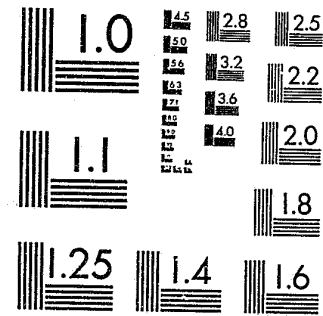


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Washington, D. C. 20531

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A SYNOPSIS OF THE
OKLAHOMA PAROLE GUIDELINES

ISSUED BY
THE PARDON AND PAROLE BOARD
OKLAHOMA CITY, OKLAHOMA
APRIL 13, 1984

U.S. Department of Justice
National Institute of Justice

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THE HISTORY OF
OKLAHOMA PAROLE GUIDELINES

In January of 1979, the newly-appointed Pardon and Parole Board passed a resolution calling for the establishment of parole decision guidelines and docketing procedures. The process described in this document is the result of planning, research and development which has occurred since that time.

During the 1979 Legislative session, funds were appropriated to the Pardon and Parole Board for the establishment of an administrative staff. Supervised by the Executive Director, the staff was responsible for the development of policies and procedures which were distributed in September of 1979 as the first written manual governing parole in Oklahoma history.

In the interim, the Planning and Research Unit of the Department of Corrections provided technical assistance to the agency, and based upon a study of Board actions between January and August of 1979, the first objective parole guidelines in Oklahoma history were developed. On March 23, 1980, the Pardon and Parole Board adopted the guidelines by a unanimous vote, and Oklahoma became the fourth state in the nation to implement the risk assessment and matrix system of parole consideration.

THE RISK ASSESSMENT CONCEPT

Since the early 1930's, criminal justice researchers have sought uniform methods of predicting the future criminal behavior of offenders. The development of "point-scale" or "actuarial" devices has been predominant in recent years. The California "Base-Expectancy Score" and the federal "Salient Factor Score" are exemplary of these instruments. All such devices share certain common elements, including an established group of background characteristics with uniform scores for each and a total score associated with the group's likelihood of future criminal activity. The risk assessment concept is one component of the Oklahoma parole guidelines.

THE MATRIX CONCEPT

The use of the matrix concept in parole decisions was pioneered by the U.S. Parole Commission, resulting in the federal matrix, upon which the Oklahoma matrix is patterned. A matrix resembles the mileage charts located on many road maps. The point at which a vertical and a horizontal line intersect will indicate the number of miles from one location to another. Typically, a parole matrix is composed of three elements:

a Risk Category, an Offense Severity Category, and the amount of time to be served prior to parole. When the Risk Category and the Offense Category intersect, the matrix indicates the amount of time to be served by an inmate in those Categories. The "amount of time" component is based upon an analysis of past parole decisions concerning individuals of specific risk and offense severity. The matrix serves only as a guideline, and no system has been established without allowance for modification or deviation. The goals of this approach are to:

1. Address sentence disparity,
2. Clarify many of the factors considered in reaching a decision to grant parole, and
3. Provide greater equity in the parole process.

THE OKLAHOMA MATRIX

The risk assessment utilized by the Pardon and Parole Board is not new to Oklahoma. In 1978, this instrument was adopted by the Probation and Parole Division of the Department of Corrections for use in supervision classification. The instrument was developed in Wisconsin during a three-year period of research, and the findings of Wisconsin's evaluation of the device were confirmed by an evaluation in Oklahoma. In short, the prediction of future criminality provided by this device is substantially better than that achieved without it. Based upon the separate findings of these two jurisdictions, it was determined that the risk assessment should be utilized by the Oklahoma Pardon and Parole Board. Factors included in the risk assessment are drug and alcohol abuse, the age at which the offender was first convicted, past community supervision and revocations, the types of criminal convictions, and other proven indicators of continued criminal involvement.

The categories of offense severity included in the matrix are based upon an extensive research project conducted with the members of the Pardon and Parole Board. Each member was asked to categorize examples of criminal behavior into groups of similar severity. The examples included a description of the offense, but did not identify the felony or the degree of the offense. During a meeting of the Board, the severity ratings of the members were compared, conflicts were resolved, and four categories were established.

The guideline matrix consists of the three levels of risk (high, medium and low), listed horizontally, and four offense categories, listed vertically, resulting in twelve intersections, or "cells". Each cell contains three numbers. The top number, standing alone, represents the median time served by a sample of inmates of that offense category and risk level prior to receiving a parole recommendation. The time served is always given in months, and it is important to remember that

these figures do not represent the average time served prior to parole. The remaining two numbers in each cell, appearing in parentheses, represent the range of time within which aggravating or mitigating circumstances may be applied to modify the duration of time to be served prior to parole. Aggravating and mitigating circumstances are defined by written procedure and must be documented.

