

U.S. Department of Justice  
United States Parole Commission

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# Annual Report of the United States Parole Commission

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*October 1, 1988 to  
September 30, 1989*



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U.S. Department of Justice  
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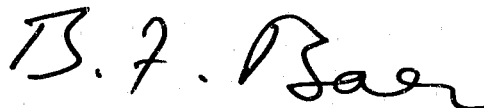
# Foreword

This report for Fiscal Year 1989 details the workload of the U.S. Parole Commission and highlights pilot projects undertaken in response to the prison overcrowding crisis now facing the federal judicial system.

The Parole Commission continues to demonstrate its effectiveness in meeting new challenges including conducting Treaty Exchange hearings under new sentencing guideline procedures, and conducting hearings applying D.C. Board of Parole Guidelines to all D.C. Code offenders housed in federal facilities, required by the class-action litigation in Cosgrove v. Thornburgh. As well, the Commission has maintained a workload which has only decreased by 14% in 1989 despite the implementation of the Sentencing Guidelines in November 1987.

The Parole Commission will continue to participate in projects offering alternative sanctions to incarceration which incorporate a greater degree of accountability from releasees. My hope is that the research gained from the projects we undertake will serve as useful models for the corrections field.

We must realize that part of the offender's punishment can be met in the community. Non-violent offenders are prime candidates for placement in alternative programs that will be viewed by the public as being as punitive as incarceration but without the expense of a prison facility. Releasing persons to the community under an intensive supervision program will enhance their chances of remaining in the community as law abiding citizens.



Benjamin F. Baer  
Chairman

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# **United States Department of Justice**

**Dick Thornburgh, Attorney General**

## **United States Parole Commission**

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Cameron M. Batjer, Vice Chairman  
Vacant, Commissioner-Western Region  
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Carol Pavilack Getty, Commissioner-North Central Region  
Daniel R. Lopez, Commissioner-Northeast Region  
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January 1, 1990

# The United States Parole Commission: An Overview

## I. Administration

The United States Board of Parole was created by Congress in 1930. In 1976, the Parole Commission and Reorganization Act (Public Law 94-233) retitled the agency as the United States Parole Commission. The Commission, an independent agency within the Department of Justice, has parole jurisdiction over all eligible federal prisoners and continuing supervisory jurisdiction over those who are released on parole or as if on parole (mandatory release).

The Parole Commission and Reorganization Act provides for nine Commissioners, appointed by the President by and with the advice and consent of the Senate. One Commissioner is designated as Chairman. There are five Regional Offices of the Commission each under the supervision of a Commissioner, and three Commissioners comprise a National Appeals Board. The Chairman and the National Appeals Board are located in Chevy Chase, Maryland and the Regional Offices are in Philadelphia, Atlanta, Kansas City, Dallas and near San Francisco.

Each Regional Office is responsible for the parole functions pertaining to eligible federal prisoners confined in any correctional institution within that region and for all federal parolees and mandatory releases within those boundaries. A corps of Hearing Examiners is assigned to the Regional Offices to conduct personal parole hearings with eligible federal prisoners. They also conduct personal hearings with alleged parole or mandatory release violators. Examiners travel in two person panels to each of the Bureau of Prisons institutions on a bi-monthly schedule. They also hold revocation hearings as required at certain state institutions, local jails and at United States Court-houses.

Field supervision of released prisoners is provided by United States Probation Officers, who are employed by the United States District Courts. They function as "parole officers" for federal offenders, monitoring and reporting the activities of

parolees and mandatory releasees to the Commission.

Policy and procedures are determined by the Commissioners at quarterly and special meetings. Rules and regulations are published in the Federal Register of the United States as part of the Code of Federal Regulations. The Chairman is the Commission's Chief Executive Officer and has substantial management powers and responsibilities as established by law. He directs the Headquarters Office which is responsible for the administrative management of the Commission.

The Comprehensive Crime Control Act of 1984 abolished the United States Parole Commission and initiated mandatory sentencing, using sentencing guidelines. The Commission however will continue to have responsibility for all eligible offenders whose crimes were committed prior to November 1, 1987.

## II. Operations

To establish a national paroling policy, promote a more consistent exercise of discretion, and enable fairer and more equitable decision-making, the United States Parole Commission has developed explicit parole release guidelines. The guidelines, set forth at 28 Code of Federal Regulations §§2.20 and 2.21, indicate the customary range of time to be served before release for various combinations of offense (severity) and offender (parole prognosis) characteristics. The time ranges specified by the guidelines are established for cases with good institutional behavior. Decisions may be made outside of the guideline ranges (either above or below), but specific written reasons must be provided. Thus, discretion is structured while maintaining the ability for individual case decision-making.

All eligible prisoners, except those with a minimum term of ten years or more, receive an initial parole hearing within 120 days of commitment (or as soon thereafter as practicable) and are provided with a presumptive parole release date based upon the applicable parole release guidelines. The purpose of this procedure is to give the prisoner, at the beginning of his service of sentence, a date on which it is presumed that release will take place, provided that the prisoner maintains a good institutional conduct record and has developed adequate release plans. The procedure is designed to remove much of the dysfunctional uncertainty and anxiety surrounding the parole process, while retaining the flexibility to deal with substantial changes in circumstances.

