

December 31, 2019

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

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

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 2018 (July 1, 2018-June 30, 2019). This report was assembled by Dr. Jennifer Miller, the Assistant Director of Supervision for Research and IT 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 that prompted those hearings, and demographic data on individuals seen at these hearings. A brief summary of this data is as follows:

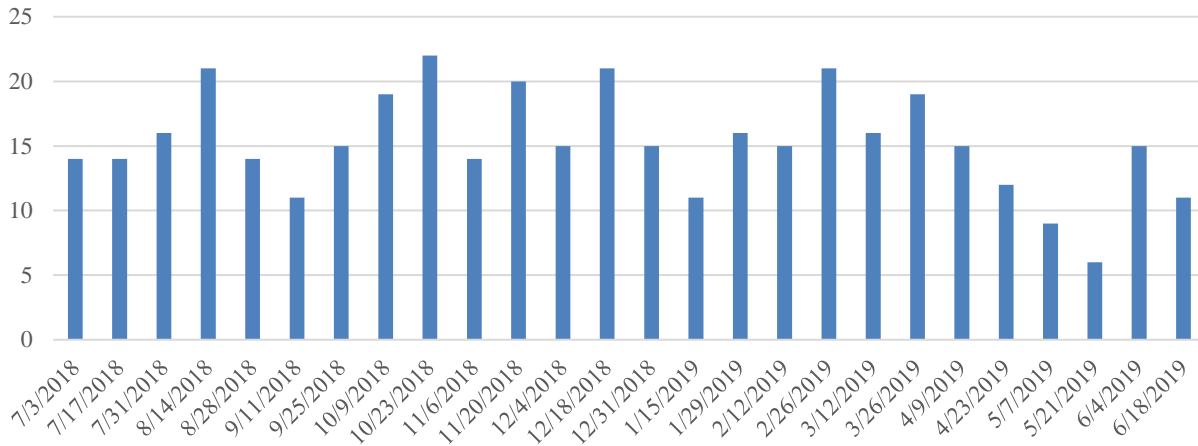
- In FY 2019, a total of 2,422 Nebraska clients were under community supervision by parole; 15.6 percent of those individuals had a review of parole hearing during the year.
- The Board of Parole scheduled and held 397 review of parole hearings in FY 2019 for 378 unique parole clients. Parole was revoked in 95.0 percent of those hearings for a total of 363 clients revoked (15.0 percent of the FY 2019 parole population). A total of 91 individuals were revoked and returned to custody until their mandatory discharge date. The Board has decreased the total number of review of parole hearings by 6.1 percent from FY 2018.
- Clients were continued on parole in 16 total hearings; of that number, two clients (12.5 percent) saw the Board for a subsequent review of parole hearing during the same year at which time they were revoked.
- Approximately 64.9 percent of all review of parole hearings completed were prompted by a law violation; the remaining 35.1 percent of the hearings completed were prompted by technical violations of parole. The number of hearings held for technical violations decreased from 176 in FY 2018 to 138 in FY 2019, a relative decrease of 21.6 percent.
- 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.
- Since FY 2017, there has been a significant decrease in the total number of review of parole hearings held from 497 to 397 in FY 2019. In addition, the total count of hearings held for technical violations of parole has decreased by 41 percent (from 234 to 138) during that same two-year period.

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 that 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. 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

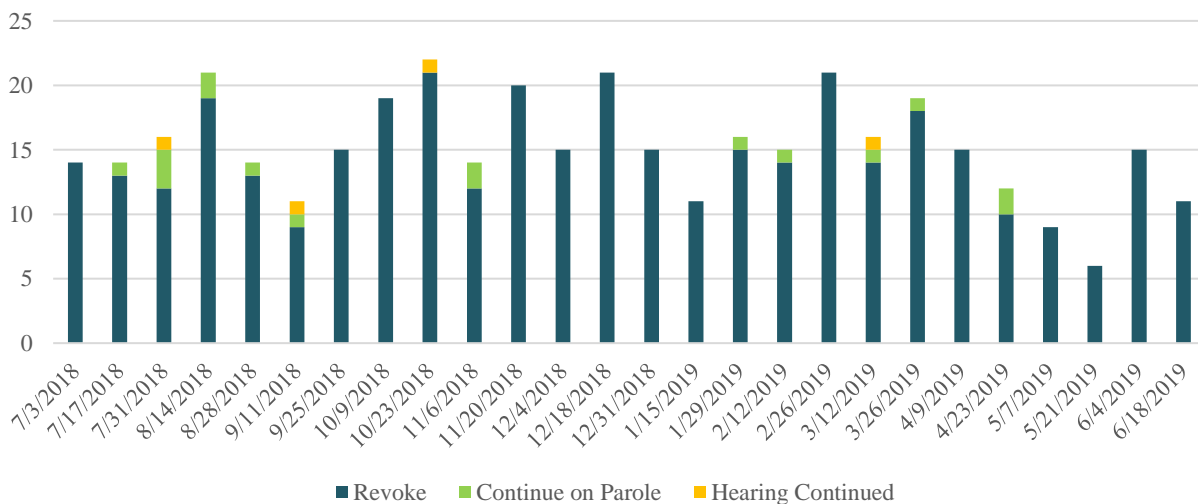
From July 1, 2018 through June 30, 2019, the Nebraska Board of Parole scheduled a total of 397 review of parole hearings to consider the status of individuals who were determined to have significantly violated the terms of their parole agreement. A total of 393 hearings were completed and four hearings were continued to a later date. On average, the Board saw a total of 15-16 individuals on each day of parole review hearings. The distribution and 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 2019, 377 hearings (95.0%) resulted in a motion to revoke parole. Motions to continue the client on parole were made in 16 hearings (4.0%). Two clients who were continued on parole at an earlier hearing during FY 2019 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; this decision means that the inmate will not see the Board again before their sentence is completed and therefore there are no further opportunities for community supervision. In FY 2019, the Board determined that 91 individuals should be deferred to their mandatory discharge date; this constitutes 25.1% of all individuals who had their parole 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 68 hearings were waived by parole clients during FY 2019. The outcome of 66 hearings that were waived was revocation of parole for that respective client; two clients were continued on parole after waiving their hearings.

