



Department of Corrections and Community Supervision

Board of Parole

Legislative Report

2023

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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 (hereafter referred to as “The Board”) is an independently functioning unit of DOCCS regarding all of its decision-making functions, powers, and duties specified in law. Statewide, Administrative Law Judges (Hearing Officers), Preliminary Hearing Officers, Board Counsel’s Office attorneys and administrative staff, stationed in several regional offices, report directly to the Board.

This report is produced in accordance with section 259-c (13) of the Executive Law, which requires the Board to report to the Governor and the Legislature on its activity from the previous calendar year. Effective October 1, 2018, the Executive Law was amended requiring changes to the annual report. These changes state that the report shall include statistical information regarding the demographics of persons granted release and considered for release to Community Supervision or Deportation, including but not limited to age, gender, race, ethnicity, region of commitment and other relevant categories of classification and commitment. This report covers years 2019 through 2023 with demographic information being presented for 2023.

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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 16 members at the conclusion of 2023. 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 responsibility 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 2021 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 increased by 488 interviews/case reviews from 11,363 in 2022 to 11,851 in 2023. This represents a 40% decrease since 2019 and a 4% increase from 2022 (Table 1). This includes both interviews and administrative paper cases.
- The Total Non-Administrative approval rate decreased from 42% in 2019 to 40% in 2023. However, the Total Non-Administrative approval rate increased from 36% in 2022 to 40% in 2023. The Total Initial approval rate (excluding Shock) increased by 5 percentage points from 34% in 2022 to 39% in 2023 (Table 1). The Total Initial approval rate and the Non-Administrative approval rate both refer to the number of approvals among interviews.
- The approval rate for A-1 Violent Offenses increased from 37% in 2019 to 44% in 2023, while the approval rate for Other Coercive Offenses decreased from 41% to 34% (Table 2 and Table 3A).
- The number of Initial Interviews for Drug Offenders declined by 55% between 2019 and 2023. The approval rate for these interviews was 42% in both 2019 and 2023 (Table 2 and Table 3B).
- Approval rates for the 2023 Non-Administrative Parole Board Interviews were highest among incarcerated women (56%); individuals in their 40's (46%); and individuals who were sentenced in Upstate Rural counties (49%) (Table 6).
- The 2023 approval rate for Black individuals convicted of an A-I Violent Felony was 39%, higher than the 23% approval rate among White individuals. The approval rate for Black individuals with Drug Offenses (43%) was lower than the approval rate for White individuals (67%) (Table 7).
- The number of releasee returns to prison for new felony convictions declined by 39% from 1,256 in 2019 to 772 in 2023 (Table 12).
- The number of releasee returns to prison for violating the conditions of parole declined by 84% between 2019 and 2023 and increased by 9% between 2022 and 2023. (Table 12).
- The proportion of returns to prison for new court commitments increased from 15% in 2019 to 41% in 2023, while the proportion of returns for parole violations decreased from 85% in 2019 to 59% in 2023 (Table 12).
- Consistent with their proportions of the active releasee population, the highest proportion of releasee returns to prison in 2023 was among Black individuals (44%) and those in their 30's (41%). Additionally, just over half (53%) 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. To be clear, Administrative cases are not interviews. These are paper review cases where the Board sets conditions of release, but does not make a release decision.

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 90-day Drug Treatment Program), 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, the many factors

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/reports/2023_somb_annual_report.pdf.

taken into consideration by the Board of Parole when making a release decision are set forth by statute and regulation. Therefore, approval rates presented by these characteristics represent associations only, not correlations nor causations. Detailed information on release decisions from 2019 to 2023 is provided below.

- Between 2019 and 2023, the total number of non-administrative interviews decreased by 35%, while the number of initial interviews decreased by 29% and the number of reappearances decreased by 48% (Table 1).
- The Total Non-Administrative approval rate decreased from 42% in 2019 to 40% in 2023. Similarly, the Total Initial approval rate (excluding Shock) decreased from 41% in 2019 to 39% in 2023 (Table 1).
- The number of Presumptive Reviews (including Merit, Supplemental Merit, Medical, and Executive Clemency) decreased from 43 in 2019 to 17 in 2023. (Table 1).
- While the number of Initial Interviews for A-1 Violent Felony Offenders decreased by 17% (-59) between 2019 and 2023, the approval rate increased by 7 percentage points, from 37% to 44% (Table 2 and Table 3A).
- The number of Initial Interviews (excluding Shock and Early Deportation) for Major Property Offenders declined by 843 from 1,833 in 2019 to 990 in 2023. This represents a 46% decrease (Table 2 and Table 3B).
- Among Initial Interviews, the approval rate tended to increase 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 between 40 and 49 years of age (Table 4).
- The Board conducted 127 interviews of Juvenile Offenders under the jurisdiction of OCFS during 2023. Seventy-eight percent of these were Initial Interviews (Table 5).
- The 28% approval rate of Initial Interviews for Juvenile Offenders in 2023 represented a decrease from 38% in 2019 and an increase from 15% in 2022. The approval rate of Reappearance Interviews for Juvenile Offenders increased from 31% in 2022 to 43% in 2023 (Table 5).
- Females had higher approval rates than males at both Initial and Reappearance Interviews (Table 6).
- A plurality (30%) of the Total Non-Administrative Interviews in 2023 were for incarcerated individuals who were between the ages of 30 and 39 at the time of their interview (Table 6).

