



Corrections and Community Supervision

Board of Parole

Legislative Report

2019

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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 2015 through 2019 with demographic information being presented for 2019.

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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 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 16 members at the conclusion of 2019. 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 2,706 interviews/case reviews from 22,526 in 2015 to 19,820 in 2019. This represents a 12% decrease since 2015 and an 11% decrease from 2018 (Table 1).
- The Total Initial approval rate (excluding Shock) increased by 21 percentage points from 20% in 2015 to 41% in 2019. The Total Non-Administrative approval rate increased by 19 percentage points from 23% in 2015 to 42% in 2019 (Table 1).
- The number of Initial Interviews for Major Property Offenders declined by 556 from 2,390 in 2015 to 1,834 in 2019. This represents a 23% decrease. The approval rate for these cases increased by 24 percentage points from 29% in 2015 to 53% in 2019 (Table 2 and Table 3B).
- The number of Initial Interviews for Drug Offenders declined by 59 from 443 in 2015 to 384 in 2019. This represents a 13% decrease. The approval rate for these interviews went up from 19% in 2015 to 42% in 2019, an increase of 23 percentage points (Table 2 and Table 3A).
- The number of Initial Interviews for A-I Violent Offenses¹ declined by 51 from 395 in 2015 to 344 in 2019. This represents a 13% decrease. The approval rate for these cases increased by 16 percentage points from 22% in 2015 to 38% in 2019 (Table 2 and Table 3A).
- Approval rates for the 2019 Non-Administrative Parole Board Interviews were highest among incarcerated women (61%); individuals in their 30's and 40's (44%); White incarcerated individuals (47%); and individuals who were sentenced in Upstate Rural counties (49%) (Table 5).
- The 2019 approval rate for African-American individuals convicted of an A-I Violent Felony was 36%, higher than the 28% approval rate among White individuals. The approval rate for African-Americans was also higher than for White individuals among Legislative VFOs (26% and 22%, respectively) (Table 6).
- The number of Medical Parole applications resulting in a Parole Board Interview increased by 10 from 16 in 2015 to 26 in 2019. The approval rate increased from 69% in 2015 to 77% in 2019 (Table 7).
- The number of ultimate dispositions for parole violators with sustained charges decreased by 4% from 12,822 in 2018 to 12,270 in 2019. In 2019, 50% of violations with charges sustained were ordered returned to prison, 21% were ordered to Willard or an Alternative

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

90 Day or Alternative 45 Day Program, and 29% were revoked and restored to the street or a program in the community (Table 10).

- Between 2015 and 2019, the proportion of violations with charges sustained that were ordered returned to prison decreased from 62% to 50%. The proportion that were revoked and restored increased from 14% to 29% (Table 10).
- In addition to these outcomes, there were 1,696 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 2019 were among individuals in their 30's (36%), African-Americans (48%) (both of which are consistent with their proportion of the active parolee population²) and 1st Felony Offenders (49%) (Table 13).
- The number of parolee returns to prison for new felony convictions declined by 74 from 1,330 in 2018 to 1,256 in 2019. This represents a 6% decrease (Table 16).
- The number of parolee returns to prison for violating the conditions of parole declined by 14% between 2015 and 2019 and by 5% between 2018 and 2019 (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 only.

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. For these releases, the Board of Parole sets the conditions of parole supervision in the community only.

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 2015 to 2019 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 2015 to 42% in 2019. Similarly, the Total Initial approval rate (excluding Shock) increased from 20% in 2015 to 41% in 2019 (Table 1).
- The number of Presumptive Reviews (including Merit Presumptive and Supplemental Merit Presumptive) increased from 27 in 2015 to 28 in 2019. (Table 1).
- In 2019, 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% (-224) between 2015 and 2019, the approval rate increased by 23 percentage points, from 19% to 42% (Table 2 and Table 3B).
- The number of Initial Interviews for Major Property Offenders (excluding Shock and Early Deportation) declined by 556 from 2,390 in 2015 to 1,834 in 2019. This represents a 23% decrease. The approval rate for these cases increased by 24 percentage points from 29% in 2015 to 53% in 2019 (Table 2 and Table 3B).
- The approval rate for A-I Violent Felony Offenders at Initial Interview increased by 16 percentage points from 22% in 2015 to 38% in 2019 (Table 2 and Table 3A).
- The number of Initial Interviews for offenders with Other Coercive Offenses⁴ declined by 368 from 1,348 in 2015 to 980 in 2019. This represents a 27% decrease. The approval rate for these offenses increased by 21 percentage points from 17% in 2015 to 38% in 2019 (Table 2 and Table 3A).
- The number of Initial Interviews for Drug Offenders declined by 59 from 443 in 2015 to 384 in 2019. This represents a 13% decrease. The approval rate for these interviews went up from 19% in 2015 to 42% in 2019, an increase of 23 percentage points (Table 2 and Table 3A).
- The Board conducted 76 interviews of Juvenile Offenders under the jurisdiction of OCFS during 2019. Sixty-six percent of these were Initial Interviews (Table 4).
- The 38% approval rate of Initial Interviews for Juvenile Offenders in 2019 represented an increase from 25% in 2018. The approval rate of Reappearance Interviews for Juvenile Offenders decreased from 58% to 50% 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 (49%) of the Total Non-Administrative Interviews in 2019 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 30's and 40's had the highest approval rate among the Total Non-Administrative Interviews in 2019 (44%), while those 60 and over had the lowest approval rate (37%) (Table 5).
- Among 2019 Non-Administrative Interviews, approval rates were highest (49%) among individuals sentenced from the Upstate Rural region of New York. Incarcerated individuals sentenced in New York City had the lowest approval rate, 38% (Table 5).
- First felony offenders represented the highest proportion (51%) of the total number of Non-Administrative Interviews during 2019. The approval rate for these interviews was 43% compared to 40% for second felony offenders (Table 5).
- The largest proportion of Initial Interviews was among COMPAS Supervision Level 3 (36%). The highest initial approval rate was among COMPAS Level 4 individuals (50%), while the lowest rate was among COMPAS Level 1 individuals (33%) (Table 5).
- Among the Non-Administrative Interviews during 2019, the approval rate for African-Americans convicted of an A-I Violent Felony was 36%, compared to 28% for Whites convicted of an A-I Violent Felony offense and 38% for Hispanics (Table 6).
- Interviews of incarcerated individuals convicted of Legislative VFOs, resulted in a 25% approval rate for Hispanics, a 22% approval rate for Whites, and a 26% approval rate for African-Americans (Table 6).
- Individuals of Hispanic descent had the highest approval rate among A-I Violent Parole Board interviews (38%), while African-Americans had the highest approval rate among the Legislative VFO Parole Board interviews (26%) (Table 6).

