



STATE OF OREGON

INTEROFFICE MEMO

TO: Elizabeth W. Browne

DATE: September 8, 1980

FROM: Ira Blalock 

SUBJECT: Transmittal of Summary of Board Plan to Reduce Terms and Population in a Manner Consistent with Public Safety

Board's Placement and Authority to Reduce Population and Terms

We have already computed the history/risk score, severity rating and findings of aggravation or mitigation on every offender who has been "set" by the Board. We can, in making reductions in prison population, maximize the safety of the public by relying on this information.

If we make reductions in term decisions by adjusting the history/risk score device, those who are most likely to succeed will receive the greatest reductions.

Changes in History/Risk Scoring

The calculations required by the suggested changes would be relatively easy to make. We might, however, need clerical assistance from the Corrections Division. Perhaps 40% of the population would receive reductions under the history/risk assessment adjustments proposed. These adjustments would also work to reduce prison terms for a significant portion of future offenders sent to prison. However, the penalty scale in the matrix would remain unchanged. Again, the reductions would be made in a way to minimize risk to the public. (See attachment #1.)

Item C of the criminal history/risk assessment changes to age this commitment instead of first commitment and Item D changes trust violation to focus on current commitment. An aggravating factor, e.g., three or more trust violations (parole and probation failures, escape, failure to appear, bail jumping) in last five years, should be added to our list of aggravating factors commonly encountered.

These changes can be made without altering the basic penalty scale of the matrix. Additionally, a crime-free period in the community of ten years would result in starting over on history/risk scores; an exception is that any homicide would always be counted. Repetitive violent crimes would be added to aggravating factors. Such crime-free periods are powerful predictors of success. Offenders with such crime-free periods tend to perform as well as first-time offenders. This statement is based upon research done on federal prisoners. The salient factor score does not count priors if ten years conviction-free in the community has been reached.

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Procedural Steps

We suggest that procedurally, prison terms for Category 4 and lower offenders may be adjusted by a member of the Board without a hearing. Category 5 or higher offenders may only be reduced following a review of aggravating and mitigating factors. Screening of higher severity offenders will be more rigorous.

These changes would reduce prison terms on selected offenders to hold down population levels. We have already acted to reduce revocations. There is a good chance that we could maintain the population within design capacity with these changes alone.

Fail Safe Mechanism

However, such systemic changes, while they are essential to hold the population down, might not be enough to reach design capacity by the judicial deadline. An accelerated release policy might have to be implemented to reach design capacity and allow the systemic changes to take effect. Accelerated release includes the expanded terminal leave powers (90 days) of the Division.

We might have to order two- or three-month assessments depending upon the impact of the guideline adjustments in order to comply with the judicial deadline.

Board's Value to Executive in Managing Population

These recommendations should dispel from anyone's mind doubts about the value of a Parole Board to react to crowded conditions. The Board is uniquely placed to make adjustments, based upon sound actuarial principles or data to respond to such emergencies. More importantly, the Board has the responsibility, power and authority to respond to overcrowding quickly and efficiently. The placement in the executive branch of an agency to release is appropriate and crucial to prison management.

These changes will reduce time served and meet the judicial order in a responsible and expeditious manner. The population would be reduced at minimal risk to the public. Some of the changes, particularly the history/risk scoring device, are desirable irrespective of crowding.

Misleading Comparison of Release Cohort and Admission Cohort

The Division and the judicial order have both made a fundamental statistical error. It is important to understand that one cannot compare setting dates to releasing prisoners and say that time has been increased by the Board. That is a comparison not unlike the "apples and oranges" metaphor.

Many practices and procedures operate to reduce actual terms, e.g., good behavior reductions, retroactive application of Board rules, assessments, death, and appeals. Increases in set terms are much rarer. Therefore, a release cohort will always serve less time than an admission cohort's initial set would indicate. In other words, no one knows whether we have actually increased time and by how much (see attachment #8).

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Legislative Action and Impact on Term Sets

The legislature has contributed to crowding by requiring that we sum the ranges in consecutive sentences; that minimum sentences, i.e. 25 years for certain classes of murder, be served; and by giving the power to judges to impose one-half of the judicial sentence as a minimum.

