



Corrections and Community Supervision

Earned Eligibility Program Summary Semiannual Report

April - September 2017

EARNED ELIGIBILITY PROGRAM SUMMARY

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INTRODUCTION

Legislative reporting requirements established in 1992 mandate semiannual reports on the Earned Eligibility Program (EEP). EEP evaluates an eligible inmate's program progress and overall record of behavior to determine if an Earned Eligibility Certificate (EEC) should be issued for his/her Parole Board hearing. The issuance of an EEC reflects an evaluation of attendance, participation and progress as well as institutional behavior related to programming. Each report provides information regarding the operation of the Earned Eligibility Program for the preceding six-month period.

The information in this report is drawn from parole interview dispositions and Earned Eligibility reviews. Data on Earned Eligibility statuses and Parole Board dispositions are maintained by the Department of Corrections and Community Supervision (DOCCS). If a case is missing information on either Earned Eligibility status or parole disposition it is excluded from the analysis. For individuals with more than one parole interview during the relevant time period (due to postponements at their initial interview), information is provided on each interview and corresponding Earned Eligibility status. Consequently, Parole Board appearances¹, not individuals, are the units of analysis.

Overview of Earned Eligibility Program

The goal of EEP is to increase the rate of safe releases for inmates who have demonstrated an overall pattern of progress in prescribed programs. The program administrators evaluate inmates' preparedness for release based on their compliance with sets of minimum standards for behavior and for progress toward satisfying treatment needs.

Prior to an inmate's initial Parole Board interview, the Earned Eligibility Program provides for a review of treatment and disciplinary records to determine whether the case is "certifiable" and whether an Earned Eligibility Certificate should be issued or denied. The criteria for these determinations are:

- Issued: Inmates who have been programming successfully for 90 days or more at the time of their Parole Board appearance;

¹ In May 2003, the Legislature authorized inmates to be Presumptively Approved for release by the then Department of Correctional Services to the Division of Parole without a Parole Board interview. Presumptively approved inmates still appear before the Parole Board to set the conditions of their parole supervision. This report treats the presumptively approved inmates as Parole Board appearances who received parole approvals.

- Denied: Inmates who have refused recommended programming, have unsatisfactory disciplinary records or have been removed from recommended programs for poor attendance and/or poor participation;
- Non-certifiable: Inmates with less than 90 days of programming at the time of their Parole Board appearance due to out-to-court, medical restrictions, psychiatric care, or protective custody. Inmates who are unassigned for any of these reasons during the twelve months prior to their Parole Board appearance may also be designated non-certifiable.

Evaluation results are provided to the Parole Board to be used in deciding whether to release the inmate or to deny parole. For eligible inmates, an EEP review is required for each subsequent Parole Board hearing. This program of standards and review is available to inmates serving indeterminate sentences with minimum sentences of eight years or less.

Earned Eligibility Program Expansion

When the Earned Eligibility Program began in 1987, eligibility for the program was limited to inmates with minimum sentences of six years or less. The Legislature expanded the program to include inmates with minimum sentences of up to eight years in May 2003. Initial interviews for cases having minimum sentences of more than six (6) years but no more than eight (8) years began in June 2003. All of the tables in this report reflect the parole interviews that occurred between April and September 2017 for inmates with minimum sentences of eight years or less.

Types of Earned Eligibility Review Interviews

Table 1 shows that between April and September 2017, there were 4,917 interviews for Earned Eligibility cases. Merit interviews and Initial interviews are similar in that both represent the first appearance before the Parole Board. The 3,388 Initial interviews and the 672 Merit interviews will be the focus of this report. These 4,060 primary appearance interviews accounted for 83% of the cases reviewed, while reappearances accounted for the remaining 17%.

