



# Corrections and Community Supervision

## Board of Parole

## Legislative Report

2021

## **Board of Parole Legislative Report 2021**

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. In addition, the Executive Law states that administrative matters of general applicability within DOCCS are applicable to the Board. 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 2017 through 2021 with demographic information being presented only for 2021.

Statute changes known as "Less Is More" were signed into law by Governor Hochul in September 2021 and became effective on March 1, 2022. Therefore, the information presented here reflects activity prior to the implementation of "Less Is More".

**TABLE OF CONTENTS**

**INTRODUCTION..... ii**

**EXECUTIVE SUMMARY ..... iii**

**Section 1 – Interviews and Approval Rates ..... 1**

**Section 2 – Medical Parole Program..... 11**

**Section 3 – Counsel’s Office ..... 17**

**Section 4 - Bureau of Adjudication..... 18**

## **INTRODUCTION**

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

The Board may legally have up to 19 members and there were 15 members at the conclusion of 2021. The Board embodies the diversity of New York and its people by comprising itself of members from a variety of backgrounds, races and genders. 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 2,772 interviews/case reviews from 15,670 in 2020 to 12,898 in 2021. This represents a 41% decrease since 2017 and an 18% decrease from 2020 (Table 1).
- The Total Initial approval rate (excluding Shock) increased by 7 percentage points from 29% in 2017 to 36% in 2021. The Total Non-Administrative approval rate increased by 4 percentage points from 33% in 2017 to 37% in 2021 (Table 1).
- The number of Initial Interviews for Major Property Offenders declined by 1,225 from 2,095 in 2017 to 870 in 2021. This represents a 58% decrease. The approval rate for these cases increased by 13 percentage points from 40% in 2017 to 53% in 2021 (Table 2 and Table 3B).
- The number of Initial Interviews for Drug Offenders declined by 176 from 438 in 2017 to 262 in 2021. This represents a 40% decrease. The approval rate for these interviews increased from 29% in 2017 to 44% in 2021, an increase of 15 percentage points (Table 2 and Table 3B).
- The number of Initial Interviews for Violent Felony Offenses declined by 331 from 1,372 in 2017 to 1,041 in 2021. This represents a 24% decrease. The approval rate for these cases increased by 11 percentage points from 12% in 2017 to 23% in 2021 (Table 2 and Table 3A).
- Approval rates for the 2021 Non-Administrative Parole Board Interviews were highest among incarcerated women (49%); individuals in their 50's (46%); and individuals who were sentenced in Upstate Rural counties (43%) (Table 5).
- The 2021 approval rate for African-American individuals convicted of an A-I Violent Felony was 41%, higher than the 24% approval rate among White individuals. The approval rate for African-Americans with Drug Offenses (48%) was lower than the approval rate for White individuals (61%) (Table 6).
- The number of Medical Parole interviews held by the Board of Parole increased from 15 in 2017 to 24 in 2021. The approval rate increased from 73% in 2017 to 88% in 2021 (Table 7).
- The number of ultimate dispositions for parole violators with sustained charges decreased by 56% from 12,252 in 2017 to 5,448 in 2021. In 2021, 60% of violations with charges sustained were ordered returned to prison, 6% were ordered to an Alternative 90 Day or Alternative 45 Day Program, and 34% were revoked and restored to the street or a program in the community (Table 10).

- Between 2017 and 2021, the proportion of violations with charges sustained that were ordered returned to prison or alternative program decreased from 80% to 66%. The proportion that was revoked and restored increased from 20% to 34% (Table 10).
- Consistent with their proportions of the active releasee population, the highest proportion of releasee returns to prison in 2021 was among individuals in their 30's (42%) and African-Americans (46%). Additionally, nearly half (49%) of those returned had an A-1 Violent/VFO Crime or were second felony offenders. (Table 13).
- The number of releasee returns to prison for new felony convictions declined by 42% from 1,322 in 2017 to 761 in 2021 (Table 16).
- The number of releasee returns to prison for violating the conditions of parole declined by 66% between 2017 and 2021 and by 8% between 2020 and 2021. (Table 17).

## **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 (SIST<sup>1</sup>).

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 2017 to 2021 is provided below:

---

<sup>1</sup> SIST stands for Strict and Intensive Supervision and Treatment. Sex offender releasees can be placed on this type of community supervision caseload as part of the civil management process in New York. Releasees 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 releasee suffers from a “mental abnormality,” the case is referred to the Attorney General for possible litigation. If the Attorney General proceeds with litigation, the releasee is entitled to a jury trial; a unanimous verdict is required for a releasee to be involuntarily confined or placed under intensive supervision. If the court finds that the releasee 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://ag.ny.gov/sites/default/files/2021\\_somb\\_annual\\_report.pdf](https://ag.ny.gov/sites/default/files/2021_somb_annual_report.pdf).

- Between 2017 and 2021, the total number of non-administrative interviews decreased by 48%, while the number of initial interviews decreased by 46% and the number of reappearances decreased by 44%.
- The Total Non-Administrative approval rate increased from 33% in 2017 to 38% in 2021. Similarly, the Total Initial approval rate (excluding Shock) increased from 29% in 2017 to 36% in 2021 (Table 1).
- The number of Presumptive Reviews (including Merit Presumptive and Supplemental Merit Presumptive) increased from 27 in 2017 to 37 in 2021. (Table 1).
- In 2021, the Legislative VFO category had the largest number of initial interviews followed by Other Felony. While the number of interviews for Violent Felony Offenders decreased by 24% (-331) between 2017 and 2021, the approval rate increased by 11 percentage points, from 12% to 23% (Table 2 and Table 3B).
- The number of Initial Interviews (excluding Shock and Early Deportation) for Major Property Offenders declined by 1,225 from 2,095 in 2017 to 870 in 2021. This represents a 58% decrease. The approval rate for these cases increased by 13 percentage points from 40% in 2017 to 53% in 2021 (Table 2 and Table 3B).
- The approval rate for A-I Violent Felony Offenders at Initial Interview increased by 11 percentage points from 30% in 2017 to 41% in 2021 (Table 2 and Table 3A).
- The number of Initial Interviews for offenders with Other Coercive Offenses<sup>2</sup> declined by 892 from 1,691 in 2017 to 799 in 2021. This represents a 53% decrease. The approval rate for these offenses increased by 9 percentage points from 25% in 2017 to 34% in 2021 (Table 2 and Table 3A).
- The number of Initial Interviews for Drug Offenders declined by 176 from 438 in 2017 to 262 in 2021. This represents a 40% decrease. The approval rate for these interviews increased from 29% in 2017 to 44% in 2021, an increase of 15 percentage points (Table 2 and Table 3B).
- The Board conducted 54 interviews of Juvenile Offenders under the jurisdiction of OCFS during 2021. Eighty-three percent of these were Initial Interviews (Table 4).
- The 40% approval rate of Initial Interviews for Juvenile Offenders in 2021 represented an increase from 16% in 2017. The approval rate of Reappearance Interviews for Juvenile Offenders increased from 35% to 44% in the same time period (Table 4).

---

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



- Females had higher approval rates than males at both Initial and Reappearance Interviews (Table 5).
- Almost half (48%) of the Total Non-Administrative Interviews in 2021 were for incarcerated individuals who were between the ages of 30 and 49 at the time of their interview (Table 5).
- Incarcerated individuals in their 50's had the highest approval rate among the Total Non-Administrative Interviews in 2021 (46%), while those under 18 years old had the lowest approval rate (22%) (Table 5).
- Among 2021 Non-Administrative Interviews, approval rates were highest (43%) for individuals sentenced from the Upstate Rural region of New York. Incarcerated individuals sentenced in Suburban New York City had the lowest approval rate, 33% (Table 5).
- First felony offenders represented the highest proportion (51%) of the total number of Non-Administrative Interviews during 2021. The approval rate for these interviews was 37%, the same as for second felony offenders (Table 5).
- The largest proportion of Initial Interviews was among COMPAS Supervision Level 4 (40%). The highest initial approval rate was among COMPAS Level 4 individuals (45%), while the lowest rate was among COMPAS Level 1 individuals (29%) (Table 5).
- Generally speaking, there were 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 were more likely to have more serious offenses, which have lower approval rates, compared to Whites. For example, 45% (1,298) of African Americans who had a Parole Board appearance in 2021 had an A-1 violent offense or Legislative VFO compared with only 25% (514) of White individuals, whereas 25% (507) of White individuals had a Major Property offense, compared with only 13% (379) of African Americans (Table 6).
- Among the Non-Administrative Interviews during 2021 for offenders convicted of an A-I Violent Felony, the approval rate for African-Americans was 41% compared to 24% for Whites and 40% for Hispanics (Table 6).
- Interviews of incarcerated individuals convicted of Legislative VFOs resulted in a 25% approval rate for Hispanics, a 26% approval rate for Whites, and a 29% approval rate for African-Americans (Table 6).

