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THE STATE OFFICE BUILDING CAMPUS
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ACQUISITIONS

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1972 RELEASES: FIVE YEAR POST RELEASE FOLLOW-UP

In calendar year 1972, 5,593 inmates were originally released from facilities of the Department of Correctional Services by parole, conditional release and maximum expiration of sentence. This study follows each of these cases for a period of five years to determine how many were returned to custody under sentences imposed by the courts for new crimes or by the Board of Parole for rule violation. This study has been prepared with the cooperation and advice of the New York State Division of Parole.

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1972 RELEASES: FIVE YEAR POST RELEASE FOLLOW-UP

HIGHLIGHTS

This report provides follow-up data on 5,593 persons released to original parole supervision or discharged at maximum expiration of sentence from facilities of the New York State Department of Correctional Services during calendar year 1972.

1. One out of three persons (33.6%) of the study population returned to custody within the five year follow-up period.
2. Of the 1,877 returned to custody, two-thirds (66.2% or 1,243) were back under custody within two years of release. The median time between release and return was 17.1 months.
3. Women in the study tended to be returned to custody at a lower rate (11.9%) than males (34.3%).
4. The lowest rate of return was found among persons committed for murder (7.8% while burglars had the highest rate (45.4%).
5. Those who were older at the time of release tended to return at a lower rate than those in younger age brackets. The median age on release was 25.6 years.
6. Persons with more serious prior adult criminal histories returned at a higher rate than those with no prior record.
7. Among ethnic groups, blacks were returned to custody at a rate of 35.6% while Puerto Ricans and whites registered rates of 32.9% and 29.7% respectively.

1972 RELEASES: FIVE-YEAR POST
RELEASE FOLLOW-UP

The subject of this study are the 5,593 inmates released to original parole supervision or discharged at maximum expiration of sentence from facilities of the New York State Department of Correctional Services (DOCS) during calendar year 1972.

A grand total of 7,439 inmates were released from DOCS facilities during 1972. This study concerns, however, only the 4,614 original releases to parole supervision (i.e. the first time inmate has been released on this sentence) and the 979 persons released by maximum expiration of sentence as their initial 1972 release. Excluded are 1,846 inmates released by: court order (194); death (42); escape (23); transfers to other agencies (268); 1,290 who had been released to parole supervision in prior years and subsequently returned to custody as violators; and 29 maximum expiration cases who had already been released to parole supervision once before during the year and returned as violators.

Each case in the study group was followed up for a period of five years from date of release to determine if a return to DOCS custody occurred during this period. Of the study group, 3,716 or 66.4% did not return to custody during the five-year follow-up. The remaining 1,877 or 33.6% were returned to facility custody of DOCS at least once during the follow-up period.

1972 RELEASES: NUMBER INITIALLY RETURNED
TO CUSTODY DURING FIVE-YEAR FOLLOW-UP

| <u>Record of</u> <u>Return to Custody</u> | <u>Number</u> | <u>Percent</u> |
|--|---------------|----------------|
| Total Released | 5,593 | 100.0% |
| No+ Returned | 3,716 | 66.4% |
| Returned | 1,877 | 33.6% |

TYPE OF RELEASE. We find that 4,614 or 82.5% of the 1972 study population were released to original parole supervision. 979 were discharged directly from prison upon expiration of their maximum sentence. Releases to parole supervision include 3,582 persons released at the discretion of the Board of Parole and 1,032 who received a mandatory conditional release (cr) after having served two-thirds of their maximum sentence.

1972 RELEASES TO ORIGINAL PAROLE SUPERVISION
AND DISCHARGES BY MAXIMUM EXPIRATION OF SENTENCE

| <u>Type of Release</u> | <u>Number Released</u> | <u>Percent Distribution</u> |
|-----------------------------------|------------------------|-----------------------------|
| Total Released | 5,593 | 100.0% |
| Parole | 3,582 | 64.0% |
| Conditional Release ^{1/} | 1,032 | 18.5% |
| Maximum Expiration of Sentence | 979 | 17.5% |

1/ Includes 9 statutory releases.

