State of New York
Department of Correctional Services

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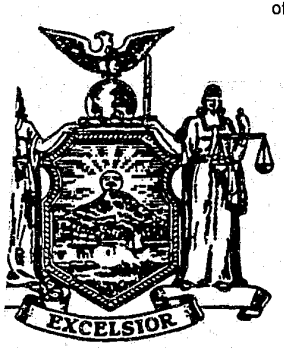
EARNED ELIGIBILITY PROGRAM STATISTICAL REPORT JULY 1987 THROUGH SEPTEMBER 1992



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EARNED ELIGIBILITY PROGRAM
STATISTICAL REPORT
JULY 1987 THROUGH SEPTEMBER 1992

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 1992.

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 1992.

Percent Issued Certificates of Earned Eligibility. *Of this total (85,305 inmates) who were eligible for a Certificate, 70 percent (59,329) were actually issued a Certificate. Nineteen percent (16,298) were denied Certificates and 11 percent (9,678) 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, 82 percent of those inmates who received a Certificate were granted parole compared to 37 percent of those denied a Certificate and 55 percent of those granted noncertifiable status.*

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, 47,855.5 initial releases were projected for the July 1987 through September 1992 Boards. The actual number of initial releases was 63,904 (an additional 16,048.5 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 16,048.5 additional releases resulted in a savings of over $260 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 3,196 inmates would be under custody at the end of 1992 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 $270 million as of December 1992.

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.

TABLE OF CONTENTS

EARNED ELIGIBILITY PROGRAM
STATISTICAL REPORT
JULY 1987 THROUGH SEPTEMBER 1992

INTRODUCTION

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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 1992, there have been 85,305 inmates who have been evaluated for a Certificate and who had a Parole Board hearing during that period. Of those cases, 59,329 inmates were issued Certificates of Earned Eligibility, 16,298 were denied Certificates, and 9,678 were granted noncertifiable status.

For the 85,305 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

	Number	Percent
Poor Program Participation and Progress	3,667	23%
Unacceptable Level of Program Attendance	803	5%
Refusal to Participate in Programs Recommended by the Department	3,544	22%
Poor Disciplinary Record Which Interfered in Program Participation	6,169	38%
Poor Progress and Poor Disciplinary Record	1,608	10%
Poor Attendance and Poor Disciplinary Record	181	1%
Refusal to Participate and Poor Disciplinary Record	272	2%
Other	41	*
TOTAL	**16,285**	**100%****

(Missing = 13
* = Less than one-half of one percent
** = Percents may not sum to 100 due to rounding

As shown in Table 1, the most common reason (38%) 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 51 percent of the cases which were denied a Certificate.

The second most frequent single category for reason of Certificate denial was poor participation and progress (23%), followed by refusal to participate in appropriate programs (22%). The refusal 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	8,950	93%
Hospitalization/Infirmary	352	4%
Protective Custody	88	1%
Out to Court	271	3%
Other	8	*
TOTAL	**9,669**	**100%****

(Missing = 9)
* = Less than one-half of one percent
** = Percents may not sum to 100 due to rounding

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 85,305 persons who had a Parole Board hearing during the months of July 1987 through September 1992 and who were eligible to be evaluated for a Certificate of Earned Eligibility. 1/ Seventy percent (N = 59,329) of those persons eligible to be evaluated for a Certificate were actually issued a Certificate, 19 percent (16,298) were denied a Certificate, and 11 percent (9,678) 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-two 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 (37%) or for those granted noncertifiable status (55%).

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 (95,711). 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, 67 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 (56%) 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 1992

	ISSUE CERTIFICATE	DENY CERTIFICATE	GRANT NONCERTIFIABLE STATUS	TOTAL
VIOLENT FELONY OFFENSES	67% 20,326	24% 7,139	9% 2,896	100% 30,361
OTHER VIOLENT/COERCIVE	64% 3,116	21% 992	15% 728	100% 4,836
PROPERTY/DRUG	72% 34,838	16% 7,879	12% 5,511	100% 48,228
YOUTHFUL OFFENDER	56% 1,049	15% 288	29% 543	100% 1,880
TOTAL	70% 59,329	19% 16,298	11% 9,678	100% 85,305

