

**EARNED ELIGIBILITY PROGRAM
STATISTICAL REPORT
JULY 1987 THROUGH SEPTEMBER 1991**

142808

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**STATE OF NEW YORK
DEPARTMENT OF CORRECTIONAL SERVICES
DIVISION OF PROGRAM PLANNING, RESEARCH AND EVALUATION
THE STATE OFFICE BUILDING CAMPUS
ALBANY, NEW YORK 12226**

1991

142808

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DEPARTMENT OF CORRECTIONAL SERVICES

THE STATE OFFICE BUILDING CAMPUS

ALBANY, N.Y. 12226

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**EARNED ELIGIBILITY PROGRAM
STATISTICAL REPORT
JULY 1987 THROUGH SEPTEMBER 1991**

EXECUTIVE SUMMARY

The purpose of this report is to provide a statistical overview of the Earned Eligibility Program from its inception in July 1987 through September 1991.

This report focuses on inmates evaluated for a Certificate of Earned Eligibility prior to their initial Parole Board hearing. In November 1988, the Earned Eligibility Program was expanded to inmates approaching a reappearance hearing. Due to the distinctly different nature of these cases and to avoid doublecounting, statistical data on these cases is presented in a separate chapter and is not combined with initial hearing cases for analysis purposes.

A total of 67,193 inmates were evaluated for a Certificate of Earned Eligibility and had an initial hearing before the Parole Board from July 1987 through September 1991.

Percent Issued Certificates of Earned Eligibility. Of this total (67,193 inmates) who were eligible for a Certificate, 70 percent (46,889) were actually issued a Certificate. Nineteen percent (12,522) were denied Certificates and 11 percent (7,782) were granted noncertifiable status at the time of review, primarily due to insufficient time in programs through no fault of their own.

Percent of Inmates With Certificates of Earned Eligibility Who Were Released By Parole Board. Inmates who received Certificates of Earned Eligibility were substantially more likely to be granted parole than those denied a Certificate or those granted noncertifiable status. During this period, 81 percent of those inmates who received a Certificate were granted parole compared to 36 percent of those denied a Certificate and 53 percent of those granted noncertifiable status.

December 1991

EXECUTIVE SUMMARY (con't.)

Impact on Release Rate. To assess the overall impact of the Earned Eligibility Program on the Department's release rate, it is necessary to account for the substantial increase in the release rate for inmates who received Certificates while controlling for the reduction in release rates of persons denied Certificates or granted noncertifiable status. Based on the previous 50 percent release rate at initial hearings, 36,620 initial releases were projected for the July 1987 through September 1991 Boards. The actual number of initial releases was 48,614 (an additional 11,994 releases above the projected level).

Cost Savings. These additional releases represent a significant savings in terms of operating and construction costs. With respect to operating costs, it is estimated that these 11,994 additional releases resulted in a savings of just under \$200 million (assuming a \$25,000 maintenance cost per inmate per year and an average hold of eight months per denial prior to EEP).

Unlike operating cost savings, construction cost savings cannot be considered to be cumulative due to ongoing population turnover. However, the Earned Eligibility Program has enabled the Department to avoid substantial construction costs by reducing the number of inmates under custody at any given time.

To estimate this construction cost avoidance savings, it is necessary to project the number of inmates who would have been released by a given point if the Earned Eligibility Program was not in effect.

Using this model, it may be projected that an additional 2,850 inmates would be under custody at the end of 1991 if the Earned Eligibility Program were not enacted. The current cost of a prototype 750 bed medium security facility is \$65 million (or \$86,000 per bed). It may, therefore, be estimated the Earned Eligibility Program has reduced the need for capital construction by approximately \$245 million as of December 1991.

Return Rate of Earned Eligibility Program Certificate Cases. The purpose of the Earned Eligibility Program is to increase the number of inmates released at their Parole Board without increasing the risk to the community.

In line with this position, a follow-up study has found that the return rate of released individuals who were issued Certificates of Earned Eligibility was significantly lower than the return rate of a pre-program comparison group.

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**EARNED ELIGIBILITY PROGRAM
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INTRODUCTION

The purpose of this annual report is to provide a statistical overview of the Earned Eligibility Program from its inception in July 1987 through September 1991.

This report focuses on inmates evaluated for a Certificate of Earned Eligibility prior to their initial hearing. In November 1988, the Earned Eligibility Program was expanded to inmates approaching a reappearance hearing. Due to the distinctly different nature of these cases and to avoid doublecounting, statistical data on these cases is presented in a separate chapter and is not combined with initial hearing cases for analysis purposes.

Organization of Report. This report is divided into five sections.

The first section provides a series of statistical tables on the crimes, sentences and personal characteristics for persons appearing at their initial Board according to each Earned Eligibility category. The second section provides a parallel set of tables on Parole Board decisions according to Earned Eligibility status and offender characteristics. To facilitate the review of this statistical data, a brief narrative commentary precedes each of the crosstabulations. These narratives (generally one or two paragraphs) highlight the major findings of each table.

The third section provides information on Earned Eligibility reviews and parole dispositions for cases appearing for a reappearance before the Parole Board.

The fourth section of this report examines the impact of this program in generating additional releases.

The fifth and final section provides follow-up information on the proportion of inmates released and subsequently returned to the Department's custody compared to the Department's overall recidivism rate.

Overview of Earned Eligibility Program. The Earned Eligibility Program evaluates an inmate's program performance during his period of incarceration. This evaluation takes place prior to the inmate's Parole Board hearing. The results of the evaluation are provided to the Parole Board to be used in deciding whether to release the inmate or to deny parole.

The objective of the Earned Eligibility Program is to increase the rate of release for those inmates who have served their required minimum sentence and who have demonstrated an overall pattern of progress in appropriate programs. In evaluating program progress, attention is focused on the inmate's

participation in programs which directly address his crime of commitment and other areas of identified needs or deficiencies (e.g. substance abuse programs, educational programs, specialized counseling). In addition to determining program appropriateness, consideration is given to the inmate's level of attendance, participation, and progress in the program and to his institutional behavior record.

There are three possible outcomes at the conclusion of the evaluation process. The inmate may be issued a Certificate of Earned Eligibility, denied a Certificate, or granted noncertifiable status. Those inmates who have demonstrated an acceptable level of progress and participation in appropriate programs are issued a Certificate. If the level of program progress and participation is unacceptable, the inmate is denied a Certificate. Inmates granted noncertifiable status are those who have been unable to participate in appropriate programs through no fault of their own. A more complete discussion of reasons used to determine Earned Eligibility status is provided in the next section.

REASONS FOR EARNED ELIGIBILITY DECISIONS

From the inception of the Earned Eligibility Program in July 1987 until the end of September 1991, there have been 67,193 inmates who have been evaluated for a Certificate and who had a Parole Board hearing during that period. Of those cases, 46,889 inmates were issued Certificates of Earned Eligibility, 12,522 were denied Certificates, and 7,782 were granted noncertifiable status.

For the 46,889 inmates who were issued Certificates of Earned Eligibility, the reason they received Certificates was based on the finding that they had participated in appropriate programs for their needs and that their levels of attendance, participation, progress and institutional behavior were acceptable.

For those persons denied a Certificate, efforts were made to document the reasons for the denial. The reasons included one or more of the following explanations:

1. Overall unacceptable level of program participation and progress,
2. Overall unacceptable level of program attendance,
3. Refusal to participate in programs or treatment recommended by Department staff,
4. Poor institutional behavior record which impacted on the inmate's ability to participate or progress in programs,
5. Other reasons.

Table 1 presents the complete distribution for the reason or combination of reasons provided for the denial of Certificates.

