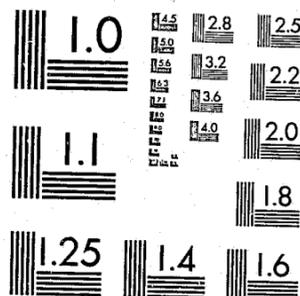


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COMMUNITY PROTECTION THROUGH THE REVOCATION PROCESS



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July 1982

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ACQUISITIONS

Introduction

The primary goal of the Division of Parole is assisting offenders released from State and local correctional institutions to adjust to community life while providing community protection through effective supervision.

Parole Officers coordinate the delivery of available community services, help to motivate and guide individuals under supervision, report on their progress and if their behavior indicates that they cannot remain in the community, return these individuals to a custodial status. The goal of community protection can be achieved in either of two ways: through the successful assimilation of offenders back into society as law abiding citizens or, by returning an individual to a correctional facility for violating the conditions of his/her release. Obviously, the former, positive reintegration is the preferred method. However, one must realize that not all persons will abide by their conditions of release. The Division must fulfill the goal of community protection by returning the violator to prison.

A violation of parole occurs when an individual under supervision violates the conditions of parole in an important respect. These conditions are agreed to in writing by an inmate upon release from prison to community parole supervision. They stipulate, for example, that if the releasee absconds from supervision or re-engages in criminal activity, his/her parole is subject to revocation.¹ The individual may consequently be returned to prison following a series of due process hearings.

¹ For a complete listing of the release conditions, see The New York State Parole Handbook, 1980, p. 11-12.

The revocation process consists of two due process hearings. The first is a preliminary hearing in which probable cause is established that a violation in an important respect has occurred. During the second, the final revocation hearing, evidence is considered as to whether violation charges warrant the revocation of parole and return to prison.²

The content of this report is similar to the earlier revocation report, A Statistical Inquiry, with an update of revocation statistics for the full fiscal year, i.e., April 1, 1981 - March 31, 1982. This report is not intended to be an in-depth evaluation of parole recidivism or the total revocation process itself. Rather, the intent is solely to provide the Division and others with a statistical picture of parole revocation cases: the number of final hearings, restored decisions, violators returned to prison and the reasons for their return.

Overview Of The Final Revocation Process

During the last fiscal year 81-82, there were 2,997 final revocation hearings. The Division's hearing officers conducted 95% of the final revocation hearings (2,845); the remaining 152 hearings or 5% were conducted by a Parole Board member.³ In 96% of the 2,997 cases (2,880), there was a decision to revoke parole

² For a complete description of the revocation process, see "The Parole Revocation Process" Volume 3; 1978-1979 Annual Report Series: New York State Division of Parole.

³ Section 259-i (f) (ii) of the Executive Law provides that a final revocation hearing will be conducted by either a Board member or a hearing officer designated by the Board in accordance with the rules of the Board. Part 8005.15 of 9 NYCRR authorizes hearing officers appointed by the Chairman to act as presiding officers at final revocation hearings.

and the violator was ordered returned to a state correctional facility; 3% or 91 of the alleged violators were found not to have violated the conditions of release in an important respect, i.e., charges were not sustained; and in 1% or 26 cases, parole was revoked but alternatives to incarceration were deemed appropriate.

The results of the revocation hearings are displayed in Table 1.

Table 1: Result of Revocation Hearings (April 1981 - March 1982)

Hearing Officer	Charges Not Sustained	Cases Revoked And Restored	Cases Revoked And Ordered Returned	Total Number Of Final Hearings
Tinter	13	4	578	595
Hill	19	2	557	578
Mullen	18	10	524	552
Davis	14	1	473	488
Graber	16	6	443	465
Viola	5	2	146	153
Weinstein	1	0	8	9
Doret	1	0	4	5
Subtotals	87	25	2,733	2,845
Board Members	4	1	147	152
Grand Totals	91	26	2,880	2,997

Of the 152 final revocation hearings conducted by the Board, the majority (123 cases) involved parolees who had been convicted of a new felony. For the 2,733 cases found to have violated parole in an important respect and ordered returned by a Final Hearing Officer, 90% of the time assessments were affirmed by a Parole Board member. Parole Board members modified the recommended time assessment of the Hearing Officers in 282 cases; 222 were given more time and 60 less time.⁴

Violators were represented by attorneys at 40% of the final revocation hearings. For those revoked and returned approximately 30% had counsel. However, the reverse was true for the 117 cases where charges were not sustained or the decision was to revoke and restore to supervision; in 70% of these hearings the parolee had legal counsel.