TABLE 1. PAROLE BOARD INTERVIEWS AND APPROVAL RATES: 2015 to 2019

	2015	2016	2017	2018	2019
Total Non-Administrative	12,563	12,427	12,436	11,363	10,560
Granted Release	2,917	3,220	4,062	5,013	4,407
Approval Rate	23.2%	25.9%	32.7%	44.1%	41.7%
Total Initials w/o Shock	8,697	8,513	8,376	7,417	7,022
Granted Release	1,742	1,922	2,410	3,231	2,849
Approval Rate	20.0%	22.6%	28.8%	43.6%	40.6%
Initials	7,030	6,937	6,838	5,921	5,590
Granted Release	1,159	1,260	1,645	2,204	1,875
Approval Rate	16.5%	18.2%	24.1%	37.2%	33.5%
Merit	1,499	1,425	1,423	1,342	1,283
Granted Release	524	598	695	940	881
Approval Rate	35.0%	42.0%	48.8%	70.0%	68.7%
Supplemental Merit	2	0	0	0	2
Granted Release	2	0	0	0	1
Approval Rate	100.0%	--	--	--	50.0%
Limited Credit Time	106	99	70	87	87
Granted Release	22	32	31	42	49
Approval Rate	20.8%	32.3%	44.3%	48.3%	56.3%
Medical Parole	17	24	12	21	22
Granted Release	10	14	9	12	14
Approval Rate	58.8%	58.3%	75.0%	57.1%	63.6%
Early Release for Final Deportation (ECPDO)	43	28	33	46	38
Granted Release	25	18	30	33	29
Approval Rate	58.1%	64.3%	90.9%	71.7%	76.3%
Shock	678	649	627	575	460
Granted Release	541	554	530	481	393
Approval Rate	79.8%	85.4%	84.5%	83.7%	85.4%
Reappearance	3,040	3,122	3,290	3,242	2,948
Granted Release	604	712	1,058	1,240	1,115
Approval Rate	19.9%	22.8%	32.2%	38.2%	37.8%
PV/CR Reappearance	148	143	143	129	130
Granted Release	30	32	64	61	50
Approval Rate	20.3%	22.4%	44.8%	47.3%	38.5%
Total Administrative	9,963	9,925	9,427	9,138	9,260
Other Administrative⁵	276	353	198	262	466
Conditional Release - Reviews⁶	5,301	5,146	4,927	4,638	4,614
Conditional Release - PV Reviews⁶	2,696	2,681	2,638	2,432	2,413
Conditional Release - Shock Reviews⁶	625	597	584	675	553
Conditional Release - Merit Reviews⁶	844	894	799	858	884
Conditional Release - Limited Credit Time Reviews⁶	191	225	246	244	289
Presumptive Release Reviews⁶	6	9	10	5	8
Merit PR Review⁶	21	17	16	19	20
Supp Merit PR Review⁶	0	0	1	0	0
Medical Reviews Release Condition⁶	1	3	3	3	6
Executive Clemency Release Condition⁶	2	0	5	2	7
Total Board Workload	22,526	22,352	21,863	20,501	19,820
SORC Reappearances⁷	1,873	1,882	1,675	1,681	1,885

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
2015 to 2019 Initial Interviews
(Includes Merit, Supplemental Merit and LCTA; Excludes Shock and Early Deportation)**

CRIME OF COMMITMENT	2015			2016			2017			2018			2019		
	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	395	86	22%	402	103	26%	339	102	30%	369	133	36%	344	129	38%
Legislative VFO	1,337	94	7%	1,340	114	9%	1,369	165	12%	1,246	254	20%	1,221	261	21%
Other Coercive	1,348	224	17%	1,294	264	20%	1,324	332	25%	1,162	481	41%	980	376	38%
Drug Offenses	443	86	19%	418	97	23%	438	128	29%	396	172	43%	384	160	42%
Major Property	2,390	687	29%	2,306	751	33%	2,095	844	40%	1,825	1,069	59%	1,834	969	53%
Other Felony	2,139	416	19%	2,150	466	22%	2,185	668	31%	1,902	908	48%	1,915	802	42%
Youthful Offenders	595	124	21%	568	109	19%	582	140	24%	463	178	38%	301	120	40%
Juvenile Offenders*	7	0	0%	7	0	0%	11	1	9%	8	3	38%	5	3	60%
GRAND TOTAL	8,654	1,717	20%	8,485	1,904	22%	8,343	2,380	29%	7,371	3,198	43%	6,984	2,820	40%

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

TABLE 3A. PAROLE BOARD DECISIONS BY CRIME OF COMMITMENT (page 1)
2015 to 2019 Initial Interviews
(Includes Merit, Supplemental Merit and LCTA; Excludes Shock and Early Deportation)

CRIME OF COMMITMENT	2015			2016			2017			2018			2019		
	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															
Murder, Murder 1st & 2nd, Attempted Murder 1st	382	84	22%	400	102	26%	322	94	29%	362	128	35%	337	126	37%
Kidnapping 1st	13	2	15%	1	1	100%	16	7	44%	6	4	67%	6	3	50%
Arson 1st	0	0	--	1	0	0%	1	1	100%	1	1	100%	1	0	0%
TOTAL A-1 Violent Offenses	395	86	22%	402	103	26%	339	102	30%	369	133	36%	344	129	38%
LEGISLATIVE VFO															
Attempted Murder 2nd	47	2	4%	34	2	6%	50	9	18%	28	5	18%	37	5	14%
Manslaughter 1st	35	3	9%	35	5	14%	31	4	13%	35	4	11%	23	3	13%
Rape 1st	36	0	0%	41	1	2%	50	4	8%	46	4	9%	37	1	3%
Robbery 1st	178	16	9%	179	12	7%	197	26	13%	145	38	26%	141	41	29%
Robbery 2nd	191	19	10%	172	8	5%	194	18	9%	163	41	25%	178	49	28%
Assault 1st	74	1	1%	67	1	1%	62	7	11%	66	5	8%	63	11	17%
Other Assault	161	8	5%	179	17	9%	167	17	10%	195	38	19%	151	35	23%
Burglary 1st	25	0	0%	28	0	0%	37	5	14%	29	10	34%	28	4	14%
Burglary 2nd	267	28	10%	292	51	17%	272	46	17%	234	58	25%	227	60	26%
Attempted Arson 1st, Arson 2nd	6	0	0%	10	0	0%	6	1	17%	6	1	17%	7	0	0%
Sodomy 1st	34	0	0%	32	2	6%	16	0	0%	22	1	5%	19	0	0%
Sexual Abuse	45	2	4%	52	3	6%	56	3	5%	46	6	13%	47	1	2%
Weapons Offenses	219	14	6%	206	12	6%	218	21	10%	220	41	19%	246	48	20%
Terrorism/False Bombing	5	0	0%	10	0	0%	3	2	67%	7	1	14%	10	2	20%
Attempted Kidnapping 1st, Kidnapping 2nd	14	1	7%	3	0	0%	10	2	20%	4	1	25%	7	1	14%
TOTAL Legislative VFO	1,337	94	7%	1,340	114	9%	1,369	165	12%	1,246	254	20%	1,221	261	21%
OTHER COERCIVE															
Manslaughter 2nd	23	7	30%	39	6	15%	41	5	12%	38	11	29%	44	13	30%
Other Homicide	50	5	10%	43	11	26%	63	16	25%	46	15	33%	44	9	20%
Robbery 3rd	537	97	18%	504	99	20%	556	152	27%	433	193	45%	357	145	41%
Attempted Assault 2nd	292	33	11%	297	44	15%	282	53	19%	285	107	38%	248	86	35%
Other Sex Offenses	68	3	4%	53	13	25%	45	6	13%	62	11	18%	48	13	27%
Other Coercive	378	79	21%	358	91	25%	337	100	30%	298	144	48%	239	110	46%
TOTAL Other Coercive	1,348	224	17%	1,294	264	20%	1,324	332	25%	1,162	481	41%	980	376	38%