RETURNS TO CUSTODY BY TIME. The number of inmates returned to custody during the five-year follow-up period was 1,877 or 33.6% of the 1972 study population. These include initial returns only. Persons with multiple returns are counted only once to avoid duplication. Two out of three of these returns (1,243 offenders) were returned within two years of their release from prison. Decreasing amounts of offenders were initially returned to custody in each of the succeeding three years with 336 in the third year; 172 in the fourth and 126 in the fifth. The median time between date of release and initial return to prison was 17.1 months. The remaining 3,716 persons released during 1972 were not returned to custody of a DOCS facility during the five-year follow-up period.

1972 RELEASES: INITIAL RETURNS TO CUSTODY
BY YEARLY PERIODS SUBSEQUENT TO RELEASE

| <u>Returns by Year After Release</u> | | <u>Total Returns</u> |
|--------------------------------------|---------|----------------------|
| Total | Number | 1,877 |
| | Percent | 100.0 |
| 1st Year | Number | 585 |
| | Percent | 31.1 |
| 2nd Year | Number | 658 |
| | Percent | 35.1 |
| 3rd Year | Number | 336 |
| | Percent | 17.9 |
| 4th Year | Number | 172 |
| | Percent | 9.2 |
| 5th Year | Number | 126 |
| | Percent | 6.7 |

(See also Appendix Table A.)

RETURNS TO CUSTODY BY RELEASE TYPE. Although the overall return rate for the 1972 release population was 33.6% there was considerable variation between the three major release groups. The conditional release group registered the highest proportion of returns over the five-year follow-up period with 38.4% or 395. The rate of return for persons released by action of the Board of Parole was 34.6% (1,239 returns) or 3.8% less than for conditional releases. The lowest return rate was registered by persons released at maximum expiration of sentence (ME). Only 24.8% of this group was returned during the follow-up period. It must be noted, however, that the ME population is not subject to parole officer supervision while in the community and can be returned only for a new felony commitment as discussed in the following section.

1972 RELEASES: INITIAL RETURNS TO
CUSTODY BY RELEASE TYPE

| <u>Release Type</u> | <u>1972 Releases</u> | <u>Number Returned</u> | <u>Percent Returned</u> |
|--------------------------------|----------------------|------------------------|-------------------------|
| Total Releases | 5,593 | 1,877 | 33.6% |
| Paroles | 3,582 | 1,239 | 34.6% |
| Conditional Releases | 1,032 | 395* | 38.4% |
| Maximum Expiration of Sentence | 979 | 243 | 24.8% |

* Includes 3 statutory release cases.

TYPES OF RETURN TO CUSTODY. Inmates released to parole supervision, either by the discretion of the Board of Parole or by mandatory conditional release after satisfactory completion of two-thirds of their maximum sentence, are subject to abide by the general rules governing parole. ¹ A serious violation of these rules during the period of supervision may result in the return of the parolee to DOCS custody as a violator at the discretion of the Board of Parole. Inmates released upon maximum expiration of sentence are not subject to the rules of parole and may not be returned as violators. Where an offender commits a new felony subsequent to release, the court may sentence the offender to a new indeterminate term to be served in DOCS custody. These will be referred to as new commitments.

There are substantial differences in type of return between the parole, conditional release and maximum expiration groups. We observe that 12.9% (458 offenders) of the parole release group were

returned as new commitments during the five-year follow-up while an additional 21.8% (781 offenders) were returned as parole violators. Among the conditional releases we see a higher rate, 17.0% (175 offenders), returned as new commitments while the proportion of returns for parole violation is similar to the parole group at 21.3% (220 offenders). The maximum expiration of sentence group represents the highest proportion of returns with new commitments at 24.8% (243 offenders) with no parole violation returns possible. It should be remembered that inmates released via maximum expiration of sentence had virtually all been released in years prior to 1972 to parole supervision and returned to custody as violators. In contrast, the parole and conditional release groups include only original releases upon the sentence being served. Thus, in the maximum expiration group we have only inmates who previously failed to successfully complete a period of parole supervision and who we might reasonably expect to experience a higher return rate than first releases.

