

December 31, 2018 June 11, 2021

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, 2017-June 30, 2018). This report was assembled by Dr. Jennifer Miller, the Assistant Director of Supervision for IT and Research 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 2018, a total of 2,601 Nebraska clients were under community supervision by parole; 15.2 percent of those individuals had a review of parole hearing during the year.
- The Board of Parole scheduled and held 423 review of parole hearings in FY 2018 for 396 unique parole clients; four hearings were continued with the clients seen at a later date. Parole was revoked in 89.6 percent of those hearings for a total of 372 clients revoked (14.3 percent of the FY 2018 parole population). A total of 115 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 14.9 percent from FY 2017.
- Clients were continued on parole in 34 total hearings; of that number, 9 clients (26.5 percent) saw the board for a subsequent review of parole hearing during the same year at which time they were revoked.
- Approximately 58 percent of all review of parole hearings were prompted by a law violation; the remaining 42 percent of the hearings were prompted by technical violations of parole. The number of hearings held for technical violations decreased from 234 in FY 2017 to 176 in FY 2018, a relative decrease of 24.8 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.

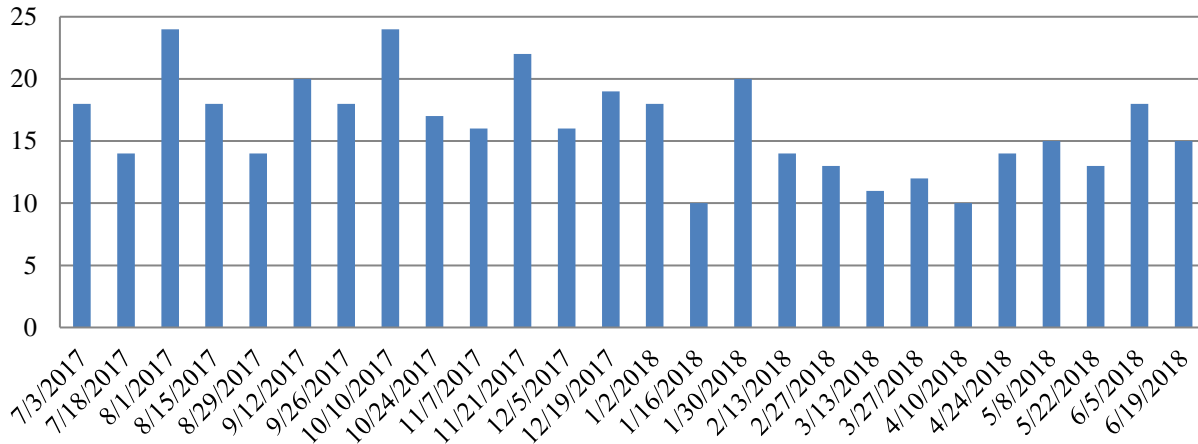
The remainder of this report is broken down in the following manner: section I provides in-depth data regarding review of parole hearings, including the distribution of these hearings over time, the outcomes of these hearings over time, and data on deferral to mandatory discharges as well as on waived 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

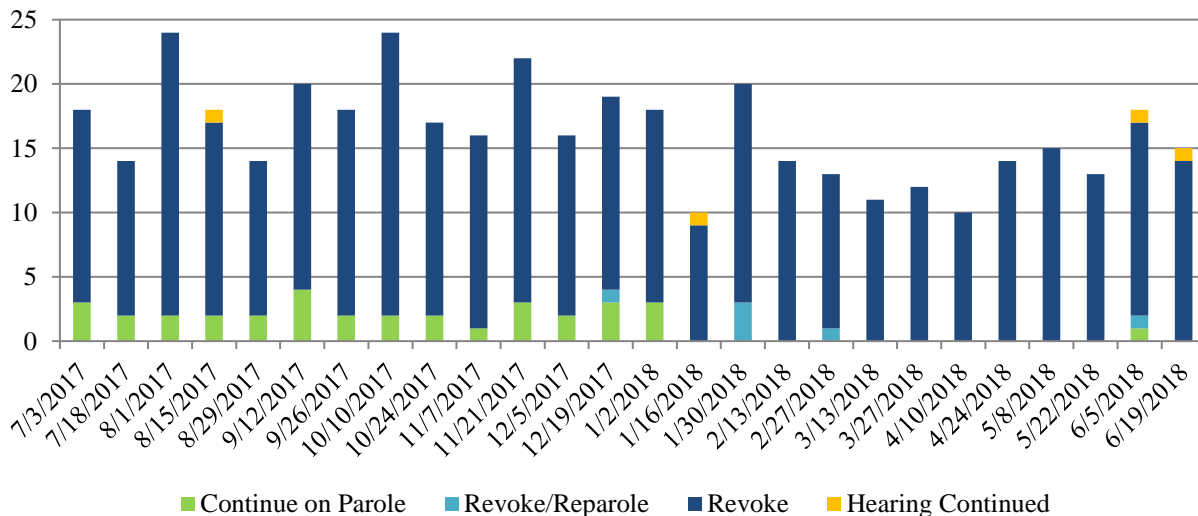
From July 1, 2017 through June 30, 2018, the Nebraska Board of Parole scheduled a total of 423 review of parole hearings to consider the status of individuals who were determined to have significantly violated the terms of their parole agreement. A total of 419 hearings were completed and four hearings were continued to a later date. On average, the Board saw a total of 16 individuals on each day of parole review hearings, a 20% decrease from FY 2017. 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 2018, 379 hearings (89.6%) resulted in a motion to revoke parole. Motions to continue the client on parole were made in 34 hearings (8%) and motions to revoke and simultaneously re-parole were made in six cases total (1.4%). A total of 9 clients who were continued on parole at an earlier hearing during FY 2018 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 2018, the Board determined that 115 individuals should be deferred to their mandatory discharge date; this constitutes 30.9% 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 82 hearings were waived by parole clients during FY 2018. The outcome of all hearings that were waived was revocation of parole for that respective client.