TABLE 1: REASONS FOR CERTIFICATE DENIALS

	<u>Number</u>	<u>Percent</u>
Poor Program Participation and Progress	2,197	18%
Unacceptable Level of Program Attendance	598	5%
Refusal to Participate in Programs Recommended by the Department	2,995	24%
Poor Disciplinary Record Which Interfered in Program Participation	5,168	41%
Poor Progress and Poor Disciplinary Record	1,053	8%
Poor Attendance and Poor Disciplinary Record	162	1%
Refusal to Participate and Poor Disciplinary Record	292	2%
Other	<u>42</u>	<u>*</u>
TOTAL	12,507	100%

(Missing = 15)

* = Less than one-half of one percent

As shown in Table 1, the most common reason (41%) for which inmates were denied Certificates of Earned Eligibility was based on the fact that their disciplinary record had interfered with their ability to participate in appropriate programs. Moreover, if all of the reasons in which poor discipline contributed to poor participation, attendance, or progress are taken together a poor disciplinary record was influential in 52 percent of the cases which were denied a Certificate.

The second most frequent single category for reason of Certificate denial was for refusal to participate in appropriate programs (24%). This category includes, for example, those inmates with a documented history of some type of problem often associated with their crime of commitment, such as drug abuse, who have refused to participate in a program which would address the problem, such as substance abuse counseling.

The noncertifiable status category includes those persons who through no fault of their own were unable to participate in programs. This category represents neither a positive nor a negative recommendation to the Parole Board. One or more of the following reasons were provided for persons granted noncertifiable status.

1. Insufficient time in a program to evaluate progress (i.e. in reception center, in transit, not yet assigned a program)
2. Insufficient program record (i.e. less than three months)
3. Unable to participate because of hospitalization or infirmary confinement
4. In protective custody
5. Out to court
6. Other

Table 2 presents the distribution of reasons for persons granted noncertifiable status.

TABLE 2: REASONS FOR GRANTING NONCERTIFIABLE STATUS

Reason	Number	Percent
Insufficient Time in Programs	7,208	93%
Hospitalization/Infirmary	282	4%
Protective Custody	79	1%
Out to Court	196	2%
Other	<u>8</u>	<u>*</u>
TOTAL	7,773	100%

(Missing = 9)

* = Less than one-half of one percent

The majority of inmates granted noncertifiable status (93%) had insufficient time in programs to determine the level of progress made toward appropriate programming.

CHARACTERISTICS OF PERSONS EVALUATED FOR A CERTIFICATE OF EARNED ELIGIBILITY

The following information describes those 67,193 persons who had a Parole Board hearing during the months of July 1987 through September 1991 and who were eligible to be evaluated for a Certificate of Earned Eligibility. ^{1/} Seventy percent (N = 46,889) of those persons eligible to be evaluated for a Certificate were actually issued a Certificate, 19 percent (12,522) were denied a Certificate, and 11 percent (7,782) were granted noncertifiable status at the time of review.

Persons who received Certificates of Earned Eligibility were substantially more likely to be granted parole than were those denied a Certificate or those granted noncertifiable status.

Eighty-one percent of those who received a Certificate of Earned Eligibility were paroled. This compares to a substantially lower release rate for those denied a Certificate (36%) or for those granted noncertifiable status (53%).

The data in this report is based on those cases where complete information occurred in both a computer file containing data on cases reviewed for a Certificate of Earned Eligibility and from a computer file containing information on Parole Board dispositions. These cases were then matched to appropriate data files reflecting characteristic data on the inmate population for the applicable months in the study. Due to these necessary procedures of file integration, the number of cases in the analysis is reduced slightly. If any one file is missing information in the Parole or Earned Eligibility file or if there was any error in data entry of the inmate identification number in any file, the case was excluded from the analysis. This process allows for the most complete reporting on all cases.

Unless otherwise stated, this information is based on individuals as opposed to number of Parole Board hearings. For example, an inmate who may have actually had three parole hearings during the timeframe represented due to postponements by the Parole Board would only be represented once for all characteristic data. The data reflects the information pertinent at the time of the last hearing date.

^{1/} It should be noted that the number of initial hearings reported for this period is greater (73,240). This difference is due to the inclusion of postponements in the hearing statistic (i.e. cases whose initial hearings are postponed to a subsequent month).

CRIME OF COMMITMENT

Tables 3 and 4 present data on crime of commitment according to Earned Eligibility status. Table 3 is a summary table of crime of commitment according to violent felony offender classification. Table 4 provides data on specific offense types. Those offenses labeled "Violent Felony Offenses" include those offenses which have been legislatively defined as violent felony offenses. As shown in Table 3, 68 percent of those persons committed for a VFO were issued Certificates of Earned Eligibility.

The second general category labeled "Other Violent or Coercive" includes those offenses which contain some element of violence or coercion although they have not been designated by the Legislature as a violent felony offense. Sixty-four percent of the persons in this general crime category were issued Certificates.

The third general category of crimes of commitment include offenses of drug and property crimes. Within this category, 72 percent of those persons evaluated for a Certificate of Earned Eligibility were issued Certificates.

The last general offense group is the "Youthful Offender" category. This includes persons who were 16 to 18 years of age at the time of the offense, who were convicted of a felony offense but were granted youthful offender status. A smaller proportion of these offenders (54%) were issued Certificates compared to all other general crime categories. Those persons in the Youthful Offender category were less likely to be issued a Certificate and were more likely to be granted noncertifiable status, indicating that they had probably been incarcerated for a shorter length of time prior to their review and would have had less time to adequately participate in programs.

Table 4 presents specific offense types according to Earned Eligibility status.

TABLE 3: EARNED ELIGIBILITY STATUS BY VIOLENT FELONY OFFENDER CLASSIFICATION;
PAROLE BOARD HEARINGS JULY 1987 THROUGH SEPTEMBER 1991

	ISSUE CERTIFICATE	DENY CERTIFICATE	GRANT NONCERTIFIABLE STATUS	TOTAL
VIOLENT FELONY OFFENSES	68% 16,659	23% 5,656	9% 2,270	100% 24,585
OTHER VIOLENT/COERCIVE	64% 2,472	21% 809	15% 578	100% 3,859
PROPERTY/DRUG	72% 26,940	16% 5,823	12% 4,481	100% 37,244
YOUTHFUL OFFENDER	54% 818	16% 234	30% 453	100% 1,505
TOTAL	70% 46,889	19% 12,522	11% 7,782	100% 67,193

TABLE 4: CRIME OF COMMITMENT BY EARNED ELIGIBILITY STATUS;
PAROLE BOARD HEARINGS JULY 1987 THROUGH SEPTEMBER 1991

	<u>ISSUE CERTIFICATE</u>		<u>DENY CERTIFICATE</u>		<u>GRANT NONCERTIFIABLE STATUS</u>		<u>TOTAL</u>	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
A. VIOLENT FELONY OFFENSE	16,659	68%	5,656	23%	2,270	9%	24,585	100%
Att. Murder	354	78%	81	18%	20	4%	455	100%
Manslaughter 1st	706	83%	119	14%	30	3%	855	100%
Rape 1st	471	60%	281	35%	38	5%	790	100%
Robbery 1st	3,832	73%	1,234	23%	199	4%	5,265	100%
Robbery 2nd	3,984	64%	1,511	24%	763	12%	6,258	100%
Assault 1st	642	73%	154	17%	91	10%	887	100%
Assault 2nd	667	61%	212	19%	222	20%	1,101	100%
Burglary 1st	302	77%	83	21%	10	2%	395	100%
Burglary 2nd	3,002	67%	1,110	25%	341	7%	4,453	100%
Arson 1st, 2nd	122	67%	41	23%	19	10%	182	100%
Sodomy 1st	234	59%	137	35%	23	6%	394	100%
Sexual Abuse 1st	296	52%	141	25%	132	23%	569	100%
Dangerous Weapons	1,981	69%	534	18%	372	13%	2,887	100%
Kidnapping 1st, 2nd	66	70%	18	19%	10	11%	94	100%
B. OTHER FELONY OFFENSES	29,412	72%	6,632	16%	5,059	12%	41,103	100%
1. OFFENSES WITH VIOLENCE/COERCION	2,472	64%	809	21%	578	15%	3,859	100%
Manslaughter 2nd	249	82%	29	9%	27	9%	305	100%
Rape 2nd, 3rd	83	52%	42	27%	33	21%	158	100%
Robbery 3rd	1,317	63%	507	24%	269	13%	2,093	100%
Att. Assault 2nd	249	61%	88	22%	71	17%	408	100%
Other	574	64%	143	16%	178	20%	895	100%
2. PROPERTY, DRUG, OTHER	26,940	72%	5,823	16%	4,481	12%	37,244	100%
Burglary 3rd	2,878	68%	889	21%	486	11%	4,253	100%
Grand Larceny	560	73%	127	16%	87	11%	774	100%
Drugs	19,041	74%	3,752	15%	2,886	11%	25,679	100%
Forgery	615	75%	93	11%	110	14%	818	100%
Poss. Stolen Property	315	71%	86	19%	44	10%	445	100%
All Other Offenses	3,531	67%	876	17%	868	16%	5,275	100%
C. YOUTHFUL OFFENDERS	818	54%	234	16%	453	30%	1,505	100%
TOTAL	46,889	70%	12,522	19%	7,782	11%	67,193	100%

