



Corrections and Community Supervision

Board of Parole

Legislative Report

2020

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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 2016 through 2020 with demographic information being presented for 2020.

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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 2020. 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 must register with the Office of Victim Assistance in order to be kept informed of the Board interview process and provide victim impact statements to the Board. 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 6,716 interviews/case reviews from 22,352 in 2016 to 15,636 in 2020. This represents a 30% decrease since 2016 and a 21% decrease from 2019 (Table 1).
- The Total Initial approval rate (excluding Shock) increased by 18 percentage points from 23% in 2016 to 41% in 2020. The Total Non-Administrative approval rate increased by 16 percentage points from 26% in 2016 to 42% in 2020 (Table 1).
- The number of Initial Interviews for Major Property Offenders declined by 1,124 from 2,306 in 2016 to 1,182 in 2020. This represents a 49% decrease. The approval rate for these cases increased by 24 percentage points from 33% in 2016 to 57% in 2020 (Table 2 and Table 3B).
- The number of Initial Interviews for Drug Offenders declined by 138 from 418 in 2016 to 280 in 2020. This represents a 33% decrease. The approval rate for these interviews went up from 23% in 2016 to 43% in 2020, an increase of 20 percentage points (Table 2 and Table 3B).
- The number of Initial Interviews for A-I Violent Offenses¹ declined by 70 from 402 in 2016 to 332 in 2020. This represents a 17% decrease. The approval rate for these cases increased by 12 percentage points from 26% in 2016 to 38% in 2020 (Table 2 and Table 3A).
- Approval rates for the 2020 Non-Administrative Parole Board Interviews were highest among incarcerated women (62%); individuals in their 30's and 40's (46%); and individuals who were sentenced in Upstate Rural counties (50%) (Table 5).
- The 2020 approval rate for African-American individuals convicted of an A-I Violent Felony was 37%, compared to the 25% approval rate among White individuals. The approval rate for African-Americans with Drug Offenses (53%) was also higher than the approval rate for White individuals (50%) (Table 6).
- The number of Medical Parole interviews held by the Board of Parole decreased from 28 in 2016 to 16 in 2020. However, the approval rate increased from 61% in 2016 to 88% in 2020 (Table 7).
- The number of ultimate dispositions for parole violators with sustained charges decreased by 47% from 12,677 in 2016 to 6,733 in 2020. In 2020, 53% of violations with charges sustained were ordered returned to prison, 15% were ordered to Willard or an Alternative 90 Day or Alternative 45 Day Program, and 32% were revoked and restored to the street or a program in the community (Table 10).

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

- Between 2016 and 2020, the proportion of violations with charges sustained that were ordered returned to prison decreased from 58% to 53%. The proportion that was revoked and restored increased from 17% to 32% (Table 10).
- In addition to these outcomes, there were 348 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 2020 were among individuals in their 30's (38%), African-Americans (48%) (both of which are consistent with their proportions of the active parolee population²) and 1st Felony Offenders (48%) (Table 13).
- The number of parolee returns to prison for new felony convictions declined by 61% from 1,319 in 2016 to 509 in 2020, and by 59% between 2019 and 2020. (Table 16).
- The number of parolee returns to prison for violating the conditions of parole declined by 65% between 2016 and 2020 and by 59% between 2019 and 2020 (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 2016 to 2020 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 26% in 2016 to 42% in 2020. Similarly, the Total Initial approval rate (excluding Shock) increased from 23% in 2016 to 41% in 2020 (Table 1).
- The number of Presumptive Reviews (including Merit Presumptive and Supplemental Merit Presumptive) increased from 26 in 2016 to 37 in 2020. (Table 1).
- The numbers of both Non-Administrative and Administrative interviews decreased significantly in 2020. However, the approval rates were generally similar from 2019 to 2020, and much higher than in 2016.
- In 2020, 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 37% (-788) between 2016 and 2020, the approval rate increased by 23 percentage points, from 22% to 45% (Table 2 and Table 3B).
- The number of Initial Interviews (excluding Shock and Early Deportation) for Major Property Offenders declined by 1,124 from 2,306 in 2016 to 1,182 in 2020. This represents a 49% decrease. The approval rate for these cases increased by 24 percentage points from 33% in 2016 to 57% in 2020 (Table 2 and Table 3B).
- The approval rate for A-I Violent Felony Offenders at Initial Interviews increased by 12 percentage points from 26% in 2016 to 38% in 2020 (Table 2 and Table 3A).
- The number of Initial Interviews for offenders with Other Coercive Offenses⁴ declined by 456 from 1,294 in 2016 to 838 in 2020. This represents a 35% decrease. The approval rate for these offenses increased by 20 percentage points from 20% in 2016 to 40% in 2020 (Table 2 and Table 3A).
- The number of Initial Interviews for Drug Offenders declined by 138 from 418 in 2016 to 280 in 2020. This represents a 33% decrease. The approval rate for these interviews went up from 23% in 2016 to 43% in 2020, an increase of 20 percentage points (Table 2 and Table 3B).
- The Board conducted 50 interviews of Juvenile Offenders under the jurisdiction of OCFS during 2020. Seventy-eight percent of these were Initial Interviews (Table 4).
- The 38% approval rate of Initial Interviews for Juvenile Offenders in 2020 represented an increase from 14% in 2016. The approval rate of Reappearance Interviews for Juvenile Offenders increased from 23% to 64% in the same time period (Table 4).

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

- Females had higher approval rates than males at both Initial and Reappearance Interviews (Table 5).
- Almost half (46%) of the Total Non-Administrative Interviews in 2020 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 2020 (46%), while those 18 to 20 years old had the lowest approval rate (30%) (Table 5).
- Among 2020 Non-Administrative Interviews, approval rates were highest (50%) for individuals sentenced from the Upstate Rural region of New York. Incarcerated individuals sentenced in New York City had the lowest approval rate, 37% (Table 5).
- First felony offenders represented the highest proportion (49%) of the total number of Non-Administrative Interviews during 2020. The approval rate for these interviews was 42%, the same as for second felony offenders (Table 5).
- The largest proportion of Initial Interviews was among COMPAS Supervision Level 4 (36%). The highest initial approval rate was among COMPAS Level 4 individuals (52%), while the lowest rate was among COMPAS Level 1 individuals (30%) (Table 5).
- Generally speaking, there are higher approval rates for less serious crimes (e.g. drug offenses, major property, other felonies) and lower approval rates for more serious crimes like VFOs and other coercive offenses. African Americans appearing before the Parole Board are more likely to have more serious offenses, which have lower approval rates.

For example, 40% (1,350) of African Americans who had a Parole Board appearance in 2020 had an A-1 violent offense or Legislative VFO compared with only 21% (549) of White individuals, whereas 27% (699) of White individuals had a Major Property offense, compared with only 16% (546) of African Americans (Table 6).

- Among the Non-Administrative Interviews during 2020 for offenders convicted of an A-I Violent Felony, the approval rate for African-Americans was 37% compared to 25% for Whites and 37% for Hispanics (Table 6)
- Interviews of incarcerated individuals convicted of Major Property offenses resulted in a 51% approval rate for Hispanics, a 55% approval rate for African-Americans, and a 63% approval rate for Whites (Table 6).

