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2018-11

### Board of Parole Welcome Book, Accreditation Audit, November 2018

New York State Department of Corrections and Community Supervision (DOCCS), Board of Parole

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**Corrections and  
Community Supervision**

# **BOARD OF PAROLE WELCOME BOOK**

**Accreditation Audit  
November 2018**



# Corrections and Community Supervision

**ANDREW M. CUOMO**  
Governor

**TINA STANFORD**  
Chairwoman, Board of Parole

**TO:** Visiting Committee Members

**FROM:** Tina Stanford

**SUBJECT:** Standards Compliance Reaccreditation Audit

**Date:** November 1- 2, 2018

The Commissioners and the professional and administrative staffs of the New York State Board of Parole welcome your Visiting Committee to our Albany Office!

As it is a fact that the former New York State Division of Parole was the first parole authority in the nation to be accredited by the American Correctional Association (ACA), we take special pride in presenting ourselves for the purposes of a rigorous peer review and audit of our records, policies, procedures and personnel to demonstrate our compliance with national professional standards.

We sincerely welcome your examination and questions and look forward to receiving your assessment of our efforts to meet and exceed ACA expected practices. Please let us know if there is anything we can do to make your experience more comfortable and productive.

Thank you.

# BOARD OF PAROLE

## MISSION STATEMENT

TO ENSURE PUBLIC SAFETY BY GRANTING PAROLE WHEN APPROPRIATE UNDER THE GOVERNING STANDARDS, REVOKING COMMUNITY SUPERVISION WHEN NECESSARY AND DISCHARGING OFFENDERS FROM THEIR SENTENCE WHEN IT IS IN THE BEST INTEREST OF SOCIETY.



## **Biography of Tina M. Stanford, Esq.**

### **Chairwoman, Board of Parole**

In 2013, Tina M. Stanford, Esq., was appointed by Governor Andrew M. Cuomo, and confirmed by the New York State Senate, to become Chairwoman of the New York State Board of Parole.

A native of Buffalo, Chairwoman Stanford served on the Bar Foundation of Erie County and on other community boards. She graduated from Fordham University's Honors Program, and earned a Juris Doctor degree from the State University of New York at Buffalo Law School, where she later taught Trial Technique. She is admitted to practice law in New York and in the United States Western District Court.

During her career, Chairwoman Stanford has worked with thousands of people who have been harmed, accused, and convicted, who seek justice and restoration. She was an Erie County Assistant District Attorney for fourteen years. While there, she handled thousands of cases in the city court, grand jury, domestic violence, sexual assault, felony trial and appeals bureaus.

Prior to being appointed Chairwoman of the Board of Parole, she was Chairwoman of the New York State Crime Victims Board, and then, its Director, after the agency was reorganized and renamed the Office of Victim Services. Under both titles, she lead the agency in assisting thousands of crime victims or their family members, and funding hundreds of crime victim advocate positions throughout New York.

Chairwoman Stanford has also served on the Violence Against Women Act Advisory Committee, the Interagency Task Force on Human Trafficking, the Disaster Preparedness Commission, the Domestic Violence Advisory Council, and on two Sentencing Commissions.



# Board of Parole History

In 1817, the nation's first "good time" law, rewarding prison inmates with time off their period of imprisonment for good behavior, was approved in New York State.

In 1876, New York State passed a system of "indeterminate" sentences setting a minimum and maximum term and permitting parole release of those who had served the minimum. Those selected by prison officials for parole were required to report monthly to citizen volunteers known as "Guardians".

On July 1, 1930, the Division of Parole (Division) was established in the Executive Department. A full-time Board of Parole (Board) was created within the Division and given the responsibility, formerly held by the Department of Corrections, for making decisions on parole releases from prisons. Jurisdiction over releases from training schools and correctional institutions for mentally disabled prisoners was added to the Parole Board's authority in 1945.

A 1967 law extended the Board's release authority to persons incarcerated in local reformatories, transferred the functions of the New York City Parole Commission to the Division and gave the agency control over the conditional release of inmates under definite sentences.

In 1971, the Division of Parole was consolidated with the Department of Corrections to form the Department of Correctional Services. In the wake of the Attica Prison riot and demands from the courts and others that the procedural rights of releasees be protected, the Division was again established in 1977 as an autonomous agency within the Executive Department. The same reform act mandated adoption of formal release guidelines to eliminate any perception of arbitrariness.

A 1978 law gave the Division responsibility for determining the appropriateness of releasing juveniles convicted of certain serious felonies and for their post-release community supervision. As State incarcerations surged in the 1980s and 1990s, the Division expanded, as did the array of substance abuse treatment and other services available to help releasees maintain a law-abiding lifestyle.

Starting in 1995, the State Legislature authorized determinate sentences for repeat violent felons and later for all violent felons. Beginning in 1998, post-release community supervision was made a mandatory requirement of all formerly incarcerated persons released under a determinate sentence. In 2005, the use of determinate sentences was further expanded to include drug convictions and in 2007 was expanded again to include most sex offenders. Also in August 2005, the Division was the first parole authority in the nation to be accredited by the American Correctional Association.

In 2011, the State Legislature again merged the Division, including the Board, with the Department of Correctional Services to form the Department of Corrections and Community Supervision (Department).

The Board functions independently of the Department regarding all of its decision-making functions, powers and duties specified in law. Administrative Law Judges (Hearing Officers), Preliminary Hearing Officers, Office of Counsel attorneys and related support staff report directly to the Board.

## **Board of Parole Overview**

The Board consists of up to 19 members and presently has 12. Each member is appointed by the Governor and confirmed by the Senate for a six-year term. One member is designated by the Governor to serve as the Chairperson of the Board. The Board has two primary responsibilities. The first is the meticulous case-by-case screening of inmates being considered for discretionary release. The second major responsibility of the Board is to establish the conditions of release for each inmate being released to community supervision. The Board interviews inmates, primarily by video conference, in panels of no less than two nor more than three in four different locations each week across the state.

In 1994, Section 440.50 of the New York Criminal Procedure Law was amended in order to provide crime victims the ability to meet face to face with a member of the Board. The Department's Office of Victim Services handles victim notification, receives and provides to the Board written or recorded impact statements, and schedules with the Board in-person statements. Victims have the following rights regarding the parole process: (A) to be notified when an inmate is scheduled to see the Board; (B) to send a written impact statement to the Board; (C) to submit an audio-taped or video-taped victim impact statement to the Board; (D) for certain violent crimes, to meet with a member of the Board to give a statement; (E) to be notified of the Board's decision; and, (F) to be notified of the inmate's scheduled release date and the name of the assigned parole officer.

The Board also has the authority to revoke supervision when it determines a releasee has violated the conditions of release in an important respect. This action may return the individual to state prison or impose other appropriate sanctions.

All decisions of the Board and its Administrative Law Judges may be appealed. These appeals are handled by the Board's Office of Counsel.



## **Board of Parole Statistics**

The Board conducted 21,511 Release Interviews and Reviews in calendar year 2017, 22,379 Release Interviews and Reviews in calendar year 2016, and 22,551 Release Interviews and Reviews in 2015.

The Board granted release to 28.5% of those being considered for the first time and 32.6% of those considered overall in calendar year 2017, 22.6% of those being considered for the first time and 25.9% overall in calendar year 2016, and to 20.0% of those being considered for the first time and 23.2% overall in calendar year 2015.

The Board granted release to 41% of Violent Felony Offenders considered for release for the first time on their sentences in calendar year 2017, 39% in calendar year 2016 and 29% in calendar year 2015. Other Coercive Offenders considered for release for the first time on their sentences had a release rate of 25% during calendar year 2017, 20% in 2016 and 17% in 2015.

## **Office of Counsel**

The Office of Counsel is responsible for the following program areas: litigation, administrative appeal process; legislation/regulations; and adjudication of parole violations.

**Appeals Unit** – The Appeals Unit opens processes administrative appeals from either the Board decisions denying inmate release to community supervision or the Administrative Law Judges revoking parole, conditional release, presumptive release or post-release supervision.

- For calendar year 2015; 3,508
- For calendar year 2016; 3,295
- For calendar year 2017; 2,772

**Litigation** – As a state agency, the Board and its employees are sometimes made parties to litigation; the most common are C.P.L.R. Article 78 and habeas corpus proceeding, claims filed in the New York Court of Claims, and actions commenced in State courts under U.S.C. Section 1983.

