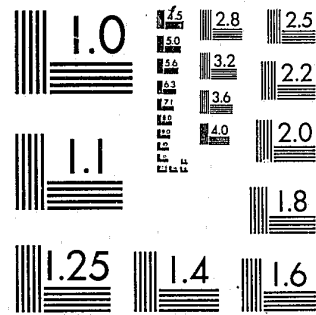


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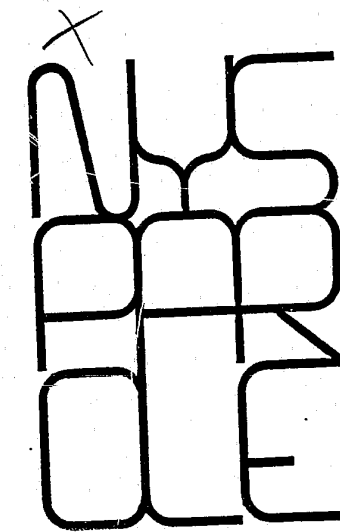
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12/01/81

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AN OVERVIEW OF THE IMPLEMENTATION
OF PAROLE BOARD DECISION-MAKING
GUIDELINES IN NEW YORK STATE

VOLUME 2

1978-79 ANNUAL REPORT SERIES

NEW YORK STATE DIVISION OF PAROLE

76878

U.S. Department of Justice
National Institute of Justice

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EDWARD R. HAMMOCK
CHAIRMAN

STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF PAROLE
1450 WESTERN AVENUE
ALBANY, N.Y. 12203

50TH ANNIVERSARY
1930 - 1980

STATUTORY UPDATE

1. Chapter 648 of the Laws of 1979, amended Subdivision 3 of Section 70.30 of the Penal Law with regard to jail time crediting. The former provision stated that jail time credit would be applied to that portion of the minimum term which exceeded one year. It was, therefore, clearly spelled out that an inmate would serve at least one year in a State Correctional Facility. The 1979 amendment removed the language which restricted the crediting of jail time to that portion of the minimum term which exceeded one year and instead, provides that jail time credit against the minimum term of an indeterminate sentence would apply, as well, against the first year of imprisonment. (See page 12., note 3 - Guidelines for Parole Board Decision Making.)
2. Chapter 873 of the Laws of 1980, amended Subdivision 3 of Section 70.00 of the Penal Law, requiring the Court to fix a minimum period of imprisonment in all cases where an individual is sentenced to an indeterminate sentence in a State Correctional Facility.

NEW YORK STATE DIVISION OF PAROLE

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MAR 18 1981
ACQUISITIONS

Volume 2 of the 1978-79 Annual Report Series was prepared
by the Evaluation and Planning Unit of the Division of Parole.

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INTRODUCTION

The watchword in criminal justice decision-making for over a decade now has been guidelines. Parole decision-making is no exception and may even be the paragon. The experience of the U. S. Parole Commission in researching, developing and implementing guidelines for decision-making is considered the shining example of the seventies. New York State has been no exception to the trend in deciding to develop a discretion-structuring mechanism to represent its policy. In fact, time may show that its experience has been both unique and exemplary.

The New York State Parole Board began its work on the development of guidelines in 1976 with the support and assistance of a grant from the Law Enforcement Assistance Administration. It engaged in a very serious educational effort, enlisting the aid of Vincent O'Leary, then Dean of the School of Criminal Justice at S.U.N.Y., Albany, Dr. Peter B. Hoffman, Director of Research for the U. S. Parole Commission, Andrew von Hirsch, Professor, Rutgers School of Criminal Justice, and others. At the same time the Board was working on the development of a discretion-structuring mechanism, serious consideration was being given to the adoption of major parole reform legislation in New York State. The Chairman and his executive staff supported and participated in the advancement of that legislation and were successful in bringing about its enactment. In July of 1977, the New York State Legislature passed and Governor Carey signed into law, the Parole Reform Act of 1977.