It might have been sufficient to give the judges influence over the Board's policy through the legislation establishing the joint commission.

Conclusion

A summary of the Board's planned actions together with supporting papers (attachments 1 through 8) are enclosed with this memo.

The net reduction from history/risk device should be in the vicinity of 540 beds. We should achieve 85% to 90% of anticipated reduction within four months.

IB/dl

Attachments

BOARD OF PAROLE

SUMMARY OF PLAN TO REDUCE PRISON TERMS AND INMATE POPULATION

1. Application of a new history/risk scoring device will redistribute a large number of prisoners by criminal history classifications without changing the matrix. It is anticipated that about 40% will shift to a shorter range. In other words, about 40% of all prisoners will serve shorter prison terms. See Attachments 1, 2, 3, 4, 5.
2. A few cases which for some reason or other escaped our review will emerge during file examination. These should be adjusted, particularly categories 1 through 4.
3. Reduce prison terms for probation violators with category 1-4 severity levels. Property crimes and crimes against statute offenders with revoked probations on the basis of rule violations only will be affected. Eligible prisoners will be sanctioned by 4 to 8 month penalty. This is shorter than current sanctions imposed on such prisoners. See attachment 6.
4. Accelerate scheduled release of prisoners as required to meet judicial deadline. This item will only be implemented if the above steps are not adequate to reach "design capacity". See attachment 7.
5. Concerns
 - A. Misleading data on guideline (matrix) impact (Attachment 8).
 - B. Accelerated release may be more fairly achieved than by changing breaking points. We should defer how to accelerate release pending further study on the most equitable and efficient method. Furthermore, we may not need to use this vehicle at all (Attachment 7).

CRIMINAL HISTORY/RISK ASSESSMENT UNDER RULE 255-35-015

ITEM	SCORE
(A) No prior felony or misdemeanor convictions as an adult or juvenile:	3
One prior	2
Two or three prior convictions	1
Four or more prior convictions	0
(B) No prior incarcerations (i.e., executed sentences of 90 days or more) as an adult or juvenile:	2
One or two prior incarcerations	1
Three or more prior incarcerations	0
(C) Age at time of behavior resulting in this commitment	
26 or older	2
21 to under 26	1
Under 21	0
(D) Not a probation or parole failure, failure to appear or escaped this commitment	2
Probation violation or failure to appear this commitment	1
Escape or parole violation this commitment	0
(E) Has no admitted or documented heroin or opiate derivative abuse problem, or has no admitted or documented alcohol problem	1
One or more of the above	0
(F) Verified period of 3 years conviction free in the community prior to present offense	1
Otherwise	0
TOTAL HISTORY/RISK ASSESSMENT SCORE:	

FIRST

first

To: Ira Blalock

Date: September 2, 1980

From: Larry Travis

Subject: Comparison of History/Risk Scoring Devices

This is in response to your request for a comparison of predictive power between the proposed history/risk score and the current device. The proposed device is somewhat more powerful. Statistically, I have computed mean cost ratings (MCR) on both the current and proposed scores and arrived at values of .193 (current) and .207 (proposed). This means the proposed score is "better" at selecting those who will fail parole or commit a new offense than the current score. This difference is small, only .014. However, the proposed score is more easily and accurately computed than the current score and achieves a more balanced distribution.

Obviously, different scores do not change the overall success rate of 67%. What they do, however, is group outcomes differently. Different scoring devices will redistribute the parolees among the scores. The proposed device achieves a less skewed distribution. For example, the bulk of the cases fall into good and fair. Previously the same cases were predominately in the fair and poor categories. In fact, the largest grouping was in the poor category. It is well to recall that a high success rate in a poor category represents an inefficient system. It is "good" to have high failure rates in the poorest categories.

The proposed score reserves the "poor" category for those who are much more likely to fail than the average parolee. Similarly, the fair category contains persons less likely to succeed than the "average" parolee. (The average parolee, without regard to history/risk score, has a 67% chance of success.) The good and excellent scores still do a respectable job of identifying successes. A ratio of successes to failures for each score shows this more graphically.

