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OHIO DEPARTMENT OF REHABILITATION AND CORRECTION
DIVISION OF PAROLE AND COMMUNITY SERVICES



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25 October 1979

TO: CLARENCE CLARK, CHAIRMAN
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FROM: STEVE VAN DYNE
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CONCERNING: PAROLE GUIDELINES REPORT

Attached are 13 copies of the parole guidelines report for members of the Board, Hearing Officers, and the Board's Administrative Assistant. I will soon forward copies of the report "The Nature and Use of Parole Guidelines" for new members of the Board.

The report can be summarized briefly.

1. Paroling policy in Ohio is quite similar to paroling policy in states that use parole guidelines. To be specific, inmates in Ohio prisons spend more time in prison the worse their crime and the worse their criminal history.
2. It is possible to develop a guideline proposal for Ohio. One proposal is included as Table 6.
3. Developing the actual figures for the guidelines turned out to be rather difficult, since neither median or average figures can be used directly. However, these calculations are valuable in determining what the actual figures for the guidelines should be.

The report is separated into a primary report of 17 pages and 6 tables and an appendix of 4 pages and 9 tables. The appendix contains much of the supporting data.

Copies of the report will be sent to Mr. Stosmayer and the several superintendents for their information.

I hope that you and the other members of the Board find the report satisfactory. If there is anything that I might do to assist the board in deciding whether to pursue guidelines, please let me know. I would be very glad to be of assistance. Thank you for permitting me to be part of this challenging project.

A [↖]CONSIDERATION OF
PAROLE GUIDELINES FOR
✓OHIO

Support from:

National Institute of Corrections
U.S. Bureau of Prisons

Prepared by;

Administration and Research
Adult Parole Authority

October 25, 1979

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ACA

This report summarizes the findings of a project designed to examine Ohio's present parole release policies in the context of parole guidelines. The project, instituted at the request of the Parole Board, was conducted by the Research Section of the Adult Parole Authority. Financing for the project was provided by a grant from the National Institute of Corrections of the United States Bureau of Prisons.

Parole guidelines are a series of principles which assist parole decision-makers in deciding whether to release or continue an offender. Their most common form, that which we investigate in this report, is a matrix or grid which suggests the appropriate sentence for offenses and offenders of particular classes. Readers of this document are assumed to have some acquaintance with parole guidelines; those who need more background can contact Steve Van Dine, 466-6413, for a copy of the report "The Nature and Use of Parole and Sentencing Guidelines".

PREMISE OF THE STUDY

The concept on which this study was based is this: the informal principles on which Ohio's Parole Board members make parole decisions are very similar to the kinds of explicit standards that the Board would choose if the Board should adopt guidelines to structure parole decisions. Informal principles of the present are reflected in current parole decisions, especially when several hundred or thousand of those decisions are analyzed together.

The study assumes then that Ohio Parole Board members have two primary criteria in the making of parole decisions. First, what was the nature of the criminal incident; how reprehensible was the conduct of the inmate in that incident? This matches the severity aspect of guideline proposals. The second criterion is related to an inmate's likelihood of return to crime. This prediction is based on variables such as prior felonies and incarcerations, previous history under supervision, and history of drug and alcohol abuse. As a practical matter the variables are weighted and used as factors in compiling a single "risk score". Both these criteria, the severity of the instant offense and the risk of parole failure, were selected by survey of Ohio Parole Board members

as the most critical aspects to consider in making parole decisions. Board members use both criteria to determine how long an individual inmate should spend in prison.

Parole boards in other jurisdictions which have chosen to use parole guidelines also emphasize the two criteria of offense seriousness and offender risk. The emphasis is more explicit in a guidelines system and is frequently summarized in a matrix or grid. (See Figure 1.) Categories of crime severity can be placed on one side of the matrix, or table, and categories of offender risk can be placed in a second side. Where each pair of categories cross (called a cell), then the time served by offenders meeting those categories can be recorded.

FIGURE 1

		Risk of New Offenses		
		Low		High
Seriousness of Offense	Least	0-6 months		
	Most			48-60 months

Expected Months to be Served in Prison

Since the Parole Board informally emphasizes the same criteria as most parole guidelines emphasize in an explicit manner, then it ought to be possible to expose those patterns in a matrix format. If the premise of the study is correct, that is, if the unstated policies of the Ohio Parole Board are indeed similar to the explicit policies of guidelines systems, then there will be a steady increase in time served as the severity of the offense increases and as the likelihood of recidivism increases. This study is designed to measure the extent of those patterns, if they exist.

NATURE OF THE STUDY

To determine the time served by particular categories of parolees, it was necessary to categorize inmates by both severity of offense and by the degree of offender risk. Categorization for severity proved to be a relatively easy task. The Board instructed the Research Section in earlier conversations that the basic breakdown for severity should be related to the minimum sentence. Two alternatives were available: 1) use the four felony levels, or 2) develop several levels and assign particular crimes to the various levels (similar to the U.S. Parole Commission). The first alternative was found to have too few levels. The second would require a longer development process and might be impossible, given the penalty structure in Ohio's criminal code. Thus the initial efforts for severity categories were based on sentence minimums. Data on minimum sentence, of course, is a standard and very accessible aspect of each inmate's record.

Determining the degree of risk posed by inmates was a more difficult matter. This kind of projection has never been done in a systematic manner in Ohio. In most states with guidelines, the risk scale was developed after extensive study through which the agency selected those variables most closely associated with parole failure in their jurisdiction. Due to the extensive research done in other states on prediction variables, we thought that such a preliminary step might not be necessary here in Ohio. Instead we selected four risk scales independently derived in three other jurisdictions and used those scales to categorize Ohio offenders. Scales used were the Salient Factor Scale from the U.S. Parole Commission, the Offender History Scale from the Oregon Parole Board, the Minnesota Risk of Failure Scale, and a variation on Minnesota's scale. The Minnesota scale includes no data related to juvenile criminal activity, while an earlier version of the scale tested in the state included three questions related to juvenile criminal activity. To allow us a greater number of options, we returned those three questions to the Minnesota Risk of Failure scale to create a fourth scale, which we called the Minnesota Juvenile Scale. Copies of the variables and weights in each of the scales are in Appendix 1.