## **Bureau of Adjudication**

The Board has the jurisdictional authority to revoke the release of any person released from a State correctional facility prior to the maximum expiration date of their sentence. Administrative Law Judges (ALJ) and Preliminary Hearing Officers adjudicate alleged violations of parole; the Bureau has one Chief Administrative Law Judge, three Supervising ALJs and nineteen ALJs. In addition, there are eight Preliminary Hearing Officers. When a parole officer believes that a parolee has lapsed into criminal activity or has violated one or more of the conditions of release in an important respect, a parole violation warrant can be issued so that the alleged violator may be taken into custody. Statute requires that the violators be temporarily incarcerated in the county or city in which the arrest or alleged violation occurred during the violation process.

The Department must provide the alleged violator with a final revocation hearing within ninety (90) days from the date on which probable cause was established. Approximately 22,000 final parole revocation hearings are scheduled each year, over 12,000 of which are completed to a final disposition. The balance of the cases are adjourned for a variety of reasons, e.g., witness availability or pending criminal charges.

ALJs preside over the final revocation hearings. At a final revocation hearing, the alleged violator is entitled to a number of due process protections. Key among these is the right to representation by counsel. If an ALJ sustains one or more of the violation charges, the ALJ will direct that a person's release status be revoked and may direct that the adjudicated violator be re-incarcerated, restored to supervision or placed in a Drug Treatment program. The Bureau operates in accordance with an established system of violation guidelines, structured with appropriate penalties and separated into categories. Violators returned to prison are eligible for re-release to the community upon expiration of the time assessment imposed.

**ULTIMATE DISPOSITIONS FOR VIOLATIONS  
WITH CHARGES SUSTAINED: 2015 - 2017**

	2015		2016		2017	
	Total	Percent	Total	Percent	Total	Percent
Revoke and Ordered Returned to Prison	7,504	61.8%	7,375	58.2%	6,766	55.2%
Revoke and Restore to Willard - Mandatory	904	7.4%	952	7.5%	889	7.3%
Revoke and Restore to Willard - Voluntary	143	1.2%	143	1.1%	159	1.3%
Alternative 90 Day Program	1,758	14.5%	1,887	14.9%	1,723	14.1%
Alternative 45 Day Program	112	0.9%	188	1.5%	217	1.8%
<b>TOTAL ORDERED TO PRISON, WILLARD OR ALT PROGRAM</b>	<b>10,421</b>	<b>85.8%</b>	<b>10,545</b>	<b>83.2%</b>	<b>9,754</b>	<b>79.6%</b>
Revoke and Restore to Street or Program	1,720	14.2%	2,132	16.8%	2,498	20.4%
<b>TOTAL OUTCOMES</b>	<b>12,141</b>	<b>100%</b>	<b>12,677</b>	<b>100%</b>	<b>12,252</b>	<b>100%</b>

Revoke and Restore to Street - Time Served	464	476	412
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Notes: Revoke and Ordered Returned to Prison includes some cases that were ultimately restored to supervision after serving the complete time assessment while in local jail, with no return to prison.

The subset of Time Served cases is presented immediately above.

Cases included in the table had their VIOLATORS record closed during the year reported.





# Corrections and Community Supervision

**ANDREW M. CUOMO**  
Governor

**TINA STANFORD**  
Chairwoman, Board of Parole

Member	Originally Appointed By	Date of Original Confirmation	Reappointment	Term Expires
Tina Stanford (Chairwoman)	Hon. Andrew M. Cuomo	June 19, 2013		February 6, 2019
Walter William Smith	Hon. George E. Pataki	Dec. 17, 1996	June 19, 2017	July 6, 2023
Joseph P. Crangle	Hon. David A. Paterson	June 19, 2008	June 20, 2014	June 16, 2020
Ellen Evans Alexander	Hon. Andrew M. Cuomo	June 20, 2012	June 20, 2014	June 18, 2020
Marc Coppola	Hon. Andrew M. Cuomo	June 20, 2012	June 16, 2015	June 18, 2021
Otis Cruse	Hon. Andrew M. Cuomo	June 16, 2015	June 19, 2017	July 6, 2023
Tana Agostini	Hon. Andrew M. Cuomo	June 19, 2017		August 31, 2019
Erik Berliner	Hon. Andrew M. Cuomo	June 19, 2017		June 18, 2022
Tyece Drake	Hon. Andrew M. Cuomo	June 19, 2017		August 31, 2019
Caryne Demosthenes	Hon. Andrew M. Cuomo	June 19, 2017		June 2, 2023
Charles Davis	Hon. Andrew M. Cuomo	June 21, 2017		August 31, 2019
Carol Shapiro	Hon. Andrew M. Cuomo	June 19, 2017		June 8, 2022