TABLE 3B. PAROLE BOARD DECISIONS BY CRIME OF COMMITMENT (page 2)
2015 to 2019 Initial Interviews
(Includes Merit, Supplemental Merit and LCTA; Excludes Shock and Early Deportation)

CRIME OF COMMITMENT	2015			2016			2017			2018			2019		
	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
DRUG OFFENSES															
Drug Sale	200	37	19%	197	49	25%	223	60	27%	171	74	43%	160	68	43%
Drug Possession	243	49	20%	221	48	22%	215	68	32%	225	98	44%	224	92	41%
TOTAL Drug Offenses	443	86	19%	418	97	23%	438	128	29%	396	172	43%	384	160	42%
MAJOR PROPERTY															
Burglary 3rd	978	254	26%	967	271	28%	877	318	36%	775	429	55%	779	399	51%
Grand Larceny	908	282	31%	837	295	35%	740	317	43%	654	397	61%	681	362	53%
Forgery	275	95	35%	259	114	44%	271	130	48%	230	148	64%	195	113	58%
Stolen Property	229	56	24%	243	71	29%	207	79	38%	166	95	57%	179	95	53%
TOTAL Major Property	2,390	687	29%	2,306	751	33%	2,095	844	40%	1,825	1,069	59%	1,834	969	53%
OTHER FELONY															
Driving While Intoxicated	600	150	25%	606	151	25%	570	218	38%	509	258	51%	455	209	46%
Non-Violent Weapon Offenses	399	59	15%	392	83	21%	480	130	27%	375	161	43%	377	175	46%
All Other Felonies	1,140	207	18%	1,152	232	20%	1,135	320	28%	1,018	489	48%	1,083	418	39%
TOTAL Other Felony	2,139	416	19%	2,150	466	22%	2,185	668	31%	1,902	908	48%	1,915	802	42%
YOUTHFUL/JUVENILE OFFENDERS															
Youthful Offenders	595	124	21%	568	109	19%	582	140	24%	463	178	38%	301	120	40%
Juvenile Offenders	7	0	0%	7	0	0%	11	1	9%	8	3	38%	5	3	60%
TOTAL YO/JO	602	124	21%	575	109	19%	593	141	24%	471	181	38%	306	123	40%
GRAND TOTAL	8,654	1,717	20%	8,485	1,904	22%	8,343	2,380	29%	7,371	3,198	43%	6,984	2,820	40%

**TABLE 4. JUVENILE OFFENDERS UNDER OCFS JURISDICTION
PAROLE BOARD INTERVIEWS AND APPROVAL RATES
2015 to 2019**

	2015		2016		2017		2018		2019	
	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%	12	14%	16	16%	18	25%	19	38%
Postponed	66	48%	34	40%	52	51%	29	40%	20	40%
Denied	55	40%	40	47%	34	33%	26	36%	11	22%
TOTAL	137	100%	86	100%	102	100%	73	100%	50	100%
REAPPEARANCE INTERVIEWS										
Approved	4	15%	10	23%	9	35%	21	58%	13	50%
Postponed	11	41%	9	20%	3	12%	5	14%	4	15%
Denied	12	44%	25	57%	14	54%	10	28%	9	35%
TOTAL	27	100%	44	100%	26	100%	36	100%	26	100%

**TABLE 5. PAROLE BOARD APPROVAL RATES BY OFFENDER CHARACTERISTICS
2019 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	6,876	92%	42%	2,964	96%	37%	9,840	93%	40%
Female	606	8%	62%	114	4%	59%	720	7%	61%
AGE AT INTERVIEW									
Under 18 Years	87	1%	37%	13	0%	46%	100	1%	38%
18-20 Years	396	5%	38%	159	5%	40%	555	5%	39%
21-29 Years	1,748	23%	42%	566	18%	36%	2,314	22%	40%
30-39 Years	2,321	31%	45%	528	17%	41%	2,849	27%	44%
40-49 Years	1,478	20%	45%	576	19%	42%	2,054	19%	44%
50-59 Years	1,124	15%	43%	769	25%	38%	1,893	18%	41%
60+ Years	328	4%	45%	467	15%	32%	795	8%	37%
RACE/ETHNICITY									
African-American	3,093	41%	39%	1,394	45%	38%	4,487	42%	39%
Hispanic	1,584	21%	21%	652	21%	36%	2,236	21%	40%
White	2,557	34%	50%	961	31%	38%	3,518	33%	47%
Asian/ Pacific Islander	57	1%	49%	10	0%	20%	67	1%	45%
American Indian	78	1%	40%	22	1%	32%	100	1%	38%
Other	102	1%	38%	33	1%	46%	135	1%	40%
Unknown	11	0%	64%	6	0%	67%	17	0%	65%
REGION OF SENTENCE									
New York City	2,966	40%	38%	1,398	45%	37%	4,364	41%	38%
Suburban New York City	810	11%	42%	356	12%	33%	1,166	11%	39%
Upstate Urban	1,507	20%	43%	666	22%	39%	2,173	21%	42%
Upstate Rural	2,199	29%	52%	658	21%	42%	2,857	27%	49%
FELONY OFFENDER STATUS									
1st Felony Offender	3,588	48%	45%	1,805	59%	38%	5,393	51%	43%
2nd Felony Offender	3,708	50%	41%	1,074	35%	35%	4,782	45%	40%
Persistent Felony Offender	133	2%	56%	170	6%	52%	303	3%	54%
Unknown	53	1%	38%	29	1%	45%	82	1%	40%
COMPAS SUPERVISION LEVEL									
Level 1	1,481	20%	33%	943	31%	40%	2,424	23%	36%
Level 2	557	7%	46%	165	5%	45%	722	7%	46%
Level 3	2,662	36%	43%	598	19%	39%	3,260	31%	42%
Level 4	2,625	35%	50%	1,314	43%	35%	3,939	37%	45%
Pending	157	2%	31%	58	2%	35%	215	2%	32%
Total Interviews	7,482	100%	43%	3,078	100%	38%	10,560	100%	42%