Four months worth of parole and furlough releasees provided the data for the study. We gathered from the minutes of the Parole Board the names of all releasees from the months of August-November 1978. Each of the cases were examined to gather personal characteristics, details of their imprisonment, and information concerning their criminal past. We were able to find all of the cases. The material was processed by computer; frequencies were compiled on each variable, and each releasee was scored on the four different scales. Finally, the computer produced tables similar to Figure 1. In these tables the time served was recorded for each group of offenders, classified by each combination of offense severity and offender risk. Each cell in the table represents a particular combination of severity and risk.

The time served by offenders in each cell was computed in three ways. First, an average was computed. The total number of months served by the offenders in each cell is divided by the number of offenders in the cell to calculate the average. The second calculation is that of the median figure. When each of the values of time served are placed in order from lowest to highest, the median value is the one in the middle. For example, if there are 21 persons in a category, ten of whom served 18 or fewer months and ten of whom served 20 or more months, the median length is 19 months, the number of months served by the person with the middle value.

These two measures of time served have different advantages and flaws. Averages have a key disadvantage. There are a few releasees in most cells who have unusually long sentences. An example would be a cell in which 16 persons fall in the 6-10 month range, averaging by themselves 8 months, but one person has a 54 month imprisonment, causing the total average to be almost 11 months. Technically the average is accurate, but it does not represent the typical sentence. The median calculation has an advantage in that the influence of a few unusual lengths of imprisonment is diminished. In contrast, the median time served is less accurate in estimating prison population changes than is the average time served figure.

The third method of outlining time served by offenders in each cell is to develop a "bracket" around the largest group of cases, that is, to select the low time served and the high time served for a range in which most of the offenders are placed. We looked for a range in which 60 percent of the releasees can be found. (As an example, for a cell containing 30 persons we can find 60 percent of the cases, 18 people, with time served values ranging from 18-28 months. Three people had longer values; nine releasees had shorter values.) The selection is rather informal. The largest cluster of time served values is found, and cases are added to the cluster from both sides until 60 percent is inside the bracket. If this procedure works, then these brackets ought to be able to serve as the basis for guideline intervals in each cell.

One disadvantage should be noted at this time. Several brackets containing 60 percent of cases in a category can be developed. The ideal bracket is, first, fairly narrow -- containing only a few months --, and second, balanced with an equal number of cases on both sides of the bracket. It may be impossible to meet these goals with the same bracket. One bracket may have only four months but be composed of the lowest 60 percent of the cases in the cell. Another bracket for the same cell may be ten months long but have 20 percent of the cases on each side of the bracket. It is difficult to determine which is better.

CONCLUSIONS ABOUT THE RESULTS

The results from the particular scales will be discussed in the last portion of the report. It is useful at this point to draw several conclusions about the procedures of the study.

1. The basic hypothesis of the study was confirmed. There is a definite and positive correlation between the categories of offense severity and offender risk compared with the time served by offenders. The more severe the offense, the longer an offender can expect to serve. Similarly, the worse an offender's criminal history, the longer that offender can expect to spend in prison. There are, of course, variations counter to

these generalizations, but those variations usually occur in cells in which there are few persons. The statistics are not as reliable when there are only a few cases.

2. The three measures of time served - median average, and bracketed range - demonstrate the basic hypothesis to varying degrees. By and large, median values of time served seem to be most representative of the population in each cell. The pattern of average values is similar to the median pattern, but the pattern is sometimes confused by an unusually long sentence in a cell where most sentences are short. The patterns that emerge from examining the bracket figures are disappointingly vague, reflecting the difficulty of creating the brackets.

3. A key point that helps to explain the difficulty of creating brackets is that the time served values in each cell are generally not normally distributed. A "normal distribution" is one where the most frequent single value for cases is the value in the middle, and the next most frequent values are near the middle. Cases are less frequent the farther from the middle the values are. Figure 2, Part A, illustrates a normal distribution. Instead, time served distributions in each of the cells tend to be concentrated among the low values. This is due to concentrations about the dates of regular parole eligibility (first hearing) or the six month date from shock parole. An illustration of a typical distribution from many of our cells is illustrated in Figure 1, Part B.

FIGURE 2 PART A "Normal Distribution"

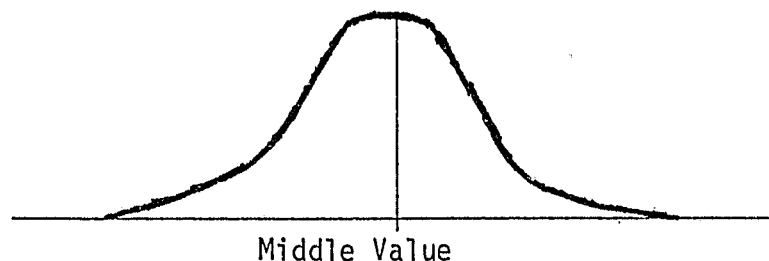
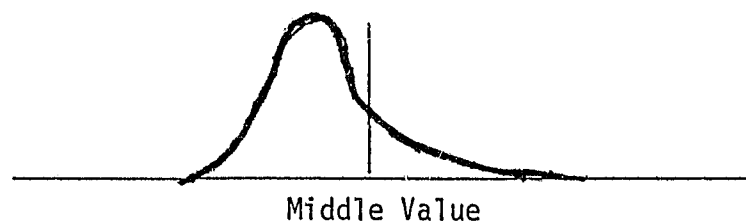


FIGURE 2 PART B

Typical Distribution in this Study



4. It is difficult to use actual numbers generated by this analysis to develop a consistent and legal proposal of guidelines. The key problem is that in many cells the average and median figures for time served are below the legal minimum for those sentences. There are two key reasons. One of these is early release programs such as shock parole and furlough. Both programs allow release before minimum parole eligibility. A second reason is related to jail time. An inmate released at his or her first hearing may well have fewer than the legal minimum of months served in prison, due to credit for jail time. The consequence of all this is that in many cells the three measures of time served in prison -- medians, averages, and brackets -- fall below the minimum time that must be served.

This prevents the use of the actual figures calculated in the study for guidelines. However, the numbers still can be the basis for a guideline proposal, if the proposal is well designed.

