

DISTRICT OF COLUMBIA MUNICIPAL REGULATIONS

TITLE 28

CORRECTIONS, COURTS, AND CRIMINAL JUSTICE

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## PROCEDURES FOR GRANTING PAROLE

- 204.1 As its criteria for determining whether an incarcerated individual shall be paroled or reparaoled, the Board shall use the criteria set forth in this section and Appendices 2-1 and 2-2 to this chapter. These criteria consist of pre and post-incarceration factors which enable the Board to exercise its discretion when, and only when, release is not incompatible with the safety of the community. Any parole release decision falling outside the numerically determined guideline shall be explained by reference to the specific aggravating or mitigating factors as stated in Appendices 2-1 and 2-2.
- 204.2 The Board shall assign each candidate for parole a salient factor score (SFS) which shall be one of the factors used in calculating parole eligibility pursuant to the provisions of this section.
- 204.3 The Board shall utilize the SFS as an actuarial parole prognosis aid to assess the degree of risk posed by a parolee.
- 204.4 For the purposes of calculating the SFS, the Board shall assign a numerical value to each of the following categories:
- (a) Prior convictions and adjudications;
  - (b) Prior commitments of more than thirty (30) days;
  - (c) Age at commission of current offense;
  - (d) Recent commitment-free period;
  - (e) Status of prisoner at time current offense; and
  - (f) History of heroin or opiate dependence.
- 204.5 In assigning a SFS numerical value for the factor of prior convictions and adjudications pursuant to §204.4(a), the Board shall count the following:
- (a) All convictions and adjudications for criminal offenses (except as excluded by §204.6), other than the current offense;
  - (b) Convictions for offenses committed while on bail or probation for the current offense;
  - (c) Juvenile delinquency adjudications except the following:
    - (1) Status offenses (e.g., runaway, truancy, habitual disobedience); and

204 PROCEDURES FOR GRANTING PAROLE (Continued)

204.5 (Continued)

- (2) Criminal offenses committed at age fifteen (15) or younger unless it resulted in a commitment of more than thirty (30) days or involved violence (as defined in §23-1331(a), D.C. Code (1981 ed.)), use of weapons (as defined by §22-3202(a), D.C. Code (1981 ed.)), or drug trafficking.
- (d) Military convictions for acts that are generally prohibited by civilian criminal law;
- (e) Criminal conduct resulting in a judicial determination of guilt or an admission of guilt before a judicial body, even if no formal conviction results;
- (f) Convictions and adjudications even though later set aside for civil purposes;
- (g) Foreign convictions and adjudications for conduct that is criminal in the United States; and
- (h) Forfeitures of collateral if the offense would otherwise be counted.

204.6 In assigning a SFS numerical value for the factor of prior convictions and adjudications, the Board shall not count the following:

- (a) Convictions and adjudications for misdemeanors for which the maximum punishment is not more than ninety (90) days in prison;
- (b) Convictions and adjudications reversed or vacated unless the prisoner has been retried and reconvicted; and
- (c) Convictions and adjudications occurring prior to a conviction and adjudication-free period of ten (10) years in the community immediately prior to the commission of the current offense.

204.7 In assigning a SFS numerical value for the factor of prior commitments of more than thirty (30) days pursuant to §204.4(b), the Board shall count the following:

- (a) All prior commitments actually imposed of more than thirty (30) days resulting from convictions and adjudications counted pursuant to §204.5; and

204. PROCEDURES FOR GRANTING PAROLE (Continued)

204.7 (Continued)

(b) Prior commitments of more than thirty (30) days imposed upon revocation of probation or parole where the probation or parole resulted from a conviction or adjudication counted pursuant to §204.5.

204.8 Concurrent or consecutive sentences, whether imposed at the same time or at different times, that result in a continuous period of confinement shall be counted as a single commitment.

204.9 Commitments of more than thirty (30) days imposed for an escape, an attempted escape, or for criminal conduct committed while in confinement or escape status shall be counted as a separate commitment.

204.10 A commitment under §204.4(b) means confinement in a jail, prison, juvenile institution, or residential or community treatment center.

204.11 A prior commitment for more than thirty (30) days shall be counted under §204.7(a) despite avoidance of actual confinement through escape or bail pending appeal.

204.12 In assigning a SFS numerical value for the factor of age at commission of the current offense pursuant to §204.4(c), the Board shall, in the case of a parole or probation violator, use the age at the commencement of the conduct constituting the parole or probation violation.

204.13 In assigning a SFS numerical value for the factor of recent commitment-free period pursuant to §204.4(d), the Board shall regard a prisoner's commitment as terminated when he or she is released from confinement status regardless of where confinement occurs.

204.14 In assigning a SFS numerical value for the factor of status of the prisoner at the time of commission of the current offense pursuant to §204.4(e), the Board shall not consider a prisoner to have been on parole or probation if at the time of the commission of the current offense that parole or probation was unsupervised.

204.15 In assigning a SFS numerical value to the factor of history of heroin or opiate dependence under §204.4(f), the Board shall not consider the prisoner to have had a history of dependence if the prisoner had no dependence for the ten (10) year period preceding the commission of the current offense, not counting any time spent in confinement.

204 PROCEDURES FOR GRANTING PAROLE (Continued)

- 204.16 For the purposes of this chapter, heroin or opiate dependence refers to physical or psychological dependence, or regular or habitual usage.
- 204.17 The Board shall use the parole candidate's SFS to determine which risk category applies to the candidate, as follows:
- (a) 10-9 = low risk
  - (b) 8-6 = fair risk
  - (c) 5-4 = moderate risk
  - (d) 3-0 = high risk
- 204.18 After determining which risk category applies to a parole candidate, the Board shall consider the following pre and post incarceration factors to determine whether a candidate should be granted parole:
- (a) Whether the current offense involved a felony in which the parole candidate caused, attempted to cause, or threatened to cause death or serious bodily injury to another individual;
  - (b) Whether the parole candidate has two (2) or more previous convictions for a felony of the nature described in §204.18(a);
  - (c) Whether the parole candidate has ever been convicted of a crime of violence (as defined in §23-1331(4), D.C. Code (1981 ed.)) while under the influence of PCP (other than current offense);
  - (d) Whether the current offense involved a felony in which the parole candidate used a dangerous weapon (as defined by §22-3202(a), D.C. Code (1981 ed.));
  - (e) Whether the parole candidate has two (2) or more previous convictions for a felony of the nature described in §204.18(d);
  - (f) Whether the current offense involved a felony conviction under the D.C. Uniform Controlled Substances Act for distribution or intent to distribute illicit substances;
  - (g) Whether the parole candidate has two (2) or more previous convictions under the D.C. Uniform Controlled Substances Act;

204 PROCEDURES FOR GRANTING PAROLE (Continued)

204.18 (Continued)

- (h) Whether the parole candidate has committed serious disciplinary infractions (adjudicated under the Department of Corrections' due process procedures) while under confinement for the current offense; and
- (i) Whether the parole candidate has demonstrated sustained achievement in the area of prison programs, industries, or work assignments while under confinement for the current offense.

204.19 After determining an adult parole candidate's SFS score and after applying the pre and post incarceration factors to arrive at a total point score pursuant to §204 and Appendix 2-1, the Board shall take one (1) of the following actions:

- (a) IF POINTS = 0: Parole shall be granted at initial hearing with ~~low level of~~ supervision required;
- (b) IF POINTS = 1: Parole shall be granted at initial hearing with high level of supervision required;
- (c) IF POINTS = 2: Parole shall be granted at initial hearing with highest level of supervision required; or
- (d) IF POINTS = 3-5 Parole shall be denied at initial hearing and rehearing scheduled.

204.20 After determining a youth offender parole candidate's SFS score and after applying the pre and post incarceration factors to arrive at a total point score pursuant to §204 and Appendix 2-1, the Board shall take one (1) of the following actions:

- (a) IF POINTS = 0: Parole shall be granted at initial hearing with conditions established to address treatment needs; or
- (b) IF POINTS = 1-5: Parole shall be denied at initial hearing and a rehearing scheduled based on estimated time to achieve program objectives established by the classification team and the Board of Parole.

204 PROCEDURES FOR GRANTING PAROLE (Continued)

204.21 In determining whether to release on parole an adult or a youth offender appearing before the Board at a parole rehearing, the Board shall take the total point score from the initial hearing and adjust that score according to the institutional record of the candidate since the last hearing pursuant to Appendix 2-2. The Board shall then take one of the following actions:

(a) IF POINTS = 0-3: Parole shall be granted at this rehearing with highest level or supervision required; or

(b) IF POINTS - 4-5: Parole shall be denied and a rehearing date scheduled.

204.22 The Board may, in unusual circumstances, waive the SFS and the pre and post incarceration factors set forth in this chapter to grant or deny parole to a parole candidate. In that case, the Board shall specify in writing those factors which it used to depart from the strict application of the provisions of this chapter.

APPENDIX 2-1

SALIENT FACTOR SCORE

(Used to determine numerical values for parole eligibility criteria pursuant to §204).

Item A: PRIOR CONVICTIONS/ADJUDICATIONS (ADULT OR JUVENILE).....

- None ..... = 3
- One ..... = 2
- Two or Three ..... = 1
- Four or more ..... = 0

Item B: PRIOR COMMITMENT(S) OR MORE THAN THIRTY DAYS.....   
(ADULT OR JUVENILE)

- None ..... = 2
- One or Two ..... = 1
- Three or more ..... = 0

Item C: AGE AT CURRENT OFFENSE/PRIOR COMMITMENTS.....

- Age at commencement of current offense
- 26 years of age or more ..... = 2
- 20-25 years of age ..... = 1
- 19 years of age or less ..... = 0

\*\*\*Exception: If five or more prior commitments of more than thirty days (adult or juvenile), place an "X" here \_\_\_\_\_ and score this item ..... = 0

Item D: RECENT COMMITMENT-FREE PERIOD (THREE YEARS), .....

