



# Corrections and Community Supervision

**Board of Parole**

**Legislative Report**

2016

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In March 2011, Governor Andrew M. Cuomo and the State Legislature followed through on the Governor's vision of merging the former Division of Parole with the former Department of Correctional Services to form a new agency called the Department of Corrections and Community Supervision (DOCCS) (see Chapter 62 of the Laws of 2011, Part C, subpart A). The Board is an independently functioning unit of DOCCS regarding all of its decision-making functions, powers, and duties specified in law. Statewide, Administrative Law Judges (Hearing Officers), Preliminary Hearing Officers, Board Counsel's Office attorneys and administrative staff, stationed in several regional offices, report directly to the Board.

This report is produced in accordance with section 259-c(13) of the Executive Law, which requires the Board to report to the Governor and the Legislature on its activity from the previous calendar year. This report covers years 2012 through 2016.

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## **INTRODUCTION**

The Board's mission is "to ensure public safety by granting parole when appropriate under the governing standards, revoking community supervision when necessary and discharging offenders from their sentence when it is in the best interest of society."

The Board may legally have up to 19 members and, while at the time of this report's publication has 16 members, there were 12 members at the conclusion of 2016. Each member is appointed by the Governor and confirmed by the Senate for a six-year term. One member is designated by the Governor to serve as the Chairperson of the Board. The Board has two primary responsibilities. The first is the meticulous case-by-case screening of individuals being considered for discretionary release. The second is to establish the conditions of release for each incarcerated individual being released to community supervision. The Board interviews incarcerated individuals in panels of no fewer than two, nor more than three commissioners, located in four different locations each week across the State.

In 1994, Section 440.50 of the New York Criminal Procedure Law was amended in order to provide crime victims the ability to meet face to face with a member of the Board. The Department's Office of Victim Assistance handles victim notifications, receives and provides to the Board written or recorded impact statements, and schedules in-person statements with the Board. Victims have the following rights regarding the parole process: (A) to be notified when an inmate is scheduled to see the Board; (B) to send a written impact statement to the Board; (C) to submit an audio-taped or video-taped victim impact statement to the Board; (D) for certain violent crimes, to meet with a member of the Board to give a statement in person; (E) to be notified of the Board's decision; and (F) to be notified of an inmate's scheduled release date and the name of the assigned parole officer.

The Board also has the authority to revoke supervision when it determines a released individual violated the conditions of release in an important respect. This action may return the individual to a DOCCS correctional facility or impose other appropriate sanctions.

All decisions of the Board and its Administrative Law Judges may be administratively appealed. The Board's Office of Counsel reviews these appeals and any resulting litigation.

## **EXECUTIVE SUMMARY**

- The Total Parole Board Workload declined by 2,080 interviews/case reviews from 24,079 in 2012 to 21,999 in 2016, a 9% decrease. There was a 2% decrease from 2015 (Table 1).
- The Total Initial approval rate (excluding Shock) increased by 3% from 20% in 2012 to 23% in 2016. The Total Non-Administrative release rate increased by 2% from 24% in 2012 to 26% in 2016 (Table 1).
- The number of Initial interviews for Drug Offenders (excluding Shock and Early Deportation) declined by 192 from 601 in 2012 to 409 in 2016. This represents a 32% decrease. The release rate for these cases increased slightly from 22% in 2012 to 23% in 2016 (Table 2 and Table 3B).
- The number of Initial interviews for Other Coercive Offenders declined by 326 from 1,596 in 2012 to 1,270 in 2016. This represents a 20% decrease. The release rate for these cases increased by 5% from 15% in 2012 to 20% in 2016 (Table 2 and Table 3A).
- The number of Initial interviews for A-I Violent Offenses<sup>1</sup> increased by 43 from 352 in 2012 to 395 in 2016. This represents a 12% increase. The release rate for A-Is increased by 12% from 13% in 2012 to 25% in 2016 (Table 2 and Table 3A).
- The number of Medical Parole Interviews increased by 5 from 15 in 2012 to 20 in 2016. The release rate declined by 23% from 93% in 2012 to 70% in 2016 (Table 5).
- The number of ultimate violation process outcomes for parole violators with sustained charges declined by 565 from 13,242 in 2012 to 12,677 in 2016. This represents a 4% decrease. Fifty-eight percent (58%) of the violation outcomes in 2016 were ordered to prison, 25% to Willard or an Alternative 90 or 45 Day Program, and 17% were revoked and restored to the street or a program in the community (Table 8). In addition to these outcomes, there were 1,271 diversions to a Parole Diversion Program at Edgecombe, Hudson or Orleans Correctional Facilities, which served to divert and stabilize offenders whose behavior in the community placed them at risk of being returned to prison as parole violators.
- The number of parolees returned to prison for new felony convictions declined by 44 from 1,363 in 2012 to 1,319 in 2016. This represents a 3% decrease (Table 12).
- The number of parolees returned to prison for violating the conditions of parole declined by 873 from 9,292 in 2012 to 8,419 in 2016. This represents a 9% decrease (Table 13).

<sup>1</sup>These are the non-drug A-I felonies such as Murder, Arson and Kidnapping.

## **Section 1 – Interviews and Release Rates**

There are four major mechanisms through which individuals are released to parole supervision in the community: 1) Board of Parole interview and release determination, 2) Presumptive Release, 3) Conditional Release, and 4) Other Release.

Board of Parole interview release determinations also include final Deportation releases and Shock decisions.

Presumptive Releases occur when the Commissioner of DOCCS determines that eligible incarcerated individuals should be released from prison after serving at least 5/6 of their minimum sentences. For these releases, the Board of Parole sets the conditions of parole supervision in the community.

Conditional Releases occur when incarcerated individuals reach their conditional release dates (typically 6/7 of a determinate sentence; 2/3 of an indeterminate sentence) and are automatically released from prison on that date, unless good time was lost while in prison.

The Other Release category includes: being on parole supervision in another state and requesting transfer to New York (Cooperative cases), being judicially sentenced to parole supervision (i.e., judicially sentenced to the Willard Drug Treatment Campus), being a juvenile offender released to parole supervision directly from the Office of Children and Family Services (OCFS), being placed on parole supervision directly from local jail, and being placed on a specialized sex offender caseload in the community after a determination is made by the court (SIST<sup>1</sup>).

The Board actively monitors release rates and conditions imposed for individuals released to community supervision through each of the four mechanisms listed above. Detailed information on these releases from 2012 to 2016 is provided below:

- The Total Non-Administrative release rate increased slightly from 24% in 2012 to 26% in 2016. Similarly, the Total Initial approval rate (excluding Shock) showed an increase from 20% in 2012 to 23% in 2016 (Table 1).

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<sup>1</sup> SIST stands for Strict and Intensive Supervision and Treatment. Sex offender parolees can be placed on this type of community supervision caseload as part of the civil management process in New York. Parolees must be referred (usually by DOCCS) for civil management prior to release from prison or discharge from parole supervision and evaluated by the Office of Mental Health (OMH). If OMH determines that the parolee suffers from a “mental abnormality,” the case is referred to the Attorney General for possible litigation. If the Attorney General proceeds with litigation, the parolee is entitled to a jury trial; a unanimous verdict is required for a parolee to be involuntarily confined or placed under intensive supervision. If the court finds that the parolee warrants Civil Management, but can safely be supervised in the community, he or she will be allowed to live in the community while supervised on a SIST caseload, as long as he or she complies with all the conditions set by the Board of Parole, does not break the law and receives the treatment he or she needs. For additional information on this topic, the following report can be referenced: <https://www.omh.ny.gov/omhweb/forensic/bsoect/somta-annual-report.pdf>.

- The number of Presumptive Reviews (including Merit Presumptive and Supplemental Merit Presumptive) declined by 75 from 101 in 2012 to 26 in 2016. This represents a 74% decrease. (Table 1).
- The number of Initial interviews for Drug Offenders (excluding Shock and Early Deportation) declined by 192 from 601 in 2012 to 409 in 2016. This represents a 32% decrease. The release rate for these cases increased slightly from 22% in 2012 to 23% in 2016 (Table 2 and Table 3B).
- The release rate for A-I Violent Felonies increased from 13% in 2012 to 25% in 2016 (Table 2 and Table 3A).
- The number of Initial interviews for Other Coercive Offenses<sup>2</sup> declined by 326 from 1,596 in 2012 to 1,270 in 2016. This represents a 20% decrease. The release rate for these offenses increased from 15% in 2012 to 20% in 2016 (Table 2 and Table 3A).
- The Board conducted 157 Juvenile Offender Interviews in 2016. Half (50%) of these were Initial Interviews (Table 4).
- The 15% release rate of Initial interviews for Juvenile Offenders in 2016 was consistent with 2012 and represented an increase from 12% in 2015 (Table 4).

