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**EARNED ELIGIBILITY PROGRAM SUMMARY  
SEMIANNUAL REPORT**

**October 2013 – March 2014**



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# **EARNED ELIGIBILITY PROGRAM SUMMARY**

## **Semiannual Report, October 2013 – March 2014**

### **INTRODUCTION**

Legislative reporting requirements established in 1992 mandate semiannual reports on the Earned Eligibility Program (EEP). 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. Evaluation results are provided to the Board of Parole to be used in deciding whether to release the inmate or to deny parole. 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**

In 1987, eligibility for this program was originally 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 2013 and March 2014 for inmates with minimum sentences of eight years or less.

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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 Board of Parole to set the conditions of their parole supervision. This report treats the Presumptively Approved inmates as Parole Board appearances who received parole approvals.

## Types of Earned Eligibility Review Interviews

Between October 2013 and March 2014, there were 4,992 interviews for earned eligibility cases (Table 1). Merit interviews and Initial interviews are similar in that both represent the first appearance before the Board of Parole. The 3,554 Initial interviews and the 716 Merit interviews will be the focus of this report. These 4,270 initial interviews account for 86% of the cases reviewed, while reappearances account for the remaining 14%.

**Table 1: Parole Interview Type for EEP Cases by Month of Interview  
October 2013 through March 2014**

Hearing Month	Hearing Type				Total
	Initial*	Merit	Reappearance	Parole Violator Reappearance	
October '13	596 74.0%	107 13.3%	93 11.6%	9 1.1%	805 100.0%
November '13	648 70.3%	145 15.7%	119 12.9%	10 1.1%	922 100.0%
December '13	520 72.5%	100 13.9%	92 12.8%	5 0.7%	717 100.0%
January '14	585 70.0%	123 14.7%	120 14.4%	8 1.0%	836 100.0%
February '14	623 71.4%	117 13.4%	121 13.9%	12 1.4%	873 100.0%
March '14	582 69.4%	124 14.8%	126 15.0%	7 0.8%	839 100.0%
<b>Total</b>	<b>3,554 71.2%</b>	<b>716 14.3%</b>	<b>671 13.4%</b>	<b>51 1.0%</b>	<b>4,992 100.0%</b>

\* Initial hearings include 502 hearings for Shock cases

## Earned Eligibility Status and Parole Board Interview Results

Table 2 shows that the Parole Board held 4,270 initial interviews for EEP cases between October 2013 and March 2014. Of these cases, 61% were issued an EEP Certificate, 20% were denied and 19% were non-certifiable.

- DOCCS issued 2,626 certificates. The Parole Board approved 37% or 971 of these cases.
- Non-certifiable cases (797) were approved for release at a rate of 14%, while EEP cases that were denied Certificates (847) were approved for release at a rate of 8%.
- Overall, the Parole Board approved 27% of the EEP cases for release.

**Table 2: EEP Review Results and Parole Board Approvals at Initial Interviews  
October 2013 through March 2014**

EEP CERTIFICATE	Number of Hearings	Percent of Hearings	Number Approved	Percent Approved
Issued	2,626	61.5%	971	37.0%
Denied	847	19.8%	70	8.3%
Non-certifiable	797	18.7%	115	14.4%
<b>Total</b>	<b>4,270</b>	<b>100.0%</b>	<b>1,156</b>	<b>27.1%</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 (57%) of the 847 EEP certificate denials were due to poor behavior that interfered with program progress. This group of inmates had a 4% approval rate.
- Among the general denial reasons, inmates not receiving an EEP certificate due to poor participation and/or progress accounted for 31% of the group and were approved for release at a rate of 17%. This represents the highest approval rate among the four general denial reasons.
- Those who were denied due to poor program attendance accounted for 8% of the cases and were approved at a rate of 6%. Those who refused to participate in their recommended programs accounted for 4% of the denials and had a 3% rate of approval.

**Table 3: EEP Certificate Denial Reasons and Parole Board Approvals at Initial Interviews  
October 2013 through March 2014**

REASONS FOR EEP DENIAL	Number	Percent of Denials	Approved	Percent Approved Within Denial Reason
Poor Participation and / or Progress	263	31.1%	46	17.5%
Poor Program Attendance	69	8.1%	4	5.8%
Refusal to Participate	33	3.9%	1	3.0%
Behavior Interfered with Program	481	56.8%	19	4.0%
Other	1	0.1%	0	0.0%
<b>Total</b>	<b>847</b>	<b>100.0%</b>	<b>70</b>	<b>8.3%</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 797 cases determined to be non-certifiable, 477 (60%) were non-certifiable due to insufficient time in prescribed programs. These cases had a 17% approval rate.
- Although only 9 cases were non-certifiable due to a hospital stay, they were approved for release at a rate of 22%, which represented the highest approval rate among the non-certifiable categories.