- No prior commitment of more than thirty days (adult or juvenile) or released to the community from last such commitment at least three years prior to the commencement of the current offense ..... = 1
- Otherwise ..... = 0

Item E: PROBATION/PAROLE/CONFINEMENT/ESCAPE STATUS .....   
VIOLATOR-THIS TIME

- Neither on probation, confinement, or escape status at the time of the current offense; nor committed as a probation, parole confinement, or escape status violator this time ..... = 1
- Otherwise ..... = 0



APPENDIX 2-1 (Continued)

Item F: HEROIN/OPIATE DEPENDENCE .....

No history of heroin/opiate dependence ..... = 1

Otherwise ..... = 0

TOTAL SCORE .....

Pre-Incarceration Factors

A. Salient Factor Score \_\_\_\_\_ (From SFS Worksheet)  
Risk Group:

Low	_____ (10-9)	Moderate	_____ (5-4)
Fair	_____ (8-6)	High	_____ (3-0)

B. TYPE OF RISK ASSESSMENT:

1. Violence:

	Yes	No
a. Does the current offense involve a felony in which the defendant caused, attempted to cause or threatened to cause death or serious bodily injury to another individual?	_____	_____
b. Does the offender have two or more previous convictions for a felony described in (1.a)?	_____	_____

2. Weapons:

a. Does the current offense involve a felony in which the defendant used a dangerous weapon?	_____	_____
b. Does the offender have two or more previous convictions for a felony described in (2.a)?	_____	_____

3. Drug Trafficking:

a. Does the current offense involve a felony conviction under the D.C. Uniform Controlled Substances Act for distribution, or intent to distribute, illicit substances?	_____	_____
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APPENDIX 2-1 (Continued)

Drug Trafficking: (Continued)

- b. Does the offender have two or more previous convictions for significantly similar offenses as those described in (3.a) (i.e., convictions under this statute or a similar one in another jurisdiction)?
- \_\_\_\_\_

Post-Incarceration Factors

A. INSTITUTIONAL ADJUSTMENT:

Has this offender committed serious disciplinary infractions (adjudicated under Department of Corrections due process procedures)?

\_\_\_\_\_

B. INSTITUTIONAL PROGRAM PARTICIPATION:

Has this offender demonstrated sustained achievement in the area of prison programs, industries, or work assignments during this period of incarceration?

\_\_\_\_\_

POINT ASSIGNMENT GRID  
ADULT OFFENDERS

Instructions:

1. Circle the appropriate Salient Factor Score category.
2. Circle any aggravating or mitigating factors for which a finding has been made.
3. Within each applicable cell, circle the number of points to be added or subtracted from the baseline point assignment determined by the Salient Factor Score Category.

APPENDIX 2-1 (Continued)

POINT ASSIGNMENT GRID ADULT OFFENDERS (Continued)

TYPE OF RISK	DEGREE OF RISK			
	Salient Factor Score Category			
	Low +0	Fair +1	Moderate +2	High +3
a. Violence	+1	+1	+1	+1
b. Weapons				
c. Drug Trafficking				
2. Negative Institutional Behavior	+1	+1	+1	+1
3. Program Achievement	-1*	-1	-1	-1

\* Applicable only where points have been added for aggravating factor.

TOTAL POINTS: \_\_\_\_\_

- IF POINTS = 0: Parole shall be granted at initial hearing with low level of supervision required.
- IF POINTS = 1: Parole shall be granted at initial hearing with high level of supervision required.
- IF POINTS = 2: Parole shall be granted at initial hearing with highest level of supervision required.
- IF POINTS = 3-5: Parole shall be denied at initial hearing and rehearing scheduled.

DECISION WORKSHEET: INITIAL HEARINGS

- (1) Minimum Term: \_\_\_\_\_ (2) Maximum Term: \_\_\_\_\_
- (3) Months in custody at Date of Hearing: \_\_\_\_\_
- (4) Decision: / / Parole \_\_\_\_\_ Date \_\_\_\_\_  
 / / Rehearing \_\_\_\_\_ Date \_\_\_\_\_
- (5) Decision is Within \_\_\_\_\_ Below \_\_\_\_\_ Above \_\_\_\_\_ Guidelines

Reasons (if outside of the Guidelines):

WORSE RISK:

- ...Repeated failure under parole supervision;
- ...Current offense involves on-going criminal behavior;
- ...Lengthy history of criminally related alcohol abuse;

APPENDIX 2-1 (Continued)

WORSE RISK: (Continued)

- ...History of repetitive sophisticated criminal behavior;
  - ...Unusually extensive and serious prior record (at least five felony convictions);
  - ...Unusual cruelty to victims.
- Specifically: \_\_\_\_\_

BETTER RISK: NOTE: Applicable only to offenders not classified as low risks by the Salient Factor Score.

- ...record resulting exclusively from trivial offenses;
  - ...substantial crime-free period for which credit not already given on the Salient Factor Score.
- Specifically: \_\_\_\_\_

OTHER PRE-INCARCERATION FACTORS:

- ...This YCA offender would have been exposed to a maximum sentence of \_\_\_\_\_ months had he/she been sentenced as an adult;
- ...Substantial cooperation with the government that has not been otherwise rewarded;
- ...Substantial period in custody on other sentence(s) or additional committed sentences. (NOTE: This circumstance can also be used as an "other change in circumstances" below if a new committed sentence is imposed after incarceration on the current offense).
- ...Other \_\_\_\_\_

Specifically: \_\_\_\_\_

POST-INCARCERATION FACTORS:

- ...Exceptional achievement in educational or vocational programs during period of incarceration;
- ...Change in the availability of community resources leading to better parole prognosis;
- ...Poor medical prognosis;
- ...Other change in circumstances \_\_\_\_\_

Specifically: \_\_\_\_\_

APPENDIX 2-1 (Continued)

POINT ASSIGNMENT GRID: INITIAL PAROLE CONSIDERATION  
YCA OFFENDERS

Instructions:

1. Circle the appropriate Salient Factor Score category.
2. Circle any aggravating or mitigating factors for which a finding has been made.
3. Within each applicable cell, circle the number of points to be added or subtracted from the baseline point assignment determined by the Salient Factor Score category.

		DEGREE OF RISK			
		Salient Factor Score Category			
		Low	Fair	Moderate	High
		+0	+1	+2	+3
I.	TYPE OF RISK				
	a. Violence	+1	+1	+1	+1
	b. Weapons				
	c. Drug Trafficking				
2.	Negative Institutional Behavior	+1	+1	+1	+1

\* As initial hearings for YCA offenders are held approximately 60 days after their incarceration, a reduction in points for sustained program achievement is not appropriate at the initial hearing.

TOTAL POINTS: \_\_\_\_\_

IF POINTS = 0: Parole shall be granted at initial hearing with conditions established to address treatment needs.

IF POINTS = 1-5: Parole shall be denied at initial hearing and a rehearing scheduled based on estimated time to achieve program objectives established by the classification team and the Board of Parole.

APPENDIX 2-2

REHEARING GUIDELINES  
 POINT ASSIGNMENT GRID AND FINDINGS WORKSHEET FOR REHEARINGS  
 ADULT AND YCA OFFENDERS

POINT GRID FOR PAROLE REHEARINGS

	POINTS
1. Points From Previous Hearing	_____
2. Negative Institutional Behavior Since Last Consideration	+1
3. Program Achievement Since Last Consideration	-1

TOTAL POINTS: \_\_\_\_\_

IF POINTS = 0-3: Parole shall be granted at this rehearing with highest level of supervision required.

IF POINTS = 4-5: Parole shall be denied and a rehearing date scheduled.

Findings

	Yes	No
A. INSTITUTIONAL ADJUSTMENT: Has this offender committed serious infractions (adjudicated under Department of Corrections due process procedures)?	_____	_____
B. INSTITUTIONAL PROGRAM PARTICIPATION: Has this offender demonstrated sustained achievement in the area of prison programs, industries or work assignments during this period of incarceration?	_____	_____

APPENDIX 2-2

DECISION WORKSHEET: REHEARINGS

- (1) Minimum Term: \_\_\_\_\_ (2) Maximum Term: \_\_\_\_\_  
(3) Months in custody at Date of Hearing: \_\_\_\_\_  
(4) Decision: / / Parole Date \_\_\_\_\_  
                  / / Rehearing Date \_\_\_\_\_  
(5) Decision is Within \_\_\_\_\_ Below \_\_\_\_\_ Above \_\_\_\_\_ Guidelines

Reasons (if outside of the Guidelines):

- ...Change in the availability of community resources leading to better parole prognosis
- ...Poor medical prognosis
- ...Other change in circumstances \_\_\_\_\_

Specifically: \_\_\_\_\_

# SALIENT FACTOR SCORING MANUAL<sup>1</sup>

The following instructions serve as a guide in computing the salient factor score. Obviously, no guide can include all possible situations - good judgement always must be used. When in doubt about a classification, follow as closely as possible the examples listed below. Remember, however, that the salient factor score is designed as an actuarial parole prognosis aid. You may override this actuarial predictive aid, where warranted, provided you adequately explain your reasons.

## Item A. PRIOR CONVICTIONS/ADJUDICATIONS (ADULT OR JUVENILE)

None..... = 3  
One..... = 2  
Two or three.. = 1  
Four or more.. = 0

### Scoring Instructions

A.1 In General. The purpose of this item is to consider previous verified instances of criminal conduct. Except as specifically noted, count all convictions/adjudications (adult or juvenile) for criminal offenses other than the current offense. [Count convictions for offenses committed while on bail or probation for the current offense] Do not count the current offense behavior, or any other convictions in the District of Columbia or elsewhere resulting from the offense behavior. These more properly relate to evaluation of current offense factors.

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<sup>1</sup>Adapted from U.S. Parole Commission Procedures Manual, "Salient Factor Scoring Manual" (January 31, 1983), pp. 55-57.