# COMMISSIONERS OF THE BOARD OF PAROLE



**Tina M. Stanford, Chairwoman**



**Walter William Smith**



**Joseph P. Crangle**



**Ellen Evans Alexander**



**Marc Coppola**



**Otis Cruse**



**Tana Agostini**



**Erik Berliner**



**Tycece Drake**



**Caryne Demosthenes**



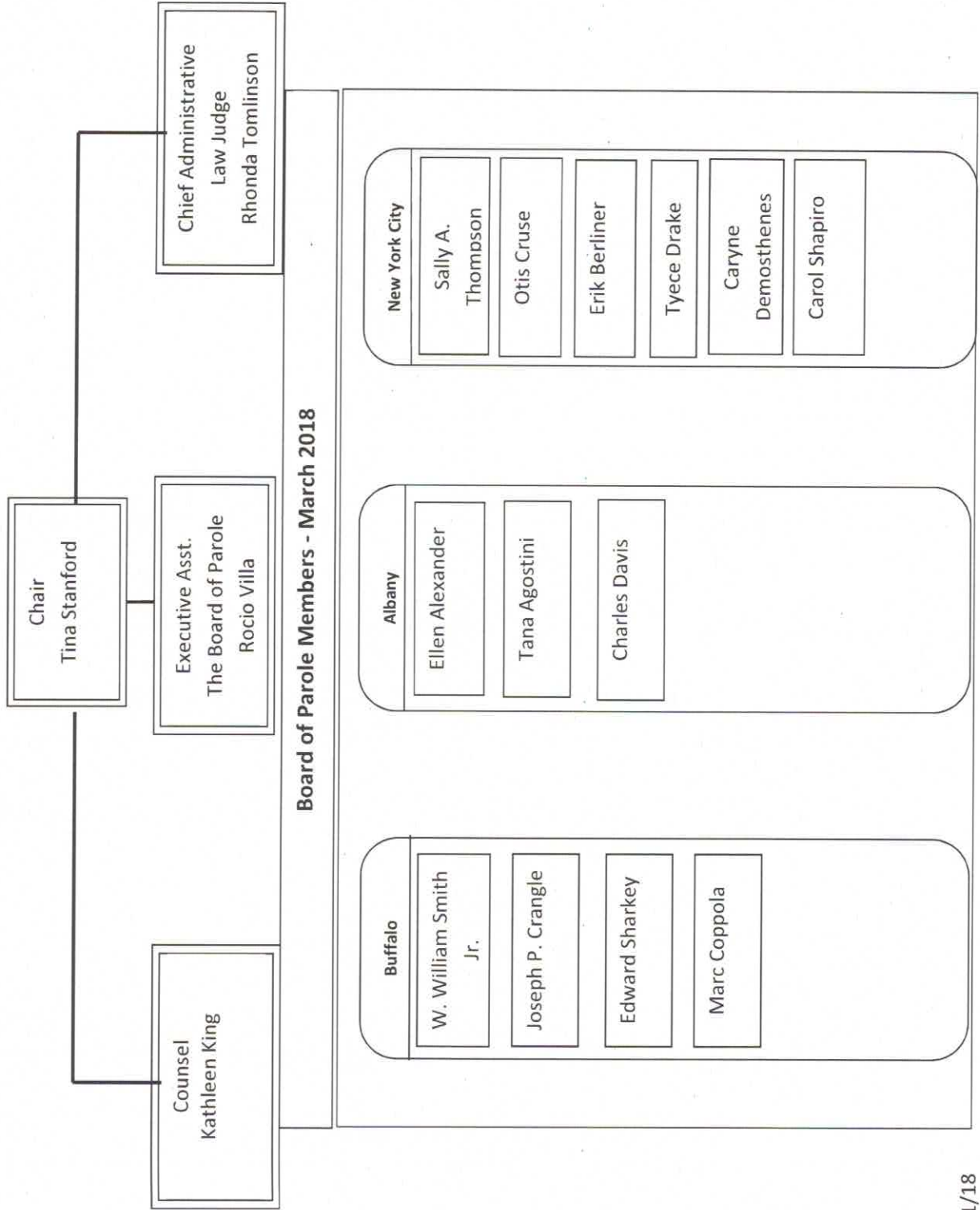
**Charles Davis**



**Carol Shapiro**

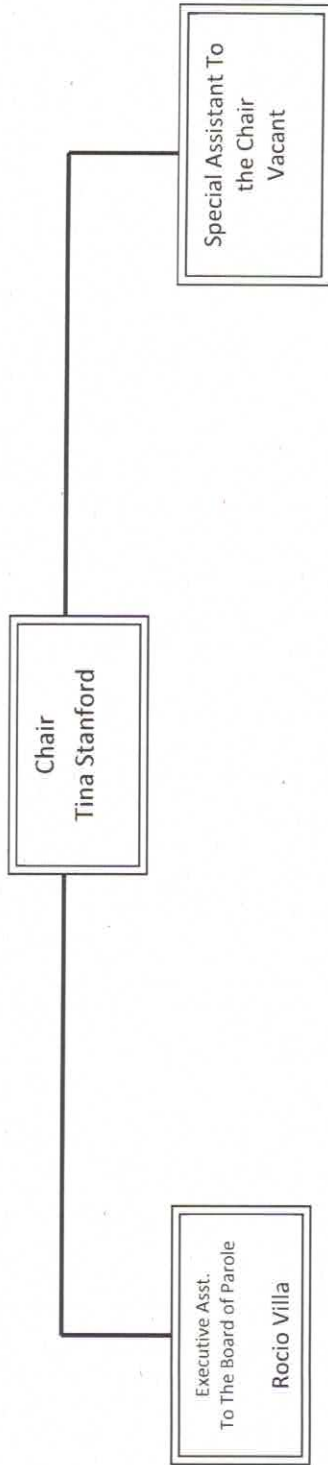


# Corrections and Community Supervision





# Corrections and Community Supervision

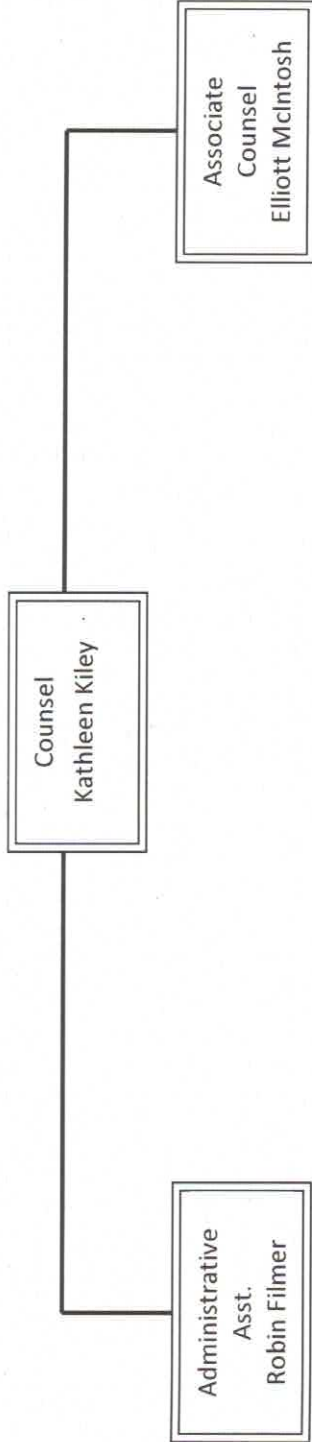


## ADMINISTRATIVE STAFF ORGANIZATIONAL CHART – March 2018

ALBANY	NYC	BUFFALO	COURT REPORTERS
Lorraine Morse Admin. Asst.	Noris Valdez Agency Program Aide	Pamela Lewis Office Asst. I	Christina Wolcott
Jessica Hamlin Secretary I	Kalpana Bosu Office Asst. I	Julie Blum Office Asst. II	Anthony D'Ambrosio
Vacant Agency Prog. Aide			Diana Freund
			Susan Fischler

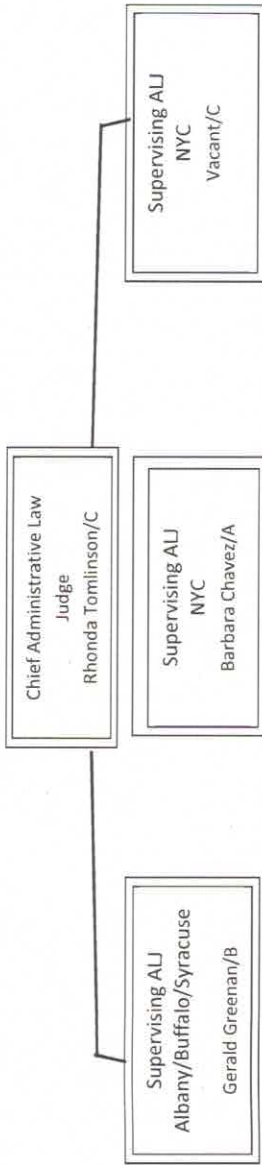


# Corrections and Community Supervision



OFFICE OF COUNSEL – March 2018			
<b>SUPPORT STAFF</b>	<b>ASSISTANT COUNSEL</b>	<b>LEGAL ASSISTANT</b>	
Amanda Hansbury	Craig Mausler	Lyndsay Bates	
Gina Gregory Office Asst. II	Bill Gannon		
Tabitha Hayden Office Asst. I	Sean Glasheen		
VACANT Office Asst. I	Karyn Yaffee		





**HEARING OFFICER/BUREAU OF ADJUDICATION ORGANIZATIONAL CHART – (ABC Designates Supervisor) - February 2018**

ALBANY	BUFFALO	SYRACUSE	NYC	NYC	NYC
ALJ/B Brigitte Fortune	ALJ/B Judith Cummins	ALJ/B Melissa Davis	ALJ/A Vacant	ALJ/C Izel Fortunato	Preliminary/C Hearing Officer Sharon Burnett- Rookwood
ALJ/B Patricia O'Malley	ALJ/B Thomas Kubiniec	ALJ/B David Stanton	ALJ/A John Casey	ALJ/C Michael Marasa Westchester	Preliminary/C Hearing Officer Sol Chamorro
ALJ/B Zachary Primeau	ALJ/B Jennifer Stergion	Preliminary/B Hearing Officer Anthony Roblyer	ALJ/A John Cox	ALJ/C Edward Mevec Poughkeepsie	Preliminary/C Hearing Officer Linda Jefferies
Preliminary/B Hearing Officer Richard Kratzenberg	Preliminary/B Hearing Officer Danielle Cichon	ALJ/A Alexander Rivkin Nassau/Suffolk	ALJ/A Daniel Landes	ALJ/C Eva Moravec	Preliminary/C Hearing Officer Ilene Staniszewski
Preliminary/B Steven Rosenblum		ALJ/A Mary Ross	Office Asst. II/A Marjula Malhortra	ALJ/C Ozvaldo Caban	Preliminary/C Hearing Officer Cindy Morro
		Office Asst. I/A Evelyn Waring	Office Asst. I/A Iris Inzarry		

