



Corrections and Community Supervision

Board of Parole

Legislative Report

2022

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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 component 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 2018 through 2022 with demographic information being presented for 2022.

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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 be comprised of up to 19 members and there were 14 members at the conclusion of 2022. 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.

Pursuant to article 12-B of the Executive Law, the Board is charged with determining who may be granted discretionary release to parole, setting the conditions of release to community supervision, and overseeing the revocation of release. The Board is further authorized to promulgate rules and regulations governing its duties under the establishing statute, appoint its own counsel and appoint hearing officers to preside over revocation proceedings.

The Board members have two primary responsibilities relating to the process for determining whether to grant discretionary release. The first is the meticulous case-by-case screening of individuals being considered for discretionary release in conjunction with a personal appearance before the Board in an informal, non-adversarial interview. SHOCK cases are the only exception where there is not an interview. 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.

The Board is also charged with taking victim impact statements. 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 duty is implemented through administrative proceedings presided over by hearing officers

appointed by and reporting to the Board. These proceedings may return the individual to incarceration or impose other appropriate sanctions in the event charged violations are sustained.

All decisions of the Board denying discretionary release or rescinding a grant of release and the determinations of its Administrative Law Judges revoking release may be administratively appealed. The Appeals Unit within the Board's Office of Counsel reviews these appeals and reports its findings and recommendations to members of the Board for determination.

As a result of the Less is More Act, certain determinations revoking release for violations that amount to a felony or misdemeanor may be directly appealed to local courts. In these appeals, the Office of Counsel to the Board appears before the appellate courts as counsel to the respondent.

EXECUTIVE SUMMARY

- The Total Parole Board Workload declined by 1,570 interviews/case reviews from 12,906 in 2021 to 11,336 in 2022. This represents a 45% decrease since 2018 and a 12% decrease from 2021 (Table 1).
- The Total Initial approval rate (excluding Shock) decreased by 10 percentage points from 44% in 2018 to 34% in 2022. The Total Non-Administrative approval rate decreased by 8 percentage points from 44% in 2018 to 36% in 2022 (Table 1).
- The number of Initial Interviews for A-1 Violent Felony Offenses declined by 28% between 2018 and 2022. The approval rate for these cases increased by 6 percentage points from 36% in 2018 to 42% in 2022 (Table 2 and Table 3A).
- The number of Initial Interviews for Drug Offenders declined by 42% between 2018 and 2022. The approval rate for these interviews increased from 43% in 2018 to 44% in 2022 (Table 2 and Table 3B).
- Approval rates for the 2022 Non-Administrative Parole Board Interviews were highest among incarcerated women (46%); individuals in their 50's (42%); and individuals who were sentenced in Upstate Rural counties (45%) (Table 6).
- The 2022 approval rate for African-American individuals convicted of an A-I Violent Felony was 37%, higher than the 22% approval rate among White individuals. The approval rate for African-Americans with Drug Offenses (45%) was slightly lower than the approval rate for White individuals (50%) (Table 7).
- The number of releasee returns to prison for new felony convictions declined by 35% from 1,330 in 2018 to 862 in 2022 (Table 12).
- The number of releasee returns to prison for violating the conditions of parole declined by 86% between 2018 and 2022 and by 62% between 2021 and 2022. (Table 12).
- The proportion of returns to prison for new court commitments increased from 15% in 2018 to 46% in 2022, while the proportion of returns for parole violations decreased from 85% in 2018 to 54% in 2022 (Table 12).
- Consistent with their proportions of the active releasee population, the highest proportion of releasee returns to prison in 2022 was among individuals in their 30's (41%) and African-Americans (45%). Additionally, nearly half (47%) of those returned were 2nd felony offenders and more than half (54%) of those returned had an A-1 Violent/VFO Crime (Table 13).

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 include determinations regarding whether to grant discretionary release after a personal appearance before the Board in an informal, non-adversarial interview. These determinations also include Final Deportation releases and Shock decisions. Board interviews are known as Non-Administrative interviews.

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 only sets the conditions of parole supervision in the community and does not make a release determination.

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 only sets the conditions of parole supervision in the community and does not make a release determination.

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 Drug Treatment Campus), being a juvenile offender released to parole supervision directly from the Office of Children and Family Services (OCFS), being placed on parole supervision directly from local jail, and being placed on a specialized sex offender caseload in the community after a determination is made by the court (SIST¹).

The Board measures 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

¹ 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/2022_somb_annual_report.pdf.

associations only, not correlations nor causations. Detailed information on release decisions from 2018 to 2022 is provided below.

