

BREAKING PAROLE

A Critical Analysis of
The New York State Division of
Parole's Caseload Management Standards



Manhattan Borough President
Scott M. Stringer

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About Manhattan Borough President Scott M. Stringer

Scott M. Stringer, a native New Yorker was sworn in as Manhattan's 26th Borough President in January 2006. During his tenure, Borough President Stringer has led the way for addressing and reforming many of Manhattan's most pressing issues, including:

- Increasing community input and response to development and planning projects across the borough;
- Introducing comprehensive reform and empowerment measures to Manhattan's Community Boards;
- Leading the fight to maintain and create new affordable housing units across the borough;
- Empowering parents to better participate in the public school system;
- Investigating and recommending policy action on the city's myriad transportation issues;
- Helping working families and small businesses access needed resources to increase their ability to become and remain self-sufficient.

Prior to taking office, Borough President Stringer served as a member of the New York State Assembly for 13 years. During his tenure, Stringer was the Chair of the New York State Assembly Committee on Cities, and the Chair of the Task Force on People with Disabilities. He also served on the Judiciary, Education, Higher Education, Housing, and Health Committees, and as a member of the Assembly Task Force on Women's Issues. He played an instrumental role in supporting and passing legislation with direct impact on the criminal justice system on issues pertaining to work release for violent offenders, issues of domestic violence, issues on the death penalty, and reformation of the Rockefeller Drug Laws.

As Borough President, he has authored the following research reports:

- **The State of Repairs:** An Examination of Elevator and

Escalator Maintenance and Repairs in New York City's Subway System, August 2006;

- **Thinking Outside the Box:** An Analysis of Manhattan Gridlock and Spillback Enforcement, July 2006; and
- **Parents Dismissed:** An Analysis of Manhattan's Community Education Councils and the New York City Department of Education's Role in Engaging Parent Leaders, June 2006.

As an Assemblymember, he authored the following research reports:

- **Homeless Students Dismissed:** An Investigation of New York State Education Department's Failed Education of Homeless Children and Youth in New York City, September 2004;
- **Ranking Banking:** The 2003-2004 Consumer Bank Scorecard, March 2004;
- **Public Housing Policy Brief:** An Investigation into Long-term Vacancies in New York City's Public Housing Stock, December 2003;
- **Failing Grade:** Health Education in NYC Schools, An Analysis of K-8 Health Education in New York City's Public School System, June 2003;
- **Faces of the Budget Crisis:** How Much Pataki's Budget Really Costs NYC Families, February 2003;
- **Total Collapse:** How NYC Department of Buildings Failed Policies Contribute to Crumbling Buildings, November 2002;
- **Report on Assessor Practices and Assessment Administration in New York City,** May 2002;
- **Reading is Fundamental:** The Textbook Shortage in New York City's Public Schools, April 2002 (with an update issued in April 2003).

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I.

Executive Summary

Over 8,700 individuals are released from prison and return to communities in Manhattan and the Bronx every year. Most of these formerly incarcerated persons have little education, lack critical employment skills, live in unstable housing situations, and battle long-term substance abuse and mental health issues. Moreover, most of them return to communities with chronically high-levels of poverty, unemployment, and crime. While their return to the community represents an opportunity for them to “start over”, these challenges place formerly incarcerated persons in precarious positions and many – an estimated 65% – fail by returning to illegal activities. Left under-supported and under-supervised, returning prisoners add undue strain on already struggling communities, return to criminal activities, and potentially threaten the safety of all New Yorkers.

The New York State Division of Parole (DOP) exists to provide the level of supervision and assistance that returning prisoners need in order to become productive members of society. Critical to fulfilling this mission is the role of Field Parole Officers (FPOs). FPOs are case managers that provide community-based supervision and link formerly incarcerated persons to a host of services, such as substance abuse treatment, workforce development services and housing assistance. In many cases, FPOs are the first and only consistent contact that individuals on parole have upon their return to the outside world. As such, they play a pivotal role in protecting public safety, helping parolees avoid recidivism, and facilitating a responsible reentry process. Ensuring that FPOs are not overburdened by unmanageable caseloads and have adequate levels of institutional support and access to resources to do their jobs effectively is a key objective in any successful community corrections system.

Unfortunately, a recent survey conducted by the Office of the Manhattan Borough President reveals some alarming trends. Specifically, the survey results, gathered from 50% of the FPOs working in Metro I Region (Manhattan and the Bronx), demonstrates that the DOP is failing to take adequate measures to allow FPOs to do their jobs as effectively as possible. Key findings indicate that:

1. The DOP is violating established caseload standards and forcing FPOs to supervise unmanageable caseloads.

The standard caseload set by the DOP represents the optimal number of cases that a FPO should manage in assisting returning prisoners with reentry into society.

- 84% of the caseloads reviewed are not in compliance with DOP standards;
- 57% of officers surveyed have caseloads that are out of compliance with DOP standards by 11 or more cases; and
- 89% of officers surveyed characterize the number of cases that they manage as “too high”.

2. The DOP overburdens FPOs by not accurately assessing the needs of returning prisoners.

- 49% of surveyed officers describe the parolees under their supervision as needing more intensive levels of supervision and assistance than what they are currently receiving;
- 77% of surveyed officers say they have no input in the level of supervision and assistance assigned to individuals under their direct supervision; and
- 87% of surveyed officers characterize the total number of parolees that they supervise as “too high”.

3. FPOs lack the critical professional development necessary to do their jobs and protect the public, and do not believe they can make a difference in parolees' lives.

- 73% of surveyed officers do not think they can make a difference in the lives of the parolees they supervise;
- 83% of surveyed officers think that the amount of time they spend in the office does not afford them time to provide adequate levels of supervision in the field;
- 93% of surveyed officers do not believe they have enough time to provide adequate levels of services for parolees with the greatest needs;
- 84% of surveyed officers do not have enough time for parolees requiring less intensive assistance;
- 81% of surveyed officers do not believe that the DOP

provides sufficient professional development to help officers manage their caseloads;

- 91% of surveyed officers assert they do not have enough resources and support to do their jobs; and
- 74% of surveyed officers do not have a clear idea of how they should be supervising parolees as expected by the DOP.

Recommendations

The performance of the DOP is currently inadequate on many fronts, placing the public at risk and failing to help formerly incarcerated persons become productive members of society and maintain crime-free lives. Both current and future DOP administration have a responsibility to ensure that prisoners have the highest level of services possible to help them avoid re-incarceration and to protect public safety.

- 1. Increase resources to ensure compliance to caseload standards. Conduct regular caseload compliance audits.** The DOP must hire the number of FPOs needed to ensure caseload compliance. It should also conduct statewide compliance investigations to determine the extent of non-compliance in other regions and conduct Region-Based Caseload Compliance Audits every six months.
- 2. Reform weighted-caseload ratios** to more accurately reflect both the needs of parolees and the ability of FPOs to service those needs. The DOP must also empower FPOs with enhanced roles in assigning the level of supervision and assistance provided to their parolees.
- 3. The DOP must increase the quality of professional development available to FPOs** as well as implement policies that are reflective of the best practices in parole and other community-based supervision systems.