**TABLE 1. PAROLE BOARD INTERVIEWS AND APPROVAL RATES: 2017 TO 2021**

	2017	2018	2019	2020	2021
<b>Total Non-Administrative</b>	<b>12,434</b>	<b>11,357</b>	<b>10,568</b>	<b>7,960</b>	<b>6,476</b>
Granted Release	4,060	5,007	4,413	3,347	2,428
Approval Rate	32.7%	44.1%	41.8%	42.0%	37.5%
<b>Total Initials w/o Shock</b>	<b>8,376</b>	<b>7,416</b>	<b>7,031</b>	<b>5,318</b>	<b>4,361</b>
Granted Release	2,410	3,230	2,857	2,167	1,572
Approval Rate	28.8%	43.6%	40.6%	40.7%	36.0%
<b>Initials</b>	<b>6,838</b>	<b>5,921</b>	<b>5,589</b>	<b>4,306</b>	<b>3,722</b>
Granted Release	1,645	2,204	1,870	1,451	1,130
Approval Rate	24.1%	37.2%	33.5%	33.7%	30.4%
<b>Merit</b>	<b>1,419</b>	<b>1,339</b>	<b>1,291</b>	<b>875</b>	<b>504</b>
Granted Release	694	940	889	640	364
Approval Rate	48.9%	70.2%	68.9%	73.1%	72.2%
<b>Supplemental Merit</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>
Granted Release	0	0	1	0	0
Approval Rate	--	--	50.0%	--	--
<b>Limited Credit Time</b>	<b>74</b>	<b>90</b>	<b>90</b>	<b>111</b>	<b>106</b>
Granted Release	32	42	52	56	57
Approval Rate	43.2%	46.7%	57.8%	50.5%	53.8%
<b>Medical Parole</b>	<b>12</b>	<b>21</b>	<b>23</b>	<b>11</b>	<b>12</b>
Granted Release	9	12	16	9	10
Approval Rate	75.0%	57.1%	69.6%	81.8%	83.3%
<b>Early Release for Final Deportation</b>	<b>33</b>	<b>45</b>	<b>36</b>	<b>15</b>	<b>17</b>
Granted Release	30	32	29	11	11
Approval Rate	90.9%	71.1%	80.6%	73.3%	64.7%
<b>Shock</b>	<b>627</b>	<b>575</b>	<b>460</b>	<b>405</b>	<b>179</b>
Granted Release	530	481	393	327	137
Approval Rate	84.5%	83.7%	85.4%	80.7%	76.5%
<b>Reappearance</b>	<b>3,288</b>	<b>3,237</b>	<b>2,947</b>	<b>2,129</b>	<b>1,842</b>
Granted Release	1,056	1,235	1,113	792	645
Approval Rate	32.1%	38.2%	37.8%	37.2%	35.0%
<b>PV/CR Reappearance</b>	<b>143</b>	<b>129</b>	<b>130</b>	<b>108</b>	<b>94</b>
Granted Release	64	61	50	61	74
Approval Rate	44.8%	47.3%	38.5%	56.5%	78.7%
<b>Total Administrative</b>	<b>9,429</b>	<b>9,147</b>	<b>9,276</b>	<b>7,710</b>	<b>6,422</b>
<b>Other Administrative</b> <sup>5</sup>	<b>198</b>	<b>267</b>	<b>472</b>	<b>412</b>	<b>460</b>
<b>Conditional Release - Reviews</b>	<b>4,929</b>	<b>4,642</b>	<b>4,622</b>	<b>4,062</b>	<b>3,670</b>
<b>Conditional Release - PV Reviews</b>	<b>2,638</b>	<b>2,432</b>	<b>2,414</b>	<b>1,677</b>	<b>1,239</b>
<b>Conditional Release - Shock Reviews</b>	<b>584</b>	<b>675</b>	<b>553</b>	<b>537</b>	<b>263</b>
<b>Conditional Release - Merit Reviews</b>	<b>799</b>	<b>858</b>	<b>884</b>	<b>708</b>	<b>475</b>
<b>Conditional Release - Limited Credit Time Reviews</b>	<b>246</b>	<b>244</b>	<b>290</b>	<b>270</b>	<b>261</b>
<b>Presumptive Release Reviews</b>	<b>10</b>	<b>5</b>	<b>8</b>	<b>6</b>	<b>13</b>
<b>Merit PR Review</b>	<b>16</b>	<b>19</b>	<b>20</b>	<b>31</b>	<b>24</b>
<b>Supp Merit PR Review</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Medical Reviews Release Condition</b>	<b>3</b>	<b>3</b>	<b>6</b>	<b>3</b>	<b>1</b>
<b>Executive Clemency Release Condition</b>	<b>5</b>	<b>2</b>	<b>7</b>	<b>4</b>	<b>16</b>
<b>Total Board Workload</b>	<b>21,863</b>	<b>20,504</b>	<b>19,844</b>	<b>15,670</b>	<b>12,898</b>
<b>SORC Reappearances</b> <sup>6</sup>	<b>1,675</b>	<b>1,681</b>	<b>1,885</b>	<b>1,041</b>	<b>601</b>

**TABLE 2. PAROLE BOARD DECISIONS BY SUMMARY CRIME CATEGORIES  
2017 to 2021 Initial Interviews  
(Includes Merit, Supplemental Merit and LCTA; Excludes Shock and Early Deportation)**

CRIME OF COMMITMENT	2017			2018			2019			2020			2021		
	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	339	102	30%	368	133	36%	343	127	37%	338	128	38%	315	128	41%
Legislative VFO	1,372	165	12%	1,254	256	20%	1,230	266	22%	1,104	225	20%	1,041	240	23%
Other Coercive	1,691	430	25%	1,432	601	42%	1,259	512	41%	1,029	429	42%	799	273	34%
Drug Offenses	438	128	29%	396	172	43%	384	160	42%	281	119	42%	262	115	44%
Major Property	2,095	844	40%	1,821	1,069	59%	1,835	970	53%	1,183	675	57%	870	457	53%
Other Felony	1,815	570	31%	1,628	787	48%	1,637	669	41%	1,167	524	45%	911	309	34%
Youthful Offenders	582	140	24%	464	177	38%	302	121	40%	193	54	28%	143	39	27%
Juvenile Offenders*	11	1	9%	8	3	38%	5	3	60%	8	2	25%	3	0	0%
<b>GRAND TOTAL</b>	<b>8,343</b>	<b>2,380</b>	<b>29%</b>	<b>7,371</b>	<b>3,198</b>	<b>43%</b>	<b>6,995</b>	<b>2,828</b>	<b>40%</b>	<b>5,303</b>	<b>2,156</b>	<b>41%</b>	<b>4,344</b>	<b>1,561</b>	<b>36%</b>

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

**TABLE 3A. PAROLE BOARD DECISIONS BY CRIME OF COMMITMENT (page 1)**  
**2017 to 2021 Initial Interviews**  
**(Includes Merit, Supplemental Merit and LCTA; Excludes Shock and Early Deportation)**

