Thomas Hallam at Sentencing Reform Oversight Committee Work Group
October 31, 2017

1. **My experience as a Parole and Pardons Board member.**
   a. WYFF News (a one minute news clip that shows the Board room, videoconference, etc).
   b. 65 parole cases/day, 450 pages of case summaries to study.
   c. Systematic, significant errors in the factual content of case summaries.
   d. Parole decisions strongly influenced by opposition statements.
   e. Evidence-based recidivism risk predictions not a strong influence.
   f. No feedback on parole outcomes (recidivism), and SCDC published statistics are disturbing.
   g. The Board has virtually no influence on its own functioning or support.

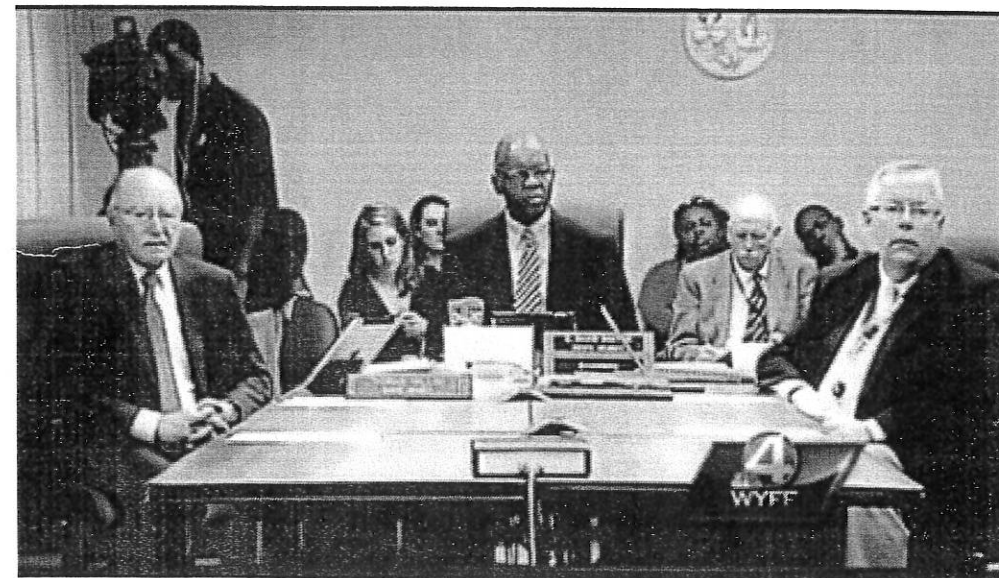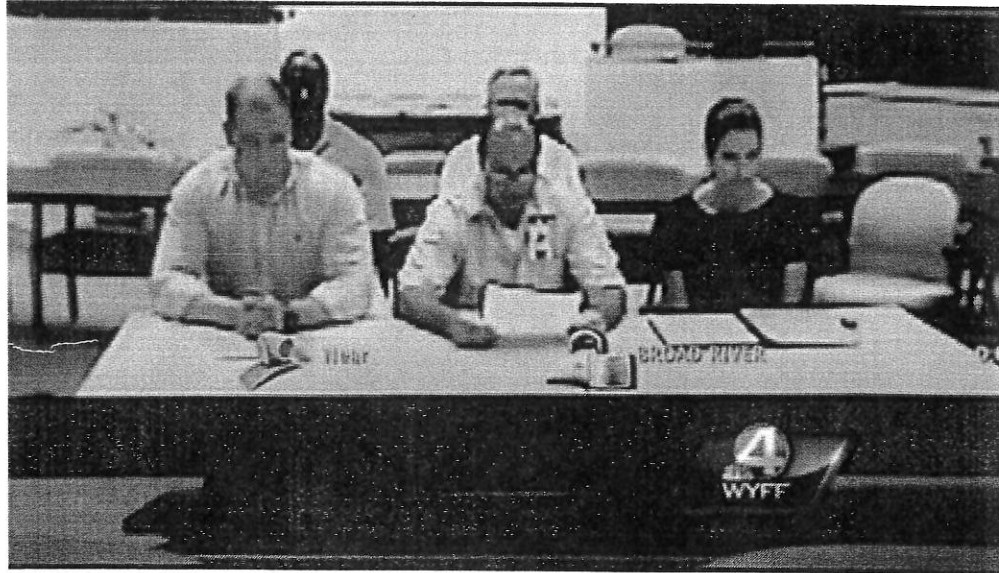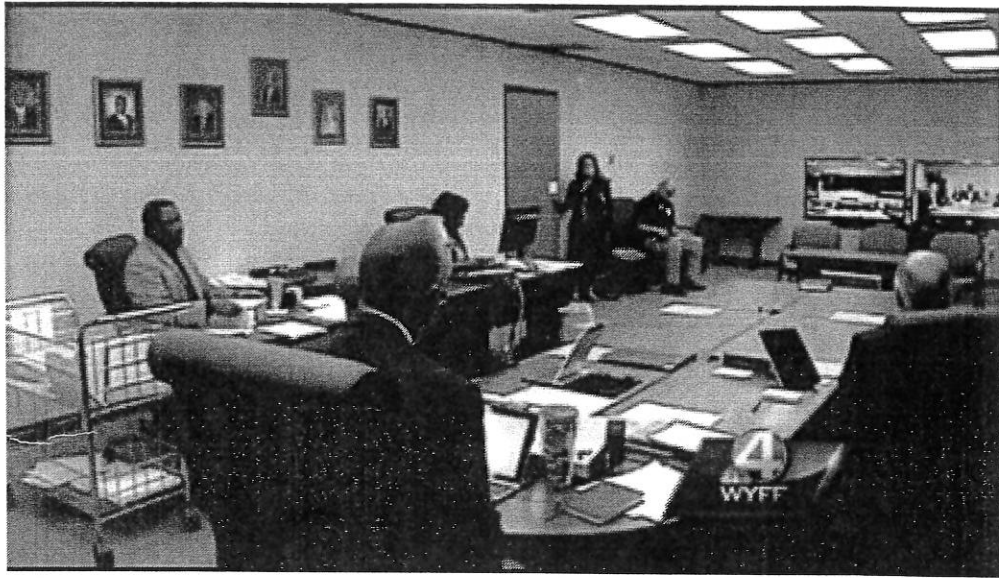2. **Council of State Governments and Pew have not seen effective in-prison anti-recidivism programs.**
   a. South Carolina has major, unique, effective in-prison anti-recidivism programs.
   b. But those programs are not adequately supported, and are at risk.
   c. The positive impact is much larger than any improvements in the parole process.
   d. A new authority is needed.
   e. A major national "win" is available for South Carolina to claim.

