



Corrections and Community Supervision

Board of Parole

Legislative Report

2017

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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 2013 through 2017.

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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 16 members at the conclusion of 2017. 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 1,832 interviews/case reviews from 23,695 in 2013 to 21,863 in 2017. This represents an 8% decrease since 2013 and 2% decrease from 2016 (Table 1).
- The Total Initial approval rate (excluding Shock) increased by 10% from 19% in 2013 to 29% in 2017. The Total Non-Administrative release rate increased by 9% from 24% in 2013 to 33% in 2017 (Table 1).
- The number of Initial interviews for Major Property Offenders declined by 275 from 2,371 in 2013 to 2,096 in 2017. This represents a 12% decrease. The release rate for these cases increased by 13% from 27% in 2013 to 40% in 2017 (Table 2 and Table 3B).
- The number of Initial interviews for Other Coercive Offenders declined by 179 from 1,502 in 2013 to 1,323 in 2017. This represents a 12% decrease. The release rate for these cases increased by 11% from 14% in 2013 to 25% in 2017 (Table 2 and Table 3A).
- The number of Initial interviews for A-I Violent Offenses¹ was 339 in 2017, virtually unchanged from the 334 interviews in 2013. The release rate for A-Is increased by 11% from 19% in 2013 to 30% in 2017 (Table 2 and Table 3A).
- The number of Medical Parole applications resulting in a Parole Board Interview decreased by 4 from 16 in 2013 to 12 in 2017. The release rate increased by 8% from 75% in 2013 to 83% in 2017 (Table 5).
- The number of ultimate violation process outcomes for parole violators with sustained charges declined by 972 from 13,224 in 2013 to 12,252 in 2017. This represents a 7% decrease. Fifty-five percent (55%) of the violation outcomes in 2017 were ordered to prison, 25% to Willard or an Alternative 90 or 45 Day Program, and 20% were revoked and restored to the street or a program in the community (Table 8).
- In addition to these outcomes, there were 1,631 diversions to a Parole Diversion Program at Edgecombe, Orleans or Hale Creek 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 84 from 1,406 in 2013 to 1,322 in 2017. This represents a 6% decrease (Table 12).
- The number of parolees returned to prison for violating the conditions of parole declined by 1,482 from 9,284 in 2013 to 7,802 in 2017. This represents a 16% decrease (Table 13).

¹These 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 (SIST¹).

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 2013 to 2017 is provided below:

- The Total Non-Administrative release rate increased from 24% in 2013 to 33% in 2017. Similarly, the Total Initial approval rate (excluding Shock) increased from 19% in 2013 to 29% in 2017 (Table 1).

¹ 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 81 from 108 in 2013 to 27 in 2017. This represents a 75% decrease. (Table 1).
- In 2017, the Other Felony category had the largest number of initial interviews. While the number of interviews increased by 8% (+155) between 2013 and 2017, the release rate increased by 11%, from 20% to 31% (Table 2 and Table 3B).
- The number of Initial interviews for Major Property Offenders (excluding Shock and Early Deportation) declined by 275 from 2,371 in 2013 to 2,096 in 2017. This represents a 12% decrease. The release rate for these cases increased by 13% from 27% in 2013 to 40% in 2017 (Table 2 and Table 3B).
- The release rate for A-I Violent Felonies increased by 11% from 19% in 2013 to 30% in 2017 (Table 2 and Table 3A).
- The number of Initial interviews for Other Coercive Offenses² declined by 176 from 1,502 in 2013 to 1,326 in 2017. This represents a 12% decrease. The release rate for these offenses increased by 11% from 14% in 2013 to 25% in 2017 (Table 2 and Table 3A).
- The Board conducted 208 Juvenile Offender Interviews in 2017. More than half (58%) of these were Initial Interviews (Table 4).
- The 15% release rate of Initial interviews for Juvenile Offenders in 2017 represented an increase from 11% in 2016 (Table 4).

