



NEBRASKA BOARD OF PAROLE
Office of Parole Administration

December 30, 2016

To: Governor Pete Ricketts
Clerk of the Legislature Patrick O'Donnell

From: Julie Micek, Director of Supervision and Services, Nebraska Board of Parole

RE: Annual Report on Parole Revocations

Pursuant to Nebraska statute 83-1,102, please find attached the Annual Report on Parole Revocations and Technical Violations for Fiscal Year 2016 (July 1, 2015-June 30, 2016). This report was assembled by Dr. Jennifer Miller, the Program and Fiscal Analyst for the Board of Parole. Any questions regarding specifics of this data can be directed to either myself or Dr. Miller.

Respectfully Submitted,

Julie Micek
Director of Supervision and Services
Nebraska Board of Parole



EXECUTIVE SUMMARY

The Board of Parole and the Office of Parole Administration are responsible for the oversight of clients who are placed on parole following an initial parole hearing by the Board. Oversight of these individuals includes the necessary step of holding clients accountable for violations of their terms of parole, including the possibility of revoking a client's parole and returning them to the custody of the Nebraska Department of Correctional Services. This report provides summary data on the incidence of review of parole hearings, the violations which prompted those hearings, and demographic data on individuals who were seen at these hearings. A brief summary of this data is as follows:

- In FY 2016, a total of 1614 individuals were paroled and 1283 discharged; 11.5% of those paroled during the year were revoked while 7.7% of those successfully discharged were seen by the Board at a review of parole hearing on their current parole term
- The Board of Parole scheduled and held completed 404 review of parole hearings in FY 2016 for 395 unique parole clients; parole was revoked in 90.6 percent of those completed hearings. A total of 129 individuals seen at these hearings were revoked and returned to custody until their mandatory discharge date.
- Clients were continued on parole in 32 total hearings; of that number, 6 clients saw the board for a subsequent review of parole hearing during the same year at which time they were revoked. The Board has increased the rate at which it has continued individuals on parole at these hearings, rising from a low of 7% during the first 6 months of FY 2016 to 8.4% in the latter half of the year.
- Approximately half of all review of parole hearings are prompted by a law violation; the remaining half of the hearings were prompted by technical violations of parole.
- The most prevalent parole violations that resulted in review of parole hearings were law violations and technical violations for narcotics possession or refusal to be tested.
- The revocation rate was lowest for clients with technical violations only (88%) and highest for clients with both law and technical violations (94%).
- Demographic data indicate there are not significant differences between individuals who receive different hearing outcomes (continue, revoke/reparole, revoke); this may be due to the low number of individuals who are continued or revoked and repared.

The remainder of this report is broken down in the following manner: section I provides in-depth data regarding review of parole hearings, including the distribution of these hearings over time, the outcomes of these hearings over time, and data on deferral to mandatory discharges as well as on waived hearings. Section II provides detailed descriptions of the violations which bring about review of parole hearings; this section provides summary statistics regarding laws and technical violations, a breakdown of all violations considered during hearings, and an assessment of the relationship between violations and hearing outcomes. Section III delves into the demographic characteristics of parole clients seen at review of parole hearings. This section not only looks at standard demographic measures (age, racial identification, sex) but also includes data on how long clients were on parole before being seen at a review of parole hearing as well as previous parole revocations during the client's current sentence.

