life without the possibility of parole. The term served on an eligible life sentence is determined at paroling authority discretion.

### Agency Discretion for Conditions of Parole

The Paroling Authority can require any of the following for an offender released on parole: standard parole supervision; parole with enhanced treatment/programming conditions; halfway house; intensive supervision; electronic monitoring; drug testing; and administrative parole (minimal supervision). The authority can order restitution payment only if ordered on the original court sentence, and it does not order the payment of supervision fees.

### Public Access to the Parole Decision Process

The Paroling Authority does not notify the public of scheduled parole release hearings. Parole release hearings are not open to the public, nor are the deliberations of agency personnel at hearings.

The agency keeps audio tape records of parole hearings and a written record of decisions. The individual vote of each participating paroling authority member or other decision-maker is not recorded, but at least two votes from either side are necessary.

### Involvement of Victims in Parole Processes

Crime victims can provide information to the paroling authority via both written and oral comments. The agency notifies crime victims of scheduled parole consideration hearings if they have asked to be notified. Crime victims or their families are permitted to attend adult parole consideration hearings if the offense was one against a person. Victims or family member(s) can attend hearings at which the board sets the minimum sentence of the inmate and make oral comments, at the discretion of the board. Victims are notified of the decision to release an inmate or to give a final discharge if they have asked to be notified.

Inmates cannot obtain information provided by crime victims to the paroling authority; victim testimony is confidential.

### Parole Revocation

The adult paroling authority has revocation powers for all persons released on parole. Preliminary parole revocation hearings are conducted by a parole officer other than the supervising agent. The final parole revocation hearing is conducted by the paroling authority board.

Options available to decisionmakers at release and revocation hearings are essentially comparable. Dispositions other than return to prison that are available to the board for a person whose parole is revoked include: reinstatement on parole at comparable level of supervision; reinstatement on parole with increased treatment/programming; halfway house; intensive supervision; electronic monitoring; and drug testing.

If parole is revoked, the time the parolee/inmate must remain incarcerated prior to any re--release is not mandatory but prescribed, as set forth in parole violation guidelines. The agency has full discretion to revoke parole and order the parolee to serve the remainder of his/her sentence in prison.

### Mandatory Release

Adult inmates are not subject to mandatory release from prison.

#### Other Functions of the Adult Paroling Authority

The Hawaii Paroling Authority contributes to commutation and pardon proceedings by conducting investigations and recommending action to the governor. The agency has no involvement in inmate furloughs or the restoration of an offender's civil rights.

By statute, the Hawaii Paroling Authority sets the minimum sentences—based on the maximum term set by the trial judge—for all adult sentenced felons except those whose maximum term is life without the possibility of parole.

#### Statistical Information, FY 1994

Adult prison population, close FY'94:	1,826
Adult offenders considered for parole release in FY'94	1,199*
Adult offenders released on parole in FY'94	665
Percentage of those considered who were released:	55.4%
Total adult parolees under supervision, close FY'94	1,663
Final revocation hearings held, FY'94	394
Adult paroles revoked and returned to confinement, FY'94	311
Adult paroles continued, not revoked, FY'94	83
Cases released from adult parole supervision, FY'94 (Includes those released with or without a final discharge)	285
Total parole agency budget, FY'94	\$1,687,018

\* Some of these offenders were considered more than once during the year.

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Idaho Commission of Pardons and Parole

Authority for adult parole entity:	Statutory.
Agency's link with adult corrections:	Commission operates independently of the corrections agency but is linked administratively and/or for budgetary purposes.
Offender populations under agency authority:	Adult felons.
Field services provided:	None; parole supervision is provided by the DOC Division of Field and Community Services.

## Recent Policy Developments

- Medical parole. Effective July 1, 1993, inmates may be considered for medical parole if they are permanently incapacitated or terminally ill and are no longer believed to pose a threat to society.

## Parole Board Structure

The commission has five members, all of whom are part-time. The term of appointment is five years. Members' terms on the board are staggered. A quorum of three members is required for parole release and parole revocation hearings and clemency decisions.

## Discretion for Parole Release

For inmates being sentenced under current law, parole release decisions are made by board members only. The agency plans to have hearing officers assist in decisionmaking beginning in FY 1997. The commission has discretionary releasing authority for all cases. The initial parole eligibility date is determined by both agency regulation and statute.

## Parole Release Decisionmaking

The commission does not set presumptive parole dates at the time of admission. "Good time" gain or loss is not a factor in the initial parole eligibility date. A personal interview is conducted by one or more board members with each eligible inmate during the parole consideration process. If parole is denied at the initial hearing, the commission has full discretion in setting the subsequent hearing date. The commission can deny parole and order the inmate to serve out the sentence without additional hearings, and it can rescind or void a parole release decision prior to the actual release of an inmate on parole. Final discharges from parole are granted by the commission. The agency may grant an early final discharge, prior to the maximum expiration of the sentence. By statute, a minimum period of one year must be served on parole before a parolee is eligible for a final discharge. Commission regulations have also increased the time to be served on parole before final discharge.

## Parole of Life--Sentenced Offenders

Under current law, only those lifers who receive a sentence to an indeterminate life term will become eligible for parole. The fixed portion of a sentence that must be served in prison is determined by the court on a case--by--case basis.

## Agency Discretion for Conditions of Parole

The Commission on Pardons and Parole can require any of the following for an offender released on parole: standard parole supervision; parole with enhanced treatment/programming conditions; halfway

house; intensive supervision; electronic monitoring; drug testing; administrative parole (minimal supervision); payment of supervision fees; and payment of restitution.

#### Public Access to the Parole Decision Process

By agency policy, the public is notified of scheduled parole release hearings. Hearings are open to the public without restrictions, but the deliberations of agency personnel are not. The agency keeps written records of parole hearings. The individual vote of each participating board member is recorded but is considered confidential and is not released to the public.

#### Involvement of Victims in Parole Processes

Crime victims can provide information to the board via both written and/or oral statements. The agency notifies crime victims of scheduled parole consideration hearings if they have asked to be notified. Crime victims are always permitted to attend adult parole consideration hearings. They are notified of the decision if they have asked to be notified. Inmates cannot obtain written information provided by crime victims to the paroling authority; however, victim testimony at hearings is not confidential.

#### Parole Revocation

The adult paroling authority has revocation powers for all persons released on parole. Preliminary revocation hearings are conducted by a hearing officer. A final revocation hearing is conducted by a quorum of the board. Options available to decisionmakers at release and revocation hearings are comparable. Dispositions other than return to prison that are available to the board for a person whose parole is revoked include: reinstatement on parole at comparable level of supervision; reinstatement on parole with increased treatment/programming; intensive supervision; electronic monitoring; and drug testing. If parole is revoked, the time the parolee/inmate must remain incarcerated prior to any re-release is neither mandatory nor prescribed. The agency has full discretion to revoke parole and order the parolee to serve the remainder of his/her sentence in prison.

#### Mandatory Release

Adult inmates in Idaho are not subject to mandatory release before the expiration of sentence.

#### Other Functions of the Adult Paroling Authority

The Parole Commission is empowered to commute sentences and to pardon offenders. It does not furlough offenders or restore their civil rights. The commission can grant a remission of fines.

#### Statistical Information, FY 1994

Adult prison population, close FY'94:	2,600
Adult offenders considered for parole release in FY'94	1,119*
Adult offenders released on parole in FY'94	490*
Percentage of those considered who were released:	44%
Total adult parolees under supervision, close FY'94	972*
Final revocation hearings held, FY'94	245
Adult paroles revoked and returned to confinement, FY'94	222
Adult paroles revoked and re--paroled at the same time, FY'94	Not available
Cases released from adult parole supervision, FY'94 (Includes those released with or without a final discharge)	203
Total parole agency budget, FY'94	\$350,000

\* Figures are for calendar year 1994.

## ILLINOIS

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### Illinois Prisoner Review Board

Authority for adult parole entity:	Statutory.
Agency's link with adult corrections:	Review Board operates independently of the corrections agency.
Offender populations under agency authority:	Adult and juvenile felons.
Field services provided:	None; parole supervision is provided by the DOC Division of Community Services.

#### Recent Policy Developments

- Involvement of the victim. Crime victims have been given the opportunity to provide input to the board for release decisions. Legislation requires the board to notify victims and any other requestor of offenders' release dates.

#### Parole Board Structure

The Illinois Prisoner Review Board has twelve members, all full-time, who are appointed to six-year terms. Terms on the board are staggered. A quorum of seven members is required for parole release and parole revocation hearings.

#### Discretion for Parole Release

For inmates being sentenced under current law, parole release dates are determined by statute. The Prisoner Review Board has discretionary releasing authority for offenders who were convicted for crimes committed before February 1, 1978. The initial parole eligibility date is determined by statute.

#### Parole Release Decisionmaking

The Prisoner Review Board does not set presumptive parole dates at the time of admission. "Good time" gain or loss is factored into the initial parole eligibility date. A personal interview with each eligible inmate is conducted by one or more board members during the parole consideration process. If parole is denied at the initial hearing, the subsequent hearing date is established by statute. The board cannot deny parole and order the inmate to serve out the sentence without additional hearings. The agency cannot rescind or void a parole release decision prior to the release of an inmate. Final discharges are granted by the board. The agency may grant an early final discharge from parole, prior to the maximum expiration of the sentence, with no specified minimum period of time served on parole.

#### Parole of Life-Sentenced Offenders

Under current law, inmates given a life term are not eligible for parole. No inmates sentenced to life imprisonment under any earlier code will become eligible for parole consideration.

#### Agency Discretion for Conditions of Parole

The Prisoner Review Board can require any of the following for an offender released on parole: standard parole supervision; parole with enhanced treatment/programming conditions; halfway house placement; intensive supervision; electronic monitoring; and drug testing.

#### Public Access to the Parole Decision Process

Statute requires that the Prisoner Review Board notify the public of scheduled parole release hearings. Although hearings are open to the public without restrictions, the deliberations of agency personnel are

closed. The agency keeps audio tape records of parole hearings. The individual vote of each participating paroling authority member or other decision-maker is recorded and is a part of the public record.

#### Involvement of Victims in Parole Processes

Crime victims can provide information to the Prisoner Review Board via written and/or oral statements. The agency notifies crime victims of scheduled parole consideration hearings if the victim has asked to be notified. Crime victims are permitted to attend adult parole consideration hearings if they have asked to attend. Victims are notified of the decision if they have requested notification. Victim input to the paroling authority is confidential and cannot be obtained by inmates.

#### Parole Revocation

The Prisoner Review Board has revocation powers for all persons released on parole. Preliminary parole hearings are conducted by board staff. Final hearings are conducted by a board member. Options available to decisionmakers at release and revocation hearings are comparable. Dispositions other than return to prison that are available to the board for a person whose parole is revoked include: reinstatement on parole at comparable level of supervision; reinstatement on parole with increased treatment/programming; halfway house; day reporting; intensive supervision; and electronic monitoring. If parole is revoked, the time the parolee/inmate must remain incarcerated prior to any re-release is both mandatory and prescribed, based on the length of the sentence remaining. The agency has full discretion to revoke parole and order the parolee to serve the remainder of his/her sentence in prison.

#### Mandatory Release

Adult inmates are subject to mandatory release from prison upon expiration of the determinate sentence. The Prisoner Review Board sets parole conditions for cases mandatorily released. Field supervision is always provided for persons mandatorily released from prison. If a person mandatorily released on parole commits a violation, the board is empowered to investigate the case, conduct a revocation hearing, and make a final determination. Parole revocation for a person mandatorily released on parole results in service of the remaining period of the prison term, less street time.

#### Other Functions of the Adult Paroling Authority

For both commutation and pardon proceedings, the Prisoner Review Board conducts investigations and provides data and a recommendation to the governor. The board has no involvement in inmate furloughs or the restoration of an offender's civil rights. The board determines revocation and restoration of good conduct credits, which constitutes a major portion of the board's overall function.

#### Statistical Information, FY 1994

Adult prison population, close FY'94:	36,000
Adult offenders considered for parole release in FY'94	598
Adult offenders released on parole in FY'94	18
Percentage of those considered who were released:	3%
Total adult parolees under supervision, close FY'94	24,800
Final revocation hearings held, FY'94	4,035
Adult paroles revoked and returned to confinement, FY'94	3,840
Adult paroles revoked and re--paroled at the same time, FY'94	195
Cases released from adult parole supervision, FY'94 (Includes those released with or without a final discharge)	Not available
Total parole agency budget, FY'94	\$961,000

## INDIANA

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### Indiana Parole Board

Authority for adult parole entity:	Statutory.
Agency's link with adult corrections:	The paroling authority operates independently of the corrections agency, but it is linked administratively and/or for budgetary purposes.
Offender populations under agency authority:	Adult felons.
Field services provided:	None; parole supervision is provided by the DOC Parole Services Section.

#### Recent Policy Developments

- Involvement of the victim. Victims and/or the victim's family may request notification of a parole release hearing date and may make a statement at the Parole Board's Central Office. The statement is videotaped and becomes part of the public record. The offender's hearing at the institution is also videotaped and is available to the victim and/or victim's family. This change occurred in 1992 as part of a continuing board practice to incorporate crime victims' input in the process.
- Clemency. Previously, regulations on clemency required that an offender must have received a sentence of six years or more, had served one--third of the imposed sentence, and had completed one year of clear conduct prior to an application for clemency. In 1994, the board changed the policy to require a sentence of ten years or more, one--third of the sentence served, and one year of clear conduct.
- Hearing process. Effective July 1, 1995, the board can set a subsequent hearing date for a person denied parole at five years, rather than conducting such rehearings annually, as previously required.

#### Parole Board Structure

The Indiana Parole Board has five members, all full--time, who are appointed to four--year terms. Terms on the board are staggered. A quorum of three members is required for parole release and parole revocation hearings.

#### Discretion for Parole Release

For inmates being sentenced under current law, parole release dates are determined by statute. The board has discretionary releasing authority for offenders who were convicted before 1977. The initial parole eligibility date is determined by statute.

#### Parole Release Decisionmaking

The agency sets parole eligibility dates at the time of admission. "Good time" gain or loss is factored into the initial parole eligibility date.

A personal interview with each eligible inmate is conducted by one or more board members during the parole consideration process. If parole is denied at the initial hearing, the subsequent hearing date is established by both regulation and statute. The board has limited discretion to set the subsequent hearing date. The agency cannot deny parole and order the inmate to serve out the sentence without additional parole hearings. However, the agency has the ability to rescind or void a parole release decision prior to the actual release of an inmate on parole.

Final discharges from parole are granted by the Parole Board. The agency may grant an early final dis-



charge from parole, prior to the maximum expiration of the sentence. Parolees convicted between 1977 and 1994 must serve a minimum of one year of parole before they are eligible for a final discharge. Parolees convicted after 1994 must serve a minimum of two years before final discharge eligibility. Inmates paroled from a life sentence on a pre--1977 conviction must remain on parole for life.

#### Parole of Life--Sentenced Offenders

Under current law, persons sentenced to life in prison are ineligible for parole release. The prison system holds 300 inmates who were sentenced to life imprisonment under an earlier code and who may become eligible for parole consideration. By statute, persons receiving a life sentence before 1977 are eligible for parole after serving a minimum term of fifteen years, or twenty years if convicted of murder; persons receiving more than one life sentence are ineligible for parole release. No life sentences were given in Indiana between 1977 and 1994; during that period, sentencing options on such serious crimes were limited to the death penalty or a sixty--year sentence to prison.

#### Agency Discretion for Conditions of Parole

The agency can require any of the following for an offender released on parole: standard parole supervision; parole with enhanced treatment/programming conditions; intensive supervision; and drug testing. Although payment of supervision fees and payment of restitution are available as special stipulations, they have yet to be required.

#### Public Access to the Parole Decision Process

Parole Board policy requires the board to notify the public of scheduled parole release hearings. Adult parole release hearings, including deliberations of agency personnel, are open to the public without restrictions.

The agency keeps written, audio, and video tape records of parole hearings. The individual vote of each participating board member or other decision--maker is recorded and is a part of the public record.

#### Involvement of Victims in Parole Processes

Crime victims can provide information to the Parole Board via written and/or oral statements. The agency notifies crime victims of scheduled parole consideration hearings if the victim has asked to be notified. Crime victims are permitted to attend adult parole consideration hearings if the victim has asked to attend and if the individual facility allows it. Victims are notified of the decision if they have asked to be notified. Victim input to the paroling authority is confidential and cannot be obtained by inmates.

#### Parole Revocation

The Parole Board has revocation powers for all persons released on parole. Preliminary parole revocation hearings are conducted by a parole officer other than supervising agent. A final parole revocation hearing is conducted by a board member.

Options available to decisionmakers at parole revocation hearings are comparable to those available at release hearings. Dispositions other than return to prison that are available for a person whose parole is revoked include: reinstatement on parole at comparable level of supervision; reinstatement on parole with increased treatment/programming; intensive supervision; and drug testing.

If parole is revoked, the time the parolee/inmate must remain incarcerated prior to any re--release is neither mandatory nor prescribed. The agency has full discretion to revoke parole and order the parolee to serve the remainder of his/her sentence in prison.

### Mandatory Release

Inmates are subject to mandatory release from prison upon expiration of the determinate sentence. Inmates are also subject to mandatory release based on a time--counting system monitored by the DOC; for instance, in Time Class I, an inmate serving a ten--year sentence will be mandatorily released in five years. The Parole Board has no involvement in cases of mandatory parole release. Field supervision is always provided for persons mandatorily released from prison.

If a person mandatorily released on parole commits a violation, the Parole Board is empowered to investigate the case, conduct a revocation hearing, and make a final determination. For parole revocation for a person mandatorily released on parole, the board has the discretion to set the term of re--incarceration as the balance of the sentence or any time therein.

### Other Functions of the Adult Paroling Authority

For both commutation and pardon proceedings, the Parole Board conducts investigations and provides data to the governor. The board has no involvement in inmate furloughs or the restoration of an offender's civil rights.

### Statistical Information, FY 1994

Adult prison population, close FY'94:	14,966
Adult offenders considered for parole release in FY'94	322
Adult offenders released on parole in FY'94	60
Percentage of those considered who were released:	18.6%
Total adult parolees under supervision, close FY'94	2,899
Final revocation hearings held, FY'94	561
Adult paroles revoked and returned to confinement, FY'94	478
Adult paroles revoked and re--paroled at the same time, FY'94	72
Cases released from adult parole supervision, FY'94 (Includes those released with or without a final discharge)	2,101
Total parole agency budget, FY'94	\$451,439

## IOWA

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### Iowa Board of Parole

Authority for adult parole entity:	Statutory.
Agency's link with adult corrections:	Parole Board operates independently of the corrections agency but is linked administratively.
Offender populations under agency authority:	Adult felons and persons convicted of aggravated misdemeanors.
Field services provided:	None; parole supervision is provided by judicial district departments of correctional services.

#### Recent Policy Developments

Political pressures to keep more offenders in prison have caused the Iowa legislature to overturn a prison cap. The Board of Parole has gone from finding every inmate who was remotely possible for parole to keeping the public safety as its primary concern. Mandatory minimums that were placed on certain crimes in the mid--'80s were rendered ineffective a few years later when good time was applied to all mandatory minimum sentences. Using the example of a 1995 push for the death penalty in Iowa, where a life sentence equals the natural life of the inmate, the respondent pointed to the influence of politics on policy, with little research on the need or effectiveness of the legislation.

Specific changes in parole include:

- Response to parole violation. Parole now is automatically revoked on a conviction for a new felony or aggravated misdemeanor. Revocation hearings have been merged into a single hearing.
- Involvement of the victim. New personnel have been hired to coordinate the victim notification procedure.
- Technological upgrades. Recent funding has permitted annual computer system upgrades, fiber--optic hook--ups; and computerized systems for inmate background information and statistical risk assessments. As a result, the agency is able to maintain one of the lowest recidivism rates in the nation.

#### Parole Board Structure

The Parole Board has five members, including one full--time and four part--time members. The term of appointment is four years. Members' terms on the board are staggered. The number of members required for a quorum to authorize work release or parole depends on the risk level of the inmate. Three members are required for offenders with a risk assessment at levels 1 through 6. Four members are required for levels 7 and 8, and five members are required for level 9 inmates.

#### Discretion for Parole Release

For inmates being sentenced under current law, parole release decisions are made by paroling authority members only. The Parole Board has discretionary releasing authority for all inmates except those convicted of Class A felonies, which include murder 1, kidnapping 1, and sex abuse 1. The initial parole eligibility date is determined by statute.

### Parole Release Decisionmaking

The agency does not set presumptive parole dates at the time of admission. "Good time" gain or loss is factored into the expiration of sentence date.

A personal interview is often, but not always, conducted with each eligible inmate during the parole consideration process. If parole is denied at the initial hearing, the subsequent hearing date is established by both agency regulation and state statute. Board policy calls for each denied case to be re-reviewed annually. The agency can deny parole and order the inmate to serve out the sentence without additional parole hearings, and it can rescind or void a parole release decision prior to the actual release of an inmate on parole.

Final discharges from parole are granted by the supervising authority, i.e., the director of the judicial district. The board may grant an early final discharge from parole, prior to the maximum expiration of the sentence. No minimum period of time must be served on parole before a parolee is eligible for a final discharge.

### Parole of Life--Sentenced Offenders

Under current law, no one sentenced to life in prison will become eligible for parole, unless the sentence is commuted to a term of years. There are no inmates in the prison system who were sentenced to life imprisonment under an earlier code and who may eventually become eligible for parole consideration.

### Agency Discretion for Conditions of Parole

The Parole Board may require any of the following for an offender released on parole: standard parole supervision; parole with enhanced treatment/programming conditions; halfway house; intensive supervision; electronic monitoring; drug testing; and payment of restitution.

### Public Access to the Parole Decision Process

Board policy specifies that the public be notified of scheduled parole release hearings. Adult parole release hearings are open to the public without restrictions. The deliberations of agency personnel at hearings also are open to the public, but certain restrictions apply.

The board keeps written records of parole hearings. The individual vote of each participating paroling authority member is recorded but is considered confidential and is not released to the public.

### Involvement of Victims in Parole Processes

Crime victims can provide information to the Parole Board via written and/or oral statements. The agency always notifies crime victims of scheduled parole consideration hearings, and victims are always permitted to attend adult parole consideration hearings. Victims are always notified of the release decision.

Inmates can obtain information provided by crime victims to the paroling authority if the testimony is provided in a public meeting.

### Parole Revocation

The Parole Board has revocation powers for all persons released on parole. The preliminary and final revocation hearing are held at the same time and are conducted by an administrative law judge/hearing officer/examiner.

Options available to decisionmakers at release and revocation hearings are essentially comparable. Dispositions other than return to prison that are available to the board for a person whose parole is revoked

include: reinstatement on parole at comparable level of supervision; reinstatement on parole with increased treatment/programming; halfway house; intensive supervision; electronic monitoring; drug testing; or placement in a violators facility.

If parole is revoked, the time the parolee/inmate must remain incarcerated prior to any re--release is neither mandatory nor prescribed. The board has the authority to revoke parole and order the offender to serve the remainder of his/her sentence in prison.

#### Mandatory Release

Adult inmates are not subject to mandatory release from prison.

#### Other Functions of the Adult Paroling Authority

The Parole Board contributes to both commutation and pardon proceedings by conducting investigations and recommending action to the governor. The board is not empowered to grant furloughs to confined inmates or to grant the restoration of an offender's civil rights, but it may recommend that they be granted.

#### Statistical Information, FY 1994

Adult prison population, close FY'94:	5,330
Adult offenders considered for parole release in FY'94	7,724
Adult offenders released on parole in FY'94	2,417
Percentage of those considered who were released:	31%
Total adult parolees under supervision, close FY'94	Not available
Final revocation hearings held, FY'94	606
Adult paroles revoked and returned to confinement, FY'94	360
Adult paroles revoked and re--paroled at the same time, FY'94	Not available
Cases released from adult parole supervision, FY'94 (Includes those released with or without a final discharge)	Not available
Total parole agency budget, FY'94	\$800,000

# KANSAS

## Kansas Parole Board

Authority for adult parole entity:	Statutory.
Agency's link with adult corrections:	The Parole Board operates independently of the corrections agency.
Offender populations under agency authority:	Adult felons.
Field services provided:	None; parole supervision is provided by the DOC Division of Community and Field Services.

### Recent Policy Developments

- Discretion for parole release. Sentencing guidelines took effect in Kansas on July 1, 1993. The presumptive guidelines allow for the imposition of a sentence that includes a prison portion and a term of postrelease supervision. Upon completion of the prison portion of the imposed sentence, the inmate will be released to serve a term of postrelease supervision, plus the amount of good time earned and retained while imprisoned. The parole board will continue to review release plans but is unable to change offenders' release dates. If an inmate has been unable to complete a specific program while incarcerated, his or her release is not affected, but participation in continued programming may be required in the postrelease supervision period.
- Response to violation. Statutes were amended as of March 24, 1994, to remove the requirement that an offender's release status be revoked in response to conviction on a new crime, pending imposition of a new sentence to prison, if a non--prison sanction would otherwise be imposed for the new crime. For crimes committed on or after April 20, 1995, the term of reincarceration for technical violations will be 180 days, subject to a reduction of up to 90 days for good behavior.
- Eligibility for post--release supervision. For crimes committed on or after April 20, 1995, inmates can earn good time to equal no more than 15 percent of the sentence.

### Parole Board Structure

The Kansas Parole Board has five members, all full--time, appointed to four--year terms. Terms on the board are staggered. One board member can conduct parole release and revocation hearings. For class A and B felons, a unanimous vote of a three--member panel is required for release; if one of the three votes to deny parole, the case must go to the full board for a majority decision. Parole of class C, D, and E felons requires a majority vote of the three--member panel.

### Discretion for Parole Release

For inmates being sentenced under current law, release dates are determined by statute. The Parole Board has discretionary releasing authority only for offenders who were convicted before July 1, 1993. Those convicted after July 1, 1993 are under determinate guidelines and are released automatically to postrelease supervision but fall under board authority in the event of a violation of parole.

The initial release eligibility date is determined by statute for persons convicted after July 1, 1993. For persons sentenced under the earlier, indeterminate system, parole is possible after the offender serves one--half of the minimum term of the sentence. These offenders also have a conditional release date, at which release is mandatory, which is calculated as the maximum sentence less good time, i.e., one--half the maximum term.

### Parole Release Decisionmaking

The board does not set presumptive parole dates at the time of admission. “Good time” gain or loss is factored into the initial release eligibility date.

For cases in which the board has jurisdiction, a personal interview with each eligible inmate is conducted by one or more board members during the parole consideration process. If parole is denied at the initial hearing, the subsequent hearing date is established by the board, which has limited discretion in the matter. For class A or B felons, the board can deny parole and set the subsequent hearing at three years; for class C, D, and E felons a maximum of one year is allowed before a rehearing.

The board cannot deny parole and order the inmate to serve out the sentence without additional parole hearings. It can rescind or void a parole release decision prior to the actual release of an inmate on parole.

Final discharges from parole and post--release supervision are granted by the board. The board may grant an early final discharge from parole, conditional release, or post--release supervision. For post--release supervision, the maximum expiration of the sentence can be reduced by as much as twelve months for good behavior. The minimum term to be served on post--release supervision before an offender becomes eligible for early discharge is equal to the longest presumptive postrelease supervision period associated with any of the crimes for which the prison sentence was being served. Convictions on a class A or B felony require a minimum of two years on supervision before discharge may be requested, and convictions on class C, D, and E felonies require one year.

### Parole of Life--Sentenced Offenders

Any person sentenced to life in prison may become eligible for parole. For persons convicted under current law, a life sentence is possible only for a few off--grid crimes, including murder, capital murder, and treason. Life sentences for these offenders—and for persons sentenced to a life term under earlier sentencing statutes—take one of three forms: 1) a straight life sentence, under which the offender must serve fifteen years before becoming eligible for parole; 2) an indeterminate life sentence, e.g., ten years to life, under which the offender must serve one--half of the minimum sentence; and 3) a “hard forty” life sentence, under which the offender must serve a minimum of forty years.

### Agency Discretion for Conditions of Parole

The Parole Board can require any of the following for an offender released on parole: standard parole supervision; parole with enhanced treatment/programming conditions; halfway house; day reporting; intensive supervision; electronic monitoring; drug testing; payment of supervision fees; and payment of restitution.

### Public Access to the Parole Decision Process

Statute mandates that the board notify the public of scheduled parole release hearings. The board conducts three public comment sessions per month in locations across the state, during which the full board hears information on offenders whose cases will be considered in the upcoming month. Actual release hearings, including deliberations of agency personnel, are closed to the public.

The agency keeps written records of parole hearings. The individual vote of each participating paroling authority member or other decision--maker is recorded but is considered confidential and is not released to the public.

### Involvement of Victims in Parole Processes

Crime victims can provide information to the board via written and/or oral statements, including par-

ticipation in public comment sessions. The Parole Board notifies the district attorney's office in the county of the offense of scheduled parole consideration hearings, but it does not directly notify the crime victim.

Crime victims may not attend adult parole consideration hearings. The agency notifies the county district attorney's office of the decision, but does not directly notify the victim. Inmates can obtain information provided by crime victims to the board if the information is provided verbally at a public comment session; however, any comments submitted in writing remain confidential.

#### Parole Revocation

The Parole Board has revocation powers for all persons released on parole, conditional release, or post-release supervision. Preliminary parole revocation hearings are conducted by an administrative law judge/hearing officer/examiner. A final parole revocation hearing is conducted by board members.

Options available to decisionmakers at release and revocation hearings are essentially comparable. Dispositions other than return to prison that are available to the Parole Board for a person whose release is revoked include: reinstatement on parole at comparable level of supervision; reinstatement on parole with increased treatment/programming; halfway house; day reporting; intensive supervision; electronic monitoring; and drug testing.

If parole is revoked, the time the offender must remain incarcerated prior to any re-release is neither mandatory nor prescribed. The board may not revoke parole and order the parolee to serve the remainder of his/her sentence in prison.

#### Mandatory Release

For convictions after July 1, 1993, adult inmates are subject to mandatory release from prison upon completion of the prison portion of the imposed determinate sentence. Persons convicted before July 1, 1993 are mandatorily released on their conditional release dates, if they have not already been paroled. The Parole Board sets conditions for cases mandatorily released, and field supervision is always provided for mandatorily released offenders.

If a person serving a period of conditional release or post-release supervision commits a violation, the board is empowered to investigate the case, conduct a revocation hearing, and make a final determination. The board may revoke an offender's release but may not order the offender to serve out the remainder of the sentence in prison. A maximum of three years is possible for persons convicted of class A and B felonies, and one year for class C, D, and E felonies.

For offenders convicted on or after April 20, 1995, revocation of post-release supervision for a technical violation results in a prescribed incarceration period of 180 days, which may be reduced to 90 days for good performance. Persons convicted before April 20, 1995 who have technical violations may be imprisoned for a period not to exceed 90 days from the date of the violation hearing. If an offender is returned to prison with a new misdemeanor or felony conviction but no new prison sentence, the offender will serve the entire remaining balance of the postrelease supervision period in prison, including the amount of good time that had been earned before release.

For offenders sentenced on or after March 24, 1994, upon revocation of postrelease supervision the old sentence will not be converted to a determinate term of months and aggregated with the sentence for the new crime. Instead, the offender will begin to serve the new sentence only after being reparaoled or conditionally released or after reaching the maximum expiration of the old sentence. The new sentence will also govern the term of postrelease supervision. However, if the old sentence was life or an inde-



terminate term with life as the maximum, the offender will remain under supervision for life or until discharged by the Parole Board.

#### Other Functions of the Adult Paroling Authority

For both commutation and pardon proceedings, the Parole Board conducts investigations and recommends action to another decision--making authority. The board is not empowered to grant furloughs to confined inmates, but may recommend that an inmate be furloughed. The board has the authority to grant the restoration of an offender's civil rights.

#### Statistical Information, FY 1994

Adult prison population, close FY'94:	6,090 <sup>1</sup>
Adult offenders considered for parole release in FY'94	4,173 (est.) <sup>2</sup>
Adult offenders released on parole in FY'94	1,127 (est.) <sup>3</sup>
Percentage of those considered who were released:	27% (est.)
Total adult parolees under supervision, close FY'94	6,083 <sup>4</sup>
Final revocation hearings held, FY'94	1,936 (est.) <sup>5</sup>
Adult paroles revoked and returned to confinement, FY'94	331 (est.)
Adult paroles revoked and re--paroled at the same time, FY'94	283 <sup>6</sup>
Cases released from adult parole supervision, FY'94 (Includes those released with or without a final discharge)	4,606 <sup>7</sup>
Total parole agency budget, FY'94	\$728,205

<sup>1</sup>. This figure is inmates under DOC jurisdiction, including compact cases sent out of state, less compact cases from other states.

<sup>2</sup>. This approximate figure is based on total decisions and includes any offender whose cases were heard more than once.

<sup>3</sup>. This approximate figure is based on the number of inmates receiving a decision of parole at a regular hearing. Additionally, approximately 2,912 inmates were released to post--incarceration supervision under the state's new sentencing guidelines system.

<sup>4</sup>. This figure includes offenders released on under sentencing guidelines, who technically are on post--release supervision rather than parole, as well as those actually released on parole.

<sup>5</sup>. This figure is based on the number of returns to prison for a technical violation of conditions of parole or post--release supervision. It excludes about 331 returns to prison on a new felony offense.

<sup>6</sup>. This figure represents decisions to reparole at violation hearings. However, many of the reparoles are not immediate; some of these offenders may be confined for weeks before actually leaving prison.

<sup>7</sup>. This figure includes discharges, sentence expirations, compact cases closed, absconders, returns to prison, etc.

## KENTUCKY

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### Kentucky Parole Board

Authority for adult parole entity:	Statutory.
Agency's link with adult corrections:	The Parole Board operates independently of the corrections agency.
Offender populations under agency authority:	Felons: both adults and youthful offenders, managed as a distinct population.
Field services provided:	None; parole supervision is provided by the DOC Division of Probation and Parole.

#### Recent Policy Developments

- Parole hearing process. Legislation in 1994 required a panel of at least three of seven Parole Board members at parole release hearings. Parole release decisions made at meetings of only three board members must be unanimous; otherwise, the case must be reviewed and voted on by not less than four members of the board.
- Involvement of the public. An Open Records and Open Meetings Act passed in 1991 applies to all public officials, including members of the Parole Board.
- Medical parole. 1994 legislation provides for the board's review and release of inmates with documented terminal medical conditions likely to result in death within one year.
- Board representation. Senate confirmation is now required for all Parole Board members.

#### Parole Board Structure

The Kentucky Parole Board has seven members, all full-time, who are appointed to four-year terms. Terms on the board are staggered. A quorum of three members is required for parole release and parole revocation hearings.

#### Discretion for Parole Release

For inmates being sentenced under current law, parole release decisions are made by paroling authority members only. The adult paroling authority has discretionary releasing authority for all cases. The initial parole eligibility date is determined by both agency regulation and statute.

#### Parole Release Decisionmaking

The agency does not set presumptive parole dates at the time of admission. "Good time" gain or loss is not factored into the initial parole eligibility date.

Personal interviews are conducted with all eligible inmates, except Class D felons sentenced to five years or less, by at least three board members during the parole consideration process. Face-to-face hearings are optional rather than required for class D felons. If parole is denied at the initial hearing, the subsequent hearing date is established by the paroling authority, which has complete discretion in the matter. The agency can deny parole and order the inmate to serve out the sentence without additional parole hearings. The agency also has the ability to rescind or void a parole release decision prior to the actual release of an inmate on parole.

Final discharges from parole are granted by the board. The agency may grant an early final discharge

from parole, prior to the maximum expiration of the sentence. A minimum period of two years must be served on parole before a parolee is eligible for a final discharge request to be reviewed.

#### Parole of Life--Sentenced Offenders

Under the state's 1986 violent offender act, persons sentenced to life in prison will become eligible for parole after serving a minimum of twelve years in prison. There is no statutory provision in Kentucky for life without parole. The parole board has full discretion to determine the term to be served by offenders given a life sentence for crimes committed prior to 1986.

#### Agency Discretion for Conditions of Parole

The Parole Board can require any of the following for an offender released on parole: standard parole supervision; parole with enhanced treatment/programming conditions; intensive supervision; drug testing; payment of supervision fees; payment of restitution; and other conditions such as sex offender treatment, no--contact orders, educational requirements, etc.