- Incarcerated individuals in their 40's had the highest approval rate among the Total Non-Administrative Interviews in 2023 (46%), while those under 18 years old had the lowest approval rate (21%) (Table 6).
- Among 2023 Non-Administrative Interviews, approval rates were highest (49%) for individuals sentenced from the Upstate Rural region of New York. Incarcerated individuals sentenced in New York City had the lowest approval rate of 32% (Table 6).
- First felony offenders represented the highest proportion (49%) of the total number of Non-Administrative Interviews during 2023. The approval rate for these interviews was 41% (Table 6).
- The largest proportion of Initial Interviews was among COMPAS Supervision Level 4 (33%). The highest initial approval rate was among COMPAS Level 4 individuals (48%), while the lowest approval rate was among COMPAS Level 1 individuals (36%) (Table 6).
- Among the Non-Administrative Interviews during 2023 for offenders convicted of an A-1 Violent Felony, the approval rate for White individuals was 23% compared to 39% for Black individuals and 36% for Hispanic individuals (Table 7).
- Interviews of incarcerated individuals convicted of Legislative VFOs resulted in a 23% approval rate for Hispanic individuals, a 21% approval rate for Black individuals, and a 29% approval rate for White individuals (Table 7).

TABLE 1. PAROLE BOARD INTERVIEWS AND APPROVAL RATES: 2019 TO 2023

	2019	2020	2021	2022	2023
Total Non-Administrative	10,568	7,960	6,488	6,473	6,919
Granted Release	4,413	3,348	2,439	2,301	2,749
Approval Rate	41.8%	42.1%	37.6%	35.5%	39.7%
Total Initials w/o Shock	7,031	5,319	4,370	4,621	5,027
Granted Release	2,857	2,168	1,581	1,569	1,950
Approval Rate	40.6%	40.8%	36.2%	34.0%	38.8%
Initials	5,589	4,306	3,725	3,911	4,177
Granted Release	1,870	1,451	1,133	1,098	1,369
Approval Rate	33.5%	33.7%	30.4%	28.1%	32.8%
Merit	1,291	875	504	604	725
Granted Release	889	640	364	404	508
Approval Rate	68.9%	73.1%	72.2%	66.9%	70.1%
Supplemental Merit	2	0	0	1	0
Granted Release	1	0	0	1	0
Approval Rate	50.0%	--	--	100.0%	--
Limited Credit Time	90	111	107	80	81
Granted Release	52	56	58	48	44
Approval Rate	57.8%	50.5%	54.2%	60.0%	54.3%
Medical Parole	23	12	17	20	39
Granted Release	16	10	15	16	27
Approval Rate	69.6%	83.3%	88.2%	80.0%	69.2%
Early Release for Final Deportation	36	15	17	5	5
Granted Release	29	11	11	2	2
Approval Rate	80.6%	73.3%	64.7%	40.0%	40.0%
Shock	460	405	179	313	359
Granted Release	393	327	137	240	286
Approval Rate	85.4%	80.7%	76.5%	76.7%	79.7%
Reappearance	2,947	2,128	1,845	1,515	1,518
Granted Release	1,113	792	647	478	502
Approval Rate	37.8%	37.2%	35.1%	31.6%	33.1%
PV/CR Reappearance	130	108	94	24	15
Granted Release	50	61	74	14	11
Approval Rate	38.5%	56.5%	78.7%	58.3%	73.3%
Total Administrative	9,278	7,715	6,421	4,890	4,932
Other Administrative	472	417	459	206	245
Conditional Release - Reviews	4,622	4,062	3,671	3,149	3,319
Conditional Release - PV Reviews	2,414	1,678	1,237	614	524
Conditional Release - Shock Reviews	553	537	263	351	332
Conditional Release - Merit Reviews	884	708	475	303	260
Conditional Release - Limited Credit Time Reviews	290	270	261	227	235
Presumptive Release Reviews	8	6	13	6	3
Merit PR Review	20	31	24	29	7
Supp Merit PR Review	2	0	0	1	0
Medical Reviews Release Condition	6	2	2	1	3
Executive Clemency Release Condition	7	4	16	3	4
Total Board Workload	19,846	15,675	12,909	11,363	11,851
SORC Reappearances	1,885	1,041	601	285	236

