Takeaways from the National Institute of Corrections’ Structured Decision-Making Framework Community of Practice

September 20-22
New York City
California Law requires:

- The Board of Parole Hearings must provide individualized consideration for each person.
- The Board must consider all relevant and reliable evidence.
- Resolution of conflicts in the evidence and the weight to be given to the evidence are within the Board’s authority.
- The precise manner in which factors are considered and balanced lies within the discretion of the Board.
- The fundamental consideration in parole decision is public safety and the core determination involves an assessment of a person’s current dangerousness.

*In re Lawrence (2008) 44 Cal.4th 1181*
What is the SDMF?

The *Framework is*:

- A standardized reflection of research and law
- Empirically validated - factors are related to outcome
- Intended to inform paroling authorities and promote public safety
- Reflective of due diligence - evidence-based practice
What is the SDMF?

- The Framework is not:
  - Prescriptive
  - A numerical scale
  - A substitute for a decision
  - Specific to a particular type of incarcerated person
  - Dependent on a particular risk scale as an anchor
How SDMF fits with the Board’s governing law

- The Penal Code, regulations, and case law emphasize that the board must make decisions based on the consideration of public safety.
  
  (Pen. Code, § 3041; Cal. Code Regs., tit. 15, 2402 (a); *In re Lawrence* 44 Cal.4th 1181)

- The SDMF requires consideration of conditions or behaviors determined by evidence-based research to influence a person’s propensity to engage in crimes after release.

- SDMF domains subsume information to be considered in regulations
Overview of Domains in SDMF

**Original**
- Criminal & parole history
- Offender self-control
- Programming
- Institutional behavior
- Offender change
- Release plan
- Case-specific factors

**California Adaptations**
- Victim/DA considerations
- Youth offender factors
- Elderly parole considerations
- Intimate partner battering considerations
Why SDMF in 2019?

- More consistent evidence-based decisions to determine “current, unreasonable risk”
- Significant projected increase in hearings
- More efficient hearings; hearings longest of any other known parole board
Scheduled Parole Hearings 2012-2021
Number of Commissioners (2015-2019)

- 2015: 12
- 2016: 14
- 2017: 15
- 2018: 15
- 2019: 17
SDMF Pre-Implementation

- Introduced to SDMF in 2017
- Evidence-based best practice for parole boards (NIC)
- In 2019, SDMF used by 7 states and the National Parole Board of Canada
- Received technical assistance to determine if SDMF could be successfully implemented in California
- Worked with co-author of SDMF to tailor it to California law
SDMF Pre-Implementation

- Three days of training with several experts from NIC and Canada in 2019
- Attendees:
  - Attorney General’s Office
  - Board’s legal office
  - Commissioners
  - Deputy commissioners
  - Board’s senior forensic psychologists
- At conclusion of training, attorneys concluded SDMF was consistent with the Board’s governing law and SDMF was implemented
Since 2019, we have reinforced use of SDMF with trainings on:

- Using SDMF to Prepare for a Hearing
- Incorporating SDMF with cases involving the Americans with Disabilities Act
- Efficiency of Hearings and SDMF
- SDMF and Hearings without a Comprehensive Risk Assessment
- Articulating a Grant with SDMF
- Articulating a Denial with SDMF
- SDMF and Discussion of En Banc Cases in Closed Session
NIC Community of Practice (2022)

Goals

- Improve the application of the evidence-based SDMF model of parole decision making
- Ensure on-going fidelity of the SDMF model through data collection and quality assurance
Community of Practice Presentations

- *Implementation Science to Optimize SDMF Success*, by Dr. Alex Walker,
- *Risk Assessments and SDMF Research*, by Danielle Rieger, PhD Candidate
- *Engaging with Stakeholders*, by Keith Hardison,
- *Victim Input and SDMF*, by Audrey Cress
- *SDMF Performance Outcomes and Implementation Outcomes and Next Steps*, by Dr. Ralph Serin,
NIC Takeaways - Ideas to Consider

- Improve meaningful access to information about SDMF and the hearing process in advance of the hearing for all participants
- Remember: “Every interaction is an opportunity to build trust in the criminal justice system”
- Explore separate TEAMS room for victims/survivors while hearing panels deliberate
- Make more information available about the incarcerated person’s programming and institutional behavior before the hearing
NIC Takeaways - Ideas to Consider

- Hearing officer calibration on coding SDMF domains
- Include information about SDMF on documents printed after consultations and hearings
- Identify SDMF performance outcomes and develop corresponding data collection techniques where possible