#### Public Access to the Parole Decision Process

Notification for scheduled parole release hearings for violent Class A, B, and C felons is mandated by statute. Notification for violent Class D felons is required by agency policy. The board notifies victims, family members, and the Commonwealth Attorney. Adult parole release hearings are open to the public, with some restrictions. Deliberations of agency personnel at hearings are closed.

The agency keeps written and audio tape records of parole hearings. The individual vote of each participating board member is recorded and is a part of the public record.

#### Involvement of Victims in Parole Processes

Crime victims can provide information to the Parole Board via written and/or oral statements. The agency always notifies crime victims of scheduled parole consideration hearings for class A, B, and C felonies. If time permits, victims of class D felonies also are notified. Crime victims are permitted to attend adult parole consideration hearings on request and are notified of the decision if they have requested notification. Victim input to the board is confidential and cannot be obtained by inmates. However, a victim may request that the information be made open to the public.

#### Parole Revocation

The adult paroling authority has revocation powers for all persons released on parole. Preliminary parole revocation hearings are conducted by an administrative law judge. A final parole revocation hearing is conducted by at least three board members.

Options available to decisionmakers at release and revocation hearings are essentially comparable. Dispositions other than return to prison that are available for a person whose parole is revoked include: reinstatement on parole at comparable level of supervision; reinstatement on parole with increased treatment/programming; intensive supervision; and drug testing.

If parole is revoked, the time the parolee/inmate must remain incarcerated prior to any re--release is neither mandatory nor prescribed. The agency has full discretion to revoke parole and order the parolee to serve the remainder of his/her sentence in prison.

#### Mandatory Release

Adult inmates are not subject to mandatory release from prison before the expiration of sentence.

#### Other Functions of the Adult Paroling Authority

The Parole Board has no role in either commutation or pardon proceedings. The board has no authority to grant furloughs to confined inmates or to grant the restoration of an offender's civil rights.

#### Statistical Information, FY 1994

Adult prison population, close FY'94:	10,757
Adult offenders considered for parole release in FY'94	8,900
Adult offenders released on parole in FY'94	2,589
Percentage of those considered who were released:	36%
Total adult parolees under supervision, close FY'94	3,900
Final revocation hearings held, FY'94	1,451
Adult paroles revoked and returned to confinement, FY'94	1,409
Adult paroles revoked and re--paroled at the same time, FY'94	42
Cases released from adult parole supervision, FY'94 (Includes those released with or without a final discharge)	1,200*
Total parole agency budget, FY'94	\$822,800

\*Of the 1,200 cases, 528 were released from active to inactive supervision, and 672 received a final discharge.

## LOUISIANA

### Louisiana Board of Parole

Authority for adult parole entity:	Statutory.
Agency's link with adult corrections:	The Board of Parole operates independently of the corrections agency, but it is linked administratively and/or for budgetary purposes.
Offender populations under agency authority:	Adult felons.
Field services provided:	None; parole supervision is provided by the DOC Division of Probation and Parole.

#### Recent Policy Developments

- Eligibility for parole release. 1990 legislation provides that an offender committed to the Department of Public Safety and Corrections for thirty years or more is eligible for parole consideration after reaching age 45 and serving twenty years of the term of imprisonment. The provision does not apply to persons with a life sentence unless the sentence has been commuted to a fixed term of years.
- Programs/placements for parole violators. Legislation passed in 1992 provides that, as an alternative to returning a parole violator to prison, the Board of Parole may commit the offender to a community rehabilitation center or a substance abuse treatment program or may recycle the offender through the IMPACT boot camp program.
- Medical parole. Per 1990 legislation, inmates who are permanently incapacitated, terminally ill, or have a contagious disease are eligible for consideration for medical parole, unless they are serving time for murder. The Board of Parole establishes additional conditions of the parole for these cases, which will be for the remainder of the inmate's sentence. Supervision of these parolees consists of periodic medical evaluations.
- Release requirements for sex offenders. 1990 legislation established a requirement for notification when the board releases on parole a sex offender whose victim was under the age of 18. The board must require, as a condition of parole, that the offender: 1) notify by mail all people residing near his proposed residence and the superintendent of the school district; 2) register with the police; and 3) publish a notice in an official news journal on two separate days. The board may also require a number of special conditions of sex offenders released on parole

#### Parole Board Structure

The Louisiana Board of Parole has seven members, all full-time, who are appointed by the governor. Terms on the board are coterminous. A quorum of three members is required for parole release and parole revocation hearings.

#### Discretion for Parole Release

For inmates being sentenced under current law, parole release decisions are made by board members. The board has discretionary releasing authority for offenders who are eligible based on offense.

Offenders convicted of the following crimes are not eligible for parole consideration: criminal conspiracy; attempt (with the exception of first degree murder, second degree murder, and aggravated rape, which are eligible); first degree murder; second degree murder; manslaughter; negligent homicide; aggravated rape; forcible rape; aggravated kidnapping; second degree kidnapping; perpetration or at-

tempted perpetration of specified crimes against a victim sixty--five years of age or older; aggravated arson; simple burglary of a pharmacy; simple burglary of an inhabited dwelling; armed robbery; first degree robbery; pornography involving juveniles; molestation of a juvenile; killing of a child during delivery; aggravated crime against nature; illegal use of weapons or dangerous instrumentalities; illegal carrying of weapons (third or subsequent offense); carrying a concealed weapon if previously convicted of first degree murder, second degree murder, manslaughter, aggravated battery, simple rape, aggravated rape, aggravated kidnapping, aggravated arson, simple burglary, aggravated burglary, simple robbery, armed robbery, felony under the Controlled Dangerous Substance Law, burglary of a pharmacy, or burglary of an inhabited dwelling; operating a vehicle while intoxicated (third conviction, no parole for one year); obscenity (various specific charges); promotion or wholesale promotion of obscene devices; treason; taking of contraband to state--owned hospitals; penalty for distribution or possession with intent to distribute specific narcotics; specific offenses related to narcotics manufacturing and distribution to minors.

The initial parole eligibility date is determined by statute.

#### Parole Release Decisionmaking

The agency does not set presumptive parole dates at the time of admission. "Good time" gain or loss is not factored into the initial parole eligibility date. A personal interview with each eligible inmate is conducted by three board members during the parole consideration process. However, if the parole date and the "good time" date are within ninety days of each other, files are reviewed in the office, and no personal interview is conducted. If parole is denied at the initial hearing, the inmate may reapply for parole consideration every six months. Any subsequent hearing date is established by the Board of Parole, which has complete discretion in the matter. The agency can deny parole and order the inmate to serve out the sentence without additional hearings. The agency also can rescind or void a parole release decision prior to the release of the inmate. A final discharge from parole is granted in the form of a closure letter issued by the Probation and Parole Division, which provides parole supervision. The Board of Parole may not grant an early final discharge from parole, prior to the maximum expiration of the sentence. A parolee must serve out the full term date before he/she is eligible for a final discharge.

#### Parole of Life--Sentenced Offenders

Under current law, inmates given a life term are not eligible for parole. No inmates sentenced to life imprisonment under any earlier code will become eligible for parole consideration.

#### Agency Discretion for Conditions of Parole

The Board of Parole can require the following for an offender released on parole: standard parole supervision; parole with enhanced treatment/programming conditions; halfway house placement; intensive supervision; electronic monitoring; drug testing; payment of supervision fees; and payment of restitution, court costs, or fines.

#### Public Access to the Parole Decision Process

Notifying the public of scheduled parole release hearings is not required. Adult parole hearings are open to the public, with some restrictions; the offender is allowed only three visitors, and the number of victims is limited by the available space. Deliberations of agency personnel are closed to the public. The agency keeps written records of parole hearings. The individual vote of each participating board member or other decision--maker is recorded and is a part of the public record.

#### Involvement of Victims in Parole Processes

Crime victims can provide information to the paroling authority via written and/or oral statements. The

agency makes every effort to locate and notify crime victims of scheduled parole consideration hearings. Victims are contacted by the local parole agent during the pre--parole investigation. For sex offender hearings, the board sends certified letters to victims who are eighteen years of age or younger. Crime victims are always permitted to attend adult parole consideration hearings. Victims appear before the board immediately prior to the actual hearing and may request to remain for the hearing. Victims are notified of the decision if they have asked to be notified. Victim input to the paroling authority is confidential and cannot be obtained by inmates.

#### Parole Revocation

The adult paroling authority has revocation powers for all persons released on parole. Preliminary parole revocation hearings are conducted by a parole officer other than the supervising agent. A final parole revocation hearing is conducted by three board members. Options available to decisionmakers at release and revocation hearings are essentially comparable. Dispositions other than return to prison that are available to the Parole Board for a person whose parole is revoked include: reinstatement on parole at comparable level of supervision; reinstatement on parole with increased treatment/programming; halfway house; intensive supervision; electronic monitoring; drug testing; repeat of boot camp; and a sixty--day drug treatment program operated within the DOC. If parole is revoked, the time the parolee/inmate must remain incarcerated prior to any re--release is both mandatory and prescribed; an offender must serve six months before reapplying, if statutorily eligible for parole. The agency may revoke parole and order the parolee to serve the remainder of his/her sentence in prison, subject to the "good time" statute.

#### Mandatory Release

Adult inmates are subject to mandatory release from prison upon expiration of the determinate sentence. The adult paroling authority sets parole conditions for cases mandatorily released. Field supervision is always provided for persons mandatorily released from prison. If a person mandatorily released on parole commits a violation, the adult paroling authority is empowered to investigate the case, conduct a revocation hearing, and make a final determination. Parole revocation for a person mandatorily released on parole results in resumption of the original prison term.

#### Other Functions of the Adult Paroling Authority

The Board of Parole has no role in either commutation or pardon proceedings, nor can it grant or recommend furloughs of confined inmates or the restoration of an offender's civil rights.

#### Statistical Information, FY 1994

Adult prison population, close FY'94:	23,255
Adult offenders considered for parole release in FY'94	3,092
Adult offenders released on parole in FY'94	2,046
Percentage of those considered who were released:	66%
Total adult parolees under supervision, close FY'94	4,885*
Final revocation hearings held, FY'94	1,039
Adult paroles revoked and returned to confinement, FY'94	3,164**
Adult paroles revoked and re--paroled at the same time, FY'94	Not available
Cases released from adult parole supervision, FY'94 (Includes those released with or without a final discharge)	4,739
Total parole agency budget, FY'94	\$485,157

\*In addition to this figure, there are 10,491 "good time" parolees.

\*\*This figure includes new felony convictions and waivers of final revocation.

## MAINE

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### Maine Parole Board

Authority for adult parole entity:	Statutory.
Agency's link with adult corrections:	The paroling authority operates independently of the corrections agency but is linked for administrative and/or budgetary purposes.
Offender populations under agency authority:	Adult felons.
Field services provided:	None; parole supervision is provided by the DOC Division of Probation and Parole.

#### Recent Policy Developments

None. Maine abolished discretionary parole release in 1976. Offenders receive split sentences, e.g., five years in prison, all but one suspended, and one year on probation. Probation can be revoked by the court, but not by an administrative body such as the Parole Board.

#### Parole Board Structure

The Parole Board has five members, all part-time, who serve four-year terms. Terms on the board are staggered. A quorum of three members is required for parole release and parole revocation hearings.

#### Discretion for Parole Release

For inmates being sentenced under current law, release is determined by statute. The board has discretionary releasing authority only for persons sentenced before the 1976 action took effect. The initial parole eligibility date for these offenders was determined by the sentence; for example, an inmate serving a one- to three-year sentence would have been eligible for release consideration after serving one year, less good time. The prison system now holds only twenty-two inmates who are eligible for parole consideration under the old statute; forty parolees are now in the community.

#### Parole Release Decisionmaking

Presumptive parole dates are not applicable in the Maine system. "Good time" gain or loss is factored into the anticipated discharge date. For offenders who are eligible for parole under the pre-1976 sentencing system, a personal interview is conducted by staff on behalf of the board during the parole consideration process. If parole is denied at the initial hearing, the subsequent hearing date is established by the board, which has complete discretion in the matter. The board can deny parole and order the inmate to serve out the sentence without additional hearings, and it can rescind or void a release decision prior to the release of the inmate. Final discharges are granted by the board, which can grant an early final discharge, prior to the maximum expiration of the sentence. For life sentences, a minimum of ten years must have been served on parole before the parolee is eligible for a final discharge.

#### Parole of Life-Sentenced Offenders

Parole is not possible for persons sentenced to life under current law. Any person sentenced to life before 1976 will become eligible for parole. By law, the minimum term to be served on a life sentence imposed before 1976 was ten years, after which offenders became eligible for parole consideration. The average time from conviction to initial consideration for inmates serving life sentences is 13.5 years.

#### Agency Discretion for Conditions of Parole

The parole board can require any of the following conditions: standard parole supervision; parole with



enhanced treatment/programming conditions; halfway house; day reporting; intensive supervision; electronic monitoring; drug testing; administrative parole; and payment of restitution.

#### Public Access to the Parole Decision Process

Notifying the public of scheduled parole release hearings is not required. Release hearings and the deliberations of agency personnel at hearings are closed to the public. Although the agency keeps written records of parole hearings, the individual vote of each member is not recorded.

#### Involvement of Victims in Parole Processes

Crime victims can provide information to the paroling authority via written and/or oral statements as well as personal appearances. In all cases, the agency notifies crime victims of scheduled parole consideration hearings. Crime victims are always permitted to attend adult parole consideration hearings. Victims are notified of the decision if they have asked to be notified. Victim input to the paroling authority is confidential and cannot be obtained by inmates.

#### Parole Revocation

The adult paroling authority has revocation powers for all persons released on parole. Preliminary parole revocation hearings are conducted by a parole officer other than supervising agent. A final parole revocation hearing is conducted by the parole board. Options available to decisionmakers at release and revocation hearings are essentially comparable. Dispositions other than return to prison that are available to the board for a person whose parole is revoked include: reinstatement on parole at comparable level of supervision; reinstatement on parole with increased treatment/programming; halfway house; day reporting; intensive supervision; electronic monitoring; drug testing; and special counseling. If parole is revoked, the time the parolee/inmate must remain incarcerated prior to any re-release is neither mandatory nor prescribed. The board has full discretion to revoke parole and order the parolee to serve the remainder of his/her sentence in prison.

#### Mandatory Release

Adult inmates are subject to mandatory release from prison only at completion of sentence. No field supervision is provided for persons mandatorily released from prison, except for those given a split sentence to imprisonment followed by probation supervision. If an offender on probation from a split sentence commits a violation, response is made by the sentencing court.

#### Other Functions of the Adult Paroling Authority

The parole board has no involvement in commutation proceedings, pardon proceedings, inmate furloughs, or restoration of an offender's civil rights.

#### Statistical Information, FY 1994

Adult prison population, close FY'94:	1,448
Adult offenders considered for parole release in FY'94	9
Adult offenders released on parole in FY'94	3
Percentage of those considered who were released:	33%
Total adult parolees under supervision, close FY'94	131
Final revocation hearings held, FY'94	3
Adult paroles revoked and returned to confinement, FY'94	3
Adult paroles revoked and re-paroled at the same time, FY'94	0
Cases released from adult parole supervision, FY'94 (Includes those released with or without a final discharge)	3
Total parole agency budget, FY'94	\$6,507

## MARYLAND

### Maryland Parole Commission

Authority for adult parole entity:	Statutory.
Agency's link with adult corrections:	The paroling authority operates independently of the corrections agency.
Offender populations under agency authority:	Adult felons and misdemeanants.
Field services provided:	None; parole supervision is provided by the DOC Division of Parole and Probation.

#### Recent Policy Developments

- Eligibility for parole release. Persons convicted of a violent crime (as defined by code) which occurred on or after October 1, 1994, are required to serve 50 percent of their sentence prior to being considered for parole release. Previously, the Parole Commission considered all offenders for release after they had served 25 percent of the sentence.
- Eligibility for parole release of older offenders. Any offender sixty--five years of age who has served fifteen years of a court--imposed sentence may petition the Parole Commission for release.
- Involvement of the victim. Victims of violent crimes and/or the victim's family may request notification of an impending parole release hearing and request that the hearing be open to the public. If the request is not made, the hearing will be closed.
- Medical parole. Aged, infirm inmates who do not pose a threat to society are eligible for early release.

#### Parole Board Structure

The Maryland Parole Commission has eight members, all full--time, who are appointed to six--year terms. Terms on the commission are staggered. A quorum of one member is required for parole release and parole revocation hearings.

#### Discretion for Parole Release

For inmates being sentenced under current law, parole release decisions are made by commission members in conjunction with hearing officers/examiners. The Parole Commission has discretionary releasing authority for offenders who are eligible based on offense. Offenders convicted of the following crimes are not eligible for parole consideration: a third violent felony; a fourth crime of violence; a life sentence in which the prosecution sought a death sentence or life without parole; or an offense for which the jury elected to impose life without parole instead of a death sentence as sought by the prosecution.

The initial parole eligibility date is determined by both agency regulation and statute.

#### Parole Release Decisionmaking

The Parole Commission does not set presumptive parole dates at the time of admission. "Good time" gain or loss is factored into the initial parole eligibility date for life sentences only.

A personal interview with each eligible inmate is conducted by either a panel of two board members or a staff member during the parole consideration process. If parole is denied at the initial hearing, the subsequent hearing date is established by the commission, which has complete discretion in the matter.

The commission can deny parole and order the inmate to serve out the sentence without additional parole hearings, and it can rescind or void a parole release decision prior to the actual release of an inmate on parole.

Parole cases are closed by the Division of Parole and Probation at the maximum expiration of sentence. The Parole Commission may not grant an early final discharge from parole, prior to the maximum expiration of the sentence but may approve abatement of supervision.

#### Parole of Life--Sentenced Offenders

Under current law, persons sentenced to life in prison will become eligible for parole, except as noted previously. The minimum term to be served in prison on a life sentence is determined by statute. Inmates serving a life sentence as sought by the prosecution must serve fifteen years, less credit for institutional good time, before becoming eligible for parole. Those sentenced to life instead of death by the jury must serve twenty--five years, less institutional good time.

#### Agency Discretion for Conditions of Parole

The Parole Commission can require any of the following conditions for an offender released on parole: standard parole supervision; parole with enhanced treatment/programming conditions; day reporting; intensive supervision; electronic monitoring; drug testing; administrative parole (minimal supervision); payment of supervision fees; and payment of restitution.

#### Public Access to the Parole Decision Process

Neither statute nor commission policy requires public notification of scheduled parole release hearings. Parole release hearings are open to the public with some restrictions. Hearings related to violent offenses are closed to the public, unless the victim and/or the victim's family request that the hearing be public. Deliberations of agency personnel at hearings are closed to the public.

The commission keeps written records of parole hearings. The individual vote of each participating board member or other decision--maker is recorded and is a part of the public record.

#### Involvement of Victims in Parole Processes

Crime victims can provide information to the Parole Commission via both written and oral statements. The agency notifies crime victims of scheduled parole consideration hearings if they have requested notification. Crime victims are permitted to attend adult parole consideration hearings if they have asked to attend and are notified of the decision if they have requested notification. Victims of violent crimes and/or the victim's family may request notification of an impending parole release hearing and may attend the hearing.

Inmates can obtain information provided by crime victims to the commission.

#### Parole Revocation

The Parole Commission has revocation powers for all persons released on parole. Preliminary parole revocation hearings are conducted by a hearing officer. A final parole revocation hearing is conducted by a member of the commission.

Options available to decisionmakers at release and revocation hearings are essentially comparable. Dispositions other than return to prison that are available to the commission for a person whose parole is revoked include: reinstatement on parole at comparable level of supervision; reinstatement on parole with increased treatment/programming; day reporting; intensive supervision; electronic monitoring; and drug testing.

If parole is revoked, the time the parolee/inmate must remain incarcerated prior to any re--release is neither mandatory nor prescribed. The agency has full discretion to revoke parole and order the parolee to serve the remainder of his/her sentence in prison.

#### Mandatory Release

Adult inmates convicted of offenses that have been statutorily designated as ineligible for discretionary parole are released from prison to mandatory supervised release. These offenders must serve the full term, less credits. The commission sets the conditions of supervision. Field supervision is provided for persons mandatorily released from prison.

If a person mandatorily released commits a violation, the commission is empowered to investigate the case, conduct a revocation hearing, and make a final determination. Parole revocation for a person mandatorily released on parole results in service of the remaining period of the prison term, less street time and credits.

#### Other Functions of the Adult Paroling Authority

For both commutation and pardon proceedings, the commission conducts investigations and recommends action to another decision--making authority. The agency can recommend, but not grant, furloughs of confined inmates and the restoration of an offender's civil rights.

#### Statistical Information, FY 1994

Adult prison population, close FY'94:	Not available
Adult offenders considered for parole release in FY'94	Not available
Adult offenders released on parole in FY'94	3,958
Percentage of those considered who were released:	Not available
Total adult parolees under supervision, close FY'94	9,589
Final revocation hearings held, FY'94	1,385
Adult paroles revoked and returned to confinement, FY'94	886
Adult paroles revoked and re--paroled at the same time, FY'94	288
Cases released from adult parole supervision, FY'94 (Includes those released with or without a final discharge)	2,811
Total parole agency budget, FY'94	Not available

# MASSACHUSETTS

## Massachusetts Parole Board

Authority for adult parole entity:	Statutory.
Agency's link with adult corrections:	Parole Board operates independently of the corrections agency but is linked for administrative and/or budgetary purposes.
Offender populations under agency authority:	Adult felons and misdemeanants.
Field services provided:	Parole Board provides parole supervision.

### Recent Policy Developments

- Elimination of good time. Truth--in--sentencing legislation effective July 1, 1994, eliminated statutory good time. Inmates sentenced to the state prison after that date are not eligible for parole until they have served the entire minimum term of their sentence, minus any earned good time. The Parole Board cannot parole any state prisoner before this date.
- Release date calculation. Several court decisions have required that the Parole Board change the ways it determines parole eligibility dates. For example, a 1994 decision in *Tolley v. Gittens* caused the board to recalculate the parole eligibility dates of inmates with consecutive sentences with mandatory components. In other cases, Massachusetts inmates prevailed in litigation against the Parole Board, resulting in a change in the way earned good time and time earned during pre--trial detention are credited to parole eligibility dates.
- Payment of fees. In 1994 the Parole Board adopted a new regulation related to payment of victim--witness fees levied by the sentencing court, creating a strong presumption against parole until this fee is paid.
- Programs/placements for offenders on release from prison. In 1990, because of insufficient funding, the board had to cancel beds in halfway houses for parolees. The Criminal Offender Employment Resource Service, once funded by the DOC and utilized by the board to provide education, housing, and job placement to parolees, lost its funding in 1992 because of budget problems and had to curtail its services severely.
- Involvement of crime victims. In 1994 the board adopted interim regulations, providing for attendance of victims at parole hearings for persons convicted of crimes which resulted in the death of a person. This provision was in addition to an existing statute providing for victim participation in parole hearings for persons convicted of murder. The regulations allow victims either to attend parole hearings or view a video tape of the hearing and give written comment to the board. Final regulations will provide for victim participation via videoconferencing.

### Parole Board Structure

The Parole Board has seven members, all of whom are full--time. The term of appointment is five years. Members' terms on the board are staggered.

For cases that require consideration by the full board, a majority vote of four members is required for parole release and parole revocation hearings. Other hearings require two board members in agreement (state inmates) or one board member agreeing with the recommendation of two agreeing hearing examiners (county inmates). If the hearing examiners do not agree on a county inmate case, two board members must agree on a decision.

### Discretion for Parole Release

For state inmates being sentenced under current law, parole release decisions are made by Parole Board members. Board decisions for county inmates are based on recommendations from hearing examiners. The Parole Board has discretionary releasing authority for all inmates serving sentences of incarceration of sixty days or more, except persons who are convicted of first degree murder or civilly committed as sexually dangerous. Offenders' initial parole eligibility dates are determined by statute for state inmates and by agency regulation for county inmates.

### Parole Release Decisionmaking

The agency does not set presumptive parole dates at the time of admission. Earned "good time" gain or loss is factored into the initial parole eligibility date.

A personal interview is conducted by one or more board members with each eligible state inmate during the parole consideration process. If parole is denied at the initial hearing, agency policy dictates that subsequent hearings are conducted annually. However, persons serving life sentences who are parole--eligible after serving fifteen years may be seen once every three years.

The Parole Board cannot deny parole and order the inmate to serve out the sentence without additional parole hearings. The agency can rescind or void a parole release decision prior to the actual release of an inmate on parole.

Final discharges from parole are granted by the Parole Board on expiration of the maximum term of the sentence. The agency may grant an early final discharge from parole, prior to the maximum expiration of the sentence, only for county inmates.

### Parole of Life--Sentenced Offenders

Under current law, persons sentenced to life in prison on a conviction of first degree murder are ineligible for parole. All other persons sentenced to life can become parole--eligible after serving a statutory minimum of fifteen years. The sentencing court also can define the minimum time to be served on a case--by--case basis.

### Agency Discretion for Conditions of Parole

The Parole Board can require any of the following for an offender released on parole: standard parole supervision; parole with enhanced treatment/programming conditions; halfway house; intensive supervision; and drug testing. The board may not order the payment of supervision fees or restitution.

### Public Access to the Parole Decision Process

Both statute and agency policy require the Parole Board to notify the public of scheduled parole release hearings. Parole release hearings related to persons with a life sentence are open to the public, but restrictions apply to hearings for other inmates. The deliberations of the Parole Board are not open to the public. The agency keeps written, audio, and video tape records of parole hearings. The individual vote of each participating member is recorded but is not available to the public.

### Involvement of Victims in Parole Processes

Crime victims can provide information to the paroling authority via written statements, oral testimony, video and audio tapes, and meetings with board members or agency staff. The board is purchasing a videoconferencing system to permit victims of violent offenses to participate in parole hearings while the hearing is taking place. The agency notifies crime victims of scheduled parole consideration hearings and the board's decisions if they have been certified to receive criminal offender record informa-

tion. Victims are permitted to attend board hearings if the hearing is public (as for commutation of a life sentence) or if it involves state sentences where a death has occurred.

Inmates can obtain information provided by crime victims to the Parole Board if the information is provided in a public meeting.

#### Parole Revocation

The Parole Board has revocation powers for all persons released on parole. Preliminary parole revocation hearings are conducted by hearing examiners. A final parole revocation hearing is conducted by board members.

Options available to decisionmakers at release and revocation hearings are comparable. Dispositions other than return to prison that are available to the Parole Board for a person whose parole is revoked include: reinstatement on parole at a comparable level of supervision; reinstatement with increased treatment/programming; intensive supervision; and drug testing.

If parole is revoked, the time the parolee/inmate must remain incarcerated prior to any re--release is neither mandatory nor prescribed. The inmate must receive a review hearing not later than one year after reincarceration. The agency may revoke parole and order the parolee to serve the remainder of his/her sentence in prison, if the inmate has less than one year remaining on the sentence.

#### Mandatory Release

Inmates in county facilities may be subject to mandatory release because of population caps. State inmates are mandatorily released upon expiration of sentence, less credits. The Parole Board has no involvement in the mandatory release process nor jurisdiction over persons mandatorily released. Field supervision is not provided for persons mandatorily released from prison.

#### Other Functions of the Adult Paroling Authority

The Parole Board contributes to commutation and pardon proceedings by conducting investigations and recommending action to the governor. The agency is not involved in inmate furloughs or the restoration of offenders' civil rights.

#### Statistical Information, FY 1994

Adult prison population, close FY'94:	9,791
Adult offenders considered for parole release in FY'94	8,955
Adult offenders released on parole in FY'94	3,872
Percentage of those considered who were released:	43%
Total adult parolees under supervision, close FY'94	5,386
Final revocation hearings held, FY'94	1,145
Adult paroles revoked and returned to confinement, FY'94	806
Adult paroles revoked and re--paroled at the same time, FY'94	339
Cases released from adult parole supervision, FY'94 (Includes those released with or without a final discharge)	4,203
Total parole agency budget, FY'94	\$12,592,696

## MICHIGAN

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### Michigan Parole Board

Authority for adult parole entity:	Statutory.
Agency's link with adult corrections:	The Parole Board is a component of the corrections agency.
Offender populations under agency authority:	Adult felons.
Field services provided:	None; parole supervision is provided by the DOC Bureau of Field Services.

#### Recent Policy Developments

- Eligibility for parole release. A 1994 truth-in-sentencing law specified that parole will not be granted until an inmate has served the minimum term imposed by the court, less allowances for good time, unless the sentencing court gives written approval. The law also requires the parole board to have satisfactory evidence that arrangements have been made for employment, education, or care, if needed, prior to releasing an inmate on parole. In addition, as a result of this law, the action of the parole board in granting or denying a parole may be appealed to the circuit court by the prisoner, the prosecutor of the county from which the prisoner was committed, or the crime victim.
- Response to parole violation. A Court of Appeals ruling in Wayne County, *Prosecutor v. DOC*, required the Parole Board to recompute the time of parolees convicted of a new felony. After July 6, 1994, the offenders are required to complete the maximum term of the sentence on which they were paroled before beginning to serve the minimum of the new sentence.

#### Parole Board Structure

The Parole Board has ten members, all of whom are full-time. Their term of appointment is four years. Members' terms on the board are staggered. A three-member quorum, or panel, is required for release decisions, and a majority of the full, ten-member board is needed to make a revocation decision.

#### Discretion for Parole Release

For inmates being sentenced under current law, parole release decisions are made by paroling authority members only. The Parole Board has discretionary releasing authority based on offense. Offenses ineligible for parole include first degree murder (life without parole) and intent to deliver 650+ grams of cocaine. The initial parole eligibility date is determined by statute.

#### Parole Release Decisionmaking

The Parole Board does not set presumptive parole dates at the time of admission. "Good time" gain or loss is factored into the initial parole eligibility date.

A personal interview is not conducted with each eligible inmate during the parole consideration process. However, statute specifies that inmates may not be denied parole without an interview, unless an evaluation of the inmate's parole readiness according to parole guidelines results in a low probability of being paroled. Inmates may be paroled, without an interview, on the basis of a high evaluation.

If parole is denied at the initial interview, the subsequent consideration date is established by board regulation/policy. The Parole Board can deny parole and order the inmate to serve out the sentence without additional parole hearings, if the inmate has less than two years remaining to serve. The agency



has the ability to rescind or void a parole release decision prior to the actual release of an inmate on parole.

Final discharges from parole are granted by the Parole Board. The agency may grant an early final discharge from parole, prior to the maximum expiration of the sentence. Statutes define minimum periods that persons convicted of certain offenses must serve on parole before they become eligible for a final discharge.

#### Parole of Life--Sentenced Offenders

Under current law, some persons sentenced to life in prison will become eligible for parole. As noted above, however, offenders convicted of first degree murder and certain drug--related crimes may not be paroled. For life--sentenced inmates who can be paroled after serving part of the sentence, the term served is determined at Parole Board discretion. Similarly, sentences that exceed a ten--year minimum, minus time reductions, are interviewed on the same schedule as parolable lifers until release.

#### Agency Discretion for Conditions on Parole

The Board of Parole can require any of the following for an offender released on parole: standard parole supervision, parole with enhanced treatment/programming conditions, halfway house placement, intensive supervision, electronic monitoring, drug testing, administrative parole (minimal supervision), and payment of supervision fees. Payment of restitution may be ordered by the court and is enforced by the Board of Parole.

#### Public Access to the Parole Decision Process

Notifying the public of scheduled parole release interviews is not required by statute or agency policy. Adult parole release interviews are not open to the public, nor are related deliberations of agency personnel.

The Board of Parole keeps written records of parole interview hearings. The individual vote of each participating paroling authority member or other decisionmaker is recorded and is a part of a record that is obtainable through Freedom of Information Act, discovery, appeals, or lawsuit filings.

#### Involvement of Victims in Parole Processes

Crime victims can provide information to the paroling authority via written and/or oral statements. The agency notifies crime victims of scheduled parole consideration interviews if they have asked to be notified. Crime victims are not permitted to attend adult parole interviews. Victims are notified of the decision if they have asked to be notified.

Inmates cannot obtain information provided by crime victims to the paroling authority; victim input is confidential.

#### Parole Revocation

The adult paroling authority has revocation powers for all persons released on parole. Preliminary parole revocation hearings are conducted by a parole officer other than supervising agent. A final parole revocation hearing is conducted by a board member or an administrative law judge/hearing officer/examiner who works for the board.

More options are available at to decisionmakers at parole release hearings than at parole revocation hearings. Dispositions other than return to prison that are available for a person whose parole is revoked include reinstatement on parole at a comparable level of supervision, reinstatement on parole with increased treatment/programming, and drug testing.

If parole is revoked, the time the parolee/inmate must remain incarcerated prior to any re--release is neither mandatory nor prescribed. The agency may revoke parole and order the parolee to serve the remainder of his/her sentence in prison, if less than two years remain to be served.

#### Mandatory Release

Adult inmates are subject to mandatory release from prison upon expiration of a determinate sentence or discharge from an indeterminate sentence. The Board of Parole has no involvement in the mandatory release process, and these cases receive no field supervision.

#### Other Functions of the Adult Paroling Authority

The Board of Parole contributes to both commutation proceedings and pardon proceedings by conducting investigations and recommending action to another decision--making authority. The board is not empowered to grant furloughs to confined inmates nor to grant restoration of civil rights.

#### Statistical Information, FY 1994

Adult prison population, close FY'94:	Not available
Adult offenders considered for parole release in FY'94	16,232
Adult offenders released on parole in FY'94	9,035
Percentage of those considered who were released:	56%
Total adult parolees under supervision, close FY'94	Not available
Final revocation hearings held, FY'94	1,646
Adult paroles revoked and returned to confinement, FY'94	Not available
Adult paroles revoked and re--paroled at the same time, FY'94	Not available
Cases released from adult parole supervision, FY'94 (Includes those released with or without a final discharge)	Not available
Total parole agency budget, FY'94	Not available

## MINNESOTA

### Minnesota Department of Corrections, Office of Adult Release

Authority for adult parole entity:	None; no paroling authority.
Agency's link with adult corrections:	The Office of Adult Release is a component of the corrections agency.
Offender populations under agency authority:	Adult felons.
Field services provided:	None; parole supervision is provided by county corrections departments or DOC field services.

#### Recent Policy Developments

Minnesota's parole board was dissolved effective July 1, 1982. All sentencing is determined by sentencing guidelines that went into effect May 1, 1980. Prison inmates are statutorily released to a term of supervised release.

- Sentencing. As a result of 1993 legislation, courts now articulate both a minimum period of incarceration and a maximum period of supervision in the community. When a felony offender receives a fixed sentence for an offense committed after August 1, 1993, the executed sentence consists of two parts: 1) a specific minimum term of imprisonment that is equal to two--thirds of the executed sentence; and 2) a specific maximum supervised release term that is equal to one--third of the executed sentence. Sex offenders must serve a supervised release term of at least five years; repeat sex offenders must serve a supervised release term of at least ten years. Prior to 1993, courts assigned a fixed sentence, of which the offender served two--thirds in prison and one--third under community supervision, absent disciplinary infractions in the institution.

- Medical release. The Commissioner of Corrections may order that an offender be placed on conditional medical release before the scheduled release date if the offender suffers from a grave illness or medical condition and the release poses no threat to the public. An inmate may not be released under this provision unless it has been determined that health costs are to be borne by medical assistance, Medicaid, general assistance, medical care, veterans' benefits, other federal or state medical assistance programs, or the inmate.

#### Agency Structure

The Office of Adult Release staff includes a full--time executive officer and three deputy executive officers who approve conditions of supervised release, conduct revocation hearings, and authorize release to work release, the Intensive Community Supervision Program, and the Challenge Incarceration Program.

#### Discretion for Release to Community Supervision

For inmates being sentenced under current law, release eligibility is determined by statute. However, the release date can be moved if the offender is placed in disciplinary segregation. The expiration date is extended if the offender absconds from supervision and the time is stopped.

The OAR has discretionary releasing authority only for persons given an indeterminate sentence before May 1, 1980. Parole dates that were assigned for each of these cases before the parole board was dissolved remain in full effect and are only open to modifications if certain conditions exist that require that errors be rectified.

### Release Decisionmaking

Release dates for determinate sentences under current law are set by statute. Incarceration time can be extended, however, if the offender is found guilty of a disciplinary offense, including failure to comply with programming or work within the institution. "Good time" is not earned or accrued in the Minnesota system.

