



Corrections and Community Supervision

Earned Eligibility Program Summary Semiannual Report

October 2017 - March 2018

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 October 2017 and March 2018 for inmates with minimum sentences of eight years or less.

Types of Earned Eligibility Review Interviews

Table 1 shows that between October 2017 and March 2018, there were 4,470 interviews for Earned Eligibility cases. Merit interviews and Initial interviews are similar in that both represent the first appearance before the Parole Board. The 2,966 Initial interviews and the 638 Merit interviews will be the focus of this report. These 3,604 primary appearance interviews accounted for 81% of the cases reviewed, while reappearances accounted for the remaining 19%.

**Table 1: Parole Interview Type for EEP Cases by Month of Interview
October 2017 to March 2018**

Hearing Month	Interview Type				Total
	Initial*	Merit	Reappearance	Parole Violator Reappearance	
Oct 17	499 63.2%	121 15.3%	166 21.0%	4 0.5%	790 100.0%
Nov 17	504 66.4%	112 14.7%	141 18.5%	4 0.5%	764 100.0%
Dec 17	475 69.4%	76 11.1%	126 18.4%	8 1.2%	686 100.0%
Jan 18	500 66.9%	104 13.9%	135 18.1%	8 1.1%	747 100.0%
Feb 18	497 67.1%	113 15.2%	126 17.0%	5 0.7%	741 100.0%
Mar 18	491 65.8%	112 15.0%	141 18.9%	2 0.3%	746 100.0%
Total	2,966 66.4%	638 14.3%	835 18.7%	31 0.7%	4,470 100.0%

* Initials include 311 interviews for Shock cases

Earned Eligibility Status and Parole Board Interview Results

Table 2 shows that the Parole Board held 3,604 Initial and Merit interviews for EEP cases between October 2017 and March 2018.

- Of these cases, 56% were issued (2,005) an EEP Certificate, 23% were denied (819) and 22% were non-certifiable (780).
- DOCCS issued 2,005 EEP certificates. The Parole Board approved 60% or 1,207 of these cases.
- Non-Certifiable cases (780) were approved for release at a rate of 33%, while EEP cases that were denied (819) were approved for release at a rate of 21%.
- Overall, the Parole Board approved 45% of the EEP eligible cases for release.

**Table 2: EEP Review Results and Parole Board Approvals at Initial Interviews
October 2017 through March 2018**

EEP CERTIFICATE	Number of Interviews	Percent of Interviews	Approved for Parole	Percent Approved for Parole
Issued	2,005	55.6%	1,207	60.2%
Denied	819	22.7%	169	20.6%
Non-certifiable	780	21.6%	254	32.6%
Total	3,604	100.0%	1,630	45.2%

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 819 EEP certificate denials were due to poor behavior that interfered with program progress (499). This group of inmates had a 13% approval rate, the lowest rate among the denial reasons.
- Inmates not receiving an EEP certificate due to poor participation and/or progress accounted for 28% (225) of the group and were approved for release at a rate of 37%. This represents the highest approval rate among the four general denial reasons.
- Those who were denied due to poor program attendance accounted for 7% (55) of the cases and were approved at a rate of 29%.
- Those who refused to participate in their recommended programs accounted for 5% (38) of the denials and had a 13% rate of approval.

**Table 3: EEP Certificate Denial Reasons and Parole Board Approvals at Initial Interviews
October 2017 through March 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	225	27.5%	83	36.9%
Poor Program Attendance	55	6.7%	16	29.1%
Refusal to Participate	38	4.6%	5	13.2%
Behavior Interfered with Program	499	60.9%	64	12.8%
Other*	2	0.2%	1	50.0%
Total	819	100.0%	169	20.6%

* 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 780 cases determined to be non-certifiable, 504 inmates (65%) were in reception. These cases had a 26% approval rate.
- 258 inmates (31%) were non-certifiable due to insufficient time in prescribed programs. The approval rate of those inmates was 46%.

