

Report of the United States Parole Commission

October 1, 2001 -
September 30, 2003



United States Department of Justice

John Ashcroft, Attorney General

United States Parole Commission

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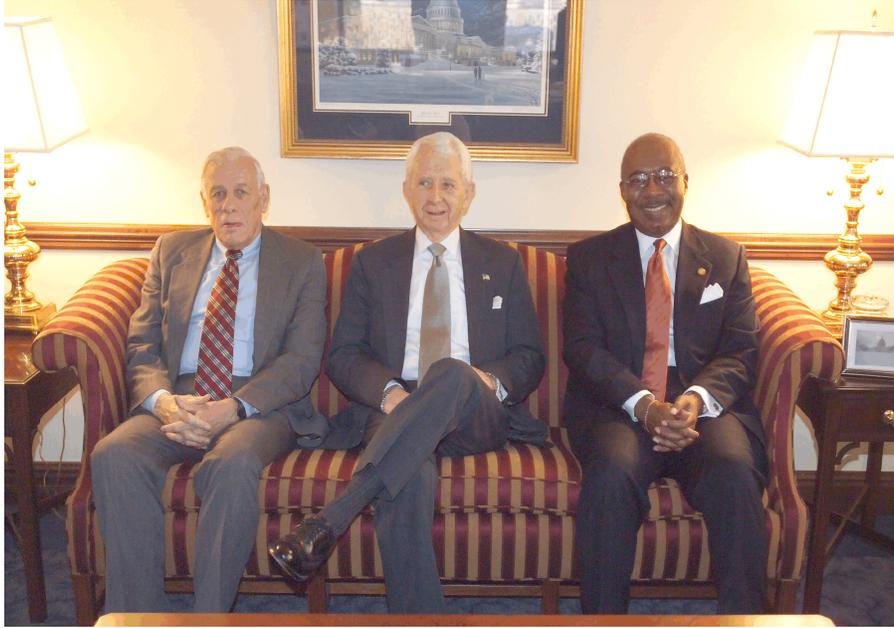
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UNITED STATES PAROLE COMMISSION (2003)

FOREWORD

The two-year period covered by this report (October 1, 2001 - September 30, 2003) has been one of testing and refinement of the Commission's procedures, particularly those concerning District of Columbia Code offenders. The Commission has initiated public forums at regular intervals in the District of Columbia to obtain input from members of the community, including families of inmates and parolees, regarding their concerns and to answer the questions presented. In addition, the Commission has conducted the first revocation hearings for determinate-sentence supervised release cases alleged to have violated the conditions of their release, revised its rules and procedures to have its hearing examiners conduct prompt probable cause hearing for alleged District of Columbia Code parole and supervised release violators arrested within the District of Columbia metropolitan area, reduced the time between execution of the warrant and final decision for District of Columbia Code offenders, and expanded its expedited revocation procedure to District of Columbia Code offenders.

The Commission also has initiated a project to evaluate the use of videoconferencing for conducting parole hearings at remote locations, issued a revised *Rules and Procedures Manual*, initiated an expanded program of training for its hearing examiners and case-analysts, and issued an updated and revised *Desk Book of Training and Reference Materials*.

The Commission was scheduled to be phased out on November 1, 2002. Given the ongoing decision-making responsibilities assigned by the Congress to the Commission for District of Columbia Code determinate-sentence supervised releasees, foreign transfer treaty cases, military offenders, and certain state witness protection probationers and parolees, as well as the *ex-post-facto* issue pertaining to the abolition of parole for federal and District of Columbia Code offenders who committed their offenses when indeterminate sentencing was in effect, the *21st Century Department of Justice Appropriations Authorization Act of 2002* extended the life of the Commission until November 1, 2005 – the third time the life of the Commission has been extended by the Congress.

A handwritten signature in blue ink that reads "Edward F. Reilly, Jr." in a cursive script.

Edward F. Reilly, Jr., Chairman
April 1, 2004

MISSION

The mission of the United States Parole Commission is to promote public safety and strive for justice and fairness in the exercise of its authority to release and supervise offenders under its jurisdiction. The Commission achieves these goals through a conscientious application of its guidelines to each case, tempered by a willingness to give due regard to individual circumstances. Its guiding principle is to apply the least restrictive sanction that is consistent with public safety and the appropriate punishment of the offense. In making its determinations, the Commission considers information from a variety of sources, including the presentence report, victim of the offense, sentencing judge, prosecutor, defense attorney, prison officials, and offender.

JURISDICTION OF THE COMMISSION

The United States Parole Commission has jurisdiction over the following types of cases -

Federal Offenders (offenses committed before November 1, 1987). The Parole Commission has the responsibility for granting or denying parole to federal offenders who committed their offenses before November 1, 1987 and who are not otherwise ineligible for parole, and making determinations regarding the initial conditions of supervision, modification of the conditions of supervision for changed circumstances, early discharge from supervision, issuance of a warrant or summons for violation of the conditions of supervision, and revocation of release for such offenders released on parole or mandatory release supervision. Supervision in the community is provided by United States Probation Officers.