As under the former New York State Correction Law provisions, the new statute required that the Board decides which inmates are to be released to parole supervision, when and under what conditions. It required that the Board set the minimum period of imprisonment for those serving indeterminate sentences wherein the court had not fixed the minimum and that the Board adopt written guidelines for its use in making minimum period of imprisonment and release determinations. The purpose of the guidelines was stated to be as

follows: to provide an explicit statement of the Board's paroling policies by identifying the major decision-making criteria and indicating the customary range of time to be served for various categories of inmates based on the seriousness of the offense and the prior criminal record. The time ranges were to be a reflection of the Board's past and present time-setting policies and were to provide the Board with sufficient flexibility to take into consideration a number of factors which may be present in an individual case.

The publication of the Board's policy with regard to the amount of time to be served prior to release was intended to influence sentencing judges, district attorneys and defense attorneys to make more informed decisions with regard to the acceptance of pleas and the imposition of felony sentences.

The guidelines became effective on January 1, 1978. Thus, the Board's educational endeavor and request for a federal grant proved to be prophetic. The format and structure of the interim guidelines were modeled after the Federal Parole Guidelines, with the important exception that Board members unanimously rejected the notion of using an empirically derived prediction device in the guideline scheme. This device utilized demographics of offenders. The Board's reservations were based on a belief that such devices were culturally biased, and that they were too imprecise to provide an accurate indication of the probability of recidivism in an individual case.

Initially, the Board adopted an interim guidelines model, which consisted of three major components: offense severity, prior criminal history, and normative time served in prison.

The seven level offense severity scale consisted of offense descriptions which included specific aggravating factors related to the degree of physical injury sustained by the victim, weapon use and the value of property lost. These aggravating factors represented offense elements specifically identified in the New York State Penal Law. However, the ordering of the offenses was derived from an analysis of various offense severity scaling exercises in which

the Board members participated. In determining the seriousness of the offense, the Board members read the offense description as presented in the pre-parole summary and then selected the guideline offense description which most closely corresponded to the most serious criminal behavior detailed in the report. (Level 1 offense was the most serious and level 7, the least serious.) For example, Robbery, with various modifiers was contained in five levels of the offense severity scale: Level 2 - (very high seriousness); "Robbery-Serious Physical Injury"; Level 3: "Robbery-Physical Injury"; Level 4: "Robbery-Armed with Deadly Weapon or Displays Firearm"; Level 5: "Robbery-Accomplice"; and Level 6: "Robbery-Forcibly Stole Property". If, for example, the report indicated that the defendant while brandishing a sawed off shotgun robbed a liquor store and no one was hurt, then the offense severity level would be "4". If, on the other hand, an unarmed defendant pushed an elderly lady down on the sidewalk, causing her to break her collarbone, and then stole her pocketbook, the offense severity level would be "2".

The prior criminal history scale consisted of the following four weighted items:

1. prior convictions;
2. prior incarcerations exceeding 91 days;
3. prior prison terms, and
4. whether the present offense was committed while on

probation or parole or whether parole had been revoked.

After scores were calculated for each of the items, the scores were totalled. The final scores, which varied from zero to eight points, were then combined into four prior criminal history categories ranging from "good" (seven or eight points) to "very poor" (zero, one or two points).