Final discharges from supervised release on a determinate sentence occur without action of the Office of Adult Release. Offenders are notified in writing of the discharge and are informed of any further firearm restrictions. The Commissioner of Corrections may grant an early final discharge from community supervision, prior to the maximum expiration of the sentence, for persons serving a life sentence. The Office of Adult Release may grant a discharge, under certain circumstances, to offenders who were given an indeterminate sentence before May 1, 1980. Statute does not prescribe a minimum period of time to be served in the community before these offenders become eligible for a final discharge from supervision.

### Release of Life--Sentenced Offenders

Under current Minnesota law, discretionary release from prison is possible only for some life-- sentenced offenders. Since 1989, certain offenses have carried the penalty of life without possibility of parole. These include murder of a police officer/correction officer and murder while committing a sex offense. By statute, other inmates receiving a life sentence must serve thirty years before becoming eligible for parole.

Only the Commissioner of Corrections may authorize the release of persons convicted of first degree murder on or after their minimum eligibility dates. In exercising this power, the commissioner convenes an advisory panel that includes two deputy commissioners, an assistant to the commissioner, the executive officer of adult release, and the warden of the institution housing the inmate. A personal interview is conducted by the commissioner and the advisory panel in cases involving possible release of a life--sentenced inmate.

### Agency Discretion for Conditions of Release

In addition to standard conditions of release, the Office of Adult Release can require special conditions for an offender placed on supervised release. Conditions may include, but are not limited to, limitations on personal contacts and travel, increased contact with the supervising agent, participation in non--residential therapy or counseling programs, and placement in residential programs. OAR may also require payment of restitution if originally ordered by the court at sentencing.

### Public Access to the Release Process

Release hearings are held only for persons sentenced to life with parole. These proceedings are not open to the public, nor are agency deliberations. Written and audio tape records are maintained.

### Involvement of Victims in the Release Process

For release hearings on a sentence of life with parole, the Office of Adult Release notifies the victim's family in advance of the scheduled release consideration hearing. Victims' families can meet with the commissioner and the advisory panel before the panel meets with the inmate or can submit written testimony to the Office of Adult Release. Crime victims and their families may not attend release consideration hearings. Victims or their families are notified of the release decision. Inmates can obtain information provided by crime victims to the Office of Adult Release if the information is intended to be shared.

### Release Revocation

The Office of Adult Release has revocation powers for all persons on supervised release. Both probable cause and disposition proceedings are conducted in the same hearing, directed by a hearing officer. The Commissioner of Corrections determines the disposition of all life--sentenced offenders who violate their conditions of release

More options are available to decisionmakers at revocation hearings than at release. Dispositions other than return to prison that are available to the Office of Adult Release for a person whose release is revoked include: reinstatement on release at comparable level of supervision; reinstatement with increased treatment/programming; halfway house placement; day reporting; intensive supervision; electronic monitoring; drug testing; participation in therapy or counseling programs, restrictions on travel and personal contacts, and other conditions that may enhance public safety.

If release is revoked, the time the releasee/inmate must remain incarcerated prior to any re--release is neither mandatory nor prescribed. The Office of Adult Release may revoke release and order the releasee to serve the remainder of his/her sentence in prison, if he/she is found to be unamenable to supervision and a continued risk to the public.

### Mandatory Release

Adult inmates are subject to release from prison at the mandatory release date as prescribed by the determinate sentence. The Office of Adult Release sets and approves conditions for release. Field supervision is provided for persons mandatorily released from prison. If an offender released to community supervision commits a violation, the Office of Adult Release is empowered to issue a warrant, conduct a revocation hearing, and make a final determination. Revocation for a person mandatorily released results in a resumed prison term that is at the discretion of the hearing officer. The term cannot exceed the expiration of the sentence.

### Other Functions of the Agency

The Office of Adult Release grants work release status, participation in the Challenge Incarceration Program and progression through the phases of that program, and authorizes participation in the Intensive Community Supervision Program. It has no role in commutations, pardons, furloughs, or the restoration of an offender's civil rights.

### Statistical Information, FY 1994

Adult prison population, close FY'94:	4,610
Adult offenders considered for release in FY'94	13 offenders (lifers)
Adult offenders released to supervision in FY'94	1,966
Percentage of those considered who were released:	Not applicable
Total adults under community supervision, close FY'94	2,094 releasees
Final revocation hearings held, FY'94	1,013
Adult releases revoked and returned to confinement, FY'94	930 cases*
Adult releases revoked and re--released at the same time, FY'94	416
Cases released from community supervision, FY'94 (Includes those released with or without a final discharge)	252
Total agency budget, FY'94	\$370,000

\* Includes 786 cases without a new offense and 144 cases with a new offense.

# MISSISSIPPI

## Mississippi State Parole Board

Authority for adult parole entity:	Statutory.
Agency's link with adult corrections:	The paroling authority operates independently of the corrections agency, but it is linked administratively and/or for budgetary purposes.
Offender populations under agency authority:	Adult felons.
Field services provided:	None; parole supervision is provided by the DOC Community Services Division.

### Recent Policy Developments

- Discretion for parole release. Truth--in--sentencing legislation, passed in April 1995, abolished discretionary parole release for offenders sentenced on or after July 1, 1995. The measure limits the amount of earned good conduct time to 15 percent of the sentence. Inmates released before the expiration of the sentence will be placed under earned--release supervision. The same legislation reduced the Parole Board from five to three members and will abolish the board as of June 30, 2000.
- Prison population management. Legislation has created a medical release program and an electronically monitored house arrest program, both intended to reduce the prison population.
- Revocation process. The Parole Board has reduced the number of hearing officers, who conduct preliminary parole revocation hearings, from three to one.

### Parole Board Structure

The Mississippi State Parole Board has three members, all full--time, who are appointed to terms that will expire on June 30, 1996. Subsequent appointments to the board will be for four--year terms, which will expire with the abolition of the board on June 30, 2000. A quorum of two members is required for parole release hearings on non--capital crimes. Capital crimes require the involvement of all three board members.

After July 1, 2000, offenders sentenced prior to July 1, 1995 who are still incarcerated and who become eligible for parole consideration will be considered for parole release by a committee established within the Department of Corrections.

### Discretion for Parole Release

For inmates sentenced on or after July 1, 1995, release from prison is tied to earned credits, which are limited to 15 percent of the total sentence. Offenders who have served a minimum of 85 percent of the sentence and have sufficient earned credits may be placed on earned release supervision for the remainder of the sentence. A committee within the Department of Corrections will approve offenders' release. However, inmates who were sentenced as habitual offenders or convicted of a sex offense or who have forfeited their earned time allowance by order of the Commissioner of the Department of Corrections are not eligible for earned release.

For inmates sentenced under laws in place before July 1, 1995, parole release decisions are made by Parole Board members. The board has discretionary releasing authority for these cases based on type of offense. Offenders not eligible for parole include those given a sentence of death or life without parole or those who were sentenced to mandatory terms as habitual offenders. Persons convicted after October 1, 1994 of a drive--by shooting, robbery or attempted robbery or carjacking through display of a fire-

arm or other deadly weapon are ineligible for parole. Further, after October 1, 1994, any person convicted of a sex crime, except for a person under the age of nineteen years, shall not be released on parole.

The initial parole eligibility date for persons sentenced before July 1, 1995, is determined by statute. Persons sentenced before that date as habitual offenders must serve the mandatory portion of their sentences before becoming eligible for parole consideration. Offenders sentenced to life terms or terms of thirty years or more must serve ten years before becoming eligible for parole consideration.

#### Parole Release Decisionmaking

The Parole Board does not set presumptive release dates at the time of admission. Earned time gain, equalling 50 percent of the straight sentence, is factored into the initial release date but does not affect parole eligibility. Meritorious earned time is given at the discretion of the Department of Corrections to offenders who successfully complete specific education or work programs and is limited to 180 days over the entire length of the sentence.

Because of logistical constraints, only those offenders who are housed in the three primary facilities of the Department of Corrections receive a personal interview with the board during the parole consideration process. Offenders housed in satellite facilities, restitution centers, or county jails are considered by the board in absentia.

If parole is denied at the initial hearing, the subsequent hearing date is established by the board, which has complete discretion in the matter. The board can deny parole and order the inmate to serve out the sentence without additional parole hearings. The Parole Board also can rescind or void a parole release decision prior to the actual release of an inmate on parole, if it receives additional information regarding the crime or the offender's conduct in prison that would cause the board to question the merits of granting a parole release.

Final discharges from parole are granted upon statutory expiration of the sentence, without the involvement of the Parole Board. The board may not grant an early final discharge from parole, prior to the maximum expiration of the sentence.

#### Parole of Life--Sentenced Offenders

Under previous sentencing law, persons sentenced to life in prison will become eligible for parole, unless given a sentence of life without parole. Statutes set ten years as the minimum period to be served in prison on an eligible life sentence before the offender reaches parole eligibility.

Under current law, earned release is not possible for offenders sentenced to life for capital murder. Other offenders sentenced to life are ineligible for earned release but can petition the sentencing court for a conditional release after they have reached age sixty--five and have served at least fifteen years.

#### Agency Discretion for Conditions of Parole

The Parole Board can require any of the following for an offender released on parole: standard parole supervision; parole with enhanced treatment/programming conditions; halfway house placement; and drug testing. Other conditions such as the payment of supervision fees and restitution are required by statute.

#### Public Access to the Parole Decision Process

Statute requires the Board of Parole to notify the public of scheduled parole release hearings. Parole release hearings, including board deliberations, are closed to the public. The Parole Board keeps written records of parole hearings.

### Involvement of Victims in Parole Processes

Crime victims can provide information to the Parole Board via written and/or oral statements. The board notifies crime victims of scheduled parole consideration hearings if they have asked to be notified. Crime victims are not permitted to attend adult parole consideration hearings and are notified of the decision only if they have requested notification. Victim input to the board is confidential and cannot be obtained by inmates.

### Parole Revocation

The Parole Board has revocation powers for all persons released on parole. Preliminary parole revocation hearings are conducted by the revocation hearing officer. A final parole revocation hearing is conducted by a quorum of board members. Options available to board members at release and revocation hearings are essentially comparable. Dispositions other than return to prison that are available to the Parole Board for a person whose parole is revoked include: reinstatement on parole with increased treatment/programming; halfway house placement; and drug testing.

If parole is revoked, the time the parolee/inmate must remain incarcerated prior to any re--release is neither mandatory nor prescribed. The board has full discretion to revoke parole and order the parolee to serve the remainder of the sentence in prison.

Earned release of offenders sentenced on or after July 1, 1995 may be revoked by a committee within the Department of Corrections. If their release is revoked, these offenders must serve the total remaining portion of the sentence without the possibility of any other form of early release.

### Mandatory Release

Mississippi inmates are not subject to mandatory release from prison prior to the end of the sentence under past or current law.

### Other Functions of the Adult Paroling Authority

For both commutation and pardon proceedings, the Parole Board conducts investigations and recommends action to the governor. The board has no authority to grant furloughs to confined inmates, nor can it restore an offender's civil rights.

### Statistical Information, FY 1994

Adult prison population, close FY'94:	11,100
Adult offenders considered for parole release in FY'94	4,214
Adult offenders released on parole in FY'94	1,195
Percentage of those considered who were released:	28.3%
Total adult parolees under supervision, close FY'94	1,780
Final revocation hearings held, FY'94	179
Adult paroles revoked and returned to confinement, FY'94	111
Adult paroles revoked and re--paroled at the same time, FY'94	77
Cases released from adult parole supervision, FY'94 (Includes those released with or without a final discharge)	1,061
Total parole agency budget, FY'94	\$755,978



# MISSOURI

## Missouri Board of Probation and Parole

Authority for adult parole entity:	Statutory.
Agency's link with adult corrections:	The paroling authority is a component of the corrections agency.
Offender populations under agency authority:	Adult felons.
Field services provided:	Board provides both probation and parole supervision.

### Recent Policy Developments

- Eligibility for parole release. Recent legislation, effective August 28, 1994, changed the definition of dangerous felony and required offenders committed to the DOC for a dangerous felony to serve a minimum prison term equalling 85 percent of the sentence. All other offenders, except those remanded for drug offenses, are required to serve a minimum of 40 percent if they had one prior remand, 50 percent if they had two prior remands, and 80 percent if they had three or more prior remands. The legislation stipulated that offenders sentenced under this law may be eligible for release consideration when they reach age seventy and have served at least 40 percent of the sentence. In addition, the bill created the "Offenders Under Treatment Program," a 180--day program for non--violent and drug--involved offenders remanded to the DOC for the first time. Upon successful completion of the program, an offender may be eligible for parole.

- Medical parole. Offenders who are advanced in age to the extent of needing full--time nursing home care have been made eligible for medical parole.

### Parole Board Structure

The Missouri Board of Probation and Parole has five members, all full--time, appointed to six--year terms. Terms on the board are staggered. A panel that includes a board member, the supervising parole officer, and a parole hearing examiner conducts release and revocation hearings and provides a recommendation to the full board for a majority decision.

### Discretion for Parole Release

For inmates being sentenced under current law, parole release decisions are made by paroling authority members in conjunction with hearing officers/examiners. The adult paroling authority has discretionary releasing authority for offenders who are eligible based on offense.

Offenders convicted of the following crimes are not eligible for parole consideration: armed criminal action; persistent sexual offender; capital murder; first degree murder; tampering with a victim/witness; pharmacy robbery; and certain drug offenses related to drug trafficking or prior offenses. The initial parole eligibility date is determined by agency regulation/policy.

### Parole Release Decisionmaking

The board does not set presumptive parole dates at the time of admission. "Good time" gain or loss is not factored into the initial parole eligibility date.

A personal interview with each eligible inmate is conducted by one or more board members as a part of the decision process. A recommendation is referred to the full board, where the decision must have the concurrence of a majority of members. If parole is denied at the initial hearing, the subsequent hearing

date is established by board regulation or policy. The agency can deny parole and order the inmate to serve out the sentence without additional parole hearings. The agency also has the ability to rescind or void a parole release decision prior to the actual release of an inmate on parole.

Final discharges from parole are granted by the Parole Board. The agency may grant an early final discharge from parole, prior to the maximum expiration of the sentence. A minimum period of three years must be served on parole, and certain criteria must be met, before a parolee is eligible for a final discharge.

#### Parole of Life--Sentenced Offenders

Current law allows for parole of some persons who receive a life sentence. The term to be served in prison on a life sentence is determined by statute. Inmates given a life sentence on conviction for a dangerous felony must serve 85 percent of thirty years; other life--sentenced inmates must serve a minimum of fifteen years before becoming eligible for parole.

#### Agency Discretion for Conditions of Parole

The Board of Probation and Parole can require any of the following for an offender released on parole: standard parole supervision; parole with enhanced treatment/programming conditions; halfway house placement; intensive supervision; electronic monitoring; and drug testing.

#### Public Access to the Parole Decision Process

Notifying the public of scheduled parole release hearings is not required. Adult parole release hearings and deliberations of agency personnel are closed to the public.

The agency keeps written and audio tape records of parole hearings. The individual vote of each participating paroling authority member or other decision--maker is recorded but is considered confidential and is not released to the public.

#### Involvement of Victims in Parole Processes

Crime victims can provide information to the board via written and/or oral statements. The agency always notifies crime victims of scheduled parole consideration hearings. Crime victims are permitted to attend adult parole consideration hearings if the victim has asked to attend. Victims are notified of the decision if they have asked to be notified. Victim input to the board is confidential and cannot be obtained by inmates.

#### Parole Revocation

The Board of Probation and Parole has revocation powers for all persons released on parole. Preliminary parole revocation hearings are conducted by a parole officer other than the supervising agent. A final parole revocation hearing is conducted by a board member, and the resulting recommendation must be approved by a majority of the full board.

More options are available to board decisionmakers at parole revocation hearings than at release hearings. Dispositions other than return to prison that are available to the board for a person whose parole is revoked include: reinstatement on parole at comparable level of supervision; reinstatement on parole with increased treatment/programming; halfway house placement; intensive supervision; electronic monitoring; drug testing; and treatment centers operated by the DOC.

If parole is revoked, the time the parolee/inmate must remain incarcerated prior to any re--release is not mandatory but prescribed as six months, unless the sentence expires earlier. The agency has full discretion to order the parolee to serve the remainder of his/her sentence in prison.

### Mandatory Release

Adult inmates are subject to mandatory release from prison when the prison portion of the sentence is completed. For example, an offender sentenced to ten years is mandatorily released after seven years and serves the remaining three under supervision. The board sets parole conditions for cases mandatorily released and provides field supervision for persons mandatorily released from prison.

If a person mandatorily released on parole commits a violation, the board is empowered to investigate the case, conduct a revocation hearing, and make a final determination. When revoking parole revocation for a person mandatorily released on parole, the board has the same type of discretion as with discretionary releases.

### Other Functions of the Adult Paroling Authority

For both commutation and pardon proceedings, the Board of Probation and Parole conducts investigations and recommends action to another decision-making authority. The board has no authority to grant furloughs to confined inmates or to grant the restoration of an offender's civil rights.

### Statistical Information, Calendar Year 1994

Adult prison population, year end:	17,903
Adult offenders considered for parole release in CY'94	6,611
Adult offenders released on parole in CY'94	5,463*
Percentage of those considered who were released:	Not applicable
Total adult parolees under supervision, year end	10,508
Final revocation hearings held, CY'94	70**
Adult paroles revoked and returned to confinement, CY'94	2,012
Adult paroles revoked and re--paroled at the same time, CY'94	Not available
Cases released from adult parole supervision, CY'94 (Includes those released with or without a final discharge)	3,257
Total parole agency budget, CY'94	\$30,433,818

\*Includes mandatory releases

\*\*An additional 1,942 parole violators waived their hearings.

## MONTANA

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### Montana Board of Pardons

Authority for adult parole entity:	Statutory.
Agency's link with adult corrections:	Board operates independently of the corrections department but is linked for administrative and/or budgetary purposes.
Offender populations under agency authority:	Adult felons.
Field services provided:	None; parole supervision is provided by the DOC Community Corrections Bureau.

#### Recent Policy Developments

- Eligibility for parole release. As a result of 1995 truth--in--sentencing legislation, all offenders must serve 25 percent of their sentences prior to being considered for parole, unless the court orders otherwise. The legislation abolished good time as of February 1, 1997. Certain sex offenders may be sentenced to the DOC for life and required to register as sexual offenders for the remainder of their lives. Legislation has also eliminated several early release provisions as well as a policy that required all offenders on a time sentence to be considered for release after 17.5 years.
- Eligibility for parole of offenders with life sentences. A person convicted of two major violent offenses must, unless the death penalty is imposed, be sentenced to life in prison with no possibility of parole or early release on any grounds.
- Sentencing guidelines. 1995 legislation created a Commission on Sentencing to study sentencing practices, the effects of sentences, and good time and to determine the advisability of proposing advisory sentencing guidelines.
- Victim issues. An act effective October 1, 1995 revised the laws relating to the protection and treatment of victims of crimes and to the payment of restitution by the offender.

#### Parole Board Structure

The Board of Pardons has four members, all of whom are part time. The term of appointment is four years. Members' terms on the board are staggered. A quorum of two members is required for parole release and parole revocation hearings.

#### Discretion for Parole Release

For inmates being sentenced under current law, parole release decisions are made by paroling authority members only. The Board of Pardons has discretionary releasing authority for all cases unless the sentencing judge orders an offender ineligible for parole. The initial parole eligibility date is determined by both agency regulation and statute.

#### Parole Release Decisionmaking

The Board of Pardons does not set presumptive parole dates at the time of admission. "Good time" gain or loss is no longer factored into the initial parole eligibility date, for crimes committed after April 13, 1995.

A personal interview is conducted by one or more board members or by staff with each eligible inmate during the parole consideration process. If parole is denied at the initial hearing, the subsequent hearing date is established at the discretion of the Board of Pardons. The board can deny parole and order the

inmate to serve out the sentence without additional parole hearings, and it can rescind or void a parole release decision prior to the actual release of an inmate on parole.

Final discharges from parole are granted by the Board of Pardons. A final discharge from parole can be granted once the parolee reaches expiration of the full sentence, less good time. The agency may not grant an early final discharge from parole, prior to the maximum expiration of the sentence, except as allowed by good time credits. However, the board can grant a conditional discharge from supervision, in which case the offender reports yearly to the supervising agency, by mail, and can be returned to active supervision for cause.

#### Parole of Life--Sentenced Offenders

Under current law, offenders sentenced to life in prison will become eligible for parole unless the court designates the offender as ineligible for parole. Statutes require life--sentenced offenders to serve a minimum of thirty years in prison, less good time. After April 13, 1995, a life term requires that a minimum of thirty years be served before the offender reaches parole eligibility.

#### Agency Discretion for Conditions of Parole

The Board of Pardons can require any of the following for an offender released on parole: standard parole supervision; parole with enhanced treatment/programming conditions; halfway house placement; day reporting; intensive supervision; electronic monitoring; drug testing; administrative parole (minimal supervision); payment of supervision fees; payment of restitution; and any other conditions deemed appropriate and reasonable.

#### Public Access to the Parole Decision Process

By policy of the Board of Pardons, the board provides public notification of scheduled parole release hearings. Adult parole release hearings are open to the public with some restrictions. Deliberations of agency personnel at hearings also are open to the public with restrictions.

The board keeps written records of parole hearings. The individual vote of each participating paroling authority member or other decision--maker is recorded and is a part of the public record.

#### Involvement of Victims in Parole Processes

Crime victims can provide information to the paroling authority via written and/or oral statements. The agency notifies crime victims of scheduled parole consideration hearings if the victim has asked to be notified. Crime victims may attend adult parole consideration hearings if they have asked to attend. Victims are notified of the decision if they have requested notification.

Inmates cannot obtain information provided by crime victims to the board; their testimony is confidential.

#### Parole Revocation

The adult paroling authority has revocation powers for all persons released on parole. Preliminary parole revocation hearings are conducted by the supervisor of the parolee's supervising agent. In most cases, final parole revocation hearings are conducted by the board members; however, the board may designate staff or a member to conduct the hearing.

Options available to decisionmakers at release and revocation hearings are essentially comparable. Dispositions other than return to prison that are available to the board for a person whose parole is revoked include: reinstatement on parole at comparable level of supervision; reinstatement on parole with in-

creased treatment/programming; halfway house placement; day reporting; intensive supervision; electronic monitoring; and drug testing.

If parole is revoked, the time the parolee/inmate must remain incarcerated prior to any re--release is neither mandatory nor prescribed. The board has full discretion to revoke parole and order the parolee to serve the remainder of his/her sentence in prison.

#### Mandatory Release

Adult inmates are subject to mandatory release from prison only upon expiration of sentence. The Board of Pardons has no involvement in cases such release proceedings. Field supervision is provided for persons mandatorily released from prison if court--ordered probation is to follow the prison sentence.

#### Other Functions of the Adult Paroling Authority

For both commutation and pardon proceedings, the Board of Pardons conducts investigations and collects appropriate data. In noncapital cases, if the board denies the application, the application is not forwarded to the governor and he/she may not take action. In capital cases, the board must transmit the application with a recommendation.

The board can grant furloughs to confined inmates and approve them for supervised release. It can also remit offender fines and forfeitures.

#### Statistical Information, FY 1994

Adult prison population, close FY'94:	1,480
Adult offenders considered for parole release in FY'94	972
Adult offenders released on parole in FY'94	484
Percentage of those considered who were released:	49%
Total adult parolees under supervision, close FY'94	821
Final revocation hearings held, FY'94	134
Adult paroles revoked and returned to confinement, FY'94	105
Adult paroles revoked and re--paroled at the same time, FY'94	29
Cases released from adult parole supervision, FY'94 (Includes those released with or without a final discharge)	264
Total parole agency budget, FY'94	\$215,041

# NEBRASKA

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## Nebraska Board of Parole

Authority for adult parole entity:	Constitutional and statutory.
Agency's link with adult corrections:	Board operates independently of the corrections agency but is linked for administrative and/or budgetary purposes.
Offender populations under agency authority:	Adult felons and Class 1 misdemeanants.
Field services provided:	None; parole supervision is provided by the DOC Adult Parole Administration.

### Recent Policy Developments

- Eligibility for parole release. Persons whose sentences begin on or after July 15, 1992 are eligible for parole consideration after they have served half the minimum term of incarceration. The offender is mandatorily discharged from the custody of the state after serving half the maximum term of incarceration. This statutory good time may be forfeited for misconduct.
- Programs/placements available for offenders released from prison. The Board of Parole and Department of Corrections have developed a new drug treatment program for parolees.
- Involvement of the victim. The Board of Parole must notify victims who request notification: 1) if a convicted person who is on parole is returned to custody because of parole violations or 2) if the convicted person has been adjudged a mentally disordered sex offender, when the person is released from custody or treatment.

### Parole Board Structure

The Parole Board has five members, all of whom are full time. Their term of appointment is six years, and members' terms on the board are staggered. A quorum of three members is required for parole release and parole revocation hearings.

### Discretion for Parole Release

For inmates being sentenced under current law, parole release decisions are made by board members only. The board has discretionary releasing authority for all cases except those of persons given a life sentence for first degree murder or kidnapping. The initial parole eligibility date is determined by statute.

### Parole Release Decisionmaking

The Board of Parole does not set presumptive parole dates at the time of admission, but parole eligibility is established, based on statute, at that time. "Good time" gain or loss is factored into the initial parole eligibility date.

A personal interview is conducted by one or more board members with each eligible inmate during the parole consideration process. If parole is denied at the initial hearing, the subsequent hearing/review date is established by both board regulation and state statute.

The board can deny parole and order the inmate to serve out the sentence without additional parole hearings. The agency can rescind or void a parole release decision prior to the actual release of an inmate on parole.

Final discharges from parole are granted by the Board of Parole. The agency may grant an early final discharge from parole, prior to the maximum expiration of the sentence. No minimum period of time must be served on parole before a parolee is eligible for a final discharge.

#### Parole of Life--Sentenced Offenders

Under current law, sentenced to life in prison may become eligible for parole, unless given a life sentence for first degree murder or kidnapping. A life sentence on conviction for second degree murder carries a statutory minimum of ten years in prison.

#### Agency Discretion for Conditions of Parole

In addition to conditions set out by statute, the Board of Parole can require any of the following for an offender released on parole: standard parole supervision; parole with enhanced treatment/ programming conditions; halfway house placement; intensive supervision; drug testing; and administrative parole (minimal supervision). The board cannot order the payment of supervision fees or restitution.

#### Public Access to the Parole Decision Process

Statute requires the Board of Parole to notify the public of scheduled parole release hearings. Adult parole release hearings are open to the public without restrictions. The deliberations of agency personnel at hearings are open to the public, except for executive sessions.

The agency keeps written and audio tape records of parole release hearings. The individual vote of each participating paroling authority member or other decision--maker is recorded and is a part of the public record.

#### Involvement of Victims in Parole Processes

Crime victims can provide information to the paroling authority via written and/or oral statements. The board notifies crime victims of scheduled parole consideration hearings if they have requested notification, and victims are permitted to attend adult parole consideration hearings. Victims are notified of the release decision they have asked to be notified.

Inmates can obtain information provided by crime victims to the board if the information is provided in a public meeting.

#### Parole Revocation

The adult paroling authority has revocation powers for all persons released on parole. Preliminary parole revocation hearings are conducted by an administrative law judge/hearing officer/examiner; board members conduct the final parole revocation hearing.

Options available to decisionmakers at release and revocation hearings are essentially comparable. Dispositions other than return to prison that are available to the board for a person whose parole is revoked include: reinstatement on parole at comparable level of supervision; reinstatement on parole with increased treatment/programming; halfway house placement; intensive supervision; and drug testing.

If parole is revoked, the time the parolee/inmate must remain incarcerated prior to any re--release is neither mandatory nor prescribed. The Board of Parole has full discretion to revoke parole and order the parolee to serve the remainder of his/her sentence in prison.

#### Mandatory Release

Adult inmates are subject to mandatory release from prison upon completing half of the maximum term of the sentence, unless good time is forfeited for misconduct. The Board of Parole has no involvement



in the mandatory release process. Persons released mandatorily receive field supervision unless they served to the maximum term of the sentence.

If a person mandatorily released on parole commits a violation, the board is empowered to investigate the case, conduct a revocation hearing, and make a final determination. Parole revocation for a person mandatorily released on parole results in resumption of the original prison term.

#### Other Functions of the Adult Paroling Authority

The Board of Parole contributes to commutation proceedings by conducting investigations, providing data, and recommending action to another decision--making authority. The board has no role in pardon proceedings.

The board can grant furloughs and work release to confined inmates, with combined approval from the Department of Corrections. The agency has no involvement in the restoration of an offender's civil rights.

#### Statistical Information, FY 1994

Adult prison population, close FY'94:	2,500
Adult offenders considered for parole release in FY'94	1,127
Adult offenders released on parole in FY'94	924
Percentage of those considered who were released:	82%
Total adult parolees under supervision, close FY'94	849
Final revocation hearings held, FY'94	409
Adult paroles revoked and returned to confinement, FY'94	267
Adult paroles revoked and re--paroled at the same time, FY'94	76
Cases released from adult parole supervision, FY'94 (Includes those released with or without a final discharge)	678 cases (successful discharges)
Total parole agency budget, FY'94	\$310,769*

\*This figure is the FY'95 budget allocation, including funds for members and support staff.

## NEVADA

### Nevada Parole Commission

Authority for adult parole entity:	Statutory.
Agency's link with adult corrections:	Parole Commission operates independently of the corrections agency.
Offender populations under agency authority:	Adult felons.
Field services provided:	None; parole supervision is provided by the Department of Parole and Probation.

#### Recent Policy Developments

- Parole hearing process. The Parole Commission now must notify probation and parole authorities, who will notify local law enforcement agencies, when a violent offender is being released on parole.
- Programs for parolees/parole violators. Nevada will soon implement a life skills program that will include substance abuse treatment, employment counseling, family counseling, and mental health services. It will serve both parolees and parole violators.
- Discharge process. On entering the DOC, each offender will receive a tentative release date. The offender will be eligible for parole consideration after serving one--third of the sentence. Two months prior to the eligibility date, the Parole Commission sees the offender to determine if the offender will be: 1) released into the community; 2) denied until the next review period—usually one year but as much as three years; or 3) required to serve the maximum period of the sentence.
- Involvement of the public. The board will notify the public of the potential release of a violent offender. The public then has an opportunity to provide input into the decision.

#### Parole Board Structure

The Parole Commission has seven members, all of whom are full time. The term of appointment is two years for an initial term or four years if reappointed. Commissioners' terms are generally staggered, but some are coterminous based on appointment date. A majority vote of four members is required to approve parole release; two commissioners must approve a parole revocation.

#### Discretion for Parole Release

For inmates being sentenced under current law, parole release decisions are made by paroling authority members in conjunction with hearing officers/examiners. The commission has discretionary releasing authority for all cases, but some offenses require mandatory calendar--year minimums. The initial parole eligibility date is determined by statute.

#### Parole Release Decisionmaking

The agency does not set presumptive parole dates at the time of admission. "Good time" gain or loss is factored into the initial parole eligibility date.

A personal interview is conducted by one or more board members with each eligible inmate during the parole consideration process. A majority vote is needed to approve parole release. If parole is denied at the initial hearing, the Parole Commission has full discretion to set the subsequent hearing date. The agency can deny parole and order the inmate to serve out the sentence without additional parole hearings and can rescind or void a parole release decision prior to the actual release of an inmate on parole.

Final discharges from parole are not usually granted. The commission may not grant an early final discharge from parole, prior to the maximum expiration of the sentence.

#### Parole of Life--Sentenced Offenders

Under current law, life--sentenced inmates may become eligible for parole consideration. Persons sentenced to life without parole are ineligible for parole consideration unless the Pardons Board commutes the sentence to life with the possibility of parole. This is possible only after the offender serves a required minimum of the sentence. Statute requires life--sentenced inmates to serve five to ten years in prison before becoming eligible for parole.

#### Agency Discretion for Conditions of Parole

The Parole Commission can require any of the following for an offender released on parole: standard parole supervision; parole with enhanced treatment/programming conditions; halfway house placement; day reporting; intensive supervision; electronic monitoring; drug testing; payment of supervision fees; and payment of restitution.

#### Public Access to the Parole Decision Process

Statute mandates that the public be notified of scheduled parole release hearings. Adult parole release hearings are open to the public, with some restrictions. The deliberations of Parole Commission personnel at hearings are not open to the public.

The commission keeps written records of parole hearings. The individual vote of each participating paroling authority member or other decision--maker is recorded and is a part of the public record.

#### Involvement of Victims in Parole Processes

Crime victims can provide information to the paroling authority via written and/or oral statements. The agency notifies crime victims of scheduled parole consideration hearings, and victims may attend adult parole consideration hearings if they have asked to attend. Crime victims are notified of the decision if they have asked to be notified.

Inmates cannot obtain information provided by crime victims to the Parole Commission; their testimony is confidential.

#### Parole Revocation

The Parole Commission has revocation powers for all persons released on parole. Preliminary parole revocation hearings are conducted by a parole officer other than supervising agent. Final parole revocation hearings are conducted by two board members.

Options available to decisionmakers at release and revocation hearings are essentially comparable. Dispositions other than return to prison that are available to the commission for a person whose parole is revoked include: reinstatement on parole at comparable level of supervision; reinstatement on parole with increased treatment/programming; halfway house placement; day reporting; intensive supervision; electronic monitoring; and drug testing.

If parole is revoked, the parolee/inmate must remain incarcerated until expiration of the sentence or up to three years before a further review is required. All or part of the offender's statutory good time credits may be removed.

#### Mandatory Release

Non--violent inmates are statutorily mandated for release from prison prior to the expiration of their

sentences. The Parole Commission sets parole conditions for cases mandatorily released from prison. Field supervision is always provided for persons mandatorily released. If a person mandatorily released on parole commits a violation, the commission is empowered to conduct a revocation hearing and make a final determination.

Parole revocation for a person mandatorily released on parole results in resumption of the original prison term; the offender loses all accrued statutory good time.

#### Other Functions of the Adult Paroling Authority

The Parole Commission has no role in commutation proceedings, pardon proceedings, furloughs, or the restoration of civil rights. It is responsible for co-executing re--take warrants for parolees who have absconded from supervision.

#### Statistical Information, FY 1994

Adult prison population, close FY'94:	Not available
Adult offenders considered for parole release in FY'94	4,635
Adult offenders released on parole in FY'94	1,862
Percentage of those considered who were released:	40%
Total adult parolees under supervision, close FY'94	Not available
Final revocation hearings held, FY'94	506
Adult paroles revoked and returned to confinement, FY'94	Not available
Adult paroles revoked and re--paroled at the same time, FY'94	Not available
Cases released from adult parole supervision, FY'94 (Includes those released with or without a final discharge)	Not available
Total parole agency budget, FY'94	\$636,942*

\*This figure is the budget request for FY'94.

## NEW HAMPSHIRE

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### New Hampshire Adult Parole Board

Authority for adult parole entity:	Statutory.
Agency's link with adult corrections:	Board operates independently of corrections agency but is linked for administrative and/or budgetary purposes.
Offender populations under agency authority:	Adult felons.
Field services provided:	None; parole supervision is provided by the DOC Division of Field Services.

#### Recent Policy Developments

- Eligibility for parole release. In 1993, the New Hampshire legislature authorized the Adult Parole Board to parole selected low risk, nonviolent prisoners before their minimum parole dates. However, in response to protests by certain county attorneys, the governor intervened and required a preliminary review by the attorney general of each case nominated for early parole. No inmates were ever paroled under this program, which remains in limbo. The statute was never formally changed to incorporate this initial review by the attorney general. Recent discussions with legislators indicate that an attempt will be made to resurrect this program.

- Revocation process. In 1994, a statute was amended to require an attorney of the board to be present during all parole revocation hearings. This codified an existing board practice of having one of the two attorney members present at each revocation hearing. This is important because in New Hampshire parole violators are entitled to court--appointed counsel for their parole revocation hearings.

- Size of paroling authority. A 1994 statute expanded the size of the board from five to seven members. The requirement of a panel of three for all hearings remained the same.

#### Parole Board Structure

The Adult Parole Board has seven members, all of whom are part time. The term of appointment is five years. Members' terms on the board are staggered. A quorum of three members is required for parole release and parole revocation hearings.

