



Department of Corrections and Community Supervision

Board of Parole

Legislative Report

2024

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2024**

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 2020 through 2024 with demographic information being presented for 2024.

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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 2024. 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. This means that the Board must interview parole eligible people who are in most cases, serving an indeterminate sentence. Each case is different and the Board must consider a variety of factors and principles including, but not limited to, the instant offense, criminal history, the parole release packet, programming, disciplinary history, the sentence, official statements from the district attorney, sentencing court and defense attorney, sentencing minutes, the risk and needs assessment tool, the case plan, if they were a minor offender, and the interview itself.

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 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 encompasses interviews and case reviews. Board members conduct interviews with eligible incarcerated individuals that result in release decisions based on a multitude of statutorily mandated measures. Case reviews are conducted for the purpose of imposing release conditions for determinately sentenced individuals who are being released to Community Supervision upon their Conditional Release (CR) date.
- The Total Parole Board Workload increased by 408 interviews/case reviews from 11,896 in 2023 to 12,304 in 2024. This represents a 3% increase from 2023 and a 21% decrease since 2020 (Table 1). This includes both interviews and administrative paper cases.
- The Total Initial approval rate and the Non-Administrative approval rate both refer to the number of approvals among interviews. Total Non-Administrative approval rates over the five year period ranged from a high of 42% in 2020 to a low of 36% in 2022, rebounding to 41% in 2024. The Total Initial approval rate (excluding Shock) increased by 2 percentage points from 39% in 2023 to 41% in 2024 (Table 1).
- The approval rate for A-1 Violent Offenses increased from 38% in 2020 to 46% in 2024, while the approval rate for Major Property Offenses decreased from 57% to 53% (Table 2 and Table 3A).
- The number of Initial Interviews for Drug Offenders declined by 41% between 2020 and 2024. The approval rate for these interviews increased from 43% in 2020 to 45% in 2024 (Table 2 and Table 3B).
- Approval rates for the 2024 Non-Administrative Parole Board Interviews were highest among incarcerated women (61%); individuals in their 40's (48%); and individuals who were sentenced in Upstate Rural counties (52%) (Table 6).
- The 2024 approval rate for Black individuals convicted of an A-I Violent Felony was 38%, higher than the 20% approval rate among White individuals. The approval rate for Black individuals with Drug Offenses (44%) was lower than the approval rates for White individuals (49%) and Hispanic individuals (54%) (Table 7).
- The number of releasee returns to prison for new felony convictions increased by 37% from 509 in 2020 to 697 in 2024 (Table 12).
- The number of releasee returns to prison for violating the conditions of parole declined by 50% between 2020 and 2024 and increased by 30% between 2023 and 2024. (Table 12).

- The proportion of returns to prison for new court commitments increased from 15% in 2020 to 32% in 2024, while the proportion of returns for parole violations decreased from 85% in 2020 to 68% in 2024 (Table 12).
- In 2024, the highest proportion of individuals returning to prison were White (43%) and in their 30s (38%). Furthermore, over half (54%) of those who returned were second-time felony offenders, and almost half (49%) had committed 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/2024_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 2020 to 2024 is provided below.

- Between 2020 and 2024, the total number of non-administrative interviews decreased by 9%. The number of initial interviews increased by 3% while the number of reappearances decreased by 28% (Table 1).
- The Total Non-Administrative approval rate (41%) was the highest since 2020 (42%). The Total Initial approval rate (excluding Shock) of 41% was slightly higher than the 39% approval rate in 2023 (Table 1).
- The reappearance approval rate of 30% was lower than 2023 (33%) and 2020 (37%).
- While the number of Initial Interviews for A-1 Violent Felony Offenders (excluding Shock and Early Deportation) decreased by 19% (-66) between 2020 and 2024, the approval rate increased by 8 percentage points, from 38% to 46% (Table 2 and Table 3A).
- The number of Initial Interviews (excluding Shock and Early Deportation) for individuals convicted of Other Coercive Offenses increased by 24%, from 1,027 in 2020 to 1,275 in 2024. (Table 2 and Table 3B).
- Among initial interviews, approval rates generally 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 (47%) was for those between 40 and 49 years of age (Table 4).
- The Board conducted 135 interviews of Juvenile Offenders under the jurisdiction of OCFS during 2024; a significant increase compared with the 50 interviews in 2020 (+170%). Eighty percent of these were Initial Interviews (Table 5).
- The approval rate of initial interviews for Juvenile Offenders in 2024 was 34%, which was a decrease from 38% in 2020 but an increase from 28% in 2023. Additionally, the approval rate of Reappearance interviews for Juvenile Offenders increased from 43% in 2023 to 59% in 2024 (Table 5).
- Females had higher approval rates than males at both Initial and Reappearance Interviews (Table 6).
- In 2024, the largest proportion (31%) of the Total Non-Administrative interviews were among incarcerated individuals between the ages of 30 and 39 at the time of the interview (Table 6).