INTERIM GUIDELINES JANUARY 1978
ACTUAL CRIMINAL CONDUCT

OFFENSE SEVERITY LEVEL	ACTUAL CRIMINAL CONDUCT	PRIOR CRIMINAL HISTORY CATEGORY			
		Good (8.7)	Fair (6.5)	Poor (4.3)	Very Poor (2.1.0)
Level 7 (Least Severe Offense)	(7.1) G.L. (\$250-\$1499, (7.2) Crim. Poss. Stolen Prop. (\$250-\$1499) (7.3) Reck. Endng.-person, (7.4) Absc. Temporary Release, (7.5) Esc. custody, (7.6) Drug-Poss; not Narcotics, Not Marijuana, any amount, (7.7) Drug-Poss. and/or Sale, Marijuana, any amount	12-15 Mos.	13-16 Mos.	14-17 Mos.	15-18 Mos.
Level 6	(6.1) Burg.-not dwelling, (6.2) Drib/rewarding-received for public official misconduct, (6.3) G.L. over \$1500, (6.4)Crim. Poss. Stolen Prop.-over \$1500, (6.5) Robbery-Forcibly steal Prop., (6.6) Drugs-Poss. Narc.-Less than 2 oz.	13-18 Mos.	15-20 Mos.	18-22 Mos.	20-24 Mos.
Level 5	(5.1) Homicide-caused through Crim. Neg., (5.2)Robbery-accomplice, (5.3) Rape-consensual, (5.4) Sodomy-consensual, (5.5)Weapon-Poss. Loaded Firearm, (5.6)Forg.-less than \$1499, (5.7)Arson-Property Damage, (5.8) Burg.-Dwelling, (5.9)Drug-Sale -Narc. under 1 oz., (5.10)Drug-Sale, Not Narc, Not Marijuana, any amount.	14-20 Mos.	18-23 Mos.	22-26 Mos.	25-29 Mos.
Level 4	(4.1) Robbery-Armed w/ deadly weap or displays fire arm, (4.2) Manslaughter-Recklessly caused death, (4.3) Extortion, (4.4) Burg.-armed w/deadly weap. or dang. instrument, (4.5) Assault-armed w/deadly weap. or dang. instrument, (4.6) Sexual Abuse -sexual contact by force (or) victim under 11 yrs. (or) victim physically or mentally helpless, (4.7) Forgery- money (or) valuable Governmental Instruments (or) stocks-bonds (or) value over \$1500, (4.8) Drugs-Sale, Narc. drugs and 1 oz. or more, (4.9) Drugs-Poss., Narc. drugs and 2 oz. or more.	21-24 Mos.	23-28 Mos.	27-32 Mos.	31-36 Mos.
Level 3	(3.0)Offense not otherwise listed in Level 3, wherein the physical injury of a person was the direct result of a deliberate act on the part of the offender, (3.1) Rape-Forcible, (3.2) Sodomy-Forcible, (3.3) Kidnapping-Forcible abduction, (3.4) Manslaughter-extreme emotional disturbance, (3.5) Robbery-Physical Injury, (3.6)Burglary-Physical Injury, (3.7) Burglary-Dwelling at night, (3.8) Assault-Physical Injury.	23-28 Mos.	26-31 Mos.	29-34 Mos.	32-40 Mos.
Level 2	(2.0) Offense not otherwise listed in Level 2 wherein the serious physical injury of a person was the direct result of a deliberate act on the part of the offender, (2.1) Rape-Forcible and Physical Injury, (2.2) Sodomy-Forcible and Physical Injury, (2.3) Arson-Persons Present and/or likely to be present. (2.4) Arson-Physical Injury, (2.5) Arson-Explosion, (2.6) Robbery-Serious Physical Injury. (2.7) Manslaughter-Intended injury but caused death, not extreme emotional disturbance, (2.8) Assault-Serious Physical Injury.	28-38 Mos.	33-43 Mos.	38-48 Mos.	43-53 Mos.
Level 1* (Most severe Offense)	(1.0) Offense not otherwise listed in Level 1 wherein the death of a person was the direct result of a deliberate act on the part of the offender, (1.1) Intentional homicide, (1.2) Homicide during the commission of another felony, (1.3) Kidnapping-ransom, (1.4) Kidnapping-death of victim.	40-70 Mos.	60-80 Mos.	70-90 Mos.	80-120 Mos.

*Level 1 excludes Class A-1 felonies.

Statute Requires service of a minimum of 15-20 years before parole eligibility.