#### Discretion for Parole Release

For inmates being sentenced under current law, parole release decisions are made by paroling authority members only. The board has discretionary releasing authority for offenders who are eligible based on offense. Offenders convicted of first degree murder are not eligible for parole consideration. The initial parole eligibility date is determined by statute.

#### Parole Release Decisionmaking

"Good time" gain or loss is factored into the initial parole eligibility date.

A personal interview is conducted by one or more board members with each eligible inmate during the parole consideration process. If parole is denied at the initial hearing, the subsequent hearing date is established at parole board discretion. The agency can deny parole and order the inmate to serve out the sentence without additional parole hearings, and it can rescind or void a parole release decision prior to the actual release of an inmate on parole.

Final discharges from parole are granted by the Adult Parole Board. The agency may grant an early fi-

nal discharge from parole, prior to the maximum expiration of the sentence. No minimum period of time must be served on parole before a parolee is eligible for a final discharge.

#### Parole of Life--Sentenced Offenders

Under current law, persons sentenced to life in prison will become eligible for parole, unless the conviction was for first degree murder, which carries a statutory penalty of life without parole. The period served in prison on a life sentence is determined by the court on a case--by--case basis.

#### Agency Discretion for Conditions of Parole

The Adult Parole Board can require any of the following for an offender released on parole: standard parole supervision; parole with enhanced treatment/programming conditions; halfway house; intensive supervision; electronic monitoring; drug testing; administrative parole (minimal supervision); house arrest; payment of supervision fees; and payment of restitution.

#### Public Access to the Parole Decision Process

Statute mandates that the Adult Parole Board notify the public of scheduled parole release hearings. Adult parole release hearings are not open to the public, nor are the deliberations of agency personnel at hearings.

The agency keeps written and audio tape records of parole hearings. The individual vote of each participating paroling authority member or other decision--maker is recorded but is considered confidential and is not released to the public.

#### Involvement of Victims in Parole Processes

Crime victims can provide information to the paroling authority via written and/or oral statements. The agency notifies crime victims of scheduled parole consideration hearings if they have asked to be notified. Crime victims may attend adult parole consideration hearings if they have asked to attend, and they are notified of the release decision if they have requested notification.

Inmates cannot obtain information provided by crime victims to the paroling authority; their testimony is confidential.

#### Parole Revocation

The Adult Parole Board has revocation powers for all persons released on parole. Preliminary parole revocation hearings are conducted by a parole officer other than supervising agent. A final parole revocation hearing is conducted by a three--member panel of paroling authority members.

Options available to decisionmakers at release and revocation hearings are essentially comparable. Dispositions other than return to prison that are available to the paroling authority for a person whose parole is revoked include: reinstatement on parole at comparable level of supervision; reinstatement on parole with increased treatment/programming; halfway house; intensive supervision; electronic monitoring; drug testing; and house arrest.

If parole is revoked, the time the parolee/inmate must remain incarcerated prior to any re--release is neither mandatory nor prescribed. The board has full discretion to revoke parole and order the parolee to serve the remainder of his/her sentence in prison.

#### Mandatory Release

Adult inmates are subject to mandatory release from prison only at the expiration of the maximum term

of an indeterminate sentence. No supervision is provided for persons so released, and the Adult Parole Board has no involvement in the release process.

#### Other Functions of the Adult Paroling Authority

The Adult Parole Board has no role in commutation or parole proceedings, furloughs, or the restoration of civil rights.

#### Statistical Information, FY 1994

Adult prison population, close FY'94:	2,000
Adult offenders considered for parole release in FY'94	908
Adult offenders released on parole in FY'94	474
Percentage of those considered who were released:	52.2%
Total adult parolees under supervision, close FY'94	848
Final revocation hearings held, FY'94	235
Adult paroles revoked and returned to confinement, FY'94	214
Adult paroles revoked and re--paroled at the same time, FY'94	30
Cases released from adult parole supervision, FY'94 (Includes those released with or without a final discharge)	Not available
Total parole agency budget, FY'94	\$147,764

## NEW JERSEY

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### New Jersey State Parole Board

Authority for adult parole entity:	Constitutional and statutory.
Agency's link with adult corrections:	Parole board operates independently of the corrections agency but is linked for administrative and/or budgetary purposes.
Offender populations under agency authority:	Felons and misdemeanants; adults, juveniles, and a distinct youthful offender population.
Field services provided:	None; parole supervision is provided by the DOC Bureau of Parole.

#### Recent Policy Developments

During 1994, the State Parole Board reviewed all administrative procedures dealing with parole and published numerous revisions, amendments, and additions. Substantive revisions were as follows:

- Eligibility for parole release. A decision of the New Jersey Supreme Court in *Booker v. Parole Board* was that “gap time” reduces a subsequently imposed concurrent or consecutive term, with no mandatory minimum, and that parole eligibility on the subsequently imposed term is based on one--third of the reduced term.
- Programs/placements available for offenders on release from prison. The New Jersey Department of Corrections is required, at the request of the parole board, to conduct additional psychological evaluations for certain inmates and would be required to provide reasons for denying the placement of inmates referred by the board in a halfway house.
- Hearing process. Various aspects of hearings processes have been adjusted, including definitions of a quorum, scheduling, participation in disposition of cases, and recording of hearings.
- Involvement of the victim. Upon request, the board will provide a copy of the pre--parole report, excluding confidential information, to victims. Representatives of recognized victim groups are authorized to attend the board's monthly formal meetings. All information or statements provided by a victim or nearest relative of a murder/manslaughter victim are confidential.

#### Parole Board Structure

The Parole Board has nine members, all of whom are full time. The term of appointment is six years. Members' terms on the board are staggered, except for two positions that are coterminous. A quorum of two members is generally required for parole release and parole revocation hearings. However, if parole is approved on a murder conviction by the two--member panel, the case must be referred to the full board for concurrence.

#### Discretion for Parole Release

For inmates being sentenced under current law, parole release decisions are made by board members in conjunction with hearing officers/examiners. The parole board has discretionary releasing authority for all cases. The initial parole eligibility date is determined by both agency regulation and statute.

#### Parole Release Decisionmaking

The board sets projected parole eligibility dates at the time of admission. “Good time” gain or loss is factored into the initial parole eligibility date.



A personal interview is conducted by a hearing examiner, who then makes a recommendation to a panel of two board members, with each eligible inmate during the parole consideration process. However, inmates convicted of a first or second degree offense must be interviewed by the entire board. If parole is denied at the initial hearing, the board has limited discretion in setting the subsequent hearing date, which generally must be set within ranges prescribed by board rules. The decision can deviate from these ranges if cause is shown.

The board can deny parole and order the inmate to serve out the sentence without additional parole hearings, if the inmate's next expected parole hearing date would be beyond the expiration of the maximum term of the sentence. The board can rescind or void a parole release decision prior to the actual release of an inmate on parole.

Final discharges from parole are granted by the Parole Board. The board may grant an early final discharge from parole, prior to the maximum expiration of the sentence. A minimum period must be served on parole before a parolee is eligible for a final discharge. Most parolees must serve a minimum of one year on parole before they are eligible for an early discharge from parole. For lifers, this period is seven years, if the last two years are at an "annual supervision" level. Parole absconders must serve ten years on resumed parole before being eligible for an early final discharge, or five years after the maximum term of the sentence if there is no new arrest.

#### Parole of Life--Sentenced Offenders

Under current law, all persons sentenced to life in prison may become eligible for parole. A life sentence carries a thirty--year statutory minimum prison term.

#### Agency Discretion for Conditions of Parole

The Parole Board can require any of the following for an offender released on parole: standard parole supervision; parole with enhanced treatment/programming conditions; halfway house placement; intensive supervision; electronic monitoring; drug testing; and payment of restitution. The board may order payment of supervision fees, but this is not practiced.

#### Public Access to the Parole Decision Process

By statute, the Parole Board is required to notify the public of scheduled parole release hearings. Adult parole release hearings are not open to the public, nor are the deliberations of agency personnel at hearings. The agency keeps written and audio tape records of parole hearings. The individual vote of each participating paroling authority member or other decision--maker is recorded and is a part of the public record.

#### Involvement of Victims in Parole Processes

Crime victims can provide information to the paroling authority via written and/or oral statements. Victims can provide testimony to the panel at the institution on the day of the hearing, but the victim may not attend the actual hearing. The agency notifies crime victims of scheduled parole consideration hearings if they have asked to be notified. Victims are notified of the decision if they have participated in the hearing process. Inmates cannot obtain information provided by crime victims to the paroling authority; victim testimony is confidential.

#### Parole Revocation

The Parole Board has revocation powers for all persons released on parole. Preliminary parole revocation hearings are conducted by a parole officer other than the supervising agent, and the final revoca-

tion hearing is conducted by a Parole Board hearing officer. It is anticipated that the board will soon conduct both the preliminary and the final hearing.

Options available to decisionmakers at release and revocation hearings are comparable. Dispositions other than return to prison that are available to the Parole Board for a person whose parole is revoked include: reinstatement on parole at comparable level of supervision; reinstatement on parole with increased treatment/programming; halfway house placement; intensive supervision; and drug testing.

If parole is revoked, the time the parolee/inmate must remain incarcerated prior to any re--release is not mandatory, but it is prescribed and must fall within presumptive ranges based on the original offense. The board has full discretion to revoke parole and order the parolee to serve the remainder of his/her sentence in prison.

#### Mandatory Release

Adult inmates are subject to mandatory release from prison only upon expiration of the sentence. As of October 31, 1994, sex offenders termed compulsive or repeat offenders must undergo a review for civil commitment on expiration of the maximum sentence.

#### Other Functions of the Adult Paroling Authority

The Parole Board contributes to commutation proceedings by conducting investigations and recommending action to another decision--making authority. In the pardons process, the board conducts investigations and provides data and a recommendation to the governor. The board is not involved in inmate furloughs or the restoration of offenders' civil rights.

#### Statistical Information, FY 1994

Adult prison population, close FY'94:	24,000
Adult offenders considered for parole release in FY'94	13,547
Adult offenders released on parole in FY'94	8,769
Percentage of those considered who were released:	64%
Total adult parolees under supervision, close FY'94	41,474
Final revocation hearings held, FY'94	3,684
Adult paroles revoked and returned to confinement, FY'94	3,033
Adult paroles revoked and re--paroled at the same time, FY'94	0
Cases released from adult parole supervision, FY'94 (Includes those released with or without a final discharge)	12,399
Total parole agency budget, FY'94	\$7,053,000

## NEW MEXICO

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### New Mexico Adult Parole Board

Authority for adult parole entity:	Statutory.
Agency's link with adult corrections:	The board operates independently of the corrections agency.
Offender populations under agency authority:	Adult felons.
Field services provided:	None; parole supervision is provided by the DOC Probation and Parole Division.

#### Recent Policy Developments

- Programs/placements for parole violators. The Adult Parole Board's past policy has been to work with corrections officials to determine if some technical parole violators can be re--paroled to the community. The new board's term began July 1, 1995, and the members may change this policy, which is intended to reduce the prison population.
- Involvement of the crime victim. Legislation has removed the responsibility for the Adult Parole Board to notify victims of release consideration hearings or of actual release, if requested. Instead, the board must notify the county district attorney, who in turn notifies crime victims.
- Paroling authority involvement in clemency. The governor established an Executive Clemency Review Board to review clemency applications. The Adult Parole Board previously had the primary responsibility of making clemency recommendations to the governor.

#### Parole Board Structure

The Adult Parole Board has four members, all full--time, who are appointed for three--year terms. Terms on the board are coterminous. A quorum of three members is required for parole release and parole revocation hearings.

#### Discretion for Parole Release

For inmates being sentenced under current law, parole release dates are determined by statute; paroles on all post--1979 commitments are mandatory. The parole board has discretionary releasing authority for offenders who were convicted before July 1, 1979. Release decisions for these inmates are made by board members. The initial parole eligibility date for new commitments is determined by statute.

#### Parole Release Decisionmaking

The Adult Parole Board does not set presumptive parole dates at the time of admission. "Good time" gain or loss is factored into the initial parole eligibility date.

A personal interview with each eligible inmate is conducted by one or more board members. The agency cannot deny parole and order the inmate to serve out the sentence without additional parole hearings. For pre--1979 commitments only, the agency has the ability to rescind or void a parole release decision prior to the actual release of an inmate on parole.

Final discharges from parole are granted by the board. For pre--1979 commitments only, the agency may grant an early final discharge from parole, prior to the maximum expiration of the sentence. No minimum period of time must be served on parole before a parolee is eligible for a final discharge.

### Parole of Life--Sentenced Offenders

Under current law, any person sentenced to life in prison may become eligible for parole. By statute, an inmate serving a life sentence must serve thirty years before becoming eligible for parole.

### Agency Discretion for Conditions of Parole

The agency can require any of the following for an offender released on parole: standard parole supervision; parole with enhanced treatment/programming conditions; halfway house; day reporting; intensive supervision; electronic monitoring; drug testing; payment of supervision fees; and payment of restitution.

### Public Access to the Parole Decision Process

Statute requires the board to notify county district attorneys of scheduled parole release hearings, who then notify crime victims. Adult parole release hearings are open to the public without restrictions. Deliberations of agency personnel at hearings are closed to the public.

The board keeps written records of parole hearings. The individual vote of each participating paroling authority member or other decision--maker is recorded and is a part of the public record.

### Involvement of Victims in Parole Processes

Crime victims can provide information to the Adult Parole Board via written and/or oral statements. The board notifies crime victims of hearings if they have requested notification and permits victims to attend adult parole consideration hearings on request. Victims are notified of the decision if they have asked to be notified. Victim input to the board is confidential and cannot be obtained by inmates.

### Parole Revocation

The board has revocation powers for all persons released on parole. Preliminary parole revocation hearings are conducted by a hearing officer/examiner. A final parole revocation hearing is conducted by board members.

Options available to decisionmakers at release and revocation hearings are essentially comparable. Dispositions other than return to prison that are available to the board for a person whose parole is revoked include: reinstatement on parole at comparable level of supervision; reinstatement on parole with increased treatment/programming; halfway house; intensive supervision; electronic monitoring; drug testing; and residential treatment.

If parole is revoked, the time the parolee/inmate must remain incarcerated prior to any re--release is neither mandatory nor prescribed. The board has full discretion to revoke parole and order the parolee to serve the remainder of his/her sentence in prison.

### Mandatory Release

Adult inmates convicted on or after July 1, 1979 are mandatorily released upon expiration of their determinate sentences. The Parole Board sets parole conditions for cases mandatorily released and approves the parole plan. Field supervision is always provided for persons mandatorily released from prison.

If a person mandatorily released on parole commits a violation, the board is empowered to investigate the case, conduct a revocation hearing, and make a final determination. Parole revocation for a person mandatorily released on parole results in service of the remaining period of the prison term, less street time.

#### Other Functions of the Adult Paroling Authority

For commutation proceedings, the Adult Parole Board conducts investigations and recommends action to another decision--making authority. For pardon proceedings, the agency conducts investigations and provides data to the governor or another decision--making authority. The board is not empowered to grant furloughs to confined inmates. Although the board has no authority to grant the restoration of an offender's civil rights, it may recommend their restoration.

#### Statistical Information, FY 1994

Adult prison population, close FY'94:	3,873
Adult offenders considered for parole release in FY'94	1,789
Adult offenders released on parole in FY'94	1,285
Percentage of those considered who were released:	72%
Total adult parolees under supervision, close FY'94	1,340
Final revocation hearings held, FY'94	653
Adult paroles revoked and returned to confinement, FY'94	630
Adult paroles revoked and re--paroled at the same time, FY'94	149
Cases released from adult parole supervision, FY'94 (Includes those released with or without a final discharge)	749
Total parole agency budget, FY'94	\$560,100

## NEW YORK

### New York State Board of Parole

Authority for adult parole entity:	Statutory.
Agency's link with adult corrections:	The Board of Parole is a component of the Division of Parole
Offender populations under agency authority:	Felons—adults and juveniles sentenced as adults.
Field services provided:	Division of Parole provides parole supervision.

#### Recent Policy Developments

- Discretion for parole release. Among other provisions, a law effective for crimes committed on or after October 1, 1995 eliminates discretionary release for second--time felons for whom the current offense is a legislatively defined Violent Felony Offense. The law also extended the time before their conditional release from two--thirds to six--sevenths of their maximum sentence. Persons convicted as persistent violent felony offenders for crimes committed on or after October 1, 1995 must receive a sentence with a life maximum, and must serve a longer minimum term than they would have under prior law.

- Programs for offenders on release from prison. A relapse prevention program provides treatment opportunities for parolees with substance abuse problems. The Division of Parole has developed a program to expedite placement in a wide variety of community--based programs. Since most programs require participants to be drug--free prior to being admitted, the division also arranges for detoxification services to prepare actively abusing parolees for treatment.

- Programs for parole violators. In March 1991, the agency coordinated with Rikers Island in New York City to provide an alternative jail--based drug program for certain alleged parole violators. Parolees who successfully complete the High Impact Incarceration Program (HIIP) avoid a probable return to state prison. The success of Rikers Island's HIIP resulted in the division's contracting with six additional local jails across the state to provide similar alternatives for parole violators with substance abuse problems. More than 200 alternative program slots are available.

- Revocation process. Effective January 1992, the division adopted new regulations that permit the agency to delegate some final decision--making authority to administrative law judges through a structured process designed to expedite the violation process. With certain exceptions, the determination of the administrative law judge (ALJ) is final, precluding the need for board affirmation. The board still reviews ALJ decisions for violations committed by releasees who were on parole for sex offenses or homicide and for those committed by violent felony offenders who were released conditionally after serving their maximum sentence less good time. In addition, the board reviews all cases where the ALJ recommends that the releasee be revoked and restored to supervision or returned to prison for more than two years.

- Involvement of the victim. It is the policy of the board that crime victims are an integral part of the criminal justice process and that they should be treated with fairness, sensitivity, and dignity at all times. In May 1991, the Division of Parole initiated a program that provides victims of crimes against the person the opportunity to make an oral statement to a member or representative of the Board of Parole in a non--threatening atmosphere. The division also developed a notification procedure to help

victims or their families apply to make their statement to the board. These pilot programs became part of the Executive Law in 1994 and have been implemented statewide.

- Medical parole. On April 10, 1992, a medical parole law was signed. It permits the Parole Board to release certain terminally ill inmates prior to the expiration of the minimum term imposed by the sentencing court. This is a compassionate and practical response to the small but increasing number of dying inmates, who pose little threat to society as a result of the incapacitation caused by their illnesses.

- Supervision fees. The division is required to collect monthly supervision fees from every releasee determined to be able to pay. Monthly payments of \$30 are not collected directly by the parole officers but are mailed to the division by parolees. During 1993, the division initiated a pilot program to enable parolees who are financially unable to pay the supervision fee to perform six hours of community service each month.

- Sex offender notification. The Department of Correctional Services notifies police agencies of all releasees coming to live in their communities. Parole officers are directed to make personal contact with police at the precinct or local level in the case of sex offenders. When warranted, parole officers will alert other persons in authority such as school superintendents about the presence of a sex offender.

#### Parole Board Structure

The New York State Board of Parole has nineteen members, all full-time, who serve six-year terms. Terms on the board are staggered. A panel of at least two members is required for parole release hearings. For revocation cases requiring board action, two members must approve a recommendation to restore an offender to supervision; one member can approve a return to prison.

#### Discretion for Parole Release

The Board of Parole has discretionary releasing authority for all inmates sentenced for crimes committed before October 1, 1995; board members approve all parole releases. Statute defines the ranges within which the sentencing court selects a minimum term that must be served before the inmate reaches parole eligibility.

Legislation effective for crimes committed on or after October 1, 1995 reduced the board's authority by eliminating discretionary release for second time felons who commit legislatively defined violent felony offenses and extending the time before their conditional release.

#### Parole Release Decisionmaking

The agency does not set presumptive parole dates at the time of admission. "Good time" gain or loss is not factored into the initial parole eligibility date.

A personal interview is conducted with eligible inmates by two or more board members during the parole consideration process. If parole is denied at the initial hearing, the subsequent hearing date is established by both regulation and statute: statute sets the maximum possible hold, and the board has discretion to set the subsequent hearing date at any point up to that time. The board cannot deny parole and order the inmate to serve out the sentence without additional parole hearings. It can rescind or void a parole release decision prior to the actual release of an inmate on parole.

Final discharges from parole are granted by the Board of Parole. The agency may grant an early final discharge from parole, prior to the maximum expiration of the sentence. A minimum period of three years, unrevoked, must be served on parole before a parolee is eligible for a final discharge.

### Parole of Life--Sentenced Offenders

Some indeterminate sentences in New York have life as the maximum term, with discretionary release decisions made by the Parole Board upon service of the minimum term.

### Agency Discretion for Conditions of Parole

The Board of Parole can require any of the following for an offender released on parole: standard parole supervision; parole with enhanced treatment/programming conditions; halfway house; intensive supervision; electronic monitoring; drug testing; payment of supervision fees; and payment of restitution, if previously ordered by the sentencing court.

### Public Access to the Parole Decision Process

The Board of Parole is not required to notify the public of scheduled parole release hearings. Neither parole release hearings nor deliberations of agency personnel are open to the public. The board keeps written and audio tape records of parole hearings.

### Involvement of Victims in Parole Processes

Crime victims can provide information to the board via written and/or oral statements to the board or its representative. The board notifies crime victims of scheduled parole consideration hearings if the victim has asked to be notified; a new notification program helps victims or their families apply to make their statements to the board. Crime victims are not permitted to attend parole consideration hearings. Victims are notified of the decision if they have asked to be notified. Victim input to the board is confidential and cannot be obtained by inmates.

### Parole Revocation

The Board of Parole has revocation powers for all persons released on parole. Although preliminary revocation hearings can be conducted by either a board member or a hearing officer, the vast majority are conducted by a hearing officer. A final parole revocation hearing can be conducted by a board member or an administrative law judge, but most are conducted by an administrative law judge.

More options—all release options as well as specific diversion programs—are available to decision-makers at parole revocation hearings than at release hearings. Dispositions other than return to prison that are available to the Board of Parole for a person whose parole is revoked include: reinstatement on parole with increased treatment/programming; halfway house placement; electronic monitoring; and restoration to community supervision with a penalty of time served.

If parole is revoked, the time the parolee/inmate must remain incarcerated prior to any re--release is neither mandatory nor prescribed. The board may revoke parole and order the parolee to serve the remainder of his/her sentence in prison. However, “good time” can reduce the time the revokee spends in prison, if he/she is returned with an undischarged maximum term of twelve months or more.

### Mandatory Release

Adult inmates are subject to mandatory release from prison as required by “good time” laws. The Board of Parole sets parole conditions for cases mandatorily released. Field supervision is provided for persons mandatorily released from prison, except for those who “max--out” their sentences in prison.

If a person mandatorily released on parole commits a violation, the board is empowered to investigate the case, conduct a revocation hearing, and make a final determination. The term of re--incarceration when parole is revoked for a person mandatorily released on parole is set at the discretion of the board. “Good time” applies if the releasee is returned for a maximum term in excess of twelve months.



#### Other Functions of the Adult Paroling Authority

For both commutation and pardon proceedings, the Board of Parole conducts investigations and recommends action to another decision-making authority. The board is not empowered to grant furloughs to confined inmates, but may grant the restoration of an offender's civil rights through statutorily prescribed measures.

#### Statistical Information, FY 1994--95

Adult prison population, close FY'94--95:	67,814
Adult offenders considered for parole release in FY'94--95	33,636
Adult offenders released on parole in FY'94--95	21,623
Percentage of those considered who were released:	64%
Total adult parolees under supervision, close FY'94--95	50,205
Final revocation hearings held, FY'94--95	28,153
Adult paroles revoked and returned to confinement, FY'94--95	11,117
Adult paroles revoked and re--paroled at the same time, FY'94--95	2,504
Cases released from adult parole supervision, FY'94--95 (Includes those released with or without a final discharge)	14,357
Total parole agency budget, FY'94--95	Approx. \$161,000,000

## NORTH CAROLINA

### North Carolina Post--Release Supervision and Parole Commission

Authority for adult parole entity:	Statutory.
Agency's link with adult corrections:	Commission operates independently of the corrections agency but is linked administratively and/or for budgetary purposes.
Offender populations under agency authority:	Adult felons and misdemeanants; youthful offenders are managed as a distinct population.
Field services provided:	None; parole supervision is provided by the DOC Division of Adult Probation and Parole.

#### Recent Policy Developments

- Discretion for parole release. Since the adoption of “structured sentencing” in 1994, the Parole Commission has no discretionary release responsibility for persons convicted of any offense except DWI. Eligibility for parole has become more rigidly defined.
- Prison population management. A population cap that had been placed on state institutions by a federal court order was lifted in June 1995 because a building program had expanded prison capacity.
- Eligibility for parole release of offenders receiving a life sentence. No parole from a life sentence is possible for crimes committed on or after October 1, 1994.
- Determination of parole release dates. The new sentencing structure, except for life sentences, has had the general effect of reducing the time served for less serious crimes.
- Programs/placements for offenders on release from prison. Plans are in place to promote the use of day reporting facilities to increase post--release supervision.
- Involvement of the crime victim. If requested, the commission now must notify the victim or victim's family of upcoming release hearings. The commission may also notify local law enforcement personnel, district attorneys, and the media in the county of conviction of an impending hearing.
- Involvement of the public. Members of the public are now allowed to speak prior to the release hearing to express positive or negative feelings regarding the potential release of an offender.

#### Parole Board Structure

The North Carolina Post--Release Supervision and Parole Commission has five members, all full--time. Commission members, who serve staggered terms, are appointed for four years. A quorum of two members is required for parole release and parole revocation hearings.

#### Discretion for Parole Release

For inmates being sentenced under current law, release dates are determined by statute for all offenses except DWI. With the exception of DWI offenses, discretionary parole has been eliminated for offenses committed on or after October 1, 1994. The adult paroling authority has discretionary releasing authority for inmates whose offense was committed before October 1, 1994. The initial parole eligibility date is determined by both agency regulation and statute.

### Parole Release Decisionmaking

The agency does not set presumptive parole dates at the time of admission. "Good time" gain or loss is factored into the initial parole eligibility date.

No personal interviews are conducted with eligible inmates. If parole is denied at the initial hearing, the subsequent hearing date is established by both regulation and statute. The agency can deny parole and order the inmate to serve out the sentence without additional parole hearings. The agency also has the ability to rescind or void a parole release decision prior to the actual release of an inmate on parole.

Final discharges from parole are granted by the Parole Commission. The agency may grant an early final discharge from parole, prior to the maximum expiration of the sentence. Unless time remaining is less than one year, a minimum period of one year must be served on parole before a parolee is eligible for a final discharge.

### Parole of Life--Sentenced Offenders

Under current law, inmates given a life term are not eligible for parole. The prison system holds 2,000 inmates who were sentenced to life imprisonment under an earlier code and who may eventually become eligible for parole consideration.

### Agency Discretion for Conditions of Parole

The Post--Release Supervision and Parole Commission can require any of the following for an offender released on parole: standard parole supervision; parole with enhanced treatment/programming conditions; intensive supervision; electronic monitoring; drug testing; administrative parole (minimal supervision); payment of supervision fees; and payment of restitution.

### Public Access to the Parole Decision Process

Notifying the public of scheduled parole release hearings is mandated by statute. Adult parole release hearings, including the deliberations of paroling authorities, are closed to the public.

The commission keeps written records of parole hearings. The individual vote of each participating paroling authority member or other decision--maker is recorded but is considered confidential and is not released to the public.

### Involvement of Victims in Parole Processes

Crime victims can provide information to the paroling authority via written and/or oral statements. The agency notifies crime victims of scheduled parole consideration hearings if the victim has asked to be notified. Crime victims are not permitted to attend adult parole consideration hearings. Victims are notified of the decision if they have asked to be notified. Victim input to the commission is confidential and cannot be obtained by inmates.

### Parole Revocation

The adult paroling authority has revocation powers for all persons released on parole. Preliminary parole revocation hearings are conducted by an administrative law judge/hearing officer/examiner. A final parole revocation hearing is conducted by a member of the commission.

Options available to decisionmakers at release and revocation hearings are essentially comparable. Dispositions other than return to prison that are available to the commission for a person whose parole is revoked include: reinstatement on parole at comparable level of supervision; reinstatement on parole with increased treatment/programming; intensive supervision; electronic monitoring; and drug testing.

If parole is revoked, the time the parolee/inmate must remain incarcerated prior to any re--release is

neither mandatory nor prescribed. The agency may revoke parole and order the parolee to serve the remainder of his/her sentence in prison, providing the time remaining is less than one year.

#### Mandatory Release

Adult inmates are subject to mandatory release from prison upon expiration of the determinate sentence. The adult paroling authority sets parole conditions for cases mandatorily released. Field supervision is sometimes provided for persons mandatorily released from prison; the commission may elect to parole and simultaneously terminate supervision.

If a person mandatorily released on parole commits a violation, the adult paroling authority is empowered to investigate the case, conduct a revocation hearing, and make a final determination. Parole revocation for a person mandatorily released on parole results in service of the remaining period of the prison term, less street time.

#### Other Functions of the Adult Paroling Authority

For commutation and pardon proceedings, the commission conducts investigations and provides data to another decision-making authority. The commission is not empowered to grant furloughs, but may recommend that an inmate be furloughed. It can grant the restoration of an offender's civil rights.

#### Statistical Information, FY 1994

Adult prison population, close FY'94:	23,836
Adult offenders considered for parole release in FY'94	Not available
Adult offenders released on parole in FY'94	24,196
Percentage of those considered who were released:	Not available
Total adult parolees under supervision, close FY'94	16,339
Final revocation hearings held, FY'94	Not available
Adult paroles revoked and returned to confinement, FY'94	5,577
Adult paroles revoked and re--paroled at the same time, FY'94	Not available
Cases released from adult parole supervision, FY'94 (Includes those released with or without a final discharge)	8,116
Total parole agency budget, FY'94	Approx. \$2,000,000

## NORTH DAKOTA

### North Dakota Parole Board

Authority for adult parole entity:	Statutory.
Agency's link with adult corrections:	The Division of Parole and Probation, of which the board is a component, operates independently of corrections agency but is linked for administrative and/or budgetary purposes.
Offender populations under agency authority:	Adult felons and misdemeanants.
Field services provided:	The Division of Parole and Probation provides parole supervision.

#### Recent Policy Developments

- Parole release hearing process. Over the past two years, North Dakota has changed its parole review process. Parole review was previously completed near the end of the minimum term of the sentence. Today, the parole board provides a “paper review” of an offender's file after his/her arrival at the institution. This has resulted in the board granting some presumptive parole dates.
- Prison population management. Because of current prison crowding, the Division of Parole and Probation is working with the institution to develop plans to keep inmates with short sentences in their communities, either in the county jail, a halfway house, home confinement, or some other type of community placement.
- Response to parole violation. In conjunction with the Parole Board, the Division of Parole and Probation has developed a program that allows parole officers to impose an intermediate sanction on a parole violator without returning the case to the parole board. The board has the authority to impose on a parole violator all the time he or she would have served if not granted parole. This has been a deterrent to some inmates and has caused some to reject parole.

#### Parole Board Structure

The division's paroling board has three members, all of whom are part time. The term of appointment is three years. Members' terms on the board are staggered. A quorum of two members is required for parole release and parole revocation hearings.

#### Discretion for Parole Release

For inmates being sentenced under current law, parole release decisions are made by paroling authority members only. The board has discretionary releasing authority for all cases. Certain minimums apply before some inmates reach parole eligibility: 1) persons convicted of a class AA felony must serve thirty years before reaching parole eligibility; 2) persons convicted of a weapons offense must serve a minimum of two or four years without parole; 3) violent offenders must serve 85 percent of the sentence in prison before reaching parole eligibility.

The initial parole eligibility date is determined by both agency regulation and statute.

#### Parole Release Decisionmaking

The agency sets presumptive parole dates at the time of admission for certain types of offenders. “Good time” gain or loss is not factored into the initial parole eligibility date.

A personal interview is conducted by one or more board members with each eligible inmate during the parole consideration process. If parole is denied at the initial hearing, the board has full discretion in setting the subsequent hearing date. The agency can deny parole and order the inmate to serve out the sentence without additional parole hearings. It can also rescind or void a parole release decision prior to the actual release of an inmate on parole.

Final discharges from parole are not granted, nor can the paroling authority grant an early final release from parole.

#### Parole of Life--Sentenced Offenders

Under current law, persons sentenced to life in prison may become eligible for parole, if the Pardon Board reduces the life term to a fixed number of years and after the inmate serves a statutorily--required minimum of thirty years in prison.

#### Agency Discretion for Conditions of Parole

The parole board can require any of the following for an offender released on parole: standard parole supervision; parole with enhanced treatment/programming conditions; halfway house placement; intensive supervision; electronic monitoring; drug testing; payment of supervision fees; and payment of restitution.

#### Public Access to the Parole Decision Process

Statute requires the Division of Parole and Probation to notify the public of scheduled parole release hearings. Adult parole release hearings are open to the public with some restrictions. The deliberations of agency personnel at hearings are not open to the public.

The board keeps written and audio tape records of parole hearings. The individual vote of each participating paroling authority member or other decision--maker is not recorded.

#### Involvement of Victims in Parole Processes

Crime victims can provide information to the paroling authority via written and/or oral statements. They may attend adult parole consideration hearings if the crime was violent. As required on a case--by--case basis, the agency notifies crime victims of scheduled parole consideration hearings and of the release decision.

Inmates can obtain information provided by crime victims to the paroling authority if the information is provided in a public meeting.

#### Parole Revocation

The adult paroling authority has revocation powers for all persons released on parole. Preliminary parole revocation hearings are conducted by an administrative law judge/hearing officer/examiner and a parole officer other than supervising agent. A final parole revocation hearing is conducted by a board member.

Options available to decisionmakers at release and revocation hearings are essentially comparable. Dispositions other than return to prison that are available to the parole board for a person whose parole is revoked include: reinstatement on parole at comparable level of supervision; reinstatement on parole with increased treatment/programming; halfway house placement; intensive supervision; electronic monitoring; and drug testing.

If parole is revoked, the time the parolee/inmate must remain incarcerated prior to any re--release is

neither mandatory nor prescribed. The agency has full discretion to revoke parole and order the parolee to serve the remainder of his/her sentence in prison.

#### Mandatory Release

Adult inmates are not subject to mandatory release from prison.

#### Other Functions of the Adult Paroling Authority

The parole board has no role in commutation proceedings, pardon proceedings, inmate furloughs, or the restoration of an offender's civil rights.

#### Statistical Information, FY 1994

Adult prison population, close FY'94:	521
Adult offenders considered for parole release in FY'94	428
Adult offenders released on parole in FY'94	169
Percentage of those considered who were released:	39%
Total adult parolees under supervision, close FY'94	146
Final revocation hearings held, FY'94	39
Adult paroles revoked and returned to confinement, FY'94	36
Adult paroles revoked and re--paroled at the same time, FY'94	1
Cases released from adult parole supervision, FY'94 (Includes those released with or without a final discharge)	137
Total parole agency budget, FY'94	\$2,001,908

# OHIO

## Ohio Parole Board

Authority for adult parole entity:	Statutory.
Agency's link with adult corrections:	The Parole Board is a component of the corrections agency.
Offender populations under agency authority:	Felons: adults and youthful offenders managed as a distinct population.
Field services provided:	None; parole supervision is provided by the DOC Division of Parole and Community Services.

### Recent Policy Developments

- Discretion for parole release. Legislation has abolished discretionary parole release for inmates sentenced after July 1, 1996. Parole will be replaced by determinate sentences, automatic release, and a mandatory period of “post--release control.” The Parole Board will have the authority to delay release if the offender has had disciplinary infractions in the institution; the board also will set both the period of post--release control and the sanctions placed on the offender, and will have the authority to revoke the offender's release. The legislation also introduced “bad time” for offenses the inmate commits while incarcerated, which can accrue to equal as much as one--half the offender's original sentence. The Parole Board will have final authority to impose bad time on recommendation from the corrections agency.

- Revocation procedures. The Parole Board has revised existing revocation policy and practice. New procedures include collapsing the preliminary and final revocation hearings into a single hearing.

- Response to parole violation. New sanctions for parole violators include referral to multi--purpose resource centers that provide services ranging from day reporting to short--term incarceration, combined with offender--specific rehabilitative programming. Under the legislation that abolished discretionary parole, any violation absent a felony conviction will result in no more than nine months of confinement.