3. **Specific changes to consider.**
   a. Pardons are fine. 650 applications/year, about 2/3 are approved.
   b. Start the parole process with an application from the inmate.
   c. Have SCDC produce a report on the inmate's in-prison history.
   d. Have PPP produce a report on the inmate's prior supervision history and post-release plans.
   e. Have Victim Services collect verified, sworn statements from victims and other opposition.
   f. Have a new authority produce a consolidated, structured report.
   g. Compare the predictive accuracy of SCDC data with the current commercial program.

Handout Contents

1.   Hallam agenda for today.
2.   Handout contents
3.   Snapshots from WYFF news TV video
4.   SCDC statistics, October 2017
6.   NY Times / ProPublica COMPAS story
8.   ProPublica COMPAS analysis
9.   MIT Technology Review November 2017 COMPAS mention
10.   Nov 23, 2016 email Hallam to Glaccum re Oregon recidivism tool
11.   Oregon recidivism tool online screen shot
12.   Oregon recidivism tool predictive results
13.   SC Parole Case Summary contents
14.   SC parole criteria
15.   SC reasons for parole denial
16.   Vermont Parole Board decision making (online)
17.   Example of possible new SC Parole Case Summary

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(3)

THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

BRYAN P. STIRLING
DIRECTOR

South Carolina Department of Corrections
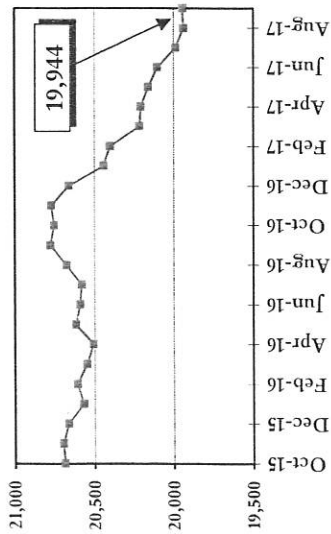
SCDC FAQs
OCTOBER 2017

For further information, contact:
South Carolina Department of Corrections
Resource and Information Management
4444 Broad River Road
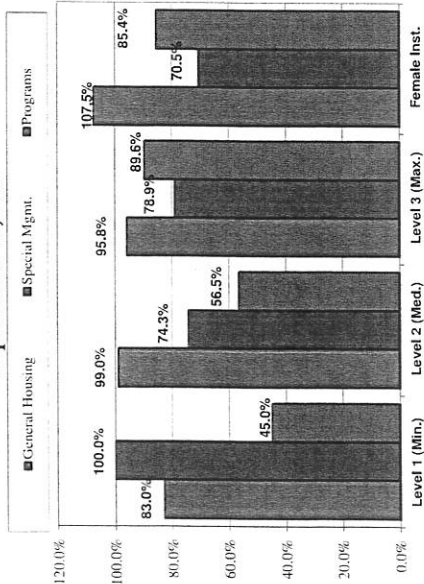Columbia, SC 29210
(803) 896-8526

This report contains preliminary statistics.
Changes/updates will be posted on the SCDC website
www.doc.sc.gov.

This document is available in alternative formats by contacting the number above.

South Carolina Department of Corrections
Profile of Inmates in Institutional Count
(Including Inmates on Authorized Absence) as of June 30, 2017

Characteristics	Male Population	Female Population	Total Population
TOTAL Inmates Population	18,538	1,451	19,989
Current Age			
Average Current Age	38.2	37.4	38.1
21 & Under	846 (5%)	44 (3%)	890 (4%)
22-25	1,952 (11%)	142 (10%)	2,094 (10%)
26-35	6,096 (33%)	536 (37%)	6,632 (33%)
36-55	7,733 (42%)	634 (44%)	8,367 (42%)
56 and Over	1,911 (10%)	95 (7%)	2,006 (10%)
Average Age at Admission	31.9	33.7	33.0
Race			
Black	11,646 (63%)	462 (32%)	12,108 (61%)
White	6,353 (34%)	955 (66%)	7,308 (37%)
Other	539 (3%)	34 (2%)	573 (3%)
Citizenship			
Aliens	432 (2%)	17 (1%)	449 (2%)
Citizens	18,096 (98%)	1,434 (99%)	19,530 (98%)
Sentencing Data/Criminal History			
Admission Type:			
New	15,112 (82%)	1,287 (89%)	16,399 (82%)
Revocator	3,265 (18%)	162 (11%)	3,427 (17%)
Other	161 (1%)	2 (0%)	163 (1%)
With Current Violent Offense	12,916 (70%)	678 (47%)	13,594 (68%)
With Prior Criminal History	11,095 (60%)	605 (42%)	11,700 (59%)
With Prior Commitments	8,061 (43%)	401 (28%)	8,462 (42%)
Average Sentence Length in Years 1	14.8	9.6	14.4
Average Time to Serve before Maxout 2	6.5	4.0	6.3
Sentences One Year or Less (excl. YOA)	422 (2%)	75 (5%)	497 (2%)
Sentences More than 20 years (excl lifers)	3,494 (19%)	153 (11%)	3,647 (18%)
With Life Sentence	2,075 (11%)	77 (5%)	2,152 (11%)
With YOA/Juvenile Sentence	614 (3%)	47 (3%)	661 (3%)
On Death Row	37 (0%)	0 (0%)	37 (0%)
Non-Parolable (includes TIS inmates)	10,570 (57%)	544 (37%)	11,114 (56%)
TIS Sentences	10,331 (56%)	542 (37%)	10,873 (54%)
Special Needs			
With Children 3	12,212 (66%)	1,160 (80%)	13,372 (67%)
With Convicted Disciplinaries in Last 12 Months	6,508 (35%)	387 (27%)	6,895 (34%)
With Victim Witness Indicator	12,553 (68%)	808 (56%)	13,361 (67%)
Sex Registry	3,213 (17%)	44 (3%)	3,257 (16%)
Required DNA Testing	18,221 (98%)	1,373 (95%)	19,594 (98%)
Chemical Dependent for SASSI/TCUDDS 4	6,173 (33%)	753 (52%)	6,926 (35%)
Education/Work			
Average Education Level at Intake	10.6	11.0	10.6
With HS/GED	9,463 (51%)	625 (43%)	10,088 (50%)

Leading Most Serious Offense 5

Male Population		Female Population		Total Population	
Homicide	20%	Dang. Drugs	21%	Homicide	20%
Dang. Drugs	19%	Homicide	20%	Dang. Drugs	16%
Burglary	14%	Larceny	9%	Burglary	14%
Robbery	13%	Burglary	8%	Robbery	13%
Sexual Assault	9%	Robbery	8%	Sexual Assault	8%