District of Columbia Code Offenders (offenses committed before August 5, 2000). The Parole Commission has the responsibility for granting or denying parole to District of Columbia Code offenders who committed their offenses before August 5, 2000 and who are not otherwise ineligible for parole, and making determinations regarding the initial conditions of supervision, modification of the conditions of supervision for changed circumstances, early discharge from active supervision, issuance of a warrant or summons for violation of the conditions of supervision, and revocation of release for such offenders released on parole or mandatory release supervision. Supervision in the community is provided by Supervision Officers of the Court Services and Offender Supervision Agency of the District of Columbia and United States Probation Officers.

District of Columbia Code Offenders (offenses committed after August 4, 2000). The Parole Commission has the responsibility for making determinations regarding the initial conditions of supervision, modification of the conditions of supervision for changed circumstances, early discharge from supervision, issuance of a warrant or summons for violation of the conditions of supervision, and revocation of release for District of Columbia Code offenders who committed their offenses after August 4, 2000 and who are sentenced to a determinate sentence of imprisonment followed by a term of supervised release. Supervision in the community is provided by Supervision Officers of the Court Services and Offender Supervision Agency of the District of Columbia and United States Probation Officers.

Uniform Code of Military Justice Offenders. The Parole Commission has the responsibility for granting or denying parole to parole-eligible Uniform Code of Military Justice offenders who are serving a sentence in a Bureau of Prisons' institution and making determinations regarding the initial conditions of supervision, modification of the conditions of supervision for changed circumstances, early discharge from supervision, issuance of a warrant or summons for violation of the conditions of supervision, and revocation of release for such offenders released on parole supervision. Supervision in the community is provided by United States Probation Officers.

Transfer-Treaty Cases. The Parole Commission has the responsibility for conducting hearings and setting release dates for United States citizens who are serving prison terms imposed by foreign countries and who, pursuant to treaty, have elected to be transferred to the United States for service of that sentence. For offenders who committed their offenses after October 30, 1987, the Parole

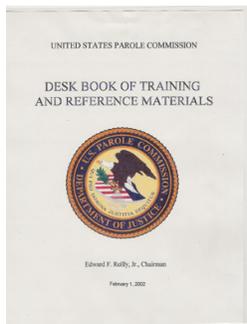
Commission applies the federal sentencing guidelines promulgated by the United States Sentencing Commission in determining the time to be served in prison before release. For offenders who committed their offenses before November 1, 1987, the Parole Commission applies the parole guidelines that are used for parole-eligible federal and military offenders.

State Probationers and Parolees in Federal Witness Protection Program. The Parole Commission has the responsibility for making determinations regarding the initial conditions of supervision, modification of the conditions of supervision for changed circumstances, issuance of a warrant or summons for a violation of the conditions of supervision, and revocation of release for certain state probationers and parolees who have been placed in the federal witness protection program. Supervision in the community is provided by United States Probation Officers.

PROGRAM HIGHLIGHTS

Legislative Extension of the Commission. Although the *Sentencing Reform Act of 1984* called for the phase out of the Commission in 1992, this legislation did not address the *ex-post-facto* problem that abolition of the Commission would have caused regarding offenders who has committed their offenses prior to November 1, 1987, the date the determinate-sentencing legislation took effect. Moreover, Congress subsequently has given the Commission additional, ongoing responsibilities (The *Anti-Drug Abuse Act of 1988* added ongoing responsibilities for foreign transfer treaty cases and state probationers and parolees in the federal witness-protection program, and *The National Capital Revitalization and Self-Government Improvement Act of 1997* added ongoing responsibilities for District of Columbia Code indeterminate-sentence offenders and determinate-sentence supervised releases). As a result, Congress has extended the life of the Commission three times. Most recently, the *21st Century Department of Justice Appropriations Authorization Act of 2002*, as an interim measure, extended the life of the Parole Commission until November 1, 2005.

Desk Book of Training and Reference Materials. The Commission issued a revised Desk Book of Training and Reference Materials on February 1, 2002 and has supplemented it with additional chapters during the period covered by this report. The Desk Book supplements the Commission's Rules and Procedures Manual. It now provides training materials that cover (1) the factors to be considered in determining the credibility of a witness, (2) interviewing techniques, (3) due process objections at revocation hearings, (4) applying the preponderance-of-the-evidence standard, (5) ethical responsibilities, (6) definitions of common words and phrases, (7) contacts with the media, (8) preparation of warrant applications, (9) supervised release revocation hearings, (10) requests for continuances of revocation hearings, (11) victim/witness issues in revocation proceedings, (12) guideline departures based on aggravating or mitigating offense factors, (13) guideline departures based on risk of recidivism, (14) termination of supervision reviews, (15) probable cause hearings, and (16) miscellaneous issues in conducting revocation hearings.