<sup>2</sup>Other Coercive Offenses are not defined as violent felonies but include aggravating elements (i.e. Burglary 3<sup>rd</sup>, Manslaughter 2<sup>nd</sup>).

**TABLE 1. PAROLE BOARD INTERVIEWS AND RELEASE RATES: 2012 to 2016**

	2012	2013	2014	2015	2016
<b>Initials</b>	7,250	7,085	7,278	7,047	6,857
<b>Releases</b>	1,167	1,101	1,151	1,169	1,266
<b>Release Rate</b>	16.1%	15.5%	15.8%	16.6%	18.5%
<b>Merit</b>	1,801	1,629	1,516	1,499	1,376
<b>Releases</b>	586	542	512	524	564
<b>Release Rate</b>	32.5%	33.3%	33.8%	35.0%	41.0%
<b>Supplemental Merit</b>	14	2	1	2	0
<b>Releases</b>	8	1	0	2	0
<b>Release Rate</b>	57.1%	50.0%	0.0%	100.0%	--
<b>Limited Credit Time</b>	65	59	101	106	97
<b>Releases</b>	15	13	21	22	32
<b>Release Rate</b>	23.1%	22.0%	20.8%	20.8%	33.0%
<b>Final Deportation</b>	80	65	53	43	27
<b>Releases</b>	62	40	35	25	18
<b>Release Rate</b>	77.5%	61.5%	66.0%	58.1%	66.7%
<b>Total Initials w/o Shock</b>	9,210	8,840	8,949	8,697	8,357
<b>Releases</b>	1,838	1,697	1,719	1,742	1,880
<b>Release Rate</b>	20.0%	19.2%	19.2%	20.0%	22.5%
<b>Shock</b>	872	947	836	678	649
<b>Releases</b>	752	803	650	541	554
<b>Release Rate</b>	86.2%	84.8%	77.8%	79.8%	85.4%
<b>Reappearance</b>	3,601	3,384	3,265	3,040	3,073
<b>Releases</b>	738	640	684	604	705
<b>Release Rate</b>	20.5%	18.9%	20.9%	19.9%	22.9%
<b>PV/CR Reappearance</b>	193	126	156	148	140
<b>Releases</b>	45	35	36	30	32
<b>Release Rate</b>	23.3%	27.8%	23.1%	20.3%	22.9%
<b>Total Non-Administrative</b>	13,876	13,297	13,206	12,563	12,219
<b>Releases</b>	3,373	3,175	3,089	2,917	3,171
<b>Release Rate</b>	24.3%	23.9%	23.4%	23.2%	26.0%
<b>Other Administrative</b>	152	169	186	276	345
<b>CRC Reviews</b>	5,367	5,220	5,252	5,301	5,070
<b>CRC-PV Reviews</b>	2,712	3,014	2,913	2,696	2,637
<b>CRC- Shock Reviews</b>	757	720	689	625	598
<b>CRC Merit Reviews</b>	946	967	846	844	883
<b>CRC Limited Credit Time Reviews</b>	168	200	225	191	219
<b>Medical Reviews</b>	N/A	N/A	N/A	1	2
<b>Presumptive Reviews</b>	42	44	17	6	9
<b>Merit PR Review</b>	59	63	28	21	17
<b>Supp Merit PR Review</b>	0	1	0	0	0
<b>Total Board Workload</b>	24,079	23,695	23,362	22,524	21,999
<b>SORC Reappearances</b>	2,537	2,201	2,150	1,873	1,883



**TABLE 2. PAROLE BOARD DECISIONS BY SUMMARY CRIME CATEGORIES**  
**2012 through 2016 Initial Interviews**  
**(Includes Merit, Supplemental Merit and LCTA; Excludes Shock and Early Deportation)**

CRIME OF COMMITMENT	2012			2013			2014			2015			2016		
	Initial Interviews	Release Granted	Release Rate	Initial Interviews	Release Granted	Release Rate	Initial Interviews	Release Granted	Release Rate	Initial Interviews	Release Granted	Release Rate	Initial Interviews	Release Granted	Release Rate
A-1 Violent Offenses	352	45	13%	334	62	19%	401	76	19%	395	86	22%	395	100	25%
Legislative VFO	1,280	102	8%	1,340	111	8%	1,471	124	8%	1,348	94	7%	1,315	113	9%
Other Coercive	1,596	240	15%	1,502	207	14%	1,408	200	14%	1,348	224	17%	1,270	258	20%
Drug Offenses	601	132	22%	513	93	18%	505	89	18%	443	86	19%	409	93	23%
Major Property	2,444	677	28%	2,370	639	27%	2,410	666	28%	2,392	687	29%	2,273	734	32%
Other Felony	2,177	440	20%	2,028	408	20%	2,113	404	19%	2,142	416	19%	2,114	457	22%
Youthful Offenders	666	139	21%	681	137	20%	578	124	21%	579	124	21%	547	107	20%
Juvenile Offenders	14	1	7%	7	0	0%	10	1	10%	7	0	0%	7	0	0%
<b>GRAND TOTAL</b>	<b>9,130</b>	<b>1,776</b>	<b>19%</b>	<b>8,775</b>	<b>1,657</b>	<b>19%</b>	<b>8,896</b>	<b>1,684</b>	<b>19%</b>	<b>8,654</b>	<b>1,717</b>	<b>20%</b>	<b>8,330</b>	<b>1,862</b>	<b>22%</b>

**TABLE 3A. PAROLE BOARD DECISIONS BY CRIME OF COMMITMENT (page 1)**  
**2012 to 2016 Initial Interviews**  
(Includes Merit, Supplemental Merit and LCTA; Excludes Shock and Early Deportation)

CRIME OF COMMITMENT	2012			2013			2014			2015			2016		
	Initial Interviews	Release Granted	Release Rate	Initial Interviews	Release Granted	Release Rate	Initial Interviews	Release Granted	Release Rate	Initial Interviews	Release Granted	Release Rate	Initial Interviews	Release Granted	Release Rate
<b>A-1 VIOLENT OFFENSES</b>															
Murder, Murder 1st & 2nd, Attempted Murder 1st	339	43	13%	328	62	19%	396	75	19%	382	84	22%	393	99	25%
Kidnapping 1st	11	2	18%	5	0	0%	4	1	25%	13	2	15%	1	1	100%
Arson 1st	2	0	0%	1	0	0%	1	0	0%	0	0	--	1	0	--
<b>TOTAL A-1 Violent Offenses</b>	<b>352</b>	<b>45</b>	<b>13%</b>	<b>334</b>	<b>62</b>	<b>19%</b>	<b>401</b>	<b>76</b>	<b>19%</b>	<b>395</b>	<b>86</b>	<b>22%</b>	<b>395</b>	<b>100</b>	<b>25%</b>
<b>LEGISLATIVE VFO</b>															
Attempted Murder 2nd	21	0	0%	44	5	11%	34	1	3%	49	2	4%	35	2	6%
Manslaughter 1st	47	4	9%	39	5	13%	32	4	13%	34	3	9%	33	5	15%
Rape 1st	49	0	0%	31	1	3%	44	4	9%	34	0	0%	35	1	3%
Robbery 1st	201	18	9%	195	12	6%	221	17	8%	183	16	9%	183	13	7%
Robbery 2nd	214	16	7%	210	15	7%	232	21	9%	196	19	10%	176	9	5%
Assault 1st	63	4	6%	56	2	4%	75	3	4%	78	1	1%	67	1	1%
Other Assault	138	3	2%	167	5	3%	170	10	6%	159	8	5%	173	16	9%
Burglary 1st	26	3	12%	46	7	15%	45	1	2%	25	0	0%	27	0	0%
Burglary 2nd	282	38	13%	285	41	14%	315	47	15%	267	28	10%	282	49	17%
Attempted Arson 1st, Arson 2nd	5	0	0%	2	0	0%	8	0	0%	6	0	0%	10	0	0%
Sodomy 1st	18	1	6%	23	0	0%	30	1	3%	34	0	0%	32	2	6%
Sexual Abuse	36	1	3%	36	0	0%	41	0	0%	45	2	4%	47	3	6%
Weapons Offenses	171	14	8%	183	18	10%	210	14	7%	219	14	6%	202	12	6%
Terrorism/False Bombing	3	0	0%	14	0	0%	10	0	0%	5	0	0%	10	0	0%
Attempted Kidnapping 1st, Kidnapping 2nd	6	0	0%	9	0	0%	4	1	25%	14	1	7%	3	0	0%
<b>TOTAL Legislative VFO</b>	<b>1,280</b>	<b>102</b>	<b>8%</b>	<b>1,340</b>	<b>111</b>	<b>8%</b>	<b>1,471</b>	<b>124</b>	<b>8%</b>	<b>1,348</b>	<b>94</b>	<b>7%</b>	<b>1,315</b>	<b>113</b>	<b>9%</b>
<b>OTHER COERCIVE</b>															
Manslaughter 2nd	45	4	9%	73	7	10%	50	4	8%	23	7	30%	38	6	16%
Other Homicide	67	4	6%	48	4	8%	54	3	6%	50	5	10%	43	10	23%
Robbery 3rd	642	99	15%	627	92	15%	586	86	15%	537	97	18%	495	98	20%
Attempted Assault 2nd	368	42	11%	344	38	11%	309	36	12%	292	33	11%	287	41	14%
Other Sex Offenses	89	10	11%	76	3	4%	77	8	10%	68	3	4%	53	13	25%
Other Coercive	385	81	21%	334	63	19%	332	63	19%	378	79	21%	354	90	25%
<b>TOTAL Other Coercive</b>	<b>1,596</b>	<b>240</b>	<b>15%</b>	<b>1,502</b>	<b>207</b>	<b>14%</b>	<b>1,408</b>	<b>200</b>	<b>14%</b>	<b>1,348</b>	<b>224</b>	<b>17%</b>	<b>1,270</b>	<b>258</b>	<b>20%</b>