**TABLE 2. PAROLE BOARD DECISIONS BY SUMMARY CRIME CATEGORIES
2019 to 2023 Initial Interviews
(Includes Merit, Supplemental Merit, Medical Parole, and LCTA; Excludes Shock and Early Deportation)**

CRIME OF COMMITMENT	2019			2020			2021			2022			2023		
	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	343	127	37%	339	128	38%	315	128	41%	265	110	42%	284	126	44%
Legislative VFO	1,228	266	22%	1,113	226	20%	1,055	246	23%	1,003	218	22%	973	214	22%
Other Coercive	1,260	512	41%	1,026	429	42%	799	275	34%	1,010	300	30%	922	314	34%
Drug Offenses	384	160	42%	281	120	43%	262	115	44%	229	100	44%	172	73	42%
Major Property	1,833	969	53%	1,184	675	57%	869	457	53%	867	395	46%	990	527	53%
Other Felony	1,637	669	41%	1,162	523	45%	908	310	34%	1,073	405	38%	1,460	636	44%
Youthful Offenders	305	122	40%	191	54	28%	142	39	27%	161	34	21%	219	58	26%
Juvenile Offenders*	5	3	60%	8	2	25%	3	0	0%	8	5	63%	2	0	0%
GRAND TOTAL	6,995	2,828	40%	5,304	2,157	41%	4,353	1,570	36%	4,616	1,567	34%	5,022	1,948	39%

*These figures represent interviews for individuals at DOCCS with JO crimes.

**TABLE 3A. PAROLE BOARD DECISIONS BY CRIME OF COMMITMENT (page 1)
2019 to 2023 Initial Interviews**

(Includes Merit, Supplemental Merit, Medical Parole, and LCTA; Excludes Shock and Early Deportation)

CRIME OF COMMITMENT	2019			2020			2021			2022			2023		
	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	336	124	37%	330	126	38%	308	124	40%	258	105	41%	274	122	45%
Kidnapping 1st	6	3	50%	5	1	20%	6	4	67%	5	3	60%	7	2	29%
Arson 1st	1	0	0%	4	1	25%	1	0	0%	2	2	100%	3	2	67%
TOTAL A-1 Violent Offenses	343	127	37%	339	128	38%	315	128	41%	265	110	42%	284	126	44%
LEGISLATIVE VFO															
Conspiracy 1st	0	0	--	2	0	0%	0	0	--	0	0	--	0	0	--
Attempted Murder 2nd	37	5	14%	34	3	9%	41	3	7%	28	5	18%	55	5	9%
Manslaughter 1st	22	2	9%	27	4	15%	39	4	10%	26	3	12%	38	6	16%
Rape 1st	37	1	3%	30	2	7%	28	1	4%	31	6	19%	23	3	13%
Robbery 1st	142	43	30%	160	45	28%	134	41	31%	145	34	23%	102	25	25%
Robbery 2nd	178	50	28%	143	29	20%	129	35	27%	98	23	23%	93	20	22%
Assault 1st	63	11	17%	53	4	8%	60	10	17%	70	7	10%	51	11	22%
Other Assault	157	35	22%	143	34	24%	154	29	19%	149	28	19%	140	45	32%
Burglary 1st	28	4	14%	28	4	14%	29	8	28%	34	10	29%	38	10	26%
Burglary 2nd	228	62	27%	192	53	28%	189	66	35%	160	58	36%	140	46	33%
Attempted Arson 1st, Arson 2nd	7	0	0%	10	1	10%	2	0	0%	3	1	33%	0	0	--
Sodomy 1st	18	0	0%	15	2	13%	15	3	20%	10	0	0%	17	3	18%
Sexual Abuse	46	1	2%	39	1	3%	26	1	4%	37	11	30%	31	1	3%
Weapons Offenses	248	49	20%	228	43	19%	207	45	22%	207	31	15%	231	38	16%
Terrorism/False Bombing	10	2	20%	3	0	0%	1	0	0%	3	1	33%	4	1	25%
Attempted Kidnapping 1st, Kidnapping 2nd	7	1	14%	6	1	17%	1	0	0%	2	0	0%	10	0	0%
TOTAL Legislative VFO	1,228	266	22%	1,113	226	20%	1,055	246	23%	1,003	218	22%	973	214	22%
OTHER COERCIVE															
Manslaughter 2nd	44	13	30%	34	16	47%	36	9	25%	42	12	29%	47	12	26%
Other Homicide	44	9	20%	34	13	38%	23	4	17%	44	9	20%	55	15	27%
Robbery 3rd	358	147	41%	299	116	39%	223	87	39%	264	80	30%	304	98	32%
Attempted Assault 2nd	247	86	35%	222	74	33%	168	39	23%	236	60	25%	273	93	34%
Other Sex Offenses	48	13	27%	47	17	36%	42	12	29%	37	9	24%	53	21	40%
Other Coercive	519	244	47%	390	193	49%	307	124	40%	387	130	34%	190	75	39%
TOTAL Other Coercive	1,260	512	41%	1,026	429	42%	799	275	34%	1,010	300	30%	922	314	34%