1972 RELEASES: INITIAL RETURNS BY NEW
COMMITMENT AND FOR PAROLE VIOLATION

| <u>Release Type</u> | <u>Initial Type of Return</u> | | | |
|-----------------------------------|-------------------------------|--------------|------------------------|-------------------------|
| | <u>1972 Releases</u> | <u>Total</u> | <u>New Commitment*</u> | <u>Parole Violation</u> |
| Total Releases | 5,593 | 1,877 | 876 | 1,001 |
| Paroles | 3,582 | 1,239 | 458 | 781 |
| Conditional Release | 1,032 | 395 | 175 | 220 |
| Maximum Expiration of Sentence | 979 | 243 | 243 | --- |

* Includes 3 mentally ill inmates transferred from local penal facilities during follow-up period (1 parole, 1 conditional release and 1 maximum expiration), and 1 parole by court order.

Those offenders returned with new court commitments among the parole and conditional release groups include both cases where the return occurred during the period of parole supervision as well as instances where the return resulted from a felony conviction after successful completion of and discharge from parole supervision. Among the parole group we find that 8.2% or 292 of the releases via Board action were returned with new sentences while still under supervision compared to an additional 4.6% or 164 who were committed after

completing their period of parole supervision. Of the conditional releases, we find 7.9% or 83 returned with new sentences while under supervision and 8.8% or 92 returned after supervision with a new term. A contributing factor to the increased rate of return of CR's after the period of parole supervision is that conditionally released offenders serve considerably shorter periods under supervision than do those released via paroles granted by the Board. Thus one would expect a somewhat higher rate of return of conditional releases during the post supervision period although possibly not at the 8.8% rate (92 out of 1,032 releases) experienced by the 1972 conditional release population.

1972 RELEASES TO PAROLE SUPERVISION: INITIAL RETURNS
WITH NEW COMMITMENTS DURING AND AFTER SUPERVISION

| <u>Release Type</u> | <u>New Commitment Returns</u> | | |
|--------------------------------|-------------------------------|------------------------|---------------------|
| | <u>1972 Releases</u> | <u>While On Parole</u> | <u>After Parole</u> |
| Releases to Parole Supervision | 4,614 | 376 | 257 |
| Parole | 3,582 | 292 | 164 |
| Conditional Release | 1,032 | 83 | 92 |

CHARACTERISTICS OF RELEASE AND RETURN POPULATIONS. The following section presents selected characteristics for both the entire study group of 5,593 persons released during 1972 as well as for the 1,877 persons returned to custody within the five-year follow-up period. The selected characteristics include: sex; reason for commitment; age on release; prior adult criminal record; and ethnic group. The reader is cautioned not to automatically assume a causative relationship where certain characteristics exhibit a high correlation with rate of return to custody. The factors which determine return of an individual to prison are numerous and their interaction is often complex. It is hoped that a review of these selected characteristics will, however, identify areas for future in-depth study which will provide greater insight into the overall process by which certain persons are subject to reincarceration while others are able to maintain themselves in a free society.

SEX. Males comprised 96.9% or 5,417 of the 1972 releases while females accounted for 3.1% or 176. A larger proportion of the female releases, 78.4%, were via decisions of the Board of Parole compared to only 63.6% of male releases. Among the male releases we find higher rates of conditional release, 18.8% and maximum expiration of sentence, 17.6%, than among females who registered rates of 6.8% and 14.8% respectively.

CHARACTERISTICS OF 1972 RELEASES: SEX BY
TYPE OF RELEASE

| 1972 Release Population by Sex | Type of Release | | | |
|--------------------------------------|-------------------|----------------|------------------------|-----------------------|
| | Total Releases | Parole | Conditional Release | Maximum Expiration |
| Total | 5,593 100.0% | 3,582 64.0% | 1,032 18.5% | 979 17.5% |
| Males | 5,417 100.0% | 3,444 63.6% | 1,020 18.8% | 953 17.6% |
| Females | 176 100.0% | 138 78.4% | 12 6.8% | 26 14.8% |

Only 11.9% or 21 of the females released in 1972 returned to custody during the follow-up period. Of the male releases 34.3% or 1,856 returned. One out of three of the women were initially returned with court commitments while 46.8% of the males returned had new terms from court. None of the females on conditional release returned and only one released at maximum expiration of sentence returned. Males in these release categories did not fare as well with 395 (38.7%) of the conditional releases returned and 242 (25.4%) of the releases by maximum expiration of sentence.