PRIOR CRIMINAL HISTORY SCORE

Prior Convictions

No Convictions.....	= 3
One Conviction.....	= 2
Two or Three Convictions.....	= 1
Four or More Convictions.....	= 0

Prior Prison Terms

No Prison Terms.....	= 2
One or Two Prison Terms.....	= 1
Three or More Prison Terms.....	= 0

Prior Commitments
(91 days or more - includes prison terms)

No Commitments.....	= 2
One or Two Commitments.....	= 1
Three or More Commitments.....	= 0

Prior Parole/Probation History

Not on Parole and/or Probation at Time of Current Offense; and Never Had Parole Revoked or Committed for a New Offense while on Parole.....	= 1
On Parole and/or Probation at Time of Current Offense; Or Has Had Parole Revoked or Committed for a New Offense while on Parole.....	= 0

Time ranges corresponding to each offense and prior record were developed. The chart on the preceding page outlines the interim guidelines.

After a brief experience with the interim guidelines, the Board members expressed concern over the offense severity scale because they believed that the rating system was too subjective and, therefore, fostered inconsistent and inappropriate interpretation of the guideline offense categories, which in turn resulted in the misclassification of cases. Specifically, they believed that the guidelines categories were not mutually exclusive and that a case could justifiably be assigned to two or three offense severity categories. This problem was exacerbated in cases which involved multiple offenses spanning a number of months or a particularly complicated offense situation involving numerous defendants.

The problems involved in classifying the offenses were compounded by what the Board perceived as guideline time ranges that were in some cases too low and too narrow. They believed that the time ranges did not provide enough flexibility or breadth to adequately reflect the complexity of the mitigating and aggravating factors that were present in individual cases.

In June of 1978, the Board adopted revised release guidelines based upon the seriousness of the crime and the individual's prior criminal history with due consideration of:

- (i) the institutional record, including program goals and accomplishments, academic achievements, vocational training or work assignments, therapy and interpersonal relationships with staff and inmates;
- (ii) performance, if any, as a participant in a temporary release program and

- (iii) release plans, including community resources, employment, education, training and support services available to the inmate.

Upon revision, there were six seriousness of offense levels determined by the crime of conviction, any possession of weapons and type of contact with the victim.

Prior Criminal History was divided into three categories of good, moderate and serious based upon all prior convictions and sentences by type (misdemeanor/felony - jail/prison) and prior probation or parole experience. (See Appendix I).

The new method of determining seriousness of offense was preferred by the Board for several reasons. Parole decision-making is based on actual criminal conduct. The revised offense severity determination method would provide a purely objective and factual mechanism for arriving at such determination. Also, the New York State inmate population is primarily composed of persons who have committed violent "street crimes." Therefore, the method utilized by the Federal Parole Commission (whose inmate population to a much greater extent includes persons who have committed property crimes) was not applicable. The new method eliminated subjective interpretation of offense severity by a variety of decision-makers and also provided a dynamic backdrop for legislative change - new crimes or crime categories could fit very easily into this method of determining offense severity.

Following are preliminary statistics on the outcome of using the Parole Board decision-making guidelines. The results are based on MPI and initial release hearings conducted by the Board at State Correctional Institutions between January to June 30, 1979.

TABLE 1
SUMMARY OF MPI DECISIONS WITHIN GUIDELINE RANGES *

		Prior Criminal History Score		
		Good	Moderate	Serious
OFFENSE SEVERITY SCORE	7	(40 - 48) 43%	(48 - 60) 75%	(60 - 90) 100%
	6	(32 - 40) 53%	(40 - 50) 52%	(50 - 60) 60%
	4 - 5	(26 - 32) 60%	(32 - 40) 54%	(40 - 50) 67%
	2 - 3	(18 - 26) 76%	(26 - 34) 74%	(34 - 44) 38%
	1 (Least Severe)	(12 - 18) 82%	(18 - 24) 69%	(24 - 36) 56%

*Numbers in parentheses are guideline ranges. For the purpose of this analysis, only discretionary decisions outside the guidelines are counted as above or below. Thus, decisions for Minimum Period of Imprisonment where the judicially imposed maximum is less than the guideline range were excluded from the analysis. Additionally, the complicated process of calculating jail/prison time; the fact that a person appears one month prior to his/her eligibility and for administrative procedures the parameters of the existing guideline ranges were expanded two months (i.e., 40-48 = 38-50).