**Table 4: EEP Non-Certifiable Reasons and Parole Board Approvals at Initial Interviews  
October 2013 through March 2014**

NON-CERTIFIABLE EEP STATUS REASONS	Number	Percent Non- certifiable	Approved	Percent Approved within Non- Certifiable reason
Insufficient Time in Program	477	59.8%	80	16.8%
Hospital	9	1.1%	2	22.2%
Out to Court	4	0.5%	0	0.0%
In Reception	305	38.3%	33	10.8%
Other	2	0.3%	0	0.0%
<b>Total</b>	<b>797</b>	<b>100.0%</b>	<b>115</b>	<b>14.4%</b>

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

Table 5 shows the distribution of the 4,270 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 4,270 initial EEP cases, 2,377 (56%) were Property Offenders and 989 (23%) were convicted of Other Coercive crimes. Violent Felony Offenders (304) made up 7% of the initial EEP cases, while Drug Offenders (220) made up 5%.
- Overall, the Property Offenders showed the highest release approval rate at 34%.
- Compared with the last EEP Semiannual Report, the number of EEP-eligible drug offenders who appeared before the Board of Parole decreased slightly (from 225 to 220), while their approval rates increased. Previously, between April 2013 and September 2013, there were 53 drug offenders approved for release, with a 24% approval rate. During the current six month period, there were 54 drug offenders approved for release, with a 25% approval rate.
- Among inmates issued an EEP certificate, Youthful Offenders were approved for release at the highest rate (53%), followed by Property Offenders (44%); the lowest approval rate was among Violent Felony Offenders (5%), while no Juvenile Offenders were approved.

**Table 5: EEP Status within Crime Category by Initial Parole Board Interview Result  
October 2013 through March 2014**

OFFENSE TYPE	EEP CERTIFICATE	RELEASE DECISION				Total	
		APPROVED		DENIED			
Violent Felony	Issued	8	5.2%	146	94.8%	154	50.7%
	Denied	2	1.5%	132	98.5%	134	44.1%
	Non-Cert	1	6.3%	15	93.8%	16	5.3%
<b>Total</b>		<b>11</b>	<b>3.6%</b>	<b>293</b>	<b>96.4%</b>	<b>304</b>	<b>100.0%</b>
Other Coercive	Issued	148	25.1%	442	74.9%	590	59.7%
	Denied	11	5.0%	208	95.0%	219	22.1%
	Non-Cert	16	8.9%	164	91.1%	180	18.2%
<b>Total</b>		<b>175</b>	<b>17.7%</b>	<b>814</b>	<b>82.3%</b>	<b>989</b>	<b>100.0%</b>
Drug Offenses	Issued	54	31.0%	120	69.0%	174	79.1%
	Denied	0	0.0%	34	100.0%	34	15.5%
	Non-Cert	0	0.0%	12	100.0%	12	5.5%
<b>Total</b>		<b>54</b>	<b>24.5%</b>	<b>166</b>	<b>75.5%</b>	<b>220</b>	<b>100.0%</b>
Property and Other	Issued	690	43.8%	884	56.2%	1,574	66.2%
	Denied	49	13.6%	310	86.4%	359	15.1%
	Non-Cert	70	15.8%	374	84.2%	444	18.7%
<b>Total</b>		<b>809</b>	<b>34.0%</b>	<b>1,568</b>	<b>66.0%</b>	<b>2,377</b>	<b>100.0%</b>
Youthful Offender	Issued	71	53.4%	62	46.6%	133	35.4%
	Denied	8	8.2%	90	91.8%	98	26.1%
	Non-Cert	28	19.3%	117	80.7%	145	38.6%
<b>Total</b>		<b>107</b>	<b>28.5%</b>	<b>269</b>	<b>71.5%</b>	<b>376</b>	<b>100.0%</b>
Juvenile Offender	Issued	0	0.0%	1	100.0%	1	25.0%
	Denied	0	0.0%	3	100.0%	3	75.0%
	Non-Cert	0	--	0	--	0	0.0%
<b>Total</b>		<b>0</b>	<b>0.0%</b>	<b>4</b>	<b>100.0%</b>	<b>4</b>	<b>100.0%</b>
<b>Total</b>	<b>Issued</b>	<b>971</b>	<b>37.0%</b>	<b>1,655</b>	<b>63.0%</b>	<b>2,626</b>	<b>61.5%</b>
	<b>Denied</b>	<b>70</b>	<b>8.3%</b>	<b>777</b>	<b>91.7%</b>	<b>847</b>	<b>19.8%</b>
	<b>Non-Cert</b>	<b>115</b>	<b>14.4%</b>	<b>682</b>	<b>85.6%</b>	<b>797</b>	<b>18.7%</b>
<b>Total</b>		<b>1,156</b>	<b>27.1%</b>	<b>3,114</b>	<b>72.9%</b>	<b>4,270</b>	<b>100.0%</b>

## Conclusion

Overall, in the period between October 2013 and March 2014, there were 4,992 EEP interviews. Eighty-four percent (86%) of these reviews were for initial appearances at the Parole Board.

The overall approval rate for the 4,270 inmates at initial appearances was 27%. The 2,626 inmates who earned an EEP certificate were approved for release at the highest rate (37%) when compared to the 797 that were non-certifiable (14%) or the 847 inmates denied an EEP certificate (8%).

Between October 2013 and March 2014, the 3,366 “Property” and “Other Coercive” offenders constituted the two largest categories considered for an EEP certificate, accounting for over three-quarters (79%) of the interviews.

As a result of determinate sentencing and Drug Law reform, the 220 drug offenders represented only 5% of the interviews in this report period. This is in contrast to the same time period during 2005-06, when the 3,335 drug offenders represented 46% of the interviews. This represents a 93% decrease in the number of interviews held among drug offenders.

Of the 133 Youthful Offenders who were issued an EEP certificate, 53% were approved for release, the highest approval rate among crime categories. Of the 154 Violent Felony offenders that were issued an EEP certificate, only eight (5%) were approved for release by the Parole Board, which was the lowest approval rate among crime categories.

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April 2014**