TABLE 4: CRIME OF COMMITMENT BY EARNED ELIGIBILITY STATUS;
PAROLE BOARD HEARINGS JULY 1987 THROUGH SEPTEMBER 1992

		ISSUE CERTIFICATE		DENY CERTIFICATE		GRANT NONCERTIFIABLE STATUS		TOTAL	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
A.	VIOLENT FELONY OFFENSE	20,326	67%	7,139	24%	2,896	9%	30,361	100%
	Att. Murder	439	77%	105	19%	23	4%	567	100%
	Manslaughter 1st	843	82%	148	14%	42	4%	1,033	100%
	Rape 1st	561	58%	352	37%	50	5%	963	100%
	Robbery 1st	4,663	71%	1,611	25%	294	4%	6,568	100%
	Robbery 2nd	4,854	63%	1,920	25%	959	12%	7,733	100%
	Assault 1st	812	71%	211	19%	118	10%	1,141	100%
	Assault 2nd	820	60%	276	20%	271	20%	1,367	100%
	Burglary 1st	364	75%	106	22%	15	3%	485	100%
	Burglary 2nd	3,544	68%	1,307	25%	400	7%	5,251	100%
	Arson 1st, 2nd	154	68%	48	21%	25	11%	227	100%
	Sodomy 1st	288	59%	172	35%	28	6%	488	100%
	Sexual Abuse 1st	375	51%	191	26%	167	23%	733	100%
	Dangerous Weapons	2,524	69%	672	18%	488	13%	3,684	100%
	Kidnapping 1st, 2nd	85	70%	20	17%	16	13%	121	100%
B.	OTHER FELONY OFFENSES	37,950	72%	8,871	17%	6,239	11%	53,064	100%
	1. OFFENSES WITH VIOLENCE/COERCION	3,116	64%	992	21%	728	15%	4,836	100%
	Manslaughter 2nd	316	81%	38	10%	36	9%	390	100%
	Rape 2nd, 3rd	112	52%	59	27%	46	21%	217	100%
	Robbery 3rd	1,674	64%	617	24%	335	12%	2,626	100%
	Att. Assault 2nd	316	61%	109	21%	90	18%	515	100%
	Other	698	64%	169	16%	221	20%	1,088	100%
	2. PROPERTY, DRUG, OTHER	34,838	72%	7,879	16%	5,511	12%	48,228	100%
	Burglary 3rd	3,511	68%	1,085	21%	576	11%	5,172	100%
	Grand Larceny	547	73%	122	16%	86	11%	755	100%
	Drugs	25,092	74%	5,318	16%	3,559	10%	33,969	100%
	Forgery	753	75%	125	12%	128	13%	1,006	100%
	Poss. Stolen Property	314	71%	86	19%	43	10%	443	100%
C.	YOUTHFUL OFFENDERS	1,049	56%	288	15%	543	29%	1,880	100%
	TOTAL	59,329	70%	16,298	19%	9,678	11%	85,305	100%

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 1992 according to Earned Eligibility status. Sixty-seven percent of the first felony offenders were issued Certificates compared to 72 percent of the predicate felony offenders. Predicate felony offenders were denied Certificates in 24 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 1992

	ISSUE CERTIFICATE	DENY CERTIFICATE	GRANT NONCERTIFIABLE STATUS	TOTAL
FIRST FELONY OFFENDER	67%	15%	18%	100%
	30,253	6,751	8,054	45,058
PREDICATE FELONY OFFENDER	72%	24%	4%	100%
	29,075	9,547	1,623	40,245
TOTAL	70%	19%	11%	100%
	59,328	16,298	9,677	85,305

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 (33%). 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 77 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 1992

	ISSUE CERTIFICATE	DENY CERTIFICATE	GRANT NONCERTIFIABLE STATUS	TOTAL
12-17 MONTHS	56%	11%	33%	100%
	11,866	2,218	6,900	20,984
18-23 MONTHS	71%	20%	9%	100%
	12,954	3,602	1,734	18,290
24-35 MONTHS	74%	23%	3%	100%
	19,916	6,040	819	26,775
36-47 MONTHS	77%	22%	1%	100%
	8,029	2,260	113	10,402
48-72 MONTHS	74%	25%	1%	100%
	6,563	2,178	111	8,852
TOTAL	70%	19%	11%	100%
	59,328	16,298	9,677	85,303

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 41 percent of the cases compared to 70 percent in medium security, and 91 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 1992

