



Corrections and Community Supervision

Earned Eligibility Program Summary Semiannual Report

April 2015 – September 2015

EARNED ELIGIBILITY PROGRAM SUMMARY

Semiannual Report, April 2015 – September 2015

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 2015 and March 2016 for inmates with minimum sentences of eight years or less.

Types of Earned Eligibility Review Interviews

Table 1 shows that between April 2015 and September 2015, there were 4,850 interviews for Earned Eligibility cases. Merit interviews and Initial interviews are similar in that both represent the first appearance before the Parole Board. The 3,438 Initial interviews and the 683 Merit interviews will be the focus of this report. These 4,117 initial interviews account for 85% of the cases reviewed, while reappearances account for the remaining 15%.

**Table 1: Parole Interview Type for EEP Cases by Month of Interview
April 2015 through September 2015**

Hearing Month	Interview Type				Total
	Initial*	Merit	Reappearance	Parole Violator Reappearance	
April '15	611	116	16	112	855
	71.5%	13.6%	1.9%	13.1%	100.0%
May '15	572	112	7	132	823
	69.5%	13.6%	0.9%	16.0%	100.0%
June '15	599	109	5	108	821
	73.0%	13.3%	0.6%	13.2%	100.0%
July '15	544	129	7	122	802
	67.8%	16.1%	0.9%	15.2%	100.0%
August '15	564	110	9	108	791
	71.3%	13.9%	1.1%	13.7%	100.0%
September '15	548	103	6	101	758
	72.3%	13.6%	0.8%	13.3%	100.0%
Total	3,438	679	50	683	4,850
	70.9%	14.0%	1.0%	14.1%	100.0%

* Initials include 356 interviews for Shock cases

Earned Eligibility Status and Parole Board Interview Results

Table 2 shows that the Parole Board held 4,117 initial interviews for EEP cases between April 2015 and September 2015.

- Of these cases, 55% were issued (2,246) an EEP Certificate, 23% were denied (940) and 23% were non-certifiable (931).
- DOCCS issued 2,246 EEP certificates. The Parole Board approved 37% or 840 of these cases.
- Non-Certifiable cases (931) were approved for release at a rate of 16%, while EEP cases that were denied (940) were approved for release at a rate of 10%.
- Overall, the Parole Board approved 26% of the EEP eligible cases for release.

**Table 2: EEP Review Results and Parole Board Approvals at Initial Interviews
April 2015 through September 2015**

EEP CERTIFICATE	Number of Interviews	Percent of Interviews	Number Approved	Percent Approved
Issued	2,246	54.6%	840	37.4%
Denied	940	22.8%	93	9.9%
Non-certifiable	931	22.6%	148	15.9%
Total	4,117	100.0%	1,081	26.3%

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 (59%) of the 940 EEP certificate denials were due to poor behavior that interfered with program progress (556). This group of inmates had a 3% approval rate.
- Among the general denial reasons, inmates not receiving an EEP certificate due to poor participation and/or progress accounted for 30% (284) of the group and were approved for release at a rate of 22%. This represents the highest approval rate among the five general denial reasons.
- Those who were denied due to poor program attendance accounted for 6% (57) of the cases and were approved at a rate of 18%.
- Those who refused to participate in their recommended programs accounted for 4% (41) of the denials and had a 10% rate of approval.

**Table 3: EEP Certificate Denial Reasons and Parole Board Approvals at Initial Interviews
April 2015 through September 2015**

REASONS FOR EEP DENIAL	Number	Percent of Denials	Approved	Percent Approved Within Denial Reason
Poor Participation and / or Progress	284	30.2%	63	22.2%
Poor Program Attendance	57	6.1%	10	17.5%
Refusal to Participate	41	4.4%	4	9.8%
Behavior Interfered with Program	556	59.1%	16	2.9%
Other	2	0.2%	0	0.0%
Total	940	100.0%	93	9.9%

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 931 cases determined to be non-certifiable, 506 inmates (54%) were in reception. These cases had a 14% approval rate.
- 404 inmates (43%) were non-certifiable due to insufficient time in prescribed programs. Approval rate of those inmates was 19%.
- Although only 10 cases (1%) were non-certifiable due to a hospital stay, they were approved for release at a rate of 20%. This represented the highest approval rate among the non-certifiable categories.