TABLE 1. PAROLE BOARD INTERVIEWS AND APPROVAL RATES: 2016 TO 2020

	2016	2017	2018	2019	2020
Total Non-Administrative	12,427	12,436	11,363	10,570	7,927
Granted Release	3,220	4,062	5,013	4,411	3,340
Approval Rate	25.9%	32.7%	44.1%	41.7%	42.1%
Total Initials w/o Shock	8,513	8,376	7,417	7,033	5,294
Granted Release	1,922	2,410	3,231	2,857	2,160
Approval Rate	22.6%	28.8%	43.6%	40.6%	40.8%
Initials	6,937	6,838	5,921	5,589	4,289
Granted Release	1,260	1,645	2,204	1,870	1,448
Approval Rate	18.2%	24.1%	37.2%	33.5%	33.8%
Merit	1,425	1,423	1,342	1,291	869
Granted Release	598	695	940	889	636
Approval Rate	42.0%	48.8%	70.0%	68.9%	73.2%
Supplemental Merit	0	0	0	2	0
Granted Release	0	0	0	1	0
Approval Rate	--	--	--	50.0%	--
Limited Credit Time	99	70	87	90	110
Granted Release	32	31	42	52	56
Approval Rate	32.3%	44.3%	48.3%	57.8%	50.9%
Medical Parole	24	12	21	23	11
Granted Release	14	9	12	16	9
Approval Rate	58.3%	75.0%	57.1%	69.6%	81.8%
Early Release for Final Deportation (ECPDO)	28	33	46	38	15
Granted Release	18	30	33	29	11
Approval Rate	64.3%	90.9%	71.7%	76.3%	73.3%
Shock	649	627	575	460	405
Granted Release	554	530	481	393	327
Approval Rate	85.4%	84.5%	83.7%	85.4%	80.7%
Reappearance	3,122	3,290	3,242	2,947	2,121
Granted Release	712	1,058	1,240	1,111	793
Approval Rate	22.8%	32.2%	38.2%	37.7%	37.4%
PV/CR Reappearance	143	143	129	130	107
Granted Release	32	64	61	50	60
Approval Rate	22.4%	44.8%	47.3%	38.5%	56.1%
Total Administrative	9,925	9,427	9,138	9,276	7,709
Other Administrative⁵	353	198	262	472	412
Conditional Release - Reviews⁶	5,146	4,927	4,638	4,622	4,062
Conditional Release - PV Reviews⁶	2,681	2,638	2,432	2,414	1,677
Conditional Release - Shock Reviews⁶	597	584	675	553	537
Conditional Release - Merit Reviews⁶	894	799	858	884	708
Conditional Release - Limited Credit Time Reviews⁶	225	246	244	290	270
Presumptive Release Reviews⁶	9	10	5	8	6
Merit PR Review⁶	17	16	19	20	31
Supp Merit PR Review⁶	0	1	0	0	0
Medical Reviews Release Condition⁶	3	3	3	6	2
Executive Clemency Release Condition⁶	0	5	2	7	4
Total Board Workload	22,352	21,863	20,501	19,846	15,636
SORC Reappearances⁷	1,882	1,675	1,681	1,885	1,041

⁵ “Other Administrative” includes Alternate Date interviews, Special Consideration interviews, and Rescission hearings. Special Consideration interviews reflect interviews for previously denied incarcerated individuals following successful administrative appeals or challenges pursuant to New York Civil Practice Law and Rules Article 78. 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 revocation 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
2016 to 2020 Initial Interviews
(Includes Merit, Supplemental Merit and LCTA; Excludes Shock and Early Deportation)**

CRIME OF COMMITMENT	2016			2017			2018			2019			2020		
	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	402	103	26%	339	102	30%	368	133	36%	343	127	37%	332	126	38%
Legislative VFO	1,340	114	9%	1,369	165	12%	1,253	254	20%	1,228	265	22%	1,092	223	20%
Other Coercive	1,294	264	20%	1,324	332	25%	1,163	481	41%	979	378	39%	838	336	40%
Drug Offenses	418	97	23%	438	128	29%	396	172	43%	384	160	42%	280	119	43%
Major Property	2,306	751	33%	2,095	844	40%	1,821	1,069	59%	1,836	970	53%	1,182	674	57%
Other Felony	2,150	466	22%	2,185	668	31%	1,898	908	48%	1,916	804	42%	1,362	617	45%
Youthful Offenders	568	109	19%	582	140	24%	464	178	38%	304	121	40%	185	52	28%
Juvenile Offenders*	7	0	0%	11	1	9%	8	3	38%	5	3	60%	8	2	25%
GRAND TOTAL	8,485	1,904	22%	8,343	2,380	29%	7,371	3,198	43%	6,995	2,828	40%	5,279	2,149	41%

**TABLE 3A. PAROLE BOARD DECISIONS BY CRIME OF COMMITMENT (page 1)
2016 to 2020 Initial Interviews
(Includes Merit, Supplemental Merit and LCTA; Excludes Shock and Early Deportation)**

CRIME OF COMMITMENT	2016			2017			2018			2019			2020		
	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	400	102	26%	322	94	29%	361	128	35%	336	124	37%	323	124	38%
Kidnapping 1st	1	1	100%	16	7	44%	6	4	67%	6	3	50%	5	1	20%
Arson 1st	1	0	0%	1	1	100%	1	1	100%	1	0	0%	4	1	25%
TOTAL A-1 Violent Offenses	402	103	26%	339	102	30%	368	133	36%	343	127	37%	332	126	38%
LEGISLATIVE VFO															
Attempted Murder 2nd	34	2	6%	50	9	18%	29	5	17%	37	5	14%	33	3	9%
Manslaughter 1st	35	5	14%	31	4	13%	35	4	11%	22	2	9%	27	4	15%
Rape 1st	41	1	2%	50	4	8%	46	4	9%	37	1	3%	29	2	7%
Robbery 1st	179	12	7%	197	26	13%	146	38	26%	143	43	30%	162	45	28%
Robbery 2nd	172	8	5%	194	18	9%	162	41	25%	179	50	28%	141	27	19%
Assault 1st	67	1	1%	62	7	11%	66	5	8%	63	11	17%	47	4	9%
Other Assault	179	17	9%	167	17	10%	196	38	19%	152	35	23%	139	34	24%
Burglary 1st	28	0	0%	37	5	14%	29	10	34%	28	4	14%	28	4	14%
Burglary 2nd	292	51	17%	272	46	17%	234	58	25%	229	62	27%	190	52	27%
Attempted Arson 1st, Arson 2nd	10	0	0%	6	1	17%	8	1	13%	7	0	0%	10	1	10%
Sodomy 1st	32	2	6%	16	0	0%	22	1	5%	19	0	0%	15	2	13%
Sexual Abuse	52	3	6%	56	3	5%	46	6	13%	47	1	2%	37	1	3%
Weapons Offenses	206	12	6%	218	21	10%	223	42	19%	248	48	19%	225	43	19%
Terrorism/False Bombing	10	0	0%	3	2	67%	7	1	14%	10	2	20%	3	0	0%
Attempted Kidnapping 1st, Kidnapping 2nd	3	0	0%	10	2	20%	4	1	25%	7	1	14%	6	1	17%
TOTAL Legislative VFO	1,340	114	9%	1,369	165	12%	1,253	255	20%	1,228	265	22%	1,092	223	20%
OTHER COERCIVE															
Manslaughter 2nd	39	6	15%	41	5	12%	38	11	29%	44	13	30%	35	15	43%
Other Homicide	43	11	26%	63	16	25%	46	15	33%	44	9	20%	34	13	38%
Robbery 3rd	504	99	20%	556	152	27%	433	193	45%	359	147	41%	300	116	39%
Attempted Assault 2nd	297	44	15%	282	53	19%	285	107	38%	247	86	35%	222	74	33%
Other Sex Offenses	53	13	25%	45	6	13%	62	11	18%	48	13	27%	47	17	36%
Other Coercive	358	91	25%	337	100	30%	299	144	48%	237	110	46%	200	101	51%
TOTAL Other Coercive	1,294	264	20%	1,324	332	25%	1,163	481	41%	979	378	39%	838	336	40%

