



Corrections and Community Supervision

Board of Parole

Legislative Report

2018

**Board of Parole
Legislative Report
2018**

In March 2011, the former Division of Parole was merged 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 of Parole 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. Effective October 1, 2018, the Executive Law was amended requiring changes to the annual report. These changes state that the report shall include statistical information regarding the demographics of persons granted release and considered for release to Community Supervision or Deportation, including but not limited to age, gender, race, ethnicity, region of commitment and other relevant categories of classification and commitment. This report covers years 2014 through 2018 with demographic information being presented for 2018.

TABLE OF CONTENTS

CONTENTSi

INTRODUCTIONii

EXECUTIVE SUMMARY.....iv

SECTION 1 *Interviews and Approval Rates*.....1

SECTION 2 *Medical Parole Program*11

SECTION 3 *Counsel’s Office*17

SECTION 4 *The Bureau of Adjudication*.....18

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 individuals from their sentence when it is in the best interest of society."

The Board may legally have up to 19 members and there were 12 members at the conclusion of 2018. 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 Members have 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 registrations, victim notifications, receives and provides to the Board written or recorded impact statements, and schedules in-person statements with the Board. Victims should register with the Office of Victim Assistance so that they can be kept informed of the Board interview process. Victims have the following rights regarding the parole process: (A) to be notified when an incarcerated individual 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 incarcerated individual'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 2,861 interviews/case reviews from 23,362 in 2014 to 20,501 in 2018. This represents a 12% decrease since 2014 and a 6% decrease from 2017 (Table 1).
- The Total Initial approval rate (excluding Shock) increased by 25 percentage points from 19% in 2014 to 44% in 2018. The Total Non-Administrative approval rate increased by 21 percentage points from 23% in 2014 to 44% in 2018 (Table 1).
- The number of Initial Interviews for Major Property Offenders declined by 585 from 2,410 in 2014 to 1,825 in 2018. This represents a 24% decrease. The approval rate for these cases increased by 31 percentage points from 28% in 2014 to 59% in 2018 (Table 2 and Table 3B).
- The number of Initial Interviews for Drug Offenders declined by 109 from 505 in 2014 to 396 in 2018. This represents a 22% decrease. The approval rate for these cases increased by 25 percentage points from 18% in 2014 to 43% in 2018 (Table 2 and Table 3A).
- The number of Initial Interviews for A-I Violent Offenses¹ declined by 32 from 401 in 2014 to 369 in 2018. This represents an 8% decrease. The approval rate for these cases increased by 17 percentage points from 19% in 2014 to 36% in 2018 (Table 2 and Table 3A).
- Approval rates for the 2018 Non-Administrative Parole Board Interviews were highest among incarcerated women (60%); individuals in their 40's (49%); White incarcerated individuals (50%) and individuals who were sentenced in upstate rural counties (51%) (Table 5).
- The 2018 approval rate for African-American individuals convicted on an A-1 Violent Felony was 39%. This is 13 percentage points higher than the 26% approval rate among White individuals convicted of an A-1 Violent Felony (Table 6).
- The number of Medical Parole applications resulting in a Parole Board Interview decreased by 6 from 27 in 2014 to 21 in 2018. The approval rate decreased from 74% in 2014 to 67% in 2018 (Table 7).
- The number of ultimate dispositions for parole violators with sustained charges increased by 620 from 12,202 in 2014 to 12,822 in 2018. This represents a 5% increase. Fifty-three percent (53%) of the violation outcomes in 2018 were ordered to prison, 20% to Willard or an Alternative 90 or 45 Day Program, and 28% were revoked and restored to the street or a program in the community (Table 10).

¹ These are the non-drug A-1 felonies such as Murder, Arson and Kidnapping.

- In addition to these outcomes, there were 1,673 diversions to a Parole Diversion Program at Edgecombe, Orleans, Hale Creek or Taconic Correctional Facilities, which served to divert and stabilize individuals whose behavior in the community placed them at risk of being returned to prison as parole violators.
- The highest proportion of parolee returns to prison in 2018 were among individuals in their 30's (35%), African-Americans (48%) (both of which are consistent with their proportion of the active parolee population²) and 2nd Felony Offenders (51%) (Table 13).
- The number of parolee returns to prison for new felony convictions declined by 71 from 1,401 in 2014 to 1,330 in 2018. This represents a 5% decrease (Table 16).
- The number of parolee returns to prison for violating the conditions of parole declined by 1,064 from 8,502 in 2014 to 7,438 in 2018. This represents a 13% decrease (Table 17).

² Refer to the report series "Community Supervision Legislative Report".

Section 1 – Interviews and Approval 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 (SIST³).

The Board actively monitors approval rates and conditions imposed for individuals released to community supervision through each of the four mechanisms listed above. Although approval rates are presented for various legal and demographic characteristics, as described in the Introduction, many factors are taken into consideration by the Board of Parole when making a release decision. Therefore, approval rates presented by these characteristics represent associations only, not correlations nor causations. Detailed information on release decisions from 2014 to 2018 is provided below:

³ 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/bsocet/somta-annual-report.pdf>.

- The Total Non-Administrative approval rate increased from 23% in 2014 to 44% in 2018. Similarly, the Total Initial approval rate (excluding Shock) increased from 19% in 2014 to 44% in 2018 (Table 1).
- The number of Presumptive Reviews (including Merit Presumptive and Supplemental Merit Presumptive) declined by 21 from 45 in 2014 to 24 in 2018. This represents a 47% decrease. (Table 1).
- In 2018, the Other Felony category had the largest number of initial interviews followed closely by Major Property. While the number of interviews for Other Felony Offenders decreased by 10% (-210) between 2014 and 2018, the approval rate increased by 29 percentage points, from 19% to 48% (Table 2 and Table 3B).
- The number of Initial Interviews for Major Property Offenders (excluding Shock and Early Deportation) declined by 585 from 2,410 in 2014 to 1,825 in 2018. This represents a 24% decrease. The approval rate for these cases increased by 31 percentage points from 28% in 2014 to 59% in 2018 (Table 2 and Table 3B).
- The approval rate for A-I Violent Felony Offenders at Initial Interview increased by 17 percentage points from 19% in 2014 to 36% in 2018 (Table 2 and Table 3A).
- The number of Initial Interviews for individuals with Other Coercive Offenses⁴ declined by 245 from 1,407 in 2014 to 1,162 in 2018. This represents a 17% decrease. The approval rate for these offenses increased by 27 percentage points from 14% in 2014 to 41% in 2018 (Table 2 and Table 3A).
- The number of Initial Interviews for Drug Offenders declined by 109 from 505 in 2014 to 396 in 2018. This represents a 22% decrease. The approval rate for these individuals increased by 25 percentage points from 18% in 2014 to 43% in 2018 (Table 2 and Table 3A).
- The Board conducted 109 interviews of Juvenile Offenders under the jurisdiction of OCFS during 2018. Sixty-seven percent of these were Initial Interviews (Table 4).
- The 25% approval rate of Initial Interviews for Juvenile Offenders in 2018 represented an increase from 16% in 2017. Similarly, the approval rate of Reappearance Interviews for Juvenile Offenders increased from 35% to 58% in the same time period (Table 4).
- Females had higher approval rates than males at both initial and reappearance interviews (Table 5).

⁴ Other Coercive Offenses are not defined as violent felonies but include aggravating elements (i.e. Burglary 3rd, Manslaughter 2nd).