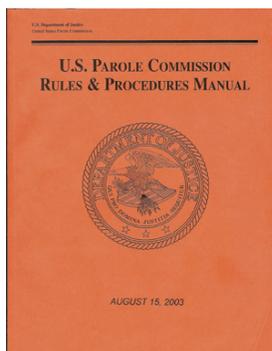


Training. The Commission has carried out an active program of training for hearing examiners, case analysts, and support staff. Courses have included: determination of offense seriousness ratings, application of the Salient Factor Score, application of the guidelines for District of Columbia Code offenders, application of rescission guidelines, factors to be considered in determining witness credibility, interviewing techniques, due process issues at revocation hearings, the preponderance-of-the-evidence standard, ethical responsibilities, words and phrases, preparation of warrant applications, supervised release revocation hearings, evaluating requests for continuances at revocation hearings, guideline departures for aggravating and mitigating offense factors, guideline departures based on clinical judgment regarding risk of recidivism, probable cause hearings, miscellaneous issues in conducting revocation hearings, legal elements of offenses, and the opening statement in revocation hearings. Many of these courses have designed to reinforce the chapters in the Commission's *Desk Book of Training and Reference Materials*. Additionally, the Commission has



provided training in guideline application to Assistant District of Columbia Public Defenders and Assistant Federal Defenders who represent alleged parole and supervised release violators.

Rules and Procedures Manual. The Commission issued a revised Rules and Procedures Manual on August 15, 2003. The Rules and Procedures Manual contains the published regulations of the Commission, as well as the notes and procedures that explain how the regulations are to be implemented. Among the revisions to the Commission's rules and procedures were the expansion of the Commission's administrative appeals process to cover District of Columbia Code supervised release revocation determinations and the use of Parole Commission hearing examiners to conduct prompt probable cause hearings in the District of Columbia metropolitan area. In addition, the Commission reduced the size of this Manual from 379 pages to 254 pages by consolidating various materials covering the same topics for the three major types of offenders under the Commission's jurisdiction (federal-indeterminate-sentence offenders, District of Columbia indeterminate-sentence-offenders, and District of Columbia-determinate sentence-supervised releases), thereby making the Manual easier to use.



Public Forums. The Commission conducted public forums in the District of Columbia on September 11, 2002, April 5, 2003, and October 4, 2003 to help open lines of communication with residents of the District. The public forums, which were held on a Saturday in different parts of the city to facilitate attendance, were intended to acquaint the community with the policies and procedures affecting the parole and supervision of persons living in the District of Columbia who have been convicted of federal and District of Columbia crimes. Representatives of the Court Services and Offender Supervision Agency of the District of Columbia and the Federal Bureau of Prisons also participated. Attendees were given the opportunity to ask questions and to voice any concerns about Commission policies and practices. All questions directed to the Commission, other than questions concerning specific individuals, were addressed during the forum as well as answered in writing after the forum. The questions and answers from each forum were posted on the Commission's web page. The Commission has found the forums to be a valuable tool in hearing and addressing the concerns of the citizens of the District and is committed to holding forums at least twice each year.

Videoconferencing. In FY 2003, the Commission explored the use of videoconferencing technology to conduct parole hearings. The use of this technology recently has become feasible because most Bureau of Prisons facilities now have videoconferencing equipment available in an area of the institution that can be used to conduct parole hearings. After discussions with the Bureau of Prisons, a docket of parole hearings was conducted by videoconferencing at one institution in June of 2003. Based on the success of this test, arrangements were made with the Bureau of Prisons for conducting two or three dockets each month using videoconferencing during FY 2004. Videoconferencing will be used for small dockets, typically dockets involving five inmates or less, in remote locations (excluding contested revocation hearings). The hearing examiner will conduct the hearing from the Commission's office and the prisoner, and the prisoner's representative if any, will participate from the institution. It is expected that the use of this technology will result in significant savings in staff time spent in travel and travel costs without impacting the quality of the hearing.

Resolution of *Long v. Gaines*. In 2001, a group of District of Columbia offenders released on parole supervision brought a class action lawsuit against the Commission in the U.S. District Court for the District of Columbia alleging violations of due process because of delays in their parole revocation hearings. At that time, many revocation hearings for District of Columbia parolees were delayed because the Commission did not have sufficient resources to handle the large number of arrested violators resulting from warrants issued by the former District of Columbia Board of Parole and then by the Commission. In September 2001, the District Court held that the Commission had violated due process by the delays in scheduling revocation hearings for District of Columbia parolees. The court determined that due process required that the Commission make a probable cause decision for an alleged parole violator within five days of arrest on a violator warrant, that the revocation hearing must be held within 65 days of the arrest, and that the decision on revocation must be made within 86 days of arrest. The court ordered that the Commission develop a plan for compliance with this schedule.