TABLE 3B. PAROLE BOARD DECISIONS BY CRIME OF COMMITMENT (page 2)
2019 to 2023 Initial Interviews
(Includes Merit, Supplemental Merit, Medical Parole, and LCTA; Excludes Shock and Early Deportation)

CRIME OF COMMITMENT	2019			2020			2021			2022			2023		
	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	160	68	43%	126	50	40%	110	51	46%	95	44	46%	49	16	33%
Drug Possession	224	92	41%	155	70	45%	152	64	42%	134	56	42%	123	57	46%
TOTAL Drug Offenses	384	160	42%	281	120	43%	262	115	44%	229	100	44%	172	73	42%
MAJOR PROPERTY															
Burglary 3rd	778	399	51%	563	326	58%	436	230	53%	512	237	46%	493	264	54%
Grand Larceny	681	362	53%	402	231	57%	263	139	53%	237	105	44%	349	189	54%
Forgery	195	113	58%	112	67	60%	81	40	49%	43	25	58%	46	27	59%
Stolen Property	179	95	53%	107	51	48%	89	48	54%	75	28	37%	102	47	46%
TOTAL Major Property	1,833	969	53%	1,184	675	57%	869	457	53%	867	395	46%	990	527	53%
OTHER FELONY															
Driving While Intoxicated	456	210	46%	321	152	47%	243	87	36%	255	126	49%	229	123	54%
Non-Violent Weapon Offenses	94	41	44%	75	30	40%	45	19	42%	102	33	32%	440	179	41%
All Other Felonies	1,087	418	38%	766	341	45%	620	204	33%	716	246	34%	791	334	42%
TOTAL Other Felony	1,637	669	41%	1,162	523	45%	908	310	34%	1,073	405	38%	1,460	636	44%
YOUTHFUL/JUVENILE OFFENDERS															
Youthful Offenders	305	122	40%	191	54	28%	142	39	27%	161	34	21%	219	58	26%
Juvenile Offenders	5	3	60%	8	2	25%	3	0	0%	8	5	63%	2	0	0%
TOTAL YO/JO	310	125	40%	199	56	28%	145	39	27%	169	39	23%	221	58	26%
GRAND TOTAL	6,995	2,828	40%	5,304	2,157	41%	4,353	1,570	36%	4,616	1,567	34%	5,022	1,948	39%

**TABLE 4. PAROLE BOARD APPROVAL RATES
BY TIME SERVED AND AGE AT INTERVIEW
2023 Initial Interviews**

Time Served	Age at Interview	Initial Interview		
		Total Interviews	Approved	Percent Granted Release
<5 Years	<18	77	13	17%
	18-20	197	55	28%
	21-29	1,047	365	35%
	30-39	1,615	733	45%
	40-49	910	453	50%
	50-54	284	136	48%
	55+	397	200	50%
Subtotal		4,527	1,955	43%
5-9 Years	<18	0	0	--
	18-20	0	0	--
	21-29	68	10	15%
	30-39	112	16	14%
	40-49	65	21	32%
	50-54	30	6	20%
	55+	35	13	37%
Subtotal		310	66	21%
10-14 Years	<18	0	--	--
	18-20	0	--	--
	21-29	2	0	0%
	30-39	37	5	14%
	40-49	39	8	21%
	50-54	17	7	41%
	55+	34	18	53%
Subtotal		129	38	29%
15+ Years	<18	0	--	--
	18-20	0	--	--
	21-29	0	--	--
	30-39	23	6	26%
	40-49	146	66	45%
	50-54	77	32	42%
	55+	174	73	42%
Subtotal		420	177	42%
Total	<18	77	13	17%
	18-20	197	55	28%
	21-29	1,117	375	34%
	30-39	1,787	760	43%
	40-49	1,160	548	47%
	50-54	408	181	44%
	55+	640	304	48%
Grand Total		5,386	2,236	42%