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

**TABLE 6. PAROLE BOARD APPROVAL RATES
BY RACE AND CURRENT OFFENSE TYPE
2019 Non-Administrative Interviews***

CURRENT OFFENSE TYPE		RACE							Total
		African-American	Hispanic	White	Asian/ Pacific Islander	American Indian	Other	Unknown	
A-1 Violent	# of Interviews	608	257	279	7	3	7	0	1,161
	% Granted Release	35.7%	38.1%	28.3%	42.9%	0.0%	42.9%	--	34.5%
Legislative VFO	# of Interviews	1,008	417	370	5	16	25	1	1,842
	% Granted Release	26.4%	25.4%	22.4%	0.0%	25.0%	12.0%	0.0%	25.1%
Other Coercive	# of Interviews	588	337	464	11	13	23	1	1,437
	% Granted Release	39.5%	37.4%	40.9%	36.4%	46.2%	30.4%	100.0%	39.4%
Drug Offenses	# of Interviews	259	143	112	4	6	8	2	534
	% Granted Release	45.2%	49.7%	62.5%	75.0%	50.0%	62.5%	100.0%	50.7%
Major Property	# of Interviews	861	495	1,089	19	28	32	6	2,530
	% Granted Release	51.3%	49.1%	58.4%	52.6%	42.9%	53.1%	33.3%	53.8%
Other Felony	# of Interviews	841	455	1,106	17	30	33	7	2,489
	% Granted Release	40.9%	41.1%	48.6%	58.8%	43.3%	51.5%	85.7%	44.8%
Youthful Offender	# of Interviews	295	121	92	4	2	7	0	521
	% Granted Release	39.0%	40.5%	59.8%	0.0%	0.0%	28.6%	--	42.4%
Juvenile Offender	# of Interviews	27	11	6	0	2	0	0	46
	% Granted Release	22.2%	27.3%	16.7%	--	0.0%	--	--	21.7%
Total	# of Interviews	4,487	2,236	3,518	67	100	135	17	10,560
	% Granted Release	38.8%	39.5%	47.0%	44.8%	38.0%	40.0%	64.7%	41.7%

*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 2015 to 2019. Figures 1 and 2 provide summaries of medical parole processing and outcomes for all applications reviewed by the Board of Parole from January 2015 through December 2019.

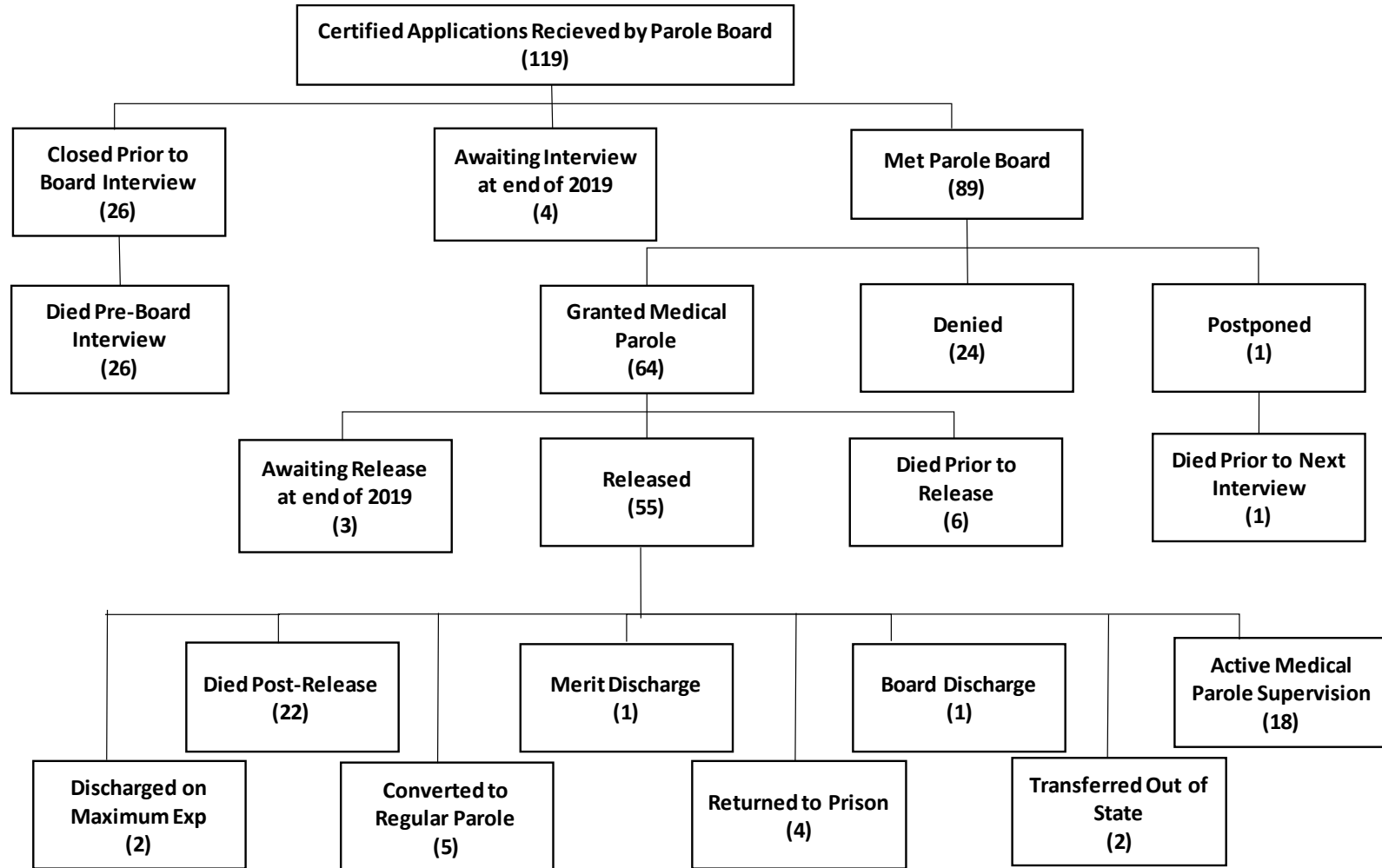
- There were 119 certified applications submitted for medical parole from 2015 to 2019. There was an average of 24 applications submitted per year during this five-year period: 19 in 2015; 26 in 2016; 15 in 2017; 26 in 2018; and 33 in 2019 (Table 7).
- The primary diagnosis of the 119 applicants was Cancer (49%). The majority (93%) of the applicants were male and 7% were female.
- Of the 119 applicants for medical parole, 26 (22%) died prior to a Board Interview. Four other individuals (3%) were awaiting an interview at the end of 2019.
- Sixty-four of the 89 (72%) medical parole applicants who appeared before the Board from 2015 to 2019 were granted medical parole. The 24 applicants (27%) who were denied release were denied due to their prison discipline history and/or criminal history. One applicant's interview was postponed, and they died prior to their next Board appearance.
- Fifty-five of the 64 (86%) applicants who were granted medical parole from 2015 to 2019 were released from custody by the end of 2019. Six individuals (9%) died before release, and 3 more (5%) were awaiting release at the end of 2019.
- For the 20 incarcerated individuals with a Medical Parole interview in 2019, an average of 26 business days elapsed between the Board receiving the Medical Parole application and the Board interview date.
- During the five-year period of 2015 through 2019, approximately 9,074 prison days were saved due to parolees' early release to medical parole supervision.