SECURITY CLASSIFICATION OF HOLDING FACILITY	ISSUE CERTICATE	DENY CERTICATE	GRANT NONCERTIFIABLE STATUS	TOTAL
MAXIMUM	41%	41%	18%	100%
	6,403	6,359	2,726	15,488
MEDIUM	70%	18%	12%	100%
	35,226	9,167	5,857	50,250
MINIMUM	91%	4%	5%	100%
	17,635	743	1,079	19,457
TOTAL	70%	19%	11%	100%
	59,264	16,269	9,662	85,195

Missing = 110
Note: Missing cases typically involved inmates at New York Psychiatric Center

GENDER

Table 8 presents data on Earned Eligibility status according to inmate gender. Women were somewhat more likely (73%) than men (69%) to be issued Certificates of Earned Eligibility. Twenty percent of the men and 10 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 (17%) 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 1992

	ISSUE CERTIFICATE	DENY CERTIFICATE	GRANT NONCERTIFIABLE STATUS	TOTAL
MALE	69%	20%	11%	100%
	54,756	15,680	8,609	79,045
FEMALE	73%	10%	17%	100%
	4,573	618	1,069	6,260
TOTAL	70%	19%	11%	100%
	59,329	16,298	9,678	85,305

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 1992

ETHNICITY	ISSUE CERTIFICATE	DENY CERTIFICATE	GRANT NONCERTIFIABLE STATUS	TOTAL
WHITE	73%	15%	12%	100%
	10,760	2,268	1,714	14,742
BLACK	67%	21%	12%	100%
	27,839	8,719	4,952	41,510
HISPANIC	72%	18%	10%	100%
	20,103	5,170	2,849	28,122
OTHER	71%	15%	14%	100%
	538	118	106	762
TOTAL	70%	19%	11%	100%
	59,240	16,275	9,621	85,136

Missing = 169

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 Upstate Urban area. Sixty-nine percent of those persons from the New York City region were issued Certificates, 71% for persons from Suburban New York and from the "Other" Upstate category. 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 (15%) 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 1992

REGION	ISSUE CERTIFICATE	DENY CERTIFICATE	GRANT NONCERTIFIABLE STATUS	TOTAL
NEW YORK CITY A/	69% 41,419	20% 12,309	11% 6,471	100% 60,199
SUBURBAN NEW YORK B/	71% 7,157	17% 1,664	12% 1,229	100% 10,050
UPSTATE URBAN C/	72% 5,912	17% 1,375	11% 962	100% 8,249
OTHER UPSTATE D/	71% 4,838	14% 949	15% 1,015	100% 6,802
TOTAL	70% 59,326	19% 16,297	11% 9,677	100% 85,300

Missing = 5

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 1992 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 95,711 initial hearings, representing 85,305 individuals. By counting only the last hearing outcome, the proportion of cases released increases from approximately 67 percent, if all hearings are considered, compared to 70 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, 85,305 persons who had been evaluated for a Certificate of Earned Eligibility and had appeared before the Parole Board during the appropriate months, 70 percent (60,027) 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	82% 48,621	18% 10,708	100% 59,329
Deny Certificate	37% 6,065	63% 10,233	100% 16,298
Grant Noncertifiable Status	55% 5,341	45% 4,337	100% 9,678
TOTAL	70% 60,027	30% 25,278	100% 85,305

As shown in Table 11, persons who received Certificates of Earned Eligibility were substantially more likely (82%) to be paroled than were those persons denied a Certificate (37%) or those granted noncertifiable status (55%).

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 (90%) 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 (22%).

TABLE 12: PAROLE BOARD DISPOSITION BY EARNED ELIGIBILITY STATUS BY COMMITMENT OFFENSE TYPE (AGGREGATED); PAROLE BOARD HEARINGS JULY 1987 THROUGH SEPTEMBER 1992