-2018

BOARD SCHEDULE

Week 1	BEDFORD HILLS C.F.** TACONIC C.F.** SING SING C.F.* EDGEcombe LINCOLN C.F.** V/C to NYO**	BARE HILL C.F.* FRANKLIN C.F.* V/C to Central Office	WATERTOWN C.F.* CAPE VINCENT C.F.* RIVERVIEW C.F.* OGDENSBURG C.F.* V/C to Syracuse Office	ORLEANS C.F.* GOWANDA C.F.* V/C to Buffalo Office	Victim's Meeting ALB - BUFF - NYC - ROCH - SUF/NAS - SYR/UTC -	Not Available  Office Duty
Week 2	SULLIVAN C.F.* WOODBOURNE C.F.* EASTERN C.F.* ULSTER C.F.* V/C to Poughkeepsie A/O	COXSACKIE C.F.* GREENE C.F.* COLUMBIA* BROOKWOOD* HUDSON C.F.* V/C to Central Office	MOHAWK C.F.* SOUTHPORT C.F.* ELMIRA C.F.* V/C to Syracuse Office	LAKEVIEW C.F.* ALBION C.F.* COLLINS C.F.* V/C to Buffalo Office	Victim's Meeting ALB - BUFF - NYC - ROCH - SUF/NAS - SYR/UTC -	Not Available  Office Duty
Week 3	FISHKILL C.F. DOWNSTATE C.F.	CLINTON C.F.* WASHINGTON C.F.* GREAT MEADOW C.F.* V/C to Central Office	C.N.Y.P.C. MID-STATE C.F. MARCY C.F. V/C to Buffalo A/O	ATTICA C.F.* WYOMING C.F.* WENDE C.F.* V/C to Buffalo A/O	Victim's Meeting ALB - BUFF - NYC - ROCH - SUF/NAS - SYR/UTC -	Not Available  Office Duty
Business Meeting	SHAWANGUNK C.F.* WALLKILL C.F.* OTISVILLE C.F.* GREEN HAVEN C.F.* V/C to Poughkeepsie	UPSTATE C.F.* ADIRONDACK C.F.* ALTONA C.F.* HALE CREEK* V/C to Central Office	AUBURN C.F.* MACCORMICK* CAYUGA C.F.* GOUVERNEUR C.F.* V/C to Syracuse Office	FIVE POINTS C.F.* GROVELAND C.F.* LIVINGSTON C.F.* ROCHESTER WR* V/C to Rochester Office	Victim's Meeting ALB - BUFF - NYC - ROCH - SUF/NAS - SYR/UTC -	Not Available  Office Duty

Revised

ANY CHANGES TO SCHEDULE REQUIRE CHAIRPERSON APPROVAL  
 IMPORTANT NOTICE: THIS SCHEDULE IS MEANT ONLY FOR THE USE OF THE COMMISSIONERS OF THE NYS BOARD OF PAROLE. THIS COMMUNICATION CONTAINS CONFIDENTIAL INFORMATION WHICH IS PRIVILEGED & CONFIDENTIAL. YOU ARE STRICTLY PROHIBITED FROM SHARING, COPYING OR DISSEMINATING THIS MATERIAL.

**ACCREDITATION WORK GROUP**

Chairwoman Tina Stanford

Executive Assistant/Accreditation Manager to the Board Rocio Villa

Administrative Assistant Lorraine Morse

Secretary I Jessica Hamlin

**SPECIAL THANKS**

Assistant Commissioner for Correctional Industries and Compliance Standards Michael L. Graziano

Administrative Assistant Susan Fitzgerald

**Parole Board Interviews Granted Release from January 2016 - August 2018  
Released to the Community<sup>1</sup> by First Known County of Residence**

1st Known County of Residence	Latest Release Year			Total	
	2016	2017	Jan - Aug 2018	Number	Percent
ALBANY	60	84	71	215	2.5%
ALLEGANY	5	13	5	23	0.3%
BRONX	135	184	180	499	5.7%
BROOME	55	58	43	156	1.8%
CATTARAUGUS	16	21	10	47	0.5%
CAYUGA	26	23	27	76	0.9%
CHAUTAUQUA	17	30	34	81	0.9%
CHEMUNG	16	16	14	46	0.5%
CHENANGO	17	8	12	37	0.4%
CLINTON	28	31	33	92	1.0%
COLUMBIA	9	15	9	33	0.4%
CORTLAND	12	12	10	34	0.4%
DELAWARE	10	9	11	30	0.3%
DUTCHESS	43	70	48	161	1.8%
ERIE	74	131	114	319	3.6%
ESSEX	14	12	12	38	0.4%
FRANKLIN	12	23	11	46	0.5%
FULTON	25	27	22	74	0.8%
GENESEE	17	32	14	63	0.7%
GREENE	7	11	7	25	0.3%
HAMILTON	2	0	0	2	0.0%
HERKIMER	17	8	11	36	0.4%
JEFFERSON	13	16	14	43	0.5%
KINGS (BROOKLYN)	171	211	218	600	6.8%
LEWIS	4	1	7	12	0.1%
LIVINGSTON	22	22	15	59	0.7%
MADISON	7	11	11	29	0.3%
MONROE	112	196	151	459	5.2%
MONTGOMERY	15	24	12	51	0.6%
NASSAU	67	87	81	235	2.7%
NEW YORK (MANHATTAN)	420	724	686	1,830	20.9%
NIAGARA	20	49	47	116	1.3%
ONEIDA	51	82	67	200	2.3%
ONONDAGA	83	134	127	344	3.9%
ONTARIO	36	41	33	110	1.3%
ORANGE	44	69	73	186	2.1%
ORLEANS	9	14	15	38	0.4%
OSWEGO	45	64	54	163	1.9%
OTSEGO	12	9	13	34	0.4%
PUTNAM	6	5	6	17	0.2%
QUEENS	123	135	108	366	4.2%



**Parole Board Interviews Granted Release from January 2016 - August 2018  
Released to the Community<sup>1</sup> by First Known County of Residence**

1st Known County of Residence	Latest Release Year			Total	
	2016	2017	Jan - Aug 2018	Number	Percent
RENSSELAER	25	37	41	103	1.2%
RICHMOND (STATEN ISLAND)	27	31	28	86	1.0%
ROCKLAND	15	22	15	52	0.6%
ST LAWRENCE	26	29	32	87	1.0%
SARATOGA	28	56	34	118	1.3%
SCHENECTADY	48	54	55	157	1.8%
SCHOHARIE	1	3	6	10	0.1%
SCHUYLER	5	5	2	12	0.1%
SENECA	11	13	8	32	0.4%
STEUBEN	26	39	27	92	1.0%
SUFFOLK	69	109	118	296	3.4%
SULLIVAN	21	16	19	56	0.6%
TIOGA	7	7	8	22	0.3%
TOMPKINS	13	19	14	46	0.5%
ULSTER	31	48	49	128	1.5%
WARREN	26	24	16	66	0.8%
WASHINGTON	20	45	15	80	0.9%
WAYNE	15	18	8	41	0.5%
WESTCHESTER	42	90	76	208	2.4%
WYOMING	11	8	5	24	0.3%
YATES	4	12	6	22	0.3%
<b>Total</b>	<b>2,348</b>	<b>3,397</b>	<b>3,018</b>	<b>8,763</b>	<b>100%</b>

Note: this table represents the initial placement after prison and therefore over-represents individuals released to Manhattan where the Department of Homeless Services (DHS) assessment shelter is located.

<sup>1</sup>Releases to out-of-state addresses are excluded.

**1ST KNOWN COUNTY OF RESIDENCE \* LATEST RELEASE YEAR Crosstabulation**

Count

		LATEST RELEASE YEAR			Total
		2016	2017	2018	
1ST KNOWN COUNTY OF RESIDENCE	MISSING	78	126	114	318
	ALBANY	60	84	71	215
	ALLEGANY	5	13	5	23
	BRONX	135	184	180	499
	BROOME	55	58	43	156
	CATTARAUGUS	16	21	10	47
	CAYUGA	26	23	27	76
	CHAUTAUQUA	17	30	34	81
	CHEMUNG	16	16	14	46
	CHENANGO	17	8	12	37
	CLINTON	28	31	33	92
	COLUMBIA	9	15	9	33
	CORTLAND	12	12	10	34
	DELAWARE	10	9	11	30
	DUTCHESS	43	70	48	161
	ERIE	74	131	114	319
	ESSEX	14	12	12	38
	FRANKLIN	12	23	11	46
	FULTON	25	27	22	74
	GENESEE	17	32	14	63
	GREENE	7	11	7	25
	HAMILTON	2	0	0	2
	HERKIMER	17	8	11	36
	JEFFERSON	13	16	14	43
	KINGS (BROOKLYN)	171	211	218	600
	LEWIS	4	1	7	12
	LIVINGSTON	22	22	15	59
	MADISON	7	11	11	29
	MONROE	112	196	151	459
	MONTGOMERY	15	24	12	51
	NASSAU	67	87	81	235
	NEW YORK (MANHATTAN)	420	724	686	1830
	NIAGARA	20	49	47	116
	ONEIDA	51	82	67	200
ONONDAGA	83	134	127	344	
ONTARIO	36	41	33	110	
ORANGE	44	69	73	186	

