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BOARD OF PAROLE COMMISSIONERS

October 18th, 2010

Brenda Erdos, Legislative Counsel
Legislative Counsel Bureau
401 South Carson Street
Carson City, NV 89701-4747

Subject: Comprehensive Review of Parole Standards (NRS 213.10885)

The Nevada Board of Parole Commissioners has completed the review of their parole standards in accordance with NRS 213.10885.

The 2009 legislature approved the funding to support the re-validation of our risk assessment tool; however, the BOE did not approve the contract for conducting the re-validation through JFA Institute, (Dr. James Austin), until its meeting of October 2009.

Upon approval of the funding, the Parole Board conducted a public workshop on October 20, 2009 in order to give interested members of the public the opportunity to comment on the current parole standard and offer suggestions regarding the re-validation of the risk assessment tool.

JFA Institute was provided a copy of comments and suggested changes made by attendees of this workshop prior to commencement of the re-validation process.

On May 28th, 2010, Dr. Austin presented his completed re-validation report at a public meeting of the Board of Parole Commissioners. As the result of this re-validation process, Dr. Austin made the following recommendations:

1. The current instrument should have the age of first arrest item adjusted to meet the same criteria being used by the Division of Parole and Probation.

2. The Board should continue to use the program participation item but only under the condition that with-in a year the NDOC demonstrates through its research that people who complete such programs have lower recidivism rates. If that cannot be demonstrated or completed, then the item should be removed and the risk assessment adjusted.

A motion was made and passed unanimously to adopt Dr. Austin's recommendations. Additionally, the motion was made and passed to adopt/accept the report as submitted by JFA Institute.

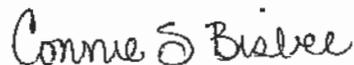
The Board arranged to audit the education portion of the education/programming item on the risk assessment. Six hundred and thirty six inmates were audited in order to determine whether their completion of GED/HS was prior to or during their current incarceration. This information was forwarded to the JFA Institute and Dr. Austin. As the result of this additional information, Dr. Austin recommended the removal of prior GED/HS completion from the risk assessment.

The Board convened a public meeting on September 2nd, 2010 and voted unanimously to remove prior GED/HS completion from the risk assessment.

The comprehensive review has been completed and I have attached a copy of Dr. Austin's original report to this letter.

Please do not hesitate to contact me should you have any additional questions at cbisbee@parole.nv.gov or (775) 687-5049.

Sincerely,



Connie S. Bisbee, Chairman
Nevada Board of Parole Commissioners

Attachment: JFA Institute report

Cc: Members of the Board

**Re-Validation of the
Nevada Board of Commissioners
Parole Risk Instrument**

Submitted by

James Austin, Ph.D.

The JFA Institute
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May 2010

Executive Summary

Findings

1. The risk assessment items being used by the Nevada Board of Parole Commissioners has been in use since 2004. The risk based instrument uses items found in other state correctional risk instruments.
2. The Board relies heavily upon this risk instrument along with the severity of the offense to make decisions regarding the granting of parole.
3. The use of both the risk level and offense severity to guide parole decision-making are standard practices used by all U.S. Parole Boards.
4. The Board approval rate is very consistent with its guidelines and the risk posed by prisoners to the public.
5. Based on this study and a parallel study by the National Council on Crime and Delinquency, the risk instrument and items continue to be valid predictor(s) of recidivism for both male and female prisoners released from custody.
6. The only exception is the item that measures participation and completion of prison treatment programs which shows a negative impact on recidivism.

Recommendations

1. The current instrument should have the age at first arrest item adjusted to meet the same criteria being used by the Division of Probation and Parole.
2. The Board should continue to use the program participation item but only on the condition that within a year the DOC demonstrate through its research that people who complete such programs have lower recidivism rates. If that cannot be demonstrated or completed, then the item should be removed and the risk instrument adjusted.