- Incarcerated individuals in their 40's had the highest approval rate among the Total Non-Administrative Interviews in 2024 (48%), while those under 18 years old had the lowest approval rate (26%) (Table 6).
- Among 2024 Non-Administrative Interviews, approval rates were highest (52%) for individuals sentenced from the Upstate Rural region of New York. Incarcerated individuals sentenced in New York City had the lowest approval rate of 33% (Table 6).
- First felony offenders represented the highest proportion (48%) of the total number of Non-Administrative Interviews during 2024. The approval rate for these interviews was 44% (Table 6).
- The largest proportion of Initial Interviews was among individuals with a COMPAS Supervision Level 4 (31%). The highest initial approval rate was among COMPAS Level 4 individuals (52%), while the lowest approval rate was among COMPAS Level 3 individuals (39%) (Table 6).
- Among the Non-Administrative Interviews for individuals convicted of an A-1 Violent Felony during 2024, the approval rates for Black individuals (38%) and Hispanic individuals (32%) were higher than for White individuals (20%) (Table 7).
- Interviews of incarcerated individuals convicted of Legislative VFOs resulted in a 26% approval rate for Hispanic and White individuals and a 19% approval rate for Black individuals (Table 7).

TABLE 1. PAROLE BOARD INTERVIEWS AND APPROVAL RATES: 2020 TO 2024

	2020	2021	2022	2023	2024
Total Non-Administrative	7,958	6,486	6,473	6,947	7,225
Granted Release	3,348	2,438	2,301	2,759	2,956
Approval Rate	42.1%	37.6%	35.5%	39.7%	40.9%
Total Initials w/o Shock	5,319	4,370	4,621	5,052	5,354
Granted Release	2,168	1,581	1,569	1,957	2,217
Approval Rate	40.8%	36.2%	34.0%	38.7%	41.4%
Initials	4,306	3,725	3,911	4,199	4,423
Granted Release	1,451	1,133	1,098	1,374	1,533
Approval Rate	33.7%	30.4%	28.1%	32.7%	34.7%
Merit	875	504	604	729	811
Granted Release	640	364	404	511	608
Approval Rate	73.1%	72.2%	66.9%	70.1%	75.0%
Supplemental Merit	0	0	1	0	0
Granted Release	0	0	1	0	0
Approval Rate	--	--	100.0%	--	--
Limited Credit Time	111	107	80	80	87
Granted Release	56	58	48	43	51
Approval Rate	50.5%	54.2%	60.0%	53.8%	58.6%
Medical Parole	12	17	20	39	23
Granted Release	10	15	16	27	18
Approval Rate	83.3%	88.2%	80.0%	69.2%	78.3%
Early Release for Final Deportation	15	17	5	5	10
Granted Release	11	11	2	2	7
Approval Rate	73.3%	64.7%	40.0%	40.0%	70.0%
Shock	405	179	313	361	306
Granted Release	327	137	240	287	249
Approval Rate	80.7%	76.5%	76.7%	79.5%	81.4%
Reappearance	2,128	1,845	1,515	1,519	1,528
Granted Release	792	647	478	504	461
Approval Rate	37.2%	35.1%	31.6%	33.2%	30.2%
PV/CR Reappearance	106	92	24	15	37
Granted Release	61	73	14	11	29
Approval Rate	57.5%	79.3%	58.3%	73.3%	78.4%
Total Administrative	7,715	6,421	4,890	4,949	5,079
Other Administrative	417	459	206	248	263
Conditional Release - Reviews	4,062	3,671	3,149	3,328	3,384
Conditional Release - PV Reviews	1,678	1,237	614	527	595
Conditional Release - Shock Reviews	537	263	351	332	325
Conditional Release - Merit Reviews	708	475	303	261	260
Conditional Release - Limited Credit Time Reviews	270	261	227	235	236
Presumptive Release Reviews	6	13	6	3	2
Merit PR Review	31	24	29	7	12
Supp Merit PR Review	0	0	1	0	0
Medical Reviews Release Condition	2	2	1	3	2
Executive Clemency Release Condition	4	16	3	5	0
Total Board Workload	15,673	12,907	11,363	11,896	12,304
SORC Reappearances	1,041	601	285	236	387