- A.2 Minor Offenses. Do not count convictions for minor offenses such as disorderly conduct, vagrancy, loitering, public intoxication, hitchhiking, possession of alcohol by a minor, or minor traffic offenses. Serious vehicular offenses (e.g., driving while intoxicated, hit and run) are to be counted. *not counted: misdemeanors for which the maximum punishment is not more than 90 days in prison (204.6a)*
- A.3 Juvenile Conduct. Count juvenile convictions/adjudications except as follows:

(a) Do not count any status offense (e.g., runaway, truancy, habitual disobedience) unless the behavior included a criminal offense which would otherwise be counted;

(b) Do not count any criminal offense committed at age 15 or ~~less~~ unless it resulted in a commitment of more than 30 days or involved an offense that would be classified as a "High" Type of Risk.

A.4 Military Conduct: Count military convictions/adjudications for acts that are generally prohibited by civilian criminal law (e.g., assault, theft). Do not count convictions for strictly military offenses. NOTE: This does not preclude consideration of serious or repeated military misconduct as a negative indicant of parole prognosis (i.e., a possible reason for overriding the salient factor score in relation to this item).

A.5 Diversion. Conduct resulting in diversion from the judicial process without a specific finding of guilt (e.g., deferred prosecution, probation without plea) is not to be counted in scoring this item. However, behavior resulting in a judicial determination of guilt or an admission of guilt before a judicial body shall be counted as a conviction even if no formal conviction results.

A.6 Setting Aside of Convictions/Restoration of Civil Rights.

Setting aside or removal of juvenile convictions/adjudications is normally for civil purposes (to remove civil penalties and stigma). Such convictions/adjudications are to be counted for purposes of assessing parole prognosis. This also applies to adult convictions/adjudications which may be set aside by various methods (including pardon). However, convictions/adjudications that were set aside or pardoned on grounds of innocence are not to be counted.

A.7. Convictions Reversed or Vacated on Grounds of

Constitutional or Procedural Error: Exclude any conviction reversed or vacated for constitutional or procedural grounds, unless the prisoner has been retried and reconvicted. It will be presumed that a conviction/adjudication is valid. If a prisoner challenges such conviction he/she should be advised to petition for a reversal of such conviction in the court in which he/she was originally tried, and then to provide the Board with evidence of such reversal. NOTE: Occasionally the file documents facts clearly indicating that a conviction was unconstitutional for deprivation of counsel [This occurs only when the conviction was for a felony, or for a lesser offense for which imprisonment was actually imposed; and the record is clear that the defendant (1) was indigent, and (2) was not provided with counsel and (3) did not waive counsel]. In such case, do not count the conviction. Similarly, if the offender has applied to have a conviction vacated and provides evidence (e.g., a letter from the court clerk) that the required records are unavailable, do not count the conviction. NOTE: If a conviction found to be invalid is nonetheless supported by persuasive information that the offender committed the criminal act, this may be considered as a negative indicant of parole prognosis (i.e., a possible reason for overriding the salient factor score).

A.8 Ancient Prior Record: Do not count convictions occurring prior to a conviction free record of ten years in the community immediately prior to the current offense behavior (including time on probation or parole). The ten year period is counted between the date of the last countable conviction or release from the last countable commitment (whichever is last) and the date of commencement of the current offense behavior. NOTE: This does not preclude consideration of earlier behavior (e.g., repetition of particularly serious conduct) as a negative indicant of parole prognosis (i.e., a possible reason for overriding the salient factor score). Similarly, a substantial crime free period in the community, not amounting to ten years, may, in light of other factors, indicate that the offender belongs in a better risk category than the salient factor score indicates.

A.9 Foreign Convictions: Foreign convictions for behaviors that are criminal in the United States are counted.

A.10 Forfeiture of Collateral. If the only known disposition is 'forfeiture of collateral', count as a conviction (if the offense would otherwise be counted).

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Item B. PRIOR COMMITMENTS OF MORE THAN THIRTY DAYS  
(ADULT OR JUVENILE)

None..... = 2  
One or two..... = 1  
Three or more... = 0

Scoring Instructions

B.1 Count all prior commitments of more than thirty days (adult or juvenile) resulting from a conviction/adjudication listed under Item A, except as noted below. Do not count any commitment of thirty (30) days or less. Also count commitments of more than thirty days imposed upon revocation of probation or parole where the probation or parole resulted from a conviction/adjudication counted under Item A.

B.2 Count only commitments that were imposed prior to the commission of the current offense behavior. Commitments imposed after the current offense are not counted for purposes of this item. Concurrent or consecutive sentences (whether imposed at the same time or at different times) that result in a continuous period of confinement count as a single commitment. However, a new court commitment of more than thirty days imposed for an escape/attempted escape or for criminal behavior committed while in confinement/escape status counts as a separate commitment.

B.3 Definitions

(a) This item only includes commitments that were actually imposed. Do not count a suspended sentence as a commitment. Do not count confinement pending trial or sentencing or for study and observation as a commitment unless the sentence is specifically to 'time served'. If a

sentence imposed is subsequently reconsidered and reduced, do not count as a commitment if it is determined that the total time served, including jail time, was 30 days or less.

(b) This item includes confinement in adult or juvenile institutions, and residential treatment centers. It also includes confinement in a community treatment center. It does not include foster home placement.

(c) If a committed sentence of more than thirty days is imposed prior to the current offense but the offender avoids or delays service of the sentence (e.g., by absconding, escaping, on bail pending appeal), count as a prior commitment.

Item C. AGE AT COMMENCEMENT OF THE CURRENT OFFENSE/PRIOR COMMITMENTS OF MORE THAN THIRTY DAYS (ADULT OR JUVENILE)

Age at commencement of the current offense:

- 26 years of age or more..... = 2\*\*\*
- 20-25 years of age..... = 1\*\*\*
- 19 years of age or less..... = 0

\*\*\*EXCEPTION: If five or more prior commitments of more than thirty days, (adult or juvenile), place an 'x' here \_\_\_ and score this item..... = 0.

Scoring Instructions

C.1 Score 2 if the subject was 26 years of age or more at the commencement of the current offense and has fewer than five prior commitments.

C.2 Score 1 if the subject was 20-25 years of age at the commencement of the current offense and has fewer than five

prior commitments.

C.3 Score 0 if the subject was 19 years of age or less at the commencement of the current offense, or if the subject has five or more prior commitments.

C.4 Definitions

(a) Use the age at the commencement of the subject's current offense behavior, or in the case of probation violators, the age at commencement of the behavior leading to violation.

(b) Prior commitment is defined under Item B.

Item D. RECENT COMMITMENT FREE PERIOD (THREE YEARS)

No prior commitment of more than thirty days (adult or juvenile), or released to the community from last such commitment at least three years prior to the commencement of the current offense.....= 1

Otherwise.....= 0

Scoring Instructions

D.1 Score 1 if the subject has no prior commitments; or if the subject was released to the community from his/her last prior commitment at least three years prior to commencement of his/her current offense behavior.

D.2 Score 0 if the subject's last release to the community from a prior commitment occurred less than three years prior to the current offense behavior; of if the subject was in confinement/escape status at the time of the current

offense.

D.3 Definitions

(a) Prior commitment is defined under Item B.

(b) Confinement/escape status is defined under Item E.

(c) Release to the community means release from confinement status (e.g., a person paroled through a Halfway House is released to the community upon release from the Halfway House, not the institution.)

Item E. PROBATION/PAROLE/CONFINEMENT/ESCAPE STATUS VIOLATOR THIS TIME

Neither on probation, parole, confinement, or escape status at the time of the current offense; nor committed as a probation, parole, confinement or escape status violator this time.....= 1

Otherwise.....= 0

Scoring Instructions

E.1 Score 1 if the subject was not on probation or parole, nor in confinement or escape status at the time of the current offense behavior; and was not committed as a probation, parole, confinement, or escape status violator this time.

E.2 Score 0 if the subject was on probation or parole or in confinement or escape status at the time of the current offense behavior; or if the subject was committed as a probation, parole, confinement, or escape status violator this time.

E.3 Definitions

(a) The term probation/parole refers to a period of federal, state, or local probation or parole supervision. Occasionally, a court disposition such as 'summary probation' or 'unsupervised probation' will be encountered. If it is clear that this disposition involved no attempt at supervision, it will not be counted for purposes of this item.

(b) The term 'parole' includes parole, mandatory parole, conditional release, or mandatory release supervision (i.e., any form of supervised release).

(c) The term 'confinement/escape status' includes institutional custody, work or study release, pass or furlough, halfway house (community treatment center) confinement or escape from any of the above.

Item F. HISTORY OF HEROIN/OPIATE DEPENDENCE

No history of heroin or opiate dependence..... = 1

Otherwise..... = 0

Scoring Instructions

F.1 Score 1 if the subject has no history of heroin or opiate dependence.

F.2 Score 0 if the subject has any record of heroin or opiate dependence.



F.3 Ancient Heroin/Opiate Record. If the subject has no record of heroin/opiate dependence for the ten year period preceeding the current offense (not counting any time spent in confinement), do not count a previous heroin/opiate record in scoring this item.

F.4 Definition

Heroin/opiate dependence refers to physical or psychological dependence, or regular or habitual usage. Drug abuse other than heroin/opiate dependence is not counted in scoring this item. However, this does not preclude consideration of serious abuse of a drug not listed above as a negative indicant of parole prognosis (i.e., a possible reason for overriding the salient factor score in relation to this item).

**D.C. BOARD OF PAROLE  
SALIENT FACTOR SCORE**

(Used to determine numerical values for parole eligibility criteria pursuant to § 204, Title 28 of D.C. M.R.).