In addition, statutory interim hearings are scheduled subsequent to the initial decision to consider whether there are substantial positive or negative changes in circumstances that may warrant modifying the presumptive date originally set. Following an interim hearing, the Commission may advance a presumptive parole date, but only for sustained superior program achievement or for other clearly exceptional circumstances. It is the intent of the Commission to encourage meaningful voluntary program participation, not superficial attendance in programs merely in an attempt to impress the parole decision-makers. Therefore, such advances are deliberately kept modest.

Further, a pre-release record review is conducted prior to each presumptive parole date to determine whether the conditions for a presumptive release have been satisfied. Parole may be retarded for up to 120 days for development and approval of release plans. Similarly, minor infractions of institutional rules may be handled on the record by retarding the release date for up to 90 days.

When substantial misconduct or disciplinary infractions exist, the Commission may order a rescission hearing at which a previously determined presumptive release date may be rescinded or retarded. Decisions to rescind or retard parole are sanctions employed by the Commission to assist the Bureau of Prisons in the maintenance of institutional discipline. These sanctions also uphold the integrity of the condition that release on the established date is contingent upon the prisoner's continued good conduct. Guidelines for these decisions are set forth at 28 C.F.R. §2.36.

As to appeals, the Parole Commission and Reorganization Act provided for a two-level system: first, to the Regional Commissioner and then, to the National Appeals Board. Section 1408(c) of the Comprehensive Crime Control Act of 1984, eliminated the intermediate appeal of a Commission decision to the Regional Commissioner, providing a direct appeal to the National Appeals Board.

Under current procedures, any prisoner who is dissatisfied with the decision rendered after this hearing may file an appeal within thirty days from the official Notice of Action. The permissible grounds for appeal are set forth at 28 C.F.R. §2.26. The National Appeals Board can affirm, modify or reverse the decision.

Finally, parolees and mandatory releasees must adhere to a set of general conditions of release that are designed to ensure adequate supervision and to protect the public welfare. Included among the conditions are that releasees are not to violate any law nor associate with persons engaged in criminal activity or with criminal records, are not to leave a certain fixed geographical area, change place of residence or employment without notifying their probation officer, and are to work regularly, support legal dependents, and make a diligent effort to satisfy fines, restitution orders and court ordered child support and alimony payments. In addition to general conditions, special conditions can be imposed in specific cases. For example, drug users are required to be tested for drug abuse and offenders with a history of alcohol abuse are required to participate in alcohol related counseling programs. Violation of any of these conditions may result in supervision being revoked and the offender returned to prison.

# Program Highlights

While the implementation of sentencing guidelines, which effects crimes committed after November 1, 1987, will impact future federal criminal justice system operations, the United States Parole Commission retains significant responsibility for the maintenance of the current system. The growth in both the Commission's workload and the federal prison population require the development of innovative programs and procedural refinements to help manage that system.

During the period covered by this report, the Commission continued to administer its paroling and supervisory authority as well as to make needed changes and adjustments. That activity can be briefly highlighted.

## Special Curfew Parole

First implemented in March, 1986, the United States Parole Commission has continued an experimental program to provide a substitute for Community Treatment Center residence for the 60 day period preceding the otherwise scheduled parole release date. This program, called Special Curfew Parole, is a joint effort of the U.S. Bureau of Prisons, the U.S. Probation Division and the U.S. Parole Commission, and is designed for prisoners who would otherwise qualify for Community Treatment Center residence, but who do not require the support services provided there. Under this program, a qualified and approved prisoner has his parole release date advanced on the condition that he remain at his place of residence between the hours of 9:00 p.m. and 6:00 a.m. each night unless given permission in advance by the supervising U.S. Probation Officer.

The Probation Division provides high activity supervision of the parolee during the Special Curfew Parole period, including at least weekly contact as well as monitoring compliance with this special condition by random, periodic telephone contacts. Failure to comply with this special condition may result in imposition of Community Treatment Center residence as a condition of parole, or revocation of parole and return to prison, as the circumstances warrant. Implemented as a cost reduction procedure through which the Bureau of Prisons is provided the opportunity to reduce the number and expense of inmates confined in Community Treatment Centers, this project has saved

over three million dollars in the period of its operation. Approximately 3,200 offenders have participated in this program thus far and very few problems have been reported. Less than 3% have been revoked for violations occurring while on curfew parole. The Bureau of Prisons has requested that the program be extended indefinitely and the Commission has agreed to this extension.

## Community Control Project

In 1987, the Commission initiated a Community Control Project which involves the electronic monitoring of parolees to ensure compliance with a curfew combined with an increased level of personal contacts between the parolee and the supervising officer. This project is an extension of the Special Curfew Parole program.

The study of electronic monitoring is a joint venture involving the Parole Commission, the U.S. Probation Division, and the U.S. Bureau of Prisons, which could ultimately prove to be of great benefit to all three agencies. Because of population pressures, the Bureau of Prisons is presently placing offenders in halfway houses up to six months prior to release even if there is no need for such a placement. Under this experimental program, selected low-need offenders will be released directly to the community up to 180 days prior to the parole date established by the guidelines. During this period of early release, offenders will abide by a curfew monitored through electronic surveillance.

Electronic monitoring could potentially provide the same transition period between institutionalization and freedom in the community for low need parolees at a much lower cost (\$12 to \$15 per day for electronic monitoring compared to \$35 per day for halfway houses) without jeopardizing public protection. Electronic monitoring could also provide a much needed supervision tool for the Parole Commission and the Probation Division for a variety of offenders. Electronic monitoring appears to hold promise for the future, and this pilot study should give the Commission a sound basis on which to judge its future use.