CHARACTERISTICS OF RETURNS: SEX BY INITIAL
RETURN TYPE

| Return Population By Sex | Total Return | Paroles | | Conditional Releases | | Maximum Expiration |
|--------------------------------|-----------------|--------------|--------------|-------------------------|--------------|-----------------------|
| | | NC | RPV | NC | RCR | NC |
| Total | 1,677 100.0% | 458 24.4% | 781 41.6% | 175 9.3% | 220 11.7% | 243 13.0% |
| Males | 1,856 100.0% | 452 24.4% | 767 41.3% | 175 9.4% | 220 11.9% | 242 13.0% |
| Females | 21 100.0% | 6 28.6% | 14 66.6% | -- 0.0% | -- 0.0% | 1 4.8% |

Type of Return: NC=New Commitment; RPV=Returned Parole
Violator; RCR=Returned Conditional Release
Violator

REASON FOR COMMITMENT. The study population had been predominantly committed for felony offenses, 4,892 or 87.5% of those released in 1972. Of the remainder, 465 (8.3%) were Youthful Offenders (Y.O.'s); 217 (3.9%) were misdemeanants; and 19 Juvenile Delinquents (0.3%). Among felony offenses, robbery was the largest single category including 1,733 or 31.0% of the release population. Other major felony categories included: drug offenses at 683 or 12.2%; manslaughter at 585 or 10.5%; burglary at 562 or 10.0%; and grand larceny at 323 or 5.8%. None of the remaining offense categories exceeded 3% of total releases.

The proportion of individuals returned to custody varied considerably among offense categories. The lowest return rate is found among persons originally committed for murder where 7.8% (6 offenders) were returned during the follow-up period. The highest rate of return was found in the burglary category with 45.4% or 255 returning to DOCS custody within 5 years. Two other major categories substantially above the rate of return for the total study population included Youthful Offender at 42.6% and robbery at 39.6%. At the lower end of the return scale we find releases originally committed for rape with a return rate of 19.1% followed by manslaughter at 22.6% and drug offenses at 23.6%.

CHARACTERISTICS OF 1972 RELEASES: REASON FOR COMMITMENT

| <u>Offense on Commitment</u> | <u>Total Releases</u> | <u>Returned to Custody</u> | | <u>Not Returned</u> | |
|------------------------------|-----------------------|----------------------------|-------|---------------------|-------|
| All Offenses | 5,593 | 1,877 | 33.6% | 3,716 | 66.4% |
| Total Felonies | 4,892 | 1,597 | 32.6% | 3,295 | 67.4% |
| Murder | 77 | 6 | 7.8% | 71 | 92.2% |
| Manslaughter | 585 | 132 | 22.6% | 453 | 77.4% |
| Robbery | 1,733 | 686 | 39.6% | 1,047 | 60.4% |
| Burglary | 562 | 255 | 45.4% | 307 | 54.6% |
| Assault | 335 | 96 | 28.7% | 239 | 71.3% |
| Larceny (Auto) | 323 | 98 | 30.3% | 225 | 69.7% |
| Larceny (not Auto) | 50 | 21 | 42.0% | 29 | 58.0% |
| Rape | 68 | 13 | 19.1% | 55 | 80.9% |
| Other Sex Offenses | 73 | 20 | 27.4% | 53 | 72.6% |
| Drugs | 683 | 161 | 23.6% | 522 | 76.4% |
| Forgery | 89 | 30 | 33.7% | 59 | 66.3% |
| Dangerous Weapons | 169 | 42 | 24.9% | 127 | 75.1% |
| Other Felonies | 145 | 37 | 25.5% | 108 | 74.5% |
| Misdemeanors | 217 | 75 | 34.6% | 142 | 65.4% |
| Youthful Offenders | 465 | 198 | 42.6% | 267 | 57.4% |
| Juvenile Delinquents | 19 | 7 | 36.8% | 12 | 63.2% |

AGE ON RELEASE. The median age of the study population at time of release was 27.3 years. The largest single age category was 21-24 which contained 1,423 individuals. While half the releases were between 16 and 27, a 12-year span, the remainder covered a range of over 38 years from 28 to 65 and over.