**TABLE 3B. PAROLE BOARD DECISIONS BY CRIME OF COMMITMENT (page 2)**  
**2012 to 2016 Initial Interviews**  
(Includes Merit, Supplemental Merit and LCTA; Excludes Shock and Early Deportation)

CRIME OF COMMITMENT	2012			2013			2014			2015			2016		
	Initial Interviews	Release Granted	Release Rate	Initial Interviews	Release Granted	Release Rate	Initial Interviews	Release Granted	Release Rate	Initial Interviews	Release Granted	Release Rate	Initial Interviews	Release Granted	Release Rate
<b>DRUG OFFENSES</b>															
Drug Sale	317	70	22%	266	47	18%	255	47	18%	200	37	19%	192	47	24%
Drug Possession	284	62	22%	247	46	19%	250	42	17%	243	49	20%	217	46	21%
<b>TOTAL Drug Offenses</b>	<b>601</b>	<b>132</b>	<b>22%</b>	<b>513</b>	<b>93</b>	<b>18%</b>	<b>505</b>	<b>89</b>	<b>18%</b>	<b>443</b>	<b>86</b>	<b>19%</b>	<b>409</b>	<b>93</b>	<b>23%</b>
<b>MAJOR PROPERTY</b>															
Burglary 3rd	1,091	251	23%	1,079	248	23%	1,099	268	24%	980	254	26%	949	261	28%
Grand Larceny	824	260	32%	800	234	29%	830	245	30%	908	282	31%	829	292	35%
Forgery	293	99	34%	241	99	41%	243	87	36%	275	95	35%	257	114	44%
Stolen Property	236	67	28%	250	58	23%	238	66	28%	229	56	24%	238	67	28%
<b>TOTAL Major Property</b>	<b>2,444</b>	<b>677</b>	<b>28%</b>	<b>2,370</b>	<b>639</b>	<b>27%</b>	<b>2,410</b>	<b>666</b>	<b>28%</b>	<b>2,392</b>	<b>687</b>	<b>29%</b>	<b>2,273</b>	<b>734</b>	<b>32%</b>
<b>OTHER FELONY</b>															
Driving While Intoxicated	774	190	25%	663	143	22%	634	125	20%	600	150	25%	599	148	25%
Non-Violent Weapon Offenses	330	52	16%	352	58	16%	380	79	21%	402	59	15%	385	82	21%
All Other Felonies	1,073	198	18%	1,013	207	20%	1,099	200	18%	1,140	207	18%	1,130	227	20%
<b>TOTAL Other Felony</b>	<b>2,177</b>	<b>440</b>	<b>20%</b>	<b>2,028</b>	<b>408</b>	<b>20%</b>	<b>2,113</b>	<b>404</b>	<b>19%</b>	<b>2,142</b>	<b>416</b>	<b>19%</b>	<b>2,114</b>	<b>457</b>	<b>22%</b>
<b>YOUTHFUL/JUVENILE OFFENDERS</b>															
Youthful Offenders	666	139	21%	681	137	20%	578	124	21%	579	124	21%	547	107	20%
Juvenile Offenders	14	1	7%	7	0	0%	10	1	10%	7	0	0%	7	0	0%
<b>TOTAL YO/JO</b>	<b>680</b>	<b>140</b>	<b>21%</b>	<b>688</b>	<b>137</b>	<b>20%</b>	<b>588</b>	<b>125</b>	<b>21%</b>	<b>586</b>	<b>124</b>	<b>21%</b>	<b>554</b>	<b>107</b>	<b>19%</b>
<b>GRAND TOTAL</b>	<b>9,130</b>	<b>1,776</b>	<b>19%</b>	<b>8,775</b>	<b>1,657</b>	<b>19%</b>	<b>8,896</b>	<b>1,684</b>	<b>19%</b>	<b>8,654</b>	<b>1,717</b>	<b>20%</b>	<b>8,330</b>	<b>1,862</b>	<b>22%</b>

**TABLE 4. JUVENILE OFFENDER  
PAROLE BOARD INTERVIEWS AND RELEASE RATES BY INTERVIEW TYPE**

	2012		2013		2014		2015		2016	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>INITIAL INTERVIEWS</b>										
Released	19	15%	17	14%	15	12%	16	12%	12	15%
Postponed	29	23%	38	31%	45	35%	63	47%	29	37%
Denied	77	62%	68	55%	70	54%	56	41%	38	48%
<b>TOTAL</b>	<b>125</b>	<b>100%</b>	<b>123</b>	<b>100%</b>	<b>130</b>	<b>100%</b>	<b>135</b>	<b>100%</b>	<b>79</b>	<b>100%</b>
<b>REAPPEARANCE INTERVIEWS</b>										
Released	22	24%	23	28%	18	24%	7	15%	17	22%
Postponed	16	17%	13	16%	17	22%	13	27%	21	27%
Denied	55	59%	45	56%	41	54%	28	58%	40	51%
<b>TOTAL</b>	<b>93</b>	<b>100%</b>	<b>81</b>	<b>100%</b>	<b>76</b>	<b>100%</b>	<b>48</b>	<b>100%</b>	<b>78</b>	<b>100%</b>

These figures represent cases identified on the Guidelines data system as having a juvenile offender indicator.

## **Section 2 – Medical Parole Program**

Chapter 55 of the Laws of 1992 created the New York State Medical Parole Law by enacting section 259-r of the Executive Law. This statute, which became effective in April 1992, gave the Board the authority to grant parole release to certain terminally ill inmates prior to the expiration of the minimum period of their sentence. Previously, only a grant of executive clemency could allow for the release of a terminally ill offender before their parole eligibility date. As a result, inmates suffering from debilitating and terminal diseases spent their final days far from their families and at a significant cost to the State. Medical parole represented a compassionate and practical response to dying inmates who were so debilitated or incapacitated that there was a reasonable probability they were incapable of presenting any danger to society.

Chapter 56 of the Laws of 2009 gave the Board the authority to grant inmates release to medical parole who are certified as suffering from a significant debilitating illness by enacting section 259-s of the Executive Law.

Staff who assessed an eligible inmate's medical condition pre-merger, continue to perform that function. In addition, the Commissioner of DOCCS continues to certify cases to the Board following a medical assessment for review and consideration under sections 259-r and 259-s of the Executive Law.

### **Eligibility**

Release on medical parole may be granted by the Parole Board only after an inmate is diagnosed by a physician to suffer from either a terminal medical condition or a permanent non-terminal medical condition that renders him or her so debilitated or incapacitated, mentally or physically, as to be severely restricted in his or her ability to self-ambulate or to perform significant normal activities of daily living. The Commissioner of DOCCS or a designee reviews the physician's diagnosis and certifies that the inmate is so debilitated or incapacitated as to create a reasonable probability that he or she is physically or cognitively incapable of presenting any danger to society.

The convictions and sentences of all applicants are thoroughly screened to ensure that ineligible inmates are excluded from medical parole consideration. Sections 259-r and 259-s of the Executive Law deem any inmate serving a sentence for Murder in the 1<sup>st</sup> Degree, or an attempt or conspiracy to commit Murder in the 1<sup>st</sup> Degree ineligible for medical parole.

### **The Release Decision**

The Board utilizes the standards set forth in sections 259-r and 259-s of the Executive Law to make medical parole release decisions. These sections mandate that release on medical parole be granted, "only after the board considers whether, in light of the inmate's medical condition, there is a reasonable probability that the inmate, if released, will live and remain at liberty without violating the law, and that such release is not incompatible with the welfare of society and will

not so deprecate the seriousness of the crime as to undermine respect for the law.” It also empowers the Board to grant release on medical parole to DOCCS-certified applicants at specified times during their incarceration, prior to completion of the court-imposed minimum sentence. As with any case considered for discretionary release, a panel consisting of no fewer than two, nor more than three Board commissioners is required to conduct an interview with the inmate and review the case record that was prepared by DOCCS staff.