In response to the order, the Commission developed a plan that provided an arrested parole violator held within the District of Columbia would be given a probable cause hearing within five days of arrest. The probable cause hearing would be conducted by a Commission hearing examiner who would have the delegated authority to make a probable cause decision at the hearing. If probable cause were found, a revocation hearing would be conducted within 65 days from the date of arrest and the Commission's decision following the revocation hearing would be made within 86 days from the date of arrest. The court accepted the Commission's compliance plan in November 2001 and the Commission put the plan in effect. In December 2002, the court approved a consent decree agreed to by the Commission and the plaintiff class.

The Commission has followed the plan since November 2001 and submitted a series of reports to the court showing a high rate of compliance in conducting prompt probable cause and revocation hearings and in making revocation decisions within the allowable time frame. The Commission submitted a final report to the court in the summer of 2003.

Expedited Revocation Procedure. The Commission successfully expanded its expedited revocation procedure to District of Columbia Code cases (parolees and supervised releasees). In 1996, the Commission began a pilot project designed to expedite the processing of parole violations not involving serious new felony charges. Certain alleged parole violators were given the option of waiving the right to a revocation hearing, acknowledging responsibility for the charged violation, and accepting a specified revocation penalty determined by the Commission on the basis of the case record. The goal was to conserve Commission resources without negatively affecting the due process rights of the alleged parole violator or the integrity of the guideline system used to sanction parole violations. In 1998, based on the success of the pilot project, the Commission incorporated the expedited revocation procedure into its permanent regulations. This procedure was made applicable to District of Columbia Code offenders in August 2000, when the Commission assumed revocation jurisdiction over District of Columbia Code offenders on parole or supervised release. Initially, the District of Columbia Public Defender's Service, which represents most District of Columbia Code releasees, was not favorably disposed to the expedited procedure because it was seen as not allowing time for the defense attorney to provide input regarding mitigating case circumstances before the expedited offer was made and no negotiation was permitted once the

expedited offer was made. In the fall of 2001, the Commission—after discussions with representatives of the District of Columbia Public Defenders Service—responded by authorizing a twenty-day delay, at the request of the alleged parole violator or the alleged parole violator’s attorney, between the date of the probable cause hearing and the date any expedited offer would be made in order to provide an opportunity for the alleged parole violator or his or her attorney to submit mitigating case circumstances or other comments to the Commission. Since that modification was made, the number of District of Columbia Code offenders accepting expedited revocation dispositions has increased substantially. In FY 2003, expedited revocation dispositions accounted for approximately forty percent of all revocation dispositions. The savings generated by the expedited revocation procedure have allowed the Commission to devote more resources to conducting revocation hearings involving more serious and/or contested charges.

Presumptive Release Date Procedure. Effective December 5, 2000, the Commission began use of a presumptive release date procedure for District of Columbia Code cases (*see* 28 C.F.R. 2.80). A similar procedure has been used by the Commission in federal cases since 1977. This procedure – which allows for the setting of a parole date up to three years from the date of the hearing contingent upon good institutional conduct and the development of a satisfactory release plan – provides greater certainty for the offender, allows for better release planning, and conserves Commission resources by reducing the number of subsequent hearings that must be conducted by the Commission. Because of limited staff resources at the time this rule was adopted, it was not made applicable to all cases in which an initial hearing had previously been conducted by the Commission. Effective October 15, 2002, the Commission broadened coverage of this rule so that any prisoner who was given an initial hearing by the Commission on or after August 5, 1998 is eligible for consideration at the time of his or her next regularly scheduled hearing.

Administrative Appeal Procedure. Effective August 14, 2003, the Commission amended its rules to allow a District of Columbia Code offender whose term of supervised release has been revoked to file an administrative appeal with the Commission’s National Appeals Board under the same terms and conditions as a federal offender whose parole has been revoked (*see* 28 C.F.R. 2.220). The expansion of the administrative appeal procedures was facilitated by the savings in Commission resources associated with the increased use of the Commission’s expedited revocation procedure with District of Columbia Code cases.

Research Program. From 1972-1990, the Commission had a small, but very active, program of research that provided policy-relevant information to the Commission. The Commission’s research unit ceased to exist as a separate unit in 1991, as a result of the loss of staff associated with the planned abolition of the Commission, but was reestablished in 2002. Research underway includes a study of the Commission’s expedited revocation procedure, a study of the recidivism of military offenders under the Commission’s jurisdiction (a majority of whom are serving sentences for homicide or sexual offenses), a study of the Commission’s videoconferencing project, and a re-validation of the Salient Factor Score (the empirical risk assessment used by the Commission in its decision guidelines).

