



Corrections and Community Supervision

Earned Eligibility Program Summary Semiannual Report

April - September 2018

EARNED ELIGIBILITY PROGRAM SUMMARY

Semiannual Report, April – September 2018

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 2018 for inmates with minimum sentences of eight years or less.

Types of Earned Eligibility Review Interviews

Table 1 shows that between April and September 2018, there were 4,348 interviews for Earned Eligibility cases. Merit interviews and Initial interviews are similar in that both represent the first appearance before the Parole Board. The 2,881 Initial interviews and the 603 Merit interviews will be the focus of this report. These 3,484 primary appearance interviews accounted for 80% of the cases reviewed, while reappearances accounted for the remaining 20%.

**Table 1: Parole Interview Type for EEP Cases by Month of Interview
April through September 2018**

| Hearing Month | Interview Type | | | | Total |
|---------------|------------------------------|----------------------------|----------------------------|------------------------------|-------------------------------|
| | Initial* | Merit | Reappearance | Parole Violator Reappearance | |
| Apr 18 | 554 70.0% | 103 16.2% | 128 0.8% | 6 13.0% | 791 100.0% |
| May 18 | 439 68.3% | 86 17.3% | 111 1.1% | 7 13.4% | 643 100.0% |
| Jun 18 | 479 64.8% | 105 19.6% | 145 1.4% | 10 14.2% | 739 100.0% |
| Jul 18 | 435 63.7% | 116 18.2% | 124 1.2% | 8 17.0% | 683 100.0% |
| Aug 18 | 503 64.7% | 111 19.7% | 153 1.3% | 10 14.3% | 777 100.0% |
| Sep 18 | 471 65.9% | 82 21.3% | 152 1.4% | 10 11.5% | 715 100.0% |
| Total | 2,881 66.3% | 603 13.9% | 813 18.7% | 51 1.2% | 4,348 100.0% |

* Initials include 291 interviews for Shock cases

Earned Eligibility Status and Parole Board Interview Results

Table 2 shows that the Parole Board held 3,484 Initial and Merit interviews for EEP cases between April and September 2018.

- Of these cases, 55% were issued (1,901) an EEP Certificate, 23% were denied (808) and 22% were non-certifiable (775).
- DOCCS issued 1,901 EEP certificates. The Parole Board approved 64% or 1,222 of these cases.
- Non-Certifiable cases (775) were approved for release at a rate of 39%, while EEP cases that were denied (808) were approved for release at a rate of 25%.
- Overall, the Parole Board approved 50% of the EEP eligible cases for release.

**Table 2: EEP Review Results and Parole Board Approvals at Initial Interviews
April through September 2018**

| EEP CERTIFICATE | Number of Interviews | Percent of Interviews | Approved for Parole | Percent Approved for Parole |
|-----------------|----------------------|-----------------------|---------------------|-----------------------------|
| Issued | 1,901 | 54.6% | 1,222 | 64.3% |
| Denied | 808 | 23.2% | 206 | 25.5% |
| Non-certifiable | 775 | 22.2% | 300 | 38.7% |
| Total | 3,484 | 100.0% | 1,728 | 49.6% |

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 (57%) of the 808 EEP certificate denials were due to poor behavior that interfered with program progress (463). This group of inmates had a 17% approval rate, the lowest rate among the denial reasons.
- Inmates not receiving an EEP certificate due to poor participation and/or progress accounted for 27% (222) of the group and were approved for release at a rate of 41%. This represents the highest parole approval rate among the four general EEP denial reasons.
- Those who were denied due to poor program attendance accounted for 10% (84) of the cases and were approved at a rate of 35%.
- Those who refused to participate in their recommended programs accounted for 5% (38) of the denials and had a 17% rate of approval.

**Table 3: EEP Certificate Denial Reasons and Parole Board Approvals at Initial Interviews
April through September 2018**

| REASONS FOR EEP DENIAL | Number of EEP Denials | Percent of EEP Denials | Approved for Parole | Percent Approved Within Denial Reason |
|--------------------------------------|-----------------------|------------------------|---------------------|---------------------------------------|
| Poor Participation and / or Progress | 222 | 27.5% | 91 | 41.0% |
| Poor Program Attendance | 84 | 10.4% | 29 | 34.5% |
| Refusal to Participate | 38 | 4.7% | 7 | 18.4% |
| Behavior Interfered with Program | 463 | 57.3% | 79 | 17.1% |
| Other* | 1 | 0.1% | 0 | 0.0% |
| Total | 808 | 100.0% | 206 | 25.5% |

* Other consists of reasons such as in reception, and LCTA program not satisfied.

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 775 cases determined to be non-certifiable, 542 inmates (70%) were in reception. These cases had a 35% approval rate.
- 216 inmates (28%) were non-certifiable due to insufficient time in prescribed programs. The approval rate of those inmates was 48%.