II. Introduction

“Parole” refers to the action taken by a criminal justice system whereby incarcerated persons are released from prison on a conditional basis. Though no longer incarcerated in prison, these individuals are still technically considered prisoners of the state. These prisoners, or parolees, are subject to a period of community-based supervision during which they are expected to follow certain conditions (such as maintaining contact with parole officials) and achieve certain objectives (such as becoming lawfully employed and refraining from the use of illicit substances). Parole systems tend to serve three functions: (1) to serve as a public safety surveillance tool through which prisoners are rehabilitated without continued incarceration and are monitored to ensure their adherence to conditions of release and to local, state, and federal laws; (2) to remand parolees to prison when they fail to comply with parole conditions and laws; and (3) to provide returning prisoners access to a host of support services that will help them successfully reenter society and avoid recidivism.

Perhaps the central figure in any system of parole is the Field Parole Officer (FPO). FPOs are law enforcement officials that protect the public safety by assisting parolees in the process of reentering society. These officers, many of whom possess a background in social work, counsel parolees, motivate and guide them under accepted casework techniques, refer them to appropriate services (including employment, housing, substance abuse, and mental health services), and report on the progress of their reentry process.¹ Essentially, FPOs act as case managers for returning parolees – assessing their needs and tailoring the level of support/surveillance they provide to meet these needs. FPOs also ensure that individuals under parole supervision adhere to the conditions of parole and obey the law. Like other peace officers, FPOs have authority to make arrests, conduct investigations, search parolees, and apprehend parole violators. In many cases, FPOs are the first and only consistent contact that parolees have upon their return to the community. As such, these officers, play a pivotal role in helping parolees avoid recidivism to criminal activities

¹ New York State Parole Handbook: *Questions and Answers Concerning Parole Release and Supervision*, The New York State Division of Parole, February 2005 (revised).

and maintaining a crime-free life. Ensuring that FPOs have adequate levels of training and institutional support to effectively serve their parolees is a key objective in any successful community corrections system.

In New York State, the Division of Parole (DOP) is the oversight agency responsible for all aspects of the parole process, including release decisions, the hiring and training of FPOs, and the establishment of statewide policies and procedures. With over 45,000 parolees under its supervision, the DOP is one of the highest-volume parole agencies in the nation.² In fact, in 2001, New York was one of five states that together accounted for nearly half of all releases from correctional facilities in the nation; the majority of these released individuals were placed on parole.³ Between 1980 and 1995, the DOP focused primarily on the use of parole releases in an effort to help manage the ever-expanding state prison population.⁴ However, within the past decade, the division’s mission has shifted; the focus of the parole system now is to ensure public safety by increasing the number of parolees who *successfully* complete parole supervision by helping them become self-supporting, law-abiding citizens.⁵

A significant part of this refocusing effort included the creation of caseload management guidelines such as caseload standards and caseload-weighted ratios. These caseload standards and ratios were developed to ensure that FPOs work with the optimal number of parolees while taking into account the varying levels of supervision and services needed by returning prisoners. In theory, these caseload standards and ratios are intended to ensure that FPOs have sufficient time to manage all parolees on their caseloads without being overburdened. However, the DOP must adhere to these standards and ratios in practice, not just in theory, in order to realize their intended outcomes.

While New York State releases a large overall number of individuals from prison annually, recent research indicates that a few select counties experience a disproportionately high number of returning prisoners. For example, in 2001, New York County (Manhattan) and Bronx County ranked 8th and 15th, respectively, among all counties in the nation for number of prisoners re-entering the community.⁶ On average, over

² Ibid.

³ United States Bureau of Justice Statistics - National Corrections Reporting Program, 2001.

⁴ Submission of Anthony G. Ellis, II, Executive Director of New York State Division of Parole, to the Assembly Standing Committee on Correction, 1/11/06.

⁵ Ibid.

⁶ United States Bureau of Justice Statistics - National Corrections Reporting Program, 2001.

8,700 prisoners are released from prison and return to communities in Manhattan and the Bronx every year.⁷ Most of these individuals suffer from low educational attainment, lack critical employment skills, live in unstable housing situations, and battle long-term substance abuse and mental health issues.⁸ Moreover, most of them return to communities with chronically high-levels of poverty, unemployment, and crime. While their return to the community represents an opportunity for parolees to “start over”, the above mentioned challenges place ex-offenders in precarious positions and many “fail” by returning to illegal activities. In light of the New York City region’s high prisoner reentry rate, the enforcement of DOP policies and procedures, or the lack thereof, will have the greatest impact on this area. Left under-assisted and under-supervised, many returning prisoners add undue strain on already struggling communities and, perhaps more importantly, threaten the safety of all New Yorkers.

The following study, conducted by the Office of the Manhattan Borough President, is a critical analysis of the DOP’s caseload management standards. The purpose of this study is three-fold:

1. To critically examine DOP compliance with established caseload standards in Metro I Region – the areas comprised of the boroughs of Manhattan and the Bronx;
2. To examine whether the caseload-weighted ratios used are appropriate given the level of support and supervision parolees need; and
3. To examine the impact that any reported non-compliance or inappropriately assigned ratios may have on the ability of FPOs to provide supervision/services to parolees and on their self-perceived ability to effect changes in the lives of their parolees.

III. Background

The DOP is organized into five distinct reporting regions. Each reporting region spans multiple counties and/or metropolitan areas. The focus of this study is Metro I Region – the area encompassing the boroughs of Manhattan and the Bronx in their entirety. Within Metro I Region, there are several regional reporting offices (six offices in Manhattan and five in the

Bronx). Upon release from prison, parolees are assigned-based on their last known address—to a regional office to which they must report within the first 24 hours of returning to the community. Similarly, parolees are assigned a FPO that will serve as their direct community-based supervisor.

Officially, the DOP employs over 300 FPOs in Metro I Region. However, a number of these officers do not directly supervise parolees. Many FPOs are assigned to work in specialized units whose primary functions do not include the direct management of a parolee caseload. For example, FPOs assigned to the “Abscond and Search Unit” do not meet with parolees on a regular basis. Instead, they are responsible for locating parolees that have failed to report to their FPOs. At the time of this study, the Public Employees Federation (PEF), the statewide workers’ union representing parole officers, estimated that 198 FPOs in Metro I Region directly manage a parolee caseload, herein referred to as an active caseload.