Of the 2,997 revocation hearings, 68% of the violators were from the City of New York; 31% were from Upstate and Long Island regions and the remaining 1% were Cooperative cases from other states.⁵

A further examination of the 2,035 cases from the New York City Area revealed that approximately 31% of the parolees resided in Manhattan; 29% lived in the Bronx, 25% in Brooklyn. Queens accounted for 14% and the remaining 1% were cases that had been assigned to the centralized Absconder Search Unit.

The Upstate and Long Island regions accounted for 927 cases. The revocation pattern for these cases is displayed in the chart on the following page.

⁴ A Board member reviews the analysis of the finding of fact and the recommendations, along with the verbatim transcript resulting from the final revocation hearing in order to determine whether or not he/she should affirm or modify the recommendation of the hearing officer.

⁵ Under the Inter-State Compact, individuals released from prison to parole in other states are subject to New York State parole supervision authority as well as the laws of the receiving state.

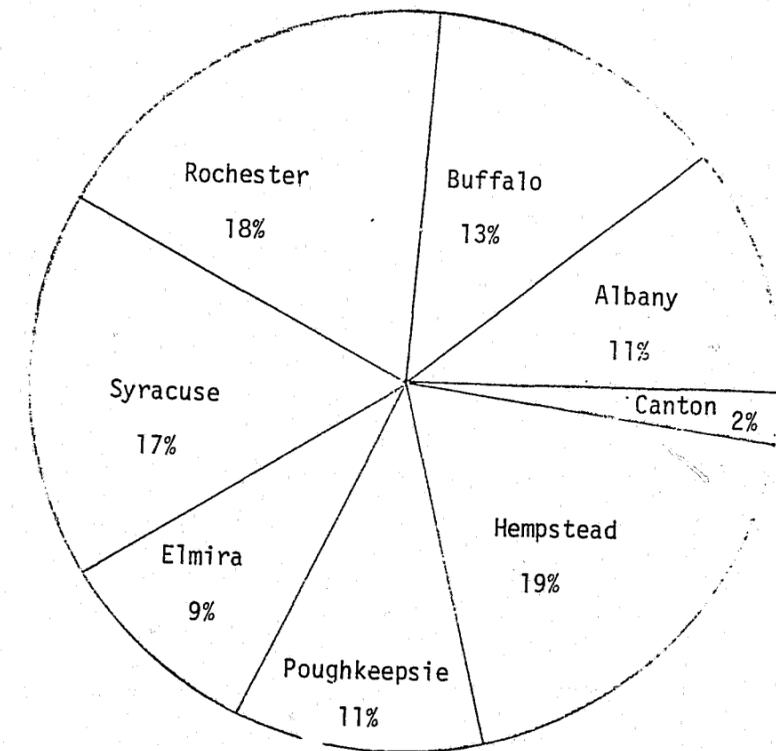


Figure 1: Upstate/Long Island Regions Revocation Hearings
(Number of Cases = 927)

Comparison Of The Projected Number To Those Violators Returned

The projection range for the number of parolees who would be revoked and returned to prison during the 1981-1982 fiscal year was estimated from 2,743 to 2,976. This range was derived from the actual percent change of +23% in violators returned to prison between 1979 and 1980. The 23% figure was then applied to the number returned (2,325) as of March 31, 1981 to extrapolate an estimated number of returns as of March 31, 1982, which was 2,860. Finally, to account for possible random error in the estimate figure, a plus and minus 5% factor was added to the figure of 2,860.

The actual number of parolees who were revoked and returned during the fiscal year 81-82 was 2,880, only 20 cases above the single projection of 2,860 without the plus or minus 5% error factor. Thus, the projected figure was less than a percentage point from its mark.

The reported figure for April through September 1981 was 1,491. However, after processing late violation forms the final figure (1,515) for the first six months included an additional 24 violators. In examining the monthly number of parolees revoked and ordered returned to a state facility, a declining trend appears. During the latter half of the fiscal year 1,365 were returned, a decrease of 150 cases, a negative 10% change.

Table 2: Monthly Number of Parolees Revoked And Ordered Returned

Month	Violators Returned	Month	Violators Returned
April 1981	262	October	240
May	246	November	240
June	277	December	219
July	267	January 1982	215
August	238	February	215
September	225	March	236

Profile Of Violators Revoked And Returned

As reported, 96% of the final revocation cases resulted in a parole revocation and return to a state facility. The vast majority of these 2,880 violators were males, with only sixty-five females. The ethnic composition of these violators was 54% Black; 25% White; 20% Hispanic and 1% were Native American. Over 70% of those returned were 30 years old or less.