Pursuant to sections 259-r and 259-s of the Executive Law, the sentencing judge, prosecuting district attorney, and defense counsel are provided written notice when the inmate is being considered for medical parole and are afforded an opportunity to submit comments to the Board. The Board cannot make a release decision until the expiration of the prescribed comment period, which is fifteen days for terminally ill people and thirty days for non-terminally ill people.

The Department is statutorily required to provide a medical discharge plan to the Board for its review and consideration when assessing the appropriateness for granting this type of release. The standards against which the discharge plans are developed are consistent with hospital discharge planning regulations. The medical discharge plan identifies the level of medical care the inmate will require upon release and confirms the availability of a suitable placement in the community.

In 2015, the New York State Executive law governing release on medical parole was amended by enacting section 259-r(10) & (11) to allow certain eligible inmates to be granted medical parole presumptively by the Commissioner of DOCCS, with the Chairperson of the Board of Parole’s review and approval. The inmate’s crime must be non-violent.

### **Post-Release Review**

Prior to the expiration of the initial six-month period of medical parole, the Board reviews each case to determine whether the offender’s medical parole should be continued. Executive Law sections 259-r(4)(d) and 259-s(4)(d) require the medical parolee to undergo “...a medical examination at least one month prior to the expiration of the period of medical parole.” The statutes further require the medical parolee to provide the Board with a report, prepared by the treating physician, that summarizes the results of the medical examination so the Board can make an extension decision. The report must specifically address whether the medical parolee continues to suffer from the terminal or significant and permanent non-terminal medical condition that resulted in his or her early release and assess their ability to self-ambulate or perform significant normal activities of daily living. DOCCS Community Supervision staff maintain contact with medical providers to ensure that medical reports are submitted to the Board as required.

A hearing is required if the Board does not receive an appropriate medical report or if there is information indicating that the grant of medical parole is no longer warranted under the governing standard. If a Board decision is pending at the time the six-month term of medical parole expires, the term is extended, and the medical parolee remains in the community until the Board makes its decision. Section 259-r of the Executive Law mandates that alleged violators be lodged at a

DOCCS correctional facility, rather than a local jail, during any revocation proceedings for individuals granted release via medical parole.

### **Medical Parole Program Highlights**

Below are statistics on the applications received, determinations made, and release information for the medical parole program from 2012 to 2016. Figures 1 and 2 provide summaries of medical parole processing and outcomes for all applications reviewed by the Board of Parole from January 2012 through December 2016.

- There were 113 certified applications submitted for medical parole from 2012 to 2016. There was an average of 23 applications submitted per year during this five-year period: 18 in 2012; 17 in 2013; 33 in 2014; 19 in 2015; and 26 in 2016.
- The primary diagnosis of the 113 applicants was Cancer (52%). Ninety-five percent (95%) of the applicants were male and 5% were female.
- Of the 113 applicants for medical parole, 19 died prior to a Board Interview.
- Seventy-one (71) of the 94 (76%) medical parole applicants who appeared before the Board from 2012 to 2016 were granted medical parole. The 22 applicants who were denied release were denied due to their risk assessment/criminal history. The remaining applicant was postponed and died prior to his next Board appearance.
- For those inmates with a Medical Parole interview in 2016, an average of 23 business days elapsed between the Board receiving the Medical Parole application and the Board interview date.
- During the five-year period of 2012 through 2016, approximately 12,155 prison days were saved due to parolees' early release to medical parole supervision.
- A total of 37 of the 63 individuals released on medical parole from 2012 to 2016 were released to New York City. Twenty-five individuals were released to counties in upstate New York and one was released out-of-state.
- Placements pursuant to the final medical discharge plans for the 63 releases from 2012 through December 2016 were as follows: 36 to skilled nursing facilities, 24 to home care, and 3 to a hospital setting.

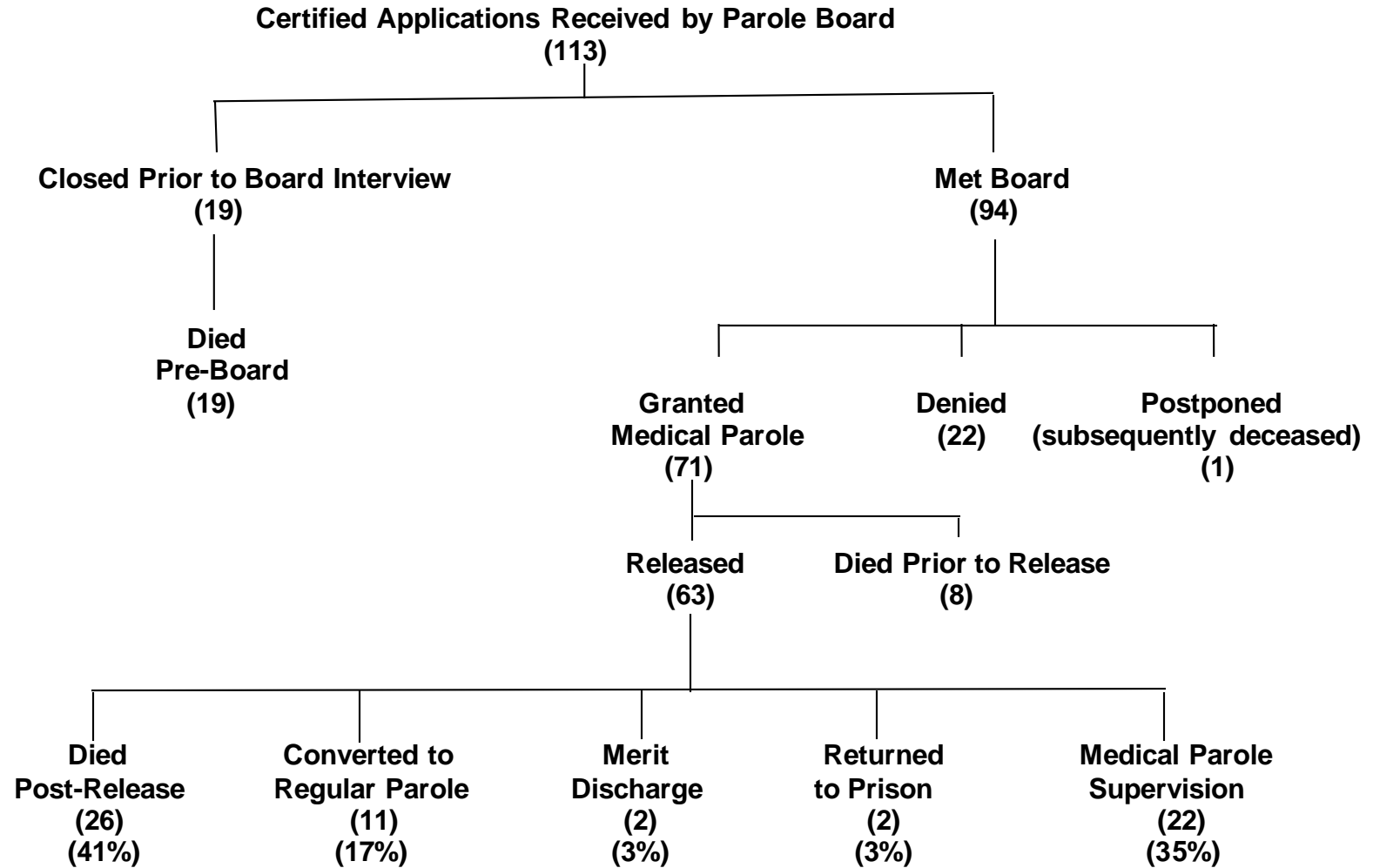
- A total of 22 (35%) of the 63 cases granted medical parole and released between 2012 and December 2016 were still under medical parole supervision at the end of 2016. Twenty-six parolees (41%) died following release, 2 parolees (3%) were granted Merit Discharge from Community Supervision, 11 parolees (17%) converted to regular parole at their PE dates and 2 parolees (3%) were revoked and returned to prison (Figure 1).
- The 22 parolees under medical parole supervision at the end of 2016 were under supervision for a total of 15,323 days, or an average of 697 days per parolee. Each parolee's medical condition is assessed every six months to ascertain the appropriateness of their continued status on medical parole.
- Per section 259-r(10) & (11), three inmates were granted medical parole by the Commissioner in 2016.