INMATE NAME: \_\_\_\_\_ DCDC: \_\_\_\_\_ ELIGIBILITY: \_\_\_\_\_

INST. LOCATION/STATUS: \_\_\_\_\_

SCORE COMPUTED BY: \_\_\_\_\_ DATE \_\_\_\_\_

Item A: PRIOR CONVICTIONS/ADJUDICATIONS (ADULT OR JUVENILE) .....

None ..... = 3  
 One ..... = 2  
 Two or Three ..... = 1  
 Four or more ..... = 0

Item B: PRIOR COMMITMENT(S) OF MORE THAN THIRTY DAYS .....   
 (ADULT OR JUVENILE)

None ..... = 2  
 One or two ..... = 1  
 Three or more ..... = 0

Item C: AGE AT CURRENT OFFENSE/PRIOR COMMITMENTS .....

Age at commencement of current offense

26 years of age or more ..... = 2  
 20-25 years of age ..... = 1  
 19 years of age or less ..... = 0

\*\*\* Exception: If five or more prior commitments of more than thirty days (adult or juvenile), place an "X" here \_\_\_\_\_ and score this item ..... = 0

Item D: RECENT COMMITMENT—FREE PERIOD (THREE YEARS) .....

No prior commitment of more than thirty days (adult or juvenile) or released to the community from last such commitment at least three years prior to the commencement of the current offense ..... = 1  
 Otherwise ..... = 0

Item E: PROBATION/PAROLE/CONFINEMENT/ESCAPE STATUS .....   
 VIOLATOR THIS TIME

Neither on probation, confinement, or escape status at the time of the current offense; nor committed as a probation, parole confinement, or escape status violator this time ..... = 1  
 Otherwise ..... = 0

Item F: HEROIN/OPIATE DEPENDENCE .....

No history of heroin/opiate dependence ..... = 1  
 Otherwise ..... = 0

TOTAL SCORE .....

White — Parole Board Copy  
 Green — Inmate Copy  
 Canary — Institution Copy  
 Pink — Supervision Copy  
 Goldenrod — Suspense Copy



GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF PAROLE  
717-14TH STREET, N.W. SUITE 300  
WASHINGTON D.C. 20005

**POLICY GUIDELINE**

**SUBJECT:** Definitions of Terms Used in Parole Guidelines

- I. **AUTHORITY:** DCMR Title 28, Section 204 and Appendices 2-1 and 2-2, May 1987
- II. **PURPOSE:** To define criteria and parameters for determining the applicability of descriptive terminology used in the Parole Guidelines for release decisionmaking, and to facilitate consistency in Guideline application.
- III. **APPLICABILITY:** All cases requiring Board action in which the Parole Guidelines are applied.
- IV. **REFERENCES:** D.C. Department of Corrections Rules published at 28 DCMR Sections 502 and 503, May 1987 (copy attached); Board of Parole Policy Guideline regarding the establishment of dates for parole reconsideration, adopted on December 16, 1991.
- V. **RATIONALE:**

Many of the descriptive terms used in the Parole Guidelines criteria are judgmental and subjective. As such, they lend themselves to disparate interpretations and applications by Guideline users. To ensure equitable treatment of similarly-situated offenders, these terms require definitions that facilitate equitable application across affected cases, while preserving sufficient discretion to accommodate individual circumstances.
- VI. **POLICY:**

The following definitions shall apply to Parole Guidelines terminology in the release decisionmaking process; however, the weight accorded to any applicable countervailing factor shall be at the discretion of the Board.

A. POST-INCARCERATION FACTORS:

1. Negative Institutional Behavior consists of serious or repeated major disciplinary infractions as described below that are sanctioned under Department of Corrections due process procedures.

a. In INITIAL PAROLE CONSIDERATION cases, the following disciplinary infractions shall ordinarily be considered as negative institutional behavior:

(1) One Class I Offense for murder, manslaughter, kidnapping, armed robbery or first degree burglary at any time during the minimum sentence (see DCMR 28-502.3, May 1987); OR

(2) One Class I Offense as defined at DCMR 28-502.4 through 502.17 (May 1987) during the 12 months preceding the hearing OR during the last half of the minimum sentence up to a period of three years, whichever is longer; OR

(3) Two Class II Offenses as defined at DCMR 28-503.2 through 503.12 (May 1987) during the 12 months preceding the hearing OR during the last half of the minimum sentence up to a period of three years, whichever is longer.

b. In PAROLE RECONSIDERATION cases, the following disciplinary infractions occurring since the preceding release consideration on the sentence shall ordinarily be considered as negative institutional behavior:

(1) One Class I Offense (see DCMR 28-502.3 through 502.17, May 1987); OR

(2) Two Class II Offenses (see DCMR 28-503.2 through 503.12, May 1987).

c. In RESCISSION CONSIDERATION cases, the following disciplinary infraction shall ordinarily be considered as negative institutional behavior:

(1) Removal from Work Release for one or more rule violations without subsequent reinstatement, EXCEPT WHERE REMOVAL WAS AT THE EXPRESS REQUEST OF THE OFFENDER; AND

(2) No point for negative institutional behavior was assessed in the most recent Parole Guideline computation.

2. Sustained Program or Work Assignment Achievement consists of completion of a program or work assignment as described below that shall ordinarily be documented by a certificate, a diploma, a report from an institutional teacher, counselor or work supervisor, OR other documentary evidence.

a. In INITIAL PAROLE CONSIDERATION cases, the following accomplishments shall ordinarily be considered as sustained program or work assignment achievement during the period of incarceration:

(1) Successful completion of one or two educational or vocational programs, or program levels, each of which enabled the offender to develop an academic or job-related skill, OR enabled the offender to progress to a higher level of difficulty or skill in the program area; OR

(2) Award of a GED where the offender possessed the prerequisite skills for participation in the GED program at the time of incarceration on the sentence; OR

(3) Successful completion of the requirements and award of an Associate's or Bachelor's degree; OR

(4) Successful completion of one or more short-term special needs programs, such as drug treatment or psychological counseling, to address the offender's identified problems;

NOTE: Completion of the 2-day DAAP program alone does NOT qualify as sustained program achievement.

OR

(5) Satisfactory participation in one or more work details for at least one-third of the period of incarceration.

b. In PAROLE RECONSIDERATION cases, the accomplishments set forth in Section VI-A-2(a) of this policy shall ordinarily be considered as sustained program or work assignment achievement where completion occurred since the preceding consideration for release on the sentence.

B. FACTORS COUNTERVAILING A RECOMMENDATION TO DENY PAROLE:

1. Exceptional Program or Work Assignment Achievement consists of completion of a program or work assignment as described below that shall ordinarily be documented by a certificate, a diploma, a report from an institutional teacher, counselor or work supervisor, OR other documentary evidence.

a. In INITIAL PAROLE CONSIDERATION cases, the following accomplishments shall ordinarily be considered as exceptional program or work assignment achievement during the period of incarceration on the sentence:

(1) Successful completion of three or more educational or vocational programs, or program levels, each of which enabled the offender to develop an academic or job-related skill, OR enabled the offender to progress to a higher level of difficulty or skill in the program area; OR

(2) Award of a GED where more than six (6) months of study were necessary to meet the requirements, i.e., the offender began academic courses of study without the prerequisite skills for participation in the GED program and successfully completed the coursework necessary to earn a GED while incarcerated; OR

(3) Award of an Associate's or Bachelor's degree where the offender needed 18 or more credits to fulfill the requirements for the degree; OR

(4) Participation at a better than satisfactory level in one or more work details as evidenced by three or more promotions or formal increases in levels of responsibility.

b. In PAROLE RECONSIDERATION cases, the accomplishments set forth in Section VI-B-1(a) of this policy shall ordinarily be considered as exceptional program or work assignment achievement where completion occurred since the preceding consideration for release on the sentence.

2. Record of Exclusively Trivial Offenses consists of misdemeanor offenses, ordinarily excluding offenses involving:

a. Possession, use, sale, attempted sale, distribution or attempted distribution of narcotics, controlled dangerous substances, or related paraphernalia;

- b. Possession, use, sale or control of dangerous or deadly weapons;
  - c. Infliction or attempted infliction of bodily injury or harm; or
  - d. Destruction of public or private property.
3. **Substantial Crime-Free Period** is a period of at least five (5) years prior to commission of the instant offense(s) during which the offender was in the community, was not on escape, active parole or probation, and was not committed for more than thirty (30) days on any offense.
4. **Substantial Previous Period in Custody on Other Sentence(s) or Additional Committed Sentences** consists of:
- a. A continuous period of at least five (5) years in custody on other sentence(s) immediately preceding the date the sentence for the instant offense(s) began; OR
  - b. A continuous period of at least five (5) years to be served on one or more additional sentences to incarceration which are consecutive to the instant sentence.
5. **Substantial Cooperation with the Government that Has Not Been Otherwise Rewarded** consists of documented special or unusual assistance to the Department of Corrections or another governmental agency during the period of incarceration which made an exceptional contribution to the health, welfare or safety of persons or property.
6. **Change in Availability of Community Resources Leading to Better Parole Prognosis** may apply when there is an opening or opportunity for an offender to participate in a program, service or other accommodation in the community that will meet the offender's identified need(s) and lead to reduced risk to the community and/or any other person. For example, a drug-dependent offender is accepted into an in-patient, residential or other highly structured program of drug treatment or rehabilitation.
7. **Poor Medical Prognosis** may occur when an offender has been diagnosed as terminally ill and/or is sufficiently debilitated that the likelihood of repeated criminal involvement, or risk to the community and/or any other person is minimal.
8. **Other Change in Circumstances** may occur when the capabilities or characteristics of an offender are altered or modified in ways that minimize the likelihood of repeated

criminal involvement, or risk to the community and/or any other person.

**C. FACTORS COUNTERVAILING A RECOMMENDATION TO GRANT PAROLE:**

1. **Repeated Failure Under Parole Supervision** consists of two (2) or more revocations of parole on the current sentence, OR three (3) or more revocations of parole on any sentence within the preceding five years. The term "parole supervision" as used in the Parole Guidelines is inclusive of other forms of conditional release including probation, bail, diversion programs or other community supervision.

