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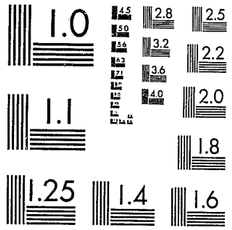

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FINAL REPORT

ON

PAROLE DECISION-MAKING PROJECT

SUBMITTED TO

N.Y.S. DEPARTMENT OF CORRECTIONAL

SERVICES

BY

VERA INSTITUTE OF

JUSTICE

30 EAST 39TH STREET

NEW YORK, N.Y. 10016

U.S. Department of Justice
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INTRODUCTION

This document describes the tasks performed and the research undertaken by the Vera Institute of Justice under a "Parole Decision-Making" contract (C #125234) with the State Department of Correctional Services (D)CS). It is submitted as Vera's Final Report under that contract.*

This contract, covering the period February 1, 1977 through January 31, 1978, called for Vera to perform a number of tasks designed to assist staff of the Division of Parole in developing decision-making guidelines for Parole Board use in making decisions about the Minimum Period of Imprisonment (MPI) and parole release. Those tasks were as follows:

- measuring the Board member's perceptions of the relative seriousness of the criminal offenses considered by it and developing offense seriousness scales reflective of those perceptions;
- conducting a simulated decision-making exercise and using the results to develop a preliminary set of guidelines for rendering MPI decisions;
- conducting a study of the Board's past practices in setting MPIs;
- conducting a study of the Board's past practice in granting release on parole;

* This report is submitted pursuant to the aforementioned contract as amended on January 3, 1978. Copies of the original and the amended contracts are presented in Appendix L.

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- studying the Board's use during November 1977, of a trial set of MPI decision-making guidelines to determine how the first 300 decisions were distributed inside and outside the time ranges recommended by the guidelines. The purpose of the implementation of the trial guidelines was to familiarize the Parole Board Members with the use of guidelines and to obtain additional information on a case-by-case basis concerning the Board's time-setting policies;
- assisting Parole staff to define data elements that could be used for monitoring the Board's use of guidelines, and for preparing management reports and research reports on matters not directly related to guidelines use. In this regard, Vera also developed corresponding data collection forms, instructions and coding manuals; and
- preparing an Inmate Manual, in both English and Spanish, which explains the policies and procedures of the Parole Board as they apply to the setting of MPI's, the parole release decision, and the inmate's access to materials contained in Parole files.

Each of these tasks is reported on in the sections and attached appendices that follow. In addition to these tasks, which were required by the contract, Vera conducted a regression analysis on the data generated in the parole release study to obtain an estimate of the relative importance of various factors that

appear to influence the length of time served before release on parole. This analysis is reported on in Section V.

Each section of this report is essentially a discrete entity which describes how one of the above-listed tasks was performed and sets forth the conclusions derived. Thus, the sections do not build naturally on one another to produce a single coherent product regarding the parole decision-making process.

As a result, some questions which arise about parole decision-making are not addressed here. For example, and consistent with previous research in the area of parole decision-making guideline development, Vera drew a sample of cases pertaining to all inmates released on parole for the first time on their present sentence between January 1, and June 30, 1977. The purpose of this phase of the research was to determine the relationship among a number of offense and prior criminal history variables and time served before release on parole. As a consequence of the sample limitations, the conclusions reached regarding the length of time served and the factors influencing it cannot be extended to the general population of those released from DOCS facilities. While parole represents the most common form of release, Department statistics suggest that approximately 30% of the inmates released in a given year leave the institutions on conditional release (i.e., on a date which represents the completion of their maximum, less the inmate's earned "good time"), or upon completion of their maximum sentences. The absence of any such people from the release study sample means that the findings of that study apply only to those who are released on parole.

Despite these limitations, the research reported here does identify some interesting aspects of the decision-making process and does point to some questions that ought to be studied further.

Section I reports on two different approaches which Vera staff used to measure Board perceptions of offense seriousness. Both approaches indicate that a fair degree of consensus existed among the members with respect to the relative seriousness of the majority of criminal offenses.

Section II reports on a decision simulation exercise in which Board members were presented with narrative descriptions of hypothetical offenses and offenders and then asked to provide their subjective assessments of the seriousness of the offense and the prior criminal record. In addition, the members were asked to define an MPI time range which they felt was appropriate, and indicate the specific MPI they would set in each hypothetical case.

The results of the exercise are interesting on several levels. The exercise indicates that there is a reasonable amount of consensus among Board members regarding the relative seriousness of various offenses, as well as a fair degree of consensus on the relative seriousness of different types of prior criminal record.

That consensus appears to break down when the Board Members specify appropriate time ranges for MPI's. The exercise suggests that Board members clearly disagree on the appropriate length of an MPI, even when they agree on the seriousness of the offense and prior record involved. It is likely, however, that the artificial nature of the exercise, especially the absence of maximum

sentence information in the hypothetical case descriptions given to the Board members, accounts for at least part of the variation in recommended MPIs.

The MPI study, reported on in Section III, confirms the expectation that the length of the MPI increases as the seriousness of the offense increases. On the other hand, the seriousness of the prior record, by itself, does not influence significantly the length of the MPI. However, when the seriousness of the offense is held constant, some relationship between length of MPI and prior history is discernible, at least with respect to the more serious felony classes. Specifically, among Class B felonies, the MPI increases as the prior criminal record gets worse, but among Class D and E felonies, the MPIs are approximately the same regardless of prior record. This pattern seems to reflect, at least in part, the influence of the court-imposed maximum sentence (see Section V). In B and C felonies, the maxima are greater than those set in D and E felonies. Thus, the Board has a greater sentence range within which to draw distinctions based on prior record.

Section III also indicates that standard deviations from the mean MPIs are rather large, especially in the more serious felony cases. The size of these deviations suggests that there is considerable variation in the length of MPI imposed in cases which appear similar with respect to felony class of offense and prior criminal history. In addition, a review of the time ranges of sentences set for ten selected major offense categories reveals considerable variation in both the MPIs and the maximum terms imposed for similar conviction offenses. Finally, Section III presents data indicating that 77 percent of the MPIs were set at periods ranging from 30 to 50 percent of the maximum sentence imposed by the court. These data suggest a reasonably strong relationship between the court-imposed maximum and the MPI set by the Parole Board.

Many of these findings were confirmed by the Parole Release Study, which is described in Section IV. Here, however, the dependent variable was the time served prior to parole release, rather than the MPI set by the Board. This study suggests a strong relationship between time served, MPI, and the maximum term. However, the data presented in this section also suggest that the amount of variation in time served by inmates sentenced for the same offense who carry similar prior records, increases as offense seriousness increases. This finding, in turn, suggests that the Parole Board and the court make more distinctions among the more serious felony cases than they do among Class D and E felonies.

The regression analysis described in Section V is a methodologically rigorous effort to sort out the factors which influence the length of time served by those ultimately released on parole. The analysis shows that, for this sample, the MPI imposed in the case is by far the most influential factor related to time served. Indeed, the strength of the correlation suggests that for most such cases, the MPI served as a presumptive release date.

The regression analysis also shows that the maximum term imposed by the court is clearly the second most influential factor

related to time served. And, as suggested in other sections of the report, there exists a very strong correlation between the maximum term set by the court and the MPI imposed by the Board.

In addition, the regression analysis shows prior criminal record to be a factor of less than major influence on the time served prior to parole release. However, Section V raises several cautionary points regarding the apparent impact of prior record on time served. These points relate to the sample parameters, the nature of the prior criminal record indicators, and the limitation of regression analysis techniques applied to this data.

In sum, there is much in this report to illuminate the parole decision-making process, while raising new questions and more sharply focusing old questions for further research. It is hoped that such questions will be pursued by the staff at the Division of Parole in the months and years to come.

Section I: Offense Seriousness Scaling

Introduction

Work was begun on offense severity scaling with a review of several sets of guidelines used for parole decision-making in other jurisdictions. This effort was designed to assist Parole staff in assessing the applicability of various models to New York State and to determine how others have attempted to measure offense seriousness for inclusion in a decision-structuring mechanism.(1) Considerable attention was focussed on the guidelines developed for the United States Parole Commission, a paroling authority which operates within a sentencing and parole structure comparable to the New York Board. The procedures, methods, and samples used to generate these guidelines were reviewed in depth and are briefly summarized here.

The Federal Guidelines

As shown in Figure 1, these guidelines consist of a two-dimensional matrix in which the range of time to be served before parole release is primarily a function of the seriousness

(1) The guidelines developed by the parole boards of Washington State, Minnesota, and North Carolina were reviewed with the parole staff. The Washington State and Minnesota guidelines are very similar to the federal guidelines. The North Carolina guidelines reflect a "screening" or branching network model rather than a matrix model. These guidelines do not include an offense seriousness scale. It was agreed that the screening model could not be generalized to New York. For a discussion of these models, and the methods used to derive them, see Don M. Gottfredson and Colleen Cosgrove, Leslie T. Wilkins, Jane Wallerstein and Carol Rauh. Classification for Parole Decision Policy (Albany, New York: Criminal Justice Research Center, March 1977).

of the offense and the probability of recidivism as measured by the Salient Factor Score.[2] The Salient Factor Score is a prediction device based on seven weighted items. A score for each item is calculated and the subject is assigned to one of the four risk categories based on the total score. The lower the score, the higher the probability of recidivism (Figure 2 shows the items and their scores). This base expectancy scale was derived from an extensive empirical study of the prior criminal record, socio-economic, and demographic factors associated with the various recidivism rates for inmates released from federal correctional facilities.[3]

In order to promote consistency in assessing the seriousness of the offense, simulation exercises were conducted to determine Board Member and Hearing Examiner consensus concerning the comparative seriousness of a number of offenses. The participants were asked to sort 65 index cards containing brief offense descriptions, into seven levels of seriousness ranging from the least to the most serious. By averaging the scores assigned for each offense, it was possible to group these offense descriptions into the six levels of seriousness reflected in the offense severity scale.[4]

[2]The United States Parole Commission actually uses three sets of guidelines, one for each of the three acts under which a defendant may be sentenced. (Adult Corrections, Youth Corrections, and Narcotic Addict Rehabilitation). Although these guidelines are based on the offense seriousness scale and the salient factor score, the time ranges vary.

[3]Peter B. Hoffman, and James L. Beck, "Parole Decision-Making: A Salient Factor Scale", Journal of Criminal Justice, Vol. 2 pp. 1975-206 (1974).

[4]Peter B. Hoffman, The Practical Application of a Severity Scale, Parole Decision-Making Project, Report 13 (Davis, California: National Council on Crime and Delinquency Research Center, 1973).

FIGURE I-1

Guidelines for Decision-Making*

Offense Characteristics- Examples of severity of offense behavior	Salient Factor Score (reflects estimated probability of recidivism			
	Very good (11-9)	Good (8-6)	Fair (5-4)	Poor (3-0)
Low: Escape Marijuana or soft drugs, simple possession Property offenses (theft or simple possession of stolen property) less than $1,000	6-10	8-12	10-14	12-18
Low Moderate: Alcohol law violations Counterfeit currency (passing/possession less than $1,000) Immigration law violations Income tax evasion (less than $10,000) Property offenses (forgery/ fraud/theft from mail/embezzlement/interstate transportation of stolen property with intent to resell) less than $1,000 Selective Service Act violations	8-12	12-16	16-20	20-28
Moderate: Bribery of a public official (offering or accepting) Counterfeit currency (passing/ possession $1,000 to $19,999) Drugs: Marijuana possession with intent to distribute/sell (small scale, e.g., less than 50 lbs.) "Soft drugs", possession with intent to distribute/sell (less than $500) Firearms Act, possession/purchase/ sale (single weapon: not sawed-off shotgun or machine gun) Income tax evasion ($10,000 - $50,000) Mailing threatening communication(s)				

*Excerpted from the FEDERAL REGISTER, Vol. 42, No. 151, Friday, August 5, 1977

Figure I-1 (continued)

Offense Characteristics	Very Good (11-9)	Good (8-6)	Fair (5-4)	Poor (3-0)
Moderate:				
Misprison of felony				
Property offense (theft/ forgery/fraud/embezzlement/interstate transportation of stolen or forged securities/receiving stolen property) $1,000 to $19,999	12-16	16-20	20-24	24-32
Smuggling/transporting of alien(s)				
Theft of motor vehicle (not multiple theft or for resale)				
High:				
Counterfeit currency (passing/possession $20,000 to $100,000)				
Counterfeiting (manufacturing)				
Drugs:	16-20	20-26	26-34	34-44
Marijuana, possession with intent to distribute/ sell ($500 to $5,000)				
"Soft drugs", possession with intent to distribute/ sell ($500 to $5,000)				
Explosives, possession/ transportation				
Firearms Act, possession/ purchase/sale (sawed-off shotgun(s), machine gun(s), or multiple weapons)				
Mann Act (no force - commercial purposes)				
Theft of motor vehicle for resale				
Property offenses (theft/ forgery/fraud/embezzlement/ interstate transportation of stolen or forged securities/receiving stolen property) $20,000 to $100,000				

*Excerpted from the FEDERAL REGISTER Vol. 42, No. 151, Friday, August 5, 1977

Figure I-1 (continued)

Offense Characteristics	Very Good (11-9)	Good (8-6)	Fair (5-4)	Poor (3-0)
Very High:				
Robbery (weapon or threat)				
Breaking and entering (bank or post office-entry or attempted entry to vault)				
Drugs:	16-20	20-26	26-34	34-44
Marijuana, possession with intent to distribute/sell (large scale (e.g., 2,000 lbs. or more)				
"Soft drugs", possession with intent to distribute/ sell (over $5,000)				
"Hard drugs",, possession with intent to distribute/ sell (not exceeding $100,000)				
Extortion				
Mann Act (force)				
Property offenses (theft/ forgery/fraud/embezzlement/ interstate transportation of stolen or forged securities/ receiving stolen property) over $100,000, but not exceeding $500,000				
Sexual act (force)				
Greatest:				
Aggravated felony (e.g., robbery, sexual act, aggravated assault) -weapon fired or personal injury	Greater than above-however, specific ranges are not given, due to the limited number of cases and the extreme variation in severity possible within the category.			
Aircraft hijacking				
Drugs:				
"Hard drugs", possession with intent to distribute/sell (in excess of $100,000)				
Espionage				
Explosives (detonation)				
Kidnapping				
Willful homicide				

*Excerpted from the FEDERAL REGISTER, Vol. 42, No. 151, Friday, August 5, 1977

FIGURE I-2

SALIENT FACTOR SCORE

Case Name---------- Register No. ---------

Item A----------

No Prior convictions (adult or juvenile) = 3
1 prior conviction = 2
2 or 3 prior convictions = 1
4 or more prior convictions = 0

Item B----------

No prior incarceration(adult or juvenile) = 2
1 or 2 prior incarcerations = 1
3 or more prior incarcerations = 0

Item C----------

Age at first commitment (adult or juvenile):
26 or older = 2
18 - 25 = 1
17 or younger = 0

Item D----------

Commitment offense did not involve auto theft or check(s) (forgery/larceny) = 1
Commitment offense involved auto theft or check(s) = 0

Item E----------

Never had parole revoked or been commited for new offense while on parole, and not a probation violator this time = 1
Has had parole revoked or been committed for a new offense while on parole, or is a probation violator this time = 0

Item F----------

No history of heroin or opiate dependence = 1
Otherwise = 0

Item G----------

Verified employment (or full-time school attendance)for a total of at least 6 months during the last 2 years in the community = 1
Otherwise = 0

TOTAL SCORE----------

To determine the time ranges associated with each combination of offense seriousness and Salient Factor Score, an empirical study of past Board decisions was conducted.

> The median time served for each severity/risk level was (then)...tabulated for a large sample of final decision (Parole/mandatory release/expiration)... "Smoothing," based on agreement by two Project staff members after visual inspection, increased the consistency of these medians, although no attempt was made to force uniform or linear increments. Each median was bracketed (plus or minus months) to provide a "discretion range" -- the guideline table -- The size of the appropriate range was determined after informal discussions with several Board Members and hearing Examiners, and, while arbitrary, is to some extent proportional to the size of the median.[5]

These materials, as well as others describing guidelines used in other jurisdictions were presented to the Parole Board Members. After considerable discussion and consultation with experts in the area of parole decision-making guidelines, the Board directed Vera staff to concentrate on developing an offense severity scale for eventual incorporation into decision-making guidelines. The Board expressed reservations about using an empirically derived prediction device modeled after the United States Parole Commission's Salient Factor Score. The Board's reluctance was based on a belief that prediction devices of this type "over-predict" recidivism and may include potentially culturally biased factors. The Board therefore suggested that a point system based entirely on prior criminal history items be employed as a substitute for the Federal system's Salient Factor Score. Thus, they envisioned guidelines in the form of a two-

[5]Don M. Gottfredson, Peter B. Hoffman, et.al., "Making Paroling Policy Explicit", Crime and Delinquency, pp. 34-44 (January, 1975).

dimensional matrix with the Y-axis consisting of an offense severity scale and the X-axis a prior record score.

The Card Sort Design for Scaling Offense Seriousness

Although a number of techniques are available for use in developing offense severity scales, card-sorting procedures are probably the simplest and most efficient method. Early in the project, it was agreed that a card-sorting routine similar to the one used in the federal study would be appropriate. Then, two approaches toward defining the contents of the offense descriptions were outlined. On the one hand, the offense descriptions could be confined to the penal law definitions of various offenses and offense elements. Alternatively, the descriptions could be prepared to reflect mitigating and aggravating factors not specifically mentioned in the penal code. The parole staff expressed a definite preference for the latter strategy.

The two criteria employed for selecting offenses for inclusion in this exercise were the frequency of the offense and the seriousness of the offense. Thus, the exercise was designed to include offenses that were representative of those frequently encountered in actual decision-making (e.g., homicide, robbery, etc.), as well as those that are relatively rare but serious offenses (e.g., kidnapping). Using these criteria, a number of felonies were eliminated from consideration (e.g., bigamy, various types of fraudulent stock or bond transactions).

In order to determine the frequency of various offense behaviors that resulted in prison terms, a number of publications produced by state criminal justice agencies were consulted. Table I-1, Columns A and B, shows the proportionate distribution of indictment and conviction offenses for inmates sentenced to the

Department of Correctional Services between January 1, and December 31, 1975. The source for the information presented in these columns was the Division of Criminal Justice Services.[6] This table also includes admissions data for the same time period for persons received at correctional facilities under the jurisdiction of the Department of Correctional Services.[7] It is clear from a consideration of the cumulative percentages (Col.A) that nine general offense categories accounted for 95% of the offenses in each of the three distributions (indictments, convictions and new commitments). Indeed, the concentration of offenses is so marked that four offense categories, Robbery, Drugs, Burglary and Murder/Homicide, together account for almost 71% of the new commitments, 74% of the convictions and 79% of the indictments.

Based on this data, a number of the most frequently occurring offense categories were selected for inclusion in the card sort exercise. The penal code description of these offenses was then modified with the addition of various aggravating and mitigating factors. Additional sources were consulted to determine which of these factors were appropriate for inclusion in this exercise. For example, project staff reviewed 160 pre-parole summaries written by institutional parole officers for use by the Board Members at hearings. This study provided the staff with an intuitive understanding of the number and types of mitigating and

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6 _____, New York State Felony Processing, Quarterly Report, Indictment Through Disposition January-December 1975 (Albany, New York: New York State Department of Criminal Justice Services, January, 1976).

7 _____, Annual Statistical Report: Inmate and Parole Populations, 1975 Data (Albany, New York: Department of Correctional Services).

TABLE I - 1

FREQUENCY DISTRIBUTION OF INDICTMENT, CONVICTION AND COMMITMENT OFFENSES FOR SUBJECTS SENTENCED TO AND/OR RECEIVED BY THE DEPARTMENT OF CORRECTIONAL SERVICES

January - December 1975

A INDICTMENTS	%	Cf
Offenses		
Robbery	38.4	38.4
Burglary	14.6	53.0
Murder and Homicide	13.1	66.1
Drugs	12.4	78.5
Rape-Sex	4.8	83.3
Weapons	4.6	87.9
Assault	3.7	91.6
Larceny	2.3	93.9
Forgery	1.7	95.6
Crim.Poss.Stol.Prop.	1.1	96.7
Escape	0.9	97.6
Arson&Explosives	0.6	98.2
Kidnapping	0.6	98.8
Judicial	0.3	99.1
Conspiracy	0.3	99.4
Bribery	0.2	99.6
Vehicle&Traff.Law Fels.	0.1	99.7
Gambling	0.1	99.8
Other Penal Law Fels.	0.1	99.9
Criminal Mischief	0.0	
Tax Felonies	0.0	

B CONVICTIONS	%	Cf
Offenses		
Robbery	37.9	37.9
Burglary	13.7	51.6
Drugs	12.1	63.7
Murder and Homicide	9.8	73.5
Weapons	5.8	79.3
Assault	5.5	84.8
Rape-Sex	4.4	89.2
Larceny	4.1	93.3
Crim.Poss.Stol.Prop.	1.6	94.9
Forgery	1.5	96.4
Escape	0.9	97.3
Arson & Explosives	0.6	97.9
Kidnapping	0.4	98.3
Judicial	0.3	98.6
Bribery	0.3	98.9
Conspiracy	0.3	99.2
Other Penal Law Chrgs.	0.2	99.4
Vehicle&Traff. Law Chrgs	0.1	99.5
Criminal Mischief	0.1	99.6
Gambling	0.1	99.7

C NEW COMMITMENTS	%	Cf
Offenses		
Robbery	35.2	35.2
Drugs	12.5	47.7
Burglary	11.8	59.5
Murder&Homicide	11.3	70.8
Youthful Offndrs.	6.4	77.2
Felonious Assault	5.2	82.4
Dangerous Weapons	4.9	87.3
Rape-Sex	4.2	91.5
Grand Larceny	3.1	94.6
Forgery	1.3	95.9
Crim.Pos.Stol.Prop	1.3	97.2
All Other Felonies	1.3	98.5
Arson	0.5	99.0
Kidnapping	0.3	99.3
Misdemeans.&Viols	0.3	99.6
Juvenile Delins.	0.3	99.9
Fraud	0.0	

aggravating factors that are available in these reports. A study conducted at Coxsackie prison indicated that guns and knives accounted for most of the weapons used or threatened in robberies;[8] therefore, the offense descriptions included a specific reference to the type of weapon involved. Vera's recently published study of felony dispositions in New York City indicated that, for a variety of offenses, including assault, robbery and manslaughter,[9] a prior relationship between the offender and the victim was frequently present, and that this factor significantly reduced the severity of the sentence imposed. Thus, a "prior relationship" modifier was included in the offense descriptions.

Card-Sort 1: Trial-Run Exercise

The first card-sort exercise was designed as a pre-test to identify offense descriptions that were vague or otherwise in need of modification, as well as to familiarize the Board Members with card-sort procedures. Following the procedures used in the Federal study, each participant was asked to quickly sort 94 index cards containing offense descriptions into six levels of seriousness ranging from "low moderate" to "greatest" seriousness. If the decision-maker encountered difficulty in classifying the offense, he or she was directed to place the offense description in a seventh category labelled "questionable."

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8 Michael DePietro, Memorandum: "Survey of Coxsackie Correctional Facility Population According to Criminal Offenses Committed", 1975.

9 _____, Felony Arrests: Their Prosecution and Disposition in New York City's Courts (New York: Vera Institute of Justice, 1977).

After completing this exercise, each Board member was asked to rank ten drugs into four categories of "harmfulness." When this task was completed, each participant was interviewed and the sorting procedures and offense descriptions were discussed.

In general, the Board members encountered little difficulty in performing this task. During the interviews, each of the Board members made suggestions on how the offense descriptions could be modified to reduce ambiguity, and to increase the relevance of the modifiers. Several recommended that the relatively infrequent offenses be eliminated from the second card-sort.

To determine the degree of consensus on the appropriate severity level for each offense, the mean (average) ranking was calculated for each offense description. The findings indicated that there was considerable agreement regarding the relative seriousness of the offenses. (See Appendix A for a description of the offenses, and the means for each description.)

Overall, the vast majority of the rankings for each offense description fell within one point of the mean for that description. This finding indicates that, for each description, the range of the rankings among the Board members was rather narrow. This finding applies to both "drug" and "non-drug" offenses, although there was more variability in the offense severity levels assigned to each drug offense description than to "non-drug" offenses. This variability, in turn, reflects differences among the Board members in their perceptions of the relative harmfulness of various drugs. For

example, as Table I-2 indicates, the members were unanimous in judging heroin to be the most and marijuana to be the least harmful of the ten drugs they were asked to consider. Consensus on the other drugs, however, was far less obvious. The rankings for cocaine, for example, were quite disparate, with scores clustering at both extremes of the scale.

TABLE I-2

RANKING OF DRUG HARMFULNESS: FREQUENCY AND MEANS OF RANKS GIVEN

DRUG TYPE	Most 4	3	2	Least 1	MEAN	
Heroin	11				4.0	Most Harmful
Methamphetamine	2	4	5		2.7	Second Most Harmful
Cocaine	3	5		3	2.7	
Methadone	3	2	5	1	2.6	
Hallucinogens	2	4	4	1	2.6	
Barbiturates	1	4	5	1	2.5	
Stimulants		5	4	2	2.3	Third Most Harmful
Tranquilizers		3	5	3	2.0	
Hashish			3	8	1.3	Least Harmful
Marijuana				11	1.0	

The results of this trial-run were used to improve the clarity of the offense descriptions and to reflect changes suggested by the Board members. After these modifications were made, eighty-eight offense descriptions (23 "drug" and 65 "non-drug") were prepared for use in the second card sort.

Second Card-Sort Exercise

The directions for this exercise differed somewhat from those used for the trial-run. In the latter exercise, the Board members were encouraged to sort the cards quickly so that their judgments reflected their initial, immediate response to the offense description. In the second exercise the participants were asked to carefully consider the offenses' descriptions because these rankings would influence the contents of the final severity scale. The instructions were as follows:

> Begin by placing the blue offense category cards in front of you in the order: GREATEST, VERY HIGH, HIGH, HIGH MODERATE, LOW MODERATE and QUESTIONABLE. Then, sort through the offense description cards and find one or two good examples for the Greatest and Low Moderate categories. Next, begin placing the cards in the categories which, in your judgment, best indicate the severity of the offense behavior listed. Arrange the cards as you go so that you can see all simultaneously, much as you would if playing solitaire. Please take time to deliberate on each choice. Re-check your choices and make as many changes as you wish. Once having completed the sort, put the cards aside and come back later. If possible, spread the work over a couple of days. Then, re-check your cards for a final time. Please indicate the severity level for each by placing a check mark in the appropriate box on the bottom of the card.

When the Board Members had completed this task, the results were tabulated and a summary of the findings was returned to the participants (See Appendix A, Table 2).

The results of the second card-sort were similar to those of the first, in that both exercises showed a high degree of consensus concerning the seriousness of the offenses. Overall, 79% of the rankings were within one point of the mean for the individual offenses. For the drug offenses, the figure was 67% and for the non-drug offenses, it was 83%. In addition, the offense des-

criptions used seem reliable. Specifically, for 26 offense descriptions which were essentially unchanged from the trial run, the mean ranks for these offenses were virtually identical in the two exercises (r = .98).

Consolidating the Offense Descriptions and Reviewing the Ratings

A special meeting of the Board was held in April, 1977 to review the results of these card-sorting exercises, and to develop offense descriptions appropriate for inclusion in decision-making guidelines. In this regard, it was noted that certain factors which may influence seriousness judgments on a case level are too specific for inclusion in decision-making guidelines. For example, while the presence of a weapon may be used appropriately to distinguish between broad categories of offense seriousness, the type of weapon (e.g., sawed-off shotgun) involved is too specific a factor for inclusion in guideline offense definitions. In order to reflect the fact that such a specific element may influence the decision in certain cases, the guidelines may incorporate time ranges for each seriousness category. The use of time ranges permits the decision-maker to set an MPI that will reflect mitigating or aggravating factors in the case.

This constraint on guideline development was considered at the April meeting when the Board reviewed and discussed each offense description. When consensus was reached as to the elements to be included in a description, a vote was taken to determine Board consensus concerning the seriousness level to be assigned to this revised offense description.

The six-level offense seriousness scale that emerged from

this meeting is shown in Figure I - 3. By consolidating a number of offense descriptions used in the card-sort exercises and deleting a number of modifiers, the Board Members reduced the 65 non-drug descriptions to 33.For example, all robbery descriptions were collapsed into descriptions closely resembling those in the Penal Law, and all descriptions involving prior relationships as mitigating factors were eliminated. Interestingly, there is a fair degree of correspondence between the Board's offense severity categories and the felony classes of the Penal Law. The "Low Moderate" category roughly corresponds to Felony Class E, "Moderate" and "High Moderate" categories and to Class D, "High" to Class C. In a somewhat more general way the offense included in the "Very High" and "Greatest" categories correspond to Felony Classes A and B. It will be noted that the drug offenses are not included in this scale. Although considerable discussion focussed on the appropriate severity levels for these offenses, it was not possible to obtain consensus at the meeting. The Board members believed that they needed information on the pharmacological effects of these drugs and the court processing of these cases before a severity level could be assigned.

In response to the Board's request, the Vera staff arranged for two experts in the drug area to conduct a seminar with the Board. On July 19, 1977, Mr. Charles Heffernan, Executive Assistant District Attorney, Special Drug Prosecutor's Office, and Mr. Anthony Japha, Director of the A.B.A. Study on Drug-Law Evaluation, met with the Parole Board. Mr. Japha reported the findings of his study regarding the impact of the 1973 Drug Laws on law enforcement, plea-bargaining and

FIGURE I - 3

OFFENSE SERIOUSNESS SCALE OF APRIL 22 SPECIAL PAROLE BOARD MEETING

PENAL LAW CLASS	BOARD RANKING
	LOW MODERATE
D	Forgery/Fraud: Under $1500
E	Larceny: Under $1500
E-D	Possession of Stolen Property: Under $5000
E-D	Theft of Motor Vehicle: Not multiple or for resale
	MODERATE
D	Burglary: Not dwelling
E-B	Bribery/Rewarding: Received for public official misconduct
D	Forgery/Fraud: Over $1500
D	Larceny: Over $1500
D	Possession of stolen property: Over $5000
E	Larceny: Purse snatching
	HIGH MODERATE
D	Theft of motor vehicle: Multiple or for resale
D	Burglary: In a dwelling
D	Robbery: Forcibly stole property (threatened immediate use of physical force on a person to take or keep property)
	HIGH
C	Arson: Intentionally set fire to empty dwelling or commercial building
C	Burglary: Armed with weapon or in a dwelling at night
D	Assault: Intentionally caused serious physical injury or intentionally caused physical injury with a weapon
C	Extortion: Threat of property damage or physical injury
C	Robbery: Forcibly stole property with accomplices or caused physical injury, or displayed what appeard to be a weapon
E	Criminally Negligent Homicide: Failed to perceive risk of death and death not intended
	VERY HIGH
C	Homicide (Reckless Manslaughter): Perceived risk resulting in death and death not intended; intended non-serious injury, but caused death
C/B	Burglary: Caused serious physical injury
B	Robbery: Caused serious physical injury
A-Misdemeanor	Sexual Abuse: Adult to child under 11 yrs.; no force
B	Rape/Sodomy: Force
A	Explosion: Sufficient to cause injury where persons may be present
	GREATEST
B	Arson: Intentionally set fire to building or vehicle knowing persons could be present
D	Sexual Abuse: Adult to child under 11 yrs. old; force
B	Rape/Sodomy: Serious physical injury
B	Homicide: Intended serious injury but caused death
A	Homicide: Intentional

sentencing practices. The Vera staff also provided the Board with a number of publications which described the pharmacological effects of various drugs. (10)

Penal Law Offense Seriousness Scaling

In order to examine more systematically the degree to which the Board members' assessments of offense seriousness corresponded to the gradations of seriousness reflected in the five felony classes of the Penal Law, Vera staff agreed to design a seriousness scaling exercise that would be based entirely on the Penal Law offense descriptions (see Appendix B for instructions, forms and tally sheets used in this exercise).

The New York Penal Law is divided into five felony classes, or gradations, of offense seriousness. As the offense seriousness increases, as reflected in the felony class of the offense, the maximum penalties that may be imposed for a conviction increase. For the lowest seriousness level (Class E), the maximum sentence is four years; for the most serious offenses, Class A, the maximum penalty is life. It should be noted that as the offense seriousness increases, the degree of specificity involved in the offense description increases. For example, the Penal Law definition of Robbery-3, as Class D felony, is: "A person is guilty of robbery in the third degree when he forcibly steals property." (Article 160.05), a rather broad offense description. On the other hand, Robbery-1, a Class B felony, includes four offense elements, and is defined as follows:

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[10] Each Board member was provided with a copy of Edward Brecher's Licit and Illicit Drugs (Mount Vernon, New York: Consumers Union, 1972) and two articles by L. Grinspoon and J. Bakalar, "Cocaine: A Social History" and "A Kick from Cocaine" from Cocaine A Drug and Its Social Evolution (New York: Basic Books, 1976).

A person is guilty of robbery in the first degree when he forcibly steals property and when, in the course of the commission of the crime or of immediate flight therefrom, he or another participant in the crime:

1. Causes serious physical injury to any person who is not a participant in the crime; or

2. Is armed with a deadly weapon; or

3. Uses or threatens the immediate use of a dangerous instrument; or

4. Displays what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm.

(Article 160.15)

In view of the complexity and the scope of the penal law, it was necessary to edit the descriptions of the various offenses and to limit the exercise to the most frequently occurring and the most serious offenses. Furthermore, it was decided that the Board members should not feel compelled to draw distinctions they do not usually draw in their actual decision-making process. For this reason, a very open-ended design was used, imposing no a priori limits on the number of distinctions a Board member could make among offenses.

The Board members were asked to consider the offenses in each felony class and to rank them in terms of relative seriousness within that class. When this task was completed, the Board members were asked to make comparisons between the five felony classes. So, for example, if a Board member felt that a particular Class C felony was more serious than the other Class C felonies, he could reclassify that offense as a Class B felony.

The structure of this exercise differed substantially from that of the card-sorting exercise. In the latter exercise, the Board members were asked to accord seriousness scores to discreet

offense descriptions. A classification system was then created by statistically synthesizing the scores given by all the members. The members were not constrained by existing classification systems. In the Penal Law exercise, however, the Board members were asked to accept the basic classification scheme, but to reconsider the ordering of specific offenses within it.

In conducting this exercise, staff expected that some Board members would make numerous distinctions among offense categories within each felony class. The tally sheets presented in Appendix B generally confirm this expectation. Most Board members drew some distinctions among the offenses within felony Classes B and C, and almost all members subdivided the offenses in felony Class D and Class E into three or more levels of seriousness. Indeed, one member suggested 11 separate seriousness levels within felony Class E. Nonetheless, the distinctions within felony classes were of less interest to the staff than were the Board members suggestions for recategorizing offenses among felony classes.

Table I-3 shows the mean ranking for each offense contained in felony Classes B through E. (see Appendix B for procedures used to compute these mean scores.) Class A offenses are not listed in the table because all the participating Board members agreed that the selected Class A offenses were of equal seriousness and appropriately categorized as Class A felonies.

The table shows that, except for Rape-3 and Sodomy-3, there were no important differences between the Penal Law offense classifications and those made by the Board members in the exercise. This generalization obtains despite the fact that individual Board members did occasionally recommend the reclassification of specific offenses. (See tally sheets in Appendix B for examples.) Rape-3 and Sodomy-3, which are Class E felonies according to the Penal Law, should be treated as Class D offenses, according to the Board members (i.e., they have mean scores of 1.8).

These findings suggest that a five-level offense seriousness scale, corresponding rather closely to the Penal Law classifications, might be used for guidelines purposes.

Offense Seriousness Scaling: An Overview

In summary, two very different approaches were used for developing a preliminary offense seriousness scale: card-sorting using offense descriptions developed by the Vera staff, and an open-ended exercise based on the offense descriptions and gradations of seriousness reflected in the Penal Law.

A "Composite Offense Seriousness Scale" was developed by Vera staff, based on the findings of card-sorting and Penal Law exercises and interviews with the Board members. (See Figure I-4.) This severity scale consists of six offense seriousness levels, and with the exception of Level II (Very High Seriousness), the offense groupings in this scale closely correspond to the Penal Law classes. Level II was designed to cover what may be termed, "aggravated felonies", that is, offenses involving a combination of the aggravating factors specified in the Penal Law.

TABLE I-3

OFFENSE SERIOUSNESS SCORE DERIVED FROM THE PENAL LAW OFFENSE SERIOUSNESS SCALING EXERCISE

Felony Class B	Score	Felony Class C	Score	Felony Class D	Score	Felony Class E	Score
Manslaughter-1	4.1	Manslaughter-2	3.3	Assault-2	2.3	Criminally Negligent Homicide	1.5
Rape-1	4.0	Assault-1	3.1	Reckless Endangerment -1	2.3	Sodomy-3	1.8
Sodomy-1	4.0	Arson-3	3.0	Sodomy-2	2.4	Rape-3	1.8
Kidnapping-2	4.0	Burglary-2	2.9	Rape-2	2.4	Arson-4	1.4
Arson-2	4.0	Grand Larceny-1	3.0	Sexual Abuse-1	2.3	Grand Larceny-3	1.4
Robbery-1	3.9	Robbery-2	3.0	Criminal Possession of a Weapon-2	2.0	Criminal Possession of Stolen Property-2	1.2
Burglary-1	3.9	Criminal Possession of a Weapon-2	3.0	Criminal Trespass-1	2.1		
Criminal Possession of a Dangerous Weapon-1	3.9			Robbery-3	1.9		
				Burglary-3	1.9		
				Grand Larceny-2	1.9		
				Criminal Possession of Stolen Property -2	1.8		

Both approaches used in this research began with lengthy and detailed offense listings, but the end product sets forth broader offense descriptions. The synthesizing of these descriptions is required so that the seriousness scale can be used as part of a decision-making guideline. Such a guideline cannot take specific cognizance of every offense element or a large number of mitigating or aggravating factors. However, the influence of these factors can be provided for through the use of time ranges rather than fixed time periods for various offense and prior record combinations.

Figure I-4: COMPOSITE OFFENSE SERIOUSNESS SCALE DERIVED FROM THE PENAL LAW CARD SORTING EXERCISE

Level I: Greatest Seriousness

Homicide: Intentionally caused death
Arson: Intentionally damages a building or vehicle by means of an explosion, knowing that persons could be present
Felony Murder
Kidnapping: Forcible abduction for ransom and/or causes the death of the victim

Level II: Very High Seriousness

Rape/Sodomy: Forcible and caused serious physical injury
Homicide: Intended serious physical injury, but caused death
Robbery: Armed with a deadly weapon or dangerous instrument and caused serious physical injury
Arson: Intentionally damages a building or vheicle by means of fire, knowing that persons could be present
Burglary: Armed with a deadly weapon or dangerous instrument and caused serious physical injury
Kidnapping: Forcible abduction resulting in serious physical injury

Level III: High Seriousness

Homicide: Caused death while acting under extreme emotional disturbance
Rape/Sodomy: Forcible
Robbery: Armed with a deadly weapon or dangerous instrument or caused serious physical injury
Burglary: Armed with a deadly weapon or dangerous instrument or caused serious physical injury
Kidnapping: Forcible abduction

Level IV: High Moderate Seriousness

Homicide: Recklessly caused death; perceived risk resulting in death and death not intentional
Robbery: With accomplices, or caused physical injury, or armed with what appeared to be a weapon
Assault: Intentionally caused serious physical injury or caused physical injury by means of a deadly weapon or dangerous instrument
Burglary: Caused physical injury
Extortion: Theft of property by instilling fear of property damage of physical injury
Sexual Abuse: Forcible sexual contact with a child under the age of 11

Level V: Moderate Seriousness

Homicide: Criminally negligent homicide; failed to perceive the risk of death, and death not intended
Robbery: Forcible theft of property
Burglary: In a dwelling
Possession of Stolen Property: $5000 or over
Grand Larceny: $1500 or over
Fraud/Forgery: $1500 or over
Bribery/Rewarding: Received for official misconduct
Theft of Motor Vehicle: Multiple of for resale
Rape/Sodomy: consensual, victim under 14

Level VI: Low Moderate Seriousness

Burglary: Not a dwelling
Possession of Stolen Property: Under $5000
Grand Larceny: Under $1500

Section II: Developing Preliminary Guidelines through a Decision-Simulation Exercise

There are several possible strategies for the development of parole decision-making guidelines. The archival approach generally involves selecting a sample of cases which the Board acted on in the past and culling from the case files data regarding the dependent variables (i.e., the MPI and/or time served as of date of release) and indicators of selected independent variables (e.g., offense seriousness, prior criminal history, institutional adjustment).

The means of measuring the variables are defined by the researcher and then imposed on the information recorded in the file. These measures are said to be "objective" in that they use external scales to measure selected variables uniformly across cases.

The relationships between the dependent and independent variables and combinations of independent variables are then analyzed. The dependent variable, such as length of the MPI is then expressed as a function of various combinations of independent variables, such as offense seriousness and seriousness of prior criminal record. The data reveal prior patterns of Board decision-making and permit the Board to adapt or modify these patterns as guidelines for their future decision-making.

The Vera staff undertook two pieces of archival research at the request of Parole, and these research efforts are reported on in the next two sections of this report.

It was suggested that the Board members' subjective assessment of selected independent variables, such as offense seriousness and prior criminal history, could be developed in a decision-simulation exercise, and that the results of such an exercise could be used to develop preliminary decision-making guidelines.[12] This strategy would involve the Board in assessing offense seriousness and the seriousness of prior criminal history, as well as setting specific MPIs for a series of hypothetical cases. In addition to providing another measure of offense seriousness it was believed that this exercise could result in the rapid production of preliminary guidelines.

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[11] See, for example, Don M. Gottfredson, Colleen A. Cosgrove, et al, Classification for Parole Decision Policy, (Albany, New York: Criminal Justice Research Center, March, 1977).

[12] The suggestion was offered by Mr. Peter Hoffman, the Research Director of the U.S. Parole Commission, who served as a consultant to the project at the request of the Board of Parole.

The Board members were presented with 24 hypothetical case descriptions and asked to answer specific questions regarding each case. In total, an estimated 30-45 minutes of a Board member's time was required to complete the exercise. (see Appendix C for the Board instructions, case narratives and tally sheets used in the exercise.)

The Board members were asked to set an MPI based on information related to two basic factors - offense seriousness and prior criminal record. A number of mitigating and aggravating factors which may influence the Board members' decision in actual practice (e.g., employment history, parole plan, etc.) were excluded from the hypothetical case descriptions. The use of a relatively small number of cases precluded the possibility of using detailed factorial design because it would not be possible to systematically vary a large number of factors. It was decided, therefore, that the case descriptions would reflect only variations in offense and prior record items.

The participating members [13] were instructed to rate the seriousness of the offense using five levels ranging from low-moderate seriousness to very high seriousness. Similarly, they were told to evaluate the seriousness of the prior criminal record using the following five categories: none, minor, moderate, serious, and very serious. After making these judg-

[13]Nine out of 12 Board members participated in this exercise.

ments, they were directed to set a "likely" MPI term. In view of the fact that the information presented in this exercise was not as complete as that which would normally be available to the Board, the members were asked to set a range for the MPI which would permit the influence of any additional mitigating or aggravating factors that might be present in an actual case.

The tally sheets included in Appendix C present the seriousness rating, prior criminal record rating, likely MPI, and the upper and lower limits of the MPI range accorded to each of the 24 hypothetical cases by each of the 9 participating members. In addition, the median and mean scores for each of these dimensions is presented.

A review of the data presented in these tally sheets indicates that there was a fairly high degree of consensus among the Board members concerning the relative seriousness of the hypothetical offenses. In 20 of the 24 cases, at least 7 of the 9 ratings fell into two categories of seriousness. In the remaining four cases (#1, 9, 12, and 20) the scores were somewhat more disparate.

The degree of consensus is even greater among the Board members with respect to their assessments of the relative seriousness of prior criminal records. In 4 cases the hypothetical offender had no prior record. In all the remaining 20 cases at least 7 of the 9 ratings fell into two categories.

However, when asked to convert these assessments into specific MPI's and MPI ranges, the Board members evidence a considerable lack of consensus. Even when the members clearly agree on the seriousness of the offense and prior record, they would impose widely disparate MPIs. For example, in Case #3,

all the members scored the offense as being of either high or very high seriousness and the prior history as serious or very serious. Nevertheless, the likely MPIs set in this case ranged from 42 to 96 months. The lower limit of the MPI range itself ranged from 30 to 90 months, while the upper limit ranged from 60 to 120 months. It must be noted that the hypothetical case descriptions did not provide the Board members with maximum sentence information in each case. The absence of this constraining factor probably contributed to the amount of variation in MPIs.

By working with the mean scores for offense seriousness and prior record, staff developed a guideline matrix which accounted for the MPI's set in 21, or 88%, of the cases. The guidelines consist of four offense seriousness levels and three prior criminal history categories which, when combined, form twelve cell matrix. The following chart summarizes the guidelines:*

TABLE II-1

Offense Seriousness Level			
IV - Very High Seriousness	36-48	42-54	48-60
III - High Seriousness	24-36	30-42	36-48
II - High Moderate Seriousness	18-30	24-36	30-42
I - Moderate Seriousness	12-24 (None-Minor)	18-30 (Moderate)	24-36 (Serious)
	Prior Criminal History Rating		

*This table was not presented to Parole Board staff during the term of the contract.

This matrix was developed by first plotting all the cases according to their average offense seriousness and prior criminal history ratings. Categories of offense seriousness and prior criminal history that contained no cases, or very few cases, were then merged with other categories. For example, there were no cases in which the members rated the offense to be of "low moderate" seriousness; i.e., the lowest seriousness category. Therefore, that category was dropped entirely.

This process reduced the number of offense seriousness levels to four and the prior criminal history categories to three. The score ranges for the offense seriousness levels were varied in order to develop a matrix which satisfied the following criteria: (a) established reasonably limited MPI ranges for each cell; (b) established floors and ceilings on the MPI ranges which reflect proportionate increases in the seriousness of the offense and the prior criminal record; and (c) accounted for approximately 80% of the MPI decisions. The matrix presented in Table II-1 met all of these criteria.

Table II-2 summarizes the results of this effort to develop tentative guidelines through a decision-simulation exercise. This rather detailed table shows the distribution of the cases according to their average offense and prior criminal history ratings. For each case in a "cell" the median for the lower limit of the decision range, and median "likely" MPI is presented. Cases which are "outside" the guidelines, that is, cases where the median "likely" MPI did not fall within the suggested ranges, are indicated by an asterisk.

All of the ranges are twelve months long, and with the exception of Level IV, there is a six-month increment for each unit increase in either offense or prior record seriousness. The increment between offense levels III and IV is twelve months.

While it was possible to generate tentative guidelines from this exercise, their reliability is not clear. The degree of correspondence between the simulated decisions and those made by the Board in actual cases was not tested. Moreover, the exercise was somewhat artificial in several respects. As previously indicated, the information provided in the case descriptions was substantially less extensive and detailed than that presented to the Board members for actual case decisions. In addition, the members were not able to discuss the case with staff in order to clarify a point or get additional information. Finally, the members did not have an opportunity to discuss the cases among themselves before rendering a decision. It is possible, therefore, that the artificial nature of the exercise accounts for part of the variation in the lengths of the MPI's set by the Board members.

TABLE II-2

GUIDELINES DERIVED FROM THE RESULTS OF THE NARRATIVE EXERCISE

Offense Seriousness Level	None-Minor (1.0-2.5) Case #	M-1	M-2	Moderate (2.6-3.5) Case #	M-1	M-2	Serious (3.6-5.0) Case #	M-1	M-2
IV Very High Seriousness (4.5-5.0)	17	36	48				3	36	51
							24*	60	63
	(36-48)			(42-54)			(48-60)		
III High Seriousness (3.5-4.3)	5	27	36	2	30	36	1	27	36
							6	30	42
							7	36	42
							10	36	42
							22	33	36
	(24-36)			(30-42)			(36-48)		
II High Moderate Seriousness (3.0-3.4)	14*	30	36	9	30	36	20	36	42
				15	24	32			
				18	24	32			
				21	24	36			
	(18-30)			(24-36)			(30-42)		
I Moderate Seriousness (2.0-2.9)	4	18	20	23	24	24	11	30	36
	16	12	24				13	24	36
	12	19	24				19	30	33
	8*	24	30						
	(12-24)			(18-30)			(24-36)		

Prior Criminal History Rating

M-1 represents the median for the lower limits of the decision range.

M-2 represents the median for the "likely" MPI.

The numbers in parenthesis are the guideline ranges derived from the distribution of the cases.

Section III: The MPI Study

One of the archival research efforts which Vera staff undertook as part of this project was a study of Minimum Periods of Incarceration terms (MPI's) set by the Parole Board between January 1, 1977 and June 30, 1977. The research was initiated in response to a request from the Board, and was designed to provide three types of information, as follows: 1) basic, descriptive data on the frequency of various offense and prior criminal record combinations; 2) a data base for an analysis of the relationships among the offense of conviction, prior criminal record factors, and the length of the MPI imposed; and 3) data on the completeness of the records, including the quality and the quantity of the information contained in the case files.

Vera staff drew a simple random sample of 345 cases representing 20% of the approximately 1700 MPI determinations made during that period. Data related to the present offense (e.g., the felony class of the indictment and conviction offenses, as well as the specific offense of conviction), prior criminal record (e.g., number of prior convictions, prior prison terms, etc.), and the MPI imposed were collected and analyzed. (See Appendix D for a description of the factors, variables and definitions used in the study).

Offense and Prior Record Characteristics of the Sample

Tables III-1 and III-2 summarize the prior criminal history characteristics of those included in the MPI sample.

TABLE III-1

DISTRIBUTION OF PRIOR ARRESTS AND CONVICTIONS IN MPI SAMPLE

Number of Arrests or Convictions	Prior Arrests # of Sample Members	Prior Arrests % of Sample	Prior Convictions # of Sample Members	Prior Convictions % of Sample
0	49	14.2	117	33.9
1	42	12.2	83	24.0
2	42	12.2	48	13.9
3	38	11.0	31	9.0
4	38	11.0	24	7.0
5 of more	136	39.4	42	12.2
	345	100.0	345	100.0

This table indicates that, while only 14.2% of the sample cases had never been arrested before, almost 34% had never been convicted of a criminal offense other than the one for which the MPI was set. Indeed, only 42% of the sample had two or more prior convictions. These figures refer to both misdemeanor and felony[14] arrests and convictions, and they depict a pattern of prior criminal history that is somewhat less severe than one might expect among a segment of the felony inmate population.

14 In New York State a felony is a crime from which the maximum penalty is a year or more of incarceration, while a misdemeanor cannot be punished by more than a year's incarceration. In fact, this particular sample included very few case with prior felony convictions, because the State's second felony offender law requires that such cases have their MPI set by the Court rather than the Parole Board. This law and its relation to this sample are discussed more fully in the pages that follow.

TABLE III - 2

DISTRIBUTION OF PRIOR JAIL AND PRISON TERMS IN THE MPI SAMPLE

No. of Jail & Prison Terms	Prior Jail Terms # of Sample Members	%	Prior Prison Terms # of Sample Members	%
0	221	64.1	304	88.1
1	56	16.2	36	10.4
2 or more	68	19.7	5	1.5
	345	100.0	345	100.0

Table III-2 shows the number of sample members who had been incarcerated prior to the instant sentence. In New York State, a "jail" is defined as local or county correctional facility. The maximum sentence that may be imposed for a Class A misdemeanor is one year. In other words, all incarcerative sentences for misdemeanor convictions must be served in jails. In general, if a person is convicted of certain C, D, or E felonies, the judge may impose probation, a jail term not exceeding one year, or a prison term where the maximum sentence must be at least three years. In short, pursuant to a felony conviction it is possible to receive a jail sentence. From Table III-2, it is clear that only 41 of the cases in the sample involved both prior felony convictions and prior prison sentences. Furthermore only 124 had served a jail term. Again these incarcerations may have been imposed for either a felony or misdemeanor conviction. However, in view of the distribution presented in Table III-1, it is probable that the jail was the result of a misdemeanor conviction.

Admissions data on 1971-75 new commitments to the Department of Correctional Services indicates that 45.5% of the subjects had no prior state or local commitments; 27.2% had local commitments only; and 27.3% had served one or more state or federal prison terms.[15] A comparison of these distributions with those for the MPI sample suggests that the prior criminal records of the subjects in the MPI sample were somewhat less serious than those for the overall admissions population. This difference seems attributable to the impact of the State's second felony offender law.

Section 70.06 of the New York State Penal Law, sometimes referred to as the predicate felony provision, requires the Court to impose a minimum as well as a maximum sentence of imprisonment on anyone convicted of a felony" ...after having previously been subjected to one or more predicate felony convictions..." In general, a prior conviction is a predicate felony conviction if it was for a felony in New York, or a crime of equal seriousness in another State, and if, the sentence for that crime was imposed not more than 10 years before the commission of the instant offense. The statute excludes periods of incarceration in tolling the ten-year period.

The section specifies the lowest permissible maximum sentences which must be imposed by the Court upon the second felony conviction. These maxima vary with the class of the second felony conviction (e.g., at least 9 years for a Class B felony; at least 3 years for a Class E felony). Finally, the section also requires the Court to impose a minimum sentence and mandates that the mimimum be set at one-half the maximum.

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15 _____, Annual Statistical Report: Inmate and Parole Populations, 1975 Data (Albany, N.Y.: N.Y.S. Department of Correctional Services).

Because of this law, people with prior felony convictions have their minimum periods of imprisonment set by the Court, rather than the Parole Board. Thus, those with more serious criminal records generally do not fall into the universe of Board-set MPI's and therefore, do not appear in this sample.

While the MPI sample showed less serious prior histories than the general inmate population, the distributions of conviction offenses were very similar for both groups. For example, 37% of the MPI sample were convicted of robbery, as compared with 36% of the general admissions sample. Comparable figures for other offenses include: Burglary - 5% MPI, 12% general admissions; Assault - 3% MPI, 5% general admissions; Manslaughter - 13% MPI, 8% general admissions. (16) Thus, the two samples did not appear to differ significantly with respect to the seriousness of conviction offense.

Length of MPI as a Function of Offense Seriousness and Prior Criminal History

The data collected on the MPI sample cases were analyzed to better understand the nature of the relationship between the length of the MPI, on the one hand, and combinations of offense seriousness and prior criminal history, on the other. Offense seriousness was measured by the felony class of the indictment offense (see Table III-4), and the felony class of the conviction offense (see Tables III-3 and III-4).(17)

16 N.Y.S. Department of Correctional Services - Annual Statistical Report, op.cit.

17 There were no class A convictions in this sample because the Penal Law requires the sentencing court to set minimum terms in such cases.

Data on the offense of indictment were collected, analyzed and presented in recognition of the Board's expressed discontent with setting MPIs simply on the basis of the offense of conviction. Indeed, the Board indicated that it based its decisions on the actual offense derived from the official description of the conduct contained in the pre-sentence report. It was also suggested that the indictment offense would resemble the "actual offense" more closely than would the offense for which the offender was convicted, since the latter is often the end result of a plea-bargaining process.

Class A felonies are included when the offense of indictment is used (Table III-4) and, in fact, accounted for 14.5% of the distribution. A comparison of Table III-4 with III-3 shows that 80% of the indictment offenses were for Class C felonies or higher. By way of contrast 58.3% of the conviction offenses were for C felonies or higher and 41.7% were for D and E felonies. The comparison confirms the expectation that the indictment offenses would, in general, be more serious than the conviction offenses.

TABLE III - 3

DISTRIBUTION OF MPI TERMS BY FELONY CLASS OF CONVICTION AND NUMBER OF PRIOR CONVICTIONS

FELONY CLASS OF CONVICTION	No. of Prior Convictions	No. of Cases	MPI		
			$\bar{X}$	sd	Mdn
B (29.3%)	0	41	34	13.7	32
	1	17	39	16.9	35
	2 or 3	19	41	21.8	36
	4 or More	13	42	9.2	37
C (29.0%)	0	31	23	10.0	19
	1	27	25	9.2	24
	2 or 3	19	27	9.6	25
	4 or More	12	33	10.4	35
D (31.6%)	0	21	21	6.7	21
	1	23	20	6.4	18
	2 or 3	26	22	7.8	18
	4 or More	27	22	7.4	24
E (10.1%)	0	4	21	10.4	18
	1	7	17	4.1	17
	2 or 3	11	21	6.2	22
	4 or More	9	17	3.6	17
100%	TOTAL:	307*			

*35 individuals convicted as Youthful Offenders (YO's) are not included here because the YO status is not actually a measure of offense seriousness, as in a felony class. Rather, the status reflects considerations relating to both offense and offender. In addition, 3 other cases were dropped from this analysis because they were inappropriately coded as Class A felonies.

TABLE III - 4

DISTRIBUTION OF MPI TERM (IN MONTHS) BY FELONY CLASS OF INDICTMENT AND NUMBER OF PRIOR CONVICTIONS

FELONY CLASS OF INDICTMENT	No. of Prior Convictions	No. of Cases	MPI		
			$\bar{X}$	sd	Mdn
A (14.5%)	0	25	32	14.9	35
	1	11	39	23.9	37
	2 or 3	8	41	19.0	36
	4 or More	4	48	9.8	48
B (48.8%)	0	63	25	10.6	24
	1	42	25	8.5	24
	2 or 3	32	29	17.3	24
	4 or More	24	31	11.9	35
C (16.7%)	0	11	22	8.5	20
	1	14	21	7.4	20
	2 or 3	14	27	10.3	24
	4 or More	16	26	9.1	24
D (16.7%)	0	13	19	4.2	18
	1	13	18	4.3	18
	2 or 3	17	20	6.5	21
	4 or More	12	20	6.9	21
E (3.3%)	0	1	24	0.0	24
	1	3	18	6.0	18
	2 or 3	2	24	0.0	24
	4 or More	5	19	2.7	19
100%	TOTAL	330*			

*Indictment information was missing on 15 cases.

TABLE III - 5

DISTRIBUTION OF MPI TERM (IN MONTHS) BY FELONY CLASS OF CONVICTION AND PRIOR CRIMINAL RECORD

FELONY CLASS OF CONVICTION	Prior Criminal Record	No.of Cases	MPI		
			$\bar{X}$	sd	Mdn
B (29.3%)	None (9,8)	41	34	13.7	32
	Minor(7,6,5)	39	41	18.8	36
	Moderate(4,3)	6	39	7.3	37
	Serious (2,1,0)	4	43	11.5	40
C (29.0%)	None	31	23	10.0	19
	Minor	49	26	9.8	24
	Moderate	8	36	5.6	35
	Serious	1	36	0.0	36
D (31.6%)	None	20	21	6.6	20
	Minor	49	21	7.4	18
	Moderate	22	22	7.0	23
	Serious	6	19	4.5	19
E (10.1%)	None	4	19	11.4	15
	Minor	21	19	5.0	19
	Moderate	5	17	2.2	16
	Serious	1	18	0.0	18
100%	TOTAL	307 *			

Weighting Scheme:

No Convictions = 3
One Conviction = 2
2 or 3 Convictions = 1
4 or More Convictions = 0

No Jail Terms = 2
1 or Two Jail Terms = 1
3 or More Jail Terms= 0

No Prison Term = 4
One Prison Term= 2
2 or 3 Prison Terms= 1
4 or More
Prison Terms = 0

*35 individuals convicted as Youthful Offenders (YO's) are not included here because the YO status is not actually a measure of offense seriousness, as in a felony class. Rather, the status reflects considerations relating to both offense and offender. In addition, 3 other cases were dropped from this analysis because they were inappropriately coded as Class A felonies.

Prior criminal history was also measured in two ways. In Tables III-3 and III-4, it is measured in terms of the specific number of prior convictions, ranging from 0 to 4 or more. In Table III-5, however, the prior history measurement is in the form of an index which takes into account the number of prior convictions, the number of prior jail terms, and the number of prior prison terms.

Each of these tables shows the mean and median MPI's, as well as the standard deviation from the mean in terms of months for each felony class and each prior history category within the felony class.

Despite these differences in measurement, the general patterns of relations are similar in all the tables. Those patterns as as follows:

1) As the seriousness of the offense increased, the length of the MPI increased. For example, in Table III-3, using the offense of conviction, the mean MPI for Class E felonies was 18.9 mos. compared to a mean of 37.6 for Class B felonies. Similarly, in Table III-4, using the offense of indictment, the mean for Class E felonies was 20.0, compared with 36.4 for Class A offenses.

2) The seriousness of the prior record, by itself, did not strongly influence the length of the MPI. For example, when prior criminal history was measured solely in terms of the number of prior convictions as in Table III-3, the mean MPI's for each conviction category were as follows: 0 Convictions = 27.1 mos.; 1 Conviction = 25.9 mos.; 4 or more = 27.7. In this distribution,

the range of time between the least and the most serious categories is only 6 tenths of a month, or 2 1/2 weeks.

When the index of prior criminal history was used, as in Table III-5, the results were not markedly different. In this instance, the mean MPI's for each prior record category were as follows: None = 27.1; Minor = 27.2; Moderate = 26.6; and Serious = 28.3. In the distribution, the difference in time between the least and most serious categories of prior record was 1.2 mos., or approximately 5 weeks.

In sum, the relationship between prior criminal history, and length of the MPI is not linear; that is, the length of the MPI does not consistently increase with increases in the seriousness of prior record. Both distributions evidence decreases where increases would be expected, were the relationship strictly linear.

3) When the seriousness of offense is held constant, whether that be the offense of conviction or the offense of indictment, some relationship between length of MPI and prior history is discernible, at least with respect to the more serious felony classes. In Table III-3 (Conviction Offense) there is a consistent gradual increase in the length of the mean MPI for each prior history category within Felony Classes B & C. The same linear pattern is discernible in Table III-4 (Offense of Indictment) within Felony Classes A & B. However, among the less serious felonies (i.e., Classes D and E in both tables) there is virtually no variation in

the length of the mean MPI as the seriousness of the prior criminal history increases. For example, the mean MPIs for Class E felonies in Table III-3 went from 21 mos. for those with no prior convictions down to 17 mos. for those with one conviction, back up to 21 mos. for those with two or three convictions, and down again to 17 mos. for those with four or more. The apparent lack of relationship between prior criminal history and length of MPI in the lower felony classes is probably attributable, in part, to the relatively short maximum terms imposed for convictions of this level. However, the "reversals" (i.e., results in the wrong direction) shown in the statistics cited above are probably attributable to the small size of the sample.

Table III-5 permits an examination of the same relationship using a more complete and more sophisticated index of prior criminal history. Again, one can observe some relationships of a reasonably linear nature within felony Classes B & C, while the relationship is essentially flat in Classes D & E.

This table does however suggest that the index of prior criminal record may be a slightly more sensitive measure of prior record seriousness as seen by the Board than a prior record score based solely on the number of prior convictions. This suggestion stems from the observation that the standard deviations (Col. 5 d, Table III-5) from the mean in general are somewhat smaller than those obtaining when the number of prior convictions is used to measure prior record (Table III-3).

The standard deviations from the mean themselves deserve comment because they are rather large, especially in the more serious felony classes. The size of the deviations suggests that there is considerable variation in the length of the MPI imposed in cases in which felony class of offense and prior criminal history is the same.

For example, Table III-3 indicates that the mean MPI for cases with Class B convictions and no prior criminal convictions was 34 mos. The standard deviation of 13.7 mos. indicates that a range of 27.4 mos. (i.e., from 20.3 to 47.7 months) is needed to account for the MPI's imposed on only two-thirds of the cases in that class. In other words, approximately 27 of the 41 cases convicted of a B felony and having no prior conviction were given MPI's ranging from 20.3 mos. to 47.7 mos. The remaining third of the 41 cases were given MPI's above or below that range.

As Tables III-3, III-4, and III-5 indicate, the standard deviations were fairly large for each felony class. Some of this variation may be attributable to the fact that offenses of differing seriousness are grouped within the same felony classification. For example, the following offenses are all Class C felonies: Manslaughter II (death caused through recklessness), Robbery-2 (unarmed robbery with an accomplice), and Burglary II (nighttime burglary of a dwelling). Additionally, part of this variation may reflect the influence of the maximum sentence.

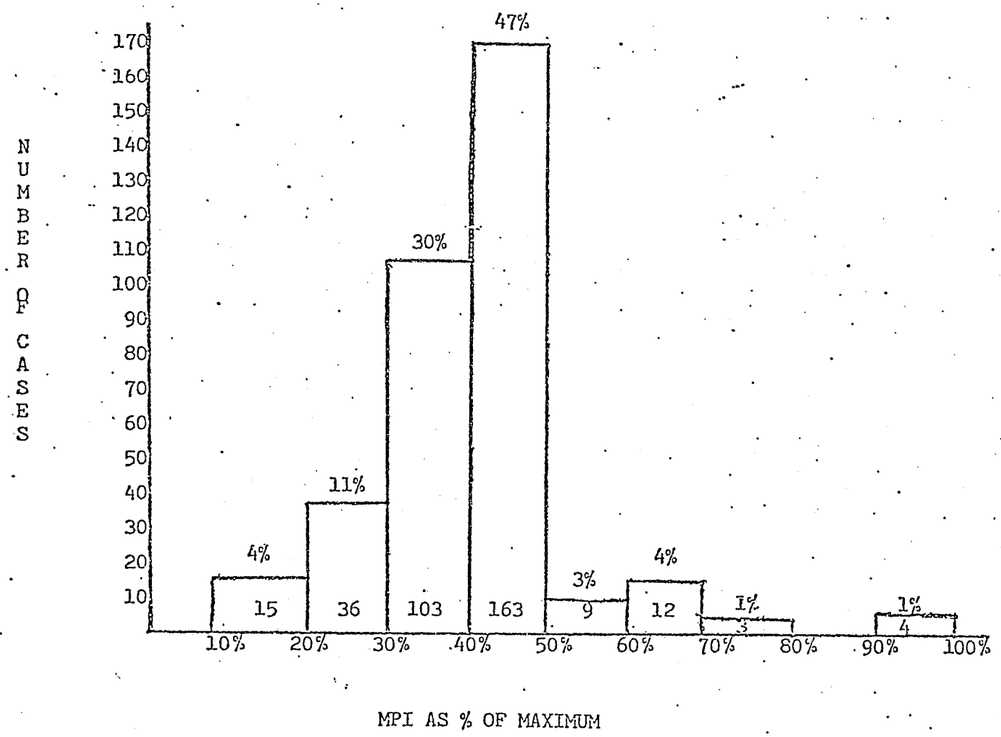
Table III-6 presents the median MPI terms (set by the Board), the median maximum sentence (set by the Court), the range of the MPI's, and the range of the maximum sentences for ten selected major offense categories. In considering the following findings, it must be noted that the number of cases in a few of the offense categories (e.g., Assault-1), is quite small thereby limiting the strength of the inferences that can be drawn. Nevertheless, a review of the ranges for both the MPI and the maximum term indicates that there is considerable variation in both the MPI and maximum

TABLE III - 6

Conviction Offense	Felony Class	N	Median MPI	Median Maximum Term	MPI Range	Maximum Range
Manslaughter-1	B	33	47	120	24 - 84	60 - 300
Assault-1	C	3	39	144	36 - 48	120 - 180
Assault-2	D	6	39	48	12 - 42	36 - 60
Rape-1	B	9	36	99	30 - 108	60 - 216
Robbery-1	B	36	33	74	12 - 48	36 - 300
Manslaughter-2	C	11	29	69	24 - 48	36 - 120
Robbery-2	C	51	24	52	12 - 48	36 - 180
Burglary-3	D	16	24	49	12 - 30	36 - 84
Attempted Robbery-3	E	5	24	49	18 - 36	36 - 48
Robbery-3	D	35	18	46	12 - 36	36 - 48

Figure III - 1

DISTRIBUTION OF THE MINIMUM PERIOD OF IMPRISONMENT (MPI) TERMS AS A PERCENTAGE OF THE MAXIMUM SENTENCE



terms imposed for the same offense of conviction. Moreover, the relationship between felony class of conviction and median MPI is not strictly linear. So, for example, Rape-1 and Robbery-1, both Class B felonies evidence lower median MPI's than do Assault-1 (Class C felony) and Assault-2 (Class D). This lack of linearity is also true of the relationship between felony class of conviction and the median maximum term imposed by the Court, e.g., Assault-1 (a Class C felony) had a higher median than did Manslaughter-1 (a Class B felony).

Figure III-1 is a histogram showing the distribution of sample MPI's as a percentage of the maximum imposed by the Court. The figure indicates that 77% of the MPI's were set at terms ranging from 30% to 50% of the maximum sentence, with almost half of the cases (47%) receiving MPI's of between 40 to 50% of the maximum. The data suggest a fairly strong relationship, although by no means a one-to-one relationship, between the maximum imposed by the Court and the MPI set by the Board. Thus, the variation in MPI's for similar offenses is in part a product of the variation in maximum sentences imposed and in part a product of the Board's own discretion.

Summary and Conclusions

This analysis of a sample of cases having MPI's set by the Parole Board indicates that such cases, while similar to the general admissions population of felony inmates with respect to the seriousness of conviction offense, presents a generally less

serious picture of prior criminal history than does the general population.

For this sample, the seriousness of the instant offense was clearly more determinative of the length of the MPI than was the seriousness of the offenders prior criminal history. This latter variable does appear to account for some of the variation in MPI's within the more serious felony classes (i.e., B & C), but seems largely unrelated to MPI in the less serious classes (i.e., D & E). No doubt, this pattern reflects, in part, the relatively short maximum sentences imposed in the lesser felonies and the extent to which such short sentences constrain the discretion of the Board in setting MPIs.

There appears to be a considerable amount of variation in the length of MPIs set for: offenses of the same felony class; similar combinations of felony class and prior criminal record; and even for the same offense of conviction. In considering these findings, it must be recognized that there is considerable variation in the seriousness of the crimes that are grouped within each offense title (e.g., Robberty-1), and penal law classification (e.g. Class B). For example, Grand Larceny-2 (theft of property valued at over $1500; that is, auto theft) and Robbery-3 (forcible theft of property) are both D felonies and carry maximum penalties of seven years imprisonment. Additionally, there appears to be substantial variation in the length of the maximum terms for selected major offenses.

There is a fairly strong relationship between the MPI imposed by the Board and the maximum imposed by the Court. Never-

theless, it is clear that the variations in MPIs are not entirely attributable to variations in maximum sentences.

Section IV: The Parole Release Study

Introduction

This section reviews the findings from a study of the Board's past paroling practices. This piece of research was undertaken at the specific direction of the Chairman to generate descriptive statistics about the characteristics of parolees, and to determine the average time served by inmates with various offense and prior record characteristics.* An extensive data base containing sentence, prior record and offense information was developed for all inmates released for the first time on their present sentence between January 1, and June 30, 1977 (approximately 2200 cases). The sample was restricted to parolees and, therefore, no information is available concerning the time served by inmates who were conditionally released, or released at the maximum expiration of their sentences. It must also be noted that the sample does not include inmates who violated parole on their present sentence and who were returned to prison as technical violators, or as violators with new sentences. These cases were excluded because the computation of time served is complicated by the fact that these inmates are given credit for the time they served on the "street" before the revocation of parole. Therefore, the time served statistic in these cases would be extremely inflated.

* Time served was defined as jail credit plus time served from the date of reception at a State Department of Correctional Services facility until the date of release on parole, not the date on which parole was actually granted.

The study of time served by parolees is consistent with other research in the area of parole decision-making and guideline development.(18) Since parole is the dominant mode of release from prison, and analysis of parole releasees should provide a reasonable estimate of the Board's policies concerning the appropriate amount of time to be served by offenders with various offense and prior record characteristics. Nevertheless, the reader is reminded that the time served statistics presented in this section of the report do not reflect the average or median time served by all inmates released from Department of Correctional Services facilities during this time period. Nor is it clear whether the average time served statistics for the entire population of releasees would be greater or less than those presented for the sample of parolees. For example, a review of time served statistics for those released on parole in 1976 and those conditionally released indicates that conditional releasees served considerably less time than those released on parole.(19)

18 See Don M. Gottfredson, Colleen A. Cosgrove, et al, Classification for Parole Decision Policy, (Criminal Justice Research Center, March, 1977), p. 22.

19 New York State Department of Correctional Services, Division of Program Planning, Evaluation, and Research, Parole Statistics: 1976 (Albany, New York, undated.)

Appendix E presents the list of variables on which data was collected, the definitions of each variable and the data collection froms used to record the data. In addition to data regarding the time served by each releasee, data was collected concerning: the instant offense; weapons used; physical injury inflicted; and a number of items related to the inmate's prior criminal history.

The prior record information was scaled using an index developed by the Parole staff. The prior criminal history worksheet, which is presented on the following page, divides the seriousness of the prior criminal history into four categories ranging from "good" to "very poor". The classification of the prior criminal history depends on the scores on four items: 1) the number of prior convictions, 2) the number of prior incarcerations (jail terms plus prison terms.), 3) the number of prior prison terms, and 4) whether the present offense was committed while the inmate

CRIMINAL HISTORY CATEGORY WORKSHEET

Item #1: Prior Convictions

No Convictions	=	3
One Conviction	=	2
Two or three Convictions	=	1
Four or more Convictions	=	0
Prior Convictions Score	=	

Item #2: Total Number of Commitments (Jail Plus Prison Terms)

No Commitments	=	2
One or two Commitments	=	1
Three or more Commitments	=	0
Prior Commitment Score	=	

Item #3: Prior Prison Terms

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

Item #4: 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

Prior Parole/Probation History Score=

was on probation or parole, and/or whether the inmate ever had his parole revoked.[20] The points accorded by the scoring system vary by item, but cumulatively the higher total scores are associated with relatively less serious criminal records.

In conducting this study, Vera staff was directed to measure what parole staff referred to as the "actual" offense. The Chairman expressed the opinion that the offense of conviction was more often than not the end result of plea negotiations and, as such, did not indicate the seriousness of what actually happened. To identify the "actual offense" Vera staff studied the offense description provided in the pre-sentence report and assigned to it the penal law category and felony class that most closely corresponded to the most serious offense behavior described in the report.[21] As a check on the reliability of the cod-

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20 The prior criminal history score was derived from a review of the "salient factor" score used by the United States Parole Commission. The weights that were assigned by the Parole staff are arbitrary. They do not reflect the results of an empirical analysis of the factors related to recidivism in New York State. It must be noted, however, that the prior record factors included in the prior record score are factors that have been consistently found to be related to recidivism.

21 It is not always easy to identify what constitutes the actual offense. It is not uncommon, for example, for a defendant to be indicted on five counts of Robbery, arising out of five discrete incidents, and for a defendant to take a plea to Robbery-3 which satisfies all five indictments. One of the indictments may have concerned (cont'd on P. IV-6)

ing, and to provide additional information on the "actual offense", data concerning the type of weapon used, the degree of physical injury sustained by the victim, and, for drug offenses, the amount and type of substance involved, was also collected.

The matrices, or charts, contained in Appendices F-H present the mean and median time served for various combinations of "actual" offenses and prior criminal history scores.

The data presented in these Appendices are in the format requested by the Parole Staff and reflect the summary statistics requested by them. At their request, Vera subdivided the release sample into four sub-samples: 1) cases where the minimum term had been set by the Board (MPI cases.), 2) cases where the minimum term was set by the sentencing court (judge-set minimum cases), 3) cases where the most serious conviction offense concerned the possession and/or sale of a controlled substance, and 4) a combined sample consisting of MPI and judge-minimum cases, with the "drug" cases excluded. Specifically, Appendix F presents the data regarding Board Set MPI cases with a separate set of tables for the 69 drug cases in which the MPI's were set by the Board. Appendix G presents similar tables for the judge-set sample and separately for drug cases in which the minimum terms were set by the Court.

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21 (Cont'd. from p. IV-5) what appears to be Robbery-1, that is, the armed robbery of a liquor store. In coding the actual offense, the most serious offense behavior alleged in the pre-sentence report would be recorded, regardless of whether the indictment reflected the behavior. Specifically, an inmate could have been indicted for Robbery-2 offense, which involved what appeared to be a weapon, however the weapon was never recovered. The testimony of the witnesses suggests that a Robbery-1 indictment may be appropriate; however, a Robbery-2 indictment is entered. The defendant pleads guilty to Robbery-3. This case would have been coded as Robbery-1. For this reason there is a certain amount of discrepancy between Vera coding of the "actual offense" and the most serious indictment offense."

Finally, Appendix H presents all tables for the combined Board-set and judge-set cases, excluding drug cases.

The tables, histograms and charts are essentially the same in each Appendix. For the most part they present frequency distributions for various dimensions of prior criminal record, the felony class of the offense of indictment, offense of conviction, and "actual offense," the maximum sentences imposed by the Court, and weapons used and injuries involved in the offenses. The charts, or matrices, at the end of each Appendix require a brief word of explanation.

Each chart is a cross-tabluation which presents time served[22] until release as a function of the "actual offense" and the prior criminal record of the offender. Each cell, therefore, represents a combination of an "actual offense" and a category of prior record, e.g., Murder-2 with a Good record, Robbery-1 with a Poor record, etc. Each cell then presents a substantial amount of information about the cases that combine the specific offense and prior record attributes. This information includes: (1) the N, or total number of cases in the cell; (2) the mean time served by those cases; (3) the standard deviation from the mean; (4) the 100% range, that is, the minimum number of months and the maximum number of months served by the cases in that cell; and (5) the 80% range indicating the upper and lower limits of the time range within which fall 80% of the cases in the cell. The 80% range, not only describes where the heavy majority of cases in each cell fall, but eliminates the extreme scores on each end of the range.

[22] Time served was measured as jail time credit plus the time elapsed from the date on which the inmate was received at a DOCS facility to the date on which he left such a facility on parole.

In addition, each cell describes the median time (i.e., the midpoint in the distribution of time served scores) served by the cases in that cell; the upper and lower limits of a 10-month time range established by adding and subtracting 5 mos. from the median time served; the number of cases in the cell that fall within that "median range"; and the percentage of the cell's cases that fall within the "median range".

The use of a "median range" to examine the distribution of cases in each cell reflects a tentative, and arguable, assumption that a ten-month range provides for reasonable variation in time served by cases combining the same offense and prior record attributes. By applying this range to the cases in each cell we can identify the proportion of those cases that would be included in that 10-month range on the basis of time they actually served. If that percentage is reasonably high, the range effectively encompasses past Board release decisions in cases of that kind. If the percentage is low, the range does not effectively reflect such past decisions. Thus, the "median range" helps the policy-maker to see how various proposals for the appropriate length of time served comply with past practices of the Board.

It should be noted that the time served figures presented in these tables are presented for the "actual offense", rather than for the offense of conviction. Thus, for example, a case was classified as "Robbery-1" because that statutory category, in the opinion of a Vera coder, accurately described

the most serious criminal act alleged against the offender, even though that offender may have been convicted of a lesser offense. This means that the Robbery-1 cases presented in our tables include cases in which the offense of conviction was different from and less serious than Robbery-1. Since the Court imposes sentence for the offense of conviction, it is possible that the minimum and maximum sentences in such cases are lower than they would have been had the individual been convicted of Robbery-1. Therefore, the time served statistics in these tables for any given offense category are likely to be lower than the time served by a group of inmates who were actually convicted of and sentenced for that offense.

The data derived from this parole release study were analyzed and presented to Parole staff in the form used in Appendices F through H. The following text highlights some of the similarities and differences between the Board-set and judge-set samples, and sets forth some general observations regarding the relationships among offense seriousness, prior record and time served.

Prior Record Characteristics of Board-Set and Judge-Set Samples

Based on an examination of Tables 1-8 in Appendices F and G, the following observations can be made by way of a comparison of prior record characteristics of the two samples:

1) Excluding drug cases from both samples, nearly half of the inmates with Board-set MPIs (48%) had no prior misdemeanor convictions, compared with approximately a third (32%) of judge-set minimum cases. (See Tables 1 in Appendices F and G.)

2) The difference between the two samples was particularly marked in terms of the number of prior felony convictions. Over two-thirds (69%) of the subjects in the Board-set sample had no prior felony sentences, as opposed to a mere 19% in the judge-set minimum sample. (See Tables 2 in Appendices F & G.)

3) Slightly over one-third (38%) of the Board-set cases were devoid of any prior convictions, but only 8% of the court-set minimum cases had no prior convictions. (See Tables 3 in Appendices F & G.)

4) Similar results were found when the two samples were compared on the number of prior jail and prison commitments. Sixty-three percent of the subjects in the Board-set sample had never served a jail term, compared with slightly over one-third (36%) of the judge-set minimum term cases. (See Tables 4 in Appendices F & G.) The overwhelming majority of the Board-set sample (87%) had never served a prior prison term; compared with 59% of the judge-set minimum term cases. (See Tables 5 in Appendices F & G.)

It is tempting to infer from these data that the prior criminal record characteristics of the State inmate population are somewhat less severe than popular rhetoric would suggest. The inference must be avoided, however, because the sample does not re-

flect the prior history characteristics of those who are conditionally released and those released upon completing their maximum sentences. Moreover, if one examines the prior records of those in prison on any given day, they would be more serious than these statistics, because there is a high turnover for first offenders. There is, however, what may be termed a "stock population" who are serving long terms because of the seriousness of their offense and prior criminal record.

Nonetheless, it is clear from the data that the judge-set sample evidences considerably more serious prior history characteristics than does the Board-set sample. This undoubtedly reflects the influence of the State's second felony offender law, as described and explained in the preceding section of this report. (See: Section III, page 4.)

Offense Seriousness Characteristics of the Board-Set and Judge-Set Samples

As previously indicated, data regarding the offense of indictment, the offense of conviction, and the "actual offense" were collected and analyzed for all cases in both samples. The general comparisons were as follows:

1) With regard to offense of conviction, Board-set cases showed a pattern of appreciably more serious offenses than the judge-set cases. Twenty percent of the Board-set cases were convicted of a B felony, while only 12% of the judge-set sample were convicted of B or A felonies. On the other end of the continuum,

50% of the Board-set cases compared to 73% of the judge-set cases were convicted of a D felony or less. (See Tables 9 in Appendices F & G.)

2) This concentration of more serious offenses among Board-set cases also holds true when the indictment offense and the "actual offense" are considered.

Indictment Offense

- Board-set sample = 65% B felony or above; 18% D felony or lower
- Judge-set sample = 41% B felony or above; 43% D felony or lower.

(See Tables 10 in Appendices F & G.)

Actual Offense

- Board-set sample = 63% B felony or above; 18% D felony or lower
- Judge-set sample = 41% B felony or above; 42% D felony or lower.

(See Tables 11 in Appendices F & G.)

In general, then, the Board-set sample presents less serious prior criminal record characteristics than does the judge-set sample, but more serious patterns of criminal behavior for the current offense. This suggests that the Board-set cases are imprisoned more for reasons relating to the seriousness of the current offense, while the seriousness of the prior record and the

mandate of the second felony offender law seem more relevant to the sentencing decision in the judge-set cases.[24]

Furthermore, the Board-set cases receive somewhat higher maximum sentences than do the judge-set cases. Specifically, 47% of the Board-set cases were sentenced to more than 4 years compared with 32% of the judge-set cases. (See Table 12 in Appendix F and Table 14 in Appendix 6.) This suggests that the seriousness of the current offense may be more important in the court's decision regarding length of sentence than is the seriousness of the prior record.

There are, then, notable differences between the Board-set MPI sample and the judge-set minimum sample. Specifically, the Board-set cases involve the commission of more serious offenses, while judge-set cases involve more serious prior records. The question whether the two samples also manifest differences in time served is discussed below.

Time Served as a Function of "Actual Offense" and Prior Criminal Record.

A) Differences between Board-set and Judge-set Samples

In order to determine whether there were real differences between the two samples in time served, a T test was run to decide whether or not the apparent differences in mean time served for similar combinations of "actual offense" and prior criminal record were statistically significant. All cells which were common to the two samples (Appendix F and Appendix G and contained at least 5 cases in each cell were subject to the test. The chart presenting all relevant values in the test if presented at the very end of Appendix G.

[24] See: Section III, page 4, infra, for a discussion of the second felony offender law.

The T test indicates that, regardless of the felony class of the actual offense, time served by the judge-set sample is not significantly different from that served by the Board-set sample. There are only two minor exceptions to this conclusion. These involved the "actual offense" of Murder-2 in combination with the "Good" and "Fair" prior record categories. For these cells, the mean time served by those with judge-set minimums was significantly longer than that served by Board-set cases in the same categories.

B) General Observations on the Relationship between Time Served, "Actual Offense" and Prior Record

The general observations presented below are based on the data presented in Appendix F - the Board-set sample. Since there are no significant differences between the two samples, and since the Board-set sample is heavily over-represented in the combined sample (Appendix H), these observations apply regardless of the sample.

1) It appears that as offense seriousness (as reflected in the felony class of the "actual offense") increases, the mean and median times served increase. For example, Robbery-1 cases with a "Fair" criminal record showed a mean time of 29.3 mos., while Robbery-2 and Robbery-3 cases with a similar prior record showed mean times of

24.8 mos. and 20.5 mos. respectively. The differences among median times for these offenses and prior record categories were approximately the same.

2) When offense type is held constant, part of the variation in time served may be attributable to differences in the seriousness of the prior criminal history. For example, mean time served by Robbery-1 cases increased from 23.7 to 29.3 to 32.6 to 44.2 mos. as the seriousness of prior criminal record increased from "Good" to "Very Poor".

3) The impact of prior record on time served is greater among the more serious offenses than among the lesser felony offenses. For example, the differences among prior record categories for Robbery-2, a Class C felony, are not as great as the differences presented above for Robbery-1. Furthermore, there are practically no differences among these categories for Robbery-3, a Class D Felony. In fact, the finding of practically no variation by prior record categories appears to be true of all Class D & E felonies included in the table.

4) It appears that time served escalates more rapidly along the offense seriousness dimension than along the prior record dimension.

5) The amount of variation in time served for the same offense and prior record combinations appears to increase as the seriousness of the offense increases. For example, the standard deviation for time served by Robbery-1 cases with a "Good" prior record was 9.3 mos. and the 80% range was 19.3 mos. Comparable figures for Robbery-2 and Robbery-3 cases with a "Good" prior record were: s.d. = 8.4; 80% range = 17.1, and s.d = 6.0; 80% range = 8.5 months, respectively.

This increased variation in time served as offense seriousness increases may reflect a similar pattern of increased variation in maximum sentences for more serious offenses. In other words, in the more serious offense categories, the Court has greater latitude in sentencing and the Board has more discretion in determining time served.

Section V: Correlation and Regression Analyses

The analysis reported in this section was not requested by the Parole Board. It was undertaken by the Vera Institute in the belief that by using correlation and regression techniques, a better understanding of the relationships among the various factors and time served could be achieved. As expected, the results of this analysis indicate that it is possible to predict time served with a fairly high degree of accuracy based on a knowledge of the scores each case achieves on seven variables.

The previous section briefly described certain characteristics of the cases contained in the parole release sample and summarized a series of tables which showed the mean and median time served for various combinations of actual offense categories and prior criminal record scores. It appeared from these distributions that when the seriousness of the offense, as reflected in the "actual" offense, was held constant, the relationship between increases in the seriousness of the prior record and the time served was non-linear; that is, increases in the seriousness of the prior criminal record score did not consistently result in increases in the mean and median time served. It was suggested that the variations, or lack of variations, in time served may be attributable to the influence of other factors, including the length of maximum terms.

The purpose of this regression analysis was to generate an equation, using the fewest number of variables, to predict time served with the highest degree of accuracy. In order to conduct a

regression analysis, it is necessary to generate a correlation matrix. From the matrix, variables or factors which were highly correlated with time served were selected for inclusion in the regression analysis. This section describes the results of these analyses and describes the equation used for predicting time served based on the scores for the seven most influential variables.

These analyses are based solely on the data collected for the Board-set sample in the parole release study (described in Section IV of this report). Separate analyses were not conducted on the judge-set sample, since the previously described "T" tests indicated that there were no significant differences between the two samples with respect to average (mean) time served.

All of the variables for which data was collected in the parole release study (see Appendix E for a list of the variables, data elements and data collection forms) were correlated with the length of time served. The nine factors for which correlation coefficients are presented and discussed here are the nine most strongly correlated with time served.

Again, it must be noted that the sample on which this analysis was conducted is not representative of all those released from State corrections. Rather, only those released on parole are represented here. It is possible that the results of this analysis would be somewhat different, if data on those released conditionally and those released upon completion of

their maximum sentence were included. Indeed, such data might show the relationship between maximum term, minimum term and length of time served to be even stronger than they are shown to be here. Absent data on such releasees, this analysis explores the relationship between selected variables and time served by those released on parole.

Correlation Coefficients

To determine the strength and the direction of the associations between the variables and time served, a Pearson's product moment correlation matrix was generated. Table V-1, presents the correlation coefficients describing the degree of association for the 10 most statistically significant and important variables. The major findings from the analysis may be summarized as follows:

1) There was a low positive association between the three major prior criminal record factors and time served; that is, number of prior jail terms, r = .23; and the total number of prior convictions; r = .14. Thus, there is a tendency for the average time served to increase as the seriousness of the prior criminal record increases; however, this trend is neither pronounced, nor uniform. These findings are compatible with the findings presented in the previous section, where it was noted that the relationship between time served and the seriousness of the prior record appeared to be curvilinear and dependent on the serious-

TABLE V - 1: Correlation Coefficients for Ten Major Variables; MPI Cases (N=1363)

	1	2	3	4	5	6	7	8	9
1. Time Served (in months)									
2. Felony Class of the Conviction Offense*	-.52								
3. Number of Prior Prison Terms	.23	-.12							
4. Weapon Code**	.27	-.39	-.01						
5. Injury Code***	.38	-.32	.01	.29					
6. Attempted Murder-1, Attempted Murder-2, Murder-2, Manslaughter-1****	.38	-.30	.03	.26	.72				
7. Maximum Term (in months)	.74	-.55	.17	.26	.33	.32			
8. Minimum Term (in months)	.82	-.55	.25	.25	.34	.33	.74		
9. Number of Jail Terms	.11	-.04	.26	-.02	-.04	-.04	.06	.10	
10. Total Convictions	.14	-.07	.44	-.04	-.05	-.04	.07	.13	.88

* Felony Class of the Conviction Offense: The negative sign reflects the coding scheme used on this variable (see text for explanation). The relationship indicated in Cols. 1 & 2 are actually all positive.

** Weapon Code: Dichotomous Variable, Presence of Weapon=1, Absence of a Weapon=0.

*** Injury Code: No injury=0, Force or restraint=1, Physical Injury=2, Serious Physical Injury=3, Death=4.

**** Attempted Murder 1, etc.; Dummy Variable, if the actual offense involved a homicide or an attempt, score=1; if not, score=0.

ness of the actual offense. In this regard, it must be emphasized that r is a measure of linear association, and in instances where the actual relationship is curvilinear, r will underestimate the magnitude of the correlation.[24]

2) The felony class of conviction, which may be considered a measure of offense seriousness, was rather highly associated with time served (r = -.52). The offense indictment and the "actual offense" (see Section IV for an explanation of this variable) were also correlated with time served, (not shown in Table V-1) although more moderately (r = -.37 and -.36, respectively).[25]

The apparently negative correlation reflects the coding scheme used for this variable. The felony class was coded from 1 to 5 with 1 assigned to the most serious offenses (Class A) and 5 to the least serious (Class E). Using this code, the highest

[24]For a discussion of the interpretation of zero-order correlations and regression analysis, refer to Hubert M. Blalock Jr., Social Statistics, 2nd edition (New York, McGraw-Hill: 1972); pp. 397-464.

[25]The felony classes are most appropriately categorized as ordinal rather than interval measures. Although the use of an ordinal independent variable with an interval dependent variable violates some of the assumptions underlying regression and multiple regression, it is a technique that has proved useful in the area of developing parole decision-making guidelines. See, Gottfredson, (Albany, New York: Criminal Justice Research Center, 1977).

scores (4 & 5) are associated with the lowest amounts of time served, and therefore the correlation has as negative sign. In reality, the relationship is a expected - to wit, the more serious the offense, the longer the time served.

3) There was a low positive association between the presence of a weapon and time served ($r_{pb=}$.27).[26] Thus, parolees whose offense involved the presence of a weapon, tended to serve more time than others. This variable was moderately correlated with a number of other variables: felony class of the conviction offense (r = .39), degree of injury (r = .29) and minimum term (r = .25).

4) The degree of physical injury sustained by the victim was moderately associated with time served (r = .38), and, as anticipated, it was also correlated with the felony class of the conviction (r = -.32), minimum term (r = .34), and maximum term (r = .33).

5) Vera staff sought to determine whether or not specific offense categories (e.g., Robbery-1; Murder-2) were correlated with time served, and whether or not the

[26]The code for weapon use was dichotomous, presence of a weapon = 1, absence = 0. The statistic used to express the relationship between a nominal variable and an interval variable is the point-biserial ($r(r_{pb})$). The level of significance of this factor and the interpretation depends on the proportion of the sample which pos- (cont'd. on p. V-7).

specific offense would explain any more of the variation in time served than was explicable using only felony class of conviction as a measure of offense seriousness. To answer this question a number of "dummy" variables[27] were created.

Using this technique, it was found that parolees whose "actual" offense involved the death or the attempted death of the victim tended to serve more time than parolees whose offense did not involve these factors (r_{pb} = .38). This finding, of course, reinforces an intuitive understanding of the Parole Board's practices. The actual offenses included in this combination were Attempted Murder-1, Attempted Murder-2, Murder-2, and Manslaughter-1. For the sake of simplicity, this variable will be referred to as the homicide factor in the remaining pages.

6) The length of the maximum term was substantially correlated with length of time served (r = .74). There is also a fairly high correlation between the felony class of the conviction and the length of the maximum sentence (r = -.55).

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[26](Cont'd.) sess the attribute in question. For review of point-biserial correlations, refer to Jacob Cohen and Patricia Cohen, Applied Mutliple Regression/Correlation Analysis for the Behavioral Sciences (Hillsdale, New Jersey: Lawrance Erlbaum Associates, 1975).

[27]For a discussion on the use and interpretation of dummy variables, see Cohen and Cohen, op cit.

7) The factor most highly correlated with time served was the length of the minimum term (MPI). The Pearson's r of .82 indicates that 67% of the variation (determined by squaring the zero order correlation - r) in time served can be explained by differences in the length of the MPI. The extremely high correlation between these two variables suggests that they are two measures of the same dimension. The length of the maximum sentence (r = .74). This correlation coefficient indicates that 55% of the variation in the length of the minimum term is attributable to variations in the length of the maximum sentence imposed.

Predicting Time Served

The preceding pages reviewed the interrelationship among a number of factors and time served. Many variables were described as being more or less associated with increases in time served. It is interesting and useful to know how much change in the average time served can be expected for each change in the length of the minimum term. Similarly, it is useful to know how well time-served can be predicted based on a knowledge of the MPI or the maximum term imposed. Specifically, it is clear from the preceding section that a strong relationship exists between the length of the MPI and the actual amount of time served. Zero-order correlation coefficients express the strength of the relationship;

however, they do not indicate the average amount of change in time served that can be expected for each month or year increase in the length of the MPI. This rate of change was calculated[28] and it was found that for each one month change in the length of the minimum term, there is a corresponding 1.2 month increase in the amount of time served.

Once the rate of change was known, it was possible to predict the amount of time served based on a knowledge of the actual MPI imposed, using the formula, $Y = a + bX$.[29] For example, if the MPI were 24 months, the expected time served would be 28.42 months. $Y = -.38 + 1.2\ (24)$ The very high correlation between the MPI and time served indicates that there will be little difference between the predicted time served and the actual time served.

[28] The rate of change was calculated using the following formula:

$$b_{yx} = \frac{s_y}{s_x}\ (r)$$

where: Y = time served
X = the minimum term
b_{yx} = the rate of change in Y based on each unit change in X. It is also the slope of the regression line showing time served as a function of minimum term.
S_y = the standard deviation from the mean of Y. In this case, the mean time served ($\bar{Y}$) was 28.9 mos. with a standard deviation of 14.5 mos.
S_x = the standard deviation from the mean of X. In this case, the mean minimum term ($\bar{X}$) was 24.4 mos. with a standard deviation of 9.8 mos.
r = the zero order correlation between the two variables. In this case, r = .82.

[29] Where: a = the Y intercept determined by applying the formula $\bar{Y} - b\bar{X}$ where $\bar{Y}$ is the mean time served (28.9 mos.), b is the previously determined slope (1.2) and $\bar{X}$ is the mean minimum term (24.4). Thus:

$a = -.38$ $(a=28.9-(1.2)(24.4).)$

In the same way as the time served can be predicted from a knowledge of the minimum term, this minimum can be predicted from a knowledge of the maximum term imposed by the Court. So, for example, using the same formulae as those explained above, it was determined that a maximum sentence of 60 months would yield an expected MPI of 22.7 mos. and an expected time served of 26.8 mos.

As previously indicated, the minimum term in these cases is set by the Parole Board. The minimum, in turn, is strongly predictive of the amount of time served. Therefore, it is important to determine how much variation in time served is attributable to differences in MPI and to other variables as well, such as the number of prior prison terms, weapons use, etc. Vera staff utilized the technique of multiple regression to study this question.

Multiple Regression

Multiple regression is the standard statistical tool used to examine the individual and combined effects of a number of independent variables on the dependent variable. Multiple regression serves to identify the unique proportion of the total variation explained by a variable after controlling for the variance it shares with other variables.

Ideally, the factors entered into the equation should be maximally correlated with the dependent variable and minimally correlated with each other. The review of the zero order correlations revealed that several factors were moderately or substantially cor-

related with time served; however, with the exception of the number of prior prison terms, all these factors were also highly intercorrelated. This problem of shared variance or multicollinearity limits the types of inferences that can be drawn. The hierarchical method of multiple regression as opposed to step-wise regression, serves to minimize the negative effects of overlap in the independent variables. Therefore, the hierarchical method was employed in this analysis.

In the hierarchical method, the variables and the ordering of the variables are selected by the researcher. The seven variables which, in combination, produced the equation with the greatest predictive power were: felony class of the conviction offense, number of prior prison terms, weapon code (weapon use), injury code (degree of physical injury), homicide factor (whether the "actual" offense was classified as Attempted Murder-1, Attempted Murder-2, Murder-2, or Manslaughter-1), maximum term, and MPI. Table V-2, "Multiple Regression Summary Table for MPI Cases" presents the summary results of the analysis.