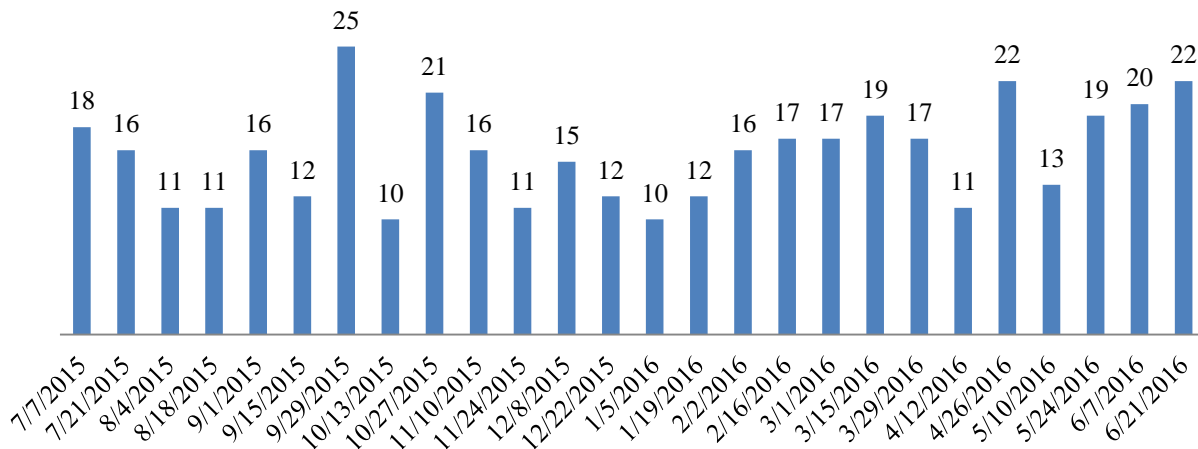
It is our hope that this data will facilitate greater understanding of the work that we do. We believe this information also illustrates our commitment to the state's mission to grow Nebraska in a way that preserves and protects public safety while also serving our clients. We welcome any and all feedback on this report and look forward to continuing service to our clients and our communities.



I. REVIEW OF PAROLE HEARINGS

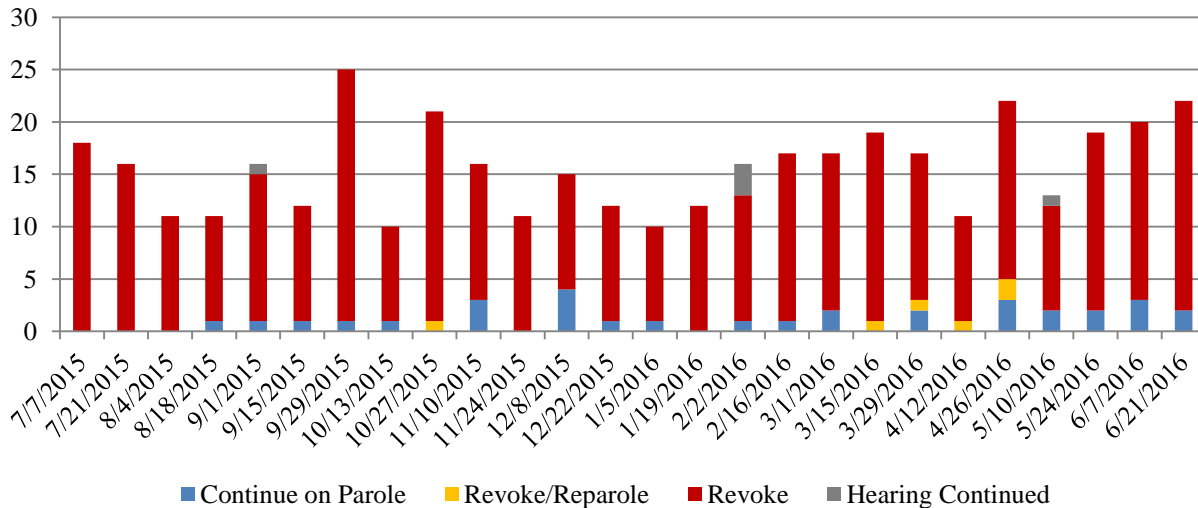
From July 1, 2015 through June 30, 2016, the Nebraska Board of Parole scheduled a total of 409 total review of parole hearings to consider the status of individuals who were determined to have significantly violated the terms of their parole agreement. On average, the Board saw a total of 17 individuals on each day of parole review hearings. The distribution and overall count of these hearings by date is displayed in Figure 1 below.

Figure 1: Review of Parole Hearing Count by Date



Of the review of parole hearings held in FY 2016, 366 hearings (90.6 percent) resulted in a motion to revoke parole. Motions to continue the client on parole were made in 32 hearings (7.9 percent) and motions to revoke and simultaneously reparole were made in six cases total (1.5 percent). A total of six clients who were continued on parole at an earlier hearing during FY 2016 had their parole revoked at a hearing dated sometime later in the year. The distribution of these decisions over time is displayed in Figure 2 below.

Figure 2: Review of Parole Hearing Outcomes by Date





With respect to the decision to revoke a client’s parole, the Board also maintains the authority to defer that individual to their mandatory discharge date at which point the individual is released from the institution without any further opportunity for community supervision. In FY 2016, the Board determined that 129 individuals should be deferred to their mandatory discharge date; this constitutes 35.2 percent of all individuals from whom parole was revoked.