Top Five Committing Counties

Male Population		Female Population		Total Population	
Greenville	14%	Spartanburg	14%	Greenville	10%
Spartanburg	9%	Greenville	11%	Spartanburg	10%
Richland	8%	Horry	7%	Richland	8%
Charleston	8%	York	6%	Charleston	8%
Horry	6%	Lexington	6%	Horry	6%

Mental Health Classification

	Male Population	Female Population	Total Population
No Mental Health Problem	15,332 (83%)	662 (46%)	15,994 (80%)
Developmentally Disabled	18 (0%)	1 (0%)	19 (0%)
Mentally Ill	2,650 (14%)	709 (49%)	3,359 (17%)
Not Available/Unknown	538 (3%)	79 (5%)	617 (3%)

* Excludes Lifers, Death-Row & YOA's
1 Include inmates to be released to Community Supervision under Truth-in-Sentencing, excludes Lifers, Death-Row and YOA's
2 YOA's
3 Based on inmate self-reported information at intake
4 Substance Abuse Subtle Screening Inventory (SASSI) stopped being used in January 1997. Currently Texas Christian University Drug Dependency Screen (TCUDDS) is used.
5 To facilitate statistical reporting, SCDC determines a single "most serious offense" (MSO) for each inmate. Before August 2005, the offense with the longest sentence determined MSO. Effective August 2005, inmates' MSO is the offense with the highest severity level (i.e. offenses are classified between severity level 1 and 5, with 5 as the most severe). In cases where an inmate has multiple offenses at the same severity level, SCDC considers the category of each offense, where homicide offenses take precedence, followed by sex offenses and violent offenses. If multiple offenses exist within the same category, the offense with the longest sentence then determines MSO. Because of this definitional change, post-2005 MSO data cannot be compared to pre-2005 MSO data.

South Carolina Department of Corrections
Recidivism Rates of Inmates Released during FY 2012 - 2014

	Year of Release		
	FY 2012	FY 2013	FY 2014
Total Number of Releases	11,409	9,623	9,485

Percentage of Releasees who Returned to SCDC:

Recidivism Rate by Year of Release

	FY 2012	FY 2013	FY 2014
Within One Year or Less	6.2%	6.2%	5.6%
Within Two Years or Less	15.5%	16.2%	15.2%
Within Three Years or Less	22.4%	23.1%	22.7%

Comparison of 3-Year Recidivism Rates by Inmate Attributes

Attributes	FY 2012	FY 2013	FY 2014
Overall Rate	22.4%	23.1%	22.7%
Gender			
Males	23.3%	24.1%	23.7%
Females	15.2%	15.2%	14.8%
Type of Release			
Maxout (Expiration of Sentence)	17.7%	19.0%	18.7%
Parole	18.3%	17.4%	19.0%
Probation	31.8%	32.2%	34.3%
Community Supervision	14.0%	14.7%	12.0%
Supervised Reentry	n/a	36.1%	27.9%
Youthful Offender Act* - Parole	38.4%	37.7%	30.9%
Youthful Offender Act* - Maxout	23.0%	27.8%	25.0%
Youthful Offender Act* - Intensive Supervision Parole	n/a	22.9%	28.9%
Age at Release			
Under 25 Years	32.0%	31.8%	28.5%
25-30 Years	23.6%	23.1%	23.4%
31-40 Years	19.9%	20.3%	21.9%
Over 40 Years	17.0%	19.8%	19.1%
Program Participation			
Pre-Release	21.6%	20.8%	20.8%
Work Program	17.9%	19.1%	22.6%
Labor Crew	17.8%	19.1%	21.9%
Labor Crew/Work Program	17.8%	19.1%	21.8%
Prison Industry	14.6%	13.5%	12.5%
GED Earned in SCDC Education Program	21.4%	21.7%	21.3%
Sentence Type			
Youthful Offender Act*	36.9%	35.6%	29.7%
Straight-time	20.7%	21.7%	21.9%
Criminal History			
Had Conviction and/or Commitment	24.7%	25.4%	25.6%
Had Commitment	26.4%	27.1%	26.8%
No Known Priors	18.6%	19.4%	18.0%
Mental Health Classification at time of release			
Mentally Ill	26.4%	25.9%	25.8%
Non-Mentally Ill	21.9%	22.8%	22.3%

*Youthful Offender Act (YOA) inmates serve an indeterminate sentence of 1 to 6 years. "Intensive Supervision Parole" releases began in FY13; this parole program includes "first time" youthful offenders who undergo intensive programs/oversight while institutionalized and while on parole supervision.

Time Served by SCDC Inmates Released
Fiscal Years 2015 – 2017

TIME SERVED	FY2015 #	FY2015 %	FY2016 #	FY2016 %	FY2017 #	FY2017 %
3 Months or Less	794	8.5%	741	8.1%	659	7.1%
3 Months 1 Day-6 Months	1,252	13.4%	1,234	13.5%	1,154	12.4%
6 Months 1 Day-9 Months	1,184	12.7%	1,133	12.4%	1,165	12.5%
9 Months 1 Day-1 Year	897	9.6%	749	8.2%	979	10.5%
1 Year 1 Day-5 Years	3,943	42.2%	3,812	41.7%	4,125	44.3%
5 Years 1 Day-10 Years	819	8.8%	922	10.1%	748	8.0%
10 Years 1 Day-15 Years	267	2.9%	332	3.6%	274	2.9%
15 Years 1 Day-20 Years	110	1.2%	140	1.5%	127	1.4%
20 Years 1 Day-25 Years	42	0.4%	46	0.5%	35	0.4%
25 Years 1 Day-30 Years	23	0.2%	13	0.1%	15	0.2%
Over 30 Years	23	0.25%	25	0.27%	24	0.3%
TOTAL RELEASES	9,354	100.0%	9,147	100.0%	9,305	100.0%
Average Time Served	2 Years 5 Months		2 Years 8 Months		2 Years 5 Months	

This average does not include inmates with life, death, YOA sentences and inmates released on paid fine, remanded appeal, court order, pardon, resentenced, or death.