II. PAROLE VIOLATIONS LEADING TO REVOCATIONS

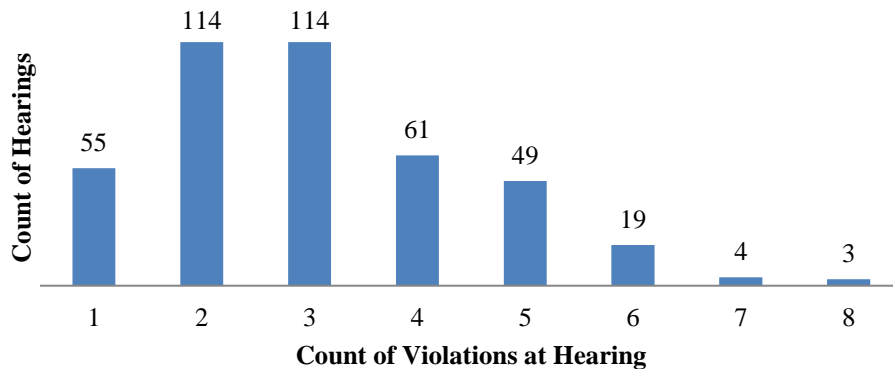
Review of parole hearings are held for those individuals who have committed significant parole violations. Specific violations can be deemed as either laws violations (which includes the commission of new infractions, misdemeanors, and/or felonies) or technical violations (which includes any violation of the conditions of parole that is not a new criminal act).¹ Of the 419 hearings that were completed, a total of 243 (58%) had at least one law violation; the remaining 176 hearings were held for technical violations only (42%). In comparison with FY 2018, a total of 20 fewer hearings were held for laws violations and 58 fewer hearings were held for technical violations only. A breakdown of the general violation categories for all FY 2018 revocation hearings is shown below in Figure 3.

Figure 3: Violation Category Breakdown for FY 2018 Review of Parole Hearings



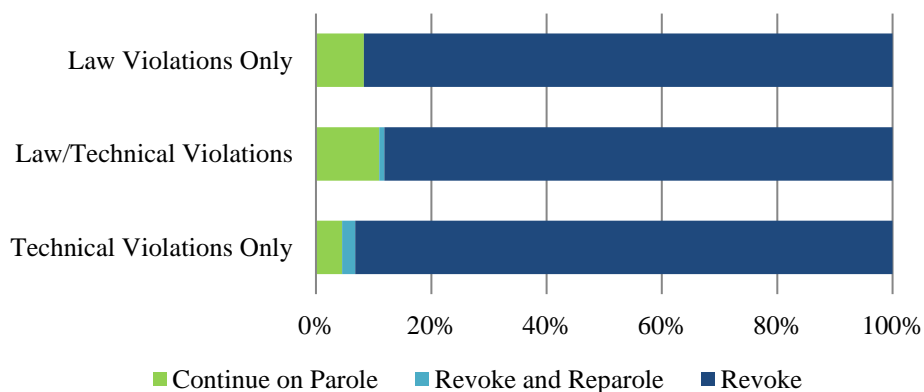
A total of 1,280 violations of parole conditions were identified in the 419 review of parole hearings completed in FY 2018. The average count of violations per hearing was 3; the count of violations ranges from 1-8 for all hearings during the year. The number of hearings that were held for each of the 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



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 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 24, for laws and technical violations was 219, and for technical violations only was 176.