**TABLE 5. MEDICAL PAROLE BOARD RELEASE RATES  
FOR APPLICATIONS SUBMITTED  
2012 through 2016**

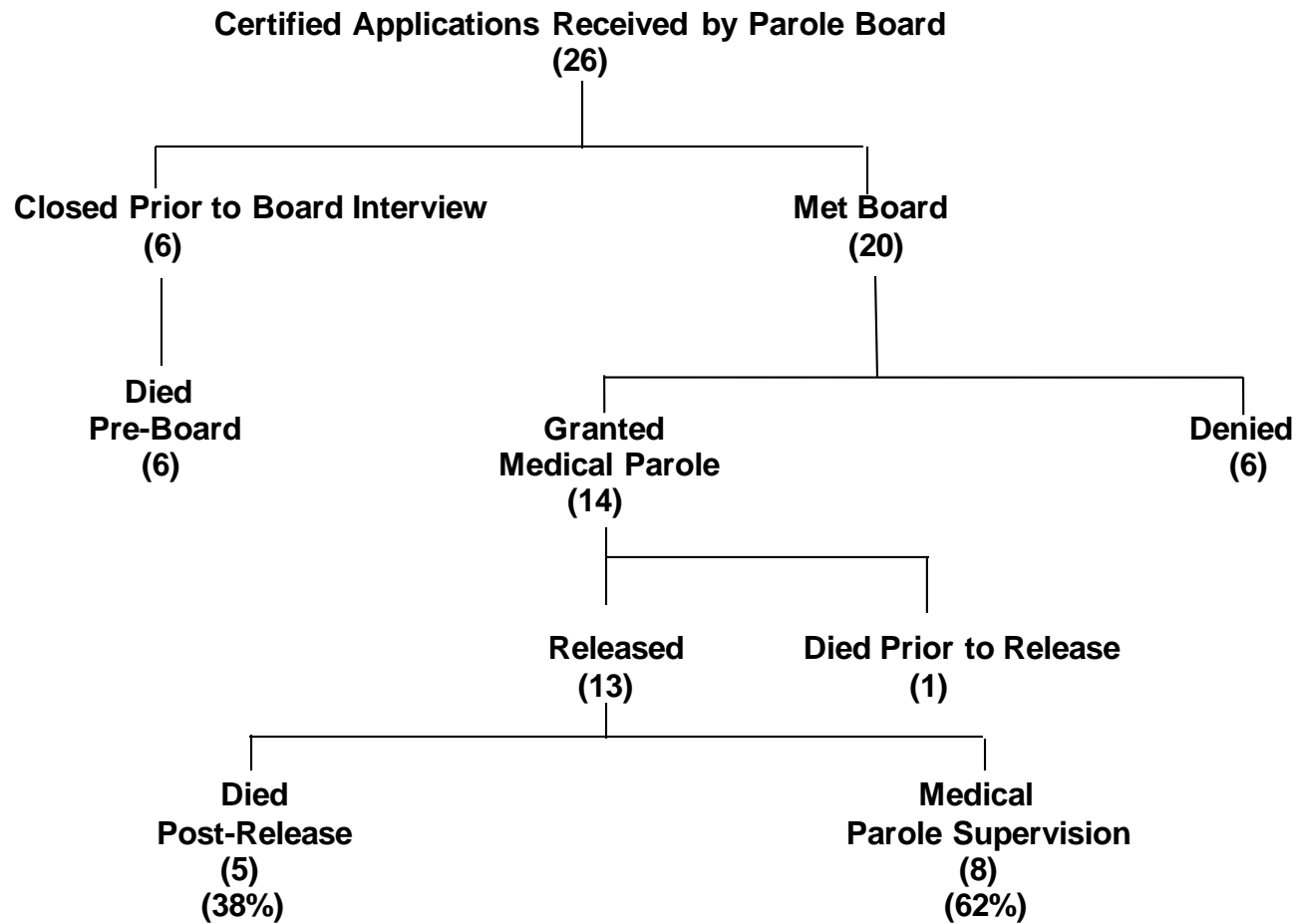
	Calendar Year					Total
	2012	2013	2014	2015	2016	
<b>Medical Parole Interviews</b>	15	16	27	16	20	94
<b>Granted Release</b>	14	12	20	11	14	71
<b>Release Rate</b>	93%	75%	74%	69%	70%	76%



**Figure 1 - MEDICAL PAROLE APPLICATION PROCESSING**  
**January 2012 – December 2016**



**Figure 2 - MEDICAL PAROLE APPLICATION PROCESSING**  
**January – December 2016**



### **Section 3 – Counsel’s Office**

**Parole Board Office of Counsel** – The Office of Counsel is responsible for the following program areas: litigation; administrative appeal process; legislation/regulations; and adjudication of parole violations.

**Parole Board Appeals Unit** – The Appeals unit opens and processes administrative appeals from either Board decisions that deny release to community supervision or Administrative Law Judge (ALJ) decisions that revoke parole, conditional release, presumptive release or post-release supervision. The number of Administrative Appeals opened between 2012 and 2016 were as follows:

- For calendar year 2012: 4,172
- For calendar year 2013: 4,093
- For calendar year 2014: 3,563
- For calendar year 2015: 3,508
- For calendar year 2016: 3,295

The Appeals Unit responds timely to administrative appeals. Typically, the response is within one to two months of the perfection of the brief.

**Litigation** – The Board and its employees are sometimes made parties to litigation; the most common actions that are filed are pursuant to the New York Civil Practice Law and Rules Article 78 and habeas corpus proceedings, claims filed in the New York Court of Claims, and actions commenced in State courts under 42 U.S.C. Section 1983.

## **Section 4 - Bureau of Adjudication**

The Board has the jurisdictional authority to revoke the release of any person released from a DOCCS correctional facility prior to the maximum expiration date of their sentence. Administrative Law Judges and Preliminary Hearing Officers adjudicate alleged violations of parole; the Bureau has one Chief ALJ, three Supervising ALJs and nineteen ALJs. In addition, there are eight Preliminary Hearing Officers. When a parole officer believes that a releasee lapsed into criminal activity or violated one or more of the conditions of release in an important respect, a parole violation warrant may be issued so that the alleged violator can be taken into custody. Statute requires that the violators be temporarily incarcerated in the county or city in which the arrest or alleged violation occurred during the violation process.

The Department must provide the alleged violator with a final revocation hearing within 90 days from the date on which probable cause was established. Approximately 22,000 final parole revocation hearings are scheduled each year.

ALJs preside over the final revocation hearings. At a final revocation hearing, the alleged violator is entitled to a number of due process protections. Key among these is the right to representation by counsel. If an ALJ sustains one or more of the violation charges, the violator may either 1) be returned to state custody for all or a portion of the remaining sentence, 2) be sent to a state facility for custodial drug treatment, or 3) be restored to supervision with additional conditions as deemed appropriate, e.g. treatment programs. If no charges are sustained, the warrant is vacated, and the person is returned to parole supervision. The Bureau operates in accordance with an established system of violation guidelines structured with appropriate penalties and separated into categories. Violators returned to prison are eligible for re-release to the community upon expiration of the time assessment imposed.

### **Parole Revocation Guidelines**

Effective January 27, 1997, Board regulations governing the parole revocation process were amended by the Board such that revocation outcomes are determined by a guideline structure that considers criminal history, crime of conviction, and current violative behavior. The guidelines are structured to ensure that those violators with a history of violent behavior receive the most severe penalties and those with substance abuse problems receive the necessary treatment. On July 12, 2004, additional changes were implemented by the Board to improve the efficiency of the violation process. These changes did not alter the category structure but focused on items such as expanding authorization for declaration of delinquency to area supervisors and decreasing the number of cases that require Board affirmation. Efficiency was further enhanced on February 27, 2012 when the Parole Board eliminated the requirement of Board affirmation for all cases pursuant to a court decision.

Under the guidelines, most violators fall into one of three categories, which are described below.

**Category 1:** The time assessment imposed on sustained Category 1 cases can be no less than 15 months; however, DOCCS may grant a mitigating reduction of up to 3 months. Category 1 cases may also be given the Alternative 90 Day program. Cases include the following violators:

- Conditionally released on a violent felony offense as defined under Penal Law Section 70.02;
- Paroled or conditionally released on an A-1 felony offense;
- Paroled or conditionally released on any felony offense under Article 125, 130, 263 or Section 255.25 of the Penal Law;
- Paroled or conditionally released on any violent felony offense involving the use, or threatened use, of a deadly weapon or dangerous instrument or the infliction of physical injury;
- Current violative behavior involving the use, or threatened use of a deadly weapon or dangerous instrument or the infliction or attempted infliction of physical injury or possession of a firearm or threats toward Department staff; or
- A criminal record that includes either a violent felony conviction, or youthful offender adjudication that occurred within the 10-year period preceding the commission of the felony on which the current sentence is based and involved the use or threatened use of a deadly weapon or dangerous instrument or the infliction of physical injury.

**Category 2:** Cases include the following violators:

- The current conviction is for a felony, other than A-1, defined by Article 220 or 221 of the Penal Law and the sustained violation is for other than a felony committed while on parole; or
- The current sentence is based on a conviction other than Penal Law Article 220 or 221 offense which is neither a violent felony offense or a Class A felony and the current violation charge is sustained on a Rule 8 drug charge, Rule 11 charge or special condition prohibiting the use of alcohol.