	Frequency	PerCent
Inside	989	66%
Above	194	13%
Below	314	21%
Total	1,497	100%

As can be seen in Table 1, the proportion of Board-set MPIs that fell within the guideline ranges depends on the individual cells, i.e., the recommended time ranges corresponding to a given prior criminal history and offense severity score group.

On the average, 62% of the Board-set MPIs falling outside of the guidelines were below the recommended ranges. Reasons for these decisions were given by Board members in all cases, and included, e.g., mitigating circumstances involved in current offense and length of the maximum prison terms set by the courts.

Table 2 below illustrates the proportion of Board decisions on release to parole that fall within the guideline ranges. As with the MPI results, the pattern of release decisions depends on the individual cells. Moreover, the majority (69%) of the release decisions that fell outside of the guidelines were below the recommended time ranges. Reasons given by the Board of these latter (outside) decisions involved consideration of inmate behavior within prison and involvement in rehabilitation programs.

TABLE 2
SUMMARY OF INITIAL RELEASE DECISIONS WITHIN GUIDELINE RANGES *

		Prior Criminal History Score		
		Good	Moderate	Serious
OFFENSE SEVERITY SCORE	7	(40 - 48) 40%	(48 - 60) 49%	(60 - 90) 67%
	6	(32 - 40) 35%	(40 - 50) 46%	(50 - 60) 34%
	4 - 5	(26 - 32) 32%	(32 - 40) 47%	(40 - 50) 46%
	2 - 3	(18 - 26) 71%	(26 - 34) 53%	(34 - 44) 45%
	1 (Least Severe)	(12 - 18) 73%	(18 - 24) 78%	(24 - 36) 68%

*Numbers in parentheses are recommended ranges for prison stay before release to parole. For the purpose of this analysis, only discretionary decisions outside the guidelines are counted as above or below. Thus, initial release decisions where the judicially imposed minimum is greater than the guideline range or the judicial maximum is less than the guideline range are excluded from the analysis. Additionally, the complicated process of calculating jail/prison time; the fact that a person appears one month prior to his/her actual eligibility and for administrative procedures the parameters of the existing guidelines ranges were expanded two months in both directions (i.e., 26-34 = 24-36).

	Frequency	PerCent
Inside	1,420	51%
Above	424	15%
Below	940	34%
Total	2,784	100%

No definitive conclusions can be drawn from the above results on MPI and release decisions involving the use of guidelines. First, the data upon which the results are based only cover a six-month period. Second, the guidelines are new and unstabilized as yet, i.e., the Board is currently considering revising some of the guideline ranges for prison stay in view of recent changes in the laws regarding court sentences for offenders convicted of violent felonies which entail increased maximum terms. And third, the decision results do not take into account the impact of decision styles (attitudes) of the Parole Board members. This latter factor is of particular import, given the changing membership composition of the Board. Since January 1978 the guidelines were instituted, several members of the Board have been replaced by new appointees. To the extent that the guidelines are applied uniformly by all Board members, the factor of individual member decision styles should have a minimal influence on decisions rendered. It is the opinion of the Division's research staff, however, that this should be tested empirically. A study is now being planned. Implementation of this study is scheduled for the latter part of 1981.

In addition to the foregone results on Board-set MPI and release decisions, this initial assessment focused on whether the guidelines have had any impact on the numbers of inmates released by the Board to parole supervision.

Since the year preceding use of the guidelines (1977), the number of Board releases has been declining. During the first year of the guidelines (1978), the number of releases continued to decline, i.e., from 6205 to 5621 in 1978. Thus far in 1979, this downward trend seems to be continuing. Within this context, it is difficult to clearly discern the effects of the guidelines on release rates. However, it does seem that the guidelines have had no real effect

on releases so far. In analyzing the rates of release approvals and denials by the Board, no significant differences were found in comparing 1977, 1978 and 1979. In 1977, the release approval rate was 52.2%; in 1978, it was 51.7%; and thus far in 1979, it is 52.0%.