Figure 5: Hearing Outcomes by Violation Categories/Combinations



For clients who were revoked for technical violations only, 72 of the 168 clients (42.9%) were issued at least 1 sanction prior to being brought before the Board of Parole for a review of parole hearing. Of those 168, 76 (45.2%) have served a previous prison sentence prior to the sentence on which they were serving parole during FY 2018. In addition, 53 (31.5%) of the 168 clients revoked for technical violations had been re-paroled following earlier violations of a previous parole term either prior to or during FY 2018 on their current sentence.

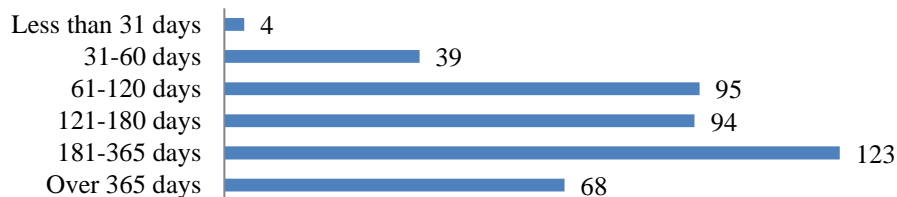
III. REVOCATION DEMOGRAPHICS/CLIENT-BASED DATA

During FY 2018, the Board of Parole saw 396 unique parole clients at a total of 423 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 35. Data on clients who had review of parole hearings in FY 2018 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 6 below.

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

Demographic Attributes	All Parole Clients (2,601)	All Hearing Clients (396)	Continued on Parole (34)	Revoked and Reparoled (6)	Parole Revoked (356)
SEX					
Female	394 (15.1%)	48 (12.1%)	1 (2.9%)	2 (33.3%)	45 (11.4%)
Male	2207 (84.9%)	348 (87.9%)	33 (97.1%)	4 (66.7%)	311 (78.5%)
RACIAL IDENTIFICATION					
African-American/Black	561 (21.6%)	99 (25.0%)	5 (14.7%)	2 (33.3%)	92 (23.2%)
Asian/Pacific Islander	24 (0.9%)	6 (1.5%)	1 (2.9%)	-	5 (1.3%)
Caucasian/White	1636 (62.9%)	228 (57.6%)	21 (61.8%)	3 (50.0%)	204 (51.5%)
Hispanic	256 (9.8%)	36 (9.1%)	4 (11.8%)	-	32 (8.1%)
Native American	100 (3.8%)	23 (5.8%)	2 (5.9%)	1 (16.7%)	20 (5.1%)
Other/Unknown	24 (0.9%)	4 (1.0%)	1 (2.9%)	-	3 (0.8%)
AGE					
16-20	27 (1.0%)	11 (2.8%)	1 (2.9%)	-	10 (2.5%)
21-25	325 (12.5%)	66 (16.7%)	6 (17.6%)	-	60 (15.2%)
26-30	446 (17.1%)	78 (19.7%)	10 (29.4%)	-	68 (17.2%)
31-35	463 (17.8%)	80 (20.2%)	6 (17.6%)	-	74 (18.7%)
36-40	400 (15.4%)	56 (14.1%)	4 (11.8%)	2 (33.3%)	50 (12.6%)
41-50	504 (19.4%)	73 (18.4%)	5 (14.7%)	2 (33.3%)	66 (16.7%)
51 or older	436 (16.8%)	32 (8.1%)	2 (5.9%)	2 (33.3%)	7 (1.7%)

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 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 396 clients with hearings held in FY 2018, 110 clients (27.8%) 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 286 (72.2%) clients that 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 Division of Parole Supervision 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 and it has already shown great promise in FY 2018. A decrease of 20% in overall hearings alongside a sizeable decrease in the number of hearings prompted by technical violations only point to the effectiveness of these graduated sanctions. Beginning in January 2018, custodial sanctions were made available as an option to parole officers across the state; we anticipate the use of these sanctions will further contribute to the positive trends we have witnessed to date.

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 2018, a total of 2,601 Nebraska parole clients were on community supervision under the Board of Parole. Of that number, 761 (29.3%) had a review of parole hearing at some time during their parole tenure and 725 (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 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 23 individuals had multiple (two) revocation hearings over this time period with a decision of continue, revoke and re-parole, or revoke.