Parole and Early Release

A Presentation to the Senate Appropriations Subcommittee on Criminal and Civil Justice

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Questions

1. What are the current mechanisms for releasing offenders from prison?

2. What are other states’ policies regarding prison release?

3. What are the considerations for modifying Florida’s early prison release mechanisms?
What are the current mechanisms for releasing offenders from prison?
## Sentencing and prison release in Florida

### Prior to 1983
- Indeterminate sentencing
- Discretionary parole, most inmates eligible
- Judges had wide sentencing discretion
- Inmates released in Fiscal Year 1982-83 served 59% of their sentence

### After 1983
- Determinate sentencing with sentencing guidelines
- Parole mostly abolished following some court-imposed delays
- Sentencing judges limited by scores with ranges of permissible sentences

### Currently
- Florida had 95,022 inmates as of August 2019
- 29,187 offenders were released from Florida prisons in Fiscal Year 2018-19
- On average, inmates released in Fiscal Year 2018-19 served 86% of their imposed sentence
Inmates can earn more gain-time than they can use

Inmates can earn up to 10 days per month of incentive gain-time and a total of 60 days for program completion, but are limited to a 15% sentence reduction

10,466 Inmates have reached their current maximum amount of gain-time for a 15% sentence reduction

75% Possible Incentive Gain-time

85% Truth in Sentencing Requirement

START of sentence

1 2 3 4 5 6 7 8 9 10

Number of Years in Prison Sentence

END of sentence

85% Truth in Sentencing Requirement
Florida has three mechanisms for prison release

Florida Prisons

OFFENDER RELEASE

EXPIRATION OF SENTENCE
(no post-release supervision)

PROBATION OR COMMUNITY CONTROL
(split sentence)

FCOR ADMINISTERED RELEASE
- Conditional medical release
- Parole
- Control release
- Conditional release
- Addiction recovery supervision
Supervised release programs administered by the Florida Commission on Offender Review (FCOR)

**Discretionary Supervised Release**
- **38 Released** Conditional Medical Release
- **28 Released** Parole
- **0 Released** Control Release

**Non-Discretionary Supervised Release**
- **5,311 Released** Conditional Release
- **1,064 Released** Addiction Recovery Supervision
Few inmates receive conditional medical release

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<th>Year</th>
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<th>FCOR Released</th>
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FDC Recommended | FCOR Released
What are other states’ policies regarding prison release?
16 states have eliminated discretionary parole

States without discretionary parole
States without discretionary parole that require 85% or greater time-served for all inmates

- Florida: 85%
- Arizona: 85%
- Virginia: 85%
- Ohio: 92%
- Wisconsin: 100%
Most states allow inmates to earn gain-time

**Earned Time**

- Credit against an inmate’s sentence that they earn for participating in or completing productive activities

**Incentive Time**

- Credits are awarded to offenders for following institution rules and can be offered in addition to earned time credits
In Florida, most gain-time is earned through incentive time

30 states have some form of incentive time credit available to inmates based on institutional behavior

Offenders in West Virginia can reduce their sentence by up to 50% via incentive time, while other states offer good time to inmates at a lower rate.
What are the considerations for modifying Florida’s early prison release mechanisms?
Improving offender reentry

• Risk assessment instruments are currently used for offenders under supervision or in prison but are not used to make release decisions

• Determining and applying the appropriate level of supervision is important for public safety and reentry success

• Community service provision has a role in helping to ensure public safety and support reentry success
Release considerations

• Correctional system resources and services to support reentry
• Reentry organizations need for coordination
• Reentry taskforces or coalitions
Options

Legislature could consider modifying prison release mechanisms

• Reinstating discretionary parole

• Modifying the current 85% time served requirement
  o Modify current gain-time opportunities for inmates to participate in activities that decrease probability of recidivism or provide a significant public benefit

• Expanding the criteria for conditional medical release
  o Create elderly release criteria
  o Establish nursing homes for conditionally released inmates who require a nursing facility level of care and do not pose a public safety risk
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