- Almost half (48%) of the Total Non-Administrative Interviews in 2018 were for incarcerated individuals who were between the ages of 21 and 39 at the time of their interview (Table 5).
- Incarcerated individuals in their 40's had the highest approval rate among the Total Non-Administrative Interviews in 2018 (49%), while those under 18 had the lowest approval rate (32%) (Table 5).
- Among the 2018 Non-Administrative Interviews, approval rates were highest (51%) among individuals sentenced from the Upstate Rural region of New York. Incarcerated individuals sentenced in New York City had the lowest approval rate, 40% (Table 5).
- First felony offenders represented the highest proportion (53%) of the total number of Non-Administrative Interviews during 2018. The approval rate for these interviews was 46% compared to 42% for second felony offenders (Table 5).
- The largest proportion of Initial Interviews was among COMPAS Supervision Level 4 (34%). The highest approval rate for Initial Interviews was among COMPAS Level 2 individuals (57%), while the lowest rate was among COMPAS Level 1 individuals (38%) (Table 5).
- Among the Non-Administrative Interviews during 2018, the approval rate for African-Americans convicted of an A-1 Violent Felony was 39%, compared to 26% for Whites convicted of an A-1 Violent Felony offense (Table 6).
- Interviews of incarcerated individuals convicted of Legislative VFOs, resulted in a 30% approval rate for Hispanics, a 27% approval rate for Whites, and a 26% approval rate for African-Americans (Table 6).
- Except for the small number of incarcerated individuals whose race is unknown, individuals of Hispanic descent had the highest approval rates among A-1 Violent and Legislative VFO Parole Board interviews during 2018, 40% and 30% respectively (Table 6).

TABLE 1. PAROLE BOARD INTERVIEWS AND APPROVAL RATES: 2014 to 2018

	2014	2015	2016	2017	2018
Total Non-Administrative Interviews	13,205	12,563	12,427	12,436	11,363
Granted Release	3,088	2,917	3,220	4,062	5,013
Approval Rate	23.4%	23.2%	25.9%	32.7%	44.1%
Total Initials w/o Shock	8,948	8,697	8,513	8,376	7,417
Granted Release	1,718	1,742	1,922	2,410	3,231
Approval Rate	19.2%	20.0%	22.6%	28.8%	43.6%
Initials	7,246	7,030	6,937	6,838	5,921
Granted Release	1,131	1,159	1,260	1,645	2,204
Approval Rate	15.6%	16.5%	18.2%	24.1%	37.2%
Merit	1,516	1,499	1,425	1,423	1,342
Granted Release	512	524	598	695	940
Approval Rate	33.8%	35.0%	42.0%	48.8%	70.0%
Supplemental Merit	1	2	0	0	0
Granted Release	0	2	0	0	0
Approval Rate	0.0%	100.0%	--	--	--
Limited Credit Time	101	106	99	70	87
Granted Release	21	22	32	31	42
Approval Rate	20.8%	20.8%	32.3%	44.3%	48.3%
Medical Parole	31	17	24	12	21
Granted Release	19	10	14	9	12
Approval Rate	61.3%	58.8%	58.3%	75.0%	57.1%
Early Release for Final Deportation (ECPDO)	53	43	28	33	46
Granted Release	35	25	18	30	33
Approval Rate	66.0%	58.1%	64.3%	90.9%	71.7%
Shock	836	678	649	627	575
Granted Release	650	541	554	530	481
Approval Rate	77.8%	79.8%	85.4%	84.5%	83.7%
Reappearance	3,265	3,040	3,122	3,290	3,242
Granted Release	684	604	712	1,058	1,240
Approval Rate	20.9%	19.9%	22.8%	32.2%	38.2%
PV/CR Reappearance	156	148	143	143	129
Granted Release	36	30	32	64	61
Approval Rate	23.1%	20.3%	22.4%	44.8%	47.3%
Total Administrative	10,157	9,963	9,925	9,427	9,138
Other Administrative⁵	187	276	353	198	262
Conditional Release - Reviews⁶	5,252	5,301	5,146	4,927	4,638
Conditional Release - PV Reviews⁶	2,913	2,696	2,681	2,638	2,432
Conditional Release - Shock Reviews⁶	689	625	597	584	675
Conditional Release - Merit Reviews⁶	846	844	894	799	858
Conditional Release - Limited Credit Time Reviews⁶	225	191	225	246	244
Presumptive Release Reviews⁶	17	6	9	10	5
Merit PR Review⁶	28	21	17	16	19
Supp Merit PR Review⁶	0	0	0	1	0
Medical Reviews Release Condition⁶	N/A	1	3	3	3
Executive Clemency Release Condition⁶	N/A	2	0	5	2
Total Board Workload	23,362	22,526	22,352	21,863	20,501
SORC Reappearances⁷	2,150	1,873	1,882	1,675	1,681

⁵ "Other Administrative" includes Alternate Date interviews, Special Consideration interviews, and Rescission hearings. Special Consideration interviews reflect appeals for previously denied incarcerated individuals. Alternate Date interviews and Rescission hearings are for persons previously granted release.

⁶ Administrative reviews involve case reviews to set release conditions but do not involve a release decision by the Board of Parole.

⁷ "SORC Reappearances" represent individuals serving an indeterminate sentence who have been returned to custody for a parole violation and have had no disciplinary infractions while under custody as a PV. These incarcerated individuals can be approved for release at the conclusion of their time assessment without review by the Board of Parole.

TABLE 2. PAROLE BOARD DECISIONS BY SUMMARY CRIME CATEGORIES
2014 through 2018 Initial Interviews
(Includes Merit, Supplemental Merit and LCTA; Excludes Shock and Early Deportation)

CRIME OF COMMITMENT	2014			2015			2016			2017			2018		
	Initial Interviews	Release Granted	Approval Rate	Initial Interviews	Release Granted	Approval Rate	Initial Interviews	Release Granted	Approval Rate	Initial Interviews	Release Granted	Approval Rate	Initial Interviews	Release Granted	Approval Rate
A-1 Violent Offenses	401	76	19%	395	86	22%	402	103	26%	339	102	30%	369	133	36%
Legislative VFO	1,474	124	8%	1,337	94	7%	1,340	114	9%	1,369	165	12%	1,246	254	20%
Other Coercive	1,407	199	14%	1,348	224	17%	1,294	264	20%	1,324	332	25%	1,162	481	41%
Drug Offenses	505	89	18%	443	86	19%	418	97	23%	438	128	29%	396	172	43%
Major Property	2,410	666	28%	2,390	687	29%	2,306	751	33%	2,095	844	40%	1,825	1,069	59%
Other Felony	2,112	404	19%	2,139	416	19%	2,150	466	22%	2,185	668	31%	1,902	908	48%
Youthful Offenders	576	124	22%	595	124	21%	568	109	19%	582	140	24%	463	178	38%
Juvenile Offenders*	10	1	10%	7	0	0%	7	0	0%	11	1	9%	8	3	38%
GRAND TOTAL	8,895	1,683	19%	8,654	1,717	20%	8,485	1,904	22%	8,343	2,380	29%	7,371	3,198	43%

*These figures represent interviews for DOCCS inmates with JO crimes.