Introduction

The Nevada Board of Parole Commissioners has been using a validated risk instrument and guidelines to assist them in making critical decisions on when to release someone from prison to parole supervision. The current instrument is shown in Appendix A and was developed in 2004. That instrument was based on a cohort of 5,375 prisoners who were released from custody in 1999 and tracked to determine how many were returned to custody after three years of being released. That study found that 27% of the released prisoners had been returned for either a new offense or a technical violation (14% were returned) while 13% were returned for a technical violation).

This research led to the development of a risk instrument that has been used by the Parole Commissioners since 2004. A more simplified version was adopted in 2008 which removed a number of items that were redundant or should be used as aggravating and mitigating factors. The items that have been removed are now used for such purposes.

The current instrument as shown in Appendix A consists of 11 items, which are further separated as according to static and dynamic risk factors. The static items are risk related factors that do not change over the course of the person's imprisonment. The dynamic factors are risk related items that can vary based on time served and the prisoner's conduct. All of the items are found on most adult correctional risk assessment instruments, which have been validated on a variety of adult correctional populations (probation, parole and prison).

Since 2004 there have not been any changes to the original core risk instrument so it was decided by the Board that a revalidation effort should be undertaken to ensure the current system is predictive of recidivism and thus the risk to re-offend.

Research Methods

In order to re-validate the risk instrument it was necessary to create a sample of prison releases who have been assessed under the risk instrument. While a straightforward concept, this task became more difficult for two reasons. First is that the risk instrument had not been fully automated which meant that the original scoring forms that were completed by Board staff had to be manually retrieved. Secondly, until recently there were inconsistencies in how the form was completed on certain items so this required choosing a more recent time period of releases.

With these two issues in mind, it was decided to choose a sample of people released in 2006. The sample was stratified by gender and release type (paroles, and discharges). The overall sample was 733 actual cases with the largest group being the male paroles (384). Since these are stratified samples one cannot use them to make any statements about the size of these populations relative to all prison

releases in 2006. Rather the goal was to ensure that we had approximately 100 cases in each of the release categories for males and females.

Table 1
Summary of Validation Sample Sizes

Sample	N	%
Males		
Paroles	384	52%
Discharges	99	14%
Females		
Paroles	150	20%
Discharges	100	14%
Totals		
Paroles	534	72%
Discharges	199	28%
Total	733	100%

It is also noted that another recidivism study was being conducted by the National Council on Crime and Delinquency (NCCD) for the Division of Probation and Parole (DPP). This study used a much larger sample of people placed on probation and parole supervision. Specifically, the NCCD study consisted of approximately 11,700 people who were placed either on probation (about 9,000) or parole (about 2,650). Both groups were followed for a three-year follow-up period to determine if they have been returned to prison for either new offense or technical violation. The respective recidivism rates were 34% for the parolees (slightly higher than the rate reported in 2004) and 33% for the probationers. These are relatively similar to the rates for this study with the exception of the paroled females who had a significantly lower recidivism rate.

The NCCD study will be used to assess the risk factors they found to be associated with recidivism and how one might standardize the DPP and Parole Board items so as to ensure greater continuity between the two systems in terms of risk and supervision.

Risk Assessment and Parole Board Decision-Making

The Board relies heavily on the risk instrument and the severity of the offense to make its decision to grant or deny parole. The reliance on these two factors is consistent with the practices of all parole boards in the United States. Tables 2, 3 and 4 show the Board's decisions by risk level for 2009 for parole and mandatory parole considerations.

**Table 2
Discretionary Parole Grant Rates by Offense Severity and Risk Level**

Percent Granted by Risk and Offense Severity				
Total Actions	High Risk	Moderate Risk	Low Risk	Total
Highest	3%	42%	34%	34%
High	3%	50%	67%	44%
Moderate	3%	66%	91%	60%
Low Moderate	13%	67%	90%	65%
Low	14%	92%	99%	86%
Total	6%	61%	67%	54%
Overall 54% Discretionary Grant Rate CY 2009				

