

Memorandum: How the proposed District of Columbia Parole and Supervised Release Authority Rates: A National Comparison

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Question: How does the proposed District of Columbia Parole and Supervised Release Authority rate in a grading system that values fair, consistent and transparent parole release decisions?

Answer: Very high: an “A.”

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A year ago last February, the Prison Policy Initiative (PPI) published an intriguing and ambitious survey of state parole statutes and regulations, “Grading the parole release systems of all 50 states.”¹ The survey garnered attention for giving failing grades to all but 15 of our 50 states (the District of Columbia was not included in the survey.) Only one state ---Wyoming ---- received as high a grade as a “B-,” or 83 points.

Some people apparently misread the headline to conclude that the survey condemned parole systems outright and across the board. That was not the case. Far from calling for the abolishment of a failed institution, the author aspired to show where states could improve parole.

The author’s introduction announced his intent:

Parole systems should give every incarcerated person ample opportunity to earn release and have a fair, transparent process for deciding whether to grant it. A growing number of [organizations and academics](#) have called for states to adopt policies that would ensure consistency and fairness in how they identify who should receive parole, when those individuals should be reviewed and released, and what parole conditions should be attached to those individuals. In this report, I take the best of those suggestions, assign them point values, and grade the parole systems of each state.

In April of this year, a professionally and experientially varied team of volunteers associated with the DC Reentry Task Force and the [ReThink Justice DC coalition](#), of which I was one, published ---and forwarded to District of Columbia’s political leaders--- a [three-page concept paper](#) describing a fully staffed Parole Authority led by an intentionally diverse five member Release Review Panel and responsible for parole grant decision-making and parole and supervised release revocations. We published seven pages of detailed [“Questions and Answers”](#) about the parole release process in which we addressed issues ranging from protections of due process, community representation, and transparency. The Questions and Answers document went so far as to recommended specific statutory language to guide the implementation of a new parole authority, assuring that it would meet the District’s aspirational goals for criminal justice.

Now, in this Memorandum, I apply the point values assigned in the PPI Survey to the parole release process we recommended for a new District of Columbia Parole and Supervised Release Authority. The application can’t be exact, because the PPI Survey awarded an automatic “0”, and declined to score, the 16 states that have abolished discretionary parole. The PPI Survey also awarded a full 20 points to all the other states which have not ended discretionary parole. According to this methodology, the District of Columbia would have scored a “0” if it had been included in the PPI Survey. At the same time, when we compare the parole release function of the proposed District of Columbia Parole and Supervised Release Authority to other states which have discretionary parole, the District effectively suffers a 20 point handicap. Even so, it does well. And, if we adjust for the handicap, the parole release function of the new District of Columbia Parole and Supervised Release Authority earns a straight “A.”

¹ Jorge Renaud, “Grading the parole release systems of all 50 states,” Prison Policy Initiative (February 26, 2019) accessed at https://www.prisonpolicy.org/reports/grading_parole.html The PPI report grades state parole according to whether or not enabling legislation and rules meet certain criteria. The report does not measure outcomes.

As detailed on the next page, the proposed District of Columbia Parole and Supervised Release Authority scores high in the PPI survey because:

- Face-to-face parole hearings are mandated, with an exception endorsed by the PPI Survey, for hearings in which a parole grant is assured in advance.
- Parole applicants can challenge incorrect information themselves or with the assistance of an attorney or advisor.
- The individual applying for parole, family and community members, employers and prison administrators are allowed input into the hearing process through agency staff if not in person.
- The individual applying for parole is to have access to all records (subject to limited security-based reasons and confidentiality of third parties).
- Prosecutors do not play a role in parole hearings.
- There is a presumptive parole policy (favoring release).
- Parole may not be denied for subjective reasons (such as “gravity of the offense” or whether the release will “lessen the seriousness of the offense”).
- The Parole Authority is required to review all parole denials within one year.
- The Parole Authority provides staff to assist applicants for parole, help connect them to family and community resources, address needs such as identification or a place to live when released, beginning at least six months in advance of any parole hearing.
- There is a meaningful and realistic appeals process within the agency and then, on statutorily-defined or due process issues, to the D. C. Court of Appeals.
- The Parole Authority is required to publish quarterly and annual reports documenting its decisions to the government and the public.

The PPI survey awards a maximum of 120 points (with “extra credit” possible), with 20 of those points awarded for not having abolished parole. Even without those 20 points, the District of Columbia Parole and Supervised Release Authority would score a 91, or a “B” in the PPI Survey, besting all other evaluated states. In addition, it could reasonably be entitled to eight out of 11 points additional points. And, on principle, we disagree with the reason the new Parole Authority would lose three points in the PPI Survey.