**Table 4: EEP Non-Certifiable Reasons and Parole Board Approvals at Initial Interviews
April through September 2018**

| NON-CERTIFIABLE EEP STATUS REASONS | Number | Percent Non-certifiable | Approved for Parole | Percent Approved within Non-Certifiable reason |
|------------------------------------|------------|-------------------------|---------------------|--|
| In Reception | 542 | 69.9% | 191 | 35.2% |
| Insufficient Time | 216 | 27.9% | 103 | 47.7% |
| Hospital | 5 | 0.6% | 3 | 60.0% |
| Out to Court | 9 | 1.2% | 2 | 22.2% |
| Other * | 3 | 0.4% | 1 | 33.3% |
| Total | 775 | 100.0% | 300 | 38.7% |

Earned Eligibility Status within Offense Type and Parole Board Interview Results

Table 5 shows the distribution of the 3,484 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 3,484 initial EEP cases, 1,965 (56%) were Property/Other Offenders and 816 (23%) were convicted of Other Coercive crimes. Youthful Offenders (251) and Violent Offenders (268) together made up 15% of the initial EEP cases, and Drug Offenders (182) made up 5%.
- Among inmates issued an EEP certificate, Property/Other Offenders were approved for release at the highest rate (72%), followed by Youthful Offenders (69%), Drug Offenders (64%), Coercive Offenders (58%), and Violent Offenders (19%). There were no Juvenile Offenders issued EEP Certificates during this time period.

**Table 5: EEP Status within Crime Category by Initial Parole Board Interview Result
April through September 2018**

| OFFENSE TYPE | EEP CERTIFICATE | RELEASE DECISION | | | | Total | |
|----------------------|-----------------|---------------------|--------------|---------------|---------------|--------------|---------------|
| | | APPROVED FOR PAROLE | | PAROLE DENIED | | | |
| Violent | Issued | 23 | 18.7% | 100 | 81.3% | 123 | 45.9% |
| | Denied | 12 | 9.1% | 120 | 90.9% | 132 | 49.3% |
| | Non-Cert | 1 | 7.7% | 12 | 92.3% | 13 | 4.9% |
| | Total | 36 | 13.4% | 232 | 86.6% | 268 | 100.0% |
| Other Coercive | Issued | 254 | 57.6% | 187 | 42.4% | 441 | 54.0% |
| | Denied | 38 | 20.2% | 150 | 79.8% | 188 | 23.0% |
| | Non-Cert | 61 | 32.6% | 126 | 67.4% | 187 | 22.9% |
| | Total | 353 | 43.3% | 463 | 56.7% | 816 | 100.0% |
| Drug | Issued | 89 | 63.6% | 51 | 36.4% | 140 | 76.9% |
| | Denied | 9 | 25.7% | 26 | 74.3% | 35 | 19.2% |
| | Non-Cert | 1 | 14.3% | 6 | 85.7% | 7 | 3.8% |
| | Total | 99 | 54.4% | 83 | 45.6% | 182 | 100.0% |
| Property/ Other | Issued | 810 | 71.7% | 320 | 28.3% | 1,130 | 57.5% |
| | Denied | 125 | 33.3% | 250 | 66.7% | 375 | 19.1% |
| | Non-Cert | 199 | 43.3% | 261 | 56.7% | 460 | 23.4% |
| | Total | 1,134 | 57.7% | 831 | 42.3% | 1,965 | 100.0% |
| Youthful Offender | Issued | 46 | 68.7% | 21 | 31.3% | 67 | 26.7% |
| | Denied | 22 | 28.9% | 54 | 71.1% | 76 | 30.3% |
| | Non-Cert | 38 | 35.2% | 70 | 64.8% | 108 | 43.0% |
| | Total | 106 | 42.2% | 145 | 57.8% | 251 | 100.0% |
| Juvenile Offender | Issued | 0 | N/A | 0 | N/A | 0 | 0.0% |
| | Denied | 0 | 0.0% | 2 | 100.0% | 2 | 100.0% |
| | Non-Cert | 0 | N/A | 0 | N/A | 0 | 0.0% |
| | Total | 0 | 0.0% | 2 | 100.0% | 2 | 100.0% |
| Total | Issued | 1,222 | 64.3% | 679 | 35.7% | 1,901 | 54.6% |
| | Denied | 206 | 25.5% | 602 | 74.5% | 808 | 23.2% |
| | Non-Cert | 300 | 38.7% | 475 | 61.3% | 775 | 22.2% |
| | Total | 1,728 | 49.6% | 1,756 | 50.4% | 3,484 | 100.0% |

Conclusion

Overall, in the period between April and September 2018, there were 4,348 EEP interviews. Eighty percent (3,484 cases) of these reviews were initial appearances at the Parole Board.

The overall parole approval rate for the 3,484 inmates at initial appearances was 50%, a five-percentage point increase from the 45% approved for parole in the previous six-month period. However, the rate at which interviews resulted in issued EEP certificates remained largely unchanged at 55%, down from 56% of initial interviews in the previous six-month period.

The 1,901 inmates who earned an EEP certificate were approved for release at the highest rate (64%) when compared to the 775 that were non-certifiable (39%) and the 808 inmates that were denied an EEP certificate (25%). Approval rates in every category are higher than the previous six-month period when those who earned an EEP certificate were approved for release at 60%, those non-certifiable were approved at 33%, and those denied an EEP certificate were approved at 21%.

Between April and September 2018, the 2,781 “Property/Other” and “Coercive” Offenders constituted the two largest categories considered for an EEP certificate, which accounted for the majority (80%) of the initial interviews.

As a result of determinate sentencing and Drug Law reform, the 182 Drug Offenders represented only 5% of the initial 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 94% decrease in the number of interviews held among drug offenders.

Of the 1,130 Property/Other Offenders who were issued an EEP certificate, 72% were approved for release (up from 66% in the previous six-month period), the highest approval rate among crime categories for those issued EEP certificates. Of the 123 Violent Offenders that were issued an EEP certificate, only 19% (23 cases) were approved for release by the Parole Board, which was the lowest approval rate among crime categories for those issued EEP certificates.

There were only two Juvenile Offenders that had initial interviews with the Parole Board during this reporting period. Both were denied an EEP certificate and were not approved for release.

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