ORLEANS	9	14	15	38
OSWEGO	45	64	54	163
OTSEGO	12	9	13	34
PUTNAM	6	5	6	17
QUEENS	123	135	108	366
RENSSELAE R	25	37	41	103
RICHMOND (STATEN ISLAND)	27	31	28	86
ROCKLAND	15	22	15	52
ST LAWRENCE	26	29	32	87
SARATOGA	28	56	34	118
SCHENECTA DY	48	54	55	157
SCHOHARIE	1	3	6	10
SCHUYLER	5	5	2	12
SENECA	11	13	8	32
STEUBEN	26	39	27	92
SUFFOLK	69	109	118	296
SULLIVAN	21	16	19	56
TIOGA	7	7	8	22
TOMPKINS	13	19	14	46
ULSTER	31	48	49	128
WARREN	26	24	16	66
WASHINGTON	20	45	15	80
WAYNE	15	18	8	41
WESTCHES TER	42	90	76	208
WYOMING	11	8	5	24
YATES	4	12	6	22
OUT OF STATE	6	13	12	31
Total	2432	3536	3144	9112

## Parole Board Weekly Work Schedule

All Board members are expected to work a full work week, however, this is generally how a normal work week looks:

Monday: This day is set aside for Board members to travel to either the video-conferencing sites or correctional facilities where the parole release interviews will be conducted for that week. In instances where travel distances are relatively short, e.g., New York City to Albany, the Board members frequently spend a portion of this day in their assigned official station to address their administrative and ministerial duties, e.g., reviewing 3 Year Discharge applications, administrative appeals, weekly travel claims, etc.

Tuesday: At approximately 8:00 to 9:00 a.m., a panel of no less than two Board members commence their parole release interviews, including any rescission hearings, calendared for that week. Inmates are produced for their release interviews throughout the entire day and they routinely appear before the interviewing panel until 6:00 – 6:30 p.m.

Wednesday: The panel reconvenes at 8:00 to 9:00 a.m. and continues conducting the release interviews that have been scheduled for the week. By late afternoon, the panel may have completed its release interviews and rendered its decisions. Following the interviews and the related parole release decision-making, the Board commences its review of cases that do not call for the offenders' personal appearances, e.g., setting release conditions for determinately sentenced offenders, reviewing rescission reports, etc. In many instances, this work may carry over to the following day; however, if all Board activity is completed, members routinely return home that evening.

Thursday: If the calendared Board activity was not completed by Wednesday evening, the panel will reconvene at the interview site or correctional facility to complete that work. Upon completing that work, members travel back to their assigned official stations to address their administrative and ministerial duties.

For Board members whose calendared activity was completed Wednesday afternoon or evening, they routinely report to their assigned official stations to address their administrative and ministerial duties. In addition, Thursdays are often days that training is scheduled for Board members. There typically is a make-up date for those who cannot attend because they are covering interviews.

Friday: On Friday victim impact meetings (VIM) occur throughout the State. These meetings take place at the DOCCS offices in Buffalo, Albany, New York City, Suffolk, Nassau, Syracuse, Utica, and Rochester. The Board members assigned at or near

these offices are responsible for conducting the victim impact interviews on a rotating basis.

Those Board members who are not conducting victim impact meetings routinely report to their assigned official station to address their administrative and ministerial duties.

Administrative & Ministerial Duties:

Reviewing 3 Year Discharge applications – Executive Law §259-j.

Reviewing administrative appeals from decisions granting or denying parole, as well as the revocation of release Executive Law §259-i(4).

Reviewing Shock Cases and determining whether or not release to parole is warranted. Executive Law §259-i(2)(e).

Reviewing parole revocation matters that are submitted to the Board from DOCCS Community Supervision staff, i.e., a request to not have an alleged violator declared delinquent pending court action, request to have a warrant lifted or vacated.

Reviewing requests submitted to the Board from DOCCS Community Supervision staff to have conditions of release that were imposed by the Board modified.



## **Board of Parole Fact Sheet**

The Board of Parole is a body of not more than 19 members who are appointed by the Governor and confirmed by the Senate. “The term of office of each member of such board shall be for 6 years; provided, however, that any member chosen to fill a vacancy occurring otherwise than by expiration of term shall be appointed for the remainder of the unexpired term of the member whom he is to succeed.” **Executive Law §259-b(1).**

Each member of the board shall have been awarded a degree from an accredited four-year college or university or a graduate degree from such college or university or accredited graduate school and shall have had at least five years of experience in one or more of the fields of criminology, administration of criminal justice, law enforcement, sociology, law, social work, corrections, psychology, psychiatry or medicine. **Executive Law §259-b(2).**

The members of the state board of parole shall not hold any other public office; nor shall they, at any time of their appointment nor during their incumbency, serve as a representative of any political party on an executive committee or other governing body thereof, nor as an executive officer or employee of any political committee, organization or association. **Executive Law §259-b(4).**

The primary role of the Parole Board is to decide which inmates serving indeterminate terms of imprisonment should be granted **discretionary release** to the community where they will be supervised by Parole Officers. **Executive Law §§259-c(1), 259-i(1) and (2), Penal Law §70.40(1).**

The Parole Board has the original jurisdiction to **revoke** an individual’s **release status** and return him or her to State prison if it has been determined that he or she has violated one or more of the conditions governing their release in an important respect. **Executive Law §§259-c(6), 259-i(3); Penal Law §70.40(3).**

The Board also has the authority to **impose** whatever **conditions** it deems appropriate for a particular offender. **Executive Law §259-c(2).**

There are five ways by which inmates can be released from State prison to the community, they are: (1) discretionary release to parole supervision, (2) presumptive release, (3) conditional release, (4) release to a period of post-release supervision and (5) the completion of the entire term of incarceration up to the maximum expiration date. Apart from presumptive release (DOCCS), the Board of Parole is the only entity authorized to grant inmates discretionary release to parole supervision.

All members of the Board of Parole travel throughout the State in order to interview incarcerated persons and make parole release decisions. Most of the interviews are conducted through video-conferencing. Interviewing Boards sit in panels of two or three members.

## **Types of Discretionary Release Consideration**

**Initial** – Parole release interview that is conducted when the incarcerated person has served the minimum term of an indeterminate sentence. See Penal Law §70.40(1)(a)(i) & Executive Law §259-i(2);

**Merit/Supplemental Merit** – Parole release interview that is conducted as a result of the incarcerated person being granted “Merit Time” by the Department of Corrections and Community Supervision (DOCCS); this interview occurs after the incarcerated person has served 5/6 (Merit) or 2/3 (Supp. Merit) of the minimum term of an indeterminate sentence imposed for one of the qualifying crimes of conviction. See Penal Law §70.40(1)(a)(i) & Correction Law §803(1)(d);

**Reappearance** – Parole release interview that is afforded to an incarcerated person who has previously appeared before the Board of Parole and has been denied discretionary release;

**Shock**- Parole release consideration that is afforded to an incarcerated person who has successfully completed the Shock incarceration program provided by the Department of Corrections and Community Supervision (DOCCS). See Penal Law §70.40(1)(a)(v), Executive Law §259-i(2)(e) & Correction Law §865, et seq;

**Medical** – Parole release consideration that is afforded to an incarcerated person who has been confined for one of the enumerated qualifying offenses and has been certified by the Department of Corrections and Community Supervision (DOCCS) to be suffering from a terminal illness or a significant and permanent non-terminal condition, disease or syndrome so debilitating that it is reasonably probable he or she is physically incapable of presenting any danger to society if released. See Penal Law §70.40(1)(a)(v) & Executive Law §§259-r and 259-s. (*This type of release can also be granted to an incarcerated person serving a determinate sentence*);

**Early Conditional Parole for Deportation Only** – Parole release interview that is afforded to an incarcerated person who is subject to a Final Order of Deportation that has been issued by the U.S. Immigration and Customs Enforcement and is incarcerated for a non-violent felony offense, including class A-I and A-II narcotics offenses under Penal Law Article 220. See Executive Law §259-i(2)(d). The earliest time this interview may occur is after the incarcerated person has satisfied one half of the minimum term. The former Division of Parole’s Policy and Procedure Manual Item #9305.02 (still utilized by DOCCS) establishes the procedures to be followed for this type of release consideration. (*This type of release can also be granted to an incarcerated person serving a determinate sentence for a non-violent felony offense, i.e., Penal Law §§70.70, 70.71*);

**Parole/Conditional Release Violator Reappearance** – Re-release consideration that is afforded to an incarcerated person who was reincarcerated by the Board of Parole for violating one or more of the conditions governing his or her discretionary release, Executive Law §259-i(2) or conditional release on an indeterminate sentence.

