

State of New York
Department of Correctional Services

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Inmate Escape Incidents

2005 - 2009



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INMATE ESCAPE INCIDENTS

2005 - 2009

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Executive Summary

1. Number of Escapes

There was one inmate escape in 2009. The previous low total was no escapes in 2008, while two escapes were recorded in 2005 and in 2007. Prior to 2005, the lowest number recorded during the last 50 years was three escapes in 1966.

In the five years from 2005 through 2009, nine inmates escaped from custody. (See Table 1.1, p. 4)

2. Location of Escapes

Most escapes, 78% or seven of nine escapes, in the 2005-2009 time span were from minimum security facilities or inmates assigned to work details outside the secure perimeter fence of a medium security prison. There were no escapes from secure custody in 2007, 2008, or 2009. (See Table 1.2, p. 5)

3. Escapes by Facility Security Level

Over the time period of 2005 through 2009, two escapees were assigned to maximum security prisons, one escapee was assigned to a medium security prison, and six were inmates assigned to minimum security facilities at the time of the escape incidents. (See Table 2.1, p.6)

4. Incarceration Offense

Three of the nine escaped inmates during the 2005 through 2009 time period were serving a sentence for a drug offense; two escapees were incarcerated for burglary; and one each for murder, robbery, possession of a weapon, and escape. (See Table 3.1, p. 7)

5. Age of Escapees

Escapees were younger when compared to the overall inmate under custody population. Sixty-seven percent of escapees versus 37% of the under custody population were less than 31 years of age. (See Table 4.2, p. 8)

6. Time Served Prior to Escape

Between the years of 2005 and 2009, 78% of the escapees had served less than 2 years of incarceration prior to escape. (See Table 8.1, p. 14)

Introduction

The Department of Correctional Services maintains specific information on escapes and, together with data files on under custody inmates, produces an annual department report on inmate escapes. The report profiles inmate escapees and the circumstances surrounding escape incidents for the previous 5 years. Characteristics of escapees are compared to the under custody population for the 2005 through 2009 time period.

There were nine inmates who escaped during the last 5 years. Seven escapes involved minimum security inmates or inmates assigned to supervised work crews located outside the facility perimeter. The remaining two inmates were assigned to a maximum security prison and escaped while under direct supervision of correction officers, one during an outside trip to a hospital and one during an outside trip for a court appearance.

When compared to the overall inmate population, escapees from 2005 through 2009 were more likely to be younger, committed to prison for a drug offense or burglary, and incarcerated in a minimum security facility.

Appendix A shows the number of escapees by facility and year. Appendix B presents a brief description of each escape incident.

Section One, Number of Inmate Escapes

There was one inmate escape in 2009. From 2005 through 2009, nine inmates escaped from New York State Department of Correctional Services (NYSDOCS) custody. The five-year total represents an average annual rate of .03 escapes per 1,000 inmates, or one inmate for every 34,745 inmates held under custody by NYSDOCS during the time period.

Table 1.1 presents data on the number and rate of escapes from 2005 through 2009. Rate data are used to measure the number of escaped inmates as a proportion of the inmate population. In this report rates are calculated as the number of escapees per 1,000 under custody inmates. Since the average inmate population may fluctuate higher or lower from year to year, the use of a rate allows for standardized yearly comparisons.

Calendar Year	Number of Escapes	Rate per 1,000 Inmates
2005	2	0.03
2006	4	0.06
2007	2	0.03
2008	0	0.00
2009	1	0.02
Total	9	0.03

Escapes from Secure Custody

Traditionally in New York State, most escapes occur at minimum security facilities or from less secure areas outside the perimeter fence of medium or maximum security prisons and involve inmates who were convicted of non-violent crimes and/or have so little time left to serve that they risk a much longer period of incarceration if apprehended and convicted. Additional escapes occur while inmates are on supervised work details providing services to local communities, at state parks, or along state highways. Inmates assigned to less secure areas who escape from immediate custody by walking away are commonly referred to as 'walkaways'. Walkaways do not have to use more elaborate methods necessary to escape from a higher security assignment.