WORKLOAD AND DECISION TRENDS

Table 1: Workload Overview

| Jurisdiction | Fiscal Year | Type of Consideration | | | Total Considerations |
|--------------|-------------|-----------------------|---------------|--------|----------------------|
| | | Hearing | Record Review | Appeal | |
| Federal | FY01 | 1,282 | 2,515 | 298 | 4,095 |
| | FY02 | 1,217 | 2,408 | 262 | 3,887 |
| | FY03 | 1,109 | 2,207 | 303 | 3,619 |
| D.C. Code | FY01 | 3,665 | 2,865 | . | 6,530 |
| | FY02 | 3,475 | 2,784 | . | 6,259 |
| | FY03 | 3,259 | 3,893 | . | 7,152 |
| All Cases | FY01 | 4,947 | 5,380 | 298 | 10,625 |
| | FY02 | 4,692 | 5,192 | 262 | 10,146 |
| | FY03 | 4,368 | 6,100 | 303 | 10,771 |

Table 1 displays the number of hearings, record reviews and National Appeals Board considerations conducted by the Commission from FY 01 through FY 03. Although the number of hearings declined by five to seven percent per year from FY 01 through FY 03, the number of record reviews, appellate considerations, and total considerations has fluctuated from year to year and each of these numbers was higher in FY 03 than in either FY 01 or FY 02.

Table 2: Hearing Workload

| Jurisdiction | Fiscal Year | Hearing Type | | | | | | Total Hearings | |
|--------------|-------------|--------------|----------------|---------|---------|------------|--------------------|----------------|-------|
| | | Revocation | Probable Cause | Initial | Interim | Rescission | Treaty Termination | | |
| Federal | FY01 | 401 | . | 162 | 406 | 135 | 103 | 75 | 1,282 |
| | FY02 | 384 | . | 165 | 406 | 92 | 100 | 70 | 1,217 |
| | FY03 | 378 | . | 107 | 380 | 81 | 118 | 45 | 1,109 |
| D.C. Code | FY01 | 720 | 11 | 1,211 | 1,615 | 108 | . | . | 3,665 |
| | FY02 | 976 | 745 | 837 | 822 | 95 | . | . | 3,475 |
| | FY03 | 788 | 1,064 | 737 | 524 | 146 | . | . | 3,259 |
| All Cases | Fiscal Year | | | | | | | | |
| | FY01 | 1,121 | 11 | 1,373 | 2,021 | 243 | 103 | 75 | 4,947 |
| | FY02 | 1,360 | 745 | 1,002 | 1,228 | 187 | 100 | 70 | 4,692 |
| | FY03 | 1,166 | 1,064 | 844 | 904 | 227 | 118 | 45 | 4,368 |

Table 2 displays the number of hearings conducted by the Commission by type of hearing. The ongoing phase out of federal indeterminate sentence cases (offenses committed before October 1, 1987) and D.C. Code indeterminate sentence cases (offenses committed before August 5, 2000), the increased use of the expedited revocation procedure (a procedure that allows revocation on the basis of a record review rather than a hearing if the releasee consents to this action), and the implementation of presumptive release date procedure in D.C. Code indeterminate sentence cases in January 2001 (a procedure that substitutes a record review for a subsequent hearing if the prisoner has no disciplinary infractions) resulted in a reduction in the number of hearings. At the same time, Commission hearing examiners began conducting probable cause hearings for alleged D.C. Code parole and supervised release violators arrested in the D.C. metropolitan on or after November 26, 2001. Formerly, on such cases, a probable cause interview had been conducted by a supervision officer (other than the officer directly supervising the parolee) with the Commission then reviewing the case on the record. As a result, the overall number of hearings has not declined at the rate that otherwise would have been expected.

Table 3: Record Review Workload

| Jurisdiction | Fiscal Year | Record Review Type | | | | | Total Record Reviews | |
|--------------|-------------|----------------------|---------|--------------------|----------------|-------------------------|----------------------|-----------|
| | | Expedited Revocation | Warrant | Warrant Supplement | Probable Cause | Presumptive Date Review | | Reopening |
| Federal | FY01 | 317 | 670 | 304 | 395 | 324 | 505 | 2,515 |
| | FY02 | 282 | 580 | 374 | 359 | 323 | 490 | 2,408 |
| | FY03 | 217 | 550 | 304 | 326 | 313 | 497 | 2,207 |
| D.C. Code | FY01 | 32 | 820 | 150 | 682 | 215 | 966 | 2,865 |
| | FY02 | 122 | 965 | 253 | 294 | 343 | 807 | 2,784 |
| | FY03 | 505 | 1,272 | 383 | 158 | 663 | 912 | 3,893 |
| All Cases | Fiscal Year | | | | | | | |
| | FY01 | 349 | 1,490 | 454 | 1,077 | 539 | 1,471 | 5,380 |
| | FY02 | 404 | 1,545 | 627 | 653 | 666 | 1,297 | 5,192 |
| | FY03 | 722 | 1,822 | 687 | 484 | 976 | 1,409 | 6,100 |

Table 3 displays the number of record reviews conducted by the Commission by type of consideration. There was a substantial increase from FY 01 to FY 03 in D.C. Code expedited revocation determinations. The decline in probable cause record reviews for D.C. Code cases after FY 01 resulted from the Commission’s decision to have its hearings examiners conduct probable cause hearings for parole and supervised release violators arrested in the D.C. metropolitan area.

