



# Corrections and Community Supervision

## Earned Eligibility Program Summary Semiannual Report

October 2015 – March 2016

# EARNED ELIGIBILITY PROGRAM SUMMARY

## Semiannual Report, October 2015 – March 2016

### 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;

---

<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 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 October 2015 and March 2016, there were 4,689 interviews for Earned Eligibility cases. Merit interviews and Initial interviews are similar in that both represent the first appearance before the Parole Board. The 3,258 Initial interviews and the 683 Merit interviews will be the focus of this report. These 3,941 initial interviews account for 84% of the cases reviewed, while reappearances account for the remaining 16%.

**Table 1: Parole Interview Type for EEP Cases by Month of Interview  
October 2015 through March 2016**

Hearing Month	Interview Type				Total
	Initial*	Merit	Reappearance	Parole Violator Reappearance	
Oct 15	571 72.2%	102 12.9%	108 13.7%	10 1.3%	791 100.0%
Nov 15	559 68.9%	118 14.5%	124 15.3%	10 1.2%	811 100.0%
Dec 15	465 70.3%	99 15.0%	85 12.9%	12 1.8%	661 100.0%
Jan 16	580 68.7%	137 16.2%	112 13.3%	15 1.8%	844 100.0%
Feb 16	543 67.4%	118 14.6%	134 16.6%	11 1.4%	806 100.0%
Mar 16	540 69.6%	109 14.0%	121 15.6%	6 0.8%	776 100.0%
<b>Total</b>	<b>3,258</b> <b>69.5%</b>	<b>683</b> <b>14.6%</b>	<b>684</b> <b>14.6%</b>	<b>64</b> <b>1.4%</b>	<b>4,689</b> <b>100.0%</b>

\* Initials include 342 interviews for Shock cases

## Earned Eligibility Status and Parole Board Interview Results

Table 2 shows that the Parole Board held 3,941 initial interviews for EEP cases between October 2015 and March 2016.

- Of these cases, 57% were issued (2,225) an EEP Certificate, 23% were denied (908) and 21% were non-certifiable (808).
- DOCCS issued 2,225 EEP certificates. The Parole Board approved 38% or 850 of these cases.
- Non-Certifiable cases (808) were approved for release at a rate of 15%, while EEP cases that were denied (908) were approved for release at a rate of 7%.
- 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  
October 2015 through March 2016**

EEP CERTIFICATE	Number of Interviews	Percent of Interviews	Number Approved	Percent Approved
Issued	2,225	56.5%	850	38.2%
Denied	908	23.0%	63	6.9%
Non-certifiable	808	20.5%	125	15.5%
<b>Total</b>	<b>3,941</b>	<b>100.0%</b>	<b>1,038</b>	<b>26.3%</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 908 EEP certificate denials were due to poor behavior that interfered with program progress (557). 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 27% (246) of the group and were approved for release at a rate of 15%. This represents the highest approval rate among the five general denial reasons.
- Those who were denied due to poor program attendance accounted for 7% (63) of the cases and were approved at a rate of 6%.
- Those who refused to participate in their recommended programs accounted for 5% (42) of the denials and had a 2% rate of approval.

**Table 3: EEP Certificate Denial Reasons and Parole Board Approvals at Initial Interviews  
October 2015 through March 2016**

REASONS FOR EEP DENIAL	Number	Percent of Denials	Approved	Percent Approved Within Denial Reason
Poor Participation and / or Progress	246	27.1%	37	15.0%
Poor Program Attendance	63	6.9%	4	6.3%
Refusal to Participate	42	4.6%	1	2.4%
Behavior Interfered with Program	557	61.3%	21	3.8%
<b>Total</b>	<b>908</b>	<b>100.0%</b>	<b>63</b>	<b>6.9%</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 808 cases determined to be non-certifiable, 433 inmates (54%) were in reception. These cases had a 13% approval rate.
- 369 inmates (46%) were non-certifiable due to insufficient time in prescribed programs. Approval rate of those inmates was 19%.
- Although only three inmates (<1%) were non-certifiable due to a hospital stay, they were approved for release at a rate of 33%. This represented the highest approval rate among the non-certifiable categories.

**Table 4: EEP Non-Certifiable Reasons and Parole Board Approvals at Initial Interviews  
October 2015 through March 2016**

NON-CERTIFIABLE EEP STATUS REASONS	Number	Percent Non-certifiable	Approved	Percent Approved within Non-Certifiable reason
Insufficient Time	369	45.7%	69	18.7%
Hospital	3	0.4%	1	33.3%
Out to Court	3	0.4%	0	0.0%
In Reception	433	53.6%	55	12.7%
<b>Total</b>	<b>808</b>	<b>100.0%</b>	<b>125</b>	<b>15.5%</b>

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

Table 5 shows the distribution of the 3,941 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 3,941 initial EEP cases, 2,278 (58%) were Property/Other Offenders and 822 (21%) were convicted of Coercive crimes. Youthful Offenders (372) made up 9% of the initial EEP cases, while Violent Offenders (279) made up 7% and Drug Offenders (183) made up 5%.
- Among inmates issued an EEP certificate, Property/Other Offenders were approved for release at the highest rate (32%), followed by Youthful Offenders (28%), Drug Offenders (27%), and Coercive Offenders (20%). With the exception of Juvenile Offenders, with no approvals, the lowest approval rate was among Violent Offenders (1%).