II. PAROLE VIOLATIONS LEADING TO REVOCATIONS

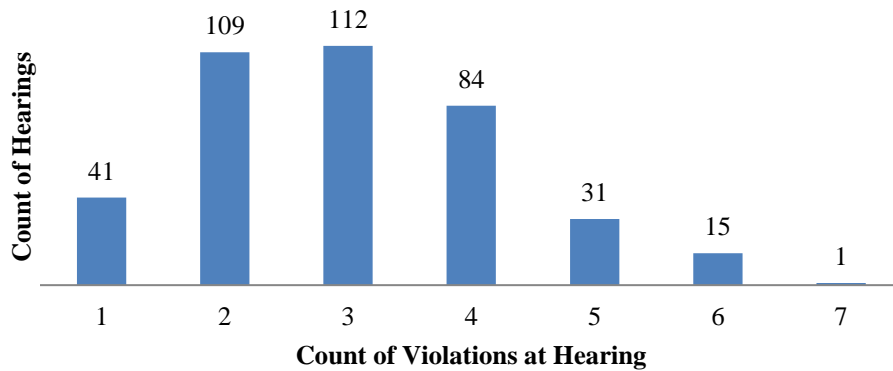
Review of parole hearings are held for those individuals who have committed significant parole violations. Specific violations can be deemed as either laws violations (which includes the commission of new infractions, misdemeanors, and/or felonies) or technical violations (which includes any violation of the conditions of parole that is not a new criminal act).ⁱ Of the 393 hearings that were completed, a total of 255 (64.9%) had at least one law violation; the remaining 138 hearings were held for technical violations only (35.1%). In comparison with FY 2018, a total of 12 more hearings were held for laws violations and 38 fewer hearings were held for technical violations only in FY 2019. A breakdown of the general violation categories for all FY 2019 revocation hearings appears below in Figure 3.

Figure 3: Violation Category Breakdown for FY 2019 Review of Parole Hearings



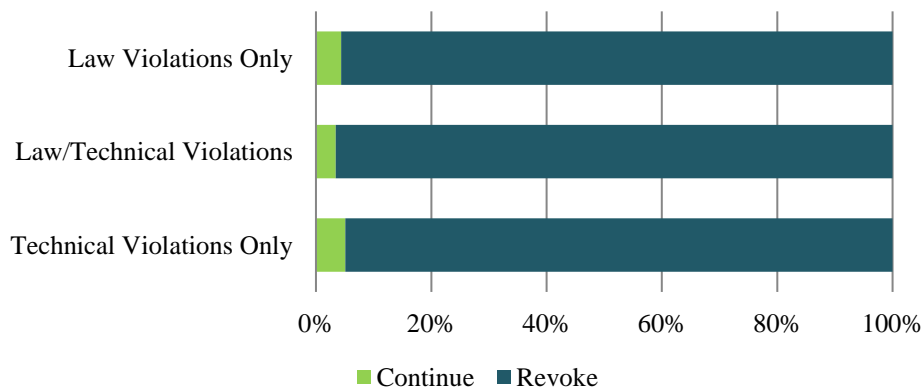
A total of 1,183 violations of parole conditions were identified in the 393 review of parole hearings completed in FY 2019; this constitutes a 7.6% decrease in the overall number of violations from FY 2018. The average count of violations per hearing was 3; the count of violations ranges from 1-7 for all hearings during the year. The number of hearings that were held for each of the possible violation count in this range is displayed below in Figure 4.

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



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 5 below presents a breakdown of the outcomes obtained for each of these different types of violations hearings. The graph below displays the percentage of hearings with specific types of violations (laws only, both laws and technical violations, or technical violations only) that had a decision of continue on parole or revoke. The number of hearings for law violations only was 23, for laws and technical violations was 232, and for technical violations only was 138.

