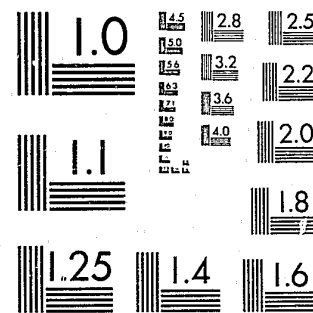


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2/29/84



EDWARD V. REGAN
STATE COMPTROLLER

STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER
ALBANY, NEW YORK
12236

RWD
11/23

SELECTED OPERATING PRACTICES
EXECUTIVE DEPARTMENT
DIVISION OF PAROLE
FIELD PAROLE SERVICES

AUDIT REPORT AL-St-38-81

91301

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Division of Audits and Accounts
Report Filed: November 9, 1981

91301

MANAGERIAL SUMMARY

Scope of Audit

We have examined selected operating practices of the Division of Parole's (Division) administration of its field parole service program as of July 31, 1980. We reviewed program administration at the Division's central office and at the Albany, Buffalo and New York City area offices. We performed tests of randomly selected parolee case records for compliance with Division policy, standards and guidelines for casework service. We also reviewed selected aspects of the Division of Criminal Justice Services' (DCJS) administration of its parole registration system.

In addition, we have issued an audit certificate for the accompanying Financial Exhibits (A and B) in connection with our examination of State financial operations for Federal Revenue Sharing purposes.

Background

Parole is the conditional release of a prisoner after a portion of his sentence has been served. Pursuant to Chapter 904 of the Laws of 1977, the Division was separated from the Department of Correctional Services (DOCS) and established as an independent executive agency, effective January 1, 1978. The parole function has been vested by law in a State Board of Parole (Board) established within the Division consisting of not more than 12 members appointed by the Governor with the consent of the Senate. One member of the Board is designated by the Governor to serve as Chairman and chief administrative officer of the Division.

The Board functions as the decision-making body for the processing of inmates from incarceration to supervision in the field and their return to prison, if they violate in an important respect their conditions of parole.

The Board and the Division have specific responsibilities for: (a) determining when, and under what conditions, inmates serving an indeterminate sentence of imprisonment may be released on parole; (b) determining under what conditions an inmate serving an indeterminate or definite sentence of imprisonment may be placed on conditional release; (c) revoking the parole or conditional release of any person violating the conditions of parole, and (d) setting the minimum period of imprisonment for an indeterminate sentence of imprisonment where the court has not done so. Effective September 1, 1980, the courts will be required to set minimum sentences except for youthful offenders.

MS-2

The parole function is divided into two major activities, institutional services and field supervision. The primary function of institutional parole services is to prepare material and evaluate an inmate's release readiness for Board use in making release decisions. Field supervision is concerned with guidance, assistance and counsel to the parolee upon his return to the community. The parole officer assists the parolee to adjust to community life while ensuring community protection through effective supervision.

As of July 31, 1980 there were 19,329 individuals paroled to the Division of which 17,603 were being supervised within the State (Exhibit C). The average cost to supervise a parolee, in the community, was about \$1,380. The 1981-82 Executive Budget recommended an appropriation of \$29.4 million (including \$2.3 million in Federal funds) for the Division of which field parole services accounts for \$21.7 million. The Division has a staff of about 1,100 of which 790 are assigned to field parole services.

In recent years the concept of parole, including the authority to release inmates to parole supervision and parolee supervision services, is being questioned both nationwide and within New York State. Numerous States have enacted determinate sentencing statutes which reduce court and parole board discretion by requiring imprisonment for fixed periods. Some determinate sentencing statutes also allow judicial discretion to prescribe other penalties such as probation or restitution.

In December 1978, the New York State Executive Advisory Committee on Sentencing reported in part, that the indeterminate sentencing system is a failure and that it should be abandoned and replaced with determinate sentencing models which have been proposed or adopted in other jurisdictions. The report stated that the Division should continue to supervise offenders following their release from prison. Critics of the Committee's report feel that the present system of indeterminate sentencing gives judges the opportunity, through sentencing discretion, to reflect community standards. How the issue is resolved could have substantial fiscal impact on the State's institutional program, if the sentencing reforms lead to longer periods of inmate custody which during the 1978-79 fiscal year averaged about \$15,200 per inmate.

Our report does not address issues such as the effectiveness of sentencing and parole arrangements or whether aspects of these programs should be modified or eliminated. However, as described in this report, we believe the Division's supervision programs and other parole related programs can be made more effective and their potential for success maximized, if the recommendations to improve program administration are implemented.

Major Observations and Recommendations1. Parole Registrant System

The Division and DCJS developed a computerized parole registrant system in the spring of 1979 providing for the registration of each parolee on the DCJS computer system. As part of the system DCJS generates re-arrest notification when an arrest fingerprint card is processed for an individual currently under parole supervision.

The DCJS and the Division's files did not agree. A comparison of the files during August 1979 showed that DCJS had 42,109 persons on parole supervision including 7,911 individuals' not on Division records. Division records showed that 18,976 persons were on parole supervision, including 2,384 individuals not on DCJS records. Although the discrepancies were to be resolved by the end of January 1980, significant discrepancies still existed in July 1980.

Because of these discrepancies there is no certainty that all individuals who should be under parole supervision are known to the Division; that DCJS will notify the Division of parolee arrests; and that law enforcement agencies can be properly provided with up-to-date criminal history information.

DCJS has not enforced Section 160.20 of the Criminal Procedures Law requiring arresting agencies to promptly forward fingerprints of arrested persons to them for identification. As a result, delays of up to 29 days have occurred before the Division was notified of parolee arrests. These delays have hampered the Division's ability to investigate the circumstances surrounding the arrest and detaining parolees when necessary. In one of several cases we reviewed, a parolee with an arrest warrant outstanding, had been arrested and released seven days before the arrest notice was received by the Division. About five months later the parolee was again arrested and detained for robbery and possession of a dangerous weapon. Had the arrest notice been processed promptly as required, the parolee may have been detained at the time of the first arrest and not released to commit the subsequent crimes.

Division policy requires that the circumstances surrounding a parolee's arrest be investigated within 33 days of arrest notification so that a warrant may be issued, the parolee detained and parole revocation proceedings initiated if necessary. We could not locate documentation to show that 11 of 65 arrest notices were investigated timely. The arrests were for felony crime such as rape, kidnapping, robbery and grand larceny.

2. Parole Effectiveness Needs to be Evaluated

Except for the special supervision program initiated in the spring of 1979, measurable goals had not been established to evaluate the effectiveness of "regular" field parole supervision services in rehabilitating parolees. Without such goals to measure against, the Division has little objective basis to determine the impact of its efforts on offenders.

DOCS reported in December 1979 that 35 percent of inmates released on parole during 1972 were returned to State custody within five years. A majority were returned to custody within two years. The report did not consider reincarceration data from Federal agencies, other States or local institutions. Since the recidivism rate was based on limited information, the rate could have been greater if complete data were available. Division records showed that, during a comparable period, 31 percent of the people under parole supervision were returned to State facilities.

Because the Division had not created measurable recidivism goals, it is difficult to assess whether the over 30 percent recidivism rate is acceptable.

3. Supervision of Parolees

Parole supervision provides the framework for rehabilitation of parolees. It includes the counseling necessary to assist the parolee to make a satisfactory adjustment to the community while maintaining surveillance over the parolee to protect the community. However, we identified basic management problems which reduced program effectiveness.

The Division did not establish caseload assignment standards for parole officers. Caseloads ranged between 27 and 75. The typical parole caseload is usually a mixture of cases requiring varying amounts of service and surveillance but the cases were assigned as if all the parolees' needs were the same.

The Division did not enforce its standards and guidelines for such things as parole treatment plans and supervision contacts. Our review of 77 case records showed that 60 parolees had a combined history of 98 problems including alcohol and/or drug abuse, psychiatric/psychological and medical problems.

The parole officers generally were not assessing parolee's treatment needs, prescribing a plan of treatment and following-up to see that treatment service plans, when prescribed, were complied with.

MS-5

Home visits and employment verifications were not made in accordance with Division requirements. A positive home visit must be made within two weeks of a parolee's arrival report. The requirements were carried out timely in the upstate areas we visited, but not in the New York City area. Parole officers did not make the initial visit in 6 of 30 cases tested even though the parolees had been under supervision for periods up to 31 months. In 20 other cases, the initial home visit was made between 17 and 318 days.

Of 1,218 forms (such as parolees photographs and fingerprint cards) required to be included in 95 case records tested, 202 (17 percent) were missing. Case history reports for supervision periods up to 17 months were missing from 18 of the 95 caserecords reviewed. Many of the deficiencies existed because there was little supervisory control over parole officer practice and performance.

<u>TABLE OF CONTENTS</u>	<u>PAGE</u>
Audit Certificate	
A. Introduction	1
1. Organization Data	1
2. Background	2
3. Discussion of Audit Results	6
B. Parole Registrant System	8
1. Discrepancies Exist Between Division and DCJS Files	8
2. New Parolees Were Not Recorded on the DCJS Parole Registry Timely	9
3. Parolee Arrest Notifications to DCJS Were Untimely	9
4. Parolee Arrests Were Not Investigated Recommendations	11 12
C. Parole Effectiveness Needs to be Evaluated Recommendations	14 15
D. Monthly Supervision Reports Should be Complete and Processed Timely Recommendation	17 18
E. Supervision of Parolees Needs Improvement	19
1. Caseload Assignments	20
2. Arrival Reports and Initial Interviews	26
3. Treatment Services	27
4. Supervision Contacts	29
5. Case Records Recommendations	34 35
F. Parole Officer Activities Should Be Better Supervised	39
1. Casework Activities	39
2. Parole Officers' Supervision Priorities Vary Recommendation	40 41
Exhibit A - Division of Parole Statement of Uses of Appropriated and Non-Appropriated Funds April 1, 1978 Through March 31, 1979	

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ACQUISITIONS

ii

TABLE OF CONTENTS (CONT'D)

- Exhibit B - Summary of Receipts and Disbursements of Advance
Accounts for the Year Ended March 31, 1979
- Exhibit C - Parolee Supervision Status
As of July 31, 1980
- Notes to Financial Exhibits
- Appendix A - Comments of Division of Parole Officials
- Appendix B - Comments of Division of Criminal Justice Services Officials



STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER
ALBANY, NEW YORK
12236

EDWARD V. REGAN
STATE COMPTROLLER

Report Filed: November 9, 1981

Honorable Edward Hammock
Chairman
Executive Department
Division of Parole
1450 Western Avenue
Albany, New York

Dear Chairman Hammock:

Pursuant to the State Comptroller's audit responsibilities as set forth in Section 1, Article V of the State Constitution and Section 8, Article 2 of the State Finance Law, we have examined selected operating practices of the Division of Parole's (Division) administration of its field parole service program as of July 31, 1980. We reviewed program administration at the Division's central office and at the Albany, Buffalo and New York City area offices. We tested randomly selected parolee case records for compliance with Division policy, standards and guidelines for casework service. We also reviewed selected aspects of the Division of Criminal Justice Services' administration of its parole registration system.

In addition we have examined the Division's statement of Uses of Appropriated and Non-Appropriated Funds (Exhibit A) and the Summary of Receipts and Disbursements of Advance Accounts (Exhibit B), for the year ended March 31, 1979. Except as disclosed in the following paragraph, our examination was made in accordance with generally accepted auditing standards and accordingly included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances.

Our examination was limited to testing the record transactions of those accounts specifically designated as pertaining to the Division. Accordingly, we did not test the financial transactions of other departments and/or agencies which may affect the accounts we examined.

As described in Notes to the financial exhibits, the accompanying statements are prepared on the basis of accounting practices prescribed or permitted by various statutes of the State of New York. These

Honorable Edward Hammock
Page 2

practices differ from generally accepted accounting principles. Accordingly, the accompanying statements are not intended to present financial position and results of operations in conformity with generally accepted accounting principles. These statements and our certificate are intended to be used solely as an integral part of the completion of the "series of audits" for the State of New York as required by regulations issued by the Federal Office of Revenue Sharing, pursuant to Public Law 94-488 and should not be used for any other purpose.

In our opinion, except for the effects of such adjustments, if any, as might have been determined to be necessary had we tested the financial transactions of other departments and agencies of the State, the statements referred to above present fairly the uses of appropriated and non-appropriated funds of the Division for the year ended March 31, 1979.

*Office of the State Comptroller
Division of Audits and Accounts*

SELECTED OPERATING PRACTICES
EXECUTIVE DEPARTMENT
DIVISION OF PAROLE
FIELD PAROLE SERVICES

A. Introduction

1. Organization Data

The Division was established in 1930 as an independent agency within the Executive Department and continued to operate until January 1, 1971 when legislation transferred the Division as an operating agency within DOCS. Chapter 904 of the Laws of 1977 once again established the Division as an independent agency within the Executive Department, effective January 1, 1978. The Legislature had determined that the operation and management of the Division could be enhanced by removing it from DOCS and placing it in the Executive Department. This organization change would provide the Division with the necessary independence from DOCS while providing the control over resources essential to the continuing improvement of the parole process.

The Division is responsible for maintaining an effective, efficient and equitable parole system. To fulfill this responsibility the Division, among other things: (1) prepares material for use by the Board in exercising its authority to make release, revocation and other determinations; (2) maintains a record of all persons on parole supervision, inmates received in institutions under jurisdiction of DOCS and certain juvenile offenders under jurisdiction of the State Division for Youth; and (3) supervises released inmates to facilitate their adjustment to the community (rehabilitation) and ensure community protection.

The Board consisting of 12 members appointed by the Governor with the consent of the Senate, makes determinations which affect the length of a person's imprisonment. The Chairman of the Board also serves as chief administrative officer of the Division. The Board's responsibility includes: (1) in cases of indeterminate sentence, setting the minimum period of imprisonment where the court has not done so (effective September 1, 1980 the courts must set minimum terms of imprisonment except for youthful offenders); (2) deciding when and under what conditions inmates serving determinate or indeterminate sentences of imprisonment may be released on parole or conditional release; and (3) revoking the parole or conditional release of any person violating in an important respect the conditions of the release.

The Division is organized into three major programs: (1) administration-responsible for policy development, program direction and financial management, (2) institutional parole services - provides social casework services to inmates and also performs staff work for the Board to make release, revocation and other determinations; and (3) field parole services - investigates inmates' eligibility for release and supervises individuals who have been released. The Division which is headquartered in Albany maintains 24 institutional offices and 11 field offices located in New York City, Albany, Binghamton, Buffalo, Canton, Elmira, Hempstead, Poughkeepsie, Rochester, Syracuse and Utica.

As of July 31, 1980 there were 19,329 individuals on parole of which 17,603 were being supervised within the State (Exhibit C). The average cost to supervise a parolee, in the community, was about \$1,380. The Division has a staff of about 1,100 of which 790 are assigned to field parole services. The 1981-82 Executive Budget recommends an appropriation of \$29.4 million (including \$2.3 million in Federal funds) for the Division of which field parole services accounts for \$21.7 million.

2. Background

Parole is defined as the, "....release of an offender from a correctional institution, after the offender has served a portion of the sentence, to the supervision of a parole officer for the unexpired portion of the sentence." Division officials have stated that parole operates on the theory that, in some cases, there comes a time when further incarceration is unnecessary and even undesirable. The inmate is no longer likely to be a menace to society, and what benefits he was expected to derive from incarceration and from educational training programs taken while incarcerated, he has derived. It would seem to be sound public policy to release him at that point in time to take his place in society, once again.

Parole, they added, seeks to help people once patterned in crime become law abiding while protecting society against future depredation. In this capacity, the parole agency works with the crime prevention and law enforcement agencies of the community in an effort to make offenders law abiding. The Division utilizes those devices, approaches and techniques believed to be the most effective, including casework service which has proven relatively effective in aiding those who want to achieve stability.

Consequently, parole's objectives are to protect society against the potential recidivist and to aid the released offender in readjusting himself to social living. The first objective, community protection, is necessary because no one can judge with absolute certainty which inmates are ready for release. Some may be tempted to revert to crime, and the

Division must do everything possible to protect society in such cases. The second objective is equally clear. If offenders want to be social beings, if they need help in achieving social and personal stability, it is in the public interest to help them.

What parole seeks to accomplish, is adjustment of the individual so that he no longer wants to commit crime. If that is achieved, both society and the individual have been served in the most effective way possible. However, should the two objectives, in a given case and time become irreconcilable, the parole officer's duty is to decide in favor of community protection. A parolee may have the capacity to become law abiding eventually, but if, he is about to victimize those about him, community protection considerations must take precedence.

Five factors are involved in parole: (1) length of confinement; (2) parole release; (3) diagnosing and planning treatment; (4) delivering services; and (5) obtaining the information needed to make sound decisions regarding the management and effectiveness of parole. The latter three processes will be the focus of our report, since they comprise the essential elements of parole supervision.

An explanation of the sentencing system and the types of parole release are important in understanding the State's parole program. There are two types of sentences.