Table 4: Revocation Determinations

| Jurisdiction | Fiscal Year | Revocation Type | | | Total Revocation Considerations |
|---|--------------------|------------------------|--------------|------------------|--|
| | | Institutional | Local | Expedited | |
| Federal | FY01 | 287 | 114 | 317 | 718 |
| | FY02 | 256 | 128 | 282 | 666 |
| | FY03 | 281 | 97 | 217 | 595 |
| D.C. Code Indeterminate Sentence | FY01 | 231 | 489 | 32 | 752 |
| | FY02 | 295 | 679 | 122 | 1,096 |
| | FY03 | 192 | 561 | 482 | 1,235 |
| D.C. Code Supervised Release | FY03 | . | . | . | . |
| | FY02 | 2 | . | . | 2 |
| | FY03 | 33 | 2 | 23 | 58 |
| All Cases | Fiscal Year | | | | |
| | FY01 | 518 | 603 | 349 | 1,470 |
| | FY02 | 553 | 807 | 404 | 1,764 |
| | FY03 | 506 | 660 | 722 | 1,888 |

Table 4 displays the number of revocation determinations. Beginning in FY 02, these statistics include revocation hearings for D.C. Code supervised release cases. Of particular note is the increase from FY 01 to FY 03 in the proportion of D.C. Code cases handled under the expedited revocation procedure.

Table 5: Percentage Granted Parole/Reparole (Final Decisions Only)

| Jurisdiction | Fiscal Year | Term Being Served | | | |
|--------------|-------------|-------------------|-----------------|-----------------|-----------------|
| | | Original | | Violator | |
| | | Total Decisions | Percent Paroled | Total Decisions | Percent Paroled |
| Federal | FY01 | 328 | 67.1 | 791 | 75.9 |
| | FY02 | 343 | 61.8 | 746 | 73.1 |
| | FY03 | 320 | 62.5 | 696 | 76.3 |
| D.C. Code | FY01 | 1,076 | 76.0 | 1,163 | 85.0 |
| | FY02 | 953 | 86.7 | 1,061 | 83.8 |
| | FY03 | 881 | 90.0 | 1,264 | 82.1 |
| All Cases | FY01 | 1,404 | 73.9 | 1,954 | 81.3 |
| | FY02 | 1,296 | 80.1 | 1,807 | 79.4 |
| | FY03 | 1,201 | 82.7 | 1,960 | 80.1 |

Table 5 contrasts the percentage paroled or reparoled vs. the percentage continued to expiration of sentence (less any good time). Most offenders are paroled or reparoled, rather than continued to expiration of sentence (less any good time). The percentage paroled has a substantial correlation with sentence length (*i.e.*, the longer the judicially imposed sentence, the greater is the likelihood of parole at some point in the sentence). Because the federal and D.C. Code indeterminate-sentence cases remaining in the system tend to have very long sentences, the percentage paroled is high when compared to the percentage released at the expiration of sentence (less any good time).

Table 6: Percentage of Split Recommendations by Examiner Panels

| Jurisdiction | Fiscal Year | Number of Recommendations | Percent Split Recommendations |
|---------------------|--------------------|----------------------------------|--------------------------------------|
| Federal | FY01 | 1,142 | 11.4 |
| | FY02 | 1,071 | 7.5 |
| | FY03 | 957 | 9.2 |
| D.C. Code | FY01 | 3,344 | 25.0 |
| | FY02 | 2,470 | 15.3 |
| | FY03 | 1,931 | 16.4 |
| All Cases | FY01 | 4,486 | 21.6 |
| | FY02 | 3,541 | 12.9 |
| | FY03 | 2,888 | 14.0 |

Table 6 shows the percentage of cases in which the primary and secondary examiner disagreed on the appropriate disposition of the case (the amount of time to be served before release), the release conditions to be imposed, or the reasons for the decision. Probable cause hearings and hearings in which a continuance was ordered are not counted in this table.

**Table 7: Guideline Use at Federal Initial Hearings,
Federal Revocation Hearings, and D.C. Code Revocation Hearings**

| Hearing Type | Fiscal Year | Number of Decisions | Guideline Use | | |
|-----------------------------|--------------------|---------------------------|-------------------|------------------|------------------|
| | | | Percent Within | Percent Above | Percent Below |
| D.C. Code Revocation | FY01 | 658 | 77.1 | 19.0 | 4.0 |
| | FY02 | 898 | 85.0 | 7.5 | 7.6 |
| | FY03 | 1103 | 91.6 | 4.4 | 4.1 |
| Federal Revocation | FY01 | 690 | 86.5 | 10.7 | 2.8 |
| | FY02 | 649 | 86.6 | 9.9 | 3.5 |
| | FY03 | 575 | 89.7 | 7.1 | 3.1 |
| Federal Initial | FY01 | 149 | 76.5 | 21.5 | 2.0 |
| | FY02 | 152 | 78.3 | 21.1 | 0.7 |
| | FY03 | 94 | 79.8 | 16.0 | 4.3 |
| All Cases | Fiscal Year | | | | |
| | FY01 | 1497 | 81.4 | 15.4 | 3.2 |
| | FY02 | 1699 | 85.0 | 9.6 | 5.4 |
| | FY03 | 1772 | 90.3 | 5.9 | 3.8 |