**Table 1: Parole Interview Type for EEP Cases by Month of Interview
April to September 2017**

Hearing Month	Interview Type				Total
	Initial*	Merit	Reappearance	Parole Violator Reappearance	
Apr 17	493 66.3%	108 14.5%	134 18.0%	9 1.2%	744 100.0%
May 17	626 73.8%	105 12.4%	107 12.6%	10 1.2%	848 100.0%
Jun 17	592 71.3%	111 13.4%	118 14.2%	9 1.1%	830 100.0%
Jul 17	556 65.8%	123 14.6%	157 18.6%	9 1.1%	845 100.0%
Aug 17	595 68.2%	114 13.1%	154 17.6%	10 1.1%	873 100.0%
Sep 17	526 67.7%	111 14.3%	135 17.4%	5 0.6%	777 100.0%
Total	3,388 68.9%	672 13.7%	805 16.4%	52 1.1%	4,917 100.0%

* Initials include 309 interviews for Shock cases

Earned Eligibility Status and Parole Board Interview Results

Table 2 shows that the Parole Board held 4,060 Initial and Merit interviews for EEP cases between April and September 2017.

- Of these cases, 55% were issued (2,245) an EEP Certificate, 23% were denied (914) and 22% were non-certifiable (901).
- DOCCS issued 2,245 EEP certificates. The Parole Board approved 44% or 985 of these cases.
- Non-Certifiable cases (901) were approved for release at a rate of 21%, while EEP cases that were denied (914) were approved for release at a rate of 11%.
- Overall, the Parole Board approved 31% of the EEP eligible cases for release.

**Table 2: EEP Review Results and Parole Board Approvals at Initial Interviews
April through September 2017**

EEP CERTIFICATE	Number of Interviews	Percent of Interviews	Number Approved	Percent Approved
Issued	2,245	55.3%	985	43.9%
Denied	914	22.5%	98	10.7%
Non-certifiable	901	22.2%	189	21.0%
Total	4,060	100.0%	1,272	31.3%

Earned Eligibility Certificate Denials and Parole Board Interview Results

Table 3 shows the general reasons that a case may be denied an EEP certificate.

- The majority (63%) of the 914 EEP certificate denials were due to poor behavior that interfered with program progress (575). This group of inmates had a 7% approval rate.
- Inmates not receiving an EEP certificate due to poor participation and/or progress accounted for 27% (242) of the group and were approved for release at a rate of 22%. This represents the highest approval rate among the four general denial reasons.
- Those who were denied due to poor program attendance accounted for 6% (53) of the cases and were approved at a rate of 13%.
- Those who refused to participate in their recommended programs accounted for 5% (44) of the denials and had a 2% rate of approval, the lowest rate among the denial reasons.

**Table 3: EEP Certificate Denial Reasons and Parole Board Approvals at Initial Interviews
April through September 2017**

REASONS FOR EEP DENIAL	Number	Percent of Denials	Approved	Percent Approved Within Denial Reason
Poor Participation and / or Progress	242	26.5%	52	21.5%
Poor Program Attendance	53	5.8%	7	13.2%
Refusal to Participate	44	4.8%	1	2.3%
Behavior Interfered with Program	575	62.9%	38	6.6%
Total	914	100.0%	98	10.7%

Non-Certifiable Earned Eligibility Cases and Parole Board Interview Results

Table 4 shows the general reasons that an EEP case would be determined to be non-certifiable and the results of the initial Parole Board interview. In contrast with EEP denials, non-certification recognizes that deficiencies in the inmate's program participation may be due to circumstances beyond the inmate's control.

- Of the 901 cases determined to be non-certifiable, 578 inmates (64%) were in reception. These cases had a 19% approval rate.
- 305 inmates (34%) were non-certifiable due to insufficient time in prescribed programs. The approval rate of those inmates was 24%.

**Table 4: EEP Non-Certifiable Reasons and Parole Board Approvals at Initial Interviews
April through September 2017**

NON-CERTIFIABLE EEP STATUS REASONS	Number	Percent Non-certifiable	Approved	Percent Approved within Non-Certifiable reason
In Reception	578	64.2%	112	19.4%
Insufficient Time	305	33.9%	74	24.3%
Hospital	2	0.2%	1	50.0%
Out to Court	8	0.9%	2	25.0%
Other *	8	0.9%	0	0.0%
Total	901	100.0%	189	21.0%

* Other consists of reasons such as protective custody, mental health status, impaired cognitive ability, behavior, shock refusal, etc.

Earned Eligibility Status within Offense Type and Parole Board Interview Results

Table 5 shows the distribution of the 4,060 EEP cases within offense types. Within each offense type, the result of the initial EEP review is cross referenced with the decision of the Parole Board.