A definite sentence - a "fixed" sentence of specified duration to a local correctional facility for one year or less. It is mandated for all misdemeanor convictions requiring incarceration and may be imposed by a court in certain felony cases.

An indeterminate sentence - a sentence of a felon to a State facility for a minimum period of at least one year set by the court or the Board and a maximum term of no less than three years set by the court. When the court declines to set a minimum term of imprisonment the Board, by Law must impose one within 120 days of the offender's receipt at a State facility. The Board is empowered to set a minimum of at least one year up to a maximum term imposed. Effective September 1, 1980 only the courts will be empowered to set minimum terms of imprisonment except for youthful offenders.

The Board has jurisdiction over inmates released to parole supervision from all State correctional institutions and since September 1, 1967, its jurisdiction has been extended to parolees from local jails and county penitentiaries.

Parole is the discretionary and stipulatory release from a correctional institution of a person serving an indeterminate sentence, after completing the minimum period and before the maximum term has been served. Parole is not intended as a reward for good conduct or for efficient performance of assigned duties in the institution. Parole is justified only if the Board believes that there is reasonable probability that the inmate will not violate the law and will live in harmony with society. The parolee is required to agree with the conditions of release set by the Board and is supervised by the Division until the maximum term of imprisonment expires, or the Board, in its discretion, grants an absolute discharge from parole. Service of the sentence continues throughout the parole period. Parole may be revoked and the parolee returned to the correctional institution if he violates in an important respect any condition agreed to upon release.

Offenders are also given conditional releases which is a mandatory release of a person serving an indeterminate sentence from a correctional institution when "good time" allowed equals the unserved portion of his maximum or aggregate maximum term. "Good time" is an accumulation of discretionary time allowances for good behavior which reduces the maximum prison term(s) by up to one-third. Conditional release can only be initiated by the inmate, who agrees to meet obligations imposed by the Board. He then becomes subject to supervision in the community.

The release of a person serving a definite sentence is mandatory, unconditional, and absolute when time served and good time equals the sentence. An inmate serving a definite sentence with a term or aggregate term in excess of 90 days may be conditionally released after serving 60 days of that term. Release in this case is at the discretion of the Board, is for a period of one year, and interrupts service of the sentence. If the parolee complies with the conditions of release during supervision he satisfies the unserved portion of the term.

Parole services begin in the correctional facility and are a key element of the correctional program. Shortly after the offender is received in a State facility an institution parole officer offers his services in assisting the offender to prepare for eventual return to society. The objective is to provide each offender the opportunity for constructive change through a social casework program in the facility.

The Executive Law specifies the information which the Board needs to consider in its parole deliberations. The information includes the inmate's personal and family history and his prospective home and future employment. The required information is obtained from facility reports and from specially prepared parole or classification reports prepared by field parole officers.

Before release on parole the inmate is prepared for supervision by the institution parole officer. The inmate is informed of parole rules and knows what is expected.

After the parolee has made his arrival report in the appropriate area office and until the time he is discharged from parole supervision, it is the responsibility of the parole officer to help the parolee to meet his obligations. For some parolees little has to be done, for others a good deal. Professional analysis and evaluation is undertaken in each case to help decide the tasks needed to assist the parolee while protecting society.

In recent years the subject of parole, including the authority to release inmates to parole supervision and parolee supervision services, has come under critical review. Federal Bureau of Justice statistics released in April 1980 showed a general lessening of discretion in prison terms as 18 States enacted determinate sentencing statutes and five others also adopted some form of determinate sentencing in 1979. Determinate sentencing reduces court and parole board discretion by requiring imprisonment for fixed periods for certain types of offenses such as armed, violent drug or repeated offenses. Determinate sentencing specifies the terms of imprisonment but allows the judge to prescribe other penalties, such as probation or restitution.

The Bureau's national survey of 1979 parole legislation noted that during the past three years some form of mandatory sentencing became law in 27 States and was under consideration in 14 others. Thirteen States have now adopted some kind of determinate sentencing and five have bills pending. The Bureau's report also stated that two divergent and perhaps contradictory motivations seem to have prompted this political concern with indeterminate sentencing. One is the growing public alarm over the continued rise in crime and criticism that the lack of sentencing certainly undercuts the deterrent effectiveness of the criminal law, thereby contributing to recidivism and high crime rates. The other lies in the inequities, arbitrariness and unfairness to offenders of indeterminate sentencing, due to the allegedly wide and unwarranted disparities in prison terms.

In December 1978, the New York State Executive Advisory Committee on Sentencing, created by the Governor to evaluate the effectiveness of present sentencing arrangements reported indeterminate sentencing was a failure and should be abandoned. The Committee's report stated that although perfection could not be expected from any sentencing scheme, the time has arrived for the adoption of determinate sentencing models which have been proposed or enacted in other jurisdictions. Under their proposal parole release would be abolished because it would serve no legitimate function under a sentencing guidelines system. The report stated that the Parole Board has abandoned its traditional practice of basing its release decisions on an inmate's progress towards rehabilitation and has substituted instead a set of guidelines which essentially reflect the severity of the offense and the offender's prior criminal record. Some critics of the Committee's report contend that the present system of indeterminate sentencing gives judges the opportunity, through sentencing discretion, to reflect community standards. The Chairman of the Board of Parole stated that replacing current sentencing structure and parole system with flat, fixed sentences under a theory of equal time for equal crimes would be a throwback to the time when it was believed that separate but equal was really equal. Indeterminate sentencing and the related parole system came about primarily because of dissatisfaction with fixed sentencing that culminated in the Auburn prison riot in the late 1920's. Furthermore, implementing the Committee's recommended sentencing reforms would require additional facilities and a substantial increase in correction costs if longer imprisonment results.

Although the Committee's report recommended reforming the indeterminate sentencing structure it also called for continued supervision of prisoners after release. Because evidence suggests that post-release supervision may lower recidivism, the Committee recommended that offenders undergo community supervision for up to two years, with return to prison for a period not to exceed six months for violation of substantive and meaningful conditions of supervision. Also they said that community supervision should aim to reintegrate the offender into society by providing meaningful employment and counseling services.

We have not attempted to express an opinion on the effectiveness of sentencing and parole arrangements or whether any aspect of these programs should be modified or eliminated. Our audit focused on the operation of the Division's supervision and certain other parole related programs, and we have identified management areas which need to be improved to increase their effectiveness and enable parolees to remain in the community while safeguarding society.

3. Discussion of Audit Results

Draft copies of this report were provided to Division and DCJS officials. Their comments are shown where appropriate in the body of the report or parenthetically following the related recommendations. Complete copies of their comments are presented as appendices A and B respectively.

Division officials agreed that improvements were needed in the supervision of parolees. But they felt that the audit was ill-timed and objected to it because our review considered field operations to be a continuous process as though the move of the Division from the Department of Correctional Services to the Executive Department, on January 1, 1978, was a mere paper transfer. Division officials stated that the audit should have assessed field operations prior to the transfer and then determine at a later date how the "new" Division had handled its problems. They reason that the present administration did not pre-exist the "new" Division and accordingly were not responsible for parole's deterioration.

The officials also claimed that certain information contained in the background section of the report was inaccurate and/or misleading and had not been discussed with them.

Auditor's Note: The Division has functioned under its present title since 1930 and has always had, as part of its overall responsibility, the supervision of parolees. To infer that the Division's functions have changed in 1978 would tend to mislead the reader and attempt to excuse away deficiencies in the field service program. Legislation over the years has expanded the Division's mandate, strengthened their authority and provided the resources to ensure the efficient operation of field parole services. We audit ongoing activities and not each respective administration as Division officials would prefer.

Our report discloses program deficiencies as they existed at the time of the audit. Our tests, which formed the basis for audit findings, conclusions and recommendations, included cases spanning the period from prior to January 1, 1978 through July 31, 1980. We found no discernable differences, by period, in the various indicators that constitute the parole supervision program. The Division's overall response which reflects the progress, taken and that which they intend to take, to correct the deficiencies articulated in our report clearly supports the validity and significance of our findings.

We held numerous meetings with Division officials and staff during the course of the audit for the purpose of reviewing our findings and providing for agency input into the final report. All sections of this report were presented to Division officials, in writing, for their review and comments. We fail to see the basis for the Division's contention that certain portions of the report were not discussed with them.

Within 90 days after release of this audit report, as provided by Chapter 218 of the Laws of 1977, the head of the agency shall report to the Governor, the State Comptroller, and leaders of the Legislature, and fiscal committees, advising what steps were taken to (1) implement the recommendations contained herein and (2) where recommendations were not implemented, the reasons therefor.

B. Parole Registrant System

In the Spring of 1979 the Division established a computer terminal hook-up to DCJS for transmitting on-line information concerning new persons under parole supervision, discharges from parole, issuances of warrants and warrant cancellations. The information was previously reported by punched cards.

With up to date files of all persons on parole, DCJS can notify the Division of any parolee re-arrest. In operation, DCJS receives fingerprint cards with criminal charges for all arrests which it matches against its parole registry. If a positive match is made DCJS forwards the information to the Division for follow-up. The Division then refers the data to the area office responsible for supervising the parolee for investigation and if necessary a parole violation charge will be initiated.

1. Discrepancies Exist Between Division and DCJS Files

When the Division went on-line, a comparison was made between Division and DCJS files to ensure that the two files were in agreement. As a result DCJS notified the Division on September 7, 1979, that their records showed 42,109 persons on parole supervision including 7,911 individuals' records which were not on the Division's records. Division records listed 18,976 persons under supervision including 2,384 who were not on DCJS' records. Nevertheless, DCJS has 17,606 more persons on parole than actually exist without considering the 7,911 and 2,384 individuals missing from each of the agency's records.

In December 1979 officials of both agencies stated that they were working to resolve the problems. The Division advised DCJS that all but 23 of the 2,384 parolees originally missing from DCJS files were now listed. In addition, they stated, that slightly more than 1,000 of the other differences remain and they anticipate full agreement by the end of January, 1980.

In July, 1980, we matched Division and DCJS files to determine whether the discrepancies were resolved and that the two files were now compatible. Division records did not include 29 of 132 (22 percent) selected individuals listed on the DCJS parole registry. Conversely the DCJS registry did not list as parolees under supervision 14 of the 132 (11 percent) individuals selected from Division parolee records. In addition, 18 other individuals' parole status could not be readily determined. The on-line computer records were incomplete and each individual's record had to be manually retrieved to determine parole status.

Because of the differences between the Division and DCJS parolee records there is still no assurance that: (1) all individuals that should be under parole supervision are known to the Division; (2) DCJS can apprise the Division of all individuals arrested while under parole supervision; and (3) an agency (i.e. police department, court or district attorney) can be promptly provided with up-to-date information concerning such things as an individual's criminal history and parole status. Furthermore, the faulty records result in numerous unneeded arrest notices being transmitted from DCJS to the Division. During the four months ended July 31, 1979 the Division received 1,379 arrest notices of which 277 (20 percent) were invalid.

2. New Parolees Were Not Recorded on the DCJS Parole Registry Timely

The procedure calls for an institutional parole officer to forward a disposition card to the Division's central office prior to a parolee's release. Central office then initiates a parolee record and certain information is entered on the DCJS file from the Division's terminal.

We randomly selected the names of 132 inmates released from State facilities between January 1, 1979 and June 30, 1979, and 11 individuals under parole supervision were not registered with DCJS as of August 31, 1979.

3. Parolee Arrest Notifications to DCJS Were Untimely

The Law requires that two copies of the fingerprints of arrested persons be promptly sent to DCJS. Upon receipt DCJS, within three hours, classifies the prints and searches its records for previous criminal history and outstanding warrants and promptly reports its findings. If the arrested person is a parolee, DCJS notifies the Division.

We reviewed 100 arrest notices received by the Division during May 1979 and only 60 had been received by the Division within one day of the arrest. The remaining 40 notices were received between 2 and 29 days after the arrest as follows:

Days Between Arrest and Date of Arrest Notice								
	<u>1 day or less</u>	<u>2-4</u>	<u>5-7</u>	<u>8-10</u>	<u>11-13</u>	<u>14-16</u>	<u>17-20</u>	<u>Over 20</u>
Arrest notices	60	5	14	5	5	5	5	1

DCJS officials stated that the arresting agencies were largely responsible for the delays because the fingerprints could not be transmitted clearly or they lacked the equipment for direct fingerprint entry into the DCJS system and mailed the specimen. In other instances, mainly in the New York City area, the fingerprints of arrested individuals given "appearance tickets" (notification to appear in court

on a specified date) for misdemeanors including third degree assault, petty larceny and theft of services were not transmitted to DCJS immediately, but were batched and forwarded at a later date. However, these delays may have serious consequences as shown in the following example, one of several we reviewed.

On December 26, 1978 a parolee had absconded from parole supervision and on January 11, 1979 a warrant was issued for his arrest. On May 17, 1979 the parolee was arrested for petty larceny and possession of stolen property third degree, both class A misdemeanors. The arresting agency was unaware of the outstanding warrant and released the offender issuing him an appearance ticket returnable on June 6, 1979. The mixup occurred because the fingerprints had been transmitted to DCJS on May 24, 1979, seven days after the arrest. The parolee did not appear for the June 6, hearing and remained at large until he was arrested again on October 20, 1979 for robbery first degree (a felony), criminal possession of a dangerous weapon, and resisting arrest. Because the parolee was now charged with a felony, his fingerprints were transmitted to DCJS immediately and the arresting agency was notified of the outstanding warrant and the parolee was detained at Rikers Island. If the arresting agency had complied with the Law and forwarded the fingerprints promptly on May 17, then the parolee may have been detained at that time on the outstanding warrant and the October crimes as well as any other crimes that may have been perpetrated between May and October could have been avoided.

(Subsequent to our audit DCJS officials informed us that the arrest in the preceding example was processed under Article 150 of the Criminal Procedure Law, which provides that the court at arraignment directs that the defendant be fingerprinted which may be weeks after the appearance ticket is issued. They felt that the arresting agency did more than the Law requires by fingerprinting before court appearance. To hold the arrestee in custody until the return of the criminal history record from DCJS would be contrary to one of the intents of the Law.

We recognize the intent of the Law and we are not suggesting its contravention. However, DCJS in its response did not consider the "booking" procedure in New York City for, as in our example, persons arrested for suspicion of a class A misdemeanor. The suspect is brought to the central booking facility within the county where apprehended. The suspect is booked and fingerprinted. A visual check of an outstanding warrant listing is made to determine if the suspect's name appears on the list, and other information such as the suspect's true name, obtained during detainment is verified, where possible. If these record checks show no cause to hold the suspect he is given an appearance ticket and released. Although each booking facility has fingerprint facsimile equipment for rapid transmission of fingerprints to DCJS, it is not normally used during the booking process to check for outstanding arrest warrants. The checking of outstanding warrant listings, through fingerprints, is unquestionably more reliable than through the name volunteered by the suspect.

DCJS should require arresting agencies, with fingerprint facsimile equipment, to transmit suspects fingerprints during the booking process.)

Some arresting agencies delayed fingerprint transmittals even though they were in close proximity to DCJS. In one instance, the Schenectady police department located about 20 miles from DCJS took 16 days to send notice of an arrest.

4. Parolee Arrests Were Not Investigated

Division policy requires that the circumstances surrounding a parolee's arrest be investigated within 33 days of notification. If the investigation is not completed timely then the Division's delinquency unit is informed of the investigation's status. Supervisory parole officers are required to maintain control over cases under investigation to ensure timely implementation of Division policy.

The investigation may result in the issuance of a warrant and detainment of the parolee without bail. If probable cause is established, the parolee will be held until the parole revocation process is complete and a disposition reached. If parole has been violated and the parolee is determined to be in violation in an important respect, he may be returned to prison.

During August 1979, we reviewed 65 of the 100 arrest notices (excluding traffic violations) received by the Division during May 1979. Central office records showed that 11 arrest notices for such alleged crimes as rape, kidnapping, robbery and grand larceny had not been investigated. We provided Division officials with a listing of these cases. During January 1980 (five months later) we followed-up on 8 of the 11 arrest notices at area offices and determined that 6 of the 8 arrests had been investigated. However, case records documented that the investigation had not begun until after we brought the matter to the Division's attention.

In one case a parolee was arrested on May 4, 1979 for forcible theft and possession of a weapon, however the investigation report was filed on September 27, 1979. Although the report showed that the parolee had been detained on Rikers Island since his arrest, there was no case record documentation indicating that the parole officer had knowledge of the parolee's arrest for almost four months. (Parole was eventually revoked and the parolee was returned to a State facility in November 1979.)

Division officials agreed that central office records should represent the most current information, however they added that central office files were substantially backlogged. Consequently, they were forced to obtain current information from area offices. The Division's follow-up confirmed that written investigation reports were not filed in case folders as required. They stated that their analysis of the parole officers' field books and day sheets showed that investigations had been

initiated timely except in one instance. (They added that the parole officer was censured in the one case of delayed investigation). Nevertheless, there was no case record evidence indicating that the investigations were completed or processed in the prescribed manner. The fact that various other records had to be searched to determine the status of the 11 parolee arrest investigations indicates serious problems exist in the Division's ability to monitor parole officer performance in accounting for parolee activities. (Our review of supervisory personnel deficiencies and its impact on parole services is reported in section F.)