**TABLE 3B. PAROLE BOARD DECISIONS BY CRIME OF COMMITMENT (page 2)
2016 to 2020 Initial Interviews
(Includes Merit, Supplemental Merit and LCTA; Excludes Shock and Early Deportation)**

CRIME OF COMMITMENT	2016			2017			2018			2019			2020		
	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	197	49	25%	223	60	27%	171	74	43%	160	68	43%	126	50	40%
Drug Possession	221	48	22%	215	68	32%	225	98	44%	224	92	41%	154	69	45%
TOTAL Drug Offenses	418	97	23%	438	128	29%	396	172	43%	384	160	42%	280	119	43%
MAJOR PROPERTY															
Burglary 3rd	967	271	28%	877	318	36%	771	429	56%	780	400	51%	562	326	58%
Grand Larceny	837	295	35%	740	317	43%	654	397	61%	682	362	53%	400	230	58%
Forgery	259	114	44%	271	130	48%	230	148	64%	195	113	58%	113	67	59%
Stolen Property	243	71	29%	207	79	38%	166	95	57%	179	95	53%	107	51	48%
TOTAL Major Property	2,306	751	33%	2,095	844	40%	1,821	1,069	59%	1,836	970	53%	1,182	674	57%
OTHER FELONY															
Driving While Intoxicated	606	151	25%	570	218	38%	509	258	51%	456	210	46%	322	152	47%
Non-Violent Weapon Offenses	392	83	21%	480	130	27%	374	161	43%	376	176	47%	270	123	46%
All Other Felonies	1,152	232	20%	1,135	320	28%	1,015	489	48%	1,084	418	39%	770	342	44%
TOTAL Other Felony	2,150	466	22%	2,185	668	31%	1,898	908	48%	1,916	804	42%	1,362	617	45%
YOUTHFUL/JUVENILE OFFENDERS															
Youthful Offenders	568	109	19%	582	140	24%	464	177	38%	304	121	40%	185	52	28%
Juvenile Offenders	7	0	0%	11	1	9%	8	3	38%	5	3	60%	8	2	25%
TOTAL YO/JO	575	109	19%	593	141	24%	472	180	38%	309	124	40%	193	54	28%
GRAND TOTAL	8,485	1,904	22%	8,343	2,380	29%	7,371	3,198	43%	6,995	2,828	40%	5,279	2,149	41%

**TABLE 4. JUVENILE OFFENDERS UNDER OCFS JURISDICTION
PAROLE BOARD INTERVIEWS AND APPROVAL RATES
2016 to 2020**

	2016		2017		2018		2019		2020	
	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	12	14%	16	16%	18	25%	19	38%	15	38%
Postponed	34	40%	52	51%	29	40%	20	40%	15	38%
Denied	40	47%	34	33%	26	36%	11	22%	9	23%
TOTAL	86	100%	102	100%	73	100%	50	100%	39	100%
REAPPEARANCE INTERVIEWS										
Approved	10	23%	9	35%	21	58%	13	50%	7	64%
Postponed	9	20%	3	12%	5	14%	4	15%	2	18%
Denied	25	57%	14	54%	10	28%	9	35%	2	18%
TOTAL	44	100%	26	100%	36	100%	26	100%	11	100%

**TABLE 5. PAROLE BOARD APPROVAL RATES BY OFFENDER CHARACTERISTICS
2020 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	5,284	93%	42%	2,149	96%	38%	7,433	94%	41%
Female	415	7%	62%	79	4%	58%	494	6%	62%
AGE AT INTERVIEW									
Under 18 Years	36	1%	36%	6	0%	33%	42	1%	36%
18-20 Years	248	4%	31%	111	5%	27%	359	5%	30%
21-29 Years	1,380	24%	38%	396	18%	37%	1,776	22%	38%
30-39 Years	1,478	26%	46%	394	18%	44%	1,872	24%	46%
40-49 Years	1,137	20%	46%	379	17%	47%	1,516	19%	46%
50-59 Years	859	15%	48%	543	24%	36%	1,402	18%	44%
60+ Years	291	5%	46%	399	18%	32%	690	9%	38%
RACE/ETHNICITY									
African-American	2,353	41%	39%	1,057	47%	37%	3,410	43%	38%
Hispanic	1,232	22%	38%	439	20%	37%	1,671	21%	38%
White	1,923	34%	52%	669	30%	36%	2,592	33%	49%
Asian/ Pacific Islander	33	1%	64%	14	1%	36%	47	1%	55%
American Indian	77	1%	56%	22	1%	55%	99	1%	56%
Other	71	1%	54%	25	1%	32%	96	1%	48%
Unknown	10	0%	60%	2	0%	50%	12	0%	58%
REGION OF SENTENCE									
New York City	2,249	39%	38%	1,016	46%	35%	3,265	41%	37%
Suburban New York City	677	12%	39%	259	12%	42%	936	12%	40%
Upstate Urban	1,112	20%	46%	471	21%	38%	1,583	20%	43%
Upstate Rural	1,661	29%	51%	482	22%	45%	2,143	27%	50%
FELONY OFFENDER STATUS									
1st Felony Offender	2,614	46%	44%	1,309	59%	38%	3,923	49%	42%
2nd Felony Offender	2,928	51%	43%	772	35%	39%	3,700	47%	42%
Persistent Felony Offender	109	2%	47%	135	6%	40%	244	3%	43%
Unknown	48	1%	31%	12	1%	58%	60	1%	37%
COMPAS SUPERVISION LEVEL									
Level 1	1,261	22%	30%	676	30%	38%	1,937	24%	33%
Level 2	348	6%	49%	125	6%	55%	473	6%	51%
Level 3	1,914	34%	43%	427	19%	37%	2,341	30%	42%
Level 4	2,073	36%	52%	965	43%	37%	3,038	38%	48%
Pending	103	2%	26%	35	2%	23%	138	2%	25%
Total Interviews	5,699	100%	44%	2,228	100%	39%	7,927	100%	42%

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

Note: There are many factors that are considered by the Parole Board when making decisions about approvals, many of which are not quantifiable. Conclusions about any causal relationships between race and approval rates are not appropriate.

**TABLE 6. PAROLE BOARD APPROVAL RATES
BY RACE AND CURRENT OFFENSE TYPE
2020 Non-Administrative Interviews***

CURRENT OFFENSE TYPE		RACE							Total
		African-American	Hispanic	White	Asian/ Pacific Islander	American Indian	Other	Unknown	
A-1 Violent	# of Interviews	485	215	223	10	10	7	1	951
	% Granted Release	37%	37%	25%	40%	60%	29%	0%	34%
Legislative VFO	# of Interviews	865	374	326	8	9	23	0	1,605
	% Granted Release	26%	24%	28%	25%	33%	17%	0%	26%
Other Coercive	# of Interviews	642	351	397	8	21	21	1	1,441
	% Granted Release	39%	37%	48%	63%	48%	43%	100%	41%
Drug Offenses	# of Interviews	203	101	80	0	4	4	0	392
	% Granted Release	53%	45%	50%	0%	50%	50%	0%	50%
Major Property	# of Interviews	546	309	699	12	23	14	5	1,608
	% Granted Release	55%	51%	63%	83%	61%	64%	100%	58%
Other Felony	# of Interviews	462	244	808	5	26	23	5	1,573
	% Granted Release	40%	42%	55%	100%	65%	83%	20%	49%
Youthful Offender	# of Interviews	190	71	55	4	5	4	0	329
	% Granted Release	27%	31%	44%	0%	60%	25%	0%	31%
Juvenile Offender	# of Interviews	17	6	4	0	1	0	0	28
	% Granted Release	18%	33%	25%	0%	0%	0%	0%	21%
Total	# of Interviews	3,410	1,671	2,592	47	99	96	12	7,927
	% Granted Release	38%	38%	50%	55%	56%	48%	58%	42%

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

Note: There are many factors that are considered by the Parole Board when making decisions about approvals, many of which are not quantifiable.