The program was initially limited to the Southern District of Florida (Miami) and the Central District of California (Los Angeles). The contract for the electric monitoring equipment was awarded and the first parolees were accepted into the project on January 1, 1988.

As of September 30, 1989, two hundred and ninety-five parolees were released on supervision

with a home detention special condition monitored through electronic surveillance. One early conclusion to be drawn from the initial experience is that home detention, even with the use of electronic monitoring equipment, is very labor intensive. In order to provide needed services, it appears that a case load of no more than twenty to twenty-five parolees per officer is essential.

The results of the study has shown that offenders can be placed in a home confinement program with an acceptable degree of accountability. The project was expanded to four additional areas. The locations are: New York City (Eastern District of New York); in the South Central Region, primarily Texas; Kansas City, Missouri; and the San Francisco Bay area.

## **Intensive Supervision Project**

In July, 1988 the U.S. Parole Commission and the U.S. Probation Office for the District of Maryland began a cooperative study to test the impact of intensive supervision for high risk parolees. Staff will be provided by the Parole Commission and will include a senior Hearing Examiner with previous experience as a probation officer, a professional assistant, and a clerical support position. All parolees will be supervised out of the U.S. Probation Office in Hyattsville, Maryland.

Basically, the program examines the feasibility of using a supervision team to provide more extensive supervision coverage than is typically possible with the resources presently available to the U.S. Probation System. There will be more personal contacts and home visits combined with assistance for the parolee as required. The goal of the project is to deter misconduct through closer supervision and to aid the transition into the community through support services. If deterrence and assistance fail, misconduct should at the very least be discovered more readily and sanctioned earlier. Either way, public protection will be enhanced.

The study is comprised of the higher risk cases, including many with a history of drug abuse. Participants in the study are released under normal circumstances and no release dates will be advanced because of this project. The study will continue through September 1990 which should be long enough to evaluate the merits of what is hoped will be a model approach to supervising high risk cases. Some of the accomplishments of the Intensive Supervision Project (ISP) include: increased surveillance activities which average 18 contacts per case, per month; and, increased assistance in support

services such as referrals to alcohol and drug treatment programs and counseling services. The ISP team assisted in job placement for about 50% of the parolees in the project. Sixty percent of these poor parole risks remain incident free in the community.

While this project does not presently involve the early release of offenders, if intensive supervision does prove to be effective it could, in the future, be made part of an early release program.

## **Legal Activity**

During this past fiscal year, the Commission was required to apply the regulations of the D.C. Board of Parole to all D.C. Code offenders housed in federal prisons. This was the result of class-action litigation in Cosgrove v. Thornburgh, 703 F.Supp 995 (D.D.C. 1988). This decision resulted in well over 1,000 additional parole hearings, which in turn have prevented the commission from experiencing any significant decline in litigation against it.

On other issues, the Commission achieved acceptance of its authority to order the automatic forfeiture of time on parole supervision in the case of special parole term violators. Munguia v. U.S. Parole Commission, 871 F.2d 517 (Stn Cir 1989). It also vindicated its longstanding position that habeas corpus is a prisoner's exclusive remedy in challenging a parole denial. Chatman-Bey v. Meese, 864 F.2d 804 (D.C. Cir 1988) (en banc).

## **Research Activity**

Finally, since 1973, the Commission has carried on a small, but significantly active, program of research. Staff of the Research Unit are engaged primarily in ongoing projects to describe and define the impact of current Commission policies and procedures and to explore the consequence of change to or modifications of those policies and procedures. Other research efforts have been undertaken which relate more generally to other actors or agencies in the criminal justice system. Several of these reports were generated from the implementation of our special projects such as Curfew Parole, Intensive Supervision and Community Control. Generally these reports are evaluative and provide other agencies within the criminal justice system information on issues such as reducing overcrowding and confinement costs. Furthermore, articles prepared by Commission staff are published in various professional journals.

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The following presentations were made during the period covered by this report.

- January 1989 - "Constructive Alternatives to Prison." Rockville, Maryland.
- April 1989 - "Role of Media on Public Policy in Community Corrections." Association of Paroling Authorities International; Atlanta, Georgia.
- April 1989 - "Community Control Project/Interim Report Findings." Administrative Office of the United States Courts Probation Division; Washington, D.C.
- June 1989 - "Electronic Monitoring and Home Detention/Interim Report Findings." Association of Paroling Authorities International Northeast Regional Conference; Baltimore, Maryland.
- August 1989 - "The Role of the Media in Community Corrections." American Probation and Parole Association; Milwaukee, Wisconsin.
- September 1989 - "Intensive Supervision: Parole Commission Update." Virginia Correctional Association Annual Conference; Richmond, Virginia.

The Commission continues to provide data to the U.S. Sentencing Commission to aide in its deliberations. In addition, the Commission is providing data to the Federal Bureau of Investigation for use by its Bank Robbery Task Force.

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# Workload and Decision Trends

## Introduction

The following tables are designed to display statistical highlights of Commission workload by region during Fiscal Year 1989 (10/88 - 9/89). For comparison purposes and to track decision trends, comparable data for the past three fiscal years are provided. These data are obtained from the coding/docketing forms completed by Research Technicians in both the Regional and Central offices.

