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Proposals And Actions For Improving The Federal Parole System

B-733223

Board of Parole
Department of Justice

**UNITED STATES
GENERAL ACCOUNTING OFFICE**

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UNITED STATES GENERAL ACCOUNTING OFFICE

WASHINGTON, D.C. 20548

GENERAL GOVERNMENT
DIVISION

B-133223

The Honorable
The Attorney General *412*

Dear Mr. Attorney General:

This is our report entitled "Proposals and Actions for Improving the Federal Parole System."

Copies of this report are being sent to the Chairmen, House and Senate Committees on Appropriations; the Chairmen, House and Senate Committees on the Judiciary; the Chairmen, House and Senate Committees on Government Operations; the Chairman, Subcommittee on State, Justice, Commerce, the Judiciary, Senate Committee on Appropriations; the Director, Office of Management and Budget; the Chairman, Board of Parole; and the Director, Bureau of Prisons.

We want to direct your attention to the fact that this report contains recommendations to you which are set forth on page 18. As you know, section 236 of the Legislative Reorganization Act of 1970 requires the head of a Federal agency to submit a written statement on actions he has taken on our recommendations to the House and Senate Committees on Government Operations not later than 60 days after the date of the report, and the House and Senate Committees on Appropriations with the agency's first request for appropriations made more than 60 days after the date of the report.

We appreciate the cooperation and assistance provided our representatives by the Chairman of the Board, Board members, and the Board's staff.

Sincerely yours,

Victor L. Lowe

Victor L. Lowe
Director

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ABBREVIATIONS

BOP	Bureau of Prisons
GAO	General Accounting Office
LEAA	Law Enforcement Assistance Administration
NARA	Narcotic Addict Rehabilitation Act

GLOSSARY

Mandatory release	The release of an individual at sentence expiration, less allowance for statutory good time. For a committed youth offender, such release must occur not later than 2 years before sentence expiration.
Parole grant	A decision to release an inmate from prison before sentence expiration.
Parole deferral	A decision to deny immediate parole but to reconsider later; also referred to as a continuance for further review.
Parole denial	A decision to continue incarceration until mandatory release or sentence expiration.
Parole term	The period between release under parole and sentence expiration, less statutory good time. Expiration date is extended until fine is paid or otherwise satisfied.
Revocation	The return of a parolee to prison for violation of a parole condition.

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REPORT TO THE
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PROPOSALS AND ACTIONS
FOR IMPROVING THE
FEDERAL PAROLE SYSTEM
Board of Parole
Department of Justice B-133223

D I G E S T

WHY THE REVIEW WAS MADE

Over 90 percent of those committed to Federal prisons return to the community. The Board of Parole decides which inmates may be released before expiration of sentence.

GAO wanted to know what procedures and practices the Board uses in making parole decisions and what efforts were needed and/or being made to improve decision criteria and timeliness.

FINDINGS AND CONCLUSIONS

In determining if and when parole should be granted, the Board has not given reasons for its decisions and has not developed decision criteria. In its view, parole is a matter of the Board's discretion.

Inmates have waited several weeks before being informed of the Board's decisions, primarily because of the Board's large workload.

After a decision to grant parole has been made, additional time has been needed to obtain approval of plans for release and Board release certificates, before releasing an inmate. (See pp. 6 and 13.)

Improvement efforts

The Board recognizes the need, and is making efforts, to improve decisionmaking.

Major efforts include, among others

- developing written decision criteria,
- delegating parole decisionmaking to examiners with Board members setting policy and reviewing decisions, and
- giving inmates the reasons for parole deferrals or denials.

Using guidelines developed during a 3-year study of parole decisionmaking, the Board is giving inmates at some Federal prisons reasons for parole deferrals or denials and is doing so promptly by using the parole examiners as decisionmakers.

These and other changes have been implemented at institutions in the northeastern portion of the United States, the first of five regions planned for this purpose. These were used as pilot institutions for testing proposed changes. The pilot project operated from October 1972 to September 1973.

Nationwide implementation of the new procedures will be accomplished as the four remaining regions are established. The Board expects to complete the reorganization by autumn 1974 if sufficient funds are obtained and additional staff are hired. (See pp. 6, 9, 10, and 11.)

The Board's new decision criteria are expressed as separate guidelines for (1) youth, (2) adult, and (3) Narcotic Addict Rehabilitation Act offenders. Guidelines consider

offense severity and parole rehabilitation prognoses.

Guidelines will provide an explicit and uniform paroling policy and will force decisionmakers to identify the reason why a decision varies from guidelines. (See p. 9.)

These changes are intended to eliminate limitations on the effectiveness of the parole process.