Releases from SCDC by Type
Fiscal Years 2015 - 2017

RELEASES	FY2015 #	%	FY2016 #	%	FY2017 #	%
EXPIRATION OF SENTENCE	3,948	42.2%	3,920	42.9%	3,919	42.1%
LESS GOOD TIME	57	0.6%	98	1.1%	96	1.0%
MAXOUT - YOA	1,983	21.2%	1,895	20.7%	1,831	19.7%
PLACED ON PROBATION						
PAROLED TO INTENSIVE SUPERVISION SERVICES*	638	6.8%	552	6.0%	513	5.5%
PAROLED BY YOA PAROLE BOARD**	198	2.1%	180	2.0%	199	2.1%
PAROLED BY DPPPS***	790	8.4%	655	7.2%	820	8.8%
RE-SENTENCED	11	0.1%	15	0.2%	17	0.2%
COMMUNITY SUPERVISION	1,097	11.7%	1,033	11.3%	985	10.6%
SUPERVISED RE-ENTRY	528	5.6%	692	7.6%	812	8.7%
DEATH	72	0.8%	86	0.9%	86	0.9%
DEATH-EXECUTED	0	0.0%	0	0.0%	0	0.0%
RELEASED TO EPA	0	0.0%	0	0.0%	0	0.0%
OTHER ****	32	0.3%	21	0.2%	27	0.3%
TOTAL RELEASES	9,354	100.0%	9,147	100.0%	9,305	100.0%

* Intensive Supervision Administrative Release Authority (ISARA) assumed YOA Parole Board duties on February 1.
** The Youthful Offender Act provides for indeterminate sentences of 1 - 6 years for offenders aged 17 - 25.
*** Department of Probation, Parole, and Pardon

South Carolina Department of Corrections Cost Per Inmate*
Fiscal Years 2012-2017

Fiscal Year	Based on State Funds Spent — Annual Cost Per Inmate	Daily Cost Per Inmate	Based on All Funds Spent*** — Annual Cost Per Inmate	Daily Cost Per Inmate
2012	$15,316	$41.85	$17,343	$47.38
2013	$16,542	$45.32	$18,299	$50.13
2014	$17,357	$47.55	$19,137	$52.43
2015	$17,872	$48.96	$19,728	$54.05
2016	$18,119	$49.50	$19,935	$54.47
2017	$19,084	$52.20	$20,925	$57.33

*Calculation of the SCDC per inmate costs is based on the average number of inmates in SCDC facilities and a small number of authorized absences and diets and does not include state inmates held in designated facilities, institutional diversionary programs, or other non-SCDC locations]

Admissions to SCDC
Fiscal Years 2015 - 2017

ADMISSIONS	FY2015 #	%	FY2016 #	%	FY2017 #	%
NEW ADMISSIONS FROM COURT	7,026	81.20%	7,112	80.84%	6,999	80.8%
Indeterminate Sentence (YOA)	554	6.40%	582	6.62%	630	6.6%
Straight Sentence (Non-YOA)	6,459	74.60%	6,493	73.80%	6,317	73.8%
Other Jurisdiction	13	0.20%	37	0.42%	52	0.4%
PROBATION REVOCATIONS****	1,029	11.90%	1,088	12.37%	854	12.4%
PAROLE REVOCATIONS	357	4.10%	290	3.30%	221	3.3%
Youthful Offender Act (YOA)	189	2.20%	125	1.42%	64	1.4%
NON-YOA	168	1.99%	165	1.88%	157	1.9%
ISS REVOCATIONS	106	1.20%	154	1.75%	127	1.8%
SUPERVISED RE-ENTRY REVOCATIONS	24	0.30%	36	0.41%	43	0.4%
SF/EPA REVOCATIONS	0	0.00%	0	0.00%	0	0.0%
COMMUNITY SUPV. REVOCATIONS	104	1.20%	113	1.28%	104	1.3%
RE-SENTENCED	8	0.10%	5	0.06%	8	0.1%
DEATH ROW	0	0.00%	0	0.00%	0	0.0%
OTHER **	2	0.00%	0	0.00%	1	0.0%
TOTAL ADMISSIONS	8,656	100.00%	8,798	100.00%	8,357	100.00%

All percentages rounded where possible.
*The Youthful Offender Act provides for indeterminate sentences of 1 - 6 years for offenders aged 17-25.
** These inmates include appeal bond denied, ICC, and other state inmates.
*** Death Row admissions figures represent placement to death row, include new admissions, re-sentenced and returned inmate.
**** Includes only those inmates released to probation from SCDC.

Most Serious Offense of SCDC Admissions
Fiscal Years 2015 - 2017

OFFENSE CLASSIFICATION	FY2015	FY2016	FY2017
DANGEROUS DRUGS	19.8%	21.1%	21.5%
BURGLARY	15.6%	15.2%	13.8%
LARCENY	9.7%	8.6%	9.0%
ASSAULT	8.5%	8.4%	8.0%
TRAFFIC OFFENSE	6.5%	5.9%	6.0%
ROBBERY	6.0%	5.9%	6.3%
FAMILY OFFENSE	5.5%	6.3%	7.1%
ALL OTHERS	28.3%	28.6%	28.3%
TOTAL ADMISSIONS	8,656	8,798	8,357

* Highlighted areas indicate most common offenses for each fiscal year. Inmates often are committed to SCDC with many offenses, with each carrying a specific sentence, county of commitment, etc. To facilitate statistical reporting, SCDC determines a single "most serious offense" (MSO) for each inmate. Inmates' MSO is the offense with the highest severity level (i.e. offenses are classified between severity level 1 and 5, with 5 as the most severe).

Average Sentence Length of SCDC Admissions
Fiscal Years 2015 - 2017

	FY2015	FY2016	FY2017
Average Sentence Length	4 Yrs. 4 Mos.	4 Yrs. 4 Mos.	4 Yrs. 6 Mos.

* This average does not include inmates with life, death, YOA sentences and inmates released on paid fine, remanded appeal, court order, pardon, resentenced, or death.

SCDC Average Daily Facility Count per Month
October 2015 – September 2017

19,944

(x-axis: Oct-15, Dec-15, Feb-16, Apr-16, Jun-16, Aug-16, Oct-16, Dec-16, Feb-17, Apr-17, Jun-17, Aug-17; y-axis: 19,500 – 21,000)

Bedspace Utilization Rates by Housing Type
September 15, 2017

Legend: General Housing, Special Mgmt., Programs, Female Inst.

- Level 1 (Min.): 100.0%, 99.0%, 83.0%
- Level 2 (Med.): 95.8%, 74.3%, 56.5%, 45.0%
- Level 3 (Max.): 89.6%, 78.9%
- Female Inst.: 107.5%, 85.4%, 70.5%

Average Daily Inmate Population
Fiscal Year 2010 - 2017

Fiscal Year	SCDC Facilities	Other[1]	SCDC Jurisdiction	Change over Last Year	% Change over Last Year
2010	24,040	670	24,710	-24	-0.1%
2011	23,293	646	23,939	-771	-3.1%
2012	22,711	623	23,334	-605	-2.5%
2013	22,088	592	22,680	-654	-2.8%
2014	21,712	603	22,315	-365	-1.6%
2015	21,183	590	21,773	-542	-2.4%
2016	20,671	623	21,294	-479	-2.2%
2017	20,483	652	21,135	-159	-0.7%

Software Used to Predict Criminality Is Biased Against Black People
Thursday, May 26, 2016
By Julia Angwin, Jeff Larson, Surya Mattu and Lauren Kirchner, **ProPublica | Report**

On a spring afternoon in 2014, Brisha Borden was running late to pick up her god-sister from school when she spotted an unlocked kid's blue Huffy bicycle and a silver Razor scooter. Borden and a friend grabbed the bike and scooter and tried to ride them down the street in the Fort Lauderdale suburb of Coral Springs.