For the first year since the implementation of the Sentencing Guidelines the Commission's workload showed a 14% decrease in Hearings and Record Reviews. However, the number of violator warrants issued increased 7%.

The data presented in the nine Tables herein of necessity represent only a small portion of the statistical analyses conducted by the Commission. Further study reveals, for instance, that 47% of the initial hearings conducted this fiscal year involved offenders with drug related convictions; 29% involved property crimes; and another 12% involved offenders who had committed crimes of violence (murder, rape, kidnapping, arson, robbery, and assault). Additionally, in about 23% of the cases the Commission reviews, the sentence imposed by the court is below the minimum point in the applicable guideline range resulting in the offender's early release without the benefits of parole. Of the revocation hearings conducted, 52% involved administrative violations of release, including drug use.

During this fiscal year the Commission conducted 17 Sentencing Guideline hearings on Transfer Treaty Cases using the U.S. Sentencing Guidelines as required by the Anti Drug Abuse Act of 1988.

Table I.....	Hearing Examiner Workload
Table II.....	Parole Grants
Table III.....	Individuals Under Supervision and Warrants Issued
Table IV.....	Guideline Usage
Table V.....	Presumptive Date Pre-Release Reviews
Table VI.....	Results of Panel Recommendations
Table VII.....	Representation
Table VIII.....	National Appellate Decisions
Table IX.....	Original Jurisdiction Considerations

# Table I

## Hearing Examiner Workload: Hearings and Record Reviews

Type of Hearing	Fiscal Year	Region					
		All Regions	Northeast	Southeast	South Central	Western	North Central
Initial	1986	12,519	2,506	3,155	2,758	1,490	2,610
	1987	13,070	2,593	3,172	3,133	1,515	2,657
	1988	12,860	2,476	3,037	2,890	1,589	2,868
	1989	9,009	1,670	2,444	1,662	1,477	1,756
Revocation Institutional	1986	2,035	453	404	350	443	385
	1987	2,171	537	370	473	454	337
	1988	2,458	631	420	457	557	393
	1989	2,449	694	532	479	323	421
Revocation Local	1986	319	53	48	60	108	50
	1987	348	49	71	60	119	49
	1988	385	64	94	70	106	51
	1989	371	66	100	44	88	73
Rescission	1986	880	167	169	185	184	175
	1987	811	178	149	201	143	140
	1988	887	119	154	321	167	126
	1989	755	125	173	223	97	137
Statutory Review /Interim	1986	2,680	684	545	351	551	549
	1987	2,812	668	630	360	575	579
	1988	3,357	795	687	444	713	718
	1989	3,409	827	707	523	651	701
Other	1986	471	84	103	91	85	108
	1987	390	71	120	55	55	89
	1988	359	71	70	58	71	89
	1989	519	70	153	108	68	120
Dispositional Revocation	1986	303	80	50	41	42	90
	1987	194	58	47	8	34	47
	1988	159	47	38	3	39	32
	1989	107	22	16	4	32	33
Total Hearings	1986	19,207	4,027	4,474	3,836	2,903	3,967
	1987	19,796	4,154	4,559	4,290	2,895	3,898
	1988	20,465	4,203	4,500	4,243	3,242	4,277
	1989	16,619	3,474	4,125	3,043	2,736	3,241

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**Table I (cont'd)**

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Type of Hearing	Fiscal Year	Region					
		All Regions	Northeast	Southeast	South Central	Western	North Central
Presumptive	1986	5,057	1,219	1,308	1,050	564	916
Date Record	1987	5,516	1,113	1,398	1,342	570	1,093
Reviews	1988	5,932	1,308	1,552	1,301	718	1,053
	1989	6,162	1,697	1,548	1,288	611	1,018
Curfew Parole	1987	837	216	224	121	144	132
Record Reviews	1988	721	273	81	174	94	99
	1989	1,066	328	290	161	102	185
Total	1986	24,264	5,246	5,782	4,886	3,467	4,883
Considerations	1987	26,149	5,483	6,181	5,753	3,609	5,123
	1988	27,118	5,784	6,133	5,718	4,054	5,429
	1989	23,397	5,285	5,707	4,444	3,459	4,280

\*Note: Some considerations included as Hearings were actually decisions made on the basis of a review of the records because the prisoner was granted parole "on the record" or was serving concurrent federal and state sentences in a state institution. The actual number of in-person hearings conducted in each region may be obtained from Table VI (A + B).

# Table II

## Parole Grants

Fiscal Year	Region					
	All Regions	Northeast	Southeast	South Central	Western	North Central
A. Percent Granted Parole/Reparole on Adult Sentences — Final Decisions Only						
1986	60.5	61.7	66.1	64.3	50.6	54.3
1987	62.9	59.7	69.6	66.8	54.4	58.3
1988	62.4	63.2	71.9	64.6	52.0	55.3
1989	65.8	71.5	72.3	66.4	51.3	58.9
B. Number of Effective Parole/Reparole Grants — Adult Sentences Only						
1986	6,788	1,576	1,746	1,598	672	1,196
1987	7,561	1,487	1,982	1,925	784	1,383
1988	7,773	1,653	2,079	1,793	911	1,337
1989	7,718	1,990	2,126	1,565	786	1,251
C. Number of Effective Parole/Reparole Grants — All Sentence Types						
1986	7,253	1,749	1,826	1,613	860	1,205
1987	7,910	1,568	2,079	1,952	907	1,404
1988	8,164	1,720	2,145	1,864	1,064	1,371
1989	8,109	2,094	2,196	1,679	857	1,283