FPOs have a number of duties in helping parolees reenter society, including, but not limited to, the following responsibilities:

- Assessing the risks and challenges that individual parolees will face in their reentry process and tailoring the conditions of parole (including adding certain restrictions) based on the assessment of individual parolees; providing counseling to parolees on issues that they face in the reentry process;
- Conducting field supervision whereby FPOs supervise parolees in community settings to ensure adherence to conditions of parole; conducting drug testing of parolees to ensure that parolees are not using illicit substances;
- Meeting regularly with parolees, their families, and significant others to determine their progress in the reentry process and to gauge the risk of recidivism;
- Providing comprehensive referrals to community-based organizations and government agencies that assist parolees with some of their needs/issues (including substance abuse programs, employment training programs, and housing support networks) and, wherever possible, coordinating case management efforts between organizations; and
- Issuing warrants, making arrests, and recommending parole revocation for parolees that are not meeting conditions of parole.

⁷ United States Department of Labor - National Corrections Reporting Program, 2001.

⁸ New York State Division of Parole Parolee Facts: March 2004.

Intensive vs. Regular Supervision

Recent research indicates that formerly incarcerated persons have the highest recidivism rates in the period immediately following release from prison. In fact, it is estimated that nationally, 30% of released prisoners are rearrested in the first six months, 44% within the first year, and 67.5% within three years of release from prison.⁹ Experts tend to agree that parolees require more intensive supervision and services in the period immediately following release.¹⁰ Accordingly, the DOP mandates “intensive” reporting requirements for parolees during the first twelve months after release. Parolees on intensive supervision are required to report/maintain contact with their FPOs at least four times per month.¹¹

After twelve months of intensive supervision, most parolees are transferred to regular supervision. While on regular supervision, parolees are generally mandated to report to their supervising FPOs less frequently – a minimum of four times in every three-month period.¹² According to PEF officials, the transfer process from intensive to regular supervision is usually automatic and does not require an individualized assessment of need.

Caseload Standards and Weighted Ratios

As noted above, part of the DOP’s refocusing efforts to improve caseload management included the creation of caseload standards. These caseload standards represent a unit of measurement and set the optimal number of cases that any given FPO should manage. The caseload standard is set at 40 cases for each FPO. This standard does not vary. However, the caseload standard of 40 *does not prescribe* the actual number of parolees that constitute one “case”. In order to address this issue, the DOP also developed weighted-caseload ratios.

The DOP uses weighted-caseload ratios to determine the *optimal number of parolees* a FPO should supervise in order to do his or her job most effectively under the standard caseload of 40 cases—taking into account the various levels of supervision and contacts per month the DOP requires of parolees. These ratios are explained below:

⁹ Petersilia, Joan: *When Prisoners Come Home, Parole and Prisoner Reentry*, Oxford University Press, 2003:12.

¹⁰ *Ibid.*

¹¹ New York State Parole Handbook: *Questions and Answers Concerning Parole Release and Supervision*, The New York State Division of Parole, February 2005 (revised).

¹² *Ibid.*

- **Intensive Supervision Cases:** Given the frequency of contact between FPOs and parolees during periods of intensive supervision, the DOP determined that intensive cases will have a weighting factor of 1.0.¹³ Simply stated, one parolee under intensive supervision is equal to one full case. Therefore, given the standard caseload of 40 cases, a FPO with a caseload *comprised exclusively* of parolees under intensive supervision can manage an actual caseload of 40 parolees.¹⁴

- **Regular Supervision Cases:** As noted earlier, parolees under regular supervision are required to report less frequently to a supervising FPO than those under intensive supervision. In order to address this discrepancy, the DOP determined that regular cases will have a weighting factor of .40.¹⁵ Simply stated, managing 2.5 parolees under regular supervision is the equivalent of handling one parolee under intensive supervision, or one full case. Therefore, given the standard caseload of 40 cases, a FPO with a caseload *comprised exclusively* of parolees under regular supervision can manage an actual caseload of 100 parolees.

FPOs, however, do not generally manage a caseload comprised exclusively of parolees requiring intensive or regular supervision. In most instances, they have a mix of parolees assigned to both categories. For example, a FPO may supervise twenty parolees on intensive supervision and fifty parolees under regular supervision, and still be in compliance with the caseload standard of 40. Therefore, the number of parolees that a FPO manages may vary greatly depending on the proportion of intensive and regular supervision cases in the caseload. However, the caseload standard will never vary and remains constant at 40.

Given the varying level of supervision and services needed by parolees under intensive and regular supervision, it is important that the DOP adhere to its caseload standards. Such adherence will help enable FPOs to supervise and assist parolees as fully as possible.

It is equally important to determine whether the weighted factors used to calculate the appropriate number of parolees per caseload is reflective of the actual needs of the parolees. If, for example, parolees under regular supervision require

¹³ Submission of Anthony G. Ellis, II, Executive Director of New York State Division of Parole, to the Assembly Standing Committee on Correction, 1/11/06. The State of New York Office of the State Comptroller – Audit of Shock Incarceration Program – 3/27/2002.

New York State Public Employees Federation AFL-CIO – Fact Sheet – New York State Division of Parole Policies and Procedures – 2002.

¹⁴ *Ibid.*

¹⁵ *Ibid.*

levels of supervision and services comparable to those they needed while under intensive supervision, then the weighted factors of .40 may inaccurately calculate the number of parolees a FPO can serve adequately.

In order to examine these and other issues, the Office of the Manhattan Borough President developed a comprehensive survey instrument designed to gather information from FPOs operating in Metro I Region. A copy of this survey is attached to this report as *Appendix I*.

IV. Methodology

The Office of the Manhattan Borough President distributed and collected a voluntary survey to FPOs in Metro I Region (encompassing the boroughs of Manhattan and the Bronx) who met the criterion of having supervised and managed an active caseload of parolees at the time of the survey. The survey was conducted between the dates of 9/22/06 and 10/6/06. Follow-up conversations were held with numerous FPOs surveyed to obtain greater insight into their opinions pertaining to caseload management.

A total of 122 surveys were collected; 23 of which were completed by FPOs working outside of Metro I Region or by individuals with no active caseloads. These surveys were removed from the study as they failed to meet the stipulated criterion; leaving a total of 99 valid surveys. As noted above, while the DOP states that there are over 300 FPOs in Metro I Region, the PEF officially counts only 198 FPOs that manage an active caseload. Therefore, the sample collected through this survey represents 50% of the surveyable population.

While the data compiled through the survey is specific to Metro I Region, the quantitative and qualitative information gathered strongly suggests that the findings and conclusion of this report reflect, to a large extent, the experiences of FPOs operating in other parts of New York City. A brief analysis of the surveys completed by FPOs outside of Metro I Region (including locations in Queens and Brooklyn) indicated similar findings.