TABLE 3A. PAROLE BOARD DECISIONS BY CRIME OF COMMITMENT (page 1)
2014 to 2018 Initial Interviews
(Includes Merit, Supplemental Merit and LCTA; Excludes Shock and Early Deportation)

CRIME OF COMMITMENT	2014			2015			2016			2017			2018		
	Initial Interviews	Release Granted	Release Rate	Initial Interviews	Release Granted	Approval Rate	Initial Interviews	Release Granted	Approval Rate	Initial Interviews	Release Granted	Approval Rate	Initial Interviews	Release Granted	Approval Rate
A-1 VIOLENT OFFENSES															
Murder, Murder 1st & 2nd, Attempted Murder 1st	396	75	19%	382	84	22%	400	102	26%	322	94	29%	362	128	35%
Kidnapping 1st	4	1	25%	13	2	15%	1	1	100%	16	7	44%	6	4	67%
Arson 1st	1	0	0%	0	0	--	1	0	0%	1	1	100%	1	1	100%
TOTAL A-1 Violent Offenses	401	76	19%	395	86	22%	402	103	26%	339	102	30%	369	133	36%
LEGISLATIVE VFO															
Attempted Murder 2nd	34	1	3%	47	2	4%	34	2	6%	50	9	18%	28	5	18%
Manslaughter 1st	33	4	12%	35	3	9%	35	5	14%	31	4	13%	35	4	11%
Rape 1st	44	4	9%	36	0	0%	41	1	2%	50	4	8%	46	4	9%
Robbery 1st	221	17	8%	178	16	9%	179	12	7%	197	26	13%	145	38	26%
Robbery 2nd	232	21	9%	191	19	10%	172	8	5%	194	18	9%	163	41	25%
Assault 1st	75	3	4%	74	1	1%	67	1	1%	62	7	11%	66	5	8%
Other Assault	172	10	6%	161	8	5%	179	17	9%	167	17	10%	195	38	19%
Burglary 1st	45	1	2%	25	0	0%	28	0	0%	37	5	14%	29	10	34%
Burglary 2nd	315	47	15%	267	28	10%	292	51	17%	272	46	17%	234	58	25%
Attempted Arson 1st, Arson 2nd	8	0	0%	6	0	0%	10	0	0%	6	1	17%	6	1	17%
Sodomy 1st	30	1	3%	34	0	0%	32	2	6%	16	0	0%	22	1	5%
Sexual Abuse	41	0	0%	45	2	4%	52	3	6%	56	3	5%	46	6	13%
Weapons Offenses	210	14	7%	219	14	6%	206	12	6%	218	21	10%	220	41	19%
Terrorism/False Bombing	10	0	0%	5	0	0%	10	0	0%	3	2	67%	7	1	14%
Attempted Kidnapping 1st, Kidnapping 2nd	4	1	25%	14	1	7%	3	0	0%	10	2	20%	4	1	25%
TOTAL Legislative VFO	1,474	124	8%	1,337	94	7%	1,340	114	9%	1,369	165	12%	1,246	254	20%
OTHER COERCIVE															
Manslaughter 2nd	50	4	8%	23	7	30%	39	6	15%	41	5	12%	38	11	29%
Other Homicide	54	3	6%	50	5	10%	43	11	26%	63	16	25%	46	15	33%
Robbery 3rd	585	85	15%	537	97	18%	504	99	20%	556	152	27%	433	193	45%
Attempted Assault 2nd	309	36	12%	292	33	11%	297	44	15%	282	53	19%	285	107	38%
Other Sex Offenses	77	8	10%	68	3	4%	53	13	25%	45	6	13%	62	11	18%
Other Coercive	332	63	19%	378	79	21%	358	91	25%	337	100	30%	298	144	48%
TOTAL Other Coercive	1,407	199	14%	1,348	224	17%	1,294	264	20%	1,324	332	25%	1,162	481	41%

TABLE 3B. PAROLE BOARD DECISIONS BY CRIME OF COMMITMENT (page 2)
2014 to 2018 Initial Interviews
(Includes Merit, Supplemental Merit and LCTA; Excludes Shock and Early Deportation)

CRIME OF COMMITMENT	2014			2015			2016			2017			2018		
	Initial Interviews	Release Granted	Release Rate	Initial Interviews	Release Granted	Approval Rate	Initial Interviews	Release Granted	Approval Rate	Initial Interviews	Release Granted	Approval Rate	Initial Interviews	Release Granted	Approval Rate
DRUG OFFENSES															
Drug Sale	255	47	18%	200	37	19%	197	49	25%	223	60	27%	171	74	43%
Drug Possession	250	42	17%	243	49	20%	221	48	22%	215	68	32%	225	98	44%
TOTAL Drug Offenses	505	89	18%	443	86	19%	418	97	23%	438	128	29%	396	172	43%
MAJOR PROPERTY															
Burglary 3rd	1,099	268	24%	978	254	26%	967	271	28%	877	318	36%	775	429	55%
Grand Larceny	830	245	30%	908	282	31%	837	295	35%	740	317	43%	654	397	61%
Forgery	243	87	36%	275	95	35%	259	114	44%	271	130	48%	230	148	64%
Stolen Property	238	66	28%	229	56	24%	243	71	29%	207	79	38%	166	95	57%
TOTAL Major Property	2,410	666	28%	2,390	687	29%	2,306	751	33%	2,095	844	40%	1,825	1,069	59%
OTHER FELONY															
Driving While Intoxicated	634	125	20%	600	150	25%	606	151	25%	570	218	38%	509	258	51%
Non-Violent Weapon Offenses	379	79	21%	399	59	15%	392	83	21%	480	130	27%	375	161	43%
All Other Felonies	1,099	200	18%	1,140	207	18%	1,152	232	20%	1,135	320	28%	1,018	489	48%
TOTAL Other Felony	2,112	404	19%	2,139	416	19%	2,150	466	22%	2,185	668	31%	1,902	908	48%
YOUTHFUL/JUVENILE OFFENDERS															
Youthful Offenders	576	124	22%	595	124	21%	568	109	19%	582	140	24%	463	178	38%
Juvenile Offenders	10	1	10%	7	0	0%	7	0	0%	11	1	9%	8	3	38%
TOTAL YO/JO	586	125	21%	602	124	21%	575	109	19%	593	141	24%	471	181	38%
GRAND TOTAL	8,895	1,683	19%	8,654	1,717	20%	8,485	1,904	22%	8,343	2,380	29%	7,371	3,198	43%

**TABLE 4. JUVENILE OFFENDERS UNDER OCFS JURISDICTION
PAROLE BOARD INTERVIEWS AND APPROVAL RATES**

	2014		2015		2016		2017		2018	
	Number of Interviews	Percent Approved	Number of Interviews	Percent Approved	Number of Interviews	Percent Approved	Number of Interviews	Percent Approved	Number of Interviews	Percent Approved
INITIAL INTERVIEWS										
Approved	16	12%	16	12%	12	14%	16	16%	18	25%
Postponed	48	36%	66	48%	34	40%	52	51%	29	40%
Denied	68	52%	55	40%	40	47%	34	33%	26	36%
TOTAL	132	100%	137	100%	86	100%	102	100%	73	100%
REAPPEARANCE INTERVIEWS										
Approved	8	22%	4	15%	10	23%	9	35%	21	58%
Postponed	9	24%	11	41%	9	20%	3	12%	5	14%
Denied	20	54%	12	44%	25	57%	14	54%	10	28%
TOTAL	37	100%	27	100%	44	100%	26	100%	36	100%