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

**TABLE 5. JUVENILE OFFENDERS UNDER OCFS JURISDICTION
PAROLE BOARD INTERVIEWS AND APPROVAL RATES
2019 to 2023**

	2019		2020		2021		2022		2023	
	Number of Interviews	Percent	Number of Interviews	Percent	Number of Interviews	Percent	Number of Interviews	Percent	Number of Interviews	Percent
INITIAL INTERVIEWS										
Approved	19	38%	15	38%	18	40%	14	15%	28	28%
Postponed	20	40%	15	38%	15	33%	34	37%	37	37%
Denied	11	22%	9	23%	12	27%	43	47%	34	34%
TOTAL	50	100%	39	100%	45	100%	91	100%	99	100%
REAPPEARANCE INTERVIEWS										
Approved	13	50%	7	64%	4	44%	5	31%	12	43%
Postponed	4	15%	2	18%	0	0%	1	6%	7	25%
Denied	9	35%	2	18%	5	56%	10	63%	9	32%
TOTAL	26	100%	11	100%	9	100%	16	100%	28	100%

**TABLE 6. PAROLE BOARD APPROVAL RATES BY INDIVIDUAL CHARACTERISTICS
2023 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	4,981	92%	40%	1,479	96%	32%	6,460	93%	39%
Female	405	8%	55%	54	4%	65%	459	7%	56%
AGE AT INTERVIEW									
Under 18 Years	77	1%	17%	10	1%	50%	87	1%	21%
18-20 Years	197	4%	28%	42	3%	29%	239	3%	28%
21-29 Years	1,117	21%	34%	244	16%	32%	1,361	20%	33%
30-39 Years	1,787	33%	43%	303	20%	36%	2,090	30%	42%
40-49 Years	1,160	22%	47%	269	18%	42%	1,429	21%	46%
50-59 Years	708	13%	46%	338	22%	34%	1,046	15%	42%
60+ Years	340	6%	47%	327	21%	24%	667	10%	36%
RACE/ETHNICITY									
Black	2,290	43%	35%	692	45%	28%	2,982	43%	33%
Hispanic	1,056	20%	36%	262	17%	34%	1,318	19%	36%
White	1,792	33%	54%	522	34%	40%	2,314	33%	50%
Asian	41	1%	37%	10	1%	60%	51	1%	41%
Native American	72	1%	33%	20	1%	25%	92	1%	32%
Other	117	2%	43%	21	1%	33%	138	2%	41%
Unknown	18	0%	33%	6	0%	33%	24	0%	33%
REGION OF SENTENCE									
New York City	1,926	36%	34%	611	40%	29%	2,537	37%	32%
Suburban New York City	607	11%	39%	164	11%	32%	771	11%	38%
Upstate Urban	1,157	21%	42%	373	24%	33%	1,530	22%	40%
Upstate Rural	1,696	31%	51%	385	25%	42%	2,081	30%	49%
FELONY OFFENDER STATUS									
1st Felony Offender	2,440	45%	43%	934	61%	34%	3,374	49%	41%
2nd Felony Offender	2,690	50%	40%	502	33%	30%	3,192	46%	39%
Persistent Felony Offender	97	2%	62%	69	5%	42%	166	2%	54%
Unknown	159	3%	21%	28	2%	43%	187	3%	24%
COMPAS SUPERVISION LEVEL									
Level 1	1,352	25%	36%	441	29%	37%	1,793	26%	36%
Level 2	344	6%	47%	94	6%	41%	438	6%	46%
Level 3	1,722	32%	41%	265	17%	32%	1,987	29%	40%
Level 4	1,777	33%	48%	685	45%	31%	2,462	36%	43%
Pending	191	4%	21%	48	3%	27%	239	3%	22%
Total Interviews	5,386	100%	42%	1,533	100%	33%	6,919	100%	40%