However, the Board does not plan to change the practice of not allowing the parole applicant to review his file, which the Board uses in arriving at its decision.

According to the Board Chairman, possible sensitivity of information and the need to obtain agreement from the agencies who prepared the documents are the reasons for not allowing access to files.

Releasing practices

Federal parolees are involved with separate agencies. The Parole Board decides to grant parole and decides the release date. The Bureau of Prisons, Department of Justice, helps inmates to develop adequate release plans. Probation Officers investigate and approve or disapprove release plans and supervise offenders during parole. (See p. 13.)

Under current Board policy, the time between the decision to grant parole and release ranges from 1 to 6 months depending on the circumstances and is in addition to the time between the inmate's parole interview and the decision.

This period could be decreased by allowing Bureau of Prisons institutions to determine when the Board's

releasing conditions have been met and to set the release date.

Such changes would reduce the Board's workload, provide savings to the Government in view of the low cost of parole supervision compared to the cost in incarceration, and promote the overall rehabilitation process by reducing possible inmate embitterment and confusion over any delay.

Such actions would not infringe upon the Board's independent authority and responsibility to decide if and when an individual should be paroled. (See pp. 13 and 17.)

RECOMMENDATIONS

The Attorney General should take the necessary action for the Board of Parole, together with the Bureau of Prisons, to develop procedures under which the Bureau's institutions have responsibility for determining a parolee's release date and, if necessary, the Board could set minimum and maximum release dates. The Board should also:

- Give the Bureau's institutions guidelines on the circumstances which warrant further Board involvement in the release plans of an individual and/or require reconsideration of the decision to grant parole.
- Frequently review the releasing practices to insure that reasonable release plans are being developed and that releases are timely. (See p. 18.)

AGENCY ACTIONS AND UNRESOLVED ISSUES

The Board Chairman agreed that improvements are needed. The Chairman's comments have been considered in this report.

CHAPTER 1

INTRODUCTION

Parole is a conditional release from prison and like probation is a substitute for incarceration. It is a part of the sentence imposed by the court but is served within the community instead of prison walls. Parole serves the rehabilitative process by providing supervision and assistance as the offender makes the transition from incarceration to complete release.

Over 90 percent of all committed offenders return to the community--most of them within a short time. According to Board of Parole statistics, about 40 percent of all inmates released from Federal prisons who had been sentenced for 6 or more months were paroled. Criteria for parole selection and other aspects of the parole process have been considered and have usually been criticized in numerous studies concerning recidivism, prison reform, and rehabilitation and continue to receive considerable congressional and public interest.

Except for military offenders confined in Department of Defense institutions, the eight-member Board has parole jurisdiction over Federal prisoners wherever confined and continuing jurisdiction over those paroled or on mandatory release until expiration of sentence. A Federal prisoner becomes eligible for parole according to the type of sentence. Individuals sentenced under the Youth Corrections Act, the Federal Juvenile Delinquency Act, and the indeterminate sentencing statute are eligible for parole at any time. Persons committed under the Narcotic Addict Rehabilitation Act (NARA) are considered for parole after 6 months in treatment. In other cases, offenders serving at least 181 days become eligible for parole on completion of one-third of the sentence or on completion of the minimum sentence which can not exceed one-third of the maximum sentence. An individual serving a life sentence or longer than 45 years becomes eligible after 15 years.

The Board obtains annual appropriations and considerable assistance from the caseworkers and administrative personnel in various Federal correctional institutions and from the U.S. Probation Officers employed in the Federal district courts. The Board's appropriations since fiscal year 1970 and a breakdown of its professional and clerical staff follow.

Funding		<u>Appropriation</u>
<u>FY</u>		
1970		\$ 860,000
1971		1,069,000
1972		1,238,000
1973		1,301,000
1974:		
Regular	\$1,325,000	
Supplemental request	<u>667,000</u>	1,992,000

Staff (At 1-1-74)		<u>Number</u>
Counsel, Board assistants, staff director		7
Parole hearing examiners		11
Case analysts		6
Clerical, secretarial		<u>42</u>
		<u>66</u>

Authorizing legislation provides that parole may be granted if the Board believes that an inmate will remain at liberty without violating the law and that release is not incompatible with the welfare of society. The Board's major responsibilities include:

- Determining the date of parole eligibility for adult prisoners committed under the indeterminate sentencing statutes.
- Granting parole at its discretion in accordance with prevailing statutes.
- Prescribing terms and conditions to govern offenders while on parole or mandatory release.
- Issuing warrants for the retaking (revocation) of parole and mandatory release violators.
- Revoking parole or mandatory release and modifying supervision conditions.
- Reparoling previous parole or mandatory release violators.
- Granting exemption from the Labor-Management Act pertaining to the participation of ex-offenders in labor organizations.