The predictive nature of this equation deserves comment. Although the seven factors entered into the equation predict time served, it cannot be concluded that these factors are in fact the variables that are taken into consideration by the Board in the actual decision-making process. Some of these factors may be surrogate variables, that is, they may represent, or serve as proxies, for the actual decision-making factors. For example, the correlation between the felony class of the conviction offense and time

TABLE V - 2 : Multiple Regression Summary Table for MPI Cases (N= 1363)

Variable	Multiple R	R^2	R^2 Change	Simple r	B	Beta
Felony Class of the Conviction Offense	.52	.27	.27	-.52	-.087	-.008
Number of Prior Prison Terms	.54	.30	.03	.23	1.068	.042
Weapon Code	.55	.31	.01	.27	.666	.020
Injury Code	.59	.35	.04	.38	.330	.033
Attempted Murder-1 Attempted Murder-2 Murder-2 Manslaughter-1	.60	.36	.01	.38	.794	.074
Maximum Term	.77	.59	.23	.74	.079	.260
Minimum Term	.85	.73	.14	.82	.846	.576
Constant					1.286	

served was -.52. In practice, it is unlikely that the Board is concerned with this factor; however, it is known that the Board is concerned with the seriousness of the offense. In this sense, the felony class of the conviction may be interpreted as acting as surrogate, or substitute, for offense seriousness. Thus, it cannot be stated that the release decision-making practices of the Board have been explained by this analysis. The term "explained," although it appears on a number of occasions on the following pages, is used here in the statistical rather than the colloquial sense. In multiple regression the amount of variation explained by the first variable entered into the equation is equal to the square of the zero-order correlation (simple r). Thus, if MPI had been entered first in this analysis, it would have explained 67% ($r = .82$; $R^2 = .67$) of the variance in time served.

In order to determine the relative importance of factors other than minimum term in predicting time served, minimum term was entered into the equation last. The Multiple R (multiple correlation coefficient in Table V-2) expresses the predictive accuracy of the equation. The Multiple R of .85 indicates that the correspondence between the predicted and observed time served is very high. R^2 expresses the amount of variation in the dependent variable (time served) that is accounted for by the combined effects of the independent variables. The R^2 of .73 indicates that a substantial amount (73%) of the variation in time served is explained by the seven variables included in the equation. "The change in R^2" is the proportion of the variance in the dependent variable that is accounted for by the addition of a factor after controlling for the effects of the preceding variables. Thus, after controlling for differences in the felony class of the conviction offense, the next four factors collectively explained an additional (9%) of the variance in time served, when entered into the equation in this order. Maximum term, even when entered sixth, accounted for nearly one fourth (23%) of the variance. MPI when entered seventh, that is, after all other variables, still increased the amount of explained variation from 59% to 73%.

Although the correlation between MPI and time served is very high (.82), the proportion of variation in time served which is solely attributable to MPI is 14%. Although this proportion is still large, it is considerably less than the initial 67%.

The B (the unstandardized regression coefficient) expresses the weights attached to the "raw" or actual scores. Using these weights, it is possible to predict time served directly from the "raw" scores. The Beta weight or standardized regression coefficient is a better estimate of the relative importance of a factor than the B. The Beta weight reflects adjustments for variations in the types of units of measurement used (months, felony classes) and differences in the actual range of scores (e.g., 24-120 months, 5 felony classes). A review of the Beta weights for this equation indicates that both the maximum term and the minimum term are by far the most important factors in determining the length of time served.(30)

30The Beta weights are, however, influenced by the ordering of the variables. Therefore, it is not possible to state which factor is the most important. Which factor appears to be the most important
(cont'd. on p. V-15)

Conclusion

The regression analysis reviewed in this section only included cases with Board-set minimums (MPI cases), on the assumption that an analysis of the entire sample was unjustified, since MPI cases constituted 80% of the entire sample of parolees, and tests showed that there was no significant difference in time served between the MPI and court-imposed minimum cases when the effects of offense seriousness and prior criminal record were held constant.

Although the equation discussed in this section had a high predictive power, its predictive capacity was in considerable part attributable to the large amount of variation explained by the inclusion of the maximum and minimum term variables. In this regard, it must be noted that the relative importance of these two sentence factors is influenced by the fact that, with the exception of the number of prior prison terms, no factors related to the seriousness of the prior criminal record were included in the equation. As explained earlier, the prior record factors, as judged by the zero-order correlation coefficients, were minimally associated with time served. At that time it was noted that if the actual relationship is curvilinear then the Pearson's r will underestimate the strength of the relationship. Furthermore, the influence of prior criminal record factors appears to be subject to the influence of offense seriousness. Multiple regression is based on the assumption that the relationship among the variables is linear and additive. If adjustments had been made to compensate

[30](cont'd.) depends on the ordering of the variables. The total amount of variation explained will not differ according to the ordering, but the amount of variation attributable to a given factor will vary.

for problems posed by curvilinearity in the relationship, the amount of variation explained by prior record may have been greater. An intuitive understanding of parole decision-making, and information gathered from discussion with the various Board members suggest that prior criminal record is an important factor in the parole decision-making process. It is therefore recommended that a more extensive investigation than was possible within the constraints of this project be undertaken to determine the nature of the relationship between prior record and the length of the MPI, and, by extension, the amount of time served.

As a first step, scattergrams which plot time served as a function of the number of prior sentences, jail terms, and prison terms should be generated. These scattergrams will indicate the strength and direction of the relationship. A study of these diagrams will indicate, for example, whether the relationship for certain variables is linear for some sub-sets of cases, while for the overall sample, the relationship is curvilinear. Similarly, what appears to be a weak association between time served and prior record may be the product of the influence of a few extreme scores. Furthermore, an examination of the scattergrams will provide information concerning which statistical tools may be used to manipulate the data so that it is amenable to analysis using multiple regression techniques. For example, log transformations can be employed to adjust for the curvilinearity; multiplicative terms can be used to overcome the problems posed by interaction effects.[31]

[31]For a discussion of these techniques, refer to Norman Nie, C. Hull, Statistical Package for the Social Sciences, 2nd Edition, (New York: McGraw-Hill, 1975) pp. 368-373.

It is also possible that a better estimate of the relationship between offense seriousness and time served can be achieved by manipulation of the dummy variables used for the various offense categories. When the relationship between the prior record factors and time served has been more clearly delineated, and adjustments have been made for the interaction between these factors and offense seriousness, it is probable that an equation with a fairly high predictive power could be developed.

Finally, the analysis described here reveals the relative strength of factors which contribute to positive parole decisions. The Board, however, also denies parole and these inmates may ultimately return to society on conditional release, or as a result of completing their maximum sentences. None of these cases were included in the study sample. Thus, we do not know the relative importance of the factors analyzed here to the denial of parole, or to the length of time served, regardless of the method of release. Such research would require a considerably different sample, but the research would contribute substantially to our understanding of the release process and the role played by the Parole Board in that process.

Section VI: Additional Tasks Performed by Vera

This section describes briefly three additional tasks performed by Vera for Parole. They are: (1) an analysis of the first 300 cases in which the Board set an MPI, using trial guidelines adopted in October, 1977; (2) the development of data collection forms and manuals for use in the design and implementation of a Management Information System (MIS); and (3) the drafting of a manual in English and Spanish which explains some of the rules and regulations of the Parole Board to the inmates.

1) Trial Guidelines

In mid-October, the Parole Board adopted a trial set of guidelines which were designed by Parole staff. The guidelines consist of a six-level offense severity scale and four prior criminal history categories forming a 24 cell matrix (see Figure VI-1).*

In November, Parole staff asked the Vera staff to analyze the first three hundred decisions made by the Board using these trial guidelines. The purpose of this analysis was to determine the number and types of decisions made inside and outside the guidelines. The Vera staff agreed to undertake this task, and, shortly thereafter, presented the findings to Parole staff.

The total sample consisted of 292 cases. Thirty-six cases were dropped because the decision forms were incomplete, thereby reducing the usable sample to 256. Of this sample, 114 (45%) of the decisions were within the trial guidelines; 76 (30%) were above

* A copy of the offense severity scale and prior criminal history worksheet are presented in Appendix I.

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Figure VI - 1

STATE OF NEW YORK - EXECUTIVE DEPARTMENT
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 for Typical Cases)

OFFENSE SEVERITY LEVEL ACTUAL CRIMINAL CONDUCT	PRIOR CRIMINAL HISTORY CATEGORY			
	GOOD (10,9)	FAIR (8,7,6)	POOR (5,4)	Very Poor (3,2,1,0)
Level 6 (Least Severe Offense)	12-16 Months	16-20 Months	20-26 Months	26-32 Months
Level 5	12-18 Months	18-24 Months	24-30 Months	30-36 Months
Level 4	14-20 Months	20-28 Months	28-36 Months	36-48 Months
Level 3	16-22 Months	22-30 Months	30-38 Months	38-50 Months
Level 2	18-26 Months	26-38 Months	38-50 Months	50-72 Months
Level 1 (Most Severe Offense)	40-60 Months	60-100 Months	100-150 Months	150-250 Months

NOTES:

1. These guidelines assume a satisfactory 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.

2. These guidelines assume a satisfactory performance (if any) as a participant in a temporary release program.

3. These guidelines assume the availability of adequate release plans, including (but not limited to), community resources, employment, education and training, and support services.

and 66 (25%) were below the guidelines. These results suggest that the trial guidelines did not reflect the Board's time-setting policies.

Table VI-1 summarizes the distribution of the decisions inside and outside the trial guidelines according to the offense severity level and the prior criminal history category. The table does not show the distribution of cases with "Very Poor" records, because only six cases fell into that category. The total N, therefore, was 250. Tables II and III (Appendix I) provide additional information regarding the specific MPI set in each case and the reasons for it being set outside the ranges recommended in the trial guidelines.

Due to the number and complexity of these tables, discussion here is limited to the distribution of the decisions for Level II offenses. Thirty-four cases were rated as involving Level II offenses and "good" prior criminal histories. Of these cases, 12 decisions were inside the trial guideline range, 19 were above and 3 were below. The MPI range recommended for this combination in the trial guidelines was 18-26 months (Table VI-2). The actual MPIs imposed ranged from 12 to 60 months (Tables II and III in Appendix I). The MPIs above the guidelines ranged from 30 to 60 months and tended to cluster at 30 months (five decisions), 36 months (4 decisions) and 48 months (five decisions). This clustering at both extremes of the range outside the trial guidelines indicates that this variation in the length of the MPI imposed cannot be attributed to the influence of one or two

TABLE VI - 1

Preliminary Guideline Analysis

November 21, 1977

DISTRIBUTION OF DECISIONS ACCORDING TO SEVERITY LEVEL AND PRIOR RECORD SCORE*

	Good				Fair				Poor			
Level	Inside	Above	Below	Total	Inside	Above	Below	Total	Inside	Above	Below	Total
I	3 50%	0 --	3 50%	6	0 0%	0 0%	2 100%	2	0 --	0 --	2 100%	2
II	12 35%	19 56%	3 9%	34	17 46%	9 24%	11 30%	37	6 49%	2 13%	7 47%	15
III	15 36%	20 49%	6 15%	41	17 53%	5 16%	10 31%	32	4 44%	2 22%	3 34%	9
IV	5 38%	7 54%	1 8%	13	9 47%	4 21%	6 32%	19	3 75%	0 0%	1 25%	4
V	5 63%	3 37%	0 0%	8	13 72%	3 17%	2 11%	18	3 38%	1 12%	4 50%	8
VI	1 100%	0 0%	0 0%	1	0 0%	1 100%	0 0%	1	0 --	0 --	0 --	0 --
Total	41	49	13	103	56	22	31	109	16	5	17	38

*Cases with prior records classified as "Very Poor" numbered only 6, and are therefore not shown in the table. This reduced the N to 250.

extreme scores. A guideline range which would accommodate approximately 75% of these cases would run from 18-48 months, i.e., a range of two and a half years.

Although there was some variation across offense and prior record categories for cases decided inside the trial guidelines, the most revealing statistics concern the percentage of the decisions above and below the guidelines for the different cells. As this table shows, when the decisions were outside the trial guidelines and the prior criminal history scores were "good", the MPIs were set in the majority of the cases above the guidelines. For offenders with "fair" records, the converse tended to be true. Although a very small proportion of the cases in this sample concerned subjects with "poor" records, this distribution suggests a tendency for the decisions outside the trial guidelines to be "below" the recommended range. These results indicate that the length of the MPI suggested by the trial guidelines for subjects with "good" records was too short, and for those with "fair" or "poor" records, the suggested MPIs were too long.

Appendix I presents three tables showing the distribution of cases inside and outside the trial guidelines, by offense seriousness level and prior criminal record category. (The appendix also presents the instructions and code sheets used by Parole staff and Board in applying the trial guidelines to actual cases.)

Cases with offense ratings of Level II and "fair" criminal records were similarly distributed with respect to the trial guidelines. For the 37 subjects rated in this category,

slightly less than half (46%) of the decisions were within the 26-38 month guideline range. The remaining decisions were fairly evenly divided between those above and below the recommended range (24% and 30%, respectively). Again, the range for the decisions above and below the trial guidelines was rather broad: 40-60 months and 12-24 months, respectively. A range which would encompass approximately 75% of these decisions would run from 18-44 months.

Therefore, if this data were used to develop guideline ranges for inmates with Level II offenses and "fair" or "good" records those ranges would be almost identical. This, in turn, suggests that prior record, or at least this measure of prior record, does not serve to differentiate between these two groups.

Despite the fact that the trial guidelines were to be changed by Parole staff, these findings regarding the influence of prior record are consistent with the finding of the MPI Study (Section III, infra.) and the Parole Release Study (Section IV, infra.). Both of these studies showed that there was considerable overlap in the ranges of time served when the seriousness of offense and the prior criminal record were held constant.

2) Data Collection Forms for Eventual Use in a Management Information System (MIS)

In the Fall of 1977 Vera staff agreed to Parole's request that Vera identify and define the data elements that would be needed if Parole were to develop a multi-purpose data base which could be used to monitor the guidelines, and which would provide

detailed demographic and prior criminal record information that could be used for research purposes not directly related to the operation of the guidelines. It was agreed further that Vera would begin this task by developing a tentative list of items which would be reviewed and revised by the parole staff.

In early November Parole staff approved a list of items that had been submitted by Vera, and it was agreed that Vera would develop the appropriate forms for collecting this data and draft the corresponding instruction manuals. In early December, some initial drafts of the possible formats to be used for the data collection instruments were reviewed. Due to the number of data elements involved and the complexity of coding some of these items, it was necessary to use two separate data collection instruments. The first, the Admissions Form, would be used to collect the demographic and detailed prior record information. The second, the Hearing/Review Form, would be used to gather the information necessary for monitoring the guidelines. During the months of January, the preliminary drafts of these documents were reviewed, discussed, and revised. Final versions of the data collection instruments and coding manuals were submitted to the Board on January 25, 1978 (copies of these materials are contained in Appendix J). The following is a brief description of these materials.

Admissions Forms

This title was used because the information collected on this form is similar to that collected on the Admissions Blotter Sheet, used by the Department of Correctional Services. The primary difference is that the prior record items in the system proposed by

Vera are much more extensive than those in the current DOCS system. For the other, basically demographic, factors the coding system proposed by Vera is identical to that employed by DOCS. This duplication is intentional. It means that, regardless of whether the information is collected independently by Parole or in conjunction with DOCS, the coding systems would be compatible. It should be noted that columns used to collect this data do not correspond to the current DOCS system; however, in the event that it was deemed desirable to merge the two data bases, this merger could be accomplished through the use of various COBOL programs which would shift the fields.

This form, unlike the form developed for monitoring the guidelines, is not pre-coded. Due to complexity of the coding instructions, the use of a pre-coded format was unfeasible. It is difficult to estimate the amount of time involved in coding this information. The demographic and sentence information is readily available in the case file. The prior criminal record information would have to be gleaned from the pre-sentence report, and this will be extremely time-consuming. It is possible that thirty minutes would be required to complete this form.

For both the Admissions Form and the Hearing/Review Form, cards for each case are matched by the NYSID number. Specifically, and for each computer card, column 21 is reserved for the NYSID Alpha Digit, and colmuns 23-29 are reserved for the NYSID number. This column format also facilitates the matching of the cards generated for monitoring the guidelines with the Social Statistics cards used by Parole to enter into the Parole E.A.M. system.

The card type, column 78 on all cards, is at present blank. The card type would serve to identify the kind of information contained on the card, for example, whether it concerned a parole hearing, or an MPI hearing. Columns 79-80 are reserved for the sequence numbers, which are used in conjunction with the card type identifier. Because the cards must be in a specific order for analysis, the card type and the sequence numbers insure that the cards are ordered correctly. Again, card type and sequence numbers have not been assigned pending decisions on when and what data will be collected.

The code manuals, in addition to providing instructions on the coding of the information, can serve for file documentation, variable definition, and edit purposes. The manuals describe the format to be used, the column numbers and the variable descriptions.

Finally, because this system does not employ "double punches," or alpha codes, the data is amenable to statistical analysis using SPSS (Statistical Package for the Social Sciences).

Hearing/Review Form

This four page form was designed for collecting the data needed to monitor the guidelines. Although this form appears to be rather long, it uses a pre-coded format which will minimize the amount of time involved in coding the data. Specifically, most of the instructions and codes to be used are contained on the form itself. There are only a few items for which the coder will actually need to refer to the coding manual (e.g., DOCS offense code). The data collection form also collects information on the items specified in Executive Law 259. Since some of

these items are not easily coded, e.g., judicial recommendations, space has been provided for the coders to summarize these recommendations. Using this system it will eventually be possible to develop a code for this information, if it proves to be information that would be useful in a computerized data base.

Again, although this form may seem lengthy, it is likely that it would only take ten minutes to complete, because the coding instructions are on the form and the information is readily available in the case files.

3) Inmate Manuals

In January, 1978, the Vera staff began to prepare a preliminary version of a manual for use by inmates. This manual describes the Board's rules and regulations governing access to documents contained in the Division of Parole files, procedures for appealing parole release and MPI decisions, and the decision-making guidelines adopted by the Board for use in setting MPI's and making release determinations.

The policies, procedures and general substantive content in the manual were developed by Parole and presented to Vera. Vera's role was that of an assembler and editor, organizing and generally editing the materials into a coherent, readable manual.

The preliminary draft was reviewed with the Parole staff in early February and a revised draft of this document was discussed with the Parole staff in mid-February. A final version of the manual in both English and Spanish was mailed to the Parole staff on March 13, 1978 (See Appendix K.).

APPENDIX A

VERA INSTITUTE OF JUSTICE
RESEARCH DEPARTMENT
275 Madison Avenue
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APPENDIX A

TRIAL RUN
SEVERITY SCALE CONSTRUCTION
FOR
MEMBERS N.Y.S. BOARD OF PAROLE

Introduction

Reflecting your needs, ideas and policies as decision-makers is fundamental to Vera's role as researchers for the Parole Decision-Making Project. Vera needs you as Board members to be intimately involved in the process of designing the guidelines.

Creation of a set of guidelines is a multistep process which begins with the construction of a severity scale. The first step in the scaling process is to order selected offenses into severity levels. The offenses were chosen to represent offenses reviewed by the Board.

To accomplish the scaling an exploratory trial run needs to be completed by each Board Member. It is designed to give each member an opportunity to incorporate his or her ideas into the scaling procedure.

Within a week or two of the first trial run we will have revised the scaling procedure based upon your feedback. Using the revised procedure you will again be asked to rank offenses according to severity level. This final sort will provide the basis for a discussion at a special Board meeting. The purpose of this meeting is for the Board to exchange ideas and decide on one severity scale to be used in the Board's initial decision guidelines.

NCJRS
APR 13 1981
ACQUISITIONS

Trial Run Procedures

Please glance over the list of offenses to become familiar with the contents of the offense cards. Then glance over the questions and issues sheet. The questions on this sheet reflect the issues the Vera staff encountered in putting together the offense descriptions. We would appreciate your comments on these issues after you have completed the sorting of the

offenses. After familiarizing yourself with the offenses and issues please begin sorting the offenses into six categories from least to most severe. Use as the basis for your ranking, the relative social harm of the offenses without regard to the offender's risk of committing this offense again.

For this trial run the six severity levels are Low Moderate, Moderate, High Moderate, High, Very High, and Greatest. If you need further clarification, please put the card aside in a "Questionable" category. Review the problems with the researcher after doing the initial sort. In this first step, a quick sorting based on first impressions (taking no more than two or three minutes for each offense) is sufficient. One purpose of this trial run is to reduce the number of offenses necessary for the final severity scale. As a result you will find a large variety of cards to sort which you can place together under the same severity category. After you have sorted the cards and straightened out the questionable ones, the researcher will record your offense rankings and review the questionnaire and issues sheet with you so that appropriate changes can be incorporated into the final sorting procedure.

SEVERITY SCALE CONSTRUCTION

QUESTIONS & ISSUES

The following questions reflect the issues the Vera staff encountered in putting together the offense descriptions used in the Trial Run exercise. Your comments regarding these issues, after you have completed the exercise, would be helpful in preparing for the next step in scale construction.

1. Did you find any descriptors which were too broad? Did they cover more than one offense? Should they be broken down further?

2. Are any particular descriptors too vague or poorly defined?

3. Are there any offense descriptors that the Board sees frequently that have been left out?

4. Are there any other ofense descriptors that you feel are important but infrequent, which have been left out?

5. Are aggravating/mitigating factors significant in a particular case? For example, are the dollar value ranges given for a crime appropriate?

6. Are there any offense descriptors that you feel should not be included in the scale?

7. Are you satisified with the labels for the severity categories? Do you have other suggestions for better labeling of the categories.

APPENDIX A - TABLE 1

Trial Run Exercise, Descriptions, Mean Ranks, and Seriousness Class

LOW MODERATE

Offense Description	Mean Rank
Forgery/Fraud: Less than $1,500	1.5
Theft or Property Damage: Under $1,500	1.5
Possession of Stolen Property: Less than $1,500 or Credit Card	1.5
Theft of a Motor Vehicle: Not Multiple Sale or for Resale	1.5
Sale: Methadone: Less than 1 Gram	1.5

MODERATE

Offense Description	Mean Rank
Bribery or Rewarding: Received or Offered for Misconduct of Public Official	1.6
Possession of Stolen Property: Over $1,500 but under $20,000	2.1
Burglary: No Weapons, No Injury, Not Night	2.1
Forgery/Fraud: $1,500 to $19,999	2.3
Theft or other Property Crime: Multiple Victims	2.3
Possession: Any Amount: Non-Narcotic	1.6
Sale: Methadone: 1 Gram or more	2.2
Sale: Marijuana, Less than $500	1.8
Possession: Marijuana, $500 or more	2.0

HIGH MODERATE

Offense Description	Mean Rank
Extortion: Caused Damage to Property over $1,500	2.6
Theft or Property Damage: $1,500 to $19,999	2.6
Criminal Possession of a Weapon	2.6
Criminal Possession of Stolen Property: Firearm	2.6
Forgery/Fraud: $20,000 to $100,000	2.9
Possession of Stolen Property: Over $20,000; under $100,000	2.9
Escape: From Jail or Prison Regardless of original charge or conviction	2.9
Possession of Stolen Property: Over $100,000	3.0
Forgery/Fraud: Over $100,000	3.2
Criminal Possession of Stolen Property: Machinegun	3.2
Extortion: Threatened abuse of Public Office or position as Public Servant	3.2
Robbery: No Weapon, No Accomplices, Not Young or Old, or Severely Disabled	3.2

(continued on next page)

HIGH MODERATE (continued)

Offense Description	Mean Rank
Escape; From a Jail or Prison, charged or convicted of Felony	3.4
Sale: Marijuana: 1 or more pounds	2.5
Possession: 1/8 Ounce or more Narcotic Drug; 1/2 Ounce Methamphetamine	2.5
Possession: 1 Ounce or more of Narcotic; 2 Ounces or more of Methamphetamine; 10 Grams or more of a Stimulant; 25 Milligrams or more of LSD	3.2
Possession: 2 or more Ounces of a narcotic drug	3.2
Possession of 3rd most harmful drug category: Less than $500	2.5
Possession of 3rd most harmful drug category: $500 to $5,000	2.7
Possession of 2nd most harmful drug category: Less than $500	2.7
Possession of most harmful drug category: Less than $500	2.7
Sale of 3rd most harmful drug category: Less than $500	2.7
Sale of 2nd most harmful drug category: Less than $500	2.8
Possession of most harmful drug category: More than $500; User	2.9
Possession of 2nd most harmful drug category: $500 to $5,000	3.0
Sale: Marijuana, $5,000 or More	3.0
Sale of most harmful drug category: To support Habit	3.4
Possession of most harmful drug category: More than $500	3.5

HIGH

Offense Description	Mean Rank
Assaults: *Prior Relationship with Victim (Physical Injury) *Present&Past Spouses, Lovers, Friends, Business, Neighbors, Family	3.5
Robbery: *Prior Relationship with Victim *Present&Past Spouses, Lovers, Friends, Business, Neighbors, Family	3.5
Burglary: Threatens Person with Dangerous Instrument	3.5
Unlawful Imprisonment: Restraint with Potential Risk of (Serious Physical Injury)	3.5
Criminal Possession of a Weapon: Prior Conviction for a Crime	3.6
Robbery: With Accomplices	3.6
Robbery: While committing a Burglary	3.7
Any Felony: Threatened Physical Injury	3.7
Robbery: Threatened Deadly Physical Force	3.8
Burglary: *Prior Relationship with Victim owning Premises, Armed with Deadly Weapon *Present&Past Spouses, Lovers, Friends, Business, Neighbors, Family	3.8
Extortion: Threatened Physical Injury	3.8
Burglary: Dwelling/Night	3.9

(continued on next page)

HIGH (continued)

Offense Description	Mean Rank
Any Felony: Weapon Fired	3.9
Burglary: Armed with Explosives or Deadly Weapon	4.1
Homicide: Criminally Negligent (Failed to Perceive Risk Resulting in Death&Death Not Intended)	4.1
*Murder: Death caused by Participants in Felony Not Against Person *May reduce one severity level if: Offender didn't commit Homicide and not armed; and didn't reasonably know Death would result	4.1
Robbery: In a Dwelling at Night	4.2
Robbery: Apparent Deadly Weapon	4.2
Robbery: *Prior relationship with victim; threatened deadly physical force *Present&Past Spouses, Lovers, Friends, Business, Neighbors, Family	4.2
Assault: Deliberately caused Serious Physical Injury	4.3
Crimes involving Physical Injury: More than one Victim	4.3
Assault: Caused Physical Injury by use of a Deadly Weapon	4.4
Arson: Recklessly setting fire to building,causing damage	4.4
Any Felony: Building fire or Explosion caused	4.4
Manslaughter: Reckless Homicide (Perceived risk resulting in Death&Death not intended)	4.4
Sale:Narcotic Drug-Any Amount; 1 Gram of Stimulant 1 Milligram LSD; 1/8 Ounce Methamphetamine	3.5
Sale: 1/8 Ounce or more Narcotic; 1/4 Ounce or more Methamphetamine; 5 Grams Stimulant; 5 Milligrams LSD	3.8
Sale: 1 or more Ounces of a Narcotic Substance	3.8
Sale of 3rd most harmful drug category:$500 to $5,000	3.7
Sale of 3rd most harmful drug category: More than $5,000	3.9
Sale of most harmful drug category: More than $500	4.0

VERY HIGH

Offense Description	Mean Rank
Robbery: Against Person under 12 yrs. or over 70 yrs.; or Person Severely Disabled	4.5
Any Felony against Person: Weapon Fired	4.5
Arson: Intentionally set fire and caused damage to a building to a building	4.6
Any Felony: Serious Physical Injury (Life Threatening or Permanent Disability)	4.7
Assault: Deliberately caused serious Physical Injury (Life Threatening or Permanent Disability) by use of Deadly Weapon)	4.7
Sexual Abuse: Adult to child (less than 12 yrs. old)	4.9
Manslaughter: Intended and caused Death Prior relationship to victim	4.9
Manslaughter: Intended Death but under extreme emotional disturbance, caused Death	4.9
Rape/Sodomy:Force	5.1
Rape/Sodomy:Threatened Deadly Physical Force	5.2
Kidnapping: Abduction	5.2

(continued on next page)

VERY HIGH (continued)

Offense Description	Mean Rank
Manslaughter: Intended Serious Injury;Caused Death	5.3
Explosions:Caused intentionally in building or vehicle occupied by persons	5.3
Kidnapping: Profit or Physical Injury or Sexual Abuse or to assist in commission of felony	5.4
Sale of 2nd most harmful drug category: More than $5,000	4.5
Sale of most harmful drug category: Any amount;Non-User	4.7
Sale of most harmful drug category: Over $5,000	5.1

GREATEST

Offense Description	Mean Rank
Arson: Intentionally set fire building or vehicle knowing it was occupied by persons	5.5
Murder: Death caused by participant in Robbery, Kidnapping, Rape, or other Very High or Greatest Severity Offenses	5.9
Murder: Intentional Homicide	6.0
Murder: Intentional Homicide and Victim Police or Corrections Officer or Offender in custody for life time offense	6.0

SPECIAL DRUG RANKING

Category	Drug	Mean
Most Harmful	Heroin	4.0
Second Most Harmful	Methamphetamine:"Speed"	2.7
" " "	Cocaine	2.6
" " "	Methadone	2.6
" " "	Hallucinogens:(LSD: Mescaline; and Psilocybin)	2.6
" " "	Barbituates: (Secobarbital; Pentobarbital)	2.5
Third Most Harmful	Stimulants:	2.3
" " "	Tranquilizers:Valium (Diazepam);Librium (Chlordiaze p.) Miltown (meprobamate)	2.0
Least Harmful	Hashish	1.3
" "	Marijuana	1.0

APPENDIX A - TABLE 2.

Second Card Sort, Offense Descriptions, Mean Ranks, and Seriousness Class

LOW MODERATE

Offense Description	Mean Rank
Property Damage: Under $1500	1.2
Forgery/Fraud: Under $1500	1.3
Larceny or Possession of Stolen Property: under $1500	1.4
Possession of Marijuana: Less than $500	1.4
Possession of Dangerous Drugs: (not narcotic) cocaine, marijuana- less than $500	1.5

MODERATE

Offense Description	Mean Rank
Theft of Motor Vehicle: Not multiple or for resale	1.6
Possession of Narcotic Drugs: 1/8 ounce or $50 or less	1.7
Sale of Marijuana: Less than $500	1.8
Possession of Cocaine: 300 milligrams or less, or $50 or less	1.8
Sale of Cocaine: 300 milligrams or less, or $50 or less	1.8
Absconding: Temporary release	1.9
Possession Dangerous Drugs: Not narcotic; cocaine, marijuana, $100 - $2000	1.9
Possession of Cocaine: 5-7 grams, $150 - $550	2.0
Possession of Narcotic Drugs: over 1/8 to 1 ounce, $51 - $500	2.0
Burglary: Not dwelling	2.0
Property Damage: $1,500 - $19,999	2.1
Bribery/Rewarding: Received or offered any incentive for official misconduct, under $1500	2.1
Forgery/Fraud: $1,500 - $19,999	2.2
Escape: From a jail, not a felony charge	2.3
Sale of Narcotic Drug: 1/8 ounce or less, or $50 or less	2.3
Sale of Other Dangerous Drugs: Not narcotic, cocaine, marijuana, $100-$2,000	2.3
Sale Cocaine: 5-7 grams, $150 - $550	2.4
Bribery/Rewarding: Received or offered any incentive for official misconduct regarding a criminal case	2.4
Larceny of Possession of Stolen Property: $1500 - $19,999	2.4

HIGH MODERATE

Offense Description	Mean Rank
Possession of Stolen Property: Firearm	2.5
Burglary: Prior relationship with victim (Present or past spouses, lovers, friends, family, business, neighbors)	2.5
Property Damage: $20,000 - $100,000	2.6
Theft of Motor Vehicle: Multiple of for resale	2.6
Possession of Dangerous Drugs: Not narcotic, cocaine, marijuana- over $2,000	2.6
Sale of Marijuana: Over $5,000	2.7
Possession of Narcotic Drugs: Over 1 ounce, or over $500, but less than $2,000	2.7
Possession of Cocaine: Over 50 grams, or over $2,500	2.7
Possession of Mrijuana: Over $5,000	2.7
Robbery: Purse-snatching	2.7
Forgery/Fraud: $20,000 - $100,000	2.8
Larceny of Possesssion of Stolen Property: $20,000 - $100,000	2.9
Sale of Other Dangerous Drugs: Not narcotic; cocaine, marijuana - over $2,000	2.9
Property Damage: Over $100,000	3.1
Extortion: Threat of property damage, over $1,500	3.1
Bribery/Rewarding: Received or offered for public misconduct	3.1
Burglary: In a dwelling	3.1
Sale of Narcotic Drugs: Over 1/8 to 1 ounce, over $500	3.2
Possession of Narcotic Drugs: Over 4 ounces, or over $2,000	3.3
Robbery: Threatened physical force; stole property; no weapon	3.3
Robbery: Prior relationship with victim (present or past spouses and lovers, friends, family, business, and neighbors)	3.4
Larceny or Possession of Stolen Property: over $100,000	3.4
Forgery/Fraud: Over $100,000	3.4
Sale of Cocaine: Over 50 grams, or over $2,500	3.4

HIGH

Offense Description	Mean Rank
Robbery: Accomplices	3.5
Burglary: Armed with a knife or gun	3.6
Burglary: Dwelling; night	3.6
Assault: Stranger, intentionally caused physical injury, no weapon	3.6
Robbery: With what appeared to be a weapon (Weapon not loaded, or toy gun)	3.7
Criminal Possession of a Weapon: While committing a a felony	3.8
Extortion: Threat of physical injury	3.8

Assault: Prior relationship, with physical injury with a knife	3.9
Robbery: Prior relationship with victim; threatened deadly physical force	3.9
Robbery: Threatened; knife or gun	4.0
Assault: Prior relationship; physical injury with a gun	4.0
Burglary: Physical Injury	4.1
Homicide: Criminally Negligent; failed to perceive risk of death, and death not intended	4.1
Sale of Narcotic Drugs: Over 4 ounces, or over $2,000	4.1
Assault: Stranger; intentionally caused serious physical injury, no weapon	4.2
Arson: Intentionally setting fire to an empty dwelling or commercial building	4.2
Assault: Stranger; physical injury by gun	4.3
Robbery: Weapon fired	4.4

VERY HIGH

Offense Description	Mean Rank
Robbery: In a dwelling at night	4.5
Robbery: Persons over 70 or persons severely disabled	4.5
Homicide: Recklessly caused death; perceived risk resulting in death, but death not intended	4.5
Homicide: Intended non-serious injury, but caused death	4.5
Assault: Stranger; physical injury by knife	4.5
Robbery: Sawed-off shot gun or machine gun	4.6
Robbery: Caused physical injury	4.6
Burglary: Caused serious physical injury	4.7
Homicide: Intended and caused death but under extreme emotional disturbance	4.9
Sexual Abuse: Adult to child under 12 years old; no force	5.0
Robbery: Caused serious physical injury	5.0
Rape/Sodomy: Force	5.3
Sexual Abuse: Adult ot child under 12 years old; force	5.3

GREATEST

Offense Description	Mean Rank
Explosion: Sufficient to cause injury where persons may be present	5.4
Arson: Intentionally set fire to a building or vehicle knowing that persons could be present	5.5
Kidnapping: For profit, or caused physical injury	5.5
Homicide: Intended serious injury, but caused death	5.5
Rape/Sodomy: Serious physical injury	5.6
Homicide: Intended and caused death; prior relationship	5.7
Homicide: Intentionally caused death	5.9

APPENDIX B

DEFINITIONS
N.Y.S.PENAL LAW
PAROLE SERIOUSNESS SCALE CONSTRUCTION

Introduction

Many of the terms used in the Penal Law offense descriptions have special definitions. These definitions can substantially alter the meaning of a description, and thus, its relative seriousness. To assist in ordering the more common offense descriptions by seriousness, we have listed the significant definitions, which are asterisked in the list, separately. This eliminates unnecessary repetition of the definition every time a term appears. For further information, on how these terms have been defined in use, see the practice commentaries and decision notes given in McKinney's in the law sections listed.

I. Culpability (Section 15.05)

1. "Intentionally". A person acts intentionally with respect to a result or to conduct described by a statute defining an offense when his conscious objective is to cause such result or to engage in such conduct.

2. "Knowingly". A person acts knowingly with respect to conduct or to a circumstance described by a statute defining an offense when he is aware that his conduct is of such nature or that such circumstance exists.

3. "Recklessly". A person acts recklessly with respect to a result or to a circumstance described by a statute defining an offense when he is aware of and consciously disregards a substantial and unjustifiable risk that such result will occur or that such circumstance exists. The risk must be of such nature and degree that disregard thereof constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation. A person who creates such a risk but is unaware thereof solely by reason of voluntary intoxication also acts recklessly with respect thereto.

4. "Criminal negligence". A person acts with criminal negligence with respect to a result or to a circumstance described by a statute defining an offense when he fails to perceive a substantial and unjustifiable risk that such result will occur or that such circumstance exists. The risk must be of such nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation.

II. General Terms (Section 10.00)

1. "Crime" means a misdemeanor or a felony.

2. "Possess" means to have physical possession or otherwise to exercise dominion or control over tangible property.

3. "Physical injury" means impairment of physical condition or substantial pain.

4. "Serious physical injury" means physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.

5. "Deadly weapon" means any loaded weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged, or a switchblade knife, gravity knife, dagger, billy, blackjack, or metal knuckles.

6. "Dangerous instrument" means any instrument, article or substance, including a "vehicle" as that term is defined in this section, which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or other serious physical injury.

7. "Vehicle" means a "motor vehicle" as defined in the vehicle and traffic law, any aircraft, or any vessel equipped for propulsion by mechanical means or sail.

8. "Public servant" means (a) any public officer or employee of the state or of any political subdivision thereof or of any governmental instrumentality within the state, or (b) any person exercising the functions of any such public officer or employee. The term public servant includes a person who has been elected or designated to become a public servant.

9. "Benefit" means any gain or advantage to the beneficiary and includes any gain or advantage to a third person pursuant to the desire or consent of the beneficiary.

III. Sexual Offense (Section 130.00)

1. "Sexual intercourse" has its ordinary meaning and occurs upon any penetration, however slight.

2. "Deviate sexual intercourse" means sexual conduct between persons not married to each other consisting of contact between the penis and the anus, the mouth and the penis, or the mouth and the vulva.

3. "Sexual contact" means any touching of the sexual or other or intimate parts of a person not married to the actor for the purpose of gratifying sexual desire of either party.

4."Mentally defective" means that a person suffers from a mental disease or defect which renders him incapable of appraising the nature of his conduct.

5. "Mentally incapacitated" means that a person is rendered temporarily incapable of appraising or controlling his conduct owing to the influence of a narcotic or intoxicating substance administered to him without his consent, or to any other act committed upon him without his consent.

6. "Physically helpless" means that a person is unconscious or for any other reason is physically unable to communicate unwillingness to an act.

7. "Forcible compulsion" means physical force that overcomes earnest resistance; or a threat, express or implied, that places a person in fear of immediate death or serious physical injury to himself or another person, or in fear that he or another person will immediately be kidnapped.

Special Note/ For all sex offenses except consensual sodomy, the sex act must be committed without consent.

(Section 130.05)

1. "Lack of consent" results from:
   (a) Forcible compulsion; or
   (b) Incapacity to consent;or
   (c) Where the offense charged is sexual abuse, any circumstances in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actor's conduct.

2. "Incapacity of consent" means:
   (a) Less than seventeen years old;or
   (b) Mentally defective;or
   (c) Mentally incapacitated;or
   (d) Physically helpless.

IV. Robbery (Section 160.00)

Robbery is forcible stealing. A personforcibly steals property and commits robbery when, in the course of committing a larceny, he uses or threatens the immediate use of physical force upon another person for the purpose of:

1. Preventing or overcoming resistance to the taking of the property or to the retention thereof immediately after the taking;or

2. Compelling the owner of such property or another person to deliver up the property or to engage in other conduct which aids in the commission of the larceny.

V. Firearms (Section 265.00)

1. "Machinegun" means a weapon of any description, irrespective of size, by whatever name known, loaded or unloaded, from which a number of shots, or bullets, may be rapidly or automatically discharged from a magazine with one continuous pull of the trigger and includes a sub-machinegun.

2. "Firearm" means any pistol, revolver, sawed-off shotgun or other firearm of any size which may be concealed upon the person. (In the Common Offense List where "firearm" does not have an asterisk, it means any gun, e.g., pistols, shotguns, rifles).

3. "Explosive substance" as used for Criminal Possession of a Dangerous Weapon (Section 265.04) and

4. "Explosion" as used for Arson-1 (Section 150.20) excludes "Molotov Cocktails". See Notes of Decision under Section 265.04 pocket part, McKinney's.

VI. Kidnapping (Section 135.00)

"Abduct" means to restrain a person with intent to prevent his liberation by either: (a) secreting or holding him in a place where he is not likely to be found, or (b) using or threatening to use deadly physical force.

VII. Criminal Trespass and Burglary (Section 140.00)

1. "Premises" includes the term "building" as defined herein, and any real property.

2. "Building" in addition to its ordinary meaning, includes any structure, vehicle, or watercraft used for overnight lodging of persons, or used by persons for carrying on business therein, or an enclosed motor truck, or an enclosed motor truck trailer. Where a building consists of two or more units separately secured or occupied, each unit shall be deemed both a separate building in itself and a part of the main building.

3. "Dwelling" means a building which is usually occupied by a person lodging therein at night.

4. "Night" means the period between thirty minutes after sunset and thirty minutes before sunrise.

5. "Enter or remain unlawfully". A person "enters or remains unlawfully" in or upon premises when he is not licensed or privileged to do so. A person, who regardless of his intent, enters or remains in or upon premises which are at the time open to the public does so with license and privilege unless he defies a lawful order not to enter or remain, personnally communicated to him by the owner of such premises or other authorized person. A license or privilege to enter or remain in a building which is only partly open to the public is not a license or privilege to enter or remain in that part of the building which is not open to the public. A person who enters or remains upon unimproved and apparently unused land, which is neither fenced nor otherwise enclosed in a manner designed to exclude intruders does so with license and privilege unless notice against trespass is personally communicated to him by the owner of such land or other authorized person, or unless such notice is given by posting in a conspicuous manner.

VIII. Larceny (Section 155.00)

"Property" means any money, personal property, real property thing in action, evidence of debt or contract, or any article, substance or thing of value.

1. "Deprive". To "deprive" another of property means (a) to withhold it or cause it to be withheld from him permanently or for so extended a period or under such circumstances that the major portion of its economic value or benefit is lost to him, or (b) to dispose of the property in such manner or under such circumstances as to render it unlikely that an owner will recover such property.

2. "Credit card" means any instrument or article defined as a credit card in Section 511 of the general business law.

CLASS B

CLASS B

Offense P.L Section	Descriptive Elements
Manslaughter-1 125.20	Caused death: 1. Intended *serious physical injury; or 2. Intended death; not murder, because he acted under extreme emotional disturbance for which there was a reasonable explanation or excuse;
Rape-1 130.35	Engaged in sexual intercourse: 1. By *forcible compulsion; or 2. Incapable of *consent by reason of being *physically helpless; or 3. Child less than 11 years old
Sodomy-1 130.50	Engaged in **deviate sexual intercourse: 1. By *forcible compulsion; or 2. *Incapable of consent by reason of being physically helpless; or 3. Child less than 11 years old **Penis&anus, mouth&penis, or mouth&vulva
Kidnapping-2 135.20	**Abduction **To restrain a person with intent to prevent his liberation by either: (a) secreting or holding him in a place where he is not likely to be found; or (b) using or threatening to use *physical force
Robbery-1 160.15	*Forcibly stealing of property from a person and when committing the crime or during immediate flight, he or another participant: 1. Cuases *serious physical injury; or 2. Is armed with *deadly weapon; or 3. Uses or threatens the immediate use of a *dangerous instrument; or 4. Displays what apepars to be a firearm
Arson-2 150.15	*Intentionally damages building by starting a fire and: 1. Knew person not crime participant, was in building; or 2. Knew that there was reasonable probability that person was present.
Burglary-1 140.30	Knowingly* enters or remains unlawfully in a dwelling at night with intent to commit a crime and: 1. Is armed with *explosives or *deadly weapon; or 2. Causes *physical injury; or 3. Uses or threatens the immediate use of a *dangerous instrument; or 4. Displays what appears to be a firearm
Criminal Posses-	Possession of any *explosive substance with

COMMON OFFENSES
NYS PENAL LAW

CLASS C

Offense P.L. Section	Descriptive Elements
Manslaughter-2 125.15	*Recklessly caused the death of another.
Robbery-2 160.10	A person is guilty of robbery in the second degree when he forcibly steals property and when: 1. He is aided by another person actually present; or 2. In the course of the commission of the crime, or immediate flight, he or another participant: (a) Causes *physical injury to non-participant; or (b) Displays what appears to be a firearm.
Burglary-2 140.25	Knowingly enters or remains unlawfully in a building with *intent to commit a *crime and: 1. While entering in or during immediate flight from building, he or another participant in the crime: (a) Is armed with *explosives or a *deadly weapon; or (b) Causes *physical injury to any person who is not a participant in the crime; or (c) Uses or threatens the immediate use of a*dangerous instrument; or (d) Displays what appears to be a firearm; or 2. The building is a dwelling and the entering or remaining occurs at night.
Assault-1 120.10	Assault in the first degree includes: 1. *Intentionally causing *serious physical injury with *deadly weapon or *dangerous instrument; or 2. *Intentionally: (a) Causes serious and permanent disfigurement; or (b) Destroys, amputates, or permanently disables a member or organ of the body; or 3. Under circumstances evincing a depraved indifference to human life, he *recklessly engages in conduct creating grave risk of death and thereby causing *serious physical injury to another person; or 4. Causing *serious physical injury to non-participant during commission or immediate flight from a felony or attempted felony.
Arson-3 150.10	*Intentionally damages a building by starting a fire or causing an *explosion
Grand Larceny-1 155.40	Theft of property of any value by extortion committed by: 1. Instilling fear of physical injury to the victim; or 2. Instilling fear of damage to property; or 3. Instilling fear victim will adversely affected by the performance or nonperformance of official duty as public servant.
Criminal Possession	Possession of a machinegun or loaded *firearm

COMMON OFFENSES
NYS PENAL LAW

CLASS D

Offense P.L.Section	Descriptive Elements
Reckless Endangerment-1 120.25	Under circumstances evincing a depraved indifference to human life, *recklessly engages in conduct which creates a grave risk of death to another person.
Assault-2 120.05	Assault in the second degree includes: 1. *Intentionally causing *serious physical injury to another person; or 2. *Intentionally causing *physical injury to another person by means of a *deadly weapon or *dangerous instrument; or 3. *Recklessly causing *serious physical injury to another person by means of a *deadly weapon or a *dangerous instrument; or 4. Causing *physical injury during the commission or attempted commission of a felony other than a sex felony requiring corroboration.
Rape-2 130.30	Intercourse when male is 18 or older and the female is under 14 years of age.
Sodomy-2 130.45	**Deviate intercourse with perpetrator 18 or over, partner is under 14 years of age. **Penis&anus, mouth&penis, mouth&vulva
Sexual Abuse-1 130.65	*Sexual contact: 1. By*forcible compulsion; or 2. Other person incapable of consent by reason of being *physically helpless; or 3. Other person is under 11 years of age
Robbery-3 160.05	*Forcible theft of property
Burglary-3 140.20	*Unlawful entry of building with *intent to commit a *crime
Criminal Trespass-1 140.17	*Unlawful entry of a building and: possesses or knows some other participant possesses an *explosive or *deadly weapon; of a firearm
Grand Larceny-2 155.35	Steals property valued over $1500
Criminal Possession of Stolen Property-1 165.50	*Knowingly possesses, with intent to benefit person other than owner, stolen goods with a value of over $1500
Criminal Possession of a Weapon-3 265.02	A person is guilty of Criminal Possession of a Weapon in the third degree when: 1. *Knowingly has possession of a machine-gun or a *firearm which has been defaced for the purpose of concealing or preventing of the detection of a crime or misrepresenting the identity of such weapon; or 2. *Possesses any loaded *firearm not in

COMMON OFFENSES
NYS PENAL LAW

CLASS E

CLASS E

Offense P.L.Section	Descriptive Elements
Criminally Negligent Homicide 125.10	Causes death through *criminal negligence
Rape-3 130.25	Engaged in sexual intercourse: 1. When female is incapable of consent by reason of some factor other than being less than 17 years old; or 2. When male is 21 or more and female is less than 17 years old
Sodomy-3 130.40	Engaged in *deviate sexual intercourse: 1. When partner is incapable of consent by reason of some factor other than being less than 17 years old; or 2. When actor is over 21 and partner is under 17 years of age
Arson-4 150.05	*Reckless damage to building by *intentionally starting a fire or causing an explosion unless set by person with sole interest in building
Grand Larceny-3 155.30	Theft of property when: 1. Value of property exceeds $250; or 2. Property consists of credit cards;or 3. Property, regardless of its value or nature, is taken from the person of another; or 4. Property, regardless of its value or nature, is obtained by extortion; or 5. Property consists of one or more *firearms, rifles, or shotguns.
Criminal Possession of Stolen Property-2 165.45	*Knowingly possessing stolen property when: 1. Value of property is over $250; or 2. Property consists of credit cards;or 3. Is a pawnbroker;or 4. Property consists of one or more *fire-arms, rifles, or shotguns.

PENAL LAW EXERCISE TALLY SHEETS

Attached are the tally sheets used to summarize the rankings given by the Board members to selected offenses in felony classes B through E. The following points of explanation are in order:

a) There is no tally sheet for Class A offenses because all the participating Board members expressed the belief that the selected Class A offenses were of equal seriousness and were appropriately categorized as Class A felonies.

b) Only 8 Board members out of 12 participated in this exercise. One member was on vacation and not available at the time. Another expressed the belief that the collective wisdom of the State Legislature, reflected in the Penal Law, was greater than his own, and therefore, he thought it pointless to toy with their rankings. A third refused to assist in the development of any guidelines for decision-making. A fourth simply lost the materials and did not indicate the loss until the entire exercise was completed.

c) For the most part, the Board members did not suggest that specific offenses be reclassified under a different felony class. However, the tally sheets use a letter to indicate the desired reclassification, whenever a member made such a judgment.

d) In analyzing this data, staff assigned a score to each offense description based upon the felony

class within which it was placed by the Board member. Thus, Class A=5, B=4, C=3, D=2 and E=1. Then, the mean (average) score given to each offense by the Board members was calculated (presented in Table 3 in the text). The mean score was then used to locate the offense within a felony class in accordance with the following ranges: Class A= 4.5 to 5.5; Class B=3.5 to 4.5; Class C=2.5 to 3.5; Class D=1.5 to 2.5; Class E=.5 to 1.5.

APPENDIX C

VERA INSTITUTE OF JUSTICE
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(N.Y.C.- 689-2640) (Albany -457-2540)

Date July 27, 1977

TO: All Parole Board Members

FROM: Robert Palm

SUBJECT: MPI EXERCISE

Enclosed are the materials needed to complete a 30-45 minute MPI Time Range Exercise. The results of this Exercise will be used in the preparation of a preliminary MPI guideline proposal based upon the seriousness of current offense and prior criminal record. So that this proposal may be presented at the August Business Meeting, we would appreciate your completing the Exercise and mailing it by Wednesday, August 3, 1977.

enclosures:
RCP:dms

July 1977

TIME RANGE EXERCISE FOR MINIMUM PERIOD OF IMPRISONMENT

INTRODUCTION

Attached are 24 case descriptions of hypothetical current offense behaviors and prior criminal records. Please follow the instructions given below. The entire exercise should take about 30 to 45 minutes.

Information gained from this exercise will be used in the preparation of a preliminary MPI guideline proposal to be presented at the August Board Meeting. Therefore, your cooperation in completing this exercise as soon as possible would be appreciated. Please mail your cases in the prepaid envelope by Wednesday, August 3, 1977.

PURPOSE

The three purposes to this exercise are:

1. To further verify the offense seriousness scale derived from the analysis of the card sorts and the Penal Code exercises.

2. To further identify the weights attached to different factors related to prior criminal records.

3. To determine MPI ranges based on various offense and prior record combinations.

INSTRUCTIONS

Current Offense Behaviors

Each case contains a brief description of typical offense behaviors. Factors included in each are the type of offense, nature and circumstances of the offense, weapons and degree of injury involved, age of the offender, and the number of accomplices. The conviction title and the maximum sentence imposed by the court have been omitted because Board Members have emphasized the need to base a realistic MPI Term on the offense behavior as described in the presentence report.

After reading each offense description, please circle the rating which most closely reflects your estimate of the seriousness of the present offense. There are five ratings: "low moderate"; "moderate"; "high moderate"; "high"; and "very high". The "greatest" seriousness rating has been omitted because no Class A offenses have been included in the case descriptions.

Prior Criminal Record

Each case also contains a description of prior criminal record and includes such factors as number of prior convictions, conviction offense titles, sentences imposed, dates of offense, age of offender, juvenile incarcerations, and parole history.

After reading each description, please circle the rating which most closely reflects your estimate of the seriousness of the prior criminal record.

MPI Term

When actually making MPI decisions, you undoubtedly use some information which has not been provided in these case summaries. For present purposes, using the limited information provided, please indicate the time ranges which would encompass your MPI Term. For instance, you may feel that based upon the description given, that you would not set a term less than 1 yr. 6 mos. or greater than 3 yrs. 6 mos. Written on the case summary sheet your range would be:

POSSIBLE RANGE OF MPI: 1 yr. 6 mos.-3 yrs.6 mos.

Having set the range, please indicate a specific MPI Term, for example:

MPI TERM: 2 yrs. 4 mos.

If you have any comments about a particular case or the exercise in general, please record them in the Comments Section provided on the case summary sheets. If you have any questions concerning this exercise, please call Colleen Cosgrove in New York City at Tel.No. 689-2640, ext. 505, or Robert Palm in Albany at Tel.No. 457-2540.

'attachments:(24)
RCP:dms

CASE I

Present Offense Behavior: CRIMINALLY NEGLIGENT HOMICIDE

Subject, while intoxicated, ran a red light and collided with a car containing a teenage couple. The couple died instantly. Subject was 28 years old at the time of the offense.

Please circle the rating that reflects your estimate of the seriousness of the present offense:

low moderate moderate high moderate high very high

Prior Record

At the time of the offense, the subject was 28 years old. His prior record is comprised entirely of driving offenses, including four convictions for driving under the influence, and seven for speeding. At the time of this offense, the subject's driver's license had been permanently revoked.

Please circle the rating that reflects your estimate of the seriousness of the prior record:

minor moderate serious very serious

MPI TERM:_____ POSSIBLE RANGE OF MPI:_____ to _____

COMMENTS:

CASE II

Present Offense Behavior: MANSLAUGHTER

Subject, aged 27, and a "friend" were drinking heavily in a neighborhood bar when they got into an argument about a debt which the subject allegedly owed his acquaintance. The argument quickly degenerated into a fist fight during which the table and three chairs were overturned. The subject picked up a chair and smashed it over the head of the "friend". The victim died two hours later of a cerebral hemorrhage.

Please circle the rating that reflects your estimate of the seriousness of the present offense:

low moderate moderate high moderate high very high

Prior Record

At the age of fifteen, the subject was adjudged to be a juvenile delinquent and committed to a training school for a number of property offenses including Vandalism, joyriding, shoplifting, and Burglary.

In 1973, the subject was convicted of Criminal Trespass and placed on probation.

In 1975, the subject was convicted of Petit Larceny (purse-snatching) and sentenced to ninety days. Subject was 27 at the time of the present offense.

Please circle the rating that reflects your estimate of the seriousness of the prior record:

minor moderate serious very serious

MPI TERM:_____ POSSIBLE RANGE OF MPI:_____ to _____

COMMENTS:

CASE III

Present Offense Behavior: ROBBERY

Subject, aged 24, and an accomplice, wearing ski masks and carrying hand guns, entered a liquor store at 8:30 p.m. The subject ordered the five customers to lie down on the floor in front of the counter, while the accomplice stood guard over them. He then ordered the owner to come from behind the counter. The owner refused, and attempted to reach for a loaded gun that he had concealed beneath the counter. The subject, realizing that the owner was going to try to defend himself, fired three shots. The owner was hit twice. The subject quickly stuffed the contents of the cash register into a paper bag and the pair fled. The owner survived; however, his left side is permanently paralyzed. None of the customers were injured.

Please circle the rating that reflects your estimate of the seriousness of the present offense:

low moderate moderate high moderate high very high

Prior Record

In 1969, at the age of seventeen, the subject was convicted of Disorderly Conduct and conditionally discharged.

In 1970, at the age of eighteen, he was convicted of Assault-3 and sentenced to six months in jail.

In 1971, he was convicted of Robbery and sentenced to 5 years imprisonment. He was paroled in 1973 after two years in prison. He was discharged from parole supervision in 1976.

Please circle the rating that reflects your estimate of the seriousness of the prior record:

minor moderate serious very serious

MPI TERM:_____ POSSIBLE RANGE OF MPI:_____ to _____

COMMENTS:

CASE IV

Present Offense Behavior: BURGLARY

Subject, aged 23, was employed by the Apex Company, a firm which provided janitorial services to a number of office buildings. The subject duplicated a set of the master keys to a number of offices in various buildings. One Saturday morning, when the buildings were closed, the subject and two accomplices were observed by a telephone repairman as they loaded typewriters, adding machines, and other pieces of office equipment into a Volkswagon van. The repairman called the police who quickly apprehended the participants. A subsequent search of the subject's apartment disclosed 6 typewriters stolen from another Apex service office.

Please circle the rating that reflects your estimate of the seriousness of the present offense:

low moderate moderate high moderate high very high

Prior Record

At the age of twenty (in 1974), the subject was convicted of Unauthorized Use of a Motor Vehicle and conditionally discharged. The following year, the subject was convicted of Criminal Possession of a Controlled Substance (Marijuana) and fined.

Please circle the rating that reflects your estimate of the seriousness of the prior record:

minor moderate serious very serious

MPI TERM:_____ POSSIBLE RANGE OF MPI:_____ to _____

COMMENTS:

CASE V

Present Offense Behavior: ASSAULT

Subject, aged 26, had been sent by Westinghouse to repair an air conditioner. The customer, a middle-aged housewife, directed the subject to the livingroom and told him to work on the air conditioner while she ran an errand. She returned half an hour later; the subject told her that the air conditioner was fixed, and he left. A few minutes later, the customer discovered that the household money ($78) had been stolen from the cannister in the kitchen. She immediately called Westinghouse to report the theft. Later that afternoon, the subject returned to the customer's apartment and forced his way in. He stated that he had been fired because of her complaint and that he was going to "teach her a lesson". He stabbed the victim twice with a pocketknife. The victim suffered a punctured lung requiring three weeks hospitalization.

Please circle the rating that reflects your estimate of the seriousness of the present offense:

low moderate moderate high moderate high very high

Prior Record

(Subject has no prior adult or juvenile convictions).

MPI TERM:_____ POSSIBLE RANGE OF MPI:_____ to _____

COMMENTS:

CASE VI

Present Offense Behavior: GRAND LARCENY

The subject, aged 27, was one of a three-member ring that systematically extorted $10-$25 a week from shopkeepers in New York City by threatening them with physical injury and destruction of their merchandise. It is estimated that the ring extorted between $25,000-$40,000 in their ten months of operation.

Please circle the rating that reflects your estimate of the seriousness of the present offense:

low moderate moderate high moderate high very high

Prior Record

The subject has had seven prior convictions in the last nine years. Two of the convictions resulted in jail terms; at age 18, Unauthorized Use of a Motor Vehicle (unconditional discharge); Petit Larceny 1968 (fined); Criminal Possession of a Weapon (conditional discharge); Petit Larceny (probation); Criminal Possession of a Weapon (six months jail 1972); Harassment (unconditional discharge 1973); and Assault-3 in 1974 (nine months jail).

Please circle the rating that reflects your estimate of the seriousness of the prior record:

minor moderate serious very serious

MPI TERM:_____ POSSIBLE RANGE OF MPI:_____ to _____

COMMENTS:

CASE VII

Present Offense Behavior: ROBBERY

Subject, aged 22, pulled into a filling station at midnight. After the lone attendant had finished filling the tank, the subject produced a sawed-off shotgun and ordered the attendant to turn over the contents of the cash register. The attendant hesitated, and the subject threatened to "blow his head off". The attendant complied with the subject's request. Subject then tied the attendant with an electrical cord and fled with $457. The attendant, discovered three hours later by his wife, suffered only minor injuries.

Please circle the rating that reflects your estimate of the seriousness of the present offense:

low moderate moderate high moderate high very high

Prior Record

In 1965, at age seventeen, the subject was adjudicated a Youthful Offender for Robbery and sentenced to Elmira Reformatory. He was paroled 18 months later and discharged in 1969. In that year, he was sentenced to 0-7 years for Burglary, Auto Theft, and Possession of Stolen Property. He was paroled after serving two and a half years. A warrant for the subject's arrest was issued for failing to report for six consecutive weeks. He was arrested and given a jail term of 12 months for Attempted Burglary and Grand Larceny Auto. Subject was returned to prison and conditionally discharged in 1974. He was discharged from parole supervision in 1976.

very poor poor fair good

Please circle the rating that reflects your estimate of the seriousness of the prior record:

minor moderate serious very serious

MPI TERM:_____ POSSIBLE RANGE OF MPI:_____ to _____

COMMENTS:

CASE VIII

Present Offense Behavior: SODOMY

The subject, aged 25, while driving a Moving, Inc. moving van from Buffalo to New York City, picked up two thirteen-year old boys who were hitchhiking. He offered to drive them to New York City and to pay for their motel room if they would engage in sexual relations with him. The boys agreed, and in the motel the subject performed oral intercourse on both of them. He later dropped the boys off at the Poughkeepsie exit on the Thruway. Two days later, the boys were picked up by the juvenile authorities as runaways. They told the authorities of their encounter with the subject.

Please circle the rating that reflects your estimate of the seriousness of the present offense:

low moderate moderate high moderate high very high

Prior Record

(This subject has no record of juvenile or adult convictions or incarcerations).

MPI TERM:_____ POSSIBLE RANGE OF MPI:_____ to _____

CASE IX

Present Offense Behavior: CRIMINAL SALE OF A CONTROLLED SUBSTANCE

Subject's factory foreman reported him to the state drug authorities for suspected drug dealings during lunch hours and other break periods. Undercover narcotics agents, posing as new employees of the factory, arrested the subject when he sold them 20 grams of Heroin (with a street value of $2500). Subject was 26 years old at the time.

Please circle the rating that reflects your estimate of the seriousness of the present offense:

low moderate moderate high moderate high very high

Prior Record

The subject at the age of 22, was convicted of Burglary and sentenced to an 0-5 sentence. He was paroled after serving two years, in 1974.

Please circle the rating that reflects your estimate of the seriousness of the prior record:

minor moderate serious very serious

MPI TERM:_____ POSSIBLE RANGE OF MPI:_____ to _____

COMMENTS:

CASE X

Present Offense Behavior: ROBBERY

The subject, aged 22, and an accomplice observed the victim as he was leaving a bank. The pair followed him to his apartment building and accosted him in the lobby. The subject ordered the victim to give them his wallet and watch. When the victim, a fireman, refused, the pair beat him with their fists and kicked him several times. The victim suffered a broken nose, a mild concussion, and two fractured ribs. The pair fled with his wallet containing $125 and credit cards.

Please circle the rating that reflects your estimate of the seriousness of the present offense:

low moderate moderate high moderate high very high

Prior Record

In 1969, at the age of seventeen, the subject was convicted of Possession of Burglary Tools and conditionally discharged. Three months later, he was convicted of Assault-3 and sentenced to six months in jail. Two months after his release from jail, he was convicted of Robbery and sentenced as 6-0-0.

Two months after his release from jail, he was convicted of Burglary-3 and sentenced as a Youthful Offender. He was paroled in 1972 after serving 18 months and discharged from parole supervision in 1974. In 1975, at the age of twenty-two, he was convicted of Petit Larceny and sentenced to a 12-month jail term.

Please circle the rating that reflects your estimate of the seriousness of the prior record:

minor moderate serious very serious

MPI TERM:_____ POSSIBLE RANGE OF MPI:_____ to _____

COMMENTS:

CASE XI

Present Offense Behavior: BURGLARY

Subject, aged 23, was employed on the loading dock of a furniture and appliance warehouse. On the night of the offense, the subject had hidden in a closet until the warehouse was locked. He was in the process of stacking cartons of color televisions and stereos outside the back entrance of the warehouse, when he was observed by a passing patrol car.

Please circle the rating that reflects your estimate of the seriousness of the present offense:

low moderate moderate high moderate high very high

Prior Record

At the age of fourteen, the subject committed a series of Burglaries and was adjudicated a juvenile delinquent and placed in training school. In 1965, he was convicted of Possession of Burglary Tools and Criminal Trespass (conditionally discharged).

In 1967, the subject was convicted in Federal Court of bank robbery and sentenced to twenty years. He was paroled in 1970 after serving three years and discharged from parole supervision in 1975. Three months later he was convicted of Grand Larceny-3 and sentenced to a three-year term.

Please circle the rating that reflects your estimate of the seriousness of the prior record:

minor moderate serious very serious

MPI TERM:_____ POSSIBLE RANGE OF MPI:_____ to _____

COMMENTS:

CASE XII

Present Offense Behavior: CRIMINAL POSSESSION OF A WEAPON

At 2:00 a.m., the police were summoned by the night watchman at an industrial park who had observed the subject and two accomplices repeatedly circling the park in a late model Ford van. The trio were arrested for criminal trespass. A subsequent search of the van disclosed a sawed-off shotgun, two hand guns, and several boxes of ammunition for the firearms. Subject was 27 at the time of the offense.

Please circle the rating that reflects your estimate of the seriousness of the present offense:

low moderate moderate high moderate high very high

Prior Record

Subject was convicted of Disorderly Conduct (1971;fined); and Petit Larceny (1973) (conditional discharge). Subject was 27 years old at the time of the present offense.

Please circle the rating that reflects your estimate of the seriousness of the prior record:

minor moderate serious very serious

MPI TERM:_____ POSSIBLE RANGE OF MPI:_____ to _____

COMMENTS:

CASE XIII

Present Offense Behavior: GRAND LARCENY

Subject, aged 27, was one of ten-member ring that stole and re-painted luxury cars for sale out of state. Subject was involved in the actual "stealing" phase of the operation.

Please circle the rating that reflects your estimate of the seriousness of the present offense:

low moderate moderate high moderate high very high

Prior Record

In 1968, the subject, at age 19, was sentenced as a Youthful Offender for Grand Larceny involving the theft of welfare checks and the use of stolen credit cards. He was paroled in 1970 after serving 18 months. He was discharged from parole supervision in 1971.

In 1972, the subject was convicted of Burglary and Criminal Possession of Stolen Property and sentenced to 1 to 5 years. Subject was paroled in 1974 after serving two years, and discharged from parole supervision in 1975.

Please circle the rating that reflects your estimate of the seriousness of the prior record:

minor moderate serious very serious

MPI TERM:_____ POSSIBLE RANGE OF MPI:_____ to _____

COMMENTS:

CASE XIV

Present Offense Behavior: ARSON

Subject, aged 24, set fire to the records room of the Utica Division of Motor Vehicles, after being fired several days before. The offense was committed on Christmas Eve when no one was present in the building at the time.

Damage to the records room was extensive, and the Office was forced to suspend operations for three weeks.

Please circle the rating that reflects your estimate of the seriousness of the present offense:

low moderate moderate high moderate high very high

Prior Record

(Subject had no prior convictions or arrests. He was 24 at the time of the present offense).

MPI TERM:_____ POSSIBLE RANGE OF MPI:_____ to _____

COMMENTS:

CASE XV

Present Offense Behavior: ROBBERY

Subject, aged 25, entered a liquor store at closing hours and asked the owner for a brand of whiskey which was not on the shelves. While the owner was in the stockroom, the subject began to rifle the cash register and to stuff the money into a paper bag. When the owner returned, the subject brandished a hand gun and told the owner to stand against the wall. The owner complied, and the subject finished emptying the cash register. The subject fled. He was apprehended a block away by the police who found a loaded pistol in his possession.

Please circle the rating that reflects your estimate of the seriousness of the present offense:

low moderate moderate high moderate high very high

Prior Record

Subject served two concurrent 6-month jail sentences for Forgery and Petit Larceny in 1973.

Please circle the rating that reflects your estimate of the seriousness of the prior record:

minor moderate serious very serious

MPI TERM:_____ POSSIBLE RANGE OF MPI:_____ to _____

COMMENTS:

CASE XVI

Present Offense Behavior: CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE(WITH INTENT TO SELL)

Subject's car was stopped for speeding by state highway police and a search revealed sixty ounces of marijuana (with a street value of $2400) under a false bottom in the trunk. Subject was 26 at the time of the offense.

Please circle the rating that reflects your estimate of the seriousness of the present offense:

low moderate moderate high moderate high very high

Prior Record

(This subject has no record of juvenile or adult convictions or incarcerations).

MPI TERM:_____ POSSIBLE RANGE OF MPI:_____ to _____

COMMENTS:

CASE XVII

Present Offense Behavior: MANSLAUGHTER

Subject, aged 25, and his common law wife of two years had been drinking heavily when they began to argue about her flirting with other men. In the course of the argument, the victim became abusive and called the subject a "fat slob", a "pig", and a "loser". She added that"no other woman would have him, and that she was fed up with his jealousy". Finally, she told the subject to "get the hell out of the apartment and never come back". The subject choked the victim to death.

Please circle the rating that reflects your estimate of the seriousness of the present offense:

low moderate moderate high moderate high very high

Prior Record

In 1973 at the age of twenty-two, the subject was convicted of Criminal Trespass and placed on probation.

Please circle the rating that reflects your estimate of the seriousness of the prior record:

minor moderate serious very serious

MPI TERM:_____ POSSIBLE RANGE OF MPI:_____ to _____

COMMENTS:

Present Offense Behavior: ROBBERY

The victim, a middle-aged newspaper stand owner, was attacked by the subject while taking the day's receipts to the bank. Subject jumped the victim from behind and knocked him to the ground. The victim dropped his satchel of money, which the subject quickly picked up. Subject was apprehended a block away by a plain clothes detective who had witnessed the incident. The victim was uninjured and the money was recovered. Subject was 26 yrs. old at the time of the offense.

Please circle the rating that reflects your estimate of the seriousness of the present offense:

low moderate moderate high moderate high very high

Prior Record

In 1972, subject was sentenced to three years imprisonment for Possession of Stolen Property and Burglary of a commercial building. Subject was conditionally released in 1974.

In 1975, subject was sentenced to six months for Petit Larceny involving purse-snatching. Subject was 26 at the time of the present offense.

Please circle the rating that reflects your estimate of the seriousness of the prior record:

minor moderate serious very serious

MPI TERM:_____ POSSIBLE RANGE OF MPI:_____ to _____

COMMENTS:

Present Offense Behavior: CRIMINAL SALE OF A CONTROLLED SUBSTANCE

The subject, who operated a pool hall in Manhattan, sold six two-milliliter (20 mgs.) bottles of cocaine (at $30 each) to an undercover agent. Subject was 31 at the time of the offense.

Please circle the rating that reflects your estimate of the seriousness of the present offense:

low moderate moderate high moderate high very high

Prior Record

The subject, at the age of 20, was convicted on a charge of Manslaughter and paroled after serving four years in 1969. He was discharged from parole supervision in 1971.

Please circle the rating that reflects your estimate of the seriousness of the prior record:

minor moderate serious very serious

MPI TERM:_____ POSSIBLE RANGE OF MPI:_____ to _____

COMMENTS:

CASE XX

Present Offense Behavior: BURGLARY

At 2:30 a.m., the subject, aged 30, and an accomplice pried open a groundfloor window of a farmhouse. They were in the process of putting the canned goods into a canvas bag when they were interrupted by the occupant. Subject brandished a pistol and told the victim not to move or he would shoot. The victim was then tied up and gagged by the accomplice. The pair then fled with a radio, $72 in cash, and some food. The victim who was uninjured, managed to free himself and called police.

Please circle the rating that reflects your estimate of the seriousness of the present offense:

low moderate moderate high moderate high very high

Prior Record

In 1966, at age twenty, the subject was convicted in Federal Court for violation of the Dyer Act (Auto Theft) and sentenced to three years imprisonment. He was paroled in 1967, after serving 15 months. He was discharged from parole supervision in 1968.

In 1969, at age twenty-three, he was convicted of Burglary and Grand Larceny and sentenced to four years imprisonment. He was paroled in 1971, after serving two years, and discharged from parole supervision in 1972.

In 1973, the subject was convicted of Grand Larceny and sentenced to three years. He was conditionally released in 1975.

Please circle the rating that reflects your estimate of the seriousness of the prior record:

minor moderate serious very serious

MPI TERM:_____ POSSIBLE RANGE OF MPI:_____ to _____

COMMENTS:

CASE XXI

Present Offense Behavior: RAPE

Subject, aged 33, had sexual relations with his twelve year old stepdaughter on several occasions. In explaining his behavior, the subject stated that his stepdaughter was very flirtatious and that she had never resisted his advances. When the subject's wife discovered that her daughter was pregnant, she reported her husband's activity to the police.

Please circle the rating that reflects your estimate of the seriousness of the present offense:

low moderate moderate high moderate high very high

Prior Record

In 1968, at age 25, the subject was convicted of harassment and conditionally discharged. In 1969, the subject served six months in jail for Criminal Possession of a Weapon. In 1971, he was fined on a Disorderly Conduct charge. In 1973, the subject served nine months in jail for Check Fraud.

Please circle the rating that reflects your estimate of the seriousness of the prior record:

minor moderate serious very serious

MPI TERM:_____ POSSIBLE RANGE OF MPI:_____ to _____

COMMENTS:

CASE XXII

Present Offense Behavior: ASSAULT

Subject, aged 26, went to a service station to pick up his car which he had left for repairs. Subject and the mechanic became involved in a heated argument about the cost of the bill and the extent of the repairs. The subject claimed that he was being "robbed" and that he was not going to pay the bill. He then attempted to climb into his car. The mechanic grabbed him by the shoulder and a fist fight followed. In the course of the encounter, the subject picked up a tire iron and struck the mechanic several times. The mechanic suffered a skull fracture and the permanent loss of his sight in his left eye.

Please circle the rating that reflects your estimate of the seriousness of the present offense:

low moderate moderate high moderate high very high

Prior Record

At the age of seventeen, subject was convicted of Unauthorized Use of a Motor Vehicle and unconditionally discharged. In 1968, he was convicted of Petit Larceny and placed on probation. At age nineteen, he was convicted of Possession of a Controlled Substance with Intent to Sell and sentenced to 5-0-0 in state prison. He was paroled after serving eighteen months. Parole was revoked and he was held one year for absconding parole supervision. He was conditionally released in 1974.

Please circle the rating that reflects your estimate of the seriousness of the prior record:

minor moderate serious very serious

MPI TERM:_____ POSSIBLE RANGE OF MPI:_____ to _____

COMMENTS:

CASE XXIII

Present Offense Behavior: BURGLARY

At 1:30 a.m., the subject, aged 26, and an accomplice broke into a jewelry store by climbing in through a sky light. In the course of the theft, the silent alarm was triggered. The pair were apprehended after a high speed chase in the course of which several shots were fired. No injuries resulted from the encounter.

Please circle the rating that reflects your estimate of the seriousness of the present offense:

low moderate moderate high moderate high very high

Prior Record

In 1971, at age 19, subject was convicted of Possession of a Controlled Substance (Marijuana) and fined. Three months later, he was convicted of Criminal Trespass and Possession of Burglary Tools and placed on probation.

In 1974, subject was convicted of attempted Burglary and placed on probation.

Please circle the rating that reflects your estimate of the seriousness of the prior record:

minor moderate serious very serious

MPI TERM:_____ POSSIBLE RANGE OF MPI:_____ to _____

COMMENTS:

CASE XXIV

Present Offense Behavior: RAPE

Subject, aged 30, abducted the nineteen year old victim from the parking lot of a shopping center. He drove her to a secluded area where he beat and raped her. He then tied the victim to a tree and fled. She was found fifteen hours later by the state police who took her to the hospital. She was released after three days of observation.

Please circle the rating that reflects your estimate of the seriousness of the present offense:

low moderate moderate high moderate high very high

Prior Record

In 1968, at the age of twenty-two, the subject was convicted of Criminal Possession of a Weapon-4 and sentenced to 6 months imprisonment. In 1967, at the age of twenty-three, he was convicted of Assault and sentenced to two to seven years imprisonment. He was paroled at the expiration of the minimum term, and discharged from parole supervision in 1976.

Please circle the rating that reflects your estimate of the seriousness of the prior record:

minor moderate serious very serious

MPI TERM:_____ POSSIBLE RANGE OF MPI:_____to_____

COMMENTS:

	Board Member											
	A	B	C	D	E	F	G	H	I	N	Med	$\bar{X}$
Case 1: Criminally Negligent Homicide												
Offense Seriousness Rating	3	1	5	4	5	4	3	4	3	9	4	3.6
Prior Criminal Record Rating	5	2	5	4	4	4	3	4	5	9	4	4.0
Likely MPI	48	12	28	-	48	36	36	-	48	7	36	37
Low Range on MPI	24	--	24	-	--	30	30	24	36	6	27	28
High Range on MPI	60	--	32	-	--	42	60	48	72	6	54	52
Case 2: Manslaughter-2												
Offense Seriousness Rating	3	4	3	4	4	5	4	3	3	9	4	3.7
Prior Criminal Record Rating	4	2	3	3	3	3	3	3	3	9	3	3.0
Likely MPI	30	36	30	-	48	42	36	-	48	7	36	39
Low Range on MPI	24	30	30	-	36	18	36	20	36	8	30	29
High Range on MPI	36	48	36	-	60	48	60	36	60	8	48	48
Case 3: Robbery-1 (Serious Physical Injury)												
Offense Seriousness Rating	5	5	4	4	4	5	4	5	5	9	5	4.6
Prior Criminal Record Rating	5	3	4	5	4	4	4	5	5	9	4	4.3
Likely MPI	42	60	-	-	90	42	42	-	96	6	51	62
Low Range on MPI	32	54	-	-	90	30	36	36	72	7	36	50
High Range on MPI	66	72	-	-	120	60	72	72	120	7	72	83
Case 4: Burglary-3												
Offense Seriousness Rating	3	2	2	2	3	3	1	3	3	9	3	2.4
Prior Criminal Record Rating	2	2	3	3	2	2	3	3	2	9	2	2.4
Likely MPI	30	18	16	-	20	24	18	-	36	7	20	23
Low Range on MPI	18	18	12	-	18	24	12	18	24	8	18	18
High Range on MPI	36	24	18	-	24	48	36	30	48	8	33	33

	A	B	C	D	E	F	G	H	I	N	Med	$\bar{X}$
Case 5: Assault-1												
Offense Seriousness Rating	5	5	4	4	4	4	3	4	4	9	4	4.1
Prior Criminal Record Rating	1	1	1	1	1	1	1	1	1	9	1	1.0
Likely MPI	36	60	20	-	60	24	30	-	48	7	36	40
Low Range on MPI	30	60	12	-	48	18	24	18	36	8	27	31
High Range on MPI	48	72	28	-	72	36	48	30	60	8	48	49
Case 6: Grand Larceny-1												
Offense Seriousness Rating	4	3	4	3	4	5	3	5	4	9	4	3.9
Prior Criminal Record Rating	4	3	4	3	4	4	4	4	4	9	4	3.8
Likely MPI	36	36	24	-	84	54	36	-	54	7	36	46
Low Range on MPI	30	30	20	-	84	36	30	36	48	8	30	39
High Range on MPI	48	42	28	-	84	72	60	60	60	8	60	57
Case 7: Robbery-1												
Offense Seriousness Rating	4	4	4	3	4	4	4	5	4	9	4	4.0
Prior Criminal Record Rating	4	4	4	4	4	4	4	5	4	9	4	4.1
Likely MPI	36	48	-	-	72	36	36	-	48	6	42	46
Low Range on MPI	30	48	-	-	60	24	36	36	36	7	36	39
High Range on MPI	60	60	-	-	84	60	60	72	60	7	60	65
Case 8: Sodomy-2												
Offense Seriousness Rating	3	1	3	2	3	3	3	4	4	9	3	2.9
Prior Criminal Record Rating	1	1	1	1	1	1	1	1	1	1	1	1.0
Likely MPI	30	12	18	-	30	20	36	-	48	7	30	28
Low Range on MPI	30	--	12	-	24	18	30	18	36	7	24	24
High Range on MPI	42	--	24	-	36	36	60	36	60	7	36	42
Case 9: Crim. Poss. Controlled Substance (Heroin)												
Offense Seriousness Rating	3	1	3	3	-	3	4	5	3	8	3	3.0
Prior criminal Record Rating	4	3	4	-	4	3	3	3	3	8	3	3.4
Likely MPI	36	12	-	-	54	32	36	-	36	6	36	34
Low Range on MPI	30	--	-	-	48	24	36	30	24	6	30	32
High Range on MPI	42	--	-	-	60	48	72	48	48	6	48	53

	A	B	C	D	E	F	G	H	I	N	Med	$\bar{X}$
Case 10: Robbery-2												
Offense Seriousness Rating	4	4	4	3	4	4	4	4	4	9	4	3.9
Prior Criminal Record Rating	5	4	4	4	4	4	4	5	4	9	4	4.2
Likely MPI	42	54	-	-	42	36	36	-	60	6	42	45
Low Range on MPI	36	48	-	-	36	30	36	30	48	7	36	38
High Range on MPI	60	60	-	-	48	60	60	60	72	7	60	60
Case 11: Burglary-3												
Offense Seriousness Rating	2	1	4	2	2	3	2	3	3	9	2	2.4
Prior Criminal Record Rating	5	4	4	4	4	4	4	5	4	9	4	4.2
Likely MPI	42	24	-	-	36	36	24	-	48	6	36	35
Low Range on MPI	36	12	-	-	30	24	24	36	36	7	30	28
High Range on MPI	54	36	-	-	48	48	48	60	60	7	48	51
Case 12: Crim. Poss. Weapon-3												
Offense Seriousness Rating	3	3	4	2	3	-	1	4	3	8	3	2.9
Prior Criminal Record Rating	2	2	2	2	2	2	3	2	3	9	2	2.2
Likely MPI	30	24	24	-	24	20	18	-	36	7	24	25
Low Range on MPI	24	24	18	-	18	18	12	20	24	8	19	20
High Range on MPI	36	36	30	-	30	36	36	36	48	8	36	36
Case 13: Grand Larceny-2												
Offense Seriousness Rating	3	2	4	3	3	2	2	4	3	9	3	2.9
Prior Criminal Record Rating	4	3	4	3	4	4	4	4	4	9	4	3.8
Likely MPI	27	36	-	-	36	36	24	-	36	6	36	32
Low Range on MPI	24	30	-	-	30	24	24	24	24	7	24	26
High Range on MPI	48	42	-	-	48	48	48	48	48	7	48	47
Case 14: Arson-3												
Offense Seriousness Rating	3	1	3	3	4	3	4	4	4	9	3	3.2
Prior Criminal Record Rating	1	1	1	1	1	1	1	1	1	9	1	1.0
Likely MPI	36	12	18	-	36	20	36	-	48	7	36	29
Low Range on MPI	30	-	12	-	30	12	36	18	36	7	30	25
High Range on MPI	48	-	24	-	36	36	60	36	60	7	36	43

	A	B	C	D	E	F	G	H	I	N	Med	$\bar{X}$
Case 15: Robbery-1												
Offense Seriousness Rating	4	4	3	2	4	2	-	4	4	8	4	3.4
Prior Criminal Record Rating	2	2	3	2	3	2	3	3	3	9	3	2.6
Likely MPI	32	24	28	-	42	24	36	-	36	7	32	32
Low Range on MPI	30	24	20	-	30	18	36	21	24	8	24	25
High Range on MPI	42	36	32	-	48	42	60	36	48	8	42	43
Case 16: Crim. Poss. Cont. Substance (Marijuana)												
Offense Seriousness Rating	2	-	3	2	3	2	2	3	2	8	2	2.4
Prior Criminal Record Rating	1	1	1	1	1	1	1	1	1	9	1	1.0
Likely MPI	30	-	16	-	36	20	24	-	24	6	24	25
Low Range on MPI	24	-	12	-	24	12	24	12	12	7	12	17
High Range on MPI	48	-	24	-	36	48	48	24	36	7	36	38
Case 17: Manslaughter-1												
Offense Seriousness Rating	5	5	4	4	5	5	5	4	4	9	5	4.6
Prior Criminal Record Rating	2	2	2	2	2	2	2	2	2	9	2	2.0
Likely MPI	36	84	24	-	60	42	48	-	48	7	48	49
Low Range on MPI	30	72	18	-	36	30	48	36	36	8	36	38
High Range on MPI	60	96	36	-	60	60	84	60	60	8	60	65
Case 18: Robbery-3												
Offense Seriousness Rating	4	3	4	3	-	3	4	3	3	8	3	3.4
Prior Criminal Record Rating	4	3	4	3	-	3	4	3	3	8	3	3.4
Likely MPI	27	36	-	-	24	24	36	-	36	6	32	30
Low Range on MPI	24	30	-	-	18	18	36	20	24	7	24	24
High Range on MPI	36	42	-	-	24	42	72	36	48	7	42	43
Case 19: Crim. Poss. Cont. Substance (Cocaine)												
Offense Seriousness Rating	3	1	2	3	3	1	3	3	3	9	3	2.4
Prior Criminal Record Rating	4	5	4	4	4	4	4	4	4	9	4	4.1
Likely MPI	36	12	-	-	36	18	30	-	36	6	33	28
Low Range on MPI	30	-	-	-	30	18	30	20	24	6	30	25
High Range on MPI	48	-	-	-	36	60	60	36	60	6	54	50

	A	B	C	D	E	F	G	H	I	N	Med	$\bar{X}$
Case 20: Burglary -1												
Offense Seriousness Rating	4	4	3	2	4	1	3	5	4	9	4	3.3
Prior Criminal Record Rating	5	3	5	4	4	4	4	5	4	9	4	4.2
Likely MPI	36	48	-	-	60	36	36	-	48	6	42	44
Low Range on MPI	30	36	-	-	36	24	30	42	36	7	36	33
High Range on MPI	60	60	-	-	60	48	60	60	60	7	60	58
Case 21: Rape-2												
Offense Seriousness Rating	3	2	3	3	4	3	4	4	4	9	3	3.3
Prior Criminal Record Rating	3	3	3	2	3	3	3	4	3	9	3	3.0
Likely MPI	36	24	18	-	36	30	36	-	48	7	36	33
Low Range on MPI	24	24	16	-	24	24	36	30	36	8	24	27
High Range on MPI	48	36	30	-	36	48	72	60	36	8	48	49
Case 22: Assault-1												
Offense Seriousness Rating	4	-	3	3	4	3	3	4	4	8	3.5	3.5
Prior Criminal Record Rating	4	-	4	4	4	3	4	5	5	8	4	4.0
Likely MPI	30	-	-	-	48	22	36	-	60	5	36	39
Low Range on MPI	24	-	-	-	36	18	30	36	48	6	33	32
High Range on MPI	48	-	-	-	48	36	60	60	72	6	54	54
Case 23: Burglary-2												
Offense Seriousness Rating	2	3	3	3	3	2	2	4	3	9	3	2.8
Prior Criminal Record Rating	4	3	4	3	3	2	3	4	3	9	3	3.2
Likely MPI	30	24	20	-	36	18	24	-	36	7	24	27
Low Range on MPI	24	18	18	-	24	18	24	30	24	8	24	23
High Ragne on MPI	48	30	32	-	36	30	48	60	48	8	42	42
Case 24: Rape-1												
Offense Seriousness Rating	5	4	5	4	4	4	4	5	5	9	4	4.4
Prior Criminal Record Rating	4	3	4	4	4	4	4	4	4	9	4	3.9
Likely MPI	42	84	-	-	120	36	42	-	96	6	63	70
Low Range on MPI	36	60	-	-	96	24	36	60	84	7	60	57
High Range on MPI	72	96	-	-	144	48	72	84	108	7	84	89

APPENDIX D

CODE MANUAL
GENERAL INSTRUCTIONS
MPI STUDY

Most importantly, record all responses on the MPI Decision Information Sheet as accurately as possible. Avoid stray marks in margins or near boxes. You may erase, but make sure that the correction is readable.

If data is missing for a variable, record 9's in the boxes pertaining to that variable. Simply stated, if 4 boxes are allotted for a variable, record 4 9's; if 2 boxes are allotted, record 2 9's, etc.

If numerical response does not fill the entire number of boxes for a particular variable, fill in zeros on the left in the empty boxes. EXAMPLE: If Data Sheet indicates offender has 91 days of jail time, Item 10 - Jail Time in Days would be coded [0|0|9|1]. This procedure is called right justifying. All variables are to be right justified, with the exception of the DIN Number (Item 2) and the alphanumeric variable (Item 4). Further instructions regarding these items are contained in the code manual.

Throughout the Code Manual, the term "Controlling Offense" (CO) is used. This term refers to the current crime for which the offender has been incarcerated. If more than one crime is the reason for incarceration, for our purposes, the "Controlling Crime" is the crime for which the offender received a greater term of incarceration.

Record answers as quickly as possible, but do not record case information in a hurried fashion. The task is to record information as quickly and as reliably as possible. Should a case present more than average difficulty, set it aside and consult a supervisor.

CODE MANUAL (cont'd)

VARIABLE NAME	VARIABLE DESCRIPTION	SPECIAL INSTRUCTIONS
1. NYSID	New York State Identification Number	1. Take directly from Rap Sheet.
2. DIN	Department Identification Number	2. If last group of numbers is less than 4 digits, justify to right, e.g., 76 A 32 would be coded: 7 6 A 0 0 3 2
3. PDM	Grant Identification Number for Inmate	3. Sequence numbers will be assigned to each inmate to ensure annonymity. Consult supervisor for this code.
4. DPPS	Data Check - Is a Data Sheet available? 1=Yes 2=No	4. If more than one Data Sheet is contained in the case file, use the most recent one.
5. VERBAL	Controlling Offense Abbreviated	5. A. If multiple offenses listed, see attachment on Coding Multiple Offenses to select Controlling Offense. B. Omit the words "Attempted" or "Conspiracy to Commit". C. Write offense's name in boxes in abbreviated form. Be sure to include degree number. If degree is not listed, go to PSR., e.g. Robbery = R O B B E R Y 2 Criminal Possession of Stolen Property = C R I M P S P R O P
6. NATOFF	Nature of Instant Offense 1=Person 2=Non-Person	6. "Person" crimes include: Murder and manslaughter (including negligent and involuntary), rape-sodomy, assault, sex offenses, robbery, kidnapping, weapon offenses, burglary 1st and 2nd, and grand larceny 1st. All others should be considered "non-person".
7. CONCLA	Conviction Class for Controlling Offense 01=A Felony 06=A Misd. 02=B Felony 07=B Misd. 03=C Felony 08=Uncl.Misd. 04=D Felony 10=Youthful Off. 05=E Felony 99=MV	7. A. If multiple offenses, use Controlling Offense chosen for #4. B. Look up class on sentencing chart.

CODE MANUAL (cont'd)

VARIABLE NAME	VARIABLE DESCRIPTION	SPECIAL INSTRUCTIONS
8. TYSEN	Sentence combination 1=simple, one offense 2=concurrent, different 3=concurrent-same 4=consecutive 5=YO 9=MV	8. Concurrent - different - one prison term given for two or more offenses with different names, e.g., Robbery, Manslaughter, Burglary. Concurrent - same - one prison term given for two or more counts of an offense even if the crime is of a different degree, e.g., Robbery 1st or Robbery 2nd; Robbery 1st or Robbery 3rd. (Assume sentences are concurrent, unless consecutive is specified). Consecutive - sentences are not combined; they will be served one after the other, e.g., Robbery 4-0-0 and Burglary 3-0-0 would amount to a maximum term of 7 years.
9. NUMCON	Number of sentences including Controlling Conviction	9. Take directly from Data Sheet listing. Record the counts listed.
10.MAXTER	Term of Maximum Expiration	10. Highest sentence term listed on Data Sheet in yr./mo./days form, e.g., a 4-0-0 sentence equals 48 months. Use 12 x table.
11.JAILTM	Jail Time in Days	11. Take directly from Data Sheet. If two Jail Times are indicated, take the greater time.
12.AGE	Age at Board	12. Take directly from Data Sheet. If missing, Age can be calculated by subtracting birthdate (mo./yr.) from MPI hearing date (mo./yr.) Round off to actual Age.
13.PARREV	Prior Parole Revocations	13. Take directly from Data Sheet.
14.DMPI	Data Check - Is MPI Decision Sheet available? 1=Yes 2=No	14. Yellow 1/2-page slip.
15. MPITER	MPI Term	15. If Decision Sheet unavailable, go to MPI list on sample frame - use 12 x table for conversion.
16. DPSR	Data Check - Pre-Sentence Report	16. Data Check.

CODE MANUAL (cont'd)

VARIABLE NAME	VARIABLE DESCRIPTION	SPECIAL INSTRUCTIONS
17. INDCLA	Indictment Class of Controlling Offense	17. Look up on PSR - find class on sentencing chart.
18. NUMIND	Indictment Charges on PSR	18. Give total number of counts or charges for which indicated at time of indictment for Controlling Offense.
19. NUMARR	Number of Arrest Charges of Controlling Offense	19. If information for #19 and #20 was obtained, skip #21 and #22. Otherwise, arrest information can be found on Rap Sheet.
20. ARRCLA	Arrest Class for Controlling Offense	20. Number of charges lodged at time of arrest for Controlling Offense.
21. JDPRI	JD Arrests on PSR	21. Count all JD Arrests on PSR.
22. CONTYP	Past conviction for same type of Controlling Offense	22. Information might be found on PSR or Rap Sheet. Be sure not to include conviction for Controlling Offense. Note that this refers to convictions, not arrests.
23. PRARRI	Past arrest for same type of Controlling Offense	23. Use Rap Sheet or PSR - be sure not to include arrest for Controlling Offense as a prior.
24. PROREV	Prior Probation Revocations	24. Use PSR or Rap Sheet - Do not count unless specifically states that probation revoked. - Do not include revocation which may have resulted from conviction for Controlling Offense.
25. NUPRIC	All Prior Convictions	25. Use PSR or Rap Sheet. - Do not count dismissals. - Convictions can be identified as those crimes for which sentence of any type was given. - Include conditional and unconditional discharges and probation terms.
26. NPRIF	Prior terms over 1 year	26. Use PSR or Rap Sheet. - Count only sentences for which a period of incarceration over 1 year was ordered. - Do not count suspended sentences or probation.

CODE MANUAL (cont'd)

VARIABLE NAME	VARIABLE DESCRIPTION	SPECIAL INSTRUCTIONS
27. NPRIM	Prior terms of 1 year or under	27. Use PSR or Rap Sheet. - Count sentence for incarcerative term of one year or less only.
28. NPFRS	Person convictions - Terms over 1 year	28. This also refers to incarcerative terms only. "Person" convictions include: murder, manslaughter, kidnapping, rape-sodomy, sex offense, robbery, assault, weapon offense, burglary 1st and 2nd, and grand larceny 1st.
29. NNPFR	Person convictions - 1 year or under	29. Incarcerative terms only. Use "person" list in #30.
30. DDCJS	Data Check-Rap Sheet	30. Data Check for Rap Sheet.
31. RAPARR	Adult Arrests on DCJS Rap Sheet	31. Preferably, use Rap Sheet. You may use PSR if Rap Sheet not available. - A count can be obtained by looking at the arrest dates in the far lefthand column. Generally, count arrest boxes; be careful to insure that boxes have different dates. - If discrepancies exist between the Rap Sheet and the PSR, record the greater number. - Include arrests that result in YO adjudications. - If you use PSR, do not include juvenile arrests. - Do not include arrests for violations.