Sample Surveyed

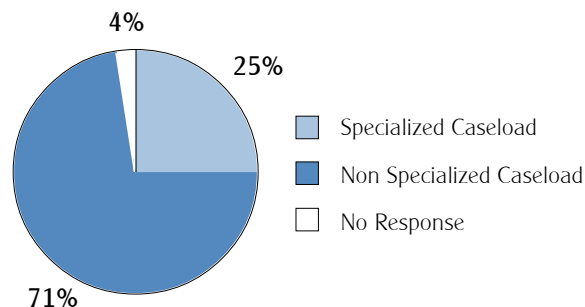
The sample gathered from this study represents a wide distribution of FPOs from Metro I Region. Below are some basic descriptive statistics on the population surveyed:

- 44 is the average age of respondents;
- 13 years is the average length of experience that respondents have working as FPOs;
- 59% of respondents are men;
- 36% of respondents are women;
- 73% of respondents are persons of color (45% African American, 24% Latino, 4% Asian American);
- 55% of respondents work in Manhattan; and
- 42% of respondents work in the Bronx.

Finally, the majority of the respondents do not manage an exclusively specialized caseload. Specialized caseloads are comprised of parolees convicted for particularly serious crimes – including sexual assault and violent offenses. Recognizing the additional risk these parolees pose to public safety, the DOP issues a specific caseload standard and weighted-caseload ratio for FPOs that manage these populations. Specifically, the caseload standard is set at 25 for any officer supervising exclusively specialized caseloads; with a caseload-weighted ratio of 1.6.¹⁶ *Figure I* demonstrates the breakdown of caseload assignments.

FIGURE I

Percent of FPOs in Metro I Region that Manage Exclusively Specialized Caseloads vs. Non Specialized Caseloads



Surveyed Caseload Characteristics

FPOs in Metro I Region are managing caseloads of parolees that are facing multiple barriers to successfully completing their conditions of parole. Based on survey responses:

- 51% of parolees have a history of violent tendencies;
- 16% of parolees have a history of sexual misconduct and assault;
- 81% of parolees have drug and/or substance abuse issues;
- 38% of parolees suffer from learning disabilities;

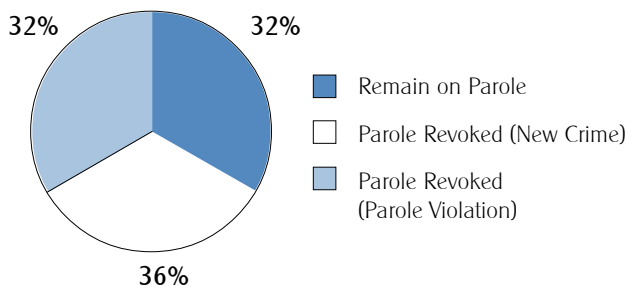
¹⁶ The State of New York Office of the State Comptroller – Audit of Shock Incarceration Program – 3/27/2002.

- 32% of parolees have mental and/or physical health issues; and
- 82% of parolees have served time in prison for prior convictions.

Every year a significant number of parolees in Metro I Region are rearrested. As shown in *Figure II*, approximately two-thirds of all parolees have their conditional release revoked for committing a new crime or breaking the conditions of parole.

FIGURE II

Percent of Parolees in Metro I Region Who Have Their Parole Revoked Annually



The characteristics noted above underscore the importance of ensuring that FPOs are working with optimal caseloads to appropriately meet the needs of this hard-to-serve population.

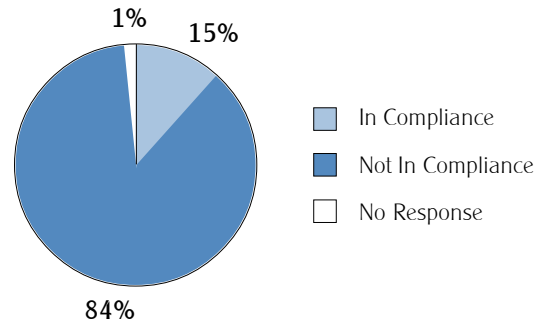
V. Survey Results

Caseload Standards

The Office of the Manhattan Borough President gathered survey data on the total number of parolees under intensive and regular supervision for each FPO in the sample. Data were used in combination with the DOP established weighted-caseload ratios for each level of supervision (1.0 for intensive; .40 for regular; and 1.6 for FPO with self-identified specialized caseloads) to calculate the total caseload per officer. These total caseloads were then compared to the DOP caseload standards (40 cases per officer and 25 cases per officer with specialized caseloads) to determine the level of compliance. The results of this analysis indicate that FPOs in Manhattan and the Bronx carry an unacceptably high number of cases. **Specifically, 84% of the caseloads reviewed are not in compliance with DOP standards, compared to only 15% that are.** *Figure III* below demonstrates the distribution.

FIGURE III

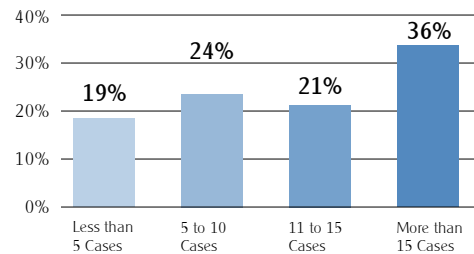
Percent of FPOs in Metro I Region Managing Caseloads in Compliance With DOP Standards



The margin of noncompliance ranges from 1 to 45 cases with an average of 14 cases out of compliance. Subgroup analysis indicated that the highest percentage of respondents, 36%, are managing caseloads that are out of compliance by 15 cases or more. **A far higher proportion and substantial majority, 57% of respondents, are handling cases that are out of compliance by at least 11 cases.** The full distribution of the range of non-compliance is illustrated in *Figure IV*.

FIGURE IV

Percent of Cases Not In Compliance With DOP Standards for FPOs in Metro I Region



Each additional case above the standard of 40 represents a marginal decrease in the amount of time a FPO is available to supervise and provide services to parolees. This compromise of capacity increases the risk that parolees will lapse back into illegal behaviors that jeopardize public safety. It may also significantly increase the strain on the limited resources and support services in many disadvantaged communities. A number of FPOs surveyed echoed this sentiment. For example, Field Parole Officer A. stated:

They (The Division of Parole) like to talk about the caseload standards all the time. They almost hide behind it. What people don't get is that even if we were all at the standard, 40 cases is a lot to manage. It's really hard...when

they don't even follow their own standards and pile even more cases on us, it makes it close to impossible for us to do our jobs. I spend more of my time in the office doing paper work to keep up with my caseload and less time in the field doing real supervision."

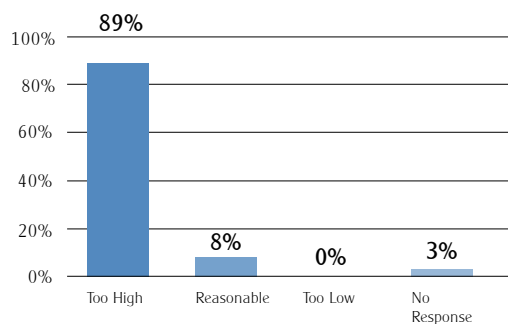
Field Parole Officer B. concurred:

"In a lot of ways they (Division of Parole) are a greater threat to the public safety than a lot of the guys that we supervise. The Division of Parole forces us to carry caseloads that are just too high. We don't have time to properly monitor the guys on the streets that are a real threat. We don't have time to meet with their families, their girlfriends, or anyone to see how they are readjusting. We basically have our hands tied behind our backs."