**Table 5: EEP Status within Crime Category by Initial Parole Board Interview Result  
October 2015 through March 2016**

OFFENSE TYPE	EEP CERTIFICATE	RELEASE DECISION				Total	
		APPROVED		DENIED			
Violent	Issued	2	1.5%	130	98.5%	132	47.3%
	Denied	0	0.0%	134	100.0%	134	48.0%
	Non-Cert	1	7.7%	12	92.3%	13	4.7%
	<b>Total</b>	<b>3</b>	<b>1.1%</b>	<b>276</b>	<b>98.9%</b>	<b>279</b>	<b>100.0%</b>
Coercive	Issued	138	30.5%	314	69.5%	452	55.0%
	Denied	8	4.4%	173	95.6%	181	22.0%
	Non-Cert	18	9.5%	171	90.5%	189	23.0%
	<b>Total</b>	<b>164</b>	<b>20.0%</b>	<b>658</b>	<b>80.0%</b>	<b>822</b>	<b>100.0%</b>
Drug	Issued	48	34.5%	91	65.5%	139	76.0%
	Denied	1	3.2%	30	96.8%	31	16.9%
	Non-Cert	0	0.0%	13	100.0%	13	7.1%
	<b>Total</b>	<b>49</b>	<b>26.8%</b>	<b>134</b>	<b>73.2%</b>	<b>183</b>	<b>100.0%</b>
Property/ Other	Issued	592	43.1%	783	56.9%	1,375	60.4%
	Denied	40	9.3%	390	90.7%	430	18.9%
	Non-Cert	86	18.2%	387	81.8%	473	20.8%
	<b>Total</b>	<b>718</b>	<b>31.5%</b>	<b>1,560</b>	<b>68.5%</b>	<b>2,278</b>	<b>100.0%</b>
Youthful Offender	Issued	70	57.4%	52	42.6%	122	32.8%
	Denied	14	10.6%	118	89.4%	132	35.5%
	Non-Cert	20	16.9%	98	83.1%	118	31.7%
	<b>Total</b>	<b>104</b>	<b>28.0%</b>	<b>268</b>	<b>72.0%</b>	<b>372</b>	<b>100.0%</b>
Juvenile Offender	Issued	0	0.0%	5	100.0%	5	71.4%
	Denied	0	0.0%	0	0.0%	0	0.0%
	Non-Cert	0	0.0%	2	100.0%	2	28.6%
	<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>7</b>	<b>100.0%</b>	<b>7</b>	<b>100.0%</b>
<b>Total</b>	<b>Issued</b>	<b>850</b>	<b>38.2%</b>	<b>1,375</b>	<b>61.8%</b>	<b>2,225</b>	<b>56.5%</b>
	<b>Denied</b>	<b>63</b>	<b>6.9%</b>	<b>845</b>	<b>93.1%</b>	<b>908</b>	<b>23.0%</b>
	<b>Non-Cert</b>	<b>125</b>	<b>15.5%</b>	<b>683</b>	<b>84.5%</b>	<b>808</b>	<b>20.5%</b>
	<b>Total</b>	<b>1,038</b>	<b>26.3%</b>	<b>2,903</b>	<b>73.7%</b>	<b>3,941</b>	<b>100.0%</b>

## Conclusion

Overall, in the period between October 2015 and March 2016, there were 4,689 EEP interviews. Eighty-four percent (3,941 cases) of these reviews were for initial appearances at the Parole Board.

The overall approval rate for the 3,941 inmates at initial appearances was 26%. The 2,225 inmates who earned an EEP certificate were approved for release at the highest rate (38%) when compared to the 125 approved that were non-certifiable (15%) and the 63 inmates approved that were denied an EEP certificate (7%).

Between October 2015 and March 2016, the 3,100 “Property/Other” and “Coercive” Offenders constituted the two largest categories considered for an EEP certificate, which accounted for over three-quarters (79%) of the interviews.

As a result of determinate sentencing and Drug Law reform, the 183 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 2,468 Drug Offenders represented 38% of the interviews. This represents a 93% decrease in the number of interviews held among drug offenders.

Of the 122 Youthful Offenders who were issued an EEP certificate, 57% were approved for release, the highest approval rate among crime categories for those issued EEP certificates. Of the 132 Violent Offenders that were issued an EEP certificate, only 2% (2 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 seven Juvenile Offenders that had an initial interview the Parole Board during this reporting period, none of whom were approved for release.

Prepared by:

Laura Bogardus  
Program Research Specialist II  
Program Planning, Research and Evaluation  
May 2016