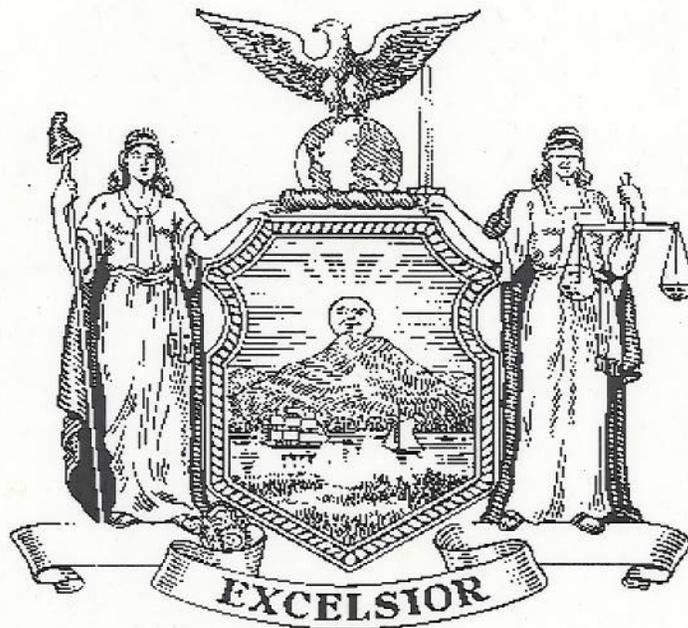


DEPARTMENT OF CORRECTIONAL SERVICES

**BRIAN FISCHER
COMMISSIONER**

TEMPORARY RELEASE PROGRAM



2009 ANNUAL REPORT

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INTRODUCTION

Temporary Release programs continue to be a viable and effective transition for inmates back into their families and communities, while preserving public safety.

Executive Order 9 was signed by Governor Spitzer in March 2007, which continues to preclude those who commit violent acts from participating in Temporary Release programs.

	<u>2009</u>
Participants	2,191
Absconders	59
Arrests (Absconders & TR ARR)	60
Violent Felony Arrests/Convictions	0
Violent Felony Participants	2
Unemployment Percent	18.3%

Total applications received from inmates for Temporary Release programs decreased in 2009. 27,635 applications were received in 2009, including 26,845 for Work Release. Of those 27,635, only 3,034 were approved by facilities and forwarded to Central Office Temporary Release for final review. Of those applications, 2,940 were Work Release applications and only 416 were approved by Central Office. Of the 1,062 CASAT (Comprehensive Alcohol and Substance Abuse Treatment) applications received, Central Office approved 756.

An additional 4,114 applications were received by Central Office Temporary Release staff as appeals from the Temporary Release Committee denials. Of those, 379 resulted in approval.

Despite the decrease in participation, Temporary Release inmates, specifically Work Release and Day Reporting inmates, have earned \$143,174,194.44, paid \$39,441,661.53 in Federal, State and Local taxes, and saved \$45,887,602.30 since 1995.

ABSCONDENCE AND ARRESTS

ABSCONDERS: The number of absconders from Temporary Release programs has continued to decrease. There were 59 absconders in 2009, of those, 37 have been returned to DOCS custody. All 59 absconders were in Work Release. That means 2.7% of the total Temporary Release participants for 2009 were absconders.

The Department is committed to apprehending absconders as quickly as possible. The cooperation between the Inspector General's Office, the DOCS Warrant and Extradition Office, State and local police agencies, and the Division of Criminal Justice Services continues to be positive. This has resulted in the majority of absconders being returned to State custody, as evidenced by the fact that 37 of the 59 absconders in 2009, 63% have already been returned to custody.

ABSCONDER ARRESTS: (Temporary Release absconders who are arrested): The changes in Temporary Release