Given these results and responses, it is not surprising that the majority of FPOs believe that their caseloads are too high. When asked to describe the total number of cases that FPOs currently manage, **an overwhelming majority, 89% of FPOs, responded that their caseloads are "too high", while only 8% responded that caseloads are "reasonable".** Figure V below provides a breakdown of the responses.

FIGURE V

FPOs' (in Metro I Region) Description of the Number of Cases They Manage



Conclusion:

The DOP should make every effort to adhere to its own caseload standards so as to better protect public safety, reduce the burdens on lower-income communities, promote successful transition of returning prisoners, and minimize prisoner recidivism.

Weighted-caseload Ratios

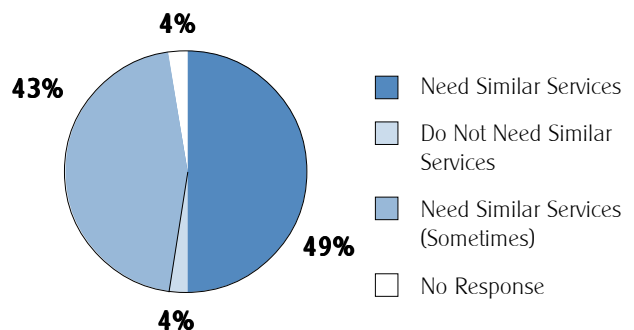
Weighted-caseload ratios are meant to equalize the caseloads managed by each FPO by adjusting the "weight" of each case based on variations in the level of supervision required by

individual parolees.¹⁷ They are also meant to ensure that FPOs have enough time to address the needs of all parolees under their supervision. However, the validity of this tool is premised almost entirely on the assumption that, after twelve months, there is a discernible difference between the level of services and supervision needed for parolees under regular supervision versus those under intensive supervision. If, in fact, there is no difference, or a small difference, then the weighted-caseload ratio may inappropriately calculate the total number of parolees an officer can realistically supervise—thereby increasing the risk to the safety of the public and unintentionally contributing to recidivism.

In order to assess the accuracy of the weighted-caseload ratios, our survey asked FPOs whether parolees assigned to regular supervision are still in need of the levels of supervision and services similar to those required while they were under intensive supervision. **The highest percentage of respondents answered "yes" (49%), compared to 43% that answered "sometimes" and only 4% that answered "no".** Figure VI below presents the distribution of responses.

FIGURE VI

Percent of FPOs in Metro I Region Whose Regular Supervision Parolees Require Similar Levels of Supervision as Those Under Intensive Supervision



Many of the 43% of FPOs who marked "sometimes" in response to the question qualified their statements by reporting that the majority of their parolees on regular supervision need similar levels of supervision as they did when on intensive supervision. For example, Field Parole Officer C. stated:

"Look, I am not going to lie. Some of the guys I have on regular supervision are going to do just fine. But a lot of them, and I do mean a lot, need more supervision and

¹⁷ Caseload Standards: The American Probation and Parole Association: <http://www.appa-ne.org/about%20appa/caseloadstandards.htm> 8/28/06.

support than I can give them under regular supervision. I know that some of these guys are up to no good on the streets. But I have a hard time doing anything about it because I don't get to supervise them enough. Other guys are barely making it. Some of them don't have families or homes or jobs to go to. I am the person they are supposed to go to, but with so few interactions I can't really help them without sacrificing helping someone else."

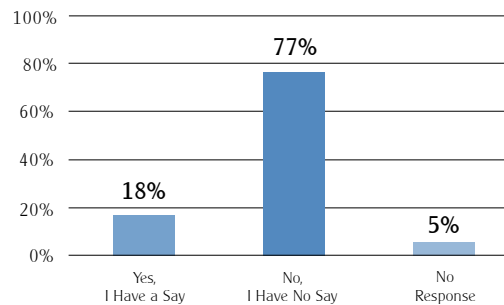
Similarly, Field Parole Officer D. stated:

"Those guys up in Albany sitting in their offices have no idea how much help they [returning prisoners] really need. The difference between my guys on regular and intensive is not that big. I tend to spend the same amount of time with them because they need it...even if it means spending my personal time out there in the field. I get what they are trying to do with these ratio things, but they have to wake up and realize that they got the math wrong. Their weighted-caseload ratios [sic] need to be closer to 1.0 than .40 or whatever formula they are using."

The solution to this issue seems obvious; if FPOs believe that many parolees under regular supervision need the same level of supervision and services as those under intensive supervision, even after twelve months, then FPOs should not shift parolees to the former unless they feel it is warranted. Unfortunately – even though FPOs have the best understanding of individual parolee needs – the majority of FPOs do not have direct decision-making power over the transition from one form of supervision to the other. According to PEF officials, after twelve months of intensive supervision, parolees are automatically transferred to regular supervision. The DOP does not have a process whereby FPOs can petition to stop the transfer of a parolee. It involves generating a report by the FPO detailing his/her rationale for not allowing a person on parole to transfer to regular supervision. This report requires the approval of both the FPO's direct supervisor and the regional supervisor. Despite this procedure, when asked, **77% of FPOs answered that they have no say in the assignment of parolees from intensive to regular supervision** – as depicted in *Figure VII*.

FIGURE VII

Percent of FPOs in Metro I Region that Have a Say in the Assignment of Parolees for Intensive Supervision to Regular Supervision



Several FPOs expressed concern and frustration with their lack of control over supervision category transfers. Field Parole Officer E. addressed this issue when he said:

"I have been working as a FPO for over five years, and I wouldn't be able to tell you how to even start going about petitioning to stop a parolee from being transferred from intensive to regular (supervision)... The DOP doesn't want us to know that process. They just want them (parolees) to be moved to regular so they can make more room for the new intensives coming out (of prison)."

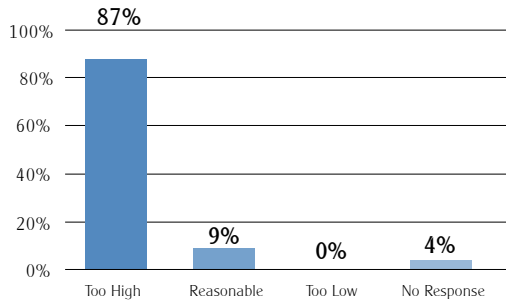
Field Parole Officer F. added:

"I can guarantee you that if I knew how to stop a parolee from moving from intensive to regular, the moment I did it, the DOP administration would pull me in for disciplinary reasons. They would not understand that a parolee might not be ready for regular supervision. Instead, they would accuse me of doing a poor job and not providing the services that the parolee needed to move to regular. Even if I knew the process, I would be afraid to use it because I would probably get in trouble with higher ups."