CRIME OF COMMITMENT	2017			2018			2019			2020			2021		
	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
<b>A-1 VIOLENT OFFENSES</b>															
Murder, Murder 1st & 2nd, Attempted Murder 1st	322	94	29%	361	128	35%	336	124	37%	329	126	38%	308	124	40%
Kidnapping 1st	16	7	44%	6	4	67%	6	3	50%	5	1	20%	6	4	67%
Arson 1st	1	1	100%	1	1	100%	1	0	0%	4	1	25%	1	0	0%
<b>TOTAL A-1 Violent Offenses</b>	<b>339</b>	<b>102</b>	<b>30%</b>	<b>368</b>	<b>133</b>	<b>36%</b>	<b>343</b>	<b>127</b>	<b>37%</b>	<b>338</b>	<b>128</b>	<b>38%</b>	<b>315</b>	<b>128</b>	<b>41%</b>
<b>LEGISLATIVE VFO</b>															
Attempted Murder 2nd	50	9	18%	29	5	17%	37	5	14%	34	3	9%	41	3	7%
Manslaughter 1st	31	4	13%	35	4	11%	22	2	9%	27	4	15%	39	4	10%
Rape 1st	50	4	8%	46	4	9%	37	1	3%	30	2	7%	28	0	0%
Robbery 1st	197	26	13%	146	38	26%	143	43	30%	160	45	28%	134	41	31%
Robbery 2nd	194	18	9%	162	41	25%	179	50	28%	142	28	20%	131	35	27%
Assault 1st	62	7	11%	66	5	8%	63	11	17%	49	4	8%	59	10	17%
Other Assault	172	17	10%	196	38	19%	157	35	22%	143	34	24%	148	27	18%
Burglary 1st	37	5	14%	29	10	34%	28	4	14%	28	4	14%	29	8	28%
Burglary 2nd	272	46	17%	234	58	25%	228	62	27%	192	53	28%	185	65	35%
Attempted Arson 1st, Arson 2nd	6	1	17%	8	1	13%	7	0	0%	10	1	10%	2	0	0%
Sodomy 1st	16	0	0%	22	1	5%	18	0	0%	15	2	13%	15	3	20%
Sexual Abuse	54	3	6%	46	6	13%	46	1	2%	37	1	3%	26	1	4%
Weapons Offenses	218	21	10%	224	43	19%	248	49	20%	228	43	19%	202	43	21%
Terrorism/False Bombing	3	2	67%	7	1	14%	10	2	20%	3	0	0%	1	0	0%
Attempted Kidnapping 1st, Kidnapping 2nd	10	2	20%	4	1	25%	7	1	14%	6	1	17%	1	0	0%
<b>TOTAL Legislative VFO</b>	<b>1,372</b>	<b>165</b>	<b>12%</b>	<b>1,254</b>	<b>256</b>	<b>20%</b>	<b>1,230</b>	<b>266</b>	<b>22%</b>	<b>1,104</b>	<b>225</b>	<b>20%</b>	<b>1,041</b>	<b>240</b>	<b>23%</b>
<b>OTHER COERCIVE</b>															
Manslaughter 2nd	41	5	12%	38	11	29%	44	13	30%	35	16	46%	36	9	25%
Other Homicide	63	16	25%	46	15	33%	44	9	20%	34	13	38%	23	4	17%
Robbery 3rd	556	152	27%	433	193	45%	358	147	41%	299	116	39%	224	87	39%
Attempted Assault 2nd	282	53	19%	286	107	37%	247	86	35%	222	74	33%	169	39	23%
Other Sex Offenses	42	6	14%	61	11	18%	48	13	27%	47	17	36%	43	12	28%
Other Coercive	707	198	28%	568	264	46%	518	244	47%	392	193	49%	304	122	40%
<b>TOTAL Other Coercive</b>	<b>1,691</b>	<b>430</b>	<b>25%</b>	<b>1,432</b>	<b>601</b>	<b>42%</b>	<b>1,259</b>	<b>512</b>	<b>41%</b>	<b>1,029</b>	<b>429</b>	<b>42%</b>	<b>799</b>	<b>273</b>	<b>34%</b>

**TABLE 3B. PAROLE BOARD DECISIONS BY CRIME OF COMMITMENT (page 2)**  
**2017 to 2021 Initial Interviews**  
**(Includes Merit, Supplemental Merit and LCTA; Excludes Shock and Early Deportation)**

CRIME OF COMMITMENT	2017			2018			2019			2020			2021		
	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
<b>DRUG OFFENSES</b>															
Drug Sale	223	60	27%	172	74	43%	160	68	43%	127	50	39%	110	51	46%
Drug Possession	215	68	32%	224	98	44%	224	92	41%	154	69	45%	152	64	42%
<b>TOTAL Drug Offenses</b>	<b>438</b>	<b>128</b>	<b>29%</b>	<b>396</b>	<b>172</b>	<b>43%</b>	<b>384</b>	<b>160</b>	<b>42%</b>	<b>281</b>	<b>119</b>	<b>42%</b>	<b>262</b>	<b>115</b>	<b>44%</b>
<b>MAJOR PROPERTY</b>															
Burglary 3rd	877	318	36%	771	429	56%	780	400	51%	563	326	58%	435	231	53%
Grand Larceny	740	317	43%	654	397	61%	681	362	53%	401	231	58%	263	138	52%
Forgery	271	130	48%	230	148	64%	195	113	58%	112	67	60%	81	40	49%
Stolen Property	207	79	38%	166	95	57%	179	95	53%	107	51	48%	91	48	53%
<b>TOTAL Major Property</b>	<b>2,095</b>	<b>844</b>	<b>40%</b>	<b>1,821</b>	<b>1,069</b>	<b>59%</b>	<b>1,835</b>	<b>970</b>	<b>53%</b>	<b>1,183</b>	<b>675</b>	<b>57%</b>	<b>870</b>	<b>457</b>	<b>53%</b>
<b>OTHER FELONY</b>															
Driving While Intoxicated	570	218	38%	509	258	51%	456	210	46%	321	152	47%	245	87	36%
Non-Violent Weapon Offenses	109	31	28%	104	40	38%	94	41	44%	75	30	40%	45	19	42%
All Other Felonies	1,136	321	28%	1,015	489	48%	1,087	418	38%	771	342	44%	621	203	33%
<b>TOTAL Other Felony</b>	<b>1,815</b>	<b>570</b>	<b>31%</b>	<b>1,628</b>	<b>787</b>	<b>48%</b>	<b>1,637</b>	<b>669</b>	<b>41%</b>	<b>1,167</b>	<b>524</b>	<b>45%</b>	<b>911</b>	<b>309</b>	<b>34%</b>
<b>YOUTHFUL/JUVENILE OFFENDERS</b>															
Youthful Offenders	582	140	24%	464	177	38%	302	121	40%	193	54	28%	143	39	27%
Juvenile Offenders	11	1	9%	8	3	38%	5	3	60%	8	2	25%	3	0	0%
<b>TOTAL YO/JO</b>	<b>593</b>	<b>141</b>	<b>24%</b>	<b>472</b>	<b>180</b>	<b>38%</b>	<b>307</b>	<b>124</b>	<b>40%</b>	<b>201</b>	<b>56</b>	<b>28%</b>	<b>146</b>	<b>39</b>	<b>27%</b>
<b>GRAND TOTAL</b>	<b>8,343</b>	<b>2,380</b>	<b>29%</b>	<b>7,371</b>	<b>3,198</b>	<b>29%</b>	<b>6,995</b>	<b>2,828</b>	<b>40%</b>	<b>5,303</b>	<b>2,156</b>	<b>41%</b>	<b>4,344</b>	<b>1,561</b>	<b>36%</b>

**TABLE 4. JUVENILE OFFENDERS UNDER OCFS JURISDICTION  
PAROLE BOARD INTERVIEWS AND APPROVAL RATES  
2017 to 2021**

	2017		2018		2019		2020		2021	
	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
<b>INITIAL INTERVIEWS</b>										
Approved	16	16%	18	25%	19	38%	15	38%	18	40%
Postponed	52	51%	29	40%	20	40%	15	38%	15	33%
Denied	34	33%	26	36%	11	22%	9	23%	12	27%
<b>TOTAL</b>	<b>102</b>	<b>100%</b>	<b>73</b>	<b>100%</b>	<b>50</b>	<b>100%</b>	<b>39</b>	<b>100%</b>	<b>45</b>	<b>100%</b>
<b>REAPPEARANCE INTERVIEWS</b>										
Approved	9	35%	21	58%	13	50%	7	64%	4	44%
Postponed	3	12%	5	14%	4	15%	2	18%	0	0%
Denied	14	54%	10	28%	9	35%	2	18%	5	56%
<b>TOTAL</b>	<b>26</b>	<b>100%</b>	<b>36</b>	<b>100%</b>	<b>26</b>	<b>100%</b>	<b>11</b>	<b>100%</b>	<b>9</b>	<b>100%</b>