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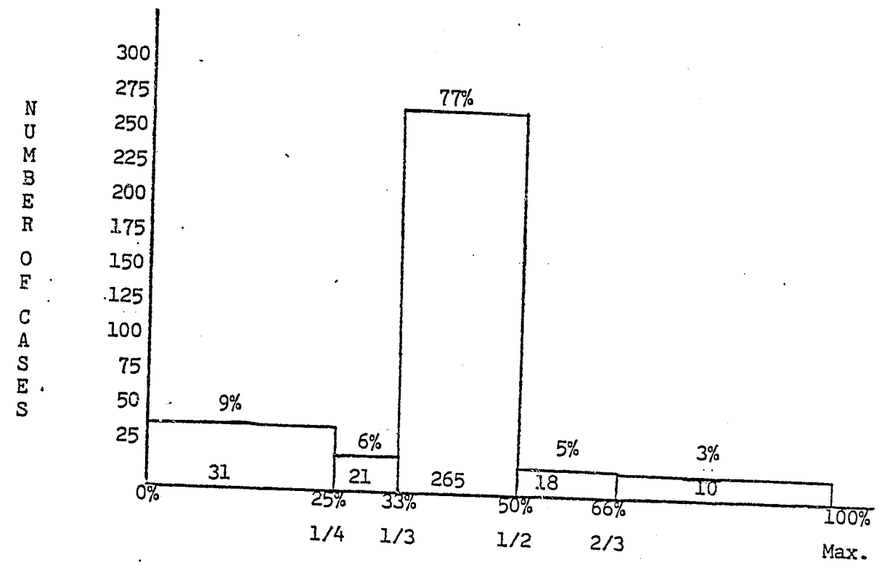
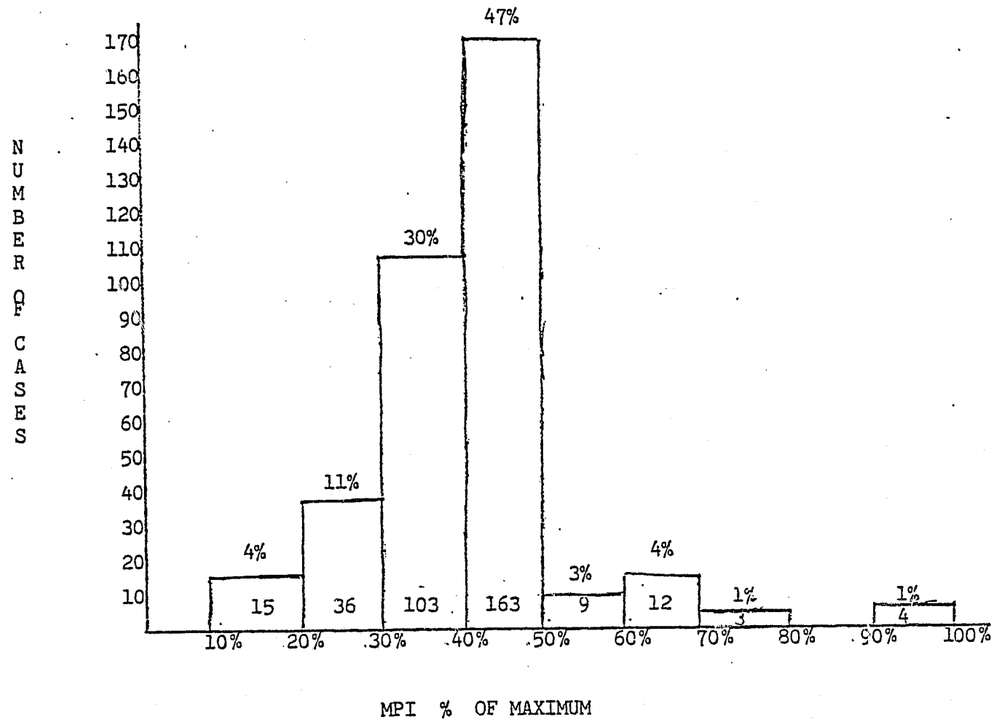


MPI % OF MAXIMUM

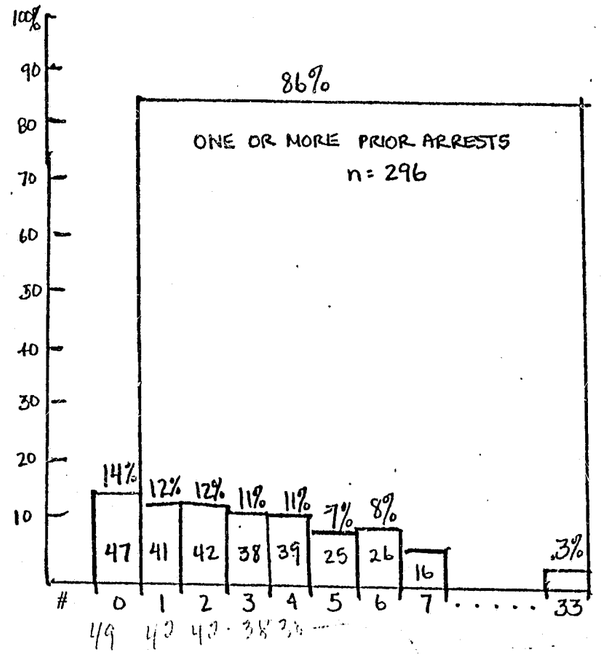
This frequency distribution of the MPI/Max function shows that 77% of the cases have a MPI term of between 1/3 & 1/2 of the maximum sentence.



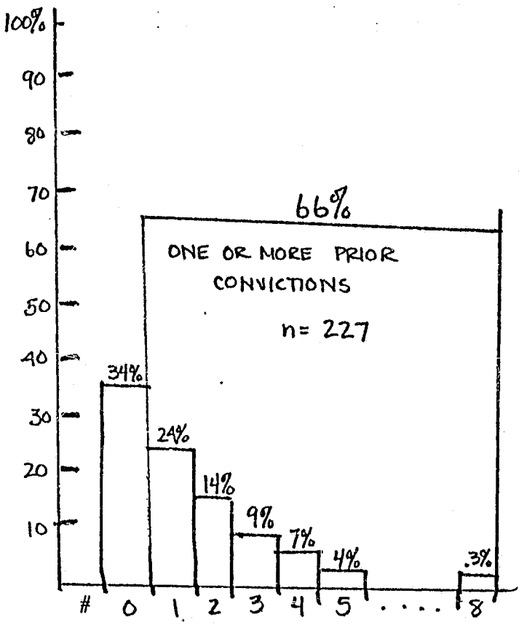
This frequency distribution indicates that 30% of the MPI Terms were set at between 30 & 40 % of the Maximum. Another 47% of the Terms were set at between 40 & 50% of the Maximum.sentence.

MPI INITIAL STUDY

ARRESTS



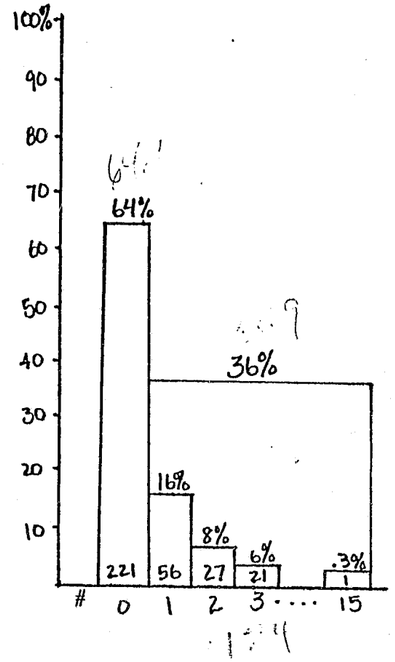
CONVICTIONS



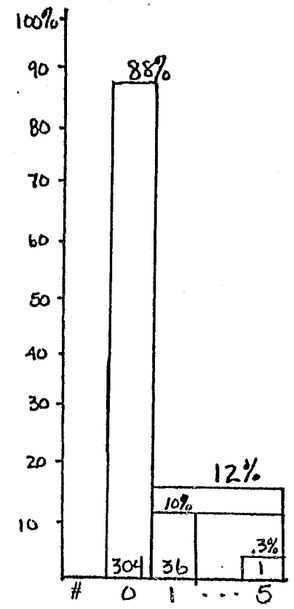
n = 345

MPI INITIAL STUDY

PRIOR JAIL TERMS



PRIOR PRISON TERMS



n= 345

MPI TERMS

Felony Class Convictions By Detailed Prior Convictions

FELONY CLASS CONVICTIONS	DETAILED PRIOR CONVICTIONS: NONE	SOME	MAJOR	EXTENSIVE	PERCENT CASES
A	30 $\bar{x}$ 30 Mdn 24-36 Rng n=2	18 $\bar{x}$ 18 Mdn — — n=1	n=0	n=0	0.9% n=3
B	34 $\bar{x}$ 32 Mdn 12-76 Rng n=41	40 $\bar{x}$ 36 Mdn 12-108 Rng n=39	39 $\bar{x}$ 37 Mdn 30-48 Rng n=6	43 $\bar{x}$ 40 Mdn 34-60 Rng n=4	26.1% n=90
C	23 $\bar{x}$ 18 Mdn 12-48 Rng n=31	26 $\bar{x}$ 24 Mdn 12-48 Rng n=49	36 $\bar{x}$ 35 Mdn 30-48 Rng n=8	36 $\bar{x}$ 36 Mdn — — n=1	25.8% n=89
D	21 $\bar{x}$ 20 Mdn 12-36 Rng n=20	21 $\bar{x}$ 18 Mdn 12-42 Rng n=49	22 $\bar{x}$ 23 Mdn 12-36 Rng n=22	19 $\bar{x}$ 19 Mdn 12-24 Rng n=6	28.1% n=97
E	19 $\bar{x}$ 15 Mdn 12-36 Rng n=4	19 $\bar{x}$ 19 Mdn 12-30 Rng n=21	17 $\bar{x}$ 16 Mdn 12-24 Rng n=5	18 $\bar{x}$ 18 Mdn — — n=1	9% n=31
YO	20 $\bar{x}$ 19 Mdn 12-24 Rng n=19	19 $\bar{x}$ 18 Mdn 12-24 Rng n=16	n=0	n=0	10.1% n=35
	33.9%	50.7%	11.9%	3.5%	100% TOTAL N= 345
	n=113	n=175	n=41	n=12	

Cells have MPI terms (in months): mean
median
range
# of cases

Scores

MPI TERM

FELONY CLASS INDICTMENT BY PRIOR CONVICTION

FELONY CLASS INDICT	PRIOR CONVICTIONS: NONE	1	2 OR 3	4 OR MORE	PERCENT CASES
A	35 $\bar{x}$ 35 Mdn 12-76 Rng n=25	39 $\bar{x}$ 37 Mdn 12-84 Rng n=11	41 $\bar{x}$ 36 Mdn 18-72 Rng n=8	48 $\bar{x}$ 48 Mdn 36-60 Rng n=4	14.5% n=48
B	25 $\bar{x}$ 24 Mdn 12-60 Rng n=63	25 $\bar{x}$ 24 Mdn 12-48 Rng n=42	29 $\bar{x}$ 24 Mdn 12-108 Rng n=32	31 $\bar{x}$ 35 Mdn 12-60 Rng n=24	48.8% n=161
C	22 $\bar{x}$ 20 Mdn 12-36 Rng n=11	21 $\bar{x}$ 20 Mdn 12-36 Rng n=14	27 $\bar{x}$ 24 Mdn 12-48 Rng n=14	26 $\bar{x}$ 24 Mdn 12-42 Rng n=16	16.7% n=55
D	19 $\bar{x}$ 18 Mdn 12-24 Rng n=13	18 $\bar{x}$ 18 Mdn 12-24 Rng n=13	20 $\bar{x}$ 18 Mdn 12-36 Rng n=17	20 $\bar{x}$ 21 Mdn 12-30 Rng n=12	16.7% n=55
E	24 $\bar{x}$ 24 Mdn — — n=1	18 $\bar{x}$ 18 Mdn 12-24 Rng n=3	24 $\bar{x}$ 24 Mdn — — n=2	19 $\bar{x}$ 19 Mdn 18-24 Rng n=5	3.3% n=11
	34.2%	25.2%	22.1%	18.5%	100%
	n=113	n=83	n=73	n=61	TOTAL N= 330

Cells have MPI terms (in months): mean
median
range
# of cases

Conviction Offense		N	$\bar{X}$ MPI	$\bar{X}$ Max. Sent.	MEDIAN Med. MPI	MEDIAN MAXIMUM TERM ~~Med.~~ ~~Max.~~ Sent.	MPI. Range	MAXIMUM Max. Range
Manslaughter-1	B	33	46	135	47 (1)	B 120	24-84	60-300
Robbery-1	B	36	30	93	33 (5)	74	12-48	36-300
Rape-1	B	9	48	123	36 (4)	99	30-108	20-216
Manslaughter-2	C	11	30	71	29 (6)	69	24-48	36-120
Robbery-2	C	51	24	60	24 (7)	52	12-48	36-180
Assault-1	C	3	40	148	39 (2)	B 144	36-48	120-180
Assault-2	D	6	23	29	39 (3)	D 48	12-42	36-60
Robbery-3	D	35	21	50	18 (10)	46	12-36	36-48
Burglary-3	D	16	22	52	24 (8)	49	12-30	36-84
Attempted Robbery-3	D	5	26	40	24 (9)	49	18-36	36-48

MPI TERMS

FELONY CLASS CONVICTIONS BY PRIOR CONVICTIONS

FELONY CLASS CONVICTIONS	PRIOR CONVICTIONS: NONE	1	2 OR 3	4 OR MORE	PERCENT CASES
A	30 $\bar{x}$ 30 Mdn 24-36 Rnq n=2	18 $\bar{x}$ 18 Mdn — — n=1	n=0	n=0	0.9% n=3
B	34 $\bar{x}$ 32 Mdn 12-76 Rnq n=41	39 $\bar{x}$ 35 Mdn 12-84 Rnq n=17	41 $\bar{x}$ 36 Mdn 12-108 Rnq n=19	42 $\bar{x}$ 37 Mdn 34-60 Rnq n=13	26.1% n=90
C	23 $\bar{x}$ 19 Mdn 12-48 Rnq n=31	25 $\bar{x}$ 24 Mdn 12-48 Rnq n=27	27 $\bar{x}$ 25 Mdn 12-48 Rnq n=19	33 $\bar{x}$ 35 Mdn 12-48 Rnq n=12	25.8% n=89
D	21 $\bar{x}$ 21 Mdn 21-36 Rnq n=21	20 $\bar{x}$ 18 Mdn 12-36 Rnq n=23	22 $\bar{x}$ 18 Mdn 12-42 Rnq n=26	22 $\bar{x}$ 24 Mdn 6-36 Rnq n=27	28.1% n=97
E	21 $\bar{x}$ 18 Mdn 12-36 Rnq n=4	17 $\bar{x}$ 17 Mdn 12-24 Rnq n=7	21 $\bar{x}$ 22 Mdn 12-30 Rnq n=11	17 $\bar{x}$ 17 Mdn 12-24 Rnq n=9	9% n=31
YO	20 $\bar{x}$ 19 Mdn 12-24 Rnq n=19	18 $\bar{x}$ 18 Mdn 12-24 Rnq n=11	21 $\bar{x}$ 21 Mdn 18-24 Rnq n=4	12 $\bar{x}$ 12 Mdn — — n=1	10.1% n=35
	34.2%	24.9%	22.9%	18%	100%
	n=118	n=86	n=79	n=62	TOTAL n=345

Cells have MPI terms (in months): mean
median
range

8/12/77

PRELIMINARY COMPOSITE MPI GUIDELINES

OFFENSE SERIOUSNESS	PRIOR CRIMINAL RECORD SCORE: 0-5	6-11	12-21	22
I	— — —	— — —	— — —	— — —
II	30-42	42-60	60-84	— — —
III	18-30	30-42	42-60	— — —
IV	12-24	18-30	30-42	— — —

KEY

Each conviction = 1
Each jail term = 2
Each prison term= 6
(non-person)
Each prison term=12
(person)

CONTINUED

2 OF 7

APPENDIX E

VERA INSTITUTE OF JUSTICE
PAROLE DECISION-MAKING GRANT

RELEASE STUDY
CODE MANUAL

GENERAL INSTRUCTIONS

1. Most importantly, record all responses on the Code Sheet as accurately as possible. Avoid stray marks in margins or near boxes. You may erase, but make sure that the correction is legible. After completing a case, check the Code Sheet to make sure that all boxes have been completed. Disregard boxes which have been shaded or in which numeric responses have been pre-recorded.

2. If data is missing for a variable, record 9's in the boxes pertaining to that variable. Simply, if 4 boxes are allotted for a variable, record four 9's; if 2 boxes are allotted, record two 9's, etc. If a variable is not applicable to a particular case, record 8's in the boxes pertaining to that variable.

3. If a numeric response does not complete the entire allotment of boxes for a particular variable, fill in zeros on the left in the empty boxes. EXAMPLE: If Data Sheet indicates offender has 91 days of jail time - Variable 17 - Jail Time in days would be coded: |0|0|9|1|. This procedure is called "right justifying". All variables should be right justified.

4. Regarding time taken per case, record answers as quickly as possible, but do not record case information in a hurried fashion. The task is to record information as quickly and as reliably as possible. Should a case present more than average difficulty, set it aside and consult a supervisor.

5. When analyzing a case folder, at times you will need to make a determination as to which offense (among several) is the most serious. This determination should be made as follows:

   a. Determine the highest felony classification among the offenses and choose the crime of that class as the most severe offense;

   b. If there is more than one offense in the highest felony class, choose that offense with the highest level on the Composite Offense Seriousness Rating.

6. In all cases where the most serious crime of the Actual Offense is a Drug Offense (e.g., Criminal Possession of a Controlled Substance or Criminal Sale of a Controlled Substance), refer the case to the Supervisor. Do not code the case.

7. Cases to be included in the population include only those on paroled subjects who had their minimum terms set by the court. Cases not meeting these criteria should be referred to your supervisor for possible exclusion; (e.g., reparoled on the same sentence, conditional releasee, Board-set minimums (MPI).

(Dated October 12, 1977)

CODE MANUAL

VARIABLE NAME	VARIABLE DESCRIPTION	SPECIAL INSTRUCTIONS
1. COROP	Data Check -Certificate of Release on Parole (COROP)	Is the COROP Sheet for the current parole present in the case file? No=0; Yes=1
2. SEQNNN	Card Sequence Number	Disregard this variable. Sequence numbers have been pre-recorded on the Code Sheet.
3. PDM	Grant Identification Number for Inmate	Sequence numbers will be assigned to each inmate to ensure annonymity. Consult supervisor for this code.
4. DIN	Department Identification Number	If last group of digits is less than 4 digits, justify to the right. Code 9's for Department Numbers not corresponding to the style given on the Code Sheet. Example: ALP 523.
5. CONOBB	Conviction Crime Code (OBSCIS)	Note the crime(s) of conviction on the COROP Sheet. Refer to the OBSCIS list and enter the code corresponding to the crime. If the subject received concurrent or consecutive sentences, record the most serious conviction: a. By determination of the crime with the highest felony class; or b. By consulting the Composite Offender Severity Rating for crimes with a similar felony class.
6. ATTCON	Attempt	Was the crime of conviction an "attempt"? No=0; Yes=1
7. CONFC	Felony Class of Controlling Conviction	1. Consult the OBSCIS listing and record the felony class which corresponds to the OBSCIS code for the crime of conviction. 2. If the crime of conviction is an "attempt", refer to the Data Sheet for the felony class.
8. ALPHA	Alpha code character for NYSID no.	This letter is the final character of the NYSID No. Note that it is coded separately from and prior to the seven-digit identification number. In cases which no letter is available, shade in the box.
9. NYSID	New York State Identification Number	Take directly from Data Sheet. If NYSID number is less than seven (7) digits, right justify. Note: Many older cases have NYSIIS numbers, and should not be confused with the NYSID numbers.
10. SENDAT	Date of Sentence	Record directly from the Certificate of Release on Parole (COROP) sheet. Code the last two digits of the year and then the two digits for the month of commitment.

CODE MANUAL (cont'd)

VARIABLE NAME	VARIABLE DESCRIPTION	SPECIAL INSTRUCTIONS
11. RECDAT	Date of Reception	Take directly from the COROP Sheet. Again, code the last two digits of the year and then the month in which the subject was received.
12. DIFF	Difference between dates of Sentence and Reception	Is the difference between the Date of Sentence and the Date of Reception more than one month? No=0; Yes=1
13. MEDATE	Maximum Expiration Date (See Addendum, pg.10)	Take the information directly from the COROP Sheet. Code the last two digits of the year and then the month in which the subject's sentence will expire.
14. RELDAT	Parole Release Date	Take this information directly from the COROP Sheet. Code the year and then the month the subject was paroled. An alternative source for this information is the Parole Decision Note.
15. MAXTRM	Maximum Term in Months (See Addendum, pg.10)	The Term is listed in a years-months-days format on the COROP Sheet. For coding, the Term must be converted to months. For example, a 4-0-0 Term will be coded as: 0 4 8.
16. DISINF	Number of Disciplinary Infractions	Take directly from institutional adjustment section which appears on the Institutional Record-Parole. Record the total number of disciplinary infractions. Disregard distinctions between major and minor infractions. If words as "various", "several", etc. appear, consult the most recent Triannual Evaluation to determine the number of infractions the subject received on the present commitment.
17. DATACK	Data Check-Data Sheet	Is a Data Sheet for the current offense contained in the case folder? No=0; Yes=1
18. JAILTM	Jail Time	1. Take directly from Data Sheet. Code Jail Time in days. 2. For simple sentences, code the amount given. 3. For consecutive sentences, code the cumulative total amount. 4. For concurrent sentences, code the amount of Jail Time on the sentence which will yield the longer unexpired term. EXAMPLE A: Jail Time (in Days) 125 / 100; Term of Sentences 4-0-0 / 4-0-0; Code 1 0 0 EXAMPLE B: Jail Time (in Days) 75 / 50; Term of Sentences 7-0-0 / 4-0-0; Code 0 7 5 EXAMPLE C: Jail Time (in Days) 35 / 65; Term of Sentences 7-0-0 / 4-0-0; Code 0 3 5 5. Do not code this item for concurrent sentences imposed on widely differing dates. Such cases should be identified for review by the Supervisor.
19. PSRCK	Data Check - PSR	Is the Pre-Sentence Report (also called Pre-Sentence Investigation or Probation Summary) contained in the case file: No=0; Yes=1

CODE MANUAL (cont'd)

VARIABLE NAME	VARIABLE DESCRIPTION	SPECIAL INSTRUCTIONS
20. INDOBB	Indictment Crime Code (OBSCIS)	Take directly from the PSR. Note the crime(s) charged on Indictment on the PSR Refer to the OBSCIS list and enter the code corresponding to the crime. If there is more than one charge given, record the most serious: a. By determining the charge with the highest felony class; or b. By consulting the Composite Offender Severity Rating for charges with a similar felony class.
21. INDATT	Attempt	Was the crime charged on the Indictment an "attempt"? No=0; Yes=1
22. INDOFC	Felony Class of Indictment Offense	1. Take from PSR, then consult OBSCIS listing. Record felony class which corresponds to OBSCIS code for the crime charged on the indictment. 2. If the charge of indictment is an "attempt", refer to the PSR for the felony class.
23. ACTUAL	Actual Offense Code (OBSCIS)	1. Read the entire narrative from the PSR describing the current offense. 2. Using definitions from the Penal Code, note the most serious offense: a. In relation to the highest applicable felony class; b. By consulting the Composite Offense Seriousness Rating for crimes of the same felony class. 3. If the most serious Actual Offense is a drug offense (e.g., Criminal Possession of a Controlled Substance or Criminal Sale of a Controlled Substance), refer the case to the Coding Supervisor. 4. Upon determining the behavior which constitutes the most serious Actual Offense, code the offense from the OBSCIS list.
24. ATTACT	Attempt	Did the behavior of the Actual Offense constitute an "attempt" to commit the crime coded above. No=0; Yes=1
25. FCACT	Felony Class of Actual Offense	Code the felony class previously derived in coding for the Actual Offense.

CODE MANUAL (cont'd)

VARIABLE NAME	VARIABLE DESCRIPTION	SPECIAL INSTRUCTIONS
26. NUMACC	Number of Accomplices	Record the number of offending participants in the Actual Offense from information obtained in the PSR narrative.
27. WEAPN	Type of Weapon used in the Actual Offense	1. In obtaining the information from the PSR, use the following codes: a. No Weapon=0. There is no indication that any weapon or dangerous instrument was used in the commission of the crime by the subject or his accomplices. b. Firearm (loaded or capable of being discharged)=1. This includes any gun, handgun, rifle, shotgun, or machinegun, whether or not the Firearm was discharged or anyone was injured. c. Simulated Weapon (or unloaded Firearm)=2. This includes items such as toy guns, rubber knives, "fingers'in-the-pocket",etc. d. Knife=3. This includes any item commonly used as a bladed cutting instrument. e. Explosive=4. This includes any detonating or incendiary device. f. Other=5. All Weapons or dangerous instruments not included above would fall into this category. 2. Assume the subject is strictly liable for the use of a Weapon in the Actual Offense. More specifically, it is unnecessary that the subject had personally used or possessed the Weapon during the commission of the crime. For example, a "1" would be coded for a subject who attended the "getaway" car while his accomplices robbed a store and shot the victim during the crime. 3. To help ascertain whether a Weapon was loaded or unloaded, present or not present for the Actual Offense, consult the Indictment charges on the PSR.

CODE MANUAL (cont'd

VARIABLE NAME	VARIABLE DESCRIPTION	SPECIAL INSTRUCTIONS
28. INJURY	Type of Injury inflicted upon non-participant/victim	1. In obtaining this information from the PSR narrative, use the following codes: a. No Physical Injury=0. There is no indication of any use of force upon a victim so as to cause injury. b. With force, restraint, etc.=1. Physical force or restraint is applied to the victim, but not so great as to cause injury. c. Physical Injury=2. A victim is physically injured when medical attention is administered as a consequence of the events of the crime, but the injury is not so great as to be serious. d. Serious Physical Injury=3. A victim sustains serious physical injury when medical attention is administered and the injury results in permanent disfigurement or the loss of the use of any bodily organ. e. Death=4. A victim has lost his life as a direct result of the events of the crime. 2. When in doubt about the seriousness of the force or injury, choose the more serious code.
29. AGEVIC	Age of Victim	1. This variable is applicable to sex crimes only. Code the actual age in years of the youngest victim of the Actual Offense. 2. If the actual age is not ascertainable, use the following codes: a. Minor under 18 years = 200 b. 18 years and over (adult) = 300
30. DRUGTP	Type of Drug used in Actual Offense for Drug Offenses	1. For non-drug Actual Offenses, code 8. 2. If the most serious crime of Actual Offense is a Drug Offense, do not code the case. Refer the case to the Supervisor.

CODE MANUAL (cont'd)

VARIABLE NAME	VARIABLE DESCRIPTION	SPECIAL INSTRUCTIONS
31. DRUGAT	Amount of Drug present in the Actual Offense for Drug Offenses	1. For non-drug Actual Offenses, code 8. 2. If the most serious crime of Actual Offense is a Drug Offense, do not code the case. Refer the case to the Supervisor.
32. PRIFEL	Number of prior Felony Sentences	1. Take information from the PSR. Code the number of sentences, not convictions. This includes probation, conditional and unconditional discharges, and suspended sentences, but not dismissals or adjournments in contemplation of dismissal (ACD). 2. Consecutive sentences disposed of simultaneously are additive; however, concurrent sentences disposed of simultaneously shall count as only one prior felony sentence. For example: The subject was convicted of Robbery 1 (2 cts.) for which he received a 4-year sentence. He was also convicted of Rape 2 (1 ct.) for which he received a 4-year sentence. The sentences were ordered to be served concurrently. For the purposes of coding, this constitutes 1 prior felony sentence.
33. SEQNNN	Card Sequence Number	Disregard this variable. Sequence numbers have been pre-recorded on the Code Sheet.
34. PRIMIS	Number of prior Misdemeanor Sentences	1. Take this information from the PSR. Again, code the number of sentences, not convictions, including: probation, conditional and unconditional discharges, and suspended sentences. Exclude dismissals. 2. If uncertain whether the prior sentence was imposed for a misdemeanor, rather than a felony or violation, consult the OBSCIS list. 3. Consecutive sentences disposed of simultaneously are additive; however, concurrent sentences disposed of simultaneously shall count as only one prior misdemeanor sentence. See Example given for Variable 32.
35.TOTSEN	Total Number of Sentences	Add the totals of Variables 32 and 34. Note: this total excludes violations.

CODE MANUAL (cont'd)

VARIABLE NAME	VARIABLE DESCRIPTION	SPECIAL INSTRUCTIONS
36. PRIPRI	Number of Prior Prison Terms	1. Record this information from the PSR. A Prison Term is defined as incarceration for more than 1 year. 2. Terms served consecutively are additive. Terms served concurrently shall count as 1 term. Note: Do not include consecutive misdemeanant terms in this item.
37. PRIJAL	Number of Prior Jail Terms	This information is recorded from the PSR. A Jail Term is defined as incarceration for 1 year or less on a simple or concurrent sentence, and is counted as 1 term. Consecutive misdemeanant terms are additive and may impose a cumulative total incarceration of more than 1 year.
38. NACDAC	Number of NACC or DAC Commitments	Record this information directly from the PSR. Such Commitment are usually denoted by their acronym (NACC, DAC, OASIS, ODAS), but also include any rehabilitative commitment for alcohol or drug abuse, or narcotic addiction.
39. PROREV	Number of Prior Probation Revocations	Take this information from the PSR. A probation revocation has occurred when a subject on probation is incarcerated either in jail or prison for a technical violation, in lieu of prosecution on a new offense, or with a new sentence. NOTE: Commission of the current offense while on probation is included as a Prior Probation Revocation.
40. QUESPO	Probation and Current Offense	Use the PSR as the source document. Was the current offense committed while the subject was on probation? No=0; Yes=1
41. PARREV	Number of Prior Parole Revocations	Record this information from the PSR or the Data Sheet. A parole revocation has occurred when a subject on parole is returned to incarceration in a state or federal correctional institution either for a technical violation, in lieu of prosecution on a new offense, or with a new sentence.

CODE MANUAL (cont'd)

VARIABLE NAME	VARIABLE DESCRIPTION	SPECIAL INSTRUCTIONS
42. DATMPI	Data Check- MPI Decision Notice	Is an MPI Decision Notice (yellow half-sheet) available in the case folder? No=0; Yes=1
43. MPITRM	MPI Term	Record this information from the MPI Decision Notice, the Transcript of the MPI Hearing, or the Institutional Record-Parole. Code the minimum period of imprisonment set by the Board of Parole in months.
44. QUESJT	Jail Time in MPI	1. Is Jail Time included in the subject's MPI? No=0; Yes=1 2. Note: If the MPI was set prior to March 9,1976, assume tha Jail Time is not included; for an MPI set after this date, assume that Jail Time is included.
45. QUESTR	Temporary Release	1. Note the presence of documents headed "Temporary Release" Was the subject granted a Temporary Release for employment or education on his current sentence? No=0; Yes=1 2. Do not include weekend furloughs.
46. QUESTF	Temporary Release Failure	1. Use documents headed "Temporary Release". Did the subject fail on Temporary Release on his current sentence? No=0; Yes=1 2. Failure is defined as removal from a Temporary Release program. 3. If Variable 45 is coded "No" (2), this item must be coded "N/A" (8).

VERA INSTITUTE OF JUSTICE
PAROLE DECISION-MAKING GRANT

RELEASE STUDY - JUDGE-SET MINIMUMS
CODE MANUAL

GENERAL INSTRUCTIONS

1. Most importantly, record all responses on the Code Sheet as accurately as possible. Avoid stray marks in margins or near boxes. You may erase, but make sure that the correction is legible. After completing a case, check the Code Sheet to make sure that all boxes have been completed. Disregard boxes which have been shaded or in which numeric responses have been pre-recorded.

2. If data is missing for a variable, record 9's in the boxes pertaining to that variable. Simply, if 4 boxes are allotted for a variable, record four 9's; if 2 boxes are allotted, record two 9's, etc. If a variable is not applicable to a particular case, record 8's in the boxes pertaining to that variable.

3. If a numeric response does not complete the entire allotment of boxes for a particular variable, fill in zeros on the left in the empty boxes. EXAMPLE: If Data Sheet indicates offender has 91 days of jail time - Variable 17 - Jail Time in days would be coded: |0|0|9|1|. This procedure is called "right justifying". All variables should be right justified.

4. Regarding time taken per case, record answers as quickly as possible, but do not record case information in a hurried fashion. The task is to record information as quickly and as reliably as possible. Should a case present more than average difficulty, set it aside and consult a supervisor.

5. When analyzing a case folder, at times you will need to make a determination as to which offense (among several) is the most serious. This determination should be made as follows:

   a. Determine the highest felony classification among the offenses and choose the crime of that class as the most severe offense;

   b. If there is more than one offense in the highest felony class, choose that offense with the highest level on the Composite Offense Seriousness Rating.

6. In all cases where the most serious crime of the Actual Offense is a Drug Offense (e.g., Criminal Possession of a Controlled Substance or Criminal Sale of a Controlled Substance), refer the case to the Supervisor. Do not code the case.

7. Cases to be included in the population include only those on paroled subjects who had their minimum terms set by the court. Cases not meeting these criteria should be referred to your supervisor for possible exclusion; (e.g., reparoled on the same sentence, conditional releasee, Board-set minimums (MPI).

(Dated October 12, 1977)

CODE MANUAL

VARIABLE NAME	VARIABLE DESCRIPTION	SPECIAL INSTRUCTIONS
1. COROP	Data Check -Certificate of Release on Parole (COROP)	Is the COROP Sheet for the current parole present in the case file? No=0; Yes=1
2. SEQNNN	Card Sequence Number	Disregard this variable. Sequence numbers have been pre-recorded on the Code Sheet.
3. PDM	Grant Identification Number for Inmate	Sequence numbers will be assigned to each inmate to ensure annonymity. Consult supervisor for this code.
4. DIN	Department Identification Number	If last group of digits is less than 4 digits, justify to the right. Code 9's for Department Numbers not corresponding to the style given on the Code Sheet. Example: ALP 523.
5. CONOBB	Conviction Crime Code (OBSCIS)	Note the crime(s) of conviction on the COROP Sheet. Refer to the OBSCIS list and enter the code corresponding to the crime. If the subject received concurrent or consecutive sentences, record the most serious conviction: a. By determination of the crime with the highest felony class; or b. By consulting the Composite Offender Severity Rating for crimes with a similar felony class.
6. ATTCON	Attempt	Was the crime of conviction an "attempt"? No=0; Yes=1
7. CONFC	Felony Class of Controlling Conviction	1. Consult the OBSCIS listing and record the felony class which corresponds to the OBSCIS code for the crime of conviction. 2. If the crime of conviction is an "attempt", refer to the Data Sheet for the felony class.
8. ALPHA	Alpha code character for NYSID no.	This letter is the final character of the NYSID No. Note that it is coded separately from and prior to the seven-digit identification number. In cases which no letter is available, shade in the box.
9. NYSID	New York State Identification Number	Take directly from Data Sheet. If NYSID number is less than seven (7) digits, right justify. Note: Many older cases have NYSIIS numbers, and should not be confused with the NYSID numbers.
10. SENDAT	Date of Sentence	Record directly from the Certificate of Release on Parole (COROP) sheet. Code the last two digits of the year and then the two digits for the month of commitment.

CODE MANUAL (cont'd)

VARIABLE NAME	VARIABLE DESCRIPTION	SPECIAL INSTRUCTIONS
11. RECDAT	Date of Reception	Take directly from the COROP Sheet. Again,code the last two digits of the year and then the month in which the subject was received.
12. DIFF	Difference between dates of Sentence and Reception	Is the difference between the Date of Sentence and the Date of Reception more than one month? No=0; Yes=1
13. MEDATE	Maximum Expiration Date (See Addendum,pg.10)	Take the information directly from the COROP Sheet. Code the last two digits of the year and then the month in which the subject's sentence will expire.
14. RELDAT	Parole Release Date	Take this information directly from the COROP Sheet. Code the year and then the month the subject was paroled. An alternative source for this information is the Parole Decision Note.
15. MAXTRM	Maximum Term in Months (See Addendum,pg.10)	The Term is listed in a years-months-days format on the COROP Sheet. For coding, the Term must be converted to months. For example, a 4-0-0 Term will be coded as: 0|4|8.
16. DISINF	Number of Disciplinary Infractions	Take directly from institutional adjustment section which appears on the Institutional Record-Parole. Record the total number of disciplinary infractions. Disregard distinctions between major and minor infractions. If words as "various", "several", etc. appear, consult the most recent Triannual Evaluation to determine the number of infractions the subject received on the present commitment.
17. DATACK	Data Check-Data Sheet	Is a Data Sheet for the current offense contained in the case folder? No=0; Yes=1
18. JAILTM	Jail Time	1. Take directly from Data Sheet. Code Jail Time in days. 2. For simple sentences, code the amount given. 3. For consecutive sentences, code the cumulative total amount. 4. For concurrent sentences, code the amount of Jail Time on the sentence which will yield the longer unexpired term. EXAMPLE A: Jail Time (in Days) 125, 100; Term of Sentences 4-0-0, 4-0-0; Code 1|0|0 EXAMPLE B: Jail Time (in Days) 75, 50; Term of Sentences 7-0-0, 4-0-0; Code 0|7|5 EXAMPLE C: Jail Time (in Days) 35, 65; Term of Sentences 7-0-0, 4-0-0; Code 0|3|5 5. Do not code this item for concurrent sentences imposed on widely differing dates. Such cases should be identified for review by the Supervisor.
19. PSRCK	Data Check - PSR	Is the Pre-Sentence Report (also called Pre-Sentence Investigation or Probation Summary) contained in the case file: No=0; Yes=1

CODE MANUAL (cont'd)

VARIABLE NAME	VARIABLE DESCRIPTION	SPECIAL INSTRUCTIONS
20. INDOBB	Indictment Crime Code (OBSCIS)	Take directly from the PSR. Note the crime(s) charged on Indictment on the PSR. Refer to the OBSCIS list and enter the code corresponding to the crime. If there is more than one charge given, record the most serious: a. By determining the charge with the highest felony class; or b. By consulting the Composite Offender Severity Rating for charges with a similar felony class.
21. INDATT	Attempt	Was the crime charged on the Indictment an "attempt"? No=0; Yes=1
22. INDOFC	Felony Class of Indictment Offense	1. Take from PSR, then consult OBSCIS listing. Record felony class which corresponds to OBSCIS code for the crime charged on the indictment. 2. If the charge of indictment is an "attempt", refer to the PSR for the felony class.
23. ACTUAL	Actual Offense Code (OBSCIS)	1. Read the entire narrative from the PSR describing the current offense. 2. Using definitions from the Penal Code, note the most serious offense: a. In relation to the highest applicable felony class; b. By consulting the Composite Offense Seriousness Rating for crimes of the same felony class. 3. If the most serious Actual Offense is a drug offense (e.g., Criminal Possession of a Controlled Substance or Criminal Sale of a Controlled Substance), refer the case to the Coding Supervisor. 4. Upon determining the behavior which constitutes the most serious Actual Offense, code the offense from the OBSCIS list.
24. ATTACT	Attempt	Did the behavior of the Actual Offense constitute an "attempt" to commit the crime coded above. No=0; Yes=1
25. FCACT	Felony Class of Actual Offense	Code the felony class previously derived in coding for the Actual Offense.

CODE MANUAL (cont'd)

VARIABLE NAME	VARIABLE DESCRIPTION	SPECIAL INSTRUCTIONS
26. NUMACC	Number of Accomplices	Record the number of offending participants in the Actual Offense from information obtained in the PSR narrative.
27. WEAPN	Type of Weapon used in the Actual Offense	1. In obtaining the information from the PSR, use the following codes: a. No Weapon=0. There is no indication that any weapon or dangerous instrument was used in the commission of the crime by the subject or his accomplices. b. Firearm (loaded or capable of being discharged)=1. This includes any gun, handgun, rifle, shotgun, or machinegun, whether or not the Firearm was discharged or anyone was injured. c. Simulated Weapon (or unloaded Firearm)=2. This includes items such as toy guns, rubber knives, "fingers'in-the-pocket",etc. d. Knife=3. This includes any item commonly used as a bladed cutting instrument. e. Explosive=4. This includes any detonating or incendiary device. f. Other=5. All Weapons or dangerous instruments not included above would fall into this category. 2. Assume the subject is strictly liable for the use of a Weapon in the Actual Offense. More specifically, it is unnecessary that the subject had personally used or possessed the Weapon during the commission of the crime. For example, a "1" would be coded for a subject who attended the "getaway" car while his accomplices robbed a store and shot the victim during the crime. 3. To help ascertain whether a Weapon was loaded or unloaded, present or not present for the Actual Offense, consult the Indictment charges on the PSR.

CODE MANUAL (cont'd

VARIABLE NAME	VARIABLE DESCRIPTION	SPECIAL INSTRUCTIONS
28. INJURY	Type of Injury inflicted upon non-participant/victim	1. In obtaining this information from the PSR narrative, use the following codes: a. No Physical Injury=0. There is no indication of any use of force upon a victim so as to cause injury. b. With force, restraint, etc.=1. Physical force or restraint is applied to the victim, but not so great as to cause injury. c. Physical Injury=2. A victim is physically injured when medical attention is administered as a consequence of the events of the crime, but the injury is not so great as to be serious. d. Serious Physical Injury=3. A victim sustains serious physical injury when medical attention is administered and the injury results in permanent disfigurement or the loss of the use of any bodily organ. e. Death=4. A victim has lost his life as a direct result of the events of the crime. 2. When in doubt about the seriousness of the force or injury, choose the more serious code.
29. AGEVIC	Age of Victim	1. This variable is applicable to sex crimes only. Code the actual age in years of the youngest victim of the Actual Offense. 2. If the actual age is not ascertainable, use the following codes: a. Minor under 18 years = 200 b. 18 years and over (adult) = 300
30. DRUGTP	Type of Drug used in Actual Offense for Drug Offenses	1. For non-drug Actual Offenses, code 8. 2. If the most serious crime of Actual Offense is a Drug Offense, do not code the case. Refer the case to the Supervisor.

CODE MANUAL (cont'd)

VARIABLE NAME	VARIABLE DESCRIPTION	SPECIAL INSTRUCTIONS
31. DRUGAT	Amount of Drug present in the Actual Offense for Drug Offenses	1. For non-drug Actual Offenses, code 8. 2. If the most serious crime of Actual Offense is a Drug Offense, do not code the case. Refer the case to the Supervisor.
32. PRIFEL	Number of prior Felony Sentences	1. Take information from the PSR. Code the number of sentences, not convictions. This includes probation, conditional and unconditional discharges, and suspended sentences, but not dismissals or adjournments in contemplation of dismissal (ACD). 2. Consecutive sentences disposed of simultaneously are additive; however, concurrent sentences disposed of simultaneously shall count as only one prior felony sentence. For example: The subject was convicted of Robbery 1 (2 cts.) for which he received a 4-year sentence. He was also convicted of Rape 2 (1 ct.) for which he received a 4-year sentence. The sentences were ordered to be served concurrently. For the purposes of coding, this constitutes 1 prior felony sentence.
33. SEQNNN	Card Sequence Number	Disregard this variable. Sequence numbers have been pre-recorded on the Code Sheet.
34. PRIMIS	Number of prior Misdemeanor Sentences	1. Take this information from the PSR. Again, code the number of sentences, not convictions, including: probation, conditional and unconditional discharges, and suspended sentences. Exclude dismissals. 2. If uncertain whether the prior sentence was imposed for a misdemeanor, rather than a felony or violation, consult the OBSCIS list. 3. Consecutive sentences disposed of simultaneously are additive; however, concurrent sentences disposed of simultaneously shall count as only one prior misdemeanor sentence. See Example given for Variable 32.
35.TOTSEN	Total Number of Sentences	Add the totals of Variables 32 and 34. Note: this total excludes violations.

CODE MANUAL (cont'd)

VARIABLE NAME	VARIABLE DESCRIPTION	SPECIAL INSTRUCTIONS
36. PRIPRI	Number of Prior Prison Terms	1. Record this information from the PSR. A Prison Term is defined as incarceration for more than 1 year. 2. Terms served consecutively are additive. Terms served concurrently shall count as 1 term. Note: Do not include consecutive misdemeanant terms in this item.
37. PRIJAL	Number of Prior Jail Terms	This information is recorded from the PSR. A Jail Term is defined as incarceration for 1 year or less on a simple or concurrent sentence, and is counted as 1 term. Consecutive misdemeanant terms are additive and may impose a cumulative total incarceration of more than 1 year.
38. NACDAC	Number of NACC or DAC Commitments	Record this information directly from the PSR. Such Commitments are usually denoted by their acronym (NACC, DAC, OASIS, ODAS), but also include any rehabilitative commitment for alcohol or drug abuse, or narcotic addiction.
39. PROREV	Number of Prior Probation Revocations	Take this information from the PSR. A probation revocation has occurred when a subject on probation is incarcerated either in jail or prison for a technical violation, in lieu of prosecution on a new offense, or with a new sentence. NOTE: Commission of the current offense while on probation is included as a Prior Probation Revocation.
40. QUESPO	Probation and Current Offense	Use the PSR as the source document. Was the current offense committed while the subject was on probation? No=0; Yes=1
41. PARREV	Number of Prior Parole Revocations	Record this information from the PSR or the Data Sheet. A parole revocation has occurred when a subject on parole is returned to incarceration in a state or federal correctional institution either for a technical violation, in lieu of prosecution on a new offense, or with a new sentence.

CODE MANUAL (cont'd)

	VARIABLE NAME	VARIABLE DESCRIPTION	SPECIAL INSTRUCTIONS
2.	DATMPI	Data Check - MPI Decision Notice	This item has been pre-coded.
3.	MINTRM	Minimum Term	Record this information from the COROP Sheet. Code the Minimum Term set by the court in months. 1. For concurrent terms, code the larger Minimum Term. 2. For consecutive terms, convert the terms to months, add them together, and record the total.
4.	QUESJT	Jail Time in Minimum Term	This item has been pre-coded.
5.	QUESTR	Temporary Release	1. Note the presence of documents headed "Temporary Release". Was the subject granted a Temporary Release for employment or education on his current sentence? No=0 Yes=1 2. Do not include weekend furloughs.
6.	QUESTF	Temporary Release Failure	1. Use documents headed "Temporary Release". Did the subject fail on Temporary Release on his current sentence? No=0 Yes=1 2. Failure is defined as removal from a Temporary Release program. 3. If Variable 45 is coded "No" (2), this item must be coded "N/A"(8).

ADDENDUM: RELEASE STUDY - JUDGE-SET MINIMUMS

VARIABLE DESCRIPTION	SPECIAL INSTRUCTIONS
15. Maximum Term in Months	For "life" maximum terms, code "7777", i.e. [7][7][7][7]
13. Maximum Expiration Date	For "life" maximum terms, code: [7][7] [7][7]

CODER'S INITIALS: _____
CODING TIME: _____
DATE: _____

RELEASE STUDY

ITEM # COLUMN	CARD 1
1. (1)	Data Check COSOP Sheet ☐ No=0 Yes=1
(2)	Column 2 Blank ☐
2. (3)	Sequence No. [2]
3. (4-7)	PDM No. ☐☐☐☐
4. (8-14)	DIN No. ☐☐ ☐ ☐☐☐☐
5. (15-18)	Conviction Crime Code (OBSCIS #) ☐☐☐☐ _____ Write out Offense
6. (19)	Attempt Code ☐ No=0 Yes=1
7. (20)	Felony Class of Controlling Conviction ☐ A=1 B=2 C=3 D=4 E=5 YO=6 N/A=8 MV=9
8. (21)	NYSID Alpha Digit ☐
	Column 22 Blank ▒
9. (23-29)	NYSID NUMBER ☐☐☐☐☐☐☐
10. (30-33)	Date of Sentence Yr. ☐☐ Mo. ☐☐
11. (34-37)	Date of Commitment Yr. ☐☐ Mo. ☐☐
12. (38)	Is Difference between Date of Sentence and Date of Commitment more than one month? ☐ No=0 Yes=1
13. (39-42)	Maximum Expiration Date Yr. ☐☐ Mo. ☐☐
14. (43-46)	Date of Parole Yr. ☐☐ Mo. ☐☐

ITEM # COLUMN	CARD 1
15. (47-50)	Maximum Term (in Months) ☐☐☐
16. (51-52)	No. of Disciplinary Infractions ☐☐
17. (53)	Data Check Data Sheet ☐ No=0 Yes=1
18. (54-57)	Jail Time (in Days) ☐☐☐☐
19. (58)	Data Check PSR ☐ No=0 Yes=1
20. (59-62)	Indictment Offense Code (OBSCIS #) ☐☐☐☐ _____ Write out Offense
21. (63)	Attempt Code ☐ No=0 Yes=1
22. (64)	Felony Class of Indictment Offense ☐ A=1 B=2 C=3 D=4 E=5 YO=6 N/A=8 MV=9
23. (65-68)	Actual Offense Code (OBSCIS #) ☐☐☐☐ _____ Write out Offense
24. (69)	Attempt Code ☐ No=0 Yes=1
25. (70)	Felony Class of Actual Offense ☐ A=1 B=2 C=3 D=4 E=5 YO=6 Misd.=7 MV=9
26. (71-72)	No. of Accomplices ☐☐

RELEASE STUDY

ITEM # COLUMN	CARD 1
27. (73)	Weapon Code ☐ No Weapon =0 Firearm (loaded or capable of being discharged) =1 Simulated Weapon (or unloaded Firearm) =2 Knife=3 Explosive=4 Other=5 MV=9
28. (74)	Injury Code ☐ No Physical Injury=0 With force, restraint, etc.=1 Physical Injury=2 Serious Physical Injury =3 Death =4 MV =9
29. (75-77)	Age of Victim (For Sex Crimes Only) ☐☐☐ N/A= 888 MV = 999 Minor under 18 =200 18 and over = 300
30. (78)	Drug Type (Drug Cases Only) ☐ Heroin =1 Marijuana/Hashish =2 Cocaine =3 Others =4 N/A =8 MV =9
31. (79)	Drug Amount (Drug Cases Only) ☐ Felony Class A=1 Felony Class B=2 Felony Class C=3 Felony Class D=4 Felony Class E=5 N/A =8 MV =9
(80)	Column 80 Blank ▒
END CARD	

ITEM # COLUMN	CARD 2
32. (1-2)	No. Prior Felony Sentences ☐☐ MV =9
33. (3)	Sequence No. [3]
34. (4-5)	No. Prior Misdemeanor Sentences ☐☐ MV =99
35. (6-7)	Total No. of Sentences ☐☐ MV =99

ITEM # COLUMN	CARD 2
36. (8-9)	No. Prior Prison Terms ☐☐ MV =9
37. (10-11)	No. Prior Jail Terms ☐☐ MV =9
38. (12)	No. Prior NACC or DAC Commitments ☐
39. (13)	No. Prior Probation Revocations ☐ MV =9
40. (14)	Present Offense committed on Probation ☐ No=0 Yes=1 MV=9
41. (15)	No. Prior Parole Revocations ☐ MV =9
42. (16)	Data Check MPI Decision Sheet ☐ No=0 Yes=1
43. (17-19)	MPI Term in Months ☐☐☐
44. (20)	Jail Time included in MPI ☐ No=0 Yes=1
45. (21)	NYSID Alpha Digit ☐
(22)	Column 22 Blank ▒
46. (23-29)	NYSID # ☐☐☐☐☐☐☐
47. (30)	Temporary Release ☐ No=0 Yes=1 MV=9
48. (31)	Temporary Release Failure ☐ No=0 Yes=1 N/A=8 MV=9

CODER'S INITIALS: _____
CODING TIME: _____
DATE: _____

RELEASE STUDY - JUDGE-SET MINIMUM

ITEM # COLUMN	CARD 1
1. (1)	Data Check COROP Sheet ☐ No=0 Yes=1
(2)	Column 2 Blank ☐
2. (3)	Sequence No. [2]
3. (4-7)	PDM No. ☐☐☐☐
4. (8-14)	DIN No. ☐☐ ☐ ☐☐☐☐
5. (15-18)	Conviction Crime Code (OBSCIS #) ☐☐☐☐
	_____ Write out Offense
6. (19)	Attempt Code ☐ No=0 Yes=1
7. (20)	Felony Class of Controlling Conviction ☐ A=1 B=2 C=3 D=4 E=5 YO=6 N/A=8 MV=9
8. (21)	NYSID Alpha Digit ☐
	Column 22 Blank ☐
9. (23-29)	NYSID NUMBER ☐☐☐☐☐☐☐
10. (30-33)	Date of Sentence Yr. ☐☐ Mo. ☐☐
11. (34-37)	Date of Commitment Yr. ☐☐ Mo. ☐☐
12. (38)	Is Difference between Date of Sentence and Date of Commitment more than one month? ☐ No=0 Yes=1
13. (39-42)	Maximum Expiration Date Yr. ☐☐ Mo. ☐☐
14. (43-46)	Date of Parole Yr. ☐☐ Mo. ☐☐

ITEM # COLUMN	CARD 1
15. (47-50)	Maximum Term (in Months) ☐☐☐☐
16. (51-52)	No. of Disciplinary Infractions ☐☐
17. (53)	Data Check Data Sheet ☐ No=0 Yes=1
18. (54-57)	Jail Time (in Days) ☐☐☐☐
19. (58)	Data Check PSR ☐ No=0 Yes=1
20. (59-62)	Indictment Offense Code (OBSCIS #) ☐☐☐☐
	_____ Write out Offense
21. (63)	Attempt Code ☐ No=0 Yes=1
22. (64)	Felony Class of Indictment Offense ☐ A=1 B=2 C=3 D=4 E=5 YO=6 N/A=8 MV=9
23. (65-68)	Actual Offense Code (OBSCIS #) ☐☐☐☐
	_____ Write out Offense
24. (69)	Attempt Code ☐ No=0 Yes=1
25. (70)	Felony Class of Actual Offense ☐ A=1 B=2 C=3 D=4 E=5 YO=6 Misd.=7 MV=9
26. (71-72)	No. of Accomplices ☐☐

RELEASE STUDY - JUDGE-SET MINIMUM

ITEM # COLUMN	CARD 1
27. (73)	Weapon Code ☐ No Weapon =0 Firearm (loaded or capable of being discharged) =1 Simulated Weapon (or unloaded Firearm) =2 Knife=3 Explosive=4 Other=5 MV=9
28. (74)	Injury Code ☐ No Physical Injury=0 With force, restraint, etc.=1 Physical Injury=2 Serious Physical Injury =3 Death =4 MV =9
29. (75-77)	Age of Victim ☐☐☐ (For Sex Crimes Only) N/A= 888 MV = 999 Minor under 18 =200 18 and over = 300
30. (78)	Drug Type ☐ (Drug Cases Only) Heroin =1 Marijuana/Hashish =2 Cocaine =3 Others =4 N/A =8 MV =9
31. (79)	Drug Amount ☐ (Drug Cases Only) Felony Class A=1 Felony Class B=2 Felony Class C=3 Felony Class D=4 Felony Class E=5 N/A =8 MV =9
(80)	Column 80 Blank ☐
2ND CARD	

ITEM # COLUMN	CARD 2
32. (1-2)	No. Prior Felony Sentences ☐☐ MV =9
33. (3)	Sequence No. [3]
34. (4-5)	No. Prior Misdemeanor Sentences ☐☐ MV =99
35.	Total No. of

ITEM # COLUMN	CARD 2
36. (6-9)	No. Prior Prison Terms ☐☐ MV =9
37. (10-11)	No. Prior Jail Terms ☐☐ MV =9
38. (12)	No. Prior NACC or DAC Commitments ☐
39. (13)	No. Prior Probation Revocations ☐ MV =9
40. (14)	Present Offense committed on Probation ☐ No=0 Yes=1 MV=9
41. (15)	No. Prior Parole Revocations ☐ MV =9
42. (16)	Data Check MPI Decision Sheet [8] No=0 Yes=1
43. (17-19)	Minimum Term in Months ☐☐☐
44. (20)	Jail Time included in MPI [8] No=0 Yes=1
45. (21)	NYSID Alpha Digit ☐
(22)	Column 22 Blank ☐
46. (23-29)	NYSID # ☐☐☐☐☐☐☐
47. (30)	Temporary Release ☐ No=0 Yes=1 MV=9
48. (31)	Temporary Release Failure ☐ No=0 Yes=1 N/A=8 MV=9

CRIMINAL HISTORY CATEGORY WORKSHEET

Item #1: Prior Convictions

No Convictions	=	3
One Conviction	=	2
Two or three Convictions	=	1
Four or more Convictions	=	0
Prior Convictions Score	=	

Item #2: Total Number of Commitments (Jail Plus Prison Terms)

No Commitments	=	2
One or two Commitments	=	1
Three or more Commitments	=	0
Prior Commitment Score	=	

Item #3: Prior Prison Terms

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

Item #4: 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

Prior Parole/Probation History Score=

PRIOR CRIMINAL HISTORY CATEGORY

CHECK ONE:

Good	(8,7)	
Fair	(6,5)	
Poor	(4,3)	
Very Poor	(2,1,0)	

APPENDIX F

APPENDIX ~~&~~ F

INMATE MANUAL

(REVISED POINT SYSTEM)

17174

VERA INSTITUTE OF JUSTICE
RESEARCH DEPARTMENT
275 Madison Avenue
New York, New York 10016

TEMPORARY RELEASE PROGRAM MANUAL

INTRODUCTION

Since the fall of 1975, the Department has been working on developing a new method of selecting inmates for temporary release participation. This manual describes the new way inmates will be chosen for temporary release. The purpose of this manual is to help you understand the new selection process and to make it easier for you to follow the new procedures for applying for temporary release.

The new selection process for temporary release, like the old one, aims to choose inmates who can be successful participants in temporary release programs. Inmates likely to make good use of a furlough, or find and keep a job on work release, for instance, should be chosen for temporary release, rather than inmates who are likely to abscond or get arrested while on temporary release. The new selection process uses a point system to evaluate the record of each applicant for temporary release. The point system is the result of careful study to see which people do well on temporary release and which do poorly.

To determine which people do better on temporary release, staff members of the Department of Correctional Services and the Vera Institute of Justice interviewed inmates and parole officers in many facilities throughout the state as well as members of the Central Office staff. In addition, Vera Institute staff conducted a statistical study of the performance of men and women who have participated in work release since 1971. The results of this work were the basis for the point scoring system that is described in this manual. Items in the point system were chosen because they helped predict who would do well on temporary release. For instance, the study showed that inmates who had several felony convictions on their record did not do as well on temporary release as inmates who had no prior felonies. Therefore, the point system gives points to those inmates who do not have prior felonies and

also showed that inmates who have never had parole or probation revoked are more likely to succeed on temporary release. That is why the point system awards 2 points to inmates who have never had parole or probation revoked.

An earlier version of this new point system and selection procedure was tried out at four department facilities - Auburn, Elmira, Wallkill and Bedford Hills - for many months to see how it worked. Suggestions for improving the system were gathered from interviews, meetings, questionnaires and letters from inmates and staff. Changes were made in the point system and the selection process on the basis of many of these suggestions. The new selection process also reflects changes and new requirements in the new temporary release law that became effective on September 1, 1977.

The new selection process is designed to be as fair a way of choosing inmates for temporary release as possible. The point system will clarify the grounds for decisions on applications for temporary release. It will tell you what your chances for being chosen for temporary release are. Finally, it will show you how you may be able to improve your chances for participation in temporary release.

To give you a clear idea of how the new selection process works, this manual describes each step of the process in detail. You may want to look first at the temporary release fact sheet and the brief summary of the new selection process which follow directly. You should refer to the text of the manual to answer any specific questions you have about selection for temporary release and the rules for temporary release participation.

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TEMPORARY RELEASE FACT SHEET

I. Types of Temporary Release

A. Work release - release to work or get on-the-job training.
B. Furlough - release for short periods to look for a job, solve family problems and maintain family ties, or attend a short educational course.
C. Educational leave - release to attend school or get vocational training.
D. Community Services Program - release to do volunteer work or participate in community events.
E. Industrial Training Leave - release to take industrial training.
F. Leave of Absence - release to visit seriously ill relatives, attend the funeral of relatives or get necessary medical care not available in the facility.

II. Eligibility: The inmate must be within one year of possible parole or conditional release for all programs except leave of absence, and must never have been convicted of an escape or absconding offense or found to have been an absconder in disciplinary proceedings since September 1, 1977.

III. Point Scoring Ranges for Temporary Release Programs

Program	Range: Low	Range: Regular Consideration
Work release, educational leave, community services volunteer work.	0 to 34	35 and above
Furlough, leave of absence, industrial training leave; community services special events - unsupervised athletic and religious activities.	0 to 31	32 and above
Community services supervised special events - athletic and religious activities supervised by security staff.		0 and above

Inmates scoring in the regular consideration range will be considered for release by the Temporary Release Committee following Central Office guidelines.

Inmates scoring in the low range may not be considered for temporary release unless the parole board has designated their case Open Date or Open Date-Own Program, or unless the inmate scores 8 out of the possible 9 point system points awarded for institutional programs and discipline.

IV. Further Investigation Categories.

Applications from inmates who have been designated Central Monitoring cases and inmates with a history of mental instability will receive intensive investigation before approval.

V. Central Office Review Categories.

Applications from inmates who have been convicted of crimes involving the use or threatened use of deadly weapons, infliction of serious bodily injury

SUMMARY OF NEW SELECTION PROCESS

The new selection process is based on a point scoring system which includes eleven items. Six relate to your criminal history and five are based on your behavior since your incarceration. The higher you score, the more likely it is that you will be approved for temporary release. You lose points for past felony and misdemeanor convictions, for prior incarceration, for outstanding warrants at commitment, for previous parole or probation revocations, and for convictions for violent crimes against the person. You can gain points by satisfactory participation in programs or work assignments, by good institutional adjustment as shown by a good disciplinary record, and by successful participation in temporary release programs.

Scores are divided into four ranges - low-denied, low-ODOP, low special consideration, and regular consideration. If your score falls in the low-denied range you won't be able to go out on temporary release. If your score falls in the low-ODOP, low special consideration or regular consideration range you will appear before the Temporary Release Committee and the Committee will decide if you can go out.

To apply for temporary release, notify the Temporary Release Committee by sending a completed Notification to TRC Form to the temporary release interviewer.

The temporary release interviewer will check your file to see if you are legally eligible to apply for temporary release (you have 1 year or less to your next parole eligibility date or conditional release date and you have never been convicted of an escape or absconding offense), if there are any warrants outstanding against you, if you have absconded from a temporary release program since September 1, 1977 and if you have had any major disciplinary infractions (special housing for any length of time or keeplock longer than 14 days) in the last 8 weeks. You will receive written notice of the results of the check.

The interviewer will then meet with you to discuss your application. You may question any information used to score each point item if you think it is incorrect. The interviewer will check on any information you question and will change any information that proves to be incorrect.

After the application has been completed, your point items will be added up to determine your final score. The Temporary Release Committee Chairman will also check the scoring of the application and look at your file to see if there are any facts in your file such as a Central Monitoring Case designation or a possible history of mental instability requiring further investigation or review by Central Office. You will be given notice of referral for further investigation or review by Central Office. The Chairman will then refer your case to the Temporary Release Committee for consideration. You will have an opportunity to tell the Committee anything you think they should know when you appear before the Committee.

When the scoring and screening for further investigation are complete, you will receive a copy of your official application form in the mail. You will also be told if your point score falls in the low-denied, low-ODOP, low-special consideration or regular consideration range and whether your application must be approved by Central Office. Again, if you score in the low-denied range you won't be able to go out on temporary release. If you score in the low-ODOP, low-special consideration or regular consideration range, you will appear before the Temporary Release Committee and the Committee will decide if you can go out subject to Central Office Review procedures.

If you have been convicted of a crime involving the use or threatened use of a deadly weapon, infliction of serious physical injury or a sex offense involving forcible compulsion and have been approved for participation by the Temporary Release

Central Office before you can go out.

If you think that the information the interviewer used to score your application is incorrect, that you were incorrectly included in a further investigation category, or that your denial of participation in temporary release by the Temporary Release Committee was unfair or unreasonable, you may appeal the decision to the Central Office of the Department of Correctional Services in Albany.

If your case fell into a Central Office Review category and your application for release was turned down by the Director of Temporary Release Programs and his staff, you may appeal to Central Office for reconsideration of that decision if you think that it was unfair or unreasonable. (Use Appeal Form, item #4). A disapproval of your application by a Deputy Commissioner or the Commissioner of the Department may not be appealed.

I. TYPES OF TEMPORARY RELEASE

The law authorizing temporary release can be found in Article 26 of the Correction Law (McKinney's Consolidated Laws of New York, Book 10B). Temporary Release is a program which allows inmates chosen for the program to leave their facility for a limited time for certain purposes. There are 6 types of temporary release programs:

A. Work Release - Work release is a program which lets an inmate leave a work release facility for up to 14 hours in one day to work or to get on-the-job training. Before you can be chosen for work release you must be eligible and in good health.

B. Furlough - Furlough is a program which lets an inmate leave a facility for periods up to 7 days:
   a) to solve family problems
   b) to attend a short educational course
   c) to look for a job
   d) to maintain family ties
   e) to seek post-release housing.

   Before you can be chosen for furlough you must be eligible. (See Furlough guidelines, Page 38).

C. Community Services Program - Community Services is a program which lets an inmate leave a facility for up to 14 hours in one day to do volunteer work or parti-

cipate in athletic, cultural or religious events not available in the facility. Before you can be chosen for community services leave you must be eligible.

D. Industrial Training Leave - Industrial Training Leave lets an inmate leave a facility for up to 14 hours in one day to take an industrial training program. Before you can be chosen for industrial training leave you must be eligible.

E. Educational Leave - Educational Leave lets an inmate leave a facility for up to 14 hours in one day to attend school or vocational training. Before you can be chosen for educational leave you must be eligible.

F. Leave of Absence - Leave of Absence lets an inmate leave an institution:

a) to visit his spouse, parent, child, grandchild, grandparent or ancestral aunt or uncle when they are very ill and in danger of dying.

b) to attend the funeral of those relatives listed in (a).

c) to have surgery or to get medical or dental care not available in the institution only if it is absolutely necessary for the inmate's health and well being. To get a leave of absence you do not have to be eligible.

II. HOW THE TEMPORARY RELEASE COMMITTEE CHOOSES INMATES FOR TEMPORARY RELEASE.

A. Eligible Inmates

To be eligible for all types of temporary release (except leave of absence), an inmate must be within one year of possible parole or conditional release and must never have been convicted of an escape or absconding offense of the type defined in article 205 of the Penal Law or have been found by Department disciplinary proceedings to have absconded from temporary release. If after becoming eligible for temporary release, an inmate is convicted of an absconding offense or violates his temporary release program by absconding, he will no longer be eligible for temporary release. In addition, if an inmate who has been eligible for temporary release is denied release on parole, he will no longer be considered an eligible inmate unless he is within one year of his next scheduled appearance before the parole board or his conditional release date. An inmate may apply for all types of temporary release when he becomes eligible.

Being eligible for temporary release does not mean you will be chosen for temporary release. The Temporary Release Committee of each institution must choose only those inmates it thinks are able to handle the program. Under the law the Committee can only release those inmates that it thinks can do well on temporary release and who won't be a threat to the safety of the community.

B. The Temporary Release Committee and the Point System

Before a person can get into a temporary release program, he must be eligible and approved by the Temporary Release Committee. If you are approved by the Temporary Release Committee, your application will go to the Superintendent for signature. If he signs it and you agree to follow the rules of the program and do not fall into a Central Office Review Category, you can go out on temporary release. Your application must be reviewed and approved by Central Office before you can go out if your crime involves the use or threatened use of a weapon, infliction of serious physical injury, a sex offense involving forcible compulsion or if your case requires further investigation. (See page 29).

The Temporary Release Committee will decide who to accept for temporary release with the help of a point system. In general, the more points you earn in the point system the more likely it is that you will get into temporary release. Your point score is based on two different types of facts: your previous criminal record and your behavior in the facility. Inmates with shorter and less serious criminal records will get more points on the point system. You can also gain points for a good record while incarcerated.

Depending upon your point score, you will fall into 1 of 4 scoring ranges - low-denied, low-ODOP, low-special consideration or regular consideration. A study of work release participants showed that inmates who score high on the point system do best on temporary release. The study also showed that inmates who score low do not do as well on temporary release.

The Temporary Release Committee will decide whether inmates who score in the regular consideration range will be able to go out on temporary release. In addition, two types of inmates who would not ordinarily be approved for temporary release because of their low scores will be considered for release by the Temporary Release Committee along with inmates who score in the regular consideration range. Inmates who score in the low range but have been given an Open Date or an Open Date-Own Program by the Parole Board fall into the low-ODOP range and will be considered for release by the Committee. Also, inmates who score in the low range but have outstanding institutional records (those who score 8 out of a possible 9 points on the program participation and discipline items #7-10) will fall into the low-special consideration range and be entitled to personally appear before the Committee for consideration for a special work release program offering concentrated pre-release counseling and orientation. (Consult the specific Program Directive for more information about this program.)

Inmates who score in the low-denied range will be denied temporary release and will not be able to go out.

In deciding whether to release applicants scoring in the regular consideration range and in the low-ODOP and low-special consideration ranges, the Committee will take into account the applicant's point score. The Committee will also use Central Office guidelines to help them decide who to select for temporary release. These guidelines are based on research on what type of inmate does better in temporary release programs. They require the Committee to consider a number of factors in the areas of criminal history, drug use, personal history, and institutional record. (A copy of these guidelines may be found in the library.)

Youthful Offenders

The point system will not be used in determining which applications for temporary release from youthful offenders will go to the Committee. Instead, the Temporary Release Committee will decide on all applications from youthful offenders,

C. Scoring Ranges for Different Types of Temporary Release

Some types of temporary release require more effort to do well on than others. For instance, it is much harder to do well on work release or educational leave than it is to have a successful furlough. A person on work release must find a job, go to work every day, manage his money, and deal with family, friends and facility staff for many months. A person on furlough just has to go home and return, all within a few days. Therefore, the number of points you must score to be considered for temporary release varies for different types of temporary release programs. You must score higher to be considered for work release than to be considered for furlough. You must score higher to get a furlough than to go out under supervision for an athletic event. The following chart shows how high you have to score to be considered for each type of temporary release. Note that there is no low scoring range for supervised athletic and religious activities. These programs must be supervised by security staff. The level of supervision and the allocation of security personnel for purposes of supervision shall be determined by the Superintendent pursuant to rules and regulations of the Department.

TYPE OF TR PROGRAM	RANGE	
	Low	Regular Consideration
Work release, educational leave, community services volunteer work	0 to 34	35 and above
Furlough, leave of absence, industrial training leave, community services special events-unsupervised athletic and religious activities.	0 to 31	32 and above
Community services supervised special events - athletic and religious activities supervised by security staff.		0 and above

Applicants for furlough programs scoring 38 or above and applicants for work and educational release programs

scoring 40 or above are usually very good candidates for temporary release programs and will generally be given favorable consideration by the Committee.

D. The Temporary Release Point System

There are 11 items in the point system. Six are based on criminal history and 5 are based on behavior while in the facility.

Here is a copy of the items in the point system.

Criminal History

1. Previous incarceration following adjudication (+1 point if none within last 10 years, 0 points if misdemeanor or youthful offender incarcerations only within last 10 years, -1 point if one or more felony incarcerations within last 10 years. The 10 year period is counted back from the date of present incarceration, excluding any period of incarceration in that time, in effect, extending the 10 year period by an equal amount of time).

2. Number of felony convictions prior or subsequent to commitment offense. (+2 points if none within last 10 years or subsequent to commitment date of current incarceration, 0 points if one within past 10 years or subsequent to commitment date of current incarceration, -2 points if 2 or more within last 10 years or subsequent to commitment date of current incarceration. The 10 year period is counted back from the date of current incarceration, excluding any period of incarceration in that time, in effect, extending the 10 year period by an equal amount of time).

3. Number of misdemeanor convictions prior or subsequent to commitment offense. (+1 point if none within last 10 years or subsequent to commitment date of current incarceration, 0 points if 3 or less in last 10 years or subsequent to commitment date of current incarceration, -1 point if 4 or more in last 10 years or subsequent to commitment date of current incarceration. The 10 year period is counted back from the date of current incarceration, excluding any period of incarceration in that time, in effect extending the 10 year period by an equal amount of time).

4. Outstanding warrants at time of or subsequent to date of commitment. (+2 points if none, 0 points if 1 or more.)

5. Previous revocations of parole or probation in last 10 years (or subsequent to commitment date of current incarceration) if resulting from abscondance or rearrest (+2 points if none, 0 points

counted back from the date of current incarceration, excluding any period of incarceration in that time, in effect extending the 10 year period by an equal amount of time).

6. Nature of prior, current and subsequent convictions of crimes against the person within the last 10 years or subsequent to date of commitment of current incarceration (-6 points if any conviction for murder or sex crimes or first or second degree kidnapping; -4 points if any convictions for manslaughter or first or second degree arson, or first degree robbery or burglary; -2 points if any convictions for second or third degree robbery, assault, possession of a dangerous weapon, menacing, first degree reckless endangerment, second degree burglary, first degree criminal trespass, first degree riot, first degree coercion, unlawful imprisonment and criminally negligent homicide; 0 points if no convictions for crimes against the person. The 10 year period is counted back from the date of current incarceration, excluding any period of incarceration in that time, in effect, extending the 10 year period by an equal amount of time.)

Institutional Behavior Items

7. Program participation I (Maximum 3 points) Participation months are used to calculate this score. A participation month is a 30 day period of regular participation in either a program or a work assignment within the two years prior to application. 1 point may be earned by accumulating either -
   a) 8 participation months in work assignments
   b) 8 participation months in program, or
   c) 8 participation months in any combination of work assignment and program.

   2 points may be earned by accumulating 16 participation months, provided that no more than 12 of these months are for work assignment.
   3 points may be earned by accumulating 24 participation months, provided that no more than 12 of these months are for work assignment.

8. Program participation II (Maximum 1 point)
   An inmate may earn this point by accumulating 8 program or work assignment participation months for the period 25-36 months prior to application.

9. Discipline I (Maximum 4 points)
   (+1 point if 0 Disciplinary Proceeding decisions in the last 3 months imposing any term of special housing or keeplock or a loss of privileges for 14 days or more; +1 point if 1 or fewer Disciplinary Proceeding decisions imposing such penalties in the last six months; +1 point if 2 or fewer Disciplinary Proceeding decisions imposing such penalties in the last nine months; +1 point if 3 or fewer Disciplinary Proceeding decisions imposing such penalties in the last 12 months.

10. Discipline II (Maximum 1 point)
    (+1 point if three or fewer Disciplinary Proceeding decisions imposing any term of special housing or decisions imposing any term of special housing or keeplock, or a loss of privileges for 14 days or more in the period 12-24 months prior to application, provided that the inmate has been incarcerated at least 24 months at the time of application; 0 points if 4 or more)

11. Temporary release record
    (-6 points if convicted of a crime, or arrested pending disposition of charges, or absconded while on temporary release within the last year; -3 points if revoked from work release or educational leave for reasons other than rearrest or abscondance within the last year; -3 points if convicted, or arrested pending disposition of charges, or absconded while on temporary release within the period 13-24 months prior to application; -2 points if failed to proceed to or stay at approved destination while on temporary release, or if failed to comply with parole check-in requirements, or if returned late or under the influence of drugs or alcohol within the last 3 months; +2 points if most recent unescorted participation on temporary release was successful and occurred during the past year or +4 points if the two most recent unescorted participations on temporary release were successful and occurred during the past year; 0 points if none of the above)

Explanation of Point System Items

1. Previous Incarceration

If you have not been incarcerated (in jail or in prison) within the last 10 years after an adjudication, you get +1 point. If your only incarceration in the last 10 years resulted from a misdemeanor or youthful offender adjudication, you get 0 points. If you were incarcerated within the last 10 years for a felony adjudication, you score -1 point. Sentences to time served are counted as incarcerations after adjudication.

2. Number of Prior and Subsequent Felony Convictions

If your current conviction is your only felony conviction within the last 10 years, you get 2 points. If you were convicted of a felony either once before in the last

points. If in addition to your current conviction and one additional prior or subsequent conviction, you had other arrests resulting in a felony conviction, you lose 2 points.

3. Number of Prior or Subsequent Misdemeanor Convictions

If you have not been convicted of a misdemeanor within the last 10 years or after your current conviction, you get 1 point. You get 0 points if you have been convicted of 3 or fewer misdemeanors in the last 10 years or after your current conviction. If you have been convicted of 4 or more misdemeanors within the past 10 years or after your current conviction, you lose 1 point.

4. Outstanding Warrants at Time of or Subsequent to Commitment

If you have had any outstanding warrants at the time of or after you were incarcerated, you get no points. You get 2 points if you had no outstanding warrants. Immigration warrants and warrants which you can show were cleared solely because of a lack of evidence will not be counted.

5. Previous Revocations of Parole or Probation

If within the last 10 years, you never had parole or probation revoked because you were arrested or you absconded, you get 2 points. Otherwise, you get no points. It is presumed in the absence of a formal revocation proceeding that your parole or probation has been revoked if you are incarcerated following rearrest and conviction or absconding.

6. Nature of Prior and Current and Subsequent Conviction of Crimes Against the Person.

In this item, the more serious your crime against the person, the more points you lose. Attempted crimes will be included in the same categories as completed crimes.

You will lose 6 points if you have been convicted of any of the following crimes within the last 10 years:

OFFENSE	PENAL CODE SECTION
Murder in 1°	Section 125.27
Murder in 2°	" 125.25
Kidnapping 1°	" 135.25
Kidnapping 2°	" 135.20
Rape in 1°	" 130.38
Rape in 2°	" 130.30
Rape in 3°	" 130.25
Sexual Misconduct	" 130.20
Sodomy in 1°	" 130.50
Sodomy in 2°	" 130.45
Sodomy in 3°	" 130.40
Sexual Abuse 1°	" 130.65
Sexual Abuse 2°	" 130.60
Sexual Abuse 3°	" 130.55
Incest	" 255.25
Use of a Child in Sexual Performance	" 263.05
Promoting an Obscene Sexual Performance by a Child	" 263.10
Promoting a Sexual Performance by a Child	" 263.15

You will lose 4 points if you have ever been convicted of any of the following offenses within the last 10 years.

OFFENSE	
Manslaughter 1°	Section 125.26
Manslaughter 2°	" 125.15
Arson 1°	" 150.20
Arson 2°	" 150.15
Burglary 1°	" 140.30
Robbery 1°	" 160.15

You will lose 2 points if you have ever been convicted of any of the following crimes within the last 10 years.

Criminal Trespass 1°	Section	140.17
Burglary 2°	"	140.25
Robbery 2°	"	160.10
Robbery 3°	"	160.05
Criminally Negligent Homicide	"	125.10
Assault 1°	"	120.10
Assault 2°	"	120.05
Assault 3°	"	120.00
Possession of a dangerous weapon	"	265.05
Menacing	"	120.15
Reckless endangerment 1°	"	120.25
Unlawful imprisonment	"	135.10
Coercion 1°	"	135.65
Riot 1°	"	240.06

If you have ever been convicted of more than one of these crimes, you will be scored according to your most serious crime. For instance, if you have been convicted of manslaughter and second degree robbery, you would lose 4 points.

7. Program Participation I

Under this item you can earn up to 3 points for participating in programs or work assignments during the last 2 years. You can earn credit for each complete month of regular participation in a work assignment or program during this period, although you will not get credit for more than 12 months of participation in work assignments.

You can earn credit for more than one program or work assignment at the same time. For instance, if you participated in a work assignment in the morning and a program in

the afternoon, after one month of regular participation in both programs, you would receive credit for 2 participation months (1 month for program, 1 month for the work assignment). After 4 months you would have credit for 8 participation months, or 1 point.

You can earn 2 points by getting credit for 16 participation months, as long as no more than 12 are for work assignment.

You can earn 3 points by getting credit for 24 participation months, as long as no more than 12 are for work assignment.

8. Program Participation II

You can earn 1 point by getting 8 months credit for participating in programs or work assignment in the period 25-36 months prior to your application. You cannot earn this point unless you have been incarcerated for more than 24 months.

9. Discipline I

In this item you can earn up to 4 points. You can earn a point for having a good disciplinary record over the last 3 months, another point for having a good record over the last 6 months, another point for having a good record over the last 9 months, and a fourth point for having a good record over the last year. Therefore, it is possible to score 0, 1, 2, 3 or 4 points on this item.

You get 1 point for having no counted disciplinary proceedings in the last 3 months, another point for having 1 or fewer counted proceedings over the last 6 months, another point for having 2 or fewer counted proceedings over the last 9 months, and another point for having 3 or fewer counted proceedings over the last 12 months. Only disciplinary proceedings (Superintendent's proceedings or Adjustment Committee) which result in penalties of keeplock or special housing, or 14 days or more loss of privileges are counted for the purposes of this item.

10. Discipline II

You can earn 1 point on this item if you have been incarcerated for at least 24 months and if during the period 12-24 months prior to application you had 3 or fewer disciplinary proceedings resulting in any penalty of special housing or keeplock, or in a loss of privileges for 14 days or more.

11. Temporary Release Record

Item No. 11 gives you points if you have been out successfully on temporary release. It takes away points if you were out on temporary release and violated the conditions of your release. You get no points if you have never been out on unescorted temporary release.

If your most recent unescorted participation in temporary release was a success and took place in the last year during your current incarceration, you get 2 points. If the two most recent participations on temporary release were a success and took place in the last year during your current incarceration, you get 4 points. You get no points if it took place more than one year ago or was an escorted or a supervised group activity, or if you have had your parole revoked since your last successful participation in temporary release.

Under the new temporary release law, effective Sept. 1, 1977, anyone who, after disciplinary proceedings, has been found to be an absconder shall be ineligible for participation in temporary release. (For a complete discussion of furlough violations and penalties, see Program Rules: Furlough, beginning on page 38).

The following rules apply to the point scoring of absondances which took place before Sept. 1, 1977: You will lose 6 points if during the last year you absconded or were convicted of or arrested for a crime while on temporary release.

However, if the charges are dropped or you are found innocent, you won't lose any points. You will lose 3 points if these infractions were committed more than a year ago but less than 2 years ago (13-24 months prior to application). After 2 years you lose no points.

You will also lose 3 points if during the last year you have been revoked from a work or educational release program for reasons other than rearrest or absconding. However, if you participated in a work or educational release program and were returned voluntarily to a more secure facility, you will not lose any points.

You will lose 2 points if within the last 3 months you have returned from temporary release late or with evidence of drug use or excessive alcohol use or if you have failed to go to your approved temporary release destination, or failed to comply with parole check-in requirements.

If any of these violations took place over 3 months ago, you lose no points. (See Furlough Infractions, page 39). In figuring out your point score for this item, you may lose points on some things and gain some on others. For instance, if you were revoked from work release for reasons other than rearrest or absconding 10 months ago, you would lose 3 points. But if your last furlough 3 months ago was a success you would gain 2 points. Your overall point score for Item 11 would be -1 [(-3)+(+2) = -1].

Computation of Point Score

After each individual item has been scored, the total number of points is added up. Then a standard adjustment, +26 points, is added to that total to make sure the final score will not be negative.

The scores will be divided into four ranges - low-denied, low-ODOP, low-special consideration, and regular consideration. If you score in the low-denied range you will not be accepted into temporary release programs. If you score in the low-ODOP, low-special consideration or regular consideration range, your application will be referred to the Temporary Release Committee for their decision.

EXAMPLE:

Here is an example of how the scoring works. John is applying for his first furlough. This is the first time he has ever been incarcerated. He is doing time for second degree robbery, a crime he was convicted of once before. The first time he was convicted of robbery, 3 years ago, he was given probation, which he violated by being re-arrested. He was also once arrested for petit larceny, a Class A misdemeanor, but the charges were later dropped. When John was sentenced to the Department of Correctional Services on his second robbery conviction he had no outstanding warrants against him. John has been incarcerated for 20 months: He spent his first 3 months in orientation and waiting for an assignment. He worked as a porter for 4 months while taking educational classes in the afternoon. After 3 months he took his GED and passed. He then was assigned to work in the kitchen. After 2 months in the kitchen John began taking a print shop course in the afternoons as well. He worked in the morning and went to class in the afternoon for 6 more months. Two months ago, John started taking a

math class offered at night. He still works in the kitchen during the day.

In the first few months in prison, John got written up several times. He was keeplocked twice in the first 3 months and had his privileges taken away for a week 4 different times.

Eight months ago John got into a fight with another inmate. As a result the Adjustment Committee gave him 7 days keeplock. A month later he was written up for failure to comply with the grooming regulations. He appeared before the Adjustment Committee and was counseled and released. Four months ago he forgot to return several library books and was given loss of privileges for 3 days. Five weeks ago John got 14 days loss of privileges for being out of place.

Here is how John's score should be computed.

1. Previous Incarceration

   John gets 1 point for never having been incarcerated before. +1

2. Prior Felony Convictions

   John gets 0 points because he has 1 prior felony conviction. 0

3. Prior Misdemeanor Convictions

   John gets 1 point because he was never convicted of a misdemeanor. +1

4. Previous Revocation of Parole or Probation

   Because John's probation was revoked when he was re-arrested, he gets 0 points. 0

5. Outstanding Warrants at Time of Commitment

   John gets 2 points because he had no outstanding warrants at the time of his commitment. He did have an arrest warrant out when he was on probation but that was cleared up before he was sent to a correctional facility. +2

6. Nature of Prior and Current Convictions of Crimes Against the Person.

   John scores -2 points because he has a second degree

points even though he has 2 robbery convictions. -2

7. Program Participation

John gets +2 points because he has credit for 23 participation months for participating in programs and work assignments. If he continues with his math class for one more month he will have credit for 24 participation months and get 3 points on this item. The 23 participation months were accumulated in this way. +2

WORK ASSIGNMENT		PROGRAMS	
Porter	4 months	GED	3 months
Kitchen	13 months	Print Shop	6 months
	17 months	Math Class	2 months
			11 months

Under the rules John can only apply 12 of his work assignments to earn points on this item. The 11 program participation months are added to the 12 for a total of 23. Because points are earned in 8 participation month units, John has earned 2 points. When he has completed one more program month, he will get another point.

8. Program Participation II.

John gets no points because he has not been incarcerated long enough to earn these points. 0

9. Discipline I

John gets +3 points even though he has had 4 disciplinary infractions this year. John's points are calculated in this way. +3

A. 0-3 months ago- +0 points
(John had 1 proceeding resulting in loss of privileges for 14 days or more in the last 3 months (5 weeks ago).

B. 0-6 months ago- +1 point.
(John had only 1 proceeding resulting in loss of privileges for 14 days or more. Loss of privileges for 3 days is not counted.)

C. 0-9 months ago- +1 point
(In addition to the proceeding for being out of place, John's proceeding resulting in keeplock for fighting, 8 months ago, is counted. He has only 2 infractions in the 9 month period, so he gets another point.)

D. 0-12 months ago- +1 point
(John has only 2 counted disciplinary proceedings in the 12 month period so he gets another point. His infractions during his first few months of incarceration are not counted on this item, because they occurred more than 12 months ago.

10. Discipline II.

John gets 0 points because he has not been

11. Temporary Release Record

John gets 0 points because he has never been on temporary release before. 0

	—
Standard Adjustment	+7
	+26
TOTAL POINTS:	33

John would score 33, which is in the regular consideration range for furloughs but not for work release. Therefore, John will appear before the Temporary Release Committee and they will decide, using Central Office guidelines, if they think he should get a furlough. The Temporary Release Committee may reject his application because of his disciplinary record, and request him to re-apply in 8 weeks. If he gets no disciplinary penalties and continues in his math class, in that time John will pick up 1 point on Item 9 and 1 point on Item 7 and score 35 points, which will make him eligible for work release consideration. If the Temporary Release Committee and Central Office approve John for furlough, and the furlough is successful, he will then get 2 points on Item 10. If he has no more disciplinary infractions, he will score 37, which is a very good score for furlough consideration and a good score for work release.

III. HOW TO APPLY FOR TEMPORARY RELEASE

A. Notification to Temporary Release Committee

If you wish to apply for temporary release you should get a Notification to TRC Form from your counselor or block officer. (See Notification to TRC Form, page 44). After filling it out, send the form to the Temporary Release Committee interviewer. You will receive a notice from the interviewer telling you that he has received the form. You will also be told one of these things:

1. You are eligible for temporary release. The notice will also tell you the time and place of your appointment to meet with the interviewer to discuss your application.

2. You are ineligible for temporary release under the law because you have more than 1 year to go before possible parole or conditional release. The notice also will tell you when you will be eligible.

3. You are ineligible for temporary release because you have been convicted of an escape or absconding offense as defined in section 205 of the Penal Law, which includes the following:

OFFENSE

Escape 3°	Section 205.05
Escape 2°	" 205.10
Escape 1°	" 205.15
Absconding 2°	" 205.16
Absconding 1°	" 205.17
Absconding from furlough	" 205.18

You will also be considered ineligible for temporary release if you have out of state convictions for comparable offenses.

4. You are ineligible for temporary release because, since Sept. 1, 1977, following disciplinary proceedings, you have been found guilty of absconding from a temporary release program.

5. You are currently unable to participate in temporary release because, in the 8 weeks prior to application, you have committed a serious disciplinary infraction resulting in any penalty of special housing or of keeplock for longer than 14 days.

6. You are unable to participate in temporary release programs because there is a warrant outstanding against you. The notice will also tell you what kind of warrant it is and what you can do about it. (See Warrants, page 28 for more information).

After notice has been sent, if you are eligible, the interviewer will look at your institutional file and make a preliminary computation of your point score.

B. Preliminary Screening for Further Investigation Categories

In order to preserve public support of the Temporary Release Program, the Department must take great care in selecting inmates for participation in temporary release. Therefore, inmates with especially sensitive records who apply for temporary release will go through a special investigation procedure.

The interviewer and the Temporary Release Committee Chairman will check the file to see if you have been designated a Central Monitoring Case or if you have a history of mental instability.

If your file shows that any further investigation is needed, the Chairman will look into your case to decide whether the Temporary Release Committee should give careful consideration to any of these factors in deciding whether you should be accepted for temporary release. (See Further Investigation Categories, page 29).

C. Scoring the Application

Meeting with the Interviewer

When the point scoring and preliminary investigation are complete, you will meet with the interviewer to discuss the scoring of your application. The interviewer will tell you your probable point score and explain how it was arrived at. He will also tell you if your case might require further investigation. If you do not agree with some of the information on which the score is based, you should tell the interviewer. If, after talking it over with the interviewer, you still do not think the facts being used to score your application are right, ask the interviewer to check on them. He will make a note of the facts you think are wrong. After your interview, the interviewer will check on any information that you tell him is not correct by telephoning people, writing letters and by cross-checking all information available in your files. When the interviewer has completed checking the facts, your official point score will be figured out.

If you and the interviewer agree on the facts during the interview, you will be told which scoring category you fall into - low-denied, low-ODOP, low-special consideration, or regular consideration. Everyone will be given a copy of the scored application worksheet.

After the initial interview, a 48 hour period will be set aside for preliminary review of the application. During this time you can still tell the interviewer about any errors that you think were made in scoring items in your point score or in figuring out your overall point score. (Use Notification to TRC Form, #10-Comments). The interviewer uses this time to check on any information you tell him is not correct. Also during this time the Temporary Release Committee will check to see if your reason for

wanting temporary release is proper (permitted by law and in keeping with the aims of the program).

Your final score will become official when the 48 hour period is over. You will receive formal notice by mail from the Chairman of the Temporary Release Committee of your official point score and the range into which it falls.

Meeting with the Interviewer on Reapplication

You may discuss the scoring of your application with the interviewer each time you apply for temporary release. However, after your first application, you may not want to see the interviewer because your score has not changed or because you have no questions about your score. In that case, you may check the box on your Notification to TRC Form that shows that you do not wish to see the interviewer. (See Notification to TRC Form, Items #4 and 6, page 44). The interviewer will send you a copy of the filled-out application form when he notifies you of your point score in the mail. You again have 48 hours to bring any errors in scoring your application to the attention of the interviewer. You may also ask to see the interviewer to discuss the scoring. (See Notification to TRC Form, page 44. Use Item #10 "Comments" and write in your message in the space for further information). Again, your final score will become official when the 48 hour period is over.

Low Range Scores

If you fall into the low-denied range, you will not be accepted for temporary release. You will be told how you can accumulate additional points. You may apply again for temporary release in 8 weeks. However, you may not wish to apply at that time because your point score may not have changed at all or enough to make a difference. Each time you apply for temporary release and are turned down, you must wait another 8 weeks to apply. Therefore, if

think your point score will improve in 12 weeks, it is better to wait to apply at that time. In general, there is no reason to re-apply unless your point score has gone up to the middle range or you fall into the low-ODOP or low special consideration range.

Low-ODOP, Low-Special Consideration and Regular Consideration Range Scores

If you fall into the low-ODOP, low-special consideration or regular consideration ranges, you will be assigned a time to meet with the Temporary Release Committee to talk about your application. After your meeting with the Temporary Release Committee, you will be told by mail whether or not the Committee has approved your application. However, before you may go out, your application must be approved by Central Office if you fall into the Central Office Review categories, the low-ODOP or low-special consideration ranges or if your case required further investigation because you were designated a Central Monitoring Case or have had a history of mental instability.

D. Appearances Before the Temporary Release Committee

Everyone who scores in the low-ODOP, low-special consideration or regular consideration ranges has the right to see the Temporary Release Committee the first time he applies for each type of temporary release program. For instance, you may see the Committee the first time you apply for work release, even though you have applied for furlough several times before.

However, if you score in the regular consideration range and you have been out on temporary release successfully, you do not have to see the Temporary Release Committee each time you apply for the same program. You may, however, ask to appear before the Committee if your point score has gone

down on any item and you wish to explain what happened. Also, if you have been turned down by the Committee in the past and your point score has improved on any item, you have the right to see the Committee. In addition, the Committee at any time may ask to see you to help them make their decision.

IV. SPECIAL PROCEDURES

A. How to Apply for Leave of Absence

Applications for leave of absence will be treated the same way as applications for furlough. If you want a leave of absence to get necessary medical care not available in the facility, for instance, you must fill out an application form and give it to the interviewer. Your point score will be figured out and your file will be checked to see if you belong in one of the further investigation categories..

The Temporary Release Committee will then decide if your request for leave of absence is proper and should be granted. If the Committee approves your request, it will decide with the help of your point score whether your leave of absence should be escorted or unescorted. If you score in the low range, have ever been convicted of an escape or absconding offense or have been found by Department disciplinary proceedings to have absconded from a temporary release program, your leave of absence must be escorted. The level of supervision and the allotment of security personnel for providing escort services shall be determined by the Superintendent pursuant to rules and regulations of the Department. In addition, if you belong to a Central Office Review Category, Central Office must approve your application before you can be released.

B. How to Apply for Furlough or Leave of Absence in an Emergency

It may happen that something comes up unexpectedly and you want a furlough or leave of absence right away. If you

year away from possible parole or conditional release, you may apply for an emergency leave of absence.

If you wish to apply for a furlough or leave of absence in an emergency, you must follow these steps.

1. If the emergency comes up during normal working hours (Monday-Friday, 8 A.M. to 5 P.M.), contact the interviewer or the Chairman of the Temporary Release Committee. Tell him why you need to go out. If the Chairman decides that your situation is truly an emergency, the interviewer or Chairman will check your file to see if you fit into any of the further investigation categories and score your points immediately. Your point score and file will be given to the Superintendent.

If he agrees that the application has been scored properly, he will use the point score in making his release decision.

If you score in the low-special consideration or the regular consideration range, the Superintendent, after consulting with the Temporary Release Committee Chairman and Central Office, will decide whether to let you go out and whether the release will be escorted.

If you fall into the low range, the Superintendent may let you go out, but only with an escort.

2. If the emergency comes up on the weekend or at night and the Temporary Release Chairman or the interviewer is not available, contact the Superintendent directly. In such cases, the Superintendent alone will decide whether to let you go out and whether your release will be escorted or unescorted. He may use whatever information he has available in making a decision, including your score on the point system. Central Office must approve your release if you belong to a Central Office Review Category

C. Warrants

You cannot go out on temporary release if you have outstanding warrants from this or other jurisdictions which would be likely to cause your arrest if you were released from custody.

If you have any of the following warrants outstanding, you will not be able to participate in temporary release programs.

Warrants from State of New York

a. ODAS (Office of Drug Abuse Services)
NACC (Narcotic Addiction Control Commission) or
DACC (Drug Abuse Control Commission) warrants.

b. Family Court Warrant (except warrants issued solely for failure to provide child support or alimony.)

c. Criminal Detainer Warrant

d. Bail Warrant

e. Parole or Probation Violation Warrant

Warrants from Federal Authorities or States Other than New York

f. Immigration Warrant

g. Commitment Warrant

h. Criminal Detainer Warrant

i. Bail Warrant

j. Parole or Probation Violation Warrant

k. Military Warrant

If you have one of these warrants lodged against you and want to participate in temporary release, you must get the issuing authority to drop the warrant. (See your counselor and institutional parole officer about how to find out if you have warrants or detainers and how to get rid of them. Because it may take several months to clear up a warrant, you should not wait until you apply for temporary release to take care of your warrants).

The following warrants are not usually a bar to participating in temporary release:

1. Traffic court warrants

2. Family court warrants issued for failure to provide child support or alimony.

D. Further Investigation Categories

If you score in the low-ODOP, low-special consideration or regular consideration ranges and you have already been designated a Central Monitoring Case under the Department's Central Monitoring Case procedure, or if you may be an offender with a history of mental instability, your application will receive special attention before a decision is made on your application for temporary release.

If you have already been designated a Central Monitoring Case under the Department's Central Monitoring Case procedure, your application will go directly to the Temporary Release Committee for consideration. The Temporary Release Committee will consider all the facts in your case including the facts underlying your designation as a Central Monitoring Case in making its release decision. If you are denied temporary release, the Committee will specify its reasons when you are notified of its decision. (See Directive #0701 on Central Monitoring Cases and Review Procedures for more information).

If your case requires further investigation because you may be an offender with a history of mental instability, you will be informed when you get the official notice of your point score. In this case the interviewer will send your name and file to the Chairman of the Temporary Release Committee. The Chairman will look into your case carefully. If he thinks the facts relating to your psychiatric history are important, he will send your case to the Temporary Release Committee. He will tell the Committee to pay special attention to these facts in deciding whether you should be accepted for temporary release.

Notice of Referral

If the Chairman sends your case to the Temporary Release Committee he will send a notice to you by mail. The notice will tell you the following information:

1. Your application is being referred to the Temporary Release Committee because your record shows you may be an offender with a history of mental instability.
2. The evidence upon which the referral is being made. (There may be, however, some confidential information which cannot be given to you).
3. Your right to have your arguments heard on the issue before the Temporary Release Committee.
4. You may also be notified that the Chairman is recommending that you have an up-to-date psychiatric or psychological evaluation.

The Chairman will arrange an appointment with a doctor for you. If you do not wish to have a psychiatric or psychological examination, you may appear before the Temporary Release Committee without one. However, the Committee may decide that it cannot grant you temporary release without an up-to-date psychiatric examination. You can appeal such a decision by the Temporary Release Committee to the Central Office of the Department of Correctional Services (See Appeals, page 33).

Request for Hearing

When you get the notice of referral from the Chairman, you must tell him whether or not you wish to have your arguments heard. The purpose of the hearing is to give you a chance to show that the facts the Chairman is using to put you in the category of an offender with a history of mental instability are not correct.

If you agree that the facts are correct, you may not want to be heard. If you waive the hearing you are telling the Temporary Release Committee that you do not object to being treated as belonging to the category.

You must tell the Committee whether or not you want to be heard by checking the correct box on the notice form and returning it to the Committee within 5 days after notice has been sent. (See Notice of Hearing Form, Part B, page 46).

days or more than 28 days after notice is given. You may ask for a postponement if you have not had enough time to prepare for it. If you do not understand the nature of the hearing and feel unable to present your case, you may ask the TRC Chairman to appoint someone to help you prepare your case. You may present any letters, documents or reports that you want the Committee to consider.

Offender with a History of Mental Instability Category

An inmate may be classified as an offender with a history of mental instability if there is a reasonable basis in fact to conclude that the mental instability is such that the inmate's participation in temporary release programs may create an undue risk to the safety of the community or to himself.

Items relating to an inmate's psychiatric history that may be considered in making a determination that an inmate should be included in a further investigation category include the following:

1. Prior hospitalization for mental illness, including treatment in a military hospital.
2. A prior suicide attempt.
3. Prior referral to a hospital or institutional unit (such as Matteawan) for psychiatric diagnosis and evaluation.
4. Self-referral or referral by institutional staff for psychiatric evaluation.
5. A history of prolonged treatment for mental illness as an in or out-patient sufficient to suggest that the inmate's participation in temporary release programs would create an undue risk to the safety of the community or to himself.