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FIRST/PREDICATE FELONY OFFENDER STATUS

In its 1973 session, the New York State Legislature re-enacted second felony offender status. These amendments to the Penal Law provide that those persons who are convicted of a felony offense and who have previously been convicted of a felony offense (within a ten year period) be sentenced as a Second Felony Offender (see New York State Penal Law Section 70.06). The purpose of these laws was to provide for more severe penalties for repeat offenders.

Table 5 presents the number and percent of first and predicate felony offenders with Parole Board hearings in July 1987 through September 1991 according to Earned Eligibility status. Sixty-seven percent of the first felony offenders were issued Certificates compared to 73 percent of the predicate felony offenders. Predicate felony offenders were denied Certificates in 23 percent of the cases compared to 15 percent of the first felony offenders. The largest difference occurs within the noncertifiable status category; 18 percent of the first felony offenders were granted noncertifiable status compared to only 4 percent of the predicate felony offenders.

TABLE 5: FIRST FELONY OFFENDER STATUS BY EARNED ELIGIBILITY STATUS;
 PAROLE BOARD HEARINGS JULY 1987 THROUGH SEPTEMBER 1991

	ISSUE CERTIFICATE	DENY CERTIFICATE	GRANT NONCERTIFIABLE STATUS	TOTAL
FIRST FELONY OFFENDER	67% 24,442	15% 5,440	18% 6,578	100% 36,460
PREDICATE FELONY OFFENDER	73% 22,446	23% 7,082	4% 1,203	100% 30,731
TOTAL	70% 46,888	19% 12,522	11% 7,781	100% 67,191

Missing = 2

MINIMUM SENTENCE LENGTH

Table 6 presents minimum sentence length, in months, according to Earned Eligibility status. It should be noted that persons with minimum terms greater than six years are ineligible for a Certificate of Earned Eligibility. Consequently, the longest minimum sentence presented in Table 6 is 72 months.

Persons with the shortest minimum sentence lengths (12 to 17 months) were substantially less likely (56%) to receive a Certificate of Earned Eligibility than were persons with longer minimum sentences. Persons with short minimum terms were much more likely to be granted noncertifiable status at the time of their evaluation (34%). This finding would be consistent with the idea that persons with short minimum terms would have served less time prior to their initial parole hearing and consequently would have had less time to participate in programs.

For all remaining minimum sentence lengths, the distribution of Certificates issued ranges from 71 percent for persons with a minimum sentence of 18 to 23 months to a 78 percent approval rate for persons with a 36 to 47 month minimum.

TABLE 6: MINIMUM SENTENCE BY EARNED ELIGIBILITY STATUS;
 PAROLE BOARD HEARINGS JULY 1987 THROUGH SEPTEMBER 1991

	ISSUE CERTIFICATE	DENY CERTIFICATE	GRANT NONCERTIFIABLE STATUS	TOTAL
12-17 MONTHS	56% 9,488	10% 1,786	34% 5,690	100% 16,964
18-23 MONTHS	71% 10,362	20% 2,906	9% 1,325	100% 14,593
24-35 MONTHS	75% 15,570	22% 4,486	3% 599	100% 20,655
36-47 MONTHS	78% 6,194	21% 1,636	1% 81	100% 5,738
48-72 MONTHS	75% 5,274	24% 1,708	1% 86	100% 7,068
TOTAL	70% 46,888	19% 12,522	11% 7,781	100% 67,191

Missing = 2

SECURITY STATUS

Table 7 presents the security classification based on the security level of the holding facility at the time of Earned Eligibility evaluation according to the results of Earned Eligibility evaluation. As shown in Table 7, as security level decreases from maximum to minimum, the likelihood of receiving a Certificate of Earned Eligibility increases. Those persons in maximum security facilities were issued Certificates in 42 percent of the cases compared to 71 percent in medium security, and 90 percent in minimum security. Persons in maximum security facilities were much more likely to be denied a Certificate or to be granted noncertifiable status than were persons from medium or minimum security facilities.

TABLE 7: SECURITY CLASSIFICATION (OF HOLDING FACILITY) BY EARNED ELIGIBILITY STATUS;
PAROLE BOARD HEARINGS JULY 1987 THROUGH SEPTEMBER 1991

SECURITY CLASSIFICATION OF HOLDING FACILITY	ISSUE CERTIFICATE	DENY CERTIFICATE	GRANT NONCERTIFIABLE STATUS	TOTAL
MAXIMUM	42% 5,502	40% 5,310	18% 2,308	100% 13,120
MEDIUM	71% 27,958	17% 6,621	12% 4,578	100% 39,157
MINIMUM	90% 13,403	4% 577	6% 887	100% 14,867
TOTAL	70% 46,863	19% 12,508	11% 7,773	100% 67,144

Missing = 49

GENDER

Table 8 presents data on Earned Eligibility status according to inmate gender. Women were somewhat more likely (72%) than men (70%) to be issued Certificates of Earned Eligibility. Nineteen percent of the men and 9 percent of the women reviewed were denied Certificates. Eleven percent of the men were granted non-certifiable status. Women were more likely to be granted noncertifiable status (19%) as a result of shorter minimum sentence lengths, thus having less time to participate in appropriate programs prior to their Parole Board hearings.

TABLE 8: INMATE GENDER BY EARNED ELIGIBILITY STATUS;
 PAROLE BOARD HEARINGS JULY 1987 THROUGH SEPTEMBER 1991

	ISSUE CERTIFICATE	DENY CERTIFICATE	GRANT NONCERTIFIABLE STATUS	TOTAL
MALE	70% 43,513	19% 12,079	11% 6,886	100% 62,478
FEMALE	72% 3,376	9% 443	19% 896	100% 4,715
TOTAL	70% 46,889	19% 12,522	11% 7,782	100% 67,193

ETHNICITY

Table 9 presents information on Earned Eligibility according to ethnicity. The proportion of inmates across ethnic groups who received Certificates of Earned Eligibility ranged from 67 to 73 percent. Black inmates were somewhat less likely to receive a Certificate (67%) than were White (73%), Hispanic (72%) or inmates of "other" ethnic groups (71%).

The proportion of cases denied a Certificate ranged from a low of 15 percent for the White inmates and the "Other" ethnic category to a high of 21 percent for Black inmates.