**TABLE 5. PAROLE BOARD APPROVAL RATES
BY OFFENDER CHARACTERISTICS
2018 Initial and Reappearance Interviews**

OFFENDER CHARACTERISTICS	Initial Interviews*			Reappearance Interviews			Total Non-Administrative Interviews		
	Number	Percent	Percent Granted Release	Number	Percent	Percent Granted Release	Number	Percent	Percent Granted Release
GENDER									
Male	7,262	91%	45%	3,235	96%	38%	10,497	92%	42.8%
Female	730	9%	61%	136	4%	55%	866	8%	60.4%
AGE AT INTERVIEW									
Under 18 Years	119	1%	30%	22	1%	41%	141	1%	31.9%
18-20 Years	511	6%	41%	166	5%	34%	677	6%	39.0%
21-29 Years	2,089	26%	43%	617	18%	35%	2,706	24%	41.4%
30-39 Years	2,275	28%	48%	515	15%	37%	2,790	25%	45.8%
40-49 Years	1,473	18%	50%	616	18%	47%	2,089	18%	48.9%
50-59 Years	1,198	15%	48%	869	26%	39%	2,067	18%	44.2%
60+ Years	327	4%	51%	566	17%	36%	893	8%	41.4%
RACE/ETHNICITY									
African-American	3,255	41%	41%	1,507	45%	39%	4,762	42%	40.3%
Hispanic	1,710	21%	44%	728	22%	39%	2,438	21%	42.2%
White	2,727	34%	55%	1,052	31%	38%	3,779	33%	50.0%
Other	278	3%	47%	80	2%	39%	358	3%	45.3%
Unknown	22	0%	50%	4	0%	50%	26	0%	50.0%
REGION OF SENTENCE									
New York City	3,324	42%	41%	1,697	50%	38%	5,021	44%	40.2%
Suburban New York City	843	11%	47%	363	11%	42%	1,206	11%	45.1%
Upstate Urban	1,548	19%	46%	631	19%	38%	2,179	19%	43.9%
Upstate Rural	2,277	28%	54%	680	20%	39%	2,957	26%	50.6%
FELONY OFFENDER STATUS									
1st Felony Offender	4,053	51%	50%	1,924	57%	37%	5,977	53%	45.8%
2nd Felony Offender	3,750	47%	43%	1,164	35%	36%	4,914	43%	41.5%
Persistent Felony Offender	113	1%	51%	247	7%	57%	360	3%	55.0%
Unknown	76	1%	25%	36	1%	58%	112	1%	35.7%
COMPAS SUPERVISION LEVEL									
Level 1	1,896	24%	38%	1,054	31%	39%	2,950	26%	38.4%
Level 2	579	7%	57%	210	6%	45%	789	7%	53.5%
Level 3	2,584	32%	44%	582	17%	37%	3,166	28%	43.1%
Level 4	2,689	34%	54%	1,462	43%	38%	4,151	37%	48.3%
Pending	244	3%	27%	63	2%	38%	307	3%	29.0%
Total Interviews	7,992	100%	46%	3,371	100%	39%	11,363	100%	44.1%

*Includes Initial, Merit, Supplemental Merit, LCTA, Medical, Early Deportation and Shock.

**TABLE 6. PAROLE BOARD APPROVAL RATES
BY RACE AND CURRENT OFFENSE TYPE
2018 Non-Administrative Interviews***

CURRENT OFFENSE TYPE		RACE					Total
		African-American	Hispanic	White	Other	Unknown	
A-1 Violent	# of Interviews	630	305	334	31	2	1,302
	% Granted Release	39.0%	40.3%	26.3%	35.5%	50.0%	36.0%
Legislative VFO	# of Interviews	1,090	444	402	45	2	1,983
	% Granted Release	26.1%	30.0%	27.1%	13.3%	50.0%	26.9%
Other Coercive	# of Interviews	668	378	525	53	1	1,625
	% Granted Release	40.1%	42.9%	44.2%	39.6%	100.0%	42.1%
Drug Offenses	# of Interviews	248	216	123	7	1	595
	% Granted Release	46.9%	56.9%	56.9%	71.4%	0.0%	53.9%
Major Property	# of Interviews	852	500	1,174	86	6	2,618
	% Granted Release	57.3%	50.4%	60.5%	55.8%	66.7%	57.4%
Other Felony	# of Interviews	861	401	1,091	102	13	2,468
	% Granted Release	41.6%	40.9%	56.6%	52.0%	38.5%	48.5%
Youthful Offender	# of Interviews	391	185	122	34	1	733
	% Granted Release	36.1%	38.9%	51.6%	52.9%	100.0%	40.2%
Juvenile Offender	# of Interviews	22	9	8	0	0	39
	% Granted Release	50.0%	0.0%	12.5%	--	--	30.8%
Total	# of Interviews	4,762	2,438	3,779	358	26	11,363
	% Granted Release	40.3%	42.2%	50.0%	45.3%	50.0%	44.4%

*Includes Initial, Merit, Supplemental Merit, LCTA, Medical, Early Deportation, Shock, Reappearance and PV Reappearance.

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 incarcerated individuals 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 individual before their parole eligibility date. As a result, incarcerated individuals 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 incarcerated individuals 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 incarcerated individuals 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 incarcerated individual'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 incarcerated individual 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 incarcerated individual 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 incarcerated individuals are excluded from medical parole consideration. In particular, sections 259-r and 259-s of the Executive Law deem any incarcerated individual 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 incarcerated individual’s medical condition, there is a reasonable probability that the incarcerated individual, 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 incarcerated individual 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 incarcerated individual 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 incarcerated individual 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 incarcerated individuals to be granted medical parole presumptively by the Commissioner of DOCCS, with the Chairperson of the Board of Parole’s review and approval. The incarcerated individual’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 individual’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 Medical Parole applications received, determinations made, and release information for the medical parole program from 2014 to 2018. Figures 1 and 2 provide summaries of medical parole processing and outcomes for all applications reviewed by the Board of Parole from January 2014 through December 2018.

- There were 119 certified applications submitted for medical parole from 2014 to 2018. There was an average of 24 applications submitted per year during this five-year period: 33 in 2014; 19 in 2015; 26 in 2016; 15 in 2017 and 26 in 2018 (Table 7).
- The primary diagnosis of the 119 applicants was Cancer (54%). Ninety-four percent (94%) of the applicants were male and 6% were female.
- Of the 119 applicants for medical parole, 21 died prior to a Board Interview. Two other individuals were awaiting an interview at the end of 2018.
- Sixty-nine (69) of the 96 (72%) medical parole applicants who appeared before the Board from 2014 to 2018 were granted medical parole. The 25 applicants who were denied release were denied due to their prison discipline history and/or criminal history. The remaining two applicants' interviews were postponed, and they died prior to their next Board appearance.
- For those incarcerated individuals with a Medical Parole interview in 2018, an average of 30 business days elapsed between the Board receiving the Medical Parole application and the Board interview date.
- During the five-year period of 2014 through 2018, approximately 16,201 prison days were saved due to parolees' early release to medical parole supervision.

- A total of 24 of the 51 individuals released on medical parole from 2014 to 2018 were released to New York City. Twenty-seven individuals were released to counties in upstate New York.
- Placements pursuant to the final medical discharge plans for the 51 releases from 2014 through December 2018 were as follows: 26 to skilled nursing facilities, 22 to home care, and 3 to a hospital setting.
- A total of 9 (18%) of the 51 cases granted medical parole and released between 2014 and December 2018 were still under medical parole supervision at the end of 2018. Twenty-five parolees (49%) died following release, 2 parolees (4%) were granted Merit Discharge from Community Supervision, 2 parolees (4%) were discharged by the Board, 11 parolees (22%) converted to regular parole at their PE dates and 2 parolees (4%) were revoked and returned to prison (Figure 1).
- The 9 parolees under medical parole supervision at the end of 2018 were under supervision for a total of 4,432 days, or an average of 492 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 additional incarcerated individuals were granted medical parole by the Commissioner in 2018.