- Between 2018 and 2022, the total number of Non-Administrative Interviews decreased by 43%, while the number of initial interviews decreased by 38% and the number of reappearances decreased by 53% (Table 1).
- The Total Non-Administrative approval rate decreased from 44% in 2018 to 36% in 2022. Similarly, the Total Initial approval rate (excluding Shock) decreased from 44% in 2018 to 34% in 2022 (Table 1).
- The number of Presumptive Reviews (including Merit Presumptive and Supplemental Merit Presumptive) increased from 24 in 2018 to 35 in 2022. (Table 1).
- While the number of interviews for A-1 Violent Felony Offenders decreased by 28% (-102) between 2018 and 2022, the approval rate increased by 6 percentage points, from 36% to 42% (Table 2 and Table 3A).
- The number of Initial Interviews for offenders with Other Coercive Offenses² declined by 345 from 1,162 in 2018 to 817 in 2022. This represents a 30% decrease. The approval rate for these offenses decreased by 12 percentage points from 41% in 2018 to 29% in 2022 (Table 2 and Table 3A).
- The number of Initial Interviews (excluding Shock and Early Deportation) for Major Property Offenders declined by 953 from 1,821 in 2018 to 868 in 2022. This represents a 52% decrease. The approval rate for these cases decreased by 13 percentage points from 59% in 2018 to 46% in 2022 (Table 2 and Table 3B).
- The number of Initial Interviews for Drug Offenders declined by 167 from 396 in 2018 to 229 in 2022. This represents a 42% decrease. The approval rate for these interviews increased slightly from 43% in 2018 to 44% in 2022 (Table 2 and Table 3B).
- Among Initial Interviews, the approval rate increased with age at interview (Table 4).
- Among the Initial Interviews of individuals who served 15 years or longer at their interview, the highest approval rate (45%) was for those age 55 or older (Table 4).
- The Board conducted 107 interviews of Juvenile Offenders under the jurisdiction of OCFS during 2022. Eighty-five percent of these were Initial Interviews (Table 5).
- The 15% approval rate of Initial Interviews for Juvenile Offenders in 2022 represented a decrease from 25% in 2018 and from 40% in 2021. The approval rate of Reappearance

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

Interviews for Juvenile Offenders decreased from 58% to 31% in the same time period (Table 5).

- Females had higher approval rates than males at both Initial and Reappearance Interviews (Table 6).
- Half (50%) of the Total Non-Administrative Interviews in 2022 were for incarcerated individuals who were between the ages of 30 and 49 at the time of their interview (Table 6).
- Incarcerated individuals in their 50's had the highest approval rate among the Total Non-Administrative Interviews in 2022 (42%), while those under 18 years old had the lowest approval rate (12%) (Table 6).
- Among 2022 Non-Administrative Interviews, approval rates were highest (45%) for individuals sentenced from the Upstate Rural region of New York. Incarcerated individuals sentenced in New York City had the lowest approval rate of 30% (Table 6).
- First felony offenders represented the highest proportion (49%) of the total number of Non-Administrative Interviews during 2022. The approval rate for these interviews was 38%, five percentage points higher than second felony offenders (Table 6).
- The largest proportion of Initial Interviews was among COMPAS Supervision Level 4 (35%). The highest initial approval rate was among COMPAS Level 4 individuals (46%), while the lowest rate was among COMPAS Level 1 individuals (28%) (Table 6).
- Among the Non-Administrative Interviews during 2022 for offenders convicted of an A-1 Violent Felony, the approval rate for Whites was 22% compared to 37% for African-Americans and 41% for Hispanics (Table 7).
- Interviews of incarcerated individuals convicted of Legislative VFOs resulted in a 19% approval rate for Hispanics, a 22% approval rate for African-Americans, and a 29% approval rate for Whites (Table 7).

TABLE 1. PAROLE BOARD INTERVIEWS AND APPROVAL RATES: 2018 TO 2022

	2018	2019	2020	2021	2022
Total Non-Administrative	11,357	10,568	7,960	6,485	6,459
Granted Release	5,007	4,413	3,348	2,437	2,299
Approval Rate	44.1%	41.8%	42.1%	37.6%	35.6%
Total Initials w/o Shock	7,416	7,031	5,319	4,370	4,609
Granted Release	3,230	2,857	2,168	1,581	1,567
Approval Rate	43.6%	40.6%	40.8%	36.2%	34.0%
Initials	5,921	5,589	4,306	3,725	3,904
Granted Release	2,204	1,870	1,451	1,133	1,097
Approval Rate	37.2%	33.5%	33.7%	30.4%	28.1%
Merit	1,339	1,291	875	504	599
Granted Release	940	889	640	364	403
Approval Rate	70.2%	68.9%	73.1%	72.2%	67.3%
Supplemental Merit	0	2	0	0	1
Granted Release	0	1	0	0	1
Approval Rate	--	50.0%	--	--	100.0%
Limited Credit Time	90	90	111	107	80
Granted Release	42	52	56	58	48
Approval Rate	46.7%	57.8%	50.5%	54.2%	60.0%
Medical Parole	21	23	12	17	20
Granted Release	12	16	10	15	16
Approval Rate	57.1%	69.6%	83.3%	88.2%	80.0%
Early Release for Final Deportation	45	36	15	17	5
Granted Release	32	29	11	11	2
Approval Rate	71.1%	80.6%	73.3%	64.7%	40.0%
Shock	575	460	405	179	313
Granted Release	481	393	327	137	240
Approval Rate	83.7%	85.4%	80.7%	76.5%	76.7%
Reappearance	3,237	2,947	2,128	1,842	1,513
Granted Release	1,235	1,113	792	645	478
Approval Rate	38.2%	37.8%	37.2%	35.0%	31.6%
PV/CR Reappearance	129	130	108	94	24
Granted Release	61	50	61	74	14
Approval Rate	47.3%	38.5%	56.5%	78.7%	58.3%
Total Administrative	9,147	9,276	7,714	6,421	4,877
Other Administrative	267	472	417	459	206
Conditional Release - Reviews	4,642	4,622	4,062	3,671	3,142
Conditional Release - PV Reviews	2,432	2,414	1,677	1,237	614
Conditional Release - Shock Reviews	675	553	537	263	350
Conditional Release - Merit Reviews	858	884	708	475	301
Conditional Release - Limited Credit Time Reviews	244	290	270	261	225
Presumptive Release Reviews	5	8	6	13	6
Merit PR Review	19	20	31	24	29
Supp Merit PR Review	0	0	0	0	0
Medical Reviews Release Condition	3	6	2	2	1
Executive Clemency Release Condition	2	7	4	16	3
Total Board Workload	20,504	19,844	15,674	12,906	11,336
SORC Reappearances	1,681	1,885	1,041	601	285