Conclusions about any causal relationships between race and approval rates are not appropriate.

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 the individual 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.

Medical Parole Program Highlights

Below are statistics on the Medical Parole applications received, determinations made, and release information for the medical parole program from 2016 to 2020. Figures 1 and 2 provide summaries of medical parole processing and outcomes for all applications reviewed by the Board of Parole from January 2016 through December 2020.

- There were 112 medical parole interviews and reviews⁸ conducted by the Board between 2016 and 2020. These interviews include new applications for medical parole; individuals who applied prior to 2016 but saw the Board during this period; and those who re-applied after a previous denial (Table 7).
- Seventy-seven (69%) of the 112 medical parole interviews and reviews conducted by the Board from 2016 to 2020 resulted in a release decision. The 27 interviews (24%) that resulted in a denial were denied due to their prison discipline history and/or criminal history. The remaining 8 interviews were postponed; after postponement, two applicants were granted medical parole, five were denied, and one applicant died prior to their next Board appearance.
- There were 120 certified applications submitted for medical parole from 2016 to 2020. There was an average of 24 applications submitted per year during this five-year period: 26 in 2016; 15 in 2017; 26 in 2018; 33 in 2019; and 20 in 2020 (Table 7).
- The primary diagnosis of the 120 applicants was Cancer (46%). The majority (91%) of the applicants were male and 9% were female.
- Of the 120 applicants for medical parole, 18 (15%) died prior to a Board Interview. Four individuals (3%) were awaiting an interview at the end of 2020. Two individuals (2%) were released on regular parole. Ninety-six (80%) of the applicants met the Board (Figure 1).
- Seventy-two (75%) of the 96 applicants who met the Board were granted medical parole. Sixty (83%) of these 72 applicants were released from custody by the end of 2020. Ten individuals (14%) died before release, and two more (3%) were awaiting release at the end of 2020 (Figure 1).
- An average of 23 business days elapsed between the Board receiving the Medical Parole application and the Board interview date for the 16 incarcerated individuals who received a Medical Parole interview in 2020.
- During the five-year period of 2016 through 2020, approximately 15,466 prison days were saved due to parolees' early release to medical parole supervision.
- A total of 22 of the 60 individuals released on medical parole from 2016 to 2020 were released to New York City. Thirty-seven individuals were released to counties in upstate New York, and one was released out-of-state.

⁸ This count includes both Medical Parole interviews and Full Board Case Reviews (FBCR). FBCRs are cases where the individual has applied for Medical Parole after their Parole Eligibility date. FBCRs are not included in the "Medical Parole" interviews category on Table 1, and therefore the counts on the Table 1 and Table 7 do not match.

- Placements pursuant to the final medical discharge plans for the 60 releases from 2016 through December 2020 were as follows: 20 to skilled nursing facilities, 37 to home care, and 3 to a hospital setting.
- A total of 13 (22%) of the 60 cases granted medical parole and released between 2016 and December 2020 were still under medical parole supervision at the end of 2020. Twenty-four parolees (40%) died following release; 2 parolees (3%) were discharged by the Board; 14 parolees (23%) converted to regular parole at their PE dates; 2 parolees (3%) were discharged on their Maximum Expiration dates; 1 parolee (2%) was transferred out-of-state; and 4 parolees (7%) were revoked and returned to prison (Figure 1).
- The 13 parolees under medical parole supervision at the end of 2020 were under supervision for a total of 4,968 days, or an average of 382 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), two additional incarcerated individuals were granted medical parole by the Commissioner⁹ and released to supervision in 2020 (Table 1).

TABLE 7. MEDICAL PAROLE BOARD APPLICATIONS AND INTERVIEWS: 2016 to 2020

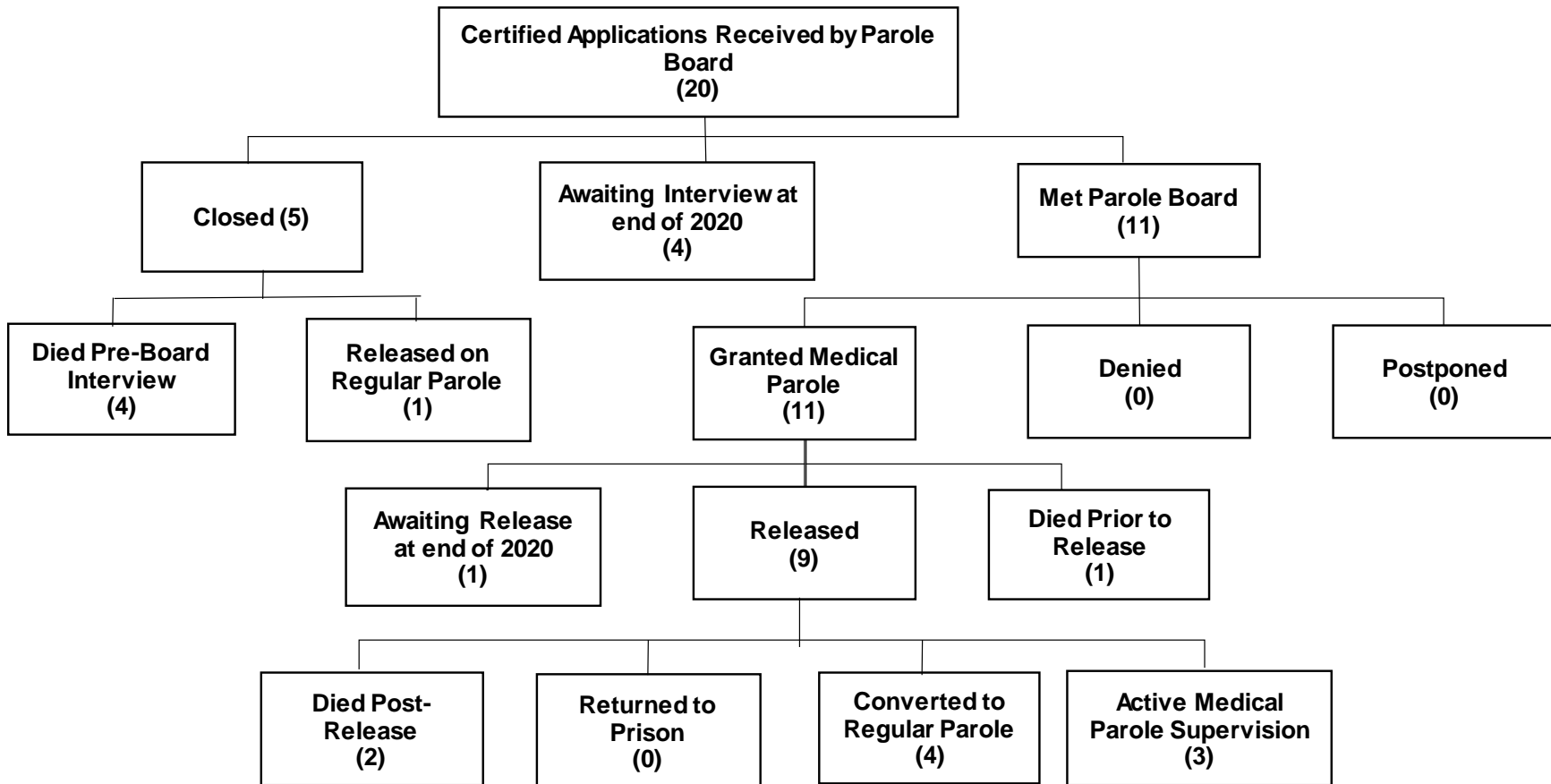
	Calendar Year					Total
	2016	2017	2018	2019	2020	
Certified Applications¹⁰	26	15	26	33	20	120
Medical Parole Interviews & Reviews¹⁰	28	14	24	30	16	112
Granted Release	17	10	15	21	14	77
Approval Rate¹¹	61%	71%	63%	70%	88%	69%

