Structured Decision Making Framework Worksheet
For Parole Hearings Conducted by the California Board of Parole Hearings
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Derived in past collaboration with Renée Gobeil, Carleton University & Jean Sutton, Parole Board of Canada, 2007

This Framework guides an analysis of current risk and additional factors by Board panels in order to support a decision rationale that is consistent with the Board's governing statutes, regulations, and case law. This is a structured professional judgment model; factors are not used to provide a score. The panel retains its full discretion when determining an offender's suitability for release.

Comprehensive Risk Assessment	Low / Moderate / High		
Risk Related Factors			
Criminal & Parole History	**Aggravating (-)**	**Neutral**	**Mitigating (+)**

Rating Examples

- **Aggravating:** The extent to which an offender has an early onset of criminality (age 11 or younger), prior criminal history consisting of multiple crimes with short intervals between, crimes that escalated in seriousness, and multiple parole violations or revocations.
- **Mitigating:** No prior criminal history, or minor infractions with long intervals between crimes prior to the offender's current commitment offense(s).
- **Neutral:** If multiple crimes prior to the offender's current commitment offense(s), they are minor with no escalation of severity, long intervals between.

Long-Term Offender Considerations

Different types of long-term offenders may have different trajectories. Overall, they have lower rates of re-arrests than other violent offenders and rates of re-arrest for homicides are very low. Predictors of recidivism for long-term offenders are not markedly different than for offenders in general, despite having greater periods of incarceration.

Offender Self-Control	**Aggravating (-)**	**Neutral**	**Mitigating (+)**

Rating Examples

- **Aggravating**: The extent to which an offender reflected poor self-control at the time of the offender's crime(s) as indicated by one or more of the self-control factors (e.g., negative peer pressure, substance abuse, impulsivity, poor problem solving, sexual deviance, callousness, criminal attitudes, etc.).
- **Mitigating**: At the time of the crime(s) offender did not reflect poor self-control as indicated by one or more of the self-control factors (e.g., negative peer pressure, substance abuse, impulsivity, poor problem solving, sexual deviance, callousness, criminal attitudes, etc.).
- **Neutral**: Self-control factors present at the time of the crime(s) do not indicate either serious concern for offender lack of self-control or confidence in offender's ability to maintain self-control at the time of the crime(s).

Long-Term Offender Considerations

There are no unique aspects of self-control based on type of offender or sentence length.

Programming	**Aggravating (-)**	**Neutral**	**Mitigating (+)**

Rating Examples

- **Aggravating:** The CRA identifies risk factors that remain currently relevant. The offender has not completed correctional programs based on that risk. (Offender was not afforded the opportunity to complete such programming or offender was assigned to such programming but did not actively participate and complete assignments.)
- **Mitigating:** The CRA does not identify risk factors that remain currently relevant or the factors identified have been addressed by the offender through active participation and completion of required assignments for assigned programming; programming was based on risks/needs/responsivity.
- **Neutral:** The CRA identifies risk factors that remain currently relevant and the offender has

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completed some correctional programs to address those factors, but one or more elements of the offender's risks/needs/responsivity have not been adequately addressed.

Long-Term Offender Considerations

Contrary to risks/needs/responsivity principles, for low-risk offenders with serious commitment offenses, the intent of programming is to improve the offender's suitability for parole; programming upon release would also be preferred. Specific responsivity factors (e.g., motivation, language ability, cultural context) are relevant in that they impact offenders' participation in programming. For moderate and high-risk offenders, appropriate programming of sufficient dosage should be required absent overriding mitigating circumstances.

Institutional Behavior	Aggravating (-)	Neutral	Mitigating (+)

Rating Examples

- **Aggravating**: Serious misconduct at any point during the current period of incarceration or recent misconduct, regardless of severity.
- **Mitigating**: Absence of misconduct plus behavior that goes above and beyond rule compliance (i.e., meritorious behavior).
- **Neutral**: Absence of misconduct alone is not a predictor of release outcome; no misconduct plus basic rule compliance.

Long-Term Offender Considerations

Long-term offenders typically have low rates of misconduct (lower than other offenders), especially after the first 18 months of adjustment. Those long-term offenders with a pattern of serious misconduct over time or recent misconduct would be an anomaly and viewed to be higher risk. A pattern of frequent minor misconduct throughout the sentence would also be a concern, if this reflects ongoing problems with self-control. An apparent relationship or pattern consistent with the dynamics of the commitment offense would also be of concern. Recent (within past year) minor misconduct, depending on context, would not necessarily warrant an assessment of aggravating.