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

TABLE 1. PAROLE BOARD INTERVIEWS AND RELEASE RATES: 2013 to 2017

	2013	2014	2015	2016	2017
Initials	7,070	7,246	7,030	6,937	6,838
Releases	1,090	1,131	1,159	1,260	1,645
Release Rate	15.4%	15.6%	16.5%	18.2%	24.1%
Merit	1,629	1,516	1,499	1,425	1,423
Releases	542	512	524	598	695
Release Rate	33.3%	33.8%	35.0%	42.0%	48.8%
Supplemental Merit	2	1	2	0	0
Releases	1	0	2	0	0
Release Rate	50.0%	0.0%	100.0%	--	--
Limited Credit Time	59	101	106	99	70
Releases	13	21	22	32	31
Release Rate	22.0%	20.8%	20.8%	32.3%	44.3%
Medical Parole	16	31	17	24	12
Releases	12	19	10	14	9
Release Rate	75.0%	61.3%	58.8%	58.3%	75.0%
Final Deportation	65	53	43	28	33
Releases	40	35	25	18	30
Release Rate	61.5%	66.0%	58.1%	64.3%	90.9%
Total Initials w/o Shock	8,841	8,948	8,697	8,513	8,376
Releases	1,698	1,718	1,742	1,922	2,410
Release Rate	19.2%	19.2%	20.0%	22.6%	28.8%
Shock	947	836	678	649	627
Releases	803	650	541	554	530
Release Rate	84.8%	77.8%	79.8%	85.4%	84.5%
Reappearance	3,384	3,265	3,040	3,122	3,290
Releases	640	684	604	712	1,058
Release Rate	18.9%	20.9%	19.9%	22.8%	32.2%
PV/CR Reappearance	126	156	148	143	143
Releases	35	36	30	32	64
Release Rate	27.8%	23.1%	20.3%	22.4%	44.8%
Total Non-Administrative	13,298	13,205	12,563	12,427	12,436
Releases	3,176	3,088	2,917	3,220	4,062
Release Rate	23.9%	23.4%	23.2%	25.9%	32.7%
Other Administrative	168	187	276	353	198
CRC Reviews	5,220	5,252	5,301	5,146	4,927
CRC-PV Reviews	3,014	2,913	2,696	2,681	2,638
CRC- Shock Reviews	720	689	625	597	584
CRC Merit Reviews	967	846	844	894	799
CRC Limited Credit Time Reviews	200	225	191	225	246
Presumptive Reviews	44	17	6	9	10
Merit PR Review	63	28	21	17	16
Supp Merit PR Review	1	0	0	0	1
Medical Reviews Release Condition	N/A	N/A	1	3	3
Executive Clemency Release Condi	N/A	N/A	2	0	5
Total Board Workload	23,695	23,362	22,526	22,352	21,863
SORC Reappearances	2,201	2,150	1,873	1,882	1,675

TABLE 2. PAROLE BOARD DECISIONS BY SUMMARY CRIME CATEGORIES
2013 through 2017 Initial Interviews
(Includes Merit, Supplemental Merit and LCTA; Excludes Shock and Early Deportation)

CRIME OF COMMITMENT	2013			2014			2015			2016			2017		
	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	334	62	19%	401	76	19%	395	86	22%	402	103	26%	339	101	30%
Legislative VFO	1,339	111	8%	1,474	124	8%	1,337	94	7%	1,340	114	9%	1,366	165	12%
Other Coercive	1,502	207	14%	1,407	199	14%	1,348	224	17%	1,294	264	20%	1,326	331	25%
Drug Offenses	512	93	18%	505	89	18%	443	86	19%	418	97	23%	438	128	29%
Major Property	2,371	640	27%	2,410	666	28%	2,390	687	29%	2,306	751	33%	2,096	845	40%
Other Felony	2,030	408	20%	2,112	404	19%	2,139	416	19%	2,150	466	22%	2,185	668	31%
Youthful Offenders	681	137	20%	576	124	22%	595	124	21%	568	109	19%	580	140	24%
Juvenile Offenders	7	0	0%	10	1	10%	7	0	0%	7	0	0%	11	1	9%
GRAND TOTAL	8,776	1,658	19%	8,895	1,683	19%	8,654	1,717	20%	8,485	1,904	22%	8,341	2,379	29%

TABLE 3A. PAROLE BOARD DECISIONS BY CRIME OF COMMITMENT (page 1)
2013 to 2017 Initial Interviews
(Includes Merit, Supplemental Merit and LCTA; Excludes Shock and Early Deportation)

CRIME OF COMMITMENT	2013			2014			2015			2016			2017		
	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															
Murder, Murder 1st & 2nd, Attempted Murder 1st	328	62	19%	396	75	19%	382	84	22%	400	102	26%	322	93	29%
Kidnapping 1st	5	0	0%	4	1	25%	13	2	15%	1	1	100%	16	7	44%
Arson 1st	1	0	0%	1	0	0%	0	0	--	1	0	0%	1	1	100%
TOTAL A-1 Violent Offenses	334	62	19%	401	76	19%	395	86	22%	402	103	26%	339	101	30%
LEGISLATIVE VFO															
Attempted Murder 2nd	44	5	11%	34	1	3%	47	2	4%	34	2	6%	48	9	19%
Manslaughter 1st	39	5	13%	33	4	12%	35	3	9%	35	5	14%	31	4	13%
Rape 1st	31	1	3%	44	4	9%	36	0	0%	41	1	2%	50	4	8%
Robbery 1st	195	12	6%	221	17	8%	178	16	9%	179	12	7%	197	26	13%
Robbery 2nd	210	15	7%	232	21	9%	191	19	10%	172	8	5%	192	18	9%
Assault 1st	56	2	4%	75	3	4%	74	1	1%	67	1	1%	60	7	12%
Other Assault	167	5	3%	172	10	6%	161	8	5%	179	17	9%	169	17	10%
Burglary 1st	46	7	15%	45	1	2%	25	0	0%	28	0	0%	37	5	14%
Burglary 2nd	283	41	14%	315	47	15%	267	28	10%	292	51	17%	273	46	17%
Attempted Arson 1st, Arson 2nd	2	0	0%	8	0	0%	6	0	0%	10	0	0%	6	1	17%
Sodomy 1st	23	0	0%	30	1	3%	34	0	0%	32	2	6%	16	0	0%
Sexual Abuse	36	0	0%	41	0	0%	45	2	4%	52	3	6%	55	3	5%
Weapons Offenses	184	18	10%	210	14	7%	219	14	6%	206	12	6%	219	21	10%
Terrorism/False Bombing	14	0	0%	10	0	0%	5	0	0%	10	0	0%	3	2	67%
Attempted Kidnapping 1st, Kidnapping 2nd	9	0	0%	4	1	25%	14	1	7%	3	0	0%	10	2	20%
TOTAL Legislative VFO	1,339	111	8%	1,474	124	8%	1,337	94	7%	1,340	114	9%	1,366	165	12%
OTHER COERCIVE															
Manslaughter 2nd	73	7	10%	50	4	8%	23	7	30%	39	6	15%	43	5	12%
Other Homicide	48	4	8%	54	3	6%	50	5	10%	43	11	26%	63	16	25%
Robbery 3rd	627	92	15%	585	85	15%	537	97	18%	504	99	20%	555	151	27%
Attempted Assault 2nd	344	38	11%	309	36	12%	292	33	11%	297	44	15%	282	53	19%
Other Sex Offenses	76	3	4%	77	8	10%	68	3	4%	53	13	25%	46	6	13%
Other Coercive	334	63	19%	332	63	19%	378	79	21%	358	91	25%	337	100	30%
TOTAL Other Coercive	1,502	207	14%	1,407	199	14%	1,348	224	17%	1,294	264	20%	1,326	331	25%