Further analysis of the guidelines' impact on release rates is currently being done. The analysis is taking into account some exogenous variables that may influence the impact effects of the guidelines, viz., the Violent Felony Offender Law passed in September 1978 which mandates longer prison terms.

In conclusion, research on the utility and impact of Parole Board MPI and release decision guidelines is an ongoing activity. The guideline process is not static. Guideline criteria must be continually assessed and modified in accord with relevant changes in sentencing legislation and court sentencing practices. These subsequent evaluations of the guidelines will be reported in later annual reports of the Division of Parole.

STATE OF NEW YORK
EXECUTIVE DEPARTMENT
BOARD OF PAROLE
1450 WESTERN AVENUE
ALBANY, N.Y. 12203



Appendix I

M E M O R A N D U M

FROM: Edward R. Hammock, Chairman
DATE: October 20, 1978
RE: Revised Guidelines for Parole Decision Making

In June 1978, the Board adopted revised guidelines. The guidelines represent the policy of the Board concerning the customary total time to be served before release, based upon the seriousness of the crime and the individual's prior criminal history with due consideration of (i) the institutional record including program goals and accomplishments, academic achievements, vocational education, training or work assignments, therapy and interpersonal relationships with staff and inmates; (ii) performance, if any, as a participant in a temporary release program; and (iii) release plans including community resources, employment, education and training and support services available to the inmate.

The guidelines will be considered in each minimum period of imprisonment and release decision. They are intended only as a "guide" and are not a substitute for the careful consideration of the many circumstances of each individual case. Mitigating and aggravating factors may result in decisions above or below the guidelines.

There are six Seriousness of Offense levels determined by the crime of conviction, any possession of weapons and type of contact with the victim.

Prior Criminal History is divided into three categories of good, moderate and serious, based upon all prior convictions and sentences by type (misdemeanor/felony: jail/prison) and prior probation or parole experience.

The Board will provide written decisions and specific reasons following minimum period of imprisonment and release hearings (where parole release is denied). Where the decision is outside the guideline range, additional reasons will be provided.

The Guidelines will be reviewed periodically and modified as needed. The guideline time ranges and sample forms for determining offense severity and prior criminal history category are attached.

Attachments
sc

Revised 5/1/79

DIVISION OF PAROLE
GUIDELINES FOR PAROLE BOARD DECISION MAKING

Policy of the Board of Parole Concerning Customary Total Time Served (including Jail Time) Before Release. These Guidelines are Periodically Reviewed for Revision.

The guidelines are subject to important limitations imposed by law:

- 1) Any court imposed minimum must be served before parole consideration.
- 2) All inmates, except those serving life sentences, are eligible to have their maximums reduced by 1/3 for good time.
- 3) The statute requires a minimum of one year in a state facility, except for those convicted while serving an earlier indeterminate sentence.

PRIOR CRIMINAL HISTORY SCORE

Offense Severity Score	0 - 1 (GOOD)	2 - 5 (MODERATE)	6 - 11 (SERIOUS)
8 - 9 most severe	Specific ranges are not given due to the limited number of cases and the extreme variation possible within the category.		
7	40 - 48 Months	48 - 60 Months	60 - 90 Months
6	32 - 40 Months	40 - 50 Months	50 - 60 Months
4 - 5	26 - 32 Months	32 - 40 Months	40 - 50 Months
2 - 3	18 - 26 Months	26 - 34 Months	34 - 44 Months
1 least severe	12 - 18 Months	18 - 24 Months	24 - 36 Months

Prior to granting release on parole, the Board of Parole considers in all cases:

- a) Institutional adjustment, including (but not limited to) program goals and accomplishments, academic achievements, vocational education, training or work assignments, and therapy and interpersonal relationships with staff and inmates.
- b) Performance (if any) as a participant in a temporary release program.
- c) Availability of adequate release plans, including community resources, employment, education and training and support services.