**TABLE 7. MEDICAL PAROLE BOARD APPROVAL RATES
FOR APPLICATIONS SUBMITTED
2014 through 2018**

	Calendar Year					Total
	2014	2015	2016	2017	2018	
Certified Applications	33	19	26	15	26	119
Medical Parole Interviews	27	16	20	12	21	96
Granted Release	20	11	14	10	14	69
Approval Rate	74%	69%	70%	83%	67%	72%

Figure 1. MEDICAL PAROLE APPLICATION PROCESSING
January 2014 – December 2018

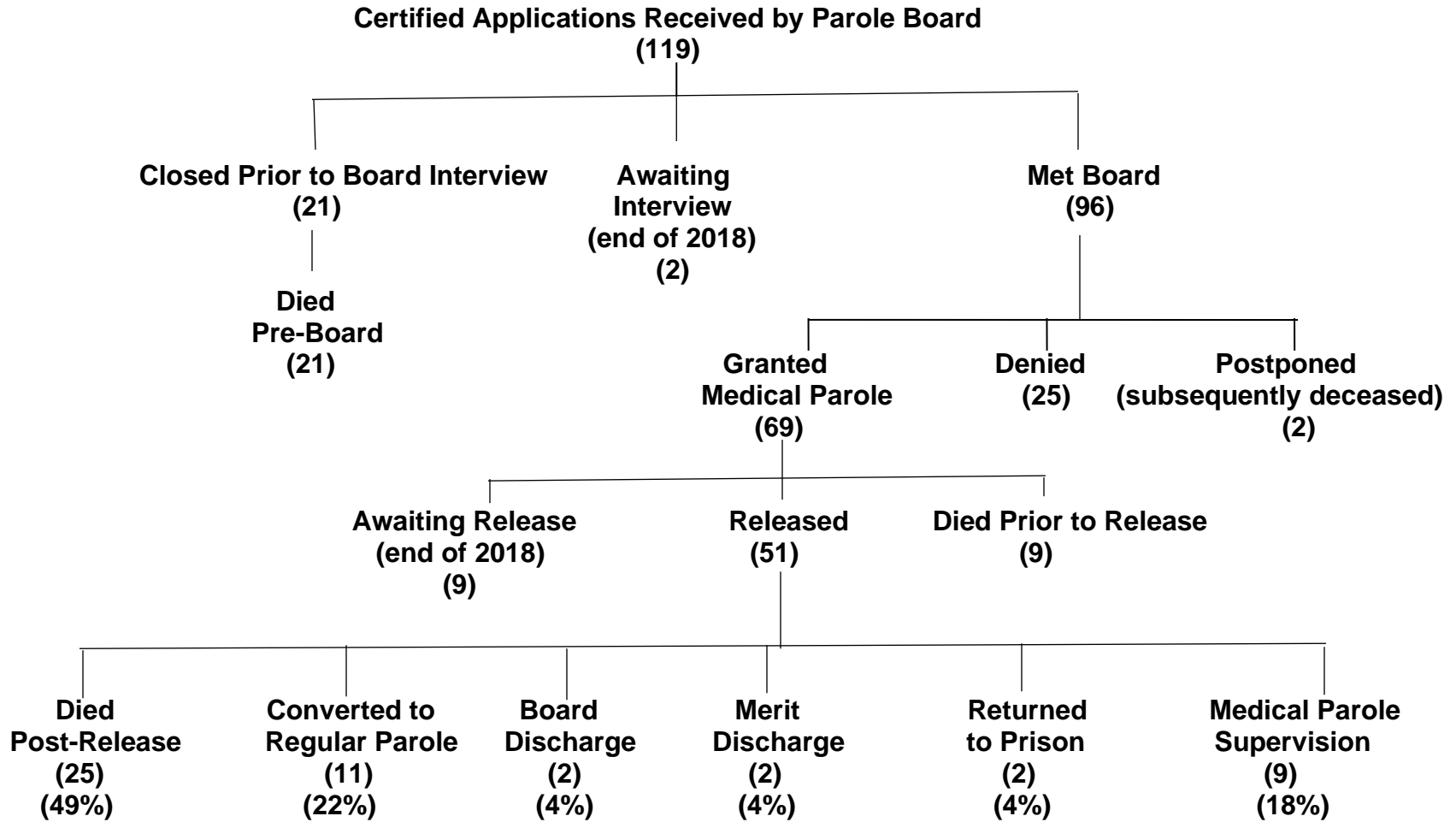
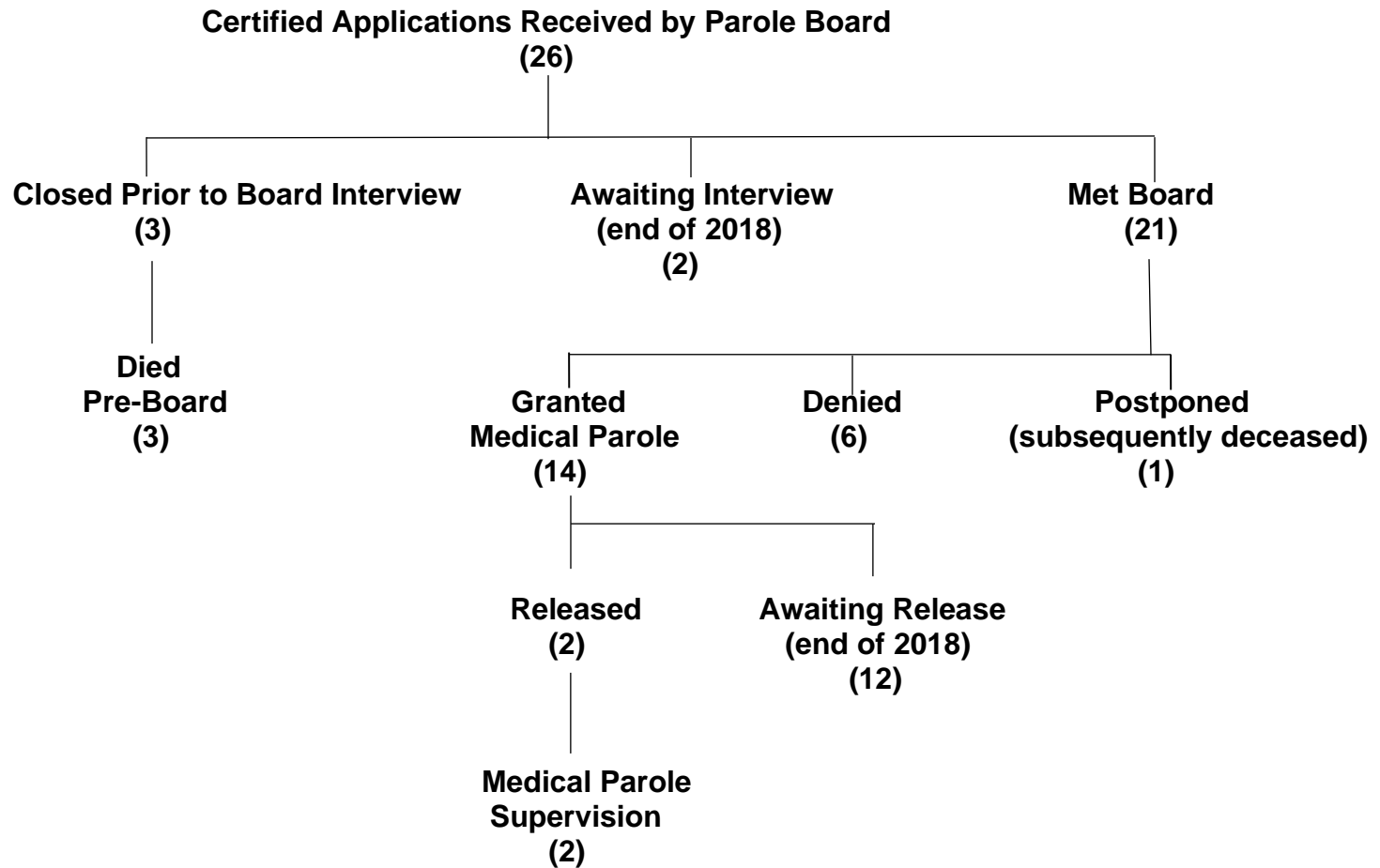


Figure 2. MEDICAL PAROLE APPLICATION PROCESSING
January – December 2018



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; and legislation/regulations.

