



# Corrections and Community Supervision

## Earned Eligibility Program Summary Semiannual Report

October 2016 - March 2017

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## Semiannual Report, October 2016 – March 2017

### 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 appearances<sup>1</sup>, 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;

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<sup>1</sup> 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 October 2016 and March 2017 for inmates with minimum sentences of eight years or less.

## Types of Earned Eligibility Review Interviews

Table 1 shows that between October 2016 and March 2017, there were 4,592 interviews for Earned Eligibility cases. Merit interviews and Initial interviews are similar in that both represent the first appearance before the Parole Board. The 3,251 Initial interviews and the 601 Merit interviews will be the focus of this report. These 3,852 initial interviews accounted for 84% of the cases reviewed, while reappearances accounted for the remaining 16%.

**Table 1: Parole Interview Type for EEP Cases by Month of Interview  
October 2016 through March 2017**

Hearing Month	Interview Type				Total
	Initial*	Merit	Reappearance	Parole Violator Reappearance	
Oct 16	558 73.1%	78 10.2%	122 16.0%	5 0.7%	763 100.0%
Nov 16	570 73.2%	102 13.1%	100 12.8%	7 0.9%	779 100.0%
Dec 16	496 70.2%	107 15.1%	98 13.9%	6 0.8%	707 100.0%
Jan 17	619 70.4%	125 14.2%	128 14.6%	7 0.8%	879 100.0%
Feb 17	592 70.0%	100 11.8%	143 16.9%	11 1.3%	846 100.0%
Mar 17	416 67.3%	89 14.4%	107 17.3%	6 1.0%	618 100.0%
<b>Total</b>	<b>3,251</b> <b>70.8%</b>	<b>601</b> <b>13.1%</b>	<b>698</b> <b>15.2%</b>	<b>42</b> <b>0.9%</b>	<b>4,592</b> <b>100.0%</b>

\* Initials include 322 interviews for Shock cases

## Earned Eligibility Status and Parole Board Interview Results

Table 2 shows that the Parole Board held 3,852 Initial and Merit interviews for EEP cases between October 2016 and March 2017.

- Of these cases, 54% were issued (2,077) an EEP Certificate, 24% were denied (942) and 22% were non-certifiable (833).
- DOCCS issued 2,077 EEP certificates. The Parole Board approved 43% or 888 of these cases.
- Non-Certifiable cases (833) were approved for release at a rate of 18%, while EEP cases that were denied (942) were approved for release at a rate of 10%.
- Overall, the Parole Board approved 29% of the EEP eligible cases for release.

**Table 2: EEP Review Results and Parole Board Approvals at Initial Interviews  
October 2016 through March 2017**

EEP CERTIFICATE	Number of Interviews	Percent of Interviews	Number Approved	Percent Approved
Issued	2,077	53.9%	888	42.8%
Denied	942	24.5%	96	10.2%
Non-certifiable	833	21.6%	151	18.1%
<b>Total</b>	<b>3,852</b>	<b>100.0%</b>	<b>1,135</b>	<b>29.5%</b>

### 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 (61%) of the 942 EEP certificate denials were due to poor behavior that interfered with program progress (570). This group of inmates had a 6% approval rate, the lowest rate among the denial reasons.
- Among the general denial reasons, inmates not receiving an EEP certificate due to poor participation and/or progress accounted for 31% (289) of the group and were approved for release at a rate of 18%. 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 17%.
- Those who refused to participate in their recommended programs accounted for 3% (30) of the denials and had a 10% rate of approval.

**Table 3: EEP Certificate Denial Reasons and Parole Board Approvals at Initial Interviews  
October 2016 through March 2017**

REASONS FOR EEP DENIAL	Number	Percent of Denials	Approved	Percent Approved Within Denial Reason
Poor Participation and / or Progress	289	30.7%	52	18.0%
Poor Program Attendance	53	5.6%	9	17.0%
Refusal to Participate	30	3.2%	3	10.0%
Behavior Interfered with Program	570	60.5%	32	5.6%
<b>Total</b>	<b>942</b>	<b>100.0%</b>	<b>96</b>	<b>10.2%</b>

### 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 833 cases determined to be non-certifiable, 477 inmates (57%) were in reception. These cases had a 15% approval rate.
- 344 inmates (41%) were non-certifiable due to insufficient time in prescribed programs. The approval rate of those inmates was 23%.

**Table 4: EEP Non-Certifiable Reasons and Parole Board Approvals at Initial Interviews  
October 2016 through March 2017**

NON-CERTIFIABLE EEP STATUS REASONS	Number	Percent Non-certifiable	Approved	Percent Approved within Non-Certifiable reason
Insufficient Time	344	41.3%	78	22.7%
Hospital	3	0.4%	0	0.0%
Out to Court	6	0.7%	0	0.0%
Other *	3	0.4%	0	0.0%
In Reception	477	57.3%	73	15.3%
<b>Total</b>	<b>833</b>	<b>100.0%</b>	<b>151</b>	<b>18.1%</b>

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

### Earned Eligibility Status within Offense Type and Parole Board Interview Results

Table 5 shows the distribution of the 3,852 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 3,852 initial EEP cases, 2,205 (57%) were Property/Other Offenders and 920 (24%) were convicted of Other Coercive crimes. Youthful Offenders (269) made up 7% of the initial EEP cases, while Violent Offenders (259) made up 7% and Drug Offenders (191) made up 5%.
- Among inmates issued an EEP certificate, Youthful Offenders were approved for release at the highest rate (61%), followed by Property/Other Offenders (51%), Drug Offenders (35%), Juvenile Offenders (33%), and Coercive Offenders (31%). The lowest approval rate was among Violent Offenders (2%).