In the section that follows the data of the study is presented. There are four sets of averages and medians, a set based on each of the four risk scales. Further, there is a demonstration of the brackets that were created using the Oregon scale. Brackets for the other scales are not included, although they can be prepared on request. They are difficult to prepare, somewhat arbitrary in nature, and not especially useful. Finally, there is a sample proposal of guidelines, again using the Oregon scale as a base.

DATA SECTION

Basis for Highlighting the Oregon Offender History Scale

A great deal of data was gathered for this study. Fifty tables easily could be prepared describing different aspects of sentencing policy. However, such a direction would have obscured the essential message of the study, a description of Ohio's parole policy under a guidelines proposal. Thus in this report only one of the risk scales is covered in detail with a parole guidelines matrix developed from that scale. We chose to highlight the Oregon Offender History Scale. Data for and discussion of the other scales is recorded in Tables A1-A9 in the Appendix.

There are several reasons for selection of the Oregon scale. First, the two scales from Minnesota are generally unsatisfactory. Ten sentencing levels are used and five risk categories. Since there must be separate tables for reformatory and penitentiary inmates, that means that there are 100 cells with each representing a particular combination of sentence, risk, and type of commitment. This proves to be too many cells for a matrix. Many cells are empty or contain only one or two cases. A matrix simply does not work well with so many cells.

Thus the choice of a scale was between the Oregon Offender History Scale and the U.S. Parole Commission Salient Factor Scale. There really are a great many similarities between the two scales (Oregon's was based on that of the Parole Commission.), so the choice was not especially critical. The Oregon scale was selected because, first, the sentencing patterns illustrated were sensible and consistent. Reformatory sentences were shorter than penitentiary sentences. The time served by inmates increased steadily as the minimum sentence increased and as the offenders' criminal histories grew worse. The second basis for preferring the Oregon scale over the U.S. scale is the questions in the scale. The questions in the Oregon scale seemed somewhat more reasonable to this researcher, although others may disagree.

What are the implications of selecting the Oregon scale and slighting the other three scales? The selection has no real consequence. After examining this report, Board members will decide whether guidelines ought to be tried and, if they are, what prediction scale should be used as the basis for a matrix. Board members can still decide to use one of the other prediction scales tested in this study or to use parts of those scales to develop one that they prefer. The Board will also be able to weight factors in the scale as they choose. Thus illustration of only a single scale is done merely to keep the report at a manageable length.

The Oregon Offender History Matrix for Ohio

The results from the Oregon matrix illustrate each of the major conclusions of the study. First, the averages and medians illustrate that there are strong and logical relationships between time served and severity of sentence and between time served and the likelihood of return to crime. Second, these patterns, while still evident, are somewhat erratic when brackets are developed in each cell. Finally, the results for the Oregon scale illustrate that in Ohio averages, medians, and brackets can only serve as a guide to the creation of guidelines for Ohio. They cannot be used directly because they frequently fall below the legal minimums for each level of sentence.

Tables 2-6 contain figures developed for Ohio prison releases in late 1978. It would be useful to review how this data was developed. Each releasee was classified by sentence minimum. There are ten categories, with the bottom four in half year levels. The next five levels are from three years to seven years. The top sentence category includes all persons with sentences over seven years. Then each releasee was scored on a risk scale. Finally the releasee was classified by sentence, risk scale score, and type of commitment. In the Oregon scale, for example, an offender may have eight points in a "good" rating, a minimum sentence of three years, and a reformatory commitment.

He or she is placed in that cell, with other offenders of the same type. The average and median time served for the cell is calculated for those persons categorized in the cell. Brackets are developed in the same manner, cell by cell, for those persons properly assigned to the cell. Jail time is not counted in these figures.

The Oregon Offender History Scale is reprinted as Table 1. There are six items. Prior adult or juvenile convictions, either felony or misdemeanor, are weighted most heavily, with up to three points for a clean prior record. Three items have as many as two points each: prior incarceration as a juvenile or adult, the age at first commitment for 90 days or more, and the history of the individual while under supervision. The better the criminal history, the more points are received. The final two categories relate to drug or alcohol abuse and to the length of time since the last conviction. They are worth one point each.

Examining the data from the study in detail, Table 2 contains the median time served in each cell for persons released through furlough or parole in the period August through November 1978. Patterns are regular and sensible. Those with .5 year minimums have the lowest time served in every risk category. Similarly, those classified as "very good" on the history scale spend the shortest time in prison at almost every severity level. While there are occasional variations, the length of time served is longer the worse the background and the more severe the sentence. One pattern that should be noted is that time served increases only slightly when passing from "very good" to "good" to "fair" along the history scale, and then makes a larger jump when looking at the "poor" candidates. Obviously the Board tends to lump excellent and medium candidates for release together, but is tougher on the bad candidates.

Table 3 summarizes the average time served for persons in each cell in the matrix. By and large the patterns are similar to those described above for Table 2. However, the average time served tends to be slightly longer in each cell than are the median values.

This is because there usually are a few cases in each cell with sentences that are far greater than normal. This raises the average in each cell. Because of this, the figures in Table 3 are not as valuable as those in Table 2 for developing actual guideline brackets, since requiring the majority who are serving below the average to serve the average would increase the total time served. However, the figures in Table 3 are more accurate in estimating changes in prison population.

Table 4 is background data for the study. It contains for each cell the number of persons meeting that description. The number of persons in each cell helps to illustrate why some of the irregularities exist in median and average time served figures. In those cells with few people, the influence of one or two very short or long periods of incarceration can drastically influence the totals for that cell. This occurs in most of the highest levels of severity for both reformatory and penitentiary commitments.

Another interesting aspect is the breakdown of releasees into the different history categories. At the reformatory level the largest group is the "good" group, followed by the "fair", the "very good", and the "poor"; At the penitentiary level the persons are most frequently "fair" risks, followed then by "good", "poor", and "very good" releasees. This disparity is in part due to the fact that reformatory inmates have no prior incarcerations and also are younger and have not had as much time to get into trouble.