**TABLE 2. PAROLE BOARD DECISIONS BY SUMMARY CRIME CATEGORIES
2020 to 2024 Initial Interviews**

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

CRIME OF COMMITMENT	2020			2021			2022			2023			2024		
	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	341	128	38%	315	128	41%	264	109	41%	291	128	44%	275	126	46%
Legislative VFO	1,110	226	20%	1,057	246	23%	1,001	218	22%	998	218	22%	1,016	225	22%
Other Coercive	1,027	429	42%	797	275	35%	1,011	300	30%	1,142	417	37%	1,275	534	42%
Drug Offenses	281	120	43%	262	115	44%	229	100	44%	174	74	43%	167	75	45%
Major Property	1,184	675	57%	869	457	53%	865	395	46%	990	529	53%	1,119	588	53%
Other Felony	1,162	523	45%	908	310	34%	1,075	405	38%	1,236	532	43%	1,300	600	46%
Youthful Offenders	191	54	28%	142	39	27%	163	35	21%	214	57	27%	184	61	33%
Juvenile Offenders*	8	2	25%	3	0	0%	8	5	63%	2	0	0%	8	1	13%
GRAND TOTAL	5,304	2,157	41%	4,353	1,570	36%	4,616	1,567	34%	5,047	1,955	39%	5,344	2,210	41%

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

**TABLE 3A. PAROLE BOARD DECISIONS BY CRIME OF COMMITMENT (page 1)
2020 to 2024 Initial Interviews**

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

CRIME OF COMMITMENT	2020			2021			2022			2023			2024		
	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	330	126	38%	306	122	40%	255	103	40%	280	123	44%	272	124	46%
Kidnapping 1st	5	1	20%	6	4	67%	5	3	60%	7	2	29%	0	0	--
Arson 1st	4	1	25%	1	0	0%	2	2	100%	3	2	67%	2	1	50%
Conspiracy 1st	2	0	0%	2	2	--	2	1	--	1	1	--	1	1	100%
TOTAL A-1 Violent Offenses	341	128	38%	315	128	41%	264	109	41%	291	128	44%	275	126	46%
LEGISLATIVE VFO															
Attempted Murder 2nd	34	3	9%	41	3	7%	29	5	17%	58	6	10%	48	6	13%
Manslaughter 1st	27	4	15%	39	4	10%	26	3	12%	42	6	14%	28	5	18%
Rape 1st	30	2	7%	28	1	4%	31	6	19%	23	3	13%	26	2	8%
Robbery 1st	160	45	28%	134	41	31%	145	34	23%	102	25	25%	105	33	31%
Robbery 2nd	143	29	20%	129	35	27%	98	23	23%	94	20	21%	94	32	34%
Assault 1st	53	4	8%	60	10	17%	70	7	10%	52	11	21%	75	16	21%
Other Assault	143	34	24%	156	29	19%	151	28	19%	153	46	30%	144	32	22%
Burglary 1st	28	4	14%	29	8	28%	34	10	29%	40	10	25%	24	8	33%
Burglary 2nd	192	53	28%	189	66	35%	158	58	37%	141	47	33%	138	47	34%
Attempted Arson 1st, Arson 2nd	10	1	10%	2	0	0%	3	1	33%	0	0	--	4	1	--
Sodomy 1st	15	2	13%	15	3	20%	10	0	0%	17	3	18%	20	3	15%
Sexual Abuse	38	1	3%	26	1	4%	34	11	32%	26	0	0%	31	5	16%
Weapons Offenses	228	43	19%	207	45	22%	207	31	15%	236	40	17%	266	32	12%
Terrorism/False Bombing	3	0	0%	1	0	0%	3	1	33%	4	1	25%	7	2	29%
Attempted Kidnapping 1st, Kidnapping 2nd	6	1	17%	1	0	0%	2	0	0%	10	0	0%	6	1	17%
TOTAL Legislative VFO	1,110	226	20%	1,057	246	23%	1,001	218	22%	998	218	22%	1,016	225	22%
OTHER COERCIVE															
Manslaughter 2nd	34	16	47%	34	9	26%	42	12	29%	47	12	26%	44	17	39%
Other Homicide	34	13	38%	23	4	17%	44	9	20%	55	15	27%	45	22	49%
Robbery 3rd	299	116	39%	223	87	39%	264	80	30%	305	98	32%	368	138	38%
Attempted Assault 2nd	222	74	33%	168	39	23%	236	60	25%	274	93	34%	267	97	36%
Other Sex Offenses	48	17	35%	42	12	29%	38	9	24%	45	19	42%	42	22	52%
Other Coercive	390	193	49%	307	124	40%	387	130	34%	416	180	43%	509	238	47%
TOTAL Other Coercive	1,027	429	42%	797	275	35%	1,011	300	30%	1,142	417	37%	1,275	534	42%