⁹ On Table 1, these cases are labeled “Medical Reviews Release Condition” under “Administrative” interviews.

¹⁰ Row totals do not refer to the same population. Individual applicants may have multiple Medical Parole interviews, and an application received in one year may not be reviewed by the Board of Parole until the next year. Additionally, re-applications are not counted as new applications, but may see the Board again in a later year.

¹¹ The approval rate represents the number of Medical Parole interviewees who were granted release in that year, not the number of applications in that year that were ultimately granted release.

**Figure 2. MEDICAL PAROLE APPLICATION PROCESSING
JANUARY – DECEMBER 2020**



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 2016 and 2020 are as follows:

- For calendar year 2016: 3,295
- For calendar year 2017: 2,772
- For calendar year 2018: 2,209
- For calendar year 2019: 2,431
- For calendar year 2020: 1,905

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 eighteen ALJs. In addition, there are six 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 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.

New Standard Conditions

Effective July 8, 2020, new standard conditions of release were applied to every individual released to community supervision under the jurisdiction of the Department of Corrections and Community Supervision.

These new conditions contain many of the same requirements as before, but involve some reorganization and rewording. Additionally, a new condition that specifically prohibits absconding from supervision was included, whereas the general prohibition on “fraternizing” with those with a criminal record without permission of the Parole Officer was eliminated.

Parole Revocation Guidelines

Effective January 27, 1997, regulations governing the parole revocation process were amended 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. Under the guidelines, most violators fall into one of three categories. However, certain violators are considered outside the guidelines. These categories are described below.

On July 12, 2004, additional changes were implemented 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 need for any cases to obtain Board affirmation pursuant to a court decision.

Effective December 8, 2020, new parole revocation guidelines were implemented, designed to focus more heavily on current violative behavior while still maintaining appropriate flexibility to account for other relevant aspects of individual case histories. These new guidelines delineate the available responses to violative behavior that is sustained at a final revocation hearing, with four enumerated behavior categories and an “outside the guidelines” grouping being established. The responses corresponding to these categories include: revocation and restoration to supervision as a possible disposition in all category types; a time assessment option in most categories; and in all cases a form of time assessment disposition that allows the violator to significantly reduce their time in custody through the completion of appropriate programming within a Department correctional facility. With respect to this last option, which may be referred to as an “alternative Department program” disposition, the programming may be of either 45 days or 90 days in length, as determined by the presiding officer in the revocation case.

Outcomes for Violation Dispositions Prior to December 8, 2020

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 three months. Potential 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 Division 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: 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.

Cases include the following violators:

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

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 have incurred two prior sustained violations receive a time assessment not to exceed 12 months.

Outside the Guidelines

Under the regulations, certain types of parole violators cannot be considered under 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);
- 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 has found that (1) the violator's program needs could be adequately addressed in the community with supervision and (2) that restoration to supervision would not have an adverse effect on public safety.

Outcomes for Violation Dispositions Starting on December 8, 2020

Behavior Category 1

The response options include restoration to supervision, a time assessment no less than 12 months (10 months if a mitigating reduction is applied), and a time assessment no less than 12 months with an alternative Department program provision. Category 1 revocation cases include the following:

- A current sustained violation consisting of one or more of:
 - (i) The use or threatened use of a deadly weapon or dangerous instrument; or
 - (ii) The possession of a firearm; or
 - (iii) The infliction or attempted infliction of physical injury upon another; or
 - (iv) A threat toward any Department of Corrections and Community Supervision staff or any police or peace officer; or
 - (v) A violation of an active order of protection or special condition of supervision prohibiting contact with an individual; or
 - (vi) Behavior that would be unlawful under provisions identified in Penal Law

section 70.02 (violent felony offenses); or

(vii) Behavior that would be unlawful under articles 125, 130, 135, 230, 235, 255, 263, 485 or 490 of the Penal Law. Or

- Agreement of all parties to placement within this category in the absence of a specific finding of guilt on a charge alleging the conduct listed in (i) through (vii) above.

Behavior Category 2

The response options include restoration to supervision, a time assessment of no less than 3 months and no more than 15 months, and a time assessment no less than 6 months and no more than 15 months with an alternative Department program provision. Category 2 cases include those with a current sustained violation of standard condition of release number 3 (prohibition on absconding from supervision).

Behavior Category 3

The response options include restoration to supervision, a time assessment no less than 3 months and no more than 12 months, and a time assessment no less than 6 months and no more than 12 months with the provision for an alternative Department program of 90 days or exactly 4 months with the 45-day alternative Department program. Category 3 cases include the following:

- A current sustained violation consisting of one or more of the following:
 - (i) criminal behavior other than that addressed in the Penal Law articles and sections listed in category 1; or
 - (ii) operating a vessel or motor vehicle while under the influence of or while ability was impaired by alcohol or drugs; or
 - (iii) unlawful possession of a weapon upon school grounds; or
 - (iv) criminal solicitation as a violation; or
 - (v) harassment as a violation; or
 - (vi) hazing as a violation; or
 - (vii) failing to respond to an appearance ticket. Or
- Agreement of all parties to placement within this category in the absence of a specific finding of guilt on a charge alleging the conduct listed in (i) through (vii) above.

Behavior Category 4

The response options include restoration to supervision, and a time assessment of exactly 6 months with the provision for an alternative Department program of 90 days or exactly 4 months with the 45-day alternative Department program. Category 4 cases are defined as those which do not fall under categories 1, 2 or 3 and where the violator is not deemed outside the guidelines.

Outside the Guidelines

The response options include restoration to supervision, a time assessment from 1 month up to the maximum expiration of the sentence, and a time assessment no less than 6 months with the provision for an alternative Department program of 90 days or no less than 4 months with the 45-day alternative Department program. Cases deemed outside the guidelines include those where the violator was:

- (1) Released to community supervision where their underlying sentence was imposed upon conviction or adjudication for a Penal Law Article 130, 135, 230, 235, 255, 263, 485 or 490 offense; or
- (2) Sentenced to parole supervision pursuant to Criminal Procedure Law section 410.91, except that any such violator who has previously received and served a time assessment on their instant offense shall not be deemed outside the guidelines unless they are a persistent violator (per (5) below); or
- (3) Granted early conditional parole for deportation only or conditional parole for deportation only by the Board of Parole; or
- (4) Granted medical parole or compassionate release and have not, as of the date of delinquency, reached their parole eligibility date or conditional release date, whichever comes first; or
- (5) Found to have incurred two or more prior revocations since release to Community Supervision on their underlying sentence.