**TABLE 2. PAROLE BOARD DECISIONS BY SUMMARY CRIME CATEGORIES
2018 to 2022 Initial Interviews
(Includes Merit, Supplemental Merit and LCTA; Excludes Shock and Early Deportation)**

CRIME OF COMMITMENT	2018			2019			2020			2021			2022		
	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	367	133	36%	343	127	37%	339	128	38%	317	130	41%	265	110	42%
Legislative VFO	1,254	256	20%	1,228	266	22%	1,108	226	20%	1,053	245	23%	987	216	22%
Other Coercive	1,162	481	41%	979	378	39%	836	337	40%	642	213	33%	817	238	29%
Drug Offenses	396	172	43%	384	160	42%	280	119	43%	262	115	44%	229	100	44%
Major Property	1,821	1,069	59%	1,833	969	53%	1,184	675	57%	866	456	53%	868	396	46%
Other Felony	1,899	907	48%	1,918	803	42%	1,358	616	45%	1,068	372	35%	1,270	466	37%
Youthful Offenders	464	177	38%	305	122	40%	191	54	28%	142	39	27%	160	34	21%
Juvenile Offenders*	8	3	38%	5	3	60%	8	2	25%	3	0	0%	8	5	63%
GRAND TOTAL	7,371	3,198	43%	6,995	2,828	40%	5,304	2,157	41%	4,353	1,570	36%	4,604	1,565	34%

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

**TABLE 3A. PAROLE BOARD DECISIONS BY CRIME OF COMMITMENT (page 1)
2018 to 2022 Initial Interviews
(Includes Merit, Supplemental Merit and LCTA; Excludes Shock and Early Deportation)**

CRIME OF COMMITMENT	2018			2019			2020			2021			2022		
	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	360	128	36%	336	124	37%	330	126	38%	310	126	41%	258	105	41%
Kidnapping 1st	6	4	67%	6	3	50%	5	1	20%	6	4	67%	5	3	60%
Arson 1st	1	1	100%	1	0	0%	4	1	25%	1	0	0%	2	2	100%
TOTAL A-1 Violent Offenses	367	133	36%	343	127	37%	339	128	38%	317	130	41%	265	110	42%
LEGISLATIVE VFO															
Attempted Murder 2nd	29	5	17%	37	5	14%	34	3	9%	41	3	7%	29	5	17%
Manslaughter 1st	35	4	11%	22	2	9%	27	4	15%	39	4	10%	24	2	8%
Rape 1st	46	4	9%	37	1	3%	30	2	7%	28	1	4%	31	6	19%
Robbery 1st	146	38	26%	142	43	30%	160	45	28%	134	41	31%	143	34	24%
Robbery 2nd	162	41	25%	178	50	28%	143	29	20%	129	35	27%	98	23	23%
Assault 1st	67	5	7%	63	11	17%	53	4	8%	60	10	17%	70	7	10%
Other Assault	195	38	19%	157	35	22%	140	34	24%	153	29	19%	144	28	19%
Burglary 1st	29	10	34%	28	4	14%	28	4	14%	29	8	28%	33	10	30%
Burglary 2nd	234	58	25%	228	62	27%	192	53	28%	189	66	35%	159	58	36%
Attempted Arson 1st, Arson 2nd	8	1	13%	7	0	0%	10	1	10%	2	0	0%	3	1	33%
Sodomy 1st	22	1	5%	18	0	0%	15	2	13%	15	3	20%	9	0	0%
Sexual Abuse	46	6	13%	46	1	2%	39	1	3%	26	1	4%	37	11	30%
Weapons Offenses	224	43	19%	248	49	20%	228	43	19%	206	44	21%	203	30	15%
Terrorism/False Bombing	7	1	14%	10	2	20%	3	0	0%	1	0	0%	3	1	33%
Attempted Kidnapping 1st, Kidnapping 2nd	4	1	25%	7	1	14%	6	1	17%	1	0	0%	1	0	0%
TOTAL Legislative VFO	1,254	256	20%	1,228	266	22%	1,108	226	20%	1,053	245	23%	987	216	22%
OTHER COERCIVE															
Manslaughter 2nd	38	11	29%	44	13	30%	34	16	47%	36	9	25%	42	12	29%
Other Homicide	46	15	33%	44	9	20%	34	13	38%	23	4	17%	44	9	20%
Robbery 3rd	433	193	45%	358	147	41%	299	116	39%	223	87	39%	267	80	30%
Attempted Assault 2nd	286	107	37%	247	86	35%	222	74	33%	169	39	23%	234	60	26%
Other Sex Offenses	60	11	18%	48	13	27%	47	17	36%	42	12	29%	37	9	24%
Other Coercive	299	144	48%	238	110	46%	200	101	51%	149	62	42%	193	68	35%
TOTAL Other Coercive	1,162	481	41%	979	378	39%	836	337	40%	642	213	33%	817	238	29%