TABLE 9: ETHNICITY BY EARNED ELIGIBILITY STATUS;
PAROLE BOARD HEARINGS JULY 1987 THROUGH SEPTEMBER 1991

ETHNICITY	ISSUE CERTIFICATE	DENY CERTIFICATE	GRANT NONCERTIFIABLE STATUS	TOTAL
WHITE	73% 8,675	15% 1,785	12% 1,400	100% 11,860
BLACK	67% 21,943	21% 6,710	12% 4,011	100% 32,664
HISPANIC	72% 15,797	18% 3,925	10% 2,240	100% 21,962
OTHER	71% 423	15% 92	14% 85	100% 600
TOTAL	70% 46,838	19% 12,512	11% 7,736	100% 67,086

Missing = 107

REGION OF COMMITMENT

Table 10 provides information on Earned Eligibility status according to region of commitment. Region of the state is classified into four categories. The New York City region represents those inmates who were committed in Bronx, Kings, New York (Manhattan), Queens and Richmond counties. The second region, Suburban New York, consists of Nassau, Suffolk, Rockland and Westchester counties. The third region, Upstate Urban, reflects commitments from counties which are upstate and contain a population center of 50,000 or more. For instance, Erie County contains the city of Buffalo, Albany County contains the city of Albany, etc. The fourth region, Upstate Rural, contains all remaining counties.

The highest approval rate (72%) was for persons committed from the Suburban New York region or from the Upstate Urban area. Sixty-nine percent of those persons from the New York City region were issued Certificates and 70 percent from Upstate Rural areas. Persons committed in the New York City Region were more likely (20%) to be denied a Certificate than were persons from other regions of the state. Persons from the "Other" Upstate category were more likely (16%) to be granted noncertifiable status than were persons from other regions.

TABLE 10: EARNED ELIGIBILITY STATUS BY REGION OF COMMITMENT;
PAROLE BOARD HEARINGS JULY 1987 THROUGH SEPTEMBER 1991

REGION	ISSUE CERTIFICATE	DENY CERTIFICATE	GRANT NONCERTIFIABLE STATUS	TOTAL
NEW YORK CITY <u>A/</u>	69% 32,955	20% 9,516	11% 5,179	100% 47,650
SUBURBAN NEW YORK <u>B/</u>	72% 5,624	16% 1,230	12% 1,001	100% 7,855
UPSTATE URBAN <u>C/</u>	72% 4,628	16% 1,048	12% 781	100% 6,457
OTHER UPSTATE <u>D/</u>	70% 3,681	14% 727	16% 821	100% 5,229
TOTAL	70% 46,888	19% 12,521	11% 7,782	100% 67,191
Missing = 2				

A/ Includes Bronx, Kings, New York, Queens and Richmond Counties.

B/ Includes Nassau, Suffolk, Rockland and Westchester Counties.

C/ Includes Albany, Broome, Erie, Monroe, Niagara, Oneida, Onondaga, Rensselaer, and Schenectady Counties. These are upstate counties containing a city of 50,000 or more inhabitants according to 1980 census figures.

D/ All remaining Counties.

PAROLE BOARD DISPOSITIONS

This section of the report provides information on Parole Board dispositions according to Earned Eligibility status. The parole dispositional data is reflective of initial Parole Board hearings held during the months of July 1987 through September 1991 where an Earned Eligibility evaluation had been conducted.

As stated earlier, this report relies on the information pertinent only to the last hearing for those persons who have had more than one hearing due to prior postponements. Information was available on 73,240 initial hearings, representing 67,193 individuals. By counting only the last hearing outcome, the proportion of cases released increases from approximately 66 percent, if all hearings are considered, compared to 69 percent if individuals are the base of analysis.

Parole dispositions are presented in two categories, released and held. Released refers to those persons who received a straight parole date or were granted an open parole date. Held refers to those persons who were postponed or denied parole. Of the total, 67,193 persons who had been evaluated for a Certificate of Earned Eligibility and had appeared before the Parole Board during the appropriate months, 69 percent (46,696) were granted parole. Table 11 presents parole disposition according to Earned Eligibility status.

TABLE 11: PAROLE DISPOSITION BY EARNED ELIGIBILITY STATUS

	Released	Held	Total
Issue Certificate	81% 38,112	19% 8,777	100% 46,889
Deny Certificate	36% 4,459	64% 8,063	100% 12,522
Grant Noncertifiable Status	53% <u>4,125</u>	47% <u>3,657</u>	100% <u>7,782</u>
TOTAL	69% 46,696	31% 20,497	100% 67,193

As shown in Table 11, persons who received Certificates of Earned Eligibility were substantially more likely (81%) to be paroled than were those persons denied a Certificate (36%) or those granted noncertifiable status (53%).

COMMITMENT OFFENSE (AGGREGATED)

Table 12 presents information on parole dispositions according to Earned Eligibility status and aggregate categories of offense type. For all offense categories, persons who received Certificates of Earned Eligibility were substantially more likely to be released than were persons denied a Certificate or those granted noncertifiable status.

The highest rates of release were for those persons issued a Certificate of Earned Eligibility and committed as a Youthful Offender (89%) or for a property or drug offense (88%). Alternatively, the lowest rates of release occurred for those persons who were denied a Certificate and were committed for an offense within the category of Other Coercive or Violent Offense (21%).

TABLE 12: PAROLE BOARD DISPOSITION BY EARNED ELIGIBILITY STATUS BY COMMITMENT OFFENSE TYPE (AGGREGATED);
PAROLE BOARD HEARINGS JULY 1987 THROUGH SEPTEMBER 1991

	ISSUE CERTIFICATE		DENY CERTIFICATE		GRANT NONCERTIFIABLE STATUS		TOTAL	
	Released	Held	Released	Held	Released	Held	Released	Held
VIOLENT FELONY OFFENSE	74% 12,294	26% 4,365	30% 1,702	70% 3,954	40% 898	60% 1,372	61% 14,894	39% 9,691
OTHER COERCIVE/VIOLENT	61% 1,519	39% 953	21% 172	79% 637	31% 179	69% 399	48% 1,870	52% 1,989
PROPERTY/DRUG	88% 23,574	12% 3,366	43% 2,493	57% 3,330	62% 2,790	38% 1,691	77% 28,857	23% 8,387
YOUTHFUL OFFENDERS	89% 725	11% 93	39% 92	61% 142	57% 258	43% 195	71% 1,075	29% 430
TOTAL	81% 38,112	19% 8,777	36% 4,459	64% 8,063	53% 4,125	47% 3,657	69% 46,696	31% 20,497

CRIME OF COMMITMENT

Tables 13 and 14 present data on the number and percent of persons released or held by the Parole Board according to Earned Eligibility status and specific crime of commitment. As previously stated, the release rate for persons issued a Certificate of Earned Eligibility was greater across all aggregated offense categories compared to the release rates for persons denied a Certificate or granted noncertifiable status. However, there is some variation on release rates according to specific offense categories.

Within the Violent Offender category, the release rate for offenders convicted of a sex related offense was substantially lower than for other types of Violent Felony Offenses. The overall rate of release for persons issued a Certificate and convicted of a Violent Felony Offenses was 74 percent. Comparatively, persons issued a Certificate and convicted of Rape 1st had a release rate of 24 percent, Sodomy 1st also had a release rate of 24 percent and Sexual Abuse had a release rate of 14 percent. The highest rate of release for persons issued a Certificate and convicted of a Violent Felony Offense were for those convicted of Robbery 1st (83%).

Within the general crime category of Other Felony Offenses, the release rate for persons issued a Certificate ranges from a low of 10 percent (Rape 2nd and 3rd) to a high of 91 percent for persons convicted of a drug offense.

Youthful Offenders who had received a Certificate of Earned Eligibility had a release rate of 89 percent.

The release rates of persons denied Certificates were substantially lower for all offenses compared to the overall release rate for each offense type. For example, the total release rate for persons eligible for Earned Eligibility and convicted of Robbery 1st was 70 percent; however, for those denied a Certificate, the release rate was only 35 percent. Similarly, persons committed for Burglary 2nd had an overall release rate of 70 percent. This drops to 41 percent for those denied a Certificate of Earned Eligibility.

