



NEBRASKA BOARD OF PAROLE  
Office of Parole Administration

December 28, 2017

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 2017 (July 1, 2016-June 30, 2017). 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 2017, a total of 2,426 Nebraska clients were under community supervision by parole; 19.5 percent of those individuals had a review of parole hearing during the year.
- The Board of Parole scheduled and completed 497 review of parole hearings in FY 2017 for 472 unique parole clients; parole was revoked in 89.5 percent of those completed hearings for a total of 441 clients revoked (18.2 percent of the FY 2017 parole population). A total of 124 individuals seen at these hearings were revoked and returned to custody until their mandatory discharge date.
- Clients were continued on parole in 48 total hearings; of that number, 15 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 8.4 percent at the end of FY 2016 to 9.7% in FY 2017.
- Approximately 53 percent of all review of parole hearings were prompted by a law violation; the remaining 47 percent 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 law violations only (28 revoked out of 35 law violations only hearings) and highest for clients with both law and technical violations (209 revoked out of 228 law/technical violations hearings).
- Demographic data indicate there are not significant differences between individuals who receive different hearing outcomes (continued on parole versus revoked) although age groups demonstrate some slight differences that should be investigated in FY 2018.

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.

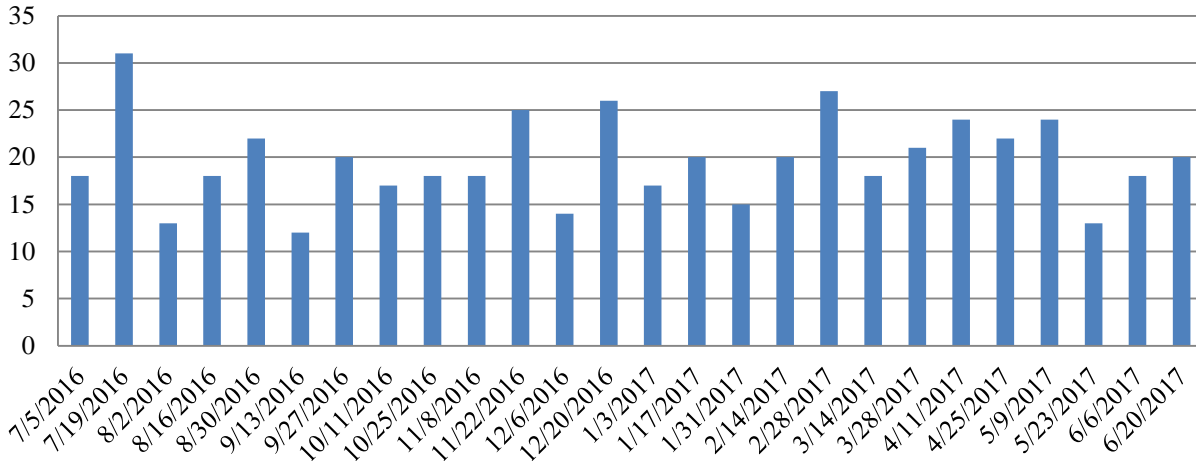
It is our hope that this data will facilitate greater understanding of the work that we do. We believe this information also illustrates our commitment to the state's mission to grow Nebraska in a way that preserves and protects public safety while also serving our clients. We welcome any and all feedback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