Secure custody includes housing that is inside medium and maximum security prisons and occasions when an inmate is escorted by correction officers outside the prison to court or to a hospital. Table 1.2 shows two escapes from secure custody and seven escapes from minimum security or less secure settings occurred from 2005 through 2009. An examination of escapes from less secure settings reveals that one was a walkaway from a medium security facility assignment outside of the perimeter fence and six involved inmates assigned to minimum security facilities.

Table 1.2, Frequency and Rate of Escapes from
Secure and Less Secure Custody, 2005 - 2009

Year	Escapes from Secure Custody	Escapes from Minimum Security or Walkaway
	N	N
2005	1	1
2006	1	3
2007	0	2
2008	0	0
2009	0	1
Total	2	7

Section Two, Facility Security Level

New York State correctional facilities are classified as maximum, medium or minimum security. This designation is based upon the physical characteristics of each facility that enable the Department to safely and securely house inmates. Several criteria are taken into consideration in determination of the security classification: **perimeter** - the type of enclosure surrounding the inmates within a correctional facility; **internal control** - the capacity to isolate internal areas of a prison through the use of control gates; **housing** - the type of occupied units ranging from individual cells with remote controlled locks to open barracks-type housing; **special housing** - the need to securely control and separate disruptive individuals from the general inmate population; and **operational configuration** - the ability to monitor and control inmate movement and interaction within the facility.

Table 2.1 reveals the facility security level of inmates who escaped from custody. As indicated in the table, 67% or six of the escapees were in minimum security institutions. See Appendix B, page 17, for details of the escapes that occurred from 2005 to 2009.

Security Level	2005	2006	2007	2008	2009	Total	
Maximum	1	1	0	0	0	2	22%
Medium	0	1	0	0	0	1	11%
Minimum	1	2	2	0	1	6	67%
Total	2	4	2	0	1	9	100%

Section Three, Commitment Offense

The most serious commitment crime for each escaped inmate is shown in Table 3.1. The commitment offense for all inmates in the custody of the Department of Correctional Services is compared with escaped inmates in Table 3.2. Compared to the under custody population, escapees were more likely to be convicted of drug offenses (33% vs. 22%) or burglary (22% vs. 10%); and less likely to be convicted of robbery (11% vs. 17%), sex offenses (0% vs. 8%), or assault (0% vs. 6%).

Table 3.1, Commitment Offense Type by Year of Escape
Inmate Escapees, 2005 - 2009

Crime	2005	2006	2007	2008	2009	Total	
Murder	1	0	0	0	0	1	11%
Other Homicide	0	0	0	0	0	0	0%
Sex Offense	0	0	0	0	0	0	0%
Robbery	1	0	0	0	0	1	11%
Assault	0	0	0	0	0	0	0%
Burglary	0	1	0	0	1	2	22%
Weapon Offense	0	0	1	0	0	1	11%
Grand Larceny	0	0	0	0	0	0	0%
Drug Offense	0	2	1	0	0	3	33%
Stolen Property	0	0	0	0	0	0	0%
Forgery	0	0	0	0	0	0	0%
DWI	0	0	0	0	0	0	0%
Youthful Off.	0	0	0	0	0	0	0%
Other Felony	0	1	0	0	0	1	11%
Total	2	4	2	0	1	9	100%

Table 3.2, Commitment Offense of Escapees and
Under Custody Population 2005 - 2009

Crime	Escapees	Under Custody
Murder	11%	15%
Other Homicide	0%	5%
Sex Offense	0%	8%
Robbery	11%	17%
Assault	0%	6%
Burglary	22%	10%
Weapon Offense	11%	5%
Grand Larceny	0%	2%
Drug Offense	33%	22%
Stolen Property	0%	1%
Forgery	0%	1%
DWI	0%	1%
Youthful Offender	0%	1%
Other Felony	11%	5%
Total	100%	100%

Section Four, Age

Table 4.1 displays the age of escaped inmates and Table 4.2 compares the age of escaped inmates with the under custody population during the 2005-2009 time period. Proportionately, a larger percentage of escapees were younger than inmates in the under custody population; 67% of the escapees were under 31 years of age, while 37% of the under custody inmates were less than 31 years of age. The proportion of escapees over 40 years old was significantly less when compared to the overall under custody population (11% versus 34%).