**Table 4: EEP Non-Certifiable Reasons and Parole Board Approvals at Initial Interviews
October 2017 through March 2018**

NON-CERTIFIABLE EEP STATUS REASONS	Number	Percent Non-certifiable	Approved for Parole	Percent Approved within Non-Certifiable reason
In Reception	504	64.6%	131	26.0%
Insufficient Time	258	33.1%	119	46.1%
Hospital	4	0.5%	3	75.0%
Out to Court	10	1.3%	0	0.0%
Other *	4	0.5%	1	25.0%
Total	780	100.0%	254	32.6%

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

Earned Eligibility Status within Offense Type and Parole Board Interview Results

Table 5 shows the distribution of the 3,604 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 3,604 initial EEP cases, 2,015 (56%) were Property/Other Offenders and 883 (25%) were convicted of Other Coercive crimes. Youthful Offenders (267) and Violent Offenders (256) made up 7% of the initial EEP cases, and Drug Offenders (213) made up 5%.
- Among inmates issued an EEP certificate, Youthful Offenders were approved for release at the highest rate (80%), followed by Property/Other Offenders (67%), Drug Offenders (60%), Coercive Offenders (52%), and Violent Offenders (14%). 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
October 2017 through March 2018**

OFFENSE TYPE	EEP CERTIFICATE	RELEASE DECISION				Total	
		APPROVED		DENIED			
Violent	Issued	16	13.9%	99	86.1%	115	44.9%
	Denied	8	6.0%	126	94.0%	134	52.3%
	Non-Cert	1	14.3%	6	85.7%	7	2.7%
	Total	25	9.8%	231	90.2%	256	100.0%
Other Coercive	Issued	249	52.3%	227	47.7%	476	53.9%
	Denied	40	19.7%	163	80.3%	203	23.0%
	Non-Cert	51	25.0%	153	75.0%	204	23.1%
	Total	340	38.5%	543	61.5%	883	100.0%
Drug	Issued	81	59.6%	55	40.4%	136	74.7%
	Denied	7	17.5%	33	82.5%	40	22.0%
	Non-Cert	2	33.3%	4	66.7%	6	3.3%
	Total	90	49.5%	92	50.5%	182	100.0%
Property/ Other	Issued	794	66.5%	400	33.5%	1,194	59.3%
	Denied	92	26.8%	251	73.2%	343	17.0%
	Non-Cert	172	36.0%	306	64.0%	478	23.7%
	Total	1,058	52.5%	957	47.5%	2,015	100.0%
Youthful Offender	Issued	67	79.8%	17	20.2%	84	31.5%
	Denied	22	22.4%	76	77.6%	98	36.7%
	Non-Cert	28	32.9%	57	67.1%	85	31.8%
	Total	117	43.8%	150	56.2%	267	100.0%
Juvenile Offender	Issued	0	N/A	0	N/A	0	0.0%
	Denied	0	0.0%	1	100.0%	1	100.0%
	Non-Cert	0	N/A	0	N/A	0	0.0%
	Total	0	0.0%	1	100.0%	1	100.0%
Total	Issued	1,207	60.2%	798	39.8%	2,005	55.6%
	Denied	169	20.6%	650	79.4%	819	22.7%
	Non-Cert	254	32.6%	526	67.4%	780	21.6%
	Total	1,630	45.2%	1,974	54.8%	3,604	100.0%

Conclusion

Overall, in the period between October 2017 and March 2018, there were 4,470 EEP interviews. Eighty-one percent (3,604 cases) of these reviews were initial appearances at the Parole Board.

The overall parole approval rate for the 3,604 inmates at initial appearances was 45%, a significant increase from the 31% approved for parole in the previous six-month period. However, the rate at which interviews resulted in issued EEP certificates remained largely unchanged at 56%, up from 55% of initial interviews in the previous six-month period.

The 2,005 inmates who earned an EEP certificate were approved for release at the highest rate (60%) when compared to the 780 that were non-certifiable (33%) and the

819 inmates that were denied an EEP certificate (21%). Approval rates are substantially higher than the previous six-month period when those who earned an EEP certificate were approved for release at 44%, those non-certifiable were approved at 21%, and those denied an EEP certificate were approved at 11%.

Between October 2017 and March 2018, the 2,898 “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 84 Youthful Offenders who were issued an EEP certificate, 80% were approved for release (up from 57% in the previous six-month period), the highest approval rate among crime categories for those issued EEP certificates. Of the 115 Violent Offenders that were issued an EEP certificate, only 14% (16 cases) were approved for release by the Parole Board, which was the lowest approval rate among crime categories for those issued EEP certificates.

There was only one Juvenile Offender that had an initial interview with the Parole Board during this reporting period who was denied an EEP certificate, and was not approved for release.

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