As commented before, it was difficult to develop brackets, that is, high and low limits, of time served for each cell (Table 5). This difficulty was due to the great spread in sentences. At the bottom end there is a cluster centered around early release programs; at the top there is a scattering of cases receiving very severe sentences. Further, in cells with very few cases, brackets are almost meaningless. Nonetheless, brackets do represent the greatest single cluster of cases in each cell and the time served by the high and low member of that cluster.

It should be noted that many of the brackets extend below the minimum sentence for a particular sentence level. Most of the clusters contain sixty percent of the cases in the cell, although for a few cells only fifty percent are used. Those cells with dashes usually had none or one case. No brackets were developed for cases above seven years due to the diversity of sentences for cases in that category.

Finally, Table 6 outlines what parole guidelines in Ohio might look like if the Oregon Offender History Scale is used and if the data in Tables 2-5 is considered in setting up the matrix. The matrix is somewhat cluttered and will require some explanation. After that explanation, the principles that were used in developing the matrix will be outlined.

The matrix follows the format used in previous tables, with severity (minimum sentence) along the side and offender history across the top. Each cell, or pair of severity and history categories, contains a recommended sentence for the typical offender and offense of that type. The recommended sentence for each cell is generally a range of months. There are no parentheses around the recommended sentence. In some categories a second alternative is listed. These second alternatives are enclosed with parentheses. Finally, there are no recommended sentences for the "over 7.0" year sentences. Sentences in this category would be decided on a case-by-case basis.

The recommended sentences require further explanation, especially concerning the alternative sentences. First, for each level of severity in both the reformatory and penitentiary system, the low values listed for the "very good" candidates are the minimum term for that sentence. Second, there are some cells in the reformatory matrix for which six months, not a range, is the recommended sentence. This is because the results for the study period show that those are cells in which a high percentage of eligible inmates received shock parole. Thus it seems appropriate to make shock release the primary recommendation for those cells. Over 20 percent of the offenders in these

cells received shock parole. Regular guideline intervals are enclosed in parentheses for those not eligible, or not good choices, for shock parole. Third, there are other cells where "(6)" or "(F)" are alternative sentences. In general, these are cells where over ten percent of the releasees received shock or furlough release. Thus it should be seriously considered for eligible candidates in the cell.

Several principles were used in setting up the matrix. Some of those principles were mentioned in the paragraph above. "Very good" parole candidates are recommended for release at the minimum term at each level of severity. Also, those types of inmates presently released through shock parole or furlough ought to be released through the same programs under a guidelines proposal, or at least seriously considered for such a release.

Other principles were also used, in line with the implications of the data. First, the bottom limit of the bracket of many cells, especially in the less severe sentences, falls at the minimum for the sentence. That is because the average and median for those cells fell below or at the minimum. Second, at most severity levels there is little difference in recommended time to be served between the "very good", "good", and "fair" groups of offenders. There is then a considerable jump for the "poor" group of offenders. This pattern is followed because that is what the data looked like for the period August-November 1978. Third, brackets tend to be larger in the higher levels of severity and for the "poor" group of offenders. This was true of the data of the study period. Intuitively the large brackets seem justified, due to a greater variety of more severe crimes and a consequent need for greater flexibility in sentencing.

Fourth, some sentencing patterns are direct carryovers from the present. For example, persons with half year sentences are not considered for shock parole, since regular release is possible before six months. Also, penalties for penitentiary commitments

are higher than for the reformatory. Finally, also in line with present policy, jail time would count toward the recommended sentence, except for shock parole release.

It is appropriate to consider some of the cells and the recommended sentences for those cells. Considering the reformatory first, persons with a .5 year minimum are not recommended for shock parole but are recommended for regular parole on or shortly after minimum eligibility. Most of the persons receiving 1.0 or 1.5 year sentences are recommended for shock parole if eligible. By the 2.0 year level, only the "very good" candidates are recommended to receive shock parole, although it should be seriously considered for the "good" candidates. By the 5.0 level and above the "fair" candidates no longer are recommended for release at or near minimum, a pattern that is continued for higher levels. Furlough candidates are those in middle sentence levels.

For penitentiary commitments patterns are generally the same. Persons with .5 year minimums are not suggested for parole. "Very good" candidates from 1.0 to 3.0 years should be considered for shock parole, but few persons in the other categories are likely to be selected for shock parole. Again, it is not until the 4.0 level that "fair" candidates for parole are recommended for release at more than minimum sentence. Finally, penitentiary commitments for the most severe sentence levels should frequently be considered for furlough, especially if they had "good" or "very good" criminal histories.

Subsequent Decisions by the Parole Board

We have seen through this investigation that the implicit policies of the Ohio Parole Board are very similar to explicit policies frequently set forth by Parole Boards which adopt guidelines. Both increased severity and greater likelihood of a return to crime are the basis for a lengthier stay in prison. We then determined what guidelines

for Ohio might look like if based on past parole and furlough decisions. Given this background, there are several options with regard to parole guidelines which the Parole Board can consider. They are enumerated below. They range from deciding to end consideration of guidelines to several possible variations of implementation.

1. NO GUIDELINES -- After looking at the report above, considering their own philosophies, and considering other outside factors, the board members may decide that no further investigation into guidelines is necessary and that guidelines will not be adopted.
2. CONDUCT A MAJOR GUIDELINES DEVELOPMENT PROJECT -- The Board may still be interested in guidelines after reading this study, but they may wish to redo the study. The only reasonable basis for this would be to conduct a preliminary investigation to select variables which are the best predictors of parole success in Ohio. Then this study could be repeated using those variables instead of variables borrowed from other states.
3. CONDUCT FURTHER INVESTIGATION INTO GUIDELINES BEFORE MAKING A DECISION -- This project emphasized the Oregon Offender History Scale for the report. The Board has two options here. First, they could request a developed version of one or all of the other scales prior to making a decision. Alternatively, they could select from the four scales particular variables which could be used in a unique scale. This could be tested on the computer and the results prepared for the Board. Then a decision could be made.
4. ADOPT GUIDELINES WITH FURTHER DEVELOPMENT PLANNED -- The Board may be convinced that guidelines ought to be the policy, although not exactly the proposal here. Having made the decision to adopt guidelines, both the revisions in the proposal and supporting procedures for guidelines could be completed at the same time.
5. ADOPT GUIDELINES WITH ONLY POLICY CHANGES -- Policy, as it is used in this context, refers to the actual suggested sentences in each cell. The Parole Board may wish to adopt this guidelines proposal with only some changes in the suggested sentences. Changes in the brackets are, of course, appropriate at any time that guidelines are in effect.
6. ADOPT GUIDELINES WITHOUT CHANGE -- This proposal can be adopted and the suggested sentences kept, at least for the time being.