TABLE 3B. PAROLE BOARD DECISIONS BY CRIME OF COMMITMENT (page 2)
2013 to 2017 Initial Interviews
(Includes Merit, Supplemental Merit and LCTA; Excludes Shock and Early Deportation)

CRIME OF COMMITMENT	2013			2014			2015			2016			2017		
	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
DRUG OFFENSES															
Drug Sale	265	47	18%	255	47	18%	200	37	19%	197	49	25%	223	60	27%
Drug Possession	247	46	19%	250	42	17%	243	49	20%	221	48	22%	215	68	32%
TOTAL Drug Offenses	512	93	18%	505	89	18%	443	86	19%	418	97	23%	438	128	29%
MAJOR PROPERTY															
Burglary 3rd	1,079	248	23%	1,099	268	24%	978	254	26%	967	271	28%	878	318	36%
Grand Larceny	801	235	29%	830	245	30%	908	282	31%	837	295	35%	741	318	43%
Forgery	241	99	41%	243	87	36%	275	95	35%	259	114	44%	271	130	48%
Stolen Property	250	58	23%	238	66	28%	229	56	24%	243	71	29%	206	79	38%
TOTAL Major Property	2,371	640	27%	2,410	666	28%	2,390	687	29%	2,306	751	33%	2,096	845	40%
OTHER FELONY															
Driving While Intoxicated	663	143	22%	634	125	20%	600	150	25%	606	151	25%	570	218	38%
Non-Violent Weapon Offenses	352	58	16%	379	79	21%	399	59	15%	392	83	21%	480	130	27%
All Other Felonies	1,015	207	20%	1,099	200	18%	1,140	207	18%	1,152	232	20%	1,135	320	28%
TOTAL Other Felony	2,030	408	20%	2,112	404	19%	2,139	416	19%	2,150	466	22%	2,185	668	31%
YOUTHFUL/JUVENILE OFFENDERS															
Youthful Offenders	681	137	20%	576	124	22%	595	124	21%	568	109	19%	580	140	24%
Juvenile Offenders	7	0	0%	10	1	10%	7	0	0%	7	0	0%	11	1	9%
TOTAL YO/JO	688	137	20%	586	125	21%	602	124	21%	575	109	19%	591	141	24%
GRAND TOTAL	8,776	1,658	19%	8,895	1,683	19%	8,654	1,717	20%	8,485	1,904	22%	8,341	2,379	29%

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

	2013		2014		2015		2016		2017	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
INITIAL INTERVIEWS										
Released	17	13%	17	12%	16	10%	12	11%	18	15%
Postponed	41	31%	53	36%	68	44%	42	40%	57	48%
Denied	76	57%	77	52%	69	45%	52	49%	45	38%
TOTAL	134	100%	147	100%	153	100%	106	100%	120	100%
REAPPEARANCE INTERVIEWS										
Released	25	22%	24	24%	10	16%	24	22%	24	27%
Postponed	20	18%	15	15%	14	22%	25	23%	20	23%
Denied	67	60%	63	62%	39	62%	62	56%	44	50%
TOTAL	112	100%	102	100%	63	100%	111	100%	88	100%

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 1st Degree, or an attempt or conspiracy to commit Murder in the 1st 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 2013 to 2017. Figures 1 and 2 provide summaries of medical parole processing and outcomes for all applications reviewed by the Board of Parole from January 2013 through December 2017.