- A total of 19 of the 55 individuals released on medical parole from 2015 to 2019 were released to New York City. Thirty-five individuals were released to counties in upstate New York, and one was released interstate.
- Placements pursuant to the final medical discharge plans for the 55 releases from 2015 through December 2019 were as follows: 20 to skilled nursing facilities, 32 to home care, and 3 to a hospital setting.
- A total of 18 (33%) of the 55 cases granted medical parole and released between 2015 and December 2019 were still under medical parole supervision at the end of 2019. Twenty-two parolees (40%) died following release; 1 parolee (2%) was granted Merit Discharge from Community Supervision; 1 parolee (2%) was discharged by the Board; 5 parolees (9%) converted to regular parole at their PE dates; 2 parolees (4%) were discharged on their Maximum Expiration dates; 2 parolees (4%) were transferred out-of-state; and 4 parolees (7%) were revoked and returned to prison (Figure 1).
- The 18 parolees under medical parole supervision at the end of 2019 were under supervision for a total of 5,953 days, or an average of 331 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), six additional incarcerated individuals were granted medical parole by the Commissioner in 2019, of which five were released from custody by the end of 2019.

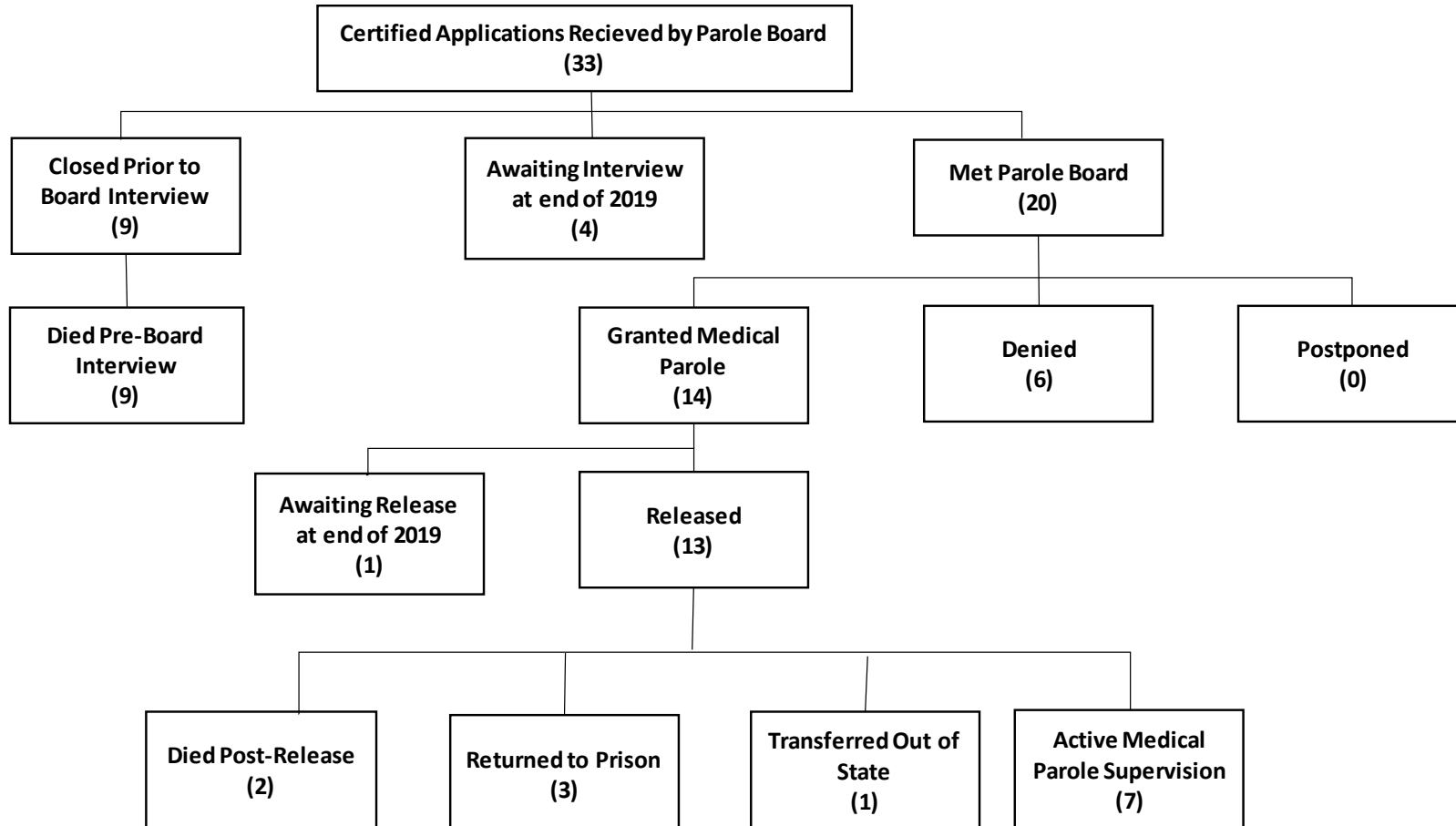
**TABLE 7. MEDICAL PAROLE BOARD APPROVAL RATES
FOR APPLICATIONS SUBMITTED
2015 to 2019**

	Calendar Year					Total
	2015	2016	2017	2018	2019	
Certified Applications	19	26	15	26	33	119
Medical Parole Interviews	16	20	12	21	20	89
Granted Release	11	14	9	16	14	64
Approval Rate	69%	70%	75%	76%	70%	72%

**Figure 1. MEDICAL PAROLE APPLICATION PROCESSING
January 2015 – December 2019**



**Figure 2. MEDICAL PAROLE APPLICATION PROCESSING
January – December 2019**



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 2015 and 2019 are as follows:

- For calendar year 2015: 3,508
- For calendar year 2016: 3,295
- For calendar year 2017: 2,772
- For calendar year 2018: 2,209
- For calendar year 2019: 2,431