TABLE 3B. PAROLE BOARD DECISIONS BY CRIME OF COMMITMENT (page 2)

2020 to 2024 Initial Interviews
(Includes Merit, Supplemental Merit, Medical Parole, and LCTA; Excludes Shock and Early Deportation)

CRIME OF COMMITMENT	2020			2021			2022			2023			2024		
	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	126	50	40%	110	51	46%	95	44	46%	49	16	33%	53	25	47%
Drug Possession	155	70	45%	152	64	42%	134	56	42%	125	58	46%	114	50	44%
TOTAL Drug Offenses	281	120	43%	262	115	44%	229	100	44%	174	74	43%	167	75	45%
MAJOR PROPERTY															
Burglary 3rd	563	326	58%	436	230	53%	510	237	46%	494	264	53%	560	292	52%
Grand Larceny	402	231	57%	263	139	53%	237	105	44%	349	191	55%	415	219	53%
Forgery	112	67	60%	81	40	49%	43	25	58%	46	27	59%	50	30	60%
Stolen Property	107	51	48%	89	48	54%	75	28	37%	101	47	47%	94	47	50%
TOTAL Major Property	1,184	675	57%	869	457	53%	865	395	46%	990	529	53%	1,119	588	53%
OTHER FELONY															
Driving While Intoxicated	321	152	47%	243	87	36%	255	126	49%	231	124	54%	199	104	52%
Non-Violent Weapon Offenses	75	30	40%	45	19	42%	102	33	32%	212	74	35%	218	95	44%
All Other Felonies	766	341	45%	620	204	33%	718	246	34%	793	334	42%	883	401	45%
TOTAL Other Felony	1,162	523	45%	908	310	34%	1,075	405	38%	1,236	532	43%	1,300	600	46%
YOUTHFUL/JUVENILE OFFENDERS															
Youthful Offenders	191	54	28%	142	39	27%	163	35	21%	214	57	27%	184	61	33%
Juvenile Offenders	8	2	25%	3	0	0%	8	5	63%	2	0	0%	8	1	13%
TOTAL YO/JO	199	56	28%	145	39	27%	171	40	23%	216	57	26%	192	62	32%
GRAND TOTAL	5,304	2,157	41%	4,353	1,570	36%	4,616	1,567	34%	5,047	1,955	39%	5,344	2,210	41%

**TABLE 4. PAROLE BOARD APPROVAL RATES
BY TIME SERVED AND AGE AT INTERVIEW
2024 Initial Interviews**

2024 INITIAL INTERVIEWS BY TIME SERVED AND AGE AT INTERVIEW

		Initial Interview		
Time Served	Age at Interview	Total Interviews	Approved	Percent Granted Release
<5 Years	<18	85	19	22%
	18-20	176	46	26%
	21-29	995	314	32%
	30-39	1,571	651	41%
	40-49	976	472	48%
	50-54	266	137	52%
	55+	449	262	58%
Subtotal		4,518	1,901	42%
5-9 Years	<18	0	0	--
	18-20	0	0	--
	21-29	52	5	10%
	30-39	110	30	27%
	40-49	89	29	33%
	50-54	28	11	39%
	55+	25	11	44%
Subtotal		304	86	28%
10-14 Years	<18	0	0	--
	18-20	0	0	--
	21-29	2	0	0%
	30-39	43	18	42%
	40-49	35	8	23%
	50-54	12	5	42%
	55+	44	27	61%
Subtotal		136	58	43%
15+ Years	<18	0	0	--
	18-20	0	0	--
	21-29	0	0	--
	30-39	34	11	32%
	40-49	129	61	47%
	50-54	65	26	40%
	55+	158	67	42%
Subtotal		386	165	43%
Total	<18	85	19	22%
	18-20	176	46	26%
	21-29	1,049	319	30%
	30-39	1,758	710	40%
	40-49	1,229	570	46%
	50-54	371	179	48%
	55+	676	367	54%
Grand Total		5,344	2,210	41%