Committee Findings

1. <u>You Do Not Belong in the Further Investigation Category</u>:

If the Committee finds that there is not enough evidence to show you belong in the category of an offender with a history of mental instability, it will enter its findings on the hearing form. Your application for temporary release will then be processed normally. The Committee will <u>not</u> be able to deny your application for temporary release because you have a history of mental instability. However, it may deny your application for other reasons, such as a bad disciplinary record.

2. You Do Belong in the Further Investigation Category:

The Committee may find that the facts indicating you are an offender with a history of mental instability are correct. In this case, or if you are designated a Central Monitoring Case, it may deny your application for temporary release if it thinks your release would pose an unwarranted threat to your safety or public safety or if your presence in the community could cause such an intense negative public reaction that your successful participation in the program would be made difficult or public acceptance of the program would be jeopardized. However, if the Chairman and the Committee unanimously feel that you would be suitable for temporary release even though you belong to a further investigation category, it may submit your application, along with its recommendation that you be approved for release and any statements you may wish to submit on your own behalf, to the Central Office for consideration. The Director of Temporary Release Services will give you written notice of the final decision in your case within 4 weeks of submission.

V. HOW TO APPEAL A DECISION OF THE TEMPORARY RELEASE COMMITTEE

All appeals are heard by the Central Office of the Department of Correctional Services in Albany.

There are four types of appeal to Central Office. You may appeal if you think that any or all of the following are true:

1. Appeal of the Point Score:

   Your point score is wrong because the interviewer relied on inaccurate information to score an item. Low range scores may be appealed.

2. Appeal of a Further Investigation Category:

   You were wrongly included in a category requiring further investigation and treated by the Temporary Release Committee as an offender with a history of mental instability. (Appeals of a Central Monitoring Case designation must be made according to CMC procedures. See Directive #0701.)

3. Appeal of a decision by the Temporary Release Committee on the merits:

   You were wrongly denied temporary release because the Temporary Release Committee made an unreasonable decision in your case.

4. Appeal for reconsideration by Central Office staff of its disapproval of your application as a Central Office Review case:

   You were wrongly denied temporary release because the Director of Temporary Release Programs and his staff made an unreasonable decision in your case. (There is no reconsideration of disapprovals by a Deputy Commissioner or the Commissioner of the Department.)

If you appeal, you must raise all your reasons for appeal at the same time. If you think items in your institutional record - program participation, discipline and temporary release record - are scored incorrectly, you should appeal them right away. Records will be easier to find and people will remember more about your case if

must fill out a form giving your reasons for appeal.

All appeals must be made within 10 days after notice of a final decision by the TRC or Central Office staff has been sent to you.

Example: Suppose John wishes to dispute the accuracy of Item #2 - prior felony convictions. He says that he was never convicted of robbery or any other felony before his current conviction and should get 2 points. If John is turned down for furlough, he can appeal to Central Office for two reasons.

1. The point score was wrong because he was never convicted of a felony before his current conviction.
2. The Temporary Release Committee made an unreasonable decision in denying his furlough even if the point was scored correctly.

If John had another reason to appeal, such as treatment as an offender with a history of mental instability, he must include that reason in the same appeal. Once the appeal goes to Central Office, Central Office will decide all the issues presented to it. In John's case, Central Office could decide that he was correct in saying that he had never been convicted of any felony before his current conviction. Records could show that the first robbery charge had been dismissed. Even so, the Appeals Officer might say that although the point was scored incorrectly, Central Office still agrees with the Temporary Release Committee's decision to deny John's furlough. However, if the Appeals Officer agrees with John and grants his appeal, Central Office would continue to process John's application and if finally approved by Central Office, would instruct the local Temporary Release Committee to let John go out on furlough.

If the Temporary Release Committee's decision to deny John a furlough is upheld in Central Office, John still will be able to apply for another furlough 8 weeks after he receives his notice of denial from the Temporary Release Committee. He might not want to apply if his record hasn't changed in any way, but he would have a

Vi. AFTER ACCEPTANCE: FINAL STEPS BEFORE RELEASE

A. Field Investigations

Before anyone who is approved for temporary release may go out, a field investigation must be completed. A parole officer will contact your family and other members of the community to see if arrangements can be made for your visit. If the results of the investigation show no problems, you will be able to go out. However, if the investigation shows that the home or community situation would make successful participation in temporary release difficult, you will not be able to go out until the problem is cleared up.

B. Disciplinary Infractions After Acceptance

If you receive a disciplinary penalty after you have been accepted for temporary release but before you go out, your application for temporary release will be re-scored and re-evaluated by the Temporary Release Committee. (A new disciplinary infraction can affect the scoring of Item 9 of the point system.) If your new score falls in the low-denied range, you will not be able to go out on temporary release. If your score falls in the regular consideration range you must appear before the Temporary Release Committee for reconsideration of your application.

If you commit a serious disciplinary infraction which results in a penalty of confinement in special housing for any length of time or keeplock for longer than 14 days, you will not be eligible for temporary release participation until 8 weeks after you have finished serving your penalty. After the 8 week period you may

Rescoring After Disciplinary Infraction

Example: Here is what would happen to John if he had a disciplinary infraction after he has been approved for furlough but before he goes out.

Because John has had one successful furlough, his point score on his latest application is 37. A week before he was to go out on furlough, John got into a fight in the yard. He was given 10 days in special housing as a result of a Superintendent's Proceeding. The hearing officer notified the Temporary Release Committee and John's application was rescored. Items 1-8 remain the same. Item 9 would be changed. John receives no points for the period 0-3 months because he has 2 serious infractions in that period. He also loses the point for the period 0-6 months because he now has 2 serious infractions in that period. He now has 3 serious infractions in the period 0-9 months before application and he also loses that point. He keeps the point he earned for the period 0-12 months because he has 3 or fewer serious infractions in that period. He scores 1 on item 9 and his new score is 35. John is not eligible to participate in temporary release until 8 weeks after he has finished serving his penalty. At that time he may apply again and the Temporary Release Committee will reconsider his application.

C. Temporary Release Rules Agreement

Before you can go out on temporary release you must agree to follow the rules for temporary release. Some of the rules are set by the Temporary Release Committee. The Committee can tell you such things as where you may go and the route you must take to get there. It may also ask you to follow special rules. For instance, you may be told that you cannot drink alcohol or drive a motor vehicle while on temporary release. You will also be told how and when to contact the Parole Officer who will be supervising you while you are on temporary release. You will also be informed that "PARTICIPATION IN TEMPORARY RELEASE PROGRAMS MAY BE TERMINATED WHEN, IN THE JUDGEMENT OF THE TEMPORARY RELEASE COMMITTEE, AN INMATE'S CONTINUED PARTICIPATION IN THE

rules will be written down and you must sign a copy to show that you agree to follow them. Also, you must sign a copy of the following agreement:

> "I accept the foregoing program and agree to be bound by the terms and conditions thereof. I understand that I will be under the supervision of the State Department of Correctional Services while I am away from the premises of the institution and I agree to comply with the instructions of any parole officer or other employee of the department assigned to supervise me. I understand that my participation in the program is a privilege which may be revoked at any time and that if I violate any provision of the program I may be taken into custody by any peace officer and I will be subject to disciplinary procedures. I further understand that if I intentionally fail to return to the institution at or before the time specified in the memorandum I may be found guilty of a felony."

VII. PROGRAM RULES: FURLOUGH

A. Furlough Guidelines

The furlough program was developed so that inmates who were within a year of being released would have a chance to go out and prepare for their release. Because everyone wants to take a furlough as often as he can, it was necessary to lay down some rules about how often furloughs may be taken. The rules encourage you to spread your furlough time out over the year. They also make it possible for you to take several shorter furloughs just before release so you can set yourself up with a job and a place to live. There are four furlough rules for inmates in general confinement facilities.

1. No one may take -

   a) more than 28 days in any furlough year
   b) more than 14 days in the first 6 months of any furlough year.
   c) more than 7 days in any 28 day period.

2. No one may take a furlough longer than 7 days.

3. No one may take more than 6 furloughs a year.

4. The furlough year begins on the date an inmate takes his first furlough and ends one calendar year thereafter.

Within the rules, an inmate may take his furlough time whenever he wants. It is a good idea to try to plan your furloughs well ahead so that you will have furlough time available to you when you need it - to share in a specific family occasion such as a birthday or wedding, to look for a job prior to release, or for family emergencies. Poor planning may result in your not having

lough year.

B. Furlough Infractions

The temporary release law says that only inmates who are responsible enough to handle furloughs and who won't be a threat to the community can go out. Inmates who break the rules for furlough endanger the entire furlough program. Therefore, violations of furlough rules such as committing a crime, absconding, coming back late or with evidence of drug use or alcohol abuse must be penalized.

If you break the rules your score on the point system will go down. This will hurt your chances for going out on temporary release again. For instance, if you are late in returning from a furlough, you will lose 2 points on Item 10 of the point system. If your rule violation leads to a disciplinary proceeding, you may also lose points on Item 9 of the point system. Even if your loss of points is not enough to make you score in the low range, the Temporary Release Committee may decide that your failure to follow the rules means that you are not able to handle a furlough. If you are found to be an absconder you will become ineligible for temporary release.

Lateness

Here are the rules governing late returns to the facility:

1. An inmate is late if he has not returned to the facility by the time he was due.

2. Inmates who are late

   a) lose 2 points on Item # 11 in the point system and

   b) may lose time from the next furlough at the rate of 3 hours for every hour or part of an hour they are late or are subject to disciplinary action and penalties, including loss of privileges, keeplock and special housing.

3. Inmates who are late with an excuse lose time from the next furlough at the rate of 3 hours for every hour or part of an hour they are late or are subject to disciplinary action and penalties.

If an inmate does not return to the facility by the time he is due because of delays in public transportation beyond his con-

delay through the bus company, train station, etc. Therefore, if you are late because your bus broke down you will not be considered late. However, if the bus you took would not have gotten you in on time even if it didn't break down, you will be considered late. Also, if you missed the bus and you were late in returning because another one did not leave for several hours, you will be considered late. It is your responsibility to know the bus schedule and to plan your time so that you won't miss the bus that will get you back on time.

If an inmate is late for a reason other than proven delays in public transportation, he will be considered late. If you are able to show that your reason for being late was a good one, you will be considered late with an excuse.

In order to make things as fair as possible for everyone, anyone wishing to be considered late with an excuse must be able to provide proof of the reason for his lateness. If the car breaks down while the family is driving you back to the facility, you must have something to document the breakdown. A note or receipt for services from the filling station, tow truck, or state police are examples of ways you could show you had a breakdown. If you are late because you had to bring your child to the doctor, then you should get something from the doctor showing you were there. A note from your wife saying that you brought your child to the doctor will not be enough.

This rule may seem harsh but it is necessary. Everyone on furlough wants to stay home as long as possible. Some people try to stretch their time on furlough by always returning late because they have had an emergency. It is very difficult for the Temporary Release Committee to decide whether your excuse is true. It can only decide if you have enough evidence to back up your story.

Remember, even if you do not lose points for being late with an excuse, you could lose time on your next furlough at the rate

of 3 hours for every hour or part of an hour you are late.

You also risk penalties from disciplinary actions. You will have to decide whether an emergency is important enough to lose time and risk disciplinary action. If it is important and you have some proof that it happened, you will not lose points as well.

Absconding

An inmate is considered an absconder if he intentionally fails to return to the institution where he is confined by the time he is due to return. An inmate may be classified as an absconder at any time the facility has reason to believe he does not intend to return. If an inmate has not returned to the institution within 5 hours after the time he was due, it is assumed that he does not intend to return and a warrant for his arrest will be issued. Absconding from temporary release is a Class E Felony punishable by up to 4 years in prison. (See Penal Law Section 205.17). If you cannot return to the facility by the time you are due and you do not wish to be classified an absconder, you must do one of the following:

1. You must contact the facility in advance of the time you are due to return to try to arrange an extension of your temporary release time.

You must call enough in advance of the time you are due so that if your request for an extension of furlough is denied you will be able to make it back to the facility on time.

2. If you cannot arrange for an extension of furlough, you must contact the facility to let them know of your difficulties in returning on time. The facility will then tell you what you must do in order not to be classified as an absconder. You will be considered late, however, unless the facility actually extends your temporary release time.

If you return to the facility voluntarily more than 5 hours after you were due, without having contacted the facility to arrange either to have your time extended or to make arrangements for a late return, you will be classed as an absconder. (If you are more than 10 hours late, under Section 856 (2) of the temporary re-

absconders face disciplinary hearings on their return. At the hearing you will have a chance to explain why you did not return on time. The hearing will decide whether you are to be treated as late, late with an excuse, or an absconder. The burden is on you to show why you should not be treated as an absconder. You must show unusual and compelling reasons why you were not able to return on time or contact the facility before your return.

If you are found to be an absconder, by law you will become ineligible for temporary release. You are also subject to penalties resulting from disciplinary proceedings and court action.

Drug and Alcohol Abuse

The use of drugs and the abuse of alcohol while on temporary release is forbidden. If you return to the facility with evidence of drug use or under the influence of alcohol you will lose 2 points on Item 11 of the point system and be subject to a loss of more points due to disciplinary action. If you return to the facility both late and under the influence of drugs or alcohol, you will lose 4 points, with the possibility of a loss of more points for any disciplinary action taken.

DESCRIPTIVE STATISTICS ON MPI SAMPLE
(TOTAL N= 1379)

APPENDIX F

VERA INSTITUTE OF JUSTICE
RESEARCH DEPARTMENT
275 Madison Avenue
New York, New York 10016

Vera Institute of Justice
December 22, 1977

7174

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ACQUISITIONS

DISTRIBUTION OF TOTAL NUMBER OF PRIOR MISDEMEANOR SENTENCES (N=1379)

No. of Sentences	%	cp	N	cf
0	48	48	665	665
1	20	68	280	945
2	14	82	198	1143
3	8	90	113	1256
4	4	94	53	1039
5 or more	6	100	66	1375
TOTAL	100	100	1375	1375

MISSING CASES: 4

TOTAL:1379

$\bar{X}$ = 1.27

S.D. = 2.114

Median = .580

Range: 0 - 39

DISTRIBUTION OF TOTAL NUMBER OF PRIOR FELONY SENTENCES (N = 1379)

Prior Felony Sentences	%	c.p	N	cf
0	68.7	68.7	944	944
1	21.3	90.0	293	1237
2	6.8	96.8	94	1331
3	1.7	98.5	24	1355
4 or more	1.5	100	21	1376
TOTAL	100	100	1376	1376

MISSING CASES: 3

TOTAL:1379

$\overline{X}$ = .469

S.D. = .858

Median = .229

Range: 0 - 8

DISTRIBUTION OF TOTAL NUMBER OF PRIOR SENTENCES (N=1379)

Total No.of Prior Sentences	%	c p	N	cf
0	38	38	519	519
1	20	58	280	799
2	17	75	237	1036
3	10	85	135	1171
4	7	92	91	1262
5	3	95	40	1302
6 or more	5	100	74	1376
TOTAL	100	100	1376	1376

MISSING CASES: 3

TOTAL: 1379

$\overline{X}$ = 1.726

S.D. = 2.443

Median = 1.104

Range: 0 - 40

DISTRIBUTION OF TOTAL NUMBER OF PRIOR JAIL TERMS (N = 1379)

No. of Prior Jail Terms	%	cp	N	cf
0	63.3	63.3	871	871
1	18.1	81.4	248	1119
2	8.4	89.8	115	1234
3	4.4	94.2	60	1294
4	2.6	96.8	36	1330
5 or more	3.2	100	44	1374
TOTAL	100	100	1374	1374

MISSING CASES: 5

TOTAL: 1379

$\overline{X}$ = .822

S.D. = 1.723

Median = .239

Range: 0 - 30

DISTRIBUTION OF TOTAL NUMBER OF PRIOR PRISON TERMS (N = 1379)

Total Number of Prior Prison Terms	%	cp	N	cf
0	87.4	87.4	1202	1202
1	9.2	96.4	127	1329
2	2.4	99.0	33	1362
3 or more	1.0	100	14	1376
TOTAL	100	100	1376	1376

MISSING CASES: 3

TOTAL: 1379

$\overline{X}$ = .180

S.D. = .570

Median = .072

Range: 0 - 8

NUMBER OF PRIOR PROBATION REVOCATIONS (N = 1379)

0:	94%	(1296)
1 or more:	6%	(82)
TOTAL:	100%	1378
	Missing Cases:	1
		1379

TABLE X

CURRENT OFFENSE COMMITTED WHILE ON PROBATION

No:	89%	(1231)
Yes:	11%	(145)
TOTAL:	100%	1376
	Missing Cases:	3
		1379

DISTRIBUTION OF TOTAL NUMBER OF PRIOR PAROLE REVOCATIONS

None:	94%	(1294)
1:	5%	(62)
2 or more:	1%	(20)
TOTAL:	100%	1376

Missing Cases: 3

FELONY CLASS OF MOST SERIOUS CONVICTION OFFENSE (N=1379)

Class	%	N
A	0	0
B	20	280
C	30	415
D	25	343
E	10	139
YO	15	201
TOTAL:	100	1378
	MISSING CASES:	1
	TOTAL:	1379

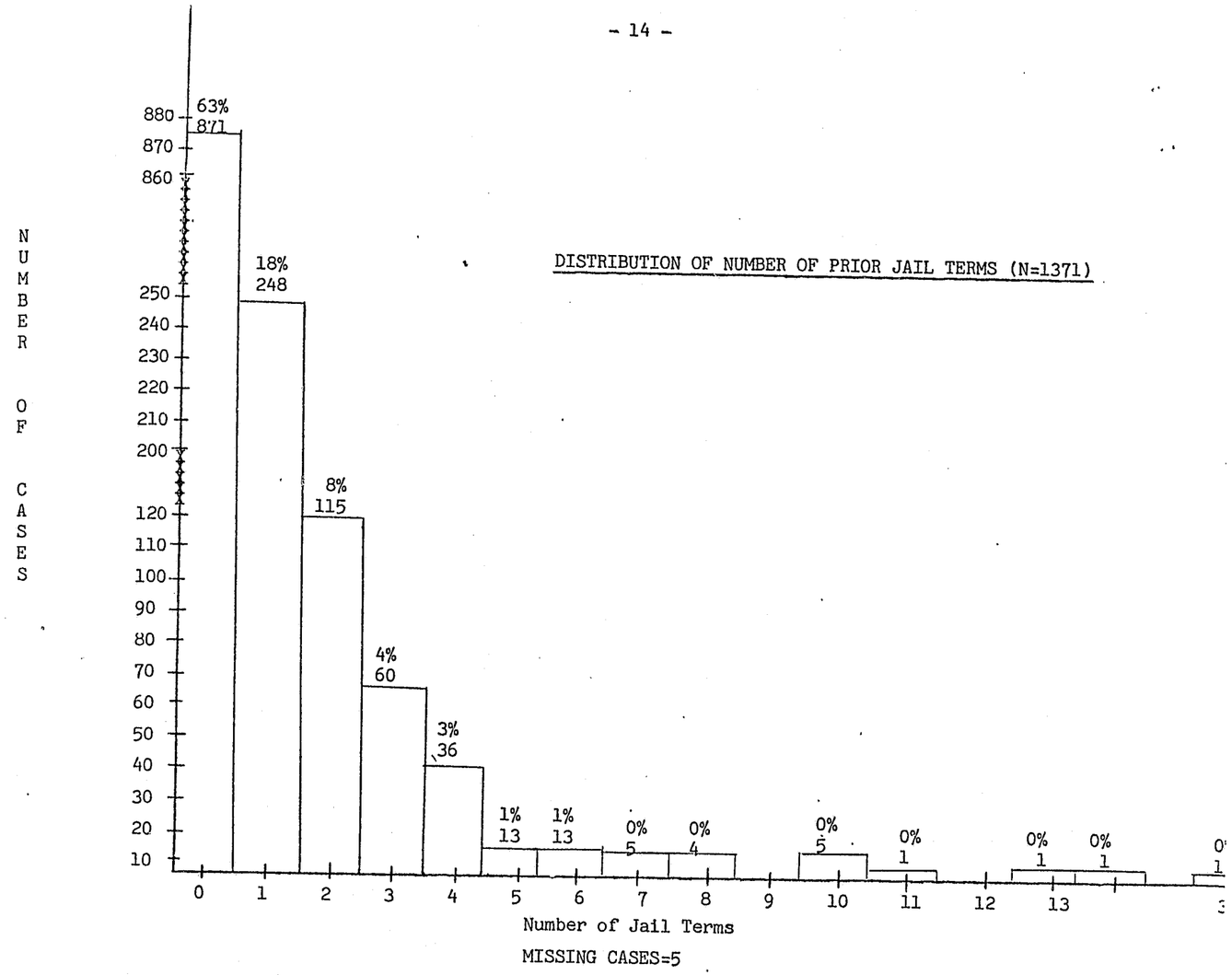
FELONY CLASS OF MOST SERIOUS INDICTMENT OFFENSE (N=1379)

Class	%	N
A	12	160
B	53	691
C	17	217
D	16	215
E	2	23
TOTAL:	100	1306
	MISSING CASES:	73
	TOTAL:	1379

FELONY CLASS OF MOST SERIOUS ACTUAL OFFENSE (N=1379)

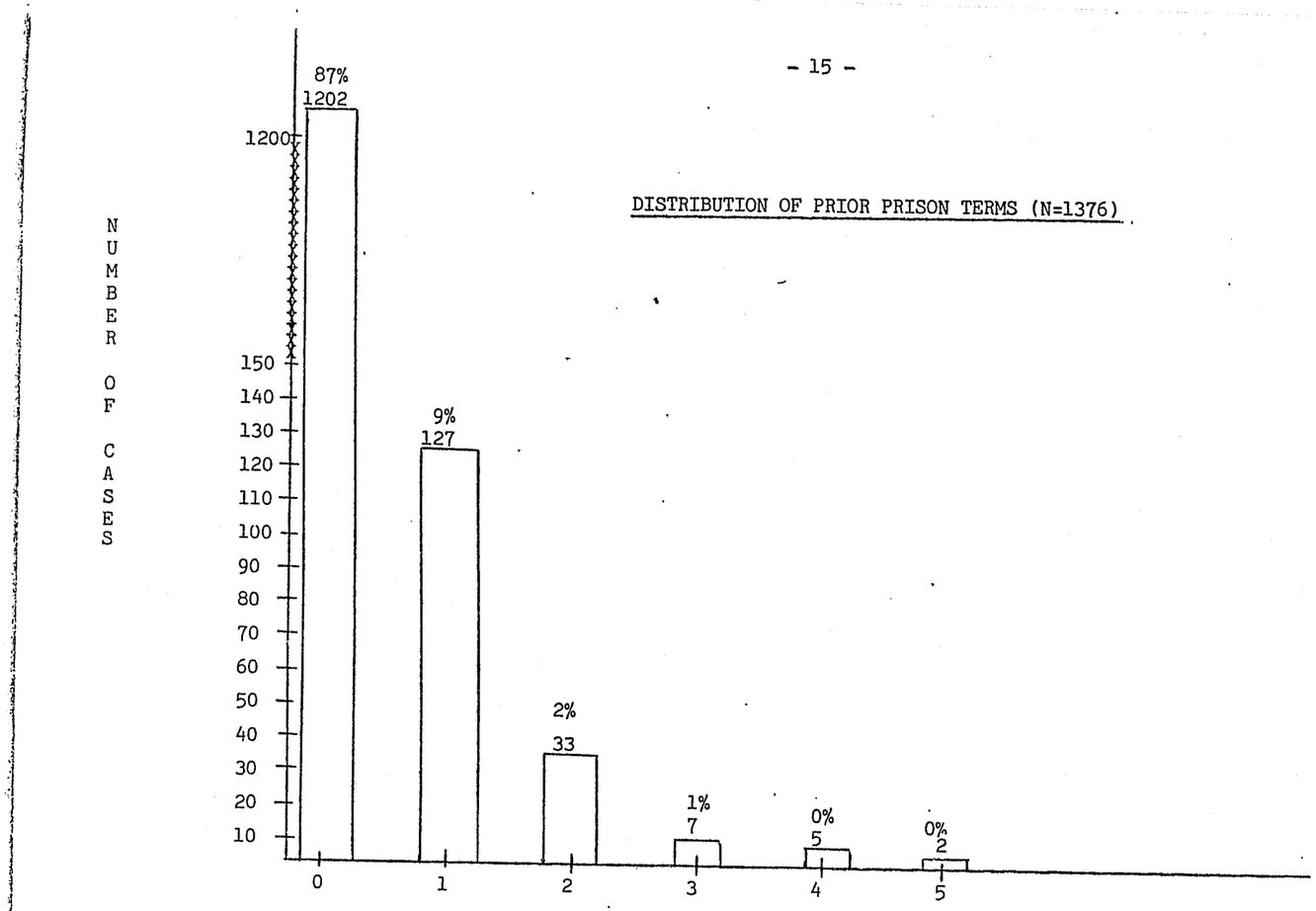
Class	%	N
A	8	106
B	55	745
C	19	262
D	16	219
E	2	29
TOTAL:	100	1361
	MISSING CASES:	3
	TOTAL:	1379

DISTRIBUTION OF NUMBER OF PRIOR JAIL TERMS (N=1371)

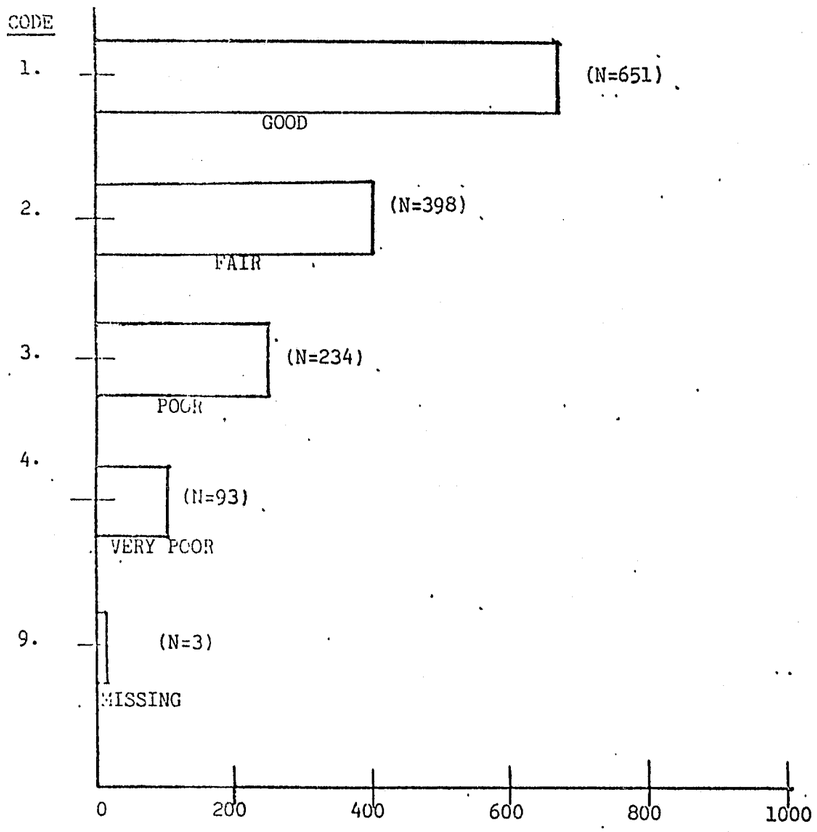


MISSING CASES=5

DISTRIBUTION OF PRIOR PRISON TERMS (N=1376)



MISSING CASES=3



DISTRIBUTION OF PRIOR CRIMINAL RECORD SCORES

Mean=1.832 Median=1.593

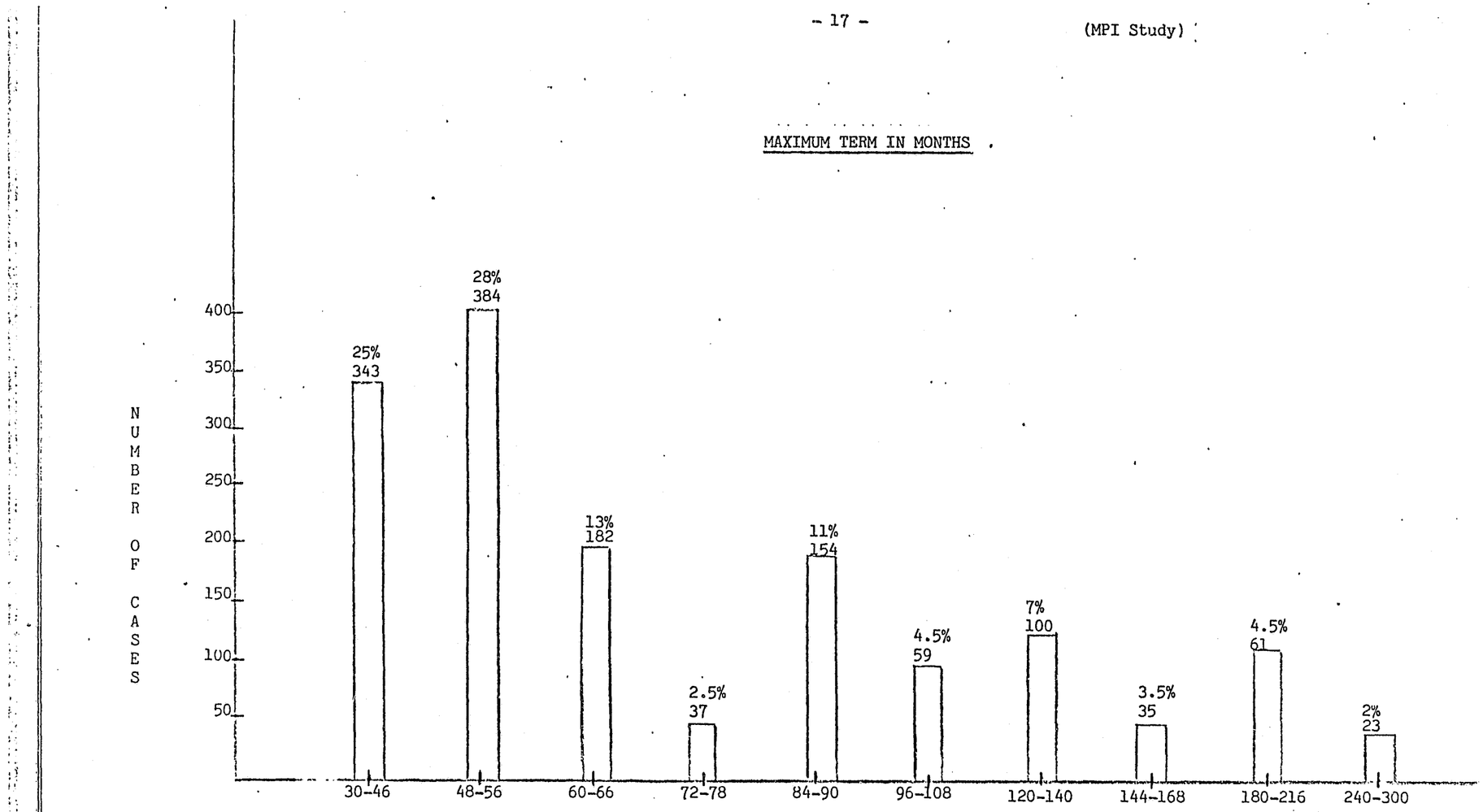
Std.Dev.=0.941

Valid Cases=1376 Missing Cases=3

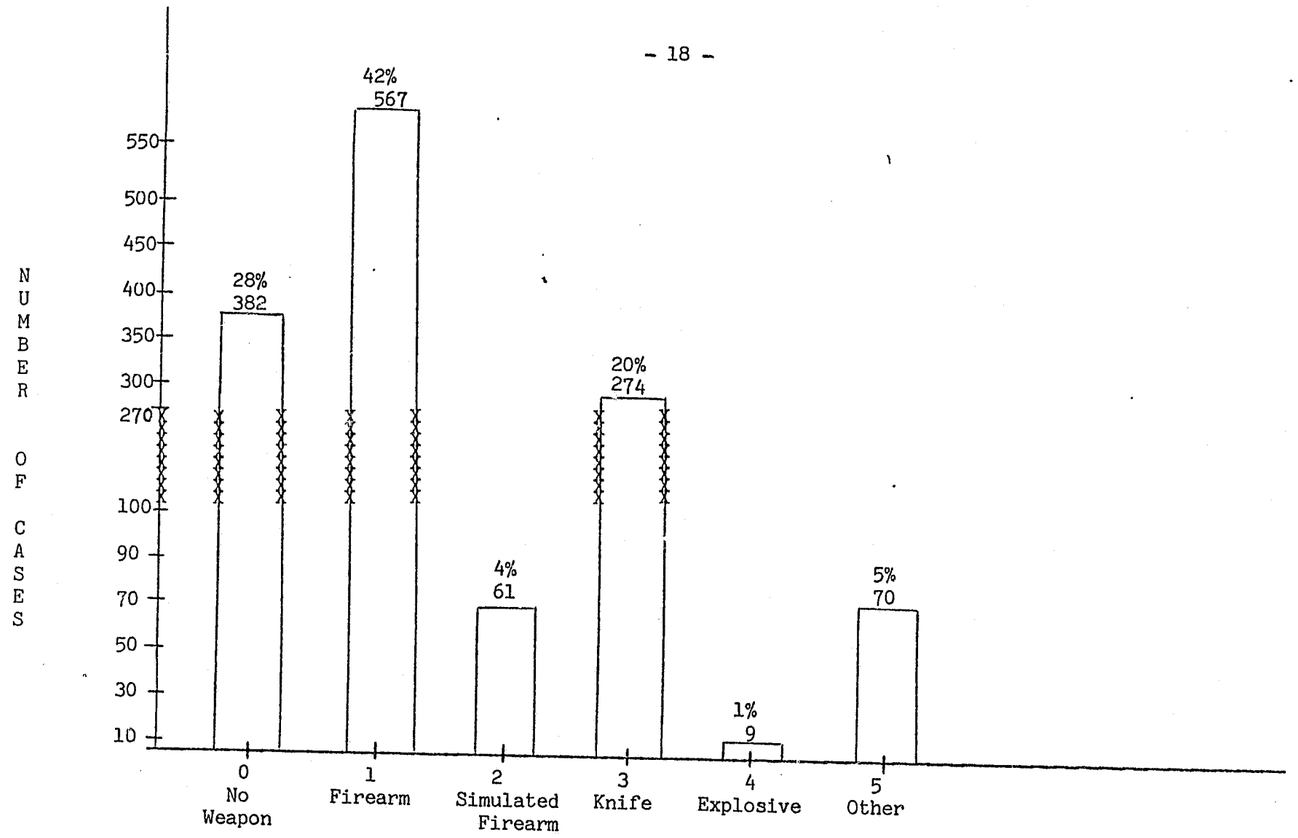
CONTINUED

3 OF 7

MAXIMUM TERM IN MONTHS

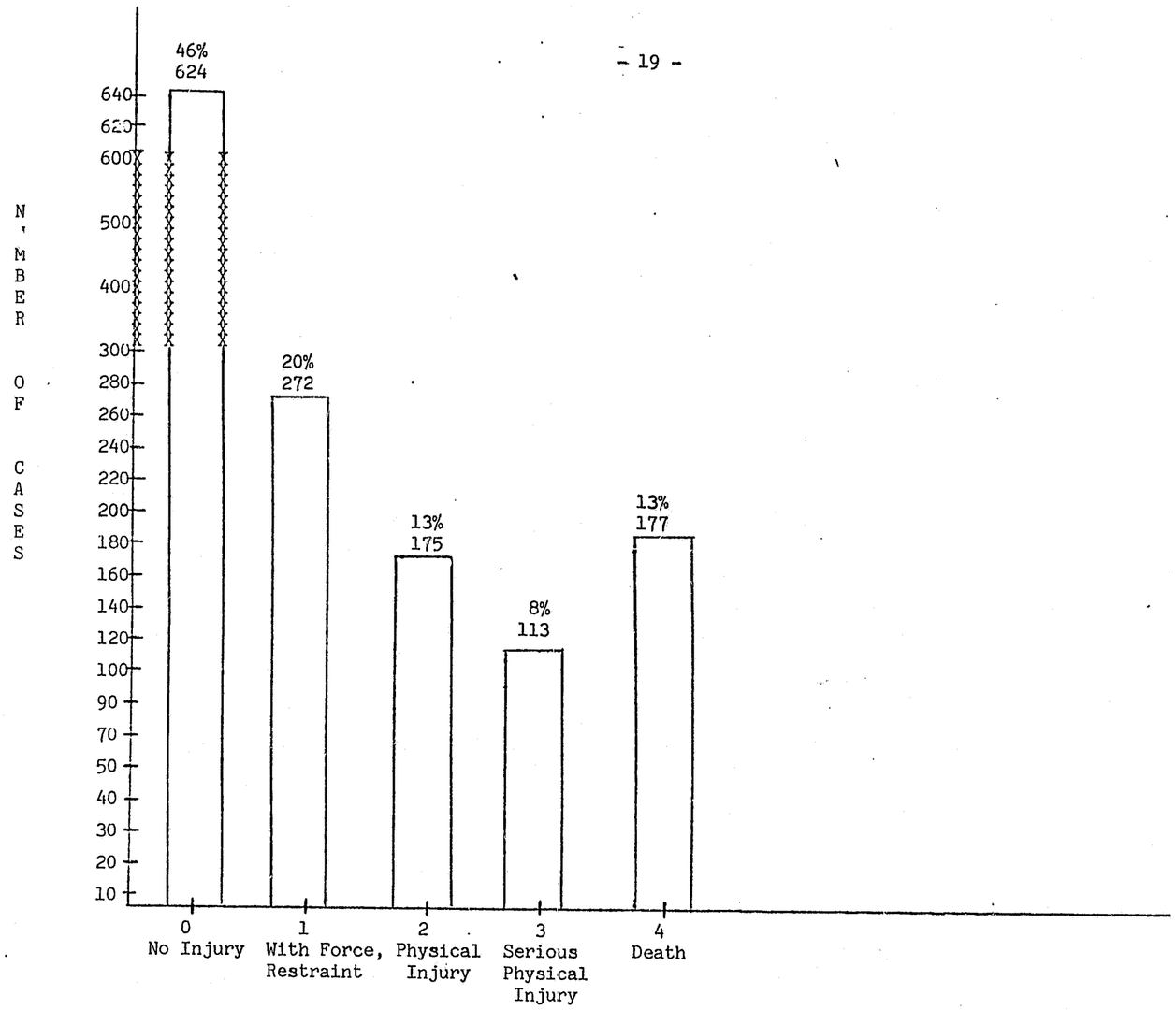


MISSING CASES=1



WEAPON CODE (N=1363)

MISSING CASES=16



INJURY CODE (N=1361)

MISSING CASES=18

APPENDIX F

CHART 1

Distribution of Time Served According
to Prior Criminal Record Scores and
Major Offense Categories (Computer Tabulated)
(Board-Set)

The offense categories listed in this chart are not mutually exclusive. Rather, they reflect the "actual" offense descriptions, in some cases with specific aggravating circumstances which were of particular interest to Parole staff. The chart actually reports on 1294 cases. This reflects the total number of Board-set cases in the release study (1379), less 85 cases which fell into miscellaneous offense classifications.

DISTRIBUTION OF TIME SERVED ACCORDING TO PRIOR CRIMINAL RECORD SCORES AND MAJOR OFFENSE CATEGORIES (MPI-RELEASE STUDY-11/14/77)

ACTUAL OFFENSE	Good (8,7)	Fair (6,5)	Poor (4,3)	Very Poor (2,1,0)
Murder-2 Class A (N=77)	N = 45 Mean = 42.6 S.D. = 14.8 100% Range = 16.7-77.2 80% Range =22.8-60.3 Median = 40.6 M± 5 =35.6-45.6 N Cases = 14 % Cases = 31.1	N = 14 Mean = 48.5 S.D. = 25.6 100% Range =16.6-101.6 80% Range =20.5-73.5 Median = 38.9 M± 5=33.9-43.9 N Cases = 4 % Cases = 28.6	N = 13 Mean = 49.4 S.D. = 19.3 100% Range =36.1-108.6 80% Range =37.0-55.6 Median = 43.8 M± 5=38.8-48.8 N Cases = 3 % Cases = 23.1	N = 5 Mean = 61.9 S.D. = 21.9 100% Range=36.2-86.3 80% Range - Median = 54.1 M± 5=49.1-59.1 N Cases = 2 % Cases = 40.0
Attempted Murder-2 Class B (N=58)	N = 30 Mean = 30.4 S.D. = 18.5 100% Range = 15.2-94.7 80% Range = 17.5-39.8 Median = 25.7 M± 5 = 20.7-30.7 N Cases = 13 % Cases = 43.3	N = 20 Mean = 40.0 S.D. = 10.3 100% Range =21.3-54.3 80% Range =26.2-51.6 Median = 37.2 M± 5 = 32.2-42.2 N Cases = 8 % Cases = 40.0	N = 5 Mean = 43.9 S.D.= 14.1 100% Range =30.2-63.4 80% Range - Median = 45.5 M± 5 = 40.5-50.5 N Cases = 2 % Cases = 40.0	N = 3 Mean = 36.7 S.D.= 15.7 100% Range=19.3-49.8 80% Rauge - Median = 41 M± 5 =36.0-46.0 N Cases = 1 % Cases = 33.3
Manslaughter-1 Class B (N=91)	N = 49 Mean = 38.8 S.D. = 14.9 100% Range =14.4-76.0 80% Range = 19.7-57.6 Median = 35.5 M± 5 =30.5-40.5 N Cases = 16 % Cases = 32.7	N = 21 Mean =40.1 S.D. =13.5 100% Range =14.9-64.1 80% Range =20.3-52.2 Median = 45.3 M± 5 = 40.3-50.3 N Cases = 7 % Cases = 33	N = 13 Mean = 41.0 S.D. = 15.3 100% Range =19.2-72.8 80% Range =26-53.7 Median = 39.4 M± 5=34.4-44.4 N Cases = 3 % Cases = 23	N = 8 Mean = 46.6 S.D. = 17.9 100% Range=18.6-74.3 80% Range - Median = 44.1 M± 5 = 39.1-49.1 N Cases = 4 % Cases = 50
Rape with Physical Injury or Serious Physical Injury Class B (N=21)	N = 14 Mean =32.9 S.D.=14.1 100% Range = 16.6-62.1 80% Range =18.4-44.1 Median =26.2 M± 5=21.2-31.2 N Cases = 3 % Cases = 21.4	N = 4 Mean =43.6 S.D. =15.8 100% Range=20.6-55.7 80% Range - Median =48.1 M± 5 =43.1-53.1 N Cases = 2 % Cases = 50.0	N = 3 Mean =53.6 S.D.=22.9 100% Range =37.1-79.7 80% Range - Median = 44.0 M± 5=39.0-49.0 N Cases=1 % Cases=33.0	N = 0 Mean - S.D. - 100% Range - 80% Range - Median - M± - N Cases - % Cases -

ACTUAL OFFENSE	Good (8,7)	Fair (6,5)	Poor (4,3)	Very Poor (2,1,0)
Robbery with Serious Physical Injury; with Weapon Class B (N=23)	N = 10 Mean = 27.1 S.D.= 10.1 100% Range =13.6-48.1 80% Range =16.0-32.4 Median = 25.7 M± 5 = 20.7-30.7 N Cases = 4 % Cases = 40.0	N = 5 Mean= 49.0 S.D. = 14.1 100% Range =38.1-71.0 80% Range - Median =41.1 M± 5= 36.1-46.1 N Cases = 3 % Cases = 60.0	N = 6 Mean= 35.5 S.D= 11.9 100% Range=19.3-51.9 80% Range - Median=35.9 M±5 =30.9-40.9 N Cases = 2 % Cases = 33.3	N= 2 Mean= 52.0 S.D.= 32.0 100% Range =29.4-74.6 80% Range - Median =52.0 M± - N Cases - % Cases -
Robbery with Serious Physical Injury; no Weapon Class B (N=6)	N = 3 Mean = 19.9 S.D.=4.6 100% Range =14.8-23.3 80% Range - Median =21.7 M± 5=16.7-26.7 N Cases = 2 % Cases = 66.7	N = 2 Mean = 27.5 S.D. =8.6 100% Range = 21.5-33.6 80% Range - Median = 27.5 M± - N Cases - % Cases -	N = 1 Mean =17.2 S.D. - 100% Range - 80% Range - Median =17.2 M± - N Cases - % Cases -	N = 0 Mean - S.D.- 100% Range- 80% Rauge - Median - M± - N Cases - % Cases -
Robbery with Physical Injury; with Weapon Class B (N==69)	N = 35 Mean = 21.5 S.D. = 5.6 100% Range = 12.9-32.7 80% Range =15.0-29.7 Median = 20.0 M± 5 = 15.0-25.0 N Cases = 22 % Cases = 62.9	N = 22 Mean = 32.0 S.D. = 18.7 100% Range = 15.2-86.2 80% Range =15.6-53.0 Median = 25.9 M± 5 = 20.9-30.9 N Cases = 7 % Cases = 31.8	N = 18 Mean= 27.6 S.D.= 18.0 100% Range= 12.4-88.1 80% Range=15.3-36.4 Median = 21.7 M± 5=16.7-26.7 N Cases = 11 % Cases = 61.1	N = 4 Mean = 37.0 S.D.= 17.4 100% Range=13.7-55.0 80% Range - Median = 39.6 M± 5 =34.6-44.6 N Cases =2 % Cases =50.0
Robbery with Weapon; No Injury Class B (N=424)	N = 202 Mean =23.8 S.D. =9.3 100% Range =12.0-58.1 80% Range =14.3-34.5 Median =21.3 M±5=16.3-26.3 N Cases =95 % Cases =47.0	N =118 Mean =27.9 S.D. =11.8 100% Range =13.6-77.4 80% Range =17.4-44.5 Median =24.3 M±5=19.3-29.3 N Cases = 57 % Cases = 43.2	N = 78 Mean =33.9 S.D.=14.7 100% Range =15.8-88.3 80% Range=18.3-49.5 Median = 32.0 M± 5=27.0-37.0 N Cases =19 % Cases = 24.4	N = 26 Mean = 44.7 S.D.=12.6 100% Range =16.8-72.5 80% Range =31.1-56.5 Median =41.8 M± 5=36.8-46.8 N Cases = 13 % Cases = 50.0

ACTUAL OFFENSE	Good (8,7)	Fair (6,5)	Poor (4,3)	Very Poor (2,1,0)
Robbery-1 Class B (N=545)	N =257 Mean=23.7 S.D.=9.3 100% Range =12.0-63.2 80% Range =14.5-33.8 Median =21.4 M± 5=16.4-26.4 N Cases =125 % Cases =48.6	N=150 Mean=29.3 S.D.=13.5 100% Range =13.6-86.2 80% Range =17.2-46.1 Median =25.9 M± 5=20.9-30.9 N Cases=50 % Cases=33.3	N=106 Mean=32.6 S.D.=15.2 100% Range=12.4-88.3 80% Range=18.3-49.5 Median=28.0 M±5=23.0-33.0 N Cases =26 % Cases =24.5	N=32 Mean=44.2 S.D=14.2 100% Range=13.7-74.6 80% Range =29.4-56.5 Median=41.9 M± 5-36.9-46.9 N Cases =14 % Cases =43.7
Sodomy with Physical Injury Class B (N=2)	N =1 Mean =47.3 S.D. - 100% Range - 80% Range - Median =47.3 M± - N Cases - % Cases -	N =0 Mean - S.D. - 100% Range - 80% Range - Median - M± - N Cases - % Cases -	N=1 Mean=21.5 S.D.- 100% Range - 80% Range - Median=21.5 M± - N Cases - % Cases -	N =0 Mean - S.D. - 100% Range - 80% Range - Median - M± - N Cases - % Cases -
Rape-1 Class B (N=68)	N =40 Mean =29.8 S.D.=11.1 100% Range =12.3-62.1 80% Range =18.1-42.7 Median =28.5 M± 5=23.5-33.5 N Cases =14 % Cases =35.0	N =18 Mean =36.2 S.D.=17.2 100% Range =17.5-78.3 80% Range =19.5-55.7 Median =29.6 M± 5=24.6-34.6 N Cases =3 % Cases =16.7	N=6 Mean =42.9 S.D.=21.8 100% Range=16.4-79.7 80% Range - Median =40.5 M± 5=35.5-45.5 N Cases =2 % Cases =33.3	N=4 Mean =30.6 S.D.=12.5 100% Range=17.3-45.9 80% Range - Median=27.5 M± - N Cases - % Cases -
Assault-1 Class C (N=27)	N =11 Mean=18.2 S.D.=5.9 100% Range =12.2-33.2 80% Range =12.7-19.8 Median =17.3 M± 5=12.3-22.3 N Cases = 9 % Cases =81.8	N=8 Mean=30.2 S.D.=14.8 100% Range=15.1-61.3 80% Range=15.8-34.2 Median =31.6 M±5=26.6-36.6 N Cases = 4 % Cases = 50.0	N=6 Mean=27.8 S.D.=10.9 100% Range =17.1-41.4 80% Range - Median=20.9 M± 5=15.9-25.9 N Cases = 3 % Cases = 50,70	N =2 Mean=44.4 S.D.=6.1 100% Range=40.1-48.7 80% Range - Median=44.4 M± - N Cases - % Cases -

ACTUAL OFFENSE	Good (8,7)	Fair (6,5)	Poor (4,3)	Very Poor (2,1,0)
Manslaughter-2 Class C (N=12)	N = 9 Mean = 26.7 S.D. =14.9 100% Range =12.2-55.2 80% Range =12.2-46.0 Median =21.2 M± 4=17.2-25.2 N Cases =4 % Cases =44.4	N = 2 Mean =34.9 S.D. =1.1 100% Range =34.1-35.6 80% Range - Median =34.9 M± - N Cases - % Cases -	N=0 Mean - S.D. - 100% Range - 80% Range - Median - M± - N Cases - % Cases -	N = 1 Mean - S.D. - 100% Range - 80% Range - Median - M± - N Cases - % Cases -
Burglary-1 Class B (N=10)	N =3 Mean =29.5 S.D. =11.3 100% Range =23.0-42.6 80% Range - Median =23 M± - N Cases - % Cases -	N=4 Mean =21.7 S.D. =2.1 100% Range =20.0-24.0 80% Range - Median =20.5 M± - N Cases - % Cases -	N=3 Mean =33.4 S.D =12.9 100% Range =22.4-42.6 80% Range - Median =30.2 M± - N Cases - % Cases -	N - Mean - S.D. - 100% Range - 80% Range - Median - M± - N Cases - % Cases -
Sodomy Class B (N=8)	N=6 Mean =39.9 S.D. =10.5 100% Range =28.3-54.1 80% Range - Median =36.7 M± - N Cases - % Cases -	N=0 Mean - S.D. - 100% Range - 80% Range - Median - M± - N Cases - % Cases -	N=2 Mean =21.6 S.D. =0.2 100% Range =21.5-21.8 80% Range - Median =21.6 M± - N Cases - % Cases -	N=0 Mean - S.D. - 100% Range - 80% Range - Median - M± - N Cases - % Cases -
Arson-3 Class C (N=6)	N =3 Mean =16.8 S.D. =5.1 100% Range =13.3-22.6 80% Range - Median =14.5 M± - N Cases - % Cases -	N=1 Mean - S.D. - 100% Range - 80% Range - Median - M± - N Cases - % Cases -	N=1 Mean - S.D. - 100% Range - 80% Range - Median - M± - N Cases - % Cases -	N=1 Mean - S.D. - 100% Range - 80% Range - Median - M± - N Cases - % Cases -

ACTUAL OFFENSE	Good (8,7)	Fair (6,5)	Poor (4,3)	Very Poor (2,1,0)
Robbery-2 Class C (N=130)	N = 55 Mean =22.6 S.D.= 8.4 100% Range =12.1-39.5 80% Range =13.9-31.0 Median = 22.1 M±4=18.1-26.1 N Cases =18 % Cases =32.7	N = 51 Mean = 24.8 S.D.= 10.5 100% Range =13.0-52.7 80% Range =15.4-37.8 Median =21.4 M± 4=17.4-25.4 N Cases =18 % Cases =35.3	N = 14 Mean = 28.9 S.D. = 14.8 100% Range =15.9-67.9 80% Range =19.6-42.3 Median =22.1 M± 4=18.1-26.1 N Cases =7 % Cases =50	N= 10 Mean= 31.0 S.D.= 11.0 100% Range=12.2-41.9 80% Range=19.1-41.8 Median = 30.0 M± 4=26.0-34.0 N Cases=1 % Cases =10
Robbery with Physical Injury Class C (N=20)	N = 10 Mean=18.4 S.D.=5.0 100% Range =12.1-27.1 80% Range =13.9-26.0 Median =16.4 M± 4=12.4-20.4 N Cases =6 % Cases =60.0	N =9 Mean= 25.2 S.D. =9.0 100% Range =13.0-38.6 80% Range =16.4-36.8 Median = 23.4 M± 4=19.4-27.4 N Cases = 4 % Cases =44.4	N =1 Mean = 67.9 S.D. - 100% Range - 80% Range - Median =67.9 M± - N Cases - % Cases -	N= 0 Mean- S.D. - 100% Range - 80% Rauge - Median - M± - N Cases- % Cases-
Robbery; No Injury;With Simulated Weapon Class B (N=47)	N =21 Mean =24.0 S.D.=10.4 100% Range =12.6-49.5 80% Range =13.9-39.8 Median =22.8 M± 4=18.8-26.8 N Cases = 9 % Cases = 42.9	N =17 Mean =26.0 S.D. =11.5 100% Range =15.3-52.7 80% Range =15.4-37.8 Median =21.9 M± 4=17.9-25.9 N Cases = 5 % Cases = 29.4	N =6 Mean=28.7 S.D.=13.7 100% Range=17.6-49.7 80% Range - Median =20.5 M± - N Cases - % Cases -	N =3 Mean=27.5 S.D.=14.2 100% Range=12.2-40.3 80% Range - Median = 30.0 M± - N Cases - % Cases -
Robbery with Accomplices Class B (N=52)	N = 20 Mean =22.6 S.D. =7.0 100% Range =12.4-34.9 80% Range = 15.4-31.0 Median =23.3 M±4 = 19.3-27.3 N Cases = 4 % Cases =20.0	N = 24 Mean =24.3 S.D. =10.7 100% Range =14.4-51.2 80% Range = 15.1-36.0 Median =19.7 M± 4 = 15.7-23.7 N Cases = 11 % Cases = 45.8	N = 5 Mean=22.9 S.D.=6.5 100% Range=15.9-33.6 80% Range = - Median =21.5 M±4 =17.5-25.5 N Cases = 3 % Cases = 60.0	N = 3 Mean=28.8 S.D.=11.8 100% Range=19.1-41.9 80% Range - Median=25.4 M± - N Cases - % Cases -

ACTUAL OFFENSE	Good (8,7)	Fair (6,5)	Poor (4,3)	Very Poor (2,1,0)
Rape - No Injury Class B (N=47)	N = 26 Mean=28.1 S.D. =8.9 100% Range =12.3-48.2 80% Range =17.9-38.2 Median =28.5 M± 4=24.5-32.5 N Cases = 7 % Cases = 26.9	N =14 Mean = 34.1 S.D. =17.5 100% Range= 17.5-78.3 80% Range = 19.5-48.3 Median = 24.3 M± 4= 19.3-28.3 N Cases= 5 % Cases= 35.7	N= 3 Mean= 32.1 S.D.= 17.9 100% Range= 16.4-51.5 80% Range = - Median= 28.4 M± - N Cases - % Cases -	N=4 Mean=30.6 S.D =12.5 100% Range=17.3-45.9 80% Range - Median =27.5 M± - N Cases - % Cases -
Assault-2 Class D (N=12)	N =7 Mean=19.8 S.D.=3.9 100% Range=15.3-25.9 80% Range - Median =18.5 M± 4=14.5-22.5 N Cases =5 % Cases =71.4	N=5 Mean=23.5 S.D.=3.0 100% Range=19.5-27.5 80% Range - Median =24.4 M± - N Cases - % Cases -	N=0 Mean - S.D. - 100% Range - 80% Range - Median - M± - N Cases - % Cases -	N=0 Mean - S.D. - 100% Range - 80% Range - Median - M± - N Cases - % Cases -
Burglary-2 Class C (N=38)	N =8 Mean =19.0 S.D.=5.0 100% Range =13.5-30.2 80% Range - Median =17.0 M± 3=14.0-20.0 N Cases =4 % Cases =50	N =14 Mean=22.6 S.D.=7.0 100% Range=13.7-35.5 80% Range =14.1-29.0 Median =20.8 M± 4=16.8-24.8 N Cases =5 % Cases =35.7	N=13 Mean=24.1 S.D=12.1 100% Range=15.9-61.2 80% Range =16.2-27.3 Median=19.1 M± 4= 15.1-23.1 N Cases =7 % Cases =53.8	N=2 Mean=31.5 S.D=15.1 100% Range =20.8-42.1 80% Range - Median=31.5 M± - N Cases - % Cases -
Sexual Abuse-1 Class D (N=5)	N =4 Mean=17.6 S.D.=2.9 100% Range =14.6-21.3 80% Range - Median =17.0 M± - N Cases - % Cases -	N=1 Mean - S.D. - 100% Range- 80% Range - Median - M± - N Cases - % Cases -	N=0 Mean - S.D. - 100% Range- 80% Range - Median - M± - N Cases - % Cases -	N=0 Mean - S.D. - 100% Range- 80% Range - Median - M± - N Cases - % Cases -

ACTUAL OFFENSE	Good (8,7)	Fair (6,5)	Poor (4,3)	Very Poor (2,1,0)
Burglary-3 Class D (N=121)	N =49 Mean =18.8 S.D.=6.2 100% Range=12.0-39.4 80% Range =13.5-26.1 Median =17.2 M± 3=14.2-20.2 N Cases =22 % Cases =44.9	N =39 Mean=20.5 S.D.=5.2 100% Range =12.2-35.4 80% Range =15.0-25.9 Median =19.4 M± 3=16.4-22.4 N Cases =15 % Cases =38.5	N =23 Mean=20.2 S.D.=5.9 100% Range =12.3-34.2 80% Range =14.9-27.4 Median =18.6 M± 3=15.6-21.6 N Cases =10 % Cases =43.5	N=10 Mean=25.2 S.D.=6.7 100% Range=16.7-36.4 80% Range=17.0-32.1 Median =23.4 M±3 =20.4-26.4 N Cases =2 % Cases =20
Robbery-3 Class D (N=15)	N =2 Mean =18.5 S.D. =6.0 100% Range =14.3-22.8 80% Range - Median =18.5 M± - N Cases - % Cases -	N =7 Mean=19.6 S.D.=5.6 100% Range =12.7-28.3 80% Range - Median =21.1 M± - N Cases - % Cases -	N =4 Mean=23.2 S.D.=9.8 100% Range =13.4-36.2 80% Range - Median =20.7 M± - N Cases - % Cases -	N =2 Mean=19.4 S.D=1.5 100% Range =18.4-20.5 80% Range - Median =19.4 M± - N Cases - % Cases -
Criminal Possession of a Weapon-3 Class D (N=9)	N =6 Mean =18.4 S.D. =3.4 100% Range =15.9-24.7 80% Range - Median =16.4 M± - N Cases - % Cases -	N =3 Mean =26.0 S.D. =5.5 100% Range =21.0-31.9 80% Range - Median =25.2 M± - N Cases - % Cases -	N =0 Mean - S.D. - 100% Range - 80% Range - Median - M± - N Cases - % Cases -	N=0 Mean - S.D. - 100% Range - 80% Range - Median - M± - N Cases - % Cases -
Forgery (N=15)	N =2 Mean =23.1 S.D. =14.9 100% Range =12.6-33.6 80% Range - Median =23.1 M± - N Cases - % Cases -	N =6 Mean =20.6 S.D. =9.1 100% Range =15.6-58.9 80% Range - Median =16.1 M± - N Cases - % Cases -	N =2 Mean =38.6 S.D.=0.3 100% Range =38.4-38.8 80% Range - Median =38.6 M± - N Cases - % Cases -	N=5 Mean=29.4 S.D.=8.6 100% Range =21.1-42.5 80% Range - Median =30.4 M± - N Cases - % Cases -

ACTUAL OFFENSE	Good (8,7)	Fair (6,5)	Poor (4,3)	Very Poor (2,1,0)
Grand Larceny-2 Class D (N=20)	N =13 Mean=17.4 S.D.=4.1 100% Range =12.2-24.6 80% Range =12.6-22.2 Median =17.2 M± 3 =14.2-20.2 N Cases =12 % Cases =38.5	N =6 Mean=16.1 S.D=2.0 100% Range=14.0-19.3 80% Range - Median =15.2 M± - N Cases - % Cases -	N =1 Mean - S.D. - 100% Range - 80% Range - Median - M± - N Cases - % Cases -	N =0 Mean - S.D. - 100% Range - 80% Range - Median - M± - N Cases - % Cases -
Grand Larceny-3 Class E (N=12)	N = 4 Mean =20.6 S.D. =1.9 100% Range =18.8-22.3 80% Range - Median =20.2 M± - N Cases - % Cases -	N =2 Mean =21.3 S.D.=2.5 100% Range =19.6-22.1 80% Range - Median =21.3 M± - N Cases - % Cases -	N =4 Mean =20.2 S.D.=7.0 100% Range=15.7-30.6 80% Range - Median= 17.1 M± - N Cases - % Cases -	N =2 Mean =16.8 S.D.=0.4 100% Range=16.6-17.1 80% Range - Median =16.8 M± - N Cases - % Cases -
Kidnapping-2 Class B (N=8)	N = 5 Mean = 39.9 S.D. = 19.8 100% Range =13.0-65.5 80% Range =18.1-49.1 Median = 45.2 M± 5 = 40.2-50.2 N Cases = 2 % Cases = 40.0	N = 2 Mean= 34.2 S.D.= 2.4 100% Range = 32.0-36.5 80% Range - Median - M± - N Cases - % Cases -	N = 1 Mean = 46.4 S.D.- 100% Range - 80% Range - Median = 46.4 M± - N Cases - % Cases -	N = 0 Mean - S.D. - 100% Range - 80% Range - Median - M± - N Cases - % Cases -
Reckless Endangerment-1 Class D (N=8)	N = 6 Mean = 17.5 S.D.= 3.3 100% Range =13.2-22.2 80% Range - Median =16.2 M± 3=13.2-19.2 N Cases = 3 % Cases = 50.0	N = 0 Mean - S.D.- 100% Range - 80% Range - Median - M± - N Cases - % Cases -	N = 2 Mean = 23.0 S.D.= 9.2 100% Range =16.6-29.5 80% Range - Median =23.0 M± - N Cases - % Cases -	N = 0 Mean - S.D. - 100% Range- 80% Range - Median - M± - N Cases - % Cases -

DESCRIPTIVE STATISTICS ON MPI DRUG SAMPLE (N=69)

Vera Institute of Justice
December 22, 1977

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DISTRIBUTION OF PRIOR MISDEMEANOR SENTENCES (N=69)

No. of Sentences	Percent	Cumulative Percentages	N	Cumulative Frequencies
0	48	48	33	33
1	22	70	15	48
2	11	81	8	56
3	7	88	5	61
4	1	90	1	62
5	4	94	3	65
8	3	97	2	67
9	2	99	1	68
10	1	100	1	69

DISTRIBUTION OF PRIOR FELONY SENTENCES (N=69)

No. of Sentences	Percent	Cumulative Percentages	N	Cumulative Frequencies
0	62	62	43	43
1	19	81	13	56
2	13	94	9	65
3	1	96	1	66
4	3	99	2	68
9	1	100	1	69

DISTRIBUTION OF TOTAL NUMBER OF SENTENCES (N=69)

Total No. of Sentences	Percent	Cumulative Percentages	N	Cumulative Frequencies
0	35	35	24	24
1	23	58	16	40
2	12	70	8	48
3	7	77	5	53
4	9	86	6	59
5	6	92	4	63
6	1	93	1	64
7	1	94	1	65
8	2	96	1	66
11	3	99	2	68
17	1	100	1	69

DISTRIBUTION OF PRIOR JAIL TERMS (N=69)

Jail Terms	Percent	Cumulative Percentages	N	Cumulative Frequencies
0	61	61	42	42
1	20	81	14	56
2	6	87	4	60
3	3	90	2	62
4	4	94	3	65
6	2	96	1	66
7	1	97	1	67
8	2	99	1	68
10	1	100	1	69

DISTRIBUTION OF PRIOR PRISON TERMS (N=69)

No. of Prison Terms	%	Cumulative Percentages	N	Cumulative Frequencies
0	81	81	56	56
1	7	88	5	61
2	6	94	4	65
3	3	97	2	67
4	2	99	1	68
7	1	100	1	69

DISTRIBUTION OF PRIOR PROBATION REVOCATIONS (N=69)

No. of Revocations	Percent	Cumulative Percentages	N	Cumulative Frequencies
0	96	96	66	66
1	4	100	3	69

DISTRIBUTION OF PRIOR PAROLE REVOCATIONS (N=69)

No. of Revocations	Percent	Cumulative Percentages	N	Cumulative Frequencies
0	90	90	62	62
1	6	96	4	66
2	3	99	2	68
3	1	100	1	69

DISTRIBUTION OF CURRENT OFFENSE COMMITTED WHILE ON PROBATION (N=69)

Category	Percent	Cumulative Percentages	N	Cumulative Frequencies
No	90	90	62	62
Yes	10	100	7	69

DISTRIBUTION OF FELONY CLASS OF MOST SERIOUS ACTUAL OFFENSE(N=63)

Felony Class	Percent	Cumulative Percentages	N	Cumulative Frequencies
(1) A-I	25	25	16	16
(3) C	19	44	12	28
(4) D	5	49	3	31
(7) A-II	22	71	14	45
(8) A-III	29	100	18	63

DISTRIBUTION OF FELONY CLASS OF MOST SERIOUS INDICTMENT OFFENSE(N=60)

Felony Class	Percent	Cumulative Percentages	N	Cumulative Frequencies
(1) A-I	10	10	6	6
(2) B	7	17	4	10
(3) C	58	75	35	45
(4) D	12	87	7	52
(7) A-II	6	93	4	56
(8) A-III	7	100	4	60

MISSING CASES=9

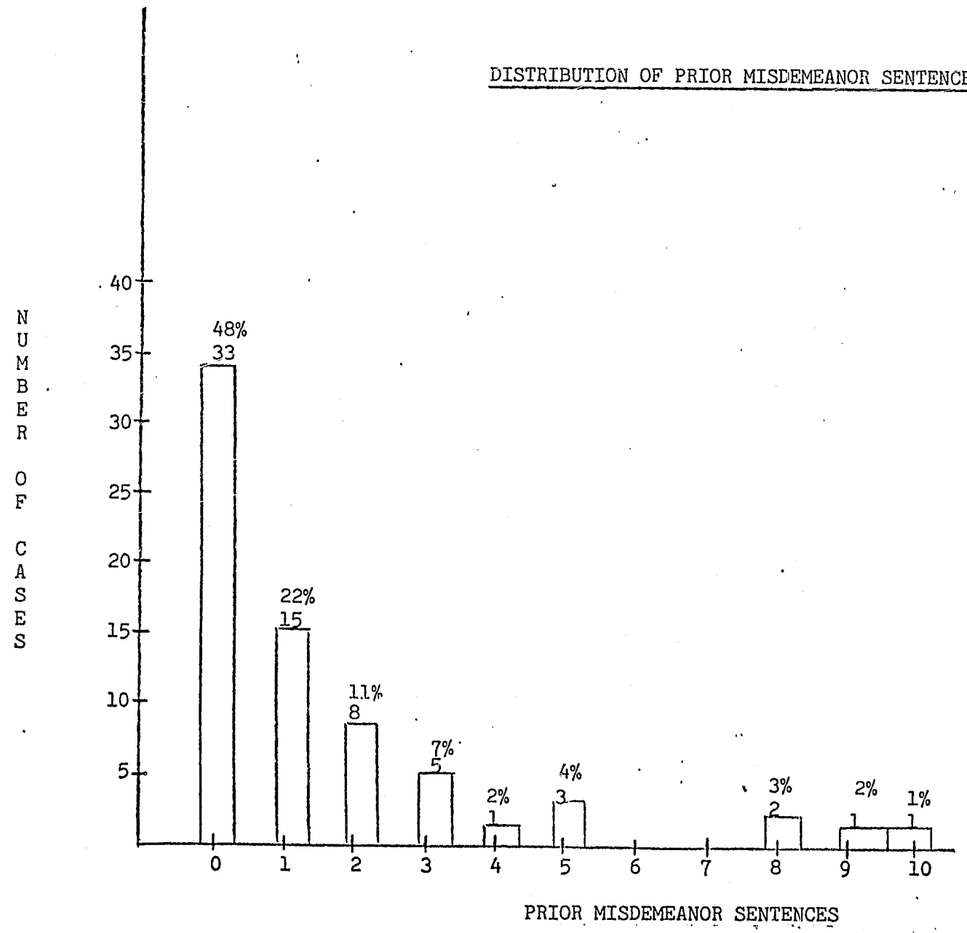
DISTRIBUTION OF FELONY CLASS OF MOST SERIOUS CONVICTION CRIME (N=69)

Felony Class	Percent	Cumulative Percentages	N	Cumulative Frequencies
(1) A-I	1	1	1	1
(2) B	11	12	7	8
(3) C	42	54	29	37
(4) D	30	84	21	58
(5) E	7	91	5	63
(6) Y.O.	8	99	5	68
(7) A-II	1	100	1	69

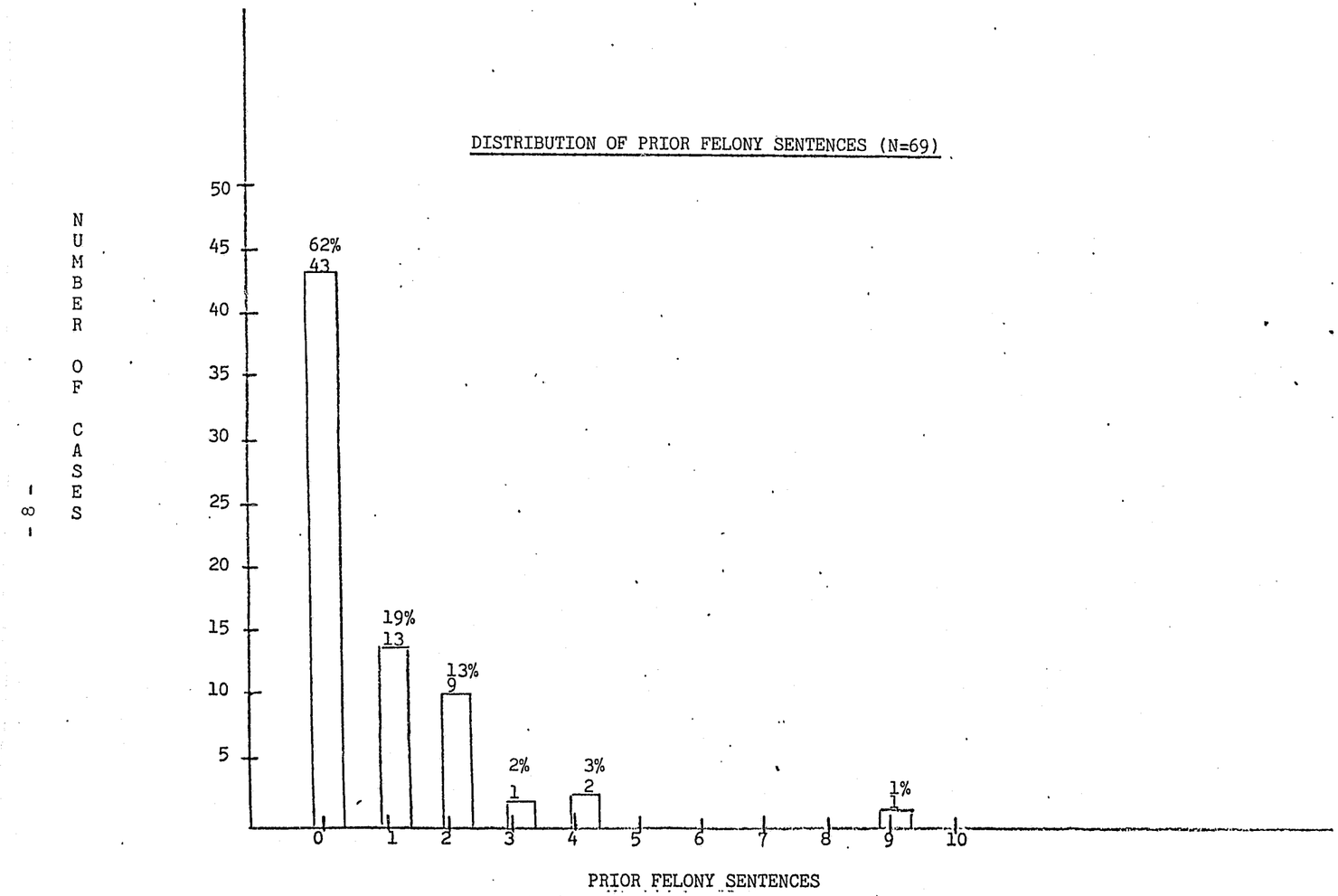
DISTRIBUTION OF MAXIMUM TERM IN MONTHS (N=69)

Maximum Term	Percent	Cumulative Percentages	N	Cumulative Frequencies
36	25	25	17	17
48	23	48	16	33
60	9	57	6	39
76	1	58	1	40
84	19	77	13	53
90	1	78	1	54
108	6	84	4	58
120	9	93	6	64
180	4	97	3	67
240	2	99	1	68
264	1	100	1	69

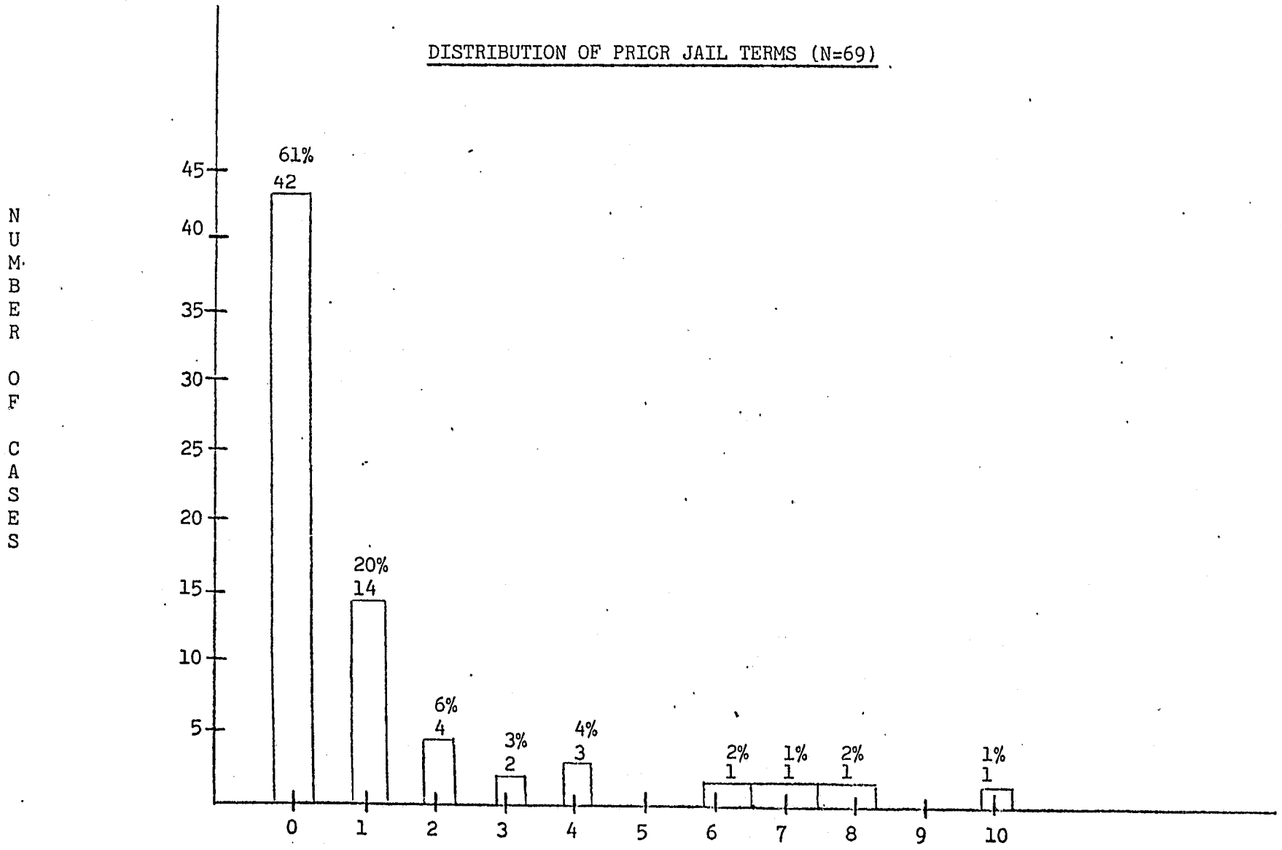
DISTRIBUTION OF PRIOR MISDEMEANOR SENTENCES(N=69)



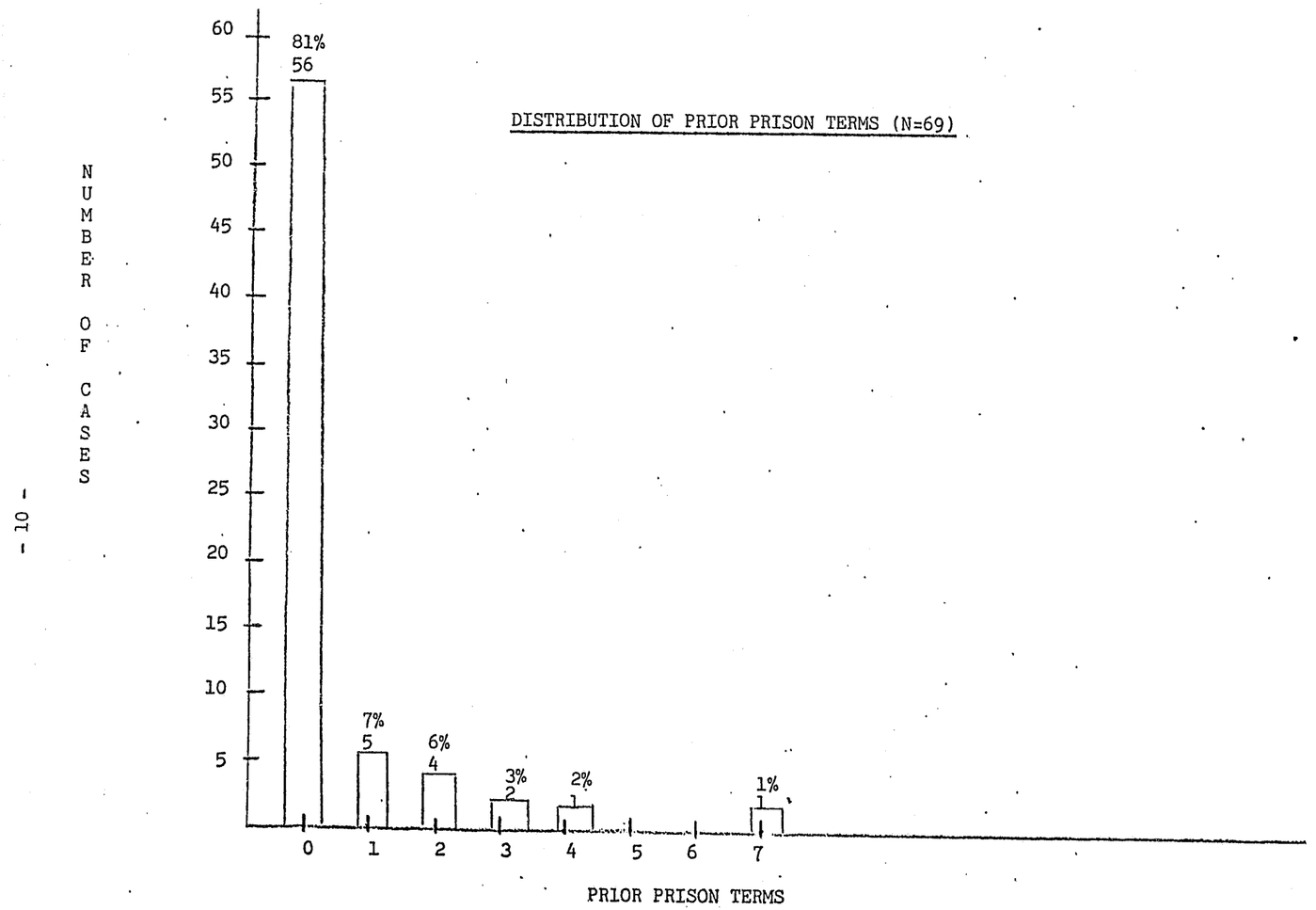
DISTRIBUTION OF PRIOR FELONY SENTENCES (N=69)



DISTRIBUTION OF PRIOR JAIL TERMS (N=69)



DISTRIBUTION OF PRIOR PRISON TERMS (N=69)

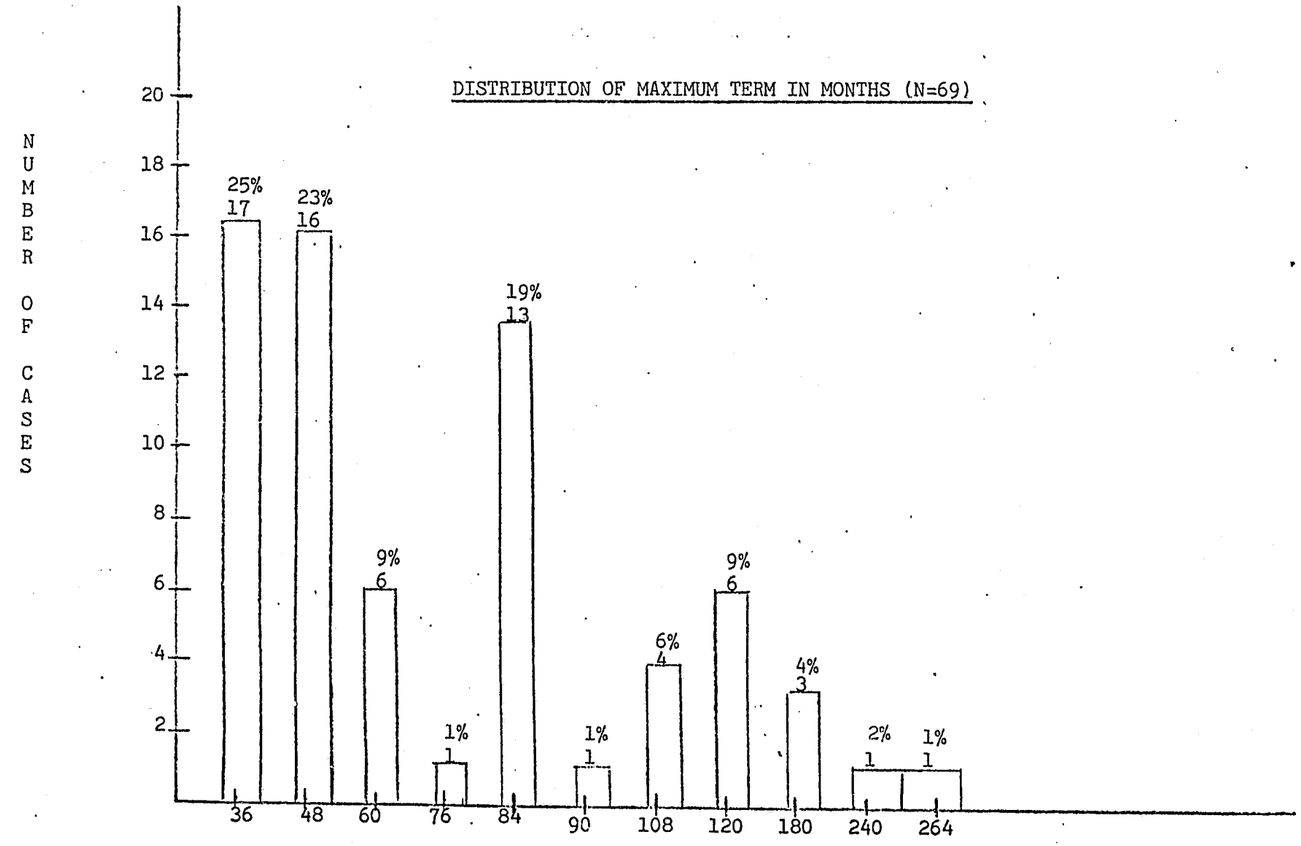


DISTRIBUTION OF TIME SERVED IN MONTHS FOR MPI-DRUG OFFENSES (N=68)

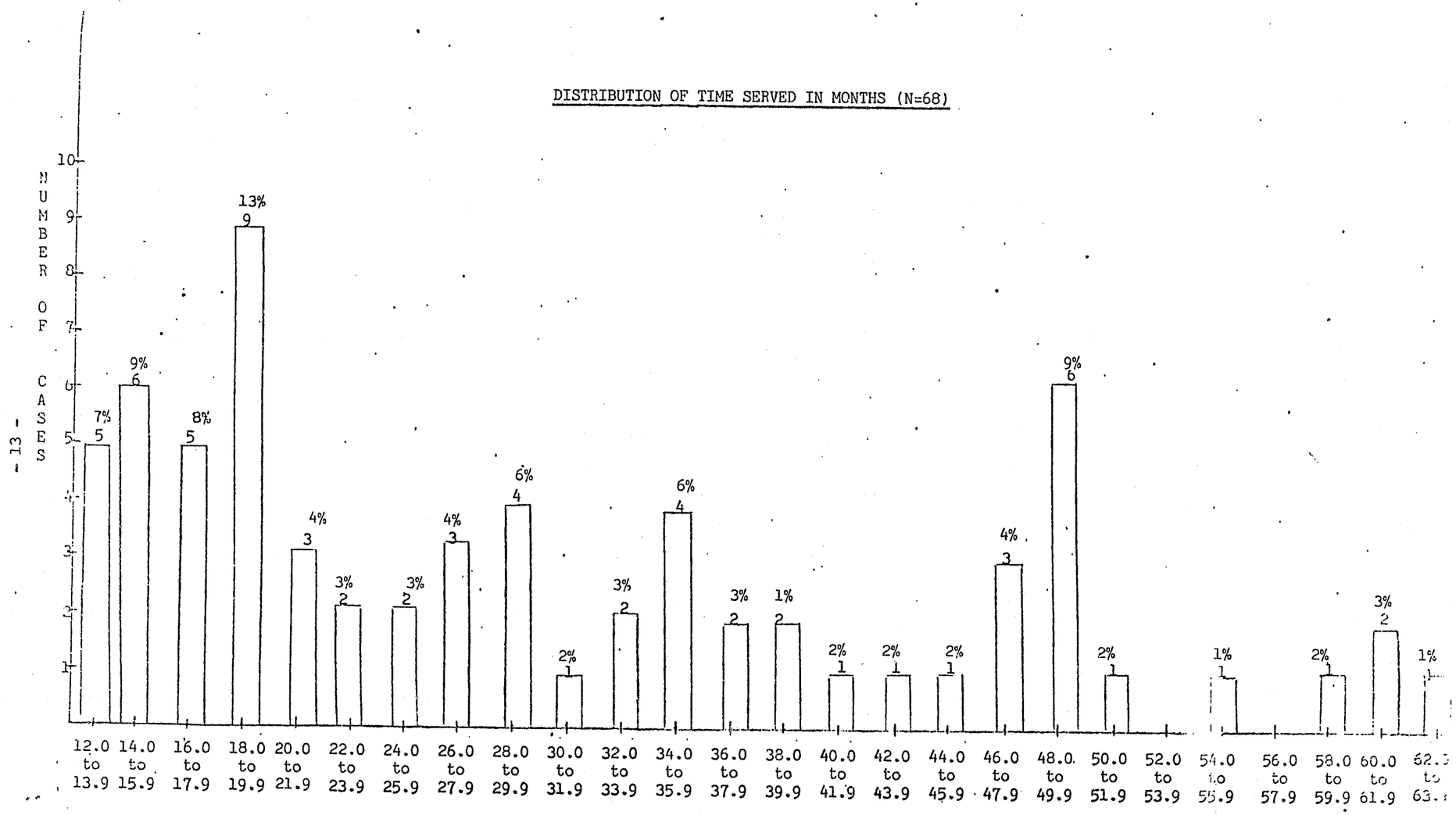
TIME SERVED IN MONTHS	%	Cumulative Percentages	N	Cumulative Frequencies
12.0-13.9	7	7	5	5
14.0-15.9	9	16	6	11
16.0-17.9	8	24	5	16
18.0-19.9	13	37	9	25
20.0-21.8	4	41	3	28
22.0-23.9	3	44	2	32
26.0-27.9	4	51	3	35
28.0-29.9	6	57	4	39
30.0-31.9	2	59	1	40
32.0-33.9	3	62	2	42
34.0-35.9	6	68	4	46
36.0-37.9	3	71	2	48
38.0-39.9	1	72	2	50
40.0-41.9	2	74	1	51
42.0-43.9	2	76	1	52
44.0-45.9	2	78	1	53
46.0-47.9	4	82	3	56
48.0-49.9	9	91	6	62
50.0-51.9	2	93	1	63
52.0-53.9	0	93	0	63
54.0-55.9	1	94	1	64
56.0-57.9	0	94	0	64
58.0-59.9	2	96	1	65
60.0-61.9	3	99	2	67
62.0-63.9	1	100	1	68

MISSING CASES=1

DISTRIBUTION OF MAXIMUM TERM IN MONTHS (N=69)



DISTRIBUTION OF TIME SERVED IN MONTHS (N=68)



TIME SERVED IN MONTHS

DISTRIBUTION OF DRUG OFFENDERS ACCORDING TO PRIOR CRIMINAL RECORD SCORE (N=63)

POSSESSION ACTUAL OFFENSE	PRIOR CRIMINAL RECORD GOOD	FAIR	POOR	VERY POOR
CPCS-1 (N=8)	$\overline{X}$ =30.6 S.D.=17.38 Median=20 N=5	$\overline{X}$ =61 N=1	$\overline{X}$ =59 N=1	$\overline{X}$ =54 N=1
CPCS-2 (N=3)	$\overline{X}$ =29 N=1	$\overline{X}$ =19 N=1		$\overline{X}$ = 48 N=1
CPCS-5 (N=6)	$\overline{X}$ =23.5 S.D.=6.3 Median=15.5 N=2	$\overline{X}$ =20 N=1	$\overline{X}$ =15.5 S.D.=0.71 Median=15.5 N=2	$\overline{X}$ =25 N=1
CPCS-6 (N=1)		$\overline{X}$ =13 N=1		
SALES				
CSCS-1 (N=9)	$\overline{X}$ =39 S.D.=10.17 Median=36 N=5	$\overline{X}$ =54.5 S.D.=9.19 Median=54.5 N=2		$\overline{X}$ =47 S.D.=2.83 Median=47 N=2
CSCS-2 (N=12)	$\overline{X}$ =27 S.D.=12.17 Median=22 N=5	$\overline{X}$ =21.5 S.D.=6.8 Median=20 N=5		$\overline{X}$ =41 S.D.=8.4 Median=41 N=2
CSCS-3 (N=6)	$\overline{X}$ =26.4 S.D.=13.4 Median=21.6 N=7	$\overline{X}$ = 21.6 S.D.=5.39 Median=20.2 N=5	$\overline{X}$ =40.1 S.D.=2.5 Median=39 N=3	$\overline{X}$ = 46.2 N=1
CSCS-5 (N=6)	$\overline{X}$ =13 S.D.=1.41 Median=13 N=2	$\overline{X}$ =22.5 S.D.=9.19 Median=22.5 N=2		$\overline{X}$ =28.5 S.D.=9.19 Median=28.5 N=2
CSCS-6 (N=2)		$\overline{X}$ =18 N=1	$\overline{X}$ =19 N=1	

MISSING CASES=6

APPENDIX G

DESCRIPTIVE STATISTICS ON JUDGE SET

MINIMUM SAMPLE (TOTAL N=352)

Vera Institute of Justice
December 7, 1977

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(JSM RELEASE STUDY)

DISTRIBUTION OF PRIOR MISDEMEANOR SENTENCES (N=351)

No.of Sentences	%	Cumulative Percentages	N	Cumulative Frequencies
0	32	32	113	113
1	23	55	81	194
2	15	70	52	246
3	10	80	34	280
4	6	86	23	303
5	4	90	13	316
6	5	95	16	332
7	2	97	7	339
8	0	97	1	340
9	1	98	3	343
10	0	98	1	344
11	1	99	2	346
12	0	99	2	348
15	1	100	2	350
18	0	100	1	351
TOTAL:	100	100	351	351

MISSING CASES=1

$\bar{X}$=2
S.D.=2
Median=1
Range=0-18

DISTRIBUTION OF PRIOR FELONY SENTENCES (N=351)

No.of Sentences	%	Cumulative Percentages	N	Cumulative Frequencies
0	19	19	67	67
1	48	67	167	234
2	19	86	67	301
3	8	94	29	330
4	3	97	12	342
5	1	98	3	345
6	1	99	4	349
7	1	100	2	351
TOTAL	100	100	351	351

MISSING CASES=1

$\overline{X}$=1
S.D.=1
Median=1
Range=0-7

DISTRIBUTION OF TOTAL NUMBER OF SENTENCES (N=351)

No.of Sentences	%	Cumulative Percentages	N	Cumulative Frequencies
0	8	8	29	29
1	18	26	64	93
2	22	48	77	170
3	15	63	50	220
4	11	74	41	261
5	7	81	22	283
6	6	87	21	304
7	3	90	13	317
8	4	94	12	329
9	1	95	6	335
10	2	97	6	341
11	0	97	1	342
12	1	98	2	344
13	1	99	3	347
15	0	99	1	348
17	0	99	1	349
18	1	100	1	350
20	0	100	1	351
TOTAL	100	100	351	351

MISSING CASES=1

$\overline{X}$=3
S.D.=3
Median=2
Range=0-20

(JSM RELEASE STUDY)

DISTRIBUTION OF PRIOR JAIL TERMS (N=351)

Jail Terms	%	Cumulative Percentages	N	Cumulative Frequencies
0	36	36	126	126
1	26	62	92	218
2	12	74	40	258
3	9	83	35	293
4	5	88	17	310
5	4	92	14	324
6	3	95	8	332
7	1	96	6	338
8	1	97	1	339
9	1	98	5	344
10	0	98	1	345
11	1	99	3	348
13	0	99	1	349
15	1	100	1	350
16	0	100	1	351
TOTAL	100	100	351	351

MISSING CASES=1

$\overline{X}$=1.8
S.D.=2.4
Median=1.0
Range=0-16

(JSM RELEASE STUDY)

DISTRIBUTION OF PRIOR PRISON TERMS (N=351)

Prison Terms	%	Cumulative Percentages	N	Cumulative Frequencies
0	59	59	207	207
1	30	89	104	311
2	8	97	29	340
3	2	99	8	348
4	1	100	3	351
TOTAL:	100	100	351	351

MISSING CASES=1

$\overline{X}$=0.564
S.D.=0.808
Median=0.348
Range=0-4

(JSM RELEASE STUDY)

DISTRIBUTION OF PRIOR PROBATION REVOCATIONS (N=351)

Number	%	Cumulative Percentages	N	Cumulative Frequencies
0	87	87	304	304
1	12	99	44	348
2	1	100	3	351
TOTAL:	100	100	351	351

MISSING CASES=1

(JSM. RELEASE STUDY)

PRIOR PAROLE REVOCATIONS (N=351)

Number	%	Cumulative Percentages	N	Cumulative Frequencies
0	81	81	284	284
1	15	96	54	338
2	4	100	12	350
4	0	100	1	351
TOTAL:	100	100	351	351

MISSING CASES=1

DISTRIBUTION OF CURRENT OFFENSE COMMITTED WHILE ON PROBATION (N=351)

Category	%	Cumulative Percentages	N	Cumulative Frequencies
No	84	84	296	296
Yes	16	100	55	351
TOTAL:	100	100	351	351

MISSING CASES=1

DISTRIBUTION FELONY CLASS OF MOST SERIOUS CONVICTION (N=352)

Felony Class	%	Cumulative Percentages	N	Cumulative Frequencies
A	1	1	3	3
B	11	12	39	42
C	15	27	54	96
D	35	62	122	218
E	38	100	134	352
TOTAL:	100	100	352	352

DISTRIBUTION OF FELONY CLASS OF MOST SERIOUS INDICTMENT OFFENSE
(N=342)

Felony Class	%	Cumulative Percentages	N	Cumulative Frequencies
A	9	9	32	32
B	32	41	109	141
C	16	57	55	196
D	38	95	128	324
E	5	100	18	342
TOTAL	100	100	342	342

MISSING CASES=10

DISTRIBUTION OF FELONY CLASS OF MOST SERIOUS
ACTUAL OFFENSE (N=349)

Category	%	Cumulative Percentages	N	Cumulative Frequencies
A	7	7	23	23
B	34	40	117	140
C	18	58	64	204
D	37	95	129	333
E	5	100	16	349
TOTAL	100	100	349	349

MISSING CASES=3

(JSM RELEASE STUDY)

DISTRIBUTION OF WEAPON CODE (N=350)

Weapon Code	%	Cumulative Percentages	N	Cumulative Frequencies
0-None	40	40	141	141
1-Firearm	36	76	126	267
2-Simulated Firearm	4	80	12	279
3-Knife	15	95	55	334
4-Explosive	1	96	2	336
5-Other	4	100	14	350

MISSING CASES=2

(JSM RELEASE STUDY)

DISTRIBUTION OF INJURY CODE (N=351)

Injury Code	%	Cumulative Percentages	N	CCumulative Frequencies
No Physical Injury	59	59	207	207
No Physical Injury/with Force	15	74	51	258
Physical Injury	11	85	39	297
Serious Physical Injury	5	90	19	316
Death	10	100	35	351

MISSING CASES=1

(JSM RELEASE STUDY)

DISTRIBUTION OF MAXIMUM TERM(IN MONTHS)-(N=352)

Maximum Term	%	Cumulative Percentages	Frequency	Cumulative Frequencies
36	37	37	131	131
42	1	38	1	132
48	30	68	108	240
60	6	74	19	259
70	0	74	1	260
72	6	80	22	282
84	3	83	11	293
96	1	84	2	295
108	2	86	7	302
120	5	91	18	320
144	2	93	8	328
180	2	95	8	336
192	1	96	1	337
216	0	96	2	339
240	1	97	3	342
252	0	97	1	343
288	1	98	1	344
300	1	99	5	349
504	0	99	1	350
Life	1	100	2	352