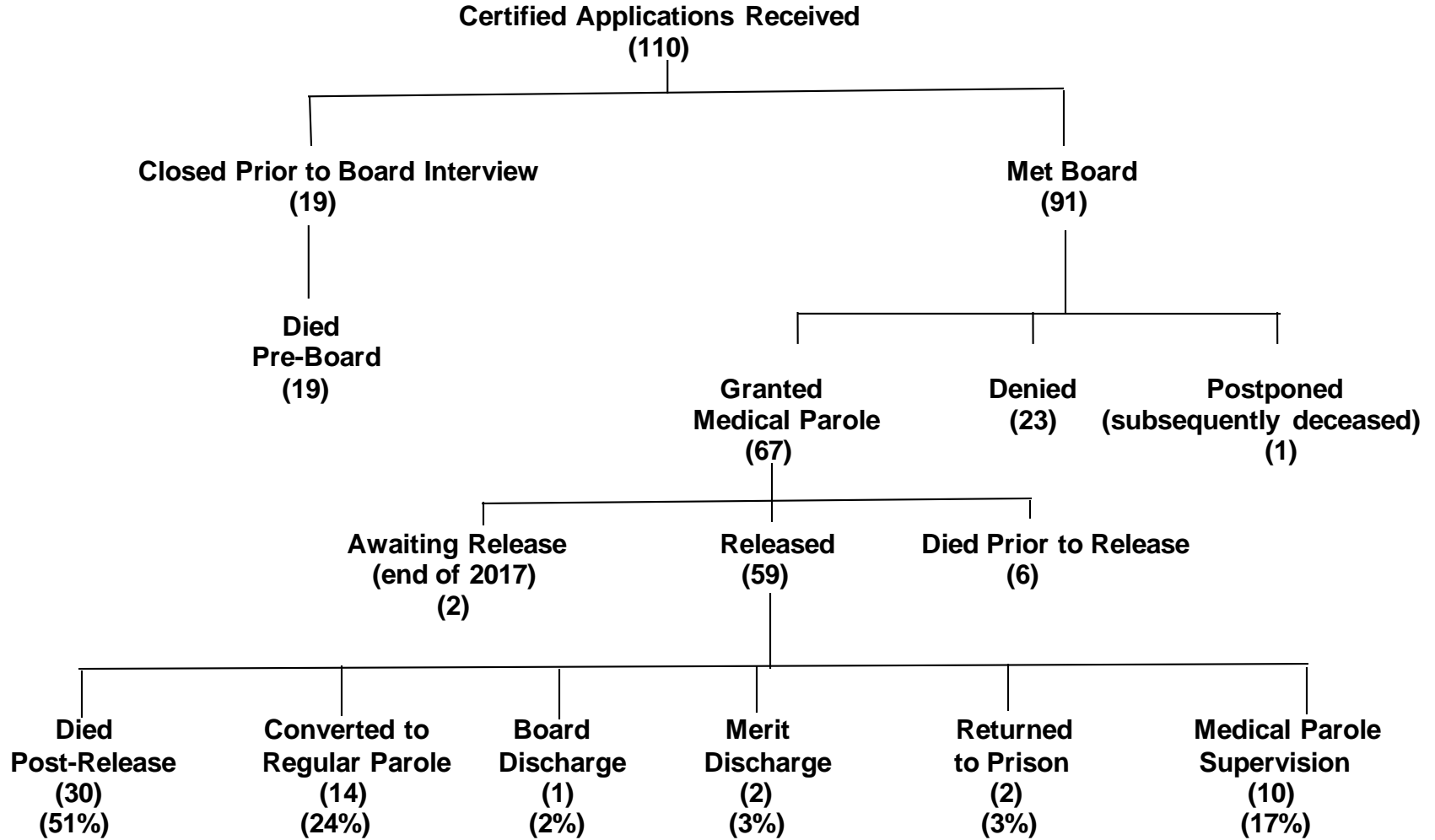
- There were 110 certified applications submitted for medical parole from 2013 to 2017. There was an average of 22 applications submitted per year during this five-year period: 17 in 2013; 33 in 2014; 19 in 2015; 26 in 2016 and 15 in 2017.
- The primary diagnosis of the 110 applicants was Cancer (56%). Ninety-four percent (94%) of the applicants were male and 6% were female.
- Of the 110 applicants for medical parole, 19 died prior to a Board Interview.
- Sixty-seven (67) of the 91 (74%) medical parole applicants who appeared before the Board from 2013 to 2017 were granted medical parole. The 23 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 2017, an average of 28 business days elapsed between the Board receiving the Medical Parole application and the Board interview date.
- During the five-year period of 2013 through 2017, approximately 19,854 prison days have been saved due to parolees' early release to medical parole supervision.
- A total of 30 of the 59 individuals released on medical parole from 2013 to 2017 were released to New York City. Twenty-nine individuals were released to counties in upstate New York.
- Placements pursuant to the final medical discharge plans for the 59 releases from 2013 through December 2017 were as follows: 30 to skilled nursing facilities, 25 to home care, and 4 to a hospital setting.

- A total of 10 (17%) of the 59 cases granted medical parole and released between 2013 and December 2017 were still under medical parole supervision at the end of 2017. Thirty parolees (51%) died following release, 2 parolees (3%) were granted Merit Discharge from Community Supervision, 1 parolee (2%) was discharged by the Board, 14 parolees (24%) converted to regular parole at their PE dates and 2 parolees (3%) were revoked and returned to prison (Figure 1).
- The 10 parolees under medical parole supervision at the end of 2017 were under supervision for a total of 4,393 days, or an average of 439 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 2017.