### Notes to Table II:

1. While the percentage granted parole has traditionally served as an indicator of paroling policy, it has several limitations. First, it is affected by changes in types of offenders entering the system. For example, the rate of parole grants for auto thieves (whose number entering the federal system has declined over the years) may not be the same as for narcotic dealers (whose number has risen). Second, the measure may be affected by changes in sentencing practices. For example, everything else being equal, the longer the sentence, the greater the likelihood of parole at some point before sentence expiration.
2. "Final Decisions Only" refers to cases granted effective parole vs. cases continued to expiration without further review.
3. The above figures do not reflect decisions modified under the Commission's appellate or reopening provisions.

# Table III

## Individuals Under Supervision and Warrants Issued

Fiscal Year	All Regions	Northeast	Southeast	Region South Central	Western	North Central
A. Number of Individuals Under Release Supervision						
1986	16,746	4,678	4,082	2,629	2,609	2,748
1987	18,171	5,238	4,534	2,715	2,847	2,837
1988	20,335	5,730	5,248	3,050	3,175	3,132
1989	21,332	5,433	6,090	3,104	3,327	3,378
B. Warrants Issued for Parole and Mandatory Release Violators — All Sentence Types (does not include supplemental charges)						
1986	3,452	893	601	639	812	507
1987	3,710	989	813	635	781	492
1988	3,896	1,141	757	705	775	518
1989	4,189	1,169	873	766	766	615

Note: The number of individuals under supervision is the total number of individuals under parole, mandatory release, or special parole at the end of each fiscal year (September 30). This information has been provided by the Federal Probation System.

# Table IV

## Guideline Usage:

### Percent of Decisions Within, Above, and Below Paroling Policy Guidelines

Region	Year	A. Initial Hearings				B. Revocation Hearings			
		Within	Above	Below	Total Decisions	Within	Above	Below	Total Decisions
All	1986	92.5	6.2	1.2	12,515	85.5	12.0	2.5	2,350
	1987	92.6	6.1	1.3	13,029	88.4	8.4	3.2	2,519
	1988	92.0	6.1	1.9	12,759	86.4	10.7	2.9	2,936
	1989	90.0	7.9	2.2	8,724	85.8	10.2	4.0	2,759
NE	1986	92.1	6.0	1.8	2,505	83.0	13.8	3.2	506
	1987	91.5	6.2	2.3	2,585	87.4	10.3	2.3	586
	1988	92.0	5.8	2.1	2,451	85.2	13.1	1.7	689
	1989	92.2	5.6	2.2	1,566	83.9	13.6	2.5	640
SE	1986	94.0	4.7	1.3	3,154	89.4	7.7	2.9	452
	1987	94.8	4.0	1.2	3,169	89.2	6.1	4.7	441
	1988	92.5	4.5	3.0	3,038	89.3	6.2	4.5	552
	1989	91.7	4.4	3.9	2,386	89.8	4.2	6.0	636
SC	1986	93.2	5.8	1.0	2,758	81.9	15.7	2.4	409
	1987	94.5	4.4	1.1	3,126	89.4	7.9	2.7	533
	1988	95.1	3.7	1.2	2,890	85.7	13.2	1.1	530
	1989	94.0	4.9	1.1	1,633	89.3	8.0	2.7	525
W	1986	88.2	10.2	1.6	1,490	86.3	11.7	2.0	548
	1987	87.9	11.2	0.9	1,513	87.6	8.4	4.0	573
	1988	89.0	9.8	1.2	1,587	89.7	7.3	3.0	698
	1989	84.6	14.1	1.3	1,456	85.2	10.0	4.8	438
NC	1986	92.8	6.5	0.7	2,608	86.9	11.3	1.8	435
	1987	91.4	7.7	0.9	2,636	88.6	9.0	2.4	386
	1988	89.9	8.3	1.8	2,793	80.9	14.8	4.3	467
	1989	86.1	12.4	1.5	1,683	80.4	15.6	4.0	520

Note: For this table, only discretionary decisions outside the guidelines are counted as above or below. Decisions to deny parole where the mandatory release date is below the guideline range, and decisions to grant an effective parole date above the guideline range only because of time needed to develop a suitable release plan or because the minimum sentence is above the guideline range, are counted as within.

# Table V

## Presumptive Date Pre-Release Reviews: Percent Granted Effective Parole Dates

Fiscal Year	Region					
	All Regions	Northeast	Southeast	South Central	Western	North Central
1986	93.6	95.9	95.7	92.7	87.5	92.3
1987	93.9	92.0	95.3	96.9	89.1	93.0
1988	94.1	95.7	96.5	91.1	89.7	95.5
1989	94.8	96.6	95.8	91.4	94.6	94.7
Total Number of Decisions						
1986	5,090	1,221	1,313	1,062	570	924
1987	5,434	1,121	1,396	1,259	571	1,087
1988	5,931	1,308	1,552	1,301	718	1,052
1989	6,162	1,697	1,548	1,288	611	1,018