A Presumptive Parole Date (PPD) is assigned to most inmates based upon the matrix. This date includes any jail time served on the offense. An assumption is made that, in the majority of cases, an inmate with a satisfactory institutional record and program participation may expect a recommendation for parole at the PPD. However, the Board has reserved the right to deny parole in any case, regardless of the PPD, where other factors are concluded to be of greater consequence. In some cases the PPD may actually exceed the length of incarceration and thus becomes an unattainable parole release date. Consequently, the Board is always aware that the PPD represents a guideline, and it is no guarantee that an inmate will receive a favorable vote.

THE DOCKETING PROCESS

Most individuals received for incarceration at the Lexington Assessment and Reception Center are assigned a Presumptive Parole Date by the Pardon and Parole Board Investigator. In all cases state law requires that inmates be considered for parole by the time they have served one-third of the sentence. The docket date, or month and year of parole consideration, will be two months prior to the PPD, or the one-third date, whichever comes first. The two months is allowed to give the inmate sufficient time to submit a verifiable parole program for approval. Any individual who completes a sentence and rebills to a consecutive sentence receives a PPD, a one-third date and a docket date, calculated by the Investigator. The inmate and the institution receive written notification of these dates, and an inmate can appeal the calculations if error is suspected or if the risk assessment is based upon inaccurate information.

EXCEPTIONS TO THE MATRIX GUIDELINES

By Board policy, several groups of inmates do not have a Presumptive Parole Date, including persons convicted of first degree rape and first degree murder, who are required to serve one-third of the sentence. A life sentence is considered to be forty-five years for the purpose of this calculation, as are sentences in excess of forty-five years. Parole violators also do not receive a PPD. Inmates who escape and subsequently return to prison have their docket dates modified to the one-third date, or one year from the date of return, whichever is later.

An earlier PPD is immaterial. Finally, inmates who receive short sentences which will result in their discharge from prison before a parole could be processed do not receive a docket date.

By state law, two groups of offenders have limited parole eligibility. The Legislature enacted a statute in 1980 which prohibits the Board from considering inmates with three or more felonies and two or more incarcerations until they have served one-third of the sentence, or ten years, whichever is less. In those cases a PPD is calculated for the Board's reference but is not used for docketing. In 1982, an additional law was enacted which prohibits parole consideration for ten years if the offender has been convicted of three separate and distinct robberies under Title 21, Section 801. Again, the PPD is calculated for reference only.

PAROLE CONSIDERATION

None of the docket dates, whether on the one-third date or the presumptive parole date, ensure a favorable recommendation, since the Board members cast their votes individually based upon their judgment of the merits of each case. The state Constitution requires that an inmate receive a recommendation by majority vote of the five-member Board. Therefore, at least three favorable votes must be won to obtain a recommendation for parole, and the Governor has the final authority to approve or deny the parole. Many factors are considered by the Board, and each case must be viewed individually. To facilitate the Board's review and to establish uniformity, a standard format for information was developed in 1979. Known as the Investigative Report, this document is prepared by a Pardon and Parole Board Investigator approximately two months prior to the inmate's parole consideration. Each year the format of the Investigative Report has been expanded and improved in an effort to provide the Board with the best possible information on each parole candidate. Categories of information include: conviction and sentence data, prior criminal history, the official version of the offense provided by the district attorney, the inmate's version, institutional record and program participation, the parole plan, an evaluation of previous community supervision, substance abuse history and treatment, mental health history and treatment, any history of violent behavior, education, personal and family history, and other relevant factors. The Investigator is required to make his or her recommendation to the Board and justify the conclusion with facts documented in the report. The Board also receives a written report and recommendation from a Department of Corrections Case Manager from the inmate's institution. Additionally, the Board considers protests or recommendations from law enforcement officials, prosecutors, victims and private citizens. Each member must then weigh all factors and vote according to his or her best judgment. In many cases, positive votes may include requirements of program completion prior to parole or special conditions during the term of parole supervision. In all cases, the protection of the public is the primary concern of the Pardon and Parole Board.

CONCLUSION

One Investigator has described the transition from the haphazard process which existed prior to 1980, to the current objective parole guidelines, as the passage from a "horse and buggy" method to the "space age" system of parole decisions. Criminal justice researchers continue to seek answers which may enlighten paroling authorities and improve their methods. As additional states have adopted and improved guidelines, the Oklahoma Pardon and Parole Board has continued its commitment to search for better procedures and to identify and remedy any weaknesses within its system. The matrix guidelines have vastly improved the parole process in Oklahoma and will continue to improve as long as this commitment remains firm. It is the goal of the Pardon and Parole Board to utilize the guidelines in arriving at a judicious decision regarding parole, always weighing the interests of the inmates against the threat they may pose for society in the future.

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