	ISSUE CERTIFICATE		DENY CERTIFICATE		GRANT NONCERTIFIABLE STATUS		TOTAL	
	Released	Held	Released	Held	Released	Held	Released	Held
VIOLENT FELONY OFFENSE	74%	26%	30%	70%	42%	58%	60%	40%
	14,966	5,360	2,177	4,962	1,206	1,690	18,349	12,012
OTHER COERCIVE/VIOLENT	62%	38%	22%	78%	34%	66%	49%	51%
	1,921	1,195	220	772	244	484	2,385	2,451
PROPERTY/DRUG	88%	12%	45%	55%	65%	35%	79%	21%
	30,794	4,044	3,556	4,323	3,563	1,948	37,913	10,315
YOUTHFUL OFFENDERS	90%	10%	39%	61%	60%	40%	73%	27%
	940	109	112	176	328	215	1,380	500
TOTAL	82%	18%	37%	63%	55%	45%	70%	30%
	48,621	10,708	6,065	10,233	5,341	4,337	60,027	25,278

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 21 percent, Sodomy 1st had a release rate of 22 percent and Sexual Abuse had a release rate of 12 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 or Burglary 2nd (83%).

Within the general crime category of Other Felony Offenses, the release rate for persons issued a Certificate ranges from a low of 12 percent (Rape 2nd and 3rd) to a high of 92 percent for persons convicted of a drug offense.

Youthful Offenders who had received a Certificate of Earned Eligibility had a release rate of 90 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 36 percent. Similarly, persons committed for Burglary 2nd had an overall release rate of 71 percent. This drops to 42 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 1992

	ISSUE CERTIFICATE		DENY CERTIFICATE		GRANT NONCERTIFIABLE STATUS		TOTAL	
	Released	Held	Released	Held	Released	Held	Released	Held
TOTAL	48,621	10,708	6,065	10,233	5,341	4,337	60,027	25,278
A. VIOLENT FELONY OFFENSE	14,966	5,360	2,177	4,962	1,206	1,690	18,349	12,012
Att. Murder	243	196	13	92	2	21	258	309
Manslaughter 1st	479	364	34	114	12	30	525	508
Rape 1st	119	442	11	341	1	49	131	832
Robbery 1st	3,869	794	580	1,031	147	147	4,596	1,972
Robbery 2nd	3,982	872	672	1,248	473	486	5,127	2,606
Assault 1st	509	303	30	181	34	84	573	568
Assault 2nd	464	356	42	234	62	209	568	799
Burglary 1st	272	92	32	74	6	9	310	175
Burglary 2nd	2,947	597	546	761	226	174	3,719	1,532
Arson	101	53	10	38	8	17	119	108
Sodomy 1st	63	225	9	163	2	26	74	414
Sexual Abuse 1st	45	330	9	182	8	159	62	671
Dangerous Weapons	1,825	699	185	487	223	265	2,233	1,451
Kidnapping	48	37	4	16	2	14	54	67
B. OTHER FELONY OFFENSES	32,715	5,239	3,776	5,095	3,807	2,432	40,298	12,766
1. OFFENSES WITH VIOLENT COERCION	1,921	1,195	220	772	244	484	2,385	2,451
Manslaughter 2nd	152	164	4	34	9	27	165	225
Rape 2nd, 3rd	13	99	2	57	2	44	17	200
Robbery 3rd	1,273	401	170	447	158	177	1,601	1,025
Att. Assault 2nd	180	136	20	89	27	63	227	288
Other	303	395	24	145	48	173	375	713
2. PROPERTY, DRUG, OTHER	30,794	4,044	3,556	4,323	3,563	1,948	37,913	10,315
Burglary 3rd	2,909	602	442	643	328	248	3,679	1,493
Grand Larceny	434	113	39	83	45	41	518	237
Drugs	22,987	2,105	2,565	2,753	2,543	1,016	28,095	5,874
Forgery	626	127	51	74	79	49	756	250
Poss. Stolen Property	266	48	38	48	20	23	324	119
All Other	3,572	1,049	421	722	548	571	4,541	2,342
C. YOUTHFUL OFFENDERS	940	109	112	176	328	215	1,380	500

TABLE 14: PAROLE BOARD DISPOSITION (IN PERCENT) BY EARNED ELIGIBILITY STATUS BY OFFENSE TYPE; PAROLE BOARD HEARINGS JULY 1987 THROUGH SEPTEMBER 1992