**Special Consideration** – A release interview that is afforded to an incarcerated person who is the subject of unique circumstances, e.g. prior Parole Board decision denying incarcerated person discretionary release that was set aside as a result of an administrative appeal or judicial proceeding.

**Standard for Determining the Appropriateness of An Inmate's  
Release Without an Earned Eligibility Certificate**

“Discretionary release on parole shall not be granted merely as a reward for good conduct or efficient performance of duties while confined but after considering if there is a reasonable probability that, if such inmate is released, he will live and remain at liberty without violating the law, and that his release is not incompatible with the welfare of society and will not so deprecate the seriousness of his crime as to undermine respect for law.

**Executive Law §259-i(2)(c)(A).**

**Standard for Determining the Appropriateness of An Inmate's  
Release With an Earned Eligibility Certificate**

Correction Law §805 provides:

an inmate who is serving a sentence with a **minimum term of not more than eight years** and who has been issued a certificate of earned eligibility, shall be granted parole release at the expiration of his minimum term ...unless the board of parole determines that there is a reasonable probability that, if such inmate is released, he will not live and remain at liberty without violating the law and that his release is not compatible with the welfare of society.

Under this standard, there is a rebuttable presumption of release.

**Considerations for All Parole Eligible Inmates**

(1) seriousness of the offense; (2) length of sentence; (3) recommendations of the sentencing court, prosecuting DA and defense counsel; (4) pre-sentence report; (5) criminal history; (6) DOCCS' institution record, i.e., disciplinary record, program & academic accomplishments; vocational education, job training, work assignments, counseling and therapy and interaction with staff; (7) performance on work release; (8) release plans; (9) victim impact information; (10) risk and needs assessment; and (11) case plan.

**Executive Law §§ 259-i(2)(c)(A), 259-c[4]; Correction Law § 71-a.**

An inmate who has been granted release to parole by the Board will remain in the legal custody of the DOCCS until expiration of the maximum term of the sentence or the grant of a discharge pursuant to section 259-j of the Executive Law. **Executive Law §259-i(2)(b).**

If, the Board determines that discretionary release is not appropriate:

the inmate shall be informed in writing within two weeks of such appearance of the factors and reasons for such denial of parole. Such reasons shall be given in detail and not in conclusory terms. The board shall specify a date not more than twenty-four months from such determination for reconsideration ...

**Executive Law §259-i(2)(a)(i).**

The decision shall, in factually individualized and non-conclusory terms, address how applicable parole decision-making principles and factors were considered. 9 N.Y.C.R.R. § 8002.3(b). Moreover, if a denial decision is impacted by a departure from a score in the risk and needs assessment – that is, a conclusion at odds with a score – the Board shall identify the scale from which it is departing and provide an individualized reason. 9 N.Y.C.R.R. § 8002.2(a).

**Additional Consideration for “Minor Offenders”**

For persons serving a maximum life sentence for a crime committed before attaining the age of 18, the Board also must explore the person’s age and circumstances in relation to the crime at issue and consider the diminished culpability of youth as well as the inmate’s subsequent growth and maturity. 9 N.Y.C.R.R. § 8002.2(c). Therefore, it is imperative that the Board consider the person’s age and what was happening in their life at the time of the crime and also consider what steps they have taken towards rehabilitation since they have been incarcerated.

**BOARD SCHEDULE**

**-2018**

<p>Week 1</p>	<p>EDGECOMBE LINCOLN C.F.** TACONIC C.F.** BEDFORD HILLS C.F.** SING SING C.F.*</p> <p><i>V/C to NYO**</i></p>	<p>BARE HILL C.F.* FRANKLIN C.F.*</p> <p><i>V/C to Central Office</i></p>	<p>WATERTOWN C.F.* CAPE VINCENT C.F.* RIVERVIEW C.F.* OGDENSBURG C.F.*</p> <p><i>V/C to Syracuse Office</i></p> <p>Unfilled</p>	<p>ORLEANS C.F.* GOWANDA C.F.*</p> <p><i>V/C to Buffalo Office</i></p> <p>Unfilled</p>	<p><u>Victim's Meeting</u></p> <p>ALB - BUFF- NYC - ROCH - SUF/NAS - SYR/UTC -</p>
<p>Week 2</p>	<p>SULLIVAN C.F. * WOODBOURNE C.F. * EASTERN C.F. * ULSTER C.F. *</p> <p><i>V/C to Poughkeepsie A/O</i></p>	<p>COXSACKIE C.F.* GREENE C.F.* COLUMBIA* BROOKWOOD* HUDSON C.F.*</p> <p><i>V/C to Central Office</i></p>	<p>MOHAWK C.F.* SOUTHPORT C.F.* ELMIRA C.F.*</p> <p><i>V/C to Syracuse Office</i></p>	<p>LAKEVIEW C.F.* ALBION C.F.* COLLINS C.F.*</p> <p><i>V/C to Buffalo Office</i></p>	<p><u>Victim's Meeting</u></p> <p>ALB - BUFF- NYC - ROCH - SUF/NAS - SYR/UTC -</p>
<p>Week 3</p>	<p>FISHKILL C.F. DOWNSTATE C.F.</p>	<p>CLINTON C.F.* WASHINGTON C.F.* GREAT MEADOW C.F.*</p> <p><i>V/C to Central Office</i></p>	<p>C.N.Y.P.C. MID-STATE C.F. MARCY C.F</p>	<p>ATTICA C.F.* WYOMING C.F.* WENDE C.F.*</p> <p><i>V/C to Buffalo A/O</i></p>	<p><u>Victim's Meeting</u></p> <p>ALB - BUFF- NYC - ROCH - SUF/NAS - SYR/UTC -</p>
<p>Week 4</p>	<p>SHAWANGUNK C.F.* WALLKILL C.F.* OTISVILLE C.F.* GREEN HAVEN C.F.*</p> <p><i>V/C to Poughkeepsie</i></p>	<p>UPSTATE C.F.* ADIRONDACK C.F.* ALTONA C.F.* HALE CREEK*</p> <p><i>V/C to Central Office</i></p>	<p>AUBURN C.F.* MACCORMICK* CAYUGA C.F.* GOUVERNEUR C.F.*</p> <p><i>V/C to Syracuse Office</i></p>	<p>FIVE POINTS C.F.* GROVELAND C.F.* LIVINGSTON C.F.* ROCHESTER WR*</p> <p><i>V/C to Rochester Office</i></p>	<p><u>Victim's Meeting</u></p> <p>ALB - BUFF- NYC - ROCH - SUF/NAS - SYR/UTC -</p>

Revised

ANY CHANGES TO SCHEDULE REQUIRE CHAIRPERSON APPROVAL

IMPORTANT NOTICE: THIS SCHEDULE IS MEANT ONLY FOR THE USE OF THE COMMISSIONERS OF THE NYS BOARD OF PAROLE. THIS COMMUNICATION CONTAINS INFORMATION WHICH IS PRIVILEGED & CONFIDENTIAL. YOU ARE STRICTLY PROHIBITED FROM SHARING, COPYING OR DISSEMINATING THIS MATERIAL.