Ratio of Successes to Failures by History/Risk Group

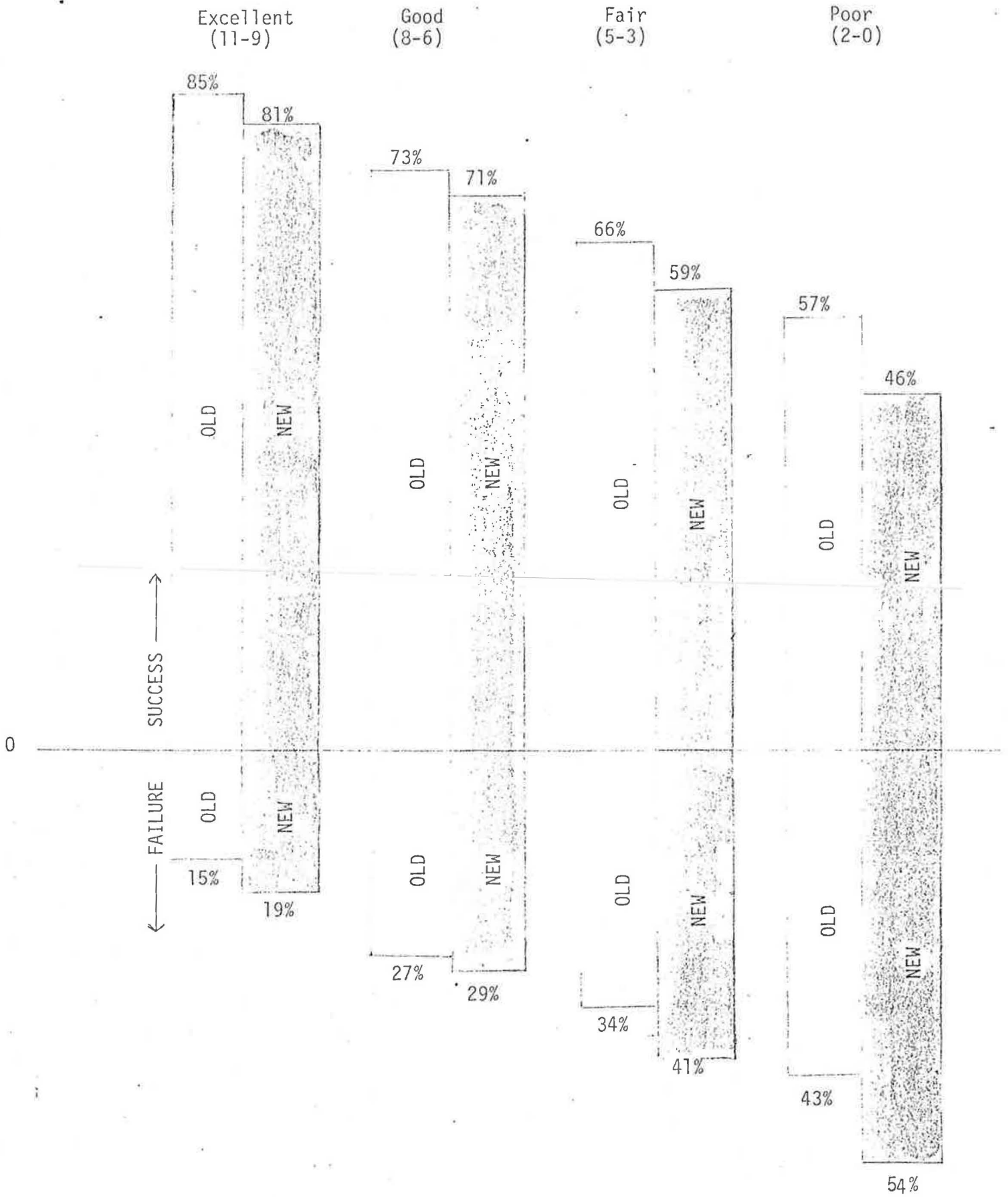
<u>History/Risk Score</u>	<u>Current Score</u>	<u>Proposed Score</u>
Excellent	5:4:1	4.2:1
Good	2.7:1	2.4:1
Fair	1.9:1	1.4:1
Poor	1.3:1	.85:1

(Overall success to failure ratio 2:1)

In terms of predicted parole failure or new criminal behavior, the proposed

score reserves the "poor" category--the one which carries the longest terms, for the worst risk cases, and the fair category, with second longest terms, for those cases with a less than "average" chance of success. The current score does not clearly identify the "worst risk cases", and includes those with an "average" chance of success in the fair group.