According to the Board, the Federal parole statutes, as interpreted by the courts over many years, make it clear that parole is a matter of "grace" and not of "right"--parole is left to the Board's discretion.

The Board was created by the Congress in 1930 when institution parole boards were abolished. The President, with the advice and consent of the Senate, appoints the eight members. Three members are assigned by the Attorney General to the Youth Correction Division. Any member, however, by authorization of the Attorney General may vote on any case coming before the Board or the Division.

Though some cases are decided on the basis of institution reports, most parole decisions are made after interviews conducted by one Board member or examiner. The Board makes bimonthly visits to each Bureau of Prisons (BOP) institution to hold personal hearings with inmates eligible for parole. Individuals serving a year or less and Federal offenders housed in State facilities generally were not interviewed. During fiscal year 1972, the Board made about 16,600 decisions concerning parole grants, continuances, and denials. The number of such decisions rendered during fiscal year 1973 follows.

	<u>Number</u>
Parole grants	6,339
Continuances for further review	6,676
Parole denials	<u>4,239</u>
	<u>17,254</u>

(See app. I for additional information on the number and types of Board decisions.)

A parole decision is generally made on the concurrence of any two of three Board members. National security, organized crime, and other selected cases are decided by a majority vote of members present when the case is considered (en banc consideration).

CHAPTER 2

EFFORTS TO IMPROVE PAROLE

DECISIONMAKING AND TIMELINESS

In deciding if and when parole is to be granted, parole authorities are responsible for determining if an individual has been sufficiently punished and/or rehabilitated to become a law-abiding member of society. Parole authorities, however, generally have not developed and articulated criteria for measuring if and when an individual is ready for parole. Such criteria are a prerequisite for promoting fairness and consistency in parole selection.

The Board did not give reasons for its decisions and had not developed decision criteria because of the view that parole is left to the Board's discretion. Also inmates waited about 5 weeks before receiving the Board's decisions, primarily because of the Board's large workload and the way cases were submitted and considered.

The Board has initiated efforts to improve decisionmaking. Major changes include, among others, developing written decision criteria, delegating parole decisionmaking to examiners with Board members setting policy and reviewing decisions, and giving inmates reasons for parole deferrals or denials. Nationwide implementation of the procedures will be made as five regional offices are established. The Board expects to complete the reorganization by the autumn of 1974 if sufficient funds are obtained and additional staff are hired.

HOW THE DECISION PROCESS OPERATED

In most cases, according to Board policy, an agreement by two of three Board members constituted an official parole grant, deferral, or denial. The remaining cases were decided by a majority of the Board.

Decisions were generally made individually rather than through group discussions. A clerk assigned cases depending on a member's availability and workload. Each member usually voted in his own office after considering the inmate's file and the report prepared by the examiner or Board member who interviewed the inmate. The voting member signed the official order form to signify his decision. The case was then passed to a second or third member until two agreed on the decision. About 70 percent of the cases were decided without involving a third member. Since the members signed the same Board order form, they knew how the initial member voted, but his reasoning generally was not made part of the order. Consequently, parole applicants as well as their caseworkers, were not advised of the reasons for the decision.

The Board did not give reasons and had not fully stated decision criteria because of its position that the Congress, as well as the courts, had left decisions to the Board's discretion.

Parole selection criteria

The parole statutes provide that parole may be granted if

- the inmate has observed substantially the rules of the institution,
- he will probably remain at liberty without violating the law, and
- in the opinion of the Board, release is not incompatible with the welfare of society.

The Board had listed its general parole criteria in the 1971 publication entitled, "Rules of the United States Board of Parole," which stated that parole is granted when in its judgment a prisoner, who has made a satisfactory adjustment and is otherwise eligible, will avoid further violation of law and when the factors which will affect him and his dependents upon release insure adequate public security. The criteria listed included, among others, types and length of sentence; offense circumstances; criminal record; changes in motivation and behavior; personal and social history; an inmate's behavior, program goals, and accomplishment within the institution; release plans; and the impression made during the parole interview. The Board also considers an individual's potential for success through tests and statistics.

A parole booklet, prepared for Federal inmates, stated, among other things, that many of the above factors are considered but in no case must every factor be considered. The Board does comment on the possible effect of certain criteria. For example, inmates were told that parole decisions are postponed until forfeited good time is restored or necessary educational or vocational training is completed when past failures relate directly to lack of such training. According to one warden, many criteria are considered by all persons involved in the parole process, any one of which could influence the decision.