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

**TABLE 5. JUVENILE OFFENDERS UNDER OCFS JURISDICTION
PAROLE BOARD INTERVIEWS AND APPROVAL RATES
2020 to 2024**

	2020		2021		2022		2023		2024	
	Number of Interviews	Percent	Number of Interviews	Percent	Number of Interviews	Percent	Number of Interviews	Percent	Number of Interviews	Percent
INITIAL INTERVIEWS										
Approved	15	38%	18	40%	14	15%	28	28%	37	34%
Postponed	15	38%	15	33%	34	37%	37	37%	30	28%
Denied	9	23%	12	27%	43	47%	34	34%	41	38%
TOTAL	39	100%	45	100%	91	100%	99	100%	108	100%
REAPPEARANCE INTERVIEWS										
Approved	7	64%	4	44%	5	31%	12	43%	16	59%
Postponed	2	18%	0	0%	1	6%	7	25%	5	19%
Denied	2	18%	5	56%	10	63%	9	32%	6	22%
TOTAL	11	100%	9	100%	16	100%	28	100%	27	100%

**TABLE 6. PAROLE BOARD APPROVAL RATES BY INDIVIDUAL CHARACTERISTICS
2024 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	5,174	91%	42%	1,509	96%	31%	6,683	92%	39%
Female	486	9%	63%	56	4%	41%	542	8%	61%
AGE AT INTERVIEW									
Under 18 Years	85	2%	22%	18	1%	44%	103	1%	26%
18-20 Years	183	3%	28%	56	4%	38%	239	3%	31%
21-29 Years	1,117	20%	34%	255	16%	27%	1,372	19%	32%
30-39 Years	1,917	34%	44%	337	22%	34%	2,254	31%	42%
40-49 Years	1,304	23%	48%	263	17%	43%	1,567	22%	48%
50-59 Years	711	13%	50%	288	18%	32%	999	14%	45%
60+ Years	343	6%	58%	348	22%	21%	691	10%	39%
RACE/ETHNICITY									
Black	2,479	44%	37%	722	46%	27%	3,201	44%	35%
Hispanic	1,124	20%	37%	299	19%	31%	1,423	20%	36%
White	1,830	32%	55%	493	32%	37%	2,323	32%	51%
Asian	41	1%	41%	8	1%	38%	49	1%	41%
Native American	66	1%	55%	20	1%	45%	86	1%	52%
Other	108	2%	44%	22	1%	50%	130	2%	45%
Unknown	12	0%	58%	1	0%	100%	13	0%	62%
REGION OF SENTENCE									
New York City	2,116	37%	34%	651	42%	27%	2,767	38%	33%
Suburban New York City	548	10%	42%	158	10%	22%	706	10%	38%
Upstate Urban	1,125	20%	44%	376	24%	34%	1,501	21%	41%
Upstate Rural	1,871	33%	54%	380	24%	40%	2,251	31%	52%
FELONY OFFENDER STATUS									
1st Felony Offender	2,581	46%	47%	913	58%	34%	3,494	48%	44%
2nd Felony Offender	2,843	50%	41%	543	35%	26%	3,386	47%	38%
Persistent Felony Offender	81	1%	63%	71	5%	28%	152	2%	47%
Unknown	155	3%	24%	38	2%	53%	193	3%	30%
COMPAS SUPERVISION LEVEL									
Level 1	1,685	30%	41%	548	35%	36%	2,233	31%	40%
Level 2	302	5%	45%	84	5%	39%	386	5%	44%
Level 3	1,717	30%	39%	284	18%	30%	2,001	28%	37%
Level 4	1,774	31%	52%	590	38%	26%	2,364	33%	46%
Pending	182	3%	25%	59	4%	39%	241	3%	28%
Total Interviews	5,660	100%	44%	1,565	100%	31%	7,225	100%	41%