All Category 2 violators are revoked and restored to Willard DTC. However, a parole violator may be exempted from mandatory participation in Willard DTC (and moved to Category 3) when one of the following circumstances apply:

- Time remaining on sentence as of warrant lodge date is less than nine months;
- Pending felony charges as of final hearing date;
- Medical/Psychiatric ineligibility;
- Exceptional mitigating circumstances; or
- Violators who have incurred two prior sustained violations do not go to Willard but receive a time assessment not to exceed 12 months.

**Category 3:** These cases include parole violators that do not fall under Categories 1 or 2.

The time assessment imposed on a Category 3 violator whose crime of conviction is a violent felony offense as defined in Penal Law Section 70.02 is the time spent in custody (at the time of the final hearing) plus six months. For a violator with a non-violent felony offense as a crime of conviction, the time assessment is time spent in custody plus three months. Violators who incurred two prior sustained violations receive a time assessment not to exceed 12 months.

### **Outside the Guidelines**

Certain types of parole violators cannot be considered within the above described guidelines. They are considered outside the guidelines and are categorized as follows:

- Those sentenced to Willard under section 410.91 of the Criminal Procedure Law (judicially sanctioned); or
- Those restored to Willard who fail to successfully complete the 90-day program.

### **Mitigating Circumstances**

There are five sets of mitigating circumstances which, if demonstrated, allow for a departure from the mandatory penalties imposed on Category 1, 2, and 3 violators. The mitigating circumstances are described in detail in section 8005.20 of Title 9 of the New York Codes Rules and Regulations. If mitigating circumstances apply, this group of violators can be revoked and restored to supervision if DOCCS found that: (1) the violator's program needs could be adequately addressed in the community with supervision and (2) restoration to supervision would not have an adverse effect on public safety.

## **Violation Process Highlights**

An alleged parole violator is entitled to a preliminary violation hearing to determine whether there is probable cause, within 15 days of arrest on the parole warrant. If probable cause is found or if the preliminary hearing is waived by the alleged violator, the final revocation hearing must be scheduled to be held within 90 days.

- The majority (78%) of alleged violators scheduled for a preliminary violation hearing in 2016 waived the right to these hearings. This has been consistent over the last five years (Table 6).
- Final hearing completion rates declined over the last five years, from 59% in 2012 to 52% in 2016 (Table 7).
- The number of violators Revoked and Ordered Returned to Prison declined by 13% from 2012 to 2016 (Table 8).
- During 2016, 58% of violations with charges sustained resulted in returns to prison, 25% went to Willard or an Alternative 90 Day or Alternative 45 Day program, and 17% were revoked and restored to the street or a program in the community (Table 8).
- The number of offenders ordered to prison, Willard or an alternative program decreased by 8% from 2012 to 2016 (Table 8).
- The number of offenders ordered revoked and restored to the street increased by 17% during this time period (Table 8).
- In addition to these outcomes, there were 1,271 diversions to a Parole Diversion Program at Edgecombe, Hudson or Orleans Correctional Facilities, which served to divert and stabilize offenders whose behavior in the community placed them at risk of being returned to prison as parole violators.
- In 2016, the average processing time from warrant lodging to a completed final revocation hearing was 63 days. Although there were 3,039 more cases processed in non-Rikers facilities compared to Rikers (7,853 vs. 4,814 respectively), the average processing time for non-Rikers cases was 56 days, 19 days shorter than the 75 days it took to process cases at Rikers. (Table 9).

**TABLE 6. VIOLATION PROCESS  
PRELIMINARY HEARING ACTIVITY**

Year	Preliminary Hearings							
	Waived		Completed		Adjourned		TOTAL PROCESSED	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
2012	12,411	82.3%	2,347	15.6%	319	2.1%	15,077	100%
2013	12,523	81.8%	2,490	16.3%	298	1.9%	15,311	100%
2014	11,400	81.2%	2,381	17.0%	263	1.9%	14,044	100%
2015	11,293	78.8%	2,639	18.4%	406	2.8%	14,338	100%
2016	11,442	78.2%	3,003	20.5%	179	1.2%	14,624	100%



**TABLE 7. VIOLATION PROCESS  
FINAL HEARING ACTIVITY**

Year	Final Hearings					
	Completed		Adjourned		TOTAL PROCESSED	
	Number	Percent	Number	Percent	Number	Percent
2012	13,344	58.6%	9,416	41.4%	22,760	100%
2013	13,354	57.8%	9,757	42.2%	23,111	100%
2014	12,374	55.3%	9,986	44.7%	22,360	100%
2015	12,261	54.5%	10,249	45.5%	22,510	100%
2016	12,819	52.2%	11,757	47.8%	24,576	100%

**TABLE 8. ULTIMATE DISPOSITIONS FOR VIOLATIONS  
WITH CHARGES SUSTAINED**

	2012		2013		2014		2015		2016	
	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
<b>Revoke and Ordered Returned to Prison</b>	8,502	64.2%	8,415	63.6%	7,460	61.1%	7,504	61.8%	7,375	58.2%
<b>Revoke and Restore to Willard - Mandatory</b>	935	7.1%	877	6.6%	852	7.0%	904	7.4%	952	7.5%
<b>Revoke and Restore to Willard - Voluntary</b>	201	1.5%	163	1.2%	159	1.3%	143	1.2%	143	1.1%
<b>Alternative 90 Day Program</b>	1,654	12.5%	1,804	13.6%	1,714	14.0%	1,758	14.5%	1,887	14.9%
<b>Alternative 45 Day Program</b>	121	0.9%	197	1.5%	164	1.3%	112	0.9%	188	1.5%
<b>TOTAL ORDERED TO PRISON, WILLARD OR ALT PROGRAM</b>	<b>11,413</b>	<b>86.2%</b>	<b>11,456</b>	<b>86.6%</b>	<b>10,349</b>	<b>84.8%</b>	<b>10,421</b>	<b>85.8%</b>	<b>10,545</b>	<b>83.2%</b>
<b>Revoke and Restore to Street or Program</b>	1,829	13.8%	1,768	13.4%	1,853	15.2%	1,720	14.2%	2,132	16.8%
<b>TOTAL OUTCOMES</b>	<b>13,242</b>	<b>100%</b>	<b>13,224</b>	<b>100%</b>	<b>12,202</b>	<b>100%</b>	<b>12,141</b>	<b>100%</b>	<b>12,677</b>	<b>100%</b>

<b>Revoke and Restore to Street - Time Served</b>	424	411	379	464	476
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**Notes:** Revoke and Ordered Returned to Prison includes some cases that were ultimately restored to supervision after serving the complete time assessment while in local jail, with no return to prison. The subset of Time Served cases is presented immediately above.

Cases included in the table had their VIOLATORS record closed during the year reported.

**TABLE 9. REVOCATION GUIDELINES CATEGORY AND PROCESSING TIME  
FOR VIOLATORS WITH FINAL HEARINGS COMPLETED DURING 2016**

Guidelines Category	Rikers		Non-Rikers		Total		
	Days From Lodge to Final	Number of Cases	Days From Lodge to Final	Number of Cases	Days From Lodge to Final	Number of Cases	Percent of Cases
Category 1	113	974	71	2,531	83	3,505	27.7%
Category 2 (Mandatory Willard)	135	49	41	903	45	952	7.5%
Category 3	47	951	43	1,262	45	2,213	17.5%
Voluntary Willard	34	4	34	72	34	76	0.6%
Revoke and Restore to Supervision	80	1,325	81	723	80	2,048	16.2%
Persistent Violators	57	391	40	589	47	980	7.7%
Outside Guidelines	176	106	53	712	69	818	6.5%
Alternative 90 Day Program*	57	826	41	1,061	48	1,887	14.9%
Alternative 45 Day Program**	36	188	n/a	n/a	36	188	1.5%
<b>Total</b>	<b>75</b>	<b>4,814</b>	<b>56</b>	<b>7,853</b>	<b>63</b>	<b>12,667</b>	<b>100%</b>

Notes: Guidelines categories reflect the determination made by the Administrative Law Judge at the final hearing, but may not represent the eventual outcome of the case. Table excludes final hearings resulting in charges not being sustained and for those cases that were initially released as Local Releases.

\* This program is generally provided at Willard DTC.

\*\* This program is provided at Edgecombe.

## **Parolees Returned to Prison**

To ensure public safety, the Board may grant parole when appropriate under governing standards as well as revoke Community Supervision when necessary. Below are the statistics concerning parolees that were returned to prison between 2012 and 2016.