Just as the 18-year-old girls were realizing they were too big for the tiny conveyances -- which belonged to a 6-year-old boy -- a woman came running after them saying, "That's my kid's stuff." Borden and her friend immediately dropped the bike and scooter and walked away.

But it was too late -- a neighbor who witnessed the heist had already called the police. Borden and her friend were arrested and charged with burglary and petty theft for the items, which were valued at a total of $80.

Compare their crime with a similar one: The previous summer, 41-year-old Vernon Prater was picked up for shoplifting $86.35 worth of tools from a nearby Home Depot store.

Prater was the more seasoned criminal. He had already been convicted of armed robbery and attempted armed robbery, for which he served five years in prison, in addition to another armed robbery charge. Borden had a record, too, but it was for misdemeanors committed when she was a juvenile.

Yet something odd happened when Borden and Prater were booked into jail: A computer program spat out a score predicting the likelihood of each committing a future crime. Borden -- who is black -- was rated a high risk. Prater -- who is white -- was rated a low risk.

Two years later, we know the computer algorithm got it exactly backward. Borden has not been charged with any new crimes. Prater is serving an eight-year prison term for subsequently breaking into a warehouse and stealing thousands of dollars' worth of electronics.

Scores like this -- known as risk assessments -- are increasingly common in courtrooms across the nation. They are used to inform decisions about who can be set free at every stage of the criminal justice system, from assigning bond amounts -- as is the case in Fort Lauderdale -- to even more fundamental decisions about defendants' freedom. In Arizona, Colorado, Delaware, Kentucky, Louisiana, Oklahoma, Virginia, Washington and Wisconsin, the results of such assessments are given to judges during criminal sentencing.

Rating a defendant's risk of future crime is often done in conjunction with an evaluation of a defendant's rehabilitation needs. The Justice Department's National Institute of Corrections now encourages the use of such combined assessments at every stage of the criminal justice process. And a landmark sentencing reform bill currently pending in Congress would mandate the use of such assessments in federal prisons.

Borden was rated high risk for future crime after she and a friend took a kid's bike and scooter that were sitting outside. She did not reoffend.

In 2014, then US Attorney General Eric Holder warned that the risk scores might be injecting bias into the courts. He called for the US Sentencing Commission to study their use. "Although these measures were crafted with the best of intentions, I am concerned that they inadvertently undermine our efforts to ensure individualized and equal justice," he said, adding, "they may exacerbate unwarranted and unjust disparities that are already far too common in our criminal justice system and in our society."

The sentencing commission did not, however, launch a study of risk scores. So ProPublica did, as part of a larger examination of the powerful, largely hidden effect of algorithms in American life.

(6)

We obtained the risk scores assigned to more than 7,000 people arrested in Broward County, Florida, in 2013 and 2014 and checked to see how many were charged with new crimes over the next two years, the same benchmark used by the creators of the algorithm.

The score proved remarkably unreliable in forecasting violent crime: Only 20 percent of the people predicted to commit violent crimes actually went on to do so.

When a full range of crimes were taken into account -- including misdemeanors such as driving with an expired license -- the algorithm was somewhat more accurate than a coin flip. Of those deemed likely to re-offend, 61 percent were arrested for any subsequent crimes within two years.

We also turned up significant racial disparities, just as Holder feared. In forecasting who would re-offend, the algorithm made mistakes with black and white defendants at roughly the same rate but in very different ways.

The formula was particularly likely to falsely flag black defendants as future criminals, wrongly labeling them this way at almost twice the rate as white defendants.
White defendants were mislabeled as low risk more often than black defendants.
Could this disparity be explained by defendants' prior crimes or the type of crimes they were arrested for? No. We ran a statistical test that isolated the effect of race from criminal history and recidivism, as well as from defendants' age and gender. Black defendants were still 77 percent more likely to be pegged as at higher risk of committing a future violent crime and 45 percent more likely to be predicted to commit a future crime of any kind. (Read our analysis.)

The algorithm used to create the Florida risk scores is a product of a for-profit company, Northpointe. The company disputes our analysis.

In a letter, it criticized ProPublica's methodology and defended the accuracy of its test: "Northpointe does not agree that the results of your analysis, or the claims being made based upon that analysis, are correct or that they accurately reflect the outcomes from the application of the model."

Northpointe's software is among the most widely used assessment tools in the country. The company does not publicly disclose the calculations used to arrive at defendants' risk scores, so it is not possible for either defendants or the public to see what might be driving the disparity. (On Sunday, Northpointe gave ProPublica the basics of its future-crime formula -- which includes factors such as education levels, and whether a defendant has a job. It did not share the specific calculations, which it said are proprietary.)

Northpointe's core product is a set of scores derived from 137 questions that are either answered by defendants or pulled from criminal records. Race is not one of the questions. The survey asks defendants such things as: "Was one of your parents ever sent to jail or prison?" "How many of your friends/acquaintances are taking drugs illegally?" and "How often did you get in fights while at school?" The questionnaire also asks people to agree or disagree with statements such as "A hungry person has a right to steal" and "If people make me angry or lose my temper, I can be dangerous."

PRO PUBLICA

How We Analyzed the COMPAS Recidivism Algorithm

by Jeff Larson, Surya Mattu, Lauren Kirchner and Julia Angwin

May 23, 2016

← Read the story

Across the nation, judges, probation and parole officers are increasingly using algorithms to assess a criminal defendant's likelihood of becoming a recidivist – a term used to describe criminals who re-offend. There are dozens of these risk assessment algorithms in use. Many states have built their own assessments, and several academics have written tools. There are also two leading nationwide tools offered by commercial vendors.

We set out to assess one of the commercial tools made by Northpointe, Inc. to discover the underlying accuracy of their recidivism algorithm and to test whether the algorithm was biased against certain groups.

Our analysis of Northpointe's tool, called COMPAS (which stands for Correctional Offender Management Profiling for Alternative Sanctions), found that black defendants were far more likely than white defendants to be incorrectly judged to be at a higher risk of recidivism, while white defendants were more likely than black defendants to be incorrectly flagged as low risk.

