

MDParole.com

Researcher Codebook

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Instructions

Steps for Coding Parole Statutes and Policies

1. *Sources.* Search for and identify the governing policies pertaining to *discretionary parole* which would be codified in any or all of the following:
 - a. State Law (sometimes known as “statutes” or “state code”)
 - b. State Administrative Code / Regulations
 - c. Parole Board & Department Policy
2. For each of the six (6) levers [defined below](#),
 - a. Read through all three sources (should they exist) to identify any relevant sections of the text that pertain to the lever
 - b. **Qualitatively analyze and code the language from each source** using the [framework below](#).
 - i. Copy and paste the appropriate text into the airtable column.
 - ii. Bold relevant selections of the text.
 - iii. Assess and assign a grade to the state based on your reading of the codebook. *While relevant parole board and department policy should be included, state law and regulations are the focus of the qualitative coding and the only sources to use for assigning grades.*
 - iv. Note any differences, gaps, or contradictions between state law, regulations, and department / board policy by recording your reflections in the “Rationale” field (write “Note:” followed by your observation).
3. Flag any serious concerns or issues with the qualitative coding for the Campaign Manager and Research Manager using the flag feature.

Please Keep in Mind:

1. **Review the Key Terms section below before coding! These terms are important to internalize for qualitative coding of parole statutes.**
For example:
 - a. Mandatory Parole: The judge sets the release date and the parole board can't change it
 - b. Presumptive Parole: The judge sets the release date and the parole board can change it
 - c. Discretionary Parole: The judge sets the eligibility date and the parole board decides yes/no for release
2. **No Relevant Laws / Regulations**
Some states will not have language for each lever. If you cannot find a relevant state law or administrative code / regulation for a particular lever, please write “State law and regulations are silent” in the rationale and score the state as 0. If internal policies or procedures (from the board itself or the state DOC) contain information relevant to the applicable lever, add a note underneath this sentence in the explanation (start a new paragraph and write “Note:” followed by your observation).
3. **If a state has abolished parole.**
Seventeen states have abolished parole, meaning most (if not all) offenses committed today are *not* eligible for parole. However, a subset of the prison population is still parole-eligible in all of these states, e.g., anybody incarcerated prior to the date parole was abolished plus any other groups legislators have made exceptions for to retain eligibility.
Since parole boards and parole-eligible incarcerated people still remain in states that have abolished parole, qualitative coders should still review active laws and regulations to analyze / grade the parole process.

Key Terms

Term	Definition	Examples	Additional Notes
Mandatory Parole	Judge sets the release date and the parole board can't change it		
Presumptive Parole	Judge sets the release date and the parole board <i>can</i> change it		
Discretionary Parole	Judge sets the parole <i>eligibility</i> date and the parole board decides whether to grant release (from that date until the maximum sentence expires).		
Dynamic Factors	Factors that are within a person's power to change while incarcerated.	Institutional programming, AA/NA recovery, education, job, etc.	
Static Factors	Factors that are <i>not</i> within a person's power to change while incarcerated.	Original offense, nature of the crime, their age, etc.	
Life Sentence	A sentence with no established number of years as a maximum – designed for a person to serve until their death. Some life sentences remain parole-eligible, with a person able to be released from prison if granted by the board.	Most commonly known life sentence is life without parole (LWOP).	
Violent Offender (CZ Preferred Term: "Person convicted of a violent offense")	A person who has been convicted of an offense categorized as an FBI Part I violent offense, which includes the following four offenses: 1. Homicide 2. Rape 3. Robbery 4. Felony Assault		
Parole-Eligible Offenses	Offenses that allow a person to be eligible for discretionary parole release while incarcerated.	Varies state to state	
Parole Board	The board, often appointed by each state's Governor, with the power to review and grant/deny parole to incarcerated people.	Every state has a board in charge of discretionary parole release decisions.	

Revocation	The reincarceration of parolees (people who were granted parole) due to either a criminal or technical violation.	Criminal violation: the person commits a new crime while on parole Technical violation: the parolee fails to follow their parole conditions, such as missing an appointment with their parole officer.	
Parole Eligible Time	The amount of a person's sentence they must serve before becoming eligible for parole.	Varies state to state and by offense type. Most commonly, people become parole-eligible after serving their minimum sentence established by law (mandatory minimums) or at the judge's discretion.	
Case Manager	An institutional staff member, employed by the state's Department of Corrections, whose job (ideally) is to assist incarcerated people with their institutional programming as well as preparation for their parole hearing and release plan (if granted release).		
Records	All documentation, institutional and otherwise, that the board will review in order to make a release decision.	Primarily institutional documentation (programming, conduct, etc.) but can include pre-sentencing reports and more.	
Supporters' Input	The input / testimony, whether written or in-person, of people who support the grant of parole.	Family, friends, future employers, etc.	
Appeal	An incarcerated person's challenge / dispute of a decision made by the parole board, initiating a process for the parole denial to be reviewed.		
Annual Report	A detailed report, made available to the public, that features information and data from the parole board's decisions / actions from the previous year.		