TABLE 3B. PAROLE BOARD DECISIONS BY CRIME OF COMMITMENT (page 2)
2018 to 2022 Initial Interviews
(Includes Merit, Supplemental Merit and LCTA; Excludes Shock and Early Deportation)

CRIME OF COMMITMENT	2018			2019			2020			2021			2022		
	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	172	74	43%	160	68	43%	126	50	40%	110	51	46%	95	44	46%
Drug Possession	224	98	44%	224	92	41%	154	69	45%	152	64	42%	134	56	42%
TOTAL Drug Offenses	396	172	43%	384	160	42%	280	119	43%	262	115	44%	229	100	44%
MAJOR PROPERTY															
Burglary 3rd	771	429	56%	778	399	51%	563	326	58%	434	230	53%	512	238	46%
Grand Larceny	654	397	61%	681	362	53%	402	231	57%	262	138	53%	238	105	44%
Forgery	230	148	64%	195	113	58%	112	67	60%	81	40	49%	43	25	58%
Stolen Property	166	95	57%	179	95	53%	107	51	48%	89	48	54%	75	28	37%
TOTAL Major Property	1,821	1,069	59%	1,833	969	53%	1,184	675	57%	866	456	53%	868	396	46%
OTHER FELONY															
Driving While Intoxicated	509	258	51%	456	210	46%	321	152	47%	243	87	36%	257	125	49%
Non-Violent Weapon Offenses	373	160	43%	375	175	47%	269	122	45%	203	81	40%	293	95	32%
All Other Felonies	1,017	489	48%	1,087	418	38%	768	342	45%	622	204	33%	720	246	34%
TOTAL Other Felony	1,899	907	48%	1,918	803	42%	1,358	616	45%	1,068	372	35%	1,270	466	37%
YOUTHFUL/JUVENILE OFFENDERS															
Youthful Offenders	464	177	38%	305	122	40%	191	54	28%	142	39	27%	160	34	21%
Juvenile Offenders	8	3	38%	5	3	60%	8	2	25%	3	0	0%	8	5	63%
TOTAL YO/JO	472	180	38%	310	125	40%	199	56	28%	145	39	27%	168	39	23%
GRAND TOTAL	7,371	3,198	43%	6,995	2,828	40%	5,304	2,157	41%	4,353	1,570	36%	4,604	1,565	34%

**TABLE 4. PAROLE BOARD APPROVAL RATES
BY TIME SERVED AND AGE AT INTERVIEW
2022 Initial Interviews**

Time Served	Age at Interview	Initial Interview		
		Total Interviews	Approved	Percent Granted Release
<5 Years	<18	63	7	11%
	18-20	164	41	25%
	21-29	950	267	28%
	30-39	1,391	557	40%
	40-49	862	350	41%
	50-54	284	122	43%
	55+	371	163	44%
Subtotal		4,085	1,507	37%
5-9 Years	<18	0	--	--
	18-20	0	--	--
	21-29	48	4	8%
	30-39	123	22	18%
	40-49	75	29	39%
	50-54	20	10	50%
	55+	29	13	45%
Subtotal		295	78	26%
10-14 Years	<18	0	--	--
	18-20	0	--	--
	21-29	1	0	0%
	30-39	44	10	23%
	40-49	36	12	33%
	50-54	22	14	64%
	55+	52	28	54%
Subtotal		155	64	41%
15+ Years	<18	0	--	--
	18-20	0	--	--
	21-29	0	--	--
	30-39	27	5	19%
	40-49	142	58	41%
	50-54	57	23	40%
	55+	161	72	45%
Subtotal		387	158	41%
Total	<18	63	7	11%
	18-20	164	41	25%
	21-29	999	271	27%
	30-39	1,585	594	37%
	40-49	1,115	449	40%
	50-54	383	169	44%
	55+	613	276	45%
Grand Total		4,922	1,807	37%

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

**TABLE 5. JUVENILE OFFENDERS UNDER OCFS JURISDICTION
PAROLE BOARD INTERVIEWS AND APPROVAL RATES
2018 to 2022**

	2018		2019		2020		2021		2022	
	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	18	25%	19	38%	15	38%	18	40%	14	15%
Postponed	29	40%	20	40%	15	38%	15	33%	34	37%
Denied	26	36%	11	22%	9	23%	12	27%	43	47%
TOTAL	73	100%	50	100%	39	100%	45	100%	91	100%
REAPPEARANCE INTERVIEWS										
Approved	21	58%	13	50%	7	64%	4	44%	5	31%
Postponed	5	14%	4	15%	2	18%	0	0%	1	6%
Denied	10	28%	9	35%	2	18%	5	56%	10	63%
TOTAL	36	100%	26	100%	11	100%	9	100%	16	100%