- Involvement of victims. Legislation required the board, as of September 20, 1994, to notify crime victims of the dates and results of release consideration hearings. New legislation has created an Office of Victims' Services and a twelfth board member, who will serve as a victim representative.

- Eligibility for parole release. New policies restrict eligibility for shock parole and furloughs.

- Determination of parole release dates. An administrative rule effective November 21, 1994 enables the Parole Board to set a future release date rather than scheduling a second hearing.

- Parole release hearing process. A policy effective October 26, 1994 formalized prior practice by empowering hearing officers to conduct certain hearings without a board member present. The policy is intended to foster consistent hearing procedures while meeting the demands of an increasing workload.

- Programs/placements available for offenders. A “Parole Placement Specialist” position was created to assist in parole planning for hard--to--place offenders.

- Clemency proceedings. By statute, all applications for clemency must be made via the Parole Board. Recent policy changes restrict the frequency of clemency applications.



### Parole Board Structure

The Ohio Parole Board has eleven members, all full-time. There is no specified term of appointment. A quorum of two—one board member and one hearing officer—is required for parole release hearings. Effective September 1, 1995, hearing officers conduct all revocation hearings. Certain offenders can be released only by majority vote of all board members. A twelfth board member will be added in 1996 to represent victims and will serve a four-year term.

### Discretion for Parole Release

For inmates sentenced to the Ohio Department of Rehabilitation and Correction before July 1, 1996 on an indeterminate sentence, the Parole Board has absolute power over the term to be served, after statutory eligibility is satisfied. Parole release decisions for this population are made by board members in conjunction with hearing officers. The board has discretionary releasing authority for all such cases.

All inmates serving indeterminate sentences are eligible for a statutory parole board hearing. Inmates serving determinate sentences may be eligible for shock parole or furlough consideration.

The initial parole eligibility date is determined by statute. Inmates receiving a determinate sentence on or after July 1, 1996 will not be subject to the discretionary release authority of the Parole Board.

### Parole Release Decisionmaking

The Parole Board does not set presumptive parole dates at the time of admission. “Good time” gain or loss is factored into the initial parole eligibility date.

A personal interview with each eligible inmate is conducted by one or more board members during the parole consideration process, and a risk assessment instrument is used for all release consideration hearings. If parole is denied at the initial hearing, the subsequent hearing date is established by the Parole Board, which has complete discretion in the matter. The board can deny parole and order the inmate to serve out the sentence without additional parole hearings. The agency also has the ability to rescind or void a parole release decision prior to the actual release of an inmate on parole.

Final discharges from parole are granted by another authority. The Parole Board may grant an early final discharge from parole, prior to the maximum expiration of the sentence. A minimum period of one year, or five years for those serving life sentences, must be served on parole before a parolee is eligible for a final discharge.

### Parole of Life--Sentenced Offenders

Under laws effective until July 1, 1996, any person sentenced to life in prison may become eligible for parole. Statute requires that an inmate serving a life sentence must serve two-thirds of the minimum sentence applicable for the particular offense before becoming eligible for parole.

As of July 1, 1996, life sentences will be the only indefinite sentences remaining in the sentencing code. Judges will determine an offender's eligibility for release by setting a minimum term of twenty or thirty years. A sentence of life without parole is also possible.

### Agency Discretion for Conditions of Parole

The Parole Board can require any of the following for an offender released on parole: standard parole supervision; parole with enhanced treatment/programming conditions; halfway house; intensive supervision; and drug testing. Parole officers can add any justifiable condition with supervisor approval.

### Public Access to the Parole Decision Process

Agency policy requires the board to notify the public of scheduled parole release hearings. Adult parole

release hearings and deliberations of agency personnel are closed to the public. However, public hearings for certain offenders will be implemented beginning July 1, 1996. The agency keeps written records of parole hearings. The individual vote of each participating member/decision-maker is recorded but is considered confidential and is not released to the public.

#### Involvement of Victims in Parole Processes

Crime victims currently can provide information to the Parole Board via written and/or oral statements. A "victim conference day" is held at least once each month for victims and their representatives to meet personally with Parole Board staff and express their views. The board notifies crime victims of scheduled parole consideration hearings if they have asked to be notified; victims may attend technical revocation hearings only to serve as witnesses. Victims are notified of the decision if they have asked to be notified.

Victim input to the board is confidential and cannot be obtained by inmates. 1996 will bring to the parole process an Office of Victims' Services, victim advocates, and public, "open" hearings.

#### Parole Revocation

The Parole Board has revocation powers for all persons released on parole. A single revocation hearing is conducted by a hearing officer, who may impose a sanction of return to prison. Returned inmates appear before the board for a dispositional hearing.

Options available to decisionmakers at release and revocation hearings are comparable. Dispositions other than return to prison that are available to the Parole Board for a person whose parole is revoked include: reinstatement on parole at comparable level of supervision; reinstatement on parole with increased treatment/programming; halfway house; day reporting; intensive supervision; electronic monitoring; and drug testing.

If parole is revoked, the time the parolee/inmate must remain incarcerated prior to any re-release is neither mandatory nor prescribed. The agency has full discretion to order the parolee to serve the remainder of his/her sentence in prison.

#### Mandatory Release

Adult inmates sentenced before July 1, 1996 are subject to mandatory release from prison only upon expiration of the determinate sentence, or, for an indeterminate sentence, upon expiration of the maximum sentence. The Parole Board has no involvement in such releases. Field supervision is not provided for persons mandatorily released from prison. The board has no role in relation to mandatory release of offenders unless an offender person returns to prison with a new felony conviction.

All inmates sentenced on or after July 1, 1996 will be subject to either mandatory or judicial release and a period of "post-release control." The Parole Board will stipulate conditions of release and the term of supervision. Post-release control can be revoked for a maximum of nine months.

#### Other Functions of the Adult Paroling Authority

For both commutation and pardon proceedings, the Parole Board conducts investigations and provides data to another decision-making authority. The board can grant furloughs to confined inmates and can recommend the restoration of an offender's civil rights.

#### Statistical Information, FY 1994

Adult prison population, close FY'94:	41,543
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Adult offenders considered for parole release in FY'94	19,892
Adult offenders released on parole in FY'94	4,567
Percentage of those considered who were released:	22.9%
Total adult parolees under supervision, close FY'94	8,172
Final revocation hearings held, FY'94	2,587
Adult paroles revoked and returned to confinement, FY'94	2,368
Adult paroles revoked and re--paroled at the same time, FY'94	219
Cases released from adult parole supervision, FY'94 (Includes those released with or without a final discharge)	6,913
Total parole agency budget, FY'94	\$1,900,000*

\* Parole board budget only.

## OKLAHOMA

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### Oklahoma Pardon and Parole Board

Authority for adult parole entity:	Constitutional.
Agency's link with adult corrections:	The paroling authority operates independently of the corrections agency.
Offender populations under agency authority:	Adult felons.
Field services provided:	None; parole supervision is provided by the DOC.

#### Recent Policy Developments

- Prison population management. The Prison Population Act of 1993 allows the DOC to release offenders into community supervision, circumventing the Pardon and Parole Board, whenever the population reaches 97.5 percent of capacity.
- Eligibility for parole release. In 1991 the legislature amended statutes to make non--violent offenders eligible for parole earlier than they had been previously.
- Involvement of the victim. Laws were passed in 1993 making victims' letters confidential and allowing the victim or victim's representative at least five minutes to address the board at regular meetings. This reflected the board's practice and therefore did not result in policy changes.

#### Parole Board Structure

The Oklahoma Pardon and Parole Board has five members, all part--time, appointed to four--year terms. Terms on the board are coterminous. A quorum of three members is required for parole release and parole revocation hearings.

#### Discretion for Parole Release

For inmates being sentenced under current law, parole release decisions are made by board members. The board lacks discretionary releasing authority but can recommend that an offender be released. The initial parole eligibility date is determined by both agency regulation and statute.

#### Parole Release Decisionmaking

The board does not set presumptive parole dates at the time of admission. "Good time" gain or loss is not factored into the initial parole eligibility date. Board members or staff conduct a personal interview with each eligible inmate during the parole consideration process. If parole is denied at the initial hearing, the subsequent hearing date is established by board regulation or policy. The board can deny parole and order the inmate to serve out the sentence without additional hearings and can rescind or void a release decision prior to the actual release of an inmate. No final discharges are granted. The board may not grant an early final discharge, prior to the maximum expiration of the sentence.

#### Parole of Life--Sentenced Offenders

Under current law, persons sentenced to life in prison will become eligible for parole, if they are not sentenced to life without parole. The term to be served in prison is determined at the discretion of the Pardon and Parole Board.

#### Agency Discretion for Conditions of Parole

The Pardon and Parole Board can require any of the following for an offender released on parole: stan-

dard parole supervision; parole with enhanced treatment/programming conditions; intensive supervision; drug testing; payment of supervision fees; and payment of restitution.

#### Public Access to the Parole Decision Process

Statute mandates that the board notify the public of scheduled parole release hearings. Adult parole release hearings, including deliberations of agency personnel, are open to the public. The agency keeps written and audio tape records of parole hearings. The individual vote of each participating paroling authority member or other decision-maker is recorded and is a part of the public record.

#### Involvement of Victims in Parole Processes

Crime victims can provide information to the board via written and/or oral statements. The board notifies crime victims of scheduled parole consideration hearings if the victim has asked to be notified. Crime victims are always permitted to attend adult parole consideration hearings. Victims are notified of the decision if they have asked to be notified. Victim input sent to the paroling authority is confidential and cannot be obtained by inmates, unless provided in a public meeting.

#### Parole Revocation

The board has revocation powers for all persons released on parole. Preliminary parole revocation hearings are conducted by a parole officer other than the supervising agent. A final parole revocation hearing is conducted by a hearing officer. More options are available to decisionmakers at parole release hearings than at parole revocation hearings. No dispositions other than return to prison are available to the board for a person whose parole is revoked. If parole is revoked, the time the parolee/inmate must remain incarcerated prior to any re-release is neither mandatory nor prescribed; the board has full discretion to revoke parole and order the parolee to serve the remainder of his/her sentence in prison.

#### Mandatory Release

Inmates are subject to mandatory release from prison when a population cap mechanism comes into play. The parole board has no involvement in the mandatory release process. Field supervision is provided for persons mandatorily released, but the board has no involvement in the event of a violation. Mandatorily released offenders are not returned to prison if they violate the conditions of their release.

#### Other Functions of the Adult Paroling Authority

For both commutation and pardon proceedings, the board conducts investigations and provides data to another authority. The board has involvement in furloughs of confined inmates. Although the board has no authority to grant the restoration of an offender's civil rights, it may recommend their restoration.

#### Statistical Information, FY 1994

Adult prison population, close FY'94:	17,343
Adult offenders considered for parole release in FY'94	4,069
Adult offenders released on parole in FY'94	1,252
Percentage of those considered who were released:	31%
Total adult parolees under supervision, close FY'94	3,133
Final revocation hearings held, FY'94	225
Adult paroles revoked and returned to confinement, FY'94	225
Adult paroles revoked and re-paroled at the same time, FY'94	0
Cases released from adult parole supervision, FY'94 (Includes those released with or without a final discharge)	Not available
Total parole agency budget, FY'94	\$1.4 million

## OREGON

### Oregon Board of Parole and Post--Prison Supervision

Authority for adult parole entity:	Statutory.
Agency's link with adult corrections:	The board operates independently of the corrections agency.
Offender populations under agency authority:	Adult felons.
Field services provided:	None; parole supervision is provided by the DOC Community Services Division or by county community corrections agencies.

#### Recent Policy Developments

- Determination of parole release dates. A court decision significantly reduced the amount of good time an offender can earn, thereby increasing sentence lengths.
- Programs/placements for parole releasees/parole violators. In response to legislation, the DOC has developed a system of structured sanctions for releasees. These include work release programs, work camps, electronic monitoring, and restitution centers. The same types of programs are available for alternative placement of parole violators.
- Revocation process. Recent legislation has removed from the state level much of the responsibility for handling the parole revocation process. Offenders who are sentenced to twelve months or less in prison or who will be revoked for a similar period are required to serve their time in a county facility. Counties now make decisions on the appropriate level of incarceration, i.e., the use of jail or an alternative form of confinement.
- Involvement of the crime victim. Victims who request notification may attend release hearings and present both oral and written statements.

#### Parole Board Structure

The Oregon Board of Parole and Post--Prison Supervision has three members, all full--time, appointed to four--year terms. Terms on the board are staggered. A quorum of two members is required for parole release and parole revocation hearings; a quorum of three is required if the crime involved a death.

#### Discretion for Parole Release

For inmates being sentenced under current law, parole release dates are determined by statute. The board has discretionary releasing authority for all cases involving crimes committed before November 1989. The initial parole eligibility date is determined by statute and by the discretion of the board.

#### Parole Release Decisionmaking

The agency sets presumptive parole dates at the time of admission. "Good time" gain or loss is factored into the initial parole eligibility date.

A personal interview with each eligible inmate is conducted by one or more board members, in person or over the telephone. If parole is denied at the initial hearing, the agency can deny parole and order the inmate to serve out the sentence without additional parole hearings. The inmate then serves until the good time date or, in the case of a life sentence, for the rest of his/her life. The good time date is the date past which the inmate cannot be incarcerated, generally the point at which two--thirds of the sen-

tence has been served. The agency also has the ability to rescind or void a parole decision prior to the actual release of an inmate on parole.

Final discharges from parole are granted by the Board of Parole. The board may grant an early final discharge from parole, prior to the maximum expiration of the sentence. Usually, a minimum period of three years must be served on parole before a parolee is eligible for a discharge.

#### Parole of Life--Sentenced Offenders

Under current law, persons are sentenced to either life without parole or a fixed number of years, at the end of which they are paroled. The prison system holds a number of inmates who were sentenced to life imprisonment under a previous law, some of whom may eventually become eligible for parole consideration; the specific number of such cases is unavailable.

#### Agency Discretion for Conditions of Parole

The agency can require any of the following for an offender released on parole: standard parole supervision; parole with enhanced treatment/programming conditions; halfway house; day reporting; intensive supervision; electronic monitoring; drug testing; administrative parole (minimal supervision); payment of supervision fees; and payment of restitution.

#### Public Access to the Parole Decision Process

Notifying the public of scheduled parole release hearings is not required. Adult parole release hearings are open to the public, with some restrictions. Deliberations of agency personnel at hearings are closed.

The agency keeps written and audio tape records parole hearings. The individual vote of each participating paroling authority member or other decision-maker is recorded. The agency is changing its practice of including the votes of individual board members as part of the public record. Instead, the record will reflect the number of members voting for and against an offender's release.

#### Involvement of Victims in Parole Processes

Crime victims can provide information to the board via written and/or oral statements. The board notifies crime victims who request notification of parole consideration hearings and board decisions. Crime victims are permitted to attend adult parole consideration hearings. Inmates can obtain information provided by crime victims to the paroling authority if the information is not confidential.

#### Parole Revocation

The Board of Parole has revocation powers for all persons released on parole. Preliminary parole revocation hearings are conducted by a hearing officer. No final revocation hearing is held; the board bases its decision upon recommendations resulting from the preliminary hearings.

Fewer options are available to decisionmakers at revocation hearings. No dispositions other than return to prison are available for a person whose parole is revoked. If parole is revoked, the time the parolee/inmate must remain incarcerated prior to any re--release is not mandatory but is prescribed, as up to ninety days for a technical violation and up to 180 days for criminal behavior. The agency has full discretion to order a parolee whose parole is revoked to serve the remainder of his/her sentence in prison, after a board hearing is held.

#### Mandatory Release

Adult inmates are subject to mandatory release from prison upon expiration of the determinate sentence, or one day before the "good time date." The agency cannot imprison an inmate beyond the "good time date," which usually equals a reduction of one--third of the sentence. The board sets parole

conditions for cases mandatorily released. Field supervision is always provided for persons mandatorily released from prison.

If a person mandatorily released on parole commits a violation, the board is empowered to investigate the case, conduct a revocation hearing, and make a final determination. Parole revocation for a person mandatorily released on parole results in service of the remaining period of the prison term plus any good time that had been earned, less street time.

#### Other Functions of the Adult Paroling Authority

The Board of Parole and Post--Prison Supervision has no role in either commutation or pardon proceedings, nor can it grant furloughs or the restoration of an offender's civil rights.

#### Statistical Information, FY 1994

Adult prison population, close FY'94:	6,660
Adult offenders considered for parole release in FY'94	Not available
Adult offenders released on parole in FY'94	5,673
Percentage of those considered who were released:	Not available
Total adult parolees under supervision, close FY'94	8,807
Final revocation hearings held, FY'94	2,745
Adult paroles revoked and returned to confinement, FY'94	2,305
Adult paroles revoked and re--paroled at the same time, FY'94	0
Cases released from adult parole supervision, FY'94 (Includes those released with or without a final discharge)	2,511
Total parole agency budget, FY'94	\$1.15 million



## PENNSYLVANIA

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### Pennsylvania Board of Probation and Parole

Authority for adult parole entity:	Statutory.
Agency's link with adult corrections:	The board operates independently of the corrections agency.
Offender populations under agency authority:	Adult felons and misdemeanants.
Field services provided:	Board provides parole supervision for persons receiving a prison sentence of two years or more.

#### Recent Policy Developments

- Population management/response to violation. After the prison riots at the state correctional institution at Camp Hill in 1989, the Pennsylvania Board of Probation and Parole, in conjunction with the DOC, developed new initiatives to deal with the problem of crowding in the state's correctional institutions. One was an intensive supervision diversion program, which made possible the release of offenders who might otherwise have been refused and decreased the amount of recommitment time for technical parole violators. The other was a halfway--back program, known as the community parole center program. This program was an alternative to incarceration for technical parole violators.

#### Parole Board Structure

The Pennsylvania Board of Probation and Parole has five members, all full--time, appointed to six--year terms. Terms on the board are staggered. A quorum of two—one board member and one hearing examiner, or two board members—is required for most parole release and parole revocation hearings. A quorum of three is required for release of violent offenders.

#### Discretion for Parole Release

For inmates being sentenced under current law, parole release decisions are made by paroling authority members in conjunction with hearing officers/examiners. The adult paroling authority has discretionary releasing authority for all cases. The initial parole eligibility date is determined by statute. (Pennsylvania has an indeterminate sentencing structure; inmates are eligible for parole at the expiration of their minimum sentence.)

#### Parole Release Decisionmaking

The board does not set presumptive parole dates at the time of admission. “Good time” is not a factor in the state's parole system.

A personal interview with each eligible inmate is conducted by one or more board members during the parole consideration process. If parole is denied at the initial hearing, the subsequent hearing date is established by the paroling authority, which has complete discretion in the matter. The agency can deny parole and order the inmate to serve out the sentence without additional parole hearings. The agency also has the ability to rescind or void a parole release decision prior to the actual release of an inmate on parole.

Final discharges from parole are not granted. The agency may not grant an early final discharge from parole, prior to the maximum expiration of the sentence. No minimum period of time must be served on parole before a parolee is eligible for a final discharge.

### Parole of Life--Sentenced Offenders

Under current law, inmates given a life term are not eligible for parole. The prison system holds no inmates sentenced to life imprisonment under any earlier code who can eventually become eligible for parole consideration.

### Agency Discretion for Conditions of Parole

The agency can require any of the following for an offender released on parole: standard parole supervision; parole with enhanced treatment/programming conditions; intensive supervision; electronic monitoring; drug testing; administrative parole (minimal supervision); payment of supervision fees; and payment of restitution.

### Public Access to the Parole Decision Process

Notifying the public of scheduled parole release hearings is not required. Adult parole release hearings, including deliberations of agency personnel, are closed to the public.

The agency keeps written records of parole hearings. The individual vote of each participating paroling authority member or other decision--maker is recorded, but is considered confidential and is not released to the public.

### Involvement of Victims in Parole Processes

Crime victims can provide information to the paroling authority via written and/or oral statements. The agency notifies crime victims of scheduled parole consideration hearings if they have asked to be notified. Crime victims are not permitted to attend adult parole consideration hearings; instead, a separate interview is scheduled with the victim. Victims are notified of the decision if they have asked to be notified. Victim input to the paroling authority is confidential and cannot be obtained by inmates.

### Parole Revocation

The adult paroling authority has revocation powers for all persons released on parole. Preliminary parole revocation hearings as well as final parole revocation hearings are conducted by a paroling authority member and an administrative law judge/hearing officer/examiner.

Options available to decisionmakers at release and revocation hearings are essentially comparable. Dispositions other than return to prison that are available for a person whose parole is revoked include: reinstatement on parole at comparable level of supervision; reinstatement on parole with increased treatment/programming; halfway house; intensive supervision; electronic monitoring; and drug testing.

If parole is revoked, the time the parolee/inmate must remain incarcerated prior to any re--release is not mandatory but is prescribed, based on guidelines for revocations that range from three to eighteen months. The guidelines are a component of agency regulations. The agency has full discretion to order a parolee whose parole is revoked to serve the remainder of his/her sentence in prison.

### Mandatory Release

Adult inmates are not subject to mandatory release from prison, with the exception of those sentenced to boot camp. The adult paroling authority sets parole conditions for these offenders, and they receive field supervision.

If a person mandatorily released on parole commits a violation, the adult paroling authority is empowered to investigate the case, conduct a revocation hearing, and make a final determination. For technical violations, parole revocation results in resumption of the original prison term. If an offender is re--

committed on new charges, parole revocation for the previous charges results in service of the remaining period of the prison term, less street time.

#### Other Functions of the Adult Paroling Authority

For commutation proceedings, the Board of Probation and Parole conducts investigations and provides data to another decision-making authority. For pardon proceedings, the agency conducts investigations, providing data to the governor or another decision-making authority. The board has no authority to grant furloughs to confined inmates or to grant the restoration of an offender's civil rights.

#### Statistical Information, FY 1993--94

Adult prison population, close FY'93--94:	26,323
Adult offenders considered for parole release in FY'93--94	10,613
Adult offenders released on parole in FY'93--94	7,678
Percentage of those considered who were released:	72.3%
Total adult parolees under supervision, close FY'93--94	26,017
Final revocation hearings held, FY'--9394	6,001
Adult paroles revoked and returned to confinement, FY'93--94	3,623
Adult paroles revoked and re--paroled at the same time, FY'93--94	0
Cases released from adult parole supervision, FY'93--94 (Includes those released with or without a final discharge)	6,148
Total parole agency budget, FY'93--94	\$54,812

## RHODE ISLAND

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### Rhode Island Parole Board

Authority for adult parole entity:	Statutory.
Agency's link with adult corrections:	The paroling authority operates independently of the corrections agency but is linked administratively and/or for budgetary purposes.
Offender populations under agency authority:	Adult felons and misdemeanants.
Field services provided:	None; parole supervision is provided by the DOC Division of Rehabilitative Services.

#### Recent Policy Developments

- Prison population management. As part of a settlement of a lawsuit alleging unconstitutional conditions of confinement, the state has created a commission to deal with overcrowding. If and when a certain level of crowding is reached, the commission is empowered to authorize the Parole Board to make parole release decisions that will reduce the population to comply with a court--ordered cap. Those released first would be low--level, non--violent offenders. The specified level of crowding has not yet been reached.
- Programs/placements for parole violators. The parole board chair now has the option, at the probable cause phase of the revocation process, to use options other than re--incarceration for parole violators. These options include electronic monitoring, extended residential placement, relocation to another residential program, and increased supervision and programming.
- Involvement of the crime victim. As a result of recent legislation, crime victims and/or their families are allowed to provide written and/or verbal statements related to an offender's proposed release.

#### Parole Board Structure

The Rhode Island Parole Board has seven members—one full--time chairperson and six part--time members. The term of appointment is three years. Terms on the board are staggered. A quorum of three members is required for parole release and parole revocation hearings.

#### Discretion for Parole Release

For inmates being sentenced under current law, parole release decisions are made by paroling authority members only. The adult paroling authority has discretionary releasing authority for all cases. The initial parole eligibility date is determined by statute.

#### Parole Release Decisionmaking

The agency does not set presumptive parole dates at the time of admission. “Good time” gain or loss is not factored into the initial parole eligibility date.

A personal interview with each eligible inmate is conducted by a minimum of three board members. If parole is denied at the initial hearing, the subsequent hearing date is established by the paroling authority, which has complete discretion in the matter. The agency cannot deny parole and order the inmate to serve out the sentence without additional parole hearings. The agency has the ability to rescind or void a parole release decision prior to the actual release of an inmate on parole.

Final discharges from parole are not granted. The board may not grant an early final discharge from parole, prior to the maximum expiration of the sentence.

#### Parole of Life--Sentenced Offenders

Under current law, persons sentenced to life in prison, excluding those sentenced to life without parole, will become eligible for parole. If an inmate with a life sentence can be paroled after serving part of the sentence, the term served is determined by statute. Inmates serving a life sentence must serve fifteen years before becoming eligible for parole.

#### Agency Discretion for Conditions of Parole

The agency can require any of the following for an offender released on parole: standard parole supervision; parole with enhanced treatment/programming conditions; halfway house; intensive supervision; electronic monitoring; drug testing; and payment of supervision fees.

#### Public Access to the Parole Decision Process

Notifying the public of scheduled parole release hearings is mandated by statute. Adult parole release hearings are open to the public, with some restrictions. Deliberations of agency personnel at hearings are also open to the public, with some restrictions.

The agency keeps written and audio tape records of parole hearings. The individual vote of each participating paroling authority member or other decision--maker is recorded and is a part of the public record.

#### Involvement of Victims in Parole Processes

Crime victims can provide information to the paroling authority via both written and oral statements. The agency always notifies crime victims of scheduled parole consideration hearings. Crime victims are always permitted to attend adult parole consideration hearings. Victims are always notified of the decision. Inmates can obtain information provided by crime victims to the paroling authority.

#### Parole Revocation

The adult paroling authority has revocation powers for all persons released on parole. Preliminary parole revocation hearings are by a parole officer other than supervising agent. A final parole revocation hearing is conducted by a panel of three board members.

Options available to decisionmakers at release and revocation hearings are essentially comparable. Dispositions other than return to prison that are available for a person whose parole is revoked include: reinstatement on parole at comparable level of supervision; reinstatement on parole with increased treatment/programming; halfway house; day reporting; intensive supervision; electronic monitoring; and drug testing.

If parole is revoked, the time the parolee/inmate must remain incarcerated prior to any re--release is not mandatory but prescribed, as one year. The agency has full discretion to revoke parole and order the parolee to serve the remainder of his/her sentence in prison.

#### Mandatory Release

Adult inmates are not subject to mandatory release from prison under any circumstances.

#### Other Functions of the Adult Paroling Authority

The Parole Board has no role in commutation proceedings, pardon proceedings, inmate furloughs, or the restoration of an offender's civil rights.

Statistical Information, FY 1994

Adult prison population, close FY'94:	2,962
Adult offenders considered for parole release in FY'94	1,759
Adult offenders released on parole in FY'94	536
Percentage of those considered who were released:	30.5%
Total adult parolees under supervision, close FY'94	647
Final revocation hearings held, FY'94	219
Adult paroles revoked and returned to confinement, FY'94	115
Adult paroles revoked and re--paroled at the same time, FY'94	17
Cases released from adult parole supervision, FY'94 (Includes those released with or without a final discharge)	433
Total parole agency budget, FY'94	\$567,469

## SOUTH CAROLINA

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### South Carolina Parole Board

Authority for adult parole entity:	Statutory.
Agency's link with adult corrections:	The board operates independently of the corrections agency.
Offender populations under agency authority:	Adult felons and misdemeanants.
Field services provided:	None; parole supervision is provided by the Dept. of Probation, Parole, and Pardon Services.

#### Recent Policy Developments

- Discretion for parole release. The state legislature abolished parole eligibility for persons convicted of statutory violent offenses, effective January 1, 1996.
- Eligibility for parole release. Persons committing crimes on or after January 1, 1996, must serve 85 percent of the imposed sentence in prison, after which they may be released to community supervision for a period of up to two years, the actual length of which is determined by the Department of Probation, Parole, and Pardon Services (DPPPS).

#### Parole Board Structure

The South Carolina Parole Board has seven members, all part-time, who are appointed to six-year terms. Terms on the board are staggered. For non-violent offenders, parole release and revocation hearings are conducted by two, three-member panels. A quorum of five members is required for parole release and parole revocation hearings for offenders convicted of violent crimes.

#### Discretion for Parole Release

For inmates being sentenced under current law, parole decisions are made by board members. The board has discretionary releasing authority for all cases. The initial parole eligibility date is determined by statute.

#### Parole Release Decisionmaking

The Parole Board does not set presumptive parole dates at the time of admission. "Good time" gain or loss is not factored into the initial parole eligibility date. A personal interview with each eligible inmate is conducted by one or more board members during release consideration. If parole is denied at the initial hearing, the subsequent hearing date is established by statute. The board cannot deny parole and order the inmate to serve out the sentence without additional hearings. It can rescind or void a parole release decision prior to release of the inmate. No final discharges from parole are granted.

#### Parole of Life-Sentenced Offenders

Under current law, any person sentenced to life in prison will become eligible for parole. Statute defines the minimum term to be served on a life sentence before becoming eligible for parole as either twenty or thirty years.

#### Agency Discretion for Conditions of Parole

The Parole Board can require any of the following for an offender released on parole: standard parole supervision; parole with enhanced treatment/programming conditions; halfway house; intensive supervision; electronic monitoring; drug testing; and payment of restitution. Supervision fees are required by statute, based on the offender's ability to pay. The amount paid monthly is determined by the DPPPS.

### Public Access to the Parole Decision Process

Statute requires that the Parole Board notify the public of scheduled parole release hearings. Adult parole release hearings, including deliberations of agency personnel, are open to the public without restrictions. The DPPPS keeps written and audio tape records of parole hearings. The individual vote of each participating paroling authority member or other decision-maker is recorded and available to the public, if an offender is granted parole.

### Involvement of Victims in Parole Processes

Crime victims can provide information to the board via written and/or oral statements. The agency notifies crime victims of scheduled parole consideration hearings on request. Crime victims are permitted to attend adult parole consideration hearings and are notified of the decision. Inmates can obtain information provided by crime victims to the board if the information is provided in a public meeting.

### Parole Revocation

The Parole Board has revocation powers for all persons released on parole. Preliminary parole revocation hearings are conducted by a hearing officer; final revocation hearings are conducted by a board member. Options available to decisionmakers at release and revocation hearings are essentially comparable. Dispositions other than return to prison that are available to the Parole Board for a person whose parole is revoked include: reinstatement on parole at comparable level of supervision; reinstatement on parole with increased treatment/programming; halfway house; intensive supervision; electronic monitoring; and drug testing. If parole is revoked, the time the parolee/inmate must remain incarcerated prior to any re-release is both mandatory and prescribed, as one year. The board may not revoke parole and order the parolee to serve the remainder of his/her sentence in prison.

### Mandatory Release

Inmates in South Carolina are not subject to mandatory release before the end of the imposed sentence.

### Other Functions of the Adult Paroling Authority

For commutation proceedings, the Parole Board conducts investigations and makes a recommendation to the governor. For pardon proceedings, DPPPS conducts investigations, and the Parole Board is empowered to pardon offenders. The board grants the restoration of an offender's civil rights when a pardon is granted. The board is not empowered to grant furloughs to confined inmates.

### Statistical Information, FY 1994

Adult prison population, close FY'94:	18,371
Adult offenders considered for parole release in FY'94	5,227
Adult offenders released on parole in FY'94	1,813
Percentage of those considered who were released:	34.7%
Total adult parolees under supervision, close FY'94	5,185
Final revocation hearings held, FY'94	795
Adult paroles revoked and returned to confinement, FY'94	790
Adult paroles revoked and re--paroled at the same time, FY'94	Not applicable
Cases released from adult parole supervision, FY'94 (Includes those released with or without a final discharge)	1,001 successful closures
Total parole agency budget, FY'94	\$2,391,467*

\* Does not include administrative expenditures.



## SOUTH DAKOTA

### South Dakota Board of Pardons and Paroles

Authority for adult parole entity:	Statutory.
Agency's link with adult corrections:	The board operates independently of the corrections agency but is linked administratively and/or for budgetary purposes.
Offender populations under agency authority:	Adult felons.
Field services provided:	None; parole supervision is provided by the DOC Office of Parole Services.

#### Recent Policy Developments

There have been no policy changes affecting parole in South Dakota in the past five years.

#### Parole Board Structure

The South Dakota Board of Pardons and Paroles has six members, all part-time, appointed to four-year terms. Terms on the board are staggered. A majority of board members is required as the quorum for parole release and parole revocation hearings.

#### Discretion for Parole Release

For inmates being sentenced under current law, parole decisions are made by board members. The board has discretionary releasing authority for all cases; all offenders except those serving life sentences receive a parole date. The initial parole eligibility date is determined by statute.

#### Parole Release Decisionmaking

The agency does not set presumptive parole dates at the time of admission. "Good time" gain or loss is factored into the initial parole eligibility date. A personal interview with each eligible inmate is conducted by one or more board members. If parole is denied at the initial hearing, the subsequent hearing date is established by both regulation and statute. The board cannot deny parole and order the inmate to serve out the sentence without additional parole hearings. It can rescind or void a parole release decision prior to the actual release of an inmate on parole. Final discharges from parole are granted by the Department of Corrections. The Board of Pardons and Paroles may grant an early final discharge from parole, prior to the maximum expiration of the sentence. Parolees must serve parole until their good time date before they are eligible for an early final discharge.

#### Parole of Life--Sentenced Offenders

Under current law, inmates given a life term are not eligible for parole. The prison system holds no inmates sentenced to life imprisonment under any earlier code who can eventually become eligible for parole consideration.

#### Agency Discretion for Conditions of Parole

The Board of Pardons and Paroles can require any of the following for an offender released on parole: standard parole supervision; parole with enhanced treatment/programming conditions; halfway house; day reporting; intensive supervision; drug testing; administrative parole; and payment of restitution.

#### Public Access to the Parole Decision Process

Neither statute nor agency policy requires the board to notify the public of scheduled parole release

hearings. Adult parole release hearings are open to the public, with some restrictions. Deliberations of agency personnel at hearings are closed to the public. The agency keeps written records of parole hearings. The individual vote of each participating board member or other decision-maker is recorded and is a part of the public record.

#### Involvement of Victims in Parole Processes

Crime victims can provide information to the board via written and/or oral statements. The agency always notifies crime victims of scheduled parole consideration hearings, and victims are always permitted to attend adult parole consideration hearings. Victims are notified of the decision if they have asked to be notified. Victim input to the board is confidential and cannot be obtained by inmates.

#### Parole Revocation

The Board of Pardons and Paroles has revocation powers for all persons released on parole. Preliminary parole revocation hearings are conducted by an administrative law judge/hearing officer/examiner. A final parole revocation hearing is conducted by a board member.

Options available to decisionmakers at release and revocation hearings are essentially comparable. Dispositions other than return to prison that are available to the board for a person whose parole is revoked include: reinstatement on parole at comparable level of supervision; reinstatement on parole with increased treatment/programming; halfway house; day reporting; intensive supervision; and drug testing. If parole is revoked, the time the parolee/inmate must remain incarcerated prior to any re-release is both mandatory and prescribed; the parolee cannot appear before the board for at least eight months. The agency may not revoke parole and order the parolee to serve the remainder of his/her sentence in prison.

#### Mandatory Release

South Dakota has no mandatory release from prison; adult inmates are subject to release from prison only upon expiration of sentence.

#### Other Functions of the Adult Paroling Authority

For commutation proceedings, the board conducts investigations and recommends action to another decision-making authority. For pardon proceedings, the agency conducts investigations, providing data to the governor or another decision-making authority. The board has no authority to grant furloughs to confined inmates or to grant the restoration of an offender's civil rights.

#### Statistical Information, FY 1994

Adult prison population, close FY'94:	1,653
Adult offenders considered for parole release in FY'94	1,344
Adult offenders released on parole in FY'94	415
Percentage of those considered who were released:	30.6%
Total adult parolees under supervision, close FY'94	813
Final revocation hearings held, FY'94	161
Adult paroles revoked and returned to confinement, FY'94	150
Adult paroles revoked and re--paroled at the same time, FY'94	11
Cases released from adult parole supervision, FY'94 (Includes those released with or without a final discharge)	573
Total parole agency budget, FY'94	\$323,523

## TENNESSEE

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### Tennessee Board of Paroles

Authority for adult parole entity:	Statutory.
Agency's link with adult corrections:	Board operates independently of the corrections agency.
Offender populations under agency authority:	Adult felons.
Field services provided:	Board provides parole supervision.

