



# Corrections and Community Supervision

## Earned Eligibility Program Summary Semiannual Report

April - September 2019

# EARNED ELIGIBILITY PROGRAM SUMMARY

## Semiannual Report, April – September 2019

### 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 interview. 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 interview. 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 2019 for inmates with minimum sentences of eight years or less.

## Types of Earned Eligibility Review Interviews

Table 1 shows that between April and September 2019, there were 4,190 interviews for Earned Eligibility cases. Merit interviews and Initial interviews are similar in that both represent the first appearance before the Parole Board. The 2,748 Initial interviews and the 602 Merit interviews will be the focus of this report. These 3,350 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 2019**

Interview Month	Interview Type				Total
	Initial*	Merit	Reappearance	Parole Violator Reappearance	
Apr 19	472 64.4%	118 16.1%	138 18.8%	5 0.7%	733 100.0%
May 19	454 64.9%	110 15.7%	128 18.3%	7 1.0%	699 100.0%
Jun 19	468 64.8%	107 14.8%	136 18.8%	11 1.5%	722 100.0%
Jul 19	444 67.0%	89 13.4%	122 18.4%	8 1.2%	663 100.0%
Aug 19	425 65.4%	87 13.4%	129 19.8%	9 1.4%	650 100.0%
Sep 19	485 67.1%	91 12.6%	138 19.1%	9 1.2%	723 100.0%
<b>Total</b>	<b>2,748</b> <b>65.6%</b>	<b>602</b> <b>14.4%</b>	<b>791</b> <b>18.9%</b>	<b>49</b> <b>1.2%</b>	<b>4,190</b> <b>100.0%</b>

\* Initials include 210 interviews for Shock cases

## Earned Eligibility Status and Parole Board Interview Results

Table 2 shows that the Parole Board held 3,350 Initial and Merit interviews for EEP cases between April and September 2019.

- Of these cases, 53% were issued an EEP Certificate, 24% were denied and 23% were non-certifiable.
- DOCCS issued 1,774 EEP certificates. The Parole Board approved 60% of these cases.
- Non-Certifiable cases were approved for release at a rate of 31%, while EEP cases that were denied were approved for release at a rate of 22%.
- Overall, the Parole Board approved 44% of the EEP eligible cases for release.

**Table 2: EEP Review Results and Parole Board Approvals at Initial Interviews  
April through September 2019**

EEP CERTIFICATE	Number of Interviews	Percent of Interviews	Approved for Parole	Percent Approved for Parole
Issued	1,774	53.0%	1,068	60.2%
Denied	814	24.3%	176	21.6%
Non-certifiable	762	22.7%	233	30.6%
<b>Total</b>	<b>3,350</b>	<b>100.0%</b>	<b>1,477</b>	<b>44.1%</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 (60%) of the 814 EEP certificate denials were due to poor behavior that interfered with program progress. This group of inmates had a 14% approval rate, the lowest rate among the denial reasons.
- Inmates not receiving an EEP certificate due to poor participation and/or progress accounted for 25% of the group and were approved for release at a rate of 38%. 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 11% of the cases and were approved at a rate of 26%.
- Those who refused to participate in their recommended programs accounted for 4% (32) of the denials and had a 16% rate of approval.

**Table 3: EEP Certificate Denial Reasons and Parole Board Approvals at Initial Interviews  
April through September 2019**

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	205	25.2%	78	38.0%
Poor Program Attendance	86	10.6%	22	25.6%
Refusal to Participate	32	3.9%	5	15.6%
Behavior Interfered with Program	490	60.2%	70	14.3%
Hospital	1	0.1%	1	100.0%
<b>Total</b>	<b>814</b>	<b>100.0%</b>	<b>176</b>	<b>21.6%</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 762 cases determined to be non-certifiable, 56% were in reception. These cases had a 23% approval rate.
- 318 inmates (42%) were non-certifiable due to insufficient time in prescribed programs. The approval rate of those inmates was 40%.

**Table 4: EEP Non-Certifiable Reasons and Parole Board Approvals at Initial Interviews  
April through September 2019**

NON-CERTIFIABLE EEP STATUS REASONS	Number	Percent Non-certifiable	Approved for Parole	Percent Approved within Non-Certifiable reason
In Reception	430	56.4%	101	23.488%
Insufficient Time	318	41.7%	128	40.3%
Hospital	4	0.5%	3	75.0%
Out to Court	9	1.2%	0	0.0%
Shock Refusal	1	0.1%	1	100.0%
<b>Total</b>	<b>762</b>	<b>100.0%</b>	<b>233</b>	<b>30.6%</b>

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

Table 5 shows the distribution of the 3,350 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 3,350 initial EEP cases, 2,062 (62%) were Property/Other Offenders and 729 (22%) were convicted of Other Coercive crimes. Drug Offenders (185) and Violent Offenders (212) each made up 6% of the initial EEP cases, and Youthful Offenders (160) made up 5%.
- Among inmates issued an EEP certificate, Youthful Offenders were approved for release at the highest rate (82%), followed by Property/Other Offenders (65%).