- There were 9,738 parolee returns to prison in 2016. 8,419 (86%) of these returns were for violations of the conditions of parole and 1,319 (14%) were for new court convictions (Table 10).
- There was a decline of 873 in the number of violations of the conditions of parole amongst the dynamic parolee population from 9,292 in 2012 to 8,419 in 2016. This represents a 9% decrease. (Table 10).
- In 2016, at the time of return, 44% of all returns were supervised at Level 1, 27% at Level 2, 21% at Level 3, and 7% at Level 4. Parolees supervised at Level 1 (highest risk) were most likely to return for both new commitments and violating the conditions of parole (Table 11).
- In 2016, 71% of returns to prison were among parolees supervised at Level 1 or 2. This was higher than the proportion of parolees supervised at Level 1 or 2 (46%) at the end of 2016. This indicates that, as expected, returns to prison occurred disproportionately among Level 1 and Level 2 parolees (Table 11).
- The number of parolees originally convicted as drug offenders and returned to prison after a new felony conviction declined by 115 from 386 in 2012 to 271 in 2016. This represents a 30% decrease. (Table 12).
- Among the parolees returned to prison as new commitments in 2012, 43% were originally convicted of violent offenses and 28% were convicted of drug offenses. Among 2016 new commitment returns, 50% were originally committed for violent offenses and 21% were convicted of drug offenses (Table 12).
- The proportion of rule violation returns comprised of parolees originally convicted as drug offenders declined by 9% from 27% in 2012 to 18% in 2016 (Table 13).
- The number of parolees originally convicted of legislative VFOs and returned to prison after conviction for a new felony increased by 13% from 575 in 2012 to 649 in 2016 (Table 14).
- The number of parolees originally convicted of A-1 Violent Offenses and returned to prison for a rule violation increased by 30% from 67 in 2012 to 87 in 2016 (Table 15).

**TABLE 10. PAROLEES RETURNED TO PRISON: 2012 to 2016  
as a Proportion of the Parolee Dynamic Population**

<b>Return Reason</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
<b>New Court Conviction</b>	1,363	1,406	1,401	1,275	1,319
	2.6%	2.7%	2.7%	2.5%	2.6%
<b>Violating Conditions of Parole<sup>1</sup></b>	9,292	9,284	8,502	8,229	8,419
	17.4%	17.7%	16.6%	16.4%	16.6%
<b>Total Prison Returns During Year</b>	10,655	10,690	9,903	9,504	9,738
	20.0%	20.4%	19.3%	18.9%	19.2%
<b>Dynamic Population<sup>2</sup></b>	53,284	52,307	51,274	50,254	50,675

1 Included in the number of offenders returned for violating conditions of Parole are cases ordered to the Department's Alternative 90 and Alternative 45 day programs. The number of Alt 90 entrants was 1,689 for 2012; 1,780 for 2013; 1,726 for 2014; 1,734 for 2015 and 1,882 for 2016. The number of Alt 45 entrants was 124 for 2012; 183 for 2013; 164 for 2014; 94 for 2015 and 175 for 2016.

2 The dynamic population reflects the number of people who spent at least some time under active supervision (start of year active population plus all releases to supervision) over the course of the year.

**TABLE 11. PAROLEES RETURNED TO PRISON DURING 2016 BY SUPERVISION LEVEL**

Supervision Level	Return Reason						Supervision Level for Parolees in the Community  December 31, 2016	
	New Court Conviction		Violating Conditions of Parole		Total			
	Number	Percent	Number	Percent	Number	Percent		
<b>1 (25:1)</b>	473	36%	3,797	45%	4,270	44%	<b>1 (25:1)</b>	29%
<b>2 (40:1)</b>	323	24%	2,326	28%	2,649	27%	<b>2 (40:1)</b>	17%
<b>3 (80:1)</b>	362	27%	1,675	20%	2,037	21%	<b>3 (80:1)</b>	27%
<b>4 (160:1)</b>	156	12%	565	7%	721	7%	<b>4 (160:1)</b>	26%
<b>Pending</b>	5	0%	56	1%	61	1%	<b>Pending</b>	1%
<b>TOTAL</b>	1,319	100%	8,419	100%	9,738	100%	<b>TOTAL</b>	100%

**TABLE 12. PAROLEES RETURNED TO PRISON AS NEW COMMITMENTS: 2012 TO 2016  
ORIGINAL CRIME OF COMMITMENT**

The number of Drug Offenders returned to prison after conviction of a new felony has decreased by 30 percent since 2012.

This reflects the combined impact of decreases in the drug offender population under supervision and significant numbers of drug offenders returned for rule violations before they commit new crimes. In 2016, 271 Drug Offenders were returned to DOCCS for committing new crimes.

Year	A1 Violent and Legislative VFO		Other Coercive		Drug Offenses		Major Property		Other Felony		YO/JO		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
2012	583	43%	61	4%	386	28%	230	17%	75	6%	28	2%	1,363	100%
2013	652	46%	68	5%	380	27%	200	14%	70	5%	36	3%	1,406	100%
2014	643	46%	54	4%	349	25%	255	18%	64	5%	36	3%	1,401	100%
2015	585	46%	69	5%	317	25%	206	16%	53	4%	45	4%	1,275	100%
2016	663	50%	64	5%	271	21%	216	16%	74	6%	31	2%	1,319	100%

**TABLE 13. PAROLEES RETURNED TO PRISON FOR RULE VIOLATIONS: 2012 TO 2016  
ORIGINAL CRIME OF COMMITMENT**

In 2016, 4,082 Violent Felony Offenders were returned to prison for rule violations. As the proportion of Drug Offenders under supervision has decreased, the number of Drug Offenders returned to prison for rule violations has also decreased. In 2012, 42% of all rule violation returns were violent felony offenders and 27% were Drug Offenders. In 2016, less than one-fifth (18%) of rule violation returns were drug offenders and almost half (48%) were violent felony offenders.

Calendar Year	A1 Violent and Legislative VFO		Other Coercive		Drug Offenses		Major Property		Other Felony		Youthful Offenders		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
2012	3,889	42%	620	7%	2,539	27%	1,319	14%	614	7%	311	3%	9,292	100%
2013	4,078	44%	719	8%	2,186	24%	1,385	15%	625	7%	291	3%	9,284	100%
2014	3,865	45%	629	7%	1,832	22%	1,321	16%	597	7%	258	3%	8,502	100%
2015	3,857	47%	611	7%	1,589	19%	1,324	16%	579	7%	269	3%	8,229	100%
2016	4,082	48%	614	7%	1,541	18%	1,366	16%	586	7%	230	3%	8,419	100%