TABLE 13: PAROLE BOARD DISPOSITION BY EARNED ELIGIBILITY STATUS BY OFFENSE TYPE;
PAROLE BOARD HEARINGS JULY 1987 THROUGH SEPTEMBER 1991

	<u>ISSUE CERTIFICATE</u>		<u>DENY CERTIFICATE</u>		<u>GRANT NONCERTIFIABLE STATUS</u>		<u>TOTAL</u>	
	Released	Held	Released	Held	Released	Held	Released	Held
TOTAL	38,112	8,777	4,459	8,063	4,125	3,657	46,696	20,497
A. VIOLENT FELONY OFFENSE	12,294	4,365	1,702	3,954	898	1,372	14,894	9,691
Att. Murder	198	156	10	71	2	18	210	245
Manslaughter 1st	417	289	32	87	11	19	460	395
Rape 1st	113	358	10	271	0	38	123	667
Robbery 1st	3,183	649	434	800	86	113	3,703	1,562
Robbery 2nd	3,251	733	499	1,012	356	407	4,106	2,152
Assault 1st	405	237	23	131	24	67	452	435
Assault 2nd	386	281	33	179	52	170	471	630
Burglary 1st	226	76	24	59	5	5	255	140
Burglary 2nd	2,472	530	459	651	187	154	3,118	1,335
Arson	83	39	9	32	6	13	98	84
Sodomy 1st	57	177	9	128	2	21	68	326
Sexual Abuse 1st	43	253	8	133	6	126	57	512
Dangerous Weapons	1,422	559	149	385	159	213	1,730	1,157
Kidnapping	38	28	3	15	2	8	43	51
B. OTHER FELONY OFFENSES	25,093	4,319	2,665	3,967	2,969	2,090	30,727	10,376
1. OFFENSES WITH VIOLENT COERCION	1,519	953	172	637	179	399	1,870	1,989
Manslaughter 2nd	126	123	4	25	8	19	138	167
Rape 2nd, 3rd	8	75	2	40	2	31	12	146
Robbery 3rd	987	330	132	375	116	153	1,235	858
Att. Assault 2nd	142	107	17	71	16	55	175	233
Other	256	318	17	126	37	141	310	585
2. PROPERTY, DRUG, OTHER	23,574	3,366	2,493	3,330	2,790	1,691	28,857	8,387
Burglary 3rd	2,364	514	342	547	259	227	2,965	1,288
Grand Larceny	443	117	39	88	45	42	527	247
Drugs	17,311	1,730	1,716	2,036	1,991	895	21,018	4,661
Forgery	509	106	42	51	70	40	621	197
Poss. Stolen Property	265	50	38	48	21	23	324	121
All Other	2,682	849	316	560	404	464	3,402	1,873
C. YOUTHFUL OFFENDERS	725	93	92	142	258	195	1,075	430

TABLE 14: PAROLE BOARD DISPOSITION (IN PERCENT) BY EARNED ELIGIBILITY STATUS BY OFFENSE TYPE;
PAROLE BOARD HEARINGS JULY 1987 THROUGH SEPTEMBER 1991

	ISSUE CERTIFICATE		DENY CERTIFICATE		GRANT NONCERTIFIABLE STATUS		TOTAL	
	Released	Held	Released	Held	Released	Held	Released	Held
TOTAL	81%	19%	36%	64%	53%	47%	69%	31%
A. VIOLENT FELONY OFFENSE	74%	26%	30%	70%	40%	60%	61%	39%
Att. Murder	56%	44%	12%	88%	10%	90%	46%	54%
Manslaughter 1st	59%	41%	27%	73%	37%	63%	54%	46%
Rape 1st	24%	76%	4%	96%	0%	100%	16%	84%
Robbery 1st	83%	17%	35%	65%	43%	57%	70%	30%
Robbery 2nd	82%	18%	33%	67%	47%	53%	66%	34%
Assault 1st	63%	37%	15%	85%	26%	74%	51%	49%
Assault 2nd	58%	42%	16%	84%	23%	77%	43%	57%
Burglary 1st	75%	25%	29%	71%	50%	50%	65%	35%
Burglary 2nd	82%	18%	41%	59%	55%	45%	70%	30%
Arson	68%	32%	22%	78%	32%	68%	54%	46%
Sodomy 1st	24%	76%	7%	93%	9%	91%	17%	83%
Sexual Abuse 1st	14%	86%	6%	94%	4%	96%	10%	90%
Dangerous Weapons	72%	28%	28%	72%	43%	57%	60%	40%
Kidnapping	58%	42%	17%	83%	20%	80%	46%	54%
B. OTHER FELONY OFFENSES	85%	15%	40%	60%	59%	41%	75%	25%
1. OFFENSES WITH VIOLENT COERCION	61%	39%	21%	79%	31%	69%	48%	52%
Manslaughter 2nd	51%	49%	14%	86%	30%	70%	45%	55%
Rape 2nd, 3rd	10%	90%	5%	95%	6%	94%	8%	92%
Robbery 3rd	75%	25%	26%	74%	43%	57%	59%	41%
Attempted Assault 2nd	57%	43%	19%	81%	22%	78%	43%	57%
Other	45%	55%	12%	88%	21%	79%	35%	65%
2. PROPERTY, DRUG, OTHER	88%	12%	43%	57%	62%	38%	77%	23%
Burglary 3rd	82%	18%	38%	62%	53%	47%	70%	30%
Grand Larceny	79%	21%	31%	69%	52%	48%	68%	32%
Drugs	91%	9%	46%	54%	69%	31%	82%	18%
Forgery	83%	17%	45%	55%	64%	36%	76%	24%
Poss. Stolen Property	84%	16%	44%	56%	48%	52%	73%	27%
All Other	76%	24%	36%	64%	46%	54%	65%	35%
C. YOUTHFUL OFFENDERS	89%	11%	39%	61%	57%	43%	71%	29%

FIRST FELONY OFFENDER STATUS

Table 15 presents parole dispositions according to Earned Eligibility status and first or predicate felony offender status. The proportion of first felony offenders who received a Certificate of Earned Eligibility and who were granted parole was 83 percent compared to the release rate for predicate felony offenders who had earned a Certificate at 80 percent. The release rate for persons denied a Certificate was much lower regardless of first or predicate felony offender status, 37 percent of the first felony offenders in this category and 35 percent of the predicate felony offenders were released. For persons who were granted noncertifiable status, the release rate for first felony offenders was 54 percent. The release rate for predicate felony offenders granted noncertifiable status was somewhat less at 48 percent.

In summary, first felony offenders were more likely than second felony offenders to be granted parole across all Earned Eligibility categories.

TABLE 15: PAROLE BOARD DISPOSITION BY EARNED ELIGIBILITY STATUS ACCORDING TO FIRST FELONY OFFENDER STATUS;
PAROLE BOARD HEARINGS JULY 1987 THROUGH SEPTEMBER 1991

FIRST/PREDICATE OFFENDER STATUS	<u>ISSUE CERTIFICATE</u>		<u>DENY CERTIFICATE</u>		<u>GRANT NONCERTIFIABLE STATUS</u>		<u>TOTAL</u>	
	Released	Held	Released	Held	Released	Held	Released	Held
FIRST FELONY OFFENDER	83% 20,237	17% 4,205	37% 2,006	63% 3,434	54% 3,550	46% 3,028	71% 25,793	29% 10,667
PREDICATE FELONY OFFENDER	80% 17,847	20% 4,572	35% 2,453	65% 4,629	48% 575	52% 628	68% 20,902	32% 9,829
TOTAL	81% 38,084	19% 8,777	36% 4,459	64% 8,063	53% 4,125	47% 3,656	69% 46,695	31% 20,496

Missing = 2

MINIMUM SENTENCE LENGTH

Table 16 presents the number and percent of Parole Board dispositions according to Earned Eligibility status and minimum sentence. For persons issued a Certificate, there is little variation in the release rate across different minimum sentence categories. The range of the release rate for persons issued a Certificate was between 75 percent for persons with a minimum sentence of 48 to 72 months, to an 84 percent release rate for persons with an 12 to 17 month minimum.