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

**TABLE 7. PAROLE BOARD APPROVAL RATES
BY RACE AND CURRENT OFFENSE TYPE
2024 Non-Administrative Interviews***

		RACE							
CURRENT OFFENSE TYPE		Black	Hispanic**	White	Asian	Native American	Other	Unknown	Total
A-1 Violent	# of Interviews	375	159	159	2	5	5	2	707
	% Granted Release	38%	32%	20%	0%	40%	20%	50%	32%
Legislative VFO	# of Interviews	734	289	260	2	10	21	3	1,319
	% Granted Release	19%	26%	26%	0%	40%	33%	33%	22%
Other Coercive	# of Interviews	782	336	402	9	29	33	4	1,595
	% Granted Release	37%	40%	53%	33%	52%	42%	75%	42%
Drug Offenses	# of Interviews	91	54	65	0	3	4	1	218
	% Granted Release	44%	54%	49%	0%	67%	75%	100%	49%
Major Property	# of Interviews	459	255	658	15	21	28	2	1,438
	% Granted Release	50%	37%	64%	47%	57%	61%	100%	54%
Other Felony	# of Interviews	574	258	749	19	17	38	1	1,656
	% Granted Release	39%	41%	56%	42%	59%	42%	0%	47%
Youthful Offender	# of Interviews	173	67	27	2	0	1	0	270
	% Granted Release	32%	33%	52%	100%	0%	100%	0%	35%
Juvenile Offender	# of Interviews	13	5	3	0	1	0	0	22
	% Granted Release	23%	20%	0%	0%	0%	0%	0%	18%
Total	# of Interviews	3,201	1,423	2,323	49	86	130	13	7,225
	% Granted Release	35%	36%	51%	41%	52%	45%	62%	41%

*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 2024, 7% were among individuals with a life maximum sentence. Among all reappearance interviews, 34% were among individuals with a life maximum sentence.
- Over half (51%) of the individuals sentenced to Life with an Initial Interview in 2024 were approved for release at the Initial Interview (Table 8).
- Individuals aged 55+ years, at the time of the crime, had the highest approval rate at Initial Interview (80%), followed by those aged 50 to 54 (67%) (Table 8).
- Among total non-administrative interviews, the highest approval rate was among this age 55 or older (63%), while the lowest approval rate was among this in their 30's (31%). (Table 8).
- Minor Offenders are defined as individuals serving a life sentence for offenses committed while under the age of 18. Seventy-two percent of Minor Offenders who had a Board interview during 2024 were convicted of Murder 2. These 42 interviews resulted in a 40% approval rate (Table 9).
- Among all Minor Offenders with an interview during 2024, Black individuals had the highest approval rate (38%), followed by Hispanic individuals (33%) (Table 9).

**TABLE 8. PAROLE BOARD APPROVAL RATES AMONG LIFE SENTENCES
AGE AT CRIME BY INTERVIEW TYPE
2024 Initial and Reappearance Interviews**

	Initial Interviews*			Reappearance Interviews			Total Non-Administrative Interviews		
AGE AT CRIME	Number	Approved	Percent Granted Release	Number	Approved	Percent Granted Release	Number	Approved	Percent Granted Release
Under 18 Years	28	12	43%	30	8	27%	58	20	34%
18-20 Years	74	46	62%	93	20	22%	167	66	40%
21-29 Years	123	52	42%	206	59	29%	329	111	34%
30-39 Years	95	48	51%	143	26	18%	238	74	31%
40-49 Years	56	31	55%	54	17	31%	110	48	44%
50-54 Years	6	4	67%	6	1	17%	12	5	42%
55+ Years	5	4	80%	3	1	33%	8	5	63%
Total Interviews	387	197	51%	535	132	25%	922	329	36%

*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 GIVEN A LIFE SENTENCE
2024 Non-Administrative Interviews***

		RACE/ETHNICITY					
CURRENT OFFENSE TYPE		Black	Hispanic**	White	Asian	Native American	Total
Murder (Degreeless)	# of Interviews	4	0	1	0	0	5
	% Granted Release	0%	--	100%	--	--	20%
Murder (2nd Degree)	# of Interviews	26	11	4	0	1	42
	% Granted Release	46%	36%	25%	--	0%	40%
JO Murder	# of Interviews	7	1	2	0	1	11
	% Granted Release	29%	0%	0%	--	0%	18%
Total***	# of Interviews	37	12	7	0	2	58
	% Granted Release	38%	33%	29%	--	0%	34%

*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. 49 different Incarcerated Individuals were interviewed - some were interviewed multiple times in 2024.

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 2020 and 2024 are shown below. Between 2020 and 2024, the number of administrative appeals opened decreased by 37%.

- For calendar year 2020: 1,905
- For calendar year 2021: 1,553
- For calendar year 2022: 1,282
- For calendar year 2023: 1,220
- For calendar year 2024: 1,194

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.