- Of the 4,060 initial EEP cases, 2,271 (56%) were Property/Other Offenders and 941 (23%) were convicted of Other Coercive crimes. Youthful Offenders (315) made up 8% of the initial EEP cases, as did Violent Offenders (315) and Drug Offenders (213) made up 5%.
- Among inmates issued an EEP certificate, Youthful Offenders were approved for release at the highest rate (57%), followed by Property/Other Offenders (51%), Drug Offenders (39%), Coercive Offenders (36%), and Violent Offenders (8%). The lowest approval rate was among Juvenile Offenders (0%) as none were approved for release out of just 5 interviews.

**Table 5: EEP Status within Crime Category by Initial Parole Board Interview Result
April through September 2017**

OFFENSE TYPE	EEP CERTIFICATE	RELEASE DECISION				Total	
		APPROVED		DENIED			
Violent	Issued	14	8.8%	146	91.3%	160	50.8%
	Denied	2	1.3%	147	98.7%	149	47.3%
	Non-Cert	0	0.0%	6	100.0%	6	1.9%
	Total	16	5.1%	299	94.9%	315	100.0%
Other Coercive	Issued	181	35.9%	323	64.1%	504	53.6%
	Denied	24	11.3%	188	88.7%	212	22.5%
	Non-Cert	23	10.2%	202	89.8%	225	23.9%
	Total	228	24.2%	713	75.8%	941	100.0%
Drug	Issued	58	38.7%	92	61.3%	150	70.4%
	Denied	4	8.2%	45	91.8%	49	23.0%
	Non-Cert	3	21.4%	11	78.6%	14	6.6%
	Total	65	30.5%	148	69.5%	213	100.0%
Property/ Other	Issued	680	50.8%	659	49.2%	1,339	59.0%
	Denied	57	14.4%	338	85.6%	395	17.4%
	Non-Cert	131	24.4%	406	75.6%	537	23.6%
	Total	868	38.2%	1,403	61.8%	2,271	100.0%
Youthful Offender	Issued	52	57.1%	39	42.9%	91	28.9%
	Denied	11	10.3%	96	89.7%	107	34.0%
	Non-Cert	32	27.4%	85	72.6%	117	37.1%
	Total	95	30.2%	220	69.8%	315	100.0%
Juvenile Offender	Issued	0	0.0%	1	100.0%	1	20.0%
	Denied	0	0.0%	2	100.0%	2	40.0%
	Non-Cert	0	N/A	2	N/A	2	40.0%
	Total	0	0.0%	5	100.0%	5	100.0%
Total	Issued	985	43.9%	1,260	56.1%	2,245	55.3%
	Denied	98	10.7%	816	89.3%	914	22.5%
	Non-Cert	189	21.0%	712	79.0%	901	22.2%
	Total	1,272	31.3%	2,788	68.7%	4,060	100.0%

Conclusion

Overall, in the period between April and September 2017, there were 4,917 EEP interviews. Eighty-three percent (4,060 cases) of these reviews were for initial appearances at the Parole Board.

The overall approval rate for the 4,060 inmates at initial appearances was 31%. The 2,245 inmates who earned an EEP certificate were approved for release at the highest rate (44%) when compared to the 901 that were non-certifiable (21%) and the 914 inmates that were denied an EEP certificate (11%).

Between April and September 2017, the 3,212 “Property/Other” and “Coercive” Offenders constituted the two largest categories considered for an EEP certificate, which accounted for the majority (79%) of the initial interviews.

As a result of determinate sentencing and Drug Law reform, the 213 Drug Offenders represented only 5% of the interviews in this reporting period. This is in contrast to the same time period during 2006, when the 3,119 Drug Offenders represented 45% of the interviews. This represents a 93% decrease in the number of interviews held among drug offenders.

Of the 91 Youthful Offenders who were issued an EEP certificate, 57% were approved for release, the highest approval rate among crime categories for those issued EEP certificates. Of the 160 Violent Offenders that were issued an EEP certificate, only 9% (14 cases) were approved for release by the Parole Board, which was the second-lowest approval rate among crime categories, for those issued EEP certificates.

There were only five Juvenile Offenders that had an initial interview with the Parole Board during this reporting period; none were approved for release.

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