**Table 3
Mandatory Parole Grant Rates by Offense Severity and Risk Level**

Percent Granted by risk/severity				
Total Actions	High Risk	Moderate Risk	Low Risk	Total
Highest	6%	68%	55%	52%
High	8%	78%	73%	64%
Moderate	10%	90%	92%	71%
Low Moderate	21%	90%	94%	77%
Low	32%	90%	80%	71%
Total	12%	84%	78%	67%
Overall 67% Mandatory Grant Rate CY 2009				

**Table 4
All Parole Grant Rates by Offense Severity and Risk Level**

Percent Granted by risk/severity				
Total Actions	High Risk	Moderate Risk	Low Risk	Total
Highest	4%	50%	38%	38%
High	5%	60%	69%	51%
Moderate	6%	74%	91%	64%
Low Moderate	16%	73%	92%	69%
Low	21%	92%	98%	84%
Total	8%	68%	70%	58%

These three tables show a very strong association between the Board's decision to grant parole and the prisoner's offense severity and risk level. Specifically only 3% of the high risk and high offense severity cases were granted parole. Conversely 99% of the low risk and low offense severity cases were paroled.

This same pattern persists for the mandatory parole cases, which have a higher grant rate as they reflect people nearing the end of their sentences. In general the Board would prefer to have them under some form of supervision after being released from prison rather than no supervision.

One final comment is that the overall parole grant rate of 58% is relatively high compared to other Boards. However, given the overall recidivism rate of approximately 30-35%, the 58% grant rate seems very appropriate.

Comparative Review of the Parole Board and DPP Risk Instruments

The NCCD study found that the initial risk instrument used for probationers and parolees was predictive of three-year recidivism rates. In that study the following risk instrument items found on both the DPP and Parole Board items:

- Age at first arrest
- Prior Probation and Parole Violations
- Employment History
- Drug/Alcohol Abuse
- Prior Convictions for Property, forgery, and robbery

In both studies, all five were found to be associated with recidivism. Of these five items two (history of drug/alcohol abuse and prior probation/parole violations) are coded identically on both items.

The age at first arrest has only a minor deviation – on the parole board instrument the age categories were 20-24 and 25 years or older. On the DPP instrument it is 20-23 and 24 years and older.

The employment history item on the parole board risk instrument is taken directly from the Nevada Department of Corrections custody classification system and is as strong associated with recidivism as the DPP employment item.

Finally, the prior conviction/current offense item is only different in that weights are 1 point for the DPP versus 2 points for the Parole Board. But since the two risk instruments use different items and scales, there should be no concern on such minor differences.

In summary, it is recommended that the age at first arrest be set to the DPP standard. There are no other recommendations at this time.

Validation Results of the Parole Board Instrument

In terms of the overall results, the current risk assessment instrument is strongly associated with the three-year recidivism rates. The recidivism rate is composed of return with a new felony crime and technical violations. As shown in Table 5, for all four samples, despite the low sample numbers for the male discharges and female samples, the recidivism rates increase with risk level. The only scoring item that is problematic is the completion of DOC programs, which is actually showing an inverse or negative relationship. This means that people who are participating and completing such programs have a higher recidivism rate (see Table 6). The only exception to this pattern is the female paroles who show that those who participate and complete these programs have a lower recidivism rate.

Table 5
All Groups By Scored Risk Level

Risk Level	N	%	% Prison Return in 3 yrs	% New Felony (3 yrs.)
Male Parole	384		38.2%	19.5%
Low (0-4 pts)	96	25.0%	22.9%	9.4%
Moderate (5-10 pts)	229	59.6%	39.3%	20.5%
High (11-15 pts)	45	11.7%	60.0%	33.3%
Highest (16+ pts)	5	1.3%	80.0%	40.0%
Male Discharge	99		36.4%	19.0%
Low (0-4 pts)	20	20.2%	20.0%	15.0%
Moderate (5-10 pts)	57	57.6%	40.4%	19.3%
High (11-15 pts)	15	15.2%	53.3%	20.0%
Highest (16+ pts)	0	0.0%	0.0%	0.0%
Female Parole	150		13.7%	9.3%
Low (0-4 pts)	79	52.7%	4.3%	4.3%
Moderate (5-10 pts)	64	42.7%	19.0%	8.6%
High (11-15 pts)	7	4.7%	57.1%	42.9%
Highest (16+ pts)	0	0.0%	0.0%	0.0%
Female Discharge	100		31.0%	15.8%
Low (0-4 pts)	32	32.0%	18.8%	9.4%
Moderate (5-10 pts)	66	66.0%	38.1%	19.0%
High (11-15 pts)	2	2.0%	50.0%	50.0%
Highest (16+ pts)	0	0.0%	0.0%	0.0%