**TABLE 5. PAROLE BOARD APPROVAL RATES BY OFFENDER CHARACTERISTICS  
2021 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
<b>GENDER</b>									
Male	4,183	92%	37%	1,875	97%	37%	6,058	94%	37%
Female	357	8%	49%	61	3%	49%	418	6%	49%
<b>AGE AT INTERVIEW</b>									
Under 18 Years	33	1%	24%	3	0%	0%	36	1%	22%
18-20 Years	162	4%	27%	70	4%	23%	232	4%	25%
21-29 Years	942	21%	28%	343	18%	29%	1,285	20%	28%
30-39 Years	1,451	32%	37%	305	16%	45%	1,756	27%	38%
40-49 Years	979	22%	39%	365	19%	45%	1,344	21%	40%
50-59 Years	709	16%	49%	482	25%	41%	1,191	18%	46%
60+ Years	264	6%	47%	368	19%	30%	632	10%	37%
<b>RACE/ETHNICITY</b>									
African-American	1,989	44%	36%	887	46%	39%	2,876	44%	37%
Hispanic	907	20%	33%	423	22%	32%	1,330	21%	33%
White	1,492	33%	43%	571	29%	37%	2,063	32%	41%
Asian/ Pacific Islander	31	1%	35%	6	0%	67%	37	1%	41%
Native American	50	1%	38%	22	1%	36%	72	1%	38%
Other	60	1%	33%	24	1%	33%	84	1%	33%
Unknown	11	0%	18%	3	0%	67%	14	0%	29%
<b>REGION OF SENTENCE</b>									
New York City	1,623	36%	35%	887	46%	33%	2,510	39%	35%
Suburban New York City	594	13%	32%	209	11%	36%	803	12%	33%
Upstate Urban	915	20%	38%	409	21%	39%	1,324	20%	38%
Upstate Rural	1,408	31%	42%	431	22%	43%	1,839	28%	43%
<b>FELONY OFFENDER STATUS</b>									
1st Felony Offender	2,150	47%	36%	1,134	59%	38%	3,284	51%	37%
2nd Felony Offender	2,220	49%	38%	670	35%	34%	2,890	45%	37%
Persistent Felony Offender	103	2%	69%	118	6%	51%	221	3%	59%
Unknown	67	1%	27%	14	1%	29%	81	1%	27%
<b>COMPAS SUPERVISION LEVEL</b>									
Level 1	926	20%	26%	539	28%	34%	1,465	23%	29%
Level 2	289	6%	40%	132	7%	56%	421	7%	45%
Level 3	1,508	33%	33%	358	18%	37%	1,866	29%	34%
Level 4	1,701	37%	49%	872	45%	37%	2,573	40%	45%
Pending	116	3%	21%	35	2%	14%	151	2%	19%
<b>Total Interviews</b>	<b>4,540</b>	<b>100%</b>	<b>38%</b>	<b>1,936</b>	<b>100%</b>	<b>37%</b>	<b>6,476</b>	<b>100%</b>	<b>37%</b>

**TABLE 6. PAROLE BOARD APPROVAL RATES  
BY RACE AND CURRENT OFFENSE TYPE  
2021 Non-Administrative Interviews\***

CURRENT OFFENSE TYPE		RACE							Total
		African-American	Hispanic	White	Asian/ Pacific Islander	Native American	Other	Unknown	
A-1 Violent	# of Interviews	478	203	218	7	4	8	2	920
	% Granted Release	41%	40%	24%	57%	25%	38%	50%	37%
Legislative VFO	# of Interviews	820	312	296	6	19	23	2	1,478
	% Granted Release	29%	25%	26%	17%	21%	30%	0%	27%
Other Coercive	# of Interviews	481	288	301	11	8	21	2	1,112
	% Granted Release	30%	32%	43%	18%	50%	29%	0%	34%
Drug Offenses	# of Interviews	168	99	82	0	4	2	0	355
	% Granted Release	48%	51%	61%	0%	50%	50%	0%	52%
Major Property	# of Interviews	379	216	507	7	11	10	0	1,130
	% Granted Release	57%	39%	55%	71%	82%	40%	0%	53%
Other Felony	# of Interviews	390	159	616	6	25	13	8	1,217
	% Granted Release	39%	25%	40%	50%	28%	46%	38%	38%
Youthful Offender	# of Interviews	147	48	38	0	1	7	0	241
	% Granted Release	29%	21%	26%	0%	0%	14%	0%	27%
Juvenile Offender	# of Interviews	13	5	5	0	0	0	0	23
	% Granted Release	15%	0%	40%	0%	0%	0%	0%	17%
Total	# of Interviews	2,876	1,330	2,063	37	72	84	14	6,476
	% Granted Release	37%	33%	41%	41%	38%	33%	29%	38%

\*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 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 1<sup>st</sup> Degree, or an attempt or conspiracy to commit Murder in the 1<sup>st</sup> Degree ineligible for medical parole.

## **The Release Decision**

The Board utilizes the standards set forth in sections 259-r and 259-s of the Executive Law to make medical parole release decisions. These sections mandate that release on medical parole be granted, “only after the board considers whether, in light of the 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 2017 to 2021. Figures 1 and 2 provide summaries of medical parole processing and outcomes for all applications reviewed by the Board of Parole from January 2017 through December 2021.

- There were 112 medical parole interviews and reviews<sup>3</sup> conducted by the Board between 2017 and 2021. These interviews include new applications for medical parole; individuals who applied prior to 2017 but saw the Board during this period; and those who re-applied after a previous denial (Table 7).
- Eighty-five (76%) of the 112 medical parole interviews and reviews conducted by the Board from 2017 to 2021 resulted in a release decision. The 20 interviews (18%) that resulted in a denial were denied due to their prison discipline history and/or criminal history. The remaining 7 interviews were postponed; after postponement, one applicant was granted medical parole, four were denied, and two applicants died prior to their next Board appearance.
- There were 119 certified applications submitted for medical parole from 2017 to 2021, which was an average of 24 applications submitted per year during this five-year period: 16 in 2017; 28 in 2018; 33 in 2019; 19 in 2020 and 23 in 2021 (Table 7).
- The primary diagnosis of the 119 applicants was Cancer (43%). The majority (90%) of the applicants were male and 10% were female.
- Of the 119 applicants for medical parole, 13 (11%) died prior to a Board Interview. Two individuals (2%) were released on regular parole. One hundred-four (87%) of the applicants met the Board (Figure 1).
- Eighty-two (79%) of the 104 applicants who met the Board were granted medical parole. Sixty-one (74%) of these 82 applicants were released from custody by the end of 2021. Fifteen individuals (18%) died before release (Figure 1).
- An average of 26 business days elapsed between the Board receiving the Medical Parole application and the Board interview date for the 24 incarcerated individuals who received a Medical Parole interview in 2021.
- During the five-year period of 2017 through 2021, approximately 10,190 prison days were saved due to releasees' early release to medical parole supervision.
- A total of 21 of the 61 individuals released on medical parole from 2017 to 2021 were released to New York City. Thirty-nine individuals were released to counties in upstate New York, and one was released out-of-state.

---

<sup>3</sup> 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 61 releases from 2017 through December 2021 were as follows: 21 to skilled nursing facilities, 38 to home care, and 2 to a hospital setting.
- A total of 15 (25%) of the 61 cases granted medical parole and released between 2017 and December 2021 were still under medical parole supervision at the end of 2021. Seventeen releasees (28%) died following release; 1 releasees (2%) was discharged by the Board; 1 releasee received merit discharge (2%); 21 releasees (34%) converted to regular parole at their PE dates; 2 releasees (3%) were discharged on their Maximum Expiration dates; 1 releasee (2%) was transferred out-of-state; and 3 releasees (5%) were revoked and returned to prison (Figure 1).
- The 15 releasees under medical parole supervision at the end of 2021 were under supervision for a total of 9,134 days, or an average of 609 days per releasee. Each releasee’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), one additional incarcerated individual was granted medical parole by the Commissioner<sup>4</sup> and released to supervision in 2021 (Table 1).