Revocation Process Highlights

Prior to the effective date of the Less is More Act, an alleged parole violator was entitled to a preliminary revocation 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 2020 and 2024, by 37% and 18%, respectively (Table 10 and Table 11), while the number of both preliminary and final hearings increased by 14% between 2023 and 2024 (Table 11).
- A majority (59%) of alleged violators scheduled for a preliminary revocation hearing in 2024 waived the right to these hearings. This proportion has varied significantly over the last 5 years and was an increase compared with 2023. While the number of preliminary hearings waived dropped 43% between 2020 and 2024, the number of preliminary hearings adjourned increased 35% over the 5-year period (Table 10).
- Final hearing completion rates declined over the last five years, from 43% in 2020 to 33% in 2024 (Table 11). The number of final hearings processed in 2024 was the highest since 2020 and increased by 14% compared with 2023.

**TABLE 10. REVOCATION PROCESS
PRELIMINARY HEARING ACTIVITY
2020 TO 2024**

Year	Preliminary Hearings							
	Waived		Completed		Adjourned		Total Processed	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
2020	5,463	64.6%	2,660	31.4%	335	4.0%	8,458	100%
2021	4,157	58.0%	2,628	36.6%	387	5.4%	7,172	100%
2022	2,479	53.3%	1,878	40.4%	290	6.2%	4,647	100%
2023	2,291	49.2%	1,937	41.6%	424	9.1%	4,652	100%
2024	3,115	58.5%	1,758	33.0%	451	8.5%	5,324	100%

**TABLE 11. REVOCATION PROCESS
FINAL HEARING ACTIVITY
2020 TO 2024**

Year	Final Hearings					
	Completed		Adjourned		Total Processed	
	Number	Percent	Number	Percent	Number	Percent
2020	6,793	43.1%	8,985	56.9%	15,778	100%
2021	5,340	42.3%	7,278	57.7%	12,618	100%
2022	3,315	33.7%	6,509	66.3%	9,824	100%
2023	3,191	28.4%	8,056	71.6%	11,247	100%
2024	4,194	32.6%	8,677	67.4%	12,871	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 2020 and 2024.

- There were 2,153 releasee returns to prison in 2024, a decrease of 1,273 (-37%) from 2020 and a 14% increase from 2023. Of these returns, 1,456 (68%) were for violations of the conditions of parole and 697 (32%) 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 number of returns to prison in 2024 was the most since 2021.
- The percentage of returns to prison for violating parole conditions decreased from 85% in 2020 to 68% in 2024, while the percentage of returns for new commitments increased from 15% in 2020 to 32% in 2024 (Table 12).
- There was a decline of 1,461 (-50%) in the number of returns to prison for violating the conditions of parole, from 2,917 in 2020 to 1,456 in 2024 (Table 12).
- While the percentage of releasees returned to prison for violating the conditions of parole among the dynamic population remained relatively stable from 2020 to 2024, the percent returned for new court convictions among the dynamic population has increased (Table 12).
- Nearly half (49%) of the 2024 returns to prison were originally convicted of an A-I Violent or Legislative VFO offense (Table 13). This percentage was higher (56%) for new commitment returns.
- Individuals of Hispanic descent made up 11% of overall returns to prison, smaller than the percentage of Black (42%) and White (43%) 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 2024, at the time of return, 60% of all returns were supervised at Level 1, 15% at Level 2, 17% at Level 3, and 7% at Level 4. Releasees supervised at Level 1 (highest

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

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

- In 2024, 75% 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 (51%) at the end of 2024. This indicates that returns to prison occurred disproportionately among higher risk (Level 1 and Level 2) releasees (Table 14).
- More than half (62%) of releasee returns to prison in 2024 were among those supervised in the Central New York and Western regions (Table 15).
- The number of releasee returns to prison for new felony convictions increased by 37% from 509 in 2020 to 697 in 2024. (Table 16).
- The proportion of releasee returns to prison as new commitments that were originally convicted of violent offenses increased from 53% in 2020 to 56% in 2024. The percentage that was originally convicted of drug offenses decreased from 21% in 2020 to 13% in 2024 (Table 16).
- The number of releasee returns to prison for violating the conditions of parole increased by 30% from 2023 to 2024. However, the number of returns in 2024 was 50% lower than in 2020 (Table 17).