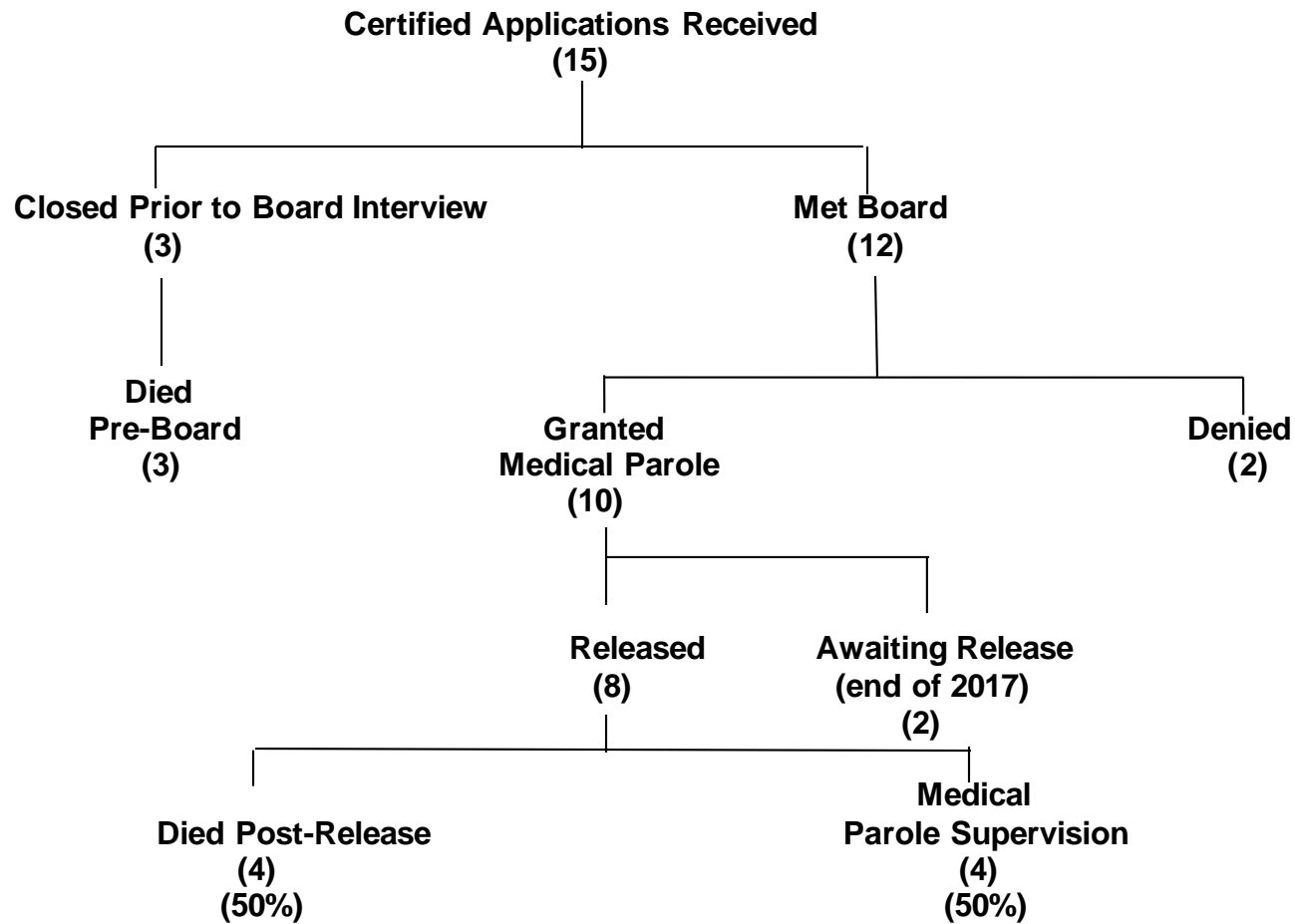
**TABLE 5. MEDICAL PAROLE BOARD RELEASE RATES
FOR APPLICATIONS SUBMITTED
2013 through 2017**

	Calendar Year					Total
	2013	2014	2015	2016	2017	
Medical Parole Interviews	16	27	16	20	12	91
Granted Release	12	20	11	14	10	67
Release Rate	75%	74%	69%	70%	83%	74%

Figure 1 - MEDICAL PAROLE APPLICATION PROCESSING
January 2013 – December 2017



**Figure 2 - MEDICAL PAROLE APPLICATION PROCESSING
January – December 2017**



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 are as follows:

- For calendar year 2013: 4,093
- For calendar year 2014: 3,563
- For calendar year 2015: 3,508
- For calendar year 2016: 3,295
- For calendar year 2017: 2,772

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 (76%) of alleged violators scheduled for a preliminary violation hearing in 2017 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 58% in 2013 to 50% in 2017 (Table 7).
- The number of violators Revoked and Ordered Returned to Prison declined by 20% from 2013 to 2017 (Table 8).
- During 2017, 55% 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 20% 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 15% from 2013 to 2017 (Table 8).
- The number of offenders ordered revoked and restored to the street increased by 41% during this time period (Table 8).
- In addition to these outcomes, there were 1,631 diversions to a Parole Diversion Program at Edgecombe, Orleans or Hale Creek 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 2017, the average processing time from warrant lodging to a completed final revocation hearing was 65 days. Although there were 3,208 more cases processed in non-Rikers facilities compared to Rikers (7,718 vs. 4,510 respectively), the average processing time for non-Rikers cases was 61 days, 12 days shorter than the 73 days it took to process cases at Rikers (Table 9).
- Thirty-seven percent of the 4,510 cases processed at Rikers during 2017 fell under the guidelines category of Revoke and Restore to Supervision compared to only 10% of the 7,718 cases processed at non-Rikers facilities (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
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%
2017	11,503	76.1%	3,382	22.4%	236	1.6%	15,121	100%

The vast majority of alleged violators scheduled for a Preliminary Violation Hearing continue to waive their right to these hearings and only a minimal number of these hearings are adjourned, as reflected in the 2% rate in 2017.