2. **Ongoing Criminal Behavior** consists of:

a. Poor community adjustment as evidenced by failure to remain free of criminal activity over sustained periods of time; or

b. Acting in a leadership role in an organized, criminal venture, such as an organized drug distribution operation; or

c. A criminal record where the current conviction is at least the third (3rd) conviction for substantially similar offenses, OR at least the fourth (4th) conviction for dissimilar offenses.

3. **Lengthy History of Criminally-Related Alcohol Abuse** consists of at least five (5) convictions, including the current conviction, for criminal activity committed while under the influence of alcohol.

4. **History of Repetitive Sophisticated Criminal Behavior** consists of three (3) or more convictions, including the current conviction, for:

a. Serious crimes involving premeditation or methodical planning; or

b. Assaultive or fraudulent criminal behavior.

5. **Unusually Extensive or Serious Prior Record** consists of at least five (5) felony convictions for commission, or attempted commission, of any one or any combination of the following "crimes of violence ... notwithstanding that the offender lacked the capacity to commit the crime by reason of infancy, insanity, intoxication, or otherwise" (D.C. Code 3-401(3)):

a. Arson;



b. Assault, OR maliciously disfiguring another person, OR mayhem, OR manslaughter, OR murder;

c. Forcible sodomy, OR sodomy of a child less than 16 years of age, OR rape;

d. Kidnapping;

e. Riot;

f. Robbery;

g. Unlawful use of explosives.

6. Instant Offense Involved Unusual Cruelty to Victims may apply where the offense involved:

a. Physical, mental or emotional abuse beyond the degree needed to sustain a conviction on the instant offense; OR

b. Especially vulnerable victims, e.g., children or elderly persons were the victims of assaultive or fraudulent behavior.

7. Repeated or Extremely Serious Negative Institutional Behavior consists of one or more extremely serious disciplinary infractions, or multiple disciplinary infractions as described below that are sanctioned under Department of Corrections due process procedures.

a. In INITIAL PAROLE CONSIDERATION CASES, the following offenses shall ordinarily be considered as repeated or extremely serious negative institutional behavior:

(1) One or more Class I Offenses for murder, manslaughter, kidnapping, armed robbery, or first degree burglary at any time during the minimum sentence (see DCMR 28-502.3, May 1987); OR

(2) Two or more Class I Offenses as defined at DCMR 28-502.4 through 502.17 (May 1987) during the 12 months preceding the hearing OR during the last half of the minimum sentence up to a period of three years, whichever is longer; OR

(3) One Class I Offense plus two Class II Offenses as defined respectively at DCMR 28-502.4 through 502.17, and 503.2 through 503.12 (May 1987) during the 12 months preceding the hearing OR during the last half of the minimum sentence up to a period of three years, whichever is longer; OR

(4) Three or more Class II Offenses as defined at DCMR 28-503.2 through 503.12 (May 1987) during the 12 months preceding the hearing OR during the last half of the minimum sentence up to a period of three years, whichever is longer; OR

(5) Open charge(s) for new crime(s) committed during this sentence; OR

(6) New conviction(s) for crime(s) committed during this sentence.

b. In PAROLE RECONSIDERATION cases, the following offenses occurring since the preceding release consideration on the sentence shall ordinarily be considered as repeated or extremely serious negative institutional behavior:

(1) One Class I Offense for murder, manslaughter, kidnapping, armed robbery, or first degree burglary (see DCMR 28-502.3, May 1987); OR

(2) Two or more Class I Offenses as defined at DCMR 28-502.4 through 502.17 (May 1987); OR

(3) One Class I Offense plus two Class II Offenses as defined respectively at DCMR 28-502.4 through 502.17, and 503.2 through 503.12 (May 1987); OR

(4) Three or more Class II Offenses as defined at DCMR 28-503.2 through 503.12 (May 1987); OR

(5) Open charge(s) for new crime(s) committed during this sentence; OR

(6) New conviction(s) for crime(s) committed during this sentence.

c. In RESCISSION CONSIDERATION cases, a recommendation to grant parole may be countervailed for repeated or extremely serious negative institutional behavior where a point for negative institutional behavior was assessed in the most recent Parole Guideline computation.

8. Lengthy History of Criminally-Related Substance Abuse consists of at least five (5) convictions, including the current conviction, for criminal activity committed:

a. While under the influence of illegal substances, or illegal use of controlled substances; OR

- b. Involving the illegal sale, distribution, purchase or possession of any narcotic drug, controlled dangerous substance or related paraphernalia.
9. **Absence of Community Resources Which Ensure Safety of the Community** consists of the unavailability of services necessary to support an offender's personal or community adjustment, and to minimize the risk to the community, any other person or the offender, e.g., the opportunity is not currently available to participate in an appropriate program to treat the offender's diagnosed emotional, mental or physiological disability or dependency.

Adopted by the Board of Parole on December 16, 1991.



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Erias A. Hyman  
Chairman



GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF PAROLE  
717-14TH STREET, N.W., SUITE 300  
WASHINGTON, D.C. 20005

October 4, 1993

MEMORANDUM

TO: All Analysts  
*Michael Green*  
FROM: Michael Green, Acting Director  
Parole Determination Services  
SUBJECT: DCDC Codes of Offenses

Attached is a list of disciplinary offenses, to include their D.C. Department of Corrections codes.

You should use this list as a resource when determining negative institutional behavior for case analyses.

Attachment

MG/sb

cc: Erias Hyman, Chairman  
Jill Reid, Director, OPIS  
Barbara Ridley, Supervisory Hearing Examiner  
Bettina Hall, Executive Assistant  
Joyce Bynum, Board Secretary  
Distribution  
Chron

DCDC CODES OF OFFENSES

Lorton Regulations  
Approval Act of 1982

SPSS  
Code

Detention Services  
Service Order 5300.1B

**Class I Offenses**

**Class I Offenses**

- 102.3 - Murder
- 102.4 - Manslaughter
- 102.5 - Kidnapping
- 102.6 - Armed Robbery
- 102.7 - Burglary - 1st Degree
- 102.8 - Assault
  - a. Causing Serious Bodily Injury
  - b. Causing Serious Bodily Injury With A Weapon
  - c. Forcibly Assaulting or Interfering with a Correctional official or other government employee
- 102.9 - Forcible Sexual Abuse
- 102.10 - Restraint
- 102.11 - Arson
- 102.12 - Tampering With a Witness or Informant by:
  - a. Inducing a witness to testify falsely or withhold information
  - b. Committing any offense in retaliation
  - c. Soliciting a benefit for committing an offense in retaliation
- 102.13 - Bribery, intending to:
  - a. Influence any official act
  - b. Induce an employee to do an act in violation of his or her line of duty
- 102.14 - Escape, defined as:
  - a. Escaping or attempting to escape;
  - b. Instigating or assisting the escape of another;
  - c. Failing to remain at a designated place or failing to return within a time prescribed.
- 102.15 - Possession of Major Contraband, defined as:

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13

- 1 - Murder
- 2 - Manslaughter
- 3 - Kidnapping
- 4 - Armed Robbery
- 5 - Burglary - 1st Degree
- 6 - Assault
  - a. Causing Serious Bodily Injury
  - b. Causing Serious Bodily Injury With A Weapon
  - c. Forcibly Assaulting or Interfering With A Correctional Official or other government Employee
- 7 - Sexual Abuse
- 8 - Restraint
- 9 - Arson
- 10 - Tampering With A Witness or Informant by:
  - a. Inducing a witness to testify falsely or withhold information
  - b. Committing any offense in retaliation
  - Soliciting a benefit for committing an offense in retaliation
- 11. Bribery, intending to:
  - a. Influence any official act
  - b. Induce an employee to do an act in violation of his or her line of duty
- 12 - Escape, defined as:
  - a. Escaping, attempting to escape, instigating, or assisting the escape of another;
  - b. Failing to remain at a designated place or failing to return within a time prescribed.
- 13 - Major Contraband, defined as:

Lorton Regulations  
Approval Act of 1982

- a. Possession of a knife, blackjack, gun, or other weapon;
- b. Possession of, or making, any intoxicating beverage;
- c. Becoming intoxicated or drinking any intoxicating beverage;
- d. Unauthorized possession of heroin or any narcotic drug;
- e. Using narcotic paraphernalia or being under the influence of a narcotic or drug without a medical approval;
- f. Possession or use of Marihuana.

102.16 - Theft	14
102.17 - Receiving Stolen Property	15
102.18 - Engaging in a Riot	16
102.19 - Inciting to Riot	17
102.20 - Damage or Destruction of Property	18
102.21 - Forgery and Tampering	19
	20

**Class II Offenses**

103.2 - Bodily Injury	21
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Detention Services  
Service Order 5300.1B

- a. Possession of a knife, blackjack, gun, or other weapon;
- b. Possession of, or making, any intoxicating beverage, or becoming intoxicated or drinking any intoxicating beverage;
- c. Unauthorized possession or use of heroin or any narcotic drug;
- d. Possession or use of Marihuana.

14 - Theft
15 - Receiving Stolen Property
16 - Engaging in a Riot
17 - Inciting To Riot
18 - Gambling, including:
a. Playing for money or other things;
b. Betting anything of value on the outcome of any event;
c. Organizing any game of chance, lottery, betting pool, or other.

**Class II Offenses**

1 - Assault - Bodily Injury, including:
a. Causing bodily injury to another person with a weapon by being criminally negligent;
b. Willfully subjecting a DCDC employee to offensive bodily contact.

Lorton Regulations  
Approval Act of 1982

- 103.3 - Homosexual Activity 22
- 103.4 - Fighting 23
- 103.5 - Lack of Cooperation, 24  
including:
  - a. Refusing to perform duties assigned or to work;
  - b. Failing to respond to any question or direction by a DCDC official;
  - c. Willfully disobeying a valid order.
  