For the vast majority of the revocation hearings, parolees are in attendance at the hearing. However, clients on parole are given the option of waiving their hearing if that is their preference. A total of 49 hearings were waived by parole clients during FY 2016. The outcome of all hearings that were waived was revocation of parole for that respective client.

II. PAROLE VIOLATIONS LEADING TO REVOCATIONS, FY 2016

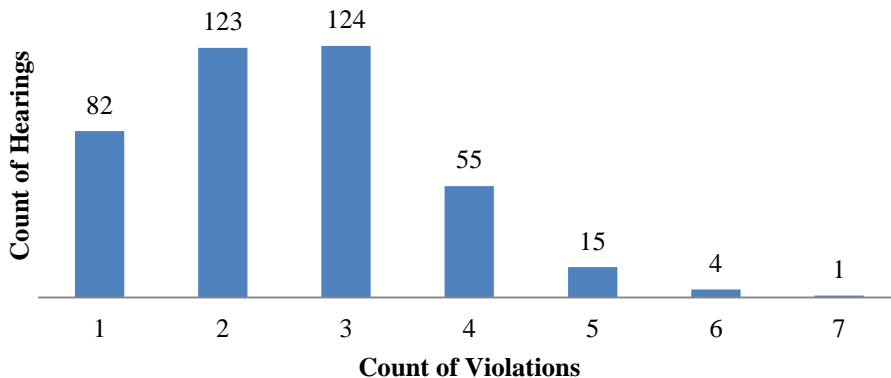
Review of parole hearings are pursued for those individuals who have committed significant violations of their terms of parole. Specific violations can be deemed as either laws violations (which includes the commission of new infractions, misdemeanors, and/or felonies) or technical violations (which includes any violation of the conditions of parole that is not a new criminal act).¹ Of the 404 distinct hearings that were held and were not continued, a total of 204 (50.5 percent) had at least one law violation; the remaining 200 hearings were held for technical violations (49.5 percent) only. A breakdown of the general violation categories for all FY 2016 revocation hearings is shown below in Figure 3.

Figure 3: Violation Category Breakdown for FY 2016 Review of Parole Hearings



In terms of overall violation count, a total of 1035 violations were identified in the 404 review of parole hearings held in FY 2016. The average count of violations per hearing was 2.5; the count of violations ranges from 1-7 for all hearings during this year. The number of hearings that were held for each of the possible violation counts within this range is displayed below in Figure 4.

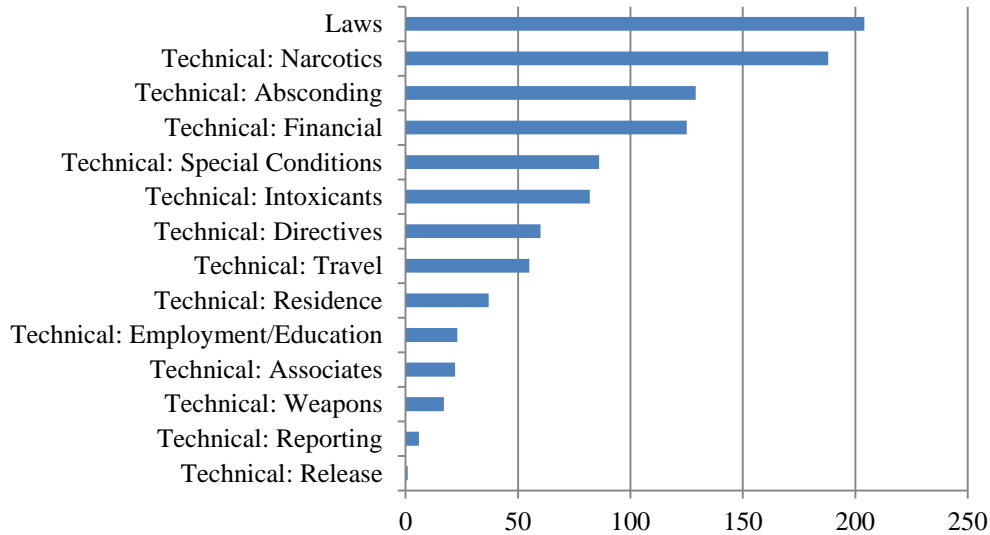
Figure 4: Number of Review of Parole Hearings Held by Number of Violations Per Client