#### Recent Policy Developments

- Parole release hearing notification. Legislation effective January 1, 1994, made parole hearings public and required notification of victims, the trial judge for the sentencing court, the district attorney, and the sheriff of the county in which the crime was committed.
- Involvement of victims. Victims may attend and give testimony before the board and/or submit a victim impact statement.

#### Parole Board Structure

The Board of Paroles has seven members, all of whom are full time. The term of appointment is six years. Members' terms on the board are staggered. One board member is needed to conduct release and revocation hearings, but three concurring votes are needed to finalize a decision.

#### Discretion for Parole Release

For inmates being sentenced under current law, parole release decisions are made by paroling authority members only. The Board of Paroles has discretionary releasing authority for all cases except persons convicted of first degree murder and given a sentence of life without parole, multiple rapists, and child rapists. The initial parole eligibility date is determined by both agency regulation and statute.

#### Parole Release Decisionmaking

The agency does not set a presumptive parole date at the time of admission, but it does assign a release eligibility date. "Good time" gain or loss is factored into the initial parole eligibility date.

A personal interview involving both hearing officers and board members is conducted with each eligible inmate during the parole consideration process. If parole is denied at the initial hearing, the Board of Paroles has full discretion in setting the subsequent hearing date. The agency can deny parole and order the inmate to serve out the sentence without additional parole hearings, and it can rescind or void a parole release decision prior to the actual release of an inmate on parole.

Final discharges from parole are granted by the Board of Paroles. The inmate must complete the full sentence on parole; the board may not grant an early final discharge from parole, prior to the maximum expiration of the sentence.

#### Parole of Life--Sentenced Offenders

Under current law, persons receiving the sentence of "life imprisonment" will become eligible for parole. Persons sentenced to "life without parole" are not eligible for parole. The term to be served in prison on a life sentence is determined by statute. Inmates serving a life sentence must serve twenty-five years before becoming eligible for parole.

### Agency Discretion for Conditions of Parole

The Board of Paroles can require any of the following for an offender released on parole: standard parole supervision; parole with enhanced treatment/programming conditions; intensive supervision; electronic monitoring; drug testing; payment of supervision fees; and payment of restitution.

### Public Access to the Parole Decision Process

State law does not require the Board of Paroles to notify the public of scheduled parole release hearings, but it does require that the board notify law enforcement, the judge, district attorney, and the crime victim. Adult parole release hearings are open to the public, with only security--related restrictions. Deliberations of agency personnel at hearings are open to the public without restriction.

The agency keeps written and audio tape records of parole hearings. The individual vote of each participating paroling authority member or other decision--maker is recorded and is a part of the public record.

### Involvement of Victims in Parole Processes

Crime victims can provide information to the paroling authority via written and/or oral statements. The Board of Paroles notifies crime victims of scheduled parole consideration hearings if they have asked to be notified. Crime victims are permitted to attend adult parole consideration hearings and are notified of the decision if they have requested notification. Inmates cannot obtain information provided by crime victims to the paroling authority; their testimony is confidential.

### Parole Revocation

The Board of Paroles has revocation powers for all persons released on parole. Preliminary parole revocation hearings are conducted by a hearing officer. A final parole revocation hearing is conducted by a board member in conjunction with a hearing officer. A minimum of three board members must concur with the decision reached by those at the hearing.

Options available to decisionmakers at release and revocation hearings are essentially comparable. Dispositions other than return to prison that are available to the board for a person whose parole is revoked include: reinstatement on parole at comparable level of supervision; reinstatement on parole with increased treatment/programming; intensive supervision; electronic monitoring; and drug testing.

If parole is revoked, the time the parolee/inmate must remain incarcerated prior to any re--release is neither mandatory nor prescribed. The Board of Paroles has full discretion to order the parolee to serve the remainder of his/her sentence in prison.

### Mandatory Release

Adult inmates are subject to mandatory release from prison only if convicted before 1982. The Board of Parole has no role in the mandatory release process but provides supervision for these offenders after release. If a person mandatorily released on parole commits a violation, the board is empowered to investigate the case, conduct a revocation hearing, and make a final determination. The amount of time to be served in prison following parole revocation for a person mandatorily released on parole is determined at the board's discretion.

### Other Functions of the Adult Paroling Authority

The adult paroling authority contributes to both commutation and parole proceedings by conducting investigations and providing data to the governor or another decision--making authority. The board has no involvement in inmate furloughs or the restoration of an offender's civil rights.

Statistical Information, FY 1994

Adult prison population, close FY'94:	16,000
Adult offenders considered for parole release in FY'94	10,933
Adult offenders released on parole in FY'94	3,435
Percentage of those considered who were released:	31%
Total adult parolees under supervision, close FY'94	10,074
Final revocation hearings held, FY'94	2,791
Adult paroles revoked and returned to confinement, FY'94	2,765
Adult paroles revoked and re--paroled at the same time, FY'94	Not applicable
Cases released from adult parole supervision, FY'94 (Includes those released with or without a final discharge)	1,860
Total parole agency budget, FY'94	\$13,060,500

## TEXAS

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### Texas Board of Pardons and Paroles

Authority for adult parole entity:	Constitutional and statutory.
Agency's link with adult corrections:	Board operates independently of the corrections agency.
Offender populations under agency authority:	Adult felons only.
Field services provided:	None; parole supervision is provided by the DOC Pardons and Paroles Division.

#### Recent Policy Developments

- Eligibility for parole release. Legislation has mandated that individuals convicted of violent offenses serve a greater proportion of their sentences—up to 50 percent for certain offenses—before becoming eligible for parole. Those convicted of capital crimes and sex offenses must be voted on by the entire eighteen members of the board, as opposed to three members, as previously.
- Eligibility for parole release of offenders receiving a life sentence. Offenders convicted of murder must serve a flat forty--year sentence before becoming eligible for parole. Previously, the requirement was for thirty years.
- Programs/placements for offenders on release from prison. Legislation has provided for day reporting centers and residential treatment centers in the community for offenders who have completed an in--prison therapeutic community program.
- Programs/placements for parole violators. Intermediate sanctions facilities were created by legislation as alternatives to incarceration. In addition, substance abuse treatment centers have come on line for parolees who have technically violated a substance use prohibition.
- Involvement of the crime victim. A Victims Service Department has been established by legislation to respond to the needs of victims and their families. Although victims do not actually appear at parole hearings, they have the opportunity to appear before at least one member of the Parole Board and to detail in writing the impact of the offense.

#### Parole Board Structure

The Board of Pardons and Paroles has eighteen members, all full--time, who serve six--year terms. Terms on the board are staggered. A quorum of three members is required for most parole release and all parole revocation hearings. The full board must vote on release of persons convicted of capital offenses, aggravated sexual assault, and indecency with a child and of persons convicted as habitual offenders.

#### Discretion for Parole Release

For inmates being sentenced under current law, parole release decisions are made by board members only. The Board of Pardons and Paroles has discretionary releasing authority for all cases, except death row cases, which are ineligible for parole. The initial parole eligibility date is determined by both agency regulation and statute.

#### Parole Release Decisionmaking

The board does not set presumptive parole dates at the time of admission. “Good time” gain or loss is factored into the initial parole eligibility date.

Panel members determine whether a personal interview is conducted with an inmate during the parole consideration process. If parole is denied at the initial hearing, the subsequent hearing date is established by a board rule that requires one, two, or three years. The board has the authority to change its rule. The agency can deny parole and order the inmate to serve out the sentence without additional parole hearings. The agency has the ability to rescind or void a parole release decision prior to the actual release of an inmate on parole.

Final discharges from parole are granted by the Texas Department of Criminal Justice (TDCJ); no minimum period of time must be served on parole before a parolee is eligible for a final discharge. The Board of Pardons and Paroles may not grant an early final discharge from parole, prior to the maximum expiration of the sentence.

#### Parole of Life--Sentenced Offenders

Under current law, any person sentenced to life in prison will become eligible for parole. Death row inmates are not eligible for parole consideration. Statute requires that, effective September 1, 1993, inmates serving a life sentence for a violent offense must serve forty years before becoming eligible for parole.

#### Agency Discretion for Conditions of Parole

Payment of supervision fees and payment of restitution are required by law. In addition to conditions required by law, the board can require any of the following for an offender released on parole: standard parole supervision; parole with enhanced treatment/programming conditions; halfway house; intensive supervision; electronic monitoring; and drug testing.

#### Public Access to the Parole Decision Process

The board is not required to notify the public of parole release consideration activities. Parole release is an administrative process and is not open to the public. The agency keeps written records of parole consideration activities. The individual vote of each participating board member or other decision-maker is recorded and is a part of the public record.

#### Involvement of Victims in Parole Processes

Crime victims can provide information to the Board of Pardons and Paroles via written and/or oral statements. The agency notifies crime victims of scheduled parole consideration proceedings if the victim has asked to be notified. While no formal hearing is held, crime victims may contact the members of the board voting the case. Victims are notified of the decision by the TDCJ. Victim input to the board is confidential and cannot be obtained by inmates.

#### Parole Revocation

The Board of Pardons and Paroles has revocation powers for all persons released on parole. Preliminary parole revocation hearings are conducted by a hearing officer. A final parole revocation hearing is conducted by a hearing officer, and a panel of three board members renders all final revocation decisions.

Options available to decisionmakers at release and revocation hearings are essentially comparable. If parole is revoked, no dispositions other than return to prison are available. Dispositions available to the board as alternatives to revocation include: reinstatement on parole at comparable level of supervision; reinstatement on parole with increased treatment/programming; halfway house; day reporting; intensive supervision; electronic monitoring; drug testing; and others.

If parole is revoked, the time the parolee/inmate must remain incarcerated prior to any re-release is

both mandatory and prescribed, as one year. The board has full discretion to revoke parole and order the parolee to serve the remainder of his/her sentence in prison.

#### Mandatory Release

Adult inmates are subject to mandatory release from prison on completion of the prison portion of the sentence, less credits. The Board of Pardons and Paroles sets parole conditions for cases mandatorily released. Field supervision is always provided for persons mandatorily released from prison. If a person mandatorily released on parole commits a violation, the board is empowered to conduct a revocation hearing and make a final determination. If parole is revoked for a person who was mandatorily released, good time previously earned is removed permanently; calendar time remains.

#### Other Functions of the Adult Paroling Authority

For both commutation and pardon proceedings, the board conducts investigations and recommends action to another decision-making authority. The board is not empowered to grant furloughs to confined inmates, but has the authority to grant the restoration of an offender's civil rights. At the time of the survey, the Texas legislature was in session and was considering several proposals for expanding the powers of the board.

#### Statistical Information, FY 1994

Adult prison population, close FY'94:	92,775
Adult offenders considered for parole release in FY'94	35,000 (est.)
Adult offenders released on parole in FY'94	18,574*
Percentage of those considered who were released:	53%
Total adult parolees under supervision, close FY'94	84,000
Final revocation hearings held, FY'94	11,637
Adult paroles revoked and returned to confinement, FY'94	21,380
Adult paroles revoked and re--paroled at the same time, FY'94	0
Cases released from adult parole supervision, FY'94 (Includes those released with or without a final discharge)	13,741
Total parole agency budget, FY'94	\$124,430,525**

\*Figure includes 10,043 from TDCJ and 8,531 from jails and other facilities.

\*\*Figure includes \$5,785,766 for the Board of Pardons and Parole and \$118,644,759 for the Board of Criminal Justice, Pardon and Parole Division.



## UTAH

### Utah Board of Pardons and Parole

Authority for adult parole entity:	Constitutional and statutory.
Agency's link with adult corrections:	Board operates independently of the corrections agency.
Offender populations under agency authority:	Adult felons and class A misdemeanants.
Field services provided:	None; parole supervision is provided by the DOC Field Operations Division.

#### Recent Policy Developments

■ The parole release hearing process. In December 1993, the Utah Supreme Court ruled in *Labrum v. Board of Pardons* that the Utah Board of Pardons and Parole must provide offenders with copies of documents the board relies on when making a decision in an offender's case. The disclosure documents are provided to the offender seven calendar days prior to the hearing. The court ruled, "Where confidentiality of sources is absolutely required, the Board may of course take suitable steps to withhold the identity of sources and prepare summaries of the information for the inmate's use rather than providing copies of the actual documents." *Labrum* was expanded in December 1994, when the Utah Supreme Court decided *Neel v. Holden*, which ordered the board to give offenders copies of documents at "... parole hearings at which an inmate's release date is fixed or extended."

#### Parole Board Structure

The Board of Pardons and Parole has eight members, including five full-time and three part-time members. The term of appointment is five years for full-time members and four years for part-time (pro tem) members. Members' terms on the board are staggered. A majority vote of three members is required for parole release and parole revocation hearings.

#### Discretion for Parole Release

For inmates being sentenced under current law, parole release decisions are made by paroling authority members only. The board has discretionary releasing authority for all cases after offenders have served the mandatory minimum sentence. The initial parole eligibility date is determined at the discretion of the board, which considers the recommendations of a non-binding matrix system in making the decision.

#### Parole Release Decisionmaking

The board does not set presumptive parole dates at the time of admission. "Good time" is not accrued in the Utah system and is not a factor in parole eligibility dates.

A personal interview is conducted by one or more board members with each eligible inmate during the parole consideration hearing process. If parole is denied at the initial hearing, the subsequent hearing date is established at the discretion of the board. The board may deny parole after an initial hearing and order the inmate to serve out the sentence to expiration without additional parole hearings. It can rescind or void a parole release decision prior to the actual release of an inmate on parole.

Final discharges from parole are granted by the Board of Pardons and Parole. The board may grant an early final discharge from parole, prior to the maximum expiration of the sentence. No minimum period of time must be served on parole before a parolee is eligible for a final discharge.

An offender's parole statutorily expires after three years if the parolee has satisfied the conditions of parole. Sex offenders are required by statute to successfully complete a ten--year period of parole.

#### Parole of Life--Sentenced Offenders

Under current law, persons sentenced to life in prison may become eligible for parole unless sentenced under Utah's life without parole statute, applicable to certain capital offenses. The term to be served in prison on a life sentence is determined at the discretion of the board.

#### Agency Discretion for Conditions of Parole

The Board of Pardons and Parole can require any constitutionally permissible condition of release for an offender released on parole. Such conditions may include but are not limited to the following: standard parole supervision; parole with enhanced treatment/programming conditions; halfway house placement; day reporting; intensive supervision; electronic monitoring; drug testing; payment of supervision fees; and payment of restitution.

#### Public Access to the Parole Decision Process

Statute requires the Board of Pardons and Parole to notify the public of scheduled parole release hearings. Adult parole release hearings are open to the public, subject to security restrictions enforced by the Department of Corrections. Deliberations of agency personnel at hearings also are public.

The agency keeps written and audio tape records of parole hearings, which are available to the public. The individual vote of each participating board member or other decision--maker is recorded but is considered confidential and is not released to the public.

#### Involvement of Victims in Parole Processes

Crime victims can provide information to the board via written and/or oral statements. The board is statutorily obligated to notify all crime victims of scheduled parole consideration hearings. Victims are permitted to attend and testify at these hearings and are notified of the decision upon request.

Inmates are given disclosure of information provided by crime victims. If safety and security issues arise, a summary of the victim information is provided to the offender prior to the hearing.

#### Parole Revocation

The Board of Pardons and Parole has exclusive power to revoke parole for all persons released on parole. Pre--revocation hearings are conducted by a Department of Corrections representative other than the assigned parole agent and those affiliated with the case. A final parole revocation hearing is conducted by a board member and/or a hearing officer/examiner.

Upon finding that parole has been violated, the board may revoke an offender's parole and grant the offender either a rehearing or a new parole date. Options available to decisionmakers at release and revocation hearings are essentially comparable. Dispositions other than return to prison that are available to the board for a person whose parole is revoked include: reinstatement on parole at comparable level of supervision; reinstatement on parole with increased treatment/programming; halfway house placement; day reporting; intensive supervision; electronic monitoring; and drug testing.

If parole is revoked, the time the parolee/inmate must remain incarcerated prior to any re--release is neither mandatory nor prescribed. The board has full discretion to revoke parole and order the parolee to serve any portion or the remainder of his/her sentence in prison. As an alternative to revocation, the board may reinstate parole with any special condition deemed appropriate.

### Mandatory Release

The potential exists in Utah for mandatory release when inmate population caps are reached. The board is authorized to set parole conditions for cases mandatorily released. Field supervision would be provided for persons mandatorily released from prison. If a violation were to occur, the board is empowered to issue a warrant and implement parole revocation procedures. Parole revocation for a person mandatorily released on parole results in resumption of the original prison term.

### Other Functions of the Adult Paroling Authority

The Board of Pardons and Parole conducts pardon and commutation investigations and has exclusive power to grant pardons and commutation, including commutation of the death penalty. These powers do not extend to treason or impeachment. The board also can grant the restoration of an offender's civil rights. It has no role in inmate furloughs.

Additional powers of the Board of Pardons and Parole include remission of fines or forfeitures.

### Statistical Information, FY 1993--1994

Adult prison population, close FY'94:	3,395
Adult offenders considered for parole release in FY'93--94	3,058
Adult offenders released on parole in FY'93--94	1,538
Percentage of those considered who were released:	77.79%
Total adult parolees under supervision, close FY'94	2,407
Final revocation hearings held, FY'93--94	1,100 (est.)
Adult paroles revoked and returned to confinement, FY'93--94	1,088
Adult paroles revoked and re--paroled at the same time, FY'93--94	12
Cases released from adult parole supervision, FY'93--94 (Includes those released with or without a final discharge)	357
Total parole agency budget, FY'93--94	\$1,659,103

## VERMONT

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### Vermont Parole Board

Authority for adult parole entity:	Statutory.
Agency's link with adult corrections:	Parole Board operates independently of the corrections agency but is linked for budgetary purposes.
Offender populations under agency authority:	Adult felons and misdemeanants.
Field services provided:	None; parole supervision is provided by the DOC.

#### Recent Policy Developments

- Medical parole. A Vermont statute authorized medical parole of inmates suffering from a terminal or debilitating condition that renders the inmate unlikely to be physically capable of presenting a danger to society.

#### Parole Board Structure

The Parole Board has five members, all part time and serving staggered terms. The term of appointment is five years. A quorum of two members is required for parole release and parole revocation hearings.

#### Discretion for Parole Release

For inmates being sentenced under current law, parole release decisions are made by board members only. The Parole Board has discretionary releasing authority for all cases. The initial parole eligibility date is determined by both agency regulation and statute.

#### Parole Release Decisionmaking

The board does not set presumptive parole dates at the time of admission. "Good time" gain or loss is factored into the initial parole eligibility date. A personal interview is conducted by one or more board members with each eligible inmate during the parole consideration process. If parole is denied at the initial hearing, the subsequent hearing date is established by both regulation and statute. The agency cannot deny parole and order the inmate to serve out the sentence without additional parole hearings. It can rescind or void a parole release decision prior to the actual release of an inmate on parole. Final discharges from parole are granted by the Parole Board upon completion of the sentence. The board may not grant an early final discharge from parole, prior to the maximum expiration of the sentence, but may place an offender on inactive supervision.

#### Parole of Life--Sentenced Offenders

Under current law, persons given a life sentence with a minimum term may become eligible for parole. The term to be served in prison on a life sentence is determined at Parole Board discretion.

#### Agency Discretion for Conditions of Parole

The Parole Board can require any of the following for an offender released on parole: standard parole supervision; parole with enhanced treatment/programming conditions; intensive supervision; electronic monitoring; drug testing; administrative parole (minimal supervision); conditional parole; and medical parole. The board may order payment of restitution if ordered by the court as part of the sentence.

### Public Access to the Parole Decision Process

Agency policy requires the board to notify the public of scheduled parole release hearings. Adult parole release hearings are open to the public without restrictions. Deliberations of agency personnel at hearings are not open to the public. The agency keeps written records of parole hearings and both written and audio tape records of revocation proceedings. The individual vote of each participating paroling authority member or other decision-maker is recorded and is a part of the public record.

### Involvement of Victims in Parole Processes

Crime victims can provide information to the paroling authority via written and/or oral statements. The Department of Corrections, rather than the Parole Board, notifies crime victims of scheduled parole consideration hearings. Crime victims may attend adult parole consideration hearings if they have asked to attend. Victims are notified of the decision if they have requested notification. Inmates can obtain information provided by crime victims to the Parole Board unless restricted by law.

### Parole Revocation

The Parole Board has revocation powers for all persons released on parole. Preliminary parole revocation hearings are not conducted. A final parole revocation hearing is conducted by board members, usually the full board. Options available to decisionmakers at release and revocation hearings are essentially comparable. Dispositions other than return to prison that are available to the Parole Board for a person whose parole is revoked include: reinstatement on parole at comparable level of supervision; reinstatement on parole with increased treatment/programming; day reporting; intensive supervision; electronic monitoring; and drug testing. If parole is revoked, the time the parolee/inmate must remain incarcerated prior to any re-release is neither mandatory nor prescribed. The board has full discretion to revoke parole and order the parolee to serve the remainder of his/her sentence in prison.

### Mandatory Release

Adult inmates are not subject to mandatory release from prison.

### Other Functions of the Adult Paroling Authority

The Parole Board has no role in commutation proceedings. By statute, the board conducts investigations for offender pardons and provides data to the governor, but in practice this is done by the corrections department. The board may not grant furloughs to confined inmates, but may recommend that an inmate be furloughed. The agency has no role in the restoration of an offender's civil rights. The Parole Board also has jurisdiction over the state's supervised community sentence program.

### Statistical Information, FY 1994

Adult prison population, close FY'94:	803
Adult offenders considered for parole release in FY'94	1,294
Adult offenders released on parole in FY'94	319
Percentage of those considered who were released:	43%
Total adult parolees under supervision, close FY'94	592
Final revocation hearings held, FY'94	248
Adult paroles revoked and returned to confinement, FY'94	151
Adult paroles revoked and re--paroled at the same time, FY'94	19
Cases released from adult parole supervision, FY'94 (Includes those released with or without a final discharge)	24
Total parole agency budget, FY'94	\$160,000

## VIRGINIA

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### Virginia Parole Board

Authority for adult parole entity:	Statutory.
Agency's link with adult corrections:	Parole Board operates independently of the corrections agency.
Offender populations under agency authority:	Adult felons and misdemeanants.
Field services provided:	None; parole supervision is provided by the DOC Division of Community Corrections.

#### Recent Policy Developments

- Discretion for parole release. The Virginia Parole Board's discretionary release powers were eliminated during a 1994 special legislative session. The board retains discretionary release authority only for inmates sentenced prior to the effective date of the 1994 bill.
- Determination of parole release dates. Good conduct allowances were reduced from a possible fifteen days per month to 4.5 days per month, to total a possible accrual of 15 percent of the sentence.
- Parole release hearing process. Guidelines for release considerations became more structured, with an emphasis on the perceived likelihood of a reoffense, the length of time served, institutional conduct, victim input, and special needs of the offender.
- Programs/placements available for offenders on release. Day reporting centers and home electronic monitoring are programs recently developed for those released on parole.
- Involvement of the victim. A victim's bill of rights was approved by the legislature. If a victim requests notification, the board must notify of release hearings. Another feature of the legislation is a victim reconciliation program, which allows a victim to request a face-to-face meeting with the offender to discuss the impact of the crime.

#### Parole Board Structure

The Parole Board has five members, all full-time, with a four-year term of appointment. Members' terms on the board are staggered. A quorum of three members is required for the board's administrative meetings. Board members conduct independent desk reviews of parole cases—both discretionary parole release and parole revocation decisions. The members do not meet to deliberate parole decisions. Three members must concur on a decision to grant parole, with the exception of a case involving a life sentence for first degree murder, when four members must vote to grant parole. The vote of only one member is needed to revoke parole following a violation hearing. Parole examiners, rather than board members, conduct actual parole interviews and violation hearings.

#### Discretion for Parole Release

For inmates being sentenced under current law, release dates are determined by statute rather than board discretion. The initial parole eligibility date for offenders sentenced under current law is determined by statute. The Parole Board has discretionary releasing authority only for offenders who were convicted for an offense committed before January 1, 1995.

Five categories of offenders are ineligible for parole under current law: 1) persons convicted of three separate offenses of murder, rape, robbery by deadly force, or a combination of these offenses; 2) persons convicted of three separate offenses involving manufacture or distribution of a controlled sub-

stance; 3) persons convicted for a second life term after being paroled from a previous life sentence; 4) persons who escape from prison while serving a life sentence; and 5) persons sentenced to death.

#### Parole Release Decisionmaking

The agency does not set presumptive parole dates at the time of admission. "Good time" gain or loss is factored into the initial parole eligibility date.

A personal interview is conducted by a parole examiner with each eligible inmate during the parole consideration process. If parole is denied at the initial hearing, the subsequent hearing date is established by both regulation and statute. The board cannot deny parole and order the inmate to serve out the sentence without additional parole hearings. It can rescind or void a parole release decision prior to the actual release of an inmate on parole.

Final discharges from parole are granted by the Parole Board. The board may grant an early final discharge from parole, prior to the maximum expiration of the sentence. A minimum period of six months or the remainder of the sentence, whichever is longer, must be served on parole before a parolee is eligible for a final discharge.

#### Parole of Life--Sentenced Offenders

Under current law, some persons sentenced to life in prison may become eligible for parole. The new law has a geriatric clause that allows for review for possible early release if the offender has reached the age of sixty--five years and has served fifteen years of the life sentence, or if the offender has reached the age of sixty and has served twenty years.

The prison system holds 447 inmates who were sentenced to life imprisonment under the earlier sentencing code and who may eventually become eligible for parole consideration. By statute, these offenders must serve a minimum of fifteen years before becoming eligible for parole. The minimum time can be longer if the crime victim was a child or for other reasons based on date of sentencing.

#### Agency Discretion for Conditions of Parole

The board can require any of the following for an offender released on parole: standard parole supervision; parole with enhanced treatment/programming conditions; halfway house placement; day reporting; intensive supervision; electronic monitoring; drug testing; administrative parole (minimal supervision); and any special conditions the board believes are appropriate. Examples include no contact with the crime victim or with children under the age of eighteen, abstention from alcohol, etc.

#### Public Access to the Parole Decision Process

The Parole Board is not required to notify the public of scheduled parole release hearings. Adult parole release hearings are not open to the public, nor are the deliberations of agency personnel. The agency keeps written records of parole hearings. The individual vote of each participating board member is recorded but is considered confidential and is not released to the public.

#### Involvement of Victims in Parole Processes

Crime victims can provide information to the Parole Board via written and/or oral statements. The board notifies crime victims of scheduled parole consideration hearings if they have asked to be notified. Crime victims are not permitted to attend adult parole consideration hearings. Victims are notified of the decision if they have requested notification. Inmates cannot obtain information provided by crime victims to the paroling authority; victim testimony is confidential.

### Parole Revocation

The Parole Board has revocation powers for all persons released on parole. Preliminary parole revocation hearings are conducted by a parole examiner, as are final parole revocation hearings. Options available to decisionmakers at release and revocation hearings are essentially comparable. Dispositions other than return to prison that are available to the board for a person whose parole is revoked include: reinstatement on parole at comparable level of supervision; reinstatement on parole with increased treatment/programming; halfway house placement; day reporting; intensive supervision; electronic monitoring; drug testing; and any other special conditions the board believes are appropriate.

If parole is revoked, the time the parolee/inmate must remain incarcerated prior to any re--release is both mandatory and prescribed. The minimum time to be served after revocation is six months. The agency may not revoke parole and order the parolee to serve the remainder of his/her sentence in prison.

### Mandatory Release

Adult inmates are subject to mandatory release from prison within six months of or upon expiration of a determinate sentence. The Parole Board sets parole conditions as well as the period of supervision for cases mandatorily released. Field supervision is provided for persons mandatorily released from prison. If a person mandatorily released on parole commits a violation, the Parole Board is empowered to investigate, conduct a revocation hearing, and make a final determination. Parole revocation for a person mandatorily released on parole results in resumption of the original prison term.

### Other Functions of the Adult Paroling Authority

The Parole Board contributes to both commutation and pardon proceedings by conducting investigations and recommending action to another decision--making authority. The board has no involvement in inmate furloughs. It may recommend the restoration of an offender's civil rights.

### Statistical Information, FY 1994

Adult prison population, close FY'94:	23,471
Adult offenders considered for parole release in FY'94	14,894
Adult offenders released on parole in FY'94	3,710
Percentage of those considered who were released:	25%
Total adult parolees under supervision, close FY'94	10,611
Final revocation hearings held, FY'94	Not available
Adult paroles revoked and returned to confinement, FY'94	Not available
Adult paroles revoked and re--paroled at the same time, FY'94	Not available
Cases released from adult parole supervision, FY'94 (Includes those released with or without a final discharge)	Not available
Total parole agency budget, FY'94	\$2,722,982



## WASHINGTON

### Indeterminate Sentence Review Board

Authority for adult parole entity:	Statutory.
Agency's link with adult corrections:	The board operates independently of the corrections agency.
Offender populations under agency authority:	Adult felons.
Field services provided:	None; parole supervision is provided by the DOC Division of Community Services.

#### Recent Policy Developments

- Response to violations. In 1992 the Indeterminate Sentence Review Board and the Department of Corrections implemented an intermediate sanctions grid for parole violators. The grid considers the seriousness of the original offense, the seriousness of the current violation(s), and the number of violation processes to date. The grid then specifies a range of community--based sanctions. The presiding board member may go outside the grid with the concurrence of other members. The revocation process has been changed to reflect the use of this grid in an effort to reverse revocation trends and to assist parolees in successful reintegration.

- Victims' involvement. The board has just implemented an interagency agreement with the Department of Corrections and the Office of Crime Victims Advocates to establish an outreach procedure to encourage victims' input and participation in parole considerations for indeterminate offenders.

#### Parole Board Structure

The Indeterminate Sentence Review Board has three members, all full--time, appointed to five--year terms. Terms on the board are staggered. A quorum of two members is required for parole release; a quorum of one is required for parole revocation hearings.

#### Discretion for Parole Release

For inmates being sentenced under current law, release dates are determined by statute. The review board has discretionary releasing authority for offenders who were convicted before July 1, 1984. The initial parole eligibility date is determined by both agency regulation and statute.

#### Parole Release Decisionmaking

The review board sets presumptive parole eligibility dates at the time of admission. "Good time" gain or loss is factored into the initial parole eligibility date.

A personal interview with each eligible inmate is conducted by one or more board members during the parole consideration process. If parole is denied at the initial hearing, the subsequent hearing date is established in accordance with board regulation/policy. The hearing date depends on the length of sentence remaining and is always at least ninety days prior to the offender's next release eligibility date. The board cannot deny parole and order the inmate to serve out the sentence without additional parole hearings. It can rescind or void a parole release decision prior to the actual release of an inmate on parole.

Final discharges from parole are granted by the board. The agency may grant an early final discharge

from parole, prior to the maximum expiration of the sentence. A minimum period of one year must be served on parole before a parolee is eligible for a final discharge.

#### Parole of Life--Sentenced Offenders

Under current law, inmates given a life term are not eligible for parole. The prison system holds 400 inmates who were sentenced to life imprisonment under an earlier code and who may eventually become eligible for parole consideration. By statute, these inmates must serve 13.4 years before becoming eligible for parole.

#### Agency Discretion for Conditions of Parole

The Indeterminate Sentence Review Board can require any of the following for an offender released on parole: standard parole supervision; parole with enhanced treatment/programming conditions; day reporting; electronic monitoring; administrative parole (minimal supervision); payment of supervision fees; and payment of restitution.

#### Public Access to the Parole Decision Process

Neither statute nor board policy requires the agency to notify the public of scheduled parole release hearings. Adult parole release hearings are open to the public, with some restrictions. Deliberations of agency personnel at hearings are closed to the public.

The agency keeps written and audio tape records of parole hearings. The individual vote of each participating board member or other decision--maker is recorded and is a part of the public record.

#### Involvement of Victims in Parole Processes

Crime victims can provide information to the board via written, oral, and/or video--taped statements. The agency notifies crime victims of scheduled parole consideration hearings if they have asked to be notified. Crime victims are not permitted to attend adult parole consideration hearings, which are held in institutions. Victims are notified of the decision if they have asked to be notified. Victim input to the paroling authority is confidential and cannot be obtained by inmates.

#### Parole Revocation

The Indeterminate Sentence Review Board has revocation powers for all persons released on parole. Preliminary parole revocation hearings are not conducted. A final parole revocation hearing is conducted by a board member.

More options are available to decisionmakers at parole revocation hearings than at parole release hearings. If parole is revoked, the offender is returned to prison. If parole is revoked and reinstated, dispositions available to the review board include: reinstatement on parole at comparable level of supervision; reinstatement on parole with increased treatment/programming; halfway house; day reporting; intensive supervision; electronic monitoring; drug testing; work release; and pre--release programming.

If parole is revoked, the time the parolee/inmate must remain incarcerated prior to any re--release is not mandatory but prescribed, as a minimum of eight months. The agency has full discretion to revoke parole and order the parolee to serve the remainder of his/her sentence in prison.

#### Mandatory Release

Adult inmates sentenced on or after July 1, 1984 are mandatorily released at the expiration of the determinate sentence, less good time. The review board has no role in the mandatory release process. Field supervision is provided for some persons mandatorily released from prison, including sex offenders

and those convicted of a violent personal crime. The duration of this supervision is equal to the amount of good time earned in prison.

The board has no role in the event that a person mandatorily released commits a violation of release conditions. Mandatorily released persons who violate their release are not returned to incarceration.

#### Other Functions of the Adult Paroling Authority

For commutation proceedings, the Indeterminate Sentence Review Board conducts investigations and provides data to another decision--making authority, occasionally at the request of the governor. For pardon proceedings, the board conducts investigations on request, providing data to the governor or another decision--making authority.

The board is not empowered to grant furloughs to confined inmates. However, the board does have the authority to grant the restoration of an offender's civil rights.

#### Statistical Information, FY 1994

Adult prison population, close FY'94:	12,000 (est.)
Adult offenders considered for parole release in FY'94	476
Adult offenders released on parole in FY'94	234
Percentage of those considered who were released:	49%
Total adult parolees under supervision, close FY'94	2,500 (est.)
Final revocation hearings held, FY'94	175
Adult paroles revoked and returned to confinement, FY'94	40
Adult paroles revoked and re--paroled at the same time, FY'94	Not applicable
Cases released from adult parole supervision, FY'94 (Includes those released with or without a final discharge)	4,467
Total parole agency budget, FY'94	\$1.5 million

## WEST VIRGINIA

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### West Virginia Parole Board

Authority for adult parole entity:	Statutory.
Agency's link with adult corrections:	The board operates independently of the corrections agency.
Offender populations under agency authority:	Adult felons and misdemeanants.
Field services provided:	None; parole supervision is provided by the Division of Corrections.

#### Recent Policy Developments

- Discretion for parole release. Recent legislation has generally increased sentence lengths for a significant number of offenders and reduced the Parole Board's discretionary release powers.
- Eligibility for parole release for life--sentenced inmates. Offenders sentenced to life without mercy on conviction of aggravated crimes are ineligible for parole. The sentence of life with mercy allows offenders to become parole--eligible after serving fifteen years.
- Programs/placements for offenders on release. By Parole Board policy, the board can require as a condition of release that an offender participate in substance abuse treatment, sex offender treatment, mental health counseling, or a combination of these.
- Programs/placements for parole violators. The board's policy is to revoke and reincarcerate offenders who commit new felony offenses. Offenders who commit misdemeanor offenses or technical violations can receive substance abuse treatment programming and/or an increase in the level of supervision rather than being returned to prison, depending on the individual's personality and the nature of the technical violation.
- Involvement of the crime victim. New board policy allows crime victims to present oral and written statements to the board. Victims may also participate in the parole consideration hearing unless the inmate has requested a closed hearing, in which case no one is allowed to attend.
- Involvement of the public. Parole hearings are open to the public.

#### Parole Board Structure

The West Virginia Parole Board has five members, all full--time, appointed to six--year terms. Terms on the board are staggered. A quorum of three members is required for parole release and parole revocation hearings.

#### Discretion for Parole Release

For inmates being sentenced under current law, parole release decisions are made by board members only. The board has discretionary releasing authority for offenders who are eligible based on offense. Offenders sentenced to "life without mercy" are not eligible for parole consideration. The initial parole eligibility date is determined by both agency regulation and statute. The board can move back the parole eligibility dates of some offenders by adding five years to the sentence for prior offenses.