	ISSUE CERTIFICATE		DENY CERTIFICATE		GRANT NONCERTIFIABLE STATUS		TOTAL	
	Released	Held	Released	Held	Released	Held	Released	Held
TOTAL	82%	18%	37%	63%	55%	45%	70%	30%
A. VIOLENT FELONY OFFENSE	74%	26%	30%	70%	42%	58%	60%	40%
Att. Murder	55%	45%	12%	88%	9%	91%	45%	55%
Manslaughter 1st	57%	43%	23%	77%	29%	71%	51%	49%
Rape 1st	21%	78%	3%	97%	2%	98%	14%	86%
Robbery 1st	83%	17%	36%	64%	50%	50%	70%	30%
Robbery 2nd	82%	18%	35%	65%	49%	51%	66%	34%
Assault 1st	63%	37%	14%	86%	29%	71%	50%	50%
Assault 2nd	57%	43%	15%	85%	23%	77%	42%	58%
Burglary 1st	75%	25%	30%	70%	40%	60%	64%	36%
Burglary 2nd	83%	17%	42%	58%	57%	43%	71%	29%
Arson	66%	34%	21%	79%	32%	68%	52%	48%
Sodomy 1st	22%	78%	5%	95%	7%	93%	15%	85%
Sexual Abuse 1st	12%	88%	5%	95%	5%	95%	8%	92%
Dangerous Weapons	72%	28%	27%	73%	46%	54%	61%	39%
Kidnapping	57%	43%	20%	80%	12%	88%	45%	55%
B. OTHER FELONY OFFENSES	86%	14%	43%	57%	61%	39%	76%	24%
1. OFFENSES WITH VIOLENT COERCION	62%	38%	22%	78%	34%	66%	49%	51%
Manslaughter 2nd	48%	52%	10%	90%	25%	75%	42%	58%
Rape 2nd, 3rd	12%	88%	3%	97%	4%	96%	8%	92%
Robbery 3rd	76%	24%	28%	72%	47%	53%	61%	39%
Attempted Assault 2nd	57%	43%	18%	82%	30%	70%	44%	56%
Other	43%	57%	14%	86%	22%	78%	34%	66%
2. PROPERTY, DRUG, OTHER	88%	12%	45%	55%	65%	35%	79%	21%
Burglary 3rd	83%	17%	41%	59%	57%	43%	71%	29%
Grand Larceny	79%	21%	32%	68%	52%	48%	69%	31%
Drugs	92%	8%	48%	52%	72%	28%	83%	17%
Forgery	83%	17%	41%	59%	62%	38%	75%	25%
Poss. Stolen Property	85%	15%	44%	56%	46%	54%	73%	27%
All Other	77%	23%	37%	63%	49%	51%	66%	34%
YOUTHFUL OFFENDERS	90%	10%	39%	61%	60%	40%	73%	27%

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 81 percent. The release rate for persons denied a Certificate was much lower regardless of first or predicate felony offender status, 38 percent of the first felony offenders in this category and 37 percent of the predicate felony offenders were released. For persons who were granted noncertifiable status, the release rate for first felony offenders was 56 percent. The release rate for predicate felony offenders granted noncertifiable status was somewhat less at 51 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 1992

FIRST/PREDICATE OFFENDER STATUS	ISSUE CERTIFICATE		DENY CERTIFICATE		GRANT NONCERTIFIABLE STATUS		TOTAL	
	Released	Held	Released	Held	Released	Held	Released	Held
FIRST FELONY OFFENDER	83%	17%	38%	62%	56%	44%	72%	28%
	25,148	5,105	2,552	4,199	4,511	3,543	32,211	12,847
PREDICATE FELONY OFFENDER	81%	19%	37%	63%	51%	49%	69%	31%
	23,815	5,603	3,513	6,034	830	793	27,815	12,430
TOTAL	82%	18%	37%	63%	55%	45%	70%	30%
	48,963	10,708	6,065	10,233	5,341	4,336	60,026	25,277

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 85 percent release rate for persons with an 12 to 17 month minimum.

For persons denied a Certificate of Earned Eligibility, the highest release rate (41%) 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 33 percent for persons with a minimum term of 48 to 72 months to a high of 58 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 1992