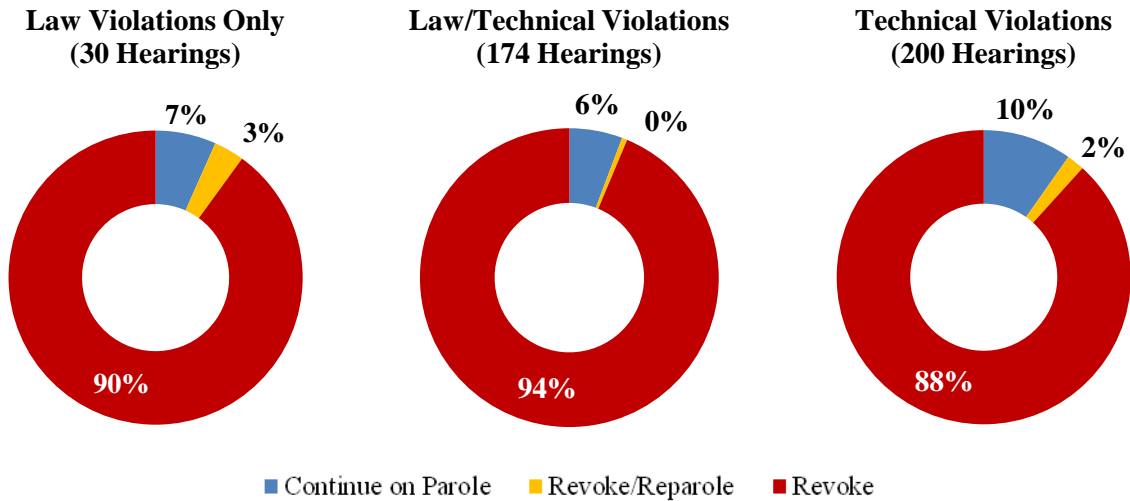
Detailed analysis of the violations which prompted revocation hearings reveals that laws violations and technical narcotics violations are the predominant reasons for these hearings. Figure 5 below presents a more complete breakdown of the different classes of technical violations as well as laws violations.

Figure 5: Breakdown of Technical and Laws Violations Prompting Hearings



To fully understand the relationship between the hearings and the violations, it is necessary to investigate the results of hearings for law violations only, hearings for technical violations only, and hearings for combined technical and law violations. Figure 6 below presents a breakdown of the outcomes that were obtained for each of these different types of violations hearings.

Figure 6: Hearing Outcomes by Violation Categories/Combinations





III. REVOCATION DEMOGRAPHICS/CLIENT-BASED DATA

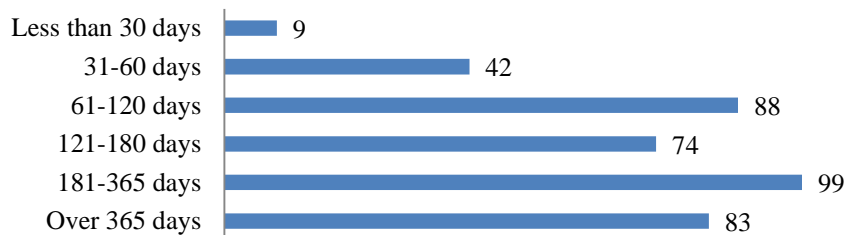
During FY 2016, the Board of Parole saw 395 unique parole clients at a total of 404 hearings.ⁱⁱ The demographic characteristics of these clients are summarized in Table 1 below; column 2 includes all hearings and provides comprehensive summary data while columns 3-5 provide the demographic breakdown based on the outcomes of review of parole hearings. With respect to these demographics, those who are seen at review of parole hearings are predominantly male, white, and under the age of 40. This data further indicates that there are not significant differences between the demographics for all clients receiving review hearings and the demographics for clients who receive specific hearing outcomes whether that outcome is to be continued on parole, revoked and reparaed, or having parole fully revoked.