It is not the role of this investigation to decide what the Board should do with regard to guidelines. Thus no recommendation will be made from among the options. However, certain comments should be noted that are pertinent to the decision.

First, the general consensus at the recent Uniform Parole Reports conference is that the old style of parole decision-making is not likely to be able to survive much longer. Fourteen states have now adopted determinate sentencing laws; similar proposals

are being seriously considered in several state legislatures. As many as twelve states have adopted guidelines, in part to counter the threat of determinate sentencing proposals. Despite the absence of specific proposals here in Ohio, it seems unlikely that Ohio will permanently avoid these trends.

A second point relates to option 2. We may wish to redo the selection of variables, but that would be difficult. Such a study is usually expensive, and it is unlikely that we could get outside funding to support the endeavor. Further, it is also unlikely that we would find any variables in Ohio which are not typical of other jurisdictions.

Third, for options 4-6 which relate to adoption of guidelines, acceptance of the guidelines would not bring immediate implementation. Several supporting procedures would need to be developed. Training in the use of the guidelines would probably be necessary prior to implementation.

Summary

Parole guidelines are based on the explicit outline of principles on which parole decisions are to be made. In most instances they are based on the nature of the instant crime and on the criminal history of the offender. This study demonstrates that the Ohio Parole Board has emphasized in a less formal way the same criteria as do jurisdictions using guidelines.

The study goes on to outline present sentencing policies in Ohio, using several risk or history scales from other states. One of the scales, the Oregon Offender History scale, is then used to illustrate in depth what guidelines might look like if adopted here in Ohio.

The decision remains with the Parole Board. They may decide to reject, continue study of, or adopt guidelines. The Research Section will be pleased to assist in any way possible the Board as it moves toward a decision. Please feel free to contact that section if further information or explanation would be useful.

TABLE 1 Oregon Offender History Scale

<u>ITEM</u>	<u>SCORE</u>
(A) No prior felony or misdemeanor convictions as an adult or juvenile:*	3
One prior conviction:	2
Two or three prior convictions:	1
Four or more prior convictions:	0
(B) No prior incarcerations (i.e., executed sentences of 90 days or more) as an adult or juvenile:	2
One or two prior incarcerations:	1
Three or more prior incarcerations:	0
(C) Age at first commitment of 90 days or more:**	
26 or older:	2
19 through 25:	1
18 or younger:	0
(D) Never escaped, failed parole or probation:***	2
One incident of the above:	1
Any two or more incidents of the above:	0
(E) Has no admitted or documented heroin or opiate derivative abuse problem, or has no admitted or documented alcohol problem:	1
One or more of the above:	0
(F) Verified period of 5 years conviction free in the community prior to present offense:	1
Otherwise:	0
TOTAL HISTORY/RISK ASSESSMENT SCORE:	

*Do not count convictions over 20 years old, convictions that have been pardoned, or juvenile or adult "status offenses" (runaway, truancy, incorrigibility, drunk in public).

**If no prior commitment, use age at present conviction.

***Count probation failure only if it resulted from new crime; count any parole failure.

TABLE 2

Median Time Served in Months by Ohio Parolees and Furloughees,
August-November 1978. Categorized According to Minimum Sentence and
Oregon Offender History Scale.

Yrs.-Minimum	<u>Reformatory/Female</u> Offender History Scale				<u>Penitentiary</u> Offender History Scale			
	Very Good (11-9)	Good (8-6)	Fair (5-3)	Poor (2-0)	Very Good (11-9)	Good (8-6)	Fair (5-3)	Poor (2-0)
0.5	6	6	7	11	5	6.5	9	20
1.0	9	9	8	16	15	10	16	18.5
1.5	12	7	12	9.5	14	10.5	15	17
2.0	13	11	12	17	16	18	23	23.5
2.5-3.0	10.5	16	24	15.5	27	21.5	30	26
3.5-4.0	24	28.5	31	28	32	33	41	41
4.5-5.0	29.5	30	32	48	28	38	46.5	26
5.5-6.0	32	27.5	21	--	38	45	31	40
6.5-7.0	35	39	--	52.5	37	47	51	48.5
Over 7.0	54	43	43	--	73.5	77	71.5	80

TABLE 3

Average Time Served in Months by Ohio Parolees and Furloughees,
August-November 1978. Categorized According to Minimum Sentence
and Oregon Offender History Scale.

Yrs.-Minimum	<u>Reformatory/Female</u> Offender History Scale				<u>Penitentiary</u> Offender History Scale			
	Very Good (11-9)	Good (8-6)	Fair (5-3)	Poor (2-0)	Very Good (11-9)	Good (8-6)	Fair (5-3)	Poor (2-0)
0.5	6	9	8	10	10	13	15	23
1.0	12	13	13	22	26	14	24	26
1.5	11	9	16	12	14	13	18	19
2.0	15	12	14	18	16	20	27	29
2.5-3.0	11	19	20	17	25	28	30	31
3.5-4.0	26	27	40	28	34	31	35	42
4.5-5.0	27	30	30	48	30	37	44	30
5.5-6.0	30	26	23	--	38	55	34	35
6.5-7.0	35	39	--	53	37	47	51	49
Over 7.0	86	43	37	--	80	90	75	92

TABLE 4

Distribution of 1,796 Parolees and Furloughees, August-November 1978,
by Type Institution, Minimum Sentence, and Oregon Offender History
Scale.