PROJECTED SUCCESS AND FAILURE RATES FOR CURRENT AND PROPOSED HISTORY/RISK SCORING DEVICES





STATE OF OREGON

INTEROFFICE MEMO

TO: Ira Blalock, Board of Parole

FROM: John Tuthill

SUBJECT: Proposed Revision in History/Risk Score

DATE: September 4, 1980

Pursuant to your instructions, two samples consisting of one hundred inmates each were drawn from the institution populations for the purpose of assessing the affect of the proposed instrument on Prison Terms. The first sample consisted of those inmates who were/are scheduled to appear before the Board during the months of August and September. Actual cases selected being determined by the order in which Parole Analysts completed the history/risk scores; when one hundred scores had been accrued, the initial sampling was culminated.

The second sampling was derived from those inmates committed to the physical custody of the Corrections Division during the last quarter of 1979. One hundred numbers were selected with a random numbers table. This sample was stratified to reflect the ratio of admissions to each of the three institutions for the specified period. The two samples were then combined in order that the aggregate sample would be reflective of the current population characteristics.

An analysis of the revised history/risk scores for the foregoing sample, were juxtaposed with the respective scores derived from the current method, revealing that an average reduction of 4.14 months would be obtained should the revised score supplant the one currently in use.

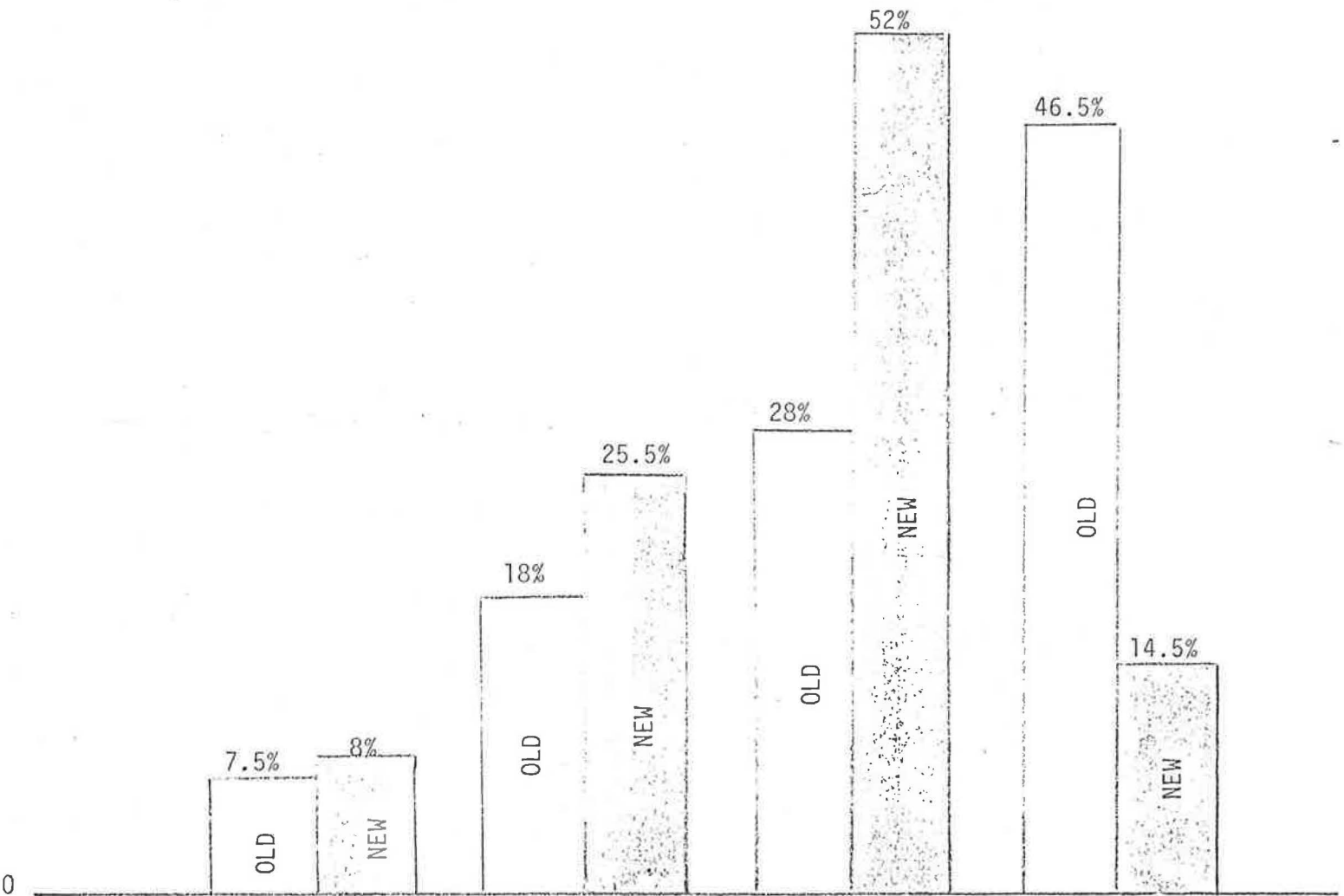
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COMPARISON OF POPULATION DISTRIBUTION
 BY CURRENT AND PROPOSED HISTORY/RISK SCORING DEVICE