**Table 5: EEP Status within Crime Category by Initial Parole Board Interview Result  
April through September 2019**

OFFENSE TYPE	EEP CERTIFICATE	RELEASE DECISION				Total	
		APPROVED FOR PAROLE		PAROLE DENIED			
Violent	Issued	29	26.1%	82	73.9%	111	52.4%
	Denied	6	6.7%	84	93.3%	90	42.5%
	Non-Cert	1	9.1%	10	90.9%	11	5.2%
	<b>Total</b>	<b>36</b>	<b>17.0%</b>	<b>176</b>	<b>83.0%</b>	<b>212</b>	<b>100.0%</b>
Other Coercive	Issued	232	57.3%	173	42.7%	405	55.6%
	Denied	35	21.9%	125	78.1%	160	21.9%
	Non-Cert	35	21.3%	129	78.7%	164	22.5%
	<b>Total</b>	<b>302</b>	<b>41.4%</b>	<b>427</b>	<b>58.6%</b>	<b>729</b>	<b>100.0%</b>
Drug	Issued	71	54.6%	59	45.4%	130	70.3%
	Denied	6	14.3%	36	85.7%	42	22.7%
	Non-Cert	2	15.4%	11	84.6%	13	7.0%
	<b>Total</b>	<b>79</b>	<b>42.7%</b>	<b>106</b>	<b>57.3%</b>	<b>185</b>	<b>100.0%</b>
Property/ Other	Issued	700	64.6%	383	35.4%	1,083	52.5%
	Denied	118	25.4%	347	74.6%	465	22.6%
	Non-Cert	176	34.2%	338	65.8%	514	24.9%
	<b>Total</b>	<b>994</b>	<b>48.2%</b>	<b>1,068</b>	<b>51.8%</b>	<b>2,062</b>	<b>100.0%</b>
Youthful Offender	Issued	36	81.8%	8	18.2%	44	27.5%
	Denied	11	19.6%	45	80.4%	56	35.0%
	Non-Cert	19	31.7%	41	68.3%	60	37.5%
	<b>Total</b>	<b>66</b>	<b>41.3%</b>	<b>94</b>	<b>58.8%</b>	<b>160</b>	<b>100.0%</b>
Juvenile Offender	Issued	0	0.0%	1	100.0%	1	50.0%
	Denied	0	0.0%	1	100.0%	1	50.0%
	Non-Cert	0	N/A	0	N/A	0	0.0%
	<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>2</b>	<b>100.0%</b>	<b>2</b>	<b>100.0%</b>
<b>Total</b>	<b>Issued</b>	<b>1,068</b>	<b>60.2%</b>	<b>706</b>	<b>39.8%</b>	<b>1,774</b>	<b>53.0%</b>
	<b>Denied</b>	<b>176</b>	<b>21.6%</b>	<b>638</b>	<b>78.4%</b>	<b>814</b>	<b>24.3%</b>
	<b>Non-Cert</b>	<b>233</b>	<b>30.6%</b>	<b>529</b>	<b>69.4%</b>	<b>762</b>	<b>22.7%</b>
	<b>Total</b>	<b>1,477</b>	<b>44.1%</b>	<b>1,873</b>	<b>55.9%</b>	<b>3,350</b>	<b>100.0%</b>

## Conclusion

Overall, in the period between April and September 2019, there were 4,190 EEP interviews. Eighty percent (3,350 cases) of these reviews were initial appearances at the Parole Board.

The overall parole approval rate for the 3,350 inmates at initial appearances was 44%, a two-percentage point decrease from the 46% approved for parole in the previous six-month period. However, the rate at which interviews resulted in issued EEP certificates remained largely unchanged at 53%, down from 54% of initial interviews in the previous six-month period.

The inmates who earned an EEP certificate were approved for release at the highest rate (60%) when compared to those that were non-certifiable (31%) and those inmates that were denied an EEP certificate (22%).

Between April and September 2019, the 2,791 “Property/Other” and “Coercive” Offenders constituted the two largest categories considered for an EEP certificate, which accounted for the majority (83%) of the initial interviews.

As a result of determinate sentencing and Drug Law reform, the 185 Drug Offenders represented only 6% of the initial interviews in this reporting period. This is in contrast to the same time period during 2009, when Drug Offenders represented 18% of the interviews. This represents a 79% decrease in the number of interviews held among drug offenders.

Of the 44 Youthful Offenders who were issued an EEP certificate, 82% were approved for release (up from 74% in the previous six-month period), the highest approval rate among crime categories for those issued EEP certificates. Of the 212 Violent Offenders that were issued an EEP certificate, only 26% were approved for release by the Parole Board, which was the lowest approval rate among crime categories for those issued EEP certificates.

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