**TABLE 6. PAROLE BOARD APPROVAL RATES BY INDIVIDUAL CHARACTERISTICS
2022 Initial and Reappearance Interviews**

INDIVIDUAL 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	4,565	93%	36%	1,466	95%	32%	6,031	93%	35%
Female	357	7%	48%	71	5%	39%	428	7%	46%
AGE AT INTERVIEW									
Under 18 Years	63	1%	11%	3	0%	33%	66	1%	12%
18-20 Years	164	3%	25%	38	2%	21%	202	3%	24%
21-29 Years	999	20%	27%	231	15%	26%	1,230	19%	27%
30-39 Years	1,585	32%	37%	262	17%	33%	1,847	29%	37%
40-49 Years	1,115	23%	40%	270	18%	39%	1,385	21%	40%
50-59 Years	684	14%	44%	376	24%	38%	1,060	16%	42%
60+ Years	312	6%	46%	357	23%	25%	669	10%	35%
RACE/ETHNICITY									
African-American	2,048	42%	31%	710	46%	29%	2,758	43%	31%
Hispanic	957	19%	31%	299	19%	36%	1,256	19%	32%
White	1,735	35%	47%	482	31%	34%	2,217	34%	44%
Asian/ Pacific Islander	38	1%	47%	6	0%	50%	44	1%	48%
Native American	43	1%	37%	21	1%	19%	64	1%	31%
Other	91	2%	31%	18	1%	44%	109	2%	33%
Unknown	10	0%	50%	1	0%	0%	11	0%	45%
REGION OF SENTENCE									
New York City	1,719	35%	30%	699	45%	29%	2,418	37%	30%
Suburban New York City	562	11%	32%	184	12%	31%	746	12%	32%
Upstate Urban	1,082	22%	37%	321	21%	31%	1,403	22%	35%
Upstate Rural	1,559	32%	46%	333	22%	39%	1,892	29%	45%
FELONY OFFENDER STATUS									
1st Felony Offender	2,292	47%	39%	900	59%	34%	3,192	49%	38%
2nd Felony Offender	2,413	49%	34%	529	34%	28%	2,942	46%	33%
Persistent Felony Offender	103	2%	72%	88	6%	39%	191	3%	57%
Unknown	114	2%	12%	20	1%	25%	134	2%	14%
COMPAS SUPERVISION LEVEL									
Level 1	1,078	22%	28%	400	26%	36%	1,478	23%	30%
Level 2	337	7%	41%	79	5%	46%	416	6%	42%
Level 3	1,632	33%	34%	291	19%	28%	1,923	30%	33%
Level 4	1,727	35%	46%	726	47%	31%	2,453	38%	41%
Pending	148	3%	14%	41	3%	12%	189	3%	14%
Total Interviews	4,922	100%	37%	1,537	100%	32%	6,459	100%	36%

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

**TABLE 7. PAROLE BOARD APPROVAL RATES
BY RACE AND CURRENT OFFENSE TYPE
2022 Non-Administrative Interviews***

CURRENT OFFENSE TYPE		RACE							Total
		African-American	Hispanic	White	Asian/ Pacific Islander	Native American	Other	Unknown	
A-1 Violent	# of Interviews	405	167	196	10	2	2	0	782
	% Granted Release	37%	41%	22%	40%	0%	50%	0%	34%
Legislative VFO	# of Interviews	735	285	263	5	12	21	4	1,325
	% Granted Release	22%	19%	29%	20%	17%	33%	50%	23%
Other Coercive	# of Interviews	563	288	364	11	12	37	0	1,275
	% Granted Release	30%	27%	39%	46%	42%	27%	0%	32%
Drug Offenses	# of Interviews	140	79	70	0	2	6	0	297
	% Granted Release	45%	60%	50%	0%	0%	50%	0%	50%
Major Property	# of Interviews	349	205	542	7	7	25	3	1,138
	% Granted Release	39%	41%	56%	86%	43%	36%	67%	48%
Other Felony	# of Interviews	410	183	750	6	24	16	3	1,392
	% Granted Release	30%	31%	49%	67%	38%	31%	33%	41%
Youthful Offender	# of Interviews	142	44	31	5	4	2	0	228
	% Granted Release	23%	23%	32%	20%	25%	50%	0%	24%
Juvenile Offender	# of Interviews	15	5	1	0	1	0	0	22
	% Granted Release	47%	40%	0%	0%	0%	0%	0%	41%
Total	# of Interviews	2,759	1,256	2,217	44	64	109	10	6,459
	% Granted Release	31%	32%	44%	48%	31%	33%	50%	36%

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

Section 2 – Life Sentences

- Half (50%) of the total Initial Interviews for individuals sentenced to indeterminate terms with a life maximum were approved for release (Table 8).
- Individuals aged 55 and older, at the time of the crime, had the highest approval rate at Initial Interview (100%), followed by those who were under age 18 at the time of the crime (68%) (Table 8).
- Seventy-two percent of individuals under 18 at the time of the crime for which they were sentenced to life (minor offenders), who had a Board interview during 2022, were convicted of Murder in the 2nd degree and not sentenced as juvenile offenders. These 58 interviews resulted in a 52% approval rate (Table 9).
- Among all minor offenders with an interview during 2022, African-Americans had the highest approval rate (56%), followed by Hispanics (50%) (Table 9).