Age	2005	2006	2007	2008	2008	Total	
< 21	0	0	0	0	0	0	0%
21-30	1	2	2	0	1	6	67%
31-40	1	1	0	0	0	2	22%
41-50	0	1	0	0	0	1	11%
> 50	0	0	0	0	0	0	0%
Total	2	4	2	0	1	9	100%

Age	Escapees	Under Custody
< 21	0%	5%
21-30	67%	32%
31-40	22%	30%
41-50	11%	24%
>50	0%	10%
Total	100%	100%

Section Five, Race/Ethnicity

Table 5.1 presents information on the race or ethnic status of escapees; Table 5.2 compares the race or ethnicity of escapees and the under custody population. Comparisons between race/ethnicity of escapees and under custody population reveal that 22% of escapees were White compared to 20% of the total inmate population; 67% of escapees were African-American compared to 51% in the under custody population; and 11% of escapees were Hispanic compared to 27% of the under custody population. Escapees in this time period were more likely to be African-American when compared with the overall under custody population and less likely to be Hispanic than the overall under custody population.

Race/Ethnicity	2005	2006	2007	2008	2009	Total	
White	0	1	0	0	1	2	22%
African-American	2	2	2	0	0	6	67%
Hispanic	0	1	0	0	0	1	11%
Other	0	0	0	0	0	0	0%
Total	2	4	2	0	1	9	100%

Race/Ethnic	Escapees	Under Custody
White	22%	20%
African-American	67%	51%
Hispanic	11%	27%
Other	0%	2%
Total	100%	100%

Section Six, Prior Adult Convictions

Table 6.1 shows prior adult convictions for the escapee population. Inmates are categorized according to their most serious prior criminal record (i.e., a felony conviction is more serious than a misdemeanor conviction). For example, consider the case of an inmate convicted of a misdemeanor Driving While Intoxicated (DWI) in 1993, a felony of burglary in 1995, and a felony of armed robbery in 2009 for which he received a prison sentence. For purposes of this report and Table 6.1, the most serious prior offense was the felony burglary; the 2009 armed robbery is the commitment offense on which the inmate is currently serving a prison sentence. Since the burglary felony is more serious than a misdemeanor of DWI, only the felony is reported as the most serious prior conviction. Table 6.1 reveals that 67% of the escapees had been convicted of at least one prior felony offense.

Prior Adult Commitments

Table 6.2 shows prior jail and prison commitments for the nine escaped inmates. Only the most serious level of commitment is shown for each inmate. Forty-four percent of the escapees had a previous prison incarceration.

Prior Conviction	2005	2006	2007	2008	2009	Total	
None	1	0	0	0	0	1	11%
Misdemeanor	1	0	1	0	0	2	22%
Felony	0	4	1	0	1	6	67%
Total	2	4	2	0	1	9	100%

Prior Commitment	2005	2006	2007	2008	2009	Total	
None	1	0	0	0	1	2	22%
Jail	1	0	2	0	0	3	33%
Prison	0	4	0	0	0	4	44%
Total	2	4	2	0	1	9	100%

Section Seven, Sentence Length

The New York State Penal Law stipulates that either an indeterminate sentence or determinate sentence be imposed upon convicted felony offenders sentenced to the state correctional system. An indeterminate sentence includes a range of years with a minimum and maximum time period that an inmate may serve. In general, the minimum sentence is the least amount of time an inmate will serve before eligibility for parole. The maximum sentence is the longest amount of time an inmate can serve prior to mandatory release from NYSDOCS. The structure of the minimum and maximum sentence range varies according to prior felony convictions and crime classification (Class A offenses are the most serious, while Class E offenses are the least serious).

