

Summary of Dr. James Austin, The JFA Institute
Testimony before the House of Representatives
Committee on Oversight and Government Reform
Subcommittee on Federal Workforce, Postal Service and the District of Columbia

My testimony today is based on a study I recently completed for the US Parole Commission. The Commission wanted to know if the criteria it is using to parole prisoners sentenced prior to 2000 under the old DC sentencing code or to revoke parole for all released prisoners was valid. Formally referred to as the parole guidelines, these criteria are significant as they can serve to significantly lengthen a prisoner's period of imprisonment by many years.

The study also looked at the extent to which DC prisoners who are housed in the BOP system were receiving programs and what impact those programs were having on recidivism rates. The detailed results of the study and the full report have been forwarded to the Committee.

The major findings of the study were as follows:

1. DC prisoners released in 2002 who had been sentenced under the DC code prior to August 2002 as compared to other state prisoners had much longer sentences and served longer prison terms.
2. About two thirds (67%) of the prisoners released in 2002 were re-arrested at least one time, 52% were re-convicted and 37% were returned to the custody of the BOP within three years of being released from prison. These rates are comparable to other states.
3. The average number of arrests (1.9) during this three year post-release period is much lower than the rate of arrests three years for the same prisoners prior to their incarcerated (5.9). In effect the rate of arrests dropped by over 60% (from 5.9 to 1.9 arrests per prisoner).
4. The types of crimes being committed by the released DC prisoners are similar to other states in that the vast majorities are non-violent in nature.
5. Consistent with other studies, the amount of time imprisoned (length of stay) is not associated with rates of recidivism.
6. Most of the factors being used by the Commission to assess risk are not good predictors of recidivism.
7. An alternative risk instrument that relies on the conduct of the prisoner and programs he or she has completed while in the BOP does a better job of assessing the prisoner risk level.

8. The Commission is also using factors (crime severity and prior record) that are not related to recidivism that are being used to significantly extend the period of imprisonment.
9. For parole violators the amount of time served for a technical violation can exceed the original sentence.
10. This practice is placing too much emphasis on the SFS as criteria for revocations – especially given the lack of prediction in the instrument as shown earlier.

Based on these findings the following recommendations have been made to the Commission and the BOP.

1. Change the guidelines and implement a new risk instrument that takes into account the prisoners conduct while incarcerated (dynamic factors).
2. Discontinue the use of factors being used to enhance presumptive release dates and replace them with a simple offense/risk level matrix.
3. Alter the current practice of extending parole eligibility dates based solely on offense severity and history of violence; especially given the long period of incarceration for DC prisoners and the lack of a relationship between length of time served and recidivism.
4. Review its parole revocation grid and allow for much shorter periods of incarceration with the assumption that low risk parolees shall not be re-incarcerated for low severity violations.
5. There should be a concerted effort to reduce the length of imprisonment and parole supervision based on good conduct and completion of programs while incarcerated within the BOP. Such efforts would include allowing release at an earlier stage of the sentence, awarding of good-time credits for prisoners who complete rehabilitative programs and allowing for the period of the parole supervision to be reduced based on good conduct.
6. Given that dynamic factors related to prisoner completion of rehabilitative programs are associated to lower recidivism rates, a study should be conducted by the Commission and the Bureau of Prisons to determine if DC sentenced prisoners are receiving the same level of services as other BOP prisoners.

I have briefed the Commission, the BOP and the US Department of Justice on this study and its policy implications. Based on that meeting the Commission has agreed to initiate a project that will result in a revised risk instrument and new guidelines for

- 1) the release of DC prisoners sentenced under the “old” indeterminate sentencing

guidelines, 2) the imposition of conditions of parole supervision (both old and new law sentenced prisoners and 3) the revocation of community/parole supervision.

The project will also involve the Bureau of Prisons, the DC Sentencing Commission, the DC Criminal Justice Coordinating Council, the US Attorney, and the Community Supervision of Offenders Agency (CSOSA).

It is expected that these new guidelines will increase the rate of parole for “old” sentenced prisoners and reduce the number of prisoners being revoked and returned to prison – especially the length of the imprisonment for a revocation. I expect these new guidelines to be completed by this summer.