For persons denied a Certificate of Earned Eligibility, the highest release rate (40%) was for persons serving the shortest possible terms, a minimum sentence of 12 to 17 months. The release rate for persons who were granted noncertifiable status ranged from a low of 29 percent for persons with a minimum term of 48 to 72 months to a high of 56 percent for persons with a 12 to 17 month minimum.

TABLE 16: PAROLE BOARD DISPOSITION BY EARNED ELIGIBILITY STATUS BY MINIMUM SENTENCE;
PAROLE BOARD HEARINGS JULY 1987 THROUGH SEPTEMBER 1991

MINIMUM SENTENCE	<u>ISSUE CERTIFICATE</u>		<u>DENY CERTIFICATE</u>		<u>GRANT NONCERTIFIABLE STATUS</u>		<u>TOTAL</u>	
	Released	Held	Released	Held	Released	Held	Released	Held
12-17 MONTHS	84% 7,951	16% 1,537	40% 714	60% 1,072	56% 3,164	44% 2,526	70% 11,829	30% 5,135
18-23 MONTHS	82% 8,511	18% 1,851	36% 1,059	64% 1,847	48% 639	52% 686	70% 10,209	30% 4,384
24-35 MONTHS	81% 12,580	19% 2,990	35% 1,583	65% 2,903	42% 254	58% 345	70% 14,417	30% 6,238
36-47 MONTHS	83% 5,117	17% 1,077	35% 569	65% 1,067	53% 43	47% 38	72% 5,729	28% 2,182
48-72 MONTHS	75% 3,952	25% 1,322	31% 534	69% 1,174	29% 25	71% 61	64% 4,511	36% 2,557
TOTAL	81% 38,111	19% 8,777	36% 4,459	64% 8,063	53% 4,125	47% 3,656	69% 46,695	31% 20,496

Missing = 2

SECURITY STATUS

Table 17 presents data on Parole Board dispositions by Earned Eligibility status and security classification (according to holding facility). The rate of release for all persons issued a Certificate of Earned Eligibility appears to be directly related to level of security classification. The most frequently released were those persons held in minimum security facilities (93%), compared to medium security (77%) and maximum security (72%). The relationship between release and security classification is maintained for persons denied Certificates and for those granted noncertifiable status. Those persons in maximum security facilities were less likely to be released than were those in medium or minimum security facilities for all Earned Eligibility categories.

TABLE 17: PAROLE BOARD DISPOSITION BY EARNED ELIGIBILITY STATUS BY SECURITY CLASSIFICATION OF HOLDING FACILITY;
PAROLE BOARD HEARINGS JULY 1987 THROUGH SEPTEMBER 1991

SECURITY CLASSIFICATION OF HOLDING FACILITY	ISSUE CERTIFICATE		DENY CERTIFICATE		GRANT NONCERTIFIABLE STATUS		TOTAL	
	Released	Held	Released	Held	Released	Held	Released	Held
MAXIMUM SECURITY	72% 3,970	28% 1,532	30% 1,621	70% 3,689	43% 1,005	57% 1,303	50% 6,596	50% 6,524
MEDIUM SECURITY	77% 21,636	23% 6,322	38% 2,538	62% 4,083	55% 2,501	45% 2,077	68% 26,675	32% 12,482
MINIMUM SECURITY	93% 12,489	7% 914	51% 295	49% 282	69% 612	31% 275	90% 13,396	10% 1,471
TOTAL	81% 38,095	19% 8,768	36% 4,454	64% 8,054	53% 4,118	47% 3,655	69% 46,667	31% 20,477

Missing = 49

GENDER

Table 18 provides data on parole disposition by Earned Eligibility status and inmate gender. The release rate for persons issued a Certificate was higher for women (89%) than for men at 81 percent. The release rate for those persons denied a Certificate was slightly higher for women (38%) than for men (35%). Women who were granted noncertifiable status were substantially more likely to be released (70%) than were men (51%) in the same category.

TABLE 18: PAROLE BOARD DISPOSITION BY EARNED ELIGIBILITY STATUS ACCORDING TO INMATE GENDER;
PAROLE BOARD HEARINGS JULY 1987 THROUGH SEPTEMBER 1991

GENDER	<u>ISSUE CERTIFICATE</u>		<u>DENY CERTIFICATE</u>		<u>GRANT NONCERTIFIABLE STATUS</u>		<u>TOTAL</u>	
	Released	Held	Released	Held	Released	Held	Released	Held
MALE	81% 35,099	19% 8,414	35% 4,291	65% 7,788	51% 3,500	49% 3,386	69% 42,890	31% 19,588
FEMALE	89% 3,013	11% 363	38% 168	62% 275	70% 625	30% 271	81% 3,806	19% 909
TOTAL	81% 38,112	19% 8,777	36% 4,459	64% 8,063	53% 4,125	47% 3,657	69% 46,696	31% 20,497

ETHNICITY

Parole Board dispositions are presented in Table 19 according to Earned Eligibility status and ethnicity. For those persons who received Certificates of Earned Eligibility, Hispanic inmates were somewhat more likely (85%) to be released than were White (78%), Black (80%) or Other Ethnic groups (82%). Of those persons denied a Certificate, White inmates were released in 36 percent of the cases, Black inmates (34%), Hispanic inmates (38%) and Other Ethnic groups (39%).

TABLE 19: PAROLE BOARD DISPOSITION BY EARNED ELIGIBILITY STATUS BY INMATE ETHNIC STATUS;
PAROLE BOARD HEARINGS JULY 1987 THROUGH SEPTEMBER 1991

ETHNICITY	<u>ISSUE CERTIFICATE</u>		<u>DENY CERTIFICATE</u>		<u>GRANT NONCERTIFIABLE STATUS</u>		<u>TOTAL</u>	
	Released	Held	Released	Held	Released	Held	Released	Held
WHITE	78% 6,773	22% 1,902	36% 639	64% 1,146	49% 689	51% 711	68% 8,101	32% 3,759
BLACK	80% 17,547	20% 4,396	34% 2,269	66% 4,441	52% 2,068	48% 1,943	67% 21,884	33% 10,780
HISPANIC	85% 13,406	15% 2,391	38% 1,511	62% 2,414	58% 1,306	42% 934	74% 16,223	26% 5,739
OTHER	82% 347	18% 76	39% 36	61% 56	43% 37	57% 48	70% 420	30% 180
TOTAL	81% 38,073	19% 8,765	36% 4,455	64% 8,057	53% 4,100	47% 3,636	69% 46,628	31% 20,458

Missing = 107

REGION OF COMMITMENT

Table 20 presents information on Parole Board dispositions by Earned Eligibility status according to region of commitment. The release rate for persons issued a Certificate ranged from 76 percent for persons committed from the All Other Upstate category to a high of 84 percent for those committed from Suburban New York. The release rate for persons denied a Certificate ranged from a low of 31 percent for persons from both Upstate areas to a high of 36 percent for persons committed from the New York area. The release rate for persons granted noncertifiable status was lowest for persons from the Upstate Urban region (46%) and highest for the Suburban New York area (56%).

TABLE 20: PAROLE BOARD DISPOSITION BY EARNED ELIGIBILITY
STATUS ACCORDING TO REGION OF COMMITMENT;
PAROLE BOARD HEARINGS JULY 1987 THROUGH SEPTEMBER 1991

REGION	ISSUE CERTIFICATE		DENY CERTIFICATE		GRANT NONCERTIFIABLE STATUS		TOTAL	
	Released	Held	Released	Held	Released	Held	Released	Held
NEW YORK CITY <u>A/</u>	82% 27,021	18% 5,934	36% 3,419	64% 6,097	54% 2,787	46% 2,392	70% 33,227	30% 14,423
SUBURBAN NEW YORK <u>B/</u>	84% 4,701	16% 923	39% 478	61% 752	56% 560	44% 441	73% 5,739	27% 2,116
ALL OTHER UPSTATE <u>C/</u>	77% 3,576	23% 1,052	31% 322	69% 726	46% 362	54% 419	66% 4,260	34% 2,197
UPSTATE RURAL <u>D/</u>	76% 2,813	24% 868	33% 239	67% 488	51% 416	49% 405	66% 3,468	34% 1,761
TOTAL	81% 38,111	19% 8,777	36% 4,458	64% 8,063	53% 4,125	47% 3,657	69% 46,694	31% 20,497

Missing = 2

A/ Includes Bronx, Kings, New York, Queens and Richmond Counties.