MISSING CASES=0

JUDGE-SET-REGULAR(Dec.7,1977)

Category	Percent	N
CONVICT.OFFENSE		
100	1	2
101	0	1
102	1	2
201	5	19
202	3	10
300	0	1
401	1	4
403	0	1
501	7	24
502	11	40
503	17	61
601	1	3
602	5	16
604	0	1
702	1	3
703	21	74
1002	1	3
1003	5	18
1302	0	1
1401	1	2
1402	3	9
1602	1	2
1603	2	8
1703	1	2
2100	0	1
2101	9	33
2102	0	1
2108	0	1
3402	1	2
3902	1	3
4201	0	1
4800	1	2
6402	0	1

VALID CASES=352 MISSING CASES=0

IND.OFFENSE		
100	9	31
101	1	2
102	1	5
201	1	3
202	0	1
401	2	6
501	29	99
502	6	19
503	1	4
601	1	5
602	2	6
604	0	1
701	0	1
702	6	19
703	20	67
1001	0	1
1002	1	5
1003	1	5
1302	1	2
1401	1	4
1402	1	4
1600	0	1
1602	1	3
1603	1	5
1701	0	1
1702	0	1
1901	1	2
2100	0	1
2101	9	31
3402	0	1
3902	0	1
4001	0	1
4201	0	1
4800	1	2
6402	0	

Category	Percent	N
ACTUAL OFFENSE		
101	0	1
102	9	32
201	3	9
202	0	1
300	0	1
401	3	9
403	0	1
501	27	93
502	8	29
503	1	3
601	1	5
602	2	6
604	0	1
701	1	2
702	5	18
703	19	67
1001	0	1
1002	1	5
1003	1	5
1302	1	2
1401	1	3
1402	1	5
1701	0	1
1702	0	1
1901	0	1
2100	0	1
2101	9	30
2108	0	1
3902	0	1
4001	0	1
4201	0	1
4800	1	2
6402	0	1
7000	3	9

VALID CASES=349 MISSING CASES=3

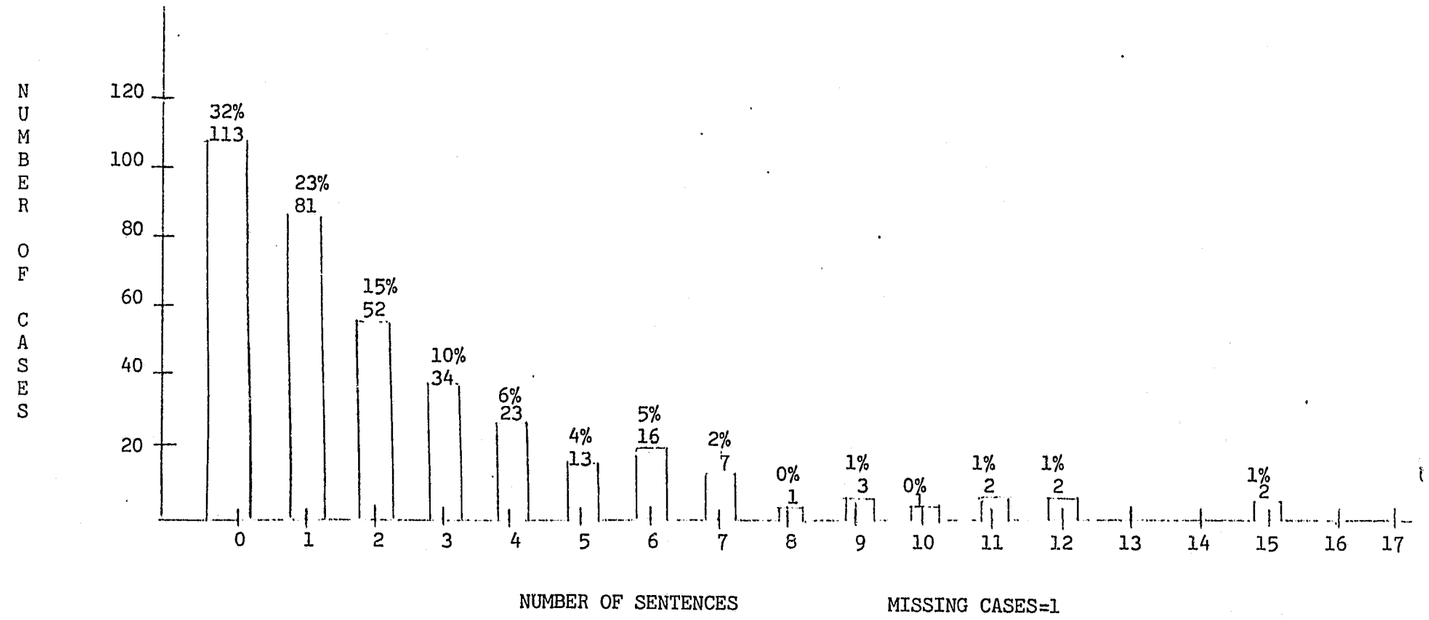
DISTRIBUTION OF DISCIPLINARY INFRACTIONS (N=329)

Category #DISC.	Percent	Cum.Percent	N	Cum.N
0	33	33	109	109
1	21	54	68	177
2	16	70	51	228
3	7	77	23	251
4	6	83	21	272
5	5	88	18	290
6-29	12	100	39	329

MISSING CASES=23

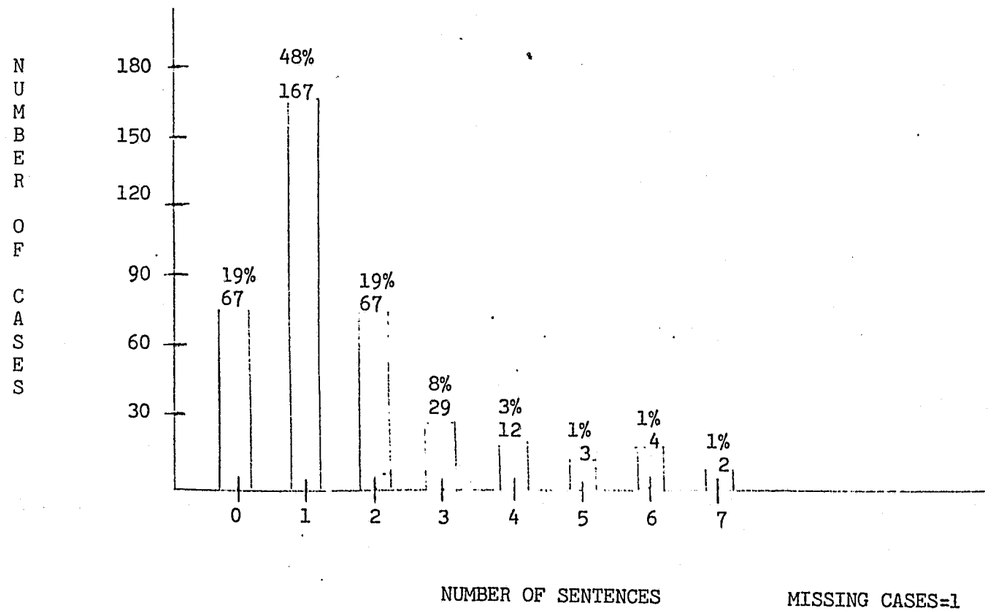
(JSM RELEASE STUDY)

NUMBER OF PRIOR MISDEMEANOR SENTENCES (N=351)



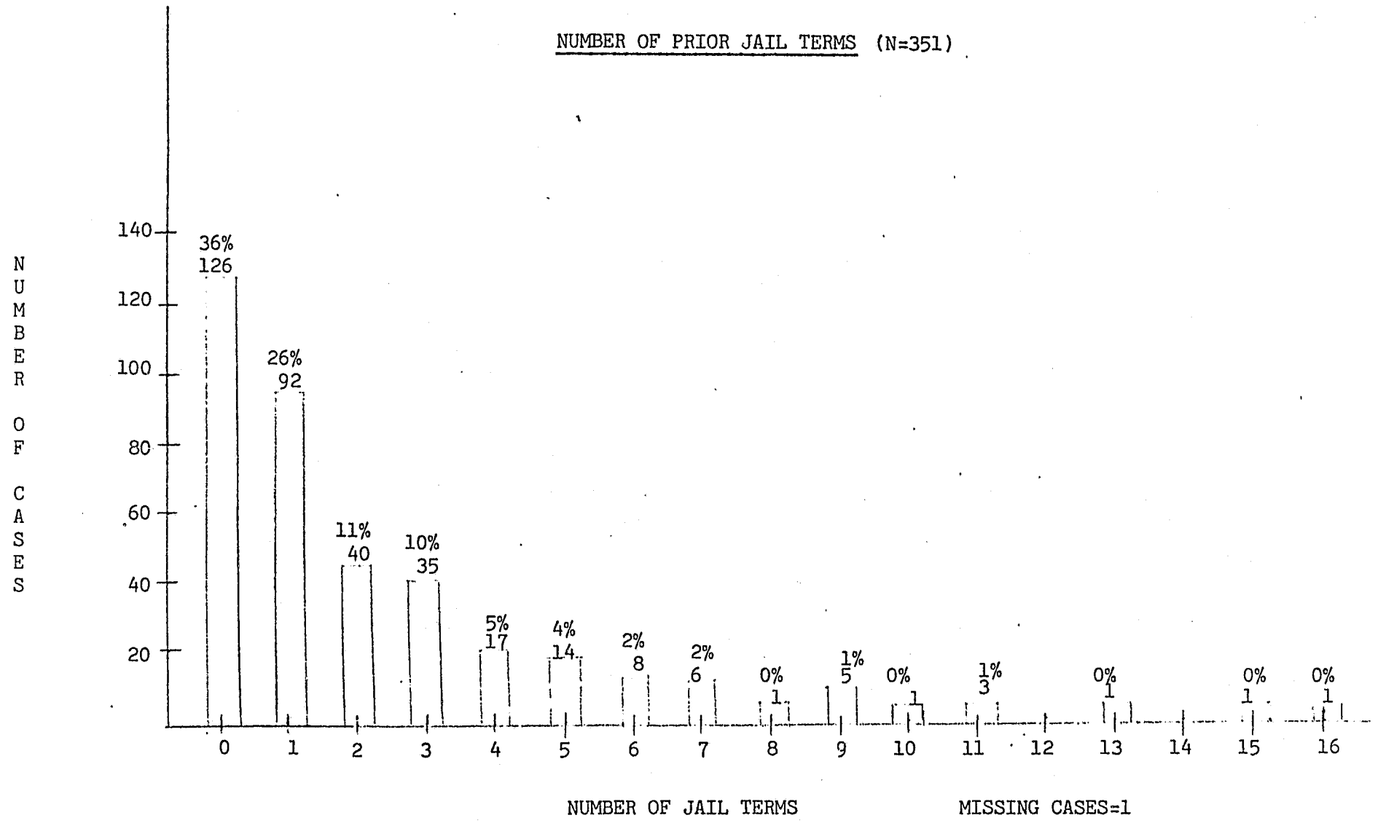
MISSING CASES=1

NUMBER OF PRIOR FELONY SENTENCES (N=351)



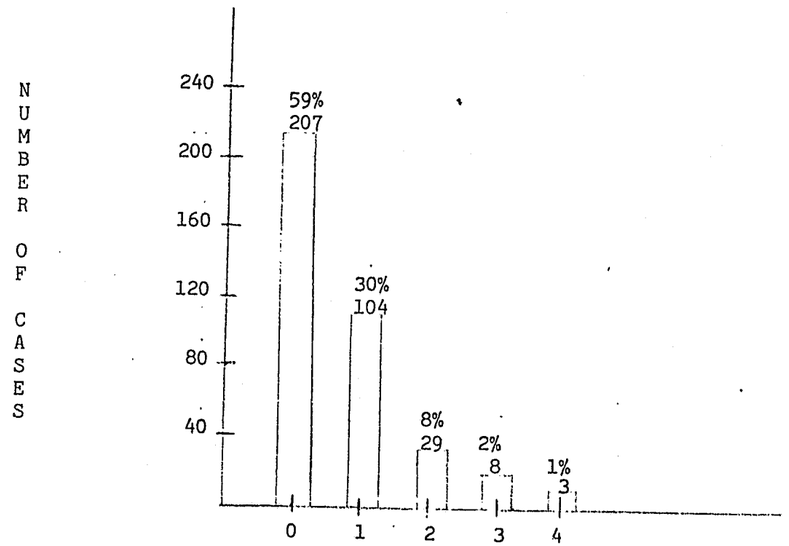
MISSING CASES=1

NUMBER OF PRIOR JAIL TERMS (N=351)



MISSING CASES=1

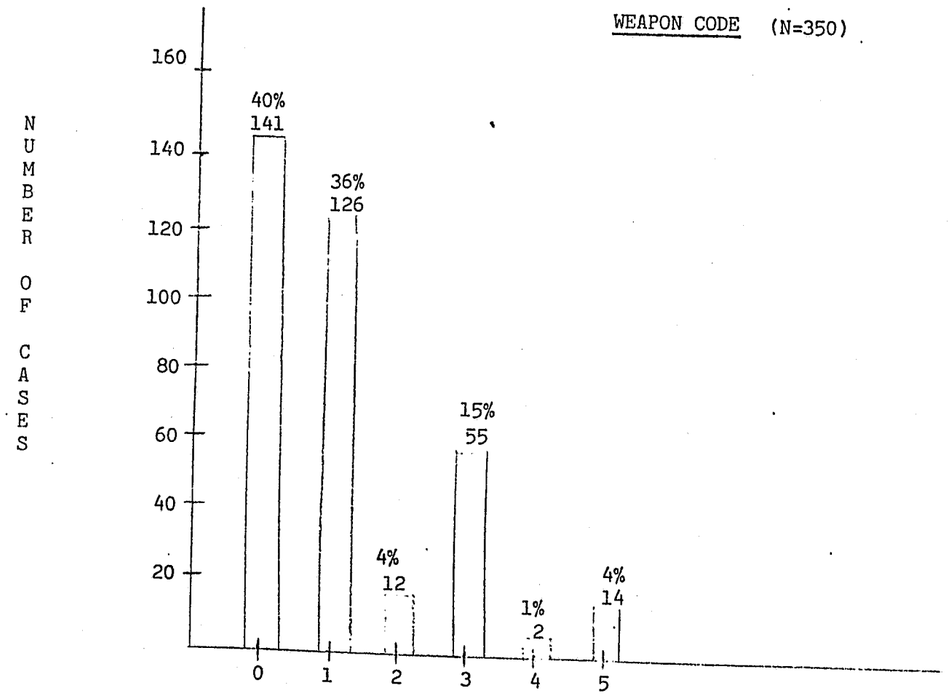
NUMBER OF PRIOR PRISON TERMS (N=251)



MISSING CASES=1

(JSM RELEASE STUDY)

WEAPON CODE (N=350)

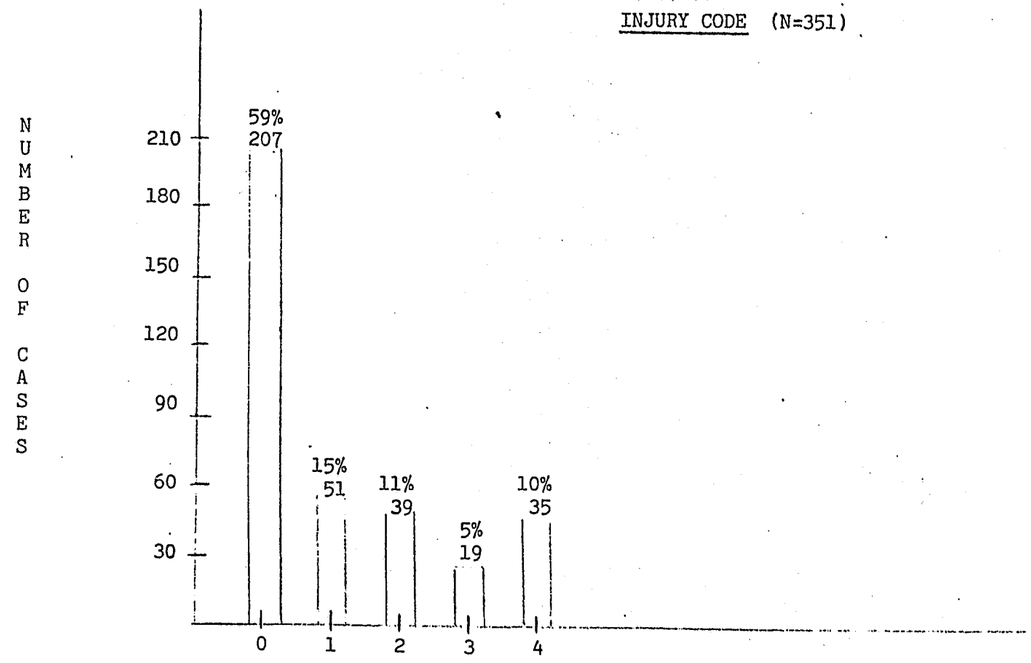


0=No Weapon
1=Firearm
2=Simulated Weapon
3=Knife
4=Explosive
5=Other

MISSING CASES=2

(JSM RELEASE STUDY)

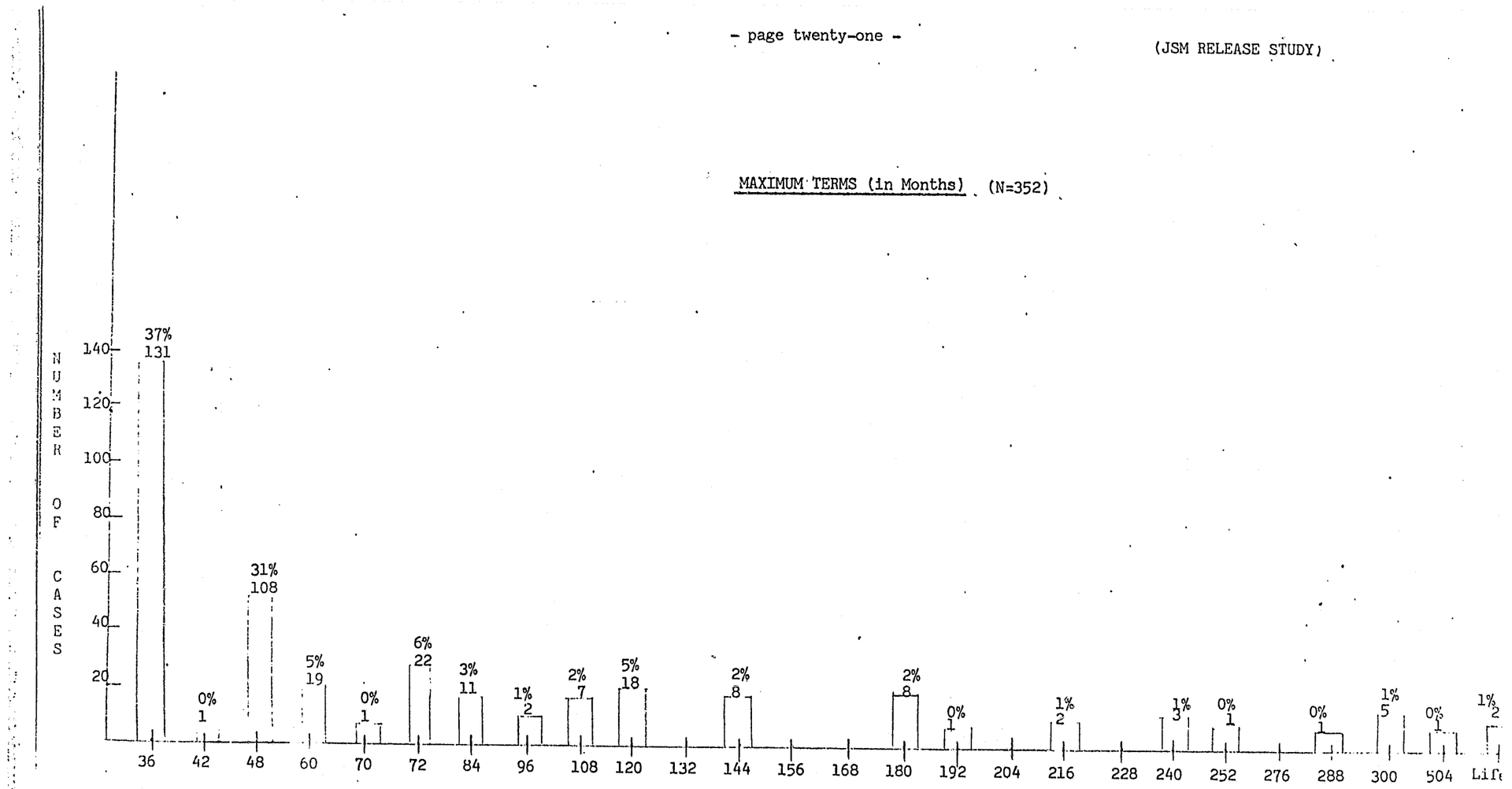
INJURY CODE (N=351)



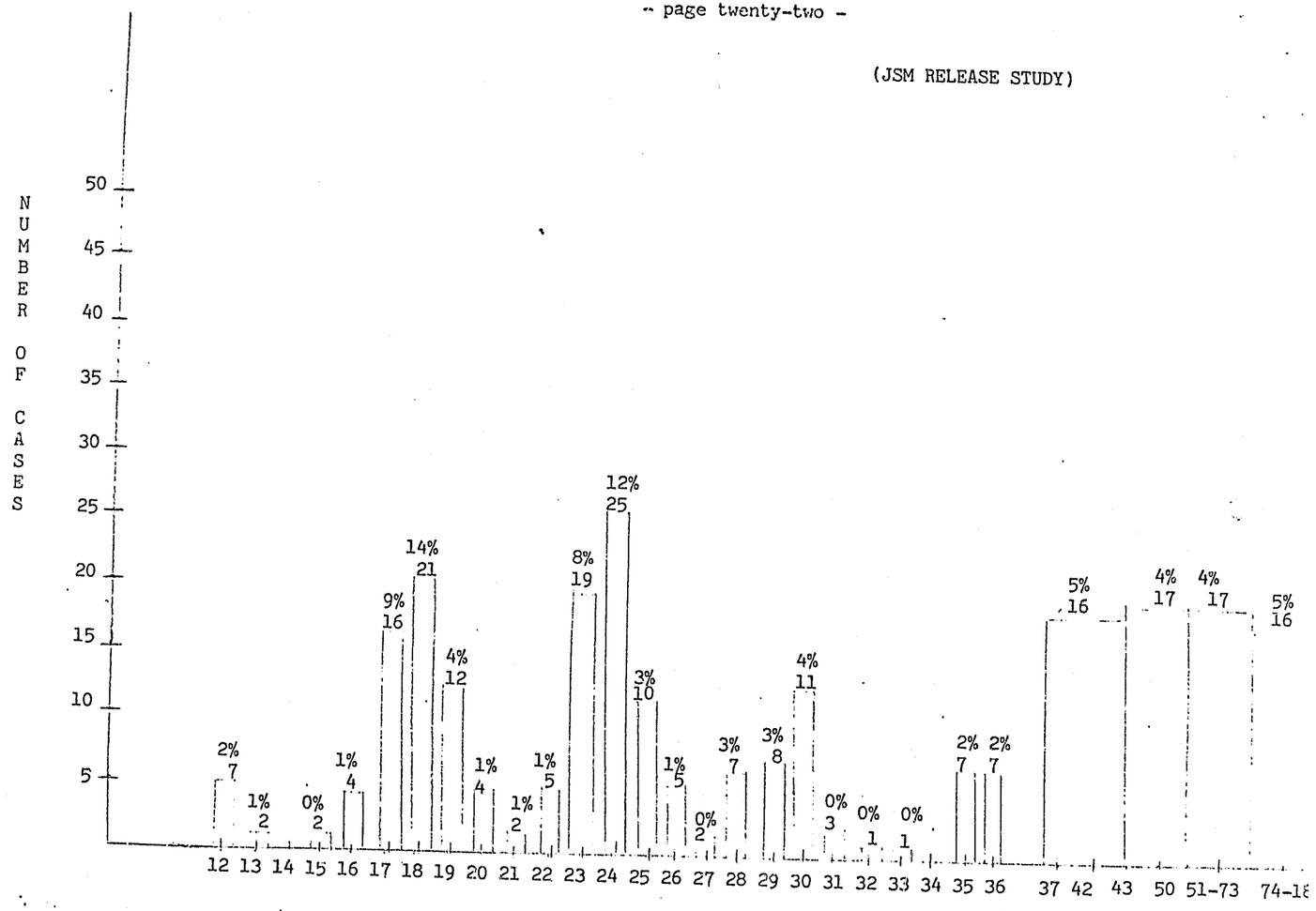
0=No Physical Injury
1=With Restraint, Force, etc.
2=Physical Injury
3=Serious Physical Injury
4=Death

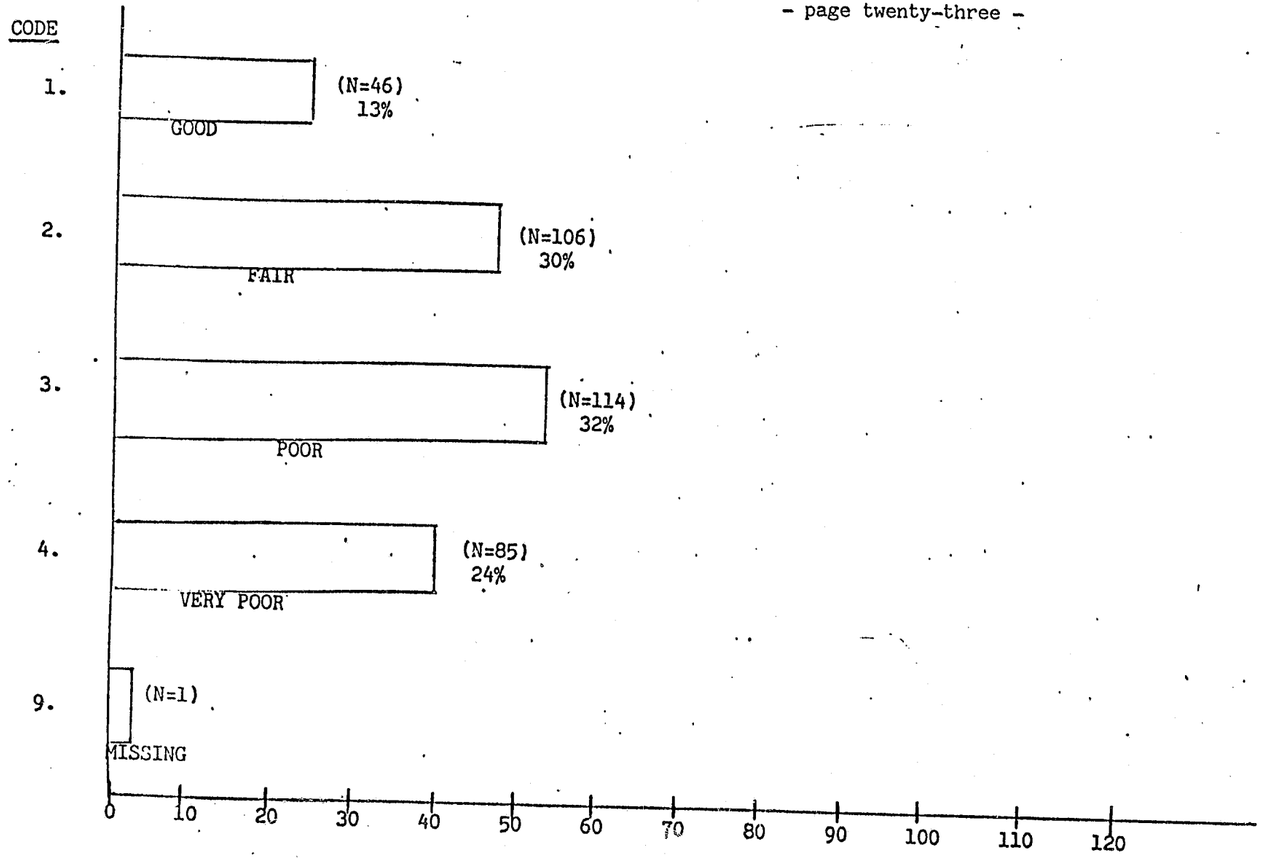
MISSING CASES=1

MAXIMUM TERMS (in Months) (N=352)



(JSM RELEASE STUDY)





FREQUENCY DISTRIBUTION OF PRIOR CRIMINAL HISTORY SCORES (N=351)

Mean= 2.678

Std.Dev.= 0.984

Mode= 3.000

Median= 2.706

Missing Cases=1

DESCRIPTIVE STATISTICS ON JUDGE SET
DRUG SAMPLE (TOTAL N=293)

Vera Institute of Justice
December 7, 1977

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(JSM-DRUG STUDY)

DISTRIBUTION OF PRIOR MISDEMEANOR SENTENCES (N=293)

Prior Misd.Sentences	%	Cumulative Percentages	N	Cumulative Frequencies
0	55	55	160	160
1	23	78	70	230
2	10	88	28	258
3	5	93	15	273
4	3	96	8	281
5	1	97	3	284
6	2	99	5	289
7	0	99	1	290
8	1	100	2	292
14	0	100	1	293

$\bar{X}$=1.0
S.D.=1.7
Median=0.4
Range=0-14

(JSM-DRUG STUDY)

DISTRIBUTION OF PRIOR FELONY SENTENCES (N=293)

No.Prior Felony Sent.	%	Cumulative Percentages	N	Cumulative Frequencies
0	70	70	204	204
1	21	91	62	266
2	6	97	18	284
3	2	99	6	290
4	1	100	3	293

$\overline{X}$=0.4
S.D.=0.8
Median=0.2
Range=0-4

(JSM-DRUG STUDY)

DISTRIBUTION OF TOTAL PRIOR SENTENCES (N=293)

Total Sentences	%	Cumulative Percentages	N	Cumulative Frequencies
0	43	43	126	126
1	25	68	73	199
2	15	83	43	242
3	5	88	15	257
4	4	92	12	269
5	3	95	9	278
6	2	97	7	285
7	1	98	1	286
8	1	99	3	289
9	1	100	3	292
14	0	100	1	293

$\overline{X}$=1.4
S.D.=2.0
Median=0.8
Range=0-14

(JSM-DRUG STUDY)

DISTRIBUTION OF PRIOR JAIL TERMS (N=293)

No.Prior Jail Terms	%	Cumulative Percentages	N	Cumulative Frequencies
0	75	75	219	219
1	13	88	40	259
2	4	92	12	271
3	5	97	12	283
4	2	99	6	289
5	0	99	1	290
6	0	99	1	291
7	1	100	1	292
8	0	100	1	293

$\overline{X}$=0.5
S.D.=1.2
Median=0.2
Range=0-8

(JSM-DRUG STUDY)

DISTRIBUTION OF PRIOR PRISON TERMS (N=293)

No.of Prior Prison Terms	%	Cumulative Percentages	N	Cumulative Frequencies
0	91	91	266	266
1	6	97	18	284
2	3	100	8	292
3	0	100	1	293

$\overline{X}$=0.1
S.D.=0.4
Median=0.1
Range=0-3

(JSM-DRUG STUDY)

DISTRIBUTION OF PRIOR PROBATION REVOCATIONS (N=293)

Prior Probation Record	%	Cumulative Percentages	N	Cumulative Frequencies
0	94	94	275	275
1	6	100	18	293

(JSM-DRUG STUDY)

DISTRIBUTION OF PRIOR PAROLE REVOCATIONS (N=293)

No. Prior Par. Revoc.	%	Cumulative Percentages	Freq.	Cumulative Frequencies
0	95	95	279	279
1	4	99	11	290
2	1	100	3	293

(JSM-DRUG STUDY)

DISTRIBUTION OF CURRENT OFFENSES COMMITTED WHILE ON PROBATION (N=293)

Category	%	C.Per.	Freq.	C.Freq.
No	92	92	269	269
Yes	8	100	24	293

(JSM-DRUG STUDY)

DISTRIBUTION OF FELONY CLASS OF MOST SERIOUS ACTUAL OFFENSE (N=282)

Felony Class	%	Cumulative Percentages	Freq.	Cumulative Frequencies
A-I	17	17	48	48
C	3	20	7	55
D	1	21	3	58
A-II	26	47	75	133
A-III	53	100	149	282

Missing Cases=11

(JSM-DRUG STUDY)

DISTRIBUTION OF FELONY CLASS OF MOST SERIOUS INDICTMENT OFFENSE (N=268)

Felony Class	%	Cumulative Percentages	Freq.	Cumulative Frequencies
A-I	15	15	40	40
C	4	19	10	50
D	2	21	6	56
A-II	25	46	68	124
A-III	54	100	144	268

Missing Cases=25

CONTINUED

4 OF 7

(JSM-DRUG STUDY)

DISTRIBUTION OF FELONY CLASS OF MOST SERIOUS CONVICTION CRIME (N=293)

Felony Class	%	Cumulative Percentages	Freq.	Cumulative Frequencies
B	0	0	1	1
C	1	1	3	4
D	1	2	2	6
E	4	6	11	17
A-II	0	6	1	18
A-III	94	100	275	293

8a.

(JSM-DRUG STUDY)

DISTRIBUTION OF MAXIMUM TERM IN MONTHS (N=293)

Maximum Term	%	Cumulative Percentages	Freq.	Cumulative Frequencies
36	3	3	10	10
48	1	4	1	11
60	0	4	1	12
72	0	4	1	13
84	1	5	1	14
108	0	5	2	16
144	1	6	1	17
180	0	6	1	18
Life	94	100	275	293

8b.

DISTRIBUTION OF THE MOST SERIOUS CONVICTION OFFENSE (N=293)

Offense	Percent	N
Criminal Possession of Dangerous Drugs-2	0	1
Criminal Possession of Dangerous Drugs-3	1	2
Criminal Possession of Dangerous Drugs-4	0	1
Criminal Sales of Dangerous Drugs-3	1	2
Criminal Possession of Controlled Substance-3	25	72
Criminal Possession of Controlled Substance-6	2	7
Criminal Sales of Controlled Substance-2	0	1
Criminal Sales of Controlled Substance-3	69	202
Criminal Sales of Controlled Substance-6	2	5

DISTRIBUTION OF THE MOST SERIOUS INDICTMENT OFFENSE (N=269)

Offense	Percent	N
Criminal Possession of a Weapon-3rd	0	1
Criminal Possession of Dangerous Drugs-1st	0	1
Criminal Possession of Dangerous Drugs-3rd	1	2
Criminal Sales of Dangerous Drugs-3rd	1	2
Criminal Sales of Dangerous Drugs-4th	0	1
Criminal Possession of Controlled Substance-1st	2	6
Criminal Possession of Controlled Substance-3rd	3	9
Criminal Possession of Controlled Substance-5th	1	3
Criminal Possession of Controlled Substance-6th	1	2
Criminal Sales of Controlled Substance-1st	12	33
Criminal Sales of Controlled Substance-2nd	22	60
Criminal Sales of Controlled Substance-3rd	53	142
Criminal Sales of Controlled Substance-5th	0	1
Criminal Sales of Controlled Substance-6th	1	2

MISSING CASES=24

DISTRIBUTION OF THE MOST SERIOUS ACTUAL OFFENSE (N=282)

Offense	Percent	N
Criminal Possession of Controlled Substance-1st	3	9
Criminal Possession of Controlled Substance-2nd	3	8
Criminal Possession of Controlled Substance-3rd	0	1
Criminal Possession of Controlled Substance-5th	2	6
Criminal Possession of Controlled Substance-6th	0	1
Criminal Sales of Controlled Substance-1st	14	40
Criminal Sales of Controlled Substance-2nd	23	66
Criminal Sales of Controlled Substance-3rd	52	148
Criminal Sales of Controlled Substance-5th	0	1
Criminal Sales of Controlled Substance-6th	1	2

MISSING CASES=11

DISTRIBUTION OF MINIMUM TERMS IN MONTHS (N=293)

Minimum Term	Percent	Cumulative Percentages	N	Cumulative Frequencies
12	83	83	242	242
18	6	89	18	260
21	0	89	1	261
24	8	97	22	283
30	1	98	3	286
36	1	99	4	290

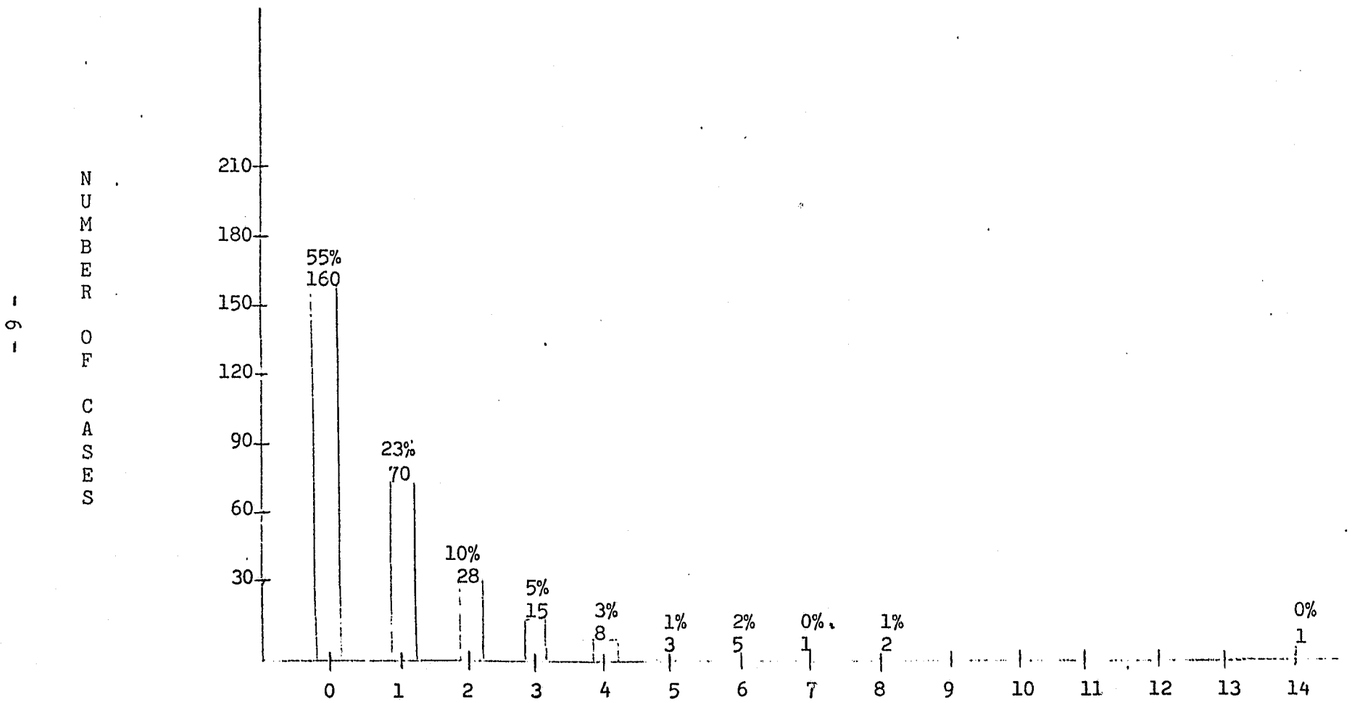
DISTRIBUTION OF NUMBER OF DISCIPLINARY INFRACTIONS (N=274)

#Disc.Inf.	Percent	N
0	49	132
1	24	67
2	13	35
3	5	13
4	4	11
5-13	5	14

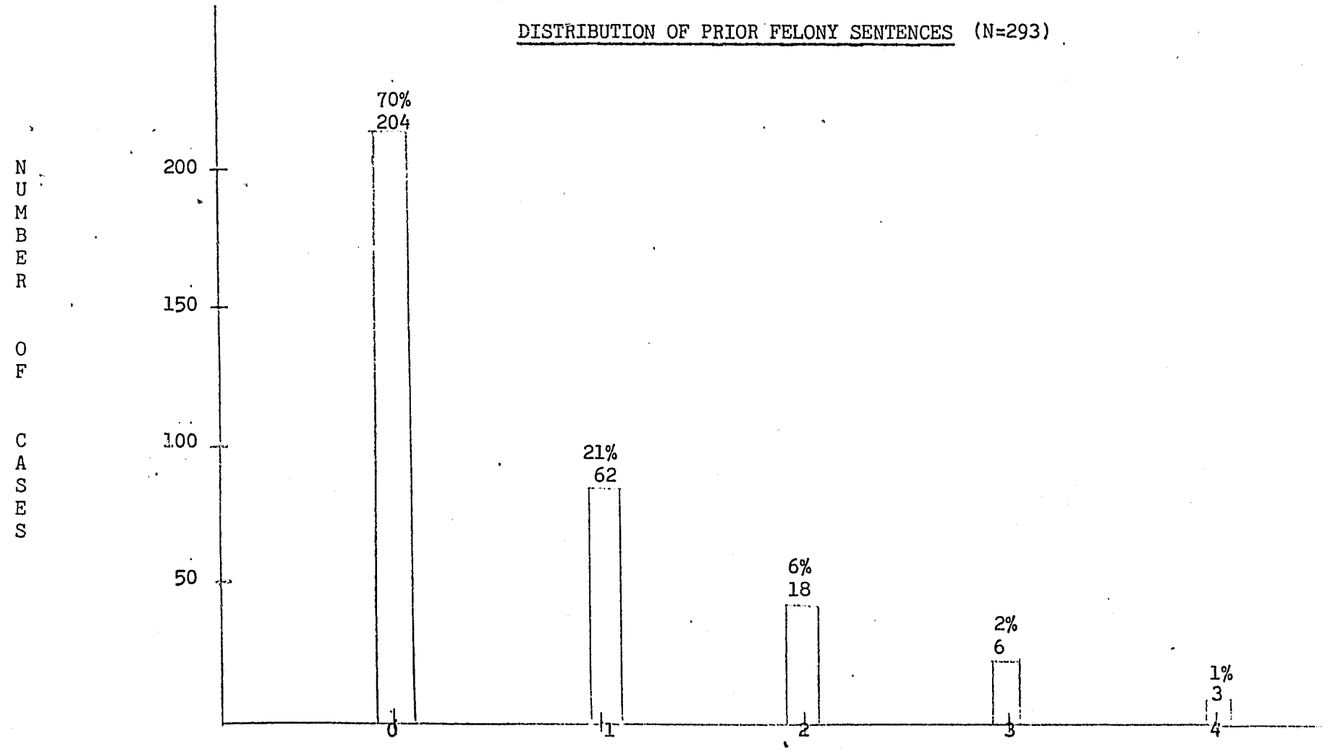
VALID CASES=274 MISSING CASES=24

(JSM-DRUG STUDY)

DISTRIBUTION OF PRIOR MISDEMEANOR SENTENCES (N=293)



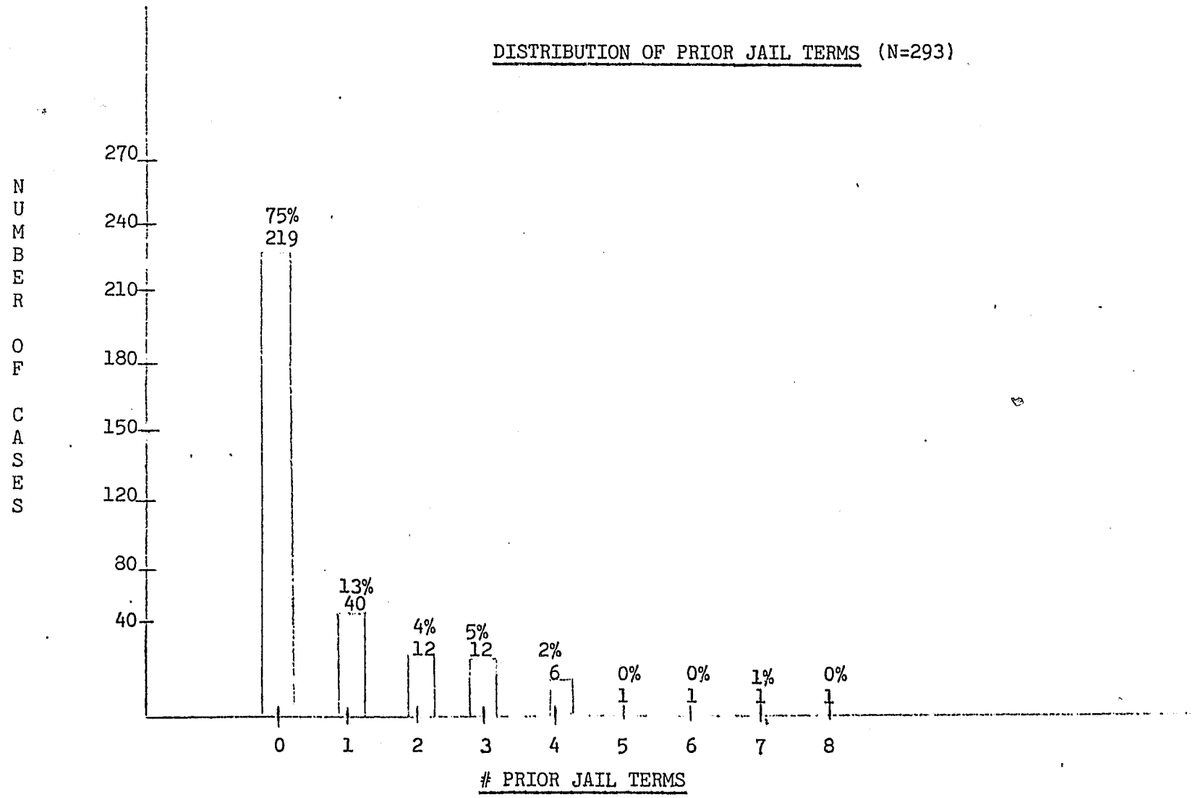
DISTRIBUTION OF PRIOR FELONY SENTENCES (N=293)



PRIOR FELONY SENTENCES

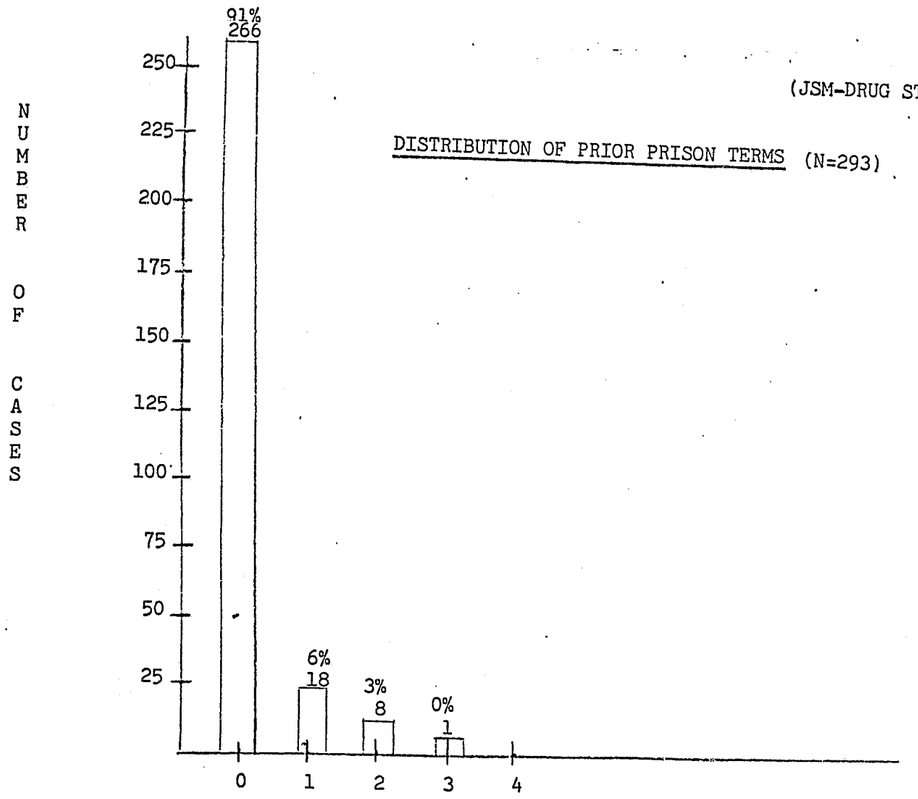
(JSM-DRUG STUDY)

DISTRIBUTION OF PRIOR JAIL TERMS (N=293)



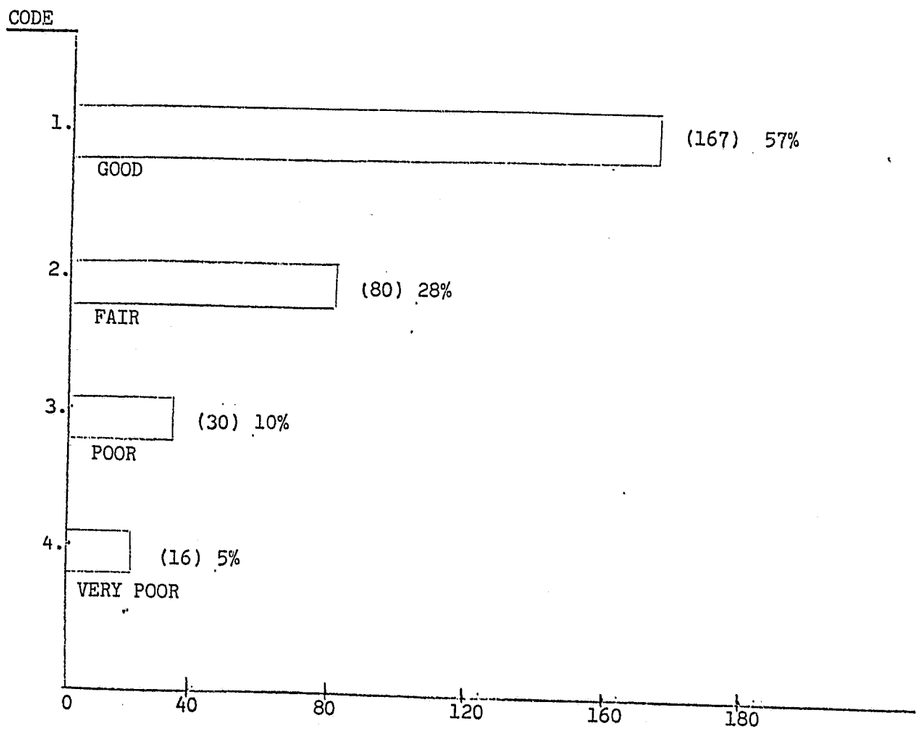
(JSM-DRUG STUDY)

DISTRIBUTION OF PRIOR PRISON TERMS (N=293)



(JSM-DRUG STUDY)

DISTRIBUTION OF PRIOR CRIMINAL RECORD SCORES (N=293)



Mean=1.642 Mode=1.000 Std.Dev.=0.875 Median=1.377

(JSM-DRUG STUDY)

CROSSTABULATION OF SALES 1, 2, AND 3 BY PRIOR CRIMINAL RECORD SCORE (N=254)

	COUNT ROW PCT COL PCT TOT PCT	GOOD 1.	FAIR 2.	POOR 3.	VERY POOR 4.	ROW TOTAL
(ACTUAL OFFENSE)	CSCS-1	30 75.0 20.5 11.8	7 17.5 10.6 2.8	1 2.5 3.8 0.4	2 5.0 12.5 0.8	40 15.7
(ACTUAL OFFENSE)	CSCS-2	42 63.6 28.8 16.5	17 25.8 25.8 6.7	5 7.6 19.2 2.0	2 3.0 12.5 0.8	66 26.0
(ACTUAL OFFENSE)	CSCS-3	74 50.0 50.7 29.1	42 28.4 63.6 16.5	20 13.5 76.9 7.9	12 8.1 75.0 4.7	148 58.3
	COL.TOTAL	146 57.5	66 26.0	26 10.2	16 6.3	254 100.0

CROSSTABULATION OF DRUG OFFENSES BY TYPE OF DRUG (N=281)

COUNT ROW PCT	HEROIN	COCAINE	MARIJUANA	OTHER DRUGS	ROW TOTAL
CSCS-1	4 10%	33 82%	0	3 0.07%	40
CSCS-2	27 40%	27 40%	0	13 20%	67
CSCS-3	104 70%	34 23%	0	9 .06%	147
CSCS-5	0	0	1 100%	0	1
CSCS-6	0	0	0	2 100%	2
CPCS-1	7 77%	2 22%	0	0	9
CPCS-2	3 43%	1 14%	0	3 43%	7
CPCS-3	1 100%	0	0	0	1
CPCS-5	1 16%	1 16%	4 66%	0	6
CPCS-6	0	0	0	1 100%	1
COLUMN TOTAL:	147	98	5	31	281

MISSING CASES= 12

DISTRIBUTION OF TIME SERVED ACCORDING TO PRIOR CRIMINAL RECORD SCORES AND DRUG CATEGORIES

ACTUAL OFFENSE	Good (8,7)	Fair (6,5)	Poor (4,3)	Very Poor (2,1,0)
CSCS-1 Class A-I Heroin, Cocaine-1 Ounce or More (N=38)	N=30 Mean=17.3 S.D.= 8.3 100% Range=12.0-39.9 80% Range= 12.2-28.8 Median= 13.2 M±6=7.2-19.2 N Cases= 23 % Cases= 76.7	N=7 Mean=24.6 S.D.= 11.2 100% Range=13.4-39.6 80% Range= - Median= 18.6 M±6=12.6-24.6 N Cases= 4 % Cases= 57.1	N=1 Mean=47.9 S.D.= - 100% Range= - 80% Range= - Median= 47.9 M±6= - N Cases= - % Cases= -	N=0 Mean= - S.D.= - 100% Range= - 80% Range= - Median= - M±6= - N Cases= - % Cases= -
CSCS-2 Class A-II Heroin, Cocaine- 1/8 Ounce, Less than 1 Ounce (N=53)	N=35 Mean=16.4 S.D.=6.2 100% Range=12.1-38.3 80% Range= 12.4-23.6 Median= 13.8 M±6=7.8-19.8 N Cases = 30 % Cases = 85.7	N=13 Mean=19.4 S.D.=6.5 100% Range=12.3-31.6 80% Range=12.6-23.9 Median=18.6 M±6=12.6-24.6 N Cases = 9 % Cases= 69.2	N=5 Mean=20.9 S.D.=8.9 100% Range=14.1-36.3 80% Range= - Median=18.3 M±6=12.3-24.3 N Cases = 4 % Cases= 80.0	N=0 Mean= - S.D.= - 100% Range= - 80% Range= - Median= - M±6= - N Cases= - % Cases= -
CSCS-3 Class A-III Heroin, Cocaine- Less than 1/8 Ounce (N=138)	N=66 Mean= 18.6 S.D.=8.0 100% Range=12.0-53.3 80% Range=12.4-28.6 Median= 15.0 M±6=9.0-21.0 N Cases= 49 % Cases=74.2	N=42 Mean=21.2 S.D.=6.9 100% Range=12.5-37.4 80% Range=13.6-29.3 Median=19.3 M±6=13.3-25.3 N Cases=31 % Cases= 73.8	N=18 Mean=22.5 S.D.=9.5 100% Range=11.5-42.5 80% Range=11.6-35.5 Median=17.6 M±6=11.6-23.6 N Cases=11 % Cases=61.1	N=12 Mean=27.3 S.D.=10.5 100% Range=12.6-48.7 80% Range=12.9-33.5 Median=29.7 M±6=23.7-35.7 N Cases=6 % Cases= 50.0
CSCS-1 Class A-I Miscellaneous Drugs (N=2)	N=0 Mean= - S.D.= - 100% Range= - 80% Range= - Median= - M±5= - N Cases= - % Cases= -	N=0 Mean= - S.D.= - 100% Range= - 80% Range= - Median= - M±5= - N Cases= - % Cases= -	N=0 Mean= - S.D.= - 100% Range= - 80% Range= - Median= - M±5= - N Cases= - % Cases= -	N=2 Mean=26.6 S.D.= 12.3 100% Range=17.8-35.3 80% Range= - Median= 26.6 M±5 = - N Cases= - % Cases= -

ACTUAL OFFENSE	Good (8,7)	Fair (6,5)	Poor (4,3)	Very Poor (2,1,0)
CSCS-2 Class A-II Miscellaneous Drugs (N=13)	N=7 Mean=15.0 S.D.= 4.4 100% Range=12.3-24.9 80% Range= - Median= 13.7 M±6= 7.7-19.7 N Cases= 6 % Cases= 85.7	N=4 Mean=25.7 S.D.= 12.7 100% Range=13.0-39.1 80% Range= - Median= 18.7 M±6= - N Cases = - % Cases= -	N=0 Mean= - S.D.= - 100% Range= - 80% Range= - Median= - M±6= - N Cases = - % Cases= -	N=2 Mean= 17.8 S.D.= - 100% Range=17.7-17.8 80% Range= - Median= 17.8 M±6= - N Cases= - % Cases= -
CSCS-3 Class A-III Miscellaneous Drugs (N=9)	N=7 Mean= 18.3 S.D.= 7.4 100% Range= 13.5-32.2 80% Range= - Median= 14.5 M±5= 18.5-20.5 N Cases= 5 % Cases= 71.4	N=0 Mean= - S.D.= - 100% Range= - 80% Range= - Median= - M±5= - N Cases= - % Cases= -	N=2 Mean= 23.6 S.D.= 0.8 100% Range= 23.0-24.2 80% Range= - Median= 23.6 M±5= - N Cases= - % Cases= -	N=0 Mean= - S.D.= - 100% Range= - 80% Range= - Median= - M±5= - N Cases= - % Cases= -

December 5, 1977

DISTRIBUTION OF DRUG OFFENSES ACCORDING TO PRIOR CRIMINAL RECORD SCORE

POSSESSION ACTUAL OFFENSE	PRIOR CRIMINAL RECORD GOOD	FAIR	POOR	VERY POOR
CPCS-1 Class A-I 1 oz.or more of Heroin or Cocaine	$\bar{X}$=20.7 S.D.= 9.6 Median=15.1		$\bar{X}$=84.7	
CPCS-2 Class A-II 1/8 oz., less than 1 oz.of Heroin, or Cocaine	$\bar{X}$=16.5 N=2	$\bar{X}$=21.5 N=2		
CPCS-3 Class A-III Less than 1/8 oz.of Heroin, or Cocaine			$\bar{X}$=23.7 N=1	
CPCS-2 Class A-II Miscellaneous Drugs	$\bar{X}$=25.5 N=2	$\bar{X}$=14.7 N=1		
CPCS-5 Class C Miscellaneous Drugs	$\bar{X}$=20.8 N=2	$\bar{X}$=17.4 N=1	$\bar{X}$=17.4 N=1	
SALES				
CSCS-5 Class C 1/8 oz.,less than 1 oz.of Heroin, or Cocaine	$\bar{X}$=21.5 N=1	$\bar{X}$=17.7 N=1		
CSCS-5 Class C Miscellaneous Drugs		$\bar{X}$=18.5 N=1		
CSCS-6 Class D Miscellaneous Drugs		$\bar{X}$=17.5 N=2		

APPENDIX G

CHART 1

Distribution of Time Served According to Prior Criminal Record Scores and Major Offense Categories (Computer Tabulated) (Judge-Set)

The offense categories listed in this chart are not mutually exclusive. Rather, they reflect the offense descriptions, in some cases with specific aggravating circumstances, which were of particular interest to Parole staff. The chart actually reports on 300 cases. This reflects the 352 judge-set cases, in the release study, less the 52 cases which fell into miscellaneous offense classifications.

NCJRS

APR 13 1978

ACQUISITIONS

VERA INSTITUTE OF JUSTICE
RESEARCH DEPARTMENT
275 Madison Avenue
New York, New York

DISTRIBUTION OF TIME SERVED ACCORDING TO PRIOR CRIMINAL RECORD SCORES AND MAJOR OFFENSE CATEGORIES

ACTUAL OFFENSE	Good (8,7)	Fair (6,5)	Poor (4,3)	Very Poor (2,1,0)
MURDER-2 Class A (N=32)	N = 9 Mean=63.3 S.D.=28.9 100% Range=13.7-107.6 80% Range=36.4-97.0 Median=61.3 M±5=56.3-66.3 N Cases=2 % Cases=22.2	N=8 Mean=90.4 S.D.=50.2 100% Range=25.6-183.1 80% Range= - Median=71.3 M±5=66.3-76.3 N Cases=2 % Cases=25.0	N=9 Mean=78.5 S.D.=53.1 100% Range=12.2-170.3 80% Range=29.0-137.7 Median=59.9 M±5=54.9-64.9 N Cases=1 % Cases=11.1	N=6 Mean=52.4 S.D.=20.6 100% Range=24.8-86.8 80% Range= - Median=49.7 M±5=44.7-54.7 N Cases=2 % Cases=33.3
ATTEMPTED MURDER-2 Class B (N=9)	N=0 Mean= - S.D.= - 100% Range= - 80% Range= - Median= - M± = - N Cases= 0 % Cases= 0	N=3 Mean=91.6 S.D.=57.3 100% Range=25.6-128.2 80% Range= - Median=121.0 M±5=116.0-126.0 N Cases=1 % Cases=33.3	N=2 Mean=45.1 S.D.=46.4 100% Range=12.2-77.9 80% Range= - Median=45.1 M±5=40.1-50.1 N Cases=0 % Cases=0	N=4 Mean=48.0 S.D.=10.4 100% Range=36.4-59.6 80% Range= - Median=46.0 M±5=41.0-51.0 N Cases=1 % Cases=25
MANSLAUGHTER-1 Class B (N=9)	N=3 Mean=43.3 S.D.= 6.2 100% Range=36.4-48.4 80% Range= - Median= 45.2 M±5=40.2-50.2 N Cases=2 % Cases= 66	N=2 Mean=49.1 S.D.=36.2 100% Range=26.0-72.1 80% Range= - Median=49.1 M±5=44.1-54.1 N Cases= 0 % Cases= 0	N=3 Mean=38.0 S.D.=15.8 100% Range=23.4-54.8 80% Range= - Median=35.8 M±5=30.8-40.8 N Cases=1 % Cases=33.3	N=1 Mean= - S.D.= - 100% Range= - 80% Range= - Median= - M±= - N Cases= 0 % Cases=0
RAPE WITH PHYSICAL INJURY OR SERIOUS PHYSICAL INJURY Class B (N=2)	N=1 Mean=40.3 S.D.= - 100% Range= - 80% Range= - Median=40.3 M±= - N Cases= 0 % Cases=0	N=0 Mean= - S.D.= - 100% Range= - 80% Range= - Median= - M± = - N Cases= 0 % Cases=0	N=0 Mean= - S.D.= - 100% Range= - 80% Range= - Median= - M±= - N Cases=0 % Cases=0	N=1 Mean= 30.4 S.D.= - 100% Range= - 80% Range= - Median= 30.4 M±= - N Cases=0 % Cases=0

ACTUAL OFFENSE	Good (8,7)	Fair (6,5)	Poor (4,3)	Very Poor (2,1,0)
ROBBERY WITH SERIOUS PHYSICAL INJURY; WITH WEAPON Class B (N=3)	N=0 Mean= - S.D.= - 100% Range= - 80% Range= - Median= - M±= - N Cases= 0 % Cases= 0	N=1 Mean=29.2 S.D.= - 100% Range= - 80% Range= - Median= 29.2 M±= - N Cases= 0 % Cases= 0	N=1 Mean=30.1 S.D.= - 100% Range= - 80% Range= - Median=30.1 M±= - N Cases= 0 % Cases= 0	N=1 Mean=29.8 S.D.= - 100% Range= - 80% Range= - Median= 29.8 M±= - N Cases= 0 % Cases= 0
ROBBERY WITH PHYSICAL INJURY;WITH WEAPON Class B (N=21)	N=2 Mean= 20.6 S.D.= 2.5 100% Range= 18.8-22.4 80% Range= - Median= 20.6 M±5= 15.6-25.6 N Cases= 2 % Cases= 100	N=7 Mean= 27.1 S.D.= 8.7 100% Range=18.2-43.6 80% Range= - Median=24.7 M±5=19.7-29.7 N Cases= 2 % Cases= 28.6	N=9 Mean=30.6 S.D.= 10.1 100% Range=20.2-51.4 80% Range= 23.3-39.4 Median=25.3 M±5=20.3-30.3 N Cases= 5 % Cases= 55.5	N=3 Mean= 26.2 S.D.= 8.8 100% Range=18.2-35.6 80% Range= - Median=24.9 M±5=19.9-29.9 N Cases= 1 % Cases= 33
ROBBERY WITH WEAPON; NO INJURY Class B (N=68)	N=13 Mean=25.9 S.D.= 10.5 100% Range= 12.0-46.2 80% Range=.12.4-35.8 Median= 24.2 M±5 = 19.2-29.2 N Cases= 4 % Cases= 30.8	N=18 Mean=28.2 S.D.=6.0 100% Range=23.7-41.2 80% Range=23.9-36.5 Median= 24.6 M±5 = 19.6-29.6 N Cases= 14 % Cases= 77.7	N=21 Mean=36.4 S.D.= 22.6 100% Range=23.3-128.6 80% Range=23.4-41.5 Median=33.5 M±5= 19.9-29.9 N Cases= 10 % Cases= 47.6	N=16 Mean= 42.4 S.D.= 21.9 100% Range=17.7 -113.7 80% Range= 24.3-48.2 Median= 36.5 M±5=33.4-43.4 N Cases= 6 % Cases= 37.5
ROBBERY-1 Class B (N=93)	N=15 Mean= 24.4 S.D.= 9.4 100% Range=12.0 -46.2 80% Range= 12.4-35.7 Median= 22.8 M±5=17.8-27.8 N Cases=7 % Cases= 46.6	N= 27 Mean= 30.4 S.D.= 12.1 100% Range= 18.2-81.3 80% Range= 23.7- 40.3 Median= 25.6 M±5=20.6-30.6 N Cases=18 % Cases= 66.6	N=31 Mean=34.5 S.D.= 19.4 100% Range=20.1 -128.6 80% Range= 23.3-41.6 Median= 28.7 M±5=20.4-30.4 N Cases=16 % Cases= 51.6	N=20 Mean= 39.3 S.D.= 20.7 100% Range=17.7-113.7 80% Range=18.2 -48.2 Median= 35.6 M±5=30.6-40.6 N Cases= 7 % Cases= 35.0

- page three -

ACTUAL OFFENSE	Good (8,7)	Fair (6,5)	Poor (4,3)	Very Poor (2,1,0)
RAPE-1 Class B (N=9)	N=5 Mean= 55.7 S.D.= 54.2 100% Range= 13.9-147.7 80% Range= - Median= 48.4 M±5= 43.4-53.4 N Cases= 2 % Cases= 40	N=2 Mean= 32.3 S.D.= 11.2 100% Range= 24.4- 40.3 80% Range= - Median= 32.3 M±5=27.3-37.3 N Cases= 0 % Cases= 0	N=1 Mean= - S.D.=21.8 100% Range= - 80% Range= - Median= - M± = - N Cases= 0 % Cases= 0	N=1 Mean= - S.D.= - 100% Range= - 80% Range= - Median= - M± = - N Cases= 0 % Cases= 0
ROBBERY-2 Class C (N=29)	N=5 Mean=27.9 S.D.=19.4 100% Range=12.3-60.7 80% Range= - Median= 18.7 M±4=14.7-22.7 N Cases= 2 % Cases= 40	N=8 Mean=26.7 S.D.=9.7 100% Range=17.1-46.8 80% Range= - Median= 23.7 M±=19.7-22.7 N Cases= 2 % Cases= 25	N=9 Mean=29.6 S.D.=11.5 100% Range=17.6-54.1 80% Range= 17.7-36.4 Median=25.1 M±4=21.1-29.1 N Cases= 3 % Cases=33.3	N=7 Mean=25.2 S.D.=8.7 100% Range=18.2-42.5 80% Range= - Median= 23.6 M±4=19.6-27.6 N Cases=2 % Cases= 28.6
ROBBERY WITH PHYSICAL INJURY Class C (N=7)	N= 0 Mean= - S.D.= - 100% Range = - 80% Range = - Median= - M±4= - N Cases= 0 % Cases= 0	N=1 Mean=17.7 S.D.= - 100% Range= - 80% Range= - Median=17.7 M±4= - N Cases= 0 % Cases= 0	N=4 Mean= 35.0 S.D.= 13.9 100% Range= - 80% Range= - Median= 25.5 M±4=21.5-29.5 N Cases= 2 % Cases= 50	N=2 Mean= 18.3 S.D.= .14 100% Range= 18.2-18.4 80% Range= - Median=18.3 M±= - N Cases= 0 % Cases= 0
ROBBERY; NO INJURY;WITH SIMULATED WEAPON Class C (N=9)	N=1 Mean=17.9 S.D.= - 100% Range= - 80% Range= - Median= 17.9 M±= - N Cases = 0 % Cases = 0	N=3 Mean=35.5 S.D.= 9.8 100% Range= 28.7-46.8 80% Range = - Median= 31.0 M±4= 27.0-35.0 N Cases= 2 % Cases= 66.6	N=3 Mean=23.8 S.D.=10.7 100% Range=17.6-36.2 80% Range= - Median= 17.7 M±4= 13.7-21.7 N Cases= 2 % Cases = 66.6	N=2 Mean=24.8 S.D.= 7.8 100% Range=19.3-30.3 80% Range= - Median= 24.8 M±4=20.8-28.8 N Cases= 0 % Cases= -

ACTUAL OFFENSE	Good (8,7)	Fair (6,5)	Poor (4,3)	Very Poor (2,1,0)
ROBBERY WITH ACCOMPLICES Class C (N=7)	N=1 Mean=60.7 S.D.= - 100% Range= - 80% Range= - Median= 60.7 M±= - N Cases= 0 % Cases= 0	N=3 Mean=23.2 S.D.= 5.9 100% Range= 17.1-28.9 80% Range= - Median= 23.6 M±4= 19.6-27.6 N Cases= 1 % Cases= 33.3	N=1 Mean=24.0 S.D.= - 100% Range= - 80% Range= - Median= 24.0 M± = N Cases= 0 % Cases= 0	N=2 Mean=33.2 S.D.= 13.1 100% Range=23.9-42.8 80% Range= - Median= 33.2 M±4 = 29.2-37.2 N Cases= 0 % Cases= 0
RAPE-NO INJURY Class B (N=7)	N=4 Mean=65.1 S.D.= 57.6 100% Range= 13.9-147.7 80% Range= - Median= 49.4 M±5= 44.4-54.4 N Cases= 2 % Cases= 50	N=2 Mean=30.1 S.D.= 8.2 100% Range= 24.4-35.9 80% Range= - Median= 30.1 M±5= 25.1-35.1 N Cases= 0 % Cases= -	N=1 Mean=57.6 S.D.= - 100% Range= - 80% Range= - Median= 57.6 M±= - N Cases= 0 % Cases= -	N= - Mean= - S.D.= - 100% Range= - 80% Range= - Median= - M±= - N Cases= 0 % Cases= -
BURGLARY-2 Class C (N=18)	N=0 Mean= - S.D.= - 100% Range= - 80% Range= - Median= - M±4= - N Cases= 0 % Cases= 0	N=6 Mean= 20.6 S.D.= 3.0 100% Range= 18.2-24.6 80% Range= - Median= 18.6 M±4= 14.6-22.6 N Cases= 4 % Cases= 66.6	N=6 Mean= 23.7 S.D.= 3.0 100% Range= 18.5-27.7 80% Range= - Median= 23.9 M±4=19.9-27.9 N Cases= 5 % Cases= 83.3	N=6 Mean= 25.8 S.D.= 6.6 100% Range= 18.4-35.8 80% Range= - Median= 24.3 M±4=20.3-28.3 N Cases= 3 % Cases= 50
BURGLARY-3 Class D (N=66)	N=2 Mean=18.3 S.D.=8.6 100% Range= 12.2-24.3 80% Range= - Median= 18.3 M±3= 15.5-21.5 N Cases= 0 % Cases= 0	N=23 Mean=20.1 S.D.= 3.6 100% Range= 17.2-30.2 80% Range= 17.4-25.1 Median= 18.4 M±3= 15.4-21.4 N Cases=17 % Cases= 73.9	N=25 Mean=21.2 S.D.=4.6 100% Range= 15.4-30.9 80% Range= 17.6-28.4 Median= 18.6 M±3=15.6-21.6 N Cases=15 % Cases= 60	N=16 Mean=23.6 S.D.= 6.2 100% Range= 17.8-39.3 80% Range= 17.8-30.0 Median= 20.0 M±3=17.0-23.0 N Cases=8 % Cases= 50

ACTUAL OFFENSE	Good (8,7)	Fair (6,5)	Poor (4,3)	Very Poor (2,1,0)
CRIMINAL POSSESSION OF A WEAPON-3 Class D (N=30)	N = 2 Mean= 20.5 S.D.= 3.3 100% Range=18.2-22.9 80% Range= - Median= 20.5 M±3=17.5-23.5 N Cases = 0 % Cases = 0	N = 8 Mean= 20.1 S.D.=4.2 100% Range=11.5-24.6 80% Range= - Median= 20.8 M±3=17.8-23.8 N Cases = 5 % Cases = 62.5	N = 10 Mean=22.6 S.D.=8.3 100% Range=17.3-44.8 80% Range=17.5-24.2 Median=18.6 M±3=15.6-21.6 N Cases = 6 % Cases = 60.0	N = 10 Mean=26.0 S.D.=9.3 100% Range=17.3-48.7 80% Range= 18.4-30.4 Median= 23.1 M±3=20.1-26.1 N Cases = 2 % Cases = 20.0
FORGERY (Combined) (N=8)	N=0 Mean= - S.D.= - 100% Range= - 80% Range= - Median= - M± = - N Cases = 0 % Cases = 0	N=3 Mean= 20.2 S.D. = 3.6 100% Range=17.7-24.4 80% Range= - Median= 18.6 M± = - N Cases = 0 % Cases = 0	N=5 Mean= 20.8 S.D.= 3.3 100% Range=17.7-24.7 80% Range= - Median= 19.3 M± = - N Cases = 0 % Cases = 0	N=0 Mean= - S.D.= - 100% Range= - 80% Range= - Median= - M± = - N Cases = 0 % Cases = 0

DISTRIBUTION OF MISCELLANEOUS ACTUAL OFFENSES BY PRIOR CRIMINAL RECORD (Part I) (N=37)

ACTUAL OFFENSE		PRIOR CRIMINAL RECORD GOOD	FAIR	POOR	VERY POOR
BURGLARY-1 Class B (N=2)	$\bar{X}$	24.1	18.3	-	-
	S.D.	-	-	-	-
	M	24.1	18.3	-	-
	N	1	1	0	0
ASSAULT-1 Class C (N=5)	$\bar{X}$	19.1	-	20.6	17.2
	S.D.	-	-	-	2.0
	M	19.1	-	20.6	17.7
	N	1	0	1	3
ROBBERY-3 Class D (N=3)	$\bar{X}$	-	-	21.6	22.2
	S.D.	-	-	3.4	-
	M	-	-	21.6	22.2
	N	0	0	2	1
GRAND LARCENY-2 Class D (N=6)	$\bar{X}$	-	19.9	18.7	20
	S.D.	-	2.1	-	5.4
	M	-	19.9	18.7	17.7
	N	0	2	1	3
CRIMINAL POSSESSION OF STOLEN PROPERTY -1 Class D (N=3)	$\bar{X}$	-	21.3	-	-
	S.D.	-	4.5	-	-
	M	-	23.9	-	-
	N	0	3	0	0
BRIBERY-2 Class D (N=2)	$\bar{X}$	-	-	15.6	12.0
	S.D.	-	-	-	-
	M	-	-	15.6	12.0
	N	0	0	1	1
ASSAULT-2 Class D (N=6)	$\bar{X}$	-	20.0	15.2	16.2
	S.D.	-	3.6	1.7	-
	M	-	18.8	15.2	16.2
	N	0	3	2	1
GRAND LARCENY-3 Class E (N=5)	$\bar{X}$	-	18.0	-	26.5
	S.D.	-	0.6	-	3.5
	M	-	18.2	-	26.5
	N	0	3	0	2
CRIMINAL POSSESSION OF STOLEN PROPERTY -2 Class E (N=5)	$\bar{X}$	-	-	17.7	23.5
	S.D.	-	-	14.4	0.7
	M	-	-	18.5	23.5
	N	0	0	3	2

DISTRIBUTION OF MISCELLANEOUS ACTUAL OFFENSES BY PRIOR CRIMINAL RECORD (Part II)

ACTUAL OFFENSE	PRIOR CRIMINAL RECORD	TIME SERVED	N
KIDNAPPING-1	Very Poor	172.6	1
ATTEMPTED MURDER-1	Poor	56.1	1
SODOMY-1	Poor	31.4	1
MANSLAUGHTER-2	Fair	31.1	1
CRIMINAL POSSESSION OF A WEAPON-1	Poor	26.9	1
BAILJUMPING	Good	21.1	1
ARSON-2	Fair	21.0	1
ESCAPE-2	Poor	18.6	1
CRIMINAL POSSESSION OF A WEAPON-2	Very Poor	16.8	1
ARSON-3	Fair	14.7	1
CRIMINALLY NEGLIGENT HOMICIDE	Good	14.7	1
RAPE-3	Poor	13.6	1
CONSPIRACY-2	Poor	13.4	1
RECKLESS ENDANGERMENT-1	Poor	12.9	1
GRAND LARCENY-1	Fair	12.6	1
		TOTAL:	15

MEANS TEST FOR DIFFERENCES IN TIME SERVED BETWEEN BOARD-SET AND JUDGE-SET CASES

[illegible]	MPI or JS	PCR	N of Cases	Mean	Std. Dev.	Std. Error	F Value	2-tailed Probability	T Value	Degrees of Freedom	2-tailed Probability	T Value	Degrees of Freedom	2-tailed Probability
									Pooled Variance Estimate			Separate Variance Estimate		
[illegible]-2	MPI	1	75	37.3	17.2	2.0								
	JS		9	77.3	49.0	16.3	8.08	0.0	-5.06	82	0.0	-2.43	8.2	.04
[illegible]-2	MPI	2	33	43.6	18.7	3.2								
	JS		8	73.7	34.8	12.3	3.47	.01	-3.41	39	0.0	-2.37	8.0	.04
[illegible]-2	MPI	3	20	47.3	18.4	4.1								
	JS		9	75.7	55.3	18.4	9.0	0.0	-2.09	27	.05	-1.50	8.8	.17
[illegible]-2	MPI	4	8	52.5	22.7	8.0								
	JS		6	54.4	17.8	7.3	1.6	0.61	-0.7	12	0.87	-0.17	11.9	0.86
[illegible]-1	MPI	1	40	29.8	11.1	1.8								
	JS		5	60.1	51.0	22.8	21.16	0.0	-3.40	43	0.0	-1.33	4.0	.26
[illegible]-1	MPI	1	263	23.8	9.5	.58								
	JS		15	25.2	9.9	2.56	1.09	.73	-0.55	276	.58	-0.53	15.5	.60
[illegible]-1	MPI	2	152	29.5	13.6	1.1								
	JS		27	29.9	12.1	2.3	1.25	.51	-0.15	177	.89	-0.17	38.5	.87
[illegible]-1	MPI	3	105	32.7	15.2	1.5								
	JS		30	34.7	19.7	3.6	1.69	.06	-0.58	133	.56	-0.50	39.3	.62
[illegible]-1	MPI	4	32	44.2	14.2	2.5								
	JS		20	39.3	20.7	4.6	2.12	.06	1.02	50	.31	.93	30.2	.36
[illegible]-2	MPI	1	55	22.8	8.4	1.1								
	JS		5	27.9	19.4	8.7	5.32	0.0	-1.19	58	.24	-0.61	4.1	.58
[illegible]-2	MPI	2	52	24.7	10.4	1.4								
	JS		8	26.7	9.7	3.4	1.15	.92	-0.52	58	.61	-0.54	9.7	.60
[illegible]-2	MPI	3	14	28.9	14.8	4.0								
	JS		9	29.6	11.5	3.8	1.7	.48	-0.11	21	.91	-0.12	20.1	.91
[illegible]-2	MPI	4	10	31.0	11.0	3.5								

CRIME	MPI or JS	PCR	N of Cases	Mean	Std. Dev.	Std. Error	F Value	2-tailed Probability	T Value	Degrees of Freedom	2-tailed Probability	T Value	Degrees of Freedom	2-tailed Probability
									Pooled Variance Estimate			Separate Variance Estimate		
BURGLARY-2	MPI JS	2	15 6	22.7 20.6	6.7 3.0	1.7 1.2	5.2	.08	.74	19	.47	1.01	18.6	.32
BURGLARY-2	MPI JS	3	12 6	24.0 23.7	12.6 3.0	3.6 1.2	18.2	0.008	0.07	16	0.95	0.1	13.2	0.93
BURGLARY-3	MPI JS	2	39 23	20.3 20.1	5.1 3.6	.81 .76	1.95	.10	0.12	60	.90	0.13	57.6	.90
BURGLARY-3	MPI JS	3	23 25	20.1 21.2	5.9 4.6	1.2 .9	1.68	.22	-0.76	46	.45	-0.75	41.3	.46
BURGLARY-3	MPI JS	4	10 16	25.2 23.6	6.7 6.2	2.1 1.5	1.16	.77	.64	24	.53	.62	18.2	.54
MURDER-2 NO ATTEMPT	MPI JS	1	44 9	42.2 77.3	14.8 49.0	2.2 16.3	10.9	0.00	-4.04	51	0.00	-2.13	8.3	0.07
MURDER-2 NO ATTEMPT	MPI JS	2	14 5	48.5 63.0	25.6 9.6	6.8 4.3	7.14	0.08	-1.22	17	0.24	-1.79	10.8	0.09
MURDER-2 NO ATTEMPT	MPI JS	3	14 7	50.5 84.5	19.0 57.6	5.1 21.8	9.2	0.001	-2.04	19	0.06	-1.52	6.6	0.17
ROBBERY-1 W/INJURY W/GUN, KNIFE, OTHER WEAPON	MPI JS	2	21 7	32.0 27.1	19.1 8.7	4.2 3.3	4.85	0.06	0.64	26	0.53	0.92	23.0	0.37
ROBBERY-1 W/INJURY W/GUN,KNIFE, OTHER WEAPON	MPI JS	3	18 8	27.6 30.7	18.0 10.8	4.2 3.8	2.76	0.18	-0.45	24	0.66	-.54	21.4	0.59
ROBBERY-1 NO INJURY, GUN,KNIFE, OTHER WEAPON	MPI JS	1	206 13	23.9 25.9	9.6 10.4	.7 2.9	1.19	.58	-0.73	217	.47	-0.67	13.3	.51

CRIME	MPI or JS	PCR	N of Cases	Mean	Std. Dev.	Std. Error	F Value	2-tailed Probability	T Value	Degrees of Freedom	2-tailed Probability	T Value	Degrees of Freedom	2-tailed Probability
									Pooled Variance Estimate			Separate Variance Estimate		
[illegible]-1 NO INJURY GUN, KNIFE, OTHER WEAPON	MPI	2	121	28.3	12.0	1.1								
	JS		18	28.2	6.0	1.4	3.95	.003	.03	137	.97	-0.05	[illegible]	.96
[illegible]-1 NO INJURY GUN, KNIFE, OTHER WEAPON	MPI	3	77	34.2	14.7	1.7								
	JS		21	36.4	22.6	4.9	2.37	.008	-0.54	96	.59	-0.43	[illegible]	.67
[illegible]-1 NO INJURY GUN, KNIFE, OTHER WEAPON	MPI	4	26	44.7	12.6	2.5								
	JS		16	42.3	21.9	5.5	3.03	.014	0.45	40	.66	0.39	21.2	.70

APPENDIX H

DESCRIPTIVE STATISTICS ON RELEASE POPULATION - EXCLUDING DRUG OFFENSES (TOTAL N=1747)

Vera Institute of Justice
December 15, 1977

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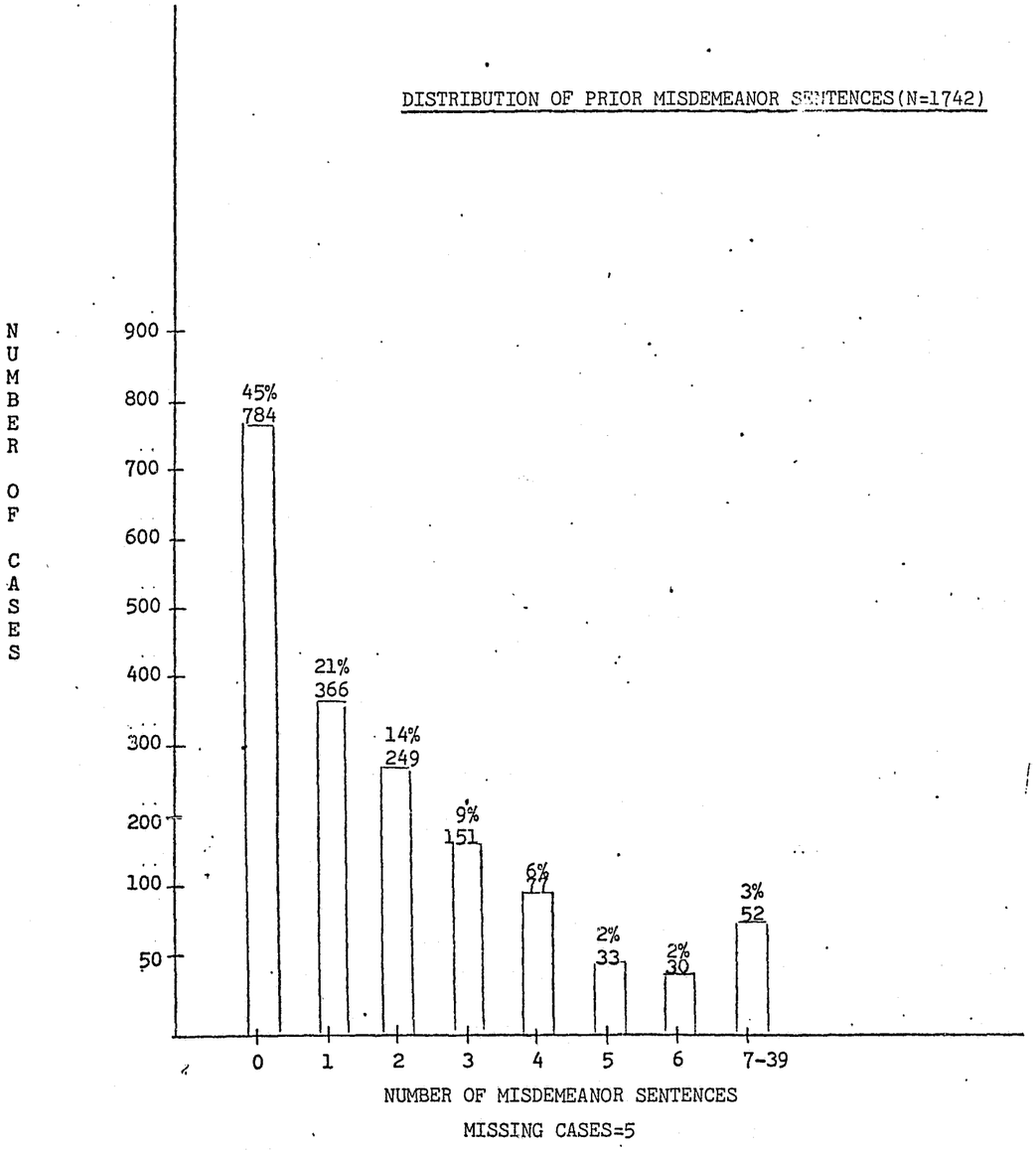
(COMBINED RELEASE STUDY)

DISTRIBUTION OF PRIOR MISDEMEANOR SENTENCES(N=1742)

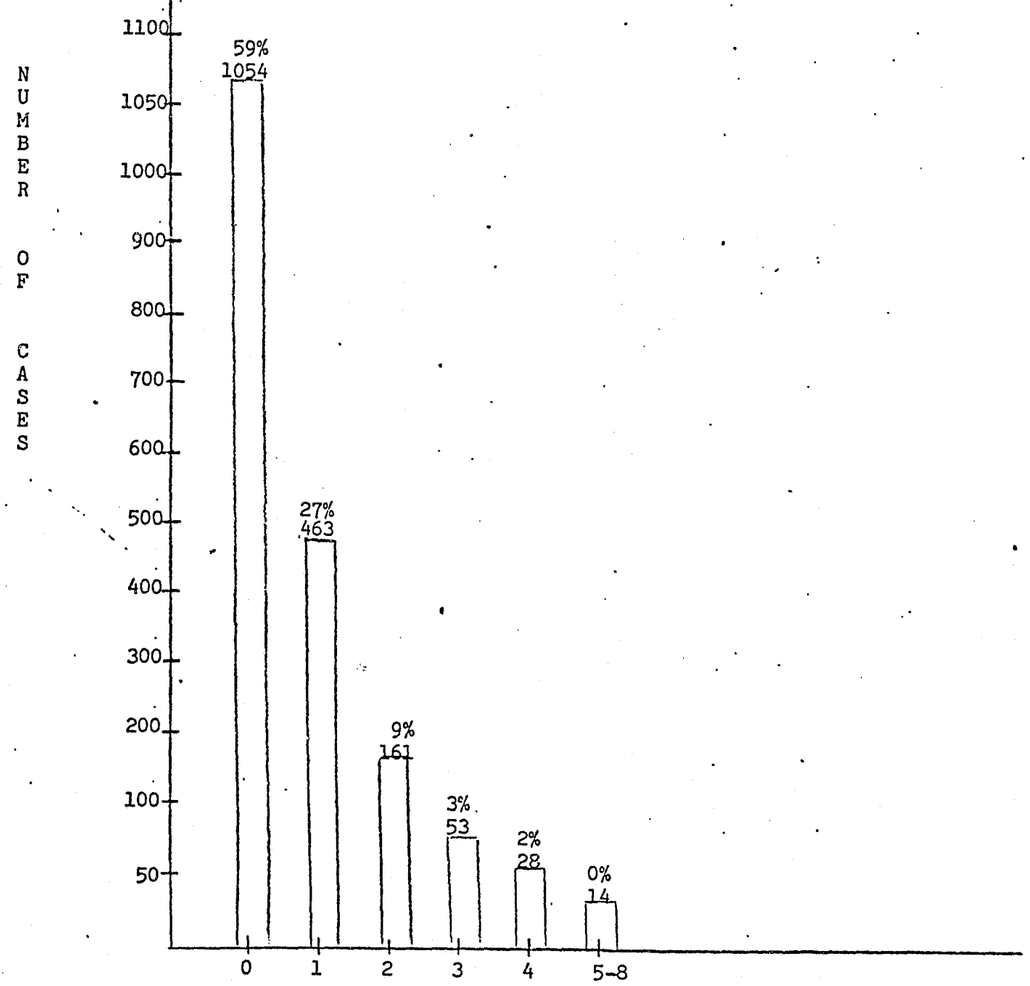


NUMBER OF MISDEMEANOR SENTENCES

MISSING CASES=5

(COMBINED RELEASE STUDY)

DISTRIBUTION OF PRIOR FELONY SENTENCES(N=1743)

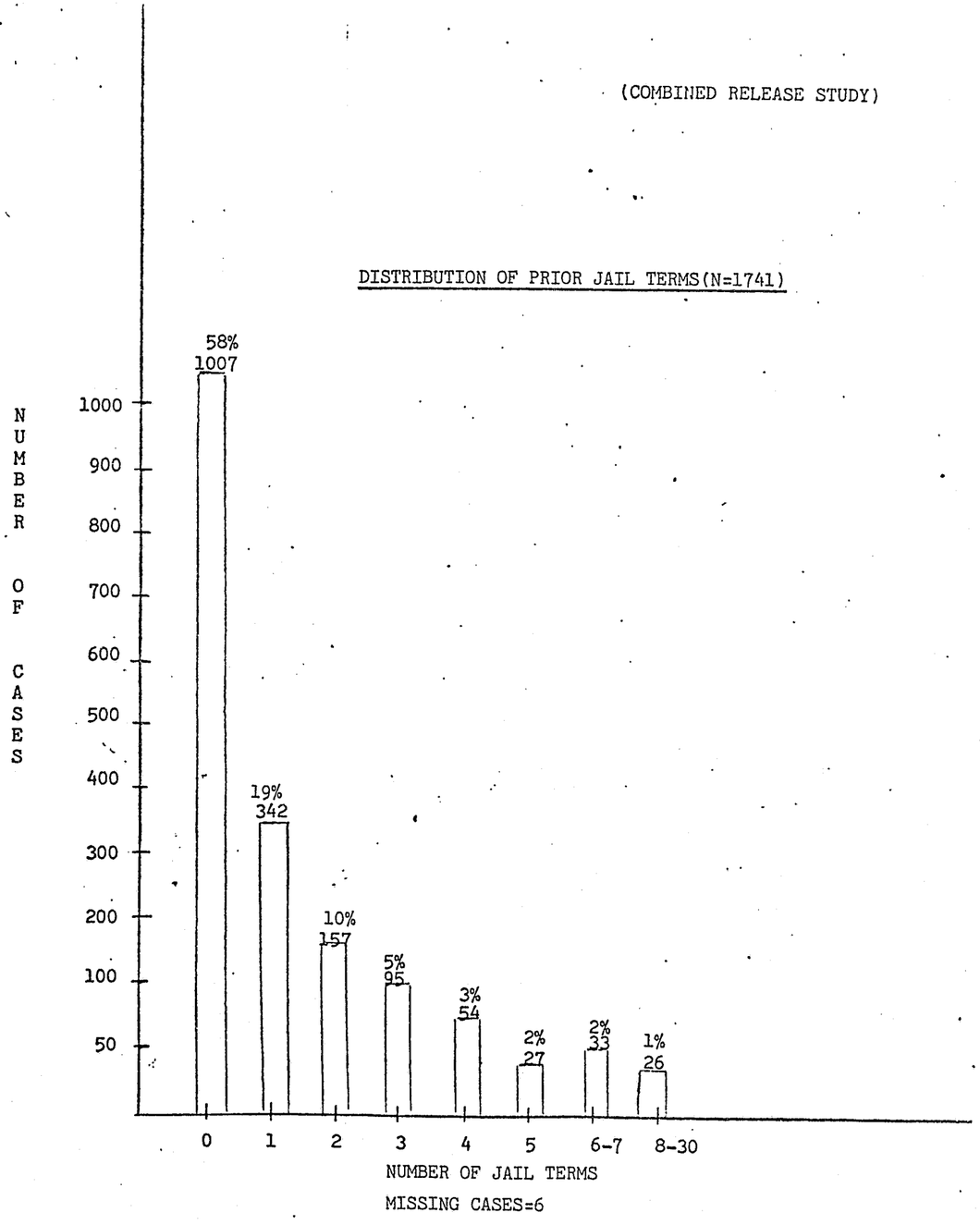


NUMBER OF PRIOR FELONY SENTENCES

MISSING CASES=4

(COMBINED RELEASE STUDY)

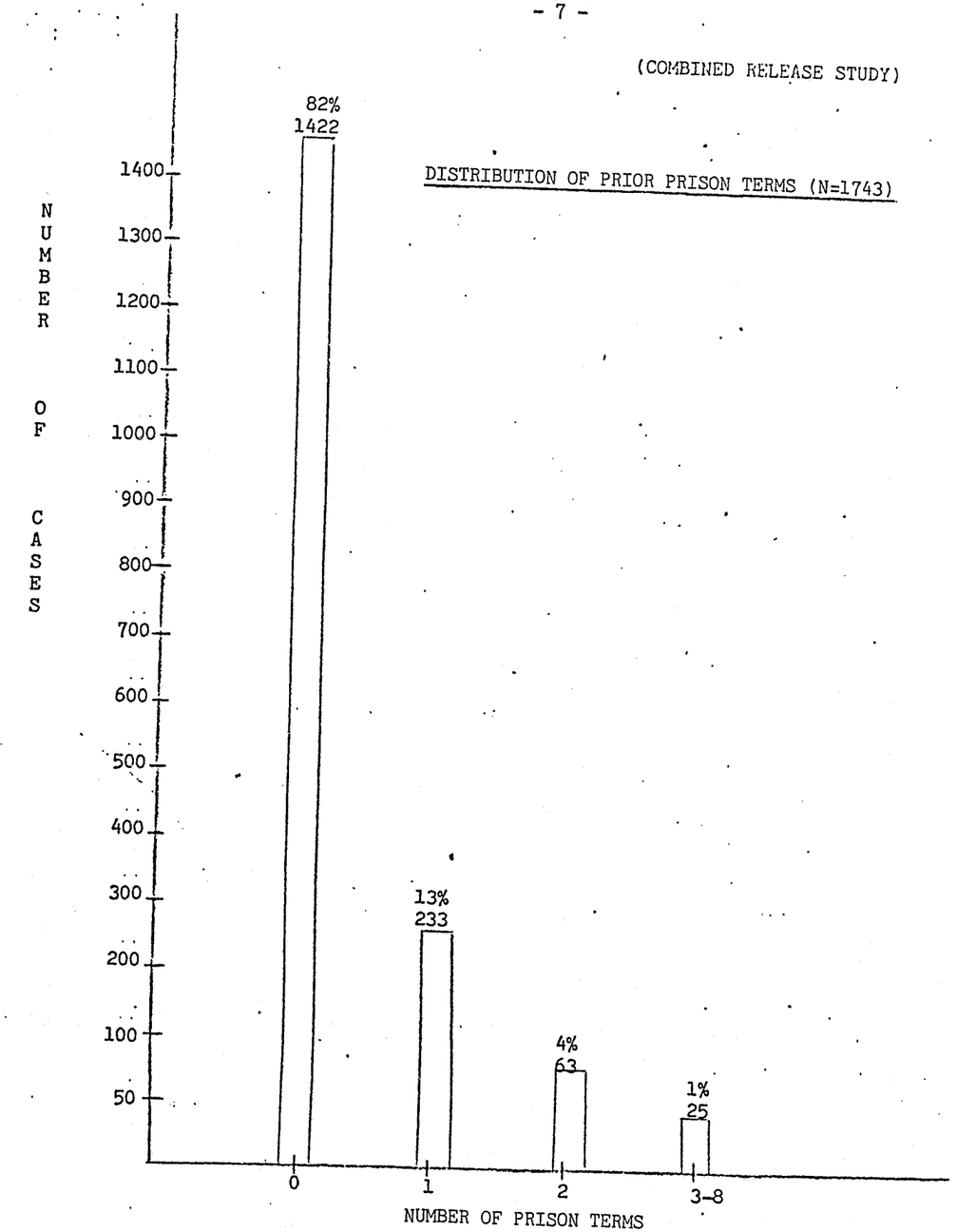
DISTRIBUTION OF PRIOR JAIL TERMS(N=1741)