## I. REVIEW OF PAROLE HEARINGS

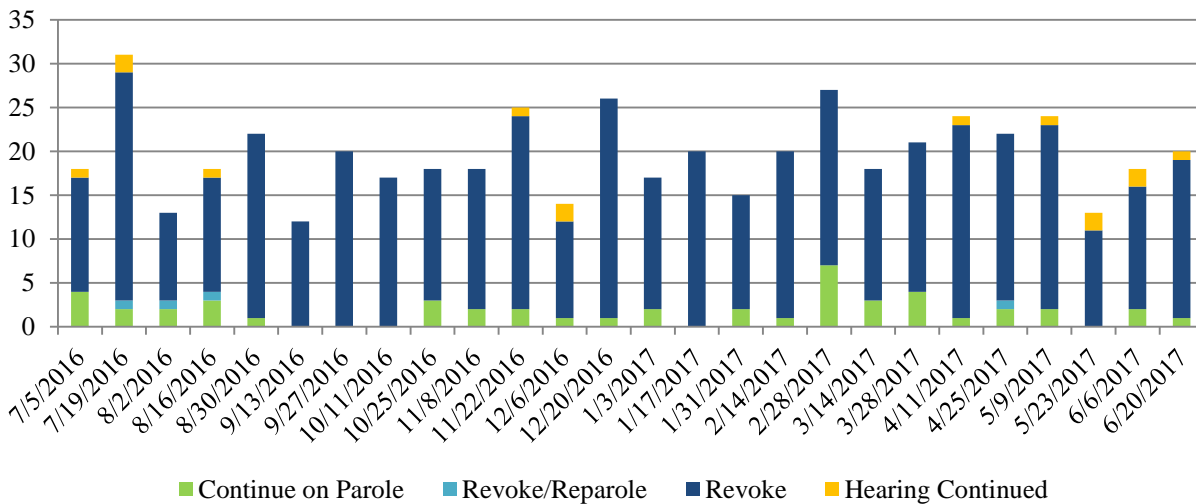
From July 1, 2016 through June 30, 2017, the Nebraska Board of Parole scheduled a total of 511 review of parole hearings to consider the status of individuals who were determined to have significantly violated the terms of their parole agreement. On average, the Board saw a total of 20 individuals on each day of parole review hearings, a 17.7 percent increase from FY 2016. 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 2017, 445 hearings (87.1 percent) resulted in a motion to revoke parole. Motions to continue the client on parole were made in 48 hearings (9.4 percent) and motions to revoke and simultaneously reparole were made in four cases total (0.8 percent). A total of 15 clients who were continued on parole at an earlier hearing during FY 2017 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 2017, the Board determined that 124 individuals should be deferred to their mandatory discharge date; this constitutes 27.9 percent 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 64 hearings were waived by parole clients during FY 2017. The outcome of all hearings that were waived was revocation of parole for that respective client.

## II. PAROLE VIOLATIONS LEADING TO REVOCATIONS

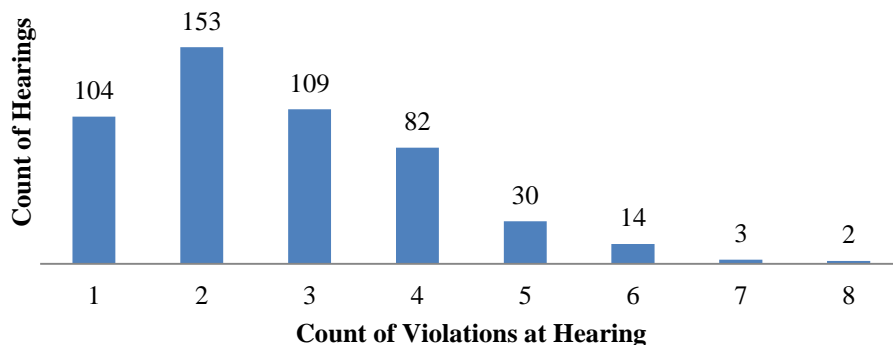
Review of parole hearings are pursued for those individuals who have committed significant violations of their terms of parole. Specific violations can be deemed as either laws violations (which includes the commission of new infractions, misdemeanors, and/or felonies) or technical violations (which includes any violation of the conditions of parole that is not a new criminal act).<sup>1</sup> Of the 497 distinct hearings that were held and were not continued, a total of 263 (52.9 percent) had at least one law violation; the remaining 234 hearings were held for technical violations (47.1 percent) only. A breakdown of the general violation categories for all FY 2017 revocation hearings is shown below in Figure 3.