MINIMUM SENTENCE	ISSUE CERTIFICATE		DENY CERTIFICATE		GRANT NONCERTIFIABLE STATUS		TOTAL	
	Released	Held	Released	Held	Released	Held	Released	Held
12-17 MONTHS	85%	15%	41%	59%	58%	42%	71%	29%
	10,057	1,809	918	1,300	3,992	2,908	14,967	6,017
18-23 MONTHS	83%	17%	38%	62%	51%	49%	71%	29%
	10,734	2,220	1,382	2,220	890	844	13,006	5,284
24-35 MONTHS	82%	18%	37%	63%	44%	56%	70%	30%
	16,240	3,676	2,254	3,786	359	460	18,853	7,922
36-47 MONTHS	83%	17%	37%	63%	56%	44%	73%	27%
	6,671	1,358	827	1,433	63	50	7,561	2,841
48-72 MONTHS	75%	25%	31%	69%	33%	67%	64%	36%
	4,918	1,645	684	1,494	37	74	5,639	3,213
TOTAL	82%	18%	37%	63%	55%	45%	70%	30%
	48,620	10,708	6,065	10,233	5,341	4,336	60,026	25,277

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 (94%), compared to medium security (78%) 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 1992

SECURITY CLASSIFICATION OF HOLDING FACILITY	ISSUE CERTIFICATE		DENY CERTIFICATE		GRANT NONCERTIFIABLE STATUS		TOTAL	
	Released	Held	Released	Held	Released	Held	Released	Held
MAXIMUM SECURITY	72%	28%	30%	70%	45%	55%	50%	50%
	4,615	1,788	1,905	4,454	1,235	1,491	7,755	7,733
MEDIUM SECURITY	78%	22%	41%	59%	57%	43%	69%	31%
	27,445	7,781	3,745	5,422	3,320	2,537	34,510	15,740
MINIMUM SECURITY	94%	6%	55%	45%	72%	28%	91%	9%
	16,512	1,123	405	338	775	304	17,692	1,765
TOTAL	82%	18%	37%	63%	55%	45%	70%	30%
	48,572	10,692	6,055	10,214	5,330	4,332	59,957	25,238

Missing = 110

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 (90%) than for men at 81 percent. The release rate for those persons denied a Certificate was higher for women (43%) than for men (37%). Women who were granted noncertifiable status were substantially more likely to be released (72%) than were men (53%) in the same category.

TABLE 18: PAROLE BOARD DISPOSITION BY EARNED ELIGIBILITY STATUS ACCORDING TO INMATE GENDER; PAROLE BOARD HEARINGS JULY 1987 THROUGH SEPTEMBER 1992

GENDER	ISSUE CERTIFICATE		DENY CERTIFICATE		GRANT NONCERTIFIABLE STATUS		TOTAL	
	Released	Held	Released	Held	Released	Held	Released	Held
MALE	81%	19%	37%	63%	53%	47%	69%	31%
	44,499	10,257	5,796	9,884	4,574	4,035	54,869	24,176
FEMALE	90%	10%	43%	57%	72%	28%	72%	28%
	4,122	451	269	349	767	302	5,158	1,102
TOTAL	82%	18%	37%	63%	55%	45%	70%	30%
	48,621	10,708	6,065	10,233	5,341	4,337	60,027	25,278

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 (86%) to be released than were White (78%), Black (81%) or Other Ethnic groups (82%). Of those persons denied a Certificate, White inmates were released in 35 percent of the cases, Black inmates (36%), Hispanic inmates (40%) and Other Ethnic groups (42%).

For those cases found to be non-certifiable, 51% of the White inmates were released, 54% of the Black inmates and 61% of the Hispanic inmates were released.

TABLE 19: PAROLE BOARD DISPOSITION BY EARNED ELIGIBILITY STATUS BY INMATE ETHNIC STATUS; PAROLE BOARD HEARINGS JULY 1987 THROUGH SEPTEMBER 1992

ETHNICITY	ISSUE CERTIFICATE		DENY CERTIFICATE		GRANT NONCERTIFIABLE STATUS		TOTAL	
	Released	Held	Released	Held	Released	Held	Released	Held
WHITE	78%	22%	35%	65%	51%	49%	68%	32%
	8,397	2,363	806	1,462	868	846	10,071	4,671
BLACK	81%	19%	36%	64%	54%	46%	68%	32%
	22,507	5,332	3,111	5,608	2,663	2,289	28,281	13,229
HISPANIC	86%	14%	40%	60%	61%	39%	75%	25%
	17,205	2,898	2,093	3,077	1,733	1,116	21,031	7,091
OTHER	82%	18%	42%	58%	43%	57%	71%	29%
	443	95	50	68	46	60	539	223
TOTAL	82%	18%	37%	63%	55%	45%	70%	30%
	48,552	10,688	6,060	10,215	5,310	4,311	59,922	25,214

Missing = 169

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 78 percent for persons committed from eiher of the Upstate categories 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 32 percent for persons from Upstate Urban areas to a high of 41 percent for persons committed from the Suburban New York area. The release rate for persons granted noncertifiable status was lowest for persons from the Upstate Urban region (49%) and highest for the Suburban New York area (58%).