We looked at more than 10,000 criminal defendants in Broward County, Florida, and compared their predicted recidivism rates with the rate that actually occurred over a two-year period. When most defendants are booked in jail, they respond to a COMPAS questionnaire. Their answers are fed into the COMPAS software to generate several scores including predictions of "Risk of Recidivism" and "Risk of Violent Recidivism."

We compared the recidivism risk categories predicted by the COMPAS tool to the actual recidivism rates of defendants in the two years after they were scored, and found that the score correctly predicted an offender's recidivism 61 percent of the time, but was only correct in its predictions of violent recidivism 20 percent of the time.

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The artificial intelligence issue

Another Way AI Programs Can Discriminate Against You

Voice interfaces, chatbots, and other artificial-intelligence systems can be biased against certain minority dialects.

All too often people make snap judgments based on how you speak. Some AI systems are also learning to be prejudiced against certain dialects. And as language-based AI systems become ever more common, machines may automatically discriminate against minorities, warn researchers studying the issue.

Anyone with a strong or unusual accent may know what it's like to have trouble being understood by Siri or Alexa. This is because voice-recognition systems use natural-language technology to parse the contents of speech, and it often relies on algorithms that have been trained with example data. If there aren't enough examples of a particular accent or ver-comb through written documents for useful information. This means that services and products built on top of language systems may already be unfairly discriminating against certain groups.

Brendan O'Connor, an assistant professor at the University of Massachusetts, Amherst, and one of his graduate students, Su Lin Blodgett, looked at the use of language on Twitter. Using demographic filtering, the researchers collected 59.2 million tweets with a high probability of containing African-American slang or vernacular. They then tested several natural-language processing tools on this data set to see how they would treat the statements. They found that one popular lyze text for meaning and sentiment, and they found that these systems struggled, too. "If you purchase a sentiment analyzer from some company, you don't even know what biases it has in it," O'Connor says.

He says the problem extends to any system that uses language, including search engines.

The issue of unfairness stemming from the use of AI algorithms is gaining attention as these algorithms are used more widely. One example is a proprietary algorithm called Compass, which is used to decide whether prison inmates should be granted parole. The workings of the algorithm are unknown, but research suggests it is biased against black inmates.

Some experts say that the problem may be affecting a growing number of decisions in finance, health care, and education. Sharad Goel, an assistant professor at Stanford University who studies algorithmic fairness and public policy, says the issue is not always straightfor-

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M Gmail

Tom Hallam <tom29928@gmail.com>

Oregon Recidivism Program
1 message

Tom Hallam <tom@hallam.org>   Wed, Nov 23, 2016 at 8:14 AM
Reply-To: tom@hallam.org
To: David Glaccum <DavidGlaccum@gov.sc.gov>

David,

I came across a positive reference to Oregon's recidivism programs, and when I looked into it there was a lot to admire. Take a look at their volunteer commission, OCJC, and their homegrown recidivism prediction tool.

Here is a link to their public website, which provides the predicted recidivism risk of individual inmates and explains the program.
https://risktool.ocjc.state.or.us/psc/

The November 2015 report on this page seems to be the most comprehensive.
https://www.oregon.gov/cjc/SAC/Pages/Recidivism.aspx

But also note that unlike SC, they do not seem to have high-impact anti-recidivism programs during incarceration. Maybe we could learn from each other.
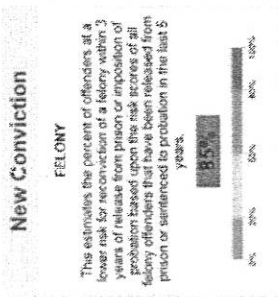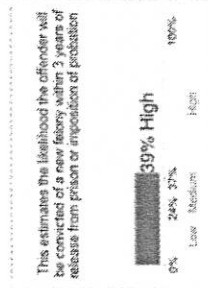
Happy Thanksgiving!

Tom Hallam.

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The Public Safety Chec

How are the risk scores displayed and what do they mean?

New Conviction

FELONY

This estimates the percent of offenders at a lower risk for reconviction of a felony within 3 years of release from prison or imposition of probation based upon the risk scores of all felony offenders that have been released from prison or sentenced to probation in the last 5 years.

85%

0%   20%   60%   80%   100%

This screen shot shows the comparative risk score for reconviction of a felony. This estimates the percent of offenders at a lower risk for reconviction of a felony within 3 years of release from prison or imposition of probation based upon the risk scores of all felony offenders that have been released from prison or sentenced to probation in the last 5 years. The comparative risk score shown in the screen shot means that the offender's actual risk score for reconviction of a felony is higher than 85% of felony offenders that have been released from prison or sentenced to probation in the last 5 years.

This estimates the likelihood the offender will be convicted of a new felony within 3 years of release from prison or imposition of probation

39% High

0%   24%   37%   100%
      Low   Medium   High

This screen shot shows the actual risk score for reconviction of a felony and the community corrections classification based on the actual risk score. This is viewed by clicking on "View community corrections classification for this person". The Public Safety Checklist also displays risk scores for a new person arrest and a new property arrest. The actual risk for reconviction of a felony estimates the likelihood the offender will be convicted of a new felony within 3 years of release from prison or imposition of probation. This estimate is based upon the recidivism patterns of 345,000 offenders that have been released from prison or sentenced to probation since 1980. The actual risk shown in the screen shot means that the offenders' likelihood of new felony conviction within 3 years of release from prison or imposition of probation is 39%. The community corrections classification is shown as low, medium or high based on the actual risk score and cut-off levels determined by OACCD (Oregon Association of Community Corrections Directors).

What is the Public Safety Checklist?

The Public Safety Checklist is an actuarial risk assessment tool that uses

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What is the Public Safety Checklist?

The Public Safety Checklist is an actuarial risk assessment tool that uses offender characteristics to predict recidivism.

What does the Public Safety Checklist do?

The Public Safety Checklist provides a quick, objective, validated assessment of the probability an offender will be re-convicted of a felony or re-arrested for a person or property offense based on the offender's following characteristics:

- Current age
- Gender
- Age at first arrest
- Severity of current crime
- Multiple custody cycles
- Total number of statutory arrests
- Total number of property arrests
- Total number of person arrests
- Total number of statutory arrests in last 5 years
- Total number of property arrests in last 5 years
- Total number of person arrests in last 5 years
- Prior incarceration
- Prior theft conviction
- Prior revocation
- Previous sentence type (probation or incarceration)

How was the Public Safety Checklist developed?

The Oregon Department of Corrections and Oregon Criminal Justice Commission analyzed actual re-arrest and re-conviction data from 55,000 offenders in Oregon from 2000 to 2005, and used logistic regression analysis to determine which offender demographic and criminal history factors are predictive of a felon being reconvicted or rearrested. This model of risk assessment was then applied to all 350,000 offenders sentenced to probation or released from prison from 1980 through present to make sure the risk tool accurately and validly categorized these offenders' risk to be re-arrested or re-convicted.