**Figure 3: Violation Category Breakdown for FY 2017 Review of Parole Hearings**



In terms of overall violation count, a total of 1,336 violations were identified in the 497 review of parole hearings held in FY 2017. The average count of violations per hearing was 2.6; the count of violations ranges from 1-8 for all hearings during the year. The number of hearings that were held for each of the possible violation counts in this range is displayed below in Figure 4.

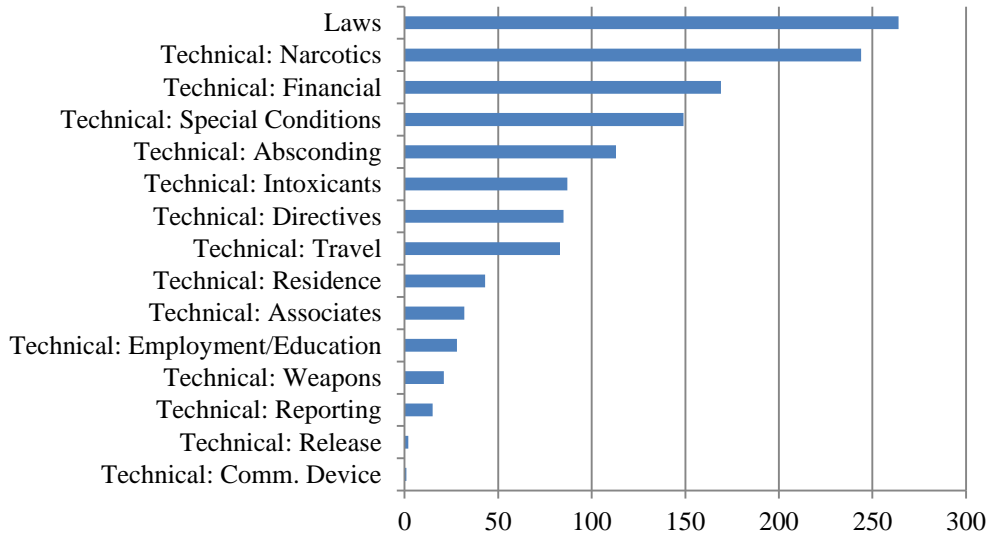
**Figure 4: Number of Review of Parole Hearings Held by Number of Violations Per Client**





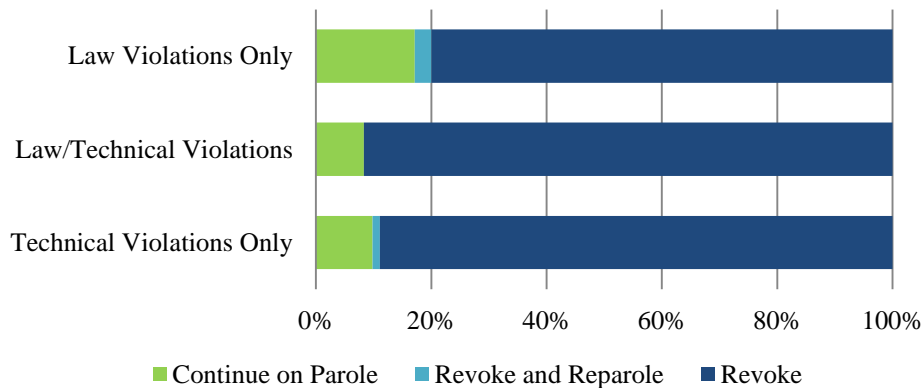
Detailed analysis of the violations which prompted revocation hearings reveals that laws violations and technical narcotics violations are the predominant reasons for these hearings. Figure 5 below presents a more complete breakdown of the different classes of technical violations as well as laws violations.

**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. 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, revoke and reparole, or revoke parole. The number of hearings for law violations only was 35, for laws and technical violations was 228, and for technical violations only was 234.