Determinate sentencing is imposed upon second felony offenders convicted of a violent felony offense committed after October 1, 1995; first felony offenders convicted of a violent felony offense committed after September 1, 1998; drug offenders for an offense committed after January 13, 2005; and non-violent sex offenders after April 13, 2007. The determinate sentence consists of a specified number of years and, in general, the offender may be considered for release after serving 6/7 of the sentence. For purposes of this report, the 6/7 time period is considered the minimum sentence for determinately sentenced inmates.

Aggregate Minimum Sentence

An examination of Table 7.1 reveals that most prison escapees were serving relatively short minimum sentences. One third of the inmates who escaped had a minimum sentence of less than 2 years, and 67% were serving a minimum sentence of less than 4 years.

Aggregate Min. Sentence	2005	2006	2007	2008	2009	Total	
< 2 Years	1	0	2	0	0	3	33%
2 Years	0	0	0	0	0	0	0%
3 Years	0	2	0	0	1	3	33%
4 - 5 Years	0	2	0	0	0	2	22%
6 - 9 Years	0	0	0	0	0	0	0%
10 - 14 Years	0	0	0	0	0	0	0%
15 - 19 Years	0	0	0	0	0	0	0%
20 Years +	1	0	0	0	0	1	11%
Total	2	4	2	0	1	9	100%

Table 7.2 compares the minimum sentence of escaped inmates with the under custody population for the years 2005-2009. While 33% of escapees were serving a minimum sentence of less than 2 years, only 14% of the under custody population had minimum sentences of less than 2 years.

A partial explanation for the difference in minimum sentence between the under custody population and the subset of escapees, is that inmates committed to prison for less serious offenses and serving shorter sentences may be assigned to minimum security facilities which allow more opportunity for escape. Inmates committed for more serious offenses that have longer sentences are more likely to be housed in medium and maximum security prisons.

Aggregate Minimum	Escapees	Under Custody
< 2 Years	33%	14%
2 - 5 Years	56%	39%
6 - 9 Years	0%	17%
10 - 14 Years	0%	9%
15 - 19 Years	0%	6%
20 Years +	11%	14%
Total	100%	100%

Aggregate Maximum Sentence

Table 7.3 (see page 13) shows the maximum sentence of inmate escapees from 2005 through 2009. The maximum sentence for escapees is compared to the under custody population in Table 7.4 (see page 13). Among the escaped inmates, 44% had maximum terms of less than 4 years compared to only 19% of the under custody population; and 11% of escapees had maximum sentences of 25 years to Life, while 24% of under custody inmates were serving a similar sentence.

Table 7.3, Aggregate Maximum Sentence of Escapees by
Year of Escape, 2005 - 2009

Aggregate Max. Sentence	2005	2006	2007	2008	2009	Total	
<4 Years	1	1	2	0	0	4	44%
4 - 5 Years	0	0	0	0	1	1	11%
6 - 9 Years	0	2	0	0	0	2	22%
10 - 14 Years	0	1	0	0	0	1	11%
15 - 19 Years	0	0	0	0	0	0	0%
20 - 24 Years	0	0	0	0	0	0	0%
25 to Life	1	0	0	0	0	1	11%
Total	2	4	2	0	1	9	100%

Table 7.4, Aggregate Maximum Sentence of Escapees and
Under Custody Population, 2005 - 2009

Aggregate Maximum	Escapees	Under Custody
<4 Years	44%	19%
4 - 5 Years	11%	17%
6 - 9 Years	22%	20%
10 - 14 Years	11%	10%
15 - 19 Years	0%	6%
20 - 24 Years	0%	3%
25 to Life	11%	24%
Total	100%	100%

Section Eight, Time Served to Date of Escape

During the five-year time period of this report, 78% percent of escapees had served less than 2 years incarceration prior to escape. Forty-eight percent of under custody inmates had served less than 2 years in custody (see Table 8.2). However, while only 11% of escapees had served 6 years or longer, 25% of the under custody population had served 6 years or longer. As noted earlier, offenders who have a long period of time to serve before release consideration are housed at medium and maximum security facilities.