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 2014 and 2018 are as follows:

- For calendar year 2014: 3,563
- For calendar year 2015: 3,508
- For calendar year 2016: 3,295
- For calendar year 2017: 2,772
- For calendar year 2018: 2,209

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 federal 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, two Supervising ALJs and seventeen ALJs. In addition, there are seven 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 26,000 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 as of 2018, 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 nor 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 the Administrative Law Judge

(ALJ) finds 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 number of preliminary and final hearings increased over the last 5 years by 15% and 19%, respectively (Table 8 and Table 9).
- Almost three quarters (72%) of alleged violators scheduled for a preliminary violation hearing in 2018 waived the right to these hearings. Although this proportion has decreased over the last 5 years, the majority of preliminary hearings are consistently waived. The number of preliminary hearings completed increased by 84% between 2014 and 2018 (Table 8).
- Final hearing completion rates declined over the last five years, from 55% in 2014 to 49% in 2018 (Table 9).
- The number of ultimate dispositions for violators with sustained charges increased by 5%, from 12,202 in 2014 to 12,822 in 2018 (Table 10).
- The number of Revoked and Ordered Returned to Prison dispositions declined by 9% from 2014 to 2018. Additionally, the proportion of violators revoked and ordered returned to prison decreased from 61% in 2014 to 53% in 2018 (Table 10).
- During 2018, 53% of violations with charges sustained were ordered returned to prison, 20% were ordered to Willard or an Alternative 90 Day or Alternative 45 Day program, and 28% were ordered revoked and restored to the street or a program in the community (Table 10).
- The number of dispositions ordering individuals to prison, Willard or an alternative program decreased by 10% from 2014 to 2018, while the proportion of these dispositions decreased from 85% to 72% (Table 10).
- The number of revoke and restore to the street or program dispositions increased by 91% during this time period (Table 10).

- In addition to these outcomes, there were 1,673 diversions to a Parole Diversion Program at Edgecombe, Orleans, Hale Creek or Taconic Correctional Facilities, which served to divert and stabilize individuals whose behavior in the community placed them at risk of being returned to prison as parole violators.
- In 2018, the average processing time from warrant lodging to a completed final revocation hearing was 67 days. Although there were 2,872 more cases processed in non-Rikers facilities compared to Rikers (7,834 vs. 4,962, respectively), the average processing time for non-Rikers cases was 60 days, 18 days shorter than the 78 days it took to process cases at Rikers (Table 11).
- Fifty-one percent of the 4,962 cases processed at Rikers during 2018 fell under the guidelines category of Revoke and Restore to Supervision compared to only 12% of the 7,834 cases processed at non-Rikers facilities (Table 11).

**TABLE 8. VIOLATION PROCESS
PRELIMINARY HEARING ACTIVITY**

Year	Preliminary Hearings							TOTAL PROCESSED	
	Waived		Completed		Adjourned		Number	Percent	
	Number	Percent	Number	Percent	Number	Percent			
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%	
2018	11,593	71.5%	4,381	27.0%	245	1.5%	16,219	100%	

**TABLE 9. VIOLATION PROCESS
FINAL HEARING ACTIVITY**

Year	Final Hearings				TOTAL PROCESSED	
	Completed		Adjourned		Number	Percent
	Number	Percent	Number	Percent		
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%
2018	13,138	49.4%	13,477	50.6%	26,615	100%

**TABLE 10. ULTIMATE DISPOSITIONS FOR VIOLATIONS
WITH CHARGES SUSTAINED**

	2014		2015		2016		2017		2018	
	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
Revoke and Ordered Returned to Prison	7,460	61.1%	7,504	61.8%	7,375	58.2%	6,766	55.2%	6,755	52.7%
Revoke and Restore to Willard - Mandatory	852	7.0%	904	7.4%	952	7.5%	889	7.3%	794	6.2%
Revoke and Restore to Willard - Voluntary	159	1.3%	143	1.2%	143	1.1%	159	1.3%	123	1.0%
Alternative 90 Day Program	1,714	14.0%	1,758	14.5%	1,887	14.9%	1,723	14.1%	1,485	11.6%
Alternative 45 Day Program	164	1.3%	112	0.9%	188	1.5%	217	1.8%	127	1.0%
TOTAL ORDERED TO PRISON, WILLARD OR ALT PROGRAM	10,349	84.8%	10,421	85.8%	10,545	83.2%	9,754	79.6%	9,284	72.4%
Revoke and Restore to Street or Program	1,853	15.2%	1,720	14.2%	2,132	16.8%	2,498	20.4%	3,538	27.6%
TOTAL OUTCOMES	12,202	100%	12,141	100%	12,677	100%	12,252	100%	12,822	100%

Revoke and Restore to Street - Time Served	379	464	476	412	485
---	-----	-----	-----	-----	-----

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 11. REVOCATION GUIDELINES CATEGORY AND PROCESSING TIME
FOR VIOLATORS WITH FINAL HEARINGS COMPLETED DURING 2018**

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	123	623	75	2,464	85	3,087	24.1%
Category 2 (Mandatory Willard)	47	18	41	774	41	792	6.2%
Category 3	44	769	47	1,283	46	2,052	16.0%
Voluntary Willard	10	1	32	63	32	64	0.5%
Revoke and Restore to Supervision	85	2,513	80	917	84	3,430	26.8%
Persistent Violators	50	370	46	639	48	1,009	7.9%
Outside Guidelines	66	105	64	644	64	749	5.9%
Alternative 90 Day Program*	62	436	48	1,050	52	1,486	11.6%
Alternative 45 Day Program**	58	127	n/a	n/a	58	127	1.0%
Total	78	4,962	60	7,834	67	12,796	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 2014 and 2018.

- There were 8,768 parolee returns to prison in 2018. 7,438 (85%) of these returns were for violations of the conditions of parole and 1,330 (15%) were for new felony convictions (Table 12).
- There was a decline of 1,064 (-13%) in the number of returns for violating the conditions of parole amongst the dynamic parolee population, from 8,502 in 2014 to 7,438 in 2018 (Table 12).
- Sixty-seven percent (67%) of the returns to prison in 2018 were among parolees under the age of 40 (Table 13).
- Almost half (47%) of the 2018 returns to prison were originally convicted of an A-1 Violent or Legislative VFO offense (Table 13).
- Individuals of Hispanic descent made up the smallest proportion of overall returns to prison (17%) compared to African-American (48%) and White (31%) individuals (Table 13). Compared to the total parolee population⁸, Hispanic individuals returned at a disproportionately lower rate and White individuals returned at a disproportionately higher rate.
- Overall, the demographic characteristics of individuals returned to prison for new convictions were similar to those returned for violating parole conditions, but there were a few key differences. Those returned for violating parole conditions were more likely to be female and to identify as White, while they were less likely to have a drug conviction (Table 13).
- In 2018, at the time of return, 45% of all returns were supervised at Level 1, 23% at Level 2, 23% at Level 3, and 9% 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 14).
- In 2018, 68% 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 (45%) at the end of 2018. This indicates that, as expected, returns to prison occurred disproportionately among Level 1 and Level 2 parolees (Table 14).