**TABLE 8. PAROLE BOARD APPROVAL RATES AMONG LIFE SENTENCES
AGE AT CRIME BY INTERVIEW TYPE
2022 Initial and Reappearance Interviews**

AGE AT CRIME	Initial Interviews*			Reappearance Interviews			Total Non-Administrative Interviews		
	Number	Approved	Percent Granted Release	Number	Approved	Percent Granted Release	Number	Approved	Percent Granted Release
Under 18 Years	34	23	68%	47	16	34%	81	39	48%
18-20 Years	56	23	41%	113	33	29%	169	56	33%
21-29 Years	117	49	42%	236	75	32%	353	124	35%
30-39 Years	110	55	50%	180	54	30%	290	109	38%
40-49 Years	62	36	58%	42	14	33%	104	50	48%
50-54 Years	17	11	65%	7	3	43%	24	14	58%
55+ Years	3	3	100%	1	1	100%	4	4	100%
Total Interviews	399	200	50%	626	196	31%	1,025	396	39%

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

**TABLE 9. PAROLE BOARD APPROVAL RATES
BY RACE AND CURRENT OFFENSE TYPE
FOR INDIVIDUALS UNDER 18 AT THE TIME OF THE CRIME
FOR WHICH THEY WERE SENTENCED TO LIFE IMPRISONMENT
2022 Non-Administrative Interviews***

CURRENT OFFENSE TYPE		RACE							Total
		African-American	Hispanic	White	Asian/ Pacific Islander	Native American	Other	Unknown	
Murder (Degreeless)	# of Interviews	3	0	2	0	0	0	0	5
	% Granted Release	0%	--	0%	--	--	--	--	0%
Murder (2nd Degree)	# of Interviews	33	12	11	1	0	1	0	58
	% Granted Release	61%	50%	27%	0%		100%	--	52%
Arson	# of Interviews	1	0	0	0	0	0	0	1
	% Granted Release	100%	--	--	--	--	--	--	100%
JO Murder	# of Interviews	11	4	1	0	1	0	0	17
	% Granted Release	55%	50%	0%	--	0%	--	--	47%
Total**	# of Interviews	48	16	14	1	1	1	0	81
	% Granted Release	56%	50%	21%	0%	0%	100%	--	48%

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

**This represents total interviews. 68 different Incarcerated Individuals were interviewed - some were interviewed multiple times in 2022

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 2018 and 2022 are as follows:

- For calendar year 2018: 2,209
- For calendar year 2019: 2,431
- For calendar year 2020: 1,905
- For calendar year 2021: 1,553
- For calendar year 2022: 1,282

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; 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. Additionally, pursuant to legislation effective in March 2022, under subdivision 4-a of Section 259-i of the Executive Law, releasees whose parole was revoked upon one or more sustained non-technical violation charges alleging a misdemeanor or felony may appeal such finding directly to a court.

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 (ALJs) and Preliminary Hearing Officers (PHOs) adjudicate alleged violations of parole..

PHOs and ALJs preside over preliminary revocation hearings. If the burden of proof as to any violation charge is met at a preliminary hearing, then the revocation case will proceed to a final revocation hearing.

ALJs preside over the final revocation hearings. At a final revocation hearing, the alleged violator is entitled to a number of due process protections, including the right to representation by counsel. If an ALJ sustains one or more of the violation charges, the violator may be returned to state custody for all or a portion of the remaining sentence pursuant to imposed time assessments, or restored to parole supervision with additional conditions as deemed appropriate, e.g. treatment programs, depending upon circumstances. If no charges are sustained the case is dismissed and the person is returned to supervision. The Bureau operates in accordance with an established system governed by statute and regulation. 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. By rulemaking effective March 1, 2022, these conditions were again amended in light of the Less is More Act.

Parole Revocation Guidelines

Prior to March 1, 2022, and since 1997, outcomes of the parole revocation process were pursuant to a guideline structure that considered 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.

Less is More Legislation

In September 2021, Governor Hochul signed into law the Less Is More Act. Among other changes, this legislation changes the procedures regarding the issuance and processing of violations of the conditions of parole supervision. This legislation became effective on March 1, 2022, and has had a significant impact on parole operations and the releasee population.

The violation procedures changed under Less Is More. Violation activity is now reflected with the creation of a revocation “case”. Warrants can still be issued, but they are not required for each revocation case. Where a warrant is issued, the releasee must be presented to a court within 24 hours of execution of the warrant, and the court may order the individual detained pending the revocation proceedings only upon a finding that the releasee currently presents a substantial risk of willfully failing to appear at the preliminary or final revocation hearings and that no non-monetary condition or combination of conditions in the community will reasonably assure the releasee’s appearance at the proceedings. Additionally, Less Is More significantly changed the sanctions that can be imposed for parole violations, resulting in fewer returns to prison. As a result of these changes, direct comparisons to prior years cannot be made for violation activity during 2022.

Returns to prison have been declining since 2008. The COVID-19 pandemic accelerated this trend in 2020, while the implementation of Less is More legislation in March 2022 further contributed to this decline.