**TABLE 14. ORIGINAL COMMITMENT OFFENSE OF NEW FELONY RETURNS TO PRISON: 2012 TO 2016**

COMMITMENT OFFENSE	2012		2013		2014		2015		2016	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
<b>A1 VIOLENT OFFENSES</b>										
Murder, Murder 1st & 2nd										
Attempted Murder 1st	8	1%	14	1%	13	1%	7	<1%	13	1%
Kidnapping 1st	0	--	0	--	0	--	0	--	1	<1%
Arson 1st	0	--	0	--	0	--	0	--	0	0%
<b>TOTAL A1 Violent</b>	<b>8</b>	<b>1%</b>	<b>14</b>	<b>1%</b>	<b>13</b>	<b>1%</b>	<b>7</b>	<b>&lt;1%</b>	<b>14</b>	<b>1%</b>
<b>LEGISLATIVE VFO</b>										
Attempted Murder 2nd	9	1%	18	1%	11	1%	8	1%	6	<1%
Manslaughter 1st	14	1%	16	1%	10	1%	8	1%	13	1%
Rape 1st	6	<1%	7	<1%	7	0%	6	<1%	2	<1%
Robbery 1st	97	7%	111	8%	99	7%	95	7%	95	7%
Robbery 2nd	122	9%	153	11%	133	9%	109	8%	127	10%
Assault 1st	15	1%	25	2%	23	2%	28	2%	20	2%
Other Assault	48	4%	36	3%	49	3%	64	5%	59	4%
Burglary 1st	8	1%	13	1%	19	1%	14	1%	15	1%
Burglary 2nd	138	10%	125	9%	144	10%	126	9%	159	12%
Attempted Arson 1st, Arson 2nd	0	--	0	--	1	<1%	1	<1%	2	<1%
Sodomy 1st	3	<1%	2	<1%	2	<1%	1	<1%	2	<1%
Sexual Abuse	4	<1%	9	1%	7	<1%	9	1%	11	1%
Weapons Offense	109	8%	121	9%	121	9%	109	8%	134	10%
Terrorism/False Bombing	0	--	1	<1%	2	<1%	0	--	1	<1%
Attempted Kidnapping 1st, Kidnapping 2nd	2	<1%	1	<1%	2	<1%	0	--	3	<1%
<b>TOTAL Legislative VFO</b>	<b>575</b>	<b>42%</b>	<b>638</b>	<b>45%</b>	<b>630</b>	<b>45%</b>	<b>578</b>	<b>41%</b>	<b>649</b>	<b>49%</b>
<b>OTHER COERCIVE</b>										
Manslaughter 2nd	1	<1%	2	<1%	0	--	0	--	1	<1%
Other Homicide	0	--	1	<1%	0	--	0	--	0	--
Robbery 3rd	36	3%	35	2%	39	3%	41	3%	31	2%
Attempted Assault 2nd	10	1%	12	1%	4	<1%	9	1%	12	1%
Other Sex Offenses	5	<1%	7	<1%	5	<1%	9	1%	6	<1%
Other Coercive	9	1%	11	1%	6	<1%	10	1%	14	1%
<b>TOTAL Other Coercive</b>	<b>61</b>	<b>4%</b>	<b>68</b>	<b>5%</b>	<b>54</b>	<b>4%</b>	<b>69</b>	<b>5%</b>	<b>64</b>	<b>5%</b>
<b>DRUG OFFENSES</b>										
Drug Sale	200	15%	221	16%	191	14%	165	12%	148	11%
Drug Possession	186	14%	159	11%	158	11%	152	11%	123	9%
<b>TOTAL Drug Offenses</b>	<b>386</b>	<b>28%</b>	<b>380</b>	<b>27%</b>	<b>349</b>	<b>25%</b>	<b>317</b>	<b>23%</b>	<b>271</b>	<b>21%</b>
<b>MAJOR PROPERTY</b>										
Burglary 3rd	127	9%	93	7%	117	8%	103	7%	110	8%
Grand Larceny	61	4%	51	4%	85	6%	52	4%	58	4%
Forgery	14	1%	24	2%	32	2%	23	2%	26	2%
Stolen Property	28	2%	32	2%	21	1%	28	2%	22	2%
<b>TOTAL Major Property</b>	<b>230</b>	<b>17%</b>	<b>200</b>	<b>14%</b>	<b>255</b>	<b>18%</b>	<b>206</b>	<b>15%</b>	<b>216</b>	<b>16%</b>
<b>OTHER FELONY</b>										
Driving While Intoxicated	22	2%	16	1%	16	1%	16	1%	16	1%
Non-Violent Weapons Offense	20	1%	17	1%	15	1%	17	1%	16	1%
All Other Felonies	33	2%	37	3%	33	2%	20	1%	42	3%
<b>TOTAL Other Felony</b>	<b>75</b>	<b>6%</b>	<b>70</b>	<b>5%</b>	<b>64</b>	<b>5%</b>	<b>53</b>	<b>4%</b>	<b>74</b>	<b>6%</b>
<b>YOUTHFUL/JUVENILE OFFENDERS</b>										
YO/JO	28	2%	36	3%	36	3%	45	3%	31	2%
<b>TOTAL YO/JO</b>	<b>28</b>	<b>2%</b>	<b>36</b>	<b>3%</b>	<b>36</b>	<b>3%</b>	<b>45</b>	<b>3%</b>	<b>31</b>	<b>2%</b>
<b>GRAND TOTAL</b>	<b>1,363</b>	<b>100%</b>	<b>1,406</b>	<b>100%</b>	<b>1,401</b>	<b>100%</b>	<b>1,275</b>	<b>100%</b>	<b>1,319</b>	<b>100%</b>

**TABLE 15. ORIGINAL COMMITMENT OFFENSE OF RULE RETURNS TO PRISON: 2012 TO 2016**

COMMITMENT OFFENSE	2012		2013		2014		2015		2016	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
<b>A1 VIOLENT OFFENSES</b>										
Murder, Murder 1st & 2nd										
Attempted Murder 1st	65	1%	54	1%	53	1%	53	1%	84	1%
Kidnapping 1st	1	<1%	1	<1%	1	<1%	1	<1%	1	<1%
Arson 1st	1	<1%	1	<1%	0	--	0	--	2	<1%
<b>TOTAL A1 Violent</b>	<b>67</b>	<b>1%</b>	<b>56</b>	<b>1%</b>	<b>54</b>	<b>1%</b>	<b>54</b>	<b>1%</b>	<b>87</b>	<b>1%</b>
<b>LEGISLATIVE VFO</b>										
Attempted Murder 2nd	64	1%	53	1%	56	1%	48	1%	53	1%
Manslaughter 1st	93	1%	93	1%	57	1%	68	1%	66	1%
Rape 1st	115	1%	125	1%	101	1%	128	2%	110	1%
Robbery 1st	548	6%	533	6%	501	6%	457	6%	482	6%
Robbery 2nd	814	9%	829	9%	803	9%	768	9%	749	9%
Assault 1st	148	2%	146	2%	159	2%	155	2%	132	2%
Other Assault	366	4%	396	4%	398	5%	368	4%	402	5%
Burglary 1st	77	1%	86	1%	80	1%	88	1%	92	1%
Burglary 2nd	695	7%	758	8%	787	9%	761	9%	823	10%
Attempted Arson 1st, Arson 2nd	19	<1%	24	<1%	15	<1%	24	<1%	24	<1%
Sodomy 1st	103	1%	97	1%	81	1%	66	1%	80	1%
Sexual Abuse	217	2%	259	3%	184	2%	245	3%	299	4%
Weapons Offense	552	6%	599	6%	575	7%	606	7%	667	8%
Terrorism/False Bombing	4	<1%	6	<1%	3	<1%	8	<1%	4	<1%
Attempted Kidnapping 1st, Kidnapping 2nd	7	<1%	18	<1%	11	<1%	13	<1%	12	<1%
<b>TOTAL Legislative VFO</b>	<b>3,822</b>	<b>41%</b>	<b>4,022</b>	<b>43%</b>	<b>3,811</b>	<b>45%</b>	<b>3,803</b>	<b>46%</b>	<b>3,995</b>	<b>47%</b>
<b>OTHER COERCIVE</b>										
Manslaughter 2nd	15	<1%	11	<1%	15	<1%	11	<1%	11	<1%
Other Homicide	6	<1%	6	<1%	5	<1%	3	<1%	10	<1%
Robbery 3rd	278	3%	312	3%	290	3%	240	3%	250	3%
Attempted Assault 2nd	100	1%	119	1%	95	1%	113	1%	101	1%
Other Sex Offenses	132	1%	161	2%	141	2%	175	2%	169	2%
Other Coercive	89	1%	110	1%	83	1%	69	1%	73	1%
<b>TOTAL Other Coercive</b>	<b>620</b>	<b>7%</b>	<b>719</b>	<b>8%</b>	<b>629</b>	<b>7%</b>	<b>611</b>	<b>7%</b>	<b>614</b>	<b>7%</b>
<b>DRUG OFFENSES</b>										
Drug Sale	1,658	18%	1,416	15%	1,172	14%	971	12%	923	11%
Drug Possession	881	9%	770	8%	660	8%	618	8%	618	7%
<b>TOTAL Drug Offenses</b>	<b>2,539</b>	<b>27%</b>	<b>2,186</b>	<b>24%</b>	<b>1,832</b>	<b>22%</b>	<b>1,589</b>	<b>19%</b>	<b>1,541</b>	<b>18%</b>
<b>MAJOR PROPERTY</b>										
Burglary 3rd	637	7%	695	7%	656	8%	684	8%	653	8%
Grand Larceny	349	4%	355	4%	378	4%	365	4%	408	5%
Forgery	157	2%	178	2%	149	2%	125	2%	160	2%
Stolen Property	176	2%	157	2%	138	2%	150	2%	145	2%
<b>TOTAL Major Property</b>	<b>1,319</b>	<b>14%</b>	<b>1,385</b>	<b>15%</b>	<b>1,321</b>	<b>16%</b>	<b>1,324</b>	<b>16%</b>	<b>1,366</b>	<b>16%</b>
<b>OTHER FELONY</b>										
Driving While Intoxicated	154	2%	128	1%	124	1%	114	1%	129	2%
Non-Violent Weapons Offense	101	1%	100	1%	120	1%	100	1%	94	1%
All Other Felonies	359	4%	397	4%	353	4%	365	4%	363	4%
<b>TOTAL Other Felony</b>	<b>614</b>	<b>7%</b>	<b>625</b>	<b>7%</b>	<b>597</b>	<b>7%</b>	<b>579</b>	<b>7%</b>	<b>586</b>	<b>7%</b>
<b>YOUTHFUL/JUVENILE OFFENDERS</b>										
YO/JO	311	3%	291	3%	258	3%	269	3%	230	3%
<b>TOTAL YO/JO</b>	<b>311</b>	<b>3%</b>	<b>291</b>	<b>3%</b>	<b>258</b>	<b>3%</b>	<b>269</b>	<b>3%</b>	<b>230</b>	<b>3%</b>
<b>GRAND TOTAL</b>	<b>9,292</b>	<b>100%</b>	<b>9,284</b>	<b>100%</b>	<b>8,502</b>	<b>100%</b>	<b>8,229</b>	<b>100%</b>	<b>8,419</b>	<b>100%</b>

***Prepared by:***

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