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

Year	Final Hearings					
	Completed		Adjourned		TOTAL PROCESSED	
	Number	Percent	Number	Percent	Number	Percent
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%
2017	12,453	49.6%	12,651	50.4%	25,104	100%

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

	2013		2014		2015		2016		2017	
	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
Revoke and Ordered Returned to Prison	8,415	63.6%	7,460	61.1%	7,504	61.8%	7,375	58.2%	6,766	55.2%
Revoke and Restore to Willard - Mandatory	877	6.6%	852	7.0%	904	7.4%	952	7.5%	889	7.3%
Revoke and Restore to Willard - Voluntary	163	1.2%	159	1.3%	143	1.2%	143	1.1%	159	1.3%
Alternative 90 Day Program	1,804	13.6%	1,714	14.0%	1,758	14.5%	1,887	14.9%	1,723	14.1%
Alternative 45 Day Program	197	1.5%	164	1.3%	112	0.9%	188	1.5%	217	1.8%
TOTAL ORDERED TO PRISON, WILLARD OR ALT PROGRAM	11,456	86.6%	10,349	84.8%	10,421	85.8%	10,545	83.2%	9,754	79.6%
Revoke and Restore to Street or Program	1,768	13.4%	1,853	15.2%	1,720	14.2%	2,132	16.8%	2,498	20.4%
TOTAL OUTCOMES	13,224	100%	12,202	100%	12,141	100%	12,677	100%	12,252	100%

Revoke and Restore to Street - Time Served	411	379	464	476	412
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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 2017**

Guidelines Category	Rikers		Non-Rikers		Days From Lodge to Final	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
Category 1	104	675	80	2,401	85	3,076	25.2%
Category 2 (Mandatory Willard)	189	36	38	853	44	889	7.3%
Category 3	56	814	46	1,262	50	2,076	17.0%
Voluntary Willard	25	3	33	85	33	88	0.7%
Revoke and Restore to Supervision	85	1,649	79	762	83	2,411	19.7%
Persistent Violators	41	325	42	621	41	946	7.7%
Outside Guidelines	78	99	72	702	73	801	6.6%
Alternative 90 Day Program*	52	692	45	1,032	48	1,724	14.1%
Alternative 45 Day Program**	47	217	n/a	n/a	47	217	1.8%
Total	73	4,510	61	7,718	65	12,228	100%

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 2013 and 2017.

- There were 9,124 parolee returns to prison in 2017. 7,802 (86%) of these returns were for violations of the conditions of parole and 1,322 (14%) were for new court convictions (Table 10).
- There was a decline of 1,482 in the number of violations of the conditions of parole amongst the dynamic parolee population from 9,284 in 2013 to 7,802 in 2017. This represents a 16% decrease (Table 10).
- In 2017, at the time of return, 44% of all returns were supervised at Level 1, 25% at Level 2, 22% at Level 3, and 8% 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 2017, 69% 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 (44%) at the end of 2017. 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 71 from 380 in 2013 to 309 in 2017. This represents a 19% decrease (Table 12).
- Among the parolees returned to prison as new commitments in 2013, 46% were originally convicted of violent offenses and 27% were convicted of drug offenses. Among 2017 new commitment returns, 51% were originally committed for violent offenses and 23% were convicted of drug offenses (Table 12).
- The proportion of rule violation returns comprised of parolees originally convicted as drug offenders declined by 6% from 24% in 2013 to 18% in 2017 (Table 13).
- The number of parolees originally convicted of A-1 Violent Offenses and returned to prison after conviction for a new felony conviction decreased to 10 in 2017 (Table 14).
- The number of parolees originally convicted of legislative VFOs and returned to prison for a rule violation decreased by 10% from 4,022 in 2013 to 3,621 in 2017 (Table 15).

**TABLE 10. PAROLEES RETURNED TO PRISON: 2013 to 2017
as a Proportion of the Parolee Dynamic Population**

Return Reason	2013	2014	2015	2016	2017
New Court Conviction	1,406 2.7%	1,401 2.7%	1,275 2.5%	1,319 2.6%	1,322 2.6%
Violating Conditions of Parole¹	9,284 17.7%	8,502 16.6%	8,228 16.4%	8,419 16.7%	7,802 15.5%
Total Prison Returns During Year	10,690 20.4%	9,903 19.3%	9,503 18.9%	9,738 19.3%	9,124 18.1%
Dynamic Population²	52,307	51,274	50,254	50,403	50,424

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 1,780 for 2013; 1,726 for 2014; 1,734 for 2015; 1,882 for 2016 and 1,732 for 2017. The number of Alt 45 entrants was 183 for 2013; 164 for 2014; 94 for 2015; 175 for 2016 and 196 for 2017.