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 decreased between 2016 and 2020, by -42% and -36%, respectively (Table 8 and Table 9). Policy changes due to the COVID-19 pandemic were largely responsible for the dramatic decrease in the number of warrants issued for parolees during 2020.
- Over two-thirds (65%) of alleged violators scheduled for a preliminary violation hearing in 2020 waived the right to these hearings. Although this proportion has decreased over the last 5 years, the majority of preliminary hearings are still consistently waived. The proportion of preliminary hearings completed increased by 11 percentage points from 2016 to 2020, from 21% to 32% (Table 8).
- Final hearing completion rates declined over the last five years, from 52% in 2016 to 43% in 2020 (Table 9).
- The number of ultimate dispositions for violators with sustained charges decreased by 47% from 2016 to 2020, from 12,677 to 6,733 (Table 10).
- The number of Revoked and Ordered Returned to Prison dispositions declined by 51% from 2016 to 2020. Additionally, the proportion of violators revoked and ordered returned to prison decreased from 58% in 2016 to 53% in 2020 (Table 10).
- During 2020, 53% of violations with charges sustained were ordered returned to prison, 15% were ordered to Willard or an Alternative 90 Day or Alternative 45 Day program, and 32% 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 56% from 2016 to 2020, while the proportion decreased from 83% to 68% (Table 10).
- The proportion of dispositions ordered revoked and restored to the street or program increased 15 percentage points from 17% in 2016 to 32% in 2020 (Table 10).
- In addition to these outcomes, there were 348 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.

- On December 8, 2020, new parole revocation guidelines were implemented that changed the outcome categories. Although the labels are similar, there are substantial differences in the criteria making up each category. Therefore, the categories cannot be compared across time periods.
- In total, the average processing time from warrant lodging to a completed final revocation hearing was 82 days. Although there were 1,614 more cases processed in non-Rikers facilities compared to Rikers (4,162 vs. 2,548, respectively), the average processing time for non-Rikers cases was 74 days, 20 days shorter than the 94 days it took to process cases at Rikers (Table 11).
- Fifty-seven percent of the 2,408 cases processed at Rikers before December 8, 2020 fell under the guidelines category of Revoke and Restore to Supervision, compared to only 16% of the 3,860 cases processed at non-Rikers facilities (Table 11).

**TABLE 8. VIOLATION PROCESS
PRELIMINARY HEARING ACTIVITY
2016 TO 2020**

Year	Preliminary Hearings							
	Waived		Completed		Adjourned		TOTAL PROCESSED	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
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	10,994	69.6%	4,543	28.8%	263	1.7%	15,800	100%
2020	5,459	64.6%	2,659	31.5%	334	4.0%	8,452	100%

**TABLE 9. VIOLATION PROCESS
FINAL HEARING ACTIVITY
2016 TO 2020**

Year	Final Hearings					
	Completed		Adjourned		TOTAL PROCESSED	
	Number	Percent	Number	Percent	Number	Percent
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	13,146	49.2%	13,595	50.8%	26,741	100%
2019	12,606	48.7%	13,281	51.3%	25,887	100%
2020	6,794	43.1%	8,978	56.9%	15,772	100%

**TABLE 10. ULTIMATE DISPOSITIONS FOR VIOLATIONS
WITH CHARGES SUSTAINED
2016 TO 2020**

	2016		2017		2018		2019		2020	
	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
Revoke and Ordered Returned to Prison	7,375	58.2%	6,766	55.2%	6,755	52.7%	6,123	49.9%	3,581	53.2%
Revoke and Restore to Willard - Mandatory	952	7.5%	889	7.3%	794	6.2%	717	5.8%	244	3.6%
Revoke and Restore to Willard - Voluntary	143	1.1%	159	1.3%	123	1.0%	112	0.9%	39	0.6%
Alternative 90 Day Program	1,887	14.9%	1,723	14.1%	1,485	11.6%	1,687	13.7%	715	10.6%
Alternative 45 Day Program	188	1.5%	217	1.8%	127	1.0%	115	0.9%	29	0.4%
TOTAL ORDERED TO PRISON, WILLARD OR ALT PROGRAM	10,545	83.2%	9,754	79.6%	9,284	72.4%	8,754	71.3%	4,608	68.4%
Revoke and Restore to Street or Program	2,132	16.8%	2,498	20.4%	3,538	27.6%	3,516	28.7%	2,125	31.6%
TOTAL OUTCOMES	12,677	100%	12,252	100%	12,822	100%	12,270	100%	6,733	100%

Revoke and Restore to Street - Time Served	476	412	485	503	538
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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 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 2020**

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
<i>Pre December 8, 2020</i>							
Category 1	176	330	95	1,225	112	1,555	25%
Category 2 (Mandatory Willard)	227	5	45	240	49	245	4%
Category 3	48	271	44	679	45	950	15%
Voluntary Willard	0	0	33	28	33	28	0%
Revoke and Restore to Supervision	91	1,366	93	617	91	1,983	32%
Persistent Violators	59	151	51	355	54	506	8%
Outside Guidelines	101	46	91	253	92	299	5%
Alternative 90 Day Program*	66	220	59	463	61	683	11%
Alternative 45 Day Program**	59	19	n/a	n/a	59	19	0%
<i>Sub-Total</i>	94	2,408	74	3,860	81	6,268	100%
<i>Post December 8, 2020</i>							
Category 1	152	24	104	46	120	70	16%
Category 2 (Absconders)	77	11	40	25	51	36	8%
Category 3	96	31	79	97	83	128	29%
Category 4	53	3	52	11	53	14	3%
Outside Guidelines - I	117	3	44	20	54	23	5%
Outside Guidelines - II	0	0	68	16	68	16	4%
Outside Guidelines - III	0	0	0	0	0	0	0%
Outside Guidelines - IV	0	0	0	0	0	0	0%
Outside Guidelines - V	80	26	60	49	67	75	17%
Revoke and Restore to Supervision	103	42	170	38	135	80	18%
<i>Sub-Total</i>	103	140	84	302	90	442	100%
Grand Total	94	2,548	74	4,162	82	6,710	

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. Some of the categories presented reflect outcomes of cases that originally fell into Categories 1, 2, or 3. Table excludes final hearings resulting in charges not being sustained and for those cases that were initially released as Local Releases. On December 8, 2020, new revocation guidelines were introduced.

* 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 2016 and 2020.

- There were 3,426 parolee returns to prison in 2020, a decrease of 6,312 from 2016. Of these returns, 2,917 (85%) were for violations of the conditions of parole and 509 (15%) were for new court convictions (Table 12). Returns to prison have been declining since 2008, and the COVID-19 pandemic in 2020 accelerated this trend.
- There was a decline of 5,502 (-65%) in the number of returns to prison for violating the conditions of parole amongst the dynamic parolee population, from 8,419 in 2016 to 2,917 in 2020 (Table 12).
- Sixty-five percent of the returns to prison in 2020 were among parolees under the age of 40 (Table 13).
- Almost half (48%) of the 2020 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 (16%) compared to African-American (48%) and White (33%) individuals (Table 13). Compared to the total parolee population¹², 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 2020, at the time of return, 51% of all returns were supervised at Level 1, 22% at Level 2, 18% at Level 3, and 8% at Level 4. Parolees supervised at Level 1 (highest risk) were most likely to return for both new commitments and violating the conditions of parole (Table 14).
- In 2020, 73% 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 (49%) at the end of 2020. This indicates that, as expected, returns to prison occurred disproportionately among Level 1 and Level 2 parolees (Table 14).

