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**EARNED ELIGIBILITY PROGRAM SUMMARY  
SEMIANNUAL REPORT**

**April 2014 – September 2014**



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# **EARNED ELIGIBILITY PROGRAM SUMMARY**

## **Semiannual Report, April 2014 – September 2014**

### **INTRODUCTION**

Legislative reporting requirements established in 1992 mandate semiannual reports on the Earned Eligibility Program (EEP). Each report provides information regarding the operation of the Earned Eligibility Program for the preceding six month period.

The information in this report is drawn from parole interview dispositions and Earned Eligibility reviews. Data on Earned Eligibility statuses and Parole Board dispositions are maintained by the Department of Corrections and Community Supervision (DOCCS). If a case is missing information on either Earned Eligibility status or parole disposition it is excluded from the analysis. For individuals with more than one parole interview during the relevant time period (due to postponements at their initial interview), information is provided on each interview and corresponding Earned Eligibility status. Consequently, Parole Board appearances<sup>1</sup>, not individuals, are the units of analysis.

### **Overview of Earned Eligibility Program**

The goal of EEP is to increase the rate of safe releases for inmates who have demonstrated an overall pattern of progress in prescribed programs. The program administrators evaluate inmates' preparedness for release based on their compliance with sets of minimum standards for behavior and for progress toward satisfying treatment needs.

Prior to an inmate's initial Parole Board interview, the Earned Eligibility Program provides for a review of treatment and disciplinary records to determine whether the case is certifiable and whether an Earned Eligibility Certificate should be issued or denied. Evaluation results are provided to the Board of Parole to be used in deciding whether to release the inmate or to deny parole. This program of standards and review is available to inmates serving indeterminate sentences with minimum sentences of eight years or less.

### **Earned Eligibility Program Expansion**

In 1987, eligibility for this program was originally limited to inmates with minimum sentences of six years or less. The Legislature expanded the program to include inmates with minimum sentences of up to eight years in May 2003. Initial interviews for cases having minimum sentences of more than six (6) years but no more than eight (8) years began in June 2003. All of the tables in this report reflect the parole interviews that occurred between April 2014 and September 2014 for inmates with minimum sentences of eight years or less.

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<sup>1</sup> In May 2003, the Legislature authorized inmates to be Presumptively Approved for release by the then Department of Correctional Services to the Division of Parole without a Parole Board interview. Presumptively Approved inmates still appear before the Board of Parole to set the conditions of their parole supervision. This report treats the Presumptively Approved inmates as Parole Board appearances who received parole approvals.

## Types of Earned Eligibility Review Interviews

Between April 2014 and September 2014, there were 5,053 interviews for earned eligibility cases (Table 1). Merit interviews and Initial interviews are similar in that both represent the first appearance before the Board of Parole. The 3,562 Initial interviews and the 689 Merit interviews will be the focus of this report. These 4,251 initial interviews account for 84% of the cases reviewed, while reappearances account for the remaining 16%.

**Table 1: Parole Interview Type for EEP Cases by Month of Interview  
April 2014 through September 2014**

Hearing Month	Interview Type				Total
	Initial*	Merit	Reappearance	Parole Violator Reappearance	
April '14	567 69.1%	125 15.2%	116 14.1%	12 1.5%	820 100.0%
May '14	589 71.4%	120 14.5%	111 13.5%	5 0.6%	825 100.0%
June '14	601 69.0%	121 13.9%	139 16.0%	10 1.1%	871 100.0%
July '14	630 71.8%	115 13.1%	121 13.8%	12 1.4%	878 100.0%
August '14	596 71.7%	102 12.3%	125 15.0%	8 1.0%	831 100.0%
September '14	579 69.9%	106 12.8%	134 16.2%	9 1.1%	828 100.0%
<b>Total</b>	<b>3,562</b> <b>70.5%</b>	<b>689</b> <b>13.6%</b>	<b>746</b> <b>14.8%</b>	<b>56</b> <b>1.1%</b>	<b>5,053</b> <b>100.0%</b>

\* Initials include 408 interviews for Shock cases

## Earned Eligibility Status and Parole Board Interview Results

Table 2 shows that the Parole Board held 4,251 initial interviews for EEP cases between April 2014 and September 2014. Of these cases, 59% were issued an EEP Certificate, 20% were denied and 21% were non-certifiable.

- DOCCS issued 2,519 certificates. The Parole Board approved 35% or 874 of these cases.
- Non-certifiable cases (889) were approved for release at a rate of 14%, while EEP cases that were denied Certificates (843) were approved for release at a rate of 9%.
- Overall, the Parole Board approved 25% of the EEP cases for release.