Since reasons were generally not given, inmates and institutional staff may not have known the criteria on which the decisions were based. Further, subsequent considerations by different Board members could result in assigning importance to criteria not considered significant by the original decisionmakers and possibly confuse inmates and institutional staff who may have been proceeding on certain courses of action on the basis of their interpretation of the earlier parole interviews and decisions.

Correctional authorities have stated that decisions without reasons are not conducive to rehabilitation since inmates may become embittered. The National Advisory Commission on Criminal Justice Standards and Goals ¹ stated that the absence of written criteria by which decisions are made constitutes a major failing in virtually every parole jurisdiction.

Inmate notification of decision

After a parole interview, usually lasting about 10 to 15 minutes, the inmate generally waited about 5 weeks before receiving the Board's decision. According to the Board, this timespan, for the most part, was caused by the Board's large workload. Other reasons included the time needed to either mail or hand-carry interview summaries to the Board, as well as the way most cases were decided.

The extent of the Board's parole decision workload, including revocation and review considerations, follows.

<u>FY</u>	<u>Average population in Federal prisons</u>	<u>Board decisions</u>	
		<u>Total</u>	<u>Daily average (250 workdays)</u>
1971	20,949	15,921	64
1972	21,329	18,944	76
1973	22,294	19,174	77

To obtain additional information on the Board's daily workload, we developed the following statistics on the number of open parole cases in which decisions were pending as of May 2, 1973.

	<u>Youth Division</u>	<u>Adult Division</u>	<u>Total</u>
Cases before Board	50	101	151
Cases held pending receipt of additional data	<u>284</u>	<u>668</u>	<u>952</u>
Total	<u>334</u>	<u>769</u>	<u>1,103</u>

¹/A Commission of State and local authorities which undertook to develop uniform State and local criminal justice standards and goals. The Law Enforcement Assistance Administration (LEAA), Department of Justice, funded the project. The LEAA Administrator said that the Commission's overall report is one of the most important accomplishments of LEAA and that it will be used as a guideline in determining LEAA policies and in evaluating the efficiency and effectiveness of its programs. The Attorney General commended the effort but noted that the Federal Government neither endorses nor opposes the hundreds of standards and goals.

Before 1969 Board members conducted almost all parole interviews at the institutions. In 1969 the Board began using parole hearing examiners to conduct most of the interviews. Though this provided more time for Board members to engage in decisionmaking, the Board believes that a more significant change is needed if the timelag in decision notification is to be reduced.

ACTIONS TO IMPROVE THE PAROLE PROCESS

The Parole Board is initiating major changes to improve decisionmaking. At selected institutions it is using recently developed criteria which it believes will promote fairness and uniformity of decisionmaking and is using procedures which enable an inmate to receive reasons for and prompt notification of the decision.

Decisionmaking study

In 1970 the National Council on Crime and Delinquency, a private national agency, received a 3-year \$500,000 grant from LEAA to study the Board's decisionmaking procedures and to follow up on the success or failure of parolees. The purpose of the study which was completed in June 1973, was to improve parole decisionmaking criteria and procedures by determining the factors in an individual's history that significantly related to parole success or failure, articulating decisionmaking criteria based on Board policies implicit in prior decisions, and developing a data base containing information on prior decisions and inmates concerned. According to the Board, the study identified three primary factors for making parole decisions--offense severity, parole prognosis--expectation as to favorable outcome--and institution performance.

Basic Board criteria are now expressed as separate decision guidelines for youth, adult, and NARA offenders. The Board plans to review the guidelines every 6 months and make any necessary modifications. A Board official advised us that the guidelines would be published in the Federal Register and copies furnished to the institutions.

The guidelines relate offense severity and parole prognosis to the sentence by offense category. Parole prognosis is based on the extent to which 11 identified favorable characteristics are present in each case. The guidelines are presented as a table with six levels of offense severity and four categories of parole risk. For example, an individual convicted of a moderately severe offense, such as the sale of marihuana or a vehicle theft, would serve the following time, depending on parole prognosis.

<u>Parole prognosis</u>	<u>Months to be served</u>		
	<u>Youth</u>	<u>Adults</u>	<u>NARA</u>
Very high	9 to 13	12 to 16	12 to 18
High	13 to 17	16 to 20	12 to 18
Fair	17 to 21	20 to 24	18 to 24
Low	21 to 26	24 to 30	18 to 24

Favorable parole outcomes are expected for at least 85 percent of those individuals released on the basis of a very high parole prognosis.

The Board believes that the guidelines will provide an explicit and uniform paroling policy and will force decisionmakers to identify factors (e.g., institution behavior and release planning) in a case where the decision varies from the guidelines.