Recommendations to the Division and DCJS

1. Immediate action should be taken to reconcile the Division's parole registrant records with DCJS records.

(Division and DCJS officials stated that they are working together to bring parole registrant records in line. As a result of their continued efforts, they added, the number of discrepancies has been substantially reduced.

2. Procedures should be established to update the parolee registry so that invalid arrest notices are not transmitted.

(Division and DCJS officials stated that invalid arrest notices will be automatically eliminated once the parole registrant records are reconciled.)

Recommendation to DCJS

DCJS should take whatever action is necessary to ensure arresting agency compliance with Section 160.20 of the Criminal Procedure Law. This should include but not be limited to:

- a. establishing time frames for the submission of fingerprints which have to be mailed in, and;
- b. requiring immediate transmission of fingerprints in cases involving misdemeanors as well as felonies.

(DCJS officials stated that guidelines for submitting fingerprint records, including time frames, have been issued to police agencies. They added, as a matter of policy they will continue to monitor fingerprint submissions with the ultimate aim of achieving a more timely fingerprint transmission process. In support of this goal they cited that 65 police chiefs were notified, during June 1981, of delinquent arrest fingerprint submissions from their agencies.)

Auditor's Note: DCJS should require arresting agencies with fingerprint facsimile equipment to transmit suspects fingerprints during the booking process.

Recommendations to the Division

1. Procedures should be established to ensure the timely recording of parolees with DCJS.
2. Monitoring procedures should be established to ensure that parolee arrest notifications are investigated and processed in conformance with Division policy.
3. Arrest investigations should be documented in parolee case records.

(Division officials concurred and stated that recommendations one, two and three have been implemented.)

C. Parole Effectiveness Needs to be Evaluated

In 1967, the President's Commission on Law Enforcement and Administration on Justice stated in its Corrections Task Force Report that "The most conspicuous problems in corrections today are lack of knowledge and systematic approach to the development of programs and techniques. Failure to attempt really systematic research and evaluation of various operational programs has led to repetitive error. Even more, it has made it impossible to pinpoint the reasons for success when success did occur."

Parole services are aimed at helping offenders cope with problems which may have contributed to their original criminal involvement. Also, if these problems persist it could lead to renewed criminality or seriously affect their integration into society. Except for the special supervision program initiated in the Spring of 1979, measurable goals had not been established to evaluate the effectiveness of "regular" field parole supervision services in their parolee rehabilitation efforts.

Division officials stated that when the Division became an independent agency in the executive branch slightly more than two years ago it was faced with numerous operating problems which had been accumulating for several years while within DOCS. Although the Governor and the Legislature took remedial steps to reemphasize the parole process in the criminal justice system by recreating it as a separate independent agency in 1977 the economic climate prevented the allocation of sufficient funds to adequately compensate the Division for the years of inattention.

Despite this, Division officials stated that they had made some progress toward implementing an evaluation system. They stated that over the 18 month period preceding June 1980, the Division has, within the context of the special supervision program, designed and implemented a pilot evaluation system to assess the operational efficiency and effective outcome of parole supervision. Analysis of the pilot evaluation results from the special supervision program is now ongoing and a report will be ready in September 1980.

The measure for evaluating the effectiveness of parole that was most often applied by parole officers was "client stability" which would generally include, that the parolee would avoid trouble with the "law" show permanence of residence, employment, and family support. We agree that these elements are indicators of success, and can be ascertained while the parolee is under supervision; however, the Division had not developed information indicating the "long term" effect of parole supervision.

A key factor for evaluating parole is the extent of recidivism. In December 1979, DOCS in cooperation with the Division, issued a five year post release follow-up report. The study followed 5,593 inmates released from State facilities during 1972 to determine how many were returned to custody within five years. Of the 5,593 releasees, a total of 4,614 (83 percent) were either released by Board action or by mandatory conditional release after satisfactory completion of two-thirds of their maximum sentences. Of the 4,614 inmates released to parole supervision 1,634 (35 percent) were returned to State custody within five years. A majority of those re-imprisoned were returned to custody within two years. The report did not include reincarceration information from Federal agencies, other States or local institutions. Therefore, it is probable that the 35 percent return rate would have been greater if complete data was available. Division records covering a comparable period as the DOCS study showed a 31 percent return rate to State facilities. However the 31 percent recidivism rate only included persons under parole supervision.

The DOCS study also reported that: (1) persons with serious adult criminal histories returned to prison at a higher rate than those with no prior record; (2) the highest rate of return was reported for persons committed for burglary, robbery and those classified as youthful offenders; (3) older inmates tended to return at a lower rate than younger releasees; (4) the median age at release was almost 26; and (5) 56 percent of parolees returned to custody had prior penal commitments.

Because the Division had not created measurable recidivism goals, it is difficult to assess whether the over 30 percent recidivism rate is acceptable.

The deficiencies in parolee supervision including disparities in caseload assignments, lack of adequate treatment plans, treatment services not provided (described in section E) are some of the more important factors that may account for this situation.

We believe that research is essential to evaluate the Division's policies and programs and enable it to assist in the rehabilitation of parolees while protecting the community. Research programs should include the collection of uniform data as to the type of programs which are being conducted, program objectives, outcomes and the types of parolees which are being serviced and their characteristics. Summary data regarding the numbers of parolees needing, for example, drug or alcohol abuse rehabilitation, mental health service or vocational training should also be collected. Data of this type would provide the Division with information essential for sound planning and administration.

Recommendations

1. Measurable program goals and objectives should be established.

(Division officials stated that our recommendation has been incorporated in their special supervision program. The statistical measures, they added, will then be applied within the overall supervision program evaluation.)

2. A management information system should be developed that includes parolee needs and the services provided to meet those needs.

(Division officials stated that they have designed a system to monitor, assess and provide feedback to management on the effectiveness and problems of the supervision programs. The system capability has been expanded to provide other data which is a prerequisite for the evaluation system. In addition needs assessment and service delivery follow-up information is being used in the special supervision program for evaluation purposes.)

Auditor's Note: The use of the management information system should not be confined solely to special supervision cases, but should be expanded and made a part of all parolee supervision programs.

3. A procedure for periodically evaluating the effectiveness of Division programs should be implemented.

(Division officials stated that their reporting system has been modified to fit the new management information evaluation system providing data for internal management review.)

D. Monthly Supervision Reports Should be Complete and Processed Timely

The Division's Research, Planning and Evaluation Unit (Unit) is responsible for, among other things, the processing of monthly supervision reports for the reporting of parole activities. The reports include parolee caseload (by parole officers), frequency and type of parolee visits (i.e. home visit, office visit, employment check) and the parolee's reporting status.

The Unit prepares a report listing parolees assigned to each officer for supervision. The report is forwarded to the appropriate officer for verification and then it is reconciled to the registry of supervised parolees. The reports which cover the prior month are due in the central office by the 16th and are to be returned to the field officer within 10 days. In addition to providing parolee activity data the reports account for all parolee assignments.

As of August 31, 1979 there was a four month backlog in report processing as a result of delays experienced at field offices and in central office. Because of the long delays there was no assurance that all parolees were assigned to a parole officer. For example, a Division memo stated that an inmate released to parole supervision on November 22, 1978 made his initial office visit, but failed to make any subsequent visits. The missed caseload assignment was discovered on February 7, 1979 by the Unit in central office. The area office supervisor reported that the parolee had been in the community without supervision, because follow-up on case assignment procedures failed. The supervisor also stated that several similar situations had occurred in recent years after which assurances were given that procedural controls were adequate.

Division officials stated that the reports were processed late because: (1) budgetary constraints prevented the hiring of needed clerical staff and (2) verified parolee rosters were difficult to obtain from field staff. The parolee caseload has been incorporated in the report processing format effective April 1980. Our review of 100 supervision reports, in July 1980, showed that 91 were processed timely. The remaining reports were up to one month late. Considering the critical nature of the reports, the Division should continue efforts to ensure that all reports are processed timely.

Field parole officers are required to submit daily reports (day sheets) showing the type and number of parolee contacts. The Division also requires that all contacts be posted to the monthly supervision report. We reviewed 150 randomly selected supervision reports for April 1979 and none of the type and number of contacts were posted.

Division officials told us that they had obtained staff, under a Federal grant, and the posting operation will commence during the second quarter of 1980. Our follow-up review in July 1980 showed that parolee contacts were still not being posted.

Recommendation

The Division should ensure that completed monthly supervision reports are processed timely.

(Division officials stated that they have revamped their reporting format since our audit. The current monthly reporting system, they stated, contains up-to-date caseload information which is being processed and forwarded to parole staff on a timely basis. Also other procedural improvements have been initiated to implement our recommendation.)

E. Supervision of Parolees Needs Improvement

The purpose of parole supervision is to aid in the parolee's successful reintegration into the community while maintaining surveillance over the parolee to protect the community. Before an inmate is released on parole he is prepared for parole supervision by the institutional parole officer. The Board specifies the conditions of parole and the inmate signs and retains a copy. The conditions include that the parolee among other things: will not leave the State; avoids the excessive use of alcohol; avoids the company of persons with criminal records; leads a law-abiding life; and carries out the instructions of his parole officer. Failure to comply with these conditions and any special Board imposed rules or parole officer imposed conditions could result in a declaration of delinquency and the arrest and reimprisonment of the parolee.

Parole supervision essentially begins at the time the parolee makes his arrival report at one of the Division's area offices and has his initial interview with his supervising field parole officer. Before conducting the initial interview, the officer has reviewed the parolee's case folder, including those sections concerned with the diagnosis of the problems, the institution treatment plan and the progress of the plan as evaluated by the institutional parole officer. During the parole period the officer is expected to do everything that a competent social caseworker does to rehabilitate the individual and help him adjust in the community.

To achieve this goal, the parole officer is expected to have a complete knowledge of the parole process and to make effective use of community resources, formulation and modification of treatment goals, implementation of adequate recording procedures, adherence to reporting requirements to assure continuity of treatment or service and management of the supervision caseload. Parole officers are also expected to rely on the policy and procedure manual for guidance in meeting Division objectives.

Our review of the Division's field supervision program was based on a random sample of 95 parolee case records selected from the New York City (55 case records), Buffalo (24 case records) and Albany (16 case records) area offices. Our examination included: (a) an analysis of supervision caseload assignments; (b) an evaluation of the prescribed parole treatment plan in relation to services actually rendered; (c) supervision contacts; (d) case record management; and (e) supervisory controls over parole officers.

1. Caseload Assignments

In 1967, the President's Commission on Law Enforcement and Administration of Justice reported that excessive workloads for parole officers was a recurring problem. Whenever parole programs are subject to criticism, the oversized caseload is usually identified as the obstacle to successful operation. The report suggested that an average of 35 cases for each officer could provide close supervision for certain offenders while allowing minimal monitoring of others. Emphasis for intensive supervision would be placed upon those with a potential for violence, or with special treatment needs.

Prior to 1976, the Division assigned regular supervision cases at a ratio of 43 parolees per parole officer. Caseload assignments increased to an average of 50 per parole officer after 1976, and the Division anticipates the average to reach 60 by March 31, 1981. The higher ratios have been caused by the increase of 2,600 parolees under supervision with little additional staff. The number of parolees increased from 15,000 to 17,600 between January 1978 and July 1980.

There were three different classes of supervision prior to 1979; intensive, active and reduced. These differ in the frequency of required contact with the parolee and his family.

In 1979 the Division added the enhanced supervision status to parolees with violent felony backgrounds. The Governor's 1978 criminal justice initiatives included separate funding for this program to ensure greater surveillance and to assist in their readjustment to community life.

a. Parolees Should Be Assigned to an Appropriate Supervision Status

The Division's 1978 Advance Annual Summary Report (the latest available) showed that 12,546 of 16,693 parolees were in one of three levels of supervision status on December 31, 1978; 6,766 (54 percent) were intensive; 4,926 (39 percent) were active; and 854 (7 percent) were designated as reduced, as follows.

PAROLEE SUPERVISION STATUS AT DECEMBER 31, 1978

<u>Area Office</u>	<u>Total</u>	<u>Intensive</u>		<u>Active</u>		<u>Reduced</u>	
		<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
New York	8,482	5,003	59	3,064	36	415	5
Albany	441	212	48	191	43	38	9
Buffalo	700	340	49	295	42	65	9
Rochester	627	295	47	266	42	66	11
Syracuse (a)	543	242	45	194	36	107	19
Canton	125	80	64	37	30	8	6
Elmira (b)	236	97	41	103	44	36	15
Poughkeepsie	550	220	40	283	51	47	9
Hempstead	842	277	33	493	59	72	8
Total	12,546	6,766		4,926		854	
Average			54%		39%		7%

(a) includes Utica office

(b) includes Binghamton office

As shown in the preceding chart, significant variations existed in the intensity of parolee supervision services among the offices. For example, the Canton office with 64 percent of its parolees in intensive status provided a greater degree of service than did Hempstead which had 33 percent of its caseload in the intensive status category.

Division officials attributed some of the variations to differing parole treatment needs. Parolees, they stated, released to intact families and homes tend to show stability earlier than parolees released to single room occupancy. A high percentage, they added, of undomiciled releases occur in urban areas with increased intensive supervision requirements. However, this explanation is invalid when applied to the Canton office with its largely rural population reporting a large percentage of its parolees in intensive supervision as compared with urban centers such as Syracuse, Rochester and New York City with smaller ratios of parolees in intensive supervision.

One explanation is that parolees may be held in the intensive category for longer periods than necessary. We reviewed five case records at one office with a high ratio of parolees in intensive status. There was no documentation to support their retention in intensive status from five to eleven months. Four of these parolees received less than intensive supervision, based on their case records.

b. Parole Officer Caseloads Varied Widely

We reviewed supervision caseloads of 50 randomly selected parole officers from the New York City, Buffalo and Albany offices for the three months ended April 30, 1979. The three offices supervise about 80 percent of the State's parolees. The average caseload ranged from 27 to 75 parolees for each parole officer. In New York City most parole officers had caseloads of 55 or over while the other offices averaged smaller caseloads.

Area Offices	Parole (1) Officers	Number of Cases				
		25-35	35-45	45-55	55-65	65-75
Albany	8	1	5	2	0	0
Buffalo	12	0	4	7	1	0
New York City	30	1	6	4	10	9
Total	50	2	15	13	11	9

(1) Excludes trainees and officers assigned to special or enhanced supervision costs.

Division officials claimed that some parolees supervised from upstate offices such as Albany and Buffalo live in rural areas consequently the officer will carry a lower caseload to compensate for increased travel time needed to supervise his cases. In addition, upstate parole officers are assigned additional duties, such as parole release investigations which reduce supervision caseloads.

Our review of Albany and Buffalo office records showed that rural travel and investigation cases were not a significant weighting factor in caseload assignments. In Buffalo some parole officers permitted rural parolees to report by telephone and/or letter in lieu of required office visits. Furthermore, there was little correlation between supervision caseloads and investigation cases. One officer with a caseload of 54 had 4 investigation cases while another with 52 cases had 6 investigation cases. A third officer with 48 cases had no investigation cases. The three officers were assigned to the same field office.

Division officials told us that they were aware of caseload disparities in New York City and in an attempt to correct the situation issued a memo in December 1979 directing that office to review the problem and suggest alternatives to equalize caseloads. There was no evidence in Division records showing that the New York City office followed through on the directive or that the Division took other actions to resolve the problem.

c. Consideration Should be Given to Assigning Caseloads Based on Differential Parolee Treatment Needs

The Presidents' Commission on Law Enforcement and Administration of Justice reported that efforts have been made to improve the effectiveness of parole supervision by reducing caseloads. Under experimental conditions caseloads were reduced from 75 to 30 and to 15 but the researchers concluded that the resulting intensive supervision will not of itself assure reduction in recidivism. These experiments, the report concluded, with reduced caseloads have shown that to reduce recidivism requires classification of offenders with differential treatment for each class.

The caseloads of five officers we examined did not consider the composition or differential treatment for each class. The typical parole caseload is usually a random mixture of cases requiring varying amounts of service and surveillance, but is generally treated as if all the cases were essentially the same. The value of differential treatment, requires that parole manpower ratios will vary directly with the kind and amount of services to be performed as indicated, in part by the status of supervision. Consequently we created a case unit formula to allow for the value of differential treatment. To illustrate, we assigned weighted units of output to each supervision level as follows; intensive - 3 units, active - 2 units, reduced - 1 unit, and delinquent - .5 units. Based on our formula, the caseloads of five selected parole officers with similar size caseloads showed units of output ranging from 79.5 to 110.5 (a differential of 39 percent), as follows.