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

**TABLE 7. PAROLE BOARD APPROVAL RATES
BY RACE AND CURRENT OFFENSE TYPE
2023 Non-Administrative Interviews***

		RACE							
CURRENT OFFENSE TYPE		Black	Hispanic**	White	Asian	Native American	Other	Unknown	Total
A-1 Violent	# of Interviews	396	152	184	11	7	7	1	758
	% Granted Release	39%	36%	23%	55%	29%	57%	0%	35%
Legislative VFO	# of Interviews	697	289	264	4	15	18	3	1,290
	% Granted Release	21%	23%	29%	100%	20%	22%	67%	24%
Other Coercive	# of Interviews	664	293	434	17	14	29	5	1,456
	% Granted Release	33%	31%	47%	41%	14%	41%	0%	37%
Drug Offenses	# of Interviews	96	59	54	0	2	7	0	218
	% Granted Release	43%	41%	67%	0%	0%	71%	0%	49%
Major Property	# of Interviews	379	225	622	8	27	31	9	1,301
	% Granted Release	47%	52%	63%	13%	44%	45%	33%	55%
Other Felony	# of Interviews	556	227	728	7	26	46	5	1,595
	% Granted Release	38%	43%	55%	43%	35%	39%	60%	47%
Youthful Offender	# of Interviews	184	66	26	4	1	0	1	282
	% Granted Release	25%	32%	58%	0%	100%	0%	0%	29%
Juvenile Offender	# of Interviews	10	7	2	0	0	0	0	19
	% Granted Release	10%	14%	50%	0%	0%	0%	0%	16%
Total	# of Interviews	2,982	1,318	2,314	51	92	138	24	6,919
	% Granted Release	33%	36%	50%	41%	32%	41%	33%	40%

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

**Hispanic origin is prioritized over self-reported race.

Section 2 – Life Sentences

- Among all initial interviews during 2023, 8% were among individuals with a life maximum sentence. Among all reappearance interviews, 37% were among individuals with a life maximum sentence.
- Nearly half (49%) of the individuals sentenced to life with an initial interview in 2023 were approved for release at Initial Interview (Table 8).
- Individuals aged 50 to 54 years, at the time of the crime, had the highest approval rate at Initial Interview (78%), followed by those aged 40 to 49 (61%) (Table 8).
- Minor Offenders are defined as individuals who are serving a life sentence for offenses committed while under the age of 18. Seventy-five percent of Minor Offenders who had a Board interview during 2023 were convicted of Murder 2. These 51 interviews resulted in a 35% approval rate (Table 9).
- Among all Minor Offenders with an interview during 2023, Black individuals had the highest approval rate (39%), followed by Hispanic individuals (30%) (Table 9).

**TABLE 8. PAROLE BOARD APPROVAL RATES AMONG LIFE SENTENCES
AGE AT CRIME BY INTERVIEW TYPE
2023 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	24	10	42%	44	11	25%	68	21	31%
18-20 Years	63	29	46%	92	28	30%	155	57	37%
21-29 Years	136	66	49%	231	70	30%	367	136	37%
30-39 Years	121	55	45%	146	48	33%	267	103	39%
40-49 Years	49	30	61%	45	13	29%	94	43	46%
50-54 Years	9	7	78%	5	0	0%	14	7	50%
55+ Years	9	5	56%	1	0	0%	10	5	50%
Total Interviews	411	202	49%	564	170	30%	975	372	38%

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

**TABLE 9. PAROLE BOARD APPROVAL RATES
BY RACE/ETHNICITY AND CURRENT OFFENSE TYPE
FOR INDIVIDUALS UNDER 18 AT THE TIME OF THE CRIME
FOR WHICH THEY WERE SENTENCED TO LIFE IMPRISONMENT
2023 Non-Administrative Interviews***

		RACE/ETHNICITY					
CURRENT OFFENSE TYPE		Black	Hispanic**	White	Asian	Native American	Total
Murder (Degreeless)	# of Interviews	0	0	3	0	0	3
	% Granted Release	--	--	0%	--	--	0%
Murder (2nd Degree)	# of Interviews	36	6	6	2	1	51
	% Granted Release	44%	33%	0%	0%	0%	35%
JO Murder	# of Interviews	8	4	2	0	0	14
	% Granted Release	13%	25%	50%	--	--	21%
Total***	# of Interviews	44	10	11	2	1	68
	% Granted Release	39%	30%	9%	0%	0%	31%

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

**Hispanic origin is prioritized over self-reported race.

***This represents total interviews. 50 different Incarcerated Individuals were interviewed - some were interviewed multiple times in 2023.

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 2019 and 2023 are as follows:

- For calendar year 2019: 2,431
- For calendar year 2020: 1,905
- For calendar year 2021: 1,553
- For calendar year 2022: 1,282
- For calendar year 2023: 1,220

Please note that cases opened means Notices of Appeal filed. It does not refer to perfected appeals.

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 the Less is More Act, 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. Board of Parole attorneys have the responsibility of directly representing the Board in court concerning the 4-a appeals.

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.

For more information on parole revocation guidelines prior to Less is More, please refer to the Appendix at the end of this report.