Pilot project

The Board has proposed significant policy and administrative changes which will, among other things, establish regional offices. A pilot project was conducted (Oct. 1972 to Sept. 1973) at five BOP institutions in the northeast United States to test the effects of some of these changes. Innovations tested included

- use of the previously mentioned guidelines in arriving at parole decisions,
- allowing inmates to have advocates accompany and represent them at parole interviews,
- letting examiners make parole decisions,
- giving inmates reasons for parole deferrals or denials, and
- giving them the decisions within 5 working days after interviews.

One Board member was designated to act as the regional director and to serve as the first level of Board review.

Two-man teams of examiners conducted the interviews and made the decisions (subject to Board review, during the test). Disagreements were resolved by obtaining a vote from a third examiner or the regional Board member. In effect, the Board was continuing its policy of requiring that a decision be made by an agreement of two out of three individuals. Two-man teams enable more hearings to be held in a single day since one examiner can prepare for the next case while the other is dictating a summary of the previous case.

BOP officials said that inmate, as well as institution, reaction to the project was quite favorable. Providing reasons for and prompt notification of decisions and allowing inmates to have representatives speak for them have been cited by institution staff as significant improvements in the parole process. BOP studies have noted that providing reasons for parole decisions makes it easier for inmates to accept parole deferrals and provides a basis for encouraging inmates to continue and/or participate in rehabilitation.

Greater use of examiners in decisionmaking would help in obtaining prompt decisions and allow the Board more time for articulating and reviewing policies and criteria and considering decisions which have been appealed to the Board. The development of guidelines and establishment of review procedures should make acceptable the transfer of individual case decisionmaking to the examiners. Such a transfer would be consistent with views expressed by the National Advisory Commission.

Regionalization

In August 1973 the Attorney General approved a major reorganization of the Board. Five geographical regions will be established, each headed by a Board member. The policy and procedural changes tested in the pilot project will be used in each region. Examiners' decisions will be provided to inmates at the time of the hearings but will be subject to Board review within 15 working days. Decisions may be appealed to the regional Board member and then to the remaining three Board members in Washington, D. C.

In September 1973 the new procedures were implemented in the region covered by the pilot project. Nationwide implementation will be accomplished as the remaining regions are established. (Inmates housed in the institutions not yet covered by the new procedures thus are not being advised of the reasons for parole denials and are waiting several weeks before being informed of decisions.) The Board anticipates completing the reorganization by the fall of 1974 if sufficient funds are obtained and additional examiners and supportive staff are hired.

The Board Chairman said that, in determining the location of regional offices and other matters of common interest, the Board would consider BOP regionalization plans as well as the plans of the Office of Management and Budget. A joint Board-BOP task force was formed to study and compare the regionalization plans.

Inmate review of file

The above changes are intended to eliminate practices which Board members and other correctional authorities have

identified as limitations on the effectiveness of the parole process. However, the Board does not plan to change the practice of not allowing inmates being considered for parole to review their files which the Board uses in arriving at decisions. According to the Board Chairman, the Department of Justice believes that inmates should not be granted access to the files because of the possible sensitivity of certain file information, such as psychological appraisals and information on informants.

According to the National Advisory Commission on Criminal Justice Standards and Goals, few States allow inmates to review the information on which parole decisions were based. The Commission stated that effectiveness and fairness argue for such disclosure. The Commission noted that sensitive information could be withheld but that any nondisclosure should be noted in the record so that subsequent reviewers would know what information was not available to the offender.

In discussing the question of access to files in his June 1973 testimony before a subcommittee of the House Judiciary Committee, the Board Chairman noted that many file documents are the property not of the Board but of the agencies who prepared them (BOP and/or the sentencing court). As such, the Chairman does not believe the Board could unilaterally release them. He stated, however, that, if those problems could be solved, he would favor granting inmates limited access to the files.

CONCLUSIONS

The Board is implementing major changes to improve decision-making. The changes should provide greater assurances to all parties--Board members, BOP officials, inmates, and their families--that the process will be fair, consistent, and timely.

CHAPTER 3

OPPORTUNITY FOR INCREASED TIMELINESS

AND ECONOMY IN RELEASE PRACTICES

Federal parolees are involved with three agencies. The Parole Board decides to grant parole and decides release dates, BOP works with inmates in developing adequate release plans, and the U.S. Probation Officers investigate and approve or disapprove release plans and supervise releasees during parole.