⁸ Refer to the report series “Community Supervision Legislative Report”.

- The highest percentage (27%) of parolee returns to prison in 2018 were supervised in the Western New York region. This was consistent among returns for new court convictions as well as for violating conditions of parole (Table 15).
- Among the parolee returns to prison as new commitments in 2014, 46% were originally convicted of violent offenses and 25% were convicted of drug offenses. Among 2018 new commitment returns, 50% were originally committed for violent offenses and 22% were convicted of drug offenses (Table 16).
- The number of returns to prison for rule violations declined by 13% between 2014 and 2018 (Table 17).
- The proportion of rule violation returns comprised of parolees originally convicted as drug offenders declined by 5% from 22% in 2014 to 17% in 2018 (Table 17).
- There were only 11 new felony returns to prison for parolees originally convicted of A-1 Violent Offenses in 2018 (Table 18).
- The number of returns to prison for violating the conditions of parole supervision among parolees originally convicted of Legislative VFOs decreased by 10% from 3,811 in 2014 to 3,424 in 2018 (Table 19).

**TABLE 12. PAROLEE RETURNS TO PRISON: 2014 to 2018
as a Proportion of the Parolee Dynamic Population**

Return Reason	2014	2015	2016	2017	2018
New Court Conviction	1,401	1,275	1,319	1,322	1,330
	2.7%	2.5%	2.6%	2.6%	2.6%
Violating Conditions of Parole¹	8,502	8,228	8,419	7,802	7,438
	16.6%	16.4%	16.7%	15.5%	14.7%
Total Prison Returns During Year	9,903	9,503	9,738	9,124	8,768
	19.3%	18.9%	19.3%	18.1%	17.3%
Dynamic Population²	51,274	50,254	50,403	50,424	50,545

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 1,726 for 2014; 1,734 for 2015; 1,882 for 2016; 1,732 for 2017 and 1,522 for 2018. The number of Alt 45 entrants was 164 for 2014; 94 for 2015; 175 for 2016; 196 for 2017 and 129 for 2018.

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 13. PAROLEE RETURNS TO PRISON
BY OFFENDER CHARACTERISTICS
2018 Returns**

Offender Characteristics	Return Reason					
	New Court Conviction		Violating Conditions of Parole		Total	
GENDER						
Male	1,291	97%	6,946	93%	8,237	94%
Female	39	3%	492	7%	531	6%
AGE AT RETURN						
Under 18 Years	2	0%	5	0%	7	0%
18-20 Years	21	2%	122	2%	143	2%
21-29 Years	443	33%	2,277	31%	2,720	31%
30-39 Years	464	35%	2,564	34%	3,028	35%
40-49 Years	197	15%	1,391	19%	1,588	18%
50-59 Years	171	13%	913	12%	1,084	12%
60+ Years	32	2%	166	2%	198	2%
RACE/ETHNICITY						
African-American	726	55%	3,515	47%	4,241	48%
Hispanic	294	22%	1,199	16%	1,493	17%
White	281	21%	2,445	33%	2,726	31%
Other	27	2%	263	4%	290	3%
Unknown	2	0%	16	0%	18	0%
FELONY OFFENDER STATUS						
1st Felony Offender	516	39%	3,559	48%	4,075	46%
2nd Felony Offender	729	55%	3,759	51%	4,488	51%
Persistent Felony Offender	34	3%	88	1%	122	1%
Youthful Offender	0	0%	1	0%	1	0%
Unknown	51	4%	31	0%	82	1%
ORIGINAL CRIME OF COMMITMENT						
A-1 Violent and Legislative VFO	664	50%	3,484	47%	4,148	47%
Other Coercive	79	6%	608	8%	687	8%
Drug Offenses	296	22%	1,262	17%	1,558	18%
Majory Property	196	15%	1,261	17%	1,457	17%
Other Felony	58	4%	635	9%	693	8%
YO/JO	37	3%	188	3%	225	3%
Total Returns	1,330		7,438		8,768	

TABLE 14. PAROLEE RETURNS TO PRISON DURING 2018 BY SUPERVISION LEVEL

Supervision Level	Return Reason						Supervision Level for Parolees in the Community December 31, 2018	
	New Court Conviction		Violating Conditions of Parole		Total			
	Number	Percent	Number	Percent	Number	Percent		
1 (25:1)	505	38%	3,401	46%	3,906	45%	1 (25:1)	31%
2 (40:1)	285	21%	1,688	23%	1,973	23%	2 (40:1)	14%
3 (80:1)	378	28%	1,659	22%	2,037	23%	3 (80:1)	25%
4 (160:1)	155	12%	642	9%	797	9%	4 (160:1)	30%
Pending	7	1%	48	1%	55	1%	Pending	1%
TOTAL	1,330	100%	7,438	100%	8,768	100%	TOTAL	100%

TABLE 15. PAROLEE RETURNS TO PRISON IN 2018 BY REGION OF SUPERVISION

Region	New Court Conviction		Violating Conditions of Parole		Total	
	Number	Percent	Number	Percent	Number	Percent
Queens-LI	232	17%	788	11%	1,020	12%
Brooklyn	139	10%	583	8%	722	8%
Manhattan	173	13%	521	7%	694	8%
Bronx	151	11%	553	7%	704	8%
Hudson Valley	176	13%	1,129	15%	1,305	15%
Central NY	219	16%	1,413	19%	1,632	19%
Willard	0	0%	172	2%	172	2%
Western	235	18%	2,158	29%	2,393	27%
Out of State	5	0%	121	2%	126	1%
Total	1,330	100%	7,438	100%	8,768	100%

Note: Percentage totals may not equal 100% due to rounding.

**TABLE 16. PAROLEE RETURNS TO PRISON AS NEW COMMITMENTS: 2014 TO 2018
ORIGINAL CRIME OF COMMITMENT**

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
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%
2018	664	50%	79	6%	296	22%	196	15%	58	4%	37	3%	1,330	100%

**TABLE 17. PAROLEE RETURNS TO PRISON FOR RULE VIOLATIONS: 2014 TO 2018
ORIGINAL CRIME OF COMMITMENT**

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
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%
2018	3,484	47%	608	8%	1,262	17%	1,261	17%	635	9%	188	3%	7,438	100%