Among those returned to custody, the median age at time of release was 25.6 years or 1.7 years lower than for the total study group. The rate of return of persons under age 25 at time of release was higher than for all remaining age groups. The 16-18 year-olds registered the highest rate of return with more than half (52.1% or 111) returned within five years of release. The 19-20 year group and 21-24 year group had the next highest return rates, 43.8% (243 cases) and 37.5% (534 cases) respectively. The 25-34 year old inmates were within 2% of the average return rate. Inmates 35 years of age and older had consistently lower rates of return than did the younger release groups.

CHARACTERISTICS OF 1972 RELEASES: AGE AT TIME OF RELEASE

| <u>Age at Time of Release</u> | <u>Total Releases</u> | <u>Returned To Custody</u> | | <u>Not Returned</u> | |
|-------------------------------|-----------------------|----------------------------|-------|---------------------|--------|
| All Ages | 5,593 | 1,877 | 33.6% | 3,716 | 66.4% |
| 16-18 years | 213 | 111 | 52.1% | 102 | 47.9% |
| 19-20 years | 555 | 243 | 43.8% | 312 | 56.2% |
| 21-24 years | 1,423 | 534 | 37.5% | 889 | 62.5% |
| 25-29 years | 1,313 | 416 | 31.7% | 897 | 68.3% |
| 30-34 years | 791 | 278 | 35.1% | 513 | 64.9% |
| 35-39 years | 504 | 149 | 29.6% | 355 | 70.4% |
| 40-44 years | 348 | 80 | 23.0% | 268 | 77.0% |
| 45-49 years | 202 | 28 | 13.9% | 174 | 86.1% |
| 50-64 years | 208 | 35 | 16.8% | 173 | 83.2% |
| 65 and Over | 33 | 3 | 9.1% | 30 | 90.9% |
| Not Available | 4 | -- | 0.0% | 4 | 100.0% |

a Less than 0.1%

PRIOR ADULT RECORD. Slightly over four out of five (83.3%) of the 1972 releases had an adult criminal record prior to commitment based on information contained on individual summary case histories provided by the Division of Criminal Justice Services. One out of four of the 1972 study group had a record of prior arrests but without conviction (1,452 or 26.0%). A relatively small portion (383 or 6.8%) had a history of prior conviction but without incarceration. Half of the 1972 releases had served time in penal facilities prior

to their current commitment with 1,194 (21.3%) in local facilities and 1,628 (29.1%) in State facilities.

The rate of return varied considerably based on prior criminal record with the more serious categories generally registering higher rates of return. Individuals with no prior adult records had the lowest rate of return at 23.5% (220 returns). The relatively small category of cases with a prior history of conviction for a criminal offense but no commitment to a penal facility had the next lowest return rate at 25.8%. Persons with prior arrest histories, although with no record of conviction, were returned at a markedly higher rate, 34.6%. Cases with prior local commitments returned at a rate of 35.7% while those with histories of prior penal commitment registered the highest rate of return at 38.6%.

CHARACTERISTICS OF 1972 RELEASES: PRIOR ADULT CRIMINAL RECORD

| <u>Prior Adult Criminal Record</u> | <u>Total Releases</u> | <u>Returned To Custody</u> | <u>Not Returned</u> |
|--|-----------------------|----------------------------|---------------------|
| Total | 5,593 | 1,877 33.6% | 3,716 66.4% |
| No prior record | 936 | 220 23.5% | 716 76.5% |
| Prior arrest only | 1,452 | 503 34.6% | 949 65.4% |
| Prior conviction but no penal commitment | 383 | 99 25.8% | 284 74.2% |
| Prior local penal commitment | 1,194 | 427 35.7% | 767 64.2% |
| Prior State penal commitment | 1,628 | 628 38.6% | 1,000 61.4% |

ETHNIC GROUP. Among the 1972 releases, 55.7% or 3,114 persons were in the black ethnic group. Whites comprised the second largest group with 29.2% or 1,634. Persons of Puerto Rican birth or

parentage accounted for 14.7% and other ethnic groups made up the remaining 0.4% or 21 cases.