OFFENSE SEVERITY SCORE

Item #1:	FELONY CLASS OF CONVICTION	TOTALS
	*A	= 5
	B	= 4
	C	= 3
	D	= 2
	E	= 1
	YO	= 1
<hr/>		
Item #2:	WEAPON POSSESSION	
	No	= 0
	Yes	= 1
<hr/>		
Item #3:	FORCIBLE CONTACT	
	None	= 0
	Force/Physical Injury	= 1
	Serious Injury	= 2
	Death	= 3

TOTAL OFFENSE SEVERITY SCORE

* Class A Felonies are excluded from MPI determinations. Statute requires service of a minimum of 15 to 25 years before parole eligibility for Class A and Class A-I Felonies. Class A-II Felonies require service of a minimum of 6 years to 8 years and 4 months. Class A-III Felonies require service of a minimum of 1 year to 8 years and 4 months.

PRIOR CRIMINAL HISTORY CATEGORIES

Item #1:	NUMBER OF PRIOR MISDEMEANORS	TOTALS
	Zero to Two	= 0
	Three or More	= 1
<hr/>		
Item #2:	NUMBER OF PRIOR JAIL TERMS	
	Zero or one	= 0
	Two or Three	= 1
	Four or More	= 2
<hr/>		
Item #3:	NUMBER OF PRIOR FELONIES	
	Zero	= 0
	One	= 1
	Two	= 2
	Three or More	= 3
<hr/>		
Item #4:	NUMBER OF PRIOR PRISON TERMS	
	Zero	= 0
	One	= 2
	Two or More	= 3
<hr/>		
Item #5:	PRIOR PROBATION OR PAROLE REVOCATIONS	
	No	= 0
	Yes	= 1
<hr/>		
Item #6:	ON PAROLE/PROBATION AT THE TIME OF CURRENT OFFENSE	
	No	= 0
	Yes	= 1
<hr/>		
	TOTAL PRIOR CRIMINAL HISTORY SCORE	

Name _____ Type of Hearing _____ MPI _____ Hearing Date _____

NYSID _____ DIN _____ Institution _____

Controlling Conviction Offense(s) 1. _____ Min/Max 1. _____ ME _____ CR _____
 2. _____ 2. _____
 3. _____ 3. _____

Sentencing County _____ Type of Sentence: single _____ concurrent _____ consecutive _____ both _____

Credit for Time Served _____ Jail (days) / _____ Prison (months) Recommendation DA _____ Judge _____ Other _____

GUIDELINE INFORMATION

I. Offense Score			TOTAL OFFENSE SCORE
A. Felony Class of Conviction B=4 C=3 D=2 E=1 YO=1	B. Weapon Involvement Yes=1 No=0	C. Forcible Contact None=0 Force/Physical Injury=1 Serious Injury=2 Death=3	<input type="text"/>
II. Prior Criminal History			TOTAL PRIOR CRIMINAL HISTORY SCORE
A. Number of Prior Misdemeanor Convictions 0 thru 2=0 3 or more=1	B. Number of Prior Jail Terms (90 days or more) 0 thru 1=0 2 thru 3=1 4 or more=2	C. Number of Prior Felony Convictions 0=0 1=1 2=2 3 or more=3	<input type="text"/>
D. Number of Prior Prison Terms 0=0 1=2 2 or more=3	E. Prior Probation/Parole Revocations No=0 Yes=1	F. On Probation/Parole at Time of Current Offense No=0 Yes=1	<input type="text"/>
GUIDELINE RANGE _____			

DECISION MPI (months) _____ INITIAL APPEARANCE DATE _____

REASONS FOR MPI DECISION

GUIDELINES

- INSIDE
- BELOW
- ABOVE

- A. Offense Related
- (01) Involved weapon usage
 - (02) Use of excessive violence against person(s)
 - (03) Caused death of victim(s)
 - (04) Multiple victims involved
 - (05) Bizarre nature of offense
 - (06) Multiple offenses/multiple counts
 - (07) Offense included sexual abuse
 - (08) Offense was among a series of offenses
 - (09) Offense covered long span of time
 - (10) Victim was particularly vulnerable
 - (11) High degree of sophistication involved in offense(s)
 - (12) Victim initiator
 - (13) Involvement in offense was minimal
 - (14) Involvement in offense by coercion/duress