**Table 5: EEP Status within Crime Category by Initial Parole Board Interview Result  
October 2016 through March 2017**

OFFENSE TYPE	EEP CERTIFICATE	RELEASE DECISION				Total	
		APPROVED		DENIED			
Violent	Issued	3	2.3%	127	97.7%	130	50.2%
	Denied	0	0.0%	120	100.0%	120	46.3%
	Non-Cert	0	0.0%	9	100.0%	9	3.5%
	<b>Total</b>	<b>3</b>	<b>1.2%</b>	<b>256</b>	<b>98.8%</b>	<b>259</b>	<b>100.0%</b>
Coercive	Issued	144	30.7%	325	69.3%	469	51.0%
	Denied	16	6.8%	218	93.2%	234	25.4%
	Non-Cert	36	16.6%	181	83.4%	217	23.6%
	<b>Total</b>	<b>196</b>	<b>21.3%</b>	<b>724</b>	<b>78.7%</b>	<b>920</b>	<b>100.0%</b>
Drug	Issued	48	34.5%	91	65.5%	139	72.8%
	Denied	1	2.2%	45	97.8%	46	24.1%
	Non-Cert	0	0.0%	6	100.0%	6	3.1%
	<b>Total</b>	<b>49</b>	<b>25.7%</b>	<b>142</b>	<b>74.3%</b>	<b>191</b>	<b>100.0%</b>
Property/ Other	Issued	640	51.2%	611	48.8%	1,251	56.7%
	Denied	75	17.0%	367	83.0%	442	20.0%
	Non-Cert	108	21.1%	404	78.9%	512	23.2%
	<b>Total</b>	<b>823</b>	<b>37.3%</b>	<b>1,382</b>	<b>62.7%</b>	<b>2,205</b>	<b>100.0%</b>
Youthful Offender	Issued	52	61.2%	33	38.8%	85	31.6%
	Denied	4	4.2%	91	95.8%	95	35.3%
	Non-Cert	7	7.9%	82	92.1%	89	33.1%
	<b>Total</b>	<b>63</b>	<b>23.4%</b>	<b>206</b>	<b>76.6%</b>	<b>269</b>	<b>100.0%</b>
Juvenile Offender	Issued	1	33.3%	2	66.7%	3	37.5%
	Denied	0	0.0%	5	100.0%	5	62.5%
	Non-Cert	0	N/A	0	N/A	0	0.0%
	<b>Total</b>	<b>1</b>	<b>12.5%</b>	<b>7</b>	<b>87.5%</b>	<b>8</b>	<b>100.0%</b>
<b>Total</b>	<b>Issued</b>	<b>888</b>	<b>42.8%</b>	<b>1,189</b>	<b>57.2%</b>	<b>2,077</b>	<b>53.9%</b>
	<b>Denied</b>	<b>96</b>	<b>10.2%</b>	<b>846</b>	<b>89.8%</b>	<b>942</b>	<b>24.5%</b>
	<b>Non-Cert</b>	<b>151</b>	<b>18.1%</b>	<b>682</b>	<b>81.9%</b>	<b>833</b>	<b>21.6%</b>
	<b>Total</b>	<b>1,135</b>	<b>29.5%</b>	<b>2,717</b>	<b>70.5%</b>	<b>3,852</b>	<b>100.0%</b>

## Conclusion

Overall, in the period between October 2016 and March 2017, there were 4,592 EEP interviews. Eighty-four percent (3,852 cases) of these reviews were for initial appearances at the Parole Board.

The overall approval rate for the 3,852 inmates at initial appearances was 29%. The 2,077 inmates who earned an EEP certificate were approved for release at the highest rate (43%) when compared to the 833 that were non-certifiable (18%) and the 942 inmates that were denied an EEP certificate (10%).

Between October 2016 and March 2017, the 3,125 “Property/Other” and “Coercive” Offenders constituted the two largest categories considered for an EEP certificate, which accounted for over three-quarters (81%) of the interviews.

As a result of determinate sentencing and Drug Law reform, the 191 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 94% decrease in the number of interviews held among drug offenders.

Of the 85 Youthful Offenders who were issued an EEP certificate, 61% were approved for release, the highest approval rate among crime categories for those issued EEP certificates. Of the 130 Violent Offenders that were issued an EEP certificate, only 2% (3 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 eight Juvenile Offenders that had an initial interview with the Parole Board during this reporting period; one was approved for release.



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