Excellent (11-9) Good (8-6) Fair (5-3) Poor (2-0)



Note population shifts result in shorter terms for 40% of all prisoners. The average reduction in terms is 4.14 months.

Proposed Rule Pertaining to Duration of Sentences for
Individuals Found in Violation of Probation.

Except for violations of probation involving possession of a weapon or physical harm to another, a person sentenced to institutions as a result of technical violations of probation shall be given a prison term based on the guidelines specified below:

OFFENSE SEVERITY RATING	CRIMINAL HISTORY/RISK ASSESSMENT		
	11-9(Excellent)	8-6 (Good)	5-3(Fair)
Category 1	* 4-8	4-8	4-8
Category 2	4-8	4-8	4-8
Category 3	4-8	4-8	
Category 4	4-8	4-8	

*All ranges shown in months

The Board may vary the above ranges based upon a finding of aggravation or mitigation found at the prison term hearing. Variation shall not exceed two months without concurrence of at least four voting members of the Board.

A person sentenced to the institution as a result of probation violation who's crime committed is a Category 5, 6, 7(1) or (2) or who's violations of probation involve possession of a weapon or physical harm to another shall be given a prison term pursuant to Division 35 of these rules.

PROPOSED SHIFTS IN CRIMINAL HISTORY/RISK CLASSIFICATIONS

Old Breaking Points

New Breaking Points

H/R Score	0-2	0-2
	3-5	3-5
	6-8	6-7
	9-11	8-11



TO: Ira Blalock

DATE July 31, 1980

FROM: Larry Travis

SUBJECT: Impact of Matrix on Time Served in Oregon Penal Facilities

As you know, this is a subject which is near and dear to my heart. Ever since I made the colossal blunder of showing the average term set in the first eight months of 1979 (32.2 months) to the Division, spokespersons for the Division have been going around the State decrying the impact of the Matrix on prison populations and commenting that since the matrix went into effect, time served in Corrections Division facilities has skyrocketed from about 20 months to near 30 months. Repeated efforts to persuade the Division that these statements were both unfair and inaccurate have failed to alter the current state of affairs. I have therefore decided to put my objections to these accusations in writing.

The 20 month figure quoted by the Division is the arithmetic mean time served in prison before first release for new commitments in any given year. That is, a release cohort. The 30 month figure is the estimated time to be served in prison for those individuals given prison term sets during the first eight months of 1979. This is closer to an admission cohort.