#### Parole Release Decisionmaking

The agency does not set presumptive parole dates at the time of admission. "Good time" gain or loss is not factored into the initial parole eligibility date.

A personal interview with each eligible inmate is conducted by one or more board members during the parole consideration process. If parole is denied at the initial hearing, the subsequent hearing date is established by the paroling authority. Inmates must be interviewed again within twelve months. The board has the discretion to interview anytime before the end of the twelve months, after an inmate has accrued ninety days of clear conduct. The agency cannot deny parole and order the inmate to serve out the sentence without additional parole hearings. The agency has the ability to rescind or void a parole release decision prior to the actual release of an inmate on parole.

Final discharges from parole are granted by the Division of Corrections. The parole board may not grant an early final discharge from parole, prior to the maximum expiration of the sentence. Before parolees are eligible for a final discharge, they must serve a minimum period of one year for most crimes, or five years on a life--with--mercy sentence.

#### Parole of Life--Sentenced Offenders

Under current law, persons sentenced to "life with mercy" will become eligible for parole. Statute requires such inmates to serve fifteen years before becoming eligible for parole. The sentence of life without mercy, available only for premeditated murder and other aggravated crimes, carries no possibility of parole.

#### Agency Discretion for Conditions of Parole

The Parole Board can require any of the following for an offender released on parole: standard parole supervision; parole with enhanced treatment/programming conditions; intensive supervision (can recommend); drug testing; and payment of restitution, if ordered by the courts.

#### Public Access to the Parole Decision Process

Notifying the public of scheduled parole release hearings is not required. Adult parole release hearings are open to the public, with some restrictions. Deliberations of agency personnel at hearings are closed to the public. The agency keeps written and audio tape records of parole hearings. The individual vote of each participating board member or other decision--maker is recorded but is considered confidential and is not released to the public.

#### Involvement of Victims in Parole Processes

Crime victims can provide information to the paroling authority via written and oral statements. The agency notifies crime victims of scheduled parole consideration hearings if they have requested notification; however, by statute, some victims must be given notice thirty days prior to the hearing. Crime victims are permitted to attend adult parole consideration hearings, unless the inmate has requested a closed hearing, in which case no one, including the inmate's family, may attend. Victims are notified of the decision if they have asked to be notified. By statute, some victims must be given thirty days notice prior to release. Victim input to the Parole Board is confidential and cannot be obtained by inmates.

#### Parole Revocation

The Parole Board has revocation powers for all persons released on parole. Preliminary parole revocation hearings are conducted by a parole officer other than the supervising agent. A final parole revocation hearing is conducted by a board member.

Options available to decisionmakers at release and revocation hearings are essentially comparable. Dispositions other than return to prison that are available to the Parole Board for a person whose parole is revoked include: reinstatement on parole at comparable level of supervision; reinstatement on parole with increased treatment/programming; intensive supervision; and drug testing.

If parole is revoked, the time the parolee/inmate must remain incarcerated prior to any re--release is neither mandatory nor prescribed. The agency may not revoke parole and order the parolee to serve the remainder of his/her sentence in prison, unless the parolee is revoked following a new conviction on charges of murder, aggravated robbery, treason, rape, sodomy, and/or incest. In such cases parole revocation is mandatory, and the parolee is no longer eligible for parole until the underlying sentence being served by the parolee has been discharged. If an individual has been paroled on a life sentence and is convicted of one of these crimes, he/she cannot be paroled again.

#### Mandatory Release

West Virginia has no mandatory parole release.

#### Other Functions of the Adult Paroling Authority

For commutation proceedings, the Parole Board conducts investigations and recommends action to another decision--making authority. For pardon proceedings, the agency conducts investigations, providing data to the governor or another decision--making authority. The agency has no authority to grant furloughs to confined inmates or to grant the restoration of an offender's civil rights.

#### Statistical Information, FY 1994

Adult prison population, close FY'94:	1,960
Adult offenders considered for parole release in FY'94	1,082
Adult offenders released on parole in FY'94	533
Percentage of those considered who were released:	49%
Total adult parolees under supervision, close FY'94	913
Final revocation hearings held, FY'94	185
Adult paroles revoked and returned to confinement, FY'94	155
Adult paroles revoked and re--paroled at the same time, FY'94	0
Cases released from adult parole supervision, FY'94 (Includes those released with or without a final discharge)	360
Total parole agency budget, FY'94	\$176,047

## Wisconsin Parole Commission

Authority for adult parole entity:	Statutory.
Agency's link with adult corrections:	Parole Commission operates independently of the corrections agency but is linked administratively and/or for budgetary purposes.
Offender populations under agency authority:	Adult felons.
Field services provided:	None; parole supervision is provided by the DOC Division of Probation and Parole.

### Recent Policy Developments

- Involvement of crime victims. The Parole Commission has facilitated the participation of crime victims in the justice process by establishing a full-time victim advocate position and an “800” number for victims and their families. The commission meets face-to-face with crime victims or their families at the location they choose, enabling them to provide input into the process without requiring them to travel or to enter a prison environment.
- Parole eligibility. 1) A recent statutory change allows for a “presumptive” mandatory release date, meaning that the Parole Commission may review an offender's case prior to that date and order the offender to remain in prison up to the maximum discharge date. This provides a mechanism to keep in prison serious offenders who are not considered appropriate for release for reasons such as refusal of treatment while in the institution. 2) Statutes were changed in 1994 to include a list of specific serious offenses for which the sentencing judge may move the initial parole eligibility date back from the usual 25 percent of the sentence to as much as two-thirds of the sentence (equivalent to the mandatory release date). This action, in effect, can remove the possibility of parole for persons convicted of these offenses. 3) A three-strikes law mandates life without parole for persons convicted of a third serious felony offense.
- Parole eligibility for life-sentenced offenders. A “life means life” bill went into effect on July 1, 1988. The law gave the sentencing court the ability to set parole eligibility for those with life sentences as early as thirteen years and four months or to impose a true life sentence with no hope for parole.
- Population management. A Division of Intensive Sanctions (DIS) was established in February 1992 within the Department of Corrections. Courts can sentence individuals convicted of certain types of crimes to DIS, which results in a prison stay followed by an intensive period of supervision, including electronic monitoring. Offenders also can be paroled to DIS by the chair of the parole commission; placed in DIS programs by probation and parole agents as an alternative to revocation of either probation or discretionary parole; or administratively transferred to DIS by the Office of Offender Classification. DIS is designed specifically as a prison overcrowding initiative; individuals who would not ordinarily be prison-bound are ineligible. The Wisconsin Department of Corrections has also developed earned release programming within the institutions, such as the Challenge Incarceration Program, a boot camp program.

### Parole Board Structure

The Parole Commission has five full-time members, including the chair. The chair is appointed by the governor for a term of two years; other commissioners are appointed by the chair and are civil servants

with no specified term of appointment. One commissioner conducts the parole interview and submits a recommendation to the chair for a final decision. The commission does not have revocation powers.

#### Discretion for Parole Release

For inmates being sentenced under current law, parole release decisions are made by the chair of the Parole Commission, on recommendation of board members. The Parole Commission has discretionary releasing authority for all cases; however, some types of release are required by statute under certain conditions. Further, offenders sentenced to life without parole are outside the jurisdiction of the commission. The initial parole eligibility date is determined by statute and/or the sentencing court. For most offense categories, parole eligibility begins when an inmate has served either 25 percent of the sentence or a minimum of six months in prison.

#### Parole Release Decisionmaking

The commission does not set presumptive parole dates at the time of admission. "Good time" gain or loss is factored into the initial parole eligibility date on parolable life sentences only.

A personal interview is conducted by a commission member with each eligible inmate during the parole consideration process. Inmates have the opportunity to discuss the nature of their offense, their conduct and program participation while incarcerated, their parole plans and transition into the community, and efforts they have made to reduce their risk to the community. If parole is denied at initial consideration, the commissioner has full discretion in setting the subsequent consideration date based on the recommendation of the interviewing commission member. The commission can deny parole and order the inmate to serve out the sentence without additional parole interviews. It also can rescind a parole decision prior to the actual release of an inmate on parole.

Final discharges from parole are granted by the Secretary of the Department of Corrections at the maximum discharge date. The Parole Commission is not involved in any early final discharges; they are the responsibility of the corrections department.

#### Parole of Life--Sentenced Offenders

Under current law, offenders sentenced to life in prison may become eligible for parole, unless they have received a true life sentence with no hope for parole. The minimum term than an inmate must serve in prison on a life sentence is determined by the sentencing court, which can set the minimum anywhere from a statutory minimum of thirteen years and four months to actual life.

#### Agency Discretion for Conditions of Parole

The Parole Commission determines the recommended conditions of parole supervision, which can include: standard parole supervision; parole with enhanced treatment/programming conditions; electronic monitoring; halfway house placement; electronic monitoring; drug testing; and payment of financial obligations, including restitution. The parole agent can add any other conditions he or she deems appropriate.

#### Public Access to the Parole Decision Process

While statute requires the Parole Commission to notify the sentencing judge, the district attorney, and the crime victim and/or victim's family of scheduled Parole Commission interviews, the agency is not required to provide public notification. By statute, parole interviews are not open to the public. The commission keeps written and audio tape records of parole hearings. The tape is kept for six months.



### Involvement of Victims in Parole Processes

The Parole Commission has a full-time staff position to serve as victim advocate and an "800" telephone number to answer questions from victims and their families. The commission contributes to statewide victim/witness coordinators training and has established a victim advisory committee.

Crime victims can provide information to the commission via written and oral statements. District attorneys are required to offer victims the opportunity to request notification of parole proceedings. The commission notifies crime victims of offenders' scheduled parole interviews and of release decisions on request. Victims cannot attend parole interviews. However, the commission will meet face-to-face with the victims or their families wherever they feel most comfortable. Victims and their families are assured of an opportunity to provide input into the decisionmaking process without being required to enter the secure prison environment.

Inmates can obtain information provided by crime victims to the commission unless the commission has determined that the information should remain confidential.

### Parole Revocation

The Parole Commission does not have revocation powers; the Division of Probation and Parole or the Division of Intensive Sanctions make decisions in response to violations.

### Mandatory Release

Adult inmates are subject to mandatory release from prison after serving to the mandatory release date at two-thirds of the sentence, unless the offender's mandatory release date has been extended because of conduct in prison. The mandatory release date can be extended for an inmate who violates prison regulations, but the date cannot be extended beyond the length of the original sentence unless the inmate commits a new criminal offense. Most inmates become eligible for discretionary parole before reaching their mandatory release dates. Field supervision is provided for all inmates who are mandatorily released. The commission has no role in response to violations by persons on mandatory release.

### Other Functions of the Adult Paroling Authority

The Parole Commission contributes to commutation and pardon proceedings by conducting investigations and recommending action to another decision-making authority. The agency has no involvement in inmate furloughs or the restoration of an offender's civil rights.

### Statistical Information, FY 1994

Adult prison population, close FY'94:	10,020 <sup>1</sup>
Adult offenders considered for parole release in FY'94	Not available
Adult offenders released on parole in FY'94	Not available
Percentage of those considered who were released:	Not available
Total adult parolees under supervision, close FY'94	7,065
Final revocation hearings held, FY'94	Not applicable
Adult paroles revoked and returned to confinement, FY'94	1,177 <sup>2</sup>
Adult paroles revoked and re-paroled at the same time, FY'94	Not available
Cases released from adult parole supervision, FY'94 (Includes those released with or without a final discharge)	Not available
Total parole agency budget, FY'94	\$536,600

<sup>1</sup>. U.S. Bureau of Justice Statistics data (population movement for institution and parole, calendar year 1994).

<sup>2.</sup> This figure includes revocations for both parolees and mandatory releasees.

## WYOMING

### Wyoming Parole Board

Authority for adult parole entity:	Statutory.
Agency's link with adult corrections:	The board operates independently of the corrections agency but is linked for administrative and/or budgetary purposes.
Offender populations under agency authority:	Adult felons.
Field services provided:	None; parole supervision is provided by the DOC Division of Probation and Parole.

#### Recent Policy Developments

- Victims' involvement. Crime victims are given written notice of their right to request notification of parole and commutation hearings. Victims may personally appear, submit an audio or video tape, or provide written comments to the Parole Board.

#### Parole Board Structure

The Wyoming Parole Board has seven members, all part-time, appointed to six-year, staggered terms. A quorum of three members is required for parole release and parole revocation hearings.

#### Discretion for Parole Release

For inmates being sentenced under current law, parole release decisions are made by board members only. The adult paroling authority has discretionary releasing authority for all cases. The initial parole eligibility date is determined by both agency regulation and statute.

#### Parole Release Decisionmaking

The agency does not set presumptive parole dates at the time of admission. "Good time" gain or loss is factored into the initial parole eligibility date. A personal interview with each eligible inmate is conducted by three board members during the parole consideration process. One member may tape the interview for later review by the remaining two members needed to make a release decision. If parole is denied at the initial hearing, the subsequent hearing date is established by board regulation or policy. The board cannot deny parole and order the inmate to serve out the sentence without additional hearings. It can rescind or void a parole release decision prior to the actual release of an inmate on parole. Final discharges from parole are not granted; there is no formal discharge proceeding other than expiration of the sentence. The agency may not grant an early final discharge from parole, prior to the maximum expiration of the sentence but can place an offender on unsupervised parole.

#### Parole of Life-Sentenced Offenders

Under current law, inmates given a life term are not eligible for parole.

#### Agency Discretion for Conditions of Parole

The Parole Board can require any of the following for an offender released on parole: standard parole supervision; parole with enhanced treatment/programming conditions; electronic monitoring; drug testing; administrative parole (minimal supervision); unsupervised parole; payment of restitution; parole upon completion of a six- to nine-month intensive treatment program within a therapeutic community in a corrections setting; and placement in a community corrections program. As of July 1, 1995, the board can parole offenders directly into a community corrections program.

### Public Access to the Parole Decision Process

Neither statute nor Parole Board policy requires that the public be notified of scheduled parole release hearings. Adult parole release hearings, including deliberations of agency personnel, are closed to the public. The board keeps written and audio tape records of parole hearings. The individual vote of each participating member or other decision-maker is recorded on audio tape only. The record is not public, but copies of the tape may be obtained from the Parole Board.

### Involvement of Victims in Parole Processes

Crime victims can provide information to the board via written and/or oral statements. The agency notifies crime victims of scheduled parole consideration hearings on request. Crime victims are not permitted to attend adult parole consideration hearings. Victims are notified of the decision if they have asked to be notified. Victim input to the board is confidential and cannot be obtained by inmates.

### Parole Revocation

The Parole Board has revocation powers for all persons released on parole. Preliminary parole revocation hearings are conducted by an administrative law judge/hearing officer/examiner. A final parole revocation hearing is conducted by a quorum of three board members.

Options available to decisionmakers at release and revocation hearings are essentially comparable. Dispositions other than return to prison that are available for a person whose parole is revoked include: reinstatement on parole at comparable level of supervision; reinstatement on parole with increased treatment/programming; intensive supervision; electronic monitoring; drug testing; parole upon completion of a six- to nine-month intensive treatment program within a therapeutic community in a corrections setting; and placement in a community corrections program. If parole is revoked, the time the parolee/inmate must remain incarcerated prior to any re-release is neither mandatory nor prescribed. The agency cannot revoke parole and order the parolee to serve the remainder of the sentence in prison.

### Mandatory Release

Wyoming has no provision for mandatory release from prison before the expiration of the sentence.

### Other Functions of the Adult Paroling Authority

For commutation proceedings, the paroling authority conducts investigations and recommends action to another decision-making authority. The agency has no role in pardon proceedings. The board has no authority to grant furloughs to confined inmates or to grant the restoration of an offender's civil rights.

### Statistical Information, FY 1994

Adult prison population, close FY'94:	1,057
Adult offenders considered for parole release in FY'94	728
Adult offenders released on parole in FY'94	191
Percentage of those considered who were released:	26%
Total adult parolees under supervision, close FY'94	355
Final revocation hearings held, FY'94	56
Adult paroles revoked and returned to confinement, FY'94	Not available
Adult paroles revoked and re-paroled at the same time, FY'94	Not available
Cases released from adult parole supervision, FY'94 (Includes those released with or without a final discharge)	131
Total parole agency budget, FY'94	\$108,000

# UNITED STATES FEDERAL GOVERNMENT

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## U.S. Parole Commission

Authority for adult parole entity:	Statutory.
Agency's link with adult corrections:	The U.S. Parole Commission operates independently of the Bureau of Prisons.
Offender populations under agency authority	Adult and juvenile felons.
Field services provided:	None; parole supervision is provided by the Administrative Office of the U.S. Courts.

### Recent Policy Developments

None. Legislation passed in 1984 eliminated parole for persons convicted of crimes committed on or after November 1, 1987. The Parole Commission continues to hear the cases of inmates convicted of crimes committed prior to that date.

### Parole Board Structure

Though statute authorizes nine positions on the U.S. Parole Commission, current membership is six full-time members. The remaining positions are unfilled because the agency is being downsized. Commission members are appointed to six-year terms, and members' terms are staggered.

Commission members do not conduct parole release and parole revocation hearings. Various quorums are required for different types of parole decisions; however, the vote of at least one member is always needed for parole release or revocation.

### Discretion for Parole Release

The Parole Commission has no release authority for inmates convicted of crimes committed on or after November 1, 1987. Release dates for these inmates are determined by statute.

The Parole Commission has discretionary releasing authority for persons sentenced for offenses committed before November 1, 1987. Their initial parole eligibility date is determined by the sentencing court within limits set by statute. Commission members make parole release decisions based on the recommendations of hearing examiners.

### Parole Release Decisionmaking

For parole-eligible inmates in the Federal system, presumptive release dates generally were set shortly after admission. "Good time" gain or loss is not factored into the initial parole eligibility date.

A personal interview is usually conducted by a Parole Commission hearing examiner with each eligible inmate during the parole consideration process. Certain cases can be granted parole without an interview. If parole is denied at the initial hearing, the subsequent hearing date is established at the discretion of the commission, within limits set by statute. The Parole Commission cannot deny parole and order the inmate to serve out the sentence without additional parole hearings; periodic hearings must be held at eighteen or twenty-four month intervals, depending on sentence length. The commission has the authority to rescind or void a parole release decision prior to the actual release of an inmate on parole.

Final discharges from parole are granted by the Parole Commission. The commission may grant an

early final discharge from parole, prior to the maximum expiration of the sentence, after a minimum period of one year under parole supervision.

#### Parole of Life--Sentenced Offenders

Life--sentenced inmates sentenced for crimes committed on or after November 1, 1987 are not eligible for parole. The Federal prison system holds approximately 300 inmates who were sentenced to life imprisonment for crimes committed before that date and who are, or may eventually become, eligible for parole consideration. The minimum term these inmates must serve before reaching parole eligibility is determined by the sentencing court within limits set by statute, but it cannot exceed ten years.

#### Agency Discretion for Conditions of Parole

The Parole Commission can require any of the following for an offender released on parole: standard parole supervision; parole with enhanced treatment/programming conditions; halfway house placement; electronic monitoring; drug testing; and payment of restitution.

#### Public Access to the Parole Decision Process

The Parole Commission is not required to notify the public of scheduled parole release hearings. Parole release hearings are not open to the public, nor are the deliberations of agency personnel at hearings. The agency keeps written and audio tape records of parole hearings. The decisions of the hearing examiner and of each voting commission member are recorded and are a part of the public record.

#### Involvement of Victims in Parole Processes

Crime victims can provide information to the paroling authority via written and/or oral statements. The agency notifies crime victims of scheduled parole consideration hearings if they have requested notification. Crime victims may attend parole consideration hearings if they have asked to attend and are notified of the decision if they have requested notification. Inmates can obtain information provided by crime victims to the Parole Commission, subject to exceptions.

#### Parole Revocation

The Parole Commission has revocation powers for all persons released on parole. Preliminary parole revocation hearings are conducted by a parole officer other than supervising agent. A final parole revocation hearing is conducted by a Parole Commission hearing examiner.

Options available to decisionmakers at release and revocation hearings are essentially comparable. Dispositions other than return to prison that are available to the Parole Commission for a person whose parole is revoked include: reinstatement on parole at comparable level of supervision; reinstatement on parole with increased treatment/programming; halfway house placement; electronic monitoring; and drug testing.

If parole is revoked, the time the parolee/inmate must remain incarcerated prior to any re-release is neither mandatory nor prescribed but is determined by the commission based on presumptive reparole guidelines. The commission may revoke parole and order the parolee to serve the remainder of his/her sentence in prison, but periodic review of the case is required. Street time is credited except for those convicted of a new crime or those who abscond.

#### Mandatory Release

Inmates sentenced for crimes committed on or after November 1, 1987 are subject to mandatory release from prison upon expiration of a determinate sentence, less limited good time. The Parole Commission

has no involvement in their release nor in the response to any violation of release conditions. Mandatorily released offenders may receive field supervision, pursuant to sentencing guidelines.

Inmates sentenced for crimes committed before November 1, 1987 who are denied parole are mandatorily released from prison on expiration of the sentence, less good time. For persons released on more than six months' good time, the Parole Commission sets conditions of release and sees that supervision is provided as if the offender had been paroled. Any violations are handled in the same manner as a violation of parole.

If mandatory release is revoked, the time the releasee/inmate must remain incarcerated prior to any re-release is determined by the commission based on presumptive reparole guidelines. The commission may revoke parole and order the parolee to serve the remainder of his/her sentence in prison, but periodic review of the case is required. Street time is credited except for those convicted of a new crime or those who abscond.

#### Other Functions of the Adult Paroling Authority

The U.S. Parole Commission has no role in commutation or pardon proceedings. The agency has no involvement in inmate furloughs or the restoration of an offender's civil rights.

#### Statistical Information, FY 1994

Adult prison population, close FY'94:	10,467 <sup>1</sup>
Adult offenders considered for parole release in FY'94	4,922 <sup>2</sup>
Adult offenders released on parole in FY'94	2,376 <sup>3</sup>
Percentage of those considered who were released:	Not available
Total adult parolees under supervision, close FY'94	14,202
Final revocation hearings held, FY'94	2,237
Adult paroles revoked and returned to confinement, FY'94	2,215
Adult paroles revoked and re--paroled at the same time, FY'94	Not applicable
Cases released from adult parole supervision, FY'94 (Includes those released with or without a final discharge)	
Total parole agency budget, FY'94	\$9,123,000

<sup>1</sup>. This figure includes only those Federal inmates who are or will become eligible for parole because they were convicted of crimes committed before November 1, 1987. The total U.S. prison population on September 30, 1994 was 94,608.

<sup>2</sup>. This figure includes all parole releases considered, including interim reviews and final decisions.

<sup>3</sup>. An additional 966 parole--eligible inmates whose paroles had been denied were mandatorily released on expiration of the sentence, less good time. Those with good time totalling six months or more were placed on a supervision status essentially equivalent to parole.





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Table 1. Authority for and Autonomy of Paroling Authority

	Authorization for Paroling Entity			Relation of Paroling Entity to DOC		
	Constitutional	Statutory	Regulatory	Independent agency	Linked for budget/ administration	Functional component
Alabama		4		4		
Alaska	4	4	4		4	
Arizona		4		4		
Arkansas		4		4		
California		4			4	
Colorado		4			4	
Connecticut		4		4		
Delaware		4		4		
D.C.		4		4		
Florida	4	4		4		
Georgia	4			4		
Hawaii		4			4	
Idaho		4			4	
Illinois		4		4		
Indiana		4			4	
Iowa		4			4	
Kansas		4		4		
Kentucky		4		4		
Louisiana		4			4	
Maine		4			4	
Maryland		4		4		
Massachusetts		4			4	
Michigan		4				4
Minnesota	None; Office of Adult Release					4
Mississippi		4			4	
Missouri		4				4
Montana		4			4	
Nebraska	4	4			4	
Nevada		4		4		
New Hampshire		4			4	
New Jersey	4	4			4	
New Mexico		4		4		
New York		4		4		
North Carolina		4			4	
North Dakota		4			4	
Ohio		4				4
Oklahoma	4			4		
Oregon		4		4		
Pennsylvania		4		4		
Rhode Island		4			4	
South Carolina		4		4		
South Dakota		4			4	
Tennessee		4		4		
Texas	4	4		4		
Utah	4	4		4		
Vermont		4			4	
Virginia		4		4		
Washington		4		4		
West Virginia		4		4		
Wisconsin		4			4	
Wyoming		4			4	
U.S. Parole		4		4		

Table 2. Paroling Authority Jurisdiction and Role in Field Services

	Offense Levels		Offender Ages			Field Services Administered		
	Felony	Misde-- meanor	Adults	Youthful offenders	Juveniles	None	Probation	Parole
Alabama	4	4	4				4	4
Alaska	4	4	4			4		
Arizona	4		4			4		
Arkansas	4		4	4		4		
California	4		4					4
Colorado	4	4	4			4		
Connecticut	4	4	4					4
Delaware	4	4	4			4		
D.C.	4	4	4	4				4
Florida	4		4	4		4		
Georgia	4		4					4
Hawaii	4		4	4				4
Idaho	4		4			4		
Illinois	4		4		4	4		
Indiana	4		4			4		
Iowa	4	4	4			4		
Kansas	4		4			4		
Kentucky	4		4	4		4		
Louisiana	4		4			4		
Maine	4		4			4		
Maryland	4	4	4			4		
Massachusetts	4	4	4					4
Michigan	4		4			4		
Minnesota	4		4			4		
Mississippi	4		4			4		
Missouri	4		4				4	4
Montana	4		4			4		
Nebraska	4	4	4			4		
Nevada	4		4			4		
New Hampshire	4		4			4		
New Jersey	4	4	4	4	4	4		
New Mexico	4		4			4		
New York	4		4					4
North Carolina	4	4	4	4		4		
North Dakota	4	4	4			4		
Ohio	4		4	4		4		
Oklahoma	4		4			4		
Oregon	4		4			4		
Pennsylvania	4	4	4					4
Rhode Island	4	4	4			4		
South Carolina	4	4	4			4		
South Dakota	4		4			4		
Tennessee	4		4					4
Texas	4		4			4		
Utah	4	4	4			4		
Vermont	4	4	4			4		
Virginia	4	4	4			4		
Washington	4		4			4		
West Virginia	4	4	4			4		
Wisconsin	4		4			4		
Wyoming	4		4			4		
U.S. Parole	4		4		4	4		

Table 3. Board Membership

	Number of Board Members			Term of Appointment	Size of Quorum for Hearings	Board Member Continuity	
	Total members	Full--time members	Part--time members			Staggered terms	Coterminous terms
Alabama	3	3	0	6 years	Variable	4	
Alaska	5	0	5	5 years	3	4	
Arizona	7	7	0	5 years	3	4	
Arkansas	7	5	2	7 years	4	4	
California	9	9	0	4 years	Variable	4	
Colorado	7	7	0	3 years	1	4	
Connecticut	13	1	12	4 years	2	4	
Delaware	5	1	4	4 years	3	4	
D.C.	5	5	0	5 years	1	4	
Florida	7	7	0	6 years	Variable	4	
Georgia	5	5	0	7 years	3	4	
Hawaii	3	1	2	4 years	2	4	
Idaho	5	0	5	5 years	3	4	
Illinois	12	12	0	6 years	7	4	
Indiana	5	5	0	4 years	3	4	
Iowa	5	1	4	4 years	Variable	4	
Kansas	5	5	0	4 years	1	4	
Kentucky	7	7	0	4 years	3	4	
Louisiana	7	7	0	Variable	3		4
Maine	5	0	5	4 years	3	4	
Maryland	8	8	0	6 years	1	4	
Massachusetts	7	7	0	5 years	4	4	
Michigan	10	10	0	4 years	Variable	4	
Minnesota	4	4	0	Not applic.	1	Not applicable	
Mississippi	3	3	0	4 years	Variable		4
Missouri	5	5	0	6 years	1	4	
Montana	4	0	4	4 years	2	4	
Nebraska	5	5	0	6 years	3	4	
Nevada	7	7	0	Variable	4	4	
New Hampshire	7	0	7	5 years	3	4	
New Jersey	9	9	0	6 years	Variable	4	
New Mexico	4	4	0	3 years	3		4
New York	19	19	0	6 years	Variable	4	
North Carolina	5	5	0	4 years	2	4	
North Dakota	3	0	3	3 years	2	4	
Ohio	11	11	0	Indeterm.	1	Not applicable	
Oklahoma	5	0	5	4 years	3		4
Oregon	3	3	0	4 years	Variable	4	
Pennsylvania	5	5	0	6 years	Variable	4	
Rhode Island	7	1	6	3 years	3	4	
South Carolina	7	0	7	6 years	Variable	4	
South Dakota	6	0	6	4 years	Majority	4	
Tennessee	7	7	0	6 years	1	4	
Texas	18	18	0	6 years	3	4	
Utah	8	5	3	Variable	3	4	
Vermont	5	0	5	5 years	2	4	
Virginia	5	5	0	4 years	Not applic.	4	
Washington	3	3	0	5 years	Variable	4	
West Virginia	5	5	0	6 years	3	4	
Wisconsin	5	5	0	Variable	1	4	
Wyoming	7	0	7	6 years	3	4	
U.S. Parole	6	6	0	6 years	Varies	4	

Table 4. Discretionary Release Powers of the Paroling Authority for Current Sentences

	Authority Has Full Release Powers	Authority Has Limited Release Powers	If Powers Are Limited, Crimes Ineligible for Discretionary Release	Board Has No Release Powers	Period for Which Authority Retains Discretionary Release Powers
Alabama	4				
Alaska	4				
Arizona				4	Offenses before 1/1/94
Arkansas				4	Offenses before 1/1/94
California		4	(Only for indeterminate life)		
Colorado	4				(None from 7/1/79 to 7/1/85)
Connecticut		4	Murders, capital felonies		
Delaware				4	Offenses before 6/30/90
D.C.	4				
Florida		4	(Certain capital/life felonies)		Offenses before 10/1/83
Georgia		4	Several felonies		
Hawaii		4	Punish. by life w/o parole		
Idaho	4				
Illinois				4	Offenses before 2/1/78
Indiana				4	Convictions before 1977
Iowa		4	Murder 1, kidnap, sex abuse		
Kansas				4	Convictions before 7/1/93
Kentucky	4				
Louisiana		4	Several felonies		
Maine				4	Convictions before 1976
Maryland		4	Violent or death pen. sought		
Massachusetts		4	Murder 1		
Michigan		4	Murder 1, 650+ g. cocaine		
Minnesota				4	(None; dates already set)
Mississippi				4	Sentences before 7/1/95
Missouri		4	Several felonies		
Montana	4				
Nebraska		4	Murder 1/life, kidnap/life		
Nevada	4				
New Hampshire		4	Murder 1		
New Jersey	4				
New Mexico				4	Convictions before 7/1/79
New York		4	"Violent felony offenders" (Discretion for DUI only)	4	Offenses before 10/1/94
North Carolina					
North Dakota	4				
Ohio	4				(Will lose as of 7/1/96)
Oklahoma				4	(Bd. can recommend release)
Oregon				4	November 1989
Pennsylvania	4				
Rhode Island	4				
South Carolina	4				
South Dakota		4	None with life sentence		
Tennessee		4	Murder 1/life, rapes		
Texas		4	None on death row		
Utah	4				
Vermont	4				
Virginia				4	Offenses before 1/1/95
Washington				4	Convictions before 7/1/84
West Virginia		4	No life without mercy		
Wisconsin		4	No life without parole		
Wyoming	4				
U.S. Parole				4	Offenses before 11/1/87

Table 5. Responsibility for Release Decisions

	All Releases Are Determined by Statute	Some or All Release Dates Are Determined by Paroling Authority		
		Board members only	Members and hearing officers/examiners	Hearing officers/ examiners only
Alabama		4		
Alaska		4		
Arizona		4		
Arkansas		4		
California		4	4	4
Colorado		4		
Connecticut		4		
Delaware		4		
D.C.		4		
Florida		4		
Georgia		4		
Hawaii		4		
Idaho		4	(Planned for FY'97)	
Illinois		4		
Indiana		4		
Iowa		4		
Kansas		4		
Kentucky		4		
Louisiana		4		
Maine		4		
Maryland			4	
Massachusetts		4		
Michigan		4		
Minnesota	4	(Release decisions for Murder 1 made by DOC commissioner; release dates for commitments before 5/1/80 were set before board was disbanded)		
Mississippi		4		
Missouri			4	
Montana		4		
Nebraska		4		
Nevada			4	
New Hampshire		4		
New Jersey			4	
New Mexico		4		
New York		4		
North Carolina		4		
North Dakota		4		
Ohio			4	
Oklahoma		4		
Oregon		(Information not available)		
Pennsylvania			4	
Rhode Island		4		
South Carolina		4		
South Dakota		4		
Tennessee		4		
Texas		4		
Utah		4		
Vermont		4		
Virginia		4		
Washington		4		
West Virginia		4		
Wisconsin		Board members recommend action to chair		
Wyoming		4		
U.S. Parole		4		

Table 6. Initial Eligibility for Release

	Authority, Under Current Law, for Determination of Initial Parole Eligibility Date by the Parole Board					Presumptive Parole Date Is Set	“Good Time” Is a Factor
	Board regulation	Statute	Board discretion	Other	Not applicable		
Alabama			4				4
Alaska		4					
Arizona					4		
Arkansas					4	4	4
California	4	4				4	4
Colorado		4					4
Connecticut		4					
Delaware					4		
D.C.		4					4
Florida	4	4				4	
Georgia	4	4				4	
Hawaii	4	4		4		4	
Idaho	4	4					
Illinois					4		4
Indiana					4	4	4
Iowa		4					4
Kansas					4		4
Kentucky	4	4					
Louisiana		4					
Maine					4		4
Maryland	4	4					Life only
Massachusetts	4	4					4
Michigan		4					4
Minnesota					4		
Mississippi					4		4
Missouri	4						
Montana	4	4					
Nebraska		4				4	4
Nevada		4					4
New Hampshire		4					4
New Jersey	4	4				4	4
New Mexico					4		4
New York		4					
North Carolina					4		4
North Dakota	4	4				4	
Ohio		4					4
Oklahoma	4	4					
Oregon					4	4	4
Pennsylvania		4					
Rhode Island		4					
South Carolina		4					
South Dakota		4					4
Tennessee	4	4					4
Texas	4	4					4
Utah	4		4				
Vermont	4	4					4
Virginia					4		4
Washington	4				4	4	4
West Virginia	4	4					
Wisconsin		4		4			Life only
Wyoming	4	4					
U.S. Parole					4		

Table 7. Parole Eligibility of Life--Sentenced Offenders

	Lifers Eligible for Parole Under Current Law			Minimum Time to Serve on a Life Sentence Under Current Law			Number of Lifers Who Are Eligible Under Prior Code
	All life--sentenced inmates	Some life--sentenced inmates	No life--sentenced inmates	Statutorily defined	Board discretion	Court discretion	
Alabama		4			4		—
Alaska	4			20 yrs.			—
Arizona			4				(Not avail.)
Arkansas			4				0
California		4		(Not avail.)			—
Colorado			4				500
Connecticut			4				40
Delaware			4				164
D.C.		4		15, 20, or 30 yrs.			—
Florida		4		25 yrs. for certain capital felonies			—
Georgia		4		7 or 15 yrs.			—
Hawaii		4			4		—
Idaho		4				4	—
Illinois			4				0
Indiana			4				300
Iowa			4				0
Kansas	4			15 yrs., 40 yrs., or 1/2 the minimum term			—
Kentucky	4			12 yrs.			—
Louisiana			4				0
Maine							(Not avail.)
Maryland		4		15 or 25 yrs.			—
Massachusetts		4		15 yrs.		4	—
Michigan		4			4		—
Minnesota		4		30 yrs.			—
Mississippi			4	15 yrs. for conditional release by court			—
Missouri		4		15 or 25.5 yrs.			—
Montana		4		30 yrs.			—
Nebraska		4		10 yrs.			—
Nevada		4		5 to 10 yrs.			—
New Hampshire		4				4	—
New Jersey	4			30 yrs.			—
New Mexico	4			30 yrs.			—
New York	4			(Minimum term for specific offense)			—
North Carolina			4				2,000
North Dakota			4	30 yrs. if reduced to fixed yrs. by pardon bd.			—
Ohio	4			2/3 of minimum for offense			—
Oklahoma		4			4		—
Oregon			4				(Not avail.)
Pennsylvania			4				0
Rhode Island		4		15 yrs.			—
South Carolina	4			20 or 30 yrs.			—
South Dakota			4				0
Tennessee		4		25 yrs.			—
Texas	4			40 yrs.			—
Utah		4			4		—
Vermont		4			4		—
Virginia		4		15 or 20 yrs. (geriatric release only)			447
Washington			4				400
West Virginia		4		15 yrs.			—
Wisconsin		4				4	—
Wyoming			4				0
U.S. Parole			4				300