**TABLE 7. MEDICAL PAROLE BOARD APPLICATIONS AND INTERVIEWS: 2017 to 2021**

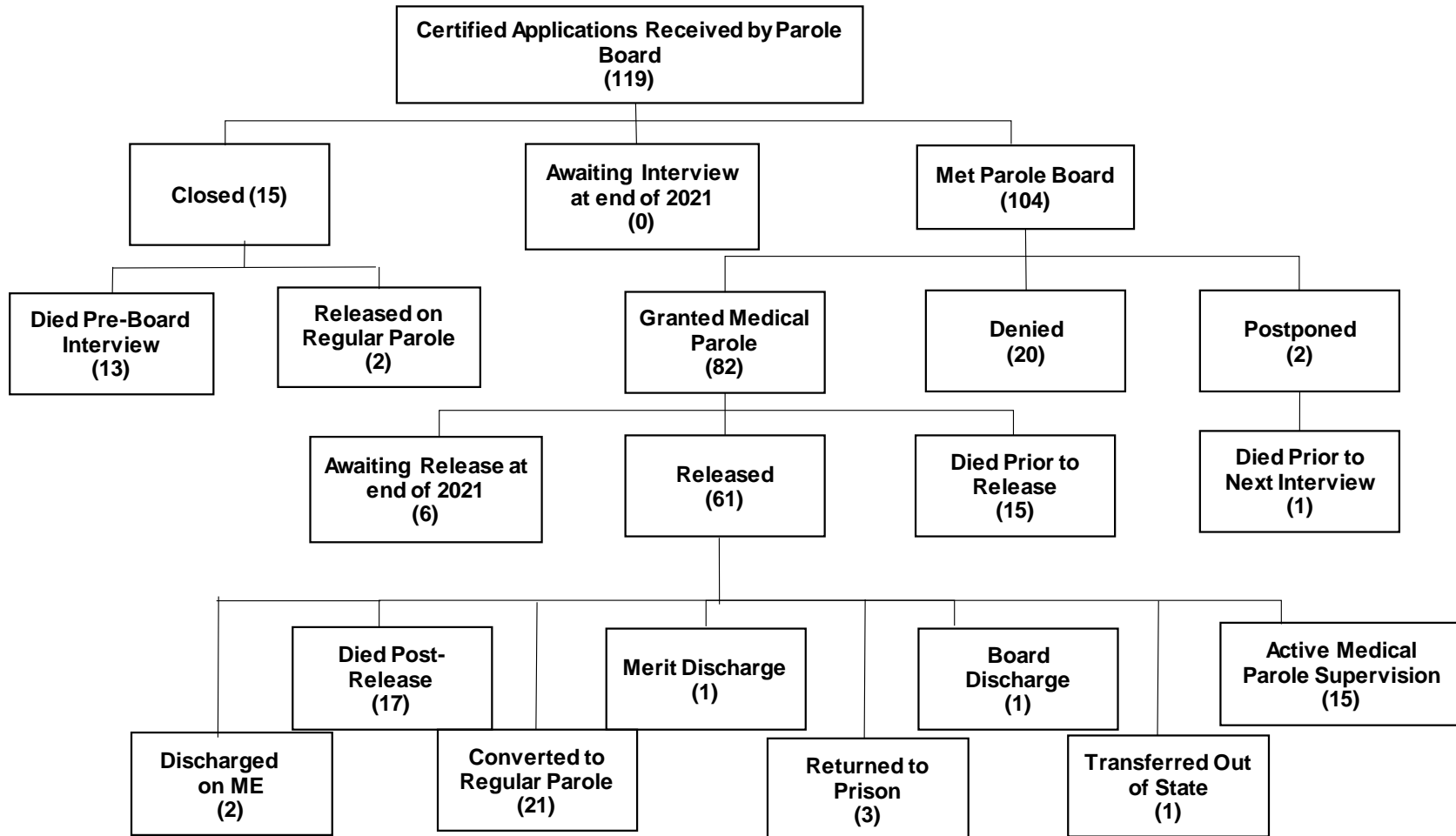
	Calendar Year					Total
	2017	2018	2019	2020	2021	
<b>Certified Applications<sup>6</sup></b>	16	28	33	19	23	119
<b>Medical Parole Interviews &amp; Reviews<sup>6</sup></b>	15	26	30	17	24	112
<b>Granted Release</b>	11	17	21	15	21	85
<b>Approval Rate<sup>7</sup></b>	73%	65%	70%	88%	88%	76%

<sup>4</sup> On Table 1, these cases are labeled “Medical Reviews Release Condition” under “Administrative” interviews.

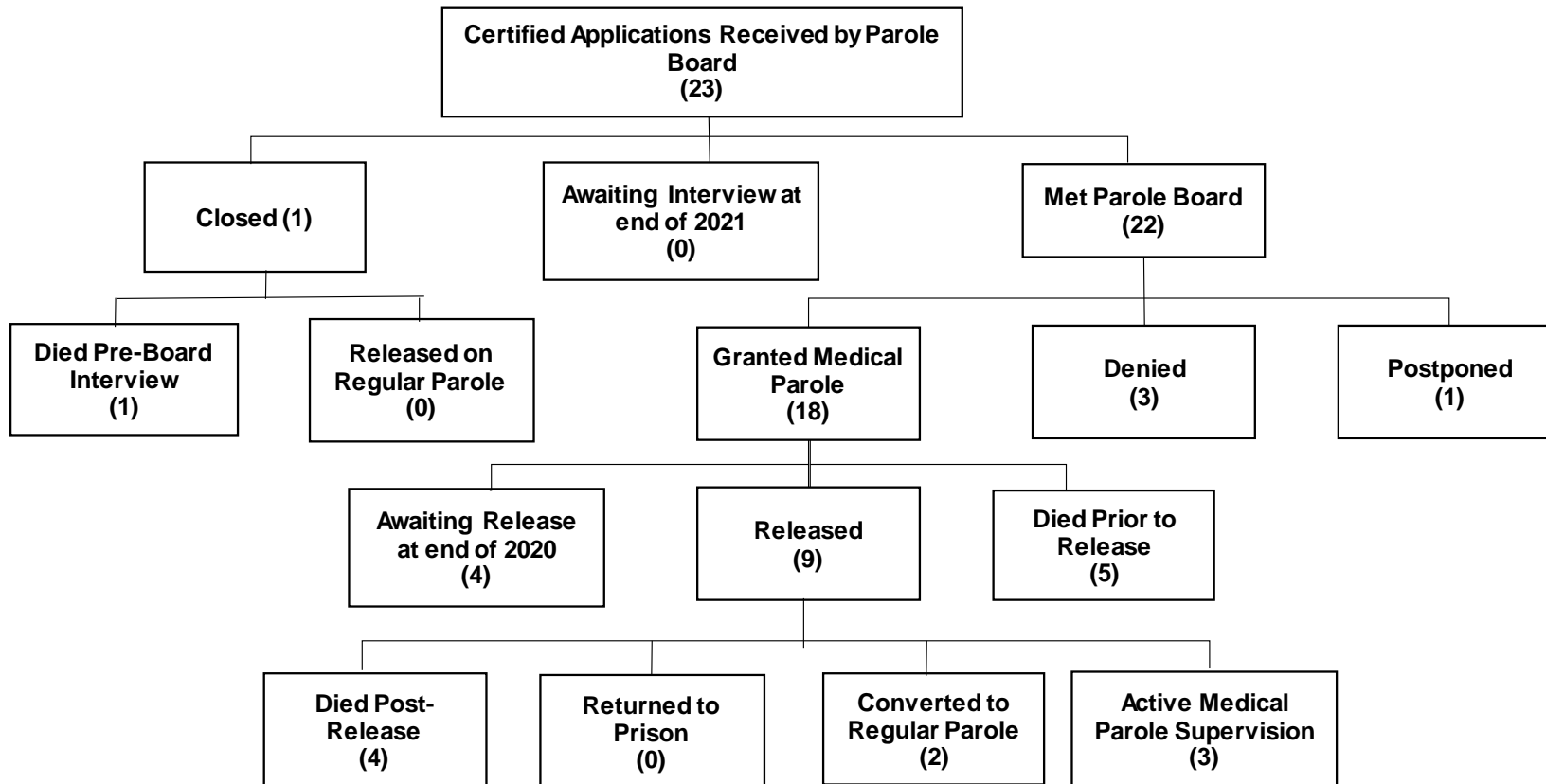
<sup>5</sup> Row totals do not refer to the same population. Individual applicants may have multiple Medical Parole interviews, and an application received in one year may not be reviewed by the Board of Parole until the next year. Additionally, re-applications are not counted as new applications, but may see the Board again in a later year.