Under current Board policy, the time from the decision to grant parole and release ranges from 1 to 6 months, depending on the circumstances. This time could be decreased by allowing BOP institutions, upon the Board's decision to grant parole and if necessary set minimum and maximum release dates, to determine when the Board's releasing conditions have been met and to set release dates. These changes would lessen the Board's large workload; provide savings to the Government in view of the low cost of parole supervision compared with the cost of incarceration; and more important, promote the overall rehabilitation process by reducing possible inmate embitterment and confusion over delay.

TYPES OF RELEASE

Federal offenders may obtain release through changes in sentence, Presidential pardon, parole, sentence expiration, or mandatory release. In fiscal year 1972, about 42 percent of the releases of inmates with sentences of 6 or more months were through parole, about 21 percent by mandatory release, and about 35 percent upon sentence expiration.

Mandatory as well as parole releasees are subject to parole supervision and revocation until sentence expiration, except that the last 180 days of adult offenders' mandatory release terms are dropped from the supervision periods. Although subject to parole supervision, mandatory releases occur by operation of law and, consequently, the Parole Board is not involved in the releasing procedures; BOP issues certificates of release.

RELEASE PRACTICES AND PLANNING

The time between a decision to grant parole and release depends on the conditions in the Board's decision. BOP said that, when special releasing conditions have not been established, the Board usually sets a release date from 30 to 60 days after the decision to allow time for the U.S. Probation Officer and the Board to investigate and approve the inmate's release plan and for the institution to request and receive the Board's certificate of parole.

More time is usually needed when special conditions are involved; e. g., the Board wants the inmate to complete an educational course in which he was enrolled at the time of the decision or when release is to be accomplished through a BOP Community Treatment Center to allow time for the individual to get into and complete the Center's program. Board policy provides that release dates should not be set more than 6 months after the hearings. When a longer delay is necessary, the Board continues the case for further review and requests a special progress report before granting parole and setting a release date.

According to the Board, most paroles are granted without any special conditions other than the usual provision for an approved release plan. As shown by the chart on page 15, 68 percent of the parole grants during the first 6 months of fiscal year 1973 required only approved release plans. The chart also shows that a significant number are paroled through community treatment centers. BOP plans to increase emphasis on the use of such centers in preparing and assisting the inmate's transition from incarceration to release.