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, three Supervising ALJs and sixteen 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 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, 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-I 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-I, 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 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 number of both preliminary and final hearings increased between 2015 and 2019, by 9% and 15%, respectively (Table 8 and Table 9).
- Almost three quarters (70%) of alleged violators scheduled for a preliminary violation hearing in 2019 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 71% between 2015 and 2019 (Table 8).
- Final hearing completion rates declined over the last five years, from 54% in 2015 to 49% in 2019 (Table 9).
- The number of ultimate dispositions for violators with sustained charges increased by 1%, from 12,141 in 2015 to 12,270 in 2019 (Table 10).
- The number of Revoked and Ordered Returned to Prison dispositions declined by 18% from 2015 to 2019. Additionally, the proportion of violators revoked and ordered returned to prison decreased from 62% in 2015 to 50% in 2019 (Table 10).
- During 2019, 50% of violations with charges sustained were ordered returned to prison, 21% were ordered to Willard or an Alternative 90 Day or Alternative 45 Day program, and 29% 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 16% from 2015 to 2019, while the proportion decreased from 86% to 71% (Table 10).
- The number of revoke and restore to the street or program dispositions more than doubled during this time period, increasing by 104% (Table 10).
- In addition to these outcomes, there were 1,696 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 2019, the average processing time from warrant lodging to a completed final revocation hearing was 67 days. Although there were 2,691 more cases processed in non-Rikers facilities compared to Rikers (7,468 vs. 4,777, respectively), the average processing time for non-Rikers cases was 58 days, 24 days shorter than the 82 days it took to process cases at Rikers (Table 11).
- Fifty percent of the 4,777 cases processed at Rikers during 2019 fell under the guidelines category of Revoke and Restore to Supervision compared to only 13% of the 7,468 cases processed at non-Rikers facilities (Table 11).

**TABLE 8. VIOLATION PROCESS
PRELIMINARY HEARING ACTIVITY
2015 TO 2019**

Year	Preliminary Hearings							
	Waived		Completed		Adjourned		TOTAL PROCESSED	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
2015	11,307	78.8%	2,642	18.4%	406	2.8%	14,355	100%
2016	11,457	78.2%	3,012	20.6%	180	1.2%	14,649	100%
2017	11,574	76.1%	3,401	22.4%	239	1.6%	15,214	100%
2018	11,703	71.6%	4,403	26.9%	246	1.5%	16,352	100%
2019	10,916	69.5%	4,529	28.8%	262	1.7%	15,707	100%

**TABLE 9. VIOLATION PROCESS
FINAL HEARING ACTIVITY
2015 TO 2019**

Year	Final Hearings					
	Completed		Adjourned		TOTAL PROCESSED	
	Number	Percent	Number	Percent	Number	Percent
2015	12,259	54.4%	10,257	45.6%	22,516	100%
2016	12,817	52.1%	11,763	47.9%	24,580	100%
2017	12,472	49.5%	12,711	50.5%	25,183	100%
2018	13,147	49.2%	13,595	50.8%	26,742	100%
2019	12,568	48.7%	13,224	51.3%	25,792	100%

**TABLE 10. ULTIMATE DISPOSITIONS FOR VIOLATIONS
WITH CHARGES SUSTAINED
2015 TO 2019**

	2015		2016		2017		2018		2019	
	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
Revoke and Ordered Returned to Prison	7,504	61.8%	7,375	58.2%	6,766	55.2%	6,755	52.7%	6,123	49.9%
Revoke and Restore to Willard - Mandatory	904	7.4%	952	7.5%	889	7.3%	794	6.2%	717	5.8%
Revoke and Restore to Willard - Voluntary	143	1.2%	143	1.1%	159	1.3%	123	1.0%	112	0.9%
Alternative 90 Day Program	1,758	14.5%	1,887	14.9%	1,723	14.1%	1,485	11.6%	1,687	13.7%
Alternative 45 Day Program	112	0.9%	188	1.5%	217	1.8%	127	1.0%	115	0.9%
TOTAL ORDERED TO PRISON, WILLARD OR ALT PROGRAM	10,421	85.8%	10,545	83.2%	9,754	79.6%	9,284	72.4%	8,754	71.3%
Revoke and Restore to Street or Program	1,720	14.2%	2,132	16.8%	2,498	20.4%	3,538	27.6%	3,516	28.7%
TOTAL OUTCOMES	12,141	100%	12,677	100%	12,252	100%	12,822	100%	12,270	100%

Revoke and Restore to Street - Time Served	464	476	412	485	503
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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 in

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 2019**

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	151	536	76	2,022	92	2,558	20.9%
Category 2 (Mandatory Willard)	134	17	39	699	41	716	5.8%
Category 3	46	673	41	1,386	43	2,059	16.8%
Voluntary Willard	26	1	49	54	48	55	0.4%
Revoke and Restore to Supervision	87	2,388	74	1,008	83	3,396	27.7%
Persistent Violators	49	397	45	607	46	1,004	8.2%
Outside Guidelines	78	118	65	534	68	652	5.3%
Alternative 90 Day Program*	67	532	47	1,158	53	1,690	13.8%
Alternative 45 Day Program**	50	115	n/a	n/a	50	115	0.9%
Total	82	4,777	58	7,468	67	12,245	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 2015 and 2019.

- There were 8,293 parolee returns to prison in 2019. Of these returns, 7,037 (85%) were for violations of the conditions of parole and 1,256 (15%) were for new court convictions (Table 12).
- There was a decline of 1,191 (-14%) in the number of returns for violating the conditions of parole amongst the dynamic parolee population, from 8,228 in 2015 to 7,037 in 2019 (Table 12).
- Sixty-four percent of the returns to prison in 2019 were among parolees under the age of 40 (Table 13).
- Almost half (45%) of the 2019 returns to prison were originally convicted of an A-I 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 (32%) 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 2019, at the time of return, 46% of all returns were supervised at Level 1, 22% at Level 2, 22% at Level 3, and 10% 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 2019, 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 (47%) at the end of 2019. 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 (26%) of parolee returns to prison in 2019 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 2015, 46% were originally convicted of violent offenses and 25% were convicted of drug offenses. Among 2019 new commitment returns, 48% were originally committed for violent offenses and 25% were convicted of drug offenses (Table 16).
- The number of returns to prison for rule violations declined by 14% between 2015 and 2019 (Table 17).
- The number of rule violation returns comprised of parolees originally convicted as drug offenders declined by 28% from 1,589 in 2015 to 1,146 in 2019 (Table 17).
- There were only 10 new felony returns to prison for parolees originally convicted of A-I Violent Offenses in 2019 after conviction for a new felony (Table 18).
- The number of returns to prison for violating the conditions of parole supervision among parolees originally convicted of Legislative VFOs decreased by 18% from 3,802 in 2015 to 3,136 in 2019 (Table 19).