The original commitment offense for 54% of these violators was a crime of violence (Robberies accounted for 1,116 cases, alone); 26% had originally been committed for a property offense (e.g., Burglary, Forgery); 9% had been committed to prison for Sale or Possession of Drugs. The remaining 11% were convicted of miscellaneous offenses, e.g., Sale or Possession of a Weapon. A breakdown of maximum sentences imposed by the courts for the violators' original commitment offenses showed that 54% of those ordered returned had maximum sentences of 5 years or less with an additional 9% having a maximum of six years. Eleven percent of the group had a maximum sentence of fifteen years or more.

As discussed in the earlier parole revocation report and other Division studies, a substantial portion of violators were unemployed at the time of delinquency. This report continues to document the high unemployment rate of returned parolees. Sixty-four percent of the violators returned to prison were unemployed at the time of delinquency; 3% were unable to work. Of the remaining violators, 28% were employed and 5% were in an academic or vocational program. Table 3 on the following page shows the unemployment rates by Bureau. As can be seen, violators exhibited a substantially higher rate of unemployment than parolees who remained under supervision without incidence of violation.

Table 3: Unemployment Rates Of Violators
Versus Active Supervision Cases
(April 1981 - March 1982)

Parole Area Office	Violator Rate Of Unemployment	Active Parolee Rate of Unemployment
Buffalo	80%	36%
Brooklyn II	75%	20%
Manhattan III	75%	17%
Manhattan I	74%	17%
Rochester	73%	24%
Manhattan II	66%	18%
Bronx II	65%	19%
Brooklyn III	65%	18%
Bronx III	65%	20%
Brooklyn I	64%	18%
Elmira	63%	37%
Canton	60%	28%
Hempstead	55%	12%
Albany	54%	16%
Queens	54%	14%
Syracuse	53%	23%
Poughkeepsie	41%	11%

Over 73% of the 2,880 violators revoked and returned had been under supervision for a year or less. This finding is consistent with past reports on violators which have indicated that most releasees who violate the terms of their release tend to do so within their first year under supervision.

Reasons For The Returned Violators

There are two broad categories defining the reasons for return: the technical violation and the new felony conviction. The technical violation occurs when a person under supervision does not abide by the conditions stipulated on his/her release sheet. A technical violation can involve a new arrest and/or violating one or more of the other conditions. The parole officer in these cases must enforce the conditions of release to fulfill the Division's goal of community protection. Thus, the technical violation should not be viewed as a failure of parole supervision, but as the parolee's inability to conform to "acceptable" community standards. The second group, parolees returned with new felony convictions, represents the more serious recidivist.

Table 4 on the following page presents a breakdown of all violator cases by type of charges and area bureaus. During the fiscal year the vast majority of cases (84%) were returned for violating one or more of their release conditions (i.e., technicals), only 16% received a new felony conviction. However, of the 2,413 technical cases, over 70% involved a new arrest. The remaining 30% represents cases where the person violated his/her release conditions in an important respect but without an arrest (i.e., pure technical violators).

Table 4: Generic Groupings Of Violation Charges By Area Office
(April 1981 - March 1982)

Area	New Arrest	New Arrest With Rule Violation	Rule Violator Without New Arrest	New Felony Conviction	Total
Manhattan I	9	136	86	44	275
Manhattan II	12	82	67	24	185
Manhattan III	11	72	39	26	148
Queens	28	130	72	41	271
Brooklyn I	17	61	45	23	146
Brooklyn II	14	79	36	28	157
Brooklyn III	18	97	30	38	183
Bronx I	23	103	42	39	207
Bronx II	16	70	57	24	167
Bronx III	25	93	41	35	194
ASU/Warrant	1	15	6	4	26
New York City Subtotal	174	938	521	326	1,959
Albany	13	45	16	21	95
Buffalo	23	64	20	14	121
Rochester	33	86	26	13	158
Syracuse	21	94	26	10	151
Canton	4	5	1	5	15
Elmira	13	42	11	10	76
Poughkeepsie	18	50	16	11	95
Hempstead	21	67	32	53	173
Upstate/Long Island Subtotal	146	453	148	137	884
Out-Of-State	5	15	13	4	37
Grand Total	325* 11%	1,406* 49%	682 24%	467 16%	2,880 100%

* Some of these individuals who were arrested during the fiscal year may subsequently be convicted of a misdemeanor or felony but were not at the time of their final revocation hearing.