**Table 2: EEP Review Results and Parole Board Approvals at Initial Interviews  
April 2014 through September 2014**

EEP CERTIFICATE	Number of Interviews	Percent of Interviews	Number Approved	Percent Approved
Issued	2,519	<b>59.3%</b>	874	<b>34.7%</b>
Denied	843	<b>19.8%</b>	76	<b>9.0%</b>
Non-certifiable	889	<b>20.9%</b>	128	<b>14.4%</b>
<b>Total</b>	<b>4,251</b>	<b>100.0%</b>	<b>1,078</b>	<b>25.4%</b>

## Earned Eligibility Certificate Denials and Parole Board Interview Results

Table 3 shows the general reasons that a case may be denied an EEP certificate.

- The majority (59%) of the 843 EEP certificate denials were due to poor behavior that interfered with program progress. This group of inmates had a 4% approval rate.
- Among the general denial reasons, inmates not receiving an EEP certificate due to poor participation and/or progress accounted for 30% of the group and were approved for release at a rate of 19%. This represents the highest approval rate among the four general denial reasons.
- Those who were denied due to poor program attendance accounted for 6% of the cases and were approved at a rate of 10%. Those who refused to participate in their recommended programs accounted for 6% of the denials and had a 7% rate of approval.

**Table 3: EEP Certificate Denial Reasons and Parole Board Approvals at Initial Interviews  
April 2014 through September 2014**

REASONS FOR EEP DENIAL	Number	Percent of Denials	Approved	Percent Approved Within Denial Reason
Poor Participation and / or Progress	249	29.5%	47	18.9%
Poor Program Attendance	49	5.8%	5	10.2%
Refusal to Participate	46	5.5%	3	6.5%
Behavior Interfered with Program	493	58.5%	21	4.3%
Other	6	0.7%	0	0.0%
<b>Total</b>	<b>843</b>	<b>100.0%</b>	<b>76</b>	<b>9.0%</b>

## Non-Certifiable Earned Eligibility Cases and Parole Board Interview Results

Table 4 shows the general reasons that an EEP case would be determined to be non-certifiable and the results of the initial Parole Board interview. In contrast with EEP denials, non-certification recognizes that deficiencies in the inmate's program participation may be due to circumstances beyond the inmate's control.

- Of the 889 cases determined to be non-certifiable, 562 (63%) were non-certifiable due to insufficient time in prescribed programs. These cases had a 15% approval rate.
- Although only 7 cases were non-certifiable due to a hospital stay, they were approved for release at a rate of 29%, which represented the highest approval rate among the non-certifiable categories.
- Thirty-four percent (303) of the cases were non-certifiable due to being in reception. These cases had a 13% approval rate.

**Table 4: EEP Non-Certifiable Reasons and Parole Board Approvals at Initial Interviews  
April 2014 through September 2014**

NON-CERTIFIABLE EEP STATUS REASONS	Number	Percent Non- certifiable	Approved	Percent Approved within Non- Certifiable reason
Insufficient Time in Program	562	63.2%	86	15.3%
Hospital	7	0.8%	2	28.6%
Out to Court	11	1.2%	0	0.0%
In Reception	303	34.1%	40	13.2%
Other	6	0.7%	0	0.0%
<b>Total</b>	<b>889</b>	<b>100.0%</b>	<b>128</b>	<b>14.4%</b>

## Earned Eligibility Status within Offense Type and Parole Board Interview Results

Table 5 shows the distribution of the 4,251 EEP cases within offense types. Within each offense type, the result of the initial EEP review is cross referenced with the decision of the Parole Board.

- Of the 4,251 initial EEP cases, 2,365 (56%) were Property Offenders and 974 (23%) were convicted of Other Coercive crimes. Youthful Offenders (347) made up 8% of the initial EEP cases while Violent Felony Offenders (317) made up 7% and Drug Offenders (244) made up 6%.
- Compared with the last EEP Semiannual Report, the number of EEP-eligible drug offenders who appeared before the Board of Parole increased slightly (from 220 to 244), while their approval rates decreased. Previously, between October 2013 and March 2014, there were 54 drug offenders approved for release, with a 25% approval rate. During the current six month period, there were 53 drug offenders approved for release, with a 22% approval rate.
- Among inmates issued an EEP certificate, Youthful Offenders were approved for release at the highest rate (60%), followed by Property Offenders (42%). With the exception of Juvenile Offenders, with no approvals, the lowest approval rate was among Violent Felony Offenders (5%).