<sup>6</sup> 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 1. MEDICAL PAROLE APPLICATION PROCESSING  
JANUARY 2017 – DECEMBER 2021**



**Figure 2. MEDICAL PAROLE APPLICATION PROCESSING  
JANUARY – DECEMBER 2021**



### **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 legal work regarding 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 2017 and 2021 are as follows:

- For calendar year 2017: 2,772
- For calendar year 2018: 2,209
- For calendar year 2019: 2,431
- For calendar year 2020: 1,905
- For calendar year 2021: 1,553

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 procedural protections afforded by statute which satisfy the requirements of due process. 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 2017 and 2021, by -53% and -50%, 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 releasees during 2020 and 2021.
- Over half (58%) of alleged violators scheduled for a preliminary violation hearing in 2021 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 15 percentage points from 2017 to 2021, from 22% to 37% (Table 8).
- Final hearing completion rates declined over the last five years, from 50% in 2017 to 42% in 2021 (Table 9).
- The number of ultimate dispositions for violators with sustained charges decreased by 56% from 12,252 in 2017 to 5,488 in 2021 (Table 10).
- The number of Revoked and Ordered Returned to Prison dispositions declined by 51% from 2017 to 2021. The proportion of violators revoked and ordered returned to prison increased from 55% in 2017 to 60% in 2021 (Table 10).
- During 2021, 60% of violations with charges sustained were ordered returned to prison, 6% were ordered to an Alternative 90 Day or Alternative 45 Day program, and 34% 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 63% from 2017 to 2021, while the proportion of total outcomes decreased 14 percentage points from 80% to 66% (Table 10).
- The proportion of dispositions ordered revoked and restored to the street or program increased 14 percentage points from 20% in 2017 to 34% in 2021 (Table 10).

- In total, the average processing time from warrant lodging to a completed final revocation hearing was 97 days. Although there were 1,205 more cases processed in non-Rikers facilities compared to Rikers (3,248 vs. 2,043, respectively), the average processing time for non-Rikers cases was 94 days, 8 days shorter than the 102 days it took to process cases at Rikers (Table 11).
- Thirty-one percent of the 2,043 cases processed at Rikers were revoked and restored to supervision, compared to only 14% of the 3,248 cases processed at non-Rikers facilities (Table 11).

**TABLE 8. VIOLATION PROCESS  
PRELIMINARY HEARING ACTIVITY  
2017 TO 2021**

Year	Preliminary Hearings							
	Waived		Completed		Adjourned		TOTAL PROCESSED	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
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%
2021	4,144	58.0%	2,618	36.6%	388	5.4%	7,150	100%

**TABLE 9. VIOLATION PROCESS  
FINAL HEARING ACTIVITY  
2017 TO 2021**

Year	Final Hearings					
	Completed		Adjourned		TOTAL PROCESSED	
	Number	Percent	Number	Percent	Number	Percent
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%
2021	5,337	42.3%	7,270	57.7%	12,607	100%





**TABLE 11. REVOCATION GUIDELINES CATEGORY AND PROCESSING TIME  
FOR VIOLATORS WITH FINAL HEARINGS COMPLETED DURING 2021**

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	208	203	148	596	163	799	15%
Category 2 (Absconders)	62	108	43	373	47	481	9%
Category 3	85	666	89	887	87	1,553	29%
Category 4	35	15	41	90	40	105	2%
Outside Guidelines - I	77	56	93	263	91	319	6%
Outside Guidelines - II	59	6	115	111	112	117	2%
Outside Guidelines - III	77	1	.	0	77	1	0%
Outside Guidelines - IV	0	0	0	0	0	0	0%
Outside Guidelines - V	101	356	74	461	86	817	15%
Revoke and Restore to Supervision	98	632	102	467	100	1,099	21%
<b>Grand Total</b>	<b>102</b>	<b>2,043</b>	<b>94</b>	<b>3,248</b>	<b>97</b>	<b>5,291</b>	<b>100%</b>

Notes: See "Parole Revocation Guidelines" on page 18 of this report for a description of each of the guidelines categories. 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.

## **Releasees 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 releasees that were returned to prison between 2017 and 2021.

- There were 3,443 releasee returns to prison in 2021, a decrease of 5,681 (-62%) from 2017. Of these returns, 2,682 (78%) were for violations of the conditions of parole and 761 (22%) 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 5,120 (-66%) in the number of returns to prison for violating the conditions of parole, from 7,802 in 2017 to 2,682 in 2021 (Table 12).
- The proportions of releasees returned to prison decreased from 18% in 2017 to 9% in 2021 (Table 12).
- The proportion of releasees returned to prison for violating the conditions of parole among the dynamic population dropped 8 percentage points from 15% in 2017 to 7% in 2021.
- Sixty-six percent of the returns to prison in 2021 were among releasees under the age of 40 (Table 13).
- Almost half (49%) of the 2021 returns to prison were originally convicted of an A-I Violent or Legislative VFO offense (Table 13).
- Individuals of Hispanic descent made up 14% of overall returns to prison, smaller than the proportion of African-American (46%) and White (37%) individuals (Table 13). Compared to the total releasee population<sup>7</sup>, 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 2021, at the time of return, 52% of all returns were supervised at Level 1, 25% at Level 2, 17% at Level 3, and 6% at Level 4. Releasees supervised at Level 1 (highest

---

<sup>7</sup> Refer to the report series "Community Supervision Legislative Report".

risk) were most likely to return for both new commitments and violating the conditions of parole (Table 14).

- In 2021, 77% of returns to prison were among releasees supervised at Level 1 or 2. This was higher than the proportion of releasees supervised at Level 1 or 2 (52%) at the end of 2021. This indicates that, as expected, returns to prison occurred disproportionately among Level 1 and Level 2 releasees (Table 14).
- The highest percentage (29%) of releasee returns to prison in 2021 were supervised in the Western New York region. The Central New York and Western New York regions had the largest numbers of releasee returns for a new court conviction (171 and 196, respectively) (Table 15).
- The number of releasee returns to prison for new felony convictions declined by 42% from 1,322 in 2017 to 761 in 2021. (Table 16).
- The proportion of releasee returns to prison as new commitments that were originally convicted of violent offenses decreased from 51% in 2017 to 48% in 2021. The proportion that was originally convicted of major property offenses slightly increased from 14% in 2017 to 16% in 2021 (Table 16).
- The number of releasee returns to prison for violating the conditions of parole declined by 66% between 2017 and 2021 and by 8% between 2020 and 2021 (Table 17).
- In 2021, there were only 5 new felony returns to prison among releasees originally convicted of A-I Violent Offenses after conviction for a new felony (Table 18).
- The number of returns to prison for violating the conditions of parole supervision among releasees originally convicted of Legislative VFOs decreased by 65% from 3,621 in 2017 to 1,277 in 2021 (Table 19).