B/ Includes Nassau, Suffolk, Rockland and Westchester Counties.

C/ Includes Albany, Broome, Erie, Monroe, Niagara, Oneida, Onondaga, Rensselaer, and Schenectady Counties. These are upstate counties containing a city of 50,000 or more inhabitants according to 1980 census figures.

D/ All remaining Counties.

EXPANSION OF EEP TO REAPPEARANCE HEARINGS

REAPPEARANCES

The Earned Eligibility Program was expanded in November 1988 to include all persons meeting the minimum sentence requirements and approaching a Parole Board hearing. Essentially, this expansion meant that in addition to evaluations being conducted for persons approaching their initial hearing, evaluations were completed for persons scheduled for a reappearace hearing before the Parole Board.

Reappearace hearings are basically represented by two groups. One group consists of those cases who had previously been denied release by the Board and were appearing for a subsequent hearing. The second group is comprised of those persons who were in the community under parole supervision and were returned to the Department for a violation of their conditions of parole or conditional release.

There has been a total of 20,517 Earned Eligibility reviews and subsequent reappearace hearings from November 1988 through September 1991. Those 20,517 reappearace hearings involved a total of 17,451 individuals. Fifty-five percent of the hearings were for persons who had previously been denied parole at one or more prior hearings and 45% were for persons who had been returned for violating parole or conditional release.

Persons approaching a reappearace hearing must meet the same criteria as persons approaching an initial hearing to be eligible for a Certificate of Earned Eligibility. The Earned Eligibility status of persons who had a reappearace hearing from November 1988 through September 1991 is presented according to reappearace type in the following table.

**TABLE 21
EARNED ELIGIBILITY STATUS BY REAPPEARANCE TYPE**

	<u>REAPPEARANCE</u>	<u>PAROLE OR CONDITIONAL RELEASE VIOLATOR REAPPEARANCE</u>	<u>TOTAL</u>
Issue	6,179 (55%)	1,821 (20%)	8,000 (39%)
Denied	4,925 (44%)	1,133 (12%)	6,058 (30%)
Non-Certifiable Status	120 (1%)	6,339 (68%)	6,459 (31%)
TOTAL	11,224 (100%)	9,293 (100%)	20,517 (100%)

As shown in Table 21, 55 percent of the reappearances group had earned a Certificate compared to 20 percent of the violator reappearances group. For those cases who were a returned parole or conditional release violator, their Earned Eligibility status is based on program activities since their return to the Department. Consequently, the majority of the parole and conditional release violators were in the non-certifiable category (68%). If both groups are taken together, 39 percent of the persons who appeared for a reappearances had earned a Certificate, 30 percent had been denied a Certificate and 31 percent were found to be non-certifiable.

Table 22 presents the parole disposition according to Earned Eligibility status by reappearances type.

TABLE 22
PAROLE DISPOSITION BY EARNED ELIGIBILITY STATUS
BY REAPPEARANCES TYPE
 (Parole Hearings November 1988 through September 1991)

	REAPPEARANCES		RETURNED PV OR CR		TOTAL	
	Released	Held	Released	Held	Released	Held
Issued	5,144 (83%)	1,035 (17%)	1,618 (89%)	203 (11%)	6,762 (85%)	1,238 (15%)
Denied	2,059 (42%)	2,866 (58%)	767 (68%)	366 (32%)	2,826 (47%)	3,232 (53%)
Non-Certifiable	52 (43%)	68 (57%)	5,799 (91%)	540 (9%)	5,851 (91%)	608 (9%)
TOTAL	7,255 (65%)	3,969 (35%)	8,184 (88%)	1,109 (12%)	15,439 (75%)	5,078 (25%)

In the reappearances category, those persons issued a Certificate were much more likely (83%) to be released than were those denied a Certificate (42%) or non-certifiable (43%). In the returned parole or conditional release violator group, persons who were granted non-certifiable status were most likely to be released (91%) followed by persons who earned a Certificate (89%). The overall release rate for persons issued a Certificate appearing at a reappearances hearing was 85 percent; for those denied a Certificate, 47 percent; and for those in the non-certifiable category, 91 percent.

IMPACT OF THE EARNED ELIGIBILITY PROGRAM

The objective of the Earned Eligibility Program is to increase the rate of release for those persons who have served their minimum sentence and have demonstrated documentable progress in programs which address problems that have contributed to their incarceration.

As noted previously, there were 73,240 initial hearings during the study period from July 1987 through September 1991. These 73,240 hearings involved 67,193 different inmates (who were the subject of the preceding statistical analysis). As noted earlier, the difference between total hearings and total number of inmates is inclusion of postponements in the total hearing statistic. On a monthly basis, a certain number of hearings are postponed to a subsequent month. These postponements are included in the monthly hearing statistics prepared by the Division of Parole and utilized by this Department.

This distinction is noteworthy at this point because the projected 50 percent release rate at initial hearings is based on the total number of hearings in 1986. To generate a valid comparison of projected and actual release rates, this section thus utilizes the total hearing number (rather than total inmates involved).

As previously stated, prior to the Earned Eligibility Program, the average rate of release for persons appearing before the Board for their initial Parole Board hearing was approximately 50 percent. Since the inception of the Earned Eligibility Program in July 1987 through September 1991, the overall release rate increased to 66 percent for those cases eligible to be considered for a Certificate of Earned Eligibility. The release rate for persons issued a Certificate was 79 percent, denied a Certificate 34 percent, and granted noncertifiable status 48 percent.

To evaluate the overall impact of the Earned Eligibility Program, it is necessary to account for the substantial increase in the release rate for persons who received Certificates of Earned Eligibility while controlling for the reduction in the release rates for persons denied Certificates or granted noncertifiable status. To calculate the actual number of additional releases generated by the Earned Eligibility Program, it is necessary to calculate the difference between the actual number of releases since the beginning of the program from what would have been expected based on a 50 percent release rate.

Table 23 presents the number of actual releases, expected releases (based on a 50 percent release rate), and the difference between these figures according to Earned Eligibility status.

TABLE 23

	<u>EEP REVIEWS</u>	<u>ACTUAL RELEASES</u>	<u>EXPECTED RELEASES</u>	<u>TOTAL DIFFERENCE</u>
Certificates Issued	50,205	39,555	25,102.5	+14,452.5
Certificates Denied	13,997	4,718	6,998.5	- 2,280.5
Noncertifiable Status	<u>9,038</u>	<u>4,341</u>	<u>4,519.0</u>	<u>- 178.0</u>
TOTAL	73,240	48,614	36,620.0	+11,994.0

The total difference between actual releases and expected releases represents the number of additional releases generated by the Earned Eligibility Program. Prior to the Earned Eligibility Program, the expected number of releases was 36,620 cases. The actual number of releases was 48,614, resulting in an additional 11,994 releases over the period of July 1987 through September 1991.

These figures demonstrate that the Earned Eligibility Program has had a positive impact on the release rate for persons who have served their minimum terms and who have participated and progressed in appropriate programs.

Estimated Savings. During the period July 1987 through September 1991, the Earned Eligibility Program generated 11,994 releases over the number of releases which would have been expected prior to the program's implementation. Prior to the Earned Eligibility Program, the 11,994 would typically have been held for an additional eight months prior to their next Parole Board hearing. The savings generated by these additional releases can be estimated by the standard maintenance cost of \$25,000 per inmate per year, or a savings of \$16,666 per inmate for the estimated eight months of additional incarceration. It is estimated that the 11,994 additional releases resulted in a savings just under \$200 million since the inception of the Earned Eligibility Program.