SUPERVISION STATUS

<u>Parole Officer</u>	<u>Total Unit of Output</u>	<u>Assigned Caseload</u>	<u>Intensive Assigned (Weighted)</u>		<u>Active Assigned (Weighted)</u>		<u>Reduced Assigned (Weighted)</u>		<u>Delinquent Assigned (Weighted)</u>	
A	93.0	49	10	(30)	28	(56)	3	(3)	8	(4.0)
B	110.5	50	19	(57)	25	(50)	1	(1)	5	(2.5)
C	97.5	51	14	(42)	22	(44)	8	(8)	7	(3.5)
D	79.5	49	3	(9)	28	(56)	11	(11)	7	(3.5)
E	106.5	50	28	(84)	7	(14)	2	(2)	13	(6.5)

As shown in the preceding chart officer D with 79.5 unit output may have to expend an additional effort of 39 percent to meet officer B's 110.5 unit output, assuming that officer B is performing effectively and efficiently.

The differential or workload concept would more accurately reflect the parole officer's responsibilities and time requirements than the caseload standard.

d. Caseload Assignment Procedures in the New York City Office

We reviewed regular supervision caseloads, in six of New York City's nine geographic areas. (We excluded trainee and enhanced supervision caseloads). The average caseload among the areas ranged from 45.1 to 60.7. However, individual officers' caseloads ranged from 37 to 75, as follows:

<u>Geographic Area</u>	<u>Average Caseload</u>	<u>Individual Officers' Caseload Range</u>
Queens	53.6	38 to 59
Brooklyn South	52.6	22 to 61
Brooklyn West	45.1	40 to 54
Manhattan South	56.6	47 to 69
Manhattan North	60.7	40 to 75
Brooklyn/Queens North	48.4	37 to 63

A parole officer responsible for a geographic district should normally receive his case assignment based on the size of his caseload and the parolee's residence. (Officers with lowest caseloads being assigned new cases). Our review of new case assignments showed that in four of five instances officers with caseloads ranging between 57 and 74 were assigned new cases, even though other officers in the same units had smaller caseloads.

We also noted instances of parole officers crossing geographic boundaries to supervise assigned parolees that had moved to a new residence. As a result, three or more officers, each from different districts, supervised parolees residing within the same city blocks. This action can be justified if it is demonstrated that continuity of service would be beneficial. However, no documentation was available to support the retention of the cases.

2. Arrival Reports and Initial Interviews

Persons released from a correctional facility are required to report within 24 hours to the assigned area parole office. Exceptions are permitted for good cause. The Division requires that the parole officer cover the following items as part of the arrival reporting process: (1) review the parolee's finances emphasizing the financial resources and needs during the initial days of parole; (2) restate the rules and regulations of parole and make certain the parolee understands his responsibilities; and (3) instruct the parolee regarding the next scheduled office visit. At the second meeting the parole officer generally conducts the "initial interview" which serves as the foundation of the relationship between the parolee and the assigned parole officer. If the arrival report is prepared by the same parole officer it is merged with the initial interview.

The interview has four major objectives: (1) to establish a casework relationship with the parolee; (2) to secure the parolee's participation in an analysis of his immediate and long range problems; (3) to develop constructive alternatives from which the parolee can choose in beginning to structure his overall parole program; and (4) to leave the parolee with some positive assurance of his status as parole progresses.

Our review of 19 combined arrival reports and initial interviews showed that the parole officer, in most instances, documented the records with brief facts instead of detailed statements concerning problem analysis and the treatment plan, as suggested by the Division.

The following excerpts which were taken from a parolee's casefile are representative of the notes of initial interviews.

RESIDENCE: Subject states he will be residing at (address and phone number) with his sister.

EMPLOYMENT: The subject has no employment at this time.

ECONOMICS: Subject had \$40.00 and a check for \$17.84.

CURFEW: Subject placed on a midnight curfew between Sunday and Thursday night and 2:00 a.m. curfew Friday and Saturday night.

RULES AND REGULATIONS: The subject states he understands the rules and regulations.

HIGH SCHOOL: Subject states he went to school through the tenth grade.

PROBLEMS: Subject states he used narcotics in the past. He has used marijuana, cocaine and methadone.

REPORTING STATUS: Subject was placed on weekly reporting status.

There was no mention of immediate or long range plans or any detailed discussion of the parolee's financial prospects. There was no mention of employment searches, work skills, employment history, job training or other explanations of how the parolee plans to support himself. Although the parolee identified a prior narcotic problem there was no indication of plans to discourage repeating this problem. The report did not indicate that any discussion took place concerning the parole program, the intervention taken or planned on the parolee's behalf or the date and time of the next scheduled visit.

The Division also requires that from both a casework and legal perspective, the initial interview report should be clearly and promptly recorded in the parolees' casefolder. The Division had not established a standard time for processing the reports and the interval between the report date and the date of dictation for the 19 cases reviewed ranged from under 15 days (six cases) to 10 months.

3. Treatment Services

To plan for treatment services, the parolee's problems need to be identified and treatment priorities established. The plan can then specify how, by whom and when the various needs are to be met. Specifying objectives also sets a basis for evaluating the system's effectiveness.

Our review of case records showed that generally parole officers did not assess parolees' treatment needs, prescribe a plan of treatment or follow-up to ensure that prescribed treatment service plans were provided.

Parolees often have severe problems (drugs, alcohol, psychological, medical) which need to be professionally treated. Parole officers have the responsibility for analyzing and interpreting information gathered from various sources, making personal observations, and formulating a plan of treatment for assigned parolees.

We reviewed 77 case records which showed that 60 parolees had a combined total of 98 documented histories of substance abuse, psychiatric and/or medical problems. (Eighteen other case records were not reviewed because they were incomplete.)

<u>Number of Parolees</u>	<u>Total Problems</u>	<u>Drugs</u>	<u>Alcohol</u>	<u>Psychiatric</u>	<u>Medical</u>
<u>60</u>	<u>98</u>	<u>41</u>	<u>22</u>	<u>29</u>	<u>6</u>

In 33 cases the record showed that the officer discussed the problems with the parolee, however, no assessment was made concerning immediate or long range plans. Of the remaining 27 case records 17 contained no discussion of the parolees' problems and the 10 cases with documented treatment plans showed no indication that the parolee complied with the prescribed program.

a. Parolee Problems Not Discussed

In 17 instances institutional and probation reports documented parolee problems. However, none of the case records indicated that these matters were discussed with the parolee or that the identified problems were followed up. For example, in one case folder institutional records stated that the inmate had up to a \$100 a day drug habit and had been involved in two prison drug therapy programs. It was recommended that the inmate be designated a "drug alert case" on release. However, no further note was made on this problem. In a second case the inmate was described, in reports prepared prior to parole, as mentally retarded and suicidal. He had been committed on several occasions to State mental hygiene facilities. Here too, no follow up data was reported.

b. Parolees Did Not Comply With Prescribed Treatment Plans

In the 10 cases which contained treatment plans, 5 parolees terminated their programs without indication of parole officer approval or whether other program alternatives were being explored. The importance of implementing and monitoring parolee treatment plans is illustrated in the following case.

Case records of a parolee showed a history of drug abuse since age 16. The client was in at least four drug programs but continually reverted to drugs. The record also stated that he "adjusted to a criminal subculture and has generally lived an irresponsible parasitic existence. He is without insight or remorse and has shown a disregard for the right and property of others. His capacity for change is questionable."

The inmate was paroled in November 1975 and instructed not to use any drugs. One month later, during a required office visit, the parolee admitted that he lied about having a job and stated that he was again using drugs - a bag of heroin every two or three days. The parolee was reprimanded and taken to a detoxification facility but was discharged one week later as uncooperative. The case record did not indicate any reaction by the officer to the parolee's refusal to comply with the prescribed treatment plan. Except for the one failed attempt to involve the parolee in a treatment program, the case record showed no further discussion of the subject with the parolee even though there were indications that the parolee was a drug user and indulging in other criminal activities. In December 1976, the parolee was arrested a second time for the criminal sale of heroin, a class A felony. The parolee reached his parole maximum expiration date in October 1977 and was released from supervision. During the last five months of supervision,

while free pending court proceedings on the felony charge, the parolee did not make any office visits nor was the officer successful in contacting him during home visits. (The parolee was eventually convicted of the felony charge and sentenced to one year to life).

We do not know whether the active participation of the parolee in a drug program may have altered the outcome of the case. However, it appears that the officer did little to carry out his responsibility to help the parolee deal with his problem or to initiate parole revocation proceedings.

4. Supervision Contacts

Parole officers are expected to maintain adequate coverage for each assigned case. The Division has established standards for the frequency and types of contacts to be made based on the parolee's supervision status.

Type of Contact	SUPERVISION STATUS		
	Intensive	Active	Reduced
Home Visit	Monthly	Monthly	Same frequency as office visits
Employment Visit: On-site visit	Every three months	Every three months	Not stated
Check	Monthly	Every two months	Same frequency as office reports
Office Visit	Weekly, or less frequently, up to but not including monthly	Monthly up to, but not exceeding, every two months as the case warrants	Quarterly or less frequently up to and including annually
Other and Collateral Visits	More frequently than in active or reduced status	Not Stated	Not Stated

Generally guidelines stated that newly released parolees be given intensive supervision for three months and active supervision for a year. Historically 45 percent of the parolees are released from supervision in less than 18 months and consequently many may never be assigned to the reduced supervision status.

The decision to move a parolee from one level of supervision to another is primarily the responsibility of the parole officer. If an officer decides to retain a parolee in a higher level of supervision than recommended in the guidelines he should document his action in the parolee's case record.

a. Home Visits

The Division states that regular visits to the parolee's residence, including personal interviews with the parolee and members of his family, is an essential part of the casework process. In addition, it is the responsibility of the parole officer to verify the parolee's residence on a regular basis. Corroboration is accomplished by contacting family members, landlords, and neighbors as well as direct personal contact during home visits.

We reviewed the 95 case records to determine whether Division home visit standards were met. Supervision status was not indicated in all New York City case records. We therefore limited our review to the 15 cases in which the status could be determined. The Albany and Buffalo offices exceeded minimum home visit requirements overall. However, individually 11 of the 24 Buffalo parolees were not visited at home as frequently as required. In New York City only 109 of 162 (67 percent) required home visits were made and in only one of the 15 cases was the minimum required visits completed.

The parole officer is required to make a face to face (positive) home visit with the parolee within two weeks of the arrival report. In both the Albany and Buffalo offices the initial positive home visits were made timely. Records for New York City parolees showed that in 20 of 30 cases from 17 to 318 days elapsed after the arrival report before the first positive home visit was made. In 6 cases, the record did not indicate that any positive home visits were made, even though the parolees had been under supervision from 2 to 31 months.

b. The Home Visit Program Should be Strengthened

In the course of regular home visits, the parole officer is required to gain an adequate knowledge of the parolees' family, their overall attitudes and to increase his understanding of the parolee and his problems. There are three types of home visits:

(1) positive - personal observation of the parolee in his residence is made;

(2) other - a member of the household, or other person such as a neighbor, who can verify the parolee's residence, is seen;

(3) negative - no one is interviewed who can substantiate the parolees' residence. Home visits are generally unannounced to provide a key element in the parolee's surveillance.

On four separate occasions we accompanied parole officers on home visits. A total of 30 visits were made of which 12 were positive, 13 negative and 5 were others. About 50 percent of the officers' time was devoted to travel and 15 percent involved negative visits. The remaining 35 percent of the officer's time resulted in positive and other visits. The principal reason for the high number of negative contacts was because home visits were made almost exclusively on weekdays between 9 a.m. and 5 p.m. when the clients are frequently at work or if unemployed, seeking work. The time required to complete each of the 12 positive visits ranged from 10 to 40 minutes and varied significantly in content. For example, in one visit we witnessed, the contact was superficial and perfunctory and extremely brief. Only about two dozen words were exchanged.

A second home visit, we witnessed, was carried out in the evening, because as the officer told us he was concerned about the parolee using drugs and wanted to observe him as well as his residence on an unannounced basis. In his conversation with the parolee, the officer inquired about drug related problems and offered help and guidance. We noted that during the 45 minute visit, the officer inspected the residence for evidence of drug usage. Before concluding the visit, the parole officer warned the parolee that any return to drug usage would result in immediate revocation of parole.

Although the Division has emphasized the importance of home visits and stated the frequency for visiting, they have not indicated the relative importance that this function has to the overall supervision program. Hence supervision priorities, to a large extent, are left to the parole officer. The officers' indicated that they devote 10 to 60 percent of their time to home visits. Considering the high rate of negative home visits and the limited time devoted to positive and other visits the present method of scheduling home visits is inefficient and wastes valuable staff time.

c. Employment Verification

Employment verification is obtained by visits to job sites to observe the parolee at work or by contacting "reputable" employers. The officer may also examine the parolee's paycheck or telephone the parolee at work to verify work status. The Division cautions that employment checks alone should not be totally relied upon. An employment visit is desirable to obtain verification of the parolee's employment, his working conditions and to gain an understanding of his work situation. The Division encourages employment visits to aid in evaluating and planning for individual cases. The frequency and type of employment verification is based on parolee supervision status.

None of the three offices reviewed met Division standards for employment visits. However the Buffalo Office exceeded employment check requirements. Albany and New York City did not meet Division standards for either type of verification.

Employment Verification

	Visit			Check		
	Required	Completed	%	Required	Completed	%
Albany	51	23	45	130	118	91
Buffalo	79	58	73	184	251	136
New York City *	22	7	32	68	24	35
Total	152	88	58	382	393	103

* It is likely that the actual performance is below the above rates because we limited our review to 10 case records that adequately documented employment verification.

Some officers explained that they are reluctant to verify employment by visiting or calling the job site, because it could jeopardize the parolees' employment especially if the employer is unaware of the employees' background. When a visit is not essential to verify employment, the Division requires the officer to record the specific reasons for the exception. Generally this was not done. The officers who seldom call or visit employment sites stated that they verify employment from pay stubs. However, the Division discourages this procedure as a sole means of employment verification because it is unreliable. For example, a former parolee told us that he circumvented the verification process by completing blank pay stubs he purchased and presenting them to his parole officer.

d. Office Visits

The Division has established the following frequency of office visits based on the parolees' supervision status.

Intensive - Weekly, or less frequently, up to but not including monthly.

Active - Monthly up to, but not exceeding, every two months as the case warrants.

Reduced - Quarterly or less frequently up to and including annually.

(1) Office Reporting Standards Should be Redefined

There were various interpretations of the reporting standards among the parole officers at the three offices in our review. Some officers stated that parolees in intensive status were required to report bi-weekly, others stated monthly while still others claimed 13 visits per year was required. The officers were not in general agreement in defining the frequency of the active and reduced supervision status. Consequently, we were unable to accurately determine whether parolees were complying with Division policy for office reporting, because of the poorly defined criteria.

(2) The Intended Purpose of Parolee Office Reporting Was Not Being Met

The Division states that regularly scheduled office reports are an important and necessary part of the casework process because they ensure regular meetings between the parolee and his parole officer under conditions that provide an opportunity for private interviews. Parole officers, they add, should guard against the tendency to allow office reports to deteriorate into a perfunctory and superficial process. It is also the responsibility of the parole officer to ensure that parolees report on a schedule that provides for regular contact as provided by the Division.

In the Buffalo office parole officers circumvented prescribed office reporting policy in a number of instances by permitting parolees to report by telephone or letter instead of scheduled office visits. In one case, telephone contact was allowed to a recently released parolee while he was in intensive supervision status and lived in the greater Buffalo area. In another case a parolee's supervision status was changed from intensive to active and he mailed monthly reports in lieu of scheduled office reports without regard to his adjustment. His parole officer reported "this individualremains an extreme danger to the community" and that the parolee, "is making a poor adjustment." Nevertheless a monthly letter was permitted.

We observed in the New York City office that some parolees could not meet with their parole officer during office reports because the officer was involved in an emergency with another parolee or as in most cases, the officer was at a parole revocation hearing. On these occasions the parolee was generally referred to another officer who was unfamiliar with the case. It was not uncommon for one officer to meet with other officers' parolees while they attended revocation hearings at Rikers' Island. This procedure may satisfy the surveillance aspect of parole supervision but it does not facilitate the casework process. An alternative would be to develop a team concept of supervision which gives each parole officer a backup officer, permitting each to know the other's caseload.

5. Case Records

Section 259-a of the Executive Law requires the Division to keep complete records of every person on parole or conditional release. A complete statement of crime committed, copies of probation reports detailing social, physical, mental and psychiatric conditions should be included in the file. Also, the records should contain any aliases, a photo and all related parole officer reports. The records should be filed in an organized fashion to ensure quick retrieval.

To meet this mandate, the Division requires that a separate folder be maintained for each parolee in which the parole officer keeps a record of all contacts, a complete case history which covers the period of incarceration through parole. Other records prepared by agencies such as local probation departments, DOCS and DCJS, are also to be retained in the parolee's casefolder. The Division's Director of Field Supervision told us that this would include probation reports, receiving blotters - (describe the crime), identification cards and inmate photographs, NYSID sheets disposition notices - (describe justification for parole). Some forms, he added, may not be as essential to the case history, because duplicate information may be found in other case records.