# Table VI

## Results of Panel Recommendations (Hearings Only)

Decision Medthod	Fiscal Year	Region					
		All Regions	Northeast	Southeast	South Central	Western	North Central
Percent							
1. Panel Recommendation Adopted by Regional Commissioner							
a. Consensus Decision by Panel	1986	87.2	88.1	90.8	84.9	82.6	87.9
	1987	88.4	90.4	90.7	85.0	85.7	89.3
	1988	88.1	92.0	90.6	84.2	86.2	87.0
	1989	88.4	89.4	90.5	88.3	87.7	85.7
b. Split Decision by Panel	1986	2.6	4.5	2.4	1.9	3.1	1.2
	1987	2.7	4.3	2.8	1.5	3.9	1.4
	1988	3.0	4.1	3.8	1.8	3.7	1.7
	1989	3.6	4.9	3.0	1.8	4.9	3.8
2. Panel Recommendation Modified by Regional Commissioner							
a. Under §2.24(b)(1)	1986	1.1	0.6	0.8	1.3	2.9	0.5
	1987	0.9	0.4	0.3	1.4	1.1	1.5
	1988	0.9	0.2	0.7	0.6	1.4	1.8
	1989	0.9	0.3	0.4	1.2	1.1	1.8
b. Under §2.24(b)(2)	1986	7.3	4.2	4.9	10.9	9.6	7.9
	1987	6.8	3.4	5.7	11.4	8.1	6.0
	1988	6.5	2.1	4.2	12.6	6.8	6.8
	1989	5.6	3.5	5.6	7.6	4.9	6.1
3. Case Referred to National Commissioners							
a. Under §2.24(a)	1986	0.9	1.2	0.6	0.6	0.8	1.8
	1987	0.7	0.7	0.3	0.6	0.8	1.4
	1988	1.0	0.8	0.4	0.6	1.3	1.8
	1989	0.9	1.0	0.2	0.8	0.8	1.8
b. Under §2.17	1986	0.8	1.2	0.5	0.4	1.0	0.7
	1987	0.4	0.8	0.2	0.2	0.5	0.5
	1988	0.6	0.7	0.3	0.3	0.7	0.9
	1989	0.5	0.9	0.2	0.3	0.6	0.7

# Table VII

## Representation: Percentage of Parole Consideration Hearings with Representatives

Fiscal Year	Region					
	All Regions	Northeast	Southeast	South Central	Western	North Central
<b>A. Percentage of Hearings (other than Revocation) with Representatives:</b>						
1986	22.7	31.7	25.2	16.0	22.0	18.8
1987	19.2	29.5	21.7	5.2	20.2	19.1
1988	19.7	29.6	23.0	1.9	21.1	21.5
1989	22.2	30.2	22.9	14.0	20.7	21.8
<b>Total Number of Hearings</b>						
1986	15,110	3,043	3,622	2,880	2,271	3,294
1987	14,937	3,125	3,438	3,035	2,154	3,185
1988	15,116	3,007	3,374	2,840	2,337	3,558
1989	12,238	2,461	2,958	2,108	2,160	2,551
<b>B. Percentage of Revocation Hearings with Representatives:</b>						
1986	37.9	31.8	43.5	28.8	44.9	43.1
1987	37.1	33.3	44.8	22.7	41.8	43.1
1988	34.0	31.9	45.1	23.2	41.3	41.2
1989	36.9	32.9	43.4	25.0	45.4	39.5
<b>Total Number of Hearings</b>						
1986	2,507	531	490	431	593	462
1987	2,555	588	435	538	598	396
1988	3,165	743	552	689	705	476
1989	2,927	782	648	527	443	527

# Table VIII

## National Appellate Decisions

Action	Fiscal Year	All Regions	Northeast	Southeast	Region South Central	Western	North Central
Percent							
A. Prior Decision Affirmed	1986	89.4	92.1	82.8	89.2	92.3	91.9
	1987	90.4	93.9	85.1	89.6	91.3	93.0
	1988	88.8	89.0	87.8	89.9	85.4	91.1
	1989	90.0	91.4	89.6	92.8	90.5	86.9
B. Remanded for Rehearing	1986	0.3	0.4	0.5	0.1	0.2	0.2
	1987	0.6	0.1	1.0	0.6	0.9	0.2
	1988	0.5	1.0	0.2	0.6	0.9	0.2
	1989	0.6	0.8	0.4	0.4	1.0	0.3
*C. Prior Decision Modified or Reversed	1986	10.4	7.5	16.8	10.7	7.5	7.9
	1987	9.1	6.0	13.9	9.7	7.8	6.7
	1988	10.8	10.0	12.0	10.0	13.7	8.6
	1989	9.4	7.8	9.9	6.8	8.5	12.8
Number of Appeals							
	1986	4,879	984	1,092	1,034	611	1,158
	1987	4,605	947	1,103	956	680	919
	1988	4,775	1,052	1,075	962	760	926
	1989	4,230	864	955	709	685	1,017

\*Note: Action C: "Prior Decision Modified or Reversed" includes only decisions in which the release date was changed.