**TABLE 12. PAROLEE RETURNS TO PRISON
as a Proportion of the Parolee Dynamic Population
2015 to 2019**

Return Reason	2015	2016	2017	2018	2019
New Court Conviction	1,275	1,319	1,322	1,330	1,256
	2.5%	2.6%	2.6%	2.6%	2.5%
Violating Conditions of Parole¹	8,228	8,419	7,802	7,438	7,037
	16.4%	16.7%	15.5%	14.7%	14.2%
Total Prison Returns During Year	9,503	9,738	9,124	8,768	8,293
	18.9%	19.3%	18.1%	17.3%	16.7%
Dynamic Population²	50,254	50,403	50,424	50,545	49,651

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 1,403 for 2010; 1,696 for 2011; 1,689 for 2012; 1,780 for 2013; 1,726 for 2014; 1,734 for 2015; 1,882 for 2016; 1,734 for 2017; 1,522 for 2018; and 1,680 for 2019. The number of Alt 45 entrants was 138 for 2010; 63 for 2011; 124 for 2012; 183 for 2013; 164 for 2014; 94 for 2015; 175 for 2016; 196 for 2017; 129 for 2018; and 124 for 2019.

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
2019 Returns**

Offender Characteristics	Return Reason					
	New Court Conviction		Violating Conditions of Parole		Total	
GENDER						
Male	1,222	97%	6,558	93%	7,780	94%
Female	34	3%	479	7%	513	6%
AGE AT RETURN						
Under 18 Years	0	0%	3	0%	3	0%
18-20 Years	14	1%	60	1%	74	1%
21-29 Years	325	26%	1,899	27%	2,224	27%
30-39 Years	461	37%	2,563	36%	3,024	36%
40-49 Years	256	20%	1,304	19%	1,560	19%
50-59 Years	162	13%	950	14%	1,112	13%
60+ Years	38	3%	258	4%	296	4%
RACE/ETHNICITY						
African-American	663	53%	3,286	47%	3,949	48%
Hispanic	276	22%	1,121	16%	1,397	17%
White	265	21%	2,408	34%	2,673	32%
Asian/ Pacific Islander	6	0%	19	0%	25	0%
American Indian	23	2%	104	1%	127	2%
Other	18	1%	80	1%	98	1%
Unknown	5	0%	19	0%	24	0%
FELONY OFFENDER STATUS						
1st Felony Offender	486	39%	3,562	51%	4,048	49%
2nd Felony Offender	613	49%	3,052	43%	3,665	44%
Persistent Felony Offender	25	2%	86	1%	111	1%
Youthful Offender	54	4%	178	3%	232	3%
Unknown	78	6%	159	2%	237	3%
ORIGINAL CRIME OF COMMITMENT						
A-1 Violent and Legislative VFO	608	48%	3,197	45%	3,805	45%
Other Coercive	54	4%	607	9%	661	7%
Drug Offenses	313	25%	1,146	16%	1,459	19%
Majority Property	188	15%	1,226	17%	1,414	17%
Other Felony	67	5%	675	10%	742	8%
YO/JO	26	2%	186	3%	212	3%
Total Returns	1,256		7,037		8,293	

**TABLE 14. PAROLEE RETURNS TO PRISON DURING 2019
BY SUPERVISION LEVEL**

Supervision Level	Return Reason						Supervision Level for Parolees in the Community December 31, 2019	
	New Court Conviction		Violating Conditions of Parole		Total			
	Number	Percent	Number	Percent	Number	Percent		
1 (25:1)	496	39%	3,334	47%	3,830	46%	1 (25:1)	32%
2 (40:1)	246	20%	1,538	22%	1,784	22%	2 (40:1)	15%
3 (80:1)	321	26%	1,511	21%	1,832	22%	3 (80:1)	23%
4 (160:1)	191	15%	618	9%	809	10%	4 (160:1)	29%
Pending	2	0%	36	1%	38	0%	Pending	1%
TOTAL	1,256	100%	7,037	100%	8,293	100%	TOTAL	100%

**TABLE 15. PAROLEE RETURNS TO PRISON IN 2019
BY REGION OF SUPERVISION**

Region	New Court Conviction		Violating Conditions of Parole		Total	
	Number	Percent	Number	Percent	Number	Percent
Queens-LI	219	17%	796	11%	1,015	12%
Brooklyn	151	12%	546	8%	697	8%
Manhattan	171	14%	484	7%	655	8%
Bronx	121	10%	538	8%	659	8%
Hudson Valley	167	13%	1,179	17%	1,346	16%
Central NY	209	17%	1,371	19%	1,580	19%
Willard	0	0%	101	1%	101	1%
Western	213	17%	1,916	27%	2,129	26%
Out of State	5	0%	106	2%	111	1%
Total	1,256	100%	7,037	100%	8,293	100%

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

**TABLE 16. PAROLEE RETURNS TO PRISON AS NEW COMMITMENTS:
ORIGINAL CRIME OF COMMITMENT
2015 TO 2019**

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
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%
2019	608	48%	54	4%	313	25%	188	15%	67	5%	26	2%	1,256	100%

**TABLE 17. PAROLEE RETURNS TO PRISON FOR RULE VIOLATIONS:
ORIGINAL CRIME OF COMMITMENT
2015 TO 2019**

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
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%
2019	3,197	45%	607	9%	1,146	16%	1,226	17%	675	10%	186	3%	7,037	100%