The folder provides a case history and includes a record of treatment and progress. The detailed record sets a basis for reports and for review and evaluation if parole violation or discharge is considered.

a. Missing Forms

None of the 95 case records reviewed contained all required forms. Of 1,218 required forms 202 (17 percent) were missing. Over 60 percent of the missing documents (136) were prepared by other agencies including the blotter (64); NYSID report (34); probation report (10); fingerprint identification and inmate photographs (8) and the disposition notice (7).

The other missing forms included institution histories, residence and employment reports, and arrival reports.

b. Incomplete Case Records

Parole officers are required to record a description of the conduct and progress of the parolee during the supervision period, the work performed by the officer and any results achieved. For intensive and active supervision categories a quarterly summary is used. Parolees in reduced supervision status require an annual report as a minimum.

In 18 of the 95 cases reporting gaps of four months to over a year existed.

Office	Case Records	Time Period Missing (Months)			
		4 to 6	6 to 9	9 to 12	12+
Albany	2	2	0	0	0
Buffalo	2	2	0	0	0
New York City	14	6	2	3	3
Total	18	10	2	3	3

c. Inadequate Documentation

Case records contain pertinent documents and an ongoing description of the supervision program. The case record provides the reviewer with a basis to determine the parolee's progress. Also the parolee can receive continuity of treatment in the event of transfer to another parole officer or jurisdiction.

The Division requires that each case history include the following topics: (1) residence and social status; (2) employment and economic condition; (3) parole adjustment and reporting schedule; (4) evaluation; and (5) plan or approach. Within each topic the Division suggests other data that may be included. For example, under plan or approach the officer can describe what he is trying to do or his accomplishments. The evaluation contains the social or emotional status of the parolee. Social and economic situation may include descriptions of the parolee's home, his job and his financial status.

Case record requirements and guidelines regarding case recording of on-going supervision and treatment plans were generally not adhered to. Of the 19 randomly selected case records examined, the plan or approach was either absent or unclear as to the prescribed steps necessary to assist the parolee in relieving the cause of his problem. In eight cases no parolee evaluation was available. And in 14 cases the parolee's supervision status (intensive, active or reduced) was not identified.

Recommendations

Caseload Assignments

1. The Division should establish procedures to ensure that parolees are assigned to an appropriate supervision status.
2. Parolees should receive services commensurate with their supervision status.

(Responding to recommendation one and two Division officials stated that new standards of supervision have been developed defining the minimum amount of time a parolee must be in any level of supervision before he can be considered for a reduction in the level of supervision. The new standards also designate parole reporting requirements by level of supervision.)

3. The Division should determine whether a differential caseload distribution procedure should be implemented.

(Division officials stated that the differential caseload distribution method is a valid supervision technique. But with caseloads averaging 62 cases per officer they believe that differential caseload distribution is not possible. Efforts to obtain funding for this program, they added, has been unsuccessful.)

4. The Division should establish standard ranges of minimum and maximum caseloads and a monitoring mechanism to ensure that inconsistencies do not develop.

(Division officials stated that they permit richer staffing patterns at bureaus which have experienced high delinquency rates. Currently, they added, it is left to each bureau to attempt to ensure equity in overall work-load assignments, since it is easier for the supervisors to evaluate the problems and to make the appropriate adjustments. However, this procedure will be controlled through the use of their new caseload assignment monitoring system.)

5. The Division should establish procedures to assure the effective utilization of New York City parole staff.

(Division officials stated that recommendation five has been implemented.)

Arrival Reports and Initial Interviews

6. Standard time frames should be established for processing arrival reports and initial interviews.

7. Procedures should be established to ensure that arrival reports and initial interviews are conducted, documented, and processed in conformance with Division policy.

(Division officials concurred and stated that recommendations six and seven have been implemented.)

Treatment Services

8. The Division should improve treatment services by developing detailed rehabilitation plans for each parolee and providing necessary services to achieve stated objectives. A follow-up procedure should also be developed to ensure that services are provided and desired results achieved.

(Division officials stated that they are initiating several programs as a means of implementing recommendation eight.)

Supervision Contacts

9. Procedures should be developed to ensure that prescribed home visit requirements are met.

(Division officials stated that they have implemented recommendation nine.)

10. To improve program effectiveness and to increase the potential for more positive parolee home contacts the Division should expand use of evening, week-end and pre-announced home visits.

(Division officials agreed with the concept of evening, week-end and pre-announced home visits. But these alternatives could not be utilized without creating a compensatory overtime situation for the officers which the Division believes would adversely affect parolee supervision. The officials feel parole supervision could be more effective if resources were provided to reduce the size of caseloads.

Auditor's Note: The Division should consider staggered work schedules for parole officers, which would alleviate the need for overtime while permitting evening and week-end home visits. Reduced caseload size will not, in itself, ensure positive home visits unless the visits are made during the hours when parolees can reasonably be expected to be at home.)

11. A monitoring system should be developed to ensure that Division employment verification standards and procedures are met.

(Division officials stated that they have implemented our recommendation. Their review of case records showed substantial compliance with verification and recording standards.)

12. The Division should redefine its office reporting standards to eliminate ambiguity which now exists.

13. Procedures should be developed to ensure compliance with prescribed office reporting requirements.

14. The Division should consider adopting a team concept of supervision which gives each parole officer a backup officer, permitting each to know the other's caseload.

(Division officials stated that recommendations 12, 13 and 14 have been or will be implemented.)

Case Records

15. Procedures should be established to ensure that parolee case records contain all required and essential documents and that case record histories are documented timely.

(Division officials agreed and stated that they are taking action to implement recommendation 15.)

F. Parole Officer Activities Should be Better Supervised

We reported that many parole officers did not comply with Division policy or procedures in developing plans and monitoring parolee progress. Records were incomplete, visits were not frequent enough or as thorough as required. There was no evidence that first line supervisors were aware of these conditions or that they routinely monitored the parole officers activities. Supervisory controls over parole officer's practice and performance are inadequate and results in the officers establishing their own supervision priorities which may not coincide with Division objectives.

1. Casework Activities

The Division's senior parole officers did not exercise adequate supervisory controls over the assigned parole officers.

To assure that maximum casework services are achieved and that the rules of parole are enforced, the Division requires that a parole officer's casework activities be monitored by a senior officer. Each senior parole officer supervises about six officers. In addition to supervising parole officer casework and evaluating staff performance, the senior parole officer is responsible for: staff training, overseeing the parole revocation process, conducting investigations, developing rehabilitative resources and issuing parole violation warrants.

To ensure that the senior officers monitor officer casework the Division requires a quarterly review of all cases supervised by his parole officers, a weekly staff conference to resolve current casework problems, and preparation of various activity reports to document casework review.

a. Activity Reports

There is no uniformly established procedure for the preparation of activity reports or itineraries which show, in advance, the parole officers' schedule. Although parole officers are required to prepare day sheets, which list the activities concluded on a specific day, these records are prepared after the fact. These records do not provide a mechanism for the senior to determine the number of clients the parole officer anticipates seeing in the office or in the field during a given period. When parole officers are in the field they are required to notify their seniors twice a day, by telephone, of their activities. And senior parole officers are required to know when their parole officers are to be in the field or in the office in connection with their activities.

We asked several senior parole officers if they were aware of the schedules of their staff. They knew the days the parole officers would be in the field or in the office, but they were generally unaware of the specific duties to be performed. To improve control over the parole officers' time and increase productivity, improved planning procedures are needed. Such procedures would refine the parole officers' scheduling, and guide the supervisors in planning and allocating work and determining whether the officers are carrying out their responsibilities in an efficient and effective manner.

b. Supervisory Controls

Senior parole officers are required to maintain control records which show parolee supervision status, type of parolee contact and the number of contacts made by his staff. Without such information there is no assurance that the officers are complying with Division parole contact supervision standards. Nevertheless senior parole officers in the New York City office did not maintain adequate control records.

None of five selected seniors' control records indicated the parolees' supervision status. We randomly selected 10 case records and in each instance the senior had to review the folder to determine parolee status. Since the case records did not include the parolee's status, the senior determined the status by adding the number of contacts made during different periods of supervision. In six of the ten cases the determination disagreed with the parole officers' monthly report. As a result the parolees may not have been receiving adequate services. Also three of the five seniors' control records did not contain the number of supervision contacts.

Some of the seniors told us that they keep abreast of the officers' activities through individual and group conferences and by reviewing parolees' case records. This method although desirable is too time consuming for routine supervision. During our audit we noted little supervisory control over parole officer practice and performance. Considering that a supervisor is responsible for up to six officers with caseloads that may exceed 300 cases, it is unlikely that a supervisor can exert effective control, without maintaining records of each worker's activities.

2. Parole Officers' Supervision Priorities Vary

Although the Division has defined the various types and frequencies of parolee supervision contacts many officers have established their own supervision priorities.

Of the 55 parole officers that responded to our questionnaire 27 stated that community protection was most important, 9 gave casework service a higher priority while the remaining 19 felt that casework service and community protection were of equal importance.

The responses showed that the officers on average devoted 62 percent of their time to parolee contacts and 38 percent to related tasks such as investigation, violation proceedings and administrative functions. In examining individual responses, the effort expended within each type of contact varied widely as follows.

Type of Contact	Overall Average (%)	Individual Range (%)
Home Visits	27	10 - 60
Office Reports	21	3 - 38
Employment Verification	6	0 - 20
Other Contacts	8	0 - 20
Related Duties	38	9 - 59

As some officers indicated they provide little or no contact in certain types of supervision. Without adequate contact there is no assurance that the conditions of parole are being met. Also, because parole officer activities are so poorly monitored they are able to perform in accordance with their own perception of parole supervision which may not reflect Division policy.

Recommendation

Monitoring procedures should be established to control parole officer activities. The procedures should include:

a. Periodic caseload review with special attention given to content, activities and timely implementation of rehabilitation plans.

b. Accountability and performance procedures for field staff, including anticipated services to be performed and accomplishments attained.

(Division officials stated that they have initiated several programs to implement our recommendation for improving controls over parole officer activities.)

EXHIBIT A

DIVISION OF PAROLE
STATEMENT OF USES OF APPROPRIATED AND NON-APPROPRIATED FUNDS
APRIL 1, 1978 THROUGH MARCH 31, 1979

	<u>Total State Purpose Funds</u>	<u>Federal Funds Crime Control and Safe Streets Act</u>	<u>Total State and Federal Funds</u>
<u>Total Funds Available</u>	<u>\$22,919,210</u>	<u>\$443,013</u>	<u>\$23,362,223</u>
<u>Uses of Available Funds</u>			
Personal Service - Regular	\$16,233,051	\$102,241	\$16,335,292
Personal Service - Temporary	100,428	50,066	150,494
Supplies and Materials	159,421	1,237	160,658
Travel	752,543	17,881	770,424
Contractual Services	1,943,681	3,610	1,947,291
Equipment	107,374	832	108,206
Staff Benefits	-0-	41,820	41,820
General	(317)	-0-	(317)
Subtotal	<u>19,296,181</u>	<u>217,687</u>	<u>19,513,868</u>
Unexpended	<u>973,029</u>	<u>225,326</u>	<u>1,198,355</u>
Unsegregated	<u>2,650,000</u>	<u>-0-</u>	<u>2,650,000</u>
Total Uses of Available Funds	<u>\$22,919,210</u>	<u>\$443,013</u>	<u>\$23,362,223</u>

Notes to Financial Exhibits are an integral part of these Financial Statements.

EXHIBIT B

DIVISION OF PAROLE
SUMMARY OF RECEIPTS AND DISBURSEMENTS OF ADVANCE
ACCOUNTS FOR THE YEAR ENDED MARCH 31, 1979

<u>Fund</u>	<u>Balance 4/1/78</u>	<u>Receipts</u>	<u>Disbursements</u>	<u>Balance 3/31/79</u>
<u>Advance Accounts</u>				
Petty Cash	\$ 2,000	\$ 2,623	\$ 2,873	\$1,750
Subpcena Fund	910	3,429	4,082	257
Travel Advance	1,398	7,820	7,820	1,398
Emergency Support Fund	<u>6,000</u>	<u>28,757</u>	<u>31,117</u>	<u>3,640</u>
Total	<u>\$10,308</u>	<u>\$42,629</u>	<u>\$45,892</u>	<u>\$7,045</u>

Notes to Financial Exhibits are an integral part of these Financial Statements.

EXHIBIT C

DIVISION OF PAROLE
PAROLEE SUPERVISION STATUS
AS OF JULY 31, 1980

Area Office	Special Supervision	Regular Supervision			Delinquent	Other	Total
		Intensive	Active	Reduced			
New York City	2,409	3,484	3,122	564	2,279	470	12,328
Albany	70	194	132	51	50	25	522
Buffalo	130	329	307	83	77	49	975
Rochester	120	315	211	66	115	47	874
Syracuse	97	217	180	68	89	27	678
Canton	10	58	26	7	6	9	116
Elmira	28	88	81	20	27	16	260
Poughkeepsie	88	182	209	58	87	33	657
Hempstead	171	296	320	93	126	32	1,038
Unassigned	<u>62</u>	<u>93</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>155</u>
Totals	3,185	5,256	4,588	1,010	2,856	708	17,603
Out of State			1,213		215	5	1,433
Deportation			188		7	0	195
Repatriation			5		0	0	5
Nonreporting (Incarcerated)							<u>93</u>
					Grand Total		<u>19,329</u>

Prepared from Division records-for informational purposes only.

DIVISION OF PAROLE
NOTES TO FINANCIAL EXHIBITS

Accounting Principles

The State of New York and its governmental agencies have adopted a cash basis of accounting supplemented by an encumbrance system for certain expenditures. All revenues are recognized when they are received and expenditures are recognized when disbursements are made. Purchases of capital items are expensed at the time of disbursement. The Division of Parole is financed by appropriations made by the Legislature and by allocations of non-appropriated Federal funds issued by the Director of the Budget.

The statement of Uses of Appropriated and Non-Appropriated Funds was not prepared by the agency but was prepared by us as part of our audit.

Encumbrances from current year appropriations are available for expenditure until September 15 following the fiscal year end.



EDWARD R. HAMMOCK
CHAIRMAN

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

APPENDIX A

EDWARD ELWIN
EXECUTIVE DIRECTOR

August 3, 1981

Mr. Wayne R. Diesel
Deputy Comptroller
Department of Audit & Control
Alfred E. Smith State Office Bldg.
Albany, New York 12236

Dear Mr. Diesel:

Enclosed please find the response of the Division of Parole to the Draft Audit Report on Field Services.

We would appreciate it if you would let us know when your final report is being released and if it is being released with a press notice. We would also appreciate a copy of said press release.

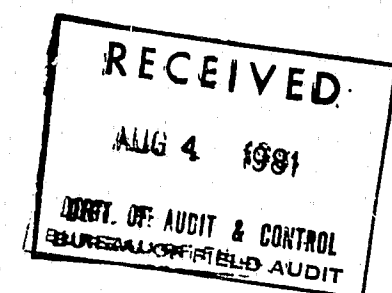
Sincerely,

Edward Elwin
Executive Director

seb

cc: Harvey Goodman,
Audit & Control W/same enc.

Enclosure





EDWARD R. HAMMOCK
CHAIRMAN

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

A-2

EDWARD ELWIN
EXECUTIVE DIRECTOR

FORMAL AGENCY COMMENTS
RELATING TO THE COMPTROLLER'S
AUDIT REPORT OF
SELECTED OPERATING PRACTICES
EXECUTIVE DEPARTMENT
DIVISION OF PAROLE
FIELD PAROLE SERVICES

AUDIT REPORT AL-ST-38-81

INTRODUCTION

A-3

The Division of Parole was a thriving state agency, in reasonably good condition, when it was merged with the Department of Correctional Services in 1971. Shortly thereafter, D.O.C.S. was confronted with the trauma of Attica and its aftermath. Its priority became the problems relating to custody and care of inmates; and the preponderance of its efforts and resources went into the administration of the prisons, security and inmate population. This shift in priorities resulted in little effort and attention being paid to the developing needs of the parole component and the operation of the parole program began to deteriorate. This deterioration was largely responsible for the decision by both the Executive and the Legislative branches of New York State government to separate Parole from D.O.C.S.¹ Effective January 1, 1978, Parole was recreated as an independent agency in the Executive Department.

It is unfortunate that the audit of the Division of Parole Field Services under discussion here was conducted during the precise period that the newly created Division of Parole was going through its own in-depth analyses of operational problems. The majority of the deficiencies found in the audit report had already been identified by the new agency. The agency's responsibility, however, was more than problem identification. The agency quickly became involved with the development of solutions to the identified problems. That problem solving process was ongoing throughout the period of time that the audit was taking place and has continued to date.

The primary thrust of this response to the audit report is a delineation of the solutions already worked out, resulting programs, policies or procedures already in place and those in the process of being implemented.