The majority of returned violators (78%) had more than one charge sustained at their final revocation hearing. Further examination revealed that 260 cases had five or more charges sustained; 425 involved four sustained charges; three charges were sustained in 703 cases; and in 862 cases two charges were sustained.

There were 630 cases which had a single charge sustained. Of these cases approximately 65% involved a new arrest. The remaining single charges sustained, in descending order of citation were: failure to report as directed (72); failure to notify parole officer of a new arrest or law enforcement contact (40); special conditions imposed by the Parole Board or Officer (33); use or possession of drugs and/or paraphernalia (32); possession or purchase of weapon (19); fraternization with known criminal offenders (11); not obtaining permission to travel (9); and parole officer denied the power to search or visit the parolee's home or office (7).

As described, a returned violator often has more than one charge sustained and therefore may have violated the same condition more than once. The most frequent condition sustained for multiple charge violators was condition eight (new arrests) with 2,595 citations. The second most frequent condition cited was condition two (not reporting as directed) with 1,238 citations. Table 5 on the following page presents the frequencies of charges sustained.

Table 5: Charges Sustained For Violators Ordered Returned To Prison (April 1981 - March 1982)

Conditions Violated	Number Of Times Cited	Percent
One (report within 24 hours)	75	1%
Two (report as directed)	1,238	16%
Three (permission to travel)	244	3%
Four (residence, employment and property search)	955	13%
Five (reply promptly, honestly)	207	3%
Six (notify Parole Officer of arrest)	711	9%
Seven (company or fraternize known criminals)	167	2%
Eight (new arrest)	2,595	34%
Nine (own, possess, purchase weapons)	236	3%
Ten (waive extradition)	17	-
Eleven (use, possess drugs)	416	5%
Twelve (special conditions by Parole Board)	429	6%
Thirteen (conditions imposed by Parole Officers)	372	5%

How Long Were The Violators Ordered Returned?

After violation charges are sustained and the decision is made to revoke and return, an assessment of the time to be served must be rendered and approved by a Parole Board member. The 467 cases which were returned with new felony convictions were excluded from this analysis since the time to be served is determined by the new minimum sentence imposed by the Court. Of the remaining 2,413 cases for which time was assessed and affirmed by the Board, 14% (331) violators received a decision to meet the next available Board to be considered for re-release and 34% (825) were given six months or less to be served. Time was assessed at seven to twelve months for 29% of those returned (702); 19% received thirteen to twenty-four months. Only 4% of those returned were given more than twenty-four months. Thus, the bulk (77%) of those returned to a state correctional facility received a time assessment of one year or less to be served before the Parole Board would consider their re-release to the community.

The Restored Decision

There were 117 persons restored to parole supervision at their final revocation hearing. In 91 cases the violations charges were not sustained, the delinquency was cancelled, and the parole warrant lifted thereby restoring the person to community supervision. In 26 cases the violation of parole was sustained but alternatives to reincarceration were deemed appropriate. Table 6 displays the geographic distribution of the restored cases.

Table 6: Cases Restored To Supervision (April 1981 - March 1982)

Area	Charges Not Sustained	Revoked And Restored	Total
Manhattan I	6	-	6
Manhattan II	4	2	6
Manhattan III	2	1	3
Brooklyn I	3	1	4
Brooklyn II	5	1	6
Brooklyn III	8	2	10
Bronx I	11	1	12
Bronx II	5	4	9
Bronx III	5	1	6
Queens	8	6	14
New York City Subtotal	57	19	76
Albany	4	-	4
Buffalo	2	2	4
Rochester	10	1	11
Syracuse	5	2	7
Canton	1	-	1
Elmira	3	1	4
Poughkeepsie	4	1	5
Hempstead	5	-	5
Upstate/Long Island Subtotal	34	7	41
Grand Total	91	26	117

The demographic information for restored violators closely patterns that of those returned as previously described. All but one of the restored violators were males with an ethnic distribution of 59% black, 26% white and 15% hispanic. New York City was the residence for 65%, with Upstate counties having 31% and Long Island 4% of those restored to supervision.

Summary

The purpose of this report was to describe numerically the revocation process and to profile the violators. The report does not analyze the recidivism measures or compute violation comparison rates. Therefore, the reader should not confuse the percentages contained in this report with annual revocation rates.

During the fiscal year 1981-1982 there were 2,997 final revocation hearings. Hearing Officers conducted 95% (2,845) of the final hearings and Board members conducted the remaining 5% (152).

In 96% of the cases (2,880) parole was revoked and the violator was ordered returned to a state correctional facility. Only 16% of these individuals were returned because of a new felony conviction; the remaining 84% violated the conditions of parole supervision.

END