Violation Process Highlights

Prior to the effective date of the Less is More Act, an alleged parole violator was entitled to a preliminary violation hearing to determine whether there was probable cause within 15 days of arrest on the parole warrant. If probable cause was not found or if the preliminary hearing was waived by the alleged violator, the final revocation hearing was required to be scheduled to be held within 90 days. After the Less is More Act, the standard of proof at the preliminary hearing is now a preponderance of the evidence and the time to schedule both the preliminary and final revocation hearings is 5 days and 30 days where ordered detained and 10 days and 45 days where not detained.

- The number of both preliminary and final hearings decreased between 2018 and 2022, by 73% and 64%, respectively (Table 10 and Table 11).
- Over half (53%) of alleged violators scheduled for a preliminary violation hearing in 2022 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 14 percentage points between 2018 and 2022, from 27% to 41% (Table 10).
- Final hearing completion rates declined over the last five years, from 49% in 2018 to 33% in 2022 (Table 11).

**TABLE 10. VIOLATION PROCESS
PRELIMINARY HEARING ACTIVITY
2018 TO 2022**

Year	Preliminary Hearings							
	Waived		Completed		Adjourned		TOTAL PROCESSED	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
2018	11,702	71.6%	4,403	26.9%	246	1.5%	16,351	100%
2019	10,993	69.6%	4,543	28.8%	263	1.7%	15,799	100%
2020	5,463	64.6%	2,661	31.5%	335	4.0%	8,459	100%
2021	4,157	58.0%	2,628	36.6%	387	5.4%	7,172	100%
2022	2,363	52.9%	1,825	40.8%	283	6.3%	4,471	100%

**TABLE 11. VIOLATION PROCESS
FINAL HEARING ACTIVITY
2018 TO 2022**

Year	Final Hearings					
	Completed		Adjourned		TOTAL PROCESSED	
	Number	Percent	Number	Percent	Number	Percent
2018	13,146	49.2%	13,595	50.8%	26,741	100%
2019	12,605	48.7%	13,281	51.3%	25,886	100%
2020	6,793	43.1%	8,985	56.9%	15,778	100%
2021	5,340	42.3%	7,283	57.7%	12,623	100%
2022	3,214	33.1%	6,500	66.9%	9,714	100%

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. Return to prison dispositions do not necessarily result in an admission to DOCCS custody. This is particularly true since the implementation of Less is More, which has shorter time assessments that may be served in jail instead of prison. Below are the statistics concerning releasee returns to prison between 2018 and 2022.

- There were 1,891 releasee returns to prison in 2022, a decrease of 6,877 (-78%) from 2018. Of these returns, 1,029 (54%) were for violations of the conditions of parole and 862 (46%) 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.
- Among total returns to custody, the proportion of returns for violating conditions of parole decreased, while the proportion of returns for new commitments increased (Table 12).
- There was a decline of 6,409 (-86%) in the number of returns to prison for violating the conditions of parole, from 7,438 in 2018 to 1,029 in 2022 (Table 12).
- The proportion of the dynamic population of releasees returned to prison decreased from 17% in 2018 to 5% in 2022 (Table 12).
- The proportion of releasees returned to prison for violating the conditions of parole among the dynamic population dropped 12 percentage points from 15% in 2018 to 3% in 2022 (Table 12).
- Sixty-five percent of the returns to prison in 2022 were among releasees under the age of 40 (Table 13).
- Over half (54%) of the 2022 returns to prison were originally convicted of an A-I Violent or Legislative VFO offense (Table 13).
- Individuals of Hispanic descent made up 13% of overall returns to prison, smaller than the proportion of African-American (45%) and White (40%) individuals (Table 13). Compared to the total releasee population³, Hispanic individuals returned at a disproportionately lower rate and White individuals returned at a disproportionately higher rate.
- In 2022, at the time of return, 53% of all returns were supervised at Level 1, 19% at Level 2, 18% at Level 3, and 7% at Level 4. Releasees supervised at Level 1 (highest risk) were most likely to return for both new commitments and violating the conditions of parole (Table 14).

³ Refer to the report series “Community Supervision Legislative Report”.

- In 2022, 72% 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 (49%) at the end of 2022. This indicates that, as expected, returns to prison occurred disproportionately among Level 1 and Level 2 releasees (Table 14).
- The highest percentage (38%) of releasee returns to prison in 2022 were supervised in the Central New York region. The Central New York and Western New York regions had the largest numbers of releasee returns for a new court conviction (227 and 191, respectively) (Table 15).
- The number of releasee returns to prison for new felony convictions declined by 35% from 1,330 in 2018 to 862 in 2022. This was an increase of 13% from 761 returns in 2021. (Table 16).
- The proportion of releasee returns to prison as new commitments that were originally convicted of violent offenses increased from 50% in 2018 to 59% in 2022. The proportion that was originally convicted of drug offenses decreased from 22% in 2018 to 15% in 2022 (Table 16).
- The number of releasee returns to prison for violating the conditions of parole declined by 86% between 2018 and 2022 and by 62% between 2021 and 2022 (Table 17).