Preliminary Matters

The report produced by the audit team from the Comptroller's Office is consistent, in most respects, with those done of other agencies. The recommendations that flow from the audit are considered and addressed separately in a later part of this response paper. For the most part, it is our judgment that the recommendations made were appropriate to the audit findings. Where that does not appear to be the case, we have so indicated.

The preparers of the report have elected, however, to include what we consider to be unnecessary materials in their report. These materials were not discussed with the Division prior to their inclusion and, consequently, they appear in the report for the reader's information and interpretation. Although it would have been better to leave them out, since they are not pertinent to the audit, to include them, in the manner in which they were, is unfair to the Board and Division, and misleading to the reader.

Division representatives discussed these unnecessary inclusions in meetings held subsequent to our receipt of the draft audit report. Our complaints were overruled in favor of the inclusion of the following materials:

1. The Federal Bureau of Justice Statistics Report for 1979.*
2. The 1978 Report of the Executive Advisory Committee on Sentencing.
3. The Department of Correctional Services Five-Year Follow-up Study of Persons Released from State Prison in 1972.

The objection to the Bureau of Justice Statistics Report for 1979 is based on the fact that it is used as a reference regarding national patterns in sentencing "reform" legislation. Clearly, it is not the best resource for that purpose. The major thrust of the report is to lay out national parole data for the year 1979. The most important aspect of that data is the significant growth in the number of mandatory releasees under parole supervision.

* U. S. Dept. of Justice, Bureau of Justice Statistics. Parole in the U. S. 1979,

The statistics taken from Page 10 of the Bureau of Justice Statistics Report are erroneously reported on Page 5 of the audit.

The 1980 Bureau of Justice Statistics Report would have been a more current and accurate source as to sentencing "reform" trends and information. (See 1980 Uniform Parole Report Seminar Final Report - Parole Related Legislation Enacted During 1977-80 State Legislative Sessions.)

The auditors confuse and confound mandatory and determinate sentencing and assume that a reduction in Parole Board discretion is tantamount to parole abolition. They do not recognize that New York has been a mandatory sentencing jurisdiction for all of the Twentieth Century. The indeterminate sentence has been well preserved, but controlled by our legislature through mandatory sentencing provisions. The Parole Board role is well defined and strongly supported by statute and case law.

The Bureau of Justice Statistics Report shows that parolees are better community risks than mandatory releasees (known as conditional releasees in New York State). The national recommitment rate amongst parolees is 25%. The 1979 recommitment rate for mandatory releasees in California, the first major state to go to determinate sentencing, was 40.1%.

The report of the Executive Advisory Committee on Sentencing was coolly received by a joint legislative group consisting of the Assembly Codes Committee, the Senate Codes Committee and the Senate Crime and Corrections Committee in September 1979. None of its major recommendations have been adopted in the three legislative sessions since its publication. The legislature in 1980 did, however, extinguish the power it created in the Board of Parole in 1967 to fix minimum sentences where sentencing judges elected not to do so. The extinguishment did not flow from any flaw in the Board's use of the power, but rather from the legislature's efforts to have sentencing judges accept more fully their sentence-fixing responsibility.

The legislature has been reluctant to abolish the indeterminate sentence and has sought to reduce judicial and prosecutorial sentencing discretion for certain offenders

through increased use of mandatory minimum sentences. The legislature is not unmindful of the fact that no two states have enacted identical determinate sentencing statutes and every jurisdiction that has adopted a form of determinate sentencing has experienced prison population increases with no positive impact on the crime rate. The legislature also knows of the Oregon experience where determinacy is obtained through use of a parole board; that California retained the indeterminate sentence in order to deal with its most serious offenders; and that Maine is considering a retreat from determinacy back to indeterminacy.

All of the above factors, and many more not cited here, make the Executive Advisory Committee report a document of dubious value to the auditors and clearly not an appropriate one for citation in this Audit Report in the fashion in which it was cited.

The work that led to the ability of the Department of Correctional Services to issue the 1972 Five Year Follow-up Study on Releasees from New York State Prisons was begun by Division of Parole personnel prior to the 1971 merger of Parole and Corrections. The new Division, (post-January 1, 1978) worked with the Department of Corrections' staff in putting together the report issued in 1979. The report, as the auditors note, is interesting and informative. However, its relevancy to the work of the auditors in assessing the Field Services efforts of the post-January 1, 1978 Division of Parole is questionable at best.

The auditors responded to our complaint about the report with a claim that it was the best evidence available to show recidivism rates amongst parolees. The single rate obtained from the 1972 cohort is deemed by the auditors to be sufficiently "high" to raise question as to the efficacy of parole field supervision. Additionally, they suggest that parole field supervision is only "successful" where, even after supervision has ended, there is no recommitment for crime.

The 1972 study cohort is of a population far different from that released to the community in 1978 and thereafter. Ethnically, the latter group is more heavily

minority. The 1972 group was immediately post-Attica. Many of this group got the benefit of sentence equalization legislation (Session Laws, Chapter 343 - 1972).

The claim that the long-term recommitment rate is "high" is not supported by any fact, or even claimed fact. The rate is compared to nothing, not even to the reported releasee recommitment rates in the Bureau of Justice Statistics Report for 1979. That report contains New York data more recent than that in the Department of Correctional Services study. It shows that, of the total 13,564 (parole only) population under supervision, only 1,182 or 8.7% were revoked or recommitted. Additionally, more recent information submitted by the Division of Parole to the New York State Division of Criminal Justice Services for their 1980 Annual Report, Crime and Justice in New York State, indicates that the rate of parolees returned to prison with new court convictions within the year was only 2.9% (see Appendix II).

Although the auditors question parole field supervision's efficacy, a 65 to 70% "success" rate over five years is quite impressive when considered in the context of the entire criminal justice system. We believe that, for an offender population like that in New York with limited program opportunities in prison and with more recent "success" rate figures much better than those for the 1972 cohort, parole field supervision is truly meeting its responsibility of protecting the community through the successful reintegration of the offender.

Responses to Audit Findings and Recommendations

- I. Parole Registrant System
- II. Parole Effectiveness Needs to be Evaluated
- III. Monthly Supervision Reports Should be Completed
- IV. Supervision of Parolees Needs Improvement
- V. Parole Officer Activities Should be Better Supervised

I. - Parole Registrant System

This section of the Audit Report contained two recommendations to the Division and DCJS, two recommendations to DCJS and three recommendations to the Division alone.

RECOMMENDATIONS TO THE DIVISION AND DCJS

- 1. Immediate action should be taken to reconcile parole registrant records.
- 2. Procedures should be established to update the parolee registry so that invalid arrest notices are not transmitted.

In the spring of 1979 the Division installed a remote terminal connected to the DCJS computer and began to assume the responsibility for transmitting on-line information concerning releases to supervision and discharges from parole. Prior to this time, the data was entered by the Department of Correctional Services, on behalf of the Division of Parole, using the remote terminal located in Bldg. #2, on the State Campus.

In late 1979, the Division and DCJS expanded the system to permit the on-line transmission of wanted notices and cancellations. Until this time, the issuance and cancellation of wanted notices was reported to DCJS using forms provided by that agency.

1. Discrepancies Between Division and DCJS Files

Shortly after the Division went on-line, a comparison was made between Division and DCJS files to insure that the two files were in agreement. As a result of this June 1979 match, DCJS notified the Division that 2500 Parole records contained invalid NYSID#'s and therefore could not be considered in the match. In addition, 2032 Parole records were missing from the DCJS file, and the DCJS file contained 24,782 records which were not on the Parole file.

The Division researched and corrected the records containing the invalid NYSID#'s, and DCJS adjusted the match program to consider only the latest parole when their files contained more than one open parole record on the same individual. A second match was conducted in August 1979 and resulted in 2384 Parole records

NYSID's had been corrected and these additional records were considered in this match) and the DCJS file containing 7911 records which were not on the Parole file.

Further matches were postponed because of the DCJS data base redesign effort. The reconciliation runs resumed in April 1981. Monthly matches have been scheduled until the files are compatible with quarterly matches scheduled thereafter.

The first monthly match conducted on April 15, 1981 showed a reduction in both counts. There were now 1959 Parole records missing from the DCJS file, and 3018 records on the DCJS file which were not on the Parole file. These figures were not satisfactory since considerable effort had gone into the reconciliation, and it was Parole's belief that all required entries and discharges had been posted.

Investigation showed that recent releases and discharges accounted for the bulk of the discrepancies due to programmatic and procedural errors.

The errors were corrected and the second monthly match conducted on May 15, 1981 resulted in 631 Parole records missing from the DCJS file, and 1954 records on the DCJS file which were not on the Parole file.

Each discrepancy from this point on had to be researched in an effort to determine the unique problem causing the discrepancy.

By the time the third monthly match was conducted on June 15, 1981, the number of Parole records missing from the DCJS file had been reduced to 411, and the number of records on the DCJS file which were not on the Parole file had increased to 1996.

The fourth monthly match conducted on July 15, 1981 showed a reduction to 268 Parole records missing from the DCJS file, and 784 records on the DCJS file which were not on the Parole file.

Of the 263 Parole records missing from the DCJS file, ninety-six (96) individuals were identified as being discharged in error (Parole rescinded the discharge but failed to notify DCJS to re-activate the cases). Sixty-six (66) of these cases have been submitted to DCJS for re-activation; the remaining thirty are being re-verified.

Forty (40) cases have been identified a

The remaining sixteen cases are being researched and will be resolved prior to the August 15 match. The cases being re-verified will also be entered by that date.

Of the seven hundred eighty four (784) records on the DCJS file which were not on the Parole file, many were old discharges and had to be researched by going through discharge files at DOCS. Seven hundred forty-four (744) have been entered and will be reflected in the August 15 match. The remaining forty (40) cases are being researched and will be resolved before the end of July.

2. Invalid Arrest Notices

The number of invalid hit notices has decreased substantially as a result of the reconciliation effort to date. Since the invalid arrest notices are caused by the fact that there was a discrepancy between the files, the problem will be eliminated by the completion of the reconciliation.

RECOMMENDATIONS TO THE DIVISION

1. Procedures should be established to ensure the timely recording of parolees with DCJS. Procedures have been developed which insure the timely recording of parolees with DCJS. These procedures have been in place for over one year and insure that all releases to Parole are entered into the Registry. This procedure, which involves three agencies, calls for a computer to computer interface between DOCS and the Division of Parole whereby any person released by DOCS is entered into the Parole computer within 24 hours of such release. Within 24 hours of Parole being notified, an entry is made into the DCJS computer. An additional monthly check is made to insure that no release has failed to be entered in both computers.
2. Monitoring procedures should be established to ensure that parolee arrest notifications are investigated and processed in conformance with Division policy.
3. Arrest investigations should be documented in parolee case records.

At the time the audit was being conducted, the Division had already recognized that there were serious problems in acquiring timely Arrest Notices and tracking

address this problem, the following steps were being taken or have since been taken.

Our delinquent cases have been reconciled with DCJS.

In our New York City Office, which accounts for 60 to 70% of our violation process, we have combined our Parole Violation Control Center with our Warrant Bureau to establish a Parole Violation Unit. This unit is in charge of monitoring and tracking the progress of all cases upon which arrest or warrant issuance notices have been received.

In the New York City Office, a court liaison officer gathers court material relating to new arrests. The material is delivered to the parole officer handling the cases involved.

A new form has been implemented which controls the dissemination of information regarding Arrest Notices, warrant issuances, and wanted notices. This form expedites the handling of the procedural steps necessary in arrest situations, and at the same time provides an immediate control for supervisory personnel.

A new procedure has been developed and implemented for documenting delinquency procedures which assures complete, accurate and timely information in the case record, for supervisory control, and for the newly created Violation Tracking Subsystem of our PARMIS* operation.

NYSPIN** terminals have been installed in our Central Office and our New York City Office which significantly increases our ability to obtain and disseminate the new arrest and wanted information on a same day basis to all parties involved.

Training regarding the parole officer's legal and documentation responsibilities in relation to the parole violation process has been afforded to the parole staff by our Legal and Training Bureaus.

An internal audit system of our various bureaus, conducted by Central Office staff has been implemented. One of the system's objectives is checking adherence to the violation process.

The above changes have been instituted to ensure a more timely notification of parolee arrest, greater control of the progress of those cases that need investigation, greater knowledge on the part of parole staff regarding the legal and documentation aspects of the delinquency process and a better monitoring ability on the part of supervisory staff and Central Office to ensure that violation situations are promptly addressed, processed and recorded.

* Parole Management Information System

** New York State Police Identification Network

II. Parole Effectiveness Needs to be Evaluated

A-14

The audit made three recommendations regarding the evaluation of parole effectiveness.

RECOMMENDATIONS

1. Measurable program goals and objectives should be established.
2. A Management Information System should be developed that includes parolee needs and the services provided to meet those needs.
3. A procedure for periodically evaluating the effectiveness of Division programs should be implemented.

The auditors state that "... the Division had not developed information indicating the 'long-term' effect of parole supervision." This is incorrect. In the 1960's, parole initiated five year follow-up studies of released inmates. These studies have been continued since then; and are now done conjointly with the Department of Correctional Services.

The first recommendation, that measurable program goals and objectives should be established, is unwarranted inasmuch as this is already being done within the pilot test evaluation (i.e., Special Supervision).^{*} The statistical measures will then be applied within the overall supervision program evaluation.

The second recommendation is that the Division should develop a MIS that includes parolee needs and the services provided to meet their needs. In the first half of 1979, an evaluation system was designed to monitor, assess and provide feedback to management on the effectiveness and problems of the supervision programs. In the fall of 1979, the Division received an LEAA grant to install a computerized data collection and processing system (PARMIS), which is a prerequisite for the evaluation system.

At the point of the audit, basic parolee background, movement and Parole Board decision information was incorporated into PARMIS. Also, at this time test needs assessment and service delivery follow-up forms were in use as part of the pilot evaluation effort for violent felony parolees in the Special Supervision program.

* Special Supervision is a program for enhanced community supervision of statutorily designated violent offenders.

A-15

The last recommendation is that the Division should establish a procedure for periodically evaluating the effectiveness of the supervision programs. Parole has had such a procedure since 1930. At the end of each year, the outcome of supervision is statistically analyzed and compared with preceding years. These results are reported annually. Monthly reports are also prepared for internal management review. At the point of the audit, these reports were undergoing modifications, i.e., to fit the new MIS/evaluation systems. The new procedure and reports are currently operational.

Long before the audit began, the Division recognized the importance of systematic evaluation. While full implementation of the evaluation system was delayed somewhat, much progress has been achieved to date. The delayed implementation was primarily the result of unavailable financial resources. The need for time, also, added to the delay. Whenever an administrative innovation (such as an evaluation system) is placed within an agency that is accustomed to older routines or procedures, time must be allowed for transition on the part of staff. This is true for any government or private agency. Parole is certainly no exception. It is unrealistic to expect Parole to have designed, tested and instituted within one year a brand new MIS/evaluation system involving over 20,000 parolees, without necessary resources.

In addition to the above, Field Services has taken steps in their operations regarding program objectives, information gathering and evaluating performance in its day-to-day operations which should enhance its ability to monitor and evaluate goals and effectiveness. Among these are:

Procedural and form redesigns to aid in faster handling of necessary paperwork coupled with improved data collection. These redesigns include new forms for arrest, warrant issuance, wanted notices, delinquency reports, investigation reports, transfer procedures, employment and program placement data, chronological reporting and posting of field supervision contacts.

Reorganization of the New York Bureaus to clearly define boundaries, balance caseloads and increase interaction between this agency and parolees.

Reorganization of support staff in the New York Bureaus to allow for better procedural controls and information processing.

The reorganization of our statewide Delinquency Bureau System to ensure more efficient dissemination of information and tracking of delinquent cases and reporting on same.

The reestablishment, on a statewide basis, of our Employment/Program Services Bureau to ensure a more coordinated effort to establish programs for and to track the progress of parolees in those programs and to report on same.

The establishment of a Reasonable Assurance Agency Evaluation Program and a community based organization liaison.

An assessment of the standards of supervision in view of current caseload requirements to ensure that the standards are realistic, compatible with agency and client needs and achievable.

The establishment of a schedule of internal audits, on a bureau by bureau basis, which will be assessing our performance in relation to our objectives.

Our PAL* Unit has been and will continue to assess the various components of our field workload versus our capability so that necessary adjustments may be made on an ongoing basis.

These above actions should all aid in the efforts of our evaluation and planning system.

* Planning Advisory and Liaison Unit

III. Monthly Supervision Reports Should be Complete and Processed Timely

The Audit Report contained one recommendation to the Division regarding monthly supervision reports.

RECOMMENDATION

The Division should ensure that completed monthly supervision reports are processed timely.

It should be noted that during the time of the audit, the Audit Team was reviewing a monthly report format and procedure that is no longer in effect. Currently, monthly reports containing up-to-date caseload information are being processed and forwarded to parole staff on a timely basis. In addition, as of May 1981, the Division was able to establish the posting of daily parolee contact activities.