Table 7 shows the percentage of decisions within, above, or below the Commission’s decision guidelines for federal initial hearings (28 C.F.R. 2.20) and federal and D.C. Code revocation hearings (28 C.F.R. 2.21). Non discretionary departures from the guidelines (*e.g.*, cases continued to expiration of sentence below the applicable guideline range and cases granted parole upon completion of a minimum sentence above the applicable guideline range) are counted as within the guidelines. Cases in which guideline use is inapplicable (*e.g.*, reinstatement decisions because no violation sufficient to warrant revocation was found or hearings continued because of the failure of a witness to appear) are not counted in this table.

Table 8: Representation at Hearings

| Jurisdiction | Fiscal Year | Hearing Type | | | | | |
|--------------|-------------|--------------------|---|--|--------------------|---|--|
| | | Non-Revocation | | | Revocation | | |
| | | Number of Hearings | Percent of Hearings with Representative | Percent of Representatives Who are Attorneys | Number of Hearings | Percent of Hearings with Representative | Percent of Representatives Who are Attorneys |
| Federal | FY01 | 881 | 30.6 | 30.4 | 401 | 73.3 | 97.3 |
| | FY02 | 833 | 30.1 | 23.1 | 384 | 79.4 | 97.4 |
| | FY03 | 731 | 35.3 | 29.5 | 378 | 73.8 | 98.6 |
| D.C. Code | FY01 | 2,934 | 0.9 | 37.0 | 720 | 83.3 | 98.8 |
| | FY02 | 1,754 | 0.6 | 18.2 | 976 | 82.4 | 99.6 |
| | FY03 | 1,407 | 4.3 | 4.9 | 788 | 86.5 | 99.4 |
| All Cases | FY01 | 3,815 | 7.8 | 31.0 | 1,121 | 79.8 | 98.3 |
| | FY02 | 2,587 | 10.1 | 22.9 | 1,360 | 81.5 | 99.0 |
| | FY03 | 2,138 | 14.9 | 24.8 | 1,166 | 82.4 | 99.2 |

Table 8 shows the percentage of revocation and non-revocation hearings in which the offender is accompanied by a representative. Table 8 also shows the percentage of representatives who are attorneys.

Table 9: Actions of the National Appeals Board

| Fiscal Year | Number of Appeals | Percent of Decisions Affirmed | Percent of Decisions Modified | Percent of Decisions Remanded For Rehearing |
|--------------------|--------------------------|--------------------------------------|--------------------------------------|--|
| FY01 | 298 | 93.3 | 5.7 | 1.0 |
| FY02 | 262 | 92.0 | 6.9 | 1.1 |
| FY03 | 303 | 97.0 | 3.0 | . |

Table 9 shows the number of administrative appeals and the action of the National Appeals Board in relation to those appeals.

COMMISSIONERS

Edward F. Reilly, Jr., Chairman

On May 31, 2001, President George W. Bush designated Edward F. Reilly, Jr. as the Chairman of the United States Parole Commission. Initially appointed to the Commission in 1992, Mr.



Reilly had served as Chairman from August 14, 1992 until February 4, 1997, when he was designated as a member of the National Appeals Board. Mr. Reilly received a B.A. in political science from the University of Kansas. Prior to his appointment to the Parole Commission, Mr. Reilly served 29 years as a legislator in the State of Kansas – one year as a member of the Kansas House of Representatives and then 28 years as a Senator in the Kansas State Senate. In the legislature, Mr. Reilly served as Assistant Majority Leader, Chairman of the Senate Committee on Federal and State Affairs, Chairman of the Senate Insurance Subcommittee, and Vice Chairman of the Senate Elections Committee. As Chairman of the Senate Committee on Federal