Thus, we would suggest that the new Parole Authority scores 117 out of 120, an “A at least in the survey, and higher than all other states. But some points are subject to interpretation:

A) The survey awards up to eight points when parole authorities incorporate parole guidelines. We do not favor rigid, numerical, racially-biased and backward-looking “guidelines.” On the other hand, the new Parole Authority is empowered to establish rules and guidance to aid its staff and parole applicants, governed, however, by statutory exclusions of matters such as the severity of the crime considered at the original sentencing. It is therefore reasonable to conclude that the new District of Columbia Parole and Supervised Release Authority should be awarded these eight points.

B) The PPI Survey awards three points to parole systems that prohibit input from crime survivors. We disagree with that policy. In fact, the District of Columbia Parole and Supervised Release Authority allows input from victims through staff and, when the parties agree, supports a restorative justice approach as a path toward healing on all sides. We therefore lose these three points on principle.

C) The PPI Survey awards “extra credit” to states that limit the length of supervision and to states that permit individuals on parole supervision to associate with other justice-involved individuals. In the District of Columbia, length of supervision is determined by sentencing laws, and are not within the control of a parole authority. However, the new Parole Authority would be able to recommend termination of parole supervision to the sentencing court. In so far as limitations on an individual’s normal social and family contacts, the new Parole Authority does not impose them and would have the discretion not to enforce unreasonable restrictions if imposed by the supervising agency.

While these two factors might add “extra credit” to the score for the new Parole Authority, I did not increase the score for DC based on them.

Here’s how the new District of Columbia Parole and Supervised Release Authority scores on the PPI’s survey:²

The PPI Survey Scoring System Applied to the District of Columbia Parole and Supervised Release Authority

	Total Points for Category	Scored Functions and Qualities	Maximum Points in Survey	Scoring the new Parole Authority in DC	Points for DC: strict application	Points for DC - "hand-capped" and adjusted
Offers Discretionary Parole	(20 pts)	Has discretionary parole for new offenses (20 pts) ☐	20	No - and would therefore not be scored in the PPI Survey	0	20
Parole Hearings	(30 pts)	Would mandate face-to-face hearings (15 pts) ☐	15	Yes (unless parole grant is assured)	15	15
		Would provide method to challenge incorrect information (6 pts) ☐	6	Yes - access to all non-privileged information	6	6
		Prohibits input from prosecutors (3 pts) ☐	3	Yes - as at present prosecutors not involved	3	3
		Prohibits input from crime survivors (3 pts) ☐	3	No - as a matter of policy favoring restorative justice principles	0	0
		Would allow input from applicant, family, community, employers, prison adm in (3 pts) ☐	3	Yes - through written and face-face communication with staff if not at hearings	3	3
Parole Principles	(30 pts.)	Portion of the incarcerated population that the legislature allows the parole board to consider for release by restricting what offense/sentence types are eligible for parole ☐	12	Sentencing code authorizes some LWOP sentences. No restriction from the Parole Authority on eligibility	12	12
		Employs presumptive parole policies (9 pts) ☐	9	Yes - presumption in favor of release	9	9
		Does not deny parole for subjective reasons (6 pts) ☐	6	Yes	6	6
		Would mandate yearly reviews (3 pts) ☐	3	Yes - review after six months; new hearing within 12 months	3	3
Parole Hearing Preparation	(20 pts.)	Would provide case managers to assist individuals (10 pts) ☐	10	Yes - assigned at least six months in advance of hearing	10	10
		Would provide individuals with access to all records (10 pts) ☐	10	Yes - subject to medical confidentiality and limited security restrictions	10	10
Transparency	(20 pts.)	Would incorporate parole guidelines (8 pts) ☐	8	Parole Authority may only adopt non-rigid, racially unbiased guidelines within statutory criteria.	0	8
		Would require parole board to file yearly report to committee with oversight about parole denials and provide justifications (6 pts) ☐	6	Yes - reporting required to community advisory group, government agencies and the public	6	6
		Would have meaningful appeal process (6 pts) ☐	6	Yes - internal and to DC Ct. of Appeals	6	6
Extra points (positive and negative)	-	Points added for caps on length of post-release supervision, no restrictions on association with persons with a criminal history		The new Parole Authority arguably entitled to extra points	-	-
	-	Points deducted for restrictions on associating with people with criminal history, etc.		No negative points	-	-
Total Score	120		120		89	117
Grade	A+		A+		B	A

When the math is done, a new Parole Authority created by the District government along the lines proposed by members of the DC Reentry Task Force and ReThink Justice DC, led and staffed by District residents, scores at an “A” level in the Prison Policy Initiative’s survey. Our government, if up to the task, has the opportunity to design and implement a national model for parole release and supervision.



² Appendix to the previously cited PPI report, at https://www.prisonpolicy.org/reports/parole_grades_table.html