Yrs-Minimum	Reformatory/Female N=910 Offender History Scale				Penitentiary N=886 Offender History Scale			
	Very Good (11-9)	Good (8-6)	Fair (5-3)	Poor (2-0)	Very Good (11-9)	Good (8-6)	Fair (5-3)	Poor (2-0)
0.5	30	59	53	6	13	35	56	7
1.0	40	95	82	14	19	56	98	39
1.5	5	15	10	3	6	16	26	8
2.0	38	102	93	9	20	53	96	26
2.5-3.0	7	20	14	2	7	10	48	15
3.5-4.0	47	55	40	7	22	29	46	11
4.5-5.0	8	17	7	1	5	6	9	4
5.5-6.0	4	7	2	--	1	6	7	4
6.5-7.0	2	1	--	2	1	3	--	2
Over 7.0	5	4	4	--	11	19	35	11

TABLE 5

Sixty Percent Brackets Developed of Time Served by Parolees and Furloughees, August-November 1978. Categorized by Minimum Sentence and Oregon Offender History Scale.

Yrs.-Minimum	<u>Reformatory/Female</u> Offender History Scale				<u>Penitentiary</u> Offender History Scale			
	Very Good (11-9)	Good (8-6)	Fair (5-3)	Poor (2-0)	Very Good (11-9)	Good (8-6)	Fair (5-3)	Poor (2-0)
0.5	4-6	4-8	4-10	3-15	4-6*	5-11*	5-23	11-24*
1.0	6-11	6-11*	6-11	5-17*	6-18	7-17	8-24	9-29
1.5	7-13	6-12	7-15	8-10*	11-14	9-16	9-18	12-21
2.0	5-16	6-13	6-13	8-19	10-20	12-19	17-31	15-32
2.5-3.0	9-16	12-28	16-31	14-17*	36-41*	16-25	22-36	20-47*
3.5-4.0	17-30	19-31	28-41	26-36	26-34	24-34*	33-46	31-43
4.5-5.0	27-39	24-36	27-42	--	17-37	35-42	41-59	14-46
5.5-6.0	32-37	25-37*	28-38*	--	--	39-45	26-45	40-43
6.5-7.0	30-40	--	--	51-54	--	--	47-55	43-54
Over 7.0	--	--	--	--	--	--	--	--

* 50-60% within bracket.

TABLE 6

A Proposal for Parole Guidelines in Ohio Based on Minimum Sentence and The Oregon Offender History Scale.

Yrs.-Minimum	<u>Reformatory/Female</u> Offender History Scale				<u>Penitentiary</u> Offender History Scale			
	Very Good (11-9)	Good (8-6)	Fair (5-3)	Poor (2-0)	Very Good (11-9)	Good (8-6)	Fair (5-3)	Poor (2-0)
0.5	5-7	5-8	5-9	7-15	5-7	5-9	5-11	11-24
1.0	6(10-12)	6(10-12)	6(10-12)	10-17	10-15(6)	10-16(6)	12-20	14-24
1.5	6(11-13)	6(11-13)	11-14(6)	11-17	15-19(6)	15-20	15-22	16-26
2.0	6(13-19)	13-15(6)	13-15	13-19	19-24(6)	19-26	20-28	21-34
2.5-3.0	16-18(6)	16-20(F)	18-24	18-24	26-31(6)	26-32(F)	27-36	28-36
3.5-4.0	19-30(F)	19-31(F)	24-38(F)	26-40(F)	31-35(F)	31-36(F)	32-40	35-45
4.5-5.0	22-32(F)	24-36(F)	27-40(F)	32-52 (F)	40-44(F)	40-45(F)	42-50(F)	42-52(F)
5.5-6.0	26-36(F)	26-37(F)	27-42(F)	35-55 (F)	45-49(F)	46-52(F)	46-52(F)	46-53(F)
6.5-7.0	29-40	32-44	35-53	40-60	53-58(F)	53-60(F)	53-62(F)	53-64(F)
Over 7.0	On a case-by-case basis				On a case-by-case basis			

APPENDIX

In this section we take a brief look at parole decisions in Ohio in light of the three other risk scales which we considered. We will look first at the United States Parole Commission Salient Factor Scale, followed by the Minnesota Risk of Failure Scale. The third scale discussed in the appendix is a modification of the Minnesota scale.

First the basic procedures for using these scales should be reviewed. Each of the inmates paroled or furloughed in the period August-November 1978 was classified on the basis of minimum sentence. Through this stage there is no difference for any of the three sets of data in the appendix or the Oregon scale data in the body of the main report. However, then different scales are used to separate the offenders into risk groups at each level of severity. The offenders are classified on four different scales, resulting in the four different sets of data we have.

United States Parole Commission Salient Factor Scale

This scale (Table A1) and matrix are very similar to those of the Oregon parole system. This is due in large part to adoption of the federal scale by Oregon. There were only small changes. A few questions have been changed or weights adjusted. Also, the "fair" group of offenders in the Oregon scale is for those with 3-5 points, while the same group in the U.S. scale is composed of those with only 4 or 5 points. The extra persons are placed in the "poor" group.

Tables A2 and A3 are based on the U.S. Parole Commission's Salient Factor scale. They summarize the median and average time served by releasees in each cell. The numbers in each cell are not very different from the results using the Oregon Offender History Scale. Some cells are higher and some are less, but there are no consistent variations.

Both tables clearly indicate that there are increases in time served for those offenders with more severe instant offenses and for those offenders who are more likely to fail on parole.

Minnesota Risk of Failure Scale -- Adult

The Minnesota Risk of Failure Scale (Tables A4-A6) differs considerably from the first two scales. First, offenders are grouped in five categories, not four. Second, the questions are scaled at one point each, instead of weighted. Third, the questions do focus on slightly different aspects of criminal history in comparison to both the Oregon and the U.S. scales.

The main problems with this scale revolves around the number of cells that are used. There were no releasees in 22 of the 100 cells, and only a few releasees in each of several other cells. It is impossible to develop good statistics on sentencing under such circumstances. These figures are based on one third of the releasees in 1978, a very large number of cases. There is no reason to believe that all the cells would eventually be filled, even if the scale was used for one or two years. Until all the cells are filled with several cases, there is no way to determine what the "typical" sentence for that cell has been and should be.

The basic sentencing pattern in the matrix is still evident (Tables A5 and A6). As the reader moves down or to the right in the matrix, the time served increases. However, there are more frequently unexpected dips and jumps than was the case in the Oregon and U.S. scales. This can be best attributed to the large number of cells. Many of the cells have only one or two releasees, and thus are prone to extreme variation.