and State Affairs, which handled most corrections issues, Mr. Reilly became keenly interested in the area of corrections, probation, and parole. In 1981, Mr. Reilly chaired the Senate/House Committee that reviewed the operations of the Kansas correctional system. This review ultimately led to major reforms, including increased benefits for correctional officers, better retention of employees in the corrections system, and the accreditation of some of Kansas' major correctional institutions. From 1982 to 1986, Mr. Reilly served as a Commissioner on the National Commission on Accreditation for Law Enforcement Agencies. In 1985, he was appointed a member of the National Highway Safety Advisory Committee. He has served as an advisory member of the American Justice Institute on federal and state prisons and as a member of the Community Liaison Committee of the United States Penitentiary, Leavenworth, Kansas, and the Kansas State Penitentiary, Lansing, Kansas. He has also served as a member of the Kansas State Attorney General's Task Force on Drug Education. Mr. Reilly is a member of the American Correctional Association, the Association of Paroling Authorities, International, the National Criminal Justice Association, the National Committee on Community Corrections, and the National Association of Chiefs of Police. As Chairman of the Parole Commission, he serves as a member of the U.S. Sentencing Commission (ex officio) and the National Institute of Corrections Advisory Board (ex officio). In addition, he has served on a number of Boards, Committees, and Task Forces relating to issues involving the criminal justice system. A native of Leavenworth, Kansas, Mr. Reilly was in the field of real estate insurance and banking for thirty years. Mr. Reilly served seven years in the Reserve Officers Training Corps. He has been actively engaged in the International Officers Program at Fort Leavenworth, Kansas, hosting international officers from many nations attending the Command and General Staff College, and has been an instructor teaching in courses on federal, state, and local government for these officers since 1967.

Cranston J. Mitchell, Vice-Chairman

Cranston J. Mitchell's nomination to the United States Parole Commission by President George W. Bush was confirmed by the United States Senate on March 6, 2003. On July 16, 2003, he was designated as the Vice Chairman of the Commission. At the time of his appointment to the Commission, Mr. Mitchell was serving as a Correctional Program Specialist for the Department of Justice, National Institute of Corrections in Washington, D.C. Before that he spent approximately twenty-five years in state government, working for the State of Missouri, including eighteen years with the Missouri Department of Corrections as Chairman and Director of the Board of Probation and Parole. He also worked as a counselor and administrator in the Department of Elementary and Secondary Education, Division of Vocational Rehabilitation, and as a police officer in the City of St. Louis, Missouri.



Mr. Mitchell was the recipient of a Danforth Fellowship and was selected to attend the Program for Senior Executives in State and Local Government at Harvard University in Cambridge, MA. He was honored by the Association of Paroling Authorities, International and presented with the Vincent O'Leary Award for his contributions to the field of parole. He also was the recipient of the Jonathan Jasper Wright Community Leadership Award given by the National Association of Blacks in Criminal Justice. Mr. Mitchell is a native of St. Louis, Missouri and graduated from the University of Missouri-St. Louis with a B.S. degree, majoring in political science.

John R. Simpson, Commissioner

John R. Simpson was appointed a Commissioner on April 21, 1992 and designated as a Regional Commissioner. Prior to his appointment, Mr. Simpson worked with the Secret Service, beginning in 1962. From 1981-1992, he served as the 16th Director of the Secret Service. During his career with the Secret Service, he was elected President of the International Criminal Police Organization (INTERPOL), the first American to hold that position, and served a four-year term. Mr. Simpson is a veteran of the United States Army. He received a B.C. from Loyola College in Montreal and a J.D. from the New England School of Law in Boston. He is a member of the International Association of Chiefs of Police, the American Society for Industrial Security, the National Sheriffs Association, the National Association of Public Administrators, and the National War College Alumni Association.



**Former Commissioners
(Who Served During the Reporting Period)**

Michael J. Gaines

Michael J. Gaines was appointed to the Commission on September 28, 1994 by President Clinton. He served as a Member of the National Appeals Board until February 4, 1997, when he was designated as Chairman of the Commission. Mr. Gaines served as Chairman until May 31, 2001, when he was again designated as a member of the National Appeals Board. He resigned on May 15, 2003. Mr. Gaines was an attorney in private practice (1977-1978), a parole hearing examiner with the Arkansas Department of Correction (1978-1983), the criminal justice liaison and pardon and extradition counsel to the governor of Arkansas (1983-1986), and the Chairman of the Arkansas State Board of Parole and Community Rehabilitation (1986-1994). He also served as the executive director of the Arkansas State Supreme Court Committee on Professional Conduct (1986-1989) and as a member of the Arkansas Board of Correction (1989-1994). Mr. Gaines received a B.A. (1973) and J.D. (1977) degree from the University of Arkansas at Little Rock.

Timothy E. Jones, Sr.

Timothy E. Jones, Sr. was appointed to the Commission on January 2, 2001 by President Clinton as a recess appointment. Initially designated as a member of the National Appeals Board, he was designated as Vice Chairman on January 19, 2001. He resigned on August 31, 2001 to accept an appointment as Chief of Staff to the DeKalb County (Georgia) Executive Officer. Mr. Jones had been a probation/parole officer (1974-1977), a parole review officer (1977-1980), the director of the parole decision guidelines unit (1980-1982), an assistant director for field operations (1982-1990), the director of field operations (1989-1990), and a member (1990-1997) of the Georgia Board of Parole; the director of the Georgia Governor's Office of Highway Safety (1997-1999); and the chief of staff of the U.S. Parole Commission (1999-2001). He received a B.A. in sociology/psychology and an M.Ed. in correctional counseling from Georgia State University.