**Table 6
Program Completion And Recidivism Rates By Release Cohort**

Sample	Program Completion			
	Total Return to Prison Rate		New Felony Rate	
	Yes	No	Yes	No
Male Paroles	43%	34%	22%	17%
Male Discharges	49%	21%	30%	5%
Female Paroles	6%	13%	6%	12%
Female Discharges	34%	25%	22%	8%

Currently, the Board recognizes and grants credit for the following prison programs:

- HS Diploma or GED
- Oasis -long term drug treatment
- Arch - women only
- Anchor
- Vocational Training
- APE - drug treat
- STOP - sex offender

It does not recognize participation and completion of basic literacy or English as second language programs. The bottom line is that all of these programs are designed to reduce recidivism. The preliminary analysis suggests that they are not doing so even though the research literature suggests otherwise. Many parole boards in other states do allow for such program credits because their own research shows it has an impact and to encourage prisoners to attend and complete such programs.

For these reasons, I am recommending that the Board continue to use this item but only on the condition, that within a year the DOC demonstrate through its research that people who complete such programs have lower recidivism rates. If that cannot be demonstrated, then the item needs to be removed and the risk instrument adjusted.

Appendix A

Nevada Board of Parole Commissioners

Risk Instrument

NEVADA PAROLE RISK ASSESSMENT

Name _____ ID Number _____ Location _____ Date _____

Static Risk Factors	Pts	Dynamic Risk Factors	Pts
1. Age at First Arrest (juvenile or adult)		7. Current Age	
25 years or older	0	41 and above	-1
20-24 years	1	31 - 40	0
19 years or younger	2	21 - 30	1
2. Prior Prob/Parole Revocation (juv. or adult)		Under 21	2
No parole or probation revocations	0	8. Active Gang Membership	
One or more (including gross misdemeanors)	2	No	0
3. Employment History (prior to arrest)		Yes	2
Satisfactory full-time employment >1 year	0	9. DOC certified edu/voc/treat program	
Employed less than full-time/full-time < 1 year	1	Yes, or has existing GED/HS Dipl/Degree	-1
Unsatisfact. employment/unemployed /unemployable	2	No	0
4. Offense for Current or Prior Convictions		10. Disciplinary Conduct - Past Year	
All others	0	No Major Disc Violations or Single Minor/Gen	-1
Property Offense, Robbery, Forgery, etc.	2	Multiple Minor/General Violations	0
5. History of Drug/Alcohol Abuse		Major Violation	1
None	0	Multiple Major Violations	2
Some use, no severe disruption of functioning	1	11. Current Custody Level	
Frequent abuse, serious disruption of functioning	2	Minimum	-1
6. Gender		Medium	0
Male	1	Maximum or Disciplinary Segregation	2
Female	0	Total Dynamic Risk Score	
Total Static Risk Score		Total Score (Static+Dynamic Score)	

___ Low Risk = 0-4 points ___ Medium Risk = 5-10 points ___ High Risk = 11+ points or 8 points on Dynamic factors

The risk assessment is based on the static and dynamic factors that are applicable at the time of a parole hearing. A change in status following the hearing that may impact the risk factors shall not be the basis for an appeal for re-computation. A prisoner will only be granted a re-hearing if a factor is misapplied at the time of the hearing, and a correction would cause a deviation from the guideline recommendation.