We all know that release cohorts will continually demonstrate a lower average term than an admission cohort, since they will be heavily weighted by the large numbers of short term prisoners who obtain release. If the maximum term ever imposed by the Board were forty years, it would take at least forty years before the average time served to release would equal the average term imposed.

As you know, and the Division has been advised, one of the reasons for the abnormally long average term imposed in the first part of 1979 is that in February and March of that year, several prisoners admitted earlier than 1978 or 1979 for homicide received firm dates. If these persons were set for only an average of 120 months and accounted for only 2% of all those whose terms were set in that period, their terms would add 2.4 months to the average set which would be obtained if they were excluded.

I have examined data on time served in Division facilities prior to parole release, parole order date, or parole set date for the years 1975 and 1979 (CD ADP PROG:PTSTAPET). The results are very revealing:

	<u>1975</u>	<u>1979</u>
Avg. time served in Division facilities	23.2 mos.	19.8 mos.
Avg. term imposed by the Board (est.)	26.2 mos.	22.8 mos.



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Although some data are missing from Correction Division computerized files, I do not believe the impact of missing data will be that great. Even if the result of the missing data is to increase the 1979 average by 6 months (an astronomical increase), the impact of the matrix (measured this way) would be to increase the average term by less than 3 months, not the 10 months that Division statements would have one believe.

Finally, as the information presented to the Advisory Commission in January of this year, and the results of the opinion poll conducted for the Board illustrate, the matrix has had the effect of organizing prison terms. Sets established under the matrix are distributed such that serious offenders (rapists, murderers, assaulters and robbers) received longer terms than they had before the matrix was adopted. Less serious offenders, especially those convicted of nonviolent class C felonies receive shorter terms than they had in earlier years. This allocation of the scarce resource of prison bed space seems congruent with the wishes of the public, sentencing judges, and other interested parties.

Please feel free to share this memo with anyone you please.

If the Board were to adopt the proposed computational method, and were to apply it retroactively to all persons presently confined as well as to all persons to be received into confinement hereafter, in theory the current population would be reduced by 18.6%, or 552 individuals, as rapidly as the computations could be completed, the sets changed to reflect the new computations, and the individuals affected could be processed for release. Eventually, a total reduction of 759 below otherwise-expected population could be anticipated.

In point of fact, however, such large reductions could not reasonably be expected. Many of the persons affected would prove to have already served more time than would be indicated by the revised matrix positioning. Many more would prove to be already within a time frame which permits placement on temporary leave pending release, and thus would not impact bedspace requirements by their departure. It is estimated that roughly 1/3 of all cases would fall in one or the other of these groupings. This would mean that the actual immediate reduction would be roughly 368; the eventual reduction would continue to be roughly 759, but would not be fully realized for nearly 5 years.

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The Board of Parole is considering revision of the computational method by which History Risk Scores are established.

To assess the possible impact of the proposed computational revision on time served, two 100-case samples were drawn from recent admissions. The two samples were combined, and the history risk score of each case was re-computed under the proposed method.

The combined samples contained:

<u>Crime Category</u>	<u>Number</u>	<u>Percentage</u>
1	64	32.0%
2	53	26.5%
3	33	16.5%
4	25	12.5%
5	10	5.0%
6	15	7.5%
7	0	--
Total	200	100.0%

Comparing the History Risk Scores established under the present computational method with the scores established under the proposed computational method, it was found:

<u>History Risk Score</u>	<u>Existent Method</u>	<u>Proposed Method</u>
9-11	15	16
6-8	36	50
3-5	56	106
0-2	93	28
Total	200	200

Applying the present parole matrix to the combined samples:

	<u>Existent Method</u>	<u>Proposed Method</u>
Average bottom of range	18.0	14.8
Average top of range	26.1	21.0

In recent months, it has been Board practice to set (on the average) actual time to be served at roughly $\frac{1}{2}$ above the bottom of the range. If this practice were applied to the combined samples:

	<u>Existent Method</u>	<u>Proposed Method</u>
Average set would be	20.0	16.4

The combined samples are significantly skewed toward the lower crime categories; they contain no category 7 offenders, and a lower-than-actual percentage of category 6 offenders. For the purposes of this analysis, however, this skewing tends to make the theoretic results mildly conservative.