

Appendix: CAPPS proposals to safely reduce the prisoner population

I. Parole prisoners when they first become eligible, unless they are a current risk

Statute	Issue	Problem	Solution	Fiscal impact
791.233	Presumptive parole after minimum sentence	Lack of objective standard and administrative delays cause denials of parole to low and average risk prisoners who are eligible for release. Roughly 5,600 people (excluding returned parole violators) are currently serving past their earliest release date.	Change statutory standard to require release at first eligibility unless person has serious, persistent history of institutional misconduct or objective, verifiable evidence shows a high risk to public safety.	CAPPS estimates that application of presumptive parole standard to decisions made in 2013 could have saved \$164,463,321.
791.234(11)	Prisoner parole appeals	Prisoner opportunity to appeal parole denial was eliminated in 1998. New objective release standard cannot be enforced without oversight mechanism.	Allow prisoners to appeal decisions to deny parole. Note: prosecutors and victims can appeal decisions to grant parole.	CAPPS estimates that if one-third of prisoners denied release sought appeal, cost would be \$2,467,800.
Presumptive parole – cost of appeals = Total savings: \$161,995,512				

II. Release more parolable lifers - Enact HB 4809

Statute	Issue	Problem	Solution	Fiscal impact
791.234(8)(c)	Power of successor sentencing judges to veto lifer paroles	Successor judges, with no prior knowledge of case, can deny board authority to parole lifers by writing “I object.” No reasons are required and no appeal is available.	Permit successor judges to give input before public hearing (as prosecutors can) but eliminate impact of objection on board’s authority to release	Since lifers are reviewed every five years, each veto costs \$200,000.
791.234	Process for reviewing parolable lifers	In previous decades, when lifers became eligible for parole they were reviewed by the parole board like any other prisoner who had served a long minimum sentence. Currently, lifers are viewed differently just because they are lifers. Relatively few are released.	Require the board to consider eligible lifers according to the same criteria applied to any prisoner serving a long indeterminate sentence and to give reasons for denying a public hearing or a parole after a hearing.	
791.234		The board, as a matter of practice, does not calculate parole guidelines scores in the process of reviewing lifers. Thus it makes the decision whether to proceed to public hearing, or even whether to conduct an interview rather than a file review, without having done this risk assessment.	Require the board to use the same tools to assess lifers as it uses for all other prisoners.	

791.234	Process for reviewing parolable lifers	After an initial interview, the board is only required to conduct a review of the lifer's file every five years. A single member can recommend the board vote no interest without ever seeing the person. Since board members serve four-year terms, there is little continuity.	Require the board to interview parolable lifers no less than every two years once they have become eligible for release.	Lifers are typically housed at less expensive Level II facilities but are more expensive because their median age is 56 and they have increasing medical problems.
<p style="text-align: center;">Releasing 450 lifers at an average savings of \$36,400 (\$40,000 – \$3,600 for parole supervision) Total savings: \$16,380,000 per year.</p>				