Offender Change	Aggravating (-)	Neutral	Mitigating (+)

Rating Examples

- **Aggravating**: Offender rejects the need for change, has refused programs or been kicked out due to noncompliance, or despite programming continues to express views that demonstrate lack of change.
- **Mitigating**: Clear demonstration of change, regardless of whether the offender completed programs or not.
- **Neutral**: Some evidence offender is different since commission of crime but change is not substantial, clear, or consistent over time.

Long-Term Offender Considerations

Meritorious reports from staff or volunteers might be a good source for indications of change. The CRA might also provide some insights regarding change over time. The panel hearing is an opportunity for panels to examine this more closely.

Release Plan	Aggravating (-)	Neutral	Mitigating (+)

Is the release plan realistic for _this_ offender? Does the offender have protective factors in place in case of lapses, such as pro-social friends, employment? If the offender fails on release, what is the likely impact on the community?

Rating Examples

- **Aggravating**: The offender lacks a concrete, realistic parole plan and there is a nexus between the lack of a parole plan and current dangerousness.
- **Mitigating**: The offender has concrete, realistic parole plans addressing _most_ of the community stability factors (e.g., stable housing, prospective employment, pro-social supports, realistic plans to manage risk factors).
  - **Neutral**: The offender has concrete, realistic parole plans addressing _some_ of the community

stability factors (e.g., stable housing, prospective employment, pro-social supports, realistic plans to manage risk factors) with several factors not adequately addressed. (**Long-Term Offender Considerations**

The initial transition to assisted living is challenging as offenders decompress from long imprisonment. This initial supportive environment may buffer risk such that the increased risk of initial release (first six months) may be delayed. Protective factors change over time and must be considered.

Case-Specific Factors	Aggravating (-)	Neutral	Mitigating (+)

Is there anything that seems salient for this particular offender that may influence/affect risk, change, release planning or risk management that has not been considered?

Rating Examples

- **Aggravating**: There is a unique case-specific factor that increases the offender's current dangerousness.
- **Mitigating:** There is a unique case-specific factor that decreases the offender's current dangerousness.
- **Neutral:** There are no unique case-specific factors that affect the offender's current dangerousness or the unique case-specific factors that exist do not affect the offender's current dangerousness.

Additional Factors

Victim/DA Considerations	Aggravating (-)	Neutral	Mitigating (+)

Did the victim, victim's next of kin, or prosecutor provide information or argument relevant to the express issue of safety or current dangerousness and thus, the offender's suitability for parole? (*In re Vicks*)

Rating Examples:

- **Aggravating**: The victim, victim's next of kin, or the prosecutor provided reliable information relevant to the express issue of safety or current dangerousness.
- **Mitigating:** The victim, victim's next of kin, or the prosecutor provided reliable information indicating the offender does not pose a current risk of dangerousness.
- **Neutral:** The victim, victim's next-of-kin, or the prosecutor did not provide information relevant to the express issue of safety or current dangerousness and thus, the offender's suitability for parole.

Youth Offender Factors	Great Weight Applied:	Yes/No

A hearing panel shall find a youth offender suitable for parole unless the panel determines, even after giving great weight to the youth offender factors, that the youth offender remains a current, unreasonable risk to public safety. If a hearing panel finds a youth offender unsuitable for parole, the hearing panel shall articulate in its decision the youth offender factors present and how such factors are outweighed by relevant and reliable evidence that the youth offender remains a current, unreasonable risk to public safety. The panel shall give great weight to the youth offender factors: Diminished culpability of youths as compared to adults, the hallmark features of youth, and subsequent growth and increased maturity while incarcerated.

Elderly Parole Considerations	Consideration Given:	Yes/No

The panel shall give special consideration to the offender's advanced age, long-term confinement, and diminished physical condition, if any, when determining the offender's suitability for parole.

Intimate Partner Battering Considerations	Great Weight Applied:	Yes/No

The panel shall give great weight to any information or evidence that, at the time of the commission of the crime, the offender had experienced intimate partner battering, but was convicted of an offense that occurred prior to August 29, 1996; the panel shall state on the record the information or evidence that it considered and the reason for the parole decision; the fact that an offender presented evidence of intimate partner battering cannot be used to support a finding that the offender lacks insight into his or her crime and its causes.

Discordant Information			
Is there any discordant or incongruent information that must be considered prior to making a release decision?			
Final Analysis	**Aggravating (-)**	**Neutral**	**Mitigating (+)**
Recommendation	**Grant/Deny**		