**Section 1610.50 The Parole Release Decision**

a) The Exercise of Discretion. The Board will make the parole release decision on the basis of all available relevant information. The Board grants parole as an exercise of grace and executive discretion as limited or defined by the Illinois General Assembly in duly adopted legislation. The Board shall not parole a person eligible for parole, if it determines that:

1) There is a substantial risk that he will not conform to reasonable conditions of parole; or

2) His release at that time would depreciate the seriousness of his offense or promote disrespect for the law; or

3) His release would have a substantially adverse effect on institutional discipline.

b) Factors Affecting the Parole Release Decision. The parole release decision is a subjective determination based on available relevant information. In determining whether to grant or deny parole, the Board looks primarily to the following factors evident from the inmate's prior history, committing offense, institutional adjustment and parole plan, although the decision is not limited to these factors when other relevant compelling information is presented.

1) Prior History

A) Aggravating Factors

i) A prior criminal record, including: the existence of prior convictions, the existence of multiple prior convictions, the existence of prior convictions for similar crimes, and the existence of a criminal record other than convictions.

ii) A history of violence or assaultive behavior.

iii) A history of substance abuse.

iv) A history of gang affiliation, particularly gang leadership.

v) Prior incarcerations.

vi) Prior parole or probation violations or revocations.

vii) Recorded evidence of emotional instability along with a failure to seek or cooperate with treatment.

viii) A juvenile record.

B) Mitigating Factors

i) The absence of the aggravating factors listed in Section 1610.50(b)(1)(A).

ii) Attempts at treatment for alcohol or drug abuse, which have resulted in a demonstrable reduction in use.

iii) Evidence of responsibility and stability, as demonstrated by demeanor and conduct at the hearing and by records of the Department of Corrections.

2) The Committing Offense as Documented by the Official Statement of Fact.

A) Aggravating Factors

i) Major or permanent injury to the victim.

ii) A degree of forethought and planning.

iii) The use of a weapon.

iv) The existence of multiple victims.

v) A lengthy sentence.

vi) Recommendation of the trial judge against parole.

vii) The fact that the victim was a youth or senior citizen.

viii) The fact that the victim was physically or mentally handicapped.

ix) The fact that the victim was a person known to the defendant to have responsibility for the public safety or welfare such as a police officer, fireman or Department of Corrections employee.

x) Conduct which demonstrates a merciless, sexually motivated, malicious or inhumane disregard for human dignity or life.

xi) Protests from victims, prosecutors and the community.

xii) Any of the aggravating circumstances established by the General Assembly in the Unified Code of Corrections (Ill. Rev. Stat. 1983, ch. 38, par. 1005-5-3.2).

xiii) A high severity or recidivism index.

B) Mitigating Factors.

i) The absence of the aggravating factors listed in Section 1610.50(b)(2)(A).

ii) The inmate played only a peripheral role in the crime.

iii) Demonstration of remorse and understanding of the severity of the offense.

iv) Evidence of strong provocation by the victim.

v) Any of the mitigating circumstances established by the General Assembly in the Unified Code of Corrections (Ill. Rev. Stat. 1983, ch. 38, par. 1005-5-3.1).

vi) A low severity or recidivism index.

3) Institutional Adjustment as Documented by Department of Corrections Reports: Factors Considered

A) Institutional assignments.

B) Grade status.

C) Good time loss or credits.

D) Completion of high school, college, or other academic courses of study.

E) Completion of training programs designed to provide vocational skills.

F) Number and nature of conduct reports.

G) Success with counseling.

H) Psychological/Psychiatric reports (if indicated).

I) Escape attempts.

J) Time in segregation.

K) Possession of weapons or drugs.

4) Release Plans: Factors Considered.

A) Letters of support.

B) Residency plans.

C) Employment plans.

D) Location of parole.

E) Vocational skills.

F) In the full context of the inmate's parole release plans, the likelihood of re-affiliation with gangs or associates who have had a detrimental influence on the inmate in the past, as demonstrated by evidence presented on the inmate's behalf.

(Source: Section repealed, new Section adopted at 9 Ill. Reg. 16257, effective October 10, 1985)