One pattern that is especially obvious in the Minnesota tables deserves comment: If one examines the category of "over seven years", it is evident that the best risk cases have served the longest intervals for any risk group at that level. This is true,

both in the reformatory and the penitentiary. There are two possible explanations. First, there are usually not many cases at that level. The pattern could be the influence of a few releasees who had served for a very long time and who happened to have a limited prior record. A second explanation seems equally or more likely. Persons who are good community risks are unlikely to go to prison unless their crime is particularly heinous. The Board in these instances may have been responding to particularly heinous crimes, deserving exceptionally long punishment. In either case, the pattern shows why it is difficult to develop guidelines for the exceptionally severe offense.

One further point should be noted concerning the Minnesota Risk of Failure Scale. It is the only prediction scale where we had available the current values of prediction figures. While it cannot be assumed that these figures are correct for Ohio's prison population, the figures do illustrate the power of a relatively simple statistical tool to improve parole decision making.

The values for the Minnesota Risk of Failure Scale when used in Minnesota to predict recidivism are in Figure A1.

Figure A1		Proportion of Group Predicted to be Reconvicted of New Felony Within Two years After Release				
Group	I (Best)	II	III	IV	V (Worst)	
Points on Scale	6	5-4	3-2	1	0	
Predicted Group Failure Rate	11%	29%	35%	49%	63%	

In the best group of parolees in Minnesota, they expect that 11 percent will be convicted of a new felony within a two year follow-up period. Among the worst group of releasees, the evidence suggests that almost two-thirds will be convicted of a new felony offense within two years. (It should be noted that Minnesota has a very high

redicidism rate for parolees. Since there is a very strong community emphasis in the state, only the worst, or repeat, felons are sent to prison. Such persons are more prone than the inmate population in other states to have a high recidivism rate.)

What is of special interest in Figure A1 is not the particular recidivism rates. If Ohio were to use the same scale, the numbers would be different. What is important is the degree to which different inmate populations can be separated into good, medium, and bad risk groups. In this case the population can be divided in such a manner that members in one sub-group are 5½ times more likely to fail on parole than another sub-group.

Minnesota Risk of Failure Scale with Juvenile Questions Added

There is little that can or need be said about this scale (Tables A7-A9). Most comments have been made in preceding sections. Again the relationships between time served and criminal history or crime severity is obvious. There are, however, fewer empty cells than was true for the Minnesota Adult Scale. This suggests that the 1800 cases in this study have been spread even further. This may contribute to the rather erratic quality of some of the sentencing patterns.

TABLE A1 U.S. Parole Commission Salient Factor Scale

<u>ITEM</u>	<u>SCORE</u>
(A) No prior convictions (adult or juvenile):	3
One prior conviction:	2
Two or three prior convictions:	1
Four or more prior convictions:	0
(B) No prior incarcerations (adult or juvenile):	2
One or two prior incarcerations:	1
Three or more prior incarcerations:	0
(C) Age at first commitment (adult or juvenile):	
26 or older:	2
18-25:	1
17 or younger:	0
(D) Commitment offense did not involve auto theft or checks (forgery/larceny):	1
Commitment offense involved auto theft (X), or check(s) (Y), or both (Z):	0
(E) Never had parole revoked or been committed for a new offense while on parole, and not a probation violator this time:	1
Has had parole revoked or been committed for a new offense while on parole (X), or is a probation violator this time (Y), or both (Z):	0
(F) No history of heroin or opiate dependence:	1
Otherwise:	0
(G) Verified employment (or full-time school attendance) for a total of at least 6 months during the last two years in the community:	1
Otherwise:	0
Total	=====



TABLE A2

Median Time Served in Months by Ohio Parolees and Furloughees,
August-November 1978, Categorized According to Minimum Sentence
and U.S. Parole Commission Salient Factor Scale.

Yrs.-Minimum	<u>Reformatory/Female</u> Salient Factor Scale				<u>Penitentiary</u> Salient Factor Scale			
	Very Good (11-9)	Good (8-6)	Fair (5-4)	Poor (3-0)	Very Good (11-9)	Good (8-6)	Fair (5-4)	Poor (3-0)
0.5	6	6	7	6.5	5	7	9	26.5
1.0	9	9	9	10	13	12	13	19
1.5	12	9	10	10	14	13	17	18
2.0	12.5	11	11	13	15	21	23	24
2.5-3.0	12	17.5	15	24.5	23	20	29.5	28
3.5-4.0	21	29	30.5	30.5	33	31	41	41
4.5-5.0	24	32	29.5	41	37	32	50	33
5.5-6.0	26	28	12	38	38	38	43	31.5
6.5-7.0	35	39	--	52.5	37	47	--	48.5
Over 7.0	57	50	26	--	68.5	69	78	72

TABLE A3

Average Time Served in Months by Ohio Parolees and Furloughees,
August-November 1978, Categorized According to Minimum Sentences
and U.S. Parole Commission Salient Factor Scale.

Yrs.-Minimum	<u>Reformatory/Female</u> Salient Factor Scale				<u>Penitentiary</u> Salient Factor Scale			
	Very Good (11-9)	Good (8-6)	Fair (5-4)	Poor (3-0)	Very Good (11-9)	Good (8-6)	Fair (5-4)	Poor (3-0)
0.5	7	9	8	8	8	15	14	24
1.0	11	13	14	18	22	19	21	28
1.5	11	12	15	14	14	16	17	20
2.0	15	13	15	15	16	24	27	28
2.5-3.0	12	19	21	15	25	27	30	32
3.5-4.0	25	28	39	37	33	31	38	40
4.5-5.0	22	32	30	41	36	27	51	33
5.5-6.0	25	26	12	38	38	43	42	29
6.5-7.0	35	39	--	53	37	50	--	49
Over 7.0	89	48	27	--	79	86	83	86

TABLE A4

Minnesota Risk of Failure Scale -- Adult

<u>ITEM</u>		YES	NO
1.	The inmate has a prior conviction for exactly the same offense as any offense for which the inmate is now under sentence.	_____	_____
2.	The inmate was 19 or younger at the time of the first felony conviction.	_____	_____
3.	The inmate has a total of three or more felony convictions, including convictions for the current sentence.	_____	_____
4.	The inmate has one or more prior adult commitments to state correctional institutions.	_____	_____
5.	The inmate has two or more prior probation or parole failures as an adult.	_____	_____
6.	The inmate's current sentence includes one or more burglary convictions.	_____	_____
	Total Number No's		=====

TABLE A5

Median Time Served in Months by Ohio Parolees and Furloughees,
August-November, 1978. Categorized According to Minimum
Sentence and Minnesota Risk of Failure Scale - Adult.