**TABLE 12. RELEASEE RETURNS TO PRISON
as a Proportion of the Releasee Dynamic Population
2018 to 2022**

Return Reason	2018	2019	2020	2021	2022
New Court Conviction	1,330	1,256	509	761	862
<i>% of Dynamic Population</i>	3%	3%	1%	2%	2%
<i>% of Total Returns</i>	15%	15%	15%	22%	46%
Violating Conditions of Parole ¹	7,438	7,037	2,917	2,682	1,029
<i>% of Dynamic Population</i>	15%	14%	6%	6%	3%
<i>% of Total Returns</i>	85%	85%	85%	78%	54%
<i>Alt-45 Participants</i>	129	124	15	44	4
<i>Alt-90 Participants</i>	1,522	1,680	587	222	12
Total Prison Returns During Year	8,768	8,293	3,426	3,443	1,891
<i>% of Dynamic Population</i>	17%	17%	8%	8%	5%
<i>% of Total Returns</i>	100%	100%	100%	100%	100%
Dynamic Population	50,545	49,651	45,297	42,613	37,912

¹ Includes all warrant types absent those convicted of a new crime, including cases ordered to the Department's Alternative 90 day and Alternative 45 day programs.

**TABLE 13. RELEASEE RETURNS TO PRISON
BY OFFENDER CHARACTERISTICS
2022 Returns**

Offender Characteristics	Return Reason					
	New Court Conviction		Violating Conditions of Parole		Total	
GENDER						
Male	833	97%	986	96%	1,819	96%
Female	29	3%	43	4%	72	4%
AGE AT RETURN						
Under 18 Years	0	0%	0	0%	0	0%
18-20 Years	6	1%	2	0%	8	0%
21-29 Years	216	25%	233	23%	449	24%
30-39 Years	342	40%	441	43%	783	41%
40-49 Years	168	19%	226	22%	394	21%
50-59 Years	95	11%	92	9%	187	10%
60+ Years	35	4%	35	3%	70	4%
RACE/ETHNICITY						
African-American	457	53%	388	38%	845	45%
Hispanic	150	17%	93	9%	243	13%
White	230	27%	519	50%	749	40%
Asian/ Pacific Islander	0	0%	3	0%	3	0%
Native American	12	1%	17	2%	29	2%
Other	11	1%	7	1%	18	1%
Unknown	2	0%	2	0%	4	0%
FELONY OFFENDER STATUS						
1st Felony Offender	366	42%	504	49%	870	46%
2nd Felony Offender	407	47%	483	47%	890	47%
Persistent Felony Offender	14	2%	8	1%	22	1%
Youthful Offender	18	2%	17	2%	35	2%
Unknown	57	7%	17	2%	74	4%
ORIGINAL CRIME OF COMMITMENT						
A-1 Violent and Legislative VFO	498	58%	525	51%	1,023	54%
Other Coercive	52	6%	127	12%	179	9%
Drug Offenses	137	16%	141	14%	278	15%
Majority Property	111	13%	143	14%	254	13%
Other Felony	46	5%	78	8%	124	7%
YO/JO	18	2%	15	1%	33	2%

Total Returns	862	1,029	1,891
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Note: Includes releasees returned for new convictions or violating the conditions of parole supervision.

**TABLE 14. RELEASEE RETURNS TO PRISON DURING 2022
BY SUPERVISION LEVEL**

Supervision Level	Return Reason						Supervision Level for Parolees in the Community	
	New Court Conviction		Violating Conditions of Parole		Total			
	Number	Percent	Number	Percent	Number	Percent	December 31, 2022	
1 (25:1)	447	52%	559	54%	1,006	53%	1 (25:1)	39%
2 (40:1)	142	16%	221	21%	363	19%	2 (40:1)	10%
3 (80:1)	168	19%	176	17%	344	18%	3 (80:1)	19%
4 (160:1)	86	10%	55	5%	141	7%	4 (160:1)	30%
Pending	19	2%	18	2%	37	2%	Pending	1%
TOTAL	862	100%	1,029	100%	1,891	100%	TOTAL	100%

**TABLE 15. RELEASEE RETURNS TO PRISON IN 2022
BY REGION OF SUPERVISION**

Region	New Court Conviction		Violating Conditions of Parole		Total	
	Number	Percent	Number	Percent	Number	Percent
Queens-LI	93	11%	28	3%	121	6%
Brooklyn	75	9%	26	3%	101	5%
Manhattan	92	11%	39	4%	131	7%
Bronx	61	7%	18	2%	79	4%
Hudson Valley	120	14%	160	16%	280	15%
Central NY	227	26%	491	48%	718	38%
Western	191	22%	254	25%	445	24%
DTP	0	0%	1	<1%	1	<1%
Out of State	3	<1%	12	1%	15	1%
Total	862	100%	1,029	100%	1,891	100%

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

**TABLE 16. RELEASEE RETURNS TO PRISON AS NEW COMMITMENTS:
ORIGINAL CRIME OF COMMITMENT
2018 TO 2022**

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
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%
2022	508	59%	46	5%	132	15%	116	13%	48	6%	12	1%	862	100%

**TABLE 17. RELEASEE RETURNS TO PRISON FOR RULE VIOLATIONS:
ORIGINAL CRIME OF COMMITMENT
2018 TO 2022**

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
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%
2022	537	52%	129	13%	139	14%	143	14%	73	7%	8	1%	1,029	100%

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