TABLE 18. ORIGINAL COMMITMENT OFFENSE OF NEW FELONY RETURNS TO PRISON: 2014 TO 2018

COMMITMENT OFFENSE	2014		2015		2016		2017		2018	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
A1 VIOLENT OFFENSES										
Murder, Murder 1st & 2nd										
Attempted Murder 1st	13	1%	7	1%	13	1%	10	1%	11	1%
Kidnapping 1st	0	--	0	--	1	<1%	0	--	0	<1%
Arson 1st	0	--	0	--	0	--	0	--	0	<1%
TOTAL A1 Violent	13	1%	7	1%	14	1%	10	1%	11	1%
LEGISLATIVE VFO										
Attempted Murder 2nd	11	1%	8	1%	6	<1%	13	1%	12	1%
Manslaughter 1st	10	1%	8	1%	13	1%	12	1%	10	1%
Rape 1st	7	0%	6	<1%	2	<1%	9	1%	4	<1%
Robbery 1st	99	7%	95	7%	95	7%	87	7%	88	7%
Robbery 2nd	133	9%	109	9%	127	10%	110	8%	121	9%
Assault 1st	23	2%	28	2%	20	2%	48	4%	34	3%
Other Assault	49	3%	64	5%	59	4%	47	4%	60	5%
Burglary 1st	19	1%	14	1%	15	1%	14	1%	15	1%
Burglary 2nd	144	10%	126	10%	159	12%	146	11%	147	11%
Attempted Arson 1st, Arson 2nd	1	<1%	1	<1%	2	<1%	1	<1%	2	<1%
Sodomy 1st	2	<1%	1	<1%	2	<1%	2	<1%	2	<1%
Sexual Abuse	7	<1%	9	1%	11	1%	8	1%	10	1%
Weapons Offense	121	9%	109	9%	134	10%	158	12%	145	11%
Terrorism/False Bombing	2	<1%	0	--	1	<1%	1	<1%	0	--
Attempted Kidnapping 1st, Kidnapping 2nd	2	<1%	0	--	3	<1%	2	<1%	3	<1%
TOTAL Legislative VFO	630	45%	578	45%	649	49%	658	50%	653	49%
OTHER COERCIVE										
Manslaughter 2nd	0	--	0	--	1	<1%	2	<1%	2	<1%
Other Homicide	0	--	0	--	0	--	0	--	2	<1%
Robbery 3rd	39	3%	41	3%	31	2%	45	3%	40	3%
Attempted Assault 2nd	4	<1%	9	1%	12	1%	12	1%	7	1%
Other Sex Offenses	5	<1%	9	1%	6	<1%	8	1%	10	1%
Other Coercive	6	<1%	10	1%	14	1%	8	1%	18	1%
TOTAL Other Coercive	54	4%	69	5%	64	5%	75	6%	79	6%
DRUG OFFENSES										
Drug Sale	191	14%	165	13%	148	11%	137	10%	144	11%
Drug Possession	158	11%	152	12%	123	9%	172	13%	152	11%
TOTAL Drug Offenses	349	25%	317	25%	271	21%	309	23%	296	22%
MAJOR PROPERTY										
Burglary 3rd	117	8%	103	8%	110	8%	100	8%	106	8%
Grand Larceny	85	6%	52	4%	58	4%	51	4%	53	4%
Forgery	32	2%	23	2%	26	2%	16	1%	18	1%
Stolen Property	21	1%	28	2%	22	2%	22	2%	19	1%
TOTAL Major Property	255	18%	206	16%	216	16%	189	14%	196	15%
OTHER FELONY										
Driving While Intoxicated	16	1%	16	1%	16	1%	17	1%	16	1%
Non-Violent Weapons Offense	15	1%	17	1%	16	1%	13	1%	9	1%
All Other Felonies	33	2%	20	2%	42	3%	30	2%	33	2%
TOTAL Other Felony	64	5%	53	4%	74	6%	60	5%	58	4%
YOUTHFUL/JUVENILE OFFENSES										
YO/JO	36	3%	45	4%	31	2%	21	2%	37	3%
TOTAL YO/JO	36	3%	45	4%	31	2%	21	2%	37	3%
GRAND TOTAL	1,401	100%	1,275	100%	1,319	100%	1,322	100%	1,330	100%

TABLE 19. ORIGINAL COMMITMENT OFFENSE OF RULE RETURNS TO PRISON: 2014 TO 2018

COMMITMENT OFFENSE	2014		2015		2016		2017		2018	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
A1 VIOLENT OFFENSES										
Murder, Murder 1st & 2nd										
Attempted Murder 1st	53	1%	53	1%	84	1%	63	1%	57	1%
Kidnapping 1st	1	<1%	1	<1%	1	<1%	2	<1%	2	<1%
Arson 1st	0	--	0	--	2	<1%	0	--	1	<1%
TOTAL A1 Violent	54	1%	54	1%	87	1%	65	1%	60	1%
LEGISLATIVE VFO										
Attempted Murder 2nd	56	1%	48	1%	53	1%	46	1%	38	1%
Manslaughter 1st	57	1%	68	1%	66	1%	61	1%	43	1%
Rape 1st	101	1%	128	2%	110	1%	119	2%	110	1%
Robbery 1st	501	6%	457	6%	482	6%	422	5%	375	5%
Robbery 2nd	803	9%	768	9%	749	9%	630	8%	549	7%
Assault 1st	159	2%	155	2%	132	2%	127	2%	134	2%
Other Assault	398	5%	368	4%	402	5%	343	4%	353	5%
Burglary 1st	80	1%	88	1%	92	1%	85	1%	77	1%
Burglary 2nd	787	9%	760	9%	823	10%	814	10%	799	11%
Attempted Arson 1st, Arson 2nd	15	<1%	24	<1%	24	<1%	23	<1%	22	<1%
Sodomy 1st	81	1%	66	1%	80	1%	79	1%	75	1%
Sexual Abuse	184	2%	245	3%	299	4%	286	4%	291	4%
Weapons Offense	575	7%	606	7%	667	8%	570	7%	551	7%
Terrorism/False Bombing	3	<1%	8	<1%	4	<1%	2	<1%	1	<1%
Attempted Kidnapping 1st, Kidnapping 2nd	11	<1%	13	<1%	12	<1%	14	<1%	6	<1%
TOTAL Legislative VFO	3,811	45%	3,802	46%	3,995	47%	3,621	43%	3,424	46%
OTHER COERCIVE										
Manslaughter 2nd	15	<1%	11	<1%	11	<1%	8	<1%	11	<1%
Other Homicide	5	<1%	3	<1%	10	<1%	6	<1%	8	<1%
Robbery 3rd	290	3%	240	3%	250	3%	262	3%	251	3%
Attempted Assault 2nd	95	1%	113	1%	101	1%	86	1%	90	1%
Other Sex Offenses	141	2%	175	2%	169	2%	213	3%	184	2%
Other Coercive	83	1%	69	1%	73	1%	66	1%	64	1%
TOTAL Other Coercive	629	7%	611	7%	614	7%	641	8%	608	8%
DRUG OFFENSES										
Drug Sale	1,172	14%	971	12%	923	11%	753	10%	680	9%
Drug Possession	660	8%	618	8%	618	7%	618	8%	582	8%
TOTAL Drug Offenses	1,832	22%	1,589	19%	1,541	18%	1,371	18%	1,262	17%
MAJOR PROPERTY										
Burglary 3rd	656	8%	684	8%	653	8%	612	8%	616	8%
Grand Larceny	378	4%	365	4%	408	5%	389	5%	369	5%
Forgery	149	2%	125	2%	160	2%	159	2%	136	2%
Stolen Property	138	2%	150	2%	145	2%	130	2%	140	2%
TOTAL Major Property	1,321	16%	1,324	16%	1,366	16%	1,290	17%	1,261	17%
OTHER FELONY										
Driving While Intoxicated	124	1%	114	1%	129	2%	109	1%	129	2%
Non-Violent Weapons Offense	120	1%	100	1%	94	1%	108	1%	120	2%
All Other Felonies	353	4%	365	4%	363	4%	365	5%	386	5%
TOTAL Other Felony	597	7%	579	7%	586	7%	582	7%	635	9%
YOUTHFUL/JUVENILE OFFENSES										
YO/JO	258	3%	269	3%	230	3%	232	3%	188	3%
TOTAL YO/JO	258	3%	269	3%	230	3%	232	3%	188	3%
GRAND TOTAL	8,502	100%	8,228	100%	8,419	100%	7,802	100%	7,438	100%

***Prepared by:
Program Planning, Research & Evaluation***