Table 8.1, Time Served of Escapees by
Year of Escape 2005 - 2009

Time Served	2005	2006	2007	2008	2009	Total	
< 1 Year	1	2	1	0	1	5	56%
1 Year	0	1	1	0	0	2	22%
2 Years	0	0	0	0	0	0	0%
3 Years	0	0	0	0	0	0	0%
4 Years	0	1	0	0	0	1	11%
5 Years	0	0	0	0	0	0	0%
6 + Years	1	0	0	0	0	1	11%
Total	2	4	2	0	1	9	100%

Table 8.2, Time Served of Escapees and
Under Custody Population, 2005 - 2009

Time Served	Escapees	Under Custody
< 1 Year	56%	31%
1 Year	22%	17%
2 Years	0%	11%
3 Years	0%	7%
4 Years	11%	5%
5 Years	0%	4%
6 + Years	11%	25%
Total	100%	100%

Section Nine, Duration of Escape

Of the nine inmates who escaped from custody, five were apprehended within 6 hours. All escapees were taken into custody within 3 days.

In 2009, DOCS employees discovered the escaped inmate missing at 10:30 PM from a dormitory located in a minimum security facility. The next morning the inmate was sighted in a wooded area by a New York State Police officer, who shot the escapee when he refused to surrender and attempted to flee. The wounded escapee was apprehended by State Police and returned to DOCS custody.

Escape Duration	2005	2006	2007	2008	2009	Total	
< 6 hours	1	2	2	0	0	5	56%
6-12 hours	0	1	0	0	0	1	11%
13-23 hours	1	0	0	0	1	2	22%
1 day	0	0	0	0	0	0	0%
2-3 days	0	1	0	0	0	1	11%
4-7 days	0	0	0	0	0	0	0%
8-29 days	0	0	0	0	0	0	0%
1-6 months	0	0	0	0	0	0	0%
> 6 months	0	0	0	0	0	0	0%
Not in custody	0	0	0	0	0	0	0%
Total	2	4	2	0	1	9	100%

Appendix A

Number of Inmate Escapes by Facility 2005 - 2009							
	2005	2006	2007	2008	2009	Total	
Maximum Security							
Auburn	0	1	0	0	0	1	11%
Upstate	1	0	0	0	0	1	11%
Total	1	1	0	0	0	2	22%
Medium Security							
Wyoming	0	1	0	0	0	1	11%
Total	0	1	0	0	0	1	11%
Minimum Security							
Beacon	1	0	0	0	0	1	11%
Edgecombe	0	1	0	0	0	1	11%
Lyon Mt.	0	0	0	0	1	1	11%
Rochester	0	1	1	0	0	2	22%
Summit	0	0	1	0	0	1	11%
Total	1	2	2	0	1	6	67%
Grand Total	2	4	2	0	1	9	100%

Appendix B

Escapes - 2005

<u>Facility</u>	<u>Method of Escape</u>
Beacon *	Walk away from facility
Upstate	While at community hospital escaped through roof in holding area
* Female facility	

Escapes - 2006

<u>Facility</u>	<u>Method of Escape</u>
Rochester	Walk away from facility
Wyoming	Walk away from farm
Auburn	While in transit from court trip
Edgecombe	Walk away from facility

Escapes - 2007

<u>Facility</u>	<u>Method of Escape</u>
Rochester	Walk away from facility
Summit	Walk away from community work detail

Escapes - 2008

<u>Facility</u>	<u>Method of Escape</u>
No Escapes	No Escapes

Escapes - 2009

<u>Facility</u>	<u>Method of Escape</u>
Lyon Mountain.	Walk away from facility

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PROGRAM PLANNING, RESEARCH & EVALUATION

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