- 103.6 - Gambling, including: 25
  - a. Playing for money or other things;
  - b. Organizing any game of chance, lottery, betting pool, or other wagering device.
  
- 103.7 - Falsifying Physical Evidence, including: 27
  - a. Altering, destroying, concealing, or removing anything in order to impair its authenticity;
  - b. Presenting or using anything which the resident knows to be false, in order to deceive.
  
- 103.8 - Possession of Contraband, including: 28
  - a. Any article not issued by the institution, purchased from the canteen, or otherwise authorized;
  - b. Unauthorized use of any article;

Detention Services  
Service Order 5300.1B

- 2 - Fighting
- 3 - Disrespect and Lack of Cooperation, including:
  - a. Refusing to perform duties assigned or to work;
  - b. Failing to respond to any question or direction by a DCDC official;
  - c. Willfully disobeying a valid order
  - d. Making a profane, obscene, or abusive remark to any DCDC employee;
  - e. Making a profane, obscene, or abusive remark about a DCDC employee or official in the presence of the employee or official.
  
- 4 - Damage or Destruction of Property
- 5 - Falsifying Physical Evidence, including:
  - a. Altering, destroying, concealing, or removing anything in order to impair its authenticity;
  - b. Presenting or using anything which the resident knows to be false, in order to deceive.
  
- 6 - Minor Contraband, including:
  - a. Any article not issued by the institution, purchased from the canteen, or otherwise authorized;
  - b. Unauthorized use of any article;

Lorton Regulations  
Approval Act of 1982

c. Possession of any paper money or coins.	
103.9 - Lying	29
103.10 - Threatening Conduct, including:	30
a. Communicating an intent to injure another person, to commit a crime of violence or to commit an act dangerous to human life, which causes:	
1. fear of serious bodily injury;	
2. evacuation of a building;	
3. serious disruption or alarm;	
b. Willfully compelling or inducing another person to engage in conduct by instilling a fear of:	
1. bodily injury;	
2. damage to property;	
3. accusing someone of an offense.	
103.11 - Creating a Disturbance, including:	31
a. creating substantial disorder;	
b. a disturbance involving violence.	
103.12 - Giving a False Alarm.	32

**Class III Offenses**

104.2 - Unauthorized Use of Property of Another	33
104.3 - Out of Place or Absent at Count	34
104.4 - Abuse of Privileges	35
104.5 - Creating a Health, Safety, or Fire Hazard	36
104.6 - Abuse of Living Quarters	37
104.7 - Disorderly Appearance and Clothing	38
104.8 - Willful Disobedience	39

Detention Services  
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c. Possession of any money or coins.	
7 - Lying	



Lorton Regulations  
Approval Act of 1982

of a General Order  
104.9 - Disrespect

Detention Services  
Service Order 5300.1B

40

**Class III Offenses**

41

- 1 - Threatening Conduct, including:
  - a. Communicating an intent to injure another person, to commit a crime of violence or to commit an act dangerous to human life, which causes:
    - 1. Fear of serious bodily injury;
    - 2. evacuation of a building;
    - 3. serious disruption or alarm;
  - b. Willfully compelling or inducing another person to engage in conduct by instilling a fear of:
    - 1. bodily injury;
    - 2. damage to property;
    - 3. accusing someone of offense.

42

- 2 - Creating a Disturbance, including:
  - a. creating substantial disorder;
  - b. a disturbance involving violence.

43

- 3 - Giving a False Alarm.

**Class IV Offenses**

44

- 1 - Unauthorized Use of Property of Another

45

- 2 - Out of Place or Absent at Count

46

- 3 - Abuse of Priviledges

47

- 4 - Creating a Health, Safety, or Fire Hazard

48

- 5 - Abuse of Living Quarters

49

- 6 - Disorderly Appearance

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Approval Act of 1982

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50

and Clothing  
7 - Willful Disobedience  
of a General Order

501 CODE OF OFFENSES: GENERAL POLICY

- 501.1 No resident shall engage in any conduct established as an offense by §§501 through 504.
- 501.2 The following general classes of offenses are established for the purpose of grading the relative seriousness of prison offenses and for determining the appropriate severity of the penalties to be imposed for each offense if an accused is found guilty.
  - (a) Class I - Serious Offenses (§502)
  - (b) Class II - Major Offenses (§503)
  - (c) Class III - Minor Offenses (§504)
- 501.3 Any resident found guilty of an offense under this chapter shall receive only the punishment authorized under §505 (maximum penalties) and the less severe actions authorized in §§515(a) and (b).

502 CLASS I OFFENSES

- 502.1 The offenses set forth in this section shall be classified as serious offenses.
- 502.2 Any of the offenses set forth in this section alleged to have been committed in the institution may be referred for prosecution.
- 502.3 The following Class I offenses shall be defined by the laws of the applicable jurisdiction:
  - (a) Murder;
  - (b) Manslaughter;
  - (c) Kidnapping;
  - (d) Armed robbery; and
  - (e) Burglary - first degree.
- 502.4 The Class I offense of **assault** shall be defined as follows:
  - (a) Willfully causing serious bodily injury to any person;
  - (b) Shooting, stabbing, or cutting another person, or willfully causing bodily injury to another person with a weapon or by any means; or
  - (c) Forcibly assaulting, resisting, opposing, impeding, or interfering with any correctional official or other employee of the District.

502 CLASS I OFFENSES (Continued)

- 502.5 The Class I offense of **forcible sexual abuse** shall be defined as forcibly engaging in physical contact with the genital parts or anus of another person.
- 502.6 The Class I offense of **restraint** shall be defined as willfully restraining another person under circumstances which expose the other person to a risk of bodily injury.
- 502.7 The Class I offense of **arson** shall be defined as willfully starting a fire or causing an explosion which damages the resident's personal property, the personal property of another resident, or institutional property.
- 502.8 The Class I offense of **tampering with a witness or informant** shall be defined as any of the following conduct based on the knowledge or belief that an official proceeding or an official investigation is pending or about to be instituted:
- (a) Inducing, causing, or attempting to induce or otherwise cause a witness or informant to testify or inform falsely or to withhold any testimony, information, or evidence;
  - (b) Committing any violation of the Code of Offenses in retaliation for anything done or said by another person in the capacity of a witness or informant; or
  - (c) Soliciting, accepting, or agreeing to accept any benefit in consideration for doing any of the acts specified in §502.8(b).
- 502.9 The Class I offense of **bribery** shall be defined as willfully, giving, offering, or promising, directly or indirectly, anything of value to any Department employee with the intent to do any of the following:
- (a) Influence any official act or any act within the official responsibility of the employee; or
  - (b) Induce the employee to do or omit to do any act in violation of the employee's line of duty.
- 502.10 The Class I offense of **escape** shall be defined as follows:
- (a) Escaping or attempting to escape;
  - (b) Instigating or assisting the escape of another person; or
  - (c) While being authorized to leave facility under any work release program, community program, or otherwise; and being authorized to be at any specifically designated place or places; willfully failing to remain at the designated place or places, or willfully failing to return to the facility within the time prescribed.

502 CLASS I OFFENSES (Continued)

502.11 The Class I offense of **possession of major contraband** shall be defined as follows:

- (a) Possession of a knife, blackjack, gun, or other weapon;
- (b) Possession of, making, or attempting to make any intoxicating beverage;
- (c) Becoming intoxicated or drinking any intoxicating beverage;
- (d) Unauthorized possession of heroin or any narcotic drug;
- (e) Using narcotic paraphernalia or being under the influence of a narcotic or drug unless a doctor has first authorized its use; or
- (f) Possession or use of marijuana.

• 502.12 The Class I offense of **theft** shall be defined as willfully and wrongfully taking or withholding the property of another person or institutional property with the intent to deprive the other party or institution of that property or to appropriate to the resident or to a third person that property.

502.13 The Class I offense of **receiving stolen property** shall be defined as receiving stolen property of another party knowing that it has been stolen or believing that it had probably been stolen, unless the resident has notified a correctional officer of the resident's knowledge or belief or otherwise made reasonable efforts to restore the property to its owner.

502.14 The Class I offense of **engaging in a riot** shall be defined as being directly engaged in or doing any act which tends to continue or enlarge a disturbance involving an assemblage of three (3) or more persons which by tumultuous and violent conduct creates grave danger, damage, or injury to property or person, or substantially disrupts the normal functioning of the institution through violence; Provided, that no resident who is merely present at the scene of an ongoing riot shall be deemed to have violated this subsection or §502.15.

502.15 The Class I offense of **inciting to riot** shall be defined as either of the following:

- (a) Purposefully inciting or urging a group of two (2) or more other residents to engage in a riot, regardless of whether a riot actually occurs; or
- (b) Giving commands, directions, instructions, or signals to a group of two (2) or more persons with the intent of causing, continuing, or enlarging a riot regardless of whether a riot actually occurs.

502 CLASS I OFFENSES (Continued)

- 502.16 The Class I offense of **damage or destruction of property** shall be defined as willfully destroying or damaging property belonging to the institution, the United States, the District, or any person.
- 502.17 The Class I offense of **forgery and tampering** shall be defined as forging or otherwise tampering with an official government document.

503 CLASS II OFFENSES

- 503.1 The offenses set forth in this section shall be classified as major offenses.
- 503.2 The Class II offense of **bodily injury** shall be defined as willfully subjecting any person to injury or offensive bodily contact.
- 503.3 The Class II offense of **homosexual activity** shall be defined as engaging in physical contact with the genital parts or anus of another person of the same sex.
- 503.4 The Class II offense of **fighting** shall be defined as any group of two (2) or more residents engaging in a physical altercation leading to the exchange of blows or substantial bodily contact.
- 503.5 The Class II offense of **lack of cooperation** shall include any of the following:
- (a) Willfully refusing to perform duties assigned or willfully refusing to work;
  - (b) Failing to respond to any question or direction of any employee of the Department of Corrections or other custodial official; or
  - (c) Willfully disobeying a valid order of a correctional officer or employee.
- 503.6 The Class II offense of **gambling** shall include any of the following:
- (a) Playing for money or other things of value at any game, including but not limited to those played with cards or dice, or betting and wagering on the side or hands of those playing; or
  - (b) Organizing any game of chance, lottery, betting pool, or other wagering device.