**TABLE 12. RELEASEE RETURNS TO PRISON  
as a Proportion of the Releasee Dynamic Population  
2017 to 2021**

<b>Return Reason</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
<b>New Court Conviction</b>	1,322	1,330	1,256	509	761
<i>% of Dynamic Population</i>	3%	3%	3%	1%	2%
<i>% of Total Returns</i>	14%	15%	15%	15%	22%
<b>Violating Conditions of Parole <sup>1</sup></b>	7,802	7,438	7,037	2,917	2,682
<i>% of Dynamic Population</i>	15%	15%	14%	6%	7%
<i>% of Total Returns</i>	86%	85%	85%	85%	78%
<i>Alt-45 Participants</i>	196	129	124	15	44
<i>Alt-90 Participants</i>	1,732	1,522	1,680	587	222
<b>Total Prison Returns During Year</b>	9,124	8,768	8,293	3,426	3,443
<i>% of Dynamic Population</i>	18%	17%	17%	8%	9%
<i>% of Total Returns</i>	100%	100%	100%	100%	100%
<b>Dynamic Population</b>	50,424	50,545	49,651	45,297	40,232

<sup>1</sup> 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. RELEASEE RETURNS TO PRISON  
BY OFFENDER CHARACTERISTICS  
2021 Returns**

Offender Characteristics	Return Reason					
	New Court Conviction		Violating Conditions of Parole		Total	
<b>GENDER</b>						
Male	738	97%	2,537	95%	3,275	95%
Female	23	3%	145	5%	168	5%
<b>AGE AT RETURN</b>						
Under 18 Years	0	0%	0	0%	0	0%
18-20 Years	4	1%	17	1%	21	1%
21-29 Years	166	22%	642	24%	808	23%
30-39 Years	317	42%	1,128	42%	1,445	42%
40-49 Years	146	19%	521	19%	667	19%
50-59 Years	101	13%	283	11%	384	11%
60+ Years	27	4%	91	3%	118	3%
<b>RACE/ETHNICITY</b>						
African-American	388	51%	1,196	45%	1,584	46%
Hispanic	114	15%	363	14%	477	14%
White	243	32%	1,047	39%	1,290	37%
Asian/ Pacific Islander	1	0%	3	0%	4	0%
Native American	7	1%	44	2%	51	1%
Other	6	1%	25	1%	31	1%
Unknown	2	0%	4	0%	6	0%
<b>FELONY OFFENDER STATUS</b>						
1st Felony Offender	291	38%	42	2%	333	10%
2nd Felony Offender	386	51%	1,312	49%	1,698	49%
Persistent Felony Offender	12	2%	1,276	48%	1,288	37%
Youthful Offender	22	3%	23	1%	45	1%
Unknown	50	7%	29	1%	79	2%
<b>ORIGINAL CRIME OF COMMITMENT</b>						
A-1 Violent and Legislative VFO	365	48%	1,309	49%	1,674	49%
Other Coercive	49	6%	248	9%	297	9%
Drug Offenses	152	20%	466	17%	618	18%
Majority Property	125	16%	415	15%	540	16%
Other Felony	53	7%	194	7%	247	7%
YO/JO	17	2%	50	2%	67	2%

<b>Total Returns</b>	<b>761</b>	<b>2,682</b>	<b>3,443</b>
----------------------	------------	--------------	--------------

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

**TABLE 14. RELEASEE RETURNS TO PRISON DURING 2021  
BY SUPERVISION LEVEL**

Supervision Level	Return Reason						Supervision Level for Parolees in the Community  December 31, 2021	
	New Court Conviction		Violating Conditions of Parole		Total			
	Number	Percent	Number	Percent	Number	Percent		
<b>1 (25:1)</b>	334	44%	1,459	54%	1,793	52%	<b>1 (25:1)</b>	37%
<b>2 (40:1)</b>	165	22%	686	26%	851	25%	<b>2 (40:1)</b>	15%
<b>3 (80:1)</b>	170	22%	401	15%	571	17%	<b>3 (80:1)</b>	20%
<b>4 (160:1)</b>	90	12%	131	5%	221	6%	<b>4 (160:1)</b>	27%
<b>Pending</b>	2	0%	5	<1%	7	<1%	<b>Pending</b>	1%
<b>TOTAL</b>	761	100%	2,682	100%	3,443	100%	<b>TOTAL</b>	100%

**TABLE 15. RELEASEE RETURNS TO PRISON IN 2021  
BY REGION OF SUPERVISION**

Region	New Court Conviction		Violating Conditions of Parole		Total	
	Number	Percent	Number	Percent	Number	Percent
<b>Queens-LI</b>	77	8%	211	10%	288	8%
<b>Brooklyn</b>	63	6%	152	8%	215	6%
<b>Manhattan</b>	61	5%	146	8%	207	6%
<b>Bronx</b>	59	4%	115	8%	174	5%
<b>Hudson Valley</b>	130	20%	549	17%	679	20%
<b>Central NY</b>	171	23%	624	22%	795	23%
<b>Western</b>	196	31%	819	26%	1,015	29%
<b>Willard</b>	1	1%	18	0%	19	1%
<b>Out of State</b>	3	2%	48	0%	51	1%
<b>Total</b>	761	100%	2,682	100%	3,443	100%

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

**TABLE 16. RELEASEE RETURNS TO PRISON AS NEW COMMITMENTS:  
ORIGINAL CRIME OF COMMITMENT  
2017 TO 2021**

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
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%
2021	365	48%	49	6%	152	20%	125	16%	53	7%	17	2%	761	100%

**TABLE 17. RELEASEE RETURNS TO PRISON FOR RULE VIOLATIONS:  
ORIGINAL CRIME OF COMMITMENT  
2017 TO 2021**

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
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%
2021	1,309	49%	248	9%	466	17%	415	15%	194	7%	50	2%	2,682	100%



**TABLE 18. ORIGINAL COMMITMENT OFFENSE OF NEW FELONY RETURNS TO PRISON:  
2017 TO 2021**

COMMITMENT OFFENSE	2017		2018		2019		2020		2021	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
<b>A1 VIOLENT OFFENSES</b>										
Murder, Murder 1st & 2nd										
Attempted Murder 1st	10	1%	11	1%	10	1%	7	1%	5	1%
Kidnapping 1st	0	--	0	--	0	--	0	--	0	--
Arson 1st	0	--	0	--	0	--	0	--	0	--
<b>TOTAL A1 Violent</b>	<b>10</b>	<b>1%</b>	<b>11</b>	<b>1%</b>	<b>10</b>	<b>1%</b>	<b>7</b>	<b>1%</b>	<b>5</b>	<b>1%</b>
<b>LEGISLATIVE VFO</b>										
Attempted Murder 2nd	13	1%	12	1%	10	1%	9	2%	4	1%
Manslaughter 1st	12	1%	10	1%	5	<1%	6	1%	3	0%
Rape 1st	9	1%	4	<1%	8	1%	3	1%	3	0%
Robbery 1st	87	7%	88	7%	75	6%	30	6%	47	6%
Robbery 2nd	110	8%	121	9%	99	8%	54	11%	65	9%
Assault 1st	48	4%	34	3%	31	2%	13	3%	24	3%
Other Assault	47	4%	60	5%	51	4%	19	4%	29	4%
Burglary 1st	14	1%	15	1%	12	1%	9	2%	10	1%
Burglary 2nd	146	11%	147	11%	147	12%	53	10%	85	11%
Attempted Arson 1st, Arson 2nd	1	<1%	2	<1%	2	<1%	2	0%	1	0%
Sodomy 1st	2	<1%	2	<1%	1	<1%	0	--	3	0%
Sexual Abuse	8	1%	10	1%	11	1%	7	1%	11	1%
Weapons Offense	158	12%	145	11%	142	11%	55	11%	72	9%
Terrorism/False Bombing	1	<1%	0	--	1	<1%	1	<1%	1	0%
Attempted Kidnapping 1st, Kidnapping 2nd	2	<1%	3	<1%	3	0%	0	--	2	0%
<b>TOTAL Legislative VFO</b>	<b>658</b>	<b>50%</b>	<b>653</b>	<b>49%</b>	<b>598</b>	<b>48%</b>	<b>261</b>	<b>51%</b>	<b>360</b>	<b>47%</b>
<b>OTHER COERCIVE</b>										
Manslaughter 2nd	2	<1%	2	<1%	3	<1%	1	<1%	0	--
Other Homicide	0	--	2	<1%	0	--	0	--	0	--
Robbery 3rd	45	3%	40	3%	24	2%	9	2%	24	3%
Attempted Assault 2nd	12	1%	7	1%	5	<1%	2	0%	7	1%
Other Sex Offenses	8	1%	10	1%	8	1%	1	<1%	5	1%
Other Coercive	8	1%	18	1%	14	1%	4	1%	13	2%
<b>TOTAL Other Coercive</b>	<b>75</b>	<b>6%</b>	<b>79</b>	<b>6%</b>	<b>54</b>	<b>4%</b>	<b>17</b>	<b>3%</b>	<b>49</b>	<b>6%</b>
<b>DRUG OFFENSES</b>										
Drug Sale	137	10%	144	11%	150	12%	41	8%	59	8%
Drug Possession	172	13%	152	11%	163	13%	67	13%	93	12%
<b>TOTAL Drug Offenses</b>	<b>309</b>	<b>23%</b>	<b>296</b>	<b>22%</b>	<b>313</b>	<b>25%</b>	<b>108</b>	<b>21%</b>	<b>152</b>	<b>20%</b>
<b>MAJOR PROPERTY</b>										
Burglary 3rd	100	8%	106	8%	104	8%	37	7%	74	10%
Grand Larceny	51	4%	53	4%	52	4%	18	4%	33	4%
Forgery	16	1%	18	1%	18	1%	8	2%	8	1%
Stolen Property	22	2%	19	1%	14	1%	8	2%	10	1%
<b>TOTAL Major Property</b>	<b>189</b>	<b>14%</b>	<b>196</b>	<b>15%</b>	<b>188</b>	<b>15%</b>	<b>71</b>	<b>14%</b>	<b>125</b>	<b>16%</b>
<b>OTHER FELONY</b>										
Driving While Intoxicated	17	1%	16	1%	12	1%	8	2%	11	1%
Non-Violent Weapons Offense	13	1%	9	1%	13	1%	10	2%	5	1%
All Other Felonies	30	2%	33	2%	42	3%	20	4%	37	5%
<b>TOTAL Other Felony</b>	<b>60</b>	<b>5%</b>	<b>58</b>	<b>4%</b>	<b>67</b>	<b>5%</b>	<b>38</b>	<b>7%</b>	<b>53</b>	<b>7%</b>
<b>YOUTHFUL/JUVENILE OFFENDERS</b>										
YO/JO	21	2%	37	3%	26	2%	7	1%	17	2%
<b>TOTAL YO/JO</b>	<b>21</b>	<b>2%</b>	<b>37</b>	<b>3%</b>	<b>26</b>	<b>2%</b>	<b>7</b>	<b>1%</b>	<b>17</b>	<b>2%</b>
<b>GRAND TOTAL</b>	<b>1,322</b>	<b>100%</b>	<b>1,330</b>	<b>100%</b>	<b>1,256</b>	<b>100%</b>	<b>509</b>	<b>100%</b>	<b>761</b>	<b>100%</b>