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 since March 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 processed decreased between 2019 and 2023, by 71% and 57%, respectively (Table 10 and Table 11). The number of final hearings increased by 13% between 2022 and 2023 (Table 11).
- Nearly half (49%) of alleged violators scheduled for a preliminary violation hearing in 2023 waived the right to these hearings. This proportion has decreased significantly over the last 5 years, and this is the first time since tracking began that more preliminary hearings were completed or adjourned than the number waived. The proportion of preliminary hearings completed increased by 13 percentage points between 2019 and 2023, from 29% to 42% (Table 10).
- Final hearing completion rates declined over the last five years, from 49% in 2019 to 28% in 2023 (Table 11).

**TABLE 10. VIOLATION PROCESS
PRELIMINARY HEARING ACTIVITY
2019 TO 2023**

Year	Preliminary Hearings							
	Waived		Completed		Adjourned		Total Processed	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
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	2,479	53.3%	1,880	40.4%	290	6.2%	4,649	100%
2023	2,286	49.5%	1,916	41.5%	418	9.0%	4,620	100%

**TABLE 11. VIOLATION PROCESS
FINAL HEARING ACTIVITY
2019 TO 2023**

Year	Final Hearings					
	Completed		Adjourned		Total Processed	
	Number	Percent	Number	Percent	Number	Percent
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%	7,280	57.7%	12,620	100%
2022	3,315	33.5%	6,571	66.5%	9,886	100%
2023	3,164	28.4%	7,969	71.6%	11,133	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 set forth substantially reduced maximum time assessments for many violations, that may be served in jail instead of prison. Below are the statistics concerning releasee returns to prison between 2019 and 2023.

- There were 1,893 releasee returns to prison in 2023, a decrease of 6,400 (-77%) from 2019 and nearly the same as 2022. Of these returns, 1,121 (59%) were for violations of the conditions of parole and 772 (41%) 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, with further decreases since Less is More was implemented in 2022.
- The proportion of returns to prison for violating conditions of parole decreased, while the proportion returned for new commitments increased (Table 12).
- There was a decline of 5,916 (-84%) in the number of returns to prison for violating the conditions of parole, from 7,037 in 2019 to 1,121 in 2023 (Table 12).
- The percentage of the dynamic population of releasees returned to prison decreased from 17% in 2019 to 7% in 2023 (Table 12).
- The percentage of releasees returned to prison for violating the conditions of parole among the dynamic population dropped 10 percentage points from 14% in 2019 to 4% in 2023 (Table 12).
- Over half (54%) of the 2023 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 percentage of Black (44%) and White (40%) individuals (Table 13). Compared to the total releasee population², Hispanic individuals returned at a disproportionately lower rate and White individuals returned at a disproportionately higher rate.
- In 2023, at the time of return, 60% of all returns were supervised at Level 1, 17% at Level 2, 14% at Level 3, and 6% 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).

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

- In 2023, 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 (50%) at the end of 2023. This indicates that, as expected, returns to prison occurred disproportionately among higher risk (Level 1 and Level 2) releasees (Table 14).
- Nearly half (49%) of releasee returns to prison for violating conditions of parole in 2023 were among those supervised in the Central New York region (Table 15).
- The Central New York and Western New York regions had the largest numbers of releasee returns for a new court conviction (189 and 172, respectively) (Table 15).
- The number of releasee returns to prison for new felony convictions declined by 39% from 1,256 in 2019 to 772 in 2023. (Table 16).
- The proportion of releasee returns to prison as new commitments that were originally convicted of violent offenses increased from 48% in 2019 to 59% in 2023. The percentage that was originally convicted of drug offenses decreased from 25% in 2019 to 15% in 2023 (Table 16).
- The number of releasee returns to prison for violating the conditions of parole increased by 9% from 2022 to 2023 (Table 17). The number of returns in 2023 was 84% lower than in 2019.

**TABLE 12. RELEASEE RETURNS TO PRISON
as a Proportion of the Releasee Dynamic Population
2019 to 2023**

Return Reason	2019	2020	2021	2022	2023
New Court Conviction	1,256	509	761	862	772
<i>% of Dynamic Population</i>	3%	1%	2%	2%	3%
<i>% of Total Returns</i>	15%	15%	22%	46%	41%
Violating Conditions of Parole ¹	7,037	2,917	2,682	1,029	1,121
<i>% of Dynamic Population</i>	14%	6%	6%	3%	4%
<i>% of Total Returns</i>	85%	85%	78%	54%	59%
<i>Alt-45 Participants</i>	124	15	44	4	N/A
<i>Alt-90 Participants</i>	1,680	587	222	12	N/A
Total Prison Returns During Year	8,293	3,426	3,443	1,891	1,893
<i>% of Dynamic Population</i>	17%	8%	8%	5%	7%
<i>% of Total Returns</i>	100%	100%	100%	100%	100%
Dynamic Population	49,651	45,297	42,613	37,912	25,686