What measures of recidivism are used in the Public Safety Checklist?

Reconviction for any felony within 3 years of release from prison or being sentenced to probation, re-arrest for any person felony or class A person misdemeanor (32% are misdemeanors, not including DUII and misdemeanor Assault 4), and re-arrest for any property crime listed in ORS 137.717(2) (39% are misdemeanors including Theft 2).

Is the ethnicity of the offender included as one of the factors that predict the offender's risk score?

No. An offender's ethnicity is not included in the measurement of an offender's risk to be re-arrested or re-convicted.

How is a risk score produced?

An algorithm is used to weigh the offender's predictive factors and give a "composite score" for an offender with these characteristics. This is the same procedure that is used in life insurance actuarial tools or heart attack

Figure 15 below displays the 3 year incarceration recidivism rates by risk to recidivate level for the parole-PPS cohorts. The low risk to recidivate population shows a 3 year incarceration recidivism rate between 4% in 1998 and 9% in 2003. The medium risk to recidivate population shows a 3 year incarceration recidivism rate between 10% in 1998 and 18% in 2004. The high risk to recidivate population shows a 3 year incarceration recidivism rate between 23% in 2008 and nearly 31% in 2011. The PSC was developed to predict the recidivism measure of a reconviction of a felony with 3 years of release, but as shown below it also differentiates the population in predicting incarceration for a new felony within 3 years of release.
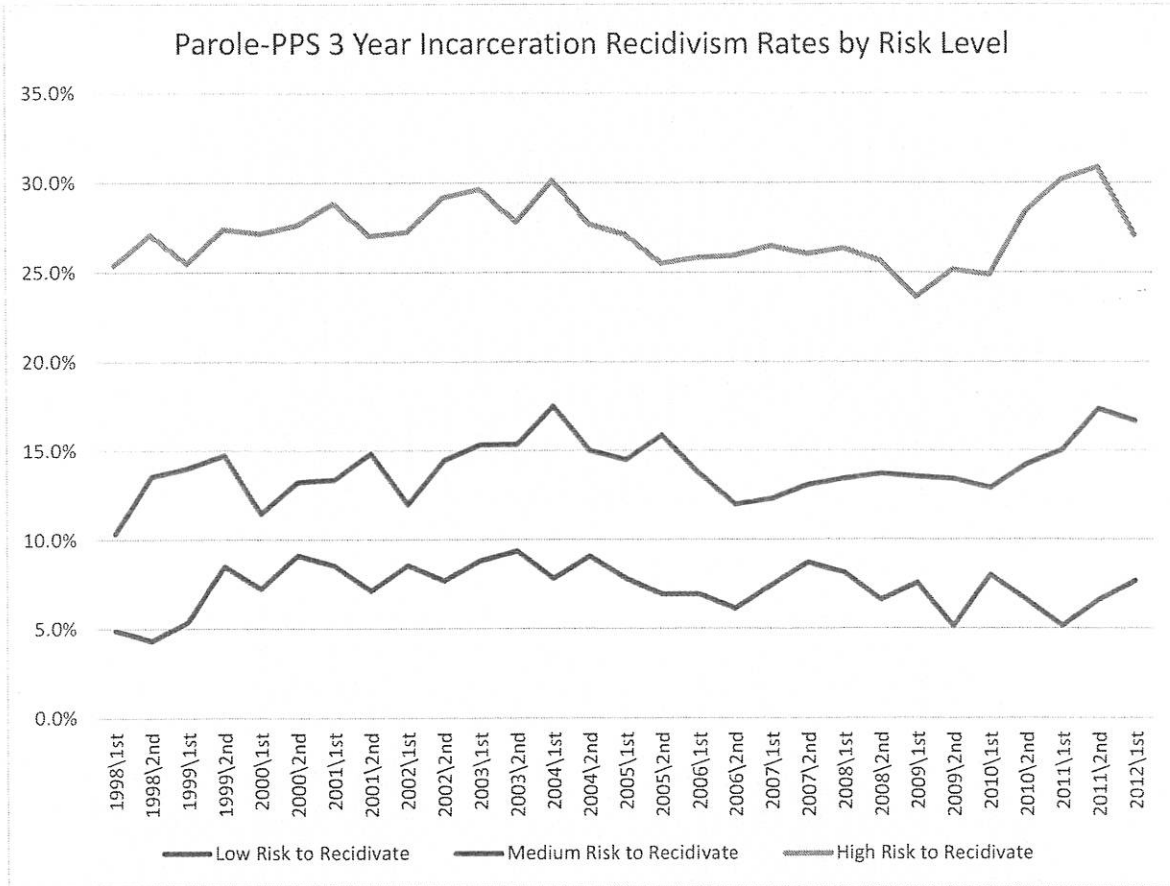

Figure 15: Parole-PPS Incarceration Recidivism Rates by Risk Level

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d. **Notice of Release.** In certain cases, the Department's Director of Victims' Services is required by law to provide notice to victims and witnesses of the release of an offender on parole.

3. PREPARATION OF CASES FOR THE BOARD'S REVIEW

The Department, through its Division of Field Operations and Office of Board Support Services, prepares cases for the Board's review. Before every hearing of the Board or a panel of the Board, all members receive a list of offenders who will be appearing for a parole hearing, together with the respective parole file on each prisoner. Board Members will receive these files no less than two weeks before the actual date of the hearing.

4. CONTENTS OF THE PAROLE CASE SUMMARY REPORT

Every file that the Department prepares for the Board's review includes, though it is not limited to, the following information:

- The criminal offense and a description of it;
- The sentencing date, the "max-out" date, the parole eligibility date, the date of any previous parole hearings, the names of any co-defendants;
- The offender's criminal record;
- The offender's prison and disciplinary records;
- Risk classification reports;
- A medical history and psychological reports, if any;
- A history of the offender's supervision on probation or parole, if any;
- A proposed place of residence and employment;
- The parole examiner's recommendation(s);
- Any statements from law enforcement;
- Any statement from the prosecuting witness or the prosecuting witness's next of kin, if the witness is deceased;
- Any statement from the solicitor or his successor;
- Any statement from the sentencing judge;
- The offender's social history;
- The offender's employment experience.