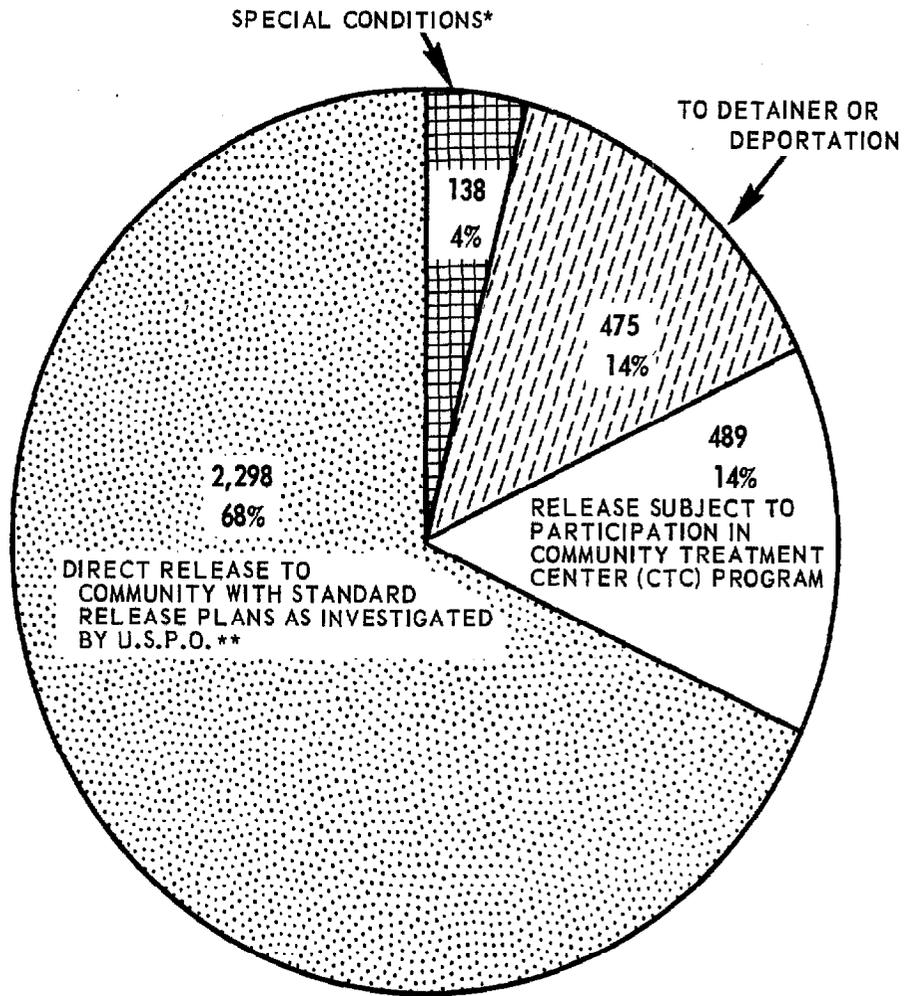
Release planning

The Board encourages the development and approval of release plans before parole consideration to avoid long delays between the parole decision and release and in recognition that release planning before parole aids rehabilitation. Full development and final approval of the release plan, however, are usually made after the parole decision.

The primary responsibility for plan preparation rests with the inmate, although institution caseworkers, and in some cases probation officers, assist him. The Board maintains that each plan should, as a minimum, contain evidence of an adequate residence, an offer of suitable employment, and a qualified person who will act as advisor and assist the releasee. Other elements may be included, depending on individual case factors. The Board may waive any requirement under extenuating circumstances.

The difficulties and limited success of releasees in obtaining suitable employment are well known. Many individuals simply return to the areas and types of jobs they held before incarceration. The extent to which release plans truly represent valid opportunities is unknown. In a review of BOP rehabilitation programs and activities, we noted that, of a sample of 85 inmates released under mandatory release or parole in July 1971 and still under supervision 1 year later, 57 did not have jobs upon release, as the table on page 16 shows.

**TOTAL PAROLES GRANTED DURING FIRST SIX MONTHS
OF FISCAL YEAR 1973 BY RELEASING CONDITIONS**



TOTAL NUMBER OF CASES
3,400

* For example, parole subject to participation in a drug rehabilitation program
** U.S. Probation Officers

<u>Type</u>	<u>Number</u>	<u>Job upon release</u>	
		<u>Yes</u>	<u>No</u>
Mandatory release	15	3	12
Parole	<u>70</u>	<u>25</u>	<u>45</u>
Total	<u>85</u>	<u>28</u>	<u>57</u>

Prerelease counseling and planning, as well as job placement, must be improved to reduce recidivism. Our report on BOP rehabilitation programs (B-133223, Nov. 6, 1973) recommended that BOP intensify programs for assisting inmates in preparing for and obtaining employment before release.

Release date approval

A certificate of release is not issued until the Board's staff has approved the release plan which has been investigated and approved by the probation officer. According to a Board official, few release plans are found unacceptable.

Board personnel said that, at any given time, about 1,000 inmates have been granted parole but are awaiting release. In February 1973 approximately 500 certificates were issued. The Board does not maintain statistics on the time between decision and release.

According to case files for 34 inmates out of 75 for whom certificates were issued by the Board's Adult Division during 1 week in February 1973, 12 inmates had special conditions associated with their releases and the remaining 22 required only approved release plans. In 2 of the 22 cases, the probation officer had approved the plans before the decision to grant parole--one was released 38 days after the decision and the other 62 days.

For the 20 inmates for whom approved release plans were the only release condition and for whom the plans were approved in the usual manner after the decisions, the average time between decisions and release dates was about 70 days. Of this, about 20 days elapsed between the dates the plans had been approved by the probation officer and the institution's request for the parole certificate and the release date. Although the analysis involved only a few cases, it does show that a significant number of days elapsed between institutions' requests for and receipt of the certificates.

Allowing the institutions to issue certificates once specified conditions had been met could lessen the time between decision and release dates. This could reduce the large workload facing Board members and staff and, perhaps most importantly, improve the rehabilitative process by releasing an individual

shortly after he has been told he is ready for parole. Further, some savings would be realized since the cost of confinement considerably exceeds that of parole supervision, as shown by the following fiscal year 1973 cost data for BOP and the Federal Probation System.

	<u>Confinement</u>	<u>Probation and/or Parole</u>
Average daily cost	\$ 14.76	\$ 1.07
Average annual cost	5,397.40	391.55

Parole release on the effectiveness date depends on good conduct, as well as the completion of a satisfactory release plan. In our opinion, the releasing of inmates by the institutions does not mean that a decision cannot be changed before release. Adverse inmate conduct or additional information not known at the time of original decision could be brought to the Board's attention in accordance with prescribed instructions for cases requiring reconsideration.

The Board Chairman expressed interest in allowing the Bureau's institutions to set release dates. He stated, however, that the Board should have the option of setting, when necessary, minimum and maximum release dates. We agree. In some cases, the total time the Board wants an individual to serve before parole is not reached until shortly after the parole decision and for such situations a minimum release date would be appropriate. Setting maximum release dates could insure that releases are timely.