# Table IX

## Original Jurisdiction Considerations

Fiscal Year	Region					
	All Regions	Northeast	Southeast	South Central	Western	North Central
<b>A. Original Jurisdiction Cases</b>						
1986	149	51	24	13	33	28
1987	134	45	15	12	34	28
1988	133	34	20	12	23	44
1989	96	29	12	11	17	27
<b>B. Original Jurisdiction Appeals</b>						
1986	66	24	11	7	9	15
1987	68	23	11	6	15	13
1988	54	16	3	7	10	18
1989	39	15	1	7	8	8

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# The Commissioners

## **Benjamin F. Baer (California), Chairman**

Mr. Baer was appointed to the Commission by President Reagan on January 8, 1982, and he was designated Acting Chairman on February 18, 1982, and Chairman on March 24, 1982.

Mr. Baer is the recipient of a Bachelor of Arts degree from San Diego State College, and a Master's degree in Social Work (MSW) from the University of Southern California, where he later completed the course work for a Doctorate in Social Work and Administration.

Prior to being appointed as a Commissioner, Mr. Baer served as a Hearing Examiner and Administrative Hearing Examiner with the Commission. Before joining the Commission in 1972, Mr. Baer served as Chairman of the Youth Conservation Commission and Deputy Commissioner in charge of the Youth Division of the Department of Corrections in Minnesota.

Earlier, he served as Iowa's first Director of Corrections. Prior to this, he served 13 years in the California Department of Corrections, including 6 years as Associate Warden at San Quentin. He began his correctional career as a Probation Officer in Los Angeles County where he was the Director of Los Angeles County Camp for delinquent boys.

He has been an active member of State and National Correctional Associations including serving on the Board of Directors of the American Correctional Association and National Council on Crime and Delinquency. He was a member of the Executive Committee of the National Association of Juvenile Delinquency Administrators.

As a member of President Kennedy's Juvenile Delinquency Commission, he served on the President's Council on Youth and Delinquency and has been a faculty member of the University of California, Berkeley.

## **Cameron M. Batjer (Nevada), Vice Chairman**

Mr. Batjer was appointed to the Parole Commission November 4, 1981, and designated by the President as Chairman. On February 18, 1982, he was designated Vice Chairman/Chairman of the National Appeals Board.

Mr. Batjer holds a Bachelor of Arts degree from the University of Nevada and a Juris Doctor degree from the University of Utah.

Previously, Mr. Batjer was Chief Justice, Nevada Supreme Court, after service as an Associate Justice, Nevada Supreme Court. Formerly, he had been in private law practice, a District Attorney, and a Congressional Legal Assistant.

Prior to joining the Commission, Mr. Batjer was a member of the American Bar Association Committee on Implementation of Standards of Judicial Administration and a member of the Board of Governors, State of Nevada.

## **Jasper R. Clay, Jr. (Maryland)**

Mr. Clay was appointed to the Parole Commission on October 12, 1984 and was sworn in on October 17, 1984; he was designated as a Member of the National Appeals Board.

After service as a First Lieutenant in the United States Infantry, Mr. Clay began his career in the criminal justice field as a correctional officer for the State of Maryland. In 1958, he was appointed a Parole and Probation Agent, a position he held until 1966 when he became a Staff Training and Development Specialist. In 1969, Mr. Clay was appointed as a member of the Maryland State Parole Board (now Maryland Parole Commission) and continued to serve as a paroling authority member until being named to his present position.

Mr. Clay is a graduate of Morgan State University with a B.S. Degree in Psychology and has completed graduate courses at Loyola College in Baltimore, Maryland. A member of the American Correctional Association, Mr. Clay has served on the Board of Directors of Threshold Halfway House and as Middle Atlantic Representative on the Executive Board of the Association of Paroling Authorities. He remains active in a number of other professional, community and civic affairs organizations including the National Council of Crime and Delinquency, the National Association for the Advancement of Colored People and the Health and Welfare Council of the Baltimore Area.

## **Vincent J. Fechtel, Jr. (Florida)**

Mr. Fechtel was appointed to the Commission on November 22, 1983, and designated a member of the National Appeals Board.

Mr. Fechtel is a graduate of the University of Florida College of Business Administration.

Prior to his appointment to the Commission, Mr. Fechtel served as a legislator in the Florida Senate and Florida House of Representatives. He was one of the most active legislators in the areas of corrections, probation and parole in Florida, especially in rewriting Florida's prison industries and gain time statutes.

Since 1959, he has owned and operated various business enterprises in Florida, including a retail store chain and a real estate and construction company. He has served in the Naval Reserve and the National Guard.

### **Carol Pavilack Getty (Arizona)**

Mrs. Getty was appointed to the Commission on March 1, 1983, and designated as Regional Commissioner for the North Central Region.

Mrs. Getty is a graduate of Wellesley College where she received her B.A., and of Arizona State University where she received her M.S. degree. She has also taken courses at the University of Oregon and Phoenix College.

Prior to her appointment to the Commission, Mrs. Getty was a Member and Vice Chairman of the Arizona Board of Pardons and Paroles; a mathematics teacher; an engineering aide for the Garrett Corporation; and a computer analyst for Motorola.

Throughout her career, Mrs. Getty has been active in professional, community and civic affairs. She has been a member of the Arizona Crime Commission; Technical Advisor, Maricopa County Alternatives to Incarceration Commission; Member and Vice Chairman of the Criminal Justice Advisory Committee for the City of Phoenix; Volunteer Institutional Probation Officer; Member, Phoenix 40 Sub-Committee on Corrections; Co-Chairman, Phoenix Junior League IMPACT Program. Other civic works included activities connected with the Maricopa County Foster Care Review Board, Soroptimist International of Phoenix; Phoenix Art Museum League, Art Council, Phoenix Wellesley Club, Junior League of Phoenix, Visiting Nurse Auxilliary, Arizona Historical Society.