¹² Refer to the report series “Community Supervision Legislative Report”.

- The highest percentage (24%) of parolee returns to prison in 2020 were supervised in the Western New York region. The Queens-Long Island and Western New York regions had the largest numbers of parolee returns for a new court conviction (99 in both regions) (Table 15).
- The proportion of parolee returns to prison as new commitments that were originally convicted of violent offenses increased from 50% in 2016 to 53% in 2020. The proportion that was originally convicted of drug offenses was the same at 21% in both 2016 and 2020 (Table 16).
- The number of parolee returns to prison for new felony convictions declined by 61% from 1,319 in 2016 to 509 in 2020, and by 59% between 2019 and 2020. (Table 16).
- The number of parolee returns to prison for violating the conditions of parole declined by 65% between 2016 and 2020 and by 59% between 2019 and 2020 (Table 17).
- There were only 7 new felony returns to prison for parolees originally convicted of A-I Violent Offenses in 2020 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 66% from 3,995 in 2016 to 1,360 in 2020 (Table 19).

**TABLE 12. PAROLEE RETURNS TO PRISON
as a Proportion of the Parolee Dynamic Population
2016 to 2020**

Return Reason	2016	2017	2018	2019	2020
New Court Conviction	1,319	1,322	1,330	1,256	509
<i>% of Dynamic Population</i>	3%	3%	3%	3%	1%
<i>% of Total Returns</i>	13.5%	14.5%	15.2%	15.1%	14.9%
Violating Conditions of Parole ¹³	8,419	7,802	7,438	7,037	2,917
<i>% of Dynamic Population</i>	17%	15%	15%	14%	6%
<i>% of Total Returns</i>	86.5%	85.5%	84.8%	84.9%	85.1%
<i>Alt-45 Participants</i>	175	196	129	124	15
<i>Alt-90 Participants</i>	1,882	1,732	1,522	1,680	587
Total Prison Returns During Year	9,738	9,124	8,768	8,293	3,426
<i>% of Dynamic Population</i>	19%	18%	17%	17%	8%
<i>% of Total Returns</i>	100.0%	100.0%	100.0%	100.0%	100.0%
Dynamic Population	50,403	50,424	50,545	49,651	45,297

¹³ Includes all warrant types absent those convicted of a new crime, including cases ordered to the Department's Alternative 90 and Alternative 45 day programs.

**TABLE 13. PAROLEE RETURNS TO PRISON
BY OFFENDER CHARACTERISTICS
2020 Returns**

Offender Characteristics	Return Reason					
	New Court Conviction		Violating Conditions of Parole		Total	
GENDER						
Male	495	97%	2,743	94%	3,238	95%
Female	14	3%	174	6%	188	5%
AGE AT RETURN						
Under 18 Years	0	0%	0	0%	0	0%
18-20 Years	2	0%	29	1%	31	1%
21-29 Years	125	25%	774	27%	899	26%
30-39 Years	177	35%	1,114	38%	1,291	38%
40-49 Years	106	21%	549	19%	655	19%
50-59 Years	85	17%	344	12%	429	13%
60+ Years	14	3%	107	4%	121	4%
RACE/ETHNICITY						
African-American	261	51%	1,367	47%	1,628	48%
Hispanic	110	22%	441	15%	551	16%
White	129	25%	1,005	34%	1,134	33%
Asian/ Pacific Islander	0	0%	5	0%	5	0%
American Indian	6	1%	49	2%	55	2%
Other	2	0%	37	1%	39	1%
Unknown	1	0%	13	0%	14	0%
FELONY OFFENDER STATUS						
1st Felony Offender	214	42%	1,442	49%	1,656	48%
2nd Felony Offender	230	45%	1,318	45%	1,548	45%
Persistent Felony Offender	9	2%	37	1%	46	1%
Youthful Offender	18	4%	62	2%	80	2%
Unknown	38	7%	58	2%	96	3%
ORIGINAL CRIME OF COMMITMENT						
A-1 Violent and Legislative VFO	268	53%	1,379	47%	1,647	48%
Other Coercive	17	3%	240	8%	257	8%
Drug Offenses	108	21%	486	17%	594	17%
Majority Property	71	14%	476	16%	547	16%
Other Felony	38	7%	250	9%	288	8%
YO/JO	7	1%	86	3%	93	3%
Total Returns	509		2,917		3,426	

Note: Includes parolees returned for new convictions or violating the conditions of parole supervision.

**TABLE 14. PAROLEE RETURNS TO PRISON DURING 2020
BY SUPERVISION LEVEL**

Supervision Level	Return Reason						Supervision Level for Parolees in the Community December 31, 2020	
	New Court Conviction		Violating Conditions of Parole		Total			
	Number	Percent	Number	Percent	Number	Percent		
1 (25:1)	206	40%	1,554	53%	1,760	51%	1 (25:1)	34%
2 (40:1)	91	18%	678	23%	769	22%	2 (40:1)	15%
3 (80:1)	134	26%	471	16%	605	18%	3 (80:1)	23%
4 (160:1)	78	15%	202	7%	280	8%	4 (160:1)	27%
Pending	0	0%	12	<1%	12	<1%	Pending	1%
TOTAL	509	100%	2,917	100%	3,426	100%	TOTAL	100%

**TABLE 15. PAROLEE RETURNS TO PRISON IN 2020
BY REGION OF SUPERVISION**

Region	New Court Conviction		Violating Conditions of Parole		Total	
	Number	Percent	Number	Percent	Number	Percent
Queens-LI	99	19%	302	10%	401	12%
Brooklyn	45	9%	189	6%	234	7%
Manhattan	59	12%	157	5%	216	6%
Bronx	42	8%	203	7%	245	7%
Hudson Valley	75	15%	652	22%	727	21%
Central NY	86	17%	620	21%	706	21%
Western	99	19%	708	24%	807	24%
Willard	1	0%	44	2%	45	1%
Out of State	3	1%	42	1%	45	1%
Total	509	100%	2,917	100%	3,426	100%

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

**TABLE 16. PAROLEE RETURNS TO PRISON AS NEW COMMITMENTS:
ORIGINAL CRIME OF COMMITMENT
2016 TO 2020**

Calendar 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
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%
2020	268	53%	17	3%	108	21%	71	14%	38	7%	7	1%	509	100%

**TABLE 17. PAROLEE RETURNS TO PRISON FOR RULE VIOLATIONS:
ORIGINAL CRIME OF COMMITMENT
2016 TO 2020**

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
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%
2020	1,379	47%	240	8%	486	17%	476	16%	250	9%	86	3%	2,917	100%