TABLE 20: PAROLE BOARD DISPOSITION BY EARNED ELIGIBILITY STATUS ACCORDING TO REGION OF COMMITMENT; PAROLE BOARD HEARINGS JULY 1987 THROUGH SEPTEMBER 1992

REGION	ISSUE CERTIFICATE		DENY CERTIFICATE		GRANT NONCERTIFIABLE STATUS		TOTAL	
	Released	Held	Released	Held	Released	Held	Released	Held
NEW YORK CITY A/	83%	17%	38%	62%	56%	44%	71%	29%
	34,269	7,150	4,635	7,674	3,631	2,840	42,535	17,664
SUBURBAN NEW YORK B/	84%	16%	41%	59%	58%	42%	74%	26%
	5,992	1,165	683	981	710	519	7,385	2,665
UPSTATE URBAN C/	78%	22%	32%	68%	49%	51%	67%	33%
	4,602	1,310	437	938	473	489	5,512	2,737
ALL OTHER UPSTATE D/	78%	22%	33%	67%	52%	48%	68%	32%
	3,756	1,082	309	640	526	489	4,591	2,211
TOTAL	82%	18%	37%	63%	55%	45%	70%	30%
	48,619	10,707	6,064	10,233	5,340	4,337	60,023	25,277

Missing = 5

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 reappearance hearing before the Parole Board.

Reappearance 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 26,615 Earned Eligibility reviews and subsequent reappearance hearings from November 1988 through September 1992. Those 26,615 reappearance hearings involved a total of 22,166 individuals. Fifty-eight percent of the hearings were for persons who had previously been denied parole at one or more prior hearings and 42% were for persons who had been returned for violating parole or conditional release.

Persons approaching a reappearance 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 reappearance hearing from November 1988 through September 1992 is presented according to reappearance type in the following table.

TABLE 21
EARNED ELIGIBILITY STATUS BY REAPPEARANCE TYPE

	REAPPEARANCE	PAROLE OR CONDITIONAL RELEASE VIOLATOR REAPPEARANCE	TOTAL
Issue	8,276 (54%)	2,295 (20%)	10,571 (40%)
Denied	6,880 (45%)	1,393 (12%)	8,273 (31%)
Non-Certifiable Status	169 (1%)	7,602 (68%)	7,771 (29%)
TOTAL	**15,325 (100%)**	**11,290 (100%)**	**26,615 (100%)**

As shown in Table 21, 54 percent of the reappearance group had earned a Certificate compared to 20 percent of the violator reappearance 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, 40 percent of the persons who appeared for a reappearance had earned a Certificate, 31 percent had been denied a Certificate and 29 percent were found to be non-certifiable.

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

TABLE 22
PAROLE DISPOSITION BY EARNED ELIGIBILITY STATUS
BY REAPPEARANCE TYPE
(Parole Hearings November 1988 through September 1992)

	REAPPEARANCE		RETURNED PV OR CR		TOTAL	
	Released	Held	Released	Held	Released	Held
Issued	6,769 (82%)	1,507 (18%)	2,030 (88%)	265 (12%)	8,799 (83%)	1,772 (17%)
Denied	2,905 (42%)	3,975 (58%)	934 (67%)	459 (33%)	3,839 (46%)	4,434 (54%)
Non-Certifiable	68 (40%)	101 (60%)	6,961 (92%)	641 (8%)	7,029 (90%)	742 (10%)
TOTAL	**9,742 (64%)**	**5,583 (36%)**	**9,925 (88%)**	**1,365 (12%)**	**19,667 (74%)**	**6,948 (26%)**

In the reappearance category, those persons issued a Certificate were much more likely (82%) to be released than were those denied a Certificate (42%) or non-certifiable (40%). In the returned parole or conditional release violator group, persons who were granted non-certifiable status were most likely to be released (92%) followed by persons who earned a Certificate (88%). The overall release rate for persons issued a Certificate appearing at a reappearance hearing was 83 percent; for those denied a Certificate, 46 percent; and for those in the non-certifiable category, 90 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 95,711 initial hearings during the study period from July 1987 through September 1992. These 95,711 hearings involved 85,305 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 1992, the overall release rate increased to 67 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 35 percent, and granted noncertifiable status 50 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