In addition to the establishment of a posting procedure which allows us to monitor our field performance in a quantitative manner, the following steps have been taken to ensure the timely gathering and communication of required data, changes and corrections.

Under the reorganization of the bureaus in the New York Area, each bureau has been provided with additional clerical staff. The additional staff has made the processing of day sheets from which the posting information is derived more timely and has cut the turnaround time for parole officer monthly activity reports.

In the New York Office, a trained PARMIS clerk handles PARMIS related questions and corrections to ensure that procedural questions and administrative snags connected with the processing of these data are handled expeditiously.

In the Upstate and Bronx Offices, a Parole Aide position has been established which provides assistance to the bureaus in handling some of the routine administrative functions that heretofore required time of professional staff

received training at Central Office in our PARMIS functions, and as a result, will be able to handle, on a local level, many of the administrative and procedural problems in our PARMIS and posting operations. These Aides, have the additional duty of ensuring the prompt turnaround time of monthly activity reports so that necessary changes and corrections are made in an accurate and timely manner.

IV. Supervision of Parolees Needs Improvement

The Audit Team made 15 recommendations regarding the supervision of parolees.

The reader should be made aware that there is an inherent problem in the methodology the Audit Team was forced to use in arriving at their recommendations in this section. They were forced to rely upon entries in the case records to determine whether required tasks had been performed. There is a need to separate the actual performance of the task from the adequacy or completeness of the case record. The Division concedes that the adequacy of case recording is currently weak and must be improved. It further concedes that for purposes of evaluation and administrative control, there is no substitute for adequate case recording.

Notwithstanding these concessions, there are other methods of determining whether the primary tasks of field operations have been performed. This agency's subsequent review of the comments made in the Audit Report showed that primary tasks had been performed, albeit sometimes late, sometimes followed by cryptic recording and sometimes without an appropriate case entry. Our review leads us to differ with the Audit Team in that there is ample evidence that the client was serviced and the community protected. In the preponderance of our reviews, what is clear is that the worker did not give himself full credit by making appropriate and/or timely entries. In any task performance there is a sequence of inter-related activities; there is the perception of the problem, the decision as to the appropriate action to be taken, the taking of the action, and the evaluation of the effects of the action followed by case recording. The failure to properly record material is most often a reflection of the pressures of the job rather than a failure to perform adequately.

The Division has completed a number of initiatives to ensure the adequate supervision of parolees. Because these initiatives cut across the entire area of field supervision and because they relate to the recommendations of the Audit Team, they will be presented at the start of this section rather than as responses to specific recommendations. Particular attention was paid to New York City because

recognized that a disproportionate amount of the deviations from agency policy occurred there.

In New York City, the entire structure of the bureaus of supervision was realigned (Plan F). Administrative review of the New York City operation in the summer of 1979 made the need for restructuring obvious. Planning for restructuring was begun in November of 1979 and completed in March of 1980. Introduction to staff and staff preparation for the changes took the period from April to August of 1980. By September 25, 1980, the restructuring was complete. Each bureau was given clearly defined boundaries with the units in each bureau having core areas of responsibility. The geographical distribution of an individual officer's caseload was severely restricted and supervisory personnel were required to go out themselves into the community to make direct contact with police, probation, religious and social service organizations functioning in the geographic area of supervision. Direct community contact by supervisory personnel has positive impact on their ability to provide quality training for newly assigned parole officers.

The administration of all field operations was the direct responsibility of the Director and his Assistant. They were clearly undermanned and lacked a field contact, supervision, oversight and audit capability. The PAL was created to respond to these deficiencies in April of 1979. This unit has served as a communication vehicle to make sure that agency procedures were known and understood by line staff as well as bringing to the attention of administration the ideas and concerns of staff. This unit has identified problems peculiar to sub-units and then devised and carried out special training programs to address these problems. It has conducted special statistical studies to identify potential problems and paid particular attention to the supervisory controls used by senior parole officers.

The parole management information system (PARMIS) has their data base so that their reports accurately reflect parole officer caseloads. These reports have been available to parole officers and their supervisors on a semi-monthly

basis since April of 1980. Posting permits a quick visual review of contacts previously made in each case to aid in ensuring that case coverage is commensurate with the supervision status. Posting gives data to all levels of administration so that problem areas are quickly addressed.

A community preparation procedure was established in May of 1980 to allow the field parole officer to start planning for and working with a case at least six weeks prior to an individual's release.

A classification unit was established in the New York Office in December, 1978 to review and assess the needs of individuals released to the Special Supervision Program. This project is now debugged and will be expanded statewide.

RECOMMENDATIONS - #1 AND #2

1. The Division should establish procedures to ensure that parolees are assigned to an appropriate supervision status.
2. Parolees should receive services commensurate with their supervision status.

The new Standards of Supervision define the minimum amount of time a parolee must be in any level of supervision before he can be considered for a reduction in level of supervision. They also designate the reporting requirements of the parolee in each level of supervision.

The senior parole officer, upon receipt of the semi-monthly PARMIS print-out, will have the official designation of the parolee's supervision status. The senior will also have the posting document which will show the activity of the parole officer on the case during the previous month. From these documents the senior parole officer can ensure that the parolee is assigned to the appropriate level of supervision and that he is receiving services commensurate with such status. The responsibility of addressing any problems belongs to the senior parole officer and the parolee's behavior is monitored by his supervising parole officer.

3. The Division should determine whether a differential caseload distribution procedure should be implemented.
4. The Division should establish standard ranges of minimum and maximum caseloads and a monitoring mechanism to ensure that inconsistencies do not develop.
5. The Division should establish procedure to ensure the effective utilization of New York City Parole staff.

The Division had a differential caseload distribution (weighted caseload) from 1958 to 1975, when the State's fiscal crisis forced the Division to increase caseloads and move to a ratio system for all caseloads. Before 1975, the Division used a combination of differential caseload distribution and zero based budgeting, resulting in an average caseload per parole officer of 42 cases. As of the date of this response, the average caseload size has increased almost 50% to 62 cases per parole officer.

The Division has each year, unsuccessfully, requested funding for our field operations which would permit a return to weighted caseloads. Even with weighted caseloads, the amount of time allocated each month for intensive supervision was only three hours, two hours for active supervision, and one for reduced supervision. With the 50% increase in caseload size, differential distribution of cases was no longer possible. The only practical resolution was to allow each officer to allocate his time based upon the needs presented by the client at any particular moment. What the Audit Team has done in its example (Page 22, Audit Report), is to take a random sample of caseloads that average 50 rather than the present 62, and apply the weighted concept. While this may appear feasible when measured in "total unit of output," it becomes less so when hours of available officer time becomes the unit of measure. The Division concurs with the suggested approach, providing that the necessary manpower is made available for its implementation.

In any event, in an effort to address existing inequities in the bureaus, where possible, richer staffing patterns have been allowed to those bureaus that have demonstrated higher delinquency rates. Currently, it is up to each bureau, insofar as possible, to attempt to ensure equity in overall work-load assignments. Since each bureau has a discrete geographic area of responsibility, it is easier for supervisory personnel to evaluate the problems encountered by the staff and to make whatever allowances and adjustments are possible.

The entire operation of the New York City Office was being revamped during the audit period. Since that time, all of the initiatives mentioned at the start of this section have been implemented. They should ensure that there is effective utilization of staff in the New York Office. It is the position of the Division that effective utilization of staff can not be measured by the counting of cases, but rather by an analysis of whether staff is deployed in a manner that maximizes service to the client and protection to the community.

The effort to equalize the workload and to assure more effective utilization of staff is further aided by the currency of our PARMIS operations, the implementation of our posting system and the utilization of our PAL unit. The Division now has the capability of monitoring the distribution of caseload assignments and the utilization of staff throughout the state.

RECOMMENDATIONS - #6 AND #7

6. Standard time frames should be established for processing Arrival Reports and Initial Interviews.
7. Procedures should be established to ensure that Arrival Reports and Initial Interviews are conducted, documented, and processed in conformance with Division policy.

These recommendations are justified. The difficulties confronting our field operations in meeting agency standards have been discussed previously in this response. At this point in time, controls have been put in place to assure that the standard time frames already established for the processing of Arrival Reports and

Initial Interviews will be met. The Arrival Reports and Initial Interviews are now being conducted, documented and processed in conformance with Division policy.

RECOMMENDATION #8

8. The Division should improve treatment services by developing detailed rehabilitation plans for each parolee and providing necessary service to achieve stated objectives. A follow-up procedure should also be developed to ensure that services are provided and desired results achieved.

The Division has expended a good deal of effort toward the goal of evaluating the needs of the parolees and providing for the delivery of required services. The efforts of institutional parole services ensure that the Parole Board has as much information as possible on which to base its decisions, and that field parole services plan a course of action. Toward this end, institutional services has sophisticated its data collection ability, reviewed the format of its reports and made changes therein, where such changes were deemed appropriate.

In addition, in working with an individual from the time of his reception in prison through his parole period, the following changes have been made:

A community preparation procedure has been established which allows the field parole officer to start planning for, and working with, an individual six weeks prior to his release.

A classification unit has been established in the New York City Office to review and assess individuals released to the Special Supervision Program. The classification staff summarizes its assessment of the parolee's apparent needs and recommends to the field parole officer, an appropriate community supervision plan. All releases to parole will have the benefit of our classification program within the next year.

A statewide Employment and Vocational Program Bureau has been established to aid in the placing of individuals on jobs and in training and educational programs. Currently, data on job placement of parolees is collected on an on-going basis and is retained in our Parole Management Information System. The system

the follow-up of placed parolees in an effort to assess job retention rates and job quality.

Community based organizations, which offer promises of assistance in job security, occupational training and other services are being both worked with and evaluated. We are attempting to establish a strong and effective network of community resources which can provide effective support and assistance to parolees.

Preliminary efforts are under way to establish a direct liaison with the Department of Social Services in New York City to aid us in providing emergency services to parolees on an as needed basis. This is intended to provide indigent parolees with financial support while they are seeking employment.

A liaison has been established with the Department of Mental Health to coordinate efforts to place releasees who have extreme psychological problems.

Preliminary plans are under way to coordinate the Department of Correctional Services program efforts with Parole placement efforts to establish a relationship between institutional programs provided, and actual placements made, to help evaluate institutional programs and identify field service needs in the areas of inmate/parolee program placements.

RECOMMENDATIONS - #9, #10, #11, #12, #13, AND #14

9. Procedures should be developed to ensure that prescribed home visit requirements are met.
10. To improve program effectiveness and to increase the potential for more positive parolee home contacts, the Division should expand use of evening, week-end and preannounced home visits.
11. A monitoring system should be developed to ensure that Division employment verification standards and procedures are met.
12. The Division should redefine its office reporting standards to eliminate ambiguity which now exists.
13. Procedures should be developed to ensure compliance of prescribed office reporting requirements.

14. The Division should consider adopting a team concept of supervision which gives each parole officer a back-up officer, permitting each to know the other's caseload.

In order to assure that home visit requirements are met, as before, parole officers are expected to prepare day sheets which reflect their daily work activities. After much effort, we have been able to post from the day sheets, all supervision contacts on a timely basis. With the posted contacts the senior parole officer can monitor closely, parole officer case activity. Where there appears to be a failure to meet home visit requirements, the senior parole officer can readily inquire during the weekly case conference and take corrective action where appropriate.

We agree with the auditors that weekend and evening home visits can potentially increase program effectiveness. Parole officers are encouraged to maximize their opportunities for contact with parolees in their home environment. Many of our parole officers visit at night, on the weekends and by pre-arrangement. However, current work exigencies make evening and weekend work difficult unless the parole officer goes into an overtime situation. Where overtime is accrued, time rules require it to be taken in time-off or lost. Increased time-off diminishes time available for all duties and the problems of our current situation become obvious.

It is our belief that the size of caseloads must be reduced from the current 62 to 1 ratio in order for the Division to improve parolee supervision effectiveness. We believe caseloads are too high and have so said to the Division of Budget each year. Their response for the last 2 years has been to deny our requests and our circumstances have been exacerbated by increasing the size of caseloads.

Subsequent to the report to us of the audit findings, we reviewed our employment verification standards and procedures. We find that compliance with those standards by parole officers is substantial. However, we did find that recording by parole officers of employment verifications needed improvement. Action

with both verification and recording.

The reconsideration of the existing standards of supervision and the new standards which will result will be sufficiently clear on office reporting standards to assure the absence of ambiguity. The posting procedure and senior parole officer case conferences will ensure compliance with the standards.

The Division supports and recommends to field parole officers a team concept of supervision. The approach does not amount to an agency mandate, however, it is general practice throughout field operations. All warrant work is done by teams and caseload coverage during vacation usually falls to the parole officer's partner with back-up from the senior parole officer.

In view of our practice, the reasons for the audit team recommendation is not understood. Nevertheless, we agree with it.

RECOMMENDATION - #15

15. The procedures should be established to ensure that parole case records contain all required and essential documents and that case record histories are documented timely.

A major agency initiative resulted from the Audit Report. The Report indicated that 95 case folders reviewed should have had in them, a total of 1,218 forms, or an average of 12.8 forms per case. As a result of this observation, all of our currently existing field services forms have been reviewed. The review revealed a significant amount of repetition, overlap and redundancy. The Division has concluded that with some slight modifications, some six existing forms could include all of the material currently available in the existing forms. This examination and evaluation of forms is still ongoing for two reasons:

- a) We wish to be sure that no required information, however seldom used, is deleted, and
- b) Since some of the forms are generated by other agencies, we must seek their cooperation in order to assure the success of our efforts.

future. Once the number of forms have been reduced to a manageable level, the Division will be able to ensure that they will all be present in each case folder.

In summary, the Division has no quarrel with the 15 recommendations in this section. In the main, the Division had already moved to rectify the problems presented. We do feel that the recommendations go to the form but not to the substance of the field supervision process. The responsibility of field supervision is to protect the community by monitoring the behavior of the client and meeting the perceived needs of the client and failing that, to consider the removal of the client from the community. If, at any time, deviations from the procedures need to be made to better accomplish those twin objectives, then such deviations will take precedence. In many instances, such decisions are made at the first line supervisory level and that discretion must remain there.

V. Parole Officer Activities Should be Better Supervised

In this section of the report, the Audit Team made one general recommendation with two more specific subrecommendations.

RECOMMENDATION

Monitoring procedures should be established to control parole officer activities. The procedures should include:

- a) Periodic case folder review with special attention given to content, activities and timely implementation of rehabilitation plans.
- b) Accountability and performance procedures for field staff, including anticipated services to be performed and accomplishments attained.

In 1976 the Department of Correctional Services, in an effort to live within the budget restrictions imposed on it by the Division of Budget because of the state's fiscal condition, determined that it could no longer afford to provide training services to Parole line staff and supervisory personnel. The absence of a training capability for Parole staff served to mute the new Division's efforts to strengthen field supervision. It severely impacted on the success of the new agency in meeting its dual responsibilities of community protection through the reintegration of the offender into society.

From 1975 through all of 1979, all newly hired parole officers came not from a recruited group of men and women seeking a career in Parole but from a generally mature group of professionals who had originally sought a career in working with substance abusers in an effort to effect their rehabilitation. They, as a group, were demoralized and shocked when the state reversed a trend begun in 1967 and ended the compulsory treatment of narcotics addicts. The state's drug treatment structure was dismantled and its employees, several hundred, were either laid off or forced to take lesser paying jobs in the drug agency or other state agency. The Civil Service Commission set up a preferred list for the parole officer job title and made many of the drug agency employees eligible for the position. As a result, all newly hired parole officers from the inception of the Division into 1980 were

from the preferred list. The Division needed the capability both to train and to do the even more difficult task of retraining. Unfortunately, the capability was sorely lacking.

On January 1, 1978 the newly created Division had no new training dollars available to it. In fact, the Division was unable to recruit a training director until March 1, 1979; and even now in 1981, our training capacity is significantly inferior to our training needs. Our extraordinary efforts to persuade the Division of Budget of the importance of training to the accomplishment of our statutory mandates has been insufficiently successful. It has not been possible for the Division to obtain the total amount of training dollars that are needed.

The auditors' recommendations refer to existing weaknesses in our Field Services operations. These weaknesses are attributed to the fact of significantly undertrained first line field officers and supervisors. The problem was known to the Division long before the audit was begun. The problem is greatest in our New York City operations and exists to a much lesser degree in our upstate operations.

The Division has lobbied energetically with the Division of Budget for increased training dollars. Although we are still underfunded, we have recently won a greatly enhanced budget for training. Operationally and administratively, we have worked in many ways to deal with the problems observed by the auditors. Much of our work was begun at the time we became a Division, and it continues even now.

Since New York City presented the major area of concern, we concentrated major portions of our efforts there. We restructured the supervision bureaus in the New York Area to redefine territories to be covered by staff into small compact geographical areas in an effort to increase the awareness on the part of the parole officer, his partner and the supervisor of the character of the area covered and to maximize contact between the parole officer, his parolees and the area he covers.