The weighted-caseload ratios currently in use do not reflect the true needs of parolees. Furthermore, FPOs have little to no power to control the transfer of parolees from one level of supervision to the other. As a result, the majority of FPOs are supervising an unmanageable number of parolees. In fact, when asked to describe their total number of parolees, **87% of FPOs responded that they are "too high"**. *Figure VIII* below provides a breakdown of the response.

FIGURE VIII

FPOs’ (in Metro I Region) Description of the Number of Parolees They Supervise



Conclusion

The DOP must reexamine the weighted-caseload ratios currently used and identify and adopt ratios that more accurately reflect the needs of returning prisoners and the ability of FPOs to meet those needs. The DOP must also allow FPOs to play a central role in determining when it is appropriate to transfer a parolee from intensive to regular supervision.

Impacts

One of the goals of this analysis is to examine the extent to which reported noncompliance with caseload standards or inappropriate caseload ratios has a negative impact on the ability of FPOs to deliver adequate levels of services and to effect changes in the lives of their parolees. A series of questions were designed to gauge these impacts, if any. Three subcategories of questions were created to facilitate a targeted analysis: **1) Supervision:** these questions explore whether FPOs perceive institutional limitations in their ability to supervise parolees and to ensure adherence to conditions of parole and to laws, **2) Services:** these questions explore whether FPOs perceive institutional limitations on their ability to provide adequate levels of social services to returning prisoners, and **3) Support:** these questions attempt to quantify the quality and level of “resources” and “training” that the DOP provides to FPOs. Resources refers to internal procedure and protocol, including administrative support, that will help FPOs successfully manage their caseloads and enhance their understanding of additional (non-DOP) services available to parolees. Training refers mainly to increasing FPOs’ knowledge and experience with accepted case management techniques and capacity-building tools that increase their ability to supervise a caseload, including firearm and self-defense training.

The results of these question sets are discussed below:

1) Supervision:

- On average, respondents spend 60% of their time working in the office;
- 83% of respondents state that the amount of time spent in the office prevents them from providing adequate levels of supervision in the field; and
- 74% of FPOs believe that the amount of time that they spend in the field supervising parolees is inadequate.

Field Parole Officer G. described his concerns with the lack of adequate levels of field supervision when he stated:

“Man, I remember the time when I was able to do my job the right way...meaning I was able to go into the field and make sure that my guys [parolees] weren’t getting into too much trouble. Now they [the parolees] know that I am too busy and I am tied down to my desk all day. No one cares that we can’t keep an eye on these guys until someone gets killed, or robbed, or attacked and it turns out to be someone on parole who committed the crime. Then everyone wants to know why they weren’t being more closely supervised. It’s because we have too many people to watch over. And it’s because the DOP keeps us tied to our desk.”

2) Services:

- When asked whether they have enough time to provide adequate levels of services for parolees under regular supervision, **84% of respondents, answered “no”;** and
- When asked if they have enough time to provide adequate levels of services to parolees under intensive supervision, **93% of respondents answered “no”.**

The chart below details the breakdown of responses:

Percentage of FPOs (Metro I Region) with Adequate Time to Provide the Needed Level of Services to Parolees on Regular Supervision

Yes (Enough Time)	9%
No (Not Enough Time)	84%
No Response	7%
Total	100%

Percentage of FPOs (Metro I Region) that Have Enough Time to Provide the Needed Level of Services to Parolees on Intensive Supervision

Yes (Enough Time)	5%
No (Not Enough Time)	93%
No Response	2%
Total	100%

Perhaps Field Parole Officer H. provided the most succinct overview of the issues regarding services:

“It’s true that we spend more of our time in the office than in the field. But that doesn’t mean that we are spending more time in the office providing counseling and services to parolees. In fact, we are spending most of our time in the office filling out all types of forms and reports that the DOP makes us fill out. Every week there is a new form to fill out. The time that I do have to help out my parolees I find myself using to gather in the information I will need to fill out a report. I am a social worker. I want to help these people. But most days I feel like I am just a paper pusher.”

3) Support:

- The majority, 91% of respondents, indicated that the DOP provides inadequate levels of resources to FPOs in Metro I Region; and
- The majority, 81% of respondents, indicated that the DOP provides inadequate levels of training to FPOs in Metro I Region.

The chart below details the full range of responses:

FPOs’ (Metro I Region) Description of Resources

Adequate	3%
Inadequate	91%
No Response	6%
Total	100%

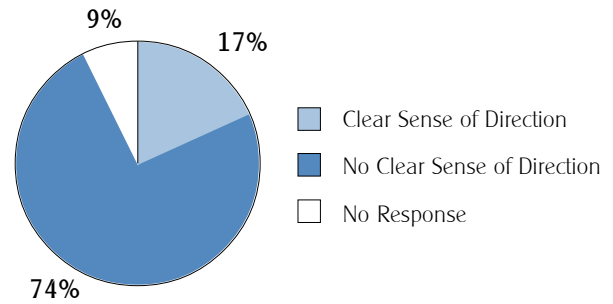
FPOs’ (Metro I Region) Description of Training

Adequate	9%
Inadequate	81%
No Response	10%
Total	100%

- When asked whether the DOP provides a clear sense of direction as to the manner in which FPOs should supervise parolees, **the majority, 74% of respondents, answered “no”**. Figure IX details the distribution of responses:

FIGURE IX

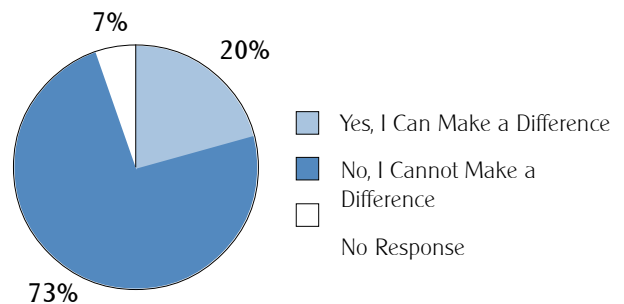
Percent of FPOs in Metro I Region That Have a Clear Sense of Direction from the DOP on How to Supervise and Support Parolees



- Finally, the most disturbing impact uncovered in this study is the effect that supervising an unmanageable caseload has on the FPOs’ perception of their ability to effectively help parolees. When asked whether they can make a difference in the lives of their parolees (based on their current caseload and level of support they receive from the DOP), **an overwhelming 73% of respondents answered “no”**. Figure X below illustrates the distribution of responses:

FIGURE X

Percent of FPOs in Metro I Region That Feel They Can Make a Difference in the Lives of Their Parolees



Conclusion

The DOP must increase the level of support it provides to FPOs to improve staff morale and to better meet the needs of returning prisoners.