Codebook for Parole Policy Framework

Lever Bucket	Components	Keywords	Description and Specifications	Norming Language Buckets
Pre-Hearing	[A] Composition of Parole Board To ensure equitable outcomes, parole boards should be composed primarily of rehabilitative specialists and not be limited to law enforcement officers or court officials.	Experience, education, qualification, qualified, judicial, parole officers, commission, commissioners , board, conduct hearing	Parole board is composed of non-law enforcement individuals exclusively. <u>Code as 1</u> If parole board membership is restricted to only rehabilitative experts and corrections, parole/probation officers. No “front end” experience permitted.	Clarification: “Front end” experience refers to those people who engage in the criminal legal system before / up until sentencing. These include law enforcement officers, lawyers, and judges.
			Parole board is composed of no more than 20% law enforcement or court officials. <u>Code as .5</u> If parole board membership is restricted to include less than 20% of “front end” experience..	
			Parole board is composed of greater than 20% law enforcement or court officials. <u>Code as 0</u> If more than 20% of the parole board is permitted to consist of “front end” experience OR if there are no specifications on membership.	
Hearing	[A] Automatically Schedule Hearings Parole boards should not be allowed discretion whether or	Reviews, annual, denial, subsequent	Subsequent parole hearings are automatically scheduled. <u>Code as 1</u>	
			Incarcerated people must apply for a hearing OR the board can require them to serve out their sentence.	

	not to provide an eligible person with a hearing.		<u>Code as 0</u> Some states require the incarcerated person to apply for their subsequent hearing following a denial. Others give their parole boards the authority to deny parole and require the person to serve out their maximum sentence.	
	[B] Frequency of Parole Hearings Parole hearings must take place on an annual basis for all parole eligible individuals, with no exceptions.	Reviews, annual, denial, subsequent	Annual parole hearing for all parole-eligible. <u>Code as 1</u> If parole hearings happen on an annual basis for all parole-eligible, incarcerated people.	Please note: If annual reviews are granted for past convictions where they qualify as parole-eligible sentences, then the researcher should code it based on the statute with a note that it does not apply to current convictions.
			Parole hearings happen on a 2-year basis, regardless of offense. <u>Code as .5</u> If parole hearings happen on an annual basis for non-violent and every two years for violent offenses OR if the person must request an annual hearing.	Clarification: Researchers are instructed to code “0” in instances where a state provides a window of time that parole hearings can happen within (for example, within 1-5 years), if the maximum amount of time exceeds 2 years. Please Note: We do not believe people with non-violent offenses need more than a year between hearings. However, we acknowledge some states provide more time for people convicted of a violent offense. Our threshold for .5 only allows an extra year (two total) for violent offenses.
			No specified time or >2 years between hearings <u>Code as 0</u> If parole hearings happen over a period of time that exceeds every 2 years OR if no scheduled cadence for hearings exists OR if a person must apply for subsequent hearings following a denial.	

	<p>[C] Access to Records</p> <p>All parole eligible individuals should be provided automatic and unfettered access to all records and documents associated with their parole hearing. Parolees should not have to request any documents relevant to their hearing. The parole board should not have access to any records that the parolee can't access.</p>	Records, file, history	<p>Full access to all records considered by the board (limited exceptions; see model policy). <i>Code as 1</i> If the parole eligible individual 1) has automatic + unfettered access to all relevant records and documents associated with their hearing, 2) the parolee does not have to request any records, 3) the parole board does not have access to any privileged information over the parolee.</p>	<p>Clarification: “Access to records” refers to the documents that the board will be using to inform their decision.</p>
			<p>Partial access to some of the incarcerated person's records <i>Code as .5</i> If the parole eligible individual DOES NOT 1) have automatic + unfettered access to ALL relevant records, BUT can 2) request access to records, OR 3) the parole board has access to certain privileged documents.</p>	<p>Please Note: Partial access refers to any situation where a parolee has access to portions of their criminal and/or institutional record but is denied access to other documents pertaining to their programming and institutional performance. Clarification: A person who <i>may</i> have full access to documents considered by the board but who must request access would be coded as a half point.</p>
			<p>No access or discretionary access set by the board. <i>Code as 0</i> If the parole eligible individual has ZERO ACCESS to any relevant documents or records, OR if the parole board can share information at its own discretion.</p>	
	<p>[D] Mandates Face-to-Face Hearings</p> <p>All parole eligible individuals should be guaranteed the right to an in-person parole hearing before the</p>	Hearings, review, meet,	<p>Mandated Face-to-face at all hearings (video permissible) <i>Code as 1</i> If all parole hearings are mandated to be held in-person before the entire parole board who will make the decision (or via video conferencing).</p>	<p>Please note: Researchers are instructed to code “1”, if the state provides the option for video parole hearings. Clarification: Several states create board panels, made up of a segment of board members (ex: three members), who constitute a parole hearing. The point of this lever is to ensure that all “decision makers” are present at the hearing and talk to the person face-to-face. In this example, all</p>