Yrs.-Minimum	<u>Reformatory/Female</u> Risk of Failure Level					<u>Penitentiary</u> Risk of Failure Level				
	I(6)	II(5)	III(4-3)	IV(2-1)	V(0)	I(6)	II(5)	III(4-3)	IV(2-1)	V(0)
0.5	6	6	14.5	11	17	6	9	24	20	--
1.0	9	8	9	29	--	10	15	18	43	--
1.5	7	10	19	--	--	11	17.5	15	17.5	--
2.0	11	12	13	10	--	18	19	23	28.5	--
2.5-3.0	14.5	24	16	16	18.5	18	30	26	30	24
3.5-4.0	31	32	31	--	--	32	35.5	41	37.5	43
4.5-5.0	31	30	24	39	--	33.5	36	46	49	--
5.5-6.0	20	33.5	31.5	--	--	32	30	41.5	32	--
6.5-7.0	35	51	--	--	--	37	55	54	43	--
Over 7.0	65.5	40	34.5	--	--	85	70.5	76	80	--

TABLE A6

Average Time Served in Months by Ohio Parolees and Furloughees,
August-November, 1978. Categorized According to Minimum Sentence
and Minnesota Risk of Failure Scale - Adult.

Yrs.-Minimum	<u>Reformatory/Female</u> Risk of Failure Level					<u>Penitentiary</u> Risk of Failure Level				
	I(6)	II(5)	III(4-3)	IV(2-1)	V(0)	I(6)	II(5)	III(4-3)	IV(2-1)	V(0)
0.5	8	8	14	11	17	7	14	24	20	--
1.0	12	14	15	29	--	17	22	26	38	--
1.5	9	12	22	--	--	14	21	16	19	--
2.0	13	14	16	10	--	16	25	28	32	--
2.5-3.0	16	20	17	16	19	23	32	28	32	24
3.5-4.0	25	30	47	--	--	30	35	40	39	43
4.5-5.0	33	28	29	39	--	30	34	41	49	--
5.5-6.0	22	29	31	--	--	32	36	43	30	--
6.5-7.0	35	48	--	--	--	44	55	54	43	--
Over 7.0	99	40	35	--	--	91	85	81	80	--

TABLE A7

Minnesota Risk of Failure Scale - With Juvenile Points Added*

<u>ITEM</u>	<u>YES</u>	<u>NO</u>
1. The inmate has a prior conviction for exactly the same offense as any offense for which the inmate is now under sentence.	_____	_____
2. The inmate was 19 or younger at the time of the first felony conviction.	_____	_____
3. The inmate has a total of three or more felony convictions including convictions for the current sentence.	_____	_____
4. The inmate has one or more prior adult commitments to state correctional institutions.	_____	_____
5. The inmate has two or more prior probation or parole failures as an adult.	_____	_____
6. The inmate's current sentence includes one or more burglary convictions.	_____	_____
7. The inmate has one or more adjudicated petitions of delinquency as a juvenile.	_____	_____
8. The inmate had one or more commitments to a state juvenile correctional institution.	_____	_____
9. The inmate's age at time of the current admission is (or was) 26 or less.	_____	_____
		=====
	Total Number No's	=====

* This scale was developed in Minnesota, but never used there. Items 7-9, which relate to juvenile records, were dropped. See Table A4 for the present Minnesota scale.

TABLE A8

Median Time Served in Months by Ohio Parolees and Furloughees, August-November, 1978. Categorized According to Minimum Sentence and Minnesota Risk of Failure Scale - with Juvenile Points.

Yrs.-Minimum	<u>Reformatory/Female</u> Risk of Failure Level					<u>Penitentiary</u> Risk of Failure Level				
	I(9)	II(8-7)	III(6-5)	IV(4-3)	V(2-0)	I(9)	II(8-7)	III(6-5)	IV(4-3)	V(2-0)
0.5	6	6	6.5	6.5	17	5	8	17	17	24
1.0	8	9	9	8.5	15	10	12	16	16	29
1.5	16	8	9	11	--	11	16	16	13	18
2.0	15	11	12	13	12	15	20	21	23.5	24.5
2.5-3.0	10	15	24	14	16	18	25	29	29	25
3.5-4.0	19.5	24	30	30.5	--	33	33	40.5	41	37
4.5-5.0	46	30.5	30	23.5	39	38	35	37	46	33
5.5-6.0	--	24	30	31.5	--	--	45	30.5	43	36.5
6.5-7.0	--	35	51	--	--	47	46	--	54	43
Over 7.0	146	45	38	55	--	85	58.5	79	76	80

TABLE A9

Average Time Served in Months by Ohio Parolees and Furloughees,
August-November, 1978. Categorized According to Minimum Sentence
and Minnesota Risk of Failure Scale - with Juvenile Points.

Yrs.-Minimum	<u>Reformatory/Female</u> Risk of Failure Level					<u>Penitentiary</u> Risk of Failure Level				
	I(9)	II(8-7)	III(6-5)	IV(4-3)	V(2-0)	I(9)	II(8-7)	III(6-5)	IV(4-3)	V(2-0)
0.5	8	9	7	9	19	7	10	20	20	30
1.0	8	13	15	14	20	16	21	21	28	39
1.5	12	8	13	15	--	12	17	20	16	18
2.0	13	13	14	15	17	14	24	28	28	28
2.5-3.0	12	18	21	14	18	21	30	32	30	26
3.5-4.0	21	26	30	40	--	31	34	37	39	37
4.5-5.0	46	29	29	29	39	40	31	33	41	33
5.5-6.0	--	24	27	32	--	--	51	27	47	34
6.5-7.0	--	35	48	--	--	47	46	--	54	43
Over 7.0	146	47	36	55	--	81	74	90	82	80

END