VI. Limitations

The confluence of the high number of prisoners released on parole and the high re-incarceration rate of parolees may cause some marginal fluctuations in the number of caseloads that fall in and out of compliance on a monthly basis. The data collected for this analysis are representative of a specific point in time and may not be reflective of these marginal fluctuations. However, given the subgroup analysis detailed in *Figure IV*, these marginal fluctuations would not effect the conclusion that substantial numbers of caseloads are significantly out of compliance with the DOP's caseload management standards.

VII. Recommendations

1. Increase resources to ensure compliance with caseload standards and conduct regular caseload compliance audits.

Given the current level of noncompliance with caseload standards, the DOP must hire and train at least an additional 30 FPOs in Metro I Region (with active caseloads) in order to adhere to caseload standards.¹⁸ The hiring and training of FPOs is a long-term process and it will take months before the additional 30 FPOs are prepared to manage active caseloads. Therefore, current and future DOP administrations should make it a priority to focus recruitment and hiring efforts to fill at least 30 new FPO positions in Metro I Region.

The DOP must also determine the extent, if any, of non-compliance with caseload standards in other areas of the state. As such, the DOP should conduct a statewide compliance investigation to ascertain the level of adherence to caseload standards in other regions, with a particular focus on the areas (such as Queens and Brooklyn) that have a disproportionately high number of returning prisoners. The results of this investigation should serve as the basis for outlining recruitment, hiring, and training needs across the state.

Finally, given the breadth in the range in the number of cases out of compliance (from 1 to 45), the DOP needs to conduct regular audits to ensure long-term and consistent compliance

¹⁸ This figure was reached by taking the total number of cases not in compliance and dividing it by the standard caseload of 40 cases per officer.

with caseload standards. Therefore, the DOP should conduct Region-Based Caseload Compliance Audits every six months. These audits should draw on data from internal management information systems and apply only to those FPOs that are managing an active caseload. Audit results should be made available to the public.

2. Reform weighted-caseload ratios to reflect the similar need for supervision and services for parolees on intensive and regular supervision, and increase FPOs' involvement and decision-making power in the transfer of parolees from intensive supervision to regular supervision.

This study suggests that the DOP has underestimated the level of services and supervision needed by parolees under regular supervision and that the current weighted-caseload ratio of .40 for parolees under regular supervision is too low. The DOP should undertake an aggressive examination of what ratio is more appropriate to apply to parolees under regular supervision. This process should include a feedback forum through which FPOs can comment on proposed ratios prior to implementation. All documentation regarding this process should be made available to the public. Upon identification of a more appropriate ratio, the DOP should implement all needed procedural changes to recalculate the number of parolees assigned in all caseloads.

However, the implementation of a new weighed-caseload ratio is not without its consequences. Increasing the weighted-caseload ratio will result in a sharp increase in the number of FPOs managing caseloads not in compliance with caseload standards. For example, as noted earlier, a FPO with 20 parolees on intensive supervision and 50 parolees under regular supervision would still be in compliance with the caseload standard of 40 under the current weighted-caseload ratio. However, if the weighted-caseload ratio were to increase to 0.6 for regular supervision, then the FPO would be out of compliance with caseload standards by about 10 cases.¹⁹ Accordingly, in conjunction with any alterations in the weighted-caseload ratios, the DOP should plan ahead and develop a targeted hiring and training strategy to ensure compliance with standards prior to the implementation of the new ratios.

Finally, as direct case managers, FPOs should be central to deciding when parolees are transferred from intensive to

¹⁹ 20 Parolees under intensive supervision (weighted-caseload ratio of 1.0) added to 50 parolees under regular supervision (weighted-caseload ratio of .6) equals a caseload of 50 (10 cases above the DOP standard).

regular supervision; it is equally important to ensure that FPOs can provide such recommendations without fear of administrative discipline or retaliation. The DOP should implement the Level of Service Inventory Revised (LSI-R) instrument to gauge the level of service and assistance that individuals on parole need - regardless of the length of time that they have been on parole. The LSI-R is a quantitative survey of attributes of offenders and their situations, relevant to the level of supervision and treatment decisions for persons aged 18 and older. The LSI-R helps predict parole outcome, success in correctional halfway houses, institutional misconduct, and recidivism. This tool can, and should be, administered as an instrument to gauge the progress, or lack thereof, that a person on parole will make as they enter the community. This instrument should be used in concert with the experience of FPOs to determine when a person on parole should be transferred from intensive supervision to regular supervision.

The DOP should train FPOs in the appropriate use and function of this instrument. People on parole should be screened by their supervising FPO, using this instrument every six months to track the progress of their reentry into the community. A clear and transparent system that allows the FPOs to make recommendations on the transfer of a parolee from one level of supervision to the next must be developed.

3. The DOP must increase the quality of training and support available to FPOs as well as implement policies that are reflective of the best practices in parole and other community-based supervision systems.

FPOs identified the following areas in which they need increased training and support:

A. *Training:*

- Issues pertaining to domestic violence (how to intervene and connect with organizations that specialize in dealing with this issue);
- Firearm and self-defense training;
- Counseling methods for substance abuse; and
- Anger management and conflict resolution skills

B. *Support:*

- More information about community-based support services available to parolees (e.g. housing, drug treatment, and employment services organizations);
- Increase the administrative support available to FPOs in order to ease the burden of completing voluminous amounts of paper work;

- The DOP should streamline the amount of paperwork that they require FPOs to complete; and
- Offer courses or resource guides that help the FPO understand complicated public assistance systems like Medicaid and the Earned Income Tax Credit

Finally, the DOP should conduct research on the policies and procedures employed by other state parole agencies (including California, Illinois, and Florida) with large prisoner populations to identify best practices and trends used to better train and support FPOs. The results of this research should be made available to the public.

Conclusion

The DOP established caseload standards and weighted-caseload ratios to help ensure that FPOs would be able to help parolees successfully reenter society and to protect the public safety. Unfortunately, the DOP is failing to adhere to the caseload standards that it has set forth - to the detriment of parolees, FPOs, and the public as a whole. FPOs, who have dedicated their professional careers to helping hard-to-serve populations, are forced to manage unreasonable caseloads. In addition, it appears that the DOP's weighted-caseload ratio that determines the manageable number of parolees on regular supervision underestimates the needs and level of supervision required by these individuals. As a result, many FPOs often feel incapable of providing the level of services and supervision that parolees require to successfully reenter society. Finally, FPOs believe that the amount of DOP support and training that they receive is inadequate.

DOP's caseload management shortcomings have placed the public at risk and are failing to help formerly incarcerated persons avoid recidivism and maintain crime-free lives. Both the current and the future DOP administrations have a responsibility to ensure that prisoners have the adequate level of services needed to help them avoid re-incarceration and to protect public safety.