**TABLE 18. ORIGINAL COMMITMENT OFFENSE OF NEW FELONY RETURNS TO PRISON:
2016 TO 2020**

COMMITMENT OFFENSE	2016		2017		2018		2019		2020	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
A1 VIOLENT OFFENSES										
Murder, Murder 1st & 2nd										
Attempted Murder 1st	13	1%	10	1%	11	1%	10	1%	7	1%
Kidnapping 1st	1	<1%	0	--	0	--	0	--	0	--
Arson 1st	0	--	0	--	0	--	0	--	0	--
TOTAL A1 Violent	14	1%	10	1%	11	1%	10	1%	7	1%
LEGISLATIVE VFO										
Attempted Murder 2nd	6	<1%	13	1%	12	1%	10	1%	9	2%
Manslaughter 1st	13	1%	12	1%	10	1%	5	<1%	6	1%
Rape 1st	2	<1%	9	1%	4	<1%	8	1%	3	1%
Robbery 1st	95	7%	87	7%	88	7%	75	6%	30	6%
Robbery 2nd	127	10%	110	8%	121	9%	99	8%	54	11%
Assault 1st	20	2%	48	4%	34	3%	31	2%	13	3%
Other Assault	59	4%	47	4%	60	5%	51	4%	19	4%
Burglary 1st	15	1%	14	1%	15	1%	12	1%	9	2%
Burglary 2nd	159	12%	146	11%	147	11%	147	12%	53	10%
Attempted Arson 1st, Arson 2nd	2	<1%	1	<1%	2	<1%	2	<1%	2	0%
Sodomy 1st	2	<1%	2	<1%	2	<1%	1	<1%	0	--
Sexual Abuse	11	1%	8	1%	10	1%	11	1%	7	1%
Weapons Offense	134	10%	158	12%	145	11%	142	11%	55	11%
Terrorism/False Bombing	1	<1%	1	<1%	0	--	1	<1%	1	<1%
Attempted Kidnapping 1st, Kidnapping 2nd	3	<1%	2	<1%	3	<1%	3	0%	0	--
TOTAL Legislative VFO	649	49%	658	50%	653	49%	598	48%	261	51%
OTHER COERCIVE										
Manslaughter 2nd	1	<1%	2	<1%	2	<1%	3	<1%	1	<1%
Other Homicide	0	--	0	--	2	<1%	0	--	0	--
Robbery 3rd	31	2%	45	3%	40	3%	24	2%	9	2%
Attempted Assault 2nd	12	1%	12	1%	7	1%	5	<1%	2	0%
Other Sex Offenses	6	<1%	8	1%	10	1%	8	1%	1	<1%
Other Coercive	14	1%	8	1%	18	1%	14	1%	4	1%
TOTAL Other Coercive	64	5%	75	6%	79	6%	54	4%	17	3%
DRUG OFFENSES										
Drug Sale	148	11%	137	10%	144	11%	150	12%	41	8%
Drug Possession	123	9%	172	13%	152	11%	163	13%	67	13%
TOTAL Drug Offenses	271	21%	309	23%	296	22%	313	25%	108	21%
MAJOR PROPERTY										
Burglary 3rd	110	8%	100	8%	106	8%	104	8%	37	7%
Grand Larceny	58	4%	51	4%	53	4%	52	4%	18	4%
Forgery	26	2%	16	1%	18	1%	18	1%	8	2%
Stolen Property	22	2%	22	2%	19	1%	14	1%	8	2%
TOTAL Major Property	216	16%	189	14%	196	15%	188	15%	71	14%
OTHER FELONY										
Driving While Intoxicated	16	1%	17	1%	16	1%	12	1%	8	2%
Non-Violent Weapons Offense	16	1%	13	1%	9	1%	13	1%	10	2%
All Other Felonies	42	3%	30	2%	33	2%	42	3%	20	4%
TOTAL Other Felony	74	6%	60	5%	58	4%	67	5%	38	7%
YOUTHFUL/JUVENILE OFFENSE										
YO/JO	31	2%	21	2%	37	3%	26	2%	7	1%
TOTAL YO/JO	31	2%	21	2%	37	3%	26	2%	7	1%
GRAND TOTAL	1,319	100%	1,322	100%	1,330	100%	1,256	100%	509	100%

**TABLE 19. ORIGINAL COMMITMENT OFFENSE OF NEW FELONY RETURNS TO PRISON:
2016 TO 2020**

COMMITMENT OFFENSE	2016		2017		2018		2019		2020	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
A1 VIOLENT OFFENSES										
Murder, Murder 1st & 2nd										
Attempted Murder 1st	84	1%	63	1%	57	1%	60	1%	15	1%
Kidnapping 1st	1	<1%	2	<1%	2	<1%	1	<1%	4	<1%
Arson 1st	2	<1%	0	--	1	<1%	0	--	0	--
TOTAL A1 Violent	87	1%	65	1%	60	1%	61	1%	19	1%
LEGISLATIVE VFO										
Attempted Murder 2nd	53	1%	46	1%	38	1%	36	1%	21	1%
Manslaughter 1st	66	1%	61	1%	43	1%	42	1%	13	0%
Rape 1st	110	1%	119	2%	110	1%	92	1%	43	1%
Robbery 1st	482	6%	422	5%	375	5%	359	5%	155	5%
Robbery 2nd	749	9%	630	8%	549	7%	489	7%	216	7%
Assault 1st	132	2%	127	2%	134	2%	112	2%	49	2%
Other Assault	402	5%	343	4%	353	5%	325	5%	157	5%
Burglary 1st	92	1%	85	1%	77	1%	76	1%	32	1%
Burglary 2nd	823	10%	814	10%	799	11%	700	10%	303	10%
Attempted Arson 1st, Arson 2nd	24	<1%	23	<1%	22	<1%	18	<1%	11	0%
Sodomy 1st	80	1%	79	1%	75	1%	62	1%	33	1%
Sexual Abuse	299	4%	286	4%	291	4%	261	4%	104	4%
Weapons Offense	667	8%	570	7%	551	7%	543	8%	217	7%
Terrorism/False Bombing	4	<1%	2	<1%	1	<1%	5	<1%	1	<1%
Attempted Kidnapping 1st, Kidnapping 2nd	12	<1%	14	<1%	6	<1%	16	<1%	5	<1%
TOTAL Legislative VFO	3,995	47%	3,621	43%	3,424	46%	3,136	45%	1,360	47%
OTHER COERCIVE										
Manslaughter 2nd	11	<1%	8	<1%	11	<1%	6	<1%	3	<1%
Other Homicide	10	<1%	6	<1%	8	<1%	8	<1%	1	<1%
Robbery 3rd	250	3%	262	3%	251	3%	251	4%	89	3%
Attempted Assault 2nd	101	1%	86	1%	90	1%	84	1%	41	1%
Other Sex Offenses	169	2%	213	3%	184	2%	163	2%	66	2%
Other Coercive	73	1%	66	1%	64	1%	95	1%	40	1%
TOTAL Other Coercive	614	7%	641	8%	608	8%	607	9%	240	8%
DRUG OFFENSES										
Drug Sale	923	11%	753	10%	680	9%	614	9%	251	9%
Drug Possession	618	7%	618	8%	582	8%	532	8%	235	8%
TOTAL Drug Offenses	1,541	18%	1,371	18%	1,262	17%	1,146	16%	486	17%
MAJOR PROPERTY										
Burglary 3rd	653	8%	612	8%	616	8%	634	9%	256	9%
Grand Larceny	408	5%	389	5%	369	5%	335	5%	126	4%
Forgery	160	2%	159	2%	136	2%	125	2%	44	2%
Stolen Property	145	2%	130	2%	140	2%	132	2%	50	2%
TOTAL Major Property	1,366	16%	1,290	17%	1,261	17%	1,226	17%	476	16%
OTHER FELONY										
Driving While Intoxicated	129	2%	109	1%	129	2%	114	2%	44	2%
Non-Violent Weapons Offense	94	1%	108	1%	120	2%	120	2%	43	1%
All Other Felonies	363	4%	365	5%	386	5%	441	6%	163	6%
TOTAL Other Felony	586	7%	582	7%	635	9%	675	10%	250	9%
YOUTHFUL/JUVENILE OFFENSE										
YO/JO	230	3%	232	3%	188	3%	186	3%	86	3%
TOTAL YO/JO	230	3%	232	3%	188	3%	186	3%	86	3%
GRAND TOTAL	8,419	100%	7,802	100%	7,438	100%	7,037	100%	2,917	100%

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