503 CLASS II OFFENSES (Continued)

503.7 The Class II offense of **threatening conduct** shall include the following:

(a) Communicating an avowed present determination or intent to injure another person, committing a crime of violence, or committing an unlawful act dangerous to human life, presently or in the near future when the probable consequence of the threat or threats (whether the consequence in fact occurs or does not occur) would be one of the following:

- (1) To place another person in fear of serious bodily injury;
- (2) To cause evacuation of a building; or
- (3) To otherwise cause serious disruption or alarm.

(b) Willfully compelling or inducing another person to engage in conduct from which the latter has a legal right to abstain or to abstain from conduct in which he or she has a legal right to engage, by means of instilling in that person a fear that, if the demand is not complied with, the accused resident or another will do any of the following:

- (1) Cause bodily injury to someone;
- (2) Cause damage to property; or
- (3) Accuse someone of an offense or cause charges to be instituted against someone.

503.8 The Class II offense of **falsifying physical evidence** shall include any of the following actions based on the knowledge or belief that a disciplinary proceeding or an official investigation is pending or about to be instituted:

(a) Altering, destroying, concealing, or removing anything with intent to impair its authenticity or availability in the proceeding or investigation; or

(b) Presenting or using anything which the resident knows to be false with intent to deceive a correctional officer or anyone who is or will be a member of the proceeding or investigation.

503.9 The Class II offense of **lying** shall be defined as willfully and knowingly making a false statement to a Department employee with intent to avoid disciplinary action for violation of an institutional regulation or to aid another inmate in avoiding disciplinary action.

503 CLASS II OFFENSES (Continued)

503.10 The Class II offense of **possession of contraband** shall include the following:

- (a) Possession of any article that has not been issued by the institution, purchased from the canteen, or specifically authorized by the Administrator;
- (b) Use of any article in a manner contrary to the intent or provisions of issuance, purchase, or authorization; or
- (c) Possession of any paper money or coins.

503.11 The Class II offense of **creating a disturbance** shall include the following:

- (a) Willfully causing or creating substantial disorder characterized by unruly, tumultuous, or raucous conduct (violent or non-violent) which substantially disrupts orderly administration or creates an unreasonably annoying condition that has a direct tendency to provoke other residents to respond by committing an offense against persons, an offense against property, or an offense posing a threat to the security and good order of the institution; or
- (b) Willfully creating or causing a disturbance involving violence or the concerted action of two (2) or more persons which does not create grave danger of injury to persons, damage to property, or substantial disruption of the normal functioning of the institution.

503.12 The Class II offense of **giving a false alarm** shall be defined as willfully communicating a false report concerning a fire; explosion; the present commission of an assault, rape, or kidnapping; or other catastrophe to cause the evacuation of a building or the correctional staff to respond in alarm.

504 CLASS III OFFENSES

504.1 The offenses set forth in this section shall be classified as minor offenses.

504.2 The Class III offense of **unauthorized use of property of another** shall be defined as the taking, exercising control over, or otherwise using the property of any person without the consent of the owner or other person authorized to give consent.



504 CLASS III OFFENSES (Continued)

- 504.3 The Class III offense of **out-of-place** or **absent at count** shall be defined as doing any of the following without proper authority:
- (a) Failing to report as prescribed to an appointed place of duty or assignment or any other place to which the resident has been directed to proceed by the valid order of a Department employee or institutional regulations;
  - (b) Leaving an appointed place of duty or assignment or any other place where the resident has been directed to remain by the valid order of a correctional officer or institutional regulations; or
  - (c) Being in an unauthorized area.
- 504.4 The Class III offense of **abuse of privileges** shall include the following:
- (a) Willfully violating the provisions of any institutional regulation dealing with a privilege. For purposes of this subsection, a "privilege" shall be defined as any benefit conferred upon the inmate populace by institutional regulation; or
  - (b) Taking excess food from the serving line in the dining hall or abusing dining privileges.
- 504.5 The Class III offense of **creating a health, safety, or fire hazard** shall be defined as activities that create a fire hazard or other situation which poses danger to the safety or health of the resident or others.
- 504.6 The Class III offense of **abuse of living quarters** shall include the following:
- (a) Failing to make the resident's own bed neatly each day or failing to keep the resident's own living quarters clean and orderly; or
  - (b) Failing to keep articles issued by the institution or purchased from the canteen in lockers, drawers, or other approved places.
- 504.7 The Class III offense of **disorderly appearance and clothing** shall include the following:
- (a) Failing to keep the resident's own clothing and person reasonably clean and orderly; or
  - (b) Willfully damaging any article of clothing or other property issued to the resident.

504 CLASS III OFFENSES (Continued)

- 504.8 The Class III offense of **willful disobedience of a general order** shall include the following:
- (a) Engaging in loud or boisterous talk, laughter, whistling, or other vocal expression if that activity is or may tend to be disruptive of order or a disturbance or annoyance to others;
  - (b) Willfully failing to proceed from place to place within the institution in a prompt and orderly way; or
  - (c) Approaching or speaking to any visitor other than counsel or substitute counsel, unless first authorized to do so by a custodial officer.

- 504.9 The Class III offense of **disrespect** shall include the following:
- (a) Making any profane, obscene, or abusive remark to any employee of the Department of Corrections, or other custodial official; or
  - (b) Making a profane, obscene, or abusive remark about an employee or official of the Department of Corrections in the presence of that employee or official.

505 PENALTIES FOR VIOLATIONS OF THE CODE OF OFFENSES

- 505.1 A resident who is found guilty of a violation of any Class I (serious) offense, as set forth in §502, shall be subject to the imposition of any of the penalties set forth in §§505.2 or 505.3.
- 505.2 A resident who is found guilty of a violation of any Class II (major) offense, as set forth in §503, shall be subject to the imposition of any of the following penalties and to any penalty set forth in §505.3 for Class III (minor) offenses:
- (a) Forfeiture of all or part of earned good time;
  - (b) Change in custody status or housing assignment;
  - (c) Assignment to adjustment segregation, as defined in §505.5, for a period not to exceed fourteen (14) days;
  - (d) Loss of pay, reduction in grade, or change of work assignment; Provided, that this punishment shall only be imposed when the offense was committed in the performance of a work assignment;
  - (e) Transfer to Maximum Security status; or
  - (f) Extra duty assignment to be performed in the resident's off-duty time from the resident's regular work assignment.



GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF PAROLE  
717-14TH STREET, N.W., SUITE 300  
WASHINGTON, D.C. 20005

May 7, 1992

Carol Pavileck Getty, Chair  
U.S. Parole Commission  
5550 Friendship Boulevard  
Chevy Chase, Maryland 20815

MAY 1 1992  
U.S. PAROLE COMMISSION

Dear Mrs. Getty:

Enclosed is an amended Policy Guideline on establishing dates for reconsideration hearings that was adopted by the Board at its monthly public meeting on April 27, 1992. This Guideline replaces the policy on the same subject that was adopted by the Board last December.

The Guideline was amended to eliminate any interpretation that the Board is restricted to using the specific aggravating and mitigating factors listed in the document. Specifically, the amendments stipulate that the "factors considered by the Board include but are not limited to..." those listed in the Guideline. The amended language is found in section VI, paragraphs A-2 and A-3, and paragraphs B-2 and B-3.

Please contact me, if you have any questions or need additional information. Thank you for your continuing cooperation and support.

Sincerely,

Erias A. Hyman  
Chairman

Enclosure

JR/jr



GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF PAROLE  
717-14TH STREET, N.W., SUITE 300  
WASHINGTON, D.C. 20005

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**POLICY GUIDELINE**

**SUBJECT:** Reconsideration Hearings --- Establishing Dates  
AS AMENDED BY THE BOARD ON APRIL 27, 1992

- I. **AUTHORITY:** D.C. Code Section 24-201.2 and 28 DCMR Section 104, May 1987.
- II. **PURPOSE:** To ensure consistency and equity in the establishment of parole reconsideration dates.
- III. **APPLICABILITY:** An offender who has been denied parole or an offender whose parole has been revoked.
- IV. **REFERENCES:** Board of Parole Policy Guideline, adopted on December 16, 1991, regarding definitions of terms used in Parole Guidelines
- V. **DEFINITIONS:**
  - A. **RECONSIDERATION HEARING:** a hearing conducted by the Board to consider whether an offender should be released on parole after the offender was denied parole, or after the offender was reincarcerated when parole was revoked.
  - B. **SET-OFF:** a period of time ordered by the Board that an offender must remain incarcerated before being reconsidered for parole by the Board.
  - C. **PRESCRIBED SET-OFFS:** a period of time specified in the rules that an offender may remain incarcerated before being considered for parole.
  - D. **AGGRAVATING FACTOR:** factor(s) considered by the Board for guidance in determining whether to establish a reconsideration hearing date later than the prescribed set-off.
  - E. **MITIGATING FACTOR:** factor(s) considered by the Board for guidance in determining whether to establish a reconsideration hearing date earlier than the prescribed set-off.

F. **TECHNICAL VIOLATION:** a violation of parole that is noncriminal in nature, i.e., that does not consist of new criminal activity or involvement.

V. **RATIONALE:**

The rules provide prescribed set-offs for the purpose of establishing reconsideration hearing dates when parole is denied or revoked. The Board, in its discretion, may establish a reconsideration date outside of the prescribed set-offs where certain factors exist.