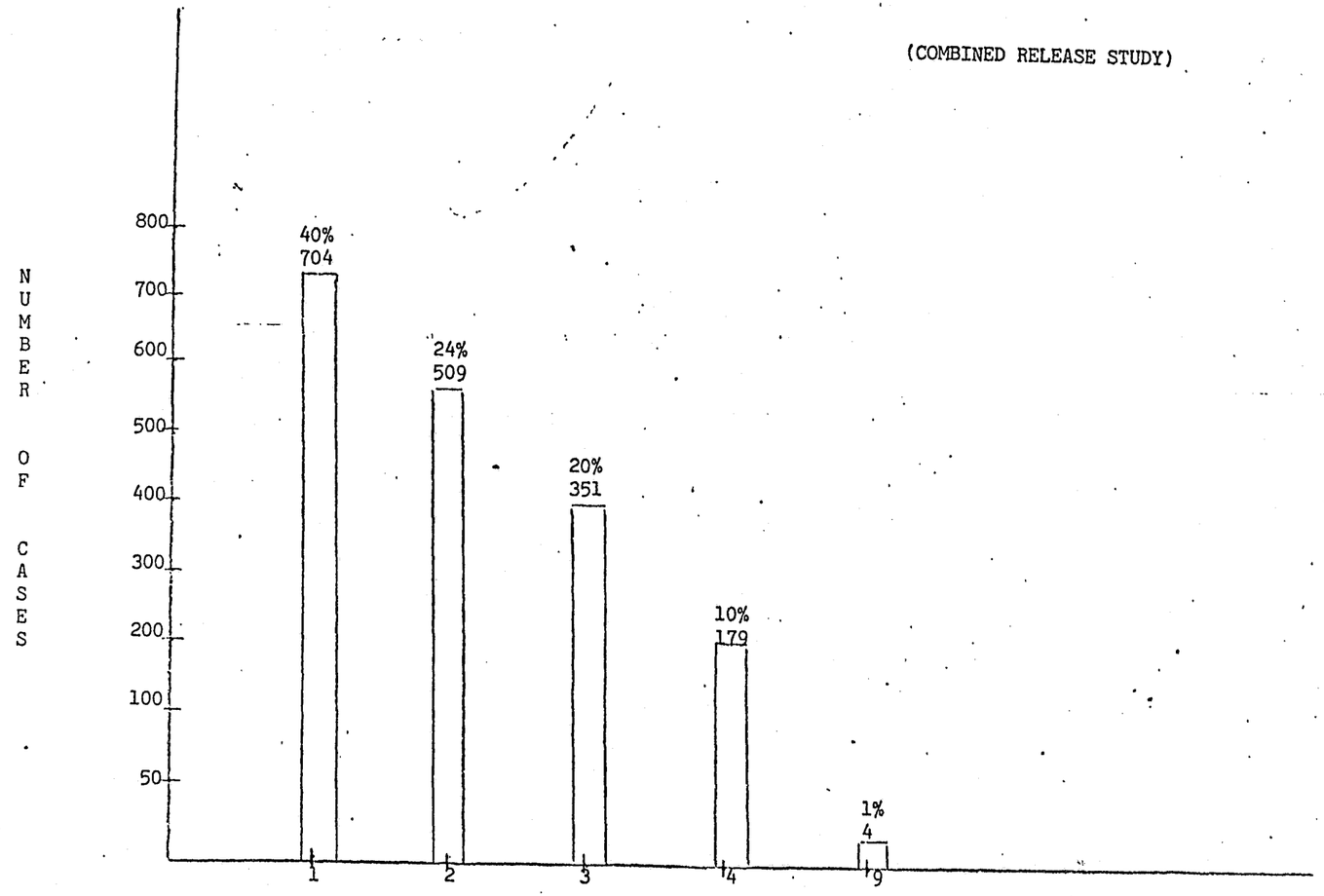
MISSING CASES=6

(COMBINED RELEASE STUDY)

DISTRIBUTION OF PRIOR PRISON TERMS (N=1743)



MISSING CASES=4



PRIOR CRIMINAL RECORD (N=1743)

MISSING CASES=4

Category	Percent	Cum.Percent	N	Cum.Freq.
FEL.CLASS CONV.OFF.				
B	19	19	324	327
C	27	46	476	803
D	27	73	470	1273
E	16	89	275	1548
F	11	100	199	1747

VALID CASES=1744 MISSING CASES=3

MAX.TERM				
30	0	0	2	2
36	27	27	470	472
42	0	27	2	474
46	0	27	1	475
48	28	57	496	971
54	0	57	1	972
56	0	57	1	973
60	11	68	200	1173
66	0	68	2	1175
70	0	68	1	1176
72	3	71	58	1234
76	0	71	1	1235
78	0	71	1	1236
84	10	81	169	1405
90	0	81	2	1407
96	2	83	41	1448
108	2	85	27	1475
120	6	91	118	1593
140	0	91	1	1594
144	2	93	37	1631
150	0	93	2	1633
168	1	94	5	1638
180	4	98	67	1705
192	0	98	2	1707
216	0	98	3	1710
240	1	99	11	1721
252	0	99	1	1722
288	0	99	1	1723
300	1	100	20	1743

VALID CASES=1743 MISSING CASES=4

FEL.CLASS IND.OFF.				
A	12	12	197	197
B	48	60	807	1004
C	17	77	275	1279
D	21	98	345	1624
E	2	100	41	1665

VALID CASES=1665 MISSING CASES=82

FEL.CLASS ACTUAL OFF.				
A	8	8	130	130
B	50	58	870	1000
C	19	77	331	1331
D	20	97	350	1681
E	3	100	45	1726

VALID CASES=1726 MISSING CASES=21

Category	Percent	Cum.Percent	N	Cum.Freq.
#PRIOR FEL.SENT.				
0	59	59	1024	1024
1	27	85	463	1487
2	10	95	161	1648
3	3	98	53	1701
4	1	99	28	1729
5	1	100	6	1735
6	0	100	5	1740
7	0	100	2	1742
8	0	100	1	1743

VALID CASES=1743 MISSING CASES=4

PRIOR MISD.SENTENCES				
0	45	45	784	784
1	21	66	366	1150
2	14	80	249	1399
3	9	89	151	1550
4	4	93	77	1627
5	2	95	33	1660
6	2	97	30	1690
7	1	98	15	1705
8	0	98	9	1714
9	1	99	6	1720
10	0	99	4	1724
11	0	99	6	1730
12	1	100	5	1735
13	0	100	1	1736
14	0	100	2	1738
15	0	100	2	1740
18	0	100	1	1741
39	0	100	1	1742

VALID CASES=1742 MISSING CASES=5

TOTAL SENTENCES				
0	32	32	553	553
1	20	52	348	901
2	18	70	316	1217
3	11	81	187	1404
4	7	88	134	1538
5	4	92	63	1601
6	2	94	46	1647
7	2	96	27	1674
8	1	97	23	1697
9	1	98	12	1709
10	1	99	9	1718
11	0	99	4	1722
12	0	99	5	1727
13	0	99	4	1731
14	0	99	3	1734
15	1	100	1	1735
16	0	100	1	1736
17	0	100	2	1738
18	0	100	3	1741
20	0	100	1	1742
40	0	100	1	1743

VALID CASES=1743 MISSING CASES=4

PRIOR PRISON TERMS				
0	82	82	1422	1422
1	13	95	233	1655
2	4	99	63	1718
3	0	99	15	1733
4	1	100	8	1741
5	0	100	1	1742
8	0	100	1	1743

Category	Percent	Cum.Percent	N	Cum.Freq.
PRIOR JAIL TERMS				
0	58	58	1007	1007
1	19	77	342	1349
2	10	87	157	1506
3	5	92	95	1601
4	3	95	54	1655
5	2	97	27	1682
6	1	98	22	1704
7	1	99	11	1715
8	0	99	5	1720
9	0	99	5	1725
10	0	99	6	1731
11	1	100	4	1735
13	0	100	2	1737
14	0	100	1	1738
15	0	100	1	1739
16	0	100	1	1740
30	0	100	1	1741

VALID CASES=1741 MISSING CASES=6

PRIOR PROBATION REVOCATIONS				
0	93	93	1614	1614
1	6	99	119	1733
2	1	100	10	1743

VALID CASES=1743 MISSING CASES=4

C.O.COMMITTED ON PROBATION				
0	88	88	1541	1541
1	12	100	202	1743

VALID CASES=1743 MISSING CASES=4

PRIOR PAROLE REVOCATIONS				
0	93	91	1592	1592
1	7	98	118	1710
2	2	100	30	1740
3	0	100	1	1741
4	0	100	2	1743

VALID CASES=1743 MISSING CASES=4

WEAPON CODE

	%	C.P.	N.	C.F.
No Weapon	30	30	524	524
Firearm	41	71	698	1222
Simulated	4	75	73	1295
Knife	19	94	328	1623
Explosive	1	95	12	1635
Other	5	100	84	1719

VALID CASES=1719 MISSING CASES=28

INJURY CODE

	%	C.P.	N.	C.F.
No Injury	48	48	833	833
Force, Restraint	19	67	323	1156
Physical Injury	13	80	214	1370
Serious Physical Injury	8	88	134	1504
Death	12	100	214	1718

VALID CASES=1718 MISSING CASES=29

DISTRIBUTION OF MISCELLANEOUS FREQUENCY

MERGE

Category	Percent	N
CONV.CRIME		
80	11	199
100	0	8
101	0	2
102	0	3
201	5	91
202	6	102
300	0	6
401	2	30
402	0	6
403	0	4
501	14	246
502	17	293
503	12	213
601	2	36
602	3	61
603	0	1
604	0	6
701	1	9
702	1	13
703	10	180
1001	0	1
1002	1	16
1003	3	47
1302	0	1
1303	0	3
1401	0	5
1402	1	14
1505	0	1
1601	0	1
1602	0	5
1603	1	18
1701	0	4
1702	0	3
1703	0	3
1901	0	3
1902	0	1
1905	1	11
2100	0	2
2101	3	58
2102	0	1
2108	1	11
2202	0	3
3035	0	1
3301	0	1
3402	0	2
3902	0	4
4002	0	3
4201	0	2
4800	0	3
4804	0	3
6401	0	1
6402	0	2
9001	0	3
DIST.OF IND.OFF.		
100	12	203
101	0	7
102	3	43
201	2	30
202	0	8
300	0	1
401	4	67
402	0	3
501	39	650
502	8	129
503	1	24
504	0	1
601	2	29
602	1	23
604	0	4

Category	Percent	N
901	0	1
1001	0	3
1002	1	19
1003	1	13
1302	0	4
1303	0	3
1401	0	7
1402	0	6
1600	0	1
1602	1	9
1603	1	11
1700	0	1
1701	0	5
1702	0	4
1901	1	10
1905	0	3
2015	0	1
2016	0	1
2017	0	1
2100	0	4
2101	3	43
2108	0	7
2202	0	3
3035	0	1
3301	0	1
3402	0	1
3902	0	2
4001	0	4
4002	0	8
4201	0	2
4800	0	3
4804	0	3
6401	0	1
6402	0	1

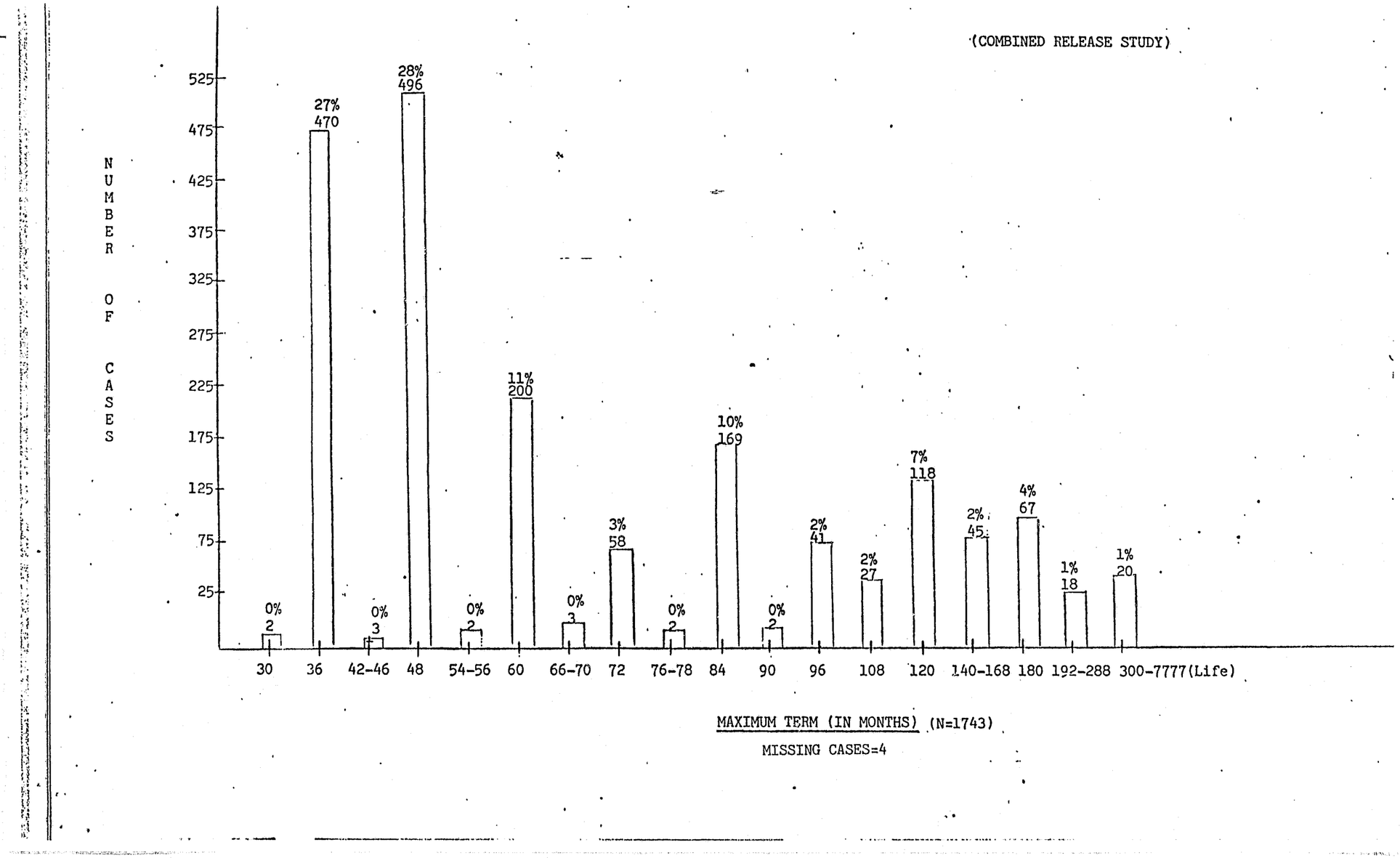
VALID CASES=1665 MISSING CASES=82

DIST.OF ACTUAL OFF.		
100	1	10
101	1	16
102	9	159
201	6	102
202	1	15
300	0	2
401	4	77
402	0	2
403	0	2
501	37	646
502	9	161
503	1	18
504	0	3
601	2	33
602	1	20
604	0	6
701	1	12
702	3	56
703	11	190
901	0	1
1001	0	2
1002	1	21
1003	1	14
1020	0	1
1201	0	1
1302	0	6
1303	0	3
140o	0	7
1402	1	10
1520	0	1
1600	0	2
1601	0	1
1602	1	9
1603	1	12
1701	0	5

Category	Percent	N
1901	0	8
1905	0	4
2015	0	1
2100	0	4
2101	2	41
2108	0	7
2202	0	3
3035	0	1
3301	0	1
3902	0	2
4001	0	3
4002	1	9
4201	0	2
4800	0	3
4804	0	3
6401	0	1
6402	0	1

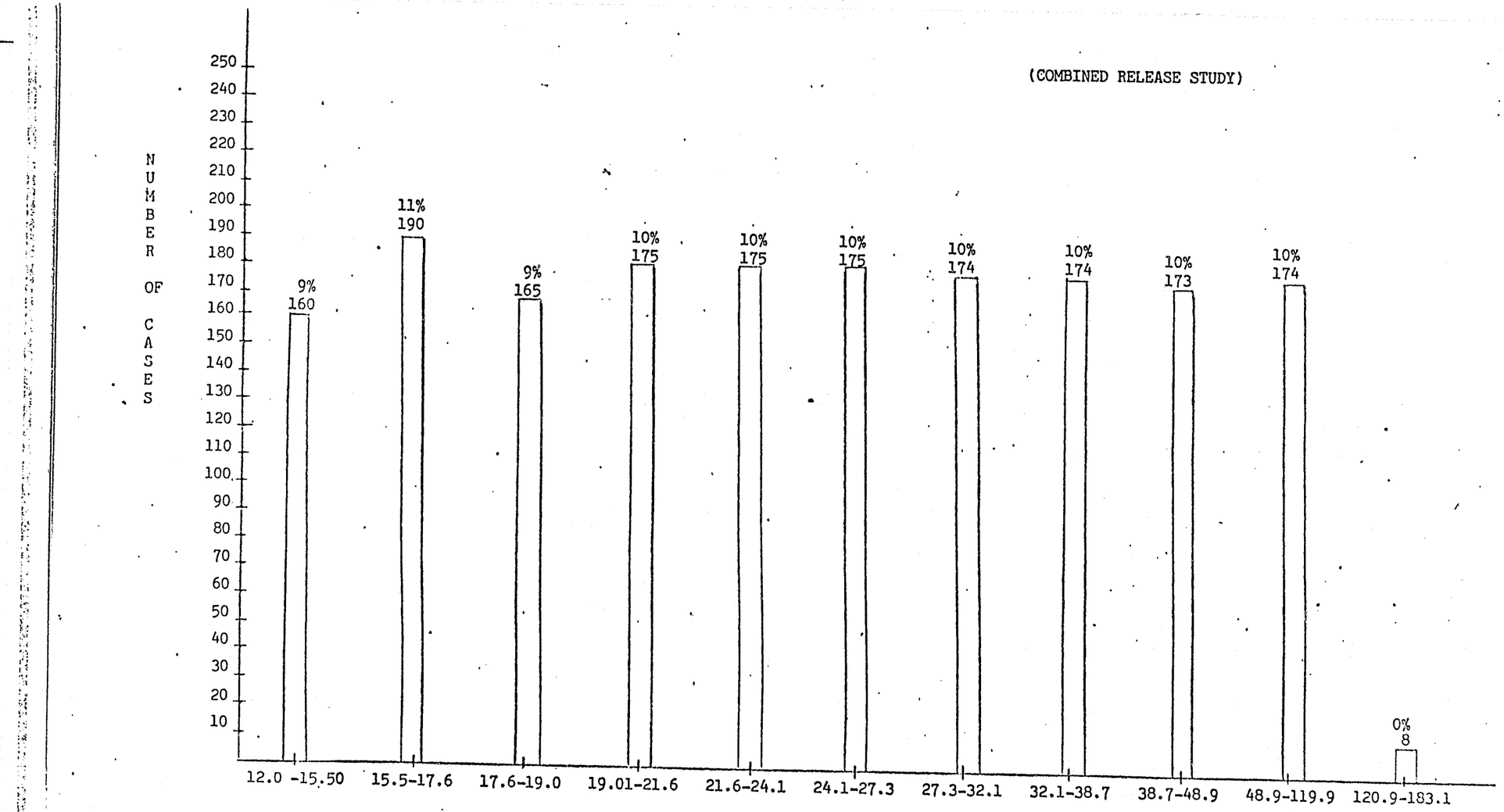
VALID CASES=1726 MISSING CASES=21

(COMBINED RELEASE STUDY)



MISSING CASES=4

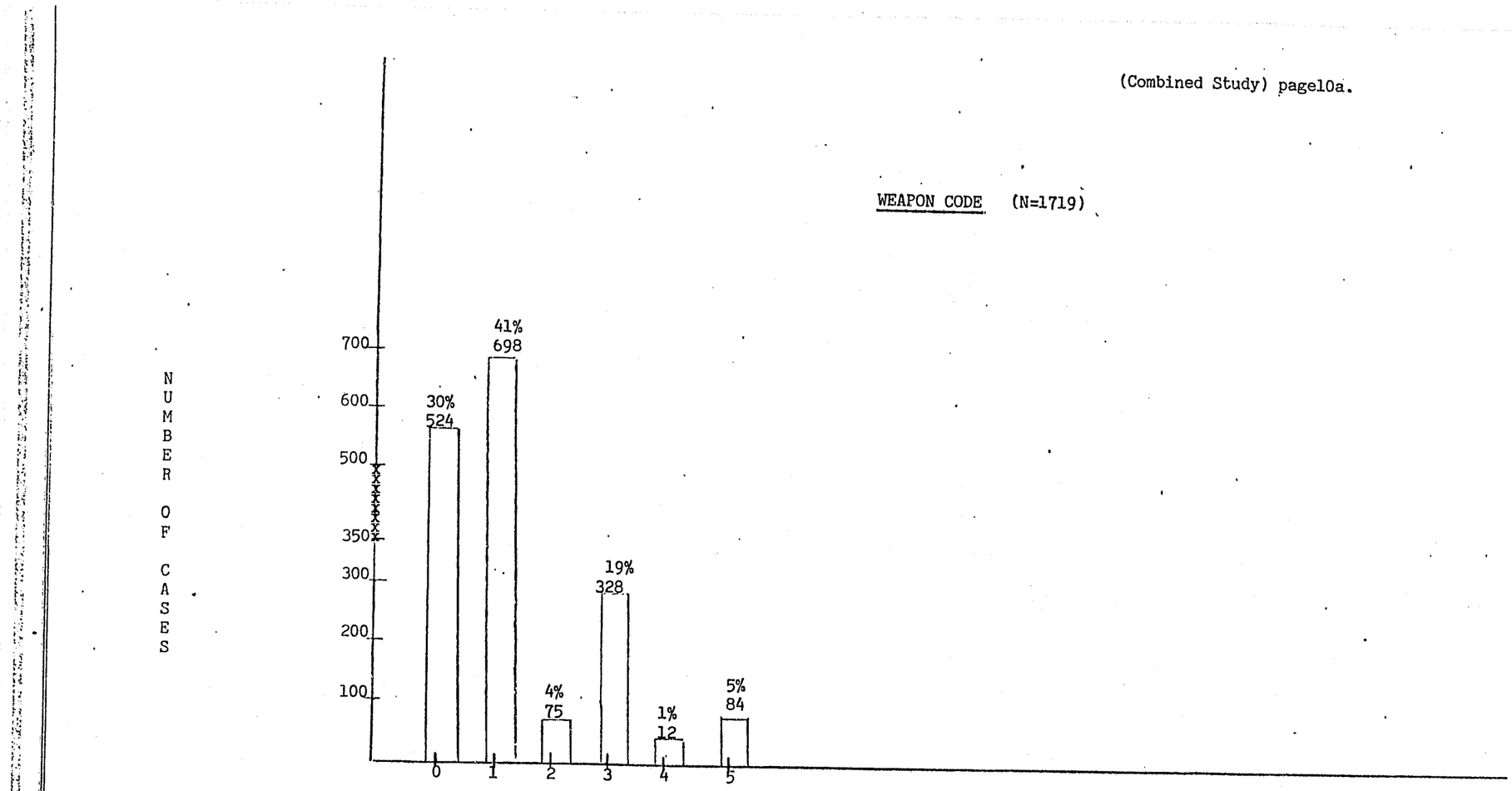
(COMBINED RELEASE STUDY)



TIME SERVED

Valid Cases=1743 Missing Cases=4

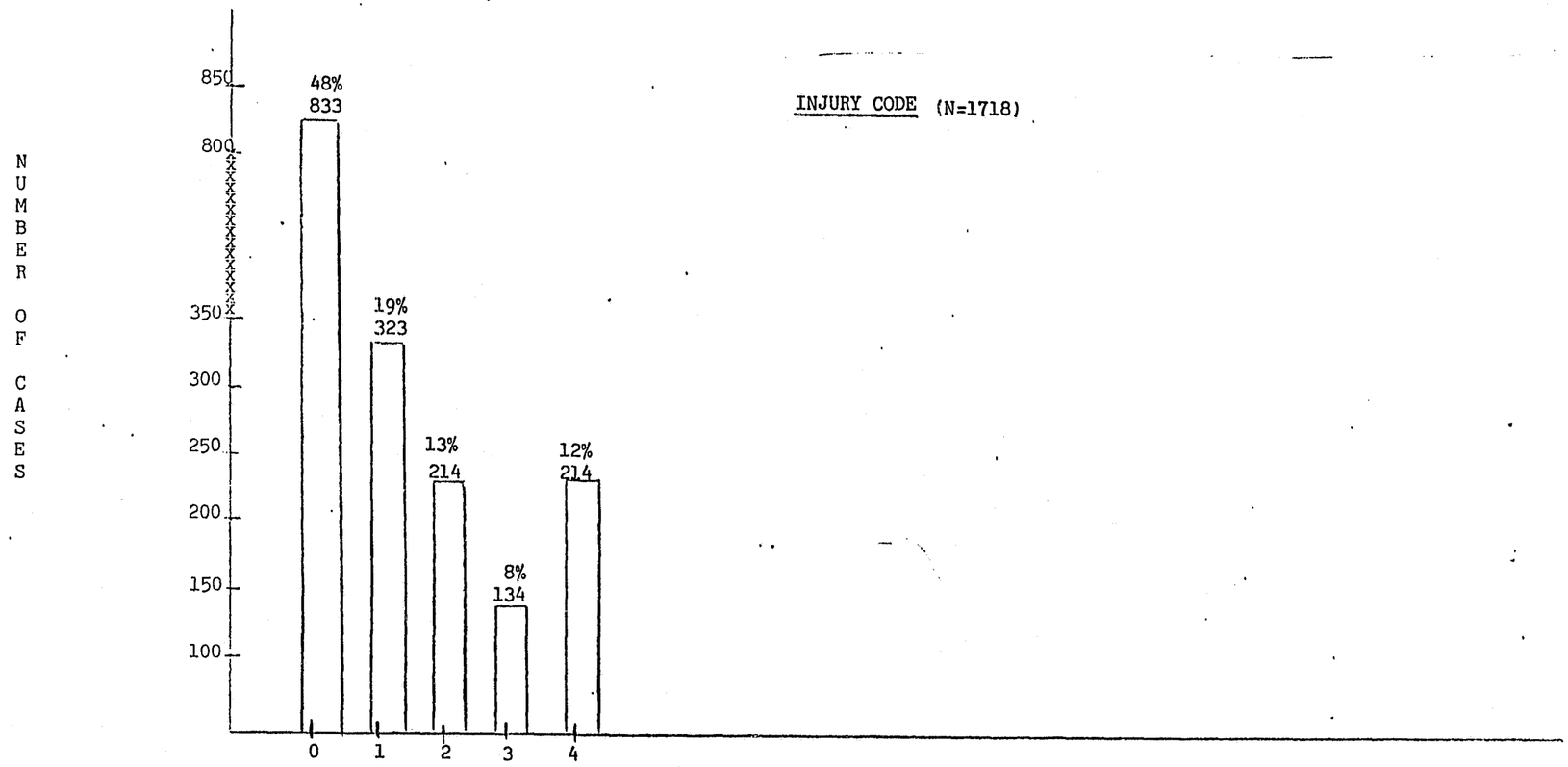
WEAPON CODE (N=1719)



MISSING CASES: 28

CODES
0=No Weapon
1=Firearm
2=Simulated Firearm
3=Knife
4=Explosive
5=Other

INJURY CODE (N=1718)



MISSING CASES= 29

CODES

0=No Injury
1=With Restraint,Force,etc.
2=Physical Injury
3=Serious Physical Injury
4=Death

APPENDIX H

CHART 1

Distribution of Time Served According
to Prior Criminal Record Scores and
Major Offense Categories (Computer Tabulated)

The offense categories listed in this chart are not mutually exclusive. Rather, they reflect the "actual" offense descriptions, in some cases with specific aggravating circumstances, which were of particular interest to Parole staff. The chart actually reports on 1660 cases. This reflects the total number of non-drug cases (1747), less 87 cases which fell into miscellaneous offense classifications.

DISTRIBUTION OF TIME SERVED ACCORDING TO PRIOR CRIMINAL RECORD SCORES AND MAJOR OFFENSE CATEGORIES

	Good (8,7)	Fair (6,5)	Poor (4,3)	Very Poor (2,1,0)
ATTEMPTED MURDER-1 Class A (N=15)	N = 7 Mean = 34.9 S.D.= 14.2 100% Range = 16.3-51.3 80% Range = - Median = 38.3 M± 5= 33.3-43.3 N Cases = 2 % Cases = 28.6	N= 5 Mean = 46.6 S.D.= 10.3 100% Range = 30.1-55.1 80% Range = - Median = 51.8 M±5= 46.8-56.8 N Cases = 3 % Cases = 60.0	N = 3 Mean = 56.6 S.D.= 19.4 100% Range =36.9-75.3 80% Range = - Median = 57.1 M± 5=52.1-62.1 N Cases = 1 % Cases = 33.3	N = - Mean = - S.D.= - 100% Range =- 80% Range = - Median = - M± = - N Cases = - % Cases = -
MURDER-2 Class A (N=100)	N = 53 Mean = 48.2 S.D. = 27.0 100% Range =13.7-183.1 80% Range = 22.8-72.1 Median = 42.0 M± 5=37.0-47.0 N Cases = 14 % Cases = 26.4	N = 19 Mean = 52.3 S.D. = 23.2 100% Range = 16.6-101.6 80% Range = 20.5-73.6 Median = 49.6 M± 5=44.6-54.6 N Cases = 3 % Cases = 15.8	N = 21 Mean = 61.8 S.D. = 38.7 100% Range = 24.8-170.3 80% Range = 29.0-120.0 Median = 49.6 M± 5=44.6-54.6 N Cases = 4 % Cases = 19.0	N = 7 Mean = 63.4 S.D.= 21.3 100% Range =36.2-86.8 80% Range = - Median = 54.1 M± 5=49.1-59.1 N Cases = 2 % Cases = 28.6
ATTEMPTED MURDER-2 Class B (N=68)	N = 31 Mean = 30.2 S.D.= 18.2 100% Range = 15.2-94.7 80% Range =17.2-39.8 Median = 25.7 M± 5=20.7-30.7 N Cases = 14 % Cases = 45.2	N = 22 Mean = 47.0 S.D.= 27.2 100% Range = 21.3-128.2 80% Range = 25.6-53.2 Median = 37.2 M± 5 = 32,2-42,2 N Cases =6 % Cases =27.3.	N = 8 Mean = 41.1 S.D. = 22.4 100% Range = 12.2-77.9 80% Range = - Median = 32.5 M± 5=27.5-37.5 N Cases =1 % Cases =12.5	N = 7 Mean = 43.1 S.D. = 13.1 100% Range=19.3-59.6 80% Range= - Median= 42.8 M±5=37.8-47.8 N Cases= 2 % Cases= 28.6
MANSLAUGHTER-1 Class B (N=101)	N = 53 Mean = 39.4 S.D. = 15.3 100% Range =14.4-76.0 80% Range = 19.7-58.9 Median = 36.2 M± 5= 31.2-41.2 N Cases = 14 % Cases = 26.4	N = 22 Mean = 38.1 S.D. = 13.6 100% Range = 14.9-64.1 80% Range = 20.3-50.8 Median = 38.8 M± 5=33.8-43.8 N Cases = 3 % Cases = 13.6	N = 17 Mean = 41.0 S.D. = 14.2 100% Range=19.2-72.8 80% Range= 26.0-54.8 Median = 39.4 M±5=34.4-44.4 N Cases = 4 % Cases = 23.5	N = 9 Mean= 46.1 S.D= 16.8 100% Range=18.6-74.3 80% Range =18.6-68.5 Median= 43.8 M±5=38.8-48.8 N Cases = 5 % Cases = 55.6

	Good (8,7)	Fair (6,5)	Poor (4,3)	Very Poor (2,1,0)
RAPE WITH PHYSICAL INJURY OR SERIOUS PHYSICAL INJURY Class B (N=23)	N = 15 Mean = 33.4 S.D.= 13.8 100% Range = 16.6-62.1 80% Range = 18.4-44.1 Median = 33.3 M± 5=28.3-38.3 N Cases = 1 % Cases = 6.7	N = 4 Mean = 43.7 S.D.= 15.8 100% Range = 20.6-55.7 80% Range = - Median = 48.1 M± 5=44.1-54.1 N Cases = 2 % Cases = 50.0	N = 3 Mean = 53.6 S.D.= 22.9 100% Range = 37.1-79.7 80% Range = - Median = 44.0 M± 5=39.0-49.0 N Cases = 1 % Cases = 33.3	N = 1 Mean =30.4 S.D.= - 100% Range = - 80% Range = - Median 30.4 M± 5=25.4-35.4 N Cases = - % Cases = -
RAPE-1 Class B (N=77)	N = 45 Mean = 33.2 S.D.= 21.0 100% Range = 12.3-147.7 80% Range = 16.6-48.2 Median = 29.6 M± 5=24.6-34.6 N Cases = 10 % Cases = 22.2	N = 20 Mean = 35.6 S.D.= 16.5 100% Range =17.5-78.3 80% Range = 17.5-52.0 Median = 29.6 M± 5=24.6-34.6 N Cases -3 % Cases =15.0	N = 7 Mean = 45.0 S.D.= 20.7 100% Range =16.4-79.7 80% Range = - Median = 44.0 M± 5=39.0-49.0 N Cases = 1 % Cases =14.3	N = 5 Mean = 30.6 S.D.= 10.9 100% Range =17.3-45.9 80% Range = - Median = 30.4 M± 5=25.4-35.4 N Cases = 2 % Cases = 40.0
ROBBERY WITH SERIOUS PHYSICAL INJURY WITH WEAPON Class B (N=26)	N =10 Mean = 27.1 S.D. = 10.1 100% Range = 13.6-48.1 80% Range =16.0-32.3 Median = 25.8 M± 5=20.8-30.8 N Cases =4 % Cases =40.0	N = 6 Mean = 45.7 S.D. = 15.0 100% Range =29.2-71.0 80% Range = - Median = 40.1 M± 5=35.1-45.1 N Cases = 3 % Cases = 50.0	N = 7 Mean = 34.8 S.D. = 11.1 100% Range =19.3-51.9 80% Range = - Median = 34.1 M± 5=29.1-39.1 N Cases = 3 % Cases = 42.9	N = 3 Mean = 44.6 S.D. = 26.0 100% Range =29.4-74.6 80% Range = - Median = 29.8 M± 5=24.8-34.8 N Cases = 2 % Cases = 66.7
ROBBERY WITH SERIOUS PHYSICAL INJURY; NO WEAPON Class B (N=6)	N = 3 Mean = 19.9 S.D.= 4.6 100% Range =14.8-23.3 80% Range = - Median = 21.7 M± 5=16.7-26.7 N Cases = 2 % Cases = 66.7	N = 2 Mean = 27.6 S.D. = 8.6 100% Range =21.5-33.6 80% Range = - Median = 27.5 M± 5=22.5-32.5 N Cases = - % Cases = -	N = 1 Mean = 17.2 S.D. = - 100% Range = - 80% Range = - Median = 17.2 M± 5=12.2-22.2 N Cases = - % Cases = -	N = 0 Mean = - S.D. = - 100% Range = - 80% Range = - Median = - M± = - N Cases = -

	Good (8,7)	Fair (6,5)	Poor (4,3)	Very Poor (2,1,0)
ROBBERY WITH PHYSICAL INJURY;WITH WEAPON Class B (N=100)	N = 39 Mean = 22.3 S.D. = 6.8 100% Range =12.9-45.9 80% Range = 15.0-30.4 Median = 20.5 M± 5=15.5-25.5 N Cases = 22 % Cases = 56.4	N = 28 Mean= 30.8 S.D.= 17.1 100% Range =15.2-86.1 80% Range = 15.6-53.0 Median = 24.7 M± 5=19.7-29.7 N Cases = 9 % Cases = 32.1	N = 26 Mean =28.6 S.D. = 15.9 100% Range = 12.4-88.1 80% Range =15.3-89.4 Median = 23.5 M± 5=18.5-28.5 N Cases = 15 % Cases = 57.7	N = 7 Mean = 32.3 S.D. = 14.5 100% Range =13.7-55.0 80% Range = - Median = 35.6 M± 5=30.6-40.6 N Cases = 2 % Cases = 28.6
ROBBERY WITH WEAPON;NO INJURY Class B (N=498)	N = 219 Mean = 24.0 S.D. = 9.6 100% Range =12.0 -58.1 80% Range =14.1-35.7 Median = 22.2 M± 5=17.2-27.2 N Cases = 88 % Cases = 40.2	N = 139 Mean = 28.3 S.D.= 11.4 100% Range = 13.6-77.4 80% Range = 17.4-43.4 Median = 25.2 M± 5=20.2-30.2 N Cases = 65 % Cases = 46.8	N = 98 Mean = 34.6 S.D.= 16.6 100% Range=15.8-128.6 80% Range =18.4-48.9 Median = 32.2 M± 5=27.2-37.2 N Cases = 25 % Cases = 21.4	N = 42 Mean = 43.8 S.D. = 16.5 100% Range= 16.8-113.7 80% Range= 24.3-56.5 Median = 41.7 M± 5=36.7-46.7 N Cases= 20 % Cases= 47.6
ROBBERY-1 Class B (N=644)	N =278 Mean =23.9 S.D. =9.5 100% Range=12.0 -63.2 80% Range= 14.3-34.5 Median = 22.2 M± 5=17.2-27.2 N Cases = 109 % Cases = 39.2	N = 179 Mean = 30.0 S.D. = 13.3 100% Range=13.6-86.2 80% Range = 17.4-45.4 Median = 25.9 M± 5=20.9-30.9 N Cases = 65 % Cases = 36.3	N=135 Mean = 33.1 S.D. = 16.2 100% Range= 12.4-128.6 80% Range = 18.3-48.9 Median = 28.5 M±5=23.5-33.5 N Cases = 35 % Cases = 25.9	N = 52 Mean = 42.3 S.D. = 16.9 100% Range=13.7-113.7 80% Range = 18.2-56.5 Median = 41.2 M± 5=36.2-46.2 N Cases = 20 % Cases = 38.5
SODOMY-1 Class B (N=9)	N = 6 Mean = 39.9 S.D. = 10.5 100% Range=20.3-54.1 80% Range= - Median = 36.7 M± 5=31.7-41.7 N Cases = 1 % Cases = 16.7	N = 0 Mean = - S.D. = - 100% Range = - 80% Range= - Median = - M± = - N Cases= - % Cases= -	N = 3 Mean= 26.6 S.D.= 8.6 100% Range= 21.5-36.4 80% Range= - Median= 21.8 M± 5=16.8-26.8 N Cases = 2	N= 0 Mean= - S.D.= - 100% Range = - 80% Range = - Median= - M± = - N Cases= -

	Good (8,7)	Fair (6,5)	Poor (4,3)	Very Poor (2,1,0)
BURGLARY-1 Class B (N=12)	N = 4 Mean= 28.2 S.D.= 9.6 100% Range = 23.0-42.6 80% Range = - Median=23.0 M± 5=18.0-27.0 N Cases = 3 % Cases = 75.0	N = 5 Mean= 21.0 S.D.= 2.4 100% Range =18.3-24.0 80% Range= - Median =20.2 M± = - N Cases = - % Cases = -	N = 3 Mean = 25.4 S.D.= 4.2 100% Range =22.4-30.2 80% Range = - Median=23.6 M± 5=18.6-28.6 N Cases = 2 % Cases = 66.7	N = - Mean = - S.D.= - 100% Range = - 80% Range= - Median = - M± = - N Cases = - % Cases = -
KIDNAPPING-2 Class B (N=8)	N = 6 Mean= 43.1 S.D.= 17.6 100% Range =20.2-65.6 80% Range= - Median = 45.0 M± 5=40.0-50.0 N Cases = 2 % Cases = 33.3	N =2 Mean= 40.7 S.D.= 0.5 100% Range =40.3-41.1 80% Range = - Median = 40.7 M±= - N Cases = - % Cases = -	N = 0 Mean= - S.D.= - 100% Range= - 80% Range = - Median = - M± = - N Cases = - % Cases = -	N = 0 Mean = - S.D. = - 100% Range = - 80% Range = - Median = - M± = - N Cases = - % Cases = -
ASSAULT-1 Class C (N=32)	N = 12 Mean = 22.1 S.D. = 14.6 100% Range=12.2-65.0 80% Range = 12.2-22.0 Median = 17.4 M± 5=12.4-22.4 N Cases = 10 % Cases = 83.3	N = 8 Mean = 30.2 S.D. = 14.8 100% Range=15.1-61.3 80% Range = - Median= 31.6 M± 5=26.6-36.6 N Cases = 4 % Cases = 50.0	N = 7 Mean = 28.0 S.D. = 10.0 100% Range =17.1-41.4 80% Range = - Median = 29.5 M± 5=24.5-34.5 N Cases = 2 % Cases = 28.6	N= 5 Mean= 28.7 S.D.= 14.7 100% Range =17.7-48.7 80% Range = - Median=18.8 M±5=13.8-23.8 N Cases = 3 % Cases = 60.0
MANSLAUGHTER-2 Class C (N=14)	N = 11 Mean = 27.0 S.D. = 13.4 100% Range=12.2-55.2 80% Range= 12.2-32.2 Median = 22.2 M± 5=17.2-27.2 N Cases = 5 % Cases = 45.5	N = 3 Mean= 35.0 S.D.= 0.8 100% Range=34.1-35.6 80% Range= - Median = 35.1 M± = - N Cases = - % Cases = -	N = 0 Mean= - S.D.= - 100% Range= - 80% Range = - Median = - M± = - N Cases = - % Cases = -	N = 0 Mean= - S.D.= - 100% Range = - 80% Range = - Median = - M± = - N Cases = -

	Good (8,7)	Fair (6,5)	Poor (4,3)	Very Poor (2,1,0)
BURGLARY-2 Class C (N=56)	N = 8 Mean = 19.0 S.D. = 5.0 100% Range =13.5-30.2 80% Range = - Median = 17.0 M± 4=13.0-21.0 N Cases = 7 % Cases =87.5	N = 21 Mean = 22.1 S.D. = 5.9 100% Range =13.7-35.5 80% Range = 13.7-28.7 Median = 20.6 M± 4=16.6-24.6 N Cases = 12 % Cases = 57.5	N = 18 Mean = 23.9 S.D. = 10.3 100% Range =15.9-61.2 80% Range =15.9-27.7 Median = 23.6 M± 4=19.7-27.6 N Cases = 7 % Cases = 38.9	N = 9 Mean = 26.8 S.D. = 7.9 100% Range =18.4-42.1 80% Range= - Median = 24.0 M± 4=20.0-28.0 N Cases = 5 % Cases = 55.6
ROBBERY-2 Class C (N=160)	N = 60 Mean = 23.0 S.D. = 9.6 100% Range =12.1-60.7 80% Range=12.8-31.0 Median = 21.0 M± 4=17.0-25.0 N Cases = 21 % Cases = 35.0	N = 60 Mean= 24.9 S.D.= 10.3 100% Range =13.0-52.7 80% Range = 15.3-37.7 Median= 21.4 M± 4=17.4-25.4 N Cases = 21 % Cases = 35.0	N = 23 Mean= 29.2 S.D.= 13.3 100% Range =15.9-67.9 80% Range= 17.6-42.3 Median = 24.1 M± 4=20.1-28.1 N Cases = 11 % Cases = 47.8	N = 17 Mean = 28.6 S.D.= 10.3 100% Range =12.2-42.5 80% Range =12.2-41.8 Median = 25.4 M± 4=21.4-26.4 N Cases = 3 % Cases = 17.6
ROBBERY WITH PHYSICAL INJURY Class C (N=27)	N = 10 Mean =18.4 S.D.= 5.0 100% Range = 12.1-27.1 80% Range =13.9-20.8 Median = 16.4 M± 4=12.4-20.4 N Cases = 6 % Cases = 60.0.	N = 10 Mean = 24.5 S.D. = 8.8 100% Range =13.0-38.6 80% Range = 16.4-33.2 Median = 21.8 M± 4=17.3-25.8 N Cases = 4 % Cases = 40.0.	N = 5 Mean = 41.6 S.D.= 19.0 100% Range = 24.5-67.9 80% Range = - Median = 36.4 M± 4= 32.4-40.4 N Cases = 1 % Cases = 20.0	N = 2 Mean = 18.3 S.D.= 0.1 100% Range =18.2-18.4 80% Range= - Median = 18.3 M± = - N Cases = - % Cases = -
ROBBERY WITH SIMULATED WEAPON; NO INJURY Class C (N=56)	N = 22 Mean = 23.7 S.D.= 10.3 100% Range =12.6-49.5 80% Range =12.8-28.6 Median = 22.4 M± 4=18.4-26.4 N Cases = 8 % Cases = 36.4	N = 20 Mean = 27.4 S.D.= 11.5 100% Range= 15.3-52.7 80% Range= 15.3-37.8 Median = 25.3 M± 4=21.3-29.3 N Cases= 5 % Cases=	N= 9 Mean= 27.1 S.D= 12.3 100% Range= 17.6-49.7 80% Range= - Median = 20.4 M± 4=16.4-24.4 N Cases = 6	N = 5 Mean = 26.4 S.D= 10.9 100% Range= 12.2-40.3 80% Range= - Median = 30.0 M± 4=26.0-34.0 N Cases = 2

	Good (8,7)	Fair (6,5)	Poor (4,3)	Very Poor (2,1,0)
ROBBERY WITH ACCOMPLICES Class C (N=60)	N = 21 Mean = 24.4 S.D. = 10.8 100% Range=12.4-60.7 80% Range =12.4-31.0 Median = 24.0 M± 4=20.0-28.0 N Cases = 4 % Cases = 19.0	N = 28 Mean = 23.9 S.D.= 10.1 100% Range =14.4-51.2 80% Range =14.8-36.0 Median = 19.8 M± 4=15.8-23.8 N Cases = 14 % Cases = 50.0	N = 6 Mean = 23.0 S.D. = 5.8 100% Range =15.9-33.6 80% Range= - Median = 21.7 M± 4=17.7-25.7 N Cases = 4 % Cases = 66.7	N = 5 Mean = 30.5 S.D. = 10.9 100% Range=19.1-42.5 80% Range = - Median = 25.4 M± 4=21.4-29.4 N Cases = 2 % Cases = 40.0
ASSAULT-2 Class D (N=19)	N = 7 Mean = 19.8 S.D. = 3.9 100% Range = 15.3-25.9 80% Range = - Median = 18.5 M± 4=14.5-22.5 N Cases = 5 % Cases = 71.4	N = 8 Mean = 23.4 S.D. = 3.4 100% Range =19.1-27.5 80% Range = - Median = 21.9 M± 4=17.9-25.9 N Cases = 5 % Cases = 62.5	N= 2 Mean= 18.7 S.D. = 0.8 100% Range =18.1-19.2 80% Range= - Median = 18.7 M± = - N Cases = - % Cases = -	N = 2 Mean = 25.6 S.D. = 10.5 100% Range =18.2-33.0 80% Range = - Median =25.6 M± = - N Cases = - % Cases = -
BURGLARY-3 Class D (N=188)	N = 52 Mean = 18.8 S.D.= 6.2 100% Range = 12.0-39.4 80% Range = 12.2-26.1 Median = 17.3 M± 3=14.3-20.3 N Cases = 23 % Cases = 44.2	N =62 Mean = 20.2 S.D. = 4.6 100% Range =12.2-35.4 80% Range = 15.0-25.4 Median = 13.5 M± 3=15.5-21.5 N Cases = 34 % Cases =.54,8	N= 48 Mean = 20.7 S.D. = 5.2 100% Range = 12.3-34.2 80% Range = 15.2-27.9 Median = 18.6 M± 3=15.6-21.6 N Cases = 26 % Cases = 34.2	N = 26 Mean= 24.2 S.D. = 6.3 100% Range =16.7-39.3 80% Range =17.0-30.5 Median= 23.3 M± 3=20.3-26.3 N Cases = 6 % Cases = 23.1
CRIMINAL POSSESSION OF A WEAPON-3 Class D (N=41)	N = 8 Mean = 19.0 S.D. = 3.3 100% Range = 15.9-24.7 80% Range = - Median = 17.6 M± 3=14.6-20.6 N Cases = 6 % Cases = 75.0	N = 11 Mean = 21.7 S.D.= 5.1 100% Range 12.0 -31.9 80% Range= 12.0-24.6 Median = 21.2 M± 3=18.2-24.2 N Cases = 6 % Cases = 54.5	N = 11 Mean = 22.5 S.D.= 7.8 100% Range =17.3-44.8 80% Range = 17.3-24.1 Median = 21.0 M± 3=18.0-24.0 N Cases = 5 % Cases = 45.5	N = 11 Mean = 26.1 S.D. = 8.8 100% Range =17.3-48.7 80% Range = 17.3-29.9 Median= 24.0 M± 3=21.0-27.0 N Cases = 2 % Cases = 18.2

	Good (8,7)	Fair (6,5)	Poor (4,3)	Very Poor (2,1,0)
ROBBERY-3 Class D (N=18)	N = 2 Mean = 18.5 S.D. = 6.0 100% Range =14.3-22.8 80% Range = - Median = 18.5 M± = - N Cases = - % Cases = -	N = 7 Mean = 19.6 S.D. = 5.6 100% Range =12.7-28.3 80% Range = - Median = 21.1 M± 3=18.1-24.1 N Cases = 3 % Cases = 42.9	N = 6 Mean= 22.7 S.D.= 7.8 100% Range =13.4-36.2 80% Range = - Median = 19.6 M± 3=16.6-22.6 N Cases = 2 % Cases = 33.3	N = 3 Mean = 20.4 S.D. = 1.9 100% Range=18.4-22.2 80% Range = - Median = 20.5 M± = - N Cases = - % Cases = -
GRAND LARCENY-2 Class D (N=21)	N = 10 Mean = 17.0 S.D. = 4.0 100% Range = 12.2-24.6 80% Range = 13.1-18.5 Median = 16.6 M± 3=13.6-19.6 N Cases = 6 % Cases = 60.0	N = 7 Mean = 17.7 S.D. = 3.1 100% Range = 14.0-23.3 80% Range = - Median = 17.4 M± 3=14.4-20.4 N Cases = 5 % Cases = 71.4	N = 2 Mean = 18.3 S.D. = 0.6 100% Range =17.9-18.7 80% Range = - Median = 18.3 M± = - N Cases = - % Cases = -	N = 2 Mean = 20.6 S.D. = 4.0 100% Range= 17.3-23.4 80% Range = - Median = 20.6 M± = - N Cases = - % Cases = -
GRAND LARCENY-3 Class E (N=13)	N = 4 Mean = 20.6 S.D. = 1.9 100% Range =18.8-23.3 80% Range = - Median = 20.2 M± 3=17.2-23.2 N Cases = 3 % Cases = 75.0	N = 5 Mean= 19.3 S.D.= 2.2 100% Range =17.3-23.1 80% Range = - Median = 18.4 M± 3=14.4-22.4 N Cases = 4 % Cases = 80.0	N = 0 Mean = - S.D. = - 100% Range = - 80% Range = - Median = - M± = - N Cases = - % Cases = -	N = 4 Mean= 21.6 S.D.= 5.9 100% Range =16.6-28.9 80% Range = - Median = 17.4 M± 3= 14.4-20.4 N Cases = 3 % Cases = 75.0
CRIMINAL POSSESSION OF STOLEN PROPERTY-2 Class E (N=8)	N = 0 Mean = - S.D. = - 100% Range = - 80% Range= - Median = - M± = - N Cases = - % Cases = -	N = 3 Mean = 19.7 S.D. = 5.5 100% Range = 14.9-25.7 80% Range = - Median = 18.5 M± 3 = 15.5-21.5 N Cases = 1 % Cases = 33.3	N = 5 Mean= 20.5 S.D.= 4.3 100% Range =16.0-26.1 80% Range = - Median = 18.5 M± 3=15.5-21.5 N Cases = 3 % Cases = 60.0	N = 0 Mean = - S.D.= - 100% Range = - 80% Range = - Median = - M± = - N Cases = - % Cases = -

	Good (8,7)	Fair (6,5)	Poor (4,3)	Very Poor (2,1,0)
FORGERIES (Combined) (N=24)	N = 2 Mean = 23.1 S.D. = 14.9 100% Range = - 80% Range = - Median = 23.1 M± = - N Cases = - % Cases = -	N = 9 Mean = 20.5 S.D. = 7.4 100% Range= 15.6-38.9 80% Range = - Median = 18.1 M± 3=15.1-21.1 N Cases = 7 % Cases = 77.8	N = 7 Mean = 25.9 S.D. = 9.1 100% Range =17.7-38.8 80% Range = - Median = 23.8 M± 3=20.8-26.8 N Cases = 2 % Cases = 28.6	N = 6 Mean = 28.4 S.D. = 8.2 100% Range=21.1-42.5 80% Range = - Median = 23.5 M± 3=20.5-26.5 N Cases = 3 % Cases = 50.0

December 13, 1977

DISTRIBUTION OF MISCELLANEOUS ACTUAL OFFENSES BY PRIOR CRIMINAL RECORD (N=87)

ACTUAL OFFENSE	PRIOR CRIMINAL RECORD	GOOD	FAIR	POOR	VERY POOR
IDNAPPING-1 lass A (N=3)	$\bar{X}$	33.6	-	36.5	172.2
	S.D.	-	-	-	-
	M.	33.6	-	36.5	172.2
	N	1	0	1	1
RSON-2 lass B (N=5)	$\bar{X}$	22.1	20.8	41.8	24.9
	S.D.	-	3.5	-	-
	M.	22.1	20.8	41.8	24.9
	N	1	2	1	1
ODOMY-1 lass B (N=9)	$\bar{X}$	33.4	36.5	28.8	23.8
	S.D.	12.3	-	10.3	-
	M.	23.8	36.5	28.8	23.8
	N	5	1	2	1
	100% Range	18.1-46.3	-	-	-
ONSPIRACY-1 lass B (N=1)	$\bar{X}$	15.4	-	-	-
	S.D.	-	-	-	-
	M.	15.4	-	-	-
	N	1	0	0	0
RIMINAL POSSESSION F A WEAPON-1 lass B (N=3)	$\bar{X}$	35.9	26.9	26.7	-
	S.D.	-	-	-	-
	M.	35.9	26.9	26.7	-
	N	1	1	1	0
RSON-3 lass C (N=6)	$\bar{X}$	16.8	22.0	24.1	-
	S.D.	5.1	3.3	-	-
	M.	16.8	22.0	24.1	-
	N	3	2	1	0
	100% Range	13.3-22.6	-	-	-
RIMINAL POSSESSION F A WEAPON-2 lass C (N=6)	$\bar{X}$	15.8	17.4	-	19.7
	S.D.	0.06	-	-	0.05
	M.	12.0	17.4	-	19.7
	N	3	1	0	2
	100% Range	12.0-17.8	-	-	-
RAND LARCENY-1 lass C (N=2)	$\bar{X}$	12.3	17.3	-	-
	S.D.	-	-	-	-
	M.	12.3	17.3	-	-
	N	1	1	0	0
RIMINAL USURY-1 lass C (N=1)	$\bar{X}$	-	-	49.7	-
	S.D.	-	-	-	-
	M.	-	-	49.7	-
	N	0	0	1	0

ACTUAL OFFENSE	PRIOR CRIMINAL RECORD	GOOD	FAIR	POOR	VERY POOR
RAPE-2 Class D (N=1)	$\bar{X}$	-	36.1	-	-
	S.D.	-	-	-	-
	M.	-	36.1	-	-
	N	0	1	0	0
SEXUAL ABUSE-1 Class D (N=5)	$\bar{X}$	22.6	25.7	-	-
	S.D.	3.5	-	-	-
	M.	25.4	25.7	-	-
	N	4	1	0	0
	100% Range	18.4-26.2	-	-	-
RECKLESS ENDANGERMENT-1 Class D (N=9)	$\bar{X}$	16.6	16.6	26.1	-
	S.D.	3.4	0.9	3.5	-
	M.	21.2	16.6	26.1	-
	N	5	2	2	0
	100% Range	13.2-29.0	-	-	-
GRAND LARCENY-2(Auto) Class D (N=6)	$\bar{X}$	18.4	14.7	-	21.3
	S.D.	0.05	-	-	0.05
	M.	20.6	14.7	-	21.3
	N	3	1	0	2
	100% Range	12.6-22.2	-	-	-
CRIMINAL POSSESSION OF STOLEN PROPERTY-1 Class D (N=8)	$\bar{X}$	17.0	22.2	-	22.4
	S.D.	0.5	5.2	-	-
	M.	17.0	23.9	-	22.4
	N	2	5	0	1
	100% Range	-	16.1-29.0	-	-
BRIBERY-2 Class D (N=3)	$\bar{X}$	13.9	-	17.6	20.2
	S.D.	-	-	-	-
	M.	13.9	-	17.6	20.2
	N	1	0	1	1
BRIBE RECEIVING-2 Class D (N=3)	$\bar{X}$	12.3	-	-	-
	S.D.	0.08	-	-	-
	M.	12.3	-	-	-
	N	3	-	-	-
	100% Range	12.3-12.3	-	-	-
CRIMINALLY NEGLIGENT HOMICIDE Class E (N=2)	$\bar{X}$	17.7	-	20.5	-
	S.D.	-	-	-	-
	M.	17.7	-	20.5	-
	N	1	0	1	0
RAPE-3 Class E (N=2)	$\bar{X}$	39.3	-	23.5	-
	S.D.	-	-	-	-
	M.	39.3	-	23.5	-
	N	1	0	1	0
GRAND LARCENY-3(Auto) Class E (N=3)	$\bar{X}$	-	-	21.7	-
	S.D.	-	-	7.7	-
	M.	-	-	17.2	-
	N	0	0	3	0
	100%				

ACTUAL OFFENSE		PRIOR CRIMINAL RECORD GOOD	FAIR	POOR	VERY POOR
CONSPIRACY-1 Class E (N=1)	$\bar{X}$ S.D. M. N	- - - 0	- - - 0	18.4 - 18.4 1	- - - 0
ESCAPE-2 Class E (N=2)	$\bar{X}$ S.D. M. N	22.2 - 22.2 1	- - - 0	- - - 0	24.5 - 24.5 1
DRIVING WHILE INTOXICATED Class E (N=3)	$\bar{X}$ S.D. M. N	16.1 - 16.1 1	14.6 - 14.6 1	- - - 0	20.1 - 20.1 1
JAILJUMPING-1 Class E (N=2)	$\bar{X}$ S.D. M. N	24.2 - 24.2 1	- - - 0	41.4 - 41.4 1	- - - 0
PROMOTING GAMBLING-1 Class E (N=1)	$\bar{X}$ S.D. M. N	- - - 0	34.1 - 34.1 1	- - - 0	- - - 0

APPENDIX I

RM - R-4A (RESEARCH SECTION - Revised 9/77)

STATE OF NEW YORK - EXECUTIVE DEPARTMENT
DIVISION OF PAROLE

CRIMINAL CONDUCT SEVERITY LEVEL WORKSHEET

Important - See instruction manual for use of this worksheet prior to utilization.

The offenses listed herein describe actual criminal conduct and not conviction charge.

Every offense has a code number which must be entered on Form R-3A, item 5a.

Penal Law felony classifications are listed in the right hand margin for information purposes only. These Penal Law classifications are approximate. The offenses listed do not necessarily correspond to any Penal Law definitions.

LEVEL 1 OFFENSES

		Penal Law Class
1.1	Intentional Homicide	A-1
1.2	Homicide During Commission of Another Felony	A-1
1.3	Kidnapping	
	a. Ransom or	A-1
	b. Death of Victim	A-1

LEVEL 2 Offenses

		Penal Law Class
2.1	Rape - Forcible and Physical Injury	B
2.2	Sodomy - Forcible and Physical Injury	B
2.3	Arson a. Persons present and/or likely to be present or b. Serious physical injury or c. Explosion	B
2.4	Robbery a. Serious Physical Injury or b. Armed with deadly weapon	B
2.5	Manslaughter a. Extreme Emotional Disturbance or b. Intended injury but caused death	B
2.6	Drugs - Sale a. Narcotic Drugs and b. One oz or more	A-1
2.7	Drugs - Possession a. Narcotic Drugs and b. 2 oz or more	A-1

LEVEL 3 OFFENSES

		Penal Law Class
3.1	Assault a. Intended & caused serious physical injury and b. Armed with deadly weapon or dang. instrument	C
3.2	Robbery a. Physical Injury or b. Displays Firearm	C
3.3	Drugs - Sale a. Narcotic Drugs and b. Under 1 oz	A-II or A-III
3.4	Manslaughter a. Recklessly caused death	C
3.5	Rape a. Forcible	B
3.6	Sodomy a. Forcible	B
3.7	Kidnapping a. Forcible abduction	B
3.8	Extortion	C

LEVEL 4 OFFENSES

		Penal Law Class
4.1	Homicide a. Caused through criminal negligence	E
4.2	Robbery a. Accomplices	C
4.3	Rape a. Consenual	D or E
4.4	Sodomy a. Consenual	D or E
4.5	Sexual Abuse a. Sexual Contact by Force or b. Victim Under 11 years or c. Victim physically helpless	D
4.6	Burglary a. Dwelling at night or b. Armed with deadly weapon or c. Victim injured	C
4.7	Weapon a. Possession loaded firearm	D
4.8	Forgery a. Money or b. Valuable Governmental Instruments or c. Stocks-Bonds	C
4.9	Assault a. Intended & caused serious physical injury - no weapon. or b. Intended & caused physical injury while armed with weapon or dangerous instrument	D
4.10	Drugs - Sale a. Not Narcotic - Any amount (except Marijuana)	Variable
4.11	Arson a. Property Damage	C

LEVEL 5 OFFENSES

		PENAL LAW CLASS
5.1	Burglary a. Not Dwelling	D
5.2	Bribery/Rewarding a. Received for Public Official Misconduct	D
5.3	Grand Larceny a. Over $1500	D
5.4	CPSP a. Over $1500	D
5.5	Forgery a. Legal Instrument or b. Public record or c. Physician Prescription or d. Government Tokens	D
5.6	Drugs - Possession a. Narcotics and b. Less than 2 oz	Variable
5.7	Robbery a. Forcibly steal property	D

CONTINUED

5 OF 7

LEVEL 6 OFFENSES

		Penal Law Class
6.1	Grand Larceny a. $250. - $1499	E
6.2	CPSP a. $250 - $1499	E
6.3	Reckless Endangerment - Person	D
6.4	Drugs - Possession a. Not Narcotic and b. Any Amount	Variable
6.5	Drugs - Possession/Sale a. Marijuana and b. Any Amount	Variable
6.6	Absconding Temporary Release	E
6.7	Escape from Custody	E

STATE OF NEW YORK - EXECUTIVE DEPARTMENT
DIVISION OF PAROLE

PAROLE BOARD EVALUATION WORKSHEET

1. Inmate's Name _____ (LAST) _____ (FIRST)

2. Inmate's NYSID Number _____

3. Inmate's DOCS Number _____

4. Sentence Imposed By Court _____ (MINIMUM) _____ (MAXIMUM)

a. Jail time credit at time of conviction: _____ (MONTHS)

5. Actual Criminal Conduct:
a. Code Number From Form R-4A _____ (First Digit) _____ (Second Digit)

b. If offense not listed on Form R-4A:

i. Description of offense _____

ii. Severity Level Assigned _____

6. Criminal History Category

From Form R-2A
(e.g. "Good") _____

7. Guideline Range

From Form R-1A
(e.g. 20-28 months) _____

8. MPI Imposed by Board
(In months) _____

Is MPI within Guideline range?
Check one Box

a. ☐ YES (go to Item 10) b. ☐ NO (Complete Item 9)

9. If MPI imposed (Item 8) is outside guideline range (Item 7) indicate reason. Reason must be given by a member of the Board of Parole.

a. ☐ The severity level for this type of offense should be changed for all inmates.

FORM R-3A
(RESEARCH SECTION-REVISED 9/77)

b. ☐ The range of months indicated for this type of offense with this type of criminal history category should be changed for all inmates.

The new range of months should be_____.

c. ☐ The method used for determining prior criminal history category does not yield the correct analysis for all inmates.

More weight should be given to_____.
Less weight should be given to_____.

d. ☐ The MPI set on this case is outside the guidelines range for reasons that are peculiar to this case. There is no problem in the guidelines themselves evidenced by this case.

e. ☐ Other reason. Please give narrative description.

10. Parole staff processing this case:

a. Prepared case for Board:

_____ Signature _____ Print Name

b. Member of Board of Parole Setting MPI:

_____ Signature

c. _____ Institution _____ Date

STATE OF NEW YORK - EXECUTIVE DEPARTMENT
DIVISION OF PAROLE

CRIMINAL HISTORY CATEGORY WORKSHEET

Item #1: Prior Convictions

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

Item #2: Prior Jail Terms

No Jail Terms	=	2
One or Two Jail Terms	=	1
Three or More Jail Terms	=	0
Prior Jail Terms Score	=	

Item #3: Prior Prison Terms

No Prison Terms	=	4
One Prison Term	=	2
Two or Three Prison Terms	=	1
Four or More Prison Terms	=	0
Prior Prison Terms Score	=	

Item #4 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
Prior Parole/Probation History Score	=	

Prior Criminal History Category - Check One

Good	(10,9)	☐
Fair	(8,7,6)	☐
Poor	(5,4)	☐

Table I

Parole Decision-Making Project

November 21, 1977

DISTRIBUTION OF THE DECISIONS INSIDE AND OUTSIDE THE PRELIMINARY GUIDELINES

	Good					Fair					Poor				
Offense	Inside	%	Above	Below	Total	Inside	%	Above	Below	Total	Inside	%	Above	Below	Total
1.1	2	100	0	0	2	0	0	0	1	1	0	0	0	2	2
1.2	1	25	0	3	4	0	0	0	1	1	-	-	-	-	-
2.1	1	33	2	0	3	0	0	1	0	1	-	-	-	-	-
2.2	-	-	-	-	-	1	100	0	0	1	-	-	-	-	-
2.3	-	-	-	-	-	-	-	-	-	-	1	50	0	1	2
2.4	6	35	8	3	17	13	45	7	9	29	4	40	1	5	10
2.5	5	38	8	0	13	2	50	1	1	4	1	50	1	0	2
2.6	-	-	-	-	-	0	0	0	1	1	0	0	0	1	1
2.8	0	0	1	0	1	1	100	0	0	1	-	-	-	-	-
3.1	4	36	6	1	11	1	20	3	1	5	-	-	-	-	-
3.2	9	41	10	3	22	9	56	2	5	16	4	50	1	3	8
3.3	-	-	-	-	-	5	56	0	4	9	-	-	-	-	-
3.4	0	0	3	1	4	-	-	-	-	-	-	-	-	-	-
3.5	2	50	1	1	4	2	100	0	0	2	0	0	1	0	1

Table I

November 21, 1977

Distribution of Decisions

	Good					Fair					Poor				
Offense	Inside	%	Above	Below	Total	Inside	%	Above	Below	Total	Inside	%	Above	Below	Total
4.0	-	-	-	-	-	2*		-	-	2	-	-	-	-	-
4.2	3	50	2	1	6	2	50	0	2	4	2	100	0	0	2
4.3	0	0	1	0	1	-	-	-	-	-	-	-	-	-	-
4.5	0	0	2	0	2	0	0	1	0	1	-	-	-	-	-
4.6	1	100	0	0	1	2	40	1	2	5	0	0	0	1	1
4.7	-	-	-	-	-	2	50	1	1	4	1	100	0	0	1
4.8	-	-	-	-	-	1	100	0	0	1	-	-	-	-	-
4.9	0	0	1	0	1	0	0	1	0	1	-	-	-	-	-
4.11	1	50	1	0	2	0	0	0	1	1	-	-	-	-	-
5.1	4**	80	1	0	5	11	79	1	2	14	1	20	1	3	5
5.2	1	100	0	0	1	-	-	-	-	-	-	-	-	-	-
5.3	-	-	-	-	-	1	100	-	-	1	-	-	-	-	-
5.4	-	-	-	-	-	0	0	1	0	1	0	0	0	1	1
5.6	-	-	-	-	-	-	-	-	-	-	2	100	0	0	2

* Indicates unclassified day time burglaries of dwellings assigned Level IV.

** Indicates two day time burglaries of dwellings assigned 5.1 .

Table I

November 21, 1977

Distribution of Decisions

	Good					Fair					Poor				
Offense	Inside	%	Above	Below	Total	Inside	%	Above	Below	Total	Inside	%	Above	Below	Total
5.7	0	0	1	0	1	1	50	1	0	2	-	-	-	-	-
5.0	0	0	1*	0	1	-	-	-	-	-	-	-	-	-	-
6.1	1	100	0	0	1	-	-	-	-	-	-	-	-	-	-
6.5	-	-	-	-	-	0	0	1	0	1	-	-	-	-	-
Total	41	40	49	13	103	56	51	22	31	109	16	42	5	17	38

* Indicates a case concerning possession of a pipe bomb at a Castro rally. The case was assigned Level V, and then designated a decision outside the guidelines.

Number of cases within guidelines = 113 (45%)
Number of cases outside guidelines = 137 (55%)
250

Number of cases above guidelines = 76 (55%)
Number of cases below guidelines = 61 (45%)
137

Number of cases within guidelines = 113 (45%)
Number of cases above guidelines = 76 (31%)
Number of cases below guidelines = 61 (24%)
250

Table II

November 19, 1977

DISTRIBUTION OF DECISIONS ABOVE THE PRELIMINARY GUIDELINES

Case #	Severity Level	Prior Record Score	MPI Imposed	Reasons A	B	C	D	Additional Reasons
002	2.1	Good	36	-	36	-	-	-----
003	2.1	Good	30	-	-	-	*	No remorse
001	2.1	Fair	48	-	-	-	*	-----
009	2.4	Good	30	-	30-40	-	-	-----
015	2.4	Good	30	-	-	-	-	In concert with others; used shotgun
018	2.4	Good	33	-	-	-	*	-----
013	2.4	Good	35	IV	0-120	*	*	-----
012	2.4	Good	36	*	36-40	-	-	-----
017	2.4	Good	40	-	0-120	-	-	-----
011	2.4	Good	48	-	-	*	-	Multiple offenses; poor institutional discipline
006	2.4	Good	50	-	0-240	*	-	-----
008	2.4	Fair	40	IV	0-120	*	*	-----
010	2.4	Fair	40		*	*	-	-----
004	2.4	Fair	42	-	*	-	*	-----
005	2.4	Fair	42	-	-	-	*	Kidnapping case,(misclassified)

Table II

Decisions Above Guidelines

November 19, 1977

Case #	Severity Level	Prior Record Score	MPI Imposed	Reasons A	B	C	D	Additional Reasons
014	2.4	Fair	48	-	-	-	-	Maximum Sentence: 25 years
016	2.4	Fair	60	-	-	*	-	-----
019	2.4	Poor	60	-	-	-	-	Multiple Offenses (6 convictions)
022	2.5	Good	30	-	-	-	*	-----
021	2.5	Good	36	-	26-38	-	-	-----
024	2.5	Good	36	-	-	-	*	Victim was stranger; no provocation
023	2.5	Good	42	-	48-60	-	*	Killed step-children
026	2.5	Good	48	-	-	-	-	-----
027	2.5	Good	48	-	-	*	-	More weight on assaultive acts
029	2.5	Good	48	-	48-60	-	-	-----
030	2.5	Good	48	-	-	-	-	-----
025	2.5	Fair	44	-	-	-	-	-----
028	2.5	Poor	60	-	-	-	*	Alcoholism; assaultive history
031	2.8	Good	30	-	-	-	*	Mayhem (permanent crippling)
032	3.1	Good	24	-	-	-	*	Victim paralyzed
041	3.1	Good	24	-	-	-	*	-----
038	3.1	Good	24	-	-	-	*	-----

Table II

Decisions Above Guidelines

November 19, 1977

Case #	Severity Level	Prior Record Score	MPI Imposed	Reasons A	B	C	D	Additional Reasons
036	3.1	Good	32	-	-	-	*	Assaultive History; no provocation
040	3.1	Good	42	-	-	-	*	-----
033	3.1	Good	48	-	-	-	*	Poisoned 4 yr. old son
035	3.1	Fair	36	*	36-40	-	-	Institutional adjustment poor
037	3.1	Fair	42	-	-	-	*	Multiple offenses, including arson
034	3.1	Fair	48	-	-	-	*	-----
043	3.2	Good	24	-	-	-	-	-----
047	3.2	Good	24	-	24-36	-	-	-----
048	3.2	Good	24	-	-	-	-	Poor Institutional adjustment
049	3.2	Good	24	-	-	-	*	-----
052	3.2	Good	24	-	-	-	*	-----
054	3.2	Good	24	-	-	-	*	-----
042	3.2	Good	30	-	*	-	-	-----
051	3.2	Good	30	-	-	-	*	Extensive juvenile record
044	3.2	Good	36	-	-	-	*	Multiple Offenses
046	3.2	Good	36	-	-	-	*	Vicious nature of the offense
045	3.2	Fair	36	-	-	-	*	-----
053	3.2	Fair	36	-	-	-	*	-----
050	3.2	Poor	45	-	0-120	-	-	-----

Table II

November 19, 1977

Decisions Above Guidelines

Case #	Severity Level	Prior Record Score	MPI Imposed	Reasons A	B	C	D	Additional Reasons
055	3.4	Good	36	-	36-45	-	*	-----
056	3.4	Good	48	-	*	-	-	-----
057	3.4	Good	60	-	-	-	-	-----
058	3.5	Good	36	-	-	-	*	Multiple Offense (Robbery & Rape)
059	3.5	Poor	48	II	-	*	-	More weight on prior violent crimes
060	4.2	Good	24	-	-	-	*	-----
061	4.2	Good	26	-	0-240	-	*	Aiding Escape
064	4.5	Good	24	-	-	-	-	Very Poor Institutional Adjustment
062	4.5	Good	48	II	24-36	-	-	-----
063	4.5	Fair	60	-	-	-	*	History of Sex Offenses; serious Offense
065	4.7	Fair	40	-	-	-	-	-----
007	4.6	Fair	29	-	-	-	*	-----
066	4.9	Good	24	-	-	-	-	-----
067	4.9	Fair	48	-	-	-	-	-----
069	4.11	Good	24	-	*	-	-	-----
137	4.3	Good	24	-	-	-	*	-----
070	5.1	Good	20	IV	0-84	-	-	-----
068	5.1	Poor	36	-	-	-	*	History of Drug Abuse; Serious Prior Record; Poor Institutional Adjustment

Table II

Decisions Above Guidelines

November 19, 1977

Case #	Severity Level	Prior Record Score	MPI Imposed	Reasons A	B	C	D	Additional Reasons
138	5.4	Fair	38	-	-	-	-	Poor Institutional Adjustment
071	5.1	Fair	30	-	-	-	*	-----
039	5.7	Good	24	-	-	-	-	-----
072	5.7	Fair	34	-	0-120	-	-	-----
135	5.-	Good	26	-	-	-	-	Possession of a Pipe Bomb at a Castro Rally; seriousness of offense
073	6.5	Fair	24	-	-	-	*	
079	6.11	Fair	48	-	-	-	-	CAC: The S.P.O. assigned the offense a seriousness of 6.11. The score was arrived at by totalling the severity levels, i.e. 2.4 plus 4.7= 6.11. The actual offense appears to be armed robbery.
132	Unclassified	Good	36	-	-	-	-	Attempted Murder-not classified on guidelines

Table III

November 19, 1977

DESCRIPTION OF DECISIONS BELOW THE PRELIMINARY GUIDELINES

Case #	Severity Level	Prior Record Score	MPI Imposed	Reasons A	B	C	D	Additional Reasons
092	1.1	Fair	24	-	-	-	-	-----
128	1.1	Poor	48	-	-	-	*	-----
124	1.1	Poor	48	-	-	-	-	-----
134	1.2	Good	30	-	-	-	*	-----
208	1.2	Good	M.E.	-	-	-	-	Three year maximum sentence
093	1.2	Fair	36	-	-	-	*	Minor role in offense
205	1.2	Good	M.E.	-	-	-	-	Three year maximum sentence
113	2.3	Poor	36	-	-	-	*	-----
112	2.4	Good	14	-	-	-	-	-----
129	2.4	Fair	12	-	-	-	*	-----
085	2.4	Fair	12	-	-	-	*	Excessive jail time in relation to three year maximum sentence
105	2.4	Fair	18	-	-	-	-	-----
116	2.4	Fair	18	-	-	-	-	-----
082	2.4	Fair	18	-	-	-	-	-----
098	2.4	Fair	24	-	-	-	*	-----
101	2.4	Fair	24	-	-	-	-	-----
096	2.4	Fair	24	-	-	-	*	-----

Table III

November 19, 1977

Decisions Below Guidelines

Case #	Severity Level	Prior Record Score	MPI Imposed	Reasons A	B	C	D	Additional Reasons
108	2.4	Fair	24	-	-	-	*	Sentence is too short to follow guidelines
075	2.4	Poor	12	-	-	-	-	Excessive jail time; three year maximum sentence
127	2.4	Poor	12	-	-	-	*	-----
117	2.4	Poor	18	-	-	-	*	Minor role in the offense; prior convictions not for assaultive behavior
133	2.4	Poor	28	-	-	-	*	Maximum sentence is four years; Minor role in the offense
097	2.4	Poor	36	-	-	-	-	-----
088	2.5	Fair	24	-	-	-	-	Acted in self-defense
083	2.6	Fair	18	-	-	-	-	Statutory reasons (?)
091	2.6	Poor	19	-	16-22	-	-	-----
121	3.1	Fair	12	-	-	-	-	Excessive jail time; three year maximum sentence
130	3.1	Good	15	-	-	-	*	-----
119	3.2	Good	12	-	-	-	*	Excessive jail time; three year maximum sentence
078	3.2	Good	12	-	-	-	-	-----
077	3.2	Good	12	-	-	-	-	-----
102	3.2	Fair	12	-	-	-	*	Excessive jail time; three year maximum sentence

Table III

Decisions Below Guidelines

November 19, 1977

Case #	Severity Level	Prior Record Score	MPI Imposed	Reasons A	B	C	D	Additional Reasons
120	3.2	Fair	18	-	-	-	*	-----
086	3.2	Fair	18	-	-	-	*	Great Improvement in Institution; Good response to institutional programs
104	3.2	Fair	18	-	-	-	-	-----
107	3.2	Fair	18	-	-	-	*	-----
084	3.2	Poor	21	-	-	-	*	Prior record score overestimates the seriousness of the prior record
087	3.2	Poor	24	-	-	*	-	More weight on institutional adjustment and motivation to change
103	3.2	Poor	24	-	-	-	-	-----
111	3.3	Fair	12	-	-	-	-	Excessive jail time; three year maximum sentence
100	3.3	Fair	18	-	-	-	*	-----
126	3.3	Fair	18	-	-	-	*	-----
080	3.3	Fair	18	-	-	-	*	Low seriousness of the offense; sold $10 bag of cocaine to undercover agent
114	3.4	Good	14	-	-	-	*	Accidental shooting
132	3.4	Very Poor	29	-	-	-	*	-----
089	3.5	Good	15	-	-	-	*	-----
106	4.2	Good	12	-	-	-	*	Excessive jail time

Table III

November 19, 1977

Decisions Below Guidelines

Case #	Severity Level	Prior Record Score	MPI Imposed	Reasons A	B	C	D	Additional Reasons
122	4.2	Fair	12	-	-	-	*	Excessive jail time; three year maximum sentence
074	4.2	Fair	12	-	-	-	-	-----
099	4.6	Fair	12	-	-	-	*	-----
131	4.6	Fair	18	-	-	-	*	-----
090	4.6	Poor	24	-	-	-	*	-----
110	4.7	Fair	15	-	-	-	*	-----
115	4.11	Fair	18	-	-	-	*	Has tried to cure alcohoism by participating in institutional programs
125	4.11	Very Poor	12	-	-	-	*	-----
076	5.1	Fair	12	-	-	-	-	-----
094	5.1	Poor	12	-	-	-	-	-----
123	5.1	Poor	12	-	-	-	-	Excessive jail time; short time until C. A. date
081	5.1	Very Poor	24	-	-	-	*	-----
109	5.3	Very Poor	18	-	-	-	*	-----
118	5.4	Poor	22	-	-	-	*	Motivation to improve; excellent Institutional Adjustment
095	6.7	Very Poor	12	-	-	-	*	Excessive jail time; three year maximum sentence

Table III

November 19, 1977

Decisions Below Guidelines

Case #	Severity Level	Prior Record Score	MPI Imposed	Reasons A	B	C	D	Additional Reasons
141	2.4	Good	12	-	-	-	-	-----
140	2.4	Good	12	-	-	-	-	-----
142	5.1	Fair	12					Excessive jail time; three year maximum sentence
139	5.1	Poor	18	-	-	-	-	-----

APPENDIX J

GENERAL INSTRUCTIONS

This manual is to be used in conjunction with the Admissions Form. All of the information needed to complete this form is available in the pre-sentence report and the Admissions Blotter Sheet.

1. The information recorded on this form will be key-punched. The numbers beneath each box correspond to columns on a computer card. It is therefore important that each response is clear and correctly entered. Avoid stray marks in the margins or near the boxes. Make sure that all erasures are complete and that the corrections are legible.

2. Unless otherwise indicated, make sure that all of the boxes have been completed.

3. Where the information requested is missing or unavailable code "9" in the boxes corresponding to that item. For example, if four boxes are allotted an item, record 9's in each box if the information is missing.

4. If the question is inapplicable in a particular case, code 8's in the corresponding boxes.

5. If a numeric response does not complete the entire allotment of boxes for a particular item, fill in zeros in the empty boxes on the left. For example, if the appropriate amount of Jail Credit in a particular case is 85 days, the proper code would be as follows: 0 0 8 5. This procedure is called "right justification" and applies to all of the items.

ADMISSIONS DATA FORM

Commitment Name:_____ True Name:_____ Aliases:_____

CARD ONE

1. ☐☐ - ☐ - ☐☐☐☐ DIN Number (1 2 / 3 / 4 5 6 7)
2. Mo. ☐☐ - Day ☐☐ - Yr. ☐☐ Birthdate (8 9 / 10 11 / 12 13)
3. ☐☐ Education (14 15) 4. ☐ Occupation (16)
5. ☐ Race (17) 6. ☐ Sex (18)
7. ☐ Religion (19) 8. ☐ Marital Status (20)
9. ☐ NYSID Alpha Digit (21) 10. ☐ BLANK (22)
11. ☐☐☐☐☐☐☐ NYSID Number (23 24 25 26 27 28 29)
12. ☐☐ Country of Birth (30 31)
13. ☐ Naturalization Status (32)
14. ☐☐ Yrs. Residence in N.Y.S. (33 34)
15. ☐ Narcotics Use (35)
16. ☐ Alcohol Abuse (36)
17. ☐ Military Service (37)
18. Mo. ☐☐ - Day ☐☐ - Yr. ☐☐ Date of Sentence (38 39 / 40 41 / 42 43)
19. ☐☐ Commitment County (44 45)
20. Mo. ☐☐ Day ☐☐ Yr. ☐☐ Commitment Date (46 47 / 48 49 / 50 51)
21. ☐☐☐☐ Jail Credit (Days) (52 53 54 55)
22. ☐ Type of Sentence (56)
23. ☐☐☐ Miminum Sentence (Months) (57 58 59)
24. ☐☐☐ Maximum Sentence (Months) (60 61 62)
25. Mo. ☐☐ - Yr. ☐☐ CR Date (63 64 / 65 66)
26. Mo. ☐☐ - Yr. ☐☐ ME Date (67 68 / 69 70)
27. ☐☐☐☐ Conviction Offense (71 72 73 74)
28. ☐ Attempt Code (75)
29. ☐ Felony Class (76) 30. ☐ BLANK (77)
31. ☐ Card Type (78)

CARD TWO

33. ☐ Juvenile Commitments (1)
34. ☐☐ Age at First Juvenile Commitme. (2 3)
35. ☐☐ Misdemeanor Convictions (4 5)
36. ☐☐ Felony Convictions (6 7)
37. ☐☐ Jail Terms (90 days or less) (8 9)
38. ☐☐ Jail Terms (over 90 days) (10 11)
39. ☐☐ Prison Terms (12 13)
40. ☐☐ Age at First Adult Commitment (14 15)

Present Offense Committed on:

41. ☐ Probation (16) 42. ☐ Parole (17)
43. ☐☐☐ BLANK (18 19 20)
44. ☐ NYSID Alpha Digit (21)
45. ☐ BLANK (22)
46. ☐☐☐☐☐☐☐ NYSID Number (23 24 25 26 27 28 29)
47. Mo. ☐☐ - Day ☐☐ - Yr. ☐☐ Date of Parole (30 31 / 32 33 / 34 35)
48. Mo. ☐☐ - Day ☐☐ - Yr. ☐☐ Date Returned (36 37 / 38 39 / 40 41)
49. ☐ Reason for Return (42)
50. Mo. ☐☐ - Day ☐☐ - Yr. ☐☐ Date Reparoled (43 44 / 45 46 / 47 48)
51. Mo. ☐☐ - Day ☐☐ - Yr. ☐☐ Date Discharge (49 50 / 51 52 / 53 54)
52. ☐☐ Social Adjustment Code (55 56)
53. ☐☐ No. of Prior Paroles (57 58)
54. ☐☐ No. of Prior Parole Revocation (59 60)
55. ☐☐ BLANK (61-77)
56. ☐ Card Type (78)
57. ☐☐ Sequence No. (79 80)

CODE MANUAL FOR ADMISSIONS DATA FORM

CARD ONE

Item No.	Item Description	Card Cols.	Instructions for Coding and Entries
1	DIN No.	1-7	Department Identification Number
2	Birthdate	8-13	Record in following sequence: Month (8-9) Day (10-11) Year (final two digits: 12-13)
3	Education	14-15	Education-Grade Reached: 00-Education not stated 01-Illiterate-never attended school any below 3rd grade 02-Attended school but cannot assig to specific grade-special remedial classes (CRMD), opportunity classes ungraded, etc. Elementary: 03-3rd Grade 04-4th Grade 05-5th Grade 06-6th Grade 07-7th Grade 08-8th Grade High School, non-graduate: 09-9th Grade-1st year high, 1st or 2nd term high 10-10th Grade-2nd year high, 3rd or 4th term high 11-11th Grade-3rd year high, 5th or 6th term high 12-12th Grade-4th year high, 7th or 8th term high or High School Graduate including -Equivalency Diploma -High School Diploma College or Spec. Voc. 13-Some College 14-College Graduate 15-Master's or Doctor's Degree 16-Business College 17-Technical Institution 18-Other, beyond High School
4	Occupation	16	Occupation, Trade, or Profession: 0-Professional-physicians, lawyers clergymen, engineers, teachers, accountants, dentists 1-Semi-professional-policemen, firemen, nurses, photographers, lab technicians, etc. 2-Managers, officials, and proprietors, including farmers, buyers building managers and supts., union officials, floor mgrs. 3-Clerical-stenographers, typists, bookkeepers, cashiers, office machine operators, stock clerks, shipping clerks, bill collectors messengers and office boys 4-Sales workers-insurance agents, real estate agents, advertising agents, newsboys 5-Craftsmen, foremen and kindred workers, carpenters, plumbers, painters, tailors, shoemakers, radio and TV repairmen, auto mechanics, electricians, jewelers members armed forces, printers

			6-Operatives, mechanics and kindred workers-apprentices, bus drivers, taxicab drivers, truck and tractor drivers, butchers, knitters, pressers, factory workers, weavers, bakers' helpe laundry workers, machinists 7-Service workers-barbers, cooks, bartenders, waiters, porters, janitors, hospital attendants, cook's helper, dishwashers, window cleaners 8-Laborers-farm laborers, garage laborers, delivery boy, car washer, odd jobs, stock boy, handyman, packer 9-Not stated, not employed, housewives, students
5	Race	17	1-White 2-Black 3-Asian (Chinese, Japanese, etc.) 4-American Indian 5-Puerto Rican, birth 6-Puerto Rican parentage, either c both parents 7-Other 8-Unknown
6	Sex	18	1-Male 2-Female
7	Religion	19	Religion of Inmate: 1-Roman Catholic 2-Jewish 3-All Protestant except Christian Scientist or Seventh Day Adventi 4-Christian Scientist 5-Seventh Day Adventist 6-Greek or Russian Catholic(Orthodox) 7-Mohammedan, Islam, Moslem, Musli 8-Buddhist, Hinduism, Confucianism Indian Long House 9-Religion not stated 0-States that he has no religion (Agnostic, Atheist, also Animism Crisha Vudu, Youba or Youba-. Black Nationalist (1969)-5 Percenter (March 1972)
8	Marital Status	20	Marital Status (at time of commitment 0-Single-<u>never married</u> 1-Married 2-Divorced or annulled 3-Widowed 4-Separated 5-Common-Law Marriage
9	NYSID Alpha Digit	21	NYSID Alpha Digit. The NYSID Alpha Digit is the alphabetic letter assigned to each inmate as part of the New York State Identification Number. Code "U", if the letter is unavailable
10	Blank	22	Column 22 is Blank. Do <u>not</u> record a number or a letter in this box
11	NYSID Number	23-29	New York State Identification Number. Do not confuse this seven-digit numbe ith the NYSIIS number
12	Country of Birth	30-31	Country of Birth of Inmate: 00-New York State 01-United States including Alaska an Hawaii 02-Other U.S. possessions and territories-canal zone, Virgin Islands (St. Thomas, St. Croix, St. John) 03-Puerto Rico 12-Cuba 13-Other West Indies, i.e., Bermuda, Trinidad, Costa Rica, Santo Domin Dominican Republic, Haiti, Nassau, Jamaica, Bahamas, Aruba 20-Central and South America-Mexico, Honduras, Panama, British Guiana, San Salvador, etc. 21-Canada, including Newfoundland, Nova Scotia, and Labrador 30-Australia and New Zealand 40-England, Scotland and Wales 41-Ireland 50-Germany 51-Poland 52-Other Central Europe (Austria, Czechoslovakia, Hungary) 53-Balkan Countries-Yugoslavia, Bulgaria, Romania, Greece 54-Scandinavian Countries-Norway, Sweden, Denmark, Finland 55-Italy, including Sicily and Corsic 56-Spain and Portugal 57-Russia, including Lithuania, Latvi Estonia, and Ukraine 58-Other European Countries-Holland, Belgium, Switzerland, France, etc. 60-China 61-Japan 62-Other Asiatic Countries, including Middle East, Syria, India, Turkey Palestine, Arabia, Macedonia, Israel, Jordan, Iran, Iraq, Pakista 70-Africa 80-Islands, except U.S. possessions, West Indies, Sicily, Corsica, Australia, New Zealand, Cyprus, Philippines 99-Country of birth not stated
13	Naturalization Status	32	For foreign-born only, whether naturalized: 1-Alien 2-First papers only 3-Naturalized, stated to be by military service 4-Naturalized, not stated to be by military service 5-Citizen, foreign-born of U.S. citizens 9-Not Applicable (not stated whethe naturalized)
14	Years of Residence in New York State	33-34	Code the number of years, rounded to lower amount: 00-If less than one year 98-Non-resident 99-Length of residence not stated
15	Narcotics Use	35	Use of Narcotic Drugs: 1-Uses narcotic drugs 2-Does not use narcotic drugs 4-Denies-suspected

16	Alcohol Abuse	36	Abuse of Alcohol: 1-History of treatment for alcoholis excessive abuse 2-Alcoholism or abuse suspected-never treated 3-No history of alcoholism or abuse 9-No information regarding alcohol abuse
17	Military Service	37	Military Service and Type of Discharge (U.S.) 0-No military service-National Guard not to be coded as military servic 1-Military service-honorable dischar (incl. med. discharge), general discharge 2-Military service-discharged for mental disability (Section VIII) 3-Military service-discharged- undesirable (BCD or BCI)-(BCD) Blue discharge, other than honorable 4-Blue discharge-dishonorable discharge (CDD, DD) 5-Blue discharge-discharged as minor 6-Blue discharge-type discharge not stated 7-Blue discharge-now in reserves: released from active service but not discharged 8-Blue discharge-still in service, active, A.W.O.L. 9-Not stated whether military servic
18	Date of Sentence	38-43	Record in Month/Day/Year sequence
19	County from which Committed	44-45	County from which Committed: If committed from 2 different counties simultaneously, code and punch the county committing on the more serious charge. If sentenced on same crime from different counties, code county committing on charge 1. 01-Albany 02-Allegany 03-Broome 04-Cattaraugus 05-Cayuga 06-Chautauqua 07-Chemung 08-Chenango 09-Clinton 10-Columbia 11-Cortland 12-Delaware 13-Dutchess 14-Erie 15-Essex 16-Franklin 17-Fulton 18-Genesee 19-Greene 20-Hamilton 21-Herkimer 22-Jefferson *23-Kings 24-Lewis 25-Livingston 26-Madison 27-Monroe 28-Montgomery 29-Nassau *30-New York 32-Oneida 33-Onondaga 34-Ontario 35-Orange 36-Orleans 37-Oswego 38-Otsego 39-Putnam *40-Queens 41-Rensselaer 42-Richmond 43-Rockland 44-St. Lawrence 45-Saratoga 46-Schenectady 47-Schoharie 48-Schuyler 49-Seneca 50-Steuben 51-Suffolk 53-Tioga 54-Tompkins 55-Ulster 56-Warren 57-Washington 58-Wayne 59-Westchester 60-Wyoming 61-Yates *62-Bronx

20	Date of Commitment	46-51	Record in Month/Day/Year sequence
21	Jail Credit (Days)	52-55	1-Code Jail Credit in days
22	Type of Sentence	56	Code — Number and Type 1 — 1-Simple 2 — 2-Concurrent 3 — 3-Concurrent 4 — 4-or more Concurrent 5 — 2-Consecutive 6 — 3-Consecutive 7 — 4-or more Consecutive 8 — 3-or more Consecutive and Concurrent 9 — 9-not available
23	Minimum Term (in months)	57-59	Record this term in months. 1. For concurrent sentences, convert the longest minimum sentence into months 2. For consecutive sentences, add the minimum terms together, and convert this sum into months 3. If the MPI was set by the Parole Board, record the length of the MPI imposed 4. If the inmate does not, as yet, have an MPI, code "000" in boxes 57-59
24	Maximum Sentence (in months)	60-62	1. For concurrent, convert longest maximum term to months 2. For consecutive, convert both and enter the sum 3. If special type of sentence such as: transfer from Mental Hygiene Institution, D.A.C.C., local jails or penitentiaries, adjudged insane or imbecile-code 900 4. If life sentence or more than 60 years, code 777 5. If death sentence, code 999
25	Conditional Release Date	63-66	Code in Month-Year format
26	Maximum Expiration Date	67-70	Code in Month-Year format
27	Conviction Offense	71-74	Use Offense Codes in Appendix A
28	Attempt Code	75	1=Attempt 0=Non-Attempt
29	Felony Class	76	1=Class A-I 2=Class A-II 3=Class A-III 4=Class B 5=Class C 6=Class D 7=Class E 8=Youthful Offender/Juvenile Delinquent 9=Missing
30	Blank	77	Column 77 is blank
31	Card Type	78	

Item No.	Item Description	Card Cols.	Instructions for Coding and Entries
33	No. of Juvenile Commitments	1	
34	Age at First Juvenile Commitment	2-3	Round to lower whole year 99-Missing 88-Not Applicable
35	No. of Misdemeanor Convictions	4-5	Sum all prior misdemeanors
36	No. of Felony Convictions	6-7	Sum all felony convictions In coding items for 35 and 36, refer to the following rules: 1) Convictions for violations or traffic infractions are <u>not</u> to be included. 2) Multiple convictions: more than one conviction for a single criminal incident shall be counted as only one conviction. For example: a conviction for rape and a conviction for assault arising out of one incident are counted as one conviction. However, multiple convictions received on the same date (or different dates) arising out of multiple criminal incidents shall be counted as more than one conviction. For example: a conviction for Burglary-2 and a separate conviction for Burglary-3, both imposed on January 1, 1976, but arising out of two separate incidents of Burglary, shall be counted as two convictions. 3) Convictions for misdemeanors or felonies in jurisdictions other than New York State are counted as convictions, except that the conviction for an offense in another jurisdiction that would have been deemed a violation or traffic infraction had the offense occurred in New York State, is not counted as a conviction. 4) The penalty imposed for convictions shall have no bearing on how the convictions are counted. Therefore, a suspended sentence, suspended execution of sentence, a sentence of probation, a sentence of conditional discharge or of unconditional discharge and a sentence of certification to the care and custody of the Narcotic Addiction Control Commission (a/k/a the Drug Abuse Control Commission, the Office of Drug Abuse Services, and the Office of Alcoholism and Substance Abuse Services) is counted as a conviction, if imposed for conviction of a misdemeanor or felony.
37	No. of Jail Terms (90 days or less)	8-9	Total number of jail terms less than or equal to 90 days. A jail term is defined as a sentence of imprisonment which was served in a county or regional correctional institution.
38	No. of Jail Terms (over 90 days)	10-11	Total number of jail terms over 90 days.
39	No. of Prison Terms	12-13	Total Number of prior prison terms. In coding items 37, 38 and 39, refer to the following rules: 1) In deciding whether the sentence is to be counted as a jail or a prison term, refer to the length of the sentence imposed and the place of confinement, rather than whether the confinement resulted from a felony or misdemeanor conviction. 2) Jail terms are defined as sentences to imprisonment which do <u>not</u> exceed one year. 3) Prison terms are defined as sentences to imprisonment exceeding one year. 4) Jails in New York State are defined as any penal institution administered by a county or city including all institutions under the jurisdiction of the New York City Department of Corrections and the Albany, Erie, Monroe, Onondaga, and Westchester County Penitentiaries. 5) Prisons are penal institutions administered directly by the New York State Department of Correctional Services. 6) Jail and/or prison terms served in other jurisdictions are to be included in the total. If the sentence imposed exceeded a year, count it as a prison term; if the sentence was a year or less, count it as a jail term. 7) Do not count the number of sentences to imprisonment; count the number of periods of confinement. It is irrelevant whether the inmate served a jail or prison term for single or multiple convictions. Each confinement is to be counted once regardless or whether a term was served for single or multiple sentences.
40	Age at First Adult Commitment	14-15	Round age to the lower year. 99-if missing
41	Present Offense Committed on Probation	16	0=No 1=Yes <u>Note</u>: Probation and/or parole supervision by a jurisdiction other than New York State or a subdivision of New York State will be treated as if it had occurred in New York Stat Probation at time of arrest for current offens a) Probation history, other than at time of arrest for current offense, is irrelevant to this item. b) Aftercare supervision by the Office of Drug Abuse Services will be treated as probation supervision only if the inmate was receiving treatment from O.D.A.S. as part of a legally imposed sentence of probation. Under no circumstances will supervision by O.D.A.S. (or N.A.C.C., D.A.C.C., O.A.S.A.S.) be construed to be parole supervision.
42	Present Offense Committed on Parole	17	Parole at time of arrest for current offense: a) Parole supervision shall be defined as the supervision provided in New York State by employees of the Division of Parol to persons released from incarceration pursuant to action of the Board of Parole or by conditional release, or by court order, or by any other lawful means. It shall <u>not</u> apply to any programs defined

			b) Parole revocation, or commitment for a new offense while on parole in any jurisdiction other than New York State will be treated as if it had occurred in New York State.
43	Blank	18-20	Columns 18-20 are blank
44	NYSID Alpha Digit	21	NYSID Alpha Digit. Refer to instructions for item 9
45	Blank	22	Column 22 is blank
46	NYSID Number	23-29	New York State Identification Number. Refer to the instructions for item 11
47	Date of Parole	30-35	This item applies to the most recent sentence of commitment. Code in Month/Day/Year sequence. Code six 8's if there is no parole history. Code six 9's if information is missing.
48	Date Returned	36-41	This item applies to the first violation on the most recent sentence of commitment. Code in Month/Day/Year sequence. Rules for item 47 apply here.
49	Reason for Return	42	1=New Court Commitment; also on parole 2=New Court Commitment; also under parole supervision after statutory or conditional release 3=Returned by affirmation of sentence 4=Returned for parole violation without new sentence 5=Returned for parole violation after statutory or conditional release, without new sentence 8=Not applicable - not on parole 9=Missing information
50	Date Reparoled	43-48	This item applies to the second violation of the most recent sentence of commitment. Code in Month/Day/Year sequence. Rules for item 47 apply here
51	Discharge Date	49-54	This items applies to the date of Maximum Expiration for most recent sentence of commitment. Code in Month/Day/Year sequence. Rules for item 47 apply here.
52	Social Adjustment on Parole	55-56	Codes for Social Adjustment on Parole:

Conformance with Rules & Regulations of Parole	Definitely Better	Little Change	Definitely Worse
No violations	01	02	03
1 or more technical viola.	04	05	06
1 or more new arrests without conviction	07	08	09
Various court adjudications, Y.D., etc.	10	11	12
1 or more convictions of offense less			
1 or more convictions of misdemeanor	16	17	18
1 or more convictions of felony	19	20	21

88=Not Applicable
99=Missing Information

53	No. of Prior Paroles	57-58	Enter the total number of times the offender has been released on parole in New York and/or another jurisdiction. 88=Not Applicable 99=Missing Information
54	No. of Prior Parole Revocations	59-60	Enter the total number of parole revocations. 88=Not Applicable - no parole history 99=Missing Information
55	Blank	61-77	These card columns are left blank
56	Card Type	78	
57	Sequence No.	79-80	Pre-coded -02

APPENDIX A

OFFENSE CODES

Offense Code No.	Offense	Offense Classification
0080	Youthful Offender	——
0100	Murder (degreeless)*	A-I
0101	Murder 1st	A-I
0102	Murder 2nd	A-I
0201	Manslaughter 1st	B
0202	Manslaughter 2nd	C
0203	Abortion 1st	D
0300	Criminally Negligent Homicide	E
0401	Rape 1st	B
0402	Rape 2nd	D
0403	Rape 3rd	E
0501	Robbery 1st	B
0502	Robbery 2nd	C
0503	Robbery 3rd	D
0601	Assault 1st	C
0602	Assault 2nd	D
0604	Reckless Endangerment 1st	D
0701	Burglary 1st	B
0702	Burglary 2nd	C
0703	Burglary 3rd	D
1001	Grand Larceny-not auto 1st	C
1002	Grand Larcent-not auto 2nd	D
1003	Grand Larceny-auto 3rd	E
1301	Grand Larceny-auto 1st	C
1302	Grand Larceny-auto 2nd	D
1303	Grand Larceny-auto 3rd	E
1401	Criminal Poss.of Stolen Property 1st	D
1402	Criminal Poss.of Stolen Property 2nd	E
1501	Tampering with public records 1st	D
1502	Falsifying business records 1st	E
1503	Offering a false inst.for filing 1st	E
1504	Issuing a false certificate	E
1505	Criminal Usury 2nd	E
1506	Unlawfully concealing a will	E
1520	Criminal Usury 1st	C
1521	Scheme to defraud 1st	E
1600	Forgery 1st	C
1601	Criminal Poss.forged inst.1st	C
1602	Forgery 2nd	D
1603	Criminal Poss.forged inst.2nd	D
1609	Criminal Poss.forgery devices	D

*For crimes committed prior to September 1, 1974.