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 2017 BY SUPERVISION LEVEL

Supervision Level	Return Reason						Supervision Level for Parolees in the Community December 31, 2017	
	New Court Conviction		Violating Conditions of Parole		Total			
	Number	Percent	Number	Percent	Number	Percent		
1 (25:1)	508	38%	3,501	45%	4,009	44%	1 (25:1)	29%
2 (40:1)	325	25%	1,972	25%	2,297	25%	2 (40:1)	15%
3 (80:1)	338	26%	1,648	21%	1,986	22%	3 (80:1)	26%
4 (160:1)	146	11%	609	8%	755	8%	4 (160:1)	28%
Pending	5	0%	72	1%	77	1%	Pending	1%
TOTAL	1,322	100%	7,802	100%	9,124	100%	TOTAL	100%

**TABLE 12. PAROLEES RETURNED TO PRISON AS NEW COMMITMENTS: 2013 TO 2017
ORIGINAL CRIME OF COMMITMENT**

The number of Drug Offenders returned to prison after conviction of a new felony has decreased by 19 percent since 2013. 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 2017, 309 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
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%
2017	668	51%	75	6%	309	23%	189	14%	60	5%	21	2%	1,322	100%

TABLE 13. PAROLEES RETURNED TO PRISON FOR RULE VIOLATIONS: 2013 TO 2017
ORIGINAL CRIME OF COMMITMENT

In 2017, 3,686 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 2013, 44% of all rule violation returns were violent felony offenders and 24% were Drug Offenders. In 2017, less than one-fifth (18%) of rule violation returns were drug offenders and almost half (47%) 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
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	3,856	47%	611	7%	1,589	19%	1,324	16%	579	7%	269	3%	8,228	100%
2016	4,082	48%	614	7%	1,541	18%	1,366	16%	586	7%	230	3%	8,419	100%
2017	3,686	47%	641	8%	1,371	18%	1,290	17%	582	7%	232	3%	7,802	100%

TABLE 14. ORIGINAL COMMITMENT OFFENSE OF NEW FELONY RETURNS TO PRISON: 2013 TO 2017

COMMITMENT OFFENSE	2013		2014		2015		2016		2017	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
A1 VIOLENT OFFENSES										
Murder, Murder 1st & 2nd										
Attempted Murder 1st	14	1%	13	1%	7	1%	13	1%	10	1%
Kidnapping 1st	0	--	0	--	0	--	1	<1%	0	--
Arson 1st	0	--	0	--	0	--	0	--	0	--
TOTAL A1 Violent	14	1%	13	1%	7	1%	14	1%	10	1%
LEGISLATIVE VFO										
Attempted Murder 2nd	18	1%	11	1%	8	1%	6	<1%	13	1%
Manslaughter 1st	16	1%	10	1%	8	1%	13	1%	12	1%
Rape 1st	7	<1%	7	0%	6	<1%	2	<1%	9	1%
Robbery 1st	111	8%	99	7%	95	7%	95	7%	87	7%
Robbery 2nd	153	11%	133	9%	109	9%	127	10%	110	8%
Assault 1st	25	2%	23	2%	28	2%	20	2%	48	4%
Other Assault	36	3%	49	3%	64	5%	59	4%	47	4%
Burglary 1st	13	1%	19	1%	14	1%	15	1%	14	1%
Burglary 2nd	125	9%	144	10%	126	10%	159	12%	146	11%
Attempted Arson 1st, Arson 2nd	0	--	1	<1%	1	<1%	2	<1%	1	<1%
Sodomy 1st	2	<1%	2	<1%	1	<1%	2	<1%	2	<1%
Sexual Abuse	9	1%	7	<1%	9	1%	11	1%	8	1%
Weapons Offense	121	9%	121	9%	109	9%	134	10%	158	12%
Terrorism/False Bombing	1	<1%	2	<1%	0	--	1	<1%	1	<1%
Attempted Kidnapping 1st, Kidnapping 2nd	1	<1%	2	<1%	0	--	3	<1%	2	<1%
TOTAL Legislative VFO	638	45%	630	45%	578	45%	649	49%	658	50%
OTHER COERCIVE										
Manslaughter 2nd	2	<1%	0	--	0	--	1	<1%	2	<1%
Other Homicide	1	<1%	0	--	0	--	0	--	0	--
Robbery 3rd	35	2%	39	3%	41	3%	31	2%	45	3%
Attempted Assault 2nd	12	1%	4	<1%	9	1%	12	1%	12	1%
Other Sex Offenses	7	<1%	5	<1%	9	1%	6	<1%	8	1%
Other Coercive	11	1%	6	<1%	10	1%	14	1%	8	1%
TOTAL Other Coercive	68	5%	54	4%	69	5%	64	5%	75	6%
DRUG OFFENSES										
Drug Sale	221	16%	191	14%	165	13%	148	11%	137	10%
Drug Possession	159	11%	158	11%	152	12%	123	9%	172	13%
TOTAL Drug Offenses	380	27%	349	25%	317	25%	271	21%	309	23%
MAJOR PROPERTY										
Burglary 3rd	93	7%	117	8%	103	8%	110	8%	100	8%
Grand Larceny	51	4%	85	6%	52	4%	58	4%	51	4%
Forgery	24	2%	32	2%	23	2%	26	2%	16	1%
Stolen Property	32	2%	21	1%	28	2%	22	2%	22	2%
TOTAL Major Property	200	14%	255	18%	206	16%	216	16%	189	14%
OTHER FELONY										
Driving While Intoxicated	16	1%	16	1%	16	1%	16	1%	17	1%
Non-Violent Weapons Offense	17	1%	15	1%	17	1%	16	1%	13	1%
All Other Felonies	37	3%	33	2%	20	2%	42	3%	30	2%
TOTAL Other Felony	70	5%	64	5%	53	4%	74	6%	60	5%
YOUTHFUL/JUVENILE OFFENDERS										
YO/JO	36	3%	36	3%	45	4%	31	2%	21	2%
TOTAL YO/JO	36	3%	36	3%	45	4%	31	2%	21	2%
GRAND TOTAL	1,406	100%	1,401	100%	1,275	100%	1,319	100%	1,322	100%