	members of the parole board, barring any extraneous circumstances that would inhibit the parolee from being physically present (ie: illness or disability). The entirety of the parole board members must be present for all parole hearings.			three board members meeting with the parole applicant face-to-face would earn a full point.
			In-person with board staffer or partial board prior to all hearings <u>Code as .5</u> If the parole hearing is held in-person or via video with a partially composed parole board or board staffer.	
			Face-to-face parole hearings are not required or offered. <u>Code as 0</u> If there's no face-to-face option (telephone interviews, etc.), face-to-face is not required (at board's discretion), or not required for every type of hearing.	Please note: Any telephone option for a parole hearing is an automatic 0. Clarification: We do not grade exceptions for global pandemics. For instance, in New Hampshire, teleconferencing provisions exist exclusively during a pandemic. We do not score it against them.
Post-Hearing	[A] Annual Reporting Every state must release detailed reporting regarding parole release, ideally in an annual report.	Report, annual, governor, legislature, reasons, denial, decision,	Annual reporting (with mandated inclusions) is made publicly available <u>Code as 1</u> If the state publishes an annual report that includes total reviews, grants, denials, and (total) reasons for denial OR this same information is posted publicly in another format.	
			Annual reporting required, no specifications <u>Code as 1</u> If an annual report is required from the parole board but the statute does not specify its contents (or only includes part of the list of variables specified for a full point).	Clarification: Some states require annual reports from the Department of Corrections, etc. We're only grading reports (reporting) directly tied to parole / the parole board.
			No reporting requirements for parole <u>Code as 0</u>	

			If no annual report is required from the parole board.	
	[B] Justifications for Decisions The parole board must be required to provide justification for all its decisions to both the incarcerated person and to the general public.	reasons, justifications, denial, decision,	All parole board decisions, with justifications, are public. <u>Code as 1</u> If the state makes ALL parole decisions with justifications public record AND automatically provides the denials/justifications to the incarcerated person.	
			Parole board decisions / justifications are not public. <u>Code as .5</u> If the state provides decisions / justifications to the incarcerated person but are not public record.	
			No justifications required <u>Code as 0</u> If the state DOES NOT require the parole board to list justifications for its decisions.	Clarification: Many states require the board's decision to be provided to the incarcerated person. If no justifications are required along with the decision, it scores a 0. Please note: Even if the board members' votes are public, they must be accompanied by justifications for their decision(s). Public votes without justifications score a 0.

Data Dictionary

Field	Description	Specifications	Tips	Manual/ Automated Entry
Policy	Lever to be evaluated.	Formula	This field will populate automatically	Automated
Policy Lever	Lever to be evaluated.	Single Select	This field will populate automatically	Automated
Grade	Score assigned by the coder to the city for each lever	Single Select	Select “1”, “0.5”, or “0” according to the codebook	Manual
Rationale	Brief text explanation for the reason a coder awarded a particular score	Long Text	Provide a brief, but succinct, summary of state law and why you assigned the score that you chose.	
State Law	Relevant state law (sometimes known as “statutes” or “state code”) that applies to each specific lever	Long Text	Copy a relevant excerpt from the state code and paste it into the cell. Fix any formatting issues. Bold the specific lines that address the codebook lever. You may include more than one excerpt. Label each using shorthand (e.g., AL Code § 35-9A-421).	Manual
Administrative Code / Regulations	Relevant administrative code (administrative rules) that apply to each specific lever	Long Text	Copy a relevant excerpt from the administrative code and paste it into the cell. Fix any formatting issues. Bold the specific lines that address the codebook lever. You may include more than one excerpt. Label each using shorthand (e.g., AL Code § 35-9A-421) and hyperlink the shorthand with the url from Casetext.	Manual
Board & Department Policy	Relevant board policy and procedures that apply to each specific lever	Long Text	Copy a relevant excerpt from the board policy / procedure and paste it into the cell. Fix any formatting issues. Bold the specific lines that address the codebook lever. You may include more than one excerpt. Label each using shorthand (e.g., AL Code § 35-9A-421) and	Manual

Field	Description	Specifications		Tips	Manual/ Automated Entry
			hyperlink the shorthand to the url from Casetext.		
Link to Policies	Linked field to each state law / regulation citation plus titles of webpages for applicable parole board policy or board website.				
Policy Link (from Link to Policies)	The URL(s) for each state law, regulation, or website cited for that policy lever.				

Resources

- ↘ Prison Policy Initiative, [*Grading the parole release systems of all 50 states*](#)
 - [*Appendix A*](#)