**TABLE 12. RELEASEE RETURNS TO PRISON
as a Proportion of the Releasee Dynamic Population
2020 to 2024**

Return Reason	2020	2021	2022	2023	2024
New Court Conviction	509	761	862	772	697
<i>% of Dynamic Population</i>	1%	2%	2%	3%	3%
<i>% of Total Returns</i>	15%	22%	46%	41%	32%
Violating Conditions of Parole ¹	2,917	2,682	1,029	1,121	1,456
<i>% of Dynamic Population</i>	6%	6%	3%	4%	6%
<i>% of Total Returns</i>	85%	78%	54%	59%	68%
<i>Alt-45 Participants</i>	15	44	4	N/A	N/A
<i>Alt-90 Participants</i>	587	222	12	N/A	N/A
Total Prison Returns During Year	3,426	3,443	1,891	1,893	2,153
<i>% of Dynamic Population</i>	8%	8%	5%	7%	9%
<i>% of Total Returns</i>	100%	100%	100%	100%	100%
Dynamic Population	45,297	42,613	37,912	25,686	25,131

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. These programs ended after the implementation of Less is More legislation in 2022.

**TABLE 13. RELEASEE RETURNS TO PRISON
BY OFFENDER CHARACTERISTICS
2024 Returns**

Offender Characteristics	Return Reason					
	New Court Conviction		Violating Conditions of Parole		Total	
GENDER						
Male	680	98%	1,343	92%	2,023	94%
Female	17	2%	113	8%	130	6%
AGE AT RETURN						
Under 18 Years	0	0%	0	0%	0	0%
18-20 Years	5	1%	8	1%	13	1%
21-29 Years	139	20%	268	18%	407	19%
30-39 Years	236	34%	590	41%	826	38%
40-49 Years	176	25%	365	25%	541	25%
50-59 Years	94	13%	144	10%	238	11%
60+ Years	47	7%	81	6%	128	6%
RACE/ETHNICITY						
Black	377	54%	521	36%	898	42%
Hispanic	98	14%	140	10%	238	11%
White	194	28%	729	50%	923	43%
Asian	4	1%	1	0%	5	0%
Native American	8	1%	33	2%	41	2%
Other	13	2%	25	2%	38	2%
Unknown	3	0%	7	0%	10	0%
FELONY OFFENDER STATUS						
1st Felony Offender	244	35%	650	45%	894	42%
2nd Felony Offender	392	56%	766	53%	1,158	54%
Persistent Felony Offender	25	4%	24	2%	49	2%
Youthful Offender	1	0%	0	0%	1	0%
Unknown	35	5%	16	1%	51	2%
ORIGINAL CRIME OF COMMITMENT						
A-1 Violent and Legislative VFO	388	56%	671	46%	1,059	49%
Other Coercive	53	8%	156	11%	209	10%
Drug Offenses	89	13%	204	14%	293	14%
Majority Property	114	16%	265	18%	379	18%
Other Felony	47	7%	149	10%	196	9%
YO/JO	6	1%	11	1%	17	1%

Total Returns	697	1,456	2,153
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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 2024
BY SUPERVISION LEVEL**

	Return Reason						Supervision Level for Parolees in the Community December 31, 2024	
	New Court Conviction		Violating Conditions of Parole		Total			
Supervision Level	Number	Percent	Number	Percent	Number	Percent		
1 (25:1)	384	55%	905	62%	1,289	60%	1 (25:1)	43%
2 (40:1)	94	13%	236	16%	330	15%	2 (40:1)	8%
3 (80:1)	141	20%	219	15%	360	17%	3 (80:1)	18%
4 (160:1)	71	10%	87	6%	158	7%	4 (160:1)	29%
Pending	7	1%	9	1%	16	1%	Pending	2%
TOTAL	697	100%	1,456	100%	2,153	100%	TOTAL	100%

**TABLE 15. RELEASEE RETURNS TO PRISON IN 2024
BY REGION OF SUPERVISION**

Region	New Court Conviction		Violating Conditions of Parole		Total	
	Number	Percent	Number	Percent	Number	Percent
Queens-LI	82	12%	52	4%	134	6%
Brooklyn	67	10%	19	1%	86	4%
Manhattan	74	11%	28	2%	102	5%
Bronx	30	4%	16	1%	46	2%
Hudson Valley	136	20%	302	21%	438	20%
Central NY	163	23%	666	46%	829	39%
Western	142	20%	344	24%	486	23%
DTP*	0	0%	8	1%	8	0%
Out of State	3	0%	21	1%	24	1%
Total	697	100%	1,456	100%	2,153	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
2020 TO 2024**

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
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%
2024	391	56%	53	8%	88	13%	112	16%	47	7%	6	1%	697	100%

**TABLE 17. RELEASEE RETURNS TO PRISON FOR RULE VIOLATIONS:
ORIGINAL CRIME OF COMMITMENT
2020 TO 2024**

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
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%
2024	673	46%	155	11%	204	14%	264	18%	149	10%	11	1%	1,456	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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