TABLE 15. ORIGINAL COMMITMENT OFFENSE OF RULE RETURNS TO PRISON: 2013 TO 2017

COMMITMENT OFFENSE	2013		2014		2015		2016		2017	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
A1 VIOLENT OFFENSES										
Murder, Murder 1st & 2nd										
Attempted Murder 1st	54	1%	53	1%	53	1%	84	1%	63	1%
Kidnapping 1st	1	<1%	1	<1%	1	<1%	1	<1%	2	<1%
Arson 1st	1	<1%	0	--	0	--	2	<1%	0	--
TOTAL A1 Violent	56	1%	54	1%	54	1%	87	1%	65	1%
LEGISLATIVE VFO										
Attempted Murder 2nd	53	1%	56	1%	48	1%	53	1%	46	1%
Manslaughter 1st	93	1%	57	1%	68	1%	66	1%	61	1%
Rape 1st	125	1%	101	1%	128	2%	110	1%	119	2%
Robbery 1st	533	6%	501	6%	457	6%	482	6%	422	5%
Robbery 2nd	829	9%	803	9%	768	9%	749	9%	630	8%
Assault 1st	146	2%	159	2%	155	2%	132	2%	127	2%
Other Assault	396	4%	398	5%	368	4%	402	5%	343	4%
Burglary 1st	86	1%	80	1%	88	1%	92	1%	85	1%
Burglary 2nd	758	8%	787	9%	760	9%	823	10%	814	10%
Attempted Arson 1st, Arson 2nd	24	<1%	15	<1%	24	<1%	24	<1%	23	<1%
Sodomy 1st	97	1%	81	1%	66	1%	80	1%	79	1%
Sexual Abuse	259	3%	184	2%	245	3%	299	4%	286	4%
Weapons Offense	599	6%	575	7%	606	7%	667	8%	570	7%
Terrorism/False Bombing	6	<1%	3	<1%	8	<1%	4	<1%	2	<1%
Attempted Kidnapping 1st, Kidnapping 2nd	18	<1%	11	<1%	13	<1%	12	<1%	14	<1%
TOTAL Legislative VFO	4,022	43%	3,811	45%	3,802	46%	3,995	47%	3,621	46%
OTHER COERCIVE										
Manslaughter 2nd	11	<1%	15	<1%	11	<1%	11	<1%	8	<1%
Other Homicide	6	<1%	5	<1%	3	<1%	10	<1%	6	<1%
Robbery 3rd	312	3%	290	3%	240	3%	250	3%	262	3%
Attempted Assault 2nd	119	1%	95	1%	113	1%	101	1%	86	1%
Other Sex Offenses	161	2%	141	2%	175	2%	169	2%	213	3%
Other Coercive	110	1%	83	1%	69	1%	73	1%	66	1%
TOTAL Other Coercive	719	8%	629	7%	611	7%	614	7%	641	8%
DRUG OFFENSES										
Drug Sale	1,416	15%	1,172	14%	971	12%	923	11%	753	10%
Drug Possession	770	8%	660	8%	618	8%	618	7%	618	8%
TOTAL Drug Offenses	2,186	24%	1,832	22%	1,589	19%	1,541	18%	1,371	18%
MAJOR PROPERTY										
Burglary 3rd	695	7%	656	8%	684	8%	653	8%	612	8%
Grand Larceny	355	4%	378	4%	365	4%	408	5%	389	5%
Forgery	178	2%	149	2%	125	2%	160	2%	159	2%
Stolen Property	157	2%	138	2%	150	2%	145	2%	130	2%
TOTAL Major Property	1,385	15%	1,321	16%	1,324	16%	1,366	16%	1,290	17%
OTHER FELONY										
Driving While Intoxicated	128	1%	124	1%	114	1%	129	2%	109	1%
Non-Violent Weapons Offense	100	1%	120	1%	100	1%	94	1%	108	1%
All Other Felonies	397	4%	353	4%	365	4%	363	4%	365	5%
TOTAL Other Felony	625	7%	597	7%	579	7%	586	7%	582	7%
YOUTHFUL/JUVENILE OFFENDERS										
YO/JO	291	3%	258	3%	269	3%	230	3%	232	3%
TOTAL YO/JO	291	3%	258	3%	269	3%	230	3%	232	3%
GRAND TOTAL	9,284	100%	8,502	100%	8,228	100%	8,419	100%	7,802	100%

Prepared by:

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