# Corrections and Community Supervision

**ANDREW M. CUOMO**  
Governor

**TINA STANFORD**  
Chairwoman, Board of Parole

## **BOARD OF PAROLE SCHEDULE 2018**

Use the following guide to determine your Board weeks for the calendar year 2018

*\*subject to change\**

### January

4<sup>th</sup> week of Dec 2017 Boards wk of 1/2/18

1<sup>st</sup> week – 1/8/18  
2<sup>nd</sup> week – 1/15/18  
3<sup>rd</sup> week – 1/22/18  
4<sup>th</sup> week – 1/29/18

### February

1<sup>st</sup> week – 2/5/18  
2<sup>nd</sup> week – 2/12/18  
3<sup>rd</sup> week – 2/19/18  
4<sup>th</sup> week – 2/26/18

### March

1<sup>st</sup> week – 3/5/18  
2<sup>nd</sup> week – 3/12/18  
3<sup>rd</sup> week – 3/19/18  
4<sup>th</sup> week – 3/26/18

### April

1<sup>st</sup> week – 4/2/18  
2<sup>nd</sup> week – 4/9/18  
3<sup>rd</sup> week – 4/16/18  
4<sup>th</sup> week – 4/23/18

### May

1<sup>st</sup> week – 4/30/18  
2<sup>nd</sup> week – 5/7/18  
3<sup>rd</sup> week – 5/14/18  
4<sup>th</sup> week – 5/21/18

### June

1<sup>st</sup> week – 6/4/18  
2<sup>nd</sup> week – 6/11/18  
3<sup>rd</sup> week – 6/18/18  
4<sup>th</sup> week – 6/25/18

**NO BOARDS WEEK OF 5/28/18**

### July

**NO BOARDS WEEK OF 7/2/18**

1<sup>st</sup> week – 7/9/18  
2<sup>nd</sup> week – 7/16/18  
3<sup>rd</sup> week – 7/23/18  
4<sup>th</sup> week – 7/30/18

### August

1<sup>st</sup> week – 8/6/18  
2<sup>nd</sup> week – 8/13/18  
3<sup>rd</sup> week – 8/20/18  
4<sup>th</sup> week – 8/27/18

### September

1<sup>st</sup> week – 9/3/18  
2<sup>nd</sup> week – 9/10/18  
3<sup>rd</sup> week – 9/17/18  
4<sup>th</sup> week – 9/24/18

### October

1<sup>st</sup> week – 10/1/18  
2<sup>nd</sup> week – 10/8/18  
3<sup>rd</sup> week – 10/15/18

### November

1<sup>st</sup> week 10/29/18  
2<sup>nd</sup> week 11/5/18  
3<sup>rd</sup> week 11/12/18

### December

1<sup>st</sup> week – 12/3/18  
2<sup>nd</sup> week – 12/10/18  
3<sup>rd</sup> week 12/17/18

**NO BOARDS WEEK OF 12/24/18**

**NO BOARDS WEEK OF 11/19/18**

4<sup>th</sup> week 10/22/18

4<sup>th</sup> week 11/26/18

**4<sup>th</sup> WEEK – 1/1/19**

**\*\* NO REGULARLY SCHEDULED BOARDS WEEK OF 5/28/18**

**\*\*NO REGULARLY SCHEDULED BOARDSS WEEK OF 7/2/18**

**\*\* NO REGULARLY SCHEDULED BOARDS WEEK OF 11/19/18**

**\*\* NO REGULARLY SCHEDULED BOARDS WEEK OF 12/24/18**

10/12/17

# **Board of Parole Q and As**

## **What is the Board of Parole?**

The Board of Parole is a body of not more than 19 members appointed by the Governor and confirmed by the Senate. The term of office of each member of the Board is for no more than 6 years. If a member is chosen to fill a vacancy occurring by other than the expiration of a term, their appointment shall be appointed for the remainder of the unexpired term of the member he or she is to succeed.

While the Board of Parole is an entity within the Department of Corrections and Community Supervision, it functions independently of the Department when engaging in its parole release and revocation decision-making responsibilities.

***Executive Law §259-b(1).***

## **What are the qualifications to be a member of the Board?**

Each member of the board shall have been awarded a degree from an accredited four-year college or university or a graduate degree from such college or university or accredited graduate school **and** shall have had **at least 5 years of experience in one or more of the fields of** criminology, administration of criminal justice, law enforcement, sociology, law, social work, corrections, psychology, psychiatry or medicine. ***Executive Law §259-b(2).***

## **As a Board member can I hold any other public office or political position?**

The members of the Board cannot hold any other public office; nor can they serve as a representative of any political party on an executive committee or other governing body thereof, nor as an executive officer or employee of any political committee, organization or association. ***Executive Law §259-b(4).***

## **What is the primary role of the Parole Board?**

The primary role of the Parole Board is to **grant or deny parole** to individuals serving indeterminate sentenced.

***Executive Law §§259-c(1), 259-i (2), Penal Law §70.40(1).***

The Board also has the authority to **impose** whatever **conditions** of community supervision (i.e., presumptive release, Parole release, conditional release and release to post-release supervision) it deems appropriate for all inmates released from State prison.

***Executive Law §259-c(2).***

Also, the Parole Board has the original jurisdiction to **revoke** an individual's **release status** and return him or her to State prison if it has been determined that he or she has violated one or more of the conditions governing their release in an important respect.

***Executive Law §§259-c(6), 259-i(3); Penal Law §70.40(3).***

Finally, the Board is authorized to **discharge releasees from their sentences** if they complete the requisite number of years of unrevoked supervision and the discharge is in the best interest of society.

***Executive Law §259-j***

### **How can inmates be released from State prison?**

There are five ways by which incarcerated persons can be released from State prison to the community, they are: (1) discretionary release to parole supervision [*Board of Parole*], (2) presumptive release [*DOCCS*], (3) conditional release [*operation of law*], (4) release to a period of post-release supervision [*operation of law*] and (5) the completion of the entire term of incarceration up to the maximum expiration date. Apart from presumptive release (DOCCS), the Board of Parole is the only entity authorized to grant individuals discretionary release to parole supervision.

### **How are incarcerated persons considered for possible release to parole?**

All members of the Board of Parole travel to regional offices or correctional facilities throughout the State in order to interview incarcerated persons and make parole release decisions. A majority of the interviews are conducted through video-conferencing at DOCCS area offices, which are sites outside of the correctional facilities. Interviewing Boards sit in panels of two or three members. The interview is a non-adversarial inquiry, not a hearing.

**What must be considered in deciding the appropriateness for granting an incarcerated person release to parole?**

In making the parole release decision, the Executive Law requires that the following be considered:

- (i) the institutional record including program goals and accomplishments, academic achievements, vocational education, training or work assignments, therapy and interactions with staff and inmates;
- (ii) performance, if any, as a participant in a temporary release program;
- (iii) release plans including community resources, employment, education and training and support services available to the inmate;
- (iv) any deportation order issued by the federal government against the inmate while in the custody of the department and any recommendation regarding deportation made by the commissioner of the department pursuant to section one hundred forty-seven of the correction law;
- (v) any statement made to the board by the crime victim or the victim's representative, where the crime victim is deceased or is mentally or physically incapacitated;
- (vi) the length of the determinate sentence to which the inmate would be subject had he or she received a sentence pursuant to section 70.70 or section 70.71 of the penal law for a felony defined in article two hundred twenty or article two hundred twenty-one of the penal law;
- (vii) the seriousness of the offense with due consideration to the type of sentence, length of sentence and recommendations of the sentencing court, the district attorney, the attorney for the inmate, the pre-sentence probation report as well as consideration of any mitigating and aggravating factors, and activities following arrest prior to confinement;
- (viii) prior criminal record, including the nature and pattern of offenses, adjustment to any previous probation or parole supervision and institutional confinement;
- (ix) the most current risk and needs assessment;
- (x) the most current Transitional Accountability Plan (TAP) (i.e., Offender Case Plan); and
- (xi) As per the Board regulations under 9 NYCRR 8002.2, if someone meets the definition of a minor offender (someone who was under

the age of 18 when they committed their crime of conviction and have a life sentence), the Board shall consider the diminished culpability of youth and the person's growth and maturity since the time of the commitment of the offense.

***Executive Law §§ 259-i(2)(c)(A), 259-c[4]; Correction Law § 71-a, 9 NYCRR 8002.2***

**What is the standard for determining the appropriateness of an inmate's release to parole?**

***(A) As per New York Executive Law 259-i (2)(c)(A), For Incarcerated Persons Who Have Not Been Granted an Earned Eligibility Certificate***

Discretionary release on parole shall not be granted merely as a reward for good conduct or efficient performance of duties while confined but after considering:

- if there is a reasonable probability that, if such inmate is released, he will live and remain at liberty without violating the law, and
- that his release is not incompatible with the welfare of society and
- will not so deprecate the seriousness of his crime as to undermine respect for law.