**Figure 6: Hearing Outcomes by Violation Categories/Combinations**





### III. REVOCATION DEMOGRAPHICS/CLIENT-BASED DATA

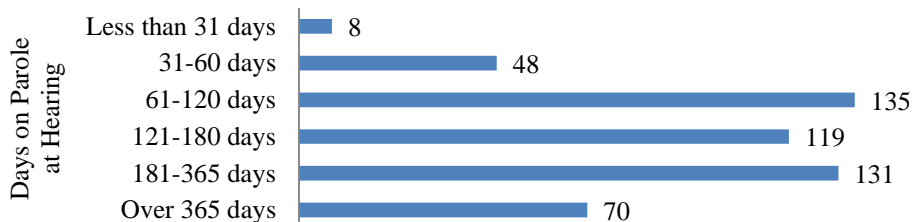
During FY 2017, the Board of Parole saw 472 unique parole clients at a total of 511 hearings.<sup>ii</sup> The demographic characteristics of these clients are summarized in Table 1 below; column 2 includes all hearings and provides comprehensive summary data while columns 3-5 provide the demographic 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 35. These data further indicate 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 except with respect to age. The data indicates slight under- or overrepresentation of specific age groups with respect to those who are continued on parole; however, the small sample size for those who were continued on parole (46) means that these differences may actually not be significant. Future analysis on this dynamic will be conducted for the FY 2018 revocation report.

**Table 1: Demographic Characteristics of Clients Seen at Review of Parole Hearings**

Demographic Attributes	All Hearings (472)	Continued on Parole (46)	Revoked and Reparoled (4)	Parole Revoked (435)
<b>SEX</b>				
Female	63 (13.3%)	7 (15.2%)	1 (25%)	59 (13.6%)
Male	409 (86.7%)	39 (84.8%)	3 (75%)	376 (86.4%)
<b>RACIAL IDENTIFICATION</b>				
African-American/Black	140 (29.7%)	12 (26.1%)	1 (25%)	132 (30.3%)
Asian	2 (0.4%)	-	-	2 (0.5%)
Caucasian/White	276 (58.5%)	28 (60.9%)	2 (50%)	252 (57.9%)
Hispanic	32 (6.8%)	5 (10.9%)	1 (25%)	28 (6.4%)
Native American	19 (4.0%)	1 (2.2%)	-	18 (4.1%)
Other/Unknown	3 (0.6%)	-	-	3 (0.7%)
<b>AGE</b>				
16-20	17 (3.6%)	-	-	17 (3.9%)
21-25	89 (18.9%)	8 (17.4%)	1 (25%)	84 (19.3%)
26-30	79 (16.7%)	12 (26.1%)	1 (25%)	72 (16.6%)
31-35	108 (22.9%)	11 (23.9%)	1 (25%)	99 (22.8%)
36-40	59 (12.5%)	4 (8.7%)	1 (25%)	54 (12.4%)
41-50	77 (16.3%)	9 (19.6%)	-	68 (15.6%)
50 or older	43 (9.1%)	2 (4.3%)	-	41 (9.4%)

Data on clients who had review of parole hearings in FY 2017 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 511 hearings held in FY 2017, 99 clients (19.4%) 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 412 (80.6%) hearings were for clients that had not previously been revoked or faced a prior review of parole hearing on their current sentence.<sup>iii</sup>

#### 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 (including sanctions) and by continuing individuals on parole if they are deemed as likely to succeed on parole. The Division of Parole Supervision implemented its sanctions matrix and custodial sanctions after FY 2017 which we anticipate will affect revocation data and results in FY 2018.

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 2017, a total of 2,426 Nebraska parole clients were placed on community supervision. Of the number, only 472 (19.5%) had a review of parole hearing at some time during the parole tenure and 441 (18.2%) actually had their parole revoked. 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 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.

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<sup>i</sup> 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).

<sup>ii</sup> Fifteen clients had hearings that were continued at a later date than their originally scheduled hearing and 29 individuals had multiple (two) revocation hearings over this time period with a decision of continue, revoke and reparaole, or revoke.

<sup>iii</sup> Eleven clients had multiple hearings with different parole types (the client's first review hearing was held following their first parole from prison, they were revoked at that first hearing, were then reparaoled, and had another review of parole hearing all during FY 2017). One client who was on reparaole status for his first hearing had two hearings and at both hearings his status was reparaole.