- B. Offender Related
- (26) History of drug abuse
 - (27) History of alcohol abuse
 - (28) Shows no remorse or recognition of guilt
 - (29) Continuous involvement with the criminal justice system
 - (30) History of assaultive behavior
 - (31) Pattern of similar offenses
 - (32) Escalation of criminal behavior
 - (33) Negative response to past correctional influences

- C. System Related
- (41) Imposed sentence structure
 - (42) PIE Credit
 - (43) Present MPI is not the controlling sentence

YOU HAVE THE RIGHT TO APPEAL THIS DECISION

If you have any questions regarding the determination, please contact your Parole Officer.

Senior Parole Officer _____

Name _____ Type of Release Hearing _____ Hearing Date _____

NYSID _____ DIN _____ Institution _____

Controlling Conviction Offense(s) 1. _____ Min/Max 1. _____ ME _____ CR _____
2. _____ 2. _____
3. _____ 3. _____ Previous Hold (reappearance) _____ months

Sentencing County _____ Minimum Set By: Judge Board MPI: _____ (months)

Credit for Time Served Jail (days) _____ Prison (months) _____ Recommendation DA Judge Other

GUIDELINE INFORMATION

I. Offense Score			TOTAL OFFENSE SCORE <input type="text"/>
A. Felony Class of Conviction A=5 B=4 C=3 D=2 E=1 YO=1	B. Weapon Involvement Yes=1 No=0	C. Forcible Contact None=0 Force/Physical Injury=1 Serious Injury=2 Death=3	
II. Prior Criminal History			TOTAL PRIOR CRIMINAL HISTORY SCORE <input type="text"/>
A. Number of Prior Misdemeanor Convictions 0 thru 2=0 3 or more=1	B. Number of Prior Jail Terms (90 days or more) 0 thru 1=0 2 thru 3=1 4 or more=2	C. Number of Prior Felony Convictions 0=0 1=1 2=2 3 or more=3	
D. Number of Prior Prison Terms 0=0 1=2 2 or more=3	E. Prior Probation/Parole Revocations No=0 Yes=1	F. On Probation/Parole at Time of Current Offense No=0 Yes=1	

GUIDELINE RANGE _____

PAROLE DECISIONS: ODOPI PAROLED OPEN DATE EARLIEST RELEASE DATE

OR EARLIER DENIED HOW LONG NEXT APPEARANCE DATE

CONDITIONS OF RELEASE/REASONS FOR DENIAL

GUIDELINES

INSIDE
 BELOW
 ABOVE

- I. Judge Set & Old Law MPI's
- A. Offense Related
- (01) Involved weapon usage
 - (02) Use of excessive violence against person(s)
 - (03) Caused death of victim(s)
 - (04) Multiple victims involved
 - (05) Bizarre nature of offense
 - (06) Multiple offenses multiple counts
 - (07) Offense included sexual abuse
 - (08) Offense was among a series of offenses
 - (09) Offense covered long span of time
 - (10) Victim was particularly vulnerable
 - (11) High degree of sophistication involved in offense(s)
 - (12) Victim initiator
 - (13) Involvement in offense was minimal
 - (14) Involvement in offense by coercion/duress
 - (15) PIE credit

- B. Offender Related
- (26) History of drug abuse
 - (27) History of alcohol abuse
 - (28) Shows no remorse or recognition of guilt
 - (29) Continuous involvement with the criminal justice system
 - (30) History of assaultive behavior
 - (31) Pattern of similar offenses
 - (32) Escalation of criminal behavior
 - (33) Negative response to past correctional influences
- II. Judge Set; Old Law MPI; New Law and Reappearance Correctional Programs or Discipline
- A.
- (45) Serious disciplinary record
 - (46) Temporary release failure
 - (47) Failure to participate in available institutional programs
- B. Parole Plan
- (51) Unsatisfactory parole plan

YOU HAVE THE RIGHT TO APPEAL THIS DECISION

If you have any questions regarding the determination, please contact your Parole Officer.

Senior Parole Officer

END