***Executive Law §259-i(2)(c)(A)***

***(B) For Incarcerated Persons Who Have Been Granted an Earned Eligibility Certificate***

"Notwithstanding any other provision of law, an inmate who is serving a sentence with a minimum term of not more than eight years and who has been issued a certificate of earned eligibility, shall be granted parole release at the expiration of his minimum term or as authorized by subdivision four of section eight hundred sixty-seven of this chapter unless the board of parole determines:

- that there is a reasonable probability that, if such inmate is released, he will not live and remain at liberty without violating the law and
- that his release is not compatible with the welfare of society."

***Correction Law §805***

**What weight is to be given to the statutory factors ?**

The Executive Law does not state what weight the Board should place on any one of the statutory factors set forth in Executive Law §259-i(2)(c)(A)(i) thru (viii). The case law that governs the Parole Board's decision making practices provides that the Board can assign whatever weight it deems appropriate to each of the factors it must consider. No one factor determines or dictates what the Board's release decision should be.



**Are there any incarcerated people who are not eligible for discretionary release to parole ?**

Yes, incarcerated people serving only determinate sentences and those who have been sentenced to a term of life imprisonment without parole cannot be granted release to parole.

An exception to this rule exists for only those qualified incarcerated people serving determinate sentence who are eligible for deportation from the United States or have been certified as eligible for medical parole pursuant to sections 259-r or 259-s of the Executive Law.

**Can the Board automatically deny an inmate release to parole due to their crime of conviction?**

No. If an incarcerated person is eligible for possible release to parole pursuant to section 70.40 of the Penal Law, he or she must be considered by the Board. In this regard, the Board must consider and weigh all of the statutory factors set forth in Executive Law §259-i(2)(c)(A)(i) thru (viii) against the governing standard. Because the Board can assign whatever weight it deems appropriate to any one of the statutory factors, there may be instances where the crime of conviction, or criminal history or victim impact statement are afforded a level of significance in the overall assessment of the incarcerated person that release to parole is not deemed appropriate. Therefore, it will be incumbent upon the Board member to assess and weigh all of the statutory factors in an impartial manner apply the governing standard when granting or denying parole to an individual.



# Corrections and Community Supervision

ANDREW M. CUOMO  
Governor

TINA STANFORD  
Chairwoman, Board of Parole

## New York State Board of Parole: Overview of Organization, Powers and Duties

### 1. Board of Parole Organization:

- Independent decision making and rulemaking authority within DOCCS.
- Independent regarding all powers and duties described in article 12-B of the Executive Law (§259, *et seq.*), except subject to administrative matters generally applicable across DOCCS as a whole (e.g., HR, state property use, labor relations).
- **Governing Law:**
  - Executive Law §§259 – 259-s (article 12-B)
  - 9 NYCRR Parts 8000 – 8011 (Board regulations)
  - Misc. provisions: Correction Law §§71-a, 805; Penal Law; §§70.40, 70.45; and CPL 440.50.
- **Board of Parole**
  - Up to 19 (currently 12) Members or Commissioners.
  - Appointed by Governor with advice and consent of Senate to 6-year terms.
  - Removable for cause after a hearing.
  - Headed by Chairperson appointed by Governor.
  - Acts through monthly meetings subject to Open Meetings Law.
- **Bureau of Adjudication:** Board appoints hearing officers to preside over revocation hearings.
- **Office of Counsel to the Board:** Board appoints own Counsel independent from DOCCS Counsel.

### Board of Parole Mission Statement

To ensure public safety by granting parole when appropriate under the governing standards, revoking Community Supervision when necessary, and discharging offenders from their sentence when it is in the best interest of society.

### 4. Release Conditions:

- Rules releases under community supervision must comply with as a condition of their release.
- Imposed by Board (or official designated by Board) for all release types regardless of whether release granted by Board, including Parole, CR/PR and Post-Release Supervision (PRS)
  - For discretionary release, imposed by Board at grant of release after interview.
  - For release types not granted by Board, conditions imposed by panel after paper review of file.

### 5. Revocation of Release:

- Release revoked when conditions are violated in an important respect or new felony committed
  - Determined after adversarial hearing process administered by Bureau of Adjudication
  - Probable cause established at Preliminary Hearing by presiding Preliminary Hearing Officer, or “PHO”.
  - Final Revocation Hearing, presided over by an Administrative Law Judge (or ALJ), determines whether to revoke release.
  - ALJ determines period of reincarceration, referred to as the time assessment.
  - Releasee has right to:
    - Present witnesses/evidence in own defense
    - Confront adverse witnesses/evidence.
    - Counsel provided at final hearing (not required to be provided at preliminary hearing).

### 2. Primary Board Powers and Duties (not exhaustive):

- Grant/deny discretionary release on parole
- Set release conditions (all release types)
- Revoke release (all release types)
- Discharge sentences when in the best interest of society
- **NOTE:** Conditional Release (CR) and Presumptive Release (PR) not granted by Board.

### 3. Release determinations:

- Discretionary release, e.g. Parole, Medical Parole, CPDO (conditional release for deportation only), ECPDO (Early CPDO, for those not parole eligible).
- Made after an Interview (not a formal hearing)
- Interviews conducted by panel of 2-3 Board members at least Tuesday and Wednesday (may extend into Thursday, and, occasionally, Monday).

### 6. Discharge decisions:

- Board may discharge sentence after 3 consecutive years of unrevoked community supervision (referred to as Three Year Discharge or 3YD) for indeterminate sentences.
- Sex offense determinate sentences may be discharged after 5 years of PRS and 3 consecutive years
- **NOTE:** Merit Termination of sentences granted by Commissioner of DOCCS, not the Board

### 7. Administrative Appeals:

- Denials of parole, revocation of release and rescissions of parole grants may be appealed administratively
- Appeal conducted via paper review of file and Findings and Recommendation of Appeals Unit.
- Reviewed by 3 Board members, majority decision.



# Corrections and Community Supervision

ANDREW M. CUOMO  
Governor

TINA STANFORD  
Chairwoman, Board of Parole

Member	Originally Appointed By	Date of Original Confirmation	Reappointment	Term Expires
Tina Stanford (Chairwoman)	Hon. Andrew M. Cuomo	June 19, 2013		February 6, 2019
Walter William Smith	Hon. George E. Pataki	Dec. 17, 1996	June 19, 2017	July 6, 2023
James B. Ferguson	Hon. George E. Pataki	April 12, 2005	June 20, 2012	July 6, 2017
G. Kevin Ludlow	Hon. George E. Pataki	June 21, 2006	June 20, 2012	June 18, 2017
Sally Thompson	Hon. Eliot L. Spitzer	June 14, 2007	June 19, 2013	May 4, 2019
Joseph P. Crangle	Hon. David A. Paterson	June 19, 2008	June 20, 2014	June 16, 2020
Ellen Evans Alexander	Hon. Andrew M. Cuomo	June 20, 2012	June 20, 2014	June 18, 2020
Marc Coppola	Hon. Andrew M. Cuomo	June 20, 2012	June 16, 2015	June 18, 2021
Edward Sharkey	Hon. Andrew M. Cuomo	June 20, 2012	June 20, 2012	June 18, 2018
Julie Smith	Hon. Andrew M. Cuomo	June 19, 2013		
Otis Cruse	Hon. Andrew M. Cuomo	June 16, 2015	June 19, 2017	July 6, 2023
Tana Agostini	Hon. Andrew M. Cuomo	June 19, 2017		August 31, 2019
Erik Berliner	Hon. Andrew M. Cuomo	June 19, 2017		June 18, 2022
Tyce Drake	Hon. Andrew M. Cuomo	June 19, 2017		August 31, 2019
Caryne Demosthenes	Hon. Andrew M. Cuomo	June 19, 2017		June 2, 2023
Charles Davis	Hon. Andrew M. Cuomo	June 21, 2017		August 31, 2019
Carol Shapiro	Hon. Andrew M. Cuomo	June 19, 2017		June 8, 2022



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