The lowest rate of return was for the white ethnic group where 29.7% or 486 returned within the five-year follow-up. The rate for the Puerto Rican group was 32.9% (271 persons) and 35.6% (1,109) for the black ethnic group. Although the category for other ethnic groups registered the highest return rate, 52.4% or 11 cases, the small number of individuals released, 21, tends to reduce the significance of this observation.

CHARACTERISTICS OF 1972 RELEASES: ETHNIC GROUP

| <u>Ethnic Group</u> | <u>Total Releases</u> | <u>1972 Releases</u> | |
|---------------------|-----------------------|----------------------------|---------------------|
| | | <u>Returned to Custody</u> | <u>Not Returned</u> |
| Total | 5,593 | 1,877 33.6% | 3,716 66.4% |
| Black | 3,114 | 1,109 35.6% | 2,005 64.4% |
| White | 1,634 | 486 29.7% | 1,148 70.3% |
| Puerto Rican* | 824 | 271 32.9% | 553 67.1% |
| Other | 21 | 11 52.4% | 10 47.6% |

* Includes persons of Puerto Rican birth or parentage.

TRENDS IN RETURNS TO CUSTODY. The return of only 33.6% of the 1972 release population represents a substantial decline from the proportion of persons returned to custody in comparison to experience in the 1960's. (If we eliminate the maximum expiration group of 979 releases to assure comparability with the 1969 study, then the return rate rises slightly to 35.4%.) The study, "Five Year Follow Up of 1969 Releases²⁷" prepared by Mr. Donald MacDonald and Mrs. Emma-Lou Hamilton of DOCS, indicates that 46.1% (1,984) of 4,307 persons released to original parole supervision during 1969 were returned

to facility custody during a five-year follow-up period. This higher rate of return continued through 1970. However, in 1971 the proportion of cases returned to custody began a drop which continued into 1972 and has continued at a comparable level in succeeding years. (See Appendix Table B.)

This decline in the proportion of releases subsequently returned to custody coincides with a period in American history where the rights of the individual within society were subjected to a close scrutiny. Reflective of this re-examination were several court decisions in the early 1970's which caused many changes in the process by which parole revocation takes place. Four major decisions include Menecchino v Warden, Green Haven State Prison, 1971; Morrissey v Brewer, 1972; Gagnon v Scarpelli, 1973; and Calloway v Skinner, 1973. Due process safeguards and rights established in these decisions included: that the preliminary parole revocation hearing be held promptly and reasonably near the place of violation; written notice be provided of the claimed violations; where appropriate, disclosure of evidence and confrontation of adverse witnesses; written statement of reasons for revocation; and that charged violator be informed of right to request counsel.

These changes in the revocation process were accompanied by lower numbers of persons returned to DOCS facility custody for violation of the rules of parole during the 1970's. Annual totals of returned violators have ranged between 1,100 and 1,300 during this period while during the 1960's one could expect between 1,800 to 2,300 returns for technical violations during a calendar year. At the same time the return of parole violators with new felony commitments from court has shown a proportional increase. In the 1960's we observe between 4% and 5% of those released in any one year being returned as parole violators with new terms while in the 1970's this proportion comes closer to 10% of each year's releases to parole supervision. (See Appendix Table B.)

SUMMARY. Among persons released to original parole supervision and initial releases at maximum expiration of sentence we observe that one out of three (33.6%) are returned to prison within a five-year period. One-third of those returned (66.2%) were received back in prison within two years with the median return time being 17.1 months.

Women tended to return to prison at a lower rate (11.9%) than males (34.3%). Persons committed for murder returned at a rate of 7.8% while burglars had the highest return rate with 45.4%. Those who were older at time of release tended to return at a lower rate than those in younger age brackets with the median age on release of those returned being 25.6 years. Persons with more serious prior adult criminal histories returned at a higher rate than those with no prior record. Blacks were returned to custody at a rate of 35.6% while Puerto Ricans and whites registered rates of 32.9% and 29.7% respectively.

The proportion of releases returning to custody has declined in the 1970's compared to levels of the prior decade. A study of 1969 original releases to parole supervision recorded a 46.1% level of return to custody. The study of 1972 original releases shows a decline to 35.4% (excluding the maximum expiration of sentence releases who would further drop this rate to 33.6%). This decline in returns is found mainly in technical violations while the proportion of returns with new commitments has tended to rise during the 1970's.