Table 8. The Parole Decision—Process and Powers

	Decision Process Includes Personal Interview with Inmate			Establishment of Subsequent Hearing Date, If Parole Is Denied			Board Can Deny Parole and Order Serve--out	Board Can Rescind/ Void Parole
	By board member(s)	By agency staff	No interview	Board discretion	Agency regulation	Statute		
Alabama		4		4			4	4
Alaska	4			4			4	4
Arizona	4					4		4
Arkansas	4				4			4
California	4				4	4		4
Colorado	4			4			4	4
Connecticut	4			4			4	4
Delaware	4				4	4	4	4
D.C.	4	4		4			4	4
Florida		4			4	4		4
Georgia		4		Full discretion unless life sentence			4	4
Hawaii	4					4		4
Idaho	4			4			4	4
Illinois	4					4		
Indiana	4				4	4		4
Iowa					4	4	4	4
Kansas	4			Discretion is limited				4
Kentucky	4			4			4	4
Louisiana	4		4	4			4	4
Maine		4		4			4	4
Maryland	4	4		4			4	4
Massachusetts	4	4			4	4		4
Michigan			4		4		4	4
Minnesota	Not applicable/DOC has discretion only for life sentences							4
Mississippi	4	4	4	4			4	4
Missouri	4				4		4	4
Montana	4	4		4			4	4
Nebraska	4				4	4	4	4
Nevada	4			4			4	4
New Hampshire	4			4			4	4
New Jersey	4	4			4			4
New Mexico	4			(Not available)				4
New York	4					4		4
North Carolina			4		4	4	4	4
North Dakota	4			4			4	4
Ohio	4			4			4	4
Oklahoma	4	4			4		4	4
Oregon	4			4			4	4
Pennsylvania	4			4			4	4
Rhode Island	4			4				4
South Carolina	4					4		4
South Dakota	4				4	4		4
Tennessee	4	4		4			4	4
Texas	Interview is at member discretion				4		4	4
Utah	4			4			4	4
Vermont	4				4	4		4
Virginia		4			4	4		4
Washington	4			4	4			4
West Virginia	4			Discretion is limited				4
Wisconsin	4			4			4	4
Wyoming	4				4			4
U.S. Parole		4		Discretion is limited				4

Table 9. Conditions of Parole Release Available to the Paroling Authority

	Enhanced treatment	Halfway house	Day reporting	Intensive supervision	Electronic monitoring	Drug testing	Supervision fee	Restitution	Administrative parole	Other
Alabama	4	4	4	4	4	4	4	4		4
Alaska	4	4		4		4				
Arizona	4	4		4	4	4	4	4		
Arkansas	4					4	4	4		
California	4	4	4	4	4	4				
Colorado	4	4	4	4	4	4	4	4		4
Connecticut	4	4	4		4	4				4
Delaware	4	4	4	4	4	4	4	4	4	
D.C.	4			4		4			4	4
Florida	4		4	4		4		4	4	4
Georgia	4				4	4	4	4	4	
Hawaii	4	4		4	4	4			4	
Idaho	4	4		4	4	4	4	4	4	
Illinois	4	4		4	4	4				
Indiana	4			4		4		4		
Iowa	4	4		4	4	4		4		
Kansas	4	4	4	4	4	4	4	4		
Kentucky	4			4		4	4	4		4
Louisiana	4	4		4	4	4	4	4		4
Maine	4	4	4	4	4	4		4	4	
Maryland	4		4	4	4	4	4	4	4	
Massachusetts	4	4		4		4				
Michigan	4	4		4	4	4	4		4	
Minnesota	Not applicable									
Mississippi	4	4				4				
Missouri	4	4		4	4	4				
Montana	4	4	4	4	4	4	4	4	4	4
Nebraska	4	4		4		4			4	
Nevada	4	4	4	4	4	4	4	4		
New Hampshire	4	4		4	4	4	4	4	4	4
New Jersey	4	4		4	4	4	4	4		
New Mexico	4	4	4	4	4	4	4	4		
New York	4	4		4	4	4	4	4		
North Carolina	4			4	4	4	4	4	4	
North Dakota	4	4		4	4	4	4	4		
Ohio	4	4		4		4				
Oklahoma	4			4		4	4	4		
Oregon	4	4	4	4	4	4	4	4	4	
Pennsylvania	4			4	4	4	4	4	4	
Rhode Island	4	4		4	4	4	4			
South Carolina	4	4		4	4	4		4		
South Dakota	4	4	4	4		4		4	4	
Tennessee	4			4	4	4	4	4		
Texas	4	4		4	4	4				
Utah	4	4	4	4	4	4	4	4		
Vermont	4			4	4	4			4	4
Virginia	4	4	4	4	4	4			4	4
Washington	4		4		4		4	4	4	
West Virginia	4			4		4				
Wisconsin	4	4	4	4	4	4	4	4	4	4
Wyoming	4				4	4		4	4	4
U.S. Parole	4	4			4	4		4		

Table 10. Discharge from Parole Supervision

	Granting of Final Discharge			Granting of Early Final Discharge, Prior to Sentence Expiration	
	By paroling authority	By another authority	No final discharge	Paroling authority can grant	Minimum period to be served on parole before early discharge
Alabama	4			4	3 yrs. (discharge by pardon)
Alaska	4			4	2 yrs.
Arizona			4	4	No minimum
Arkansas	4				
California	4			4	2 yrs., violent offenses
Colorado	4			4	No minimum
Connecticut	4			4	No minimum
Delaware	4			4	1 yr. or sentence expiration
D.C.	4			4	(Not specified; youthful only)
Florida	4			4	No minimum
Georgia	4		4	4	2 yrs., or 3 yrs. on life sentence
Hawaii	4			4	2 yrs., or 3 yrs. for class A felony
Idaho	4			4	1 yr. by law; more by regulation
Illinois	4			4	No minimum
Indiana	4			4	2 yrs.
Iowa		4		4	No minimum
Kansas	4			4	1 or 2 yrs.
Kentucky	4			4	2 yrs.
Louisiana		4			
Maine	4			4	10 yrs. (life sentences)
Maryland		4			
Massachusetts	4			4	(County sentences only)
Michigan	4			4	Depends on offense
Minnesota		4			
Mississippi		4			
Missouri	4			4	3 yrs.
Montana	4			4	To good time date
Nebraska	4			4	No minimum
Nevada			4		
New Hampshire	4			4	No minimum
New Jersey	4			4	Variable
New Mexico	4			4	No minimum
New York	4			4	3 yrs.
North Carolina	4			4	1 yr. or sentence expiration
North Dakota			4		
Ohio		4		4	1 yr., or 5 yrs. if life sentence
Oklahoma			4		
Oregon	4			4	Usually 3 yrs.
Pennsylvania			4		
Rhode Island			4		
South Carolina			4		
South Dakota		4		4	To good time date
Tennessee	4				
Texas		4			
Utah	4			4	No minimum
Vermont	4				
Virginia	4			4	Longer of 6 mo. or remainder
Washington	4			4	1 yr.
West Virginia		4			1 yr., or 5 if life with mercy
Wisconsin		4			
Wyoming			4		
U.S. Parole	4			4	1 yr.

Table 11. Public Access to Parole Release Hearings

	Paroling Authority Notifies Public of Release Hearings			Hearings Are Open to the Public			Paroling Authority Deliberations Are Open to the Public		
	Yes, per statute	Yes, per agency policy	No	Yes	Yes, with restrictions	No	Yes	Yes, with restrictions	No
Alabama		4		4			4		
Alaska			4			4			4
Arizona	4			4			4		
Arkansas		4			4			4	
California			4			4			4
Colorado	4			4					4
Connecticut			4		4				4
Delaware	4	4				4			4
D.C.			4			4			4
Florida	4	4		4			4		
Georgia	Not applicable; administrative process								4
Hawaii			4			4			4
Idaho		4		4					4
Illinois	4			4					4
Indiana		4		4			4		
Iowa		4		4				4	
Kansas	4					4			4
Kentucky	4	4			4				4
Louisiana			4		4				4
Maine			4			4			4
Maryland			4		4				4
Massachusetts	4	4		4	4				4
Michigan			4			4			4
Minnesota			4			4			4
Mississippi	4					4	(Not available)		
Missouri			4			4			4
Montana		4			4			4	
Nebraska	4			4				4	
Nevada	4				4				4
New Hampshire	4					4			4
New Jersey	4					4			4
New Mexico			4	4					4
New York			4			4			4
North Carolina	4					4			4
North Dakota	4				4				4
Ohio		4				4			4
Oklahoma	4			4			4		
Oregon			4		4				4
Pennsylvania			4			4			4
Rhode Island	4				4			4	
South Carolina	4			4			4		
South Dakota			4		4				4
Tennessee			4		4		4		
Texas			4		4				4
Utah	4				4		4		
Vermont		4		4					4
Virginia			4			4			4
Washington			4		4				4
West Virginia			4		4				4
Wisconsin			4	Not applicable			Not applicable		
Wyoming			4			4			4
U.S. Parole			4			4			4

Table 12. Records of Parole Release Hearings

	Medium for Official Record of Release Hearings			Decisionmakers' Votes Are Recorded		
	Written	Audio tape	Video tape	Yes, and public record	Yes, but confidential	No
Alabama	4			4		
Alaska	4	4			4	
Arizona	4	4		4		
Arkansas	4	4		4		
California	4	4		4		
Colorado	4	4		4		
Connecticut	4	4				4
Delaware	4				4	
D.C.	4	4			4	
Florida	4	4		4		
Georgia	4				4	
Hawaii	4	4				4
Idaho	4				4	
Illinois		4		4		
Indiana	4	4	4	4		
Iowa	4				4	
Kansas	4				4	
Kentucky	4	4		4		
Louisiana	4			4		
Maine	4					4
Maryland	4			4		
Massachusetts	4	4	4		4	
Michigan	4			4		
Minnesota	4	4		Not applicable; DOC commissioner acts (lifers)		
Mississippi	4				4	
Missouri	4	4			4	
Montana	4			4		
Nebraska	4	4		4		
Nevada	4			4		
New Hampshire	4	4			4	
New Jersey	4	4		4		
New Mexico	4			4		
New York	4	4		(Not available)		
North Carolina	4				4	
North Dakota	4	4				4
Ohio	4				4	
Oklahoma	4	4		4		
Oregon	4	4				4
Pennsylvania	4				4	
Rhode Island	4	4		4		
South Carolina	4	4		4		
South Dakota	4			4		
Tennessee	4	4		4		
Texas	4			4		
Utah	4	4			4	
Vermont	4			4		
Virginia	4				4	
Washington	4	4		4		
West Virginia	4	4			4	
Wisconsin	4	4		4		
Wyoming	4	4		(Votes recorded on tape only)		
U.S. Parole	4	4		4		

Table 13. Involvement of Crime Victims in the Parole Release Process

	Authority Notifies Crime Victims of Release Hearings			Crime Victims Can Attend Release Hearings				Authority Notifies Victims of the Release Decision		
	Yes	On request	No	Yes	On request	Circumstances apply	No	Yes	On request	No
Alabama	For some offenses only			4				4		
Alaska		4				4			4	
Arizona		4		4					4	
Arkansas		4				4			4	
California		4			4				4	
Colorado		4		4					4	
Connecticut		4		4					4	
Delaware	4			4				4		
D.C.		4				4			4	
Florida	4			4					4	
Georgia		4					4		4	
Hawaii		4				4			4	
Idaho		4		4					4	
Illinois		4			4				4	
Indiana		4			4	4			4	
Iowa	4			4				4		
Kansas			4				4			4
Kentucky	4				4				4	
Louisiana	4			4					4	
Maine	4			4					4	
Maryland		4			4	4			4	
Massachusetts		4				4			4	
Michigan		4					4		4	
Minnesota	Yes; applic. to lifers only						4	4		
Mississippi		4					4		4	
Missouri	4				4				4	
Montana		4			4				4	
Nebraska		4		4					4	
Nevada	4				4				4	
New Hampshire		4			4				4	
New Jersey		4					4	If victim participates in hng.		
New Mexico		4			4				4	
New York		4					4		4	
North Carolina		4					4		4	
North Dakota	Determined case--by--case					4		Determined case--by--case		
Ohio		4				4			4	
Oklahoma		4		4					4	
Oregon		4		4					4	
Pennsylvania		4					4		4	
Rhode Island	4			4				4		
South Carolina		4		4				4		
South Dakota	4			4					4	
Tennessee		4		4					4	
Texas		4					4			4
Utah	4			4					4	
Vermont			4		4				4	
Virginia		4					4		4	
Washington		4					4		4	
West Virginia	4				4	4		4	4	
Wisconsin		4		No hearing held; bd. meets w/victim					4	
Wyoming		4					4		4	
U.S. Parole		4			4				4	

Table 14. Victim Testimony in Parole Release Decision Making

	Format for Victim Testimony			Inmate Access to Victim Testimony			
	Written statements	Oral statements	Other	Inmate can access all testimony	Can access if given in public meeting	Testimony is confidential	Other
Alabama	4	4				4	
Alaska	4	4		4			
Arizona	4	4		4			
Arkansas	4	4				4	
California	4	4				4	
Colorado	4	4	4			4	
Connecticut	4	4					
Delaware	4	4				4	
D.C.	4			4			4
Florida	4	4	4		4	4	
Georgia	4	4				4	
Hawaii	4	4				4	
Idaho	4	4				4	
Illinois	4	4				4	
Indiana	4	4				4	
Iowa	4	4			4	4	
Kansas	4	4			4	4	
Kentucky	4	4				4	
Louisiana	4	4				4	
Maine	4	4				4	
Maryland	4	4		4			
Massachusetts	4	4	4		4		
Michigan	4	4				4	
Minnesota	4	4			4		4
Mississippi	4	4				4	
Missouri	4	4				4	
Montana	4	4				4	
Nebraska	4	4			4		
Nevada	4	4				4	
New Hampshire	4	4				4	
New Jersey	4	4				4	
New Mexico	4	4				4	
New York	4	4				4	
North Carolina	4	4				4	
North Dakota	4	4			4		
Ohio	4	4	4			4	
Oklahoma	4	4			4		
Oregon	4	4		4		4	
Pennsylvania	4	4				4	
Rhode Island	4	4		4			
South Carolina	4	4			4		
South Dakota	4	4				4	
Tennessee	4	4				4	
Texas	4	4				4	
Utah	4	4		4			4
Vermont	4	4		4			4
Virginia	4	4				4	
Washington	4	4	4			4	
West Virginia	4	4				4	
Wisconsin	4	4					4
Wyoming	4	4				4	
U.S. Parole	4	4		4			4

Table 15. Parole Revocation: Paroling Authority's Powers and Range of Options

	Paroling Authority Can Revoke Parole			Paroling Authority's Options at Parole Release and Revocation Hearings		
	Yes, for all parolees	Yes, for some parolees	No	Options are comparable	More options at release	More options for violation
Alabama	4			4		
Alaska	4			4		
Arizona	4			4		
Arkansas	4			4		
California	4			4		
Colorado	4				4	
Connecticut	4			4		
Delaware	4			4		
D.C.	4			4		
Florida	4			4		
Georgia	4				4	
Hawaii	4			4		
Idaho	4			4		
Illinois	4			4		
Indiana	4			4		
Iowa	4			4		
Kansas	4			4		
Kentucky	4			4		
Louisiana	4					4
Maine	4			4		
Maryland	4			4		
Massachusetts	4			4		
Michigan	4				4	
Minnesota	4					4
Mississippi		4		4		
Missouri	4					4
Montana	4			4		
Nebraska	4			4		
Nevada	4			4		
New Hampshire	4			4		
New Jersey	4			4		
New Mexico	4			4		
New York	4					4
North Carolina	4			4		
North Dakota	4			4		
Ohio	4			4		
Oklahoma	4				4	
Oregon	4				4	
Pennsylvania	4			4		
Rhode Island	4			4		
South Carolina	4			4		
South Dakota	4			4		
Tennessee	4			4		
Texas	4			4		
Utah	4			4		
Vermont	4			4		
Virginia	4			4		
Washington	4					4
West Virginia	4			4		
Wisconsin			4	Not applicable		
Wyoming	4			4		
U.S. Parole	4			4		



Table 16. Dispositions Available to Parole Board at Parole Revocation Hearings

	Reparole, same supervision/ treatment levels	Increased treatment/ programs	Halfway house	Day reporting	Intensive supervision	Electronic monitoring	Drug testing	Other
Alabama	4	4	4	4	4	4	4	4
Alaska	4	4	4		4		4	
Arizona	4	4	4				4	
Arkansas		4			4		4	
California	4	4		4	4	4	4	
Colorado			4					4
Connecticut		4	4	4		4	4	4
Delaware	4	4	4	4	4	4	4	
D.C.	4	4			4		4	4
Florida	4	4		4	4		4	4
Georgia	Return to prison is only option available to board for an actual revocation							
Hawaii	4	4	4		4	4	4	
Idaho	4	4			4	4	4	
Illinois	4	4	4	4	4	4		
Indiana	4	4			4		4	
Iowa	4	4	4		4	4	4	4
Kansas	4	4	4	4	4	4	4	
Kentucky	4	4			4		4	
Louisiana	4	4	4		4	4	4	4
Maine	4	4	4	4	4	4	4	4
Maryland	4	4		4	4	4	4	
Massachusetts	4	4			4		4	
Michigan	4	4					4	
Minnesota	4	4	4	4	4	4	4	4
Mississippi	4	4	4				4	
Missouri	4	4	4		4	4	4	4
Montana	4	4	4	4	4	4	4	
Nebraska	4	4	4		4		4	
Nevada	4	4	4	4	4	4	4	
New Hampshire	4	4	4		4	4	4	4
New Jersey	4	4	4		4		4	
New Mexico	4	4	4		4	4	4	4
New York		4	4			4		4
North Carolina	4	4			4	4	4	
North Dakota	4	4	4		4	4	4	
Ohio	4	4	4	4	4	4	4	
Oklahoma	Return to prison is only option available to board for an actual revocation							
Oregon	Return to prison is only option available to board for an actual revocation							
Pennsylvania	4	4	4		4	4	4	
Rhode Island	4	4	4	4	4	4	4	
South Carolina	4	4	4		4	4	4	
South Dakota	4	4	4	4	4		4	
Tennessee	4	4			4	4	4	
Texas	4	4	4	4	4	4	4	4
Utah	4	4	4	4	4	4	4	
Vermont	4	4		4	4	4	4	
Virginia	4	4	4	4	4	4	4	4
Washington	4	4	4	4	4	4	4	4
West Virginia	4	4			4		4	
Wisconsin	Not applicable; board does not respond to violations							
Wyoming	4	4			4	4	4	4
U.S. Parole	4	4	4			4	4	

Table 17. Authority to Conduct Parole Revocation Hearings

	Preliminary Revocation Hearing				Final Revocation Hearing			
	Board member	Admin. law judge, hearing officer, or examiner	Parole officer other than supervising agent	Other	Board member	Admin. law judge, hearing officer, or examiner	Quorum/ panel of members	Other
Alabama			4		4			(Bd. approves)
Alaska	4							Full board
Arizona		4					4	
Arkansas		4			4 (jointly)			
California	Very rarely held							Dep. commiss.
Colorado	4				4	4		
Connecticut			4					2 or more membs.
Delaware				4			4	
D.C.	None held				4 (jointly)			
Florida		4			4	4	4	(Full bd. votes)
Georgia		4			4			
Hawaii			4					Full board
Idaho		4					4	
Illinois				4	4			
Indiana			4		4			
Iowa	Single hearing held					4		
Kansas		4			4			
Kentucky		4					4	
Louisiana			4				4	
Maine			4					Full board
Maryland		4			4			
Massachusetts		4			4			
Michigan			4		4	4		
Minnesota	Single hearing held					4		
Mississippi		4					4	
Missouri			4		4			
Montana				4				Usu. full board
Nebraska		4			4			
Nevada			4		4			
New Hampshire			4				4	
New Jersey			4			4		
New Mexico		4					4	
New York	4	4 (most)			4	4 (most)		
North Carolina		4			4			
North Dakota		4 (jointly)			4			
Ohio	Single hearing held					4		
Oklahoma			4			4		
Oregon		4			Full board votes on recommendation from prelim. hng.			
Pennsylvania	4 (jointly)				4 (jointly)			
Rhode Island			4				4	
South Carolina		4			4			
South Dakota		4			4			
Tennessee		4			4 (jointly)			(3 votes approve)
Texas		4				4		(3 votes approve)
Utah				4	4	4		
Vermont	None held							Usu. full board
Virginia		4				4		
Washington	None held				4			
West Virginia			4		4			
Wisconsin	Response to violations is by parole supervision agency							
Wyoming		4					4	
U.S. Parole			4			4		Members approve

Table 18. Parole Revocation: Paroling Authority Discretion for Return to Prison

	Period to be Served in Prison after Parole Revocation				Discretion to Order Serve-Out of Remainder of Sentence		
	Board has full discretion	Reincarceration is mandatory	Period in prison is prescribed	Length of required period	Board has full discretion	Conditions apply	Board cannot order serve-out
Alabama	4				4		
Alaska	4				4		
Arizona		4	4	6 mo.			4
Arkansas		4					4
California	4			(1 yr. max.)			4
Colorado	4			(1 yr. max.)		4	
Connecticut	4				4		
Delaware	4				4		
D.C.	4				4		
Florida	4						4
Georgia	4				4		
Hawaii			4	(Not avail.)	4		
Idaho	4				4		
Illinois		4	4	Variable	4		
Indiana	4				4		
Iowa	4				4		
Kansas	4						4
Kentucky	4				4		
Louisiana		4	4	6 mo.		4	
Maine	4				4		
Maryland	4				4		
Massachusetts	4			(1 yr. max)			4
Michigan	4					4	
Minnesota	4				4		
Mississippi	4				4		
Missouri			4	6 mo. or term	4		
Montana	4				4		
Nebraska	4				4		
Nevada	4			(5 yr. max.)	4		
New Hampshire	4				4		
New Jersey			4	Within guides	4		
New Mexico	4				4		
New York	4					4	
North Carolina	4					4	
North Dakota	4				4		
Ohio	4				4		
Oklahoma	4				4		
Oregon			4	(90 or 180 day max.)	4		
Pennsylvania			4	3 to 18 mo.	4		
Rhode Island			4	1 yr.	4		
South Carolina		4	4	1 yr.			4
South Dakota		4	4	8 mo. min.			4
Tennessee	4				4		
Texas		4	4	1 yr.	4		
Utah	4				4		
Vermont	4				4		
Virginia		4	4	6 mo. min.			4
Washington			4	8 mo. min.	4		
West Virginia	4						4
Wisconsin	Revocation is not a function of the paroling authority.						
Wyoming	4						4
U.S. Parole	Presumptive reparole guidelines apply					4	

Table 19. Mandatory Release from Prison

	Circumstances of Mandatory Release Before Expiration of Sentence				Paroling Authority Role in Mandatory Release Process		
	Population cap mechanism	End of determinate sentence	Sentence less credits	No mandatory release	Sets conditions	Other	None
Alabama				4	Not applicable		
Alaska			4		4		
Arizona		4					4
Arkansas			4		4		
California		4			4		
Colorado		4 (some)			4	4	
Connecticut		4					4
Delaware			4		4	4	
D.C.	4		4		4	4	
Florida	4	4 (some)			4	4	
Georgia				4	Not applicable		
Hawaii				4	Not applicable		
Idaho				4	Not applicable		
Illinois		4			4		
Indiana		4	4				4
Iowa				4	Not applicable		
Kansas		4	4		4		
Kentucky				4	Not applicable		
Louisiana		4			4		
Maine				4	Not applicable		
Maryland			4		4		
Massachusetts	4		4				4
Michigan		4	4				4
Minnesota		4			4		
Mississippi				4	Not applicable		
Missouri			4		4	4	
Montana				4	Not applicable		
Nebraska			4				4
Nevada			4		4		
New Hampshire				4	Not applicable		
New Jersey				4	Not applicable		
New Mexico		4			4	4	
New York			4		4		
North Carolina		4			4		
North Dakota				4	Not applicable		
Ohio		4 (eff. 1996)		4	Not applicable		
Oklahoma	4						4
Oregon		4			4		
Pennsylvania			4 (some)		4		
Rhode Island				4	Not applicable		
South Carolina				4	Not applicable		
South Dakota				4	Not applicable		
Tennessee			4			4	
Texas			4		4		
Utah	4				4		
Vermont				4	Not applicable		
Virginia		4			4	4	
Washington			4				4
West Virginia				4	Not applicable		
Wisconsin			4				4
Wyoming				4	Not applicable		
U.S. Parole		4	4				4

Table 20. Supervision on Mandatory Release &amp; Response to Violation

	Supervision of Persons Mandatorily Released Before Expiration of Sentence			Paroling Authority Determines Response to Violations	Term of Reincarceration if Parole is Revoked		
	Always provided	Sometimes provided	Not provided		Original prison term resumes	Original term, less street time	Other
Alabama	Not applicable/no mandatory release						
Alaska		4		4			1/3 of sentence
Arizona	4			4	4		
Arkansas		4		4			6 mo.
California	4			4			12 mo. max.
Colorado	4			4	4		
Connecticut			4				
Delaware	4			4		4	
D.C.	4			4		4	Or as set by bd.
Florida	4			4	4		
Georgia	Not applicable/no mandatory release						
Hawaii	Not applicable/no mandatory release						
Idaho	Not applicable/no mandatory release						
Illinois	4			4		4	
Indiana	4			4			Set by board
Iowa	Not applicable/no mandatory release						
Kansas	4			4			(Variable)
Kentucky	Not applicable/no mandatory release						
Louisiana	4			4	4		
Maine	Not applicable/no mandatory release						
Maryland	4			4		4	
Massachusetts			4				
Michigan			4				
Minnesota	4			4			Set by OAR
Mississippi	Not applicable/no mandatory release						
Missouri	4			4			Set by board
Montana	Not applicable/no mandatory release						
Nebraska	4			4	4		
Nevada	4			4	4		
New Hampshire	Not applicable/no mandatory release						
New Jersey	Not applicable/no mandatory release						
New Mexico	4			4		4	
New York	4			4			Set by board
North Carolina		4		4		4	
North Dakota	Not applicable/no mandatory release						
Ohio	Not applicable/no mandatory release						
Oklahoma	4						
Oregon	4			4		4	
Pennsylvania	4			4			(Variable)
Rhode Island	Not applicable/no mandatory release						
South Carolina	Not applicable/no mandatory release						
South Dakota	Not applicable/no mandatory release						
Tennessee	4			4			Set by board
Texas	4			4	4		
Utah	4			4	4		
Vermont	Not applicable/no mandatory release						
Virginia	4			4	4		
Washington		4					
West Virginia	Not applicable/no mandatory release						
Wisconsin	4				Not applicable		
Wyoming	Not applicable/no mandatory release						
U.S. Parole		4				4	(Variable)

Table 21. Paroling Authority Role in Commutations &amp; Pardons

	Paroling Authority's Role in Commutation Proceedings				Paroling Authority's Role in Pardon Proceedings			
	Investigates only	Recom--mends action	Can commute sentence	No involve--ment	Investigates only	Recom--mends action	Can pardon	No involve--ment
Alabama				4			4	
Alaska	4				4			
Arizona		4				4		
Arkansas		4				4		
California		4			4			
Colorado				4				4
Connecticut				4				4
Delaware		4						4
D.C.				4				4
Florida		4				4		
Georgia			4				4	
Hawaii		4				4		
Idaho			4				4	
Illinois		4				4		
Indiana	4				4			
Iowa		4				4		
Kansas		4				4		
Kentucky				4				4
Louisiana				4				4
Maine				4				4
Maryland		4				4		
Massachusetts		4				4		
Michigan		4				4		
Minnesota				4				4
Mississippi		4				4		
Missouri		4				4		
Montana		4			4	4		
Nebraska		4						4
Nevada				4				4
New Hampshire				4				4
New Jersey		4				4		
New Mexico		4			4			
New York		4				4		
North Carolina	4				4			
North Dakota				4				4
Ohio	4				4			
Oklahoma	4				4			
Oregon				4				4
Pennsylvania	4				4			
Rhode Island				4				4
South Carolina		4					4	
South Dakota		4			4			
Tennessee	4				4			
Texas		4				4		
Utah			4				4	
Vermont				4	4			
Virginia		4				4		
Washington	4				4			
West Virginia		4			4			
Wisconsin		4				4		
Wyoming		4						4
U.S. Parole				4				4

Table 22. Other Powers of the Paroling Authority

	Paroling Authority Role in Furlough of Confined Inmates			Paroling Authority Role in Restoration of Civil Rights			Additional Powers
	Grants furloughs	May recommend	No involvement	Grants restoration	May recommend	No involvement	
Alabama			4	4			Remit fines/forfeitures
Alaska			4			4	
Arizona	4				4		Death row reprieve
Arkansas			4			4	
California			4			4	
Colorado			4			4	
Connecticut			4			4	
Delaware			4	4			Recommend sent. modif.
D.C.			4			4	Petition to reduce sent.; recommend sent. as youth
Florida			4		4		Rec. death row review
Georgia			4	4			Remit sent.; temp. rel.
Hawaii			4			4	Set min. sentence
Idaho			4			4	Remit fines
Illinois			4			4	Good conduct credits
Indiana			4			4	
Iowa		4			4		
Kansas		4		4			
Kentucky			4			4	
Louisiana			4			4	
Maine			4			4	
Maryland		4			4		
Massachusetts			4			4	
Michigan			4			4	
Minnesota			4			4	Work release/programs
Mississippi			4			4	
Missouri			4			4	
Montana	4					4	
Nebraska	4					4	Sup. release; fines/forfs.
Nevada			4			4	Work release
New Hampshire			4			4	Co--executes warrants
New Jersey			4			4	
New Mexico			4		4		
New York			4	4			
North Carolina		4		4			
North Dakota			4			4	
Ohio	4				4		
Oklahoma			4		4		
Oregon			4			4	
Pennsylvania			4			4	
Rhode Island			4			4	
South Carolina			4	4			
South Dakota			4			4	
Tennessee			4			4	
Texas			4	4			
Utah			4	4			Remits fines/forfeitures
Vermont		4				4	Supervised comm. release
Virginia			4		4		
Washington			4	4			
West Virginia			4			4	
Wisconsin			4			4	
Wyoming			4			4	
U.S. Parole			4			4	

Table 23. Statistics on Parole Operations, FY 1994 \*

	Adult Prison Inmates, Yearend	Parole Release			Parolees Under Super-- vision, Yearend	Parole Revocation			Releases from Parole Super-- vision	Paroling Authority Budget
		Paroles consi-- dered	Paroles granted	Paroles granted, percent		Final hearings to revoke	Paroles revoked	Adults revoked and re-- paroled		
Alabama	19,270	5,633	1,942	34%	7,306	N/A	860	N/A	N/A	\$16,153,195
Alaska	2,965	224	74	33%	678	327	300	82	315	\$473,000
Arizona	21,133	9,503	4,375	46%	N/A	966	N/A	N/A	N/A	1,890,600
Arkansas	8,900	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
California	124,813	1,808	91,322	—	87,704	16,919	45,972	N/A	25,422	\$10,440,000
Colorado	10,500	9,128	2,082	23%	1,960	2,319	890	N/A	1,596	\$800,000
Connecticut	11,000	3,000	1,500	50%	1,000	180	170	75	N/A	\$448,000
Delaware	2,854	321	99	31%	777	127	76	22	250	\$278,700
D.C.	9,586	4,501	2,412	54%	4,442	1,489	884	88	3,353	\$6,183,000
Florida	56,052	2,678	145	5%	2,965	185	129	102	40	\$8,777,369
Georgia	28,000	13,507	9,455	70%	17,525	4,151	4,151	0	9,413	\$37,074,000
Hawaii	1,826	1,199	665	55%	1,663	394	311	83	285	\$1,687,018
Idaho	2,600	1,119	490	44%	972	245	222	N/A	203	\$350,000
Illinois	36,000	598	18	3%	24,800	4,035	3,840	195	N/A	\$961,000
Indiana	14,966	322	60	19%	2,899	561	478	72	2,101	\$451,439
Iowa	5,330	7,724	2,417	31%	N/A	606	360	N/A	N/A	\$800,000
Kansas	6,090	4,173	1,127	27%	6,083	1,936	331	283	4,606	\$728,205
Kentucky	10,757	8,900	2,589	36%	3,900	1,451	1,489	42	1,200	\$822,800
Louisiana	23,255	3,092	2,046	66%	4,885	1,039	3,164	N/A	4,739	\$485,157
Maine	1,448	9	3	33%	131	3	3	0	3	\$6,507
Maryland	N/A	N/A	3,958	—	9,589	1,385	886	288	2,811	N/A
Massachusetts	4,203	8,955	3,872	43%	5,386	1,145	806	339	9,791	\$12,592,696
Michigan	N/A	16,232	9,035	56%	N/A	1,646	N/A	N/A	N/A	N/A
Minnesota	4,610	13	1,966	—	2,094	1,013	930	416	252	\$370,000,000
Mississippi	11,100	4,214	1,195	28%	1,780	179	111	77	1,061	\$750,000,000
Missouri	17,903	6,611	5,463	—	10,508	70	2,012	N/A	3,257	\$30,433,818
Montana	1,480	972	484	49%	821	134	105	29	264	\$215,041
Nebraska	2,500	1,127	924	82%	849	409	267	76	678	\$310,769
Nevada	N/A	4,635	1,862	40%	N/A	506	N/A	N/A	N/A	\$636,942
New Hampshire	2,000	908	474	52%	848	235	214	30	N/A	\$147,764
New Jersey	24,000	13,547	8,769	64%	41,474	3,684	3,033	0	12,399	\$7,053,000
New Mexico	3,873	1,789	1,285	72%	1,340	653	630	149	749	\$560,100
New York	67,814	33,636	21,623	64%	50,205	28,153	11,117	2,504	14,357	\$161,000,000
North Carolina	23,836	N/A	24,196	—	16,339	N/A	5,577	N/A	8,116	\$2,000,000
North Dakota	521	428	169	39%	146	39	36	1	137	\$2,001,908
Ohio	41,453	19,892	4,567	23%	8,172	2,587	2,368	219	6,913	\$1,900,000
Oklahoma	17,343	4,069	1,252	31%	3,133	225	225	0	—	\$1,400,000
Oregon	6,660	N/A	5,673	—	8,807	2,745	2,305	0	2,511	\$1,150,000
Pennsylvania	26,323	10,613	7,678	72%	26,017	6,001	3,623	0	6,148	\$54,812
Rhode Island	2,962	1,759	536	30%	647	219	115	17	433	\$567,469
South Carolina	18,371	5,227	1,813	35%	5,185	795	790	0	1,001	\$2,391,467
South Dakota	1,653	1,344	415	31%	813	161	150	11	573	\$323,523
Tennessee	16,000	10,933	3,435	31%	10,074	2,791	2,765	0	1,860	\$13,060,500
Texas	92,775	35,000	18,574	53%	84,000	11,637	21,380	0	13,741	\$124,430,525
Utah	3,368	3,058	1,538	78%	2,407	1,100	1,088	12	357	\$1,659,103
Vermont	803	1,294	319	43%	592	248	151	19	24	\$160,000
Virginia	23,471	14,894	3,710	25%	10,611	N/A	N/A	N/A	N/A	\$2,722,982
Washington	12,000	476	234	49%	2,500	175	40	0	4,467	\$1,500,000
West Virginia	1,960	1,082	533	49%	913	185	155	0	360	\$176,047
Wisconsin	10,020	N/A	3,479	—	7,065	0	1,177	N/A	3,296	\$563,600
Wyoming	1,057	728	191	26%	355	56	N/A	N/A	131	\$108,000
U.S. Parole	10,467	4,922	2,376	N/A	14,202	2,237	2,215	N/A	N/A	\$9,123,000

\* See state profiles for explanatory notes on data provided for individual states.