Since arriving in Kansas City, Mrs. Getty has been a sustaining advisor of the Junior League's Crime: Focus on the Victim Committee, a Victim Net Board Member, and is serving a three year term on the board of the Women's Chamber of Commerce. She is a member of Soroptimist International of Kansas City and the Platte County Women's Exchange. Additionally, she serves on the

Executive committee of the Kansas City Federal Executive Board working primarily on the Equal Opportunity Subcommittee.

Nationally, Mrs. Getty is listed in *Who's Who* and is a member of Executive Women in government. She holds membership in both the American Correctional Association and the American Paroling Authority.

### **Daniel Raul Lopez (California)**

Mr. Daniel Raul Lopez was appointed to the Commission on July 6, 1984 and designated Regional Commissioner for the Northeast Region.

Mr. Lopez's formal education spans 20 years from 1949 through 1969. He began his career by participating in the Army Air Corps Instructors Course at the University of Southern California in 1940 and since that time, his education has included courses at the U.S. Navy Quartermaster School, Phipps Flying Service, State Personnel Board Training Officer School, Vallejo Junior College, University of Southern California, University of California at Los Angeles, University of California School of Criminology, and McGeorge School of Law.

Mr. Lopez served in the U.S. Navy during World War II as a Quartermaster and Senior Petty Officer. He began a career with the California Department of Corrections as a Correctional Officer. During his 18 years of service, he attained the rank of Captain and was appointed a Special Agent, working as a liaison with the courts, district attorneys, probation departments, and law enforcement agencies. He continued to serve as a consultant to the director of that department after leaving in 1966. He was manager of the East Los Angeles State Service Center from August 1966 until his appointment by Governor Reagan as Deputy Director of the Division of Job Training and Placement of the Department of Human Resources Development. In 1970, Governor Reagan appointed Mr. Lopez as a Member of the California Parole Board and he remained with the Board for 13 years.

Mr. Lopez has maintained a professional membership in the Association of Parole Authorities, Western Correctional Association, National Council of Crime and Delinquency, and American Correctional Association.

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## **George MacKenzie Rast (Florida)**

Mr Rast was appointed to the U.S. Parole Commission on October 14, 1986, and was sworn into office the next day; he was designated as Regional Commissioner for the Southeast Region.

Mr. Rast, an attorney, received his B.A. degree from the University of South Florida. He is also a graduate of the U.S. Air Force Language School at Indiana University where he was trained for subsequent service overseas as a Russian linguist for the Air Force Security Service.

Following military service, Commissioner Rast obtained his Juris Doctor degree from the University of Florida. He has received additional professional training in litigation and trial advocacy from Northwestern University, the National College of District Attorneys of the University of Houston, and Georgetown University. He is admitted to practice in the courts of the States of Florida and Colorado, and various federal trial and appellate courts including the Supreme Court of the United States.

Before his appointment to the Commission, Mr. Rast was a shareholder in the Jacksonville (Florida) firm of Mahoney Adams Milam Surface & Grimsley, P.A. Previously, he served as Special Counsel to the President of Hillsdale College, Hillsdale, Michigan. From 1970 to 1981 he served as Assistant State Attorney for the Fourth and Fifth Judicial Circuits of Florida where he had supervisory and trial responsibilities for a broad range of cases including capital crimes.

## **Victor M.F. Reyes (Texas)**

Mr. Reyes was appointed to the Commission on December 14, 1982, and designated to the National Appeals Board. On March 3, 1983, he was designated Regional Commissioner, Western Region, and on December 1, 1983, he was designated Regional Commissioner, South Central Region.

Mr. Reyes is a graduate of the University of Arizona where he received his B.S. degree, and his M.P.A. He has done Ph.D. course work at the University of Texas.

Prior to his appointment as Commissioner, Mr. Reyes served with the U.S. Parole Commission as a Hearing Examiner, and Administrative Hearing Examiner starting during 1974. Prior to that he was Coordinator of the American Correctional Association — Mutual Agreement Programming Project; Administrator, (Warden) CHAPS Project at the Arizona State Industrial School and Member of the

Arizona Juvenile Administrative (Parole) Board. From 1961 through 1970 he served as an Arizona State Adult Parole Officer with the Arizona Board of Pardons and Paroles; as an Arizona State Juvenile Parole Officer with the Arizona State Industrial School; and as Recreational Director and Supervisor for the Pima County Juvenile Detention Center.

While serving as Commissioner and Administrative Hearing Examiner between June 1982 and June 1983, Mr. Reyes served the Presidential Personnel Office of The White House as a Member of the Hispanic Task Force, and the Women/Minority Task Force. Both task forces were responsible for identifying qualified candidates for presidential appointments and presenting their credentials to Presidential Personnel.

He is a member of the American Correctional Association, American Society of Criminology, Western Probation and Parole Association, Arizona Corrections Association and the Texas corrections Association, and has published History and Development of Parole Services in Arizona (1970); CHAPS Behavior Modification Programs (1970); CHAPS First Annual Report (1971); The Mutual Agreement Program, a Planned Change in Correctional Service Delivery, Document No. 30 (co-authored - 1973).