Since the reorganization, our PAL Unit has worked with the senior parole officers in all bureaus in updating the field supervision books. Now, as is required by Division policy, every senior parole officer has the ability to know the progress of every parole officer with each of his/her cases. The supervision book in updated form is the essential ingredient for parole officer accountability and effective senior parole officer supervision.

Our PARMIS operation is now an accurate reflection of a parole officer's caseload, indicating the cases under each parole officer's supervision and various aspects of their supervision status. This further enhances supervisory control and also aids the parole officer in controlling his/her own caseload.

Posting of a parole officer's caseload has been initiated. This posting, coupled with the updated supervision books and accurate PARMIS reports, gives the senior parole officer and area supervisor the knowledge they need to aid the parole officer in meeting his supervision obligations.

Through the case conferences between the senior parole officer and supervising parole officer, case folder materials are reviewed and discussed on a regular basis. Additionally, the PAL Unit's periodic audits of field bureaus review the content and quality of case folder materials. In this way, any missing or incomplete documents related to a parolee's supervision plan are identified, and corrective measures taken.

In the latter part of 1979, the Division was able to launch a special unit of handpicked, high quality parole professionals. We had determined that the field supervision accountability problems and first-line supervisor deficiencies could not be corrected in a timely fashion through training, particularly in light of our limited success in obtaining training dollars.

With the Division of Budget, we put together the Planning, Advisory and Liaison Unit (PAL) for Field Services. The unit has the ability to monitor staff performance, adherence to procedures by both line and supervisory staff and to improve through assessment and review with staff the effectiveness of supervisory

controls. Their work over the short time of their existence has nearly resolved many of the problems observed by the auditors.

Some work still remains to be done. Although our training unit has developed fairly well, its energies have been diverted in part from training operations and procedures for parole officers and supervisory staff to training mandated by the 1980 Omnibus Peace Officer Act. The unit is now well through that training and will soon be able to pick up where it left off. We will continue to pursue Budget for the balance of the funds needed to properly establish our training capabilities to meet our needs.

Finally, we have been able to win Civil Service and Division of Budget approval to enhance the administration of our Field Services directorship. Under the approved plan, the responsibility for the treatment services will be separated out from parole services generally and placed under a single director who will coordinate with institutional personnel and pre-release centers, operate and oversee our parole resource centers, maintain liaison with and work with community-based organizations providing services to our clients, and oversee our parolee employment efforts.

In the next several weeks, we will name a second Assistant Director of Parole Field Operations whose efforts will permit an increased level of direct contact with area offices and field staff, permit the installation of a more manageable span of supervisory control, enhance communications with and among field staff and provide greater opportunities for on-site analysis of operational needs.

CONCLUSION

The audit of the Division of Parole Field Operations produced evidence sufficient to demonstrate that improvements in some of our operations were needed at the time of the audit review. The foregoing response demonstrates that the Division was aware of the problems uncovered, and was working to resolve those problems before and during the audit period. The resolution of some of the problems, as we have stated, has continued even after the audit was completed.

The Division cooperated fully with the audit team, but objected to the audit from the outset because of the audit philosophy. The auditors insisted that they would review our field operations on a continuum as though the move from the Department of Correctional Services to the Executive Department was a mere paper transfer. Problems in operations identified by them would be viewed as though the agency administration was unaware of them, or if aware, had not taken the necessary corrective action.

We suggested that the audit was ill-timed since the Division was created out of a joint executive-legislative effort to end the deterioration of parole services in New York State. We suggested that an audit should have begun on the eve of the establishment of the new Division of Parole on January 1, 1978. With an assessment of our field operations at that time, the auditors could have recorded the existing conditions and then returned to assess how the new Division had handled its problems. This would clearly give the Governor, the Legislature and the people a true view of whether state agency staffs work as they should to improve their operations in service to the people. Unfortunately, our suggestions were rejected out-of-hand. We were told that we could discuss those concerns in our response to the audit findings. Our responses clearly reflect our view, but they cannot totally overcome the inappropriateness of the audit practices used. The current administration of the Division of Parole did not pre-exist the new Division of Parole. Accordingly, it was not responsible for parole's deterioration. The present administration was

CONTINUED

1 OF 2

given a set of mandates in the Parole Reform Act of 1977, that if carried out, would end parole deterioration and enhance parole effectiveness. We have worked tirelessly with limited resources to meet those statutory mandates. We have done well and are proud of our record of accomplishments. We believe in Parole and in Parole Supervision particularly. The suggestion by the auditors that its efficacy is questionable is not warranted by the facts and is an insult to our field staff. Admittedly, we still need improvement, but with precious little resources, our statistics show that we perform a tremendous service to ex-offenders and the communities that must receive them back after incarceration.

Ch. 904 LAWS OF NEW YORK

Parole—State Division of Parole—Powers and Duties

Memorandum relating to this chapter, see page 2538

CHAPTER 904

An Act to amend the executive law, in relation to the state division of parole and providing for its functions, powers and duties and to repeal sections six, six-a, six-b, six-c, six-d, eight and nine and articles eight and twenty-five of the correction law, relating thereto.

Approved Aug. 11, 1977, effective as provided in section 18.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The effective administration of the system of criminal justice and of each component thereof has a direct impact on the people of the state of New York and is a matter of serious concern to the legislative, executive and judicial branches of their government.

The parole system is a vital element of the indeterminate sentencing process in effect in this state. The present organizational structure is not conducive to the optimum performance of the parole system. The parole board and parole officers are placed in the department of correctional services whose primary function is providing for the care and confinement of offenders in correctional institutions. While the board of parole is statutorily structured as an independent agency responsible for the formulation and execution of parole policy, it is made dependent upon the department for administrative and staff support. The legislature finds that the operation and management of the division of parole can be enhanced by removing it from the department of correctional services and placing it in the executive department. Such an organizational change would provide the division of parole with the necessary measure of independence from the department of correctional services while providing the control over resources which is essential to the continuing improvement of the parole process.

At the same time, the legislature recognizes that organizational changes internal to the parole process are essential. The present provisions of law regarding parole place an enormous burden upon a limited number of parole board members. With an increasing number of smaller, community based correctional facilities adding to the existing larger institutions, the twelve member board is required to make minimum period of imprisonment determinations, release determinations and revocation determinations, in addition to other duties specified in law, at many of these institutions. The current law requires the use of three member panels to make release and revocation determinations. The size of the parole board and the responsibilities presently imposed upon its members by law preclude the establishment of an administrative review process and prevent the board from devoting the degree of attention to policy formulation, re-examination and amendment that is desirable.

The legislature finds that it is essential that the parole board be authorized to utilize the services of hearing officers to conduct hearings and recommend determinations to the board. The use of such hearing officers will enable the board to create an administrative appellate process and to place a greater emphasis on policy formulation and implementation.

In recognition of the critical role of parole in the administration of justice, the legislature finds that minimum educational and professional qualifications for parole board members should be required. Further,

the exercise of discretion, which is inherent in the parole system, must be structured and administered consistent with notions of due process. The legislature therefore finds that the parole board must articulate the criteria which guide the process of fixing minimum periods of imprisonment and making parole release determinations so as to provide a clearer understanding of the parole process. The adoption and use of written criteria will facilitate notice of the standards by which an offender's conduct will be evaluated.

It is the legislative intent that these organizational and substantive changes will create an appropriate framework within which the parole system can arrive at individual determinations that are just and proper to the particular individual while at the same time consistent with the treatment of others similarly situated. By enhancing the operation of the parole process, these reforms should improve the administration of justice in this state.

§ 2. Sections six, six-a, six-b, six-c, six-d, eight, nine and articles eight and twenty-five of the correction law are hereby repealed.

§ 3. The executive law is hereby amended by adding thereto a new article, to be article twelve-B, to read as follows:

ARTICLE 12-B—STATE DIVISION OF PAROLE

Sec.

259. Division of parole; organization.

259-a. Division of parole; functions, powers and duties.

259-b. State board of parole; organization.

259-c. State board of parole; functions, powers and duties.

259-d. Hearing officers.

259-e. Institutional parole services.

259-f. Parole officers.

259-g. Applications for conditional release.

259-h. Parole eligibility for certain inmates sentenced for crimes committed prior to September first, nineteen hundred sixty-seven.

259-i. Procedures for the conduct of the work of the state board of parole.

259-j. Discharge from parole and conditional release.

259-k. Access to records and institutions.

259-l. Cooperation.

259-m. Compacts with other states for out-of-state parolee supervision.

259-n. Out-of-state incarceration.

259-o. Interstate hearings for parole violations.

259-p. Deputization of out-of-state officers.

259-q. Civil actions against division personnel.

259-r. Civil actions against division volunteers.

§ 259. Division of parole; organization

1. There shall be in the executive department of state government a state division of parole. The chairman of the state board of parole shall be the chief executive officer of the division. He shall appoint and shall have the power to remove, in accordance with the provisions of the civil service law, all officers and employees of the division, and shall prescribe their powers and duties and fix their compensation within the amounts appropriated therefor.

deletions by strikeouts

Parolee Prison Return Rates

Outcome Measure	1979-1980 ^{1/}	1978-1979 ^{2/}
Rate of Parolees Returned To Prison With New Court Conviction During Year	2.9% (n=678)	3.1% (n=675)
Rate of Parolees Returned To Prison For Violating Conditions of Parole During Year	6.5% (n=1,510)	5.6% (n=1,201)
Total Rate of Prison-Returns During Year	9.4% (n=2,188)	8.8% (n=1,876)

1/ Rates computed on basis of dynamic population of 23,325 parolees during April 1, 1979 to March 31, 1980.

2/ Rates computed on basis of dynamic population of 21,377 parolees during April 1, 1978 to March 31, 1979.

In view of the above data on parolees returned to prison in 1979-80, the parole supervision success rate can be measured in several different ways.

• First, in terms of the total number of parolees not returned to prison, the success rate of parole supervision during the year was 90.6%. This result is an indication of the Division's overall performance in deterring parolee crime and reincarceration.

• Second, from the point of view of enforcing the rules of parole, parolees returned to prison for rule violations cannot really be considered "failures" in the same sense as those who were returned for new criminal convictions. Absconding from supervision or use of illegal drugs, for example, is less serious than committing a violent offense. Furthermore, a prison return based on a rule violation decreases the chances of a parolee being a threat to community safety. Given this, the supervision success rate was 97.1% (i.e., only counting as real criminal recidivists the 678 parolees reincarcerated for new crimes during the year).

A-38

- Finally, using a much "softer" measure of the number of deterred parolee delinquents, the supervision success rate for the year was estimated at 75.0%. This estimate is based on the number of parolees who were neither returned to prison during the year for any reason nor in any form of delinquent status at the end of the year. Those in delinquent status are either unapprehended absconders from supervision, or involved in the parole hearing process (to decide on whether a parolee's behavior warrants revocation of parole.)

Revocation decisions are made by the Parole Board on a case by case basis, taking into account the seriousness of the alleged delinquent parole behavior, evidence for the behavior and whether reincarceration of a parolee would benefit society. The reader is, therefore, cautioned that not all parolees in delinquent status at the end of the year will subsequently have their parole revoked. To this extent this third measure of supervision success or non-delinquents by the end of the year is tentative or "soft" at best.

Based on an average of the three above specific rates, the comprehensive success rate for parole supervision for the year was 87.6%. This was comparable to the 88.0% overall success rate for the 1978-79 period.



FRANK J. ROGERS
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APPENDIX B

July 22, 1981

Mr. R. Wayne Diesel
Deputy Comptroller
Department of Audit and
Control
A. E. Smith Office Building
Albany, New York

Dear Mr. Diesel:

Transmitted herewith is our response to those portions of your department's audit of the Division of Parole which relate to the activities of the Division of Criminal Justice Services.

Sincerely,

A handwritten signature in dark ink, appearing to read "Frank J. Rogers".
Frank J. Rogers

FJR:AFD:js
Attachment

On page MS - 3 of the report the auditors state that DCJS has not enforced Section 160.20 of the CPL concerning prompt submission of arrest fingerprints and as a result delays Parole's ability to investigate the circumstances surrounding the arrest of parolees and to detain parolees when necessary. The auditors cite as substantiation for this allegation an arrest effected in New York City. The arrest in question, which is also cited on page 9 of the audit, is one which was processed under Article 150, Criminal Procedure Law, which deals with Appearance Tickets. An Appearance Ticket may be issued, in lieu of taking a person into custody and bringing such person before a local criminal court, when the offense charged is other than a felony. In the case cited by the auditors, the charges were not felonies and an Appearance Ticket was issued. The processing of defendants who are issued Appearance Tickets is much less constrained than is the processing of persons arrested (taken into custody). In fact, Section 150.70, provides that the court at arraignment direct that the defendant be fingerprinted. This may be weeks after the Appearance Ticket was issued.

In the case cited by the auditors the fingerprints were taken before the defendant's scheduled court appearance. Contrary to the auditors' contention that the arresting agency did not comply with the law, the arresting agency actually did more than was required by the law.

To comply with the auditors' recommendation in this type of case would require that the defendant be held in custody until the return of the criminal history record from DCJS and would be contrary to one of the intents of the law which was enacted to provide a compassionate substitute for an arrest without a warrant.

On page 8 of the report the auditors give the impression that DCJS processes all arrest fingerprints within three (3) hours. While a worthy goal, in practice the Division only provides Priority 1 (three hour processing) for arrest fingerprint submissions by facsimile where the criminal history reply will be used for arraignment. This amounted to approximately 60% of the arrest fingerprints processed by the bureau during 1980. The remaining 40% were submitted to the bureau by mail either because the subject's prior criminal record was not needed immediately (i.e. in the case of an arrest via the issuance of an appearance ticket or summons) or because the arresting agency did not have access to the DCJS fingerprint facsimile network. Processing of these prints routinely requires an average of five days.

As indicated on page 11 of the report, the bureau does monitor arrest fingerprint submissions and contacts agencies when submissions are delinquent. Consistent with the auditors' recommendation on page 9 of the report, the Division has established guidelines for police agencies to follow towards compliance with Section 160.20 of the CPL; which requires

submission of arrest fingerprint cards to DCJS "without unnecessary delay". These guidelines, which have been distributed to police agencies, provide for submission within twenty-four (24) hours, except for weekends when it can be extended to seventy-two (72) hours. During the month of June 1981, sixty-five (65) police chiefs were notified of recent delinquent arrest fingerprint submissions from their agencies. The agency, as a matter of policy will continue to monitor fingerprint submissions with the ultimate aim of achieving a more timely fingerprint transmission process.

Recommendations to the Division and DCJS - pages 10 & 11. 1) Immediate action should be taken to reconcile parole registrant records. Since April 15, 1981, DCJS and the Division of Parole have been conducting monthly comparisons of the individuals considered by each agency as on parole to ensure that both files are compatible. Once the discrepancy between the two files is eliminated (by September 15, 1981), the reconciliation or matching process will be conducted quarterly.

As a result of the four matches performed to date and the investigation and analyses conducted as a result of each run, the discrepancies have been reduced as follows:

	<u>April 15</u>	<u>May 15</u>	<u>June 15</u>	<u>July 15</u>
No. of Parolees Missing From DCJS File	1,950	631	332*	268**
No. of Parolees Missing From Parole File	3,018	1,954	1,917*	784**

DCJS and Parole are continuing to work closely to eliminate the remaining discrepancies. It is anticipated that as a result of the August match, few if any records will be missing from the DCJS file. It may take a while longer to correct the missing from Parole file records since these are primarily individuals who were scheduled to be discharged from Parole several years ago and Parole will have to research Department of Correctional Services files.

As a result of the April match, several program and procedural problems were uncovered and corrected. DCJS staff updated all records which were affected by the program problem. Upon review of the April lists, Parole realized that individuals who were considered long-term absconders from Parole accounted for a large number of the records missing from the DCJS file. Parole identified some of the individuals and DCJS updated their records to an active status. Subsequently, Parole

*The June 15 lists included 79 individuals who were on both lists, but with discrepancies in date of release to Parole. These 79 cases when added to the numbers above bring the totals to 411 and 1,998. These cases are not missing from either file. Valid arrest notifications will be produced on all of these individuals.

**See above. The July list contains 66 individuals on both lists. The totals when adjusted for these 66 cases are 334 and 850.

advised DCJS that individuals considered long-term delinquents were also missing and forwarded eleven such cases to DCJS for updating.

As of July 21, 1981, Parole identified another sixty-six (66) long-term absconders and fifty (50) long-term delinquents, but had not forwarded these to DCJS. In addition to the 116 cases thus accounted for, Parole has identified ninety-six (96) individuals who were discharged in error. When Parole forwards the list of these cases and the two aforementioned lists to DCJS, the number of parolees missing from the DCJS file will be reduced to fifty-six (56). Parole is currently attempting to resolve these remaining cases.

2) Procedures should be established to update the Parolee registry so that invalid arrest notices are not transmitted. The elimination of invalid arrest notices is an automatic by-product of reconciling the files. As a result of the file correction performed to date, the numbers of invalid hit notices have already been significantly reduced.

END