Unlike operating cost savings, construction cost savings cannot be considered to be cumulative due to ongoing population turnover. However, the Earned Eligibility Program has enabled the Department to avoid substantial construction costs by reducing the number of inmates under custody at any given time.

To estimate this construction cost avoidance savings, it is necessary to project the number of inmates who would have been released by a given point if the Earned Eligibility Program were not in effect. Using pre-program data sets from 1986, a projection model was developed for this purpose. Using this historical data, the model estimates the number of cases who would have been released at a subsequent hearing or by conditional release prior to the Earned Eligibility Program. These subsequent releases are then subtracted from the number of additional releases generated by the Earned Eligibility Program. This procedure thus allows a projection of the net reduction in the number of inmates under custody at a given time that may be attributed to the program's operation.

Using this model, it may be projected that an additional 2,850 inmates would be under custody at the end of 1991 if the Earned Eligibility Program was not enacted. The current cost of a prototype 750 bed medium security facility is \$65 million (or \$86,000 per bed). It may, therefore, be estimated the Earned Eligibility Program has reduced the need for capital construction by approximately \$245 million as of December 1991.

**RESULTS OF FOLLOW-UP RESEARCH
CONCERNING INDIVIDUALS WITH
CERTIFICATES OF EARNED ELIGIBILITY
WHO WERE RELEASED AT THEIR INITIAL HEARINGS**

The final section of this report presents the findings to date of the Department's ongoing research on the return rates of individuals issued Certificates of Earned Eligibility who were released at their initial hearings.

Basic Hypothesis. It is the Department's basic position that the Earned Eligibility Program will serve to increase the number of inmates released at their Parole Board hearings without increasing the risk to the community.

From the recidivism perspective, the position is that the return rate of the increased number of released inmates issued Certificates of Earned Eligibility will not significantly exceed the return rate of preceding release populations.

As such, the working hypothesis of this preliminary study is that the return rate of the sample of released offenders issued Certificates will be approximately equal to the return rate of the Department's previous comparable release population.

Development of Comparison Return Rate. The generation of a baseline return rate for comparison purposes was a key element in this follow-up research.

For comparison purposes, the Bureau of Records and Statistical Analysis developed a baseline return rate using first releases from Department custody in the six months prior to the establishment of the Earned Eligibility Program (i.e. the first six months of 1987). Since the Earned Eligibility Program was not initiated until mid-July 1987, these releases do not include any cases evaluated for Certificates.

The Board's approval rate was approximately 50 percent (48%) for the initial hearings in the first six months of 1987. As such, this cohort represents a valid comparison group concerning the impact of an increase in the Board's release rate at initial hearings upon return rates.

To maximize the comparability of this cohort of early 1987 releases, individuals in this cohort who had minimum sentences over six years (who would have been ineligible for the Earned Eligibility Program) were excluded from consideration in developing the baseline rate.

These initial releases from January 1 through June 30, 1987 were tracked through October 31, 1991. This follow-up period allows for all cases to have an exposure period of at least 51 months.

Return rates were calculated from the respective release dates for 51 months. The resulting return rates were then grouped into monthly categories. Table 24 presents the proportion of cases returned according to months of exposure.

TABLE 24

<u>MONTHS SINCE RELEASE</u>	<u>CUMULATIVE PERCENT RETURNED</u>
12	12.1%
13	14.0%
14	16.1%
15	17.7%
16	19.5%
17	21.2%
18	23.3%
19	25.0%
20	26.5%
21	28.1%
22	29.7%
23	30.9%
24	32.5%
25	33.8%
26	35.1%
27	36.2%
28	37.4%
29	38.3%
30	39.1%
31	39.8%
32	40.4%
33	41.1%
34	41.5%
35	42.2%
36	42.9%
37	43.5%
38	44.0%
39	44.4%
40	44.8%
41	45.3%
42	45.6%
43	45.9%
44	46.3%
45	47.0%
46	47.3%
47	47.7%
48	48.0%
49	48.3%
50	48.5%
51	48.7%

Similar to previous Department recidivism research, a follow-up period of 12 months is utilized as a standard minimum follow-up period. This period of follow-up avoids fluctuations in return rates due to changes or criminal justice system processing time.

Follow-Up Procedure for Earned Eligibility Certificate Cases. In an effort to achieve the greatest degree of validity, the same follow-up methodology was applied to the tracking of inmates issued Certificates of Earned Eligibility.

Sample of Individuals Issued Certificates of Earned Eligibility Released. This research tracked individuals issued Certificates of Earned Eligibility who were paroled from the Department between July 1987 through October 1990. Inmates who participated in the Shock Incarceration Program who had received Certificates of Earned Eligibility were excluded from the release sample. Participants in the Shock Program have been tracked separately and compared to a population of offenders matched on specific characteristic criteria. (For a complete discussion see "Follow-Up of First Six Platoons of Shock Graduates," New York State Department of Correctional Services (DOCS), Division of Program Planning, Research and Evaluation.) The release cohort excluding Shock cases was followed through October 31, 1991, which allows for a minimum follow-up period of 12 months.

Comparison of Projected and Actual Return Rates. The following table indicates that 26,126 individuals issued Certificates of Earned Eligibility were released in the community for a minimum of 12 months as of October 31, 1991. Based on the return rates of releases during the first six months of 1987, it may be projected that 9,102 of these 26,126 would be expected to return as of October 31, 1991. In actuality, 8,070 cases returned (1,032 less than projected).

TABLE 25

<u>MONTHS SINCE RELEASED</u>	<u>NUMBER RELEASED</u>	<u>PROJECTED RETURN RATE</u>	<u>PROJECTED NUMBER OF RETURNS</u>	<u>ACTUAL NUMBER OF RETURN</u>
12	758	12.1%	92	60
13	885	14.0%	124	105
14	702	16.1%	113	69
15	799	17.7%	141	121
16	809	19.5%	158	141
17	650	21.2%	138	87
18	767	23.3%	179	134
19	799	25.0%	200	161
20	785	26.5%	208	157
21	753	28.1%	212	176
22	752	29.6%	223	195
23	877	30.8%	270	235
24	770	32.4%	249	212
25	863	33.7%	291	233
26	723	35.1%	254	216
27	668	36.2%	242	219
28	629	37.4%	235	199
29	613	38.3%	235	196
30	654	39.1%	256	200
31	598	39.8%	238	207
32	656	40.4%	265	211
33	576	41.1%	237	193
34	588	41.5%	244	203
35	636	42.2%	268	225
36	576	42.9%	247	231
37	681	43.5%	296	299
38	707	44.0%	311	283
39	663	44.4%	294	307
40	581	44.8%	260	230
41	560	45.3%	254	225
42	592	45.6%	270	272
43	632	45.9%	290	290
44	680	46.3%	315	324
45	627	46.6%	292	321
46	623	47.0%	293	287
47	547	47.3%	259	251
48	626	48.0%	300	274
49	496	48.3%	240	216
50	220	48.5%	107	101
51	5	48.7%	2	4
TOTAL	26,126		9,102	8,070

Statistical Difference. A chi-square test was applied to determine if the differences in returns was statistically significant. The difference between expected and actual returns was significant at the $p < .01$ level.

Significantly Lower Return Rate of Earned Eligibility Program Certificate Cases. Tests of statistical significance are used in determining if an observed difference may be reasonably attributed to random fluctuations or to a real difference between the two groups. In this case, the observed difference of 1,032 cases between the projected and actual number of returns among a release population of over 26,000 individuals was found to be statistically significant. Stated another way, this difference would not be expected to occur by chance alone and is attributable to a real difference in the release populations.

Based on this finding, the researcher may conclude that the return rate of this sample of Earned Eligibility Certificate cases is significantly lower than the return rate of the pre-program comparison group.

It may, therefore, be summarized that the Earned Eligibility Program is generating a substantial number of additional releases without significantly increasing the risk to the community.