This study represents the first in an annual series which will review the release experience of various inmate cohorts released from facility custody of the Department of Correctional Services. The data base developed for this series will also serve as a resource for future examination of the interaction of various factors which relate to the ability of ex-offenders who are able to remain at liberty in a free society as compared to those who become subject to reincarceration.

APPENDIX TABLE A

1972 RELEASES: INITIAL RETURNS TO CUSTODY BY
YEARLY PERIODS SUBSEQUENT TO RELEASE AND
RELEASE TYPE

| <u>Returns By Year After Release</u> | | <u>Total Returns</u> | <u>Parole</u> | <u>Type of Release</u> | |
|--|---------|--------------------------|---------------|----------------------------|---------------------------|
| | | | | <u>Conditional Release</u> | <u>Maximum Expiration</u> |
| Total | Number | 1,877 | 1,239 | 395 | 243 |
| | Percent | 100.0 | 100.0 | 100.0 | 100.0 |
| 1st Year | Number | 585 | 394 | 165 | 26 |
| | Percent | 31.1 | 31.8 | 41.8 | 10.7 |
| 2nd Year | Number | 658 | 466 | 117 | 75 |
| | Percent | 35.1 | 37.6 | 29.6 | 30.9 |
| 3rd Year | Number | 336 | 216 | 59 | 61 |
| | Percent | 17.9 | 17.4 | 14.9 | 25.1 |
| 4th Year | Number | 172 | 89 | 37 | 46 |
| | Percent | 9.2 | 7.2 | 9.4 | 18.9 |
| 5th Year | Number | 126 | 74 | 17 | 35 |
| | Percent | 6.7 | 6.0 | 4.3 | 14.4 |

APPENDIX TABLE B

(NOTE: These figures are not directly comparable to data cited in the study as subsequent parole releases are included in addition to the original releases while maximum expirations are excluded. Also, the follow-up period is not five years for all cases.)

OFFENDERS RETURNED FROM PAROLE EACH YEAR TO NEW YORK STATE CORRECTIONAL FACILITIES AFTER RELEASE TO PAROLE SUPERVISION IN 1968-1976 (Cumulative Percentages as of December 31)

| | | <u>YEAR OF RELEASE</u> | | | | | | | | |
|-------------------------------|-----------|---------------------------------------|-------|-------|-------|-------|-------|-------|-------|-------|
| | | 1968 | 1969 | 1970 | 1971 | 1972 | 1973 | 1974 | 1975 | 1976 |
| Released | Number | 6,326 | 5,719 | 5,655 | 5,844 | 5,855 | 5,676 | 5,668 | 6,088 | 6,852 |
| | Percent | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 |
| Period in Which Returned | | Percentage Returned as of December 31 | | | | | | | | |
| Year of Release | Percent* | 10.3 | 10.2 | 11.0 | 8.6 | 5.7 | 4.9 | 5.1 | 4.6 | 4.1 |
| | Percent** | 0.2 | 0.3 | 0.3 | 0.3 | 0.7 | 0.9 | 0.8 | 0.9 | 0.7 |
| 1 year after year of release | Percent* | 27.9 | 30.0 | 27.5 | 21.9 | 16.1 | 15.4 | 15.0 | 16.0 | |
| | Percent** | 2.0 | 2.5 | 2.5 | 3.1 | 4.3 | 5.7 | 5.2 | 5.6 | |
| 2 years after year of release | Percent* | 34.0 | 35.7 | 32.9 | 26.1 | 20.9 | 19.8 | 18.5 | | |
| | Percent** | 3.2 | 3.9 | 3.9 | 5.4 | 6.6 | 8.2 | 8.0 | | |
| 3 years after year of release | Percent* | 36.1 | 37.2 | 34.2 | 27.6 | 22.2 | 21.0 | | | |
| | Percent** | 3.5 | 4.3 | 4.4 | 6.1 | 7.5 | 9.3 | | | |
| 4 years after year of release | Percent* | 36.6 | 37.8 | 34.8 | 28.1 | 22.8 | | | | |
| | Percent** | 3.7 | 4.5 | 4.9 | 6.5 | 7.8 | | | | |
| 5 years after year of release | Percent* | 37.0 | 38.0 | 35.1 | 28.4 | | | | | |
| | Percent** | 3.8 | 4.6 | 5.0 | 6.6 | | | | | |

*Percent returned from parole by the Parole Board without a new commitment.