**Table 4: EEP Non-Certifiable Reasons and Parole Board Approvals at Initial Interviews
April 2015 through September 2015**

NON-CERTIFIABLE EEP STATUS REASONS	Number	Percent Non-certifiable	Approved	Percent Approved within Non-Certifiable reason
Behavior Interfered with programs	4	0.4%	0	0.0%
Insufficient time	404	43.4%	77	19.1%
Hospital	10	1.1%	2	20.0%
Protective Custody	1	0.1%	0	0.0%
Out to Court	3	0.3%	0	0.0%
Other-non certifiable	1	0.1%	0	0.0%
In reception	506	54.4%	69	13.6%
Disciplinary record prohibits merit time	1	0.1%	0	0.0%
Merit ineligible-current crime	1	0.1%	0	0.0%
Total	931	100.0%	148	15.9%

Earned Eligibility Status within Offense Type and Parole Board Interview Results

Table 5 shows the distribution of the 4,117 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 4,117 initial EEP cases, 2,383 (58%) were Property/Other Offenders and 934 (23%) were convicted of Other Coercive crimes. Youthful Offenders (308) made up 8% of the initial EEP cases while Violent Felony Offenders (290) made up 7% and Drug Offenders (199) made up 5%.

- Among inmates issued an EEP certificate, Property/Other Offenders were approved for release at the highest rate (31%), followed by Youthful Offenders (29%). With the exception of Juvenile Offenders, with no approvals, the lowest approval rate was among Violent Felony Offenders (3%).

**Table 5: EEP Status within Crime Category by Initial Parole Board Interview Result
April 2015 through September 2015**

OFFENSE TYPE	EEP CERTIFICATE STATUS	RELEASE DECISION				Total	
		APPROVED		DENIED			
Violent Felony	Issued	7	4.4%	153	95.6%	160	55.2%
	Denied	1	0.8%	123	99.2%	124	42.8%
	Non-Cert	1	16.7%	5	83.3%	6	2.1%
Total		9	3.1%	281	96.9%	290	100.0%
Other Coercive	Issued	167	35.5%	304	64.5%	471	50.4%
	Denied	12	5.2%	219	94.8%	231	24.7%
	Non-Cert	27	11.6%	205	88.4%	232	24.8%
Total		206	22.1%	728	77.9%	934	100.0%
Drug Offenses	Issued	50	32.7%	103	67.3%	153	76.9%
	Denied	0	0.0%	35	100.0%	35	17.6%
	Non-Cert	1	9.1%	10	90.9%	11	5.5%
Total		51	25.6%	148	74.4%	199	100.0%
Property and Other	Issued	566	41.3%	804	58.7%	1,370	57.5%
	Denied	66	14.5%	389	85.5%	455	19.1%
	Non-Cert	95	17.0%	463	83.0%	558	23.4%
Total		727	30.5%	1,656	69.5%	2,383	100.0%
Youthful Offender	Issued	50	54.3%	42	45.7%	92	29.9%
	Denied	14	15.2%	78	84.8%	92	29.9%
	Non-Cert	24	19.4%	100	80.6%	124	40.3%
Total		88	28.6%	220	71.4%	308	100.0%
Juvenile Offender	Issued	0	0.0%	0	0.0%	0	0.0%
	Denied	0	0.0%	3	100.0%	3	100.0%
	Non-Cert	0	0.0%	0	0.0%	0	0.0%
Total		0	0.0%	3	100.0%	3	100.0%
Total	Issued	840	37.4%	1,406	62.6%	2,246	54.6%
	Denied	93	9.9%	847	90.1%	940	22.8%
	Non-Cert	148	15.9%	783	84.1%	931	22.6%
	Total	1,081	26.3%	3,036	73.7%	4,117	100.0%

Conclusion

Overall, in the period between April 2015 and September 2015, there were 4,850 EEP interviews. Eighty-five percent (4,117 cases) of these reviews were for initial appearances at the Parole Board.

The overall approval rate for the 4,117 inmates at initial appearances was 26%. The 2,246 inmates who earned an EEP certificate were approved for release at the highest rate (37%). Among 931 inmates who were non-certifiable, 148 inmates (16%) were approved. Only 93 inmates (10%) were approved among 940 inmates who were denied an EEP certificate.

Between April 2015 and September 2015, the 3,317 “Property/Other” and “Other Coercive” offenders constituted the two largest categories considered for an EEP certificate, accounting for over three-quarters (81%) of the interviews.

As a result of determinate sentencing and Drug Law reform, the 199 drug offenders represented only 5% of the interviews in this report period. This is in contrast to the same time period during 2006, when the 2,468 drug offenders represented 38% of the interviews. This represents a 92% decrease in the number of interviews held among drug offenders.

Of the 92 Youthful Offenders who were issued an EEP certificate, 54% were approved for release, the highest approval rate among crime categories for those issued EEP certificates. Of the 160 Violent Felony offenders that were issued an EEP certificate, only 4% (7 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 three Juvenile Offenders that had an initial interview the Parole Board during this reporting period, none of whom were approved for release.

Prepared by:

Young Ah You
Program Research Specialist II
Program Planning, Research and Evaluation
October 2015