**TABLE 18. ORIGINAL COMMITMENT OFFENSE OF NEW FELONY RETURNS TO PRISON:
2015 TO 2019**

COMMITMENT OFFENSE	2015		2016		2017		2018		2019	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
A1 VIOLENT OFFENSES										
Murder, Murder 1st & 2nd	7	1%	13	1%	10	1%	11	1%	10	1%
Attempted Murder 1st	0	--	1	<1%	0	--	0	--	0	--
Kidnapping 1st	0	--	0	--	0	--	0	--	0	--
Arson 1st	0	--	0	--	0	--	0	--	0	--
TOTAL A1 Violent	7	1%	14	1%	10	1%	11	1%	10	1%
LEGISLATIVE VFO										
Attempted Murder 2nd	8	1%	6	<1%	13	1%	12	1%	10	1%
Manslaughter 1st	8	1%	13	1%	12	1%	10	1%	5	<1%
Rape 1st	6	<1%	2	<1%	9	1%	4	<1%	8	1%
Robbery 1st	95	7%	95	7%	87	7%	88	7%	75	6%
Robbery 2nd	109	9%	127	10%	110	8%	121	9%	99	8%
Assault 1st	28	2%	20	2%	48	4%	34	3%	31	2%
Other Assault	64	5%	59	4%	47	4%	60	5%	51	4%
Burglary 1st	14	1%	15	1%	14	1%	15	1%	12	1%
Burglary 2nd	126	10%	159	12%	146	11%	147	11%	147	12%
Attempted Arson 1st, Arson 2nd	1	<1%	2	<1%	1	<1%	2	<1%	2	<1%
Sodomy 1st	1	<1%	2	<1%	2	<1%	2	<1%	1	<1%
Sexual Abuse	9	1%	11	1%	8	1%	10	1%	11	1%
Weapons Offense	109	9%	134	10%	158	12%	145	11%	142	11%
Terrorism/False Bombing	0	--	1	<1%	1	<1%	0	--	1	<1%
Attempted Kidnapping 1st, Kidnapping 2nd	0	--	3	<1%	2	<1%	3	<1%	3	0%
TOTAL Legislative VFO	578	45%	649	49%	658	50%	653	49%	598	48%
OTHER COERCIVE										
Manslaughter 2nd	0	--	1	<1%	2	<1%	2	<1%	3	<1%
Other Homicide	0	--	0	--	0	--	2	<1%	0	--
Robbery 3rd	41	3%	31	2%	45	3%	40	3%	24	2%
Attempted Assault 2nd	9	1%	12	1%	12	1%	7	1%	5	<1%
Other Sex Offenses	9	1%	6	<1%	8	1%	10	1%	8	1%
Other Coercive	10	1%	14	1%	8	1%	18	1%	14	1%
TOTAL Other Coercive	69	5%	64	5%	75	6%	79	6%	54	4%
DRUG OFFENSES										
Drug Sale	165	13%	148	11%	137	10%	144	11%	150	12%
Drug Possession	152	12%	123	9%	172	13%	152	11%	163	13%
TOTAL Drug Offenses	317	25%	271	21%	309	23%	296	22%	313	25%
MAJOR PROPERTY										
Burglary 3rd	103	8%	110	8%	100	8%	106	8%	104	8%
Grand Larceny	52	4%	58	4%	51	4%	53	4%	52	4%
Forgery	23	2%	26	2%	16	1%	18	1%	18	1%
Stolen Property	28	2%	22	2%	22	2%	19	1%	14	1%
TOTAL Major Property	206	16%	216	16%	189	14%	196	15%	188	15%
OTHER FELONY										
Driving While Intoxicated	16	1%	16	1%	17	1%	16	1%	12	1%
Non-Violent Weapons Offense	17	1%	16	1%	13	1%	9	1%	13	1%
All Other Felonies	20	2%	42	3%	30	2%	33	2%	42	3%
TOTAL Other Felony	53	4%	74	6%	60	5%	58	4%	67	5%
YOUTHFUL/JUVENILE OFFENDE										
YO/JO	45	4%	31	2%	21	2%	37	3%	26	2%
TOTAL YO/JO	45	4%	31	2%	21	2%	37	3%	26	2%
GRAND TOTAL	1,275	100%	1,319	100%	1,322	100%	1,330	100%	1,256	100%

**TABLE 19. ORIGINAL COMMITMENT OFFENSE OF NEW FELONY RETURNS TO PRISON:
2015 TO 2019**

COMMITMENT OFFENSE	2015		2016		2017		2018		2019	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
A1 VIOLENT OFFENSES										
Murder, Murder 1st & 2nd										
Attempted Murder 1st	53	1%	84	1%	63	1%	57	1%	60	1%
Kidnapping 1st	1	<1%	1	<1%	2	<1%	2	<1%	1	<1%
Arson 1st	0	--	2	<1%	0	--	1	<1%	0	--
TOTAL A1 Violent	54	1%	87	1%	65	1%	60	1%	61	1%
LEGISLATIVE VFO										
Attempted Murder 2nd	48	1%	53	1%	46	1%	38	1%	36	1%
Manslaughter 1st	68	1%	66	1%	61	1%	43	1%	42	1%
Rape 1st	128	2%	110	1%	119	2%	110	1%	92	1%
Robbery 1st	457	6%	482	6%	422	5%	375	5%	359	5%
Robbery 2nd	768	9%	749	9%	630	8%	549	7%	489	7%
Assault 1st	155	2%	132	2%	127	2%	134	2%	112	2%
Other Assault	368	4%	402	5%	343	4%	353	5%	325	5%
Burglary 1st	88	1%	92	1%	85	1%	77	1%	76	1%
Burglary 2nd	760	9%	823	10%	814	10%	799	11%	700	10%
Attempted Arson 1st, Arson 2nd	24	<1%	24	<1%	23	<1%	22	<1%	18	<1%
Sodomy 1st	66	1%	80	1%	79	1%	75	1%	62	1%
Sexual Abuse	245	3%	299	4%	286	4%	291	4%	261	4%
Weapons Offense	606	7%	667	8%	570	7%	551	7%	543	8%
Terrorism/False Bombing	8	<1%	4	<1%	2	<1%	1	<1%	5	<1%
Attempted Kidnapping 1st, Kidnapping 2nd	13	<1%	12	<1%	14	<1%	6	<1%	16	<1%
TOTAL Legislative VFO	3,802	46%	3,995	47%	3,621	43%	3,424	46%	3,136	45%
OTHER COERCIVE										
Manslaughter 2nd	11	<1%	11	<1%	8	<1%	11	<1%	6	<1%
Other Homicide	3	<1%	10	<1%	6	<1%	8	<1%	8	<1%
Robbery 3rd	240	3%	250	3%	262	3%	251	3%	251	4%
Attempted Assault 2nd	113	1%	101	1%	86	1%	90	1%	84	1%
Other Sex Offenses	175	2%	169	2%	213	3%	184	2%	163	2%
Other Coercive	69	1%	73	1%	66	1%	64	1%	95	1%
TOTAL Other Coercive	611	7%	614	7%	641	8%	608	8%	607	9%
DRUG OFFENSES										
Drug Sale	971	12%	923	11%	753	10%	680	9%	614	9%
Drug Possession	618	8%	618	7%	618	8%	582	8%	532	8%
TOTAL Drug Offenses	1,589	19%	1,541	18%	1,371	18%	1,262	17%	1,146	16%
MAJOR PROPERTY										
Burglary 3rd	684	8%	653	8%	612	8%	616	8%	634	9%
Grand Larceny	365	4%	408	5%	389	5%	369	5%	335	5%
Forgery	125	2%	160	2%	159	2%	136	2%	125	2%
Stolen Property	150	2%	145	2%	130	2%	140	2%	132	2%
TOTAL Major Property	1,324	16%	1,366	16%	1,290	17%	1,261	17%	1,226	17%
OTHER FELONY										
Driving While Intoxicated	114	1%	129	2%	109	1%	129	2%	114	2%
Non-Violent Weapons Offense	100	1%	94	1%	108	1%	120	2%	120	2%
All Other Felonies	365	4%	363	4%	365	5%	386	5%	441	6%
TOTAL Other Felony	579	7%	586	7%	582	7%	635	9%	675	10%
YOUTHFUL/JUVENILE OFFENSE										
YO/JO	269	3%	230	3%	232	3%	188	3%	186	3%
TOTAL YO/JO	269	3%	230	3%	232	3%	188	3%	186	3%
GRAND TOTAL	8,228	100%	8,419	100%	7,802	100%	7,438	100%	7,037	100%

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