Offense Code No.	Offense	Offense Classification
1700	Arson 1st	A-I
1701	Arson 2nd	B
1702	Arson 3rd	C
1703	Arson 4th	E
1801	Promoting Prostitution 1st	C
1802	Promoting Prostitution 2nd	D
1901	Sodomy 1st	B
1902	Sodomy 2nd	D
1903	Sodomy 3rd	E
1905	Sexual Abuse 1st	D
1907	Incest	E
2008	Use of Drug Paraphernalia 1st	D
2010	Criminal injection of a narcotic drug	E
2011	Art.33, P.H.L.	E
2012	Criminal possession of precursors	E
2013	Criminal selling of a controlled substance 1st	A-I
2014	Criminal possession of a controlled substance 1st	A-I
2015	Criminal selling of a controlled substance 2nd	A-II
2016	Criminal possession of a controlled substance 2nd	A-II
2017	Criminal selling of a controlled substance 3rd	A-III
2018	Criminal possession of a controlled substance 3rd	A-III
2019	Criminal selling of a controlled substance 4th	B
2020	Criminal possession of a controlled substance 4th	B
2021	Criminal selling of a controlled substance 5th	C
2022	Criminal possession of a controlled substance 5th	C
2023	Criminal selling of a controlled substance 6th	D
2024	Criminal possession of a controlled substance 6th	D
2100	Criminal possession of a dangerous weapon 1st	B
2101	Criminal possession of a weapon 3rd	D
2102	Mfg.,transport,etc.dangerous weapons, etc.	D
2103	Prohibited use of weapons	D
2104	Prohibited use of weapons	E
2108	Criminal possession of a weapon 2nd	C

Offense Code No.	Offense	Offense Classification
2202	Operating a Motor Vehicle while intoxicated, 2nd or subsequent offense	E
2301	Obscenity 1st	D
2302	Disseminating indecent material tO minors	E
2400	Abandoment of child	E
2600	Manufacture or sale of illicit alcoholic beverages	E
2802	Operating Motor Vehicle while ability impaired by use of drugs, 2nd or subsequent offense	E
3301	Promoting gambling 1st lottery or policy	E
3302	Promoting gambling 1st-bookmaking	E
3303	Possession of gambling records 1st lottery or policy	E
3304	Possession of gambling records 1st bookmaking	E
3401	Criminal Mischief 2nd	D
3402	Criminal Mischief 3rd	E
3404	Criminal Tampering 1st	D
3406	Criminal Mischief 1st	B
3501	Criminal Trespass 1st	D
3901	Escape 1st	D
3902	Escape 2nd	E
3904	Abscond from temporary release 1st	E
4001	Kidnapping 1st	A-I
4002	Kidnapping 2nd	B
4003	Unlawful imprisonment 1st	D
4201	Bailjumping 1st	E
4300	Bigamy	E
4601	Perjury 1st	D
4602	Perjury 2nd	E

Offense Code No.	Offense	Offense Classification
4800	Bribery 2nd	D
4801	Bribery 1st	B
4802	Bribe receiving 1st	B
4803	Rewarding official misconduct 1st	C
4804	Bribe receiving 2nd	D
4805	Receiving reward for official misconduct 1st	C
4806	Rewarding official misconduct 2nd	E
4807	Receiving reward for official misconduct 2nd	E
4808	Bribe receiving by a juror	D
4809	Bribe receiving by a witness	D
4810	Bribing a juror	D
4811	Bribing a witness	D
4812	Sports bribing	D
4813	Sports bribe receiving	E
5400	Eavesdropping	E
6001	Riot 1st	E
6401	Conspiracy 1st	B
6402	Conspiracy 2nd	E
9001	All other felonies including Juvenile Delinquent	—

GENERAL INSTRUCTIONS

This manual is to be used in conjunction with the Hearing/Review Form. All of the information needed to complete this form is available in the case file.

Most of the instructions for coding this material are contained on the Hearing/Review Form. A few items require more detailed instructions (e.g., conviction offense). Please review the instruction manual before coding the case.

1. The information recorded on this form will be keypunched. The numbers beneath each box correspond to columns on a computer card. It is therefore important that each response is clear and correctly entered. Avoid stray marks in the margins or near the boxes. Make sure that all erasures are complete and that the corrections are legible.

2. Unless otherwise indicated, make sure that all of the boxes have been completed.

3. Where the information requested is missing or unavailable code "9" in the boxes corresponding to that item. For example, if four boxes are allotted an item, record 9's in each box if the information is missing.

4. If the question is inapplicable in a particular case, code 8's in the corresponding boxes.

5. If a numeric response does not complete the entire allotment of boxes for a particular item, fill in zeros in the empty boxes on the left. For example, if the appropriate amount of Jail Credit in a particular case is 85 days, the proper code would be as follows: 0 0 8 5. This procedure is called "right justification" and applies to all of the items.

6. Certain items, for example, the inmate's name and the institution are to be written out in the spaces provided. If the information requested cannot be neatly written out in the space provided (e.g., judicial recommendations) use the back of the form.

Form C-2 (CAC) Vera Institute of Justice January 12, 1978

HEARING/REVIEW ACTION FORM

Please complete this form for all MPI, Initial Appearance, and other parole release decisions.

Inmate's Name (use commitment name): _____
Last Name First Name Middle Initial

CARD ONE

1. DIN #: [| | | | | | |] (1 2 3 4 5 6 7)

2. Date of Hearing: [| | | | | |] (8 9 10 11 12 13) Month Day Year

3. Type of Hearing, specify: _____

4. Hearing/ Review Code (MPI=1, Initial Parole Appearance=2 Reappearance=3, Reparole=4, CLASP Release=5, Other=7) [ ] (14)

5. Institution, specify: _____

6. Institution Code: [|] (15 16)

7. Jail Credit (days): [| | |] (17 18 19 20)

8. NYSID Alpha Digit: [ ] (21)

9. Column 22 is blank [ ] (22)

10. NYSID #: [| | | | | | |] (23 24 25 26 27 28 29)

11. Maximum Term (months) (If "Life", code "777"): [| | |] (30 31 32)

12. Minimum Term (months) (If there is no minimum term, code "000"): [| | |] (33 34 35)

13. Court Set Minimum Term (Yes=1, No=0): [ ] (36)

14. Number of Sentences: [ ] (37)

15. Time Served (months): [| | |] (38 39 40) (Record time served since reception at DOCS; Do not include jail credit)

16. Conviction Code (DOCS Code): [| | | |] (41 42 43 44)

17. Attempt Code: (Yes=1, No=0) [ ] (45)

18. C. R. Date: [| | | |] (46 47 48 49) Month Year

19. M. E. Date: [| | | |] (50 51 52 53) Month Year

20. Number of Disciplinary Infractions (For Release Hearings Only; code "88" in boxes 54-59 for MPI cases) Major: [|] (54 55) Minor: [|] (56 57) Total: [|] (58 59)

21. Judicial Recommendations (Yes=1, No=0): [ ] (60)
If "yes", describe: _____

22. District Attorney Recommendations (Yes=1, No=0): [ ] (61)
If "yes", describe: _____

23. Defense Attorney Recommendations (Yes=1, No=0): [ ] (62)
If "yes," describe: _____

24. Outstanding Warrants (Yes=1, No=0)

Form C-2 (CAC) Vera Institute of Justice

January 12, 1978

HEARING/REVIEW ACTION FORM

25. Is the inmate currently enrolled in work or education release? (Yes=1, No=0) [ ] 64

26. Has the inmate failed on work or educational release in the last year? (Yes=1, No=0, Not Applicable=8) [ ] 65

If "yes", describe: _____

27. Following arrest on the instant offense, was the inmate:

a) charged with bail jumping? (Yes=1, No=0) [ ] 66

b) arrested on an additional charge? (Yes=1, No=0) [ ] 67

c) convicted of an additional charge? (Yes=1, No=0) [ ] 68

COLUMNS 69-77 ARE BLANK

CARD CODE [ ] 78

SEQUENCE CODE [ ][ ] 79 80

Guideline Decision Information

CARD TWO

28. Actual Criminal Conduct, specify: _____

29. Actual Criminal Conduct Code: (If the offense is not listed in the code record "9" in boxes 1-2) [ ] 1 First Digit [ ] 2 Second Digit

30. If the Actual Criminal Conduct was not listed in the Criminal Conduct Code, indicate, in box 3, the offense severity level assigned by the panel. Record the first digit of the severity level assigned by the panel. If the Actual Criminal Conduct was listed, code "0" in box 3. [ ] 3

31. Prior Criminal History Score (refer to Criminal History Worksheet):

Item 1: [ ] 4 Item 2: [ ] 5 Item 3: [ ] 6 Item 4: [ ] 7 Total: [ ] 8

32. Criminal History Category (Good=1, Fair=2, Poor=3, Very Poor=4) [ ]

Form C-2 (CAC) Vera Institute of Justice

January 12, 1978

HEARING/REVIEW ACTION FORM

33. Guideline Range: [ ][ ][ ]-[ ][ ][ ] 10 11 12 13 14 15

34. For all MPI Hearings, record the MPI imposed as a result of the hearing. If the hearing did not involve the MPI determination, record "888" in boxes 16-18.

MPI imposed (months) [ ][ ][ ] 16 17 18

35. For all RELEASE Hearings, record the decision (granted parole=1, 3 months or earlier=2, denied parole at inmate's request=3, denied parole by panel=4, other=7. Record "8", if the hearing involved the setting of an MPI.) If "other", specify: _____ [ ] 19

36. ECTFEP case (Yes=1, No=0) [ ] 20

37. NYSID Alpha Digit: [ ] 21

38. Column 22 is blank [ ] 22

39. NYSID #: [ ][ ][ ][ ][ ][ ][ ][ ] 23 24 25 26 27 28 29

40. Date of Next Hearing (if not applicable, code "8888" in boxes 30-33): [ ][ ][ ][ ] 30 31 32 33

41. For all RELEASE or MPI hearings, answer the following question: Is the decision above, below, or inside the guideline range? (Above=1, Below=2, Inside=3) [ ] 34

If the decision is inside the guidelines and/or the inmate was granted parole, do not complete items 42 and 43. Record your name and the date on page 4. If the decision is above the guidelines, complete item 42, omit item 43, record your name and the date on page 4. If the decision is below the guidelines, omit item 42, complete item 43, record your name and the date on page 4.

42. Reasons for decisions ABOVE the guideline ranges. Record "1" in the box that corresponds to the reason given for the decision. If more than one reason was provided, record "1" in all of the appropriate boxes. If a reason does not apply in the case, leave the box blank.

offense more serious than suggested by the guideline ranges [ ] 35

multiple offenses [ ] 36

caused serious or notable personal injury to the victim(s) [ ] 37

history of similar offenses (career criminal) [ ] 38

offenses covered a long span of time [ ] 39

prior criminal history more serious than indicated by the prior criminal history category and guideline range [ ] 40

unsatisfactory institutional adjustment [ ]

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January 12, 1978

Item 42 continued:

sentence constraints ☐ 43

unsatisfactory release plans ☐ 44

other, specify: _____ ☐ 45

43. Reasons for decisions BELOW the guideline ranges. Record "1" in the box that corresponds to the reason given for the decision. If more than one reason was provided, record "1" in all of the appropriate boxes. If a reason does not apply in the case, leave the box blank.

offense less serious than suggested by the guideline range ☐ 46

minor role in the offense ☐ 47

prior criminal history less serious than indicated by the prior criminal history category and guideline range ☐ 48

exemplary institutional adjustment ☐ 50

sentence constraints ☐ 51

other, specify: _____ ☐ 52

Columns 53-77 are Blank

Card Type ☐ 78

Sequence Number ☐☐ 79 80

Name: _____ Date: _____

CODE MANUAL FOR MONITORING THE GUIDELINES

Item #	Item	Card Columns	Item Description and Coding Instructions
1	DIN Number	1-7	Department Identification Number
2	Date of Hearing	8-13	Date of Hearing or review. Code in Month/Day/Year sequence. Month: January= 01, February= 02...December=12. Record the last two digits of the year.
3	Type of Hearing	---	Type of Hearing. On the line provided write out the type of hearing, ie. MPI, Initial Appearance, Reparole, CLASP, Reappearance etc. If the case concerned a Special Release Hearing, make sure that the type or circumstances of the hearing are clearly indicated.
4	Type of Hearing Code	14	Type of Hearing Code. MPI=1, Initial Parole Appearance=2, Reappearance=3, Reparole=4, CLASP Release=5, Other=7.
5	Institution	---	Institution. Write out the name of the institution at which the inmate resided at the time of the hearing or review.
6	Institution Code	15-16	Institution Code. Refer to Table A: Code Numbers for Facilities of the Department of Correctional Services and Local Penal Institutions. If the institution is not included in this list, code "99" in boxes 15-16.
7	Jail Credit	17-20	Jail Credit. Record the number of days of jail credit that the inmate has credited toward the sentence.

Item #	Item	Card Columns	Item Description and Coding Instructions
8	NYSID Alpha Digit	21	NYSID Alpha Digit. The NYSID Alpha-Digit is the alphabetic letter assigned to each inmate as part of the New York State Identification Number. Code "U", if the letter is unavailable.
9	Blank	22	Column 22 is Blank. Do not record a number or a letter in this box.
10	NYSID #	23-29	New York State Identification Number. Do not confuse this seven digit number with the NYSIIS number (older cases).
11	Maximum Term	30-32	Maximum Term. Record this term in months. 1. For concurrent sentences, convert the longest maximum sentence into months. 2. For consecutive sentences, add the maximum terms together, and convert this sum into months. 3. If "Life" sentence or over 60 years, code "777".
12	Minimum Term	33-35	Minimum Term. Record this term in months. 1. For concurrent sentences, convert the longest minimum sentence into months. 2. For consecutive sentences, add the minimum terms together, and convert this sum into months. 3. If the MPI was set by the Parole Board, record the length of the MPI imposed. 4. If the present hearing concerns the setting of an MPI, code "000" in boxes 33-35.

Item #	Item	Card Columns	Item Description and Coding Instructions
13	Court Set Minimum Term	36	Court Set Minimum Term. Yes=1, No=0. 1. If the minimum term was set by the sentencing court, code "1". 2. If the minimum term was set by the Parole Board, code "0".
14	Number of Sentences	37	Number of Sentences. Code the <u>total</u> number of sentences that the inmate is serving, regardless of whether the sentences are concurrent or consecutive. If more than 9 sentences, code "9" in box 37.
15	Time Served	38-40	Time Served. Code the amount of time served in <u>months</u>. "Time served" is defined as the total number of months that an inmate has served since his reception at a facility under the jurisdiction of the Department of Correctional Services. Do <u>not</u> include credit for time served in jail.
16	Conviction Code	41-44	Conviction Code. Refer to Table B: Offense Codes. Record the four digit code for the most serious conviction offense. In most instances this will be the offense carrying the longest maximum term. If the case involves concurrent sentences with maxima of equal length, code the offense with the lowest offense code number. For example, if the case involves two concurrent terms for Manslaughter-1, and Robbery-1, code the case as Manslaughter-1 (0201).
17	Attempt Code	45	Attempt Code. Yes=1, No=0. 1. If the <u>conviction</u> offense involve an attempt to commit a crime (ie. Attempted Robbery-3), code "1" in box 45; if not, code "0".

Item #	Item	Card Columns	Item Description and Coding Instructions
18	C. R. Date	46-49	Conditional Release Date. Record in Month/Year sequence. Code the last two digits of the year.
19	M. E. Date	50-53	Maximum Expiration Date. Record in Month/Year sequence. Code the last two digits of the year.
20	# Of Disciplinary Infractions	54-55 56-57 58-59	Number of Disciplinary Infractions. This item is to be completed for parole release cases only (eg., Initial Appearance, Reappearance, Reparole etc.) 1. If the case concerns the setting of an MPI, record "8"s in boxes 54-59. 2. For release cases, record the number of major infractions that the inmate has accumulated since his/her last parole release or MPI hearing. Record this information in boxes 54-55. 3. For release cases, record,in boxes 56-57, the number of minor infractions that the inmate has accumulated since his/her most recent parole release or MPI hearing. 4. For release cases, record, in boxes 58-59, the total number of major and minor infractions.

Item #	Item	Card Columns	Item Description and Coding Instructions
21	Judicial Recommendations	60	Judicial Recommendations. Yes=1, No=0. If the sentencing judge made recommendations to the Parole Board concerning the advisability of paroling the inmate, code "1" in box 60; if there were no recommendations code "0". If recommendations were provided, briefly describe in the space provided.
22	District Attorney Recommendations	61	District Attorney Recommendations. Yes=1, No=0. Refer to the instructions for the completion of item 21.
23	Defense Attorney Recommendations	62	Defense Attorney Recommendations. Yes=1. No=0. Refer to the instructions for the completion of item 21.
24	Outstanding Warrants	63	Outstanding Warrants. Yes=1, No=0. If the inmate has outstanding warrants and/or detainers pending in New York state or another jurisdiction, record "1" in box 63, and describe the nature of the warrants or detainers in the space provided. If there are no detainers or warrants pending, code "0" in box 63.
25	Work/Education Release	64	Is the inmate currently enrolled in work or education release? If "yes", code "1" in box 64; if "no", code "0" in this box.

Item #	Item	Card Columns	Item Description and Coding Instructions
26	Work/Education Release Failure	65	Has the inmate failed on work or education release within the last year? Yes=1, No=0, Not Applicable =8. If the inmate was not enrolled in work or education release, code "8" in box 65.
27	Behavior Following Arrest	66 67 68	Following arrest on the instant offense, was the inmate: a) charged with bail jumping? Yes=1, No=0 b) arrested on an additional charge? Yes=1, No=0 c) convicted on an additional charge? Yes=1, No=0
COLUMNS 69-77 ARE BLANK			
Card Code		78	
Sequence Code		79-80	
		BEGIN CARD TWO	
28	Actual Criminal Conduct	---	Actual Criminal Conduct. Refer to the offense behavior as it is described in the pre-sentence report. In the space provided on the form, briefly describe the most serious offense behavior presented in the pre-sentence report.
29	Actual Criminal Conduct Code	1-2	Actual Criminal Conduct Code. Refer to the Actual Criminal Conduct Code which was designed for use with the guidelines. In box 1, record the first digit of the offense severity level suggested by the guidelines. In box 2, record the second digit.

Item #	Item	Card Columns	Item Description and Coding Instructions
29	Actual Criminal Conduct Code	1-2	If the offense is not listed in the code, record "9" in boxes 1-2.
30	Actual Criminal Conduct Code Continued	3	If the Actual Criminal Conduct was <u>not</u> listed in the Criminal Conduct Code, indicate, in box 3, the offense severity level assigned by the panel conducting the hearing or review. Record the <u>first digit</u> of the severity level assigned by the panel. If the actual criminal conduct <u>was</u> listed in the Code, record "0" in box 3.
31	Prior Criminal History Score	4-8	Prior Criminal History Score. Refer to the Criminal History Worksheet. Record the scores for each of the items and the total in the appropriate boxes. Item 1: record in box 4; Item 2: record in box 5, Item 3: record in box 6; Item 4: record in box 7; and the Total in box 8.
32	Criminal History Category	9	Criminal History Category. Refer to the Criminal History Worksheet. If the total score was 7 or 8 [Good], code "1". If the total score was 6 or 5 [Fair], code "2". If the total score was 4 or 3 [Poor], code "3". If the total score was 2,1, or 0 [Very Poor], code "4".

Item #	Item	Card Columns	Item Description and Coding Instructions
33	Guideline Range	10-15	Guideline Range. Refer to the guideline range provided for the inmate's offense severity level and prior criminal history category. Record the lower limit in boxes 10-12; record the upper limit in boxes 13-15. [Right Justify]
34	MPI Imposed	16-18	MPI Imposed. For all MPI hearings (ie. the present hearing concerned the setting of the MPI), record the MPI imposed. The MPI term is to recorded in months. If the hearing did not involve the setting of the MPI, code "888" in boxes 16-18.
35	Release Decision	19	Release Decision. For all release hearings (eg. initial appearance, reparole, reappearance etc.), record the decision. Granted Parole=1, 3 months or earlier=2, Denied parole at inmate's request=3, denied parole by panel=7. If the hearing involved the setting of the MPI, record "8" in box 19. If the panel's decision was "other", specify the decision in the space provided on the form.
36	ECTFEP Case	20	ECTFEP case. Yes=1, No=0.
37	NYSID Alpha Digit	21	NYSID Alpha Digit. Refer to instructions for item 8.
38	Blank	22	Column 22 is blank.

Item #	Item	Card Columns	Item Description and Coding Instructions
39	NYSID Number	23-29	New York State Identification Number. Refer to the instructions for item 10.
40	Date of Next Hearing	30-33	Date of Next Hearing. Record in Month/Year sequence, the date of inmate's next hearing or review. If no review or hearing is scheduled (eg. parole was granted), code "8888" in boxes 30-33.
41	Guideline Decision	34	For all release or MPI hearings/reviews: Is the decision above, below, or inside the guideline range? Above=1, Below=2, Inside=3.
42	Reason for Decisions Above the Guidelines	35-45	Reasons for Decisions Above the Guidelines. This item consists of eleven elements and boxes that correspond to each element. Record "1" in the boxes that most closely correspond to the reasons given for the decision. If the reason is not applicable in a particular case, leave the box blank. Note: This item is <u>not</u> to be completed where 1) the inmate was <u>paroled</u>, regardless of whether the decision was inside or outside the guideline range; or 2) the decision was <u>inside</u> or <u>below</u> the guidelines. If the reason given for the decision is not included in the list, code "1" in box 45, and write out the reason for the decision in the space provided.
43	Reasons for Decisions Below the Guidelines	46-52	Reasons for Decisions Below the Guidelines. Refer to the instructions for item 42.

Item #	Item	Card Columns	Item Description and Coding Instructions
43	Reasons for Decisions Below the Guidelines	46-52	Reasons for Decisions Below the Guidelines (cont.) Note: This item is not to be completed where 1) the inmate was paroled, regardless of whether the decision was inside or outside the guideline range; or 2) the decision was inside or above the guideline range.
COLUMNS 53-77 ARE Blank		53-77	Blank
Card Code		78	
Sequence Code		79-80	

CODE NUMBERS FOR FACILITIES OF THE DEPARTMENT
OF CORRECTIONAL SERVICES AND LOCAL PENAL INSTITUTIONS
(*Not Currently in Operation)

00 - Monroe Co. Pen.
01 - Albany Co. Pen.
02 - Erie Co. Pen.
03 - Onondaga Co. Pen.
04 - Westchester Co. Pen.
05 - Co. Jails - Buffalo
06 - Co. Jails - Rochester
07 - Co. Jails - Syracuse
08 - Co. Jails - Albany
09 - Co. Jails - Poughkeepsie
10 - Co. Jails - Elmira
11 - Attica (General Confinement)
12 - Clinton (General Confinement)
13 - Ossining (Maintenance Cadre)
14 - Bedford Hills (females)
15 - Auburn
16 - Great Meadow
17 - Wallkill
18 - Green Haven (General Confinement)
*19 - Clinton Diagnostic and Treatment
21 - Elmira Correctional Facility
22 - Coxsackie
*24 - Western (females)
*30 - Elmira (Classification)
31 - Reception Center at Elmira
33 - Ossining (Classification)
35 - Green Haven (Reception)
36 - Attica (Reception-Classification)
*37 - Attica (Classification)
38 - Clinton (Reception)
39 - Clinton (Classification)
*41 - Albion
44 - Eastern
45 - Fishkill, Beacon (mentally retarded)
46 - Fishkill, Glenham (borderline)
50 - Tappan
51 - Fishkill, Matteawan State Hospital
*52 - Dannemora State Hospital
53 - Co. Jails-Hempstead
54 - Rikers Island
55 - Fishkill, Elderly & Handicap.
56 - Fishkill, Diagnostic & Evaluation
57 - Fishkill (Female)
58 - Fishkill, Work Release
*59 - Fishkill, Emotionally Impaired
60 - Fishkill, Maintenance Cadre
61 - Camp Pharsalia
62 - Camp Monterey
63 - Camp Summit
64 - Camp Georgetown
65 - Fishkill, Transfer Unit
70 - ACTEC, D&T, I&II
*71 - ACTEC, Northeastern Reception
72 - ACTEC V. Release Readiness
*73 - ACTEC, Prescription Program
74 - ACTEC, Community Preparation
75 - Camp Adirondack
76 - ACTEC, D&T, III
*77 - ACTEC, D&T, IV & V
78 - ACTEC, D&T, IV
80 - Albion
81 - Rochester
82 - Taconic
83 - Bayview
84 - Edgecombe
85 - Parkside

APPENDIX A

OFFENSE CODES

Offense Code No.	Offense	Offense Classification
0080	Youthful Offender	
0100	Murder (degreeless)*	A-I
0101	Murder 1st	A-I
0102	Murder 2nd	A-I
0201	Manslaughter 1st	B
0202	Manslaughter 2nd	C
0203	Abortion 1st	D
0300	Criminally Negligent Homicide	E
0401	Rape 1st	B
0402	Rape 2nd	D
0403	Rape 3rd	E
0501	Robbery 1st	B
0502	Robbery 2nd	C
0503	Robbery 3rd	D
0601	Assault 1st	C
0602	Assault 2nd	D
0604	Reckless Endangerment 1st	D
0701	Burglary 1st	B
0702	Burglary 2nd	C
0703	Burglary 3rd	D
1001	Grand Larceny-not auto 1st	C
1002	Grand Larcent-not auto 2nd	D
1003	Grand Larceny-auto 3rd	E
1301	Grand Larceny-auto 1st	C
1302	Grand Larceny-auto 2nd	D
1303	Grand Larceny-auto 3rd	E
1401	Criminal Poss.of Stolen Property 1st	D
1402	Criminal Poss.of Stolen Property 2nd	E
1501	Tampering with public records 1st	D
1502	Falsifying business records 1st	E
1503	Offering a false inst.for filing 1st	E
1504	Issuing a false certificate	E
1505	Criminal Usury 2nd	E
1506	Unlawfully concealing a will	E
1520	Criminal Usury 1st	C
1521	Scheme to defraud 1st	E
1600	Forgery 1st	C
1601	Criminal Poss.forged inst.1st	C
1602	Forgery 2nd	D
1603	Criminal Poss.forged inst.2nd	D
1609	Criminal Poss.forgery devices	D

*For crimes committed prior to September 1, 1974.

Offense Code No.	Offense	Offense Classification
1700	Arson 1st	A-I
1701	Arson 2nd	B
1702	Arson 3rd	C
1703	Arson 4th	E
1801	Promoting Prostitution 1st	C
1802	Promoting Prostitution 2nd	D
1901	Sodomy 1st	B
1902	Sodomy 2nd	D
1903	Sodomy 3rd	E
1905	Sexual Abuse 1st	D
1907	Incest	E
2008	Use of Drug Paraphernalia 1st	D
2010	Criminal injection of a narcotic drug	E
2011	Art.33, P.H.L.	E
2012	Criminal possession of precursors	E
2013	Criminal selling of a controlled substance 1st	A-I
2014	Criminal possession of a controlled substance 1st	A-I
2015	Criminal selling of a controlled substance 2nd	A-II
2016	Criminal possession of a controlled substance 2nd	A-II
2017	Criminal selling of a controlled substance 3rd	A-III
2018	Criminal possession of a controlled substance 3rd	A-III
2019	Criminal selling of a controlled substance 4th	B
2020	Criminal possession of a controlled substance 4th	B
2021	Criminal selling of a controlled substance 5th	C
2022	Criminal possession of a controlled substance 5th	C
2023	Criminal selling of a controlled substance 6th	D
2024	Criminal possession of a controlled substance 6th	D
2100	Criminal possession of a dangerous weapon 1st	B
2101	Criminal possession of a weapon 3rd	D
2102	Mfg.,transport,etc.dangerous weapons, etc.	D
2103	Prohibited use of weapons	D
2104	Prohibited use of weapons	E
2108	Criminal possession of a weapon 2nd	C

Offense Code No.	Offense	Offense Classification
2202	Operating a Motor Vehicle while intoxicated, 2nd or subsequent offense	E
2301	Obscenity 1st	D
2302	Disseminating indecent material to minors	E
2400	Abandoment of child	E
2600	Manufacture or sale of illicit alcoholic beverages	E
2802	Operating Motor Vehicle while ability impaired by use of drugs, 2nd or subsequent offense	E
3301	Promoting gambling 1st lottery or policy	E
3302	Promoting gambling 1st-bookmaking	E
3303	Possession of gambling records 1st lottery or policy	E
3304	Possession of gambling records 1st bookmaking	E
3401	Criminal Mischief 2nd	D
3402	Criminal Mischief 3rd	E
3404	Criminal Tampering 1st	D
3406	Criminal Mischief 1st	B
3501	Criminal Trespass 1st	D
3901	Escape 1st	D
3902	Escape 2nd	E
3904	Abscond from temporary release 1st	E
4001	Kidnapping 1st	A-I
4002	Kidnapping 2nd	B
4003	Unlawful imprisonment 1st	D
4201	Bailjumping 1st	E
4300	Bigamy	E
4601	Perjury 1st	D
4602	Perjury 2nd	E

Offense Code No.	Offense	Offense Classification
4800	Bribery 2nd	D
4801	Bribery 1st	B
4802	Bribe receiving 1st	B
4803	Rewarding official misconduct 1st	C
4804	Bribe receiving 2nd	D
4805	Receiving reward for official misconduct 1st	C
4806	Rewarding official misconduct 2nd	E
4807	Receiving reward for official misconduct 2nd	E
4808	Bribe receiving by a juror	D
4809	Bribe receiving by a witness	D
4810	Bribing a juror	D
4811	Bribing a witness	D
4812	Sports bribing	D
4813	Sports bribe receiving	E
5400	Eavesdropping	E
6001	Riot 1st	E
6401	Conspiracy 1st	B
6402	Conspiracy 2nd	E
9001	All other felonies including Juvenile Delinquent	——

APPENDIX K

APPENDIX K

PAROLE DECISION-MAKING GUIDELINE

MANUAL

Introduction

The following manual is designed for use by inmates. It explains some of the New York State Parole Board's procedures and policies.

Three subjects are considered in this manual:

1) Procedures for obtaining access to materials contained in the Division of Parole case files;

2) The decision-making guidelines adopted by the Board for use in setting Minimum Periods of Imprisonment (MPI) and making parole release determinations;

3) Procedures for appealing parole release and MPI decisions.

Eligibility for Parole

Minimum Periods of Incarceration

All commitments to the Department of Correctional Services involve indeterminate terms.

Indeterminate terms have both a minimum term, and a maximum term. The minimum term is the period you must serve before becoming eligible for release by the Parole Board.

Your minimum term may be set in one of two ways: either by the judge who sentenced you, or, if the sentencing judge set no minimum, by the Parole Board. In the latter case, you will appear before a panel of Parole Board members who will set your "Minimum Period of Imprisonment" (or MPI) sometime after you arrive at a facility of the Department of Correctional Services. If you arrived at a Department facility before January 1, 1978, your MPI is determined at an appearance you are given before the Board ten months after your arrival. If you arrived at a Department facility on or after January 1, 1978, you will appear before the Board for a determination of your MPI four months after your arrival, or as soon thereafter as possible. Your MPI is usually set by a three-member panel of the Parole Board. However, New York State Penal Law requires that if you were received at a Department facility before January 1, 1978, approval of the full Board of Parole is required if the Board panel sets an MPI which is more than three years or one-half of your maximum term, whichever is less. For example, if the maximum sentence is eight years, and the Board panel sets an MPI of 48 months, then their decision must be approved by the full Parole Board. Although the MPI is not more than one-half of the

maximum term, it is more than three years, and according to Corrections Law this decision must be approved by the full Board.

Jail Credit

If your minimum term was set by the judge who sentenced you, any jail time you have served will be credited to you in determining when you have served your minimum and are therefore eligible for parole.

If your minimum period of imprisonment was determined by the Parole Board, any jail time you have, as well as any time you have already served on the sentence in a facility of the Department of Correctional Services, will be credited to you in determining when you have served your minimum term. For example, suppose you appeared before the Board at an MPI hearing 10 months after arriving in a state facility, and with 4 months jail time served. The Parole Board gives you an MPI of 24 months. In this case, you will become eligible for parole release consideration after you serve another 10 months. This is because you will be entitled to 14 months of credit toward your 24-month minimum (4 months credit for jail time served and 10 months for time already served in a facility of the Department of Correctional Services).

There is one exception to this description of credit for jail time: the New York State Penal Law requires that regardless of the jail time credits you may have accumulated, you must serve a full year in a state correctional facility before you are eligible for parole unless you were convicted while serving an earlier indeterminate sentence.

Initial Appearance

You will be given a hearing by a panel of Parole Board members one month prior to the expiration of your minimum period of imprisonment or minimum sentence. This hearing or "initial appearance" is the first time that you will appear before the Parole Board for parole release consideration. After this hearing, the Board members will decide whether you will be granted or denied parole. The factors that the Board takes into consideration in making the MPI and parole release determinations are described on pages 4-12.

Access to your Parole File

Because the Board members will consider information contained in your parole file in making a decision, you or your counsel may have access to information contained in the parole file, prior to your scheduled appearance before the Board of Parole, but with the following limitation:

1. Access will be granted only to reports, documents and materials which will be considered by the Board. The following items, however, will not be made available for inspection:

   a) Psychological or psychiatric diagnostic opinions
   b) Material which would reveal sources of information obtained upon a promise of confidentiality
   c) Any information which, if disclosed, might result in harm, physical or otherwise, to any person.

2. Access will not be granted to reports, documents and materials produced by the Department of Correctional Services or any agency other than the Division of Parole. (To obtain access to information in your Department of Correctional Services file, which may also be contained in your parole file, you must apply to the Department and follow its rules, regulations and procedures, governing access to files.)

Any request you make for access to records in your parole file should be made in writing to the Chairman of the Board of Parole, at the Central Office in Albany, at least 10 days prior to the scheduled date of your appearance before the Board of Parole. Your request must include your name, the nature of the pending hearing, and your present institution of confinement. It should also describe, to the extent possible, the information which you wish to review and the reason you wish to review it. In addition to sending your request to the Central Office, you must also send a copy to the Senior Parole Officer at your present institution of confinement.

Your review of the reports, documents and materials to which access is granted may take place at the institution where you are confined on the day of the hearing, or sooner. These arrangements will be made by the parole staff at your facility, or by the staff at the Area Office of Parole Services,as is appropriate. Under certain conditions, access to your files, which is not granted pursuant to the procedures described above, may be obtained by applying to the Chairman of the Parole Board. Upon a showing of good cause, access will be granted.

MPI and Parole Release Criteria

In setting Minimum Periods of Imprisonment and in making parole release determinations, the Parole Board members take into consideration a number of factors concerning the nature and circumstances of your current offense and the length and seriousness of your prior criminal record.

In setting the MPI term, the Parole Board members will also consider the following factors:

- Length of sentence
- Recommendation(s) of the sentencing court
- Recommendation(s) of the district attorney
- Recommendation(s) of your attorney
- Any information appearing in the pre-sentence probation
- Your activities following arrest and prior to confinement

At release hearings, the Board members will consider all of the factors mentioned above, plus the following:

Your 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.

Your performance, if any, as a participant in a temporary release program.

Your release plans, including (but not limited to) community resources, employment, education and training and support services.

However, if your MPI was set by the Board after January 1, 1978, the Board members will only consider information related to your institutional adjustment, participation in a temporary release program, and your release plans in deciding whether to grant or deny you parole.

Decision-Making Guidelines

In accordance with Executive Law 259 C 4, the Parole Board has adopted decision-making guidelines for use in making all MPI and parole release determinations. This section and the following sections explain the content of the guidelines, and familiarity with these guidelines will help you to understand the Board's decisions.

This section will give you a general idea of how the guidelines work. The sections that follow entitled "Current Offense Rating" and "Prior Criminal History Score," provide a detailed explanation of how your present offense and prior criminal history may be evaluated by the Parole Board.

The guidelines shown on the following page consist of two scales: 1) an offense severity scale, which is divided into seven levels of offense seriousness, and 2) a prior criminal history scale which involves four categories (good, fair, poor, very poor). For each offense severity level and prior criminal history category combination there is a corresponding time range. These time ranges indicate the number of months that inmates with various offense and prior record ratings usually serve before release on parole. For example, suppose the offense severity is rated as Level 4, and the prior criminal history category is "poor". To find the time range associated with this offense and prior criminal history combination, start by reading down the offense severity scale located on the left-hand side of the page and stop when you reach Level 4. Now read across the page until you come to the column labelled "poor". The time range indicated in this box is 27-32 months. This means that most inmates with Level 4 offense ratings and "poor" criminal histories will usually serve between 27 and 32 months before release on parole.

It must be noted that the guideline time ranges are based solely on the seriousness of your current offense and your prior criminal history. In actual decision-making, the Board Members will take into consideration a number of factors including those mentioned above. After reviewing all aspects of your record, they may decide that there are important favorable or unfavorable factors which justify a decision outside the guidelines. That is, the Board members may decide that you should serve more or less time than suggested by the guidelines.

Notification of Board Decisions

You will receive written notification of the Parole Board's decison within two or three days after your hearing. If your hearing concerned the settng of an MPI term, or you were denied parole, you will receive a detailed written statement of the Board's reasons for the decision no more than two weeks after your appearance. If parole is denied, the Board members will decide how long you should be held before you can again be considered for parole release. You will be scheduled to reappear before the Board within two years of your parole denial. If parole is granted, you will not be informed of the reasons for the decision.

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) Statute requires a minimum of one year in state prison, except for those convicted while serving an earlier indeterminate sentence.

OFFENSE SEVERITY LEVEL ACTUAL CRIMINAL CONDUCT	PRIOR CRIMINAL HISTORY CATEGORY			
	Good (3.7)	Fair (6.5)	Poor (4.3)	Very Poor (2, 1.0)
Level 7 (Least Severe Offenses)	12-15 months	13-16 months	14-17 months	15-18 months
Level 6	13-18 months	15-20 months	18-22 months	20-24 months
Level 5	14-20 months	18-23 months	22-26 months	25-29 months
Level 4	21-24 months	23-28 months	27-32 months	31-36 months
Level 3	23-28 months	26-31 months	29-34 months	32-40 months
Level 2	28-38 months	33-43 months	38-48 months	43-53 months
Level 1 (Most Severe Offenses) *	40-70 months	60-80 months	70-90 months	80-120 months

* Level 1 excludes Class A-1. Statute requires service of a minimum of 15 to 25 years before parole eligiblity.

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.

GUIDELINES FOR PAROLE BOARD DECISION-MAKING (cont'd)

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.

Current Offense Rating

To repeat, the guidelines used by the Board in making MPI and release decisions take two factors into account: the severity of your current offense and the nature of your prior criminal history. Your current offense is given a rating from 1 to 7. Level 1 includes crimes like homicide. Level 7 includes crimes like grand larceny. The seven levels do not necessarily correspond to the ranking of these offenses in the Penal Law. In assigning a severity level to your instant offense, the Parole Board will be guided by the description of your actual criminal conduct as presented in your pre-sentence report, and any other relevant information concerning your offense. If your current offense is a multiple offense, you will be classified according to the most severe offense. Conspiracies or attempts to commit a felony will be ranked one level below the actual offense itself. If the lists for the seven levels do not contain the specific crime which corresponds to your actual criminal conduct, then the Board will assign the severity level which corresponds to the seriousness of your actual offense.

The lists of crimes for each of the seven levels are set out below:

LEVEL 1 OFFENSES include the following:

- Intentional homicide
- Homicide during the commission of another felony
- Kidnapping for ransom, or kidnapping in which the victim dies
- Any other offense in which a person died as the direct result of a deliberate act on the part of the offender

LEVEL 2 OFFENSES include the following:

- Rape which is forcible and involves physical injury
- Sodomy which is forcible and involves physical injury
- Arson involving the presence or likely presence of persons, or explosion, or physical injury
- Manslaughter, in which injury but not death was intended, but not involving extreme emotional disturbance
- Assault involving serious physical injury
- Any other offense in which a person suffered serious physical injury as the direct result of a deliberate act on the part of the offender

LEVEL 3 OFFENSES include the following:

- Rape which is forcible
- Sodomy which is forcible
- Kidnapping which involves forcible abduction
- Manslaughter involving extreme emotional disturbance
- Robbery involving physical injury

- Burglary involving physical injury or entering a dwelling at night
- Assault involving physical injury
- Any other offense in which a person was physically injured as the direct result of a deliberate act on the part of the offender

LEVEL 4 OFFENSES include the following:

- Armed robbery involving a deadly weapon or the display of a firearm
- Manslaughter involving death through recklessness
- Extortion
- Burglary while armed with a deadly weapon or a dangerous instrument
- Sexual abuse involving sexual contact by force or a victim under 11 years or a physically or mentally helpless victim
- Forgery of money, or valuable governmental instruments, or stocks or bonds, or forgery involving documents with avvalue of $1500 or more
- Sale of an ounce or more of narcotics
- Possession of two ounces or more of narcotics

LEVEL 5 OFFENSES include the following:

- Homicide, if caused through criminal negligence
- Robbery involving accomplices
- Rape, if consensual
- Sodomy, if consensual
- Possession of a loaded firearm
- Forgery of documents worth under $1500
- Arson involving property damage
- Burglary of a dwelling
- Sale of under 1 ounce of narcotics
- Sale of any amount of drugs other than narcotics or marijuana

LEVEL 6 OFFENSES include the following

- Burglary not involving a dwelling
- Bribery-rewarding, when received for public official misconduct
- Grand larceny of items valuing $1500 or more
- Criminal possession of stolen property in the amount of $1500 or more
- Robbery involving only the forcible stealing of property
- Possession of under two ounces of narcotics

LEVEL 7 OFFENSES include the following:

- Grand larceny of items valuing between $250 and $1499
- Criminal possession of stolen property in an amount between $250 and $1499
- Reckless endangerment of a person
- Absconding from temporary release
- Escape from custody
- Possession of any amount of marijuana or other non-narcotic
- Sale of any amount of marijuana

If your current offense is a type of offense which is listed on several levels, the Board will classify it according to the most serious level which it matches. For example, if an inmate's pre-sentence report indicates that he robbed a liquor store armed with a .38 revolver, and shot the proprietor in the knee, his offense, in terms of the guidelines, is "robbery involving serious physical injury." Robbery appears on levels 3-6 of the offense severity lists. The most serious level is on level 3 -- "Robbery involving physical injury." The inmate's current offense fits this description. But the list of level 2 crimes contains a general provison to include all offenses in which a person suffered serious physical injury as the direct result of a deliberate act on the part of the offender. This description fits the inmate's current offense. Following the rule that the current offense is to be classified according to the most serious offense description in the severity lists which it fits, the proper classification in this case is level 2.

Many of the terms in the descriptions of offenses in the severity lists have precise definitions taken from the Penal Law. For example, robbery is defined as "forcible stealing." A number of the Penal Law definitions with which you may not be familiar are listed below:

a. "Physical Injury" means impairment of physical condition or substantial pain.
b. "Serious Physical Injury" means physical injury which creates a substantial risk of death, or which causes death, or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.
c. "Deadly Weapon" means any loaded weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged, or a switchblade knife, gravity knife, dagger, billy, blackjack or metal knuckles.

d. "Dangerous Instrument" means any article, including a motor vehicle, which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or other serious physical injury.

e. "Narcotic Drug" includes:

1. Heroin
2. Morphine
3. Any opiate derivative drug having addiction-forming liability
4. Cocaine

Methadone is not a narcotic drug.

f. "Marijuana" means:

1. All parts of the plant Cannabis
2. Concentrated Cannabis (Hashish)

g. "Other Drugs" means all controlled substances listed in schedule I,II,III,IV or V of Section 3306 of the Public Health Law, and includes, for illustrative purposes:

1. Methadone
2. Methamphetamine
3. LSD (Lysergic Acid Diethylamide)
4. Hallucinogens
5. Stimulants
6. Depressants
7. Narcotic Preparations

Prior Criminal History Score

In addition to assigning a severity level to your current offense, the Parole Board will also calculate your prior criminal history score. Your prior criminal history score consists of four items: prior commitments, prior prison terms, prior convictions, and prior parole or probation record. A score is computed for each of these items, and then the item scores are added together. The highest score that can be obtained is 8, the lowest is 0. Your prior criminal history will be assigned a rating of good, fair, poor, or very poor based on the total score. The good category corresponds to scores of 7 or 8; fair, 5 or 6; poor, 3 or 4; and very poor 0, 1 or 2. Your rating will be computed on the worksheet shown on page 12.

STATE OF NEW YORK - EXECUTIVE DEPARTMENT
DIVISION OF PAROLE

CRIMINAL HISTORY CATEGORY WORKSHEET

Item #1: Prior Convictions

No Convictions	= 3
One Conviction	= 2
Two or Three Convictions	= 1
Four or More Convictions	= 0
Prior Convictions Score	= ☐

Item #2: Prior Commitments

(91 days or more - includes prison terms)

No Commitments	= 2
One or Two Commitments	= 1
Three or More Commitments	= 0
Prior Commitments Score	= ☐

Item #3: Prior Prison Terms

No Prison Terms	= 2
One or Two Prison Terms	= 1
Three or More Prison Terms	= 0
Prior Prison Terms Score	= ☐

Item #4: 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
Prior Parole/Probation History Score	= ☐

Prior Criminal History Category - Check One

Good	(8,7)	☐
Fair	(6,5)	☐
Poor	(4,3)	☐
Very Poor	(2,1,0)	☐

The following section describes which factors will be used in calculating the scores for the four items.

Item 1: Prior Convictions

All misdemeanor and felony convictions and youthful offender adjudications will be counted. Multiple convictions arising from one incident will count as one conviction. Violations or traffic infractions will not be counted.

Item 2: Prior Commitments

Sentences of more than 90 days resulting in confinements in a county, regional, or state correctional facility as a result of a felony or misdemeanor conviction or youthful offender adjudication will be counted. Commitments to any other residential program such as the DACC program will also be counted if you were sent there involuntarily, as a direct result of a conviction or youthful offender adjudication. A sentence to time served of over 90 days and sentences from other jurisdictions of more than 90 days will also be counted. Multiple sentences, when served either consecutively or concurrently, will be counted as one commitment. For commitments to be counted more than once, they must be separated by a period of freedom in the community.

Item 3: Prior Prison Terms

All terms of incarceration in state prison due to a felony conviction or youthful offender adjudication will be counted. This includes prison terms served in jurisdictions other than New York for crimes which would be considered felonies in New York. As in Item 2, multiple sentences, when served either consecutively or concurrently, will be counted as one term. Again, for commitments to be counted more than once, they must be separated by a period of freedom in the community.

Item 4: Parole or Probation Failures

A prior revocation of parole or the commission of a crime while on parole will be counted as a parole failure. A probation failure will be counted only if your current offense was committed while you were on probation. Revocations of parole or crimes committed while under parole or probation supervision in jurisdictions other than New York State or its subdivisions will also be counted as if they had occurred in New York State.

Appeals

You may appeal any final decision of the Parole Board which concerned your Minimum Period of Imprisonment or your release on parole. Whenever you appeal a final decision of the Parole Board, you are entitled to be represented by counsel. The following sections deal with the grounds and procedures for appealing a decision:

Grounds for Appeal

Your appeal may raise any of the following questions:

- that the proceeding or decision was arbitrary and capricious, was affected by an error of law, failed to follow lawful procedure, or was otherwise unlawful.
- that the Board member or members making the decision relied on erroneous information as shown in the record of the proceeding or that information relevant to the decision was not available for consideration.
- that the decision made was excessive in the circumstances of your case.

There are certain procedures that must be followed in appealing a decision. First, you must submit a notice of appeal; then, you must file the appeal itself.

Notice of Appeal

To initiate an appeal, you must first write to the Board of Parole at the Central Office in Albany, and inform them of your intention to appeal a decision. This procedure is called "the filing of the notice of appeal." Your notice of appeal must be filed with the Board within thirty days of the day that you received written notification of the Board's decision.

The notice of appeal must be in writing and include your name and identification number, the decision you are appealing, the date of the decision, and your present place of confinement.

Filing the Appeal

Your appeal must include the decision that you are challenging and the grounds for that appeal. All appeals must be in writing.

Four copies of your appeal must be filed with the Board (again at Central Office in Albany) within four months of the date that your notice of appeal was filed with the Board.

Division of Parole
Appeals Unit
1450 Western Avenue
Albany, New York 12203

If, for good cause, you are unable to complete and submit your appeal within four months, you may apply to the Chairman for an extension on the deadline. This request must be in writing and state the reasons why you are requesting an extension. It must be received by the Chairman within four months of the date of your filing the notice of appeal.

If your appeal is not submitted to the Board within four months or within the extension period, then your appeal will be dismissed with prejudice. (Another appeal of the same final decision will not be accepted.)

Decisions

All appeals will be considered by at least three members of the Parole Board. None of these Board members will have participated in the decision that you are appealing. Your appeal will be decided by a majority vote of the three members. The members deciding the appeal may vote to affirm, reverse or modify the decision appealed. In the case of reversal, the Board members deciding the appeal will state the reasons for their actions and will then take whatever action is appropriate, which may include ordering a re-hearing.

MANUAL DE NORMAS PARA LAS DECISIONES DE LA JUNTA DE LIBERTAD BAJO PALABRA (PAROLE BOARD)

Introducción

El siguiente manual se diseñó para el uso de presidiarios. Explica algunos de los procedimientos y reglamentos de la Junta de Libertad Bajo Palabra del Estado de Nueva York.

Se consideran tres temas en este manual:

1) Procedimientos para obtener materiales contenidos en los archivos de la División de Libertad Bajo Palabra;

2) Las normas adoptadas por la Junta para llegar a sus decisiones con respecto a los Períodos Mínimos de Encarcelación (PME) y sus determinaciones con respecto a libertad bajo palabra;

3) Procedimientos para apelación de las decisiones con respecto a libertad bajo palabra y Período Mínimo de Encarcelación (PME).

Elegibilidad Para Libertad Bajo Palabra

Períodos Mínimos de Encarcelación

Todas las condenas al Departamento de Servicios Correccionales llevan términos que no han sido determinados.

Términos que no hayan sido determinados tienen un mínimo y un máximo período de tiempo. El término mínimo es el período que usted tiene que servir antes de ser elegible para libertad por la Junta de Libertad Bajo Palabra.

Su término mínimo puede ser determinado en una de dos formas: por el juez que lo sentenció, o si el juez no estableció el término mínimo, por la Junta de Libertad Bajo Palabra. En el último caso, usted se presentará ante la Junta de Libertad Bajo Palabra para que ellos determinen su "Período Mínimo de Encarcelación" (PME) después que usted haya llegado a una de las instituciones del Departamento de Servicios Correccionales. Si llegó a una institución del Departamento antes del 1ro de enero de 1978, su PME se determinará cuando se presente ante la Junta, diez meses después de su llegada. Si llegó a una institución del Departamento el 1ro de enero de 1978 o después, se presentará ante la Junta para determinar su PME cuatro meses después de haber llegado, o lo antes posible después de esa fecha. Su PME será determinada por tres miembros de la Junta de Libertad Bajo Palabra. Pero, el

Código Penal del Estado de Nueva York requiere que si usted fue recibido en una institución del Departamento antes del 1ro de enero de 1978, es necesario recibir la aprobación de todos los miembros de la Junta de Libertad Bajo Palabra si los tres miembros de la Junta determinan un PME de mas de tres años o la mitad de su término máximo, cualquiera que sea menos. Por ejemplo, si su sentencia máxima es de ocho años, y los tres miembros de la Junta que lo entrevistaron a usted en su audiencia para PME decidieron que su PME debería ser 48 meses, entonces su decisión tiene que ser aprobada por todos los miembros de la Junta de Libertad Bajo Palabra. Aunque el PME no es mas de la mitad del término máximo, es mas de tres años, y de acuerdo con el código penal, esta decisión debe ser aprobada por todos los miembros de la Junta.

Crédito por Cárcel

Si su término mínimo fue determinado por el juez que lo sentenció, cualquier tiempo en la cárcel será acreditado cuando se determine que usted ha servido su término mínimo y por lo tanto es elegible para libertad bajo palabra.

Si su período mínimo de encarcelación fue determinado por la Junta de Libertad Bajo Palabra, cualquier tiempo en la cárcel que tenga, igual que cualquier tiempo que haya servido en la sentencia en una institución del Departamento de Servicios Correccionales, será acreditado cuando se determine que haya servido su término mínimo. Por ejemplo, suponga que usted se presentó ante la Junta para audiencia con respecto a su PME 10 meses después de llegar a una institución del estado, y con 4 meses de detención cumplidos en una cárcel. La Junta de Libertad Bajo Palabra le da un PME de 24 meses. En este caso, será elegible para consideración para libertad bajo palabra después que haya servido otros 10 meses. Esto es porque usted tendrá derecho a 14 meses de crédito hacia su término mínimo de 24 meses (4 meses crédito por tiempo ya servido en la cárcel y 10 meses por tiempo ya servido en una institución del Departamento de Servicios Correccionales).

Hay una excepción a esta descripción de tiempo en la cárcel: el Código Penal del Estado de Nueva York requiere que prescindiendo de los créditos por tiempo en la cárcel que usted haya acumulado, tiene que servir un año completo en una institución correccional del estado antes de ser elegible para libertad bajo palabra, a menos que usted fue condenado mientras servía una previa sentencia que no había sido determinada.

Primera Audiencia

Usted tendrá que presentarse en una audiencia conducida por tres miembros de la Junta de Libertad Bajo Palabra un mes antes de la expiración de su período mínimo de encarcelación

o sentencia mínima. Esta audiencia será la primera en la cual se presenta usted ante la Junta de Libertad Bajo Palabra para consideración con respecto a su libertad. Después de esta audiencia, los miembros de la Junta deciden si se le concede o se le niega la libertad bajo palabra. Los factores que toman en consideración para decidir su PME y libertad bajo palabra se describen en las páginas 4 a 5.

Acceso a Su Archivo de Libertad Bajo Palabra

Porque los miembros de la Junta de Libertad Bajo Palabra consideran información contenida en su archivo de libertad bajo palabra para ayudarse a llegar a una decisión, usted o su abogado pueden conseguir acceso a información contenida en su archivo de libertad bajo palabra antes de su audiencia con la Junta, con las siguientes limitaciones:

1. Acceso será concedido solamente a reportes, documentos, y materiales que serán considerados por la Junta. Los siguientes artículos no serán disponibles para su inspección:
   a) Opiniones diagnósticas psicológicas o psiquíatricas.
   b) Material que revelaría los recursos de información obtenida baja la promesa de confidencia.
   c) Cualquier información que, si fuera revelada, pudiera resultar en daño, físico o de otro modo, a cualquier persona.

2. Acceso no será concedido a reportes, documentos y materiales producidos por el Departamento de Servicios Correccionales o cualquier agencia que no sea la División de Libertad Bajo Palabra. (Para obtener acceso a información en su archivo del Departamento de Servicios Correccionales, que puede también estar en lo contenido en su archivo de libertad bajo palabra, tiene que solicitar al Departamento siguiendo sus reglas, regulaciones y procedimientos para acceso a los archivos.)

Cualquier petición que usted haga para acceso a material en su archivo de libertad bajo palabra debe ser por escrito al Presidente de la Junta de Libertad Bajo Palabra, a la Oficina Central en Albany, por lo menos 10 días antes de la fecha citada para presentarse ante la Junta de Libertad Bajo Palabra. Su petición debe incluir su nombre, la clase de audiencia pendiente, y la institución en donde se encuentra detenido. Tambien debe describir, lo mas detallado posible, la información que desea que sea revisada y las razones por las cuales desea este reviso. Además de enviar su petición a la Oficina Central, también debe mandar una copia al Superintendente de Libertad Bajo Palabra en la institución en donde se encuentra detenido.

CONTINUED

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Su reviso de los reportes, documentos y materiales a los cuales se le conceden acceso, puede llevarse a cabo en la institución en donde se encuentra detenido, el día de la audiencia o antes. Estos arreglos serán hechos por el personal de libertad bajo palabra en su institución, o por el personal de la Oficina de Libertad Bajo Palabra del Area. Bajo ciertas circunstancias, acceso a su archivo, que no se haya concedido bajo los procedimientos ya indicados, puede ser obtenido aplicando de nuevo al Presidente de la Junta de Libertad Bajo Palabra. Al mostrar buena causa para el acceso, será concedido.

PME y Criteria Para Libertad Bajo Palabra

Al determinar los Períodos Mínimos de Encarcelación y al determinar libertad bajo palabra, los miembros de la Junta de Libertad Bajo Palabra toman en consideración una serie de factores con respecto a la clase y las circunstancias de su delito corriente y el espacio de tiempo y gravedad de su previo archivo criminal.

Al determinar el PME, los Miembros de la Junta también tomarán en cuenta los siguientes factores:

- El espacio de tiempo de la sentencia
- Recomendación(es) de la corte de sentencia
- Recomendación(es) del procurador del distrito
- Recomendación(es) de su abogado
- Cualquier información que se encuentra en el reporte de su probación antes de la sentencia
- Sus actividades después de ser arrestado y antes de ser encarcelado.

En las audiencias para considerar libertad bajo palabra, los miembros de la Junta considerarán todos los factores arriba mencionados, además de los siguientes:

- Su ajustamiento institucional, incluyendo (pero no limitado a) metas y cumplimientos en programas, logros académicos, educación vocacional, adiestramiento o asignaciones de trabajo, y terapia y relaciones interpersonales con empleados y presidiarios.

- Su cumplimiento, como participante en un programa de libertad provisoria (si hubo alguno).

- Sus planes para libertad, incluyendo (pero no limitado a) recursos comunales, empleo, educación y adiestramiento, y servicios de apoyo.

Sin embargo, si su PME fue determinado por la Junta después del 1ro de enero de 1978, los miembros de la Junta solamente considerarán información relacionada con su ajustamiento institucional, participación en un programa de libertad provisoria, y sus planes para libertad cuando decidan concederle o negarle su libertad bajo palabra.

Normas para Llegar a Decisiones

De acuerdo con la Ley Ejecutiva 259 C 4, la Junta de Libertad Bajo Palabra adoptó normas para ayudarse a llegar a sus determinaciones con respecto al PME y la libertad bajo palabra. Esta sección y las siguientes le ayudarán a comprender las decisiones de la Junta.

Esta sección le dará una idea de como funcionan las normas. Las secciones que siguen, tituladas "Clasificación de Delitos Corrientes" y "Calificación de Previo Historial Criminal," presentan una explicación detallada de como su delito corriente y su previo historial criminal pueden ser evaluados por la Junta de Libertad Bajo Palabra.

Las normas que aparecen en la próxima página consisten en dos escalas: 1) una escala por la gravedad del delito, y 2) una escala por el previo historial criminal que incluye cuatro categorías (bueno, regular, malo, muy malo). Por cada nivel de gravedad de delito y combinación de categoría de previo historial criminal hay un espacio correspondiente de tiempo. Este espacio de tiempo indica el número de meses que los presidiarios con varios delitos y previa clasificación de delitos servirán por lo usual antes de ser puestos en libertad bajo palabra. Por ejemplo, suponga que la gravedad del delito se clasifique al Nivel 4, y la categoría del previo historial criminal es "malo". Para descubrir el espacio de tiempo asociado con este delito y la combinación del previo historial criminal, empiece por leer la escala de gravedad del delito colocada a la mano izquierda de la página hasta que llegue a la columna titulada "Malo". El espacio de tiempo indicado en esta sección es 27 a 32 meses. Esto quiere decir que la mayoría de los presidiarios con delitos clasificados en el Nivel 4 e historiales criminales "malos" por lo general servirán entre 27 y 32 meses antes de ser puestos en libertad bajo palabra.

Las normas de clasificaciones para espacio de tiempo están basadas solamente en la gravedad del delito corriente y su previo historial criminal. En la actualidad para llegar a su decisión, los miembros de la Junta toman en consideración una serie de factores, incluyendo los que ya han sido indicados. Después de revisar todos los aspectos de su historial, ellos pueden decidir que hay factores importantes, favorables o no, que justifican una decisión en la

cual usted podrá servir mas o menos tiempo que lo indicado en las normas.

Notificación de las Decisiones de la Junta

Usted recibirá una notificación por escrito de la decisión de la Junta de Libertad Bajo Palabra dentro de dos o tres días después de su audiencia. Si su audiencia fue para determinar el término de su PME o si usted fue negado libertad bajo palabra, recibirá una detallada declaración por escrito de las razones para la decisión de parte de la Junta no mas de dos semanas después de su audiencia. Si se le niega libertad bajo palabra, los miembros de la Junta decidirán el tiempo que debería usted ser detenido antes de que pueda ser considerado para libertad bajo palabra. Será citado para presentarse de nuevo ante la Junta, dentro de 2 años de ser negado para libertad bajo palabra. Si se le concede la libertad bajo palabra, no recibirá razones por la decisión.

NORMAS PARA LAS DECISIONES DE LA JUNTA DE LIBERTAD BAJO PALABRA

Reglamentos de la Junta de Libertad Bajo Palabra con Respecto al Acostumbrado Espacio de Tiempo Total Servido (Incluyendo Tiempo en la Cárcel) Antes de Ser Puesto en Libertad. Estas normas son revisadas periódicamente para revisión.

Las normas están sujetas a limitaciones importantes impuestas por ley:

1) Cualquier mínimo impuesto por la corte tiene que ser cumplido antes de ser considerado para libertad bajo palabra.

2) Todos los presidiarios con excepción a ésos que están cumpliendo cadena perpétua, son elegibles para recibir una reducción de 1/3 del máximo por buena conducta.

3) La ley requiere el mínimo de un año en la prisión estatal, con excepción para aquellos condenados mientras están cumpliendo una previa sentencia sin determinación.

Nivel de Conducta	Gravedad de Delito Criminal Actual	Categoría de Previo Historial Criminal Bueno (3.7)	Regular (6.5)	Malo (4.3)	Muy Malo (2.1.0)
Nivel 7	(Delitos de Menor Gravedad)	12-15 meses	13-16 meses	14-17 meses	15-18 meses
Nivel 6		13-18 meses	15-20 meses	18-22 meses	20-24 meses
Nivel 5		14-20 meses	18-23 meses	22-26 meses	25-29 meses
Nivel 4		21-24 meses	23-28 meses	27-32 meses	31-36 meses
Nivel 3		23-28 meses	26-31 meses	29-34 meses	32-40 meses
Nivel 2		28-38 meses	33-43 meses	38-48 meses	43-53 meses
Nivel 1*	Delitos de Mas Gravedad	40-70 meses	60-80 meses	70-90 meses	80-120 meses

*Nivel 1 excluye felonías de clase A-1. La ley requiere sentencias de un mínimo de 15 a 25 años antes de ser elegible para libertad bajo palabra.

Antes de conceder libertad bajo palabra, la Junta de Libertad Bajo Palabra considera lo siguiente en todos los casos:

a) Su ajustamiento institucional, incluyendo (pero no limitado a) metas y cumplimientos en programas, logros académicos, educación vocacional, adiestramiento o asignaciones de trabajo, y terapia y relaciones interpersonales con empleados y presidiarios.

b) Su cumplimiento, como participante en un programa de libertad provisoria (si hubo alguno).

c) Sus planes para libertad, incluyendo (pero no limitado a) recursos comunales, empleo, educación y adiestramiento, y servicios de apoyo.

Clasificación de Delito Corriente

Para repetir, las normas usadas por la Junta para llegar a determinar el PME y decisiones con respecto a libertad bajo palabra, toman dos factores en consideración: la gravedad de su delito corriente y el tipo de historial criminal previo suyo. Su delito corriente se clasifica de 1 a 7. El nivel 1 incluye crímenes como robo. Los siete niveles no corresponden necesariamente a las clasificaciones de estos delitos en el Código Penal. Al asignar el nivel de gravedad a su delito presente, la Junta de Libertad Bajo Palabra se dejará llevar por la descripción de su conducta criminal actual presentada en el reporte preparado antes de usted ser sentenciado, y cualquier otra información relacionada con su delito. Si su delito corriente es múltiple, será clasificado de acuerdo con el mas severo. Conspiración o atentados a cometer una felonía serán clasificados en un nivel menos grave que el delito propio. Si las listas para los siete niveles no contienen el crimen específico que corresponde a su conducta criminal, entonces la Junta le asignará el nivel de gravedad que corresponde a la gravedad del delito actual.

Las listas de crímenes para cada de los siete niveles se describen a continuación:

DELITOS NIVEL 1 incluyen lo siguiente:

- Homicidio intencional
- Homicidio durante la comisión de otra felonía
- Secuestro por redención, o secuestro en el cual la víctima muere
- Cualquier otro delito en el cual una persona muere como resultado directo de un acto deliberado de parte del ofensor.

DELITOS NIVEL 2 incluyen lo siguiente:

- Violación forzosa que incluye herida física
- Sodomía forzosa que incluye herida física
- Incendio premeditado que incluye la presencia o posible presencia de personas, o explosión, o herida física
- Homicidio impremeditado en el cual herida pero no muerte fue la intención y que no incluye extrema turbación emocional
- Asalto que incluye grave herida física
- Cualquier otro delito en el cual una persona sufre grave herida física como resultado directo de un acto deliberado de parte del ofensor

DELITOS NIVEL 3 incluyen lo siguiente:

- Violación forzosa
- Sodomía forzosa
- Secuestro forzoso
- Homicidio impremeditado que incluye extrema turbación emocional
- Robo que incluye herida física a una persona o entrar en un edificio de noche
- Asalto que incluye herida física
- Cualquier otro delito en el cual una persona fue físicamente herida como resultado directo de un acto deliberado de parte del ofensor

DELITOS NIVEL 4 incluyen lo siguiente:

- Robo con arma incluyendo una arma peligrosa o posesión de arma de fuego
- Homicidio impremeditado incluyendo muerte por descuido
- Extorción
- Robo con arma peligrosa o un instrumento peligroso
- Abuso sexual incluyendo contacto sexual por fuerza o una víctima menor de 11 años de edad o una víctima desválida física o mentalmente
- Falsificación de dinero, o instrumentos valiosos del gobierno, o acciones o bonos, o falsificación que incluye documentos con valor de $1500 o mas
- Venta de una onza o mas de narcóticos
- Posesión de dos onzas o mas de narcóticos

DELITOS NIVEL 5 incluyen lo siguiente:

- Homicidio, si causado por negligencia criminal
- Robo incluyendo acómplices
- Violación si con asentimiento
- Sodomía si con asentimiento
- Posesión de un arma de fuego cargada
- Falsificación de documentos con valor de menos de $1500
- Incendio premeditado incluyendo daño a propiedad

- Robo de un edificio de vivienda
- Venta de menos de una onza de narcóticos
- Venta de cualquier cantidad de drogas además de narcóticos o marijuana

DELITOS NIVEL 6 incluyen lo siguiente:

- Robo que no incluya edificio de viviendas
- Pago de soborno a un oficial público por mala conducta
- Hurto mayor de artículos con valor de $1500 o mas
- Posesión criminal de propiedad robada con valor de $1500 o mas
- Robo incluyendo solamente el forzoso robo de propiedad
- Posesión de menos de dos onzas de narcóticos
-

DELITOS NIVEL 7 incluyen lo siguiente:

- Hurto mayor de artículos con valor entre $250 y $1499
- Posesión criminal de propiedad robada con valor entre $250 y $1499
- Descuido arriesgado de una persona
- Huír de libertad provisoria
- Escape de custodia
- Posesión de cualquier cantidad de marijuana u otra droga que no sea narcótico
- Venta de cualquier cantidad de marijuana

Si su delito corriente es el tipo de delito que se encuentra en varios niveles, la Junta lo clasificará de acuerdo con el nivel mas grave que la iguale. Por ejemplo, si el reporte antes de sentencia de un presidiario indica que él robó una licorería armado con un revólver .38 calibre, y le disparó al dueño de la tienda en la rodilla, su delito, en términos de las normas, es "robo que incluye herida física." El delito corriente del presidiario cabe dentro de esta descripción. Pero la lista de crímenes al nivel 2 contiene una provisión general para incluir todos los delitos en los cuales una persona sufre herida física como resultado directo de un acto deliberado de parte del ofensor. Esta descripción cubre el delito corriente del presidiario. Siguiendo la regla que el delito corriente será clasificado de acuerdo con la descripción de delito mas grave que lo cubra, la clasificación propia en este caso es el nivel 2.

Muchos de los términos en las descripciones de delitos en las listas de gravedad tienen definiciones precisas escogidas del Código Penal. Por ejemplo, el robo se defina "robando forzosamente". Una serie de las definiciones del Código Penal con las cuales usted no estará familiarizado se indica a continuación:

a. "Herida Física" quiere decir deterioro de condición física o dolor substancial.
b. "Grave Herida Física" quiere decir herida física que crea arriesgo substancial, que causa muerte, o grave

y prolongado desfiguramento, prolongado deterioro de salud o prolongado deterioro o pérdida del funcionamiento de cualquier órgano del cuerpo.

c. "Arma Mortal" quiere decir cualquier arma cargada de la cual un disparo, capaz de producir muerte u otro grave peligro de herida, puede ser descargado, o una cuchilla de resorte, cuchilla de peso específico, puñal, macanas, coyunturas de bronce, o "blackjacks."
d. "Instrumentos Peligrosos" quiere decir cualquier artículo, incluyendo un vehículo de motor, que bajo las circunstancias en la cual se use, o se atente usar, o se amenazca usar, es capaz de causar muerte u otra grave herida.
e. "Droga Narcótica" incluye:

   1. Heroína
   2. Morfina
   3. Cualquier droga derivada del opio que tiene el riesgo de adicción
   4. Cocaína

   "Methadone" no es un narcótico.

f. "Marijuana" quiere decir:

   1. Toda parte de la planta Cannabis.
   2. Cannabis concentrado ("Hashish")

g. "Otras Drogas" quiere decir toda substancia controlada incluída en el inventorio I, II, III, IV, o V de la Sección 3306 de la Ley de Salud Pública, e incluye, para propósitos ilustrativos:

   1. Methadone
   2. Methamphetamine
   3. LSD (Lysergic Acid Diethylamide)
   4. Alucinantes
   5. Estimulantes
   6. Deprimientes
   7. Preparaciones Narcóticas

Calificaciones de Previo Historial Criminal

Además de asignar el nivel de gravedad a su delito corriente, la Junta de Libertad Bajo Palabra también calculará su calificación de previo historial criminal. Su calificación de previo historial criminal consiste en cuatro artículos: previas sentencias, previos términos de encarcelación, previas convicciones, y previo archivo de libertad bajo palabra y probación. La calificación se computa por cada uno de estos artículos, y entonces las calificaciones se suman juntas. La calificación mas alta que se puede obtener es 8, y la mas baja es 0. Su previo historial criminal será clasificado como bueno, regular, malo, o muy malo basado en la calificación total. La categoría "bueno" corresponde a calificaciones de 7 o 8;

regular, de 5 o 6; malo, de 3 o 4, y muy malo, de 0, 1 o 2. Su clasificación será computada en la siguiente forma:

FORMA DE CATEGORIA DE HISTORIAL CRIMINAL

Artículo #1: Previas Convicciones

Ningunas convicciones . . . . . = 3

Una convicción . . . . . = 2

Dos o Tres convicciones . . . . . = 1

Cuatro o Mas Convicciones . . . . . = 0

Calificación de Previas Convicciones . . . . . =

Artículo #2: Previas Sentencias

(91 días o mas - incluye términos en una institución estatal)

Ninguna Sentencia . . . . . = 2

Una o Dos Sentencias . . . . . = 1

Tres o Mas Sentencias . . . . . = 0

Calificación de Previas Sentencias . . . . . =

Artículo #3: Previos Términos de Encarcelación

Ningún Término en Prisión . . . . . = 2

Uno o Dos Términos en Prisión . . . . . = 1

Tres o Mas Términos en Prisión . . . . . = 0

Calificación de Previos Términos en Prisión . . . . . =

Artículo #4: Previo Historial Libertad Bajo Palabra/Probación

No estaba en Libertad Bajo Palabra y/o Probación a la vez del Delito Corriente; y nunca tuvo Libertad Bajo

Palabra revocada o fue sentenciado por un nuevo delito mientras en Libertad Bajo Palabra . . . . . = 1

Bajo Libertad y/o Probación a la vez del Delito Corriente; o se le ha revocado Libertad Bajo Palabra o ha sido sentenciado por un nuevo delito mientras en libertad bajo palabra . . . . . = 0

Calificación Previa Historial Libertad Bajo Palabra/ Probación . . . . . =

Categoría de Previo Historial Criminal - Marque Uno

Bueno (8,7)

Regular (6,5)

Malo (4,3)

Muy Malo (2,1,0)

La siguiente sección describe los factores que se usarán al calcular las calificaciones por los cuatro artículos:

Artículo 1: Previas Convicciones

Todas las convicciones, sean por mal comportamiento (misdemeanor) o felonías, serán incluídas. Las convicciones múltiples que resulten de un incidente se contarán como una sola convicción. Las violaciones o infracciones relacionadas con tráfico no serán incluídas.

Artículo 2: Previas Sentencias

Sentencias de mas de 90 días que resulten en detención en una institución correccional del condado, región o el estado como resultado de una convicción felonía o por mal comportamiento u ofensor juvenil serán incluídas en la computación. Sentencias a cualquier otro programa de rehabilitación por uso de drogas también serán incluídas si usted no fue enviado allí voluntariamente, como resultado directo de una convicción o de una adjudicación por ofensor juvenil. Una sentencia de tiempo cumplido de mas de 90 días y sentencias de otras jurisdicciones de mas de 90 días también serán incluídas. Sentencias múltiples, cumplidas consecutivamente o concorrientemente, serán incluídas como una sentencia. Para contar sentencias mas de una vez, tienen que estar separadas por un período de libertad en la comunidad.

Artículo 3: Previos Términos de Encarcelación

Todos los términos de encarcelación en una prisión estatal por una convicción felonía o adjudicación por ofensor juvenil serán incluídos en la computación. Esto incluye términos en prisión en jurisdicciones fuera de Nueva York por crímenes que se consideran felonías en Nueva York. Como en el Artículo 2, las sentencias múltiples, cumplidas consecutivamente o concorrientemente, serán incluídas como una sola sentencia. De nuevo, para contar sentencias mas de una vez, tienen que estar separadas por un período de libertad en la comunidad.

Artículo 4: Fallos en Libertad Bajo Palabra o Probación

Una previa revocación de libertad bajo palabra o la comisión de un crimen mientras en libertad bajo palabra será incluída como un fallo en libertad bajo palabra. Un fallo de probación será contado solamente si su delito corriente fue cometido mientras estaba en probación. Revocaciones de libertad bajo palabra o crímenes cometidos durante su libertad bajo palabra o bajo supervisión durante probación en jurisdicciones fuera del Estado de Nueva York o sus sub-divisiones también se contarán como si hubiesen ocurrido en el Estado de Nueva York.

Apelaciones

Usted puede apelar cualquier decisión final de la Junta de Libertad Bajo Palabra que se relaciona con su Período Mínimo de Encarcelación o su libertad bajo palabra. Cuando usted apela una decisión final de la Junta de Libertad Bajo Palabra, tiene derecho a ser representado por un abogado. Las siguientes secciones explican los motivos y procedimientos necesarios para apelar una decisión.

Motivos para Apelar

Su apelación puede incluír cualquiera de las siguientes preguntas:

- que el procedimiento o la decisión fue arbitrario o caprichoso, que fue afectado por un error en la ley, falló en seguir los procedimientos legales, o fue de otro modo ilegal.

- que uno o mas miembros de la Junta, al llegar a la decisión, confiaron en información errónea, como lo indica el registro del procedimiento, o que la información pertinente no estaba disponible para consideración.

- que la decisión fue excesiva para las circunstancias en su caso.

Hay ciertos procedimientos que deben ser seguidos para apelar una decisión. Primero, tiene que someter una notificación para apelar; entonces tiene que someter la propia aplicación.

Notificación de Apelación

Para iniciar una apelación, primero tiene que escribirle a la Junta de Libertad Bajo Palabra en la Oficina Central, en Albany, e informarles de su intención de apelar una decisión. Este procedimiento se llama "registrar una notificación de apelación". Su notificación de apelación debe ser registrada con la Junta dentro de treinta días desde el día en el cual usted recibió la notificación por escrito de la decisión de la Junta.

La notificación de apelación debe ser por escrito y debe incluir su nombre y número de identificación, la decisión que está apelando, la fecha de la decisión, y su lugar de detención.

Registro de Apelación

Su apelación debe incluir la decisión que quiere poner a prueba y los motivos para la apelación. Todas las apelaciones deben ser por escrito.

Cuatro copias de su apelación deben ser registradas con la Junta (en la Oficina Central en Albany) dentro de cuatro meses de la fecha en la cual su notificación de apelación fue registrada con la Junta.

Si, por buena causa, usted no puede completar y someter su apelación dentro de cuatro meses, podrá solicitar al Presidente de la Junta una extensión de la fecha. Esta petición debe ser por escrito y usted debe anotar las razones por las cuales está pidiendo una extensión. La petición debe ser recibida por el Presidente dentro de cuatro meses desde la fecha en que usted registró la notificación de apelación.

Si su apelación no se somete a la Junta dentro de cuatro meses o dentro del período de extensión, entonces su apelación será expulsada con prejuicio. Por ejemplo, otra apelación de la misma decisión final no será aceptada.

Decisiones

Todas las apelaciones serán consideradas por lo menos por tres miembros de la Junta de Libertad Bajo Palabra. Ninguno de estos miembros de la Junta habrá participado en la decisión que usted está apelando. Su apelación será decidida por una mayoría del voto para afirmar, anular o modificar la decisión apelada.

APPENDIX ~~A~~ G

INMATE MANUAL - SPANISH TRANSLATION

(REVISED POINT SYSTEM)

VERA INSTITUTE OF JUSTICE
RESEARCH DEPARTMENT
275 Madison Avenue
New York, New York 10016

MANUAL DEL PROGRAMA DE LIBERTAD PROVISORIA

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INTRODUCCION

Desde el otoño de 1975, el Departamento de Servicios Correcionales ha estado trabajando en el desarrollo de un nuevo método de escoger presidiarios para libertad provisoria. Este manual describe el nuevo método en que se seleccionará a los presidiarios para libertad provisoria. El propósito del manual es para ayudarlo a usted a comprender el nuevo proceso de selección y facilitarle los nuevos procedimientos para aplicar para libertad provisoria.

El nuevo proceso de selección para libertad provisoria, como el viejo, trata de escoger aquellos presidiarios que puedan participar con éxito en los programas de libertad provisoria. El nuevo proceso de selección usa un sistema de puntos para evaluar el archivo de cada aplicante para libertad provisoria. El sistema de puntos es el resultado de cuidadoso estudio para ver qué tipo de persona no lo logrará. Los presidiarios que usan la licencia de ausencia con buen propósito, o consiguen y mantienen trabajo en libertad para trabajo, deberían ser escogidos para libertad provisoria, antes de aquellos que probablemente huyan o sean arrestados mientras en libertad provisoria.

Para determinar cuáles personas logran éxito en libertad provisoria, miembros del personal del Departamento de Servicios Correcionales y del Instituto de Justicia Vera, han entrevistado a presidiarios y a oficiales de Libertad Bajo Palabra en muchas de las instituciones del Estado, al igual que a miembros del personal de la Oficina Central. Además, el personal del Instituto Vera, condujo un estudio estadístico sobre el desempeño de hombres y mujeres que han participado en el programa de libertad para trabajo desde el 1971. Los resultados de este trabajo, fueron la base para el sistema de calificación de puntos que se describe en este manual. Los artículos en el sistema de calificación de puntos fueron escogidos porque ayudan a determinar quiénes lograrán éxito en

libertad provisoria. Por ejemplo, el estudio reveló que los presidiarios con varias convicciones felonías no llevaron a cabo tan bien la libertad provisoria, como aquéllos que no tenían convicciones felonías previas. Por lo tanto, el sistema de puntos le da puntos a esos presidiarios que no tienen felonías previas y le quita puntos a aquellos presidiarios que tengan dos o mas. El estudio también reveló que es mas probable que lleven a cabo con éxito la libertad provisoria los presidiarios a quien nunca se le haya revocado la libertad provisoria o la probación. Por eso, el sistema de puntos premia con dos puntos a los presidiarios que nunca se le ha revocado la libertad bajo palabra o la probación.

Una primera versión de este sistema de puntos y procedimiento de selección fue llevado a cabo en cuatro instituciones del departamiento - Auburn, Elmira, Wallkill y Bedford Hills - por muchos meses, para ver como funcionaba. Sugerencias para mejorar el sistema fueron compiladas de entrevistas, reuniones, cuestionarios y cartas recibidas de presidiarios y empleados. Se hicieron cambios en el sistema de puntos y el proceso de selección a base de muchas de estas sugerencias. El nuevo proceso de selección también refleja los cambios y requisitos en la nueva ley de libertad provisoria efectiva el 1 de septiembre 1977.

El nuevo proceso de selección tiene como diseño el método mas justo posible de escoger presidiarios para libertad provisoria. El sistema de puntos aclarará la base para decisiones para libertad provisoria. Le indicará a usted cuáles son las probabilidades para usted ser seleccionado para libertad provisoria. Finalmente le indicará cómo usted puede mejorar sus probabilidades para participación en libertad provisoria.

Para darle una clara idea de cómo el nuevo proceso de selección funciona, este manual describe cada paso del proceso en detalle. Primero, revise el breve resumen del nuevo proceso de selección que sigue directamente. Debería referirse al texto del manual

para respuestas a cualquier pregunta específica que usted tenga sobre la selección para libertad provisoria y las reglas para libertad provisoria.

DATOS SOBRE LIBERTAD PROVISORIA

I. Tipos de Libertad Provisoria

A. Libertad Para Trabajo - puesto en libertad para trabajar o recibir adiestramiento en un trabajo.
B. Licencia de Ausencia - puesto en libertad por cortos períodos de tiempo para buscar trabajo, resolver problemas de familia o mantener lazos familiares, o para asistir un breve curso educativo.
C. Libertad Educacional - puesto en libertad para asistir a la escuela o recibir adiestramiento vocacional.
D. Programa de Servicios Comunales - puesto en libertad para llevar a cabo trabajo voluntario o para participar en actividades comunales.
E. Adiestramiento Industrial - puesto en libertad para recibir adiestramiento industrial.
F. Permiso de Ausencia - puesto en libertad para visitar parientes gravemente enfermos, para asistir a funerales de parientes o para recibir servicios de médico que no puedan obtenerse en la institución.

II. Presidiarios Elegibles: Para ser elegible para toda clase de libertad provisoria (excepto permiso de ausencia) el presidiario debe estar dentro de un año de ser considerado para libertad bajo palabra o libertad condicional, y nunca debe haber sido condenado de un escape, o delito de haber huído, o ser juzgado en un procedimiento disciplinario de haber huído, desde el 1ro de septiembre de 1977.

III. Categoría de Calificaciones de Puntos Para Programas de Libertad Provisoria

Programa	Categoría	
	Baja	Consideración Regular
Libertad para trabajo, educación, servicios comunales voluntarios	0 a 34	35 y mas
Licencia o permiso de ausencia, adiestramiento industrial, actividades comunales especiales - actividades atléticas y religiosas	0 a 31	32 y mas
Servicios comunales actividades especiales bajo superintendencia - actividades atléticas y religiosas bajo superintendencia de un oficial		0 y mas

Presidiarios con calificaciones en la categoría de consideración regular serán considerados para libertad por el Comité de Libertad Provisoria siguiendo las normas de la Oficina Central.

Presidiarios con calificaciones en la categoría baja no serán considerados para libertad provisoria a menos que la Junta de Libertad Bajo Palabra haya clasificado sus casos con Fecha Abierta o Fecha Abierta Programa Propio (FAPP), o a menos que el presidiario califique 8 de unos posibles 9 puntos ganados por programas institucionales y disciplina.

IV. Categorías de Investigación Adicional

Aplicaciones de presidiarios que hayan sido designados como casos para Superintendencia por la Oficina Central y presidiarios con historial de inestabilidad mental, recibirán investigación intensa antes de ser aprobadas.

V. Categorías Para Reviso por la Oficina Central

Aplicaciones de presidiarios quienes hayan sido condenados por crímenes relacionados con el uso de, o la amenaza de uso de armas, o de infligir graves heridas al cuerpo de otra persona, o de haber forzado a otra persona a participar en actividad sexual, seran revisadas por la Oficina Central antes de ser aprobadas.

RESUMEN DEL NUEVO PROCESO DE SELECCION

El nuevo proceso de selección está basado en un sistema de calificación de puntos que incluye 11 artículos. Seis artículos están relacionados con su historial criminal y cinco están basados en su comportamiento mientras está encarcelado. Mientras mas alta la calificación, mas probabilidad tiene usted para ser aprobado para libertad provisoria. Pierde puntos por previas convicciones felonías y de mal comportamiento; por previas encarcelaciones; por órdenes de arresto pendientes cuando fue sentenciado a la cárcel; por previas revocaciones de Libertad Bajo Palabra (Parole) o Probación, y por convicciones por crímenes contra la persona. Puede ganar puntos por su interés y participación en programas o asignaciones de trabajo, por buen ajustamiento mientras haya estado en la cárcel, cuyo ejemplo sería un historial disciplinario bueno y por cumplir con los requisitos durante su participación en los programas de libertad provisoria.

Las calificaciones del sistema de puntos están divididas en cuatro categorías - baja-negada, baja-Fecha Abierta Programa Propio (FAPP), baja consideración especial y consideración regular. Si su calificación cae en la categoría baja-negada, no podrá salir en libertad provisoria. Si su calificación cae en baja-FAPP, baja consideración especial o consideración regular, tendrá que presentarse ante el Comité de Libertad Provisoria y el Comité decidirá si puede usted salir.

Para aplicar para libertad provisoria, notifique al Comité enviándole al entrevistador del Comité la forma Notificación al Comité de Libertad Provisoria.

El entrevistador revisará su archivo para ver si es usted legalmente elegible para aplicar para libertad, (tiene un año o menos antes de que se presente a la Junta de Libertad Bajo Palabra, o de su fecha para libertad condicional, y no ha sido

condenado por escape o por haber huído), si hay alguna órden de arresto contra usted, si ha huído de algún programa de libertad provisoria desde el 1ro de septiembre de 1977, y si usted ha tenido infracciones disciplinarias graves (detención en la unidad de segregación por cualquier período de tiempo o detención en su unidad de vivienda por mas de 14 días) en las últimas 8 semanas. Usted recibirá notificación del reviso por escrito.

El entrevistador se reunirá con usted para discutir su aplicación. Podrá poner a prueba cualquier información que se use para lograr la calificación de su aplicación, si cree que esa información no es válida. El entrevistador investigará cualquier información que usted indique está errónea y cambiará la información que se pruebe estar incorrecta.

Después que se haya completado su aplicación, la calificación de puntos será sumada. El presidente del Comité de Libertad Provisoria también revisará la calificación de la aplicación y su archivo para ver si hay algunos datos en su archivo como el de que su caso sea designado para Superintendencia por la Oficina Central o que tenga un historial de inestabilidad mental que requiere investigación adicional por la Oficina Central. Usted será notificado que su caso ha sido referido a la Oficina Central para reviso o investigación adicional. El Presidente referirá su caso al Comité de Libertad Provisoria para consideracion. Tendrá oportunidad de discutir su caso cuando se presente ante el Comité.

Cuando su calificación y la determinación sobre la necesidad de investigación adicional en su caso se hayan completado, usted recibirá, por correo, copia oficial de su aplicación. También se le indicará si califica en la categoría baja-negada, baja-FAPP, baja consideración especial o consideración regular, y si la aplicación tiene que ser aprobada por la Oficina Central. Si califica en la categoría baja-negada, no podrá salir en libertad provisoria. Si califica en baja-FAPP, baja consideración es-

pecial o consideración regular, tendrá que presentarse ante el Comité de Libertad Provisoria y el Comité decidirá si usted podrá salir, a base de los procedimientos de Reviso de la Oficina Central.

Si ha sido condenado de un crímen relacionado con el uso de o amenaza de uso de armas, ha infligido una grave herida a otra persona, o ha forzado a otra persona a participar en un acto sexual y ha sido aprobado para participación en el programa por el Comité de Libertad Provisoria, su aplicación tendrá que ser revisada y aprobada por la Oficina Central antes de que pueda salir.

Si usted cree que la información que el entrevistador usó para calificar su aplicación no está correcta, que fue usted erróneamente incluído en una categoría de investigación adicional, o que el Comité le niegue libertad provisoria es injusto, o fuera de razón, usted puede apelar esa decisión a la Oficina Central del Departamento de Servicios Correcionales en Albany.

Si su caso está en la categoría de Reviso por la Oficina Central y su aplicación para libertad fue negada por el Director de Programas de Libertad Provisoria o su personal, usted puede apelar a la Oficina Central para que consideren la decisión de nuevo si usted cree que fue injusta o fuera de razón. (Use la forma para Apelar, artículo #14.) Si el Comisionado o un Comisionado Diputado del departamento le niegan aprobación de su aplicación, no podrá apelar la decisión.

I. TIPOS DE LIBERTAD PROVISORIA

La ley que autoriza la libertad provisoria se encuentra en el Artículo 26 de la Ley Correccional (en la edición McKinney's Consolidated Laws of New York, Book 10B). La Libertad Provisoria es un programa que permite que los presidiarios seleccionados para el programa salgan de las instituciones correccionales, por un tiempo limitado, con ciertos propósitos. Hay 6 tipos de programas de libertad provisoria.

A. Libertad Para Trabajo (Work Release) - Este programa permite que el presidiario salga de una institución de libertad para trabajo, por hasta 14 horas en el día, para trabajar o recibir adiestramiento mientras trabaja. Antes de ser seleccionado para este programa tiene que ser elegible y estar en buena salud.

B. Licencia de Ausencia (Furlough) - es un programa que permite al presidiario salir de la institución por un período de tiempo de no mas de 7 días, con el propósito de:

a) resolver problemas de familia
b) asistir un breve curso educacional
c) buscar empleo
d) mantener lazos familiares. Antes de ser seleccionado para licencia de ausencia tiene que ser elegible. (Vea requisitos para licencia de ausencia, página 47.)

C. Programa de Servicios Comunales - es un programa que permite que el presidiario salga de la institución por hasta 14 horas en el día, para hacer trabajo voluntario o para participar en actividades atléticas o religiosas que no se encuentran en la casa correccional. Antes de que usted sea seleccionado para servicios comunales tiene que ser elegible.

D. Adiestramiento Industrial - permite que el presidiario salga de la Institución por hasta 14 horas en el día, para recibir un programa de adiestramiento industrial. Antes de que usted sea seleccionado para este tipo de libertad, tiene que ser elegible.

E. Libertad Educacional - permite que el presidiario salga de la institución por hasta 14 horas en el día, para asistir a la escuela o a un programa de adiestramiento vocacional. Antes de que usted sea seleccionado para libertad educacional tiene que ser elegible.

F. Permiso de Ausencia - permite que el presidiario salga de la institución con el propósito de:

a) visitar a su padre, madre, hijo(a), hermano(a), esposo(a), nieto(a), abuelo(a) o tío(a) cuando se encuentren graves de salud y a punto de muerte
b) asistir al funeral de esos parientes indicados en (a)
c) recibir cirujía o atención médica o de dentista que no puede facilitarse en la institución correccional. Para obtener permiso de ausencia, no tiene que ser elegible.

II. COMO EL COMITE DE LIBERTAD PROVISORIA SELECCIONA A LAS PERSONAS PARA LOS PROGRAMAS

A. Presidiarios Elegibles

Para ser elegible para toda clase de libertad provisoria (excepto permiso de ausencia) el presidiario tiene que estar dentro de un año para consideración para libertad bajo palabra o libertad condicional y nunca puede haber sido condenado por escape o por delito de huír del tipo definido en el artículo 205 del Código Penal o ser

juzgado en un procedimiento disciplinario del Departamento de haber huído mientras en libertad provisoria. Si después de ser elegible para la libertad provisoria, al presidiario se le juzga culpable del delito de huír o en violación de su programa de libertad provisoria por huír, perderá el derecho de ser elegible para la libertad provisoria. Además, si al presidiario que es elegible para la libertad provisoria se le niéga libertad bajo palabra, no podrá ser considerado hasta que esté dentro de un año para su próxima presentación ante la Junta de Libertad Bajo Palabra o de su fecha para libertad condicional. El presidiario puede aplicar para todo tipo de libertad provisoria cuando sea elegible.

Ser elegible para la libertad provisoria no quiere decir que será escogido para esos programas. El Comité de Libertad Provisoria de cada institución tendrá que escoger a las personas que cree que mejor puedan funcionar en los programas. Bajo la ley, el Comité puede poner en libertad solo aquellos presidiarios que, en su juicio, lograrán éxito en el programa y que no presentarán riesgo a la seguridad de la comunidad.

B. <u>El Comité de Libertad Provisoria y El Sistema de Puntos</u>

Antes de que una persona pueda participar en un programa de libertad provisoria, tiene que ser aprobada por el Comité de Libertad Provisoria (Temporary Release Committee). Si el Comité lo aprueba, su aplicación será referida al Superintendente de la institución para que él la firme. Si la firma, puede usted salir en libertad provisoria si acuerda seguir las reglas del programa y no está en la Categoría Para Reviso Por la Oficina Central.

Su aplicación será revisada y aprobada por la Oficina Central antes de que pueda salir si su crimen está relacionado con el uso de o la amenaza de uso de armas, si una grave herida ha sido infligida, si un acto sexual ha sido forzado o si su caso requiere investigación adicional. (Vea página 34.)