5. STANDARD PROCEDURE FOR CONDUCTING HEARINGS

Parole hearings are informal proceedings, and the Board or its panels may properly conduct them within its discretion. Hearings may be conducted as follows:

- The Department, through its Office of Board Support Services, schedules hearings. The names and case numbers of offenders who have been scheduled for a parole hearing are then

criteria in no way binds the Board to grant a parole in any given case. The Board's specific parole criteria are set out below:

- The risk that the offender poses to the community;
- The nature and seriousness of the offender's offense, the circumstances surrounding that offense, and the prisoner's attitude toward it;
- The offender's prior criminal record and adjustment under any previous programs of supervision;
- The offender's attitude toward family members, the victim, and authority in general;
- The offender's adjustment while in confinement, including his progress in counseling, therapy, and other similar programs designed to encourage the prisoner to improve himself;
- The offender's employment history, including his job training and skills and his stability in the workplace;
- The offender's physical, mental, and emotional health;
- The offender's understanding of the causes of his past criminal conduct;
- The offender's efforts to solve his problems;
- The adequacy of the offender's overall parole plan, including his proposed residence and employment;
- The willingness of the community into which the offender will be paroled to receive that offender;
- The willingness of the offender's family to allow the offender, if he is paroled, to return to the family circle;
- The opinion of the sentencing judge, the solicitor, and local law enforcement on the offender's parole;
- The feelings of the victim or the victim's family, about the offender's release;
- Any other factors that the Board may consider relevant, including the recommendation of the parole examiner.

3. PAROLE FOR NON U.S. CITIZENS

In considering paroles in the case of non-U.S. citizens, the Board gives the same consideration as it gives to U.S. citizens. When the Board receives requests to parole non-U.S. citizens to their native countries or to the Immigration and Customs Enforcement (ICE) for deportation, the Board considers this factor, along with all the other criteria it normally considers, in making its decision to grant or deny parole.

4. PSYCHOLOGICAL EXAMINATION OF CERTAIN OFFENDERS

S. C. Code 24-21-610

No prisoner who has served a total of ten consecutive years or more in prison may be paroled until the Board has first received a report as to his mental condition and his ability to adjust to life outside the prison from a duly qualified psychiatrist or psychologist. The examination itself assesses the inmate's current mental condition and ability to adjust to life outside prison. The class of inmates for whom such an examination is required:

- Any offender who has served a total of ten (10) consecutive years or more in prison.

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offender of its reasons for taking that action, and it must also schedule a date when the offender can next be heard. The date on which the hearing is re-scheduled must be fixed on the day the continuance or deferral is ordered, and it should be set on the first available date after the date of the continuance or deferral.

9. POSTPONED CASES

After hearing any parole case, the Board or panel may, where it seems appropriate under the circumstances to do so, postpone giving its final decision for up to one year in order to allow an offender to complete a treatment program, vocational training course, or other similar worthwhile endeavor.

E. THE DENIAL OF PAROLE AND ITS EFFECT

1. REASONS FOR DENIAL OF PAROLE

A denial of parole continues the status quo: the offender remains in prison until his next parole hearing or until he maxes out of his sentence.

Taking these standards and criteria of parole into account in its deliberations, the Board will not as a general rule grant parole when it is reasonably satisfied that the offender does not deserve a lessening of the rigors of imprisonment and that the interests of society will not be best served by granting parole. When the Board or a panel decides to deny parole, due process of law requires it to express its reasons for rejection in writing. To do this, the Board or panel should begin by making some such general introductory statement as the following:

"The Board (or the panel) is reasonably satisfied that (Offender's Name) does not at this time deserve a lessening of the rigors of imprisonment and that the interests of society will not be best served by granting parole now."

After this general statement, the Board or the panel should then enumerate its reasons for denying parole. Due process requires that these reasons be sufficient to explain to the offender why he was denied parole. Further, due process also requires that the reasons for denying parole be rationally related to the written standards and criteria of parole which the Board has adopted and published. The following reasons for denying parole are rationally related to the Board's published parole criteria:

- Nature and seriousness of the current offense
- Indication of violence in this or a previous offense
- Use of a deadly weapon in this or a previous offense
- Prior criminal record indicates poor community adjustment
- Failure to successfully complete a community supervision program
- Institutional record is unfavorable

2. SUBSEQUENT HEARING FOLLOWING A DENIAL

a. **A denial of parole continues the status quo.** The offender remains in prison until his next parole hearing or until he maxes out of his sentence, whichever occurs first.

(From Vermont state website, June 2016)

Decision Making by the Parole Board

The Board deliberates and makes decisions based on information furnished to it by the Department of Corrections, offenders and their families, victims and their families, other interested citizens, and individuals who may have pertinent information for the Board.

The Board considers the following factors when making decisions concerning offenders eligible for parole:

- Seriousness of the crime committed
- Danger to the public
- The offender's risk of re-offending
- Any input given by the victim, including, but not limited to, the emotional damage done to the victims and the victim's family
- The offender's parole plan - including housing, employment, need for community treatment and follow-up resources
- Recommendation of the Department of Corrections

The Board may according to policy consider all pertinent information including the following factors:

- History of prior criminal activity
- Prior history on probation, parole, or other form of supervised release
- Abuse of drugs or alcohol
- Poor institutional adjustment
- Success or failure of treatment
- Attitude toward authority - before and during incarceration
- Comments from the prosecutor's office, the Office of the Attorney's General's, the judiciary or other criminal justice agency
- Education and job skills
- Employment history
- Emotional stability
- Mental status - capacity and stability
- History of deviant behavior
- Official and community attitudes toward accepting an inmate back into the community

Data is Same as current PCS (S)
New, not in current PCS (N)
Or in a new format from current PCS (NF)

Source

PCS-2 Contents with One-page Summary	N	New authority
History before this incarceration		SLED file
Age at first crime	NF	
Number of crimes	NF	
Age at most recent crime	NF	
Incarcerations history, ages	NF	
Supervision history, ages, results	NF	PPP file
This crime description	S	Parole Examiner from files
This incarceration		SCDC file
Total sentence years, months	S	
Time served: percent and years, months	S	
Custody status, history	S	
Prior parole hearings	S	
Disciplinary infraction history	NF	
Work history	N	
Programs history	N	
Co-defendant status	S	
Recidivism risk	NF	
Re-entry needs and plans		PPP identifies needs with SCDC support, and PPP evaluates plans to meet needs
Housing	N	
Employment	N	
Addiction	N	
Mental health	N	
Education	N	
Disability	N	
Etc		
Victim and community opposition	NF	Victim services, and summary by new authority
Parole Board Action	NF	
Review PCS before meeting	S	
New: report questions, tentative vote to new authority before meeting	N	
Meet: interview applicant	S	
Vote	S	
Discuss and decide terms	NF	
Feedback to Board		New authority
Recidivism of all applicants vs. Board decision	N	
Recidivism of all applicants vs. Board member vote	N	