CONCLUSIONS

Adequate release planning and preparation increase an offender's chances for success upon release. Continuing efforts are required to insure that release plans and guidance programs are the best available.

The time required between the decision to grant parole and release could be reduced. Since three agencies are involved in the parole process, the Board could reduce this time by allowing the institutions to determine when the Board's releasing conditions have been met and to set the release.

This would not infringe upon the Board's independent authority and responsibility to decide if and when an individual should be paroled. The Board would advise the institutions and inmates that parole has been granted subject to standard releasing conditions and/or any other specified conditions deemed appropriate by the Board in each case. Only cases when the inmate's behavior has adversely changed or when BOP believes (pursuant to Board guidelines) there is new information or

factors bearing on the case would be submitted to the Board for reconsideration.

RECOMMENDATIONS TO THE
ATTORNEY GENERAL

We recommend that the Parole Board:

- Improve timeliness and economy in releasing practices by working with BOP to develop procedures under which BOP institutions have responsibility for determining a parolee's release date and, if necessary, the Board could set minimum and maximum release dates.
- Give the institutions guidelines on the circumstances which warrant further Board involvement in the release plans of an individual and/or require reconsideration of the decision to grant parole.
- Monitor the new procedures to insure that reasonable release plans are being developed and that releases are timely.

- - - -

The Board Chairman agreed that improvements were needed. His comments have been considered in preparing this report.

CHAPTER 4

SCOPE OF REVIEW

This review involved various aspects of the parole process but was limited principally to the practices and procedures followed in determining if and when an offender is to be paroled and of the efforts being made to improve decision criteria and timeliness. This included the procedures and practices followed in determining the date of a parolee's release.

We examined Federal parole legislation and Board policies, procedures, and documentation on parole activities and interviewed Board members and staff. We reviewed case files for selected inmates and observed parole hearings held in February 1973 at the Federal youth center in Morgantown, West Virginia, and the U.S. Penitentiary, Lewisburg, Pennsylvania.

NUMBER AND TYPE OF
PAROLE BOARD DECISIONS
FISCAL YEARS 1971-73

<u>Decision types</u>	FY		
	<u>1971</u>	<u>1972</u>	<u>1973</u>
Parole grants	5,851	6,174	6,339
Parole denials (note a)	3,993	4,216	4,239
Parole continuances for further re- view	3,651	6,250	6,676
Revocation and/or reinstatement	1,786	1,653	1,104
Washington appellate reviews	166	245	224
Warrant dispositional reviews	474	406	592
Total	<u>15,921</u>	<u>18,944</u>	<u>19,174</u>

a/Board policy is that, when the time remaining on a sentence is more than 3 years, further case reviews will be scheduled in lieu of continuing to sentence expiration.

FEDERAL OFFENDERS UNDER
PAROLE SUPERVISION

AT END OF FISCAL YEARS 1970-73

<u>FY</u>	<u>Parolees</u>	<u>Mandatory releases</u>	<u>Total</u>
1970	8,242	1,905	10,147
1971	9,055	2,012	11,067
1972	10,029	2,047	12,076
1973	10,877	1,955	12,832

PRINCIPAL OFFICIALS
RESPONSIBLE FOR ADMINISTERING
ACTIVITIES DISCUSSED IN THIS REPORT

Tenure of office	
<u>From</u>	<u>To</u>

DEPARTMENT OF JUSTICE

ATTORNEY GENERAL OF THE UNITED STATES:

William B. Saxbe	Jan. 1974	Present
Robert H. Bork (acting)	Oct. 1973	Jan. 1974
Elliot L. Richardson	May 1973	Oct. 1973
Richard G. Kleindienst	June 1972	Apr. 1973
Richard G. Kleindienst (acting)	Feb. 1972	June 1972
John N. Mitchell	Jan. 1969	Feb. 1972
Ramsey Clark	Oct. 1966	Jan. 1969

CHAIRMAN OF THE BOARD OF PAROLE:

Maurice Sigler	July 1972	Present
George J. Reed	May 1969	June 1972
Walter Dunbar	June 1967	May 1969

CURRENT BOARD MEMBERS:

Gerald E. Murch	July 1955	Present
William T. Woodard, Jr.	Sept. 1966	Present
George J. Reed	May 1969	Present
William E. Amos	July 1969	Present
Paula A. Tennant	Nov. 1970	Present
Curtis C. Crawford	Nov. 1970	Present
Maurice Sigler	Aug. 1971	Present
Thomas R. Holsclaw	Oct. 1972	Present

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