**TABLE 19. ORIGINAL COMMITMENT OFFENSE OF NEW FELONY RETURNS TO PRISON:  
2017 TO 2021**

COMMITMENT OFFENSE	2017		2018		2019		2020		2021	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
<b>A1 VIOLENT OFFENSES</b>										
Murder, Murder 1st & 2nd										
Attempted Murder 1st	63	1%	57	1%	60	1%	15	1%	31	1%
Kidnapping 1st	2	<1%	2	<1%	1	<1%	4	<1%	1	0%
Arson 1st	0	--	1	<1%	0	--	0	--	0	--
<b>TOTAL A1 Violent</b>	<b>65</b>	<b>1%</b>	<b>60</b>	<b>1%</b>	<b>61</b>	<b>1%</b>	<b>19</b>	<b>1%</b>	<b>32</b>	<b>1%</b>
<b>LEGISLATIVE VFO</b>										
Attempted Murder 2nd	46	1%	38	1%	36	1%	21	1%	16	1%
Manslaughter 1st	61	1%	43	1%	42	1%	13	0%	16	1%
Rape 1st	119	2%	110	1%	92	1%	43	1%	41	2%
Robbery 1st	422	5%	375	5%	359	5%	155	5%	133	5%
Robbery 2nd	630	8%	549	7%	489	7%	216	7%	194	7%
Assault 1st	127	2%	134	2%	112	2%	49	2%	56	2%
Other Assault	343	4%	353	5%	325	5%	157	5%	141	5%
Burglary 1st	85	1%	77	1%	76	1%	32	1%	17	1%
Burglary 2nd	814	10%	799	11%	700	10%	303	10%	299	11%
Attempted Arson 1st, Arson 2nd	23	<1%	22	<1%	18	<1%	11	0%	11	0%
Sodomy 1st	79	1%	75	1%	62	1%	33	1%	20	1%
Sexual Abuse	286	4%	291	4%	261	4%	104	4%	121	5%
Weapons Offense	570	7%	551	7%	543	8%	217	7%	207	8%
Terrorism/False Bombing	2	<1%	1	<1%	5	<1%	1	<1%	0	--
Attempted Kidnapping 1st, Kidnapping 2nd	14	<1%	6	<1%	16	<1%	5	<1%	5	0%
<b>TOTAL Legislative VFO</b>	<b>3,621</b>	<b>43%</b>	<b>3,424</b>	<b>46%</b>	<b>3,136</b>	<b>45%</b>	<b>1,360</b>	<b>47%</b>	<b>1,277</b>	<b>48%</b>
<b>OTHER COERCIVE</b>										
Manslaughter 2nd	8	<1%	11	<1%	6	<1%	3	<1%	10	0%
Other Homicide	6	<1%	8	<1%	8	<1%	1	<1%	5	0%
Robbery 3rd	262	3%	251	3%	251	4%	89	3%	60	2%
Attempted Assault 2nd	86	1%	90	1%	84	1%	41	1%	31	1%
Other Sex Offenses	213	3%	184	2%	163	2%	66	2%	86	3%
Other Coercive	66	1%	64	1%	95	1%	40	1%	56	2%
<b>TOTAL Other Coercive</b>	<b>641</b>	<b>8%</b>	<b>608</b>	<b>8%</b>	<b>607</b>	<b>9%</b>	<b>240</b>	<b>8%</b>	<b>248</b>	<b>9%</b>
<b>DRUG OFFENSES</b>										
Drug Sale	753	10%	680	9%	614	9%	251	9%	195	7%
Drug Possession	618	8%	582	8%	532	8%	235	8%	271	10%
<b>TOTAL Drug Offenses</b>	<b>1,371</b>	<b>18%</b>	<b>1,262</b>	<b>17%</b>	<b>1,146</b>	<b>16%</b>	<b>486</b>	<b>17%</b>	<b>466</b>	<b>17%</b>
<b>MAJOR PROPERTY</b>										
Burglary 3rd	612	8%	616	8%	634	9%	256	9%	231	9%
Grand Larceny	389	5%	369	5%	335	5%	126	4%	112	4%
Forgery	159	2%	136	2%	125	2%	44	2%	32	1%
Stolen Property	130	2%	140	2%	132	2%	50	2%	40	1%
<b>TOTAL Major Property</b>	<b>1,290</b>	<b>17%</b>	<b>1,261</b>	<b>17%</b>	<b>1,226</b>	<b>17%</b>	<b>476</b>	<b>16%</b>	<b>415</b>	<b>15%</b>
<b>OTHER FELONY</b>										
Driving While Intoxicated	109	1%	129	2%	114	2%	44	2%	41	2%
Non-Violent Weapons Offense	108	1%	120	2%	120	2%	43	1%	7	0%
All Other Felonies	365	5%	386	5%	441	6%	163	6%	146	5%
<b>TOTAL Other Felony</b>	<b>582</b>	<b>7%</b>	<b>635</b>	<b>9%</b>	<b>675</b>	<b>10%</b>	<b>250</b>	<b>9%</b>	<b>194</b>	<b>7%</b>
<b>YOUTHFUL/JUVENILE OFFENDERS</b>										
YO/JO	232	3%	188	3%	186	3%	86	3%	50	2%
<b>TOTAL YO/JO</b>	<b>232</b>	<b>3%</b>	<b>188</b>	<b>3%</b>	<b>186</b>	<b>3%</b>	<b>86</b>	<b>3%</b>	<b>50</b>	<b>2%</b>
<b>GRAND TOTAL</b>	<b>7,802</b>	<b>100%</b>	<b>7,438</b>	<b>100%</b>	<b>7,037</b>	<b>100%</b>	<b>2,917</b>	<b>100%</b>	<b>2,682</b>	<b>100%</b>

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