Appendix I



THE CITY OF NEW YORK OFFICE OF THE PRESIDENT BOROUGH OF MANHATTAN

Manhattan Borough President Scott Stringer believes that Parole Officers play a crucial role in helping facilitate a safe and responsible reentry process for formerly incarcerated persons, while also protecting the safety of the public by ensuring parolees remain productive and law-abiding members of their communities. However, the ability of Parole Officers to fulfill this role is dependent on making sure that they receive adequate levels of support and are not burdened by unmanageable caseloads.

The purpose of this survey is to provide Borough President Stringer with information that will help him better support and advocate on behalf of Parole Officers. Specifically, this survey is meant to gather information as it pertains to Field Parole Officers and the caseloads that they manage. **To this end, if you are NOT a Field Parole Officer, or Field Parole Officer Trainee, you do not need to fill out this survey.**

If you ARE a Field Parole Officer, or a Field Parole Officer Trainee, please take the time to fill out the survey to the best of your ability. Your specific responses to the questions, including your personal information such as your name, **will remain confidential**, though general answers may be used in an analysis by this office. The survey is short and should take you no more than **10 minutes** to fill out. Any personal information that is asked in the survey is optional.

BACKGROUND INFORMATION:

Name: _____ (optional) Date: (MM/DD/YY) _____

Gender: Male Age: _____ (optional)
Female

Ethnicity: (optional)

American Indian and Alaska Native Caucasian/White
African/Black American Hispanic/ Latino
Asian/Asian American Other (Please Specify) _____

1. Are you currently an employee of the State of New York's Division of Parole?

YES
NO **If NO, please discontinue this survey.**
If YES, how long have you been working with the Division of Parole? _____

2. Do you currently work as a Parole Officer, or Parole Officer Trainee, that is assigned to an area field office?

YES
NO **If NO, please discontinue this survey.**
If YES, in what capacity? (Please choose ONE) Field Parole Officer
 Field Parole Officer Trainee

If YES, how long have you been working in this capacity? _____

If YES, to which Metro Region are you currently assigned?

Metro I Region
Metro II Region Other (Please Specify) _____

If YES, in which field office do you work?

Manhattan 1 Bronx 1
Manhattan 2 Bronx 2
Manhattan 3 Bronx 3
Manhattan 4 Bronx 4
Manhattan 5 Bronx 5
Manhattan 6 Other (Please Specify) _____
Manhattan 7

3. Are you assigned to work within any of the following? (Please check all that apply)

- Abscond and Search Unit
- Administrative
- Bureau of Special Services
- Office of Professional Responsibility
- Parole Violator's Unit
- Program Services
- None of the Above

4. Currently, how many cases do you manage?

Total caseload: _____

5. Currently, how many Intensive Supervision Cases do you manage?

Total number of intensive supervision cases: _____

6. Currently, how many Regular Supervision Cases do you manage?

Total number of regular supervision cases: _____

7. Currently, how many parolees do you supervise in your caseload?

Total number of parolees in your overall caseload: _____

Total number of parolees in your Intensive Supervision Caseload: _____

Total number of parolees in your Regular Supervision Caseload: _____

8. Are you assigned to manage exclusively specialized caseloads (e.g. parolees convicted of sexual assault, violent felony offenders, and individuals with psychiatric issues)?

- YES
- NO

9. In your opinion, what percentage of your caseload has the following:

A history of violent tendencies: _____%

A history of sexual misconduct/assault: _____%

Drug and substance abuse issues: _____%

Learning disabilities: _____%

Mental and physical health issues: _____%

10. In your opinion, approximately what percentage of the parolees under your current supervision has served time for prior convictions?

Percentage: _____%

11. Annually, approximately what percent of parolees under your supervision have their parole revoked because of conviction for a newly committed crime?

Percentage: _____%

12. Annually, approximately what percentage of parolees under your supervision has their parole revoked because of technical parole violations as determined by a final hearing?

Percentage: _____%

13. How would you describe the total number of cases that you currently manage?

- TOO MANY
- REASONABLE
- TOO FEW

14. How would describe the total number of parolees that you currently manage?

- TOO MANY
- REASONABLE
- TOO FEW

15. In your opinion, do you have the time to provide the level of services that you feel your parolees need in your Regular Caseload?

- YES
- NO
- NO OPINION

16. In your opinion, do you have the time to provide the level of services that you feel your parolees need in your Intensive Caseload?

- YES
- NO
- NO OPINION

17. Do you feel that you have a say in when your parolees are assigned from Intensive Supervision to Regular Supervision?

- YES
- NO
- NO OPINION

18. In your opinion, do parolees in your regular caseload still need similar levels of supervision and services as they did when they were in your intensive caseload?

- YES
- NO
- SOMETIMES
- NO OPINION

19. What percentage of your time is spent working in the office?

Percentage of time spent working in the office: _____%

20. Do you feel that the amount of time that you spend in the office affords you with enough time to provide adequate levels of supervision in the field?

- YES
- NO
- NO OPINION

21. What percentage of your time is spent in the field supervising parolees (e.g. conducting home and job visits)?

Percentage of time spent in the field: _____%

22. How would you describe the amount of time that you spend in the field supervising parolees?

- ADEQUATE/ ENOUGH
- INADEQUATE/ NOT ENOUGH
- NO OPINION

23. In your opinion, what would be the ideal number of cases and parolees that would allow a parole officer to provide services most effectively?

Ideal Number of Cases: _____

Ideal Number of Parolees: _____

24. Do you feel that the Division of Parole should prescribe a set amount of time that you should be in the office and the field?

- YES
- NO
- NO OPINION

25. How would you describe the resources that you have available at your disposal to help your parolees overcome some of the above mentioned issues?

- ADEQUATE/ ENOUGH
- INADEQUATE/ NOT ENOUGH
- NO OPINION

26. In your opinion, how would you classify the training and support that the Division of Parole provides you in order to reasonably manage your caseload, especially as it pertains to counseling for some of the above mentioned issue?

- ADEQUATE/ ENOUGH
- INADEQUATE/ NOT ENOUGH
- NO OPINION

27. Are there any particular areas in which you need additional training in order to supervise your caseload more effectively? (e.g. additional training around DNA testing, counseling methods)?

- YES
- NO

If YES please note briefly what trainings in particular: _____

28. Are there any particular areas in which you need additional support in order to supervise your caseload more effectively? (e.g. assistance with finding local support programs for parolees)

YES

NO

If YES please note briefly the type of support: _____

29. In what ways do you feel that training and support from the Division could be improved?

30. What is the biggest challenge that you face in managing your caseload?

31. Do you feel that you have a clear sense of direction as to how you should supervise parolees, as expected by the Division of Parole?

YES

NO

32. Do you feel, based on your caseload and support that you receive from the Division of Parole, that you can make a difference in the lives of the parolees that you supervise?

YES

NO

END OF SURVEY
THANK YOU FOR TIME AND COOPERATION