Figure 5: Hearing Outcomes by Violation Categories/Combinations



For clients who were revoked for technical violations only, 92 of the 127 clients (72.4%) were issued at least one sanction prior to being brought before the Board of Parole for a review of parole hearing. Of those 127, 54 (42.5%) had served a previous prison sentence prior to their current sentence (on which they were serving parole) during FY 2019. In addition, 47 (37.0%) of the 133 clients revoked for technical violations had been re-paroled following earlier violations of a previous parole term either prior to or during FY 2019 on their current sentence.

III. REVOCATION DEMOGRAPHICS/CLIENT-BASED DATA

During FY 2019, the Board of Parole saw 378 unique parole clients at a total of 397 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 were seen at review of parole hearings were predominantly male, white, and between the ages of 26 and 40. Data on clients who had review of parole hearings in FY 2019 also includes information on their term of parole (the duration of time they were on parole) prior to their review of parole hearing. This data is captured in Figure 6 below.

Table 1: Demographic Characteristics of Parole Clients/Review of Parole Hearings

Demographic Attributes	All Parole Clients (2,422)	All Hearing Clients (378)	Continued on Parole (16)	Parole Revoked (363)
SEX				
Female	346 (14.3%)	47 (12.4%)	1 (6.3%)	46 (12.7%)
Male	2076 (85.7%)	331 (87.6%)	15 (93.8%)	317 (87.3%)
RACIAL IDENTIFICATION				
African-American/Black	567 (23.4%)	120 (31.7%)	9 (56.3%)	112 (30.9%)
Asian/Pacific Islander	21 (0.9%)	1 (0.3%)	-	1 (0.3%)
Caucasian/White	1499 (61.9%)	208 (55.0%)	5 (31.3%)	203 (55.9%)
Hispanic	239 (9.9%)	33 (8.7%)	2 (12.5%)	31 (8.5%)
Native American	78 (3.2%)	15 (4.0%)	-	15 (4.1%)
Other/Unknown	24 (0.7%)	1 (0.3%)	-	1 (0.3%)
AGE				
16-20	20 (0.8%)	11 (2.9%)	-	11 (3.0%)
21-25	264 (10.9%)	58 (15.3%)	3 (18.8%)	55 (15.2%)
26-30	434 (17.9%)	70 (18.5%)	4 (25.0%)	65 (17.9%)
31-35	378 (15.6%)	60 (15.9%)	-	60 (16.5%)
36-40	392 (16.2%)	59 (15.6%)	4 (25.0%)	56 (15.4%)
41-50	491 (20.3%)	76 (20.1%)	4 (25.0%)	73 (20.1%)
51 or older	443 (18.3%)	44 (11.6%)	1 (6.3%)	43 (11.8%)

Figure 6: 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 re-paroled prior to their review of parole hearing or whether they were on their first term of discretionary parole and had not previously been revoked on their current sentence. Of the 378 clients with hearings held in FY 2019, 112 clients (29.6%) were on re-parole status, meaning that they had been revoked at some prior point in time on their current sentence but had been returned to community supervision following that revocation. The remaining 266 (70.4%) clients had not been previously revoked on their current sentence at the time of their hearing in FY 2019.ⁱⁱⁱ

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 Division of Parole Supervision have continuously moved toward finding ways to keep more clients actively on community supervision through the use of graduated sanctions to deter negative behavior, incentives to promote positive behavior, and by continuing individuals on parole if they are deemed as likely to succeed in the community with additional supports. The Division of Parole Supervision implemented its sanctions matrix after FY 2017 and this policy has already shown great promise by FY 2019 with a decrease in the overall number of review of parole hearings from 497 in FY 2017 to 397 in FY 2019. In addition, the number of hearings held solely for technical violations of parole has also dropped from 234 in FY 2017 to 138 in FY 2019, a decrease of 41.0% in just two years. These indicators point to the effectiveness of the use of our incentives and sanctions matrix, which is an evidence-based practice shown nationwide to effectively reduce violations, similar to what data from Nebraska shows for these years. Custodial sanctions became available as an option to parole officers across the state in January 2018; as of the end of 2019, the Division of Parole Supervision is working with the Nebraska Center for Justice Research to provide an independent evaluation of these types of sanctions and whether they are proving effective in reducing parole violations.

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 the Division of Parole Supervision, these are not tools used with the vast majority of parole clients. In FY 2019, 2,422 Nebraska parole clients were on community supervision under the Board of Parole. Of that number, 704 (29.1%) had a review of parole hearing at some time during their parole tenure and 676 (27.9%) actually had their parole revoked. Sanctions, review of parole hearings, and revocations therefore constitute a significant proportion of the work done by the staff at the Division of Parole Supervision but are not used with the majority of those who are on community supervision. As we continue to evolve as an independent agency, we look forward to further solidifying our 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 and 15 individuals had multiple (two) revocation hearings over this time period with a decision of continue or revoke. One individual who had a hearing continued was not seen again by the Board due to termination of his sentence and the need to transport him back to Nebraska for his review of parole hearing which would not have occurred prior to the termination of his sentence.

ⁱⁱⁱ Some individuals were placed on their first parole term and then re-paroled during FY 2019, which means that an individual could fall into both categories of on first parole term and re-parole status during this time period.