**Percent returned from parole by the Courts with a new commitment.

FOOTNOTES

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STATE OF NEW YORK
DEPARTMENT OF CORRECTIONAL SERVICES
GENERAL RULES GOVERNING PAROLE

When an inmate of a correctional institution is approved for parole or conditional release, he or she must agree to the following conditions of parole which are made a part of the release agreement:

In consideration of being granted release, I promise, with full knowledge that failure to keep such promise may result in the revocation of my release, that I will faithfully keep all the conditions specified on this sheet and all other conditions and instructions given to me by the Board of Parole or any of its representatives.

1. I will proceed directly to the place to which I have been released (spending funds only for necessities), and within twenty-four hours, I will make my arrival report to the designated office of the Department of Correctional Services.
2. I will not leave the State of New York, or any other State to which I may be released or transferred, or any area as defined by the Parole Officer, without the written or documented permission of my Parole Officer.
3. (a) I will fully comply with the instructions of my Parole Officer. (b) I will make office and/or written reports as I am directed. (c) I will reply promptly to any communication from a Member of the Board of Parole, a Parole Officer, or other authorized representative of the Board of Parole. (d) I am aware that making false reports may be considered a violation of the condition of my release.
4. (a) I will permit my Parole Officer to visit me at my residence or place of employment. (b) I will discuss with my Parole Officer any proposed changes in my residence, and I will not change my residence without prior approval of my Parole Officer. (c) I understand that I am legally in the custody of the Board of Parole and that my person, residence, or any property under my control may be searched by my Parole Officer or by any other representative of the Board of Parole. (d) If so directed, I will observe a curfew.
5. I will avoid the excessive use of alcoholic beverages. If so directed by the Parole Board or my Parole Officer, I will abstain completely from the use of alcoholic beverages.
6. (a) I will make every effort to secure and maintain gainful employment. (b) If, for any reason, I lose my employment, I will report this to my Parole Officer immediately and I will cooperate fully in finding new employment. (c) I will not voluntarily quit my employment without prior approval of my Parole Officer.
7. (a) I will lead a law-abiding life and conduct myself as a good citizen. (b) I will not be in the company of or fraternize with any person having a criminal record. If there are unavoidable circumstances (such as work, school, family or group therapy and the like), I will discuss these with my Parole Officer and seek his permission. (c) I will support my dependents, if any, and assume toward them my legal and moral obligations. (d) I promise my behavior will not be a menace to the safety or well-being of myself, other individuals, or to society. (e) I will advise my Parole Officer at any time that I am questioned or arrested by members of any law enforcement agency.
8. I will consult with my Parole Officer before applying for a license to marry.
9. I will not carry from the Facility from which I am released, or cause to be delivered or sent to any Correctional Facility, any written or verbal message or any object or property of any kind without proper permission.
10. (a) Upon my release, I will advise my Parole Officer as to the status of any driver's license I possess. (b) I will seek and obtain permission of my Parole Officer before applying for or renewing a driver's license. (c) I will request and obtain permission of my Parole Officer before owning or purchasing any motor vehicle.
11. I will not own, possess, or purchase firearms or weapons of any kind.
12. I will not use, possess, or purchase any illegal drugs or use or possess those that have been unlawfully obtained.
13. Should the occasion arise, I will waive extradition and will not resist being returned by the Board of Parole to the State of New York.
14. Special Conditions: (May be imposed by the Board of Parole).

- 2/ "Five-Year Follow-Up of 1969 Releases": New York State Department of Correctional Services, Division of Program Planning, Evaluation and Research, October 1975 prepared by Mr. Donald Macdonald and Mrs. Emma-Lou Hamilton

- 3/ See "About Parole In New York State" pages 41-45 for a brief summation these court case. Prepared by Ms. Kathryn Haapala, Citizens Inquiry on Parole and Criminal Justice, Inc. Second edition, August 1975.

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