	EEP REVIEWS	ACTUAL RELEASES	EXPECTED RELEASES	TOTAL DIFFERENCE
Certificates Issued	65,228	51,576	32,614.0	18,962.0
Certificates Denied	18,921	6,595	9,460.5	- 2,865.5
Noncertifiable Status	11,562	5,733	5,781.0	- 48.0
TOTAL	95,711	63,904	47,855.5	+16,048.5

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 47,855.5 cases. The actual number of releases was 63,904, resulting in an additional 16,048.5 releases over the period of July 1987 through September 1992.

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 1992, the Earned Eligibility Program generated 16,048.5 releases over the number of releases which would have been expected prior to the program's implementation. Prior to the Earned Eligibility Program, the 16,048.5 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 16,048 additional releases resulted in a savings over $260 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 3,196 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 $270 million as of December 1992.

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. This section of the report utilizes information from program inception through September 30, 1992.

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.

Since the inception of the program, the position has been 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 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 e
xcluded from consideration in developing the baseline rate.

Return rates have been calculated from the respective release dates for 57 months. The resulting return rates were then grouped into monthly categories. Table 24 presents the proportion of cases returned according to months of exposure.

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 in 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 September 1991. 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 "Fourth Annual Report to the Legislature Shock Incarceration - Shock Parole Supervision," of Correctional Services (DOCS), Division of Program Planning, Research and Evaluation.) The release cohort excluding Shock cases was followed through September 30, 1992 including cases with a minimum follow-up period of 12 months.

Comparison of Projected and Actual Return Rates. As shown in Table 24, 34,595 individuals issued Certificates of Earned Eligibility were released in the community for a minimum of 12 months as of September 30, 1992. Based on the return rates of releases during the first six months of 1987, it may be projected that 13,188 of these 34,595 would be expected to return as of September 30, 1992. In actuality, 11,627 cases returned (1,561 less than projected).

TABLE 24

Months Since Released	Number Released	Projected Return Rate	Projected Number Returns	Actual Number of Returns
12	755	12.1%	91	71
13	742	14.0%	104	70
14	722	16.1%	116	99
15	761	17.7%	135	110
16	706	19.5%	138	110
17	772	21.2%	164	113
18	800	23.3%	187	164
19	871	25.0%	218	179
20	822	26.5%	218	168
21	789	28.1%	221	195
22	729	29.6%	216	184
23	758	30.8%	234	179
24	835	32.4%	271	230
25	752	33.7%	254	211
26	791	35.1%	277	229
27	773	36.2%	280	228
28	694	37.4%	259	192
29	733	38.3%	281	227
30	833	39.1%	326	272
31	725	39.8%	288	234
32	782	40.4%	316	270
33	783	41.1%	322	276
34	829	41.5%	344	311
35	818	42.2%	345	318
36	863	42.9%	371	320
37	666	43.6%	290	267
38	725	44.1%	320	301
39	629	44.5%	280	244
40	613	45.0%	276	233
41	635	45.4%	288	245
42	617	45.7%	282	247
43	656	46.0%	302	237
44	551	46.4%	256	214
45	613	46.7%	286	240
46	604	47.1%	284	237
47	590	47.4%	280	269
48	699	47.7%	334	330
49	694	48.1%	334	297
50	676	48.3%	327	338
51	581	48.6%	282	261
52	541	48.7%	264	231
53	611	48.9%	299	293
54	632	49.1%	310	310
55	680	49.3%	335	346
56	607	49.5%	301	322
57	643	49.8%	320	313
58	547	49.9%	273	263
59	596	50.1%	299	274
60	526	50.4%	265	243
61	213	50.6%	108	104
62	12	50.9%	6	8
TOTAL	34,595		13,175	11,6

Statistical Difference. A chi-square test was applied to determine if this difference 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 be a true difference between the expected and the actual number of returns. The difference of 1,399 cases between the projected and actual number of returns among a release population of over 30,000 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.

In summary, the Earned Eligibility Program is generating a substantial number of additional releases without significantly increasing the risk to the community.

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