El Comité decidirá quien será aceptado para libertad provisoria con la ayuda de un sistema de puntos. En general, mientras mas puntos se ganan en el sistema de puntos, mas probabilidades tendrá para entrar en los programas. Su calificación de puntos está basada en dos diferentes tipos de datos: su historial criminal previa y su conducta mientras ha estado encarcelado. Presidiarios con cortas sentencias e historias criminales menos graves, obtendrán mas puntos en el sistema de puntos. También pueden ganar puntos por su buen ajustamiento en la cárcel.

De acuerdo con su calificación de puntos, usted caerá en 1 de 4 categorías: baja-negada, baja-FAPP, baja consideración especial o consideración regular. Un estudio de participantes en libertad provisoria indicó que los presidiarios con alta calificación en el sistema de puntos logran mejor éxito en libertad provisoria. El estudio también indicó que las personas con baja calificación no tienen éxito en libertad provisoria.

El Comité de Libertad Provisoria decidirá si los presidiarios que califican en la categoría de consideración regular podrán salir en libertad provisoria. Además, dos tipos de presidiarios que ordinariamente no serían aprobados para la libertad provisoria por sus bajas calificaciones, serán considerados para libertad por el Comité de Libertad Provisoria junto con los presidiarios que califican en la categoría de consideración regular. Presidiarios que califican en la baja categoría pero que tienen Fecha Abierta o Fecha Abierta Programa Propio designada por la Junta de Libertad Bajo Palabra, caen en

la categoría baja-FAPP y serán considerados para libertad por el Comité. También, presidiarios que califican en la categoría baja pero que tienen historiales institucionales sobresalientes (ésos que califican 8 de unos posibles 9 puntos para participación en programa o disciplina artículos 7-10) estarán en la categoría baja consideración especial y tendrán derecho a presentarse ante el Comité para consideración para un programa especial de libertad para trabajo que ofrece orientación y consejo antes de ser puestos en libertad. (Consulte el Directivo del Programa para mas información.)

Presidiarios que califican en la categoría baja-negada serán negados libertad provisoria y no podrán salir.

Al decidir si las personas que aplican para libertad califican en la categoría de consideración regular y en la baja-FAPP y baja consideración especial, el Comité tomará en cuenta la calificación de puntos del aplicante. El Comité también usará las Normas de la Oficina Central para ayudarles a decidir a quien seleccionar para la libertad provisoria. Estas normas se basan en los estudios relacionados con el tipo de presidiario que funciona mejor en programas de libertad provisoria. Las normas requieren que el Comité considere un número de factores en las áreas de historial criminal, uso de drogas, historial personal, y el registro institucional. (Una copia de estas normas se puede obtener en la biblioteca.)

Ofensores Juveniles

El sistema de puntos no se aplicará para determinar cuales aplicaciones de ofensores juveniles irán al Comité. En lugar de ellos, el Comité de Libertad Provisoria usará las normas de la Oficina Central para llevar a cabo sus decisiones con respecto a las aplicaciones de ofensores juveniles.

C. Categorías de Calificaciones Para Diferentes Tipos de Libertad Provisoria

Algunos tipos de libertad provisoria requieren mas esfuerzo para llevarse a cabo que otros. Por ejemplo, es mas difícil lograr éxito en libertad para trabajo o educación que llevar a cabo con éxito una licencia de ausencia. Una persona en libertad para trabajo tiene que buscar trabajo, ir a trabajar todos los días, manejar su dinero, y tratar con su familia, amistades y personal de la institución por muchos meses. La persona en licencia de ausencia solamente tiene que irse a su casa y regresar, todo dentro de pocos días. Así es que el número de puntos que tiene usted que calificar para ser considerado para libertad provisoria varía para diferentes tipos de programas de libertad provisoria. Debe calificar con puntos mas altos para ser considerado para libertad para trabajo que consideración para licencia de ausencia. Debe calificar mas alto para licencia de ausencia que para salir a una actividad atlética bajo superintendencia. El siguiente cartel indica las calificaciones necesarias para consideración en cada tipo de libertad provisoria. Note que no hay categoría de calificación baja para actividades atléticas o religiosas bajo superintendencia. El nivel de superintendencia y el nombramiento del personal para ese propósito será determinado por el Superintendente de acuerdo con las reglas y regulaciones del Departamento.

TIPO DE PROGRAMA LP	CATEGORIA	
	Baja	Consideración Regular
Libertad para trabajo, educación, servicios comunales voluntarios	0 a 34	35 y mas
Licencia o permiso de ausencia, adiestramiento industrial, servicios comunales funciones especiales - actividades atléticas y religiosas sin superintendencia	0 a 31	32 y mas
Servicios comunales funciones especiales - actividades atléticas y religiosas bajo superintendencia		0 y mas

Aplicantes para licencia de ausencia con calificaciones de 38 o mas y aplicantes para programas de libertad para trabajo y educación con calificaciones de 40 o mas generalmente son muy buenos candidatos para libertad provisoria y por lo regular recibirán consideración favorable por el Comité.

D. El Sistema de Puntos de Libertad Provisoria

Hay 11 artículos en el sistema de puntos. Seis están basados en su historial criminal, y 5 están basados en su conducta mientras está encarcelado. Aquí la copia de los artículos en el sistema de puntos.

Historial Criminal

1. Previa encarcelación después de adjudicación (+ 1 punto si ninguna dentro de los últimos 10 años, 0 puntos por encarcelaciones por mal comportamiento u ofensor juvenil dentro de los últimos 10 años, -1 punto si una o mas encarcelaciones por felonía dentro de los últimos 10 años. El período de 10 años se cuenta desde la fecha de su presente encarcelación atrás, excluyendo cualquier período de encarcelación en ese tiempo, extendiendo el período de 10 años por una cantidad de tiempo igual.)

2. El número de convicciones felonías antes o después del presente delito. (+2 puntos si no hay ninguna dentro de los últimos 10 años o después de la fecha impuesta por la encarcelación corriente, 0 puntos si hay una dentro de los últimos 10 años o después de la fecha impuesta para la encarcelación corriente. El período de diez años se calcula empezando con la fecha de la encarcelación corriente, excluyendo cualquier encarcelación en ese período, extendiendo el período de 10 años por una cantidad de tiempo igual.)

3. Número de convicciones por mal comportamiento antes o después del delito por la encarcelación corriente. (+1 punto si ninguna dentro de los últimos 10 años o después de la fecha impuesta para la encarcelación corriente, 0 puntos si tres o menos en los últimos 10 años o después de la fecha impuesta para la encarcelación corriente, -1 punto si cuatro o mas en los últimos diez años o después de la fecha impuesta para la encarcelación corriente. El período de diez años se calcula empezando con la fecha de la encarcelación corriente atrás, excluyendo cualquier período de encarcelación en ese tiempo, extendiendo el período de 10 años por una cantidad de tiempo igual.)

4. Ordenes de arresto a la vez o después de la fecha impuesta para encarcelación (+2 puntos si ninguna, 0 puntos si 1 o mas.)

5. Previa revocación de libertad bajo palabra o probación en los últimos 10 años (o después de la fecha impuesta para la encarcelación corriente) si es resultado de huír o un nuevo arresto (+2 puntos si ninguna, 0 puntos si una o mas). El período de 10 años se calcula empezando con la fecha impuesta para la encarcelación corriente, excluyendo cualquier período de encarcelación en ese tiempo, extendiendo el período de 10 años por una cantidad de tiempo igual.

6. La clase de convicción previa o corriente de crímenes contra la persona dentro de los últimos 10 años o después de la fecha impuesta para la encarcelación corriente (pierde 6 puntos por cualquier convicción por asesinato o crímenes sexuales o secuestro de primero o segundo grado; pierde 4 puntos por cualquier convicción por homicidio impremeditado o incendio premeditado de primero o segundo grado, o robo de primer grado; pierde 2 puntos por cualquier convicción de segundo o tercer grado de robo, asalto, posesión de armas peligrosas, amenaza, primer grado de ariesgo premeditado, segundo grado robo, primer grado de traspaso criminal, motín de primer grado, primer grado de coerción, aprisionamiento ilegal, homicidio negligente criminal; no pierde puntos si ninguna convicción por crímenes contra la persona. El período de 10 años se calcula empezando con la fecha de la encarcelación corriente atrás, excluyendo cualquier período de encarcelación en ese tiempo, extendiendo el período de 10 años por una cantidad de tiempo igual.)

Artículos de Comportamiento Mientras Encarcelado

7. Participación en programa I (3 puntos máximo). El número de meses de participación se usará para calcular la calificación. Un mes de participación es un período de 30 días de participación regular en una asignación de programa o trabajo dentro de los dos años antes de someter su aplicación.

1 punto puede ser ganado por acumulación de cualquiera de los siguientes:
a) 8 meses de participación en asignaciones de trabajo
b) 8 meses de participación en programa, o
c) 8 meses de participación en cualquier combinación de asignaciones de trabajo y programa.
2 puntos pueden ser ganados por la acumulación de 16 meses de participación después que no mas de 12 de esos meses sean para asignación de trabajo.
3 puntos pueden ser ganados por la acumulación de 24 meses de participación despues que no mas de 12 de esos meses sean para asignación de trabajo.

8. Participación de programa II (1 punto máximo). El presidiario puede ganar este punto por la acumulación de 8 meses de participación en asignaciones de trabajo o programa por el período de 25 a 36 meses antes de someter su aplicación.

9. Disciplina I (4 puntos máximo)
(Gana un punto si no ha recibido decisiones en procedimientos disciplinarios que le impongan cualquier período de tiempo en detención en la unidad de segregación o detención en su celda o pérdida de privilegios por 14 días o mas; gana un punto si una o menos decisiones en procedimientos disciplinarios le imponen ese tipo de castigo en los últimos nueve meses; gana un punto si dos o menos decisiones de procedimientos disciplinarios le imponen ese tipo de castigo en los últimos nueve meses; gana un punto si tres o menos decisiones en procedimientos disciplinarios le imponen ese tipo de castigo en los últimos doce meses.

10. Disciplina II (1 punto máximo)
(Gana un punto si tres o menos decisiones en procedimientos imponiendo cualquier período de tiempo en detención en la unidad de viviendas o detención en su celda, o pérdida de privilegios por 14 días o mas en el período de 12 a 24 meses antes de someter su aplicación, después que el presidiario haya sido encarcelado por lo menos 24 meses a la vez de someter su aplicación; no ganará puntos si se le ha impuesto cuatro o mas castigos de este tipo.)

11. Archivo de Libertad Provisoria
(Pierde 6 puntos si ha sido condenado por un crímen (o arrestado y la disposición de los cargos está pendiente) o ha huído mientras estaba en libertad provisoria durante el último año; pierde 3 puntos si se le revoca la libertad provisoria para trabajo o educación por razones aparte de ser arrestado de nuevo o haber huído dentro del último año; pierde 3 puntos si tiene convicción (o ha sido arrestado y la disposición de cargos está pendiente) o ha huído mientras en libertad provisoria dentro del período de 13 a 24 meses antes de someter su aplicación; pierde 2 puntos si no va o no se queda en el lugar aprobado para salida mientras está en libertad provisoria o si deja de cumplir con los requisitos de comunicarse con la oficina de libertad bajo palabra, o si regresa tarde a la institución o bajo la influencia de drogas o alcohol dentro de los últimos

tres meses; gana 2 puntos si su mas reciente participación en libertad provisoria sin superintendencia fue llevada a cabo con éxito y ocurrió durante el último año o gana 4 puntos si las dos últimas participaciones en libertad provisoria sin superintendencia fueron llevadas a cabo con éxito durante el último año; no gana puntos si no logra lo indicado.)

Explicación de los Artículos en el Sistema de Puntos

1. Encarcelación Previa

Si usted no ha estado encarcelado dentro de los últimos 10 años después de una adjudicación, recibe un punto. Si su única encarcelación en los últimos 10 años fue resultado de una adjudicación por mal comportamiento o por ofensor juvenil, no recibe puntos. Si su encarcelación dentro de los últimos 10 años fue por una adjudicación felonía, su calificación será -1 punto. Sentencias de tiempo servido se cuentan como encarcelaciones después de adjudicación.

2. Número de Convicciones Felonías Previas y Subsiguientes

Si su convicción corriente es su única convicción felonía dentro de los últimos 10 años, recibe 2 puntos. Si usted fue condenado por una felonía una vez antes en los últimos diez años o después de la corriente convicción, no recibe puntos. Si además de la convicción corriente y una previa o subsiguiente convicción, usted tuvo otros arrestos resultando en convicciones felonías, pierde 2 puntos.

3. Número de Previas y Subsiguientes Convicciones por Mal Comportamiento (Misdemeanor)

Si usted no ha sido condenado por mal comportamiento dentro de los últimos 10 años o después de su convicción corriente, recibe un punto. No recibe puntos si usted ha recibido tres o menos convicciones por mal

comportamiento en los últimos 10 años o después de su convicción corriente. Si usted ha recibido cuatro o mas convicciones por mal comportamiento dentro de los últimos 10 años o después de su convicción corriente, pierde 1 punto.

4. Ordenes de Arresto Pendientes a la Vez de o Subsiguientes a Su Sentencia

Si usted tenía órdenes de arresto pendientes a la vez de ser, o después que fue encarcelado, no recibe puntos. No se tomarán en cuenta las órdenes de arresto por inmigración, o las órdenes de arresto por las cuales usted pueda probar que fueron aclaradas solamente por falta de evidencia.

5. Previas Revocaciónes de Libertad Bajo Palabra o Probación

Si dentro de los últimos 10 años, nunca se le revocó su libertad bajo palabra o probación porque fue arrestado o huyó, recibe 2 puntos. De otro modo, no recibe puntos. Se presume en la ausencia de un procedimiento formal para revocación que su libertad bajo palabra o probación ha sido revocada si lo encarcelan después de un nuevo arresto y convicción o por huír.

6. Clase de Previa, Corriente y Subsiguiente Convicción por Crímenes Contra la Persona

En este artículo, la gravedad de su crimen contra la persona afecta el número de puntos que perderá. Crímenes atentados serán incluídos en las mismas categorías como los crímenes llevados a cabo. Usted perderá 6 puntos si ha sido condenado por los siguientes crímenes en los últimos 10 años:

OFENSA	SECCION DEL CODIGO PENAL
Asesinato 1º	Sección 125.27
Asesinato 2º	" 125.25
Secuestro 1º	" 135.25
Secuestro 2º	" 135.20
Violación 1º	" 130.38
Violación 2º	" 130.30
Violación 3º	" 130.25
Mala Conducta Sexual	" 130.20
Sodomía 1º	" 130.50
Sodomía 2º	" 130.45
Sodomía 3º	" 130.40
Abuso Sexual 1º	" 130.65
Abuso Sexual 2º	" 130.60
Abuso Sexual 3º	" 130.55
Incesto	" 255.25
Uso de un Niño(a) en Exhibición Sexual	" 263.05
Promoción de una Exhibición Obscena Sexual por un Niño(a)	" 263.10
Promoción de una Exhibición Sexual por un Niño(a)	" 263.15

Perderá 4 puntos si ha sido condenado por alguna de las siguientes ofensas en los últimos diez años:

OFENSA	SECCION DEL CODIGO PENAL
Homicidio Impremeditado 1º	Sección 125.26
Homicidio Impremeditado 2º	" 125.15
Incendio Premeditado (Arson) 1º	" 150.20
Incendio Premitado (Arson) 2º	" 150.15
Entrar en un Edificio con el Propósito de Robar 2º	" 140.30
Robo 1º	" 160.15

Pierde dos puntos si usted ha sido condenado por cualquier de los siguientes crímenes contra la persona en los últimos 10 años:

OFENSA	SECCION DEL CODIGO PENAL
Traspaso Criminal 1º	Sección 140.17
Entrar en un Edificio con el Propósito de Robar 2º	" 140.25
Robo 2º	" 160.10
Robo 3º	" 160.05
Homicidio Negligente Criminal	" 125.10
Asalto 1º	" 120.10
Asalto 2º	" 120.05
Asalto 3º	" 120.00
Posesión de Arma Peligrosa	" 265.05
Amenaza	" 120.15
Ariesgo Precipitado 1º	" 120.25
Aprisionamiento Ilegal	" 135.10
Coerción	" 135.65
Motín 1º	" 240.06

Si ha sido condenado por mas de uno de estos crímenes, calificará a base del crimen mas grave. Por ejemplo, si se le ha condenado por homicidio impremeditado y robo de segundo grado, pierde 4 puntos.

7. Participación en Programa I

Bajo este artículo usted puede ganar hasta 3 puntos por participación en asignaciones de programas y trabajo durante los últimos dos años. Usted puede recibir crédito por cada mes de participación regular en una asignación de trabajo o programa durante este período, aunque no recibirá crédito por mas que 12 meses de participación en asignaciones de trabajo.

Usted puede recibir crédito por mas de una asignación de trabajo o programa a la misma vez. Por ejemplo, si usted participa en una asignación de trabajo por la mañana y un programa por la tarde, después de un mes de participación regular en los dos programas usted recibirá crédito por dos meses de participación (1 mes por el programa, y 1 mes por el trabajo). Después de cuatro meses usted tendría crédito por 8 meses de participación, o 1 punto.
Usted puede recibir 2 puntos con el crédito de 16 meses de participación, después que no mas de 12 de esos meses sea por trabajo.
Usted puede recibir 3 puntos con el crédito de 24 meses de participación, después que no mas de 12 sean por trabajo.

8. Participación en Programa II

Usted puede ganar 1 punto con el crédito de 8 meses de participación en programas o trabajo en el período de 25-36 meses antes de someter su aplicación. Usted no puede ganar este punto a menos que haya estado encarcelado por mas de 24 meses.

9. Disciplina I

En este artículo usted puede ganar hasta 4 puntos. Puede ganar un punto por un buen archivo disciplinario durante los últimos 6 meses, otro punto por tener un buen archivo disciplinario durante los últimos 9 meses, y un cuarto punto por tener un buen archivo durante el último año. Por lo tanto, es posible calificar 0, 1, 2, 3, o 4 en este artículo.
Usted recibe 1 punto por no haber tenido procedimientos disciplinarios en los cuales no le encuentran culpable en los últimos tres meses, otro

punto por haber tenido uno o menos procedimientos en los últimos 6 meses, otro punto por tener 2 o menos procedimientos registrados en los últimos 9 meses, y otro punto por tener 3 o menos procedimientos registrados durante los últimos 12 meses. Solamente se contarán para el propósito de este artículo procedimientos disciplinarios del Superintendente o del Comité de Ajustamiento que resulten en castigos de detención en su celda o en la unidad de segregación, o 14 días o mas de pérdida de privilegios.

10. Disciplina II

Usted puede ganar 1 punto en este artículo si ha estado encarcelado por lo menos 24 meses y si durante el período de 12 a 24 meses antes de aplicar ha tenido 3 o menos procedimientos disciplinarios resultando en cualquier castigo de detención en la unidad de segregación o en su celda, o en la pérdida de privilegios por 14 días o mas.

11. Archivo de Libertad Provisoria

Artículo No. 11 le da puntos si usted ha llevado a cabo con éxito la libertad provisoria. No recibe puntos si usted nunca ha salido en libertad provisoria sin superintendencia.
Si su mas reciente participación en libertad provisoria sin superintendencia fue un éxito y tomó lugar en el último año durante su encarcelación corriente, recibe 2 puntos. Si las dos mas recientes participaciones en libertad provisoria fueron con éxito y tomaron lugar en el último año durante su encarcelación corriente,

recibe 4 puntos. No recibe puntos si la libertad se llevó a cabo mas de un año atrás o fue bajo superintendencia o una actividad de grupo bajo superintendencia, o si a usted se le ha revocado su libertad bajo palabra desde su última participación con éxito en libertad provisoria.
Bajo la nueva ley de libertad provisoria, efectiva el 1ro de septiempre de 1977, cualquiera que, después de procedimientos disciplinarios, se haya juzgado que ha huído, no será eligible para participación en libertad provisoria. (Para mas detalles sobre violaciones y castigos con respecto a licencia de ausencia, vea Reglas de Programa: Licencia de Ausencia, en la página 47.)
Las siguientes reglas se aplican a la calificación de personas que hayan huído antes del 1ro de septiembre de 1977: Perderá 6 puntos si durante el último huyó o recibió una convicción o fue arrestado por un crimen mientras estaba en libertad provisoria. Sin embargo, si los cargos fueron expulsados o lo juzgan inocente, no perderá puntos. Perderá 3 puntos si estas infracciones fueron cometidas mas de un año atrás pero menos de 2 años atrás (13-24 meses antes de someter su aplicación.) Después de dos años no pierde puntos.
También perderá 3 puntos si durante el último año ha sido revocado de un programa de libertad para trabajo o educación o ha sido arrestado de nuevo o ha huído. Pero si usted ha participado en un programa de libertad para trabajo o educación y fue regresado a una institución mas segura voluntariamente, no perderá puntos.

Perderá 2 puntos si dentro de los últimos tres meses ha regresado tarde de libertad provisoria o en evidencia de haber usado drogas o haber tomado excesivamente bebidas alcohólicas o si no ha ido al lugar aprobado para su salida en libertad provisoria, o ha fallado en cumplir con el requisito de comunicarse con la oficina de libertad bajo palabra.

Si alguna de estas violaciones tomó lugar mas de tres meses atrás, no pierde puntos. (Vea Infracciones de Licencia de Ausencia, página 47). Al calcular su calificación de puntos para este artículo, podrá perder puntos en algunas cosas y ganar algunos en otras. Por ejemplo, si fue revocado de libertad para trabajo por razones ajenas a ser arrestado de nuevo o haber huído diez meses atrás, pierde 3 puntos. Pero si su última licencia de ausencia tres meses atrás fue llevada a cabo con éxito, gana 2 puntos. Su calificación de puntos por el artículo 11 sería -1 ((-3)+(+2) = -1).

Computación de Calificación de Puntos

Después que cada artículo haya sido calificado, hay que sumar el número total de puntos. Entonces, se añade el ajustamiento de medida de +26, y éste se suma con el total indicado, para asegurar que la calificación final no sea negativa.

Las calificaciones serán divididas en cuatro categorías: baja-negada, baja-FAPP, baja-consideración especial y consideración regular. Si usted califica en la categoría baja-FAPP, baja-consideración especial, o consideración regular, su aplicación será referida al Comité de Libertad Provisoria para su decisión.

EJEMPLO:

Aquí un ejemplo de cómo funcionan las calificaciones. Juan aplica para su primera Licencia de Ausencia. Esta es la primera vez que cumple sentencia de encarcelamiento. Su convicción fue por robo segundo grado, un crimen por la cual fue condenado una vez anterior. La primera vez que fue condenado por robo tres años atrás fue puesto en probación, la cual violó cuando fue arrestado de nuevo. También fue arrestado por hurto menor (petit larceny), un delito de Clase A de mal comportamiento. Cuando fue sentenciado al Departamento de Servicios Correccionales por la segunda condena de robo, no había ninguna orden de arresto pendiente contra él. Juan ha estado encarcelado por veinte meses. Pasó sus primeros tres meses en orientación y esperando una asignación. El trabajó como conserje por cuatro meses mientras tomó una clase educativa por la tarde. Después de tres meses él tomó su examen de escuela superior y lo pasó. Entonces fue asignado a trabajar en la cocina. Después de dos meses en la cocina Juan tam-

bién empezó un curso de estampería (print shop) por las tardes. Trabajó por la mañana y fue a su curso por la tarde por seis meses mas. Hace dos meses, Juan empezó un curso de matemática por la noche. Todavía trabaja en la cocina durante el día.

En los primeros meses en la cárcel, Juan violó las reglas varias veces. Fue puesto en detención dos veces en los primeros tres meses y perdió sus privilegios por una semana, cuatro veces.

Hace ocho meses, Juan peleó con otro presidiario. Como resultado, el Comité de Ajustamiento le impuso como castigo 7 días de detención en su celda. Un mes después violó las regulaciones de aseo. Se presentó ante el Comité de Ajustamiento y fue aconsejado y puesto en libertad. Cuatro meses atrás se le olvidó devolver varios libros a la biblioteca y perdió privilegios por tres días. Hace cinco semanas Juan recibió un castigo de pérdida de privilegios por estar fuera de lugar.

Aquí se indica cómo se debería computar las calificaciones de Juan:

1. Previa encarcelación

   Juan gana 1 punto por no haber estado encarcelado antes. +1

2. Previa Convicción Felonía

   Juan recibe 0 puntos porque tenía una previa convicción felonía. 0

3. Previa Convicción por Mal Comportamiento

   Juan recibe 1 punto porque nunca tuvo una convicción por mal comportamiento. +1

4. Previa Revocación de Libertad Bajo Palabra o Probación

   Porque la probación de Juan fue revocada cuando él fue arrestado mientras en probación, recibe 0 puntos. 0

5. Ordenes de Arresto Pendientes a la Vez de Sentencia

   Juan gana 2 puntos porque no tenía orden de arresto cuando lo sentenciaron. Tenía orden de arresto contra él cuando estuvo en probación pero esa fue aclarada antes de que fuese sentenciado a la cárcel. +2

6. Tipo de Previa y Presente Convicción de Crímenes Contra la Persona

   Juan califica -2 puntos porque tiene una convicción de segundo grado por robo en su historial criminal. Pierde solo dos puntos aunque tiene 2 convicciones por robo. -2

7. Participación en Programa

   Juan gana +2 puntos porque tiene crédito por 23 meses de participación por su participación en los programas y asignaciones de trabajo. Si él continúa con su clase de matemática por un mes mas, recibirá crédito por 24 meses de participación y recibe 3 puntos en este artículo. Los 23 meses de participación fueron acumulados en esta forma. +2

ASIGNACION DE TRABAJO		PROGRAMAS	
Conserje	4 meses	Examen de Escuela Superior	3 meses
Cocina	13 meses	Taller de Estampería	6 meses
	17 meses	Curso de Matemática	2 meses
			11 meses

Bajo las reglas Juan puede aplicar solamente 12 de sus meses de trabajo para ganar puntos en este artículo. Los 11 meses de participación en programa se añaden a los 12 para un total de 23. Porque los puntos se ganan en unidades de ocho meses de participación, Juan ha ganado 2 puntos. Cuando haya completado un mes mas de programa, recibirá otro punto.

8. Participación en Programa II

   Juan no recibe puntos porque no ha estado encarcelado el tiempo necesario para ganar estos puntos. 0

9. Disciplina I

   Juan recibe +3 puntos aunque tuvo cuatro infracciones disciplinarias este año. Los puntos de Juan se calculan de este modo. +3

   A. 0-3 meses atrás: +0 puntos.
      (Juan tuvo 1 procedimiento que resultó en la pérdida de privilegios de 14 días o mas en los últimos 3 meses (hace 5 semanas).

B. 0-6 meses atrás: +1 punto.
(Juan tuvo mas que 1 procedimiento que resultó en la pérdida de privilegios de 14 días o mas. Pérdida de privilegios por 3 días no se cuenta.)

C. 0-9 meses atrás: +1 punto
(Además del procedimiento por estar fuera de lugar, el procedimiento de Juan que resultó en detención por pelear ocho meses atrás, se cuenta. Tiene mas que 2 infracciones en el período de nueve meses, así es que recibe otro punto.)

D. 0-12 meses atrás: +1 punto
(Juan tiene solamente 2 procedimientos disciplinarios que se cuentan en el período de 12 meses; así es que recibe otro punto. Sus infracciones durante los primeros meses de encarcelación no se cuentan en este artículo, porque ocurrieron mas de 12 meses atrás.

10. Disciplina II

Juan recibe 0 puntos porque él no ha estado encarcelado suficiente tiempo para ganar estos puntos. 0

11. Archivo de Libertad Provisoria

Juan recibe 0 puntos porque él nunca ha estado en libertad provisoria. 0

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+7

Medida de Ajustamiento +26

TOTAL DE PUNTOS: 33

La calificación de Juan sería 33, que está en la categoría de consideración regular para licencia de ausencia, pero no para libertad para trabajo. Por lo tanto, Juan tendrá que presentarse ante el Comité de Libertad Provisoria y ellos decidirán, usando las normas de la Oficina Central, si creen que él debe recibir licencia de ausencia. El Comité de Libertad Provisoria puede rehusarle la aplicación por su archivo disciplinario, y pedirle que aplique de nuevo en 8 semanas. Si él no recibe castigos disciplinarios y continúa su curso de matemática, en ese tiempo Juan ganará hasta 1 punto en

el artículo 9 y 1 punto en el artículo 7 y calificará 35 puntos, que lo hará eligible para consideración para libertad para trabajo. Si el Comité de Libertad Provisoria y la Oficina Central aprueban a Juan para licencia de ausencia, y él logra cumplir la licencia de ausencia con éxito, recibirá 2 puntos en el artículo 10. Si él no recibe mas infracciones disciplinarias, calificará 37, que es muy buena calificación por consideración para licencia de ausencia y una buena calificación para libertad para trabajo.

III. COMO APLICAR PARA LIBERTAD PROVISORIA

A. Notificación al Comité de Libertad Provisoria

Si usted desea aplicar para libertad provisoria, tiene que llenar la forma de Notificación al Comité de Libertad Provisoria. Puede conseguir ésta por medio de su consejero, o el oficial de su sección de vivienda. (Vea forma Notificación al Comité de Libertad Provisoria, página 54.

Después de llenar esta notificación, envíela al entrevistador del Comité. Recibirá una carta del entrevistador diciéndole que ha recibido su aplicación. También le indicará una de tres cosas:

1. Es usted elegible para libertad provisoria. También le indicará la hora y el sitio de su cita con el entrevistador para discutir su aplicación.

2. Usted no es elegible para libertad provisoria bajo la ley, porque tiene mas de un año para presentarse ante la Junta de Libertad Bajo Palabra; Libertad Condicional. La carta le indicará cuando será eligible.

3. Usted no es elegible para libertad provisoria porque ha sido condenado por escape o por el delito de haber huído como se defina en la sección 205 del Código Penal, que incluye lo siguiente:

OFENSA

Escape 3º	Sección 205.05
Escape 2º	" 205.10
Escape 1º	" 205.15
Huír 2º	" 205.16
Huír 1º	" 205.17
Huír mientras en Licencia de Ausencia	" 205.18

Usted también será considerado inelegible para libertad provisoria si tiene convicciones de otro estado por delitos comparables.

4. Usted no es elegible para libertad provisoria porque desde el 1ro de septiembre de 1977, después de un procedimiento disciplinario, fue juzgado culpable de huír de un programa de libertad provisoria.

5. Usted no puede participar en libertad provisoria ahora porque en las ocho semanas antes de someter su aplicación, cometió una grave infracción disciplinaria que resultó en su detención en la unidad de segregación o en su celda por mas de 14 días.

6. Usted no puede participar en programas de libertad provisoria porque hay una orden de arresto pendiente contra usted. La notificación también le indicará qué tipo de orden de arresto existe y lo que debe usted hacer con el respecto. (Vea Ordenes de Arresto, página 32 para mas información.)

Después que se le envíe la notificación, si es elegible, el entrevistador revisará su archivo institucional y hará una computación preliminaria de su calificación de puntos.

B. Categorías que Requieren Investigación Adicional

El programa de libertad provisoria no puede funcionar sin que el público apruebe el concepto de poner en libertad a los presidiarios que participan en el programa. Por lo tanto, presidiarios con historiales particularmente sensitivos que aplican para libertad provisoria tendrán que ser procesados por un procedimiento investigativo especial.

El entrevistador y el Presidente del Comité de Libertad Provisoria revisarán su archivo para determinar si ha sido designado un Caso Para Superintendencia de la Oficina Central o si tiene usted un historial de inestabilidad mental.

Si su archivo indica que se requiere investigación adicional, el Presidente revisará el caso para decidir si el Comité de Libertad Provisoria debe darle cuidadosa consideración

a cierta información en particular para decidir si usted debe ser aceptado para libertad provisoria. (Vea Categorías que Requieren Investigación Adicional, página 34.)

C. Calificación de la Aplicación

Reunión con el Entrevistador

Cuando la calificación de puntos e investigación preliminaria estén completas, usted se reunirá con el entrevistador para discutir la calificación de su aplicación. El entrevistador le dirá cuál es su calificación de puntos, y le explicará cómo fue lograda. También le dirá si usted será incluído en la categoría que requiere investigación adicional. Si usted no está de acuerdo con alguna de la información en la cual fue basada su calificación, debe decírselo al entrevistador. Si después de discutirlo con el entrevistador usted cree que los datos usados para su calificación no están bien, dígaselo al entrevistador y pídale que los revise de nuevo. El anotará los datos que usted cree están erróneos. Después de su entrevista, el entrevistador investigará cualquier información que usted le diga que no está correcta, por medio de llamadas telefónicas, cartas, y revisando toda la información disponible en su archivo. Cuando el entrevistador haya completado la investigación de estos datos, su calificación oficial de puntos será figurada.

Si usted y el entrevistador están de acuerdo, con los datos durante la entrevista, le dirán en cuál categoría califica usted: baja-negada, baja-

FAPP, baja-consideración especial, o consideración regular. A todas las personas se le dará una copia de la hoja de papel usada para computar la calificación de puntos de su aplicación.

Después de la primera entrevista, se permitirá un período de 48 horas para el reviso de la aplicación. Durante este tiempo, usted puede indicarle al entrevistador cualquier error que usted crea fue hecho en la computación de la calificación de puntos. (Use forma Notificación al Comité de Libertad Provisoria #10 - Comentarios.) El entrevistador usará este tiempo para investigar cualquier información que usted le diga que está errónea. Además, el Presidente del Comité de Libertad Provisoria investigará para determinar si la razón por la cual usted quiere libertad provisoria es propia (permitida por la ley, y que preserve el propósito del programa). Su última calificación será oficial después de las 48 horas. Recibirá notificación formal por correo, del Presidente del Comité de Libertad Provisoria, con su calificación de puntos, y el grado en que se encuentra.

Reunión con el Entrevistador
Para Aplicar de Nuevo

Puede discutir con el entrevistador, la calificación de su aplicación cada vez que aplique para libertad provisoria. Pero, después de la primera aplicación, quizás usted no quiera ver al entrevistador porque su calificación no ha cambiado, o porque no

tiene preguntas sobre su calificación. En ese caso, puede indicar en la forma Notificación al Comité de Libertad Provisoria que no desea ver al entrevistador (Vea forma Notificación al Comité de Libertad Provisoria, Artículos #4 y 6, página 54). El entrevistador le mandará por correo una copia de su aplicación completada, cuando le notifique de su calificación de puntos. De nuevo, tiene 48 horas para notificarle al entrevistador sobre errores que hayan en las calificaciones. También, puede hacer una cita con el entrevistador, para discutir las calificaciones. (Vea forma Notificación al Comité de Libertad Provisoria, página 54). Use artículo #10 "Comentarios", y escriba su mensaje en este espacio para mas información). Su última calificación será oficial cuando pase el período de 48 horas.

Calificaciones en las Categorías Bajas

Si usted cae en la categoría baja-negada, no podrá ser aceptado para libertad provisoria. Le indicarán cómo acumular puntos adicionales. Usted puede aplicar de nuevo para libertad provisoria dentro de 8 semanas. Pero, puede ser que usted no quiera hacerlo en ese tiempo, porque su calificación de puntos no haya cambiado lo suficiente para cambiar su eligibilidad. Cada vez que usted aplica para libertad provisoria, y se la rehusa, tiene que esperar otras 8 semanas para aplicar. Por lo tanto, si usted cree que su calificación de puntos se mejoraría en doce semanas, es mejor esperar

y aplicar entonces. Por lo general, no hay razón para aplicar de nuevo hasta que le haya subido su calificación de puntos a la categoría mediana o a las categorías baja-FAPP o baja-consideración especial.

Calificaciones en las Categorías Baja-FAPP, Baja-Consideración Especial y Consideración Regular

Si su calificación cae en las categorías baja-FAPP, baja-consideración especial o consideración regular, usted puede ser asignado una fecha para reunirse con el Comité de Libertad Provisoria para hablar sobre su aplicación. Después de su reunión con el Comité de Libertad Provisoria, se le avisará por correo si se le ha aprobado la aplicación o no. Antes de que pueda salir en libertad, su aplicación debe ser aprobada por la Oficina Central si cae en la categoría de Reviso por la Oficina Central, la baja-FAPP o baja-consideración especial o si su caso requiere mas investigación porque fue designado un Caso de Superintendencia por la Oficina Central o ha tenido historial de inestabilidad mental.

D. Presentarse Ante el Comité de Libertad Provisoria

Toda persona que califica en la categoría baja-FAPP, baja-consideración especial o consideración regular tiene el derecho de ver al Comité de Libertad Provisoria la primera vez

que aplica para cada tipo de libertad provisoria. Por ejemplo, usted puede ver al Comité la primera vez que aplique para libertad de trabajo, aunque haya aplicado por licencia de ausencia varias veces anterior.

Si califica en la categoría de consideración regular y ha llevado a cabo una salida en libertad provisoria con éxito, no tiene que ver al Comité de Libertad Provisoria cada vez que aplica para el mismo programa. Pero, puede pedir una cita con el Comité si su calificación de puntos ha bajado en cualquier artículo y usted desea explicar porque sucedió. También, si ha sido rehusado por el Comité en el pasado y su calificación de puntos ha mejorado en cualquier artículo, tiene derecho de ver al Comité. Además, el Comité en cualquier momento puede pedirle que se presente en una audiencia para hablar con usted antes de llegar a una decisión en su caso.

IV. PROCEDIMIENTOS ESPECIALES

A. Como Aplicar Para Permiso de Ausencia

Las aplicaciones para permiso de ausencia serán procesadas al igual que las de licencia de ausencia. Si, por ejemplo, usted quiere un permiso de ausencia para un tratamiento médico que no puede hacerse en la institución, tiene que llenar la aplicación y dársela al entrevistador. Su calificación de puntos será computada, y su archivo será revisado para determinar si pertenece a una de las categorías que requiere investigaciones adicionales.

El Comité de Libertad Provisoria entonces decidirá si su solicitud para permiso de ausencia está en orden y debería ser aprobada. Si el Comité aprueba su solicitud, decidirá con la ayuda de su calificación de puntos si su permiso de ausencia debe ser bajo superintendencia o si podrá salir solo. Si califica en la categoría mas baja, ha tenido una convicción por escape o un delito por haber huído o ha sido juzgado culpable en un procedimiento disciplinario del Departamento de haber huído de un programa de libertad provisoria, su permiso de ausencia tendrá que ser bajo superintendencia. El nivel de superintendencia y el nombramiento del personal que ha de acompañar a los presidiarios será determinado por el Superintendente de acuerdo con las reglas y regulaciones del Departamento. Además, si usted pertenece a la categoría de Reviso por la Oficina Central, la Oficina Central tendrá que aprobar su aplicación antes de su salida.

B. Como Aplicar para Licencia o Permiso de Ausencia en Caso de Emergencia

Es posible que algo inesperado ocurra y usted necesite una licencia de ausencia, o permiso de ausencia de inmediato. Si no es elegible para una licencia de ausencia, porque falta mas de un año para consideración de su libertad bajo palabra, o libertad condicional, puede aplicar por un permiso de ausencia de emergencia.

Para aplicar para una licencia o permiso de ausencia de emergencia, siga el siguiente proceso:

1. Si la emergencia ocurre durante el día de trabajo normal (lunes a viernes de 8AM a 5PM) póngase en contacto con el entrevistador o el Presidente del Comité de Libertad Provisoria. Dígale por qué razón usted necesita salir. Si el Presidente del Comité decide que su caso es verdaderamente una emergencia, el entrevistador, o el presidente del Comité, revisará su archivo a ver si hay necesidad de investigaciones adicionales, y calificará sus puntos de inmediato. Su calificación de puntos y su archivo serán presentados al Superintendente.

Si el Superintendente está de acuerdo que la aplicación ha sido calificada propiamente, usará esa calificación para decidir si puede usted salir en libertad.

Si califica en la categoría baja-consideración especial o consideración regular, el Superintendente, después de consultar con el Presidente

del Comité de Libertad Provisoria y la Oficina Central, decidirá si usted podrá salir y si la salida será bajo superintendencia.

Si califica en la categoría mas baja, el Superintendente podrá darle permiso para salir, pero será bajo superintendencia.

2. Si la emergencia ocurre de noche o durante el fin de semana, y el Presidente del Comité de Libertad Provisoria, o el entrevistador no están, póngase en contacto con el Superintendente directamente. En ese caso solamente el Superintendente puede decidir si puede darle permiso para salir, y si su libertad será bajo superintendencia. Puede él usar cualquier información que tenga a su disposición, incluyendo el sistema de puntos, para llegar a su decisión. Será necesario que la Oficina Central apruebe su salida si pertenece a la categoría de Reviso por la Oficina Central.

C. Ordenes de Arresto

Usted no puede salir en libertad provisoria si tiene pendiente alguna órden de arresto de otras jurisdicciones que pudiera resultar en su arresto si fuese puesto en libertad.

Si tiene alguna de las siguientes órdenes de arresto pendientes, no podrá participar en los programas de libertad provisoria.

Ordenes de Arresto del Estado de Nueva York (Warrants)

a. ODAS (Oficina de Servicios de Abuso de Drogas)
NACC (Comisión de Control de Abuso de Narcóticos)
DACC (Comisión de Control de Abuso de Drogas)

b. Orden de Arresto de la Corte de Familia (excepto orden de arresto basada solamente en su negligencia en mantener a sus hijos, o asistencia de divorcio)

c. Orden de arresto por detención criminal

d. Orden de arresto por fianza

e. Orden de arresto por violar Libertad Bajo Palabra o Probación

Ordenes de Arresto de las Autoridades Federales u Otros Estados

f. Orden de arresto de inmigración

g. Orden de arresto para encarcelar

h. Orden de arresto por detención criminal

i. Orden de arresto por fianza

j. Orden de arresto por violación de Libertad Bajo Palabra o Probación

k. Orden de arresto militar

Si tiene una de estas órdenes de arresto contra usted y quiere participar en libertad provisoria, tiene que conseguir que la autoridad que haya emitido la órden de arresto la cancele. (Vea a su consejero y a su oficial de libertad bajo palabra en la institución para averiguar como se dispone de la órden. Porque toma varios meses para disponer de estas órdenes, no debe esperar hasta que aplique para libertad provisoria para encargarse de aclarar estas órdenes de arresto).

Las siguientes órdenes de arresto no intervendrán en su participación en libertad provisoria:

1. Ordenes de arresto de la Corte de Tráfico
2. Orden de arresto de la Corte de Familia por negligencia en mantener a sus hijos, o asistencia de divorcio.

D. Categorías que Requieren Investigación Adicional

Si usted califica en las categorías baja-FAPP, baja-consideración especial o consideración regular y ha sido designado un caso que requiere superintendencia por la Oficina Central bajo los procedimientos del Departamento, o si es usted un ofensor con historial de inestabilidad mental, su aplicación recibirá atención especial antes de tomar una decisión en su aplicación para libertad provisoria.

Si ha sido designado un Caso Para Superintendencia por la Oficina Central bajo el procedimiento del Departamento, su aplicación será referida directamente al Comité de Libertad Provisoria para consideración. Antes de llegar a una decisión con respecto a su libertad, el Comité de Libertad Provisoria considerará todos los datos en su caso incluyendo ésos que resultaron en designar su caso para Superintendencia por la Oficina Central. Si se le niega libertad provisoria, el Comité le dará razones específicas cuando se le notifique de la decisión. (Vea Directivo #0701 sobre Casos de Superintendencia por la Oficina Central y Procedimientos de Reviso para mas información.)

Si su caso requiere investigación adicional porque usted es un ofensor con historial de inestabilidad mental, será informado cuando reciba su notificación oficial de calificación de puntos. En este caso el entrevistador le enviará su nombre y archivo al Presidente del Comité de Libertad

Provisoria. El Presidente revisará su caso cuidadosamente. Si él cree que los datos relacionados con su historial psiquiátrico son importantes, él le enviará su caso al Comité de Libertad Provisoria. El le indicará al Comité que preste atención especial a estos datos en su decisión con respecto a su aceptación para libertad provisoria.

Notificación al Referir Su Caso

Si el presidente del Comité de Libertad Provisoria envía su caso al Comité, usted recibirá una notificación por correo indicando lo siguiente:

1. Su aplicación ha sido referida al Comité de Libertad Provisoria porque su archivo indica que usted es un ofensor con historial de inestabilidad mental.
2. La evidencia en la cual la referencia fue basada. (Información confidencial no se le dará a usted).
3. Su derecho a pedir audiencia con el Comité de Libertad Provisoria para discutir el problema.
4. Puede recibir notificación que el Presidente está recomendando que se le haga a usted una nueva evaluación psiquíatra o psicológica.

El presidente del Comité de Libertad Provisoria le hará una cita con un doctor. Si usted no quiere tener un exámen psiquíatrico o psicológico, puede presentarse ante el Comité sin tenerlo. Pero, el Comité puede decidir que no lo aprobarán para libertad provisoria sin un nuevo exámen psiquíatrico. Usted puede apelar tal decisión de parte del Comité de Libertad Provisoria a la Oficina Central en Albany. (Vea Apelación, página 40).

Petición Para Audiencia

Cuando usted reciba la notificación del Presidente del Comité de Libertad Provisoria, indicando que ha referido su caso, tiene que indicarle si quiere una audiencia o no. El propósito de la audiencia es para darle oportunidad a usted de enseñar que los datos en que se basa el Presidente para incluirlo en la categoría de ofensor con historial de inestabilidad mental no están correctos.

Si usted está de acuerdo que esos datos están bien, quizás no quiera tener una audiencia. Su renunciación de la audiencia, le indica al Comité que no tiene objección

a que sea considerado en esa categoría.

Tiene que indicarle al Comité si quiere audiencia o no marcando el propio espacio en la forma de notificación, y devolviéndola al Comité dentro de 5 días después de haber recibido la notificación. (Vea forma Notificación de Audiencia, Sección B, página 56).

Si hace petición para audiencia, tendrá que llevarse a cabo no menos de 10 días o mas de 28 días después de haber recibido la notificación. Puede pedir un aplazamiento si no ha tenido suficiente tiempo para prepararse para la audiencia. Si no entiende la clase de audiencia que se llevará a cabo y si no se siente capaz de presentar su caso, puede pedirle al Presidente del Comité de Libertad Provisoria que asigne a alguien para ayudarle a preparar su caso. Usted podrá presentar cualquier carta, documento o reporte que desee para la consideración del Comité.

Categoría de Ofensor con Historial de Inestabilidad Mental

Un presidiario puede ser clasificado como ofensor con historial de inestabilidad mental si hay base razonable de hechos para concluir que la inestabilidad mental es tal que la participación del presidiario en programas de libertad provisoria pueda crear un riesgo indebido a la seguridad de la comunidad o a la de él mismo.

Artículos relacionados con el historial psiquíatrico del presidiario que pueden ser considerados en llegar a una determinación que el presidiario debe ser incluído en una categoría de investigación adicional incluyen lo siguiente:

1. Previa hospitalización por enfermedad mental, incluyendo tratamiento en un hospital militar.
2. Previo atentado a cometer suicidio.

3. Previamente ser referido a un hospital o unidad institucional (como Matteawan) para diagnosis y evaluación psiquíatricas.
4. Referirse uno mismo o ser referido por el personal de la institución para evaluación psiquíatrica.
5. Un historial de largo tratamiento por enfermedad mental como un paciente interno o ambulante lo suficiente para sugerir que la participación del presidiario en programas de libertad provisoria crearía un indebido riesgo a la seguridad de la comunidad y a él mismo.

Decisiones del Comité

1. Usted No Pertenece a la Categoría Para Investigación Adicional:

Si el Comité decide que no hay evidencia suficiente que indique que usted pertenece a la categoría de ofensor con historial de inestabilidad mental, notará su decisión en la forma para audiencias. Su aplicación para libertad provisoria será procesada normalmente. El Comité no podrá negarle su aplicación para libertad provisoria porque usted tiene historial de inestabilidad mental. Sin embargo, puede negarle su aplicación por otras razones, como la de un archivo disciplinario de mala conducta.

2. Usted Sí Pertenece a la Categoría Para Investigación Adicional:

El Comité puede decidir que los datos indicando que usted es un ofensor con historial de inestabilidad mental están correctos. En este caso, o si ha sido designado Caso Para Superintendencia por la Oficina Central, el Comité puede negarle permiso a su aplicación para libertad provisoria si cree que su libertad presentaría una amenaza a su seguridad o la del público, o si su presencia en la comunidad podría causar una reacción tan negativa del público que su participación en el programa

se haría difícil o la aceptación del programa por el público se perjudicaría. Sin embargo, si el Presidente y el Comité sienten unánimamente que usted sería un candidato apropiado para libertad provisoria aunque pertenezca a la categoría para investigación adicional, pueden someter su aplicación, junto con sus recomendaciones para que usted sea aprobado para libertad, y cualquier declaración que usted desee someter a su favor, a la Oficina Central para consideración. El Director de Servicios para Libertad Provisoria le notificará por escrito de la decisión final en su caso dentro de 4 semanas después de haber sido sometido.

V. COMO APELAR UNA DECISION DEL COMITE DE LIBERTAD PROVISORIA

Todas las apelaciones serán examinadas en la Oficina Central del Departamento de Servicios Correccionales en Albany.

Hay cuatro tipos de apelaciones a la Oficina Central. Puede apelar si usted cree que alguno o todo de lo siguiente es cierto:

1. Apelación de la Calificación de Puntos:

   Su calificación de puntos no está correcta porque el entrevistador se basó en información errónea para calcular un artículo. Calificaciones de categorías bajas pueden ser apeladas.

2. Apelación de Una Categoría de Investigación Adicional:

   Usted fue erróneamente incluído en una categoría que requiere investigación adicional y fue tratado por el Comité de Libertad Provisoria como un ofensor con historial de inestabilidad mental. (Apelaciones de un caso designado para Superintendencia por la Oficina Central deben ser sometidos de acuerdo con los procedimientos. Vea Directivo #0701.)

3. Apelación de una decisión por el Comité de Libertad Provisoria en los méritosÑ

   Usted fue erróneamente negado libertad provisoria porque el Comité de Libertad Provisoria llegó a una decisión irrazonable en su caso.

4. Apelación para nueva consideración por el personal de la Oficina Central después de haber negado su aplicación como un Caso para Reviso por la Oficina Central:

   Usted fue erróneamente negado libertad provisoria porque el Director de Programas de Libertad Provisoria y su personal llegaron a una decisión irrazonable en su caso. (No habrá nuevas consideraciones después que su aplicación haya sido negada por un Comisionado Diputado o el Comisionado del Departamento.)

Si usted apela, debe incluir todas sus razones para la apelación a la misma vez. Si cree que su archivo institucional - participación en programa, disciplina y archivo de libertad provisoria - han sido incorrectamente

calificadas, debe apelar de inmediato. Los archivos serán mas fáciles de conseguir y las personas encargadas recordarán mas con respecto a su caso si no deja que pase mucho tiempo antes de apelar. Para apelar, debe llenar una forma dando las razones para la apelación.

Todas las apelaciones deben ser sometidas dentro de 10 días de haber recibido la notificación de la decisión final del CLP o del personal de la Oficina Central.

Ejemplo: Suponga que Juan desea disputir la exactitud de la información en el Artículo #2 - previas convicciones felonías. El dice que nunca fue condenado por robo o cualquier otra felonía antes de su convicción corriente y debe recibir 2 puntos. Si a Juan no lo aprueban para licencia de ausencia, él puede apelar a la Oficina Central por dos razones.

1. La calificación de puntos estaba incorrecta porque nunca fue condenado por una felonía antes de su convicción corriente.

2. El Comité de Libertad Provisoria llegó a una decisión irrazonable en negarle la licencia de ausencia aunque el punto fue calificado correctamente.

Si Juan tenía otra razón para apelar, como la de ser tratado como ofensor con historial de inestabilidad mental, él debe incluir esa razón en la misma apelación.

Una vez que la apelación vaya a la Oficina Central, ésta decidirá con respecto a todos los problemas que se le haya presentado. En el caso de Juan, la Oficina Central podría decidir que él tenía razón en decir que nunca fue condenado por cualquier felonía antes de su convicción corriente. Los archivos indicarían que la primera acusación por robo había sido expulsada. Aún así el Oficial Encargado de Apelaciones podría decir que aunque el punto fue calificado incorrectamente, la Oficina Central está de acuerdo con la decisión del CLP de negarle

a Juan la licencia de ausencia. Sin embargo, si el Oficial Encargado de Apelaciones está de acuerdo con Juan y le concede la apelación, la Oficina Central continuará con el proceso de la aplicación y si la Oficina Central aprueba la aplicación, le indicarán al CLP local que dejen salir a Juan en licencia de ausencia.

Si la decisión del Comité de Libertad Provisoria de negarle la licencia de ausencia a Juan es justificada por la Oficina Central, Juan podrá aplicar para otra licencia 8 semanas después de recibir la notificación del CLP negándole la salida. Puede ser que él no quiera aplicar si su archivo no ha cambiado en ninguna forma, pero tiene el derecho de aplicar de nuevo.

VI. DESPUES DE SER ACEPTADO: ULTIMO PROCESO ANTES DE SALIR EN LIBERTAD

A. Investigaciones

Antes de que se permita que salga de la institución, despues de aprobación para libertad provisoria, es necesario llevar a cabo una investigación completa. Un oficial de libertad bajo palabra se pondrá en contacto con su familia y otros miembros de la comunidad para asegurar los arreglos para su visita. Si los resultados de la investigación indican que no habrá problemas, usted podrá salir. Sin embargo, si la investigación indica que el ambiente de su casa o comunidad presentará algún problema que impediría su participación en libertad provisoria con éxito, no podrá salir hasta que se aclare el problema.

B. Infracciones de Disciplina Después de Ser Aceptado

Si usted recibe un castigo disciplinario después de haber sido aceptado para libertad provisoria, pero antes de salir de la institución, su aplicación será calificada y evaluada de nuevo por el Comité de Libertad Provisoria. (Una nueva infracción disciplinaria puede afectar la calificación de artículo 9 del sistema de puntos.) Si su nueva calificación cae en la categoría baja-negada, no podrá salir en libertad provisoria. Si su calificación cae en la categoría de consideración regular, tendrá que presentarse ante el Comité de Libertad Provisoria para nueva consideración de su aplicación.

Si comete una infracción disciplinaria grave que resulta en un castigo de detención en la unidad de segregación por cualquier período de tiempo o detención en su celda por mas de 14 días, no será elegible para participación en libertad provisoria hasta 8 semanas después de que haya terminado de servir su castigo. Después del período de 8

semanas, puede aplicar de nuevo para el programa.

Nueva Calificación Después de una Infracción Disciplinaria

Ejemplo: Aquí está lo que le sucedería a Juan si tuviese una infracción disciplinaria después de haber sido aprobado para licencia de ausencia, pero antes de salir.

Porque Juan ha cumplido con éxito una licencia de ausencia, su calificación de puntos en su última aplicación es 37. Una semana antes de salir en licencia de ausencia, Juan tuvo una pelea en el patio. Como castigo se le impuso 10 días en segregación, como resultado de un procedimiento del Superintendente. El oficial encargado del procedimiento notificó al Comité de Libertad Provisoria y la aplicación de Juan fue calificada de nuevo. Los artículos 1 a 8 se mantuvieron iguales. El artículo 9 tuvo que ser cambiado. Porque Juan tenía dos castigos anteriores, ahora no gana puntos por el período 0-3 meses. Ahora tiene tres castigos serios en el período 0-9 meses antes de aplicar y pierde ese punto también. Mantiene el punto que ganó por el período de 0-12 meses porque él tiene 3 o menos infracciones serias en ese período. Califica 1 en el artículo 9 y su nueva calificación es 35. Juan no es elegible para participar en libertad provisoria hasta 8 semanas después de que termine sirviendo su castigo. Entonces él podrá aplicar de nuevo y el Comité de Libertad Provisoria otra vez considerará su aplicación.

C. Acuerdo Sobre Reglas de Libertad Provisoria

Antes de salir en libertad provisoria, usted tiene que estar de acuerdo con seguir las reglas de libertad provisoria. Algunas de las reglas han sido establecidas por el Comité de Libertad Provisoria. El Comité puede decirle adonde puede ir, y la ruta que tiene que tomar para llegar al

lugar. También puede pedirle que siga ciertas reglas especiales. Por ejemplo, puede decirle que no puede tomar bebidas alcohólicas o guiar vehículos de motor mientras esté en libertad provisoria. Además, el Comité le explicará como y cuando tiene que ponerse en contacto con el Oficial de Libertad Bajo Palabra que lo supervisará a usted mientras esté en libertad provisoria. Le informará también que "LA PARTICIPACION EN PROGRAMAS DE LIBERTAD PROVISORIA PUEDE SER TERMINADA CUANDO, EN EL JUICIO DEL COMITE DE LIBERTAD PROVISORIA, LA PARTICIPACION CONTINUA DEL PRESIDIARIO EN EL PROGRAMA NO ES CONSISTENTE CON LA SEGURIDAD DE LA COMUNIDAD." Estas reglas se le darán por escrito y usted tendrá que firmar una copia para indicar que está de acuerdo con seguirlas. Además, tiene que firmar una copia del siguiente acuerdo:

"Yo acepto participación en el programa aquí indicado, y estoy de acuerdo con que estoy obligado a cumplir con los términos y condiciones del presente. Comprendo que estaré bajo la supervisión del Departamento Estatal de Servicios Correccionales, mientras estoy fuera de los terrenos de la institución, y acuerdo cumplir con las instrucciones de cualquier oficial de Libertad Bajo Palabra u otro empleado del Departamento asignado a supervisarm Comprendo que mi participación en el programa es un privilegio que puede ser revocado en cualquier tiempo, y si yo pongo en violación cualquier provisión del programa, puedo ser sujeto a custodia por cualquier oficial, y seré sujeto a procedimientos disciplinarios. Además, comprendo que si yo intencionalmente fallo en regresar a la institución a tiempo, o antes del

tiempo especificado en el memorándum, me pueden encontrar culpable de una felonía."

VII. REGLAS DEL PROGRAMA: LICENCIA DE AUSENCIA

A. Estipulación Para Licencia de Ausencia

El programa de licencia de ausencia fue desarrollado para que aquellos presidiarios a quienes les falta un año para ser puestos en libertad tengan la oportunidad de salir y prepararse para su libertad. Porque todo el mundo quiere salir en licencia de ausencia lo mas a menudo posible, fue necesario establecer reglas sobre cuando se puede usar la licencia de ausencia. Las reglas le ayudan a planear sus licencias de ausencia por un año. También le hacen posible que usted coja unas cuantas breves ausencias, poco antes de ser puesto en libertad, para poder conseguir trabajo y un sitio donde vivir. Hay cuatro reglas para licencia de ausencia:

1. Nadie puede usar
   a) mas de 28 días en el año para licencia de ausencia
   b) mas de 14 días en los primeros seis meses del año para licencia de ausencia
   c) mas de 7 días en un período de 28 días
2. Nadie puede usar mas de 7 días de ausencia a la vez
3. Nadie puede tomar mas de 6 ausencias al año
4. El año del programa de licencia de ausencia empieza en la fecha en que el presidiario toma su primera ausencia, y termina un año después.

Dentro de las reglas, el presidiario puede coger su licencia cuando quiera. Es una buena idea tratar de planear esas ausencias con bastante tiempo para que tenga tiempo a su disposición cuando lo necesite - para compartir con su familia una ocasión especial, como un cumpleaños o una boda, o para buscar trabajo antes de ser puesto en libertad, o para emergencias de familia. Si no planea bien, puede resultar en que no le quede tiempo para una

ausencia cuando quiera o necesite salir mas tarde durante el año.

B. Infracciones de Licencia de Ausencia

La ley sobre libertad provisoria indica que solamente los presidiarios responsables, y que no presenten amenaza a la comunidad, pueden salir en licencia de ausencia. Las personas que violan las reglas de licencia de ausencia perjudican el programa. Por lo tanto, violaciones de estas reglas, tales como cometer un crimen, huír, regresar tarde, regresar con evidencia de haber usado drogas o bajo la influencia de alcohol, tienen que ser castigadas.

Si viola las reglas, su calificación en el sistema de puntos se rebaja. Esto perjudica sus oportunidades de volver a salir en libertad provisoria. Por ejemplo, si regresa tarde de una licencia, pierde 2 puntos en el artículo 10 del sistema de puntos. Si su violación de las reglas llega a un procedimiento disciplinario, también pierde puntos en el artículo 9 del sistema de puntos. Aunque su pérdida de puntos no sea lo suficiente para rebajar su calificación a la categoría baja, el Comité de Libertad Provisoria puede decidir que su falta de seguir las reglas quiere decir que usted no es suficientemente responsable para una licencia de ausencia.

Regresar Tarde

Aquí están las reglas con respecto a regresar tarde a la Institución:

1. El presidiario se considera tarde si no ha regresado a la institución a la hora señalada para su regreso.
2. Los presidiarios que llegan tarde
   a) pierden 2 puntos en el artículo #11 del sistema de puntos
   b) pierden tiempo de la próxima licencia de ausencia basado en 3 horas por cada hora (o parte de hora) que lleguen tarde o están

sujetos a acción disciplinaria y castigos, incluyendo pérdida de privilegios, encerramiento y segregación.

3. Los presidiarios que lleguen tarde con excusa pierden tiempo de la próxima licencia de ausencia a base de 3 horas por cada hora o parte de hora que hayan llegado tarde o están sujetos a acción disciplinaria y castigos, incluyendo pérdida de privilegios, encerramiento y segregación.

Si el presidiario no regresa a la institución a la hora señalada debido a demoras de transportación pública fuera de su control, no será considerado tarde si la institución puede verificar la demora con la compañía de autobús, tren, etc. Por lo tanto, si llega usted tarde porque se rompió el autobús, no será considerado tarde. Pero si el autobús que tomó no lo hubiese traído a tiempo aunque no se hubiese roto, queda considerado tarde. Además, si perdió el autobús y regresó tarde a la institución porque el otro autobús no salió hasta varias horas mas tarde, se considera que llegó tarde. La responsabilidad es suya de saber el horario del autobús y planear su tiempo para no perder el autobús que lo traiga a tiempo.

Si llega tarde por otra razón que no sea demora de transportación con pruebas, será considerado que regresó tarde. Si puede probar que tiene buena razón por llegar tarde se considerará que regresó tarde con excusa.

Para poder hacer las cosas lo mas justo posible para todos, cualquiera que desee ser considerado tarde con excusa tiene que presentar pruebas de la razón por la cual regresó tarde. Si llega tarde porque tuvo que llevar a su hijo(a) al doctor, tiene que tener una nota del doctor indicando que estuvo allí. Una nota de su esposa explicando que usted llevó al niño(a) al doctor no será válida. Si se rompe el automóvil mientras su familia lo trae a la institución, tiene que tener pruebas. Una nota o recibo por servicios de la gasolinería, camión de remolque u oficial

estatal es un ejemplo de la manera en que puede presentar pruebas de que tuvo problemas con el automóvil.

Esta regla puede ser severa pero es necesaria. Toda persona en licencia de ausencia quiere quedarse en casa por el período mas largo posible. Algunos tratan de prolongar el tiempo de ausencia regresando tarde porque ha surgido una emergencia. Es muy difícil para el Comité decidir si su excusa es válida. Solamente puede decidir si hay evidencia que sostiene su cuento.

Acuérdese que aunque no pierda puntos por llegar tarde con excusa, sí pierde tiempo en su próxima licencia a base de 3 horas por cada hora o parte de hora que regresó tarde.

También corre el riesgo de recibir castigos como resultado de acciones disciplinarias. Usted tiene que decidir si la emergencia es lo suficientemente importante para perder tiempo la próxima vez, o sufrir acción disciplinaria. Si es importante y usted tiene pruebas de lo sucedido, no perderá puntos.

Huír

Se considera que un presidiario ha huído intencionalmente si no regresa a la institución donde ha sido condenado a la hora señalada para su regreso. Si él no ha regresado dentro de 5 horas después de la hora señalada, la suposición es que no intenta regresar. Un presidiario puede ser acusado de haber huído a la vez que la institución tenga razón de pensar que él no tiene intención de regresar. Si clasifican a la persona como que se ha huído, se emitirá una órden de arresto para él. El huír mientras esté en libertad provisoria es una felonía de la Clase E, castigado por hasta 4 años en la cárcel. (Vea Código Penal, Sección 205.17). Si no puede regresar a la institución dentro de 5 horas

después de la hora señalada, y no quiere que lo clasifiquen como que haya huído, tiene que hacer uno de lo siguiente:

1. Tiene que comunicarse con la institución antes de la hora indicada para su regreso, y tratar de hacer arreglos para una extensión de su tiempo de libertad provisoria.

Tiene que llamar por teléfono con suficiente tiempo por si le niegan la extensión de la licencia, pueda regresar a la institución a la hora indicada.

2. Si no consigue extender el tiempo de su licencia, tiene que comunicarse con la institución para hacerlos saber cuales son los problemas que le enfrentan con respecto a regresar a la hora indicada. La institución le indicará lo que debe hacer para que no lo clasifiquen como que ha huído. Será considerado que llegó tarde a menos que pueda conseguir que la institución le extienda el tiempo de libertad provisoria.

Si regresa usted a la institución voluntariamente, mas de 5 horas después de la hora señalada para su regreso, sin haberse comunicado con la institución para conseguir una extensión de tiempo, o para indicar que llegaría tarde, será clasificado como que ha huído. (Si llega mas de 10 horas tarde, bajo la Sección 856 (2) de la ley con respecto a libertad provisoria, se presume que ha huído.)

Toda persona que llega tarde o ha huído será sujeta a procedimientos disciplinarios cuando regrese. Durante la audiencia disciplinaria usted tendrá oportunidad de explicar por qué no regresó a tiempo. En la audiencia decidirán si su caso será tratado como que llegó tarde, tarde con excusa, o que huyó. Si usted regresa mas de 5 horas tarde, tiene la responsabilidad de indicar por qué no debería ser considerado como que huyó. Tiene que presentar razones, fuera de lo usual, por las cuales no pudo regresar a tiempo o no pudo comunicarse con la institución.

Si la decisión del procedimiento disciplinario es que usted huyó, por la ley no podrá ser elegible para libertad

provisoria. También será sujeto a castigos que resulten de procedimientos disciplinarios y acción de la corte.

Abuso de Drogas y Alcohol

El uso de drogas y abuso de alcohol mientras esté en libertad provisoria está prohibido. Por lo tanto, si regresa a la institución bajo la influencia de drogas o alcohol, está en violación de las reglas y será castigado. Si regresa a la institución bajo la influencia de uno o el otro pierde 2 puntos en el artículo 11 y será sujeto a acción disciplinaria donde pierde mas puntos. Si regresa tarde y bajo la influencia de drogas o alcohol, pierde 4 puntos, con la posibilidad de perder mas puntos por cualquier acción disciplinaria tomada.

PROGRAMA DE LIBERTAD PROVISORIA
FORMA PARA EVALUAR APLICACION

APLICACION SUBSIGUIENTE

NOMBRE COMPLETO DEL PRESIDIARIO

INSTITUCION _____ _ _ NRO. DE APLICACION CODIGO DE TRANSACCION 1 1

NOMBRE ABREVIADO DEL PRESIDIARIO _ _ _ _ _ _ _ _ _ FECHA APLICACION _ _/_ _/_ _

NRO. NYSID _ _ _ _ _ _ _ _ IDENTIFICACION DEPTO. _ _ _ _ _ _

OFENSOR JUVENIL (1-sí, 2-no) _

TIPO LP _____ _ PROPOSITO _____ _ VIOLENCIA PREVIA _____ _

CATEGORIA ESTATUTORIA (1-sí, 2-no) _ REVISO OFICINA CENTRAL (1-sí, 2-no) _____

FECHA NACIMIENTO _ _/_ _/_ _ FECHA RECIBIDO _ _/_ _/_ _

FECHA MAX. EXP. _ _/_ _/_ _ FECHA LIB. COND. _ _/_ _/_ _

FECHA LIB. BAJO PALABRA _ _/_ _/_ _ CRIMEN COMETIDO _____

ATENTADO _____ ACOMPLICES _____ CONDADO DE RESIDENCIA _____

SISTEMA DE PUNTOS		CODIGO	PUNTOS
1. PREVIAS ENCARCELACIONES ____ FELONIAS _____ MAL COMPORTAMIENTO		_	____
2. PREVIAS O SUBSIGUIENTES CONVICCIONES FELONIAS		_	____
3. PREVIAS O SUBSIGUIENTES CONVICCIONES POR MAL COMPORTAMIENTO		_	____
4. ORDENES DE ARRESTO A LA VEZ O DESPUES DE SER SENTENCIADO		_	____
5. PREVIAS REVOCACIONES DE LIBERTAD BAJO PALABRA O PROBACION		_	____
6. CRIMENES DE VIOLENCIA _____ _____ _____		_	____
SUB-TOTAL DE HISTORIAL CRIMINAL		_ _	
7. PARTICIPACION EN PROGRAMA I	Meses de Programa	_ _	
	Meses de Trabajo	_ _	____
8. PARTICIPACION EN PROGRAMA II	Meses de Programa	_ _	____
	Meses de Trabajo	_ _	____
9. DISCIPLINA I	Castigos 1er trimestre	_	____
	Castigos 2do trimestre	_	____
	Castigos 3er trimestre	_	____
	Castigos 4to trimestre	_	____
10. Disciplina II	Castigos	_	____
11. ARCHIVO DE LIBERTAD PROVISORIA			
	Exito _ _/_ _/_ _	_	____
	1er año Huyó/Arrestado _ _/_ _/_ _	_	____
	2do año Huyó/Arrestado _ _/_ _/_ _	_	____
	Revocado _ _/_ _/_ _	_	____
	Tarde _ _/_ _/_ _	_	____
	Droga _ _/_ _/_ _	_	____
	Alcohol _ _/_ _/_ _	_	____
	Violación de Reglas de Programa _ _/_ _/_ _	_	____
SUB-TOTAL ARCHIVO INSTITUCIONAL		_ _	

CODIGO

CATEGORIAS (1-baja negada, 2-baja FAPP, 3-baja para consideración especial por el CLP, 4-para consideración regular por el CLP) _

INVESTIGACIONES ADICIONALES: Historial de Inestabilidad Mental _

ENTREVISTADOR _____ _/_/_ FECHA

PRESIDENTE _____ _/_/_ FECHA

PRESIDIARIO _____

PROYECTO DE LIBERTAD PROVISORIA

Notificación al Comité de Libertad Provisoria

Nombre del Presidiario		Número	Vivienda
Fecha	Institución	No escriba (Para el uso de la Oficina)	

Favor de leer su Manual de Libertad Provisoria antes de aplicar, e indique con una marca los requisitos de elegibilidad. Si es elegible y desea aplicar, favor de indicar con una marca en los espacios apropiados y dar los detalles requeridos. Vea instrucciones adicionales al otro lado de esta forma.

1. ☐ Yo deseo aplicar para una Licencia de Ausencia (Furlough) o Permiso de Ausencia con el propósito de: (Vea al otro lado)

_____

_____

_____

He planeado quedarme en casa de (Nombre) _____
Parentesco con usted: _____
Dirección: _____ Apto. # ____
Ciudad _____ Zona Postal ____ Teléfono: _____
Fecha de ausencia preferida: _____

2. ☐ Yo deseo aplicar para: (Indique uno)

☐ Libertad para Trabajo ☐ Libertad Educacional

☐ Programa de Servicio Comunal ☐ Adiestramiento Industrial

Razón: _____

_____

_____

Si está aplicando para libertad para trabajo o educacional, favor de indicar el nombre y lugar de la institución que prefiere:

_____

INDIQUE EN LOS ESPACIOS SIGUIENTES AQUELLOS QUE LE APLICAN A USTED:

3. ☐ Es mi primera aplicación para cualquier tipo de libertad provisoria.
4. ☐ Es mi primera aplicación para este tipo de libertad provisoria.
5. ☐ Deseo reunirme con el entrevistador de libertad provisoria.
6. ☐ No deseo reunirme con el entrevistador de libertad provisoria.
7. ☐ Deseo una audiencia ante el Comité de Libertad Provisoria.
8. ☐ No deseo una audiencia ante el Comité de Libertad Provisoria.
9. ☐ Deseo retirar mi aplicación para libertad provisoria porque:

_____

10. ☐ Comentarios: (Use este espacio para dar información adicional sobre los artículos indicados arriba o para notificar al Comité de algún otro asunto que no está incluído en esta forma.

INSTRUCCIONES

Estas instrucciones brevemente explican esta forma. Para mas información, lea su Manual de Libertad Provisoria o hable con el Entrevistador de Libertad Provisoria o el Presidente del Comité de Libertad Provisoria. Se le avisa que llene una copia de esta forma para su propio archivo.

Llene el principio de la forma claramente, usando letra de molde.

Espacio 1 — Si usted es elegible, y desea aplicar para Licencia o Permiso de Ausencia, indique en este espacio y llene todas las líneas en blanco que le indican al Comité de Libertad Provisoria las razones por las cuales usted quiere Licencia o Permiso de Ausencia. También diga cuando quiere usted salir, a quien quiere visitar y donde vive esa persona.

Espacio 2 — Si usted desea participar en cualquiera de los programas indicados, ponga una marca en el espacio apropiado y explique sus razones. También indique el nombre y lugar de la institución que prefiere.

Espacio 3-6 — Si ésta es su primera aplicación para este tipo de libertad provisoria tiene que reunirse con el entrevistador.

Si usted ha aplicado para este tipo de libertad provisoria anteriormente, puede elegir no reunirse con el entrevistador.

Espacio 7-8 — Si su calificación de puntos cae en las categorías Baja-Fecha Abierta Programa Propio (FAPP), Baja-Consideración Especial, o Consideración Regular, tiene derecho a una entrevista con el Comité de Libertad Provisoria.

La primera vez que usted aplique para cualquier tipo de Libertad Provisoria y su calificación cae en la categoría Baja-Fecha Abierta Programa Propio, Baja-Consideración Especial o Consideración Regular, tiene derecho a entrevistarse con el Comité de Libertad Provisoria.

Si su calificación cae en la categoría Baja-FAPP, Baja-Consideración Especial, o Consideración Regular y se le ha negado libertad provisoria anteriormente y la calificación de cualquiera de sus puntos ha sido elevada desde entonces, tiene derecho a entrevistarse con el Comité de Libertad Provisoria.

También usted tiene derecho de presentarse ante el Comité si fue aceptado para libertad provisoria anteriormente y algunos de sus puntos han bajado en calificación desde entonces, siempre que se mantenga en el grado Baja-FAPP, Baja-Consideración Especial o en la categoría Consideración Regular.

El Comité de Libertad Provisoria puede llamarlo para una entrevista a cualquier tiempo para

Espacio 9. Si usted desea retirar su aplicación para libertad provisoria, indique con una marca en este espacio y explique sus razones en el espacio dado.

PROYECTO DE LIBERTAD PROVISORIA
Notificación al Presidiario

Nombre del Presidiario	Número	Vivienda
Fecha	Número Aplicación	
Institución	Tipo de Libertad Provisoria	

Favor de notar la información indicada aquí. Explicaciones adicionales se encuentran al otro lado de esta forma.

PETICION RECIBIDA

1. ☐ Su petición para aplicar para libertad provisoria ha sido recibida. Tiene reunión con el entrevistador a las _____ (hora) el _____ (fecha) en _____ (sitio).
2. ☐ Su petición para aplicar para libertad provisoria ha sido recibida. Será legalmente elegible el _____. Aplique en esa fecha o después de esa fecha.
3. ☐ No es elegible para libertad provisoria porque ha sido condenado por el siguiente delito de escape o huír: _____
4. ☐ No es elegible para libertad provisoria porque el _____ fue juzgado culpable de huír de un programa de libertad provisoria.
5. ☐ No puede participar en libertad provisoria por el presente porque no han pasado 8 semanas desde que usted cumplió un castigo de detención en la unidad de segregación o en su celda por mas de 14 días. Puede aplicar de nuevo en _____.
6. ☐ Hay órdenes de arresto contra usted, y por lo tanto, no puede ser considerado para libertad provisoria. Vea a su consejero.
7. ☐ No han pasado ocho semanas desde su última aplicación. No puede aplicar de nuevo hasta el _____.

CALIFICACION DE LA APLICACION

8. ☐ Su aplicación ha sido calificada. CALIFICACION _____.
   Categoria:
   - ☐ Consideración Regular
   - ☐ Baja-Negada
   - ☐ Baja-Fecha Abierta
   - ☐ Programa Propio
   - ☐ Baja Consideración Especial

Si calificó en la categoría Baja-Negada, no podrá salir en libertad provisoria.

NOTIFICACION PARA PRESENTARSE

9. ☐ Favor de presentarse ante el Comité de Libertad Provisoria a las _____ (hora) el _____ (fecha) en _____ (sitio).

ACCION DEL COMITE DE LIBERTAD PROVISORIA

10. ☐ El Comité ha aprobado su aplicación.
11. ☐ El Comité ha aprobado su aplicación y la ha referido a la Oficina Central para reviso.
12. ☐ El Comité no ha aprobado su aplicación.
13. ☐ La Oficina Central ha aprobado su aplicación.
14. ☐ La Oficina Central no ha aprobado su aplicación por las razones indicadas en la notificación adjunta.
15. ☐ Su apelación ha sido referida a la Oficina Central en Albany.
16. ☐ Otro (anote los detalles a continuación)

EXPLICACION (Detalles)

INSTRUCCIONES

Nro. 2 Legalmente usted no es elegible para libertad provisoria hasta que esté dentro del año para consideración para Libertad Bajo Palabra o Libertad Condicional. Aplique en la fecha, o después de la fecha indicada.

Nro. 3 Vea las secciones tituladas "Elegibilidad" y "Como Aplicar Para Libertad Provisoria" en el Manual de Libertad Provisoria para mas información.

Nro. 4 Sección 856 (2) de la ley sobre libertad provisoria, Artículo 26 de la Ley Correccional, declara que cualquier persona juzgada culpable de haber huído de un programa de libertad provisoria llegará a ser inelegible para libertad provisoria.

Nro. 5 Vea la sección titulada "Infracciones de Disciplina Después de Ser Aceptado" en el Manual de Libertad Provisoria para mas información.

Nro. 6 Usted tiene órdenes de arresto pendientes que posiblemente resultarían en su arresto si saliera en libertad provisoria. Comuníquese con su consejero u oficial local de Libertad Bajo Palabra, para ver si esas órdenes pueden ser canceladas.

Nro. 8 Si su calificación cae en la categoría baja, y usted tiene evidencia que alguna de la información usada en la computación de su calificación de puntos no está correcta, usted puede apelar a la Oficina Central. Vea Nro. 12 a continuación.

Una calificación en la categoría de consideración regular quiere decir que el Comité de Libertad Provisoria tendrá que seguir los procedimientos de reviso de la Oficina Central para llegar a una decisión con respecto a su aplicación. Una baja calificación quiere decir que su aplicación será negada a menos que la Junta de Libertad Bajo Palabra le ha concedido una fecha abierta o fecha abierta programa propio, o a menos que su aplicación merece consideración especial porque ha ganado 8 o mas puntos por participación en programa y archivo disciplinario.

Nro. 12 Si el Comité no aprueba su aplicación, usted puede apelar la decisión a la Oficina Central. Hay tres razones por las cuales puede apelar: (1) usted tiene evidencia que alguna información usada para computar su calificación estaba errónea; (2) fue categorizado ofensor con historial de inestabilidad mental, y cree que esa calificación fue injusta; (3) por otras razones usted cree que la decisión del Comité de Libertad Provisoria es irrazonable.

PROYECTO DE LIBERTAD PROVISORIA

Notificación de Audiencia - Parte A

Institución		Nro. de Aplicación
Fecha		Tipo
Nombre del Presidiario	Número	Vivienda

Su aplicación para Libertad Provisoria será referida al Comité de Libertad Provisoria para consideración como _____ _____ basada en la evidencia indicada a continuación:

EXPLICACION (DETALLES):

Usted tiene el derecho de tener una audiencia para determinar que existe una base suficiente para aceptar la certeza de la información. Si rehusa la audiencia, el Comité de Libertad Provisoria puede aceptar la evidencia indicada aquí como verdadera, y la usará como razón para negarle su aplicación para libertad provisoria.

Si desea una audiencia, ésta se celebrará el _____, a las _____, en _____.

Llene dos copias de la Parte B, devuelva la copia de color blanco de la Parte B al Comité no mas tarde del _____. Guarde la Parte A y la otra copia de la Parte B para sus archivos personales.

PROYECTO DE LIBERTAD PROVISORIA

Notificación de Audiencia - Parte B

Fecha		Nro. de Aplicación
Nombre del Presidiario	Número	Vivienda

Marque el espacio apropiado y devuelva esta forma al Comité de Libertad Provisoria no mas tarde del _____.

1. ☐ Yo quiero una audiencia el _____.
2. ☐ Yo no quiero una audiencia.
3. ☐ Yo pido un aplazamiento de la audiencia hasta _____.
4. ☐ Otro (anote los detalles a continuación.) (Use otra hoja de papel si necesita mas espacio.)

bien, puede resultar en que no le quede tiempo para una

PROYECTO DE LIBERTAD PROVISORIA

Forma de Apelación

Nombre del Presidiario		Número	Vivienda
Fecha	Institución		Número de Aplicación

Favor de leer su Manual de Libertad Provisoria antes de apelar. Si desea apelar, marque los espacios apropiados y dé la información exigida. Vea al otro lado de esta forma para las instrucciones de como llenarla. Tiene diez (10) días de la fecha en la cual recibió la decisión del Comité de Libertad Provisoria para apelar.

1. ☐ Deseo apelar los siguientes artículos de la calificación de puntos: _____

2. ☐ Deseo apelar mi consideración como: (Marque los espacios apropiados)

   ☐ Ofensor con historial de inestabilidad mental

3. ☐ Deseo apelar las razones usadas por el Comité de Libertad Provisoria para negar mi aplicación.

4. ☐ Deseo apelar al personal de la Oficina Central para nueva consideración de su previa decisión de negar mi aplicación.

Razones para la Apelación - (Use hojas de papel adicionales si es necesario)

INSTRUCCIONES

Llene el principio de la forma claramente, usando letra de molde.

Espacio 1 — Si usted quiere poner a prueba un punto específico de su calificación usado para computar su calificación porque fue basado en información errónea, marque este espacio y escriba el nombre del artículo.

Escriba la razón por su apelación en el espacio dado. Sea específico. Diga como fue el artículo calificado en error. Adjunte a esta forma una copia de documentos oficiales o cartas o reportes que quiere que el Oficial de Apelaciones considere al hacer su decisión. Tiene 10 días desde la fecha en la cual recibe la decisión del Comité de Libertad Provisoria para apelar.

Espacio 2 — Si desea apelar su consideración como ofensor con historial de inestabilidad mental, marque el espacio apropiado y dé sus razones en el espacio dado. Sea específico. Adjunte a esta forma cualquier información que quiere que considere el Oficial de Apelaciones, incluso documentos oficiales, cartas o reportes. Tiene 10 días de la fecha en que recibe la decisión del Comité para apelar.

Espacio 3 — Si desea apelar por cualquier razón no incluída en los espacios 1 y 2, marque este espacio y dé sus razones para la apelación en el espacio dado. Diga la razón por la cual usted cree que la decisión del Comité estaba en error y fuera de razón. Sea específico. Adjunte a esta forma cualquier información que usted quiere que considere el Oficial de Apelaciones, incluso documentos oficiales o cartas o reportes. Tiene 10 días de la fecha en la cual recibe la decisión del Comité para apelar.

Espacio 4 — Si usted desea que el personal de la Oficina Central considere de nuevo su decisión de negar su aplicación para libertad provisoria, marque este espacio y declare, en el espacio dado, las razones por las cuales usted cree que su aplicación debe ser revisada otra vez. Sea específico. Adjunte cualquier información que desea que considere el Oficial de Apelaciones, incluso documentos oficiales o reportes. Tiene 10 días de la fecha en la cual recibió la notificación de la decisión del personal de la Oficina Central, para apelar.

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APPENDIX I

RESTATEMENT OF PROJECT TASKS

RESTATEMENT OF PROJECT TASKS

As mentioned in the introductory section to this report, the research tasks for the period November, 1972 - March, 1978 were modified to restrict the focus of the research to the operations of the point system during the pilot period. The modifications, which are outlined in greater detail below, include the elimination of studies considered less central to the performance of the original selection process and revisions in the scope of the research designs of the remaining studies. The conclusion of Appendix I includes a letter and accompanying memo from John Masten to Charles Nygard which outlines the initial restatement of the Vera research tasks.

Some of the modifications were necessitated by the amendment to Article 26 of the Corrections Law. As a result of changes in the temporary release legislation, the implementation schedule for the revised point system, including the training session for department personnel, was delayed. Studies that were to have been repeated at facilities adopting the revised selection process were dropped because of the short period of time available to undertake them and because of the overlay of Central Office review and elimination of the automatic high range categories which substantially altered the selection process.

Research on the possible effect of the new selection process on parole decision-making and on the point system's effect on program participation in the facilities were eliminated because of the complexity of the data collection problems and the uncertain effects of the new legislation calling for a completion of the studies during Spring, 1978. It was also felt that cutbacks in the temporary release programs would reduce the number of inmates that could be included in the study. In addition, studies of furlough failure rates prior to and after the implementation of the point system, the impact of the point system on disciplinary infr[illegible]

and failure were eliminated because of deficiencies inherent in the available records including incomplete or missing data. The deficiencies became apparent in the course of implementing the respective research designs. The specific difficulties encountered within each of these studies are outlined more fully below.

The furlough failure study was designed to compare furlough failure rates under the old temporary release selection process and under the point system by compiling rates from the four pilot facilities (Auburn, Elmira, Wallkill, Bedford Hills) and from two comparison facilities (Attica and Woodbourne) where the point system had not yet been implemented. The study would have covered the period five months prior to and five months after the implementation of the new selection procedures (May, 1976 - February, 1977). Although data from the pilot period were readily available from the temporary release management information system, difficulties arose in attempting to compile data on the pre-pilot period from facility records. Prior to the implementation of the point system the data on furlough failures were not collected according to a uniform format. Data on furlough lateness and drug and alcohol abuse were not systematically recorded at Bedford Hills, and data on drug and alcohol abuse were not available from Elmira, Wallkill, Auburn, Woodbourne and Attica. Thus, the data from the pre-pilot period were seriously incomplete, rendering a before/after comparison of failure rates impossible. This information might possibly have been obtained from facility discipline logs. However, we questioned the quality, uniformity and completeness of information derived from the logs and felt that retrieval of data from this source would have been extremely time-consuming. These considerations forced a reappraisal of the value of carrying out this task.

The study of inmate behavior was of particular interest because Department personnel from the pilot facilities indicated that the point system did have a positive effect on discipline, a perception that was most strongly expressed by the staff at Wallkill. However, it posed several problems relating to both the initial research design as stated in the grant application and to data collection procedures. The study called for a comparison of disciplinary infractions among inmates who were eligible for temporary release at the four pilot facilities and at two comparison facilities. The design covered a ten month period, five months prior to and five months after the implementation of the point system. Since the point system is designed to award points for infrequent disciplinary infractions, the purpose of the research was to determine if inmate behavior would improve under the point system. The procedure would involve compiling monthly statistics on the number of inmates coming before the Adjustment Committee in order to measure the magnitude of disciplinary infractions among inmates who were eligible for temporary release participation.

The initial design was to have included a 20% sample of all eligible inmates who remained in the pilot and comparison facilities during the ten month study period. Disciplinary data was to have been derived from the Warden's Card available in the inmate file. The initial proposal would have provided reasonably valid information on the changes that occured within the eligible population. However, it was felt that the original design suffered from weaknesses in terms of providing alternative explanations for any disciplinary changes that might occur and in terms of generalizing from the study group (of inmates who were eligible for temporary release) to the general inmate population. Thus, the design was revised, expanding the study to include two additional comparison groups:

1) inmates who were ineligible for temporary release for the entire study period;
2) inmates who became eligible for temporary release at any time during the study period but were not eligible for the entire period.

In this way, any exogenous factors affecting eligible subgroups would be expected to affect the comparison groups as well.

A sample of approximately 200 inmates was selected for inclusion in the study. Samples were selected from computer printouts listing the three eligible groups. Difficulties were encountered in attempting to verify the inmate's present facility location through Classification and Movement. It was also found that the sample of inmates had been transferred to numerous facilities throughout the state making it extremely difficult to gain access to the files.

Because of the difficulties outlined above, we considered an alternative strategy based upon sampling from disciplinary logs. Although this approach would have provided data on the number of disciplinary infractions coming before the Adjustment Committee each week, it was rejected on several grounds. First, we questioned the quality of data from the disciplinary logs. Second, selection of cases from the logs would increase the likelihood of over-sampling inmates with the poorest disciplinary records i.e. those with multiple infractions. Finally, in order to make comparisons over time, the analysis would have to account for fluctuations in the average daily census. Data on daily census figures would have been very difficult to obtain.

The study of work release performance was designed to examine success and failure rates for work release participants to see if

applicants selected into the program under the point system perform better or worse than those entering the program under the old selection process. The design included all inmates who were released from Auburn, Wallkill, Greenhaven, Eastern and Woodbourne to the Bayview and Edgecombe facilities during the period January 1, 1977 - March 31, 1977. The data included whether or not the participant found a job, the skill level and salary of those employed, the proportion of time employed and the disciplinary record on work release. Although the data were collected and processed on all inmates included in the study, the number of inmates released from the comparison facilities during the study period was too small to allow for a meaningful analysis. After examining the records of inmates from Greenhaven, Woodbourne and Eastern, it was found that only 15 were released to Bayview and Edgecombe during the study period.

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October 19, 1977

Charles Nygard
Dir. Program Planning Unit
N.Y. State Dept. of Correctional Svces.
State Office Bldg. Campus
Bldg. #2
Albany, N.Y. 12226

Dear Chuck,

Enclosed are two copies of the restatement of Vera tasks in the temporary release project for the periods January - October, 1977, and November 1, 1977 - March 31, 1978. I have also enclosed copies of the Vera project budget for the November - March period.

Please let me know if there is anything else I can provide you with for the grant extension.

Sincerely,

John Masten
Project Director

JM/es

Enc.

cc: Martin Horn
Clark Wilson

para una entrevista a cualquier tiempo para

A TASKS

Grant Tasks Completed, January - October, 1977

The following tasks provided for in the second phase of the temporary release program grant were begun or completed by Vera staff in the period January 1 - October 31, 1977.

1. Preparation for the revision of the point system -

a) Inmate attitude study

In January, Vera research staff completed its study of the attitude of inmates at the 4 pilot facilities towards the new selection process, after collecting self-administered questionnaires from a sample of 126 inmates and conducting 38 open-ended interviews with inmates at these facilities. Its findings, particularly inmate attitudes toward the different elements of the point system, were among the many factors taken into account in the final revision of the point selection process.

b) Staff review seminar

Also in January, Vera staff helped prepare for and participated in a three day review seminar for facilitity staff members involved in the point system pilot.

c) Furlough failure study

Early in 1977 initial data from the pilot facilities on furlough failures was examined by Vera research staff, to explore its possible use in refining the predictive character of the point system. Through the first 5 months of the pilot's operations, however, out of 724 furlough releases, less than 20 led to major program failure (abscondance or rearrest). Data from this small number of failures was not an adequate basis for revision of the point system, and the completion of the furlough failure study was deferred.

2. Revision of the Point System and Administrative Procedures - During the first four months of 1977, comments from facility staff and inmates were gathered and reviewed to identify ways to improve the clarity and fairness of the point system, and to minimize the number of inmates with no chance of participating in temporary release. Vera research staff collected criminal history and facility records for a sample of 260 applicants

from all four pilot facilities and then rescored these applicants under 84 test point systems to determine the effect of various revisions on the distribution of applicants along the range of possible point system scores. The results of the rescoring were used in deciding among the revised point systems tested, and also in projecting new threshholds between the low, middle, and high scoring ranges of the point system.

Experience with the various administrative procedures accompanying the test of the point systems in the pilot facilities, including the restructuring of the temporary release committee, the appeals process, and the further investigation procedure was also assessed in this period. In early May, Vera's proposed revisions of the point system and related procedures were completed and presented to the Department.

3. Revision of the MIS, forms, inmate manual and administrative regulations. - In the period from January to June, Vera staff further developed and revised the management information system for the new temporary release selection process. Work on the forms to record the progress of participants in work release and educational leave was completed, and several new forms were designed - an abbreviated application evaluation form for successive applications for temporary release, a furlough result form, a work release and educational leave disciplinary report form, and a form to record transfers to temporary release facilities. The initial application evaluation form and the decision result form were revised to correspond to the revisions made in the point selection process. Further development of formats for the monthly reports from the MIS data base was also completed.

Beginning in June, the inmate manual and the staff manual were redrafted to conform to the revisions in the point selection process as adopted by the Department.

4. Monitoring the pilot facilities. - Through the period January - October, 1977, Vera staff continued to provide the Department with back-up assistance in monitoring problems as they arose at the pilot facilities.

5. Temporary release planning - In June, Vera began work on developing improved program procedures for the Department's temporary release facilities in New York City. Vera and Department staff made a series of site visits to these facilities, interviewing staff and inmates. Meetings were also held with a selected group of facility staff members to discuss specific changes in the facility's operating procedures. Work began on a new procedures manual for Department staff in these temporary release facilities.

II. New Tasks Completed, January - October, 1977.

The following tasks, not provided for in the second phase of the temporary release program grant, were carried out by Vera in the period January 1 - October 31, 1977. The work involved was made necessary by, first, the prospect and then the passage by the State Legislature of substantial changes affecting the selection process in the temporary release statute.

1. Preparation for legislative hearings - In April and May, 1977, prior to the passage of the new temporary release law, Vera staff conducted a study of serious program failures in the Department's N.Y.C. temporary release facilities for the period January - April, 1977, for the Department's information in preparing for hearings before the State Senate's Committee on Crime and Correction.

2. Analysis of the impact of the new temporary release law. - Following the passage of the revised temporary release law in July, Vera staff completed a legal analysis of the provisions relating to the selection process, as well as an assessment of their substantive implications for the administration of the temporary release selection process. These were presented to the Department as the basis for discussion of necessary modifications of the revised new selection process.

3. Modification of the revised new selection process, and development of an interim selection process for facilities not yet employing the point system. - Beginning in August, Vera staff worked out the appropriate changes in program materials - the inmate and staff manuals, and the MIS forms - and in selection procedures, including the appeals process, to accomodate new central office review procedures and revised point system threshholds

adopted by the Department in response to the new statute. Vera also developed a set of decision-making guidelines for use by the temporary release committees in deciding on applications, based on data from Vera's 1976 study of the performance of participants in the work release program and on a review of the literature on recidivism. In addition, a format for summarizing the prior criminal history of applicants, derived from the point system, was devised for the use, on an interim basis, by temporary release committees in Department facilities not yet using the point system for temporary release selection.

Grant Tasks to be Completed, November 1,1977 - March 31, 1978.

The following tasks would be carried out in the period November 1, 1977 - March 31, 1978.

1. Research tasks. - Vera research staff would conduct the following studies, to provide the Department with basic information concerning the operation and performance of the point selection process, prior to the review of the temporary release program by the Legislature and the New York State Commission on Corrections in the spring of 1978.

a) Furlough failure rates

Vera staff will collect data on the rate of failure on furlough, for furlough participants at the original four pilot facilities, for the period beginning five months before and ending five months after the inauguration of the pilot selection process in September, 1976. Data will also be collected at two non-pilot facilities where the point system was not introduced, for the same period. The types of failure studied will include abscondance, rearrest, lateness, and intoxication. An analysis of this data will be undertaken with the aim of identifying fluctuations in the failure rate due to the introduction of the new selection process.

b) Work release success and failure.

Vera's research staff will examine success and failure rates for work release participants, to see if applicants selected into the program under the point system perform better or worse than those entering the program under the old selection process. Among the data to be collected are whether or not the parti-

cipant found a job, the skill level and salary of those employed, the proportion of time in the program the individual was employed, his disciplinary record in the work release facility, and so forth.

The research would focus on inmates selected into work release at the four pilot facilities during the period from 1/1/77 to 3/31/77. Data will also be gathered for a comparison group of inmates chosen for work release during the same period at two Department facilities not then using the point selection process.

c) Inmate behavior in the facility

The point system awards points to applicants with records of good behavior in the facility, as indicated by infrequent disciplinary infractions. Since a greater number of points means a greater likelihood of acceptance into the program, it is possible that the point system will motivate inmates to perform better in this area.

Vera's research here would seek to determine if such an improvement in fact occurs, by examining facility disciplinary records, as an indicator of the level of disciplinary infractions in the facility. The number of disciplinary proceedings conducted by the facility adjustment committees at the four pilot facilities and at two comparison facilities where the point system was not yet introduced will be compiled and analyzed for the period from May, 1976 through February, 1977.

d) Changes in the temporary release acceptance rate

The point system will affect the temporary release acceptance rate through the automatic decisions it makes, and as a background to the discretionary release decisions to be made by the facility temporary release committees.

Vera research staff will collect and analyze data from the four pilot facilities for the period from May, 1976 through February, 1977 and from two comparison facilities for the same period, to identify the effects of the point system on the temporary release acceptance rate.

e) Access to Temporary Release

Two other important characteristics of the selection process are the time it takes to process an inmate's application, from the date of application to the date of his notification of a final decision, and the length of time between the date an inmate becomes eligible for temporary release and the date he first participates in the program. Vera research staff will collect data at the four pilot facilities and at two comparison facilities not using the point system to determine average processing times and average time to participation under the old selection process and under the point selection process.

f) Further studies relating to the revised selection process to be introduced in Department facilities between November, 1977, and March, 1978.

As time permits, and following consultation and agreement with the Department, Vera research staff will conduct studies as described in items (a) - (e) above at Department facilities adopting the revised point selection process between November, 1977, and March 1978. Such studies may also include a sampling by questionnaire and interview of inmate and staff attitudes towards the revised point selection process, with respect to its fairness and its efficiency.

Training of personnel - Vera staff would assist the Department in training the TRC members and interviewers from the four pilot facilities and the additional facilities adopting the revised new selection procedures.

Monitoring the revised new selection process - Vera staff would assist the Department in monitoring the revised new selection process in operation.

Temporary release planning - Vera staff would assist the Department in developing revised program and administrative procedures for the orientation, counselling, and placement of participants in temporary release and for the operation of the temporary release facilities. Vera will also

assist the Department in preparing revised administrative bulletins for temporary release, to conform to the requirements of the new temporary release law.

5. Review performance of the point system - Vera staff will assist the Department in reviewing the performance of the revised new selection process, and in assessing the need for further revisions in that process. Vera will prepare for the Department a report on the operation of the point system to date, including assessments of its fairness and the quality of the selections it makes.

END