**Table 5: EEP Status within Crime Category by Initial Parole Board Interview Result  
April 2014 through September 2014**

OFFENSE TYPE	EEP CERTIFICATE	RELEASE DECISION				Total	
		APPROVED		DENIED			
Violent Felony	Issued	8	4.7%	163	95.3%	171	53.9%
	Denied	0	0.0%	131	100.0%	131	41.3%
	Non-Cert	3	20.0%	12	80.0%	15	4.7%
<b>Total</b>		<b>11</b>	<b>3.5%</b>	<b>306</b>	<b>96.5%</b>	<b>317</b>	<b>100.0%</b>
Other Coercive	Issued	127	22.7%	433	77.3%	560	57.5%
	Denied	14	7.4%	176	92.6%	190	19.5%
	Non-Cert	17	7.6%	207	92.4%	224	23.0%
<b>Total</b>		<b>158</b>	<b>16.2%</b>	<b>816</b>	<b>83.8%</b>	<b>974</b>	<b>100.0%</b>
Drug Offenses	Issued	48	25.4%	141	74.6%	189	77.5%
	Denied	2	5.4%	35	94.6%	37	15.2%
	Non-Cert	3	16.7%	15	83.3%	18	7.4%
<b>Total</b>		<b>53</b>	<b>21.7%</b>	<b>191</b>	<b>78.3%</b>	<b>244</b>	<b>100.0%</b>
Property and Other	Issued	613	41.8%	854	58.2%	1,467	62.0%
	Denied	48	12.5%	335	87.5%	383	16.2%
	Non-Cert	81	15.7%	434	84.3%	515	21.8%
<b>Total</b>		<b>742</b>	<b>31.4%</b>	<b>1,623</b>	<b>68.6%</b>	<b>2,365</b>	<b>100.0%</b>
Youthful Offender	Issued	78	59.5%	53	40.5%	131	37.8%
	Denied	12	12.0%	88	88.0%	100	28.8%
	Non-Cert	24	20.7%	92	79.3%	116	33.4%
<b>Total</b>		<b>114</b>	<b>32.9%</b>	<b>233</b>	<b>67.1%</b>	<b>347</b>	<b>100.0%</b>
Juvenile Offender	Issued	0	0.0%	1	100.0%	1	25.0%
	Denied	0	0.0%	2	100.0%	2	50.0%
	Non-Cert	0	0.0%	1	100.0%	1	25.0%
<b>Total</b>		<b>0</b>	<b>0.0%</b>	<b>4</b>	<b>100.0%</b>	<b>4</b>	<b>100.0%</b>
<b>Total</b>	<b>Issued</b>	<b>874</b>	<b>34.7%</b>	<b>1,645</b>	<b>65.3%</b>	<b>2,519</b>	<b>59.3%</b>
	<b>Denied</b>	<b>76</b>	<b>9.0%</b>	<b>767</b>	<b>91.0%</b>	<b>843</b>	<b>19.8%</b>
	<b>Non-Cert</b>	<b>128</b>	<b>14.4%</b>	<b>761</b>	<b>85.6%</b>	<b>889</b>	<b>20.9%</b>
<b>Total</b>		<b>1,078</b>	<b>25.4%</b>	<b>3,173</b>	<b>74.6%</b>	<b>4,251</b>	<b>100.0%</b>

## Conclusion

Overall, in the period between April 2014 and September 2014, there were 5,053 EEP interviews. Eighty-four percent (84%) of these reviews were for initial appearances at the Parole Board.

The overall approval rate for the 4,251 inmates at initial appearances was 25%. The 2,519 inmates who earned an EEP certificate were approved for release at the highest rate (35%) when compared to the 889 that were non-certifiable (14%) and the 843 inmates denied an EEP certificate (9%).

Between April 2014 and September 2014, the 3,339 “Property” and “Other Coercive” offenders constituted the two largest categories considered for an EEP certificate, accounting for over three-quarters (79%) of the interviews.

As a result of determinate sentencing and Drug Law reform, the 244 drug offenders represented only 6% of the interviews in this report period. This is in contrast to the same time period during 2006, when the 3,119 drug offenders represented 45% of the interviews. This represents a 92% decrease in the number of interviews held among drug offenders.

Of the 131 Youthful Offenders who were issued an EEP certificate, 60% were approved for release, the highest approval rate among crime categories for those issued EEP certificates. Of the 171 Violent Felony offenders that were issued an EEP certificate, only eight (5%) were approved for release by the Parole Board, which was the lowest approval rate among crime categories, for those issued EEP certificates.

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