Table 1: Demographic Characteristics of Clients Seen at Review of Parole Hearingsⁱⁱⁱ

Demographic Attributes	All Hearings (395)	Continued on Parole (30)	Revoked and Reparaed (5)	Parole Revoked (359)
SEX				
Female	54 (13.7%)	3 (10.0%)	0 (0.0%)	51 (14.2%)
Male	341 (86.3%)	27 (90.0%)	5 (100.0%)	308 (85.8%)
RACIAL IDENTIFICATION				
African-American/Black	101 (25.6%)	6 (20.0%)	2 (40.0%)	92 (25.6%)
Asian	1 (0.0%)	0 (0.0%)	0 (0.0%)	1 (0.3%)
Caucasian/White	258 (65.3%)	21 (70.0%)	2 (40.0%)	235 (65.5%)
Hispanic	21 (5.3%)	1 (3.3%)	0 (0.0%)	20 (5.6%)
Native American	11 (2.8%)	1 (3.3%)	1 (20.0%)	9 (2.5%)
Other	3 (0.1%)	1 (3.3%)	0 (0.0%)	2 (0.6%)
AGE				
18-20	9 (2.3%)	1 (3.3%)	1 (20.0%)	7 (2.0%)
21-25	71 (18.0%)	3 (10.0%)	0 (0.0%)	68 (18.9%)
26-30	78 (19.7%)	7 (23.3%)	1 (20.0%)	70 (19.5%)
31-35	80 (20.3%)	8 (26.7%)	1 (20.0%)	71 (19.8%)
36-40	44 (11.1%)	2 (6.7%)	0 (0.0%)	42 (11.7%)
41-50	74 (18.7%)	6 (20.0%)	1 (20.0%)	66 (18.4%)
50 or older	39 (9.9%)	3 (10.0%)	1 (20.0%)	35 (9.8%)

Data on clients who had review of parole hearings in FY 2016 also includes information on their tenure on parole (the duration of time they were on parole) prior to their review of parole hearing. This data is captured in Figure 7 below.

Figure 7: Number of Clients with Review of Parole Hearings by Duration on Parole





The final data presented in this report regarding clients who were seen at review of parole hearings pertains to their type of parole—specifically whether these clients had been reparaoled prior to their revocation hearing or whether they were on their first term of discretionary parole and had not previously been revoked on the current sentence. Of the 395 total clients who had a review of parole hearing in FY 2016, 61 (15.4%) were on reparaole, meaning that they had been revoked at some prior point in time but had been returned to community supervision following that revocation. The remaining 334 clients (85.6%) had not previously been revoked or faced a prior review of parole hearing on their current sentence.

IV. CONCLUSION

This report has focused solely upon the practices surrounding the handling of violations of parole and the use of review of parole hearings to determine whether parole clients should continue to remain on community supervision. Practices of the Board of Parole and Parole Administration have continuously moved toward finding ways to keep more clients actively on community supervision, rather than return them to the custody of NDCS, through the use of graduated penalties and by continuing individuals on parole if they are deemed as likely to succeed on parole. With the forthcoming implementation of the parole sanctions matrix, we anticipate that we will be able to retain even more individuals as active clients for the duration of their parole term and revoke parole status at a lower rate.

It is critical to clarify that while sanctions for parole violations and review of parole hearings are important tools at the disposal of the Board and Parole Administration, these are not tools used with the vast majority of parole clients. In FY 2016, a total of 1614 individuals were paroled and 1283 were successfully discharged. Of the 1614 paroled in that fiscal year only 186 individuals (11.5%) had their parole revoked as of the end of that year. Of the 1283 discharged that year, a total of 99 individuals (7.7%) had at some point in time had a review of parole hearing and yet were still able to be continued on parole or reparaoled. Sanctions, review of parole hearings, and revocations therefore constitute a small but significant proportion of the work done by the staff at the Office of Parole Administration. As we evolve as an independent agency, we look forward to incorporating additional evidence-based practices and tools to help further reduce parole sanction and revocation numbers while serving our clients and preserving public safety.

ⁱ Although the distinction between law and technical violations may seem apparent, the technical conditions of parole overlap with existing laws. For instance, individuals on parole may be charged with a laws violation for possession of a controlled substance or they may be charged with a technical violation for narcotics possession if they are not apprehended by law enforcement for possession (parole clients often admit to possession or use of substances but do not receive new charges pertaining to those substances due to a lack of arrest).

ⁱⁱ Four clients had hearings that were continued at a later date than their originally scheduled hearing, one client absconded after his hearing was continued to a later date, and nine individuals had multiple (two) revocation hearings over this time period.

ⁱⁱⁱ One parole client absconded prior to his review of parole hearing; due to this, the number of individuals based on hearing outcomes totals to 394 instead of 395 in Table 1.