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
2023 Returns**

Offender Characteristics	Return Reason					
	New Court Conviction		Violating Conditions of Parole		Total	
GENDER						
Male	760	98%	1,062	95%	1,822	96%
Female	12	2%	59	5%	71	4%
AGE AT RETURN						
Under 18 Years	0	0%	0	0%	0	0%
18-20 Years	6	1%	6	1%	12	1%
21-29 Years	176	23%	221	20%	397	21%
30-39 Years	314	41%	465	41%	779	41%
40-49 Years	144	19%	271	24%	415	22%
50-59 Years	84	11%	119	11%	203	11%
60+ Years	48	6%	39	3%	87	5%
RACE/ETHNICITY						
Black	409	53%	419	37%	828	44%
Hispanic*	138	18%	120	11%	258	14%
White	211	27%	549	49%	760	40%
Asian	1	0%	4	0%	5	0%
Native American	5	1%	15	1%	20	1%
Other	7	1%	13	1%	20	1%
Unknown	1	0%	1	0%	2	0%
FELONY OFFENDER STATUS						
1st Felony Offender	271	35%	505	45%	776	41%
2nd Felony Offender	415	54%	594	53%	1,009	53%
Persistent Felony Offender	30	4%	11	1%	41	2%
Youthful Offender	0	0%	0	0%	0	0%
Unknown	56	7%	11	1%	67	4%
ORIGINAL CRIME OF COMMITMENT						
A-1 Violent and Legislative VFO	460	60%	553	49%	1,013	54%
Other Coercive	59	8%	124	11%	183	10%
Drug Offenses	118	15%	167	15%	285	15%
Majory Property	80	10%	168	15%	248	13%
Other Felony	46	6%	91	8%	137	7%
YO/JO	9	1%	18	2%	27	1%

Total Returns	772	1,121	1,893
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Note: Includes releasees returned for new convictions or violating the conditions of parole supervision.
*Hispanic origin is prioritized over self-reported race.

**TABLE 14. RELEASEE RETURNS TO PRISON DURING 2023
BY SUPERVISION LEVEL**

	Return Reason						Supervision Level for Parolees in the Community December 31, 2023	
	New Court Conviction		Violating Conditions of Parole		Total			
Supervision Level	Number	Percent	Number	Percent	Number	Percent		
1 (25:1)	436	56%	707	63%	1,143	60%	1 (25:1)	40%
2 (40:1)	115	15%	200	18%	315	17%	2 (40:1)	10%
3 (80:1)	143	19%	130	12%	273	14%	3 (80:1)	19%
4 (160:1)	63	8%	52	5%	115	6%	4 (160:1)	30%
Pending	15	2%	32	3%	47	2%	Pending	2%
TOTAL	772	100%	1,121	100%	1,893	100%	TOTAL	100%

**TABLE 15. RELEASEE RETURNS TO PRISON IN 2023
BY REGION OF SUPERVISION**

Region	New Court Conviction		Violating Conditions of Parole		Total	
	Number	Percent	Number	Percent	Number	Percent
Queens-LI	80	10%	40	4%	120	6%
Brooklyn	68	9%	8	1%	76	4%
Manhattan	83	11%	27	2%	110	6%
Bronx	61	8%	7	1%	68	4%
Hudson Valley	115	15%	170	15%	285	15%
Central NY	189	24%	545	49%	734	39%
Western	172	22%	302	27%	474	25%
DTP*	0	0%	5	<1%	5	<1%
Out of State	4	1%	17	2%	21	1%
Total	772	100%	1,121	100%	1,893	100%

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

*Refers to releasees assigned to the Drug Treatment Program.

**TABLE 16. RELEASEE RETURNS TO PRISON AS NEW COMMITMENTS:
ORIGINAL CRIME OF COMMITMENT
2019 TO 2023**

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
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%
2023	456	59%	60	8%	119	15%	83	11%	45	6%	9	1%	772	100%

**TABLE 17. RELEASEE RETURNS TO PRISON FOR RULE VIOLATIONS:
ORIGINAL CRIME OF COMMITMENT
2019 TO 2023**

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
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%
2023	552	49%	122	11%	166	15%	167	15%	96	9%	18	2%	1,121	100%

Appendix – 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.

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