VI. **POLICY:**

A. **Set-offs When Parole is Denied:**

1. When the Board denies parole for any offender, it shall ordinarily schedule a reconsideration date within the prescribed set-offs unless certain factors support imposition of an alternative set-off. The length of a set-off is based on the term of the sentence imposed by the courts, and may not exceed the date on which release from incarceration becomes mandatory.

2. The Board, in its discretion, may schedule a reconsideration date later than the prescribed set-off if one or more aggravating factors are present. The aggravating factors considered by the Board include but are not limited to the following:

a. There has been repeated failure under any form of community supervision (probation, parole, bail, diversion programs).

b. The instant offense involved ongoing criminal behavior or leadership role in an organized, criminal venture (e.g., an organized drug distribution operation).

c. There is a lengthy history of criminally-related alcohol and/or substance abuse.

d. There is a history of repetitive sophisticated, assaultive, or fraudulent criminal behavior (including the current offense).

e. There is an unusually extensive or serious prior record (at least five felony convictions).

f. The instant offense involved unusual cruelty to victim(s) or involved especially vulnerable victims (e.g., children or elderly victims of assaultive or fraudulent behavior).

g. There has been repeated or extremely serious negative institutional behavior.

h. There has been opportunity but little/no effort made toward rehabilitation/preparation for remaining crime-free if returned to the community.

i. The offender poses a serious threat to self or others and adequate resources are not available in the community.

3. The Board, in its discretion, may schedule a reconsideration hearing date prior to the prescribed set-off if one or more mitigating factors are present. The mitigating factors considered by the Board include but are not limited to the following:

a. There has been exceptional program achievement.

b. There is a record of exclusively trivial offenses.

c. There has been a substantial crime-free period since the last offense.

d. There has been a substantial previous period in custody on other sentence(s) or the prisoner faces a substantial period of time on additional committed sentences.

e. There has been substantial cooperation with the Government that has not been otherwise rewarded.

f. There has been a change in the availability of community resources leading to better parole prognosis or the prisoner has exceptional community resources available.

g. There is a poor medical prognosis.

h. There have been other changes in circumstances.

i. The offender has put forth maximum effort to participate in assigned programs, but opportunities for programming were not available.

**B. Set-offs When Parole is Revoked**

1. When the Board revokes parole for any offender due to a noncriminal parole violation, or a new misdemeanor charge or conviction, or a new felony charge or conviction, a reconsideration hearing date shall ordinarily be set within the prescribed set-offs unless certain factors support imposition of an alternative set-off. The set-off is based on the nature of the violation(s) (noncriminal parole violation, new misdemeanor charge or conviction, or new felony charge or conviction), and the number of years remaining on the maximum sentence for the offense(s) on which parole was granted, provided the set-off does not exceed the date on which release from incarceration becomes mandatory.

2. The Board, in its discretion, may schedule a reconsideration date later than the prescribed set-off for a violation of parole if one or more aggravating factors are present. ~~The aggravating factors considered by the Board include but are not limited to the following:~~

a. There has been repeated failure under parole supervision on this sentence, or a past history of failure under community supervision (probation, parole, bond, diversion programs).

b. The violation involved ongoing criminal behavior while on parole supervision.

c. The violation involved unusual cruelty to the victim(s) or involved especially vulnerable victims (e.g., children or elderly victims of assaultive or fraudulent behavior)

d. The violation involves a history of repetitive sophisticated criminal behavior.

e. There is an unusually extensive or serious prior record (at least five felony convictions).

f. The offender poses a serious threat to self or others and adequate resources are not available in the community.

g. The violation involved serious new felony behavior committed soon after release.

h. The parolee absconded from supervision for an extended period of time or otherwise frustrated all attempts at meaningful parole supervision.

3. The Board, in its discretion, may schedule a reconsideration date prior to the prescribed set-off for violation of parole if one or more mitigating factors are present. The mitigating factors considered by the Board include but are not limited to the following:


- a. There is ongoing and exceptional program participation and/or achievement in the community.
- b. There has been a substantial violation-free period on parole.
- c. Community resources leading to a better prognosis are or will be available prior to the end of the prescribed set-off.
- d. There is a poor medical prognosis.
- e. ~~The prescribed set-off for noncriminal violation, or a new misdemeanor charge or conviction would terminate otherwise consistently stable community adjustment.~~

## VII. PROCEDURES

### A. Establishing Reconsideration Dates

1. Where the Board denies parole and establishes a date for reconsideration that is outside of the prescribed set-offs, each aggravating or mitigating factor applicable to the decision shall be specified in writing.
2. Where the Board revokes parole and establishes a date for reconsideration that is outside of the prescribed set-offs, each aggravating or mitigating factor applicable to the decision shall be specified in writing.

Adopted by the D.C. Board of Parole on April 27, 1992.

  
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Erias A. Hyman  
Chairman





GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF PAROLE  
717 14TH STREET N.W. SUITE 300  
WASHINGTON D.C. 20005

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Policy Guideline

Subject: Definitions of Terms Used in Parole Guidelines

- I. Authority: DCMR Title 28, Section 204 and Appendices 2-1 and 2-2, May 1987
- II. Purpose: To define criteria and parameters for determining the applicability of descriptive terminology used in the Parole Guidelines for release decisionmaking, to facilitate consistency in Guideline application, and to provide each offender with information about the reason for the Board's decision in his or her case.
- III. Applicability: All cases requiring Board action in which the Parole Guidelines are applied.
- IV. References: D.C. Department of Corrections Rules published at 28 DCMR Sections 502 and 503, May 1987; Board of Parole Policy Guideline regarding the establishment of dates for parole consideration, adopted on December 16, 1991. The Policy Guideline regarding the definitions of terms used in parole guidelines adopted by the Board on December 16, 1991 is superseded.
- V. Rationale: Based on its own experience, expert opinion, and the views of the community, the Board's view is continually evolving on the factors that indicate whether an offender's release to parole is consistent with public safety. This Policy Guideline reflects the Board's current interpretation of the terms in the Parole Guidelines. It is not intended in any way to restrict the Board's discretion in individual cases. In order to more fully inform the offender whose case is being considered, the Board's Order to grant or deny parole will be accompanied by an explanation of that decision, along with these definitions of terms.
- VI. Policy: The following definitions shall apply to Parole Guidelines terminology in the release decisionmaking process; however, the weight accorded to any applicable countervailing factor shall be at the discretion of the Board.
  - A. Factors Favoring Release
    1. Point Assignment Grid Score (Numerical Risk Measurement) Favors Release Under Parole Guidelines.
    2. Exceptional Program or Work Assignment Achievement
      - a. Successful completion of appropriate educational or vocational programs or program levels which increased the likelihood the

- offender will remain crime-free in the community, OR
  - b. Exceptional and sustained performance in one or more work details which increased the likelihood the offender will remain crime-free in the community, OR
  - c. maximum effort to participate in appropriate programs, but opportunities for programming were not available, and offender's programming needs can be met in the community.
- 3. Record of Nonviolent Offenses
  - a. criminal convictions have not involved injury or threat of injury to others
- 4. Substantial Crime-Free Period
  - a. in the 5 years prior to committing instant offense, subject was not committed for more than 30 days on any offense, AND
  - b. offender has otherwise demonstrated an ability to remain crime-free in the future
- 5. Substantial Previous Period in Custody on Other Sentences or Additional Committed Sentences
  - a. offender has demonstrated during this continuous period in custody, which included or will include other sentences, that he or she is ready to be paroled to the community or to his or her consecutive sentence
- 6. Substantial Cooperation with the Government
  - a. documented special or unusual assistance to DCDC or another government agency which made an exceptional contribution to the health, welfare, or safety of persons or property
- 7. Availability of Community Resources Leading to Better Parole Prognosis
  - a. an opening or opportunity for offender to participate in a program, service or other accommodation in the community, AND
  - b. that will meet the offender's identified needs and lead to reduced risk to the community or another person
- 8. Poor Medical Prognosis
  - a. terminally ill or sufficiently debilitated so that the likelihood of repeated criminal involvement or risk to the community or other person is minimal
- 9. Other Changes in Circumstances
  - a. capabilities or characteristics of offender have changed in ways that minimize the likelihood of repeated criminal involvement, or risk to the community or other person
- B. Factors Favoring Incarceration
  - 1. Point Assignment Grid Score (Numerical Risk Measurement) Favors Incarceration Under Parole Guidelines.
  - 2. Prior Failure Under Community Supervision

- a. offender's prior negative conduct while under community supervision is likely to be repeated if again released to the community
3. Ongoing or Repetitive Criminal Behavior
  - a. failure to remain free of criminal activity over sustained periods of time, OR
  - b. instant offense is similar to a prior offense and is likely to be repeated
4. Prior Record of Violent Behavior
  - a. prior record of violent behavior that creates an unacceptable risk to public safety
5. Instant Offense Involved Unusual Cruelty to Victims
  - a. physical, mental, or emotional abuse beyond the degree needed to sustain a conviction on the instant offense, OR
  - b. especially vulnerable victims (for example, children or elderly persons victimized by assaultive, exploitive, or fraudulent behavior)
6. Serious Negative Institutional Behavior
  - a. documented criminal conduct or breach of institutional rules, the severity, frequency, or recent occurrence of which indicates that subject is not ready to remain crime-free in the community
7. Opportunity but Little Effort to Engage in Productive Programming or Work
  - a. an opportunity for productive programming or work was made available by the Department of Corrections, parole officer, or other agency or employer, AND
  - b. offender was able but failed to make appropriate use of that opportunity
8. Absence of Community Resources Which Ensure Safety of the Community
  - a. unavailability of necessary services to support offender's personal or community adjustment, and minimize risk to the community, offender, or other person
9. Needs Programming to Remain Crime-Free in the Community
  - a. offender requires appropriate programming to address the underlying cause of his or her criminal conduct and reduce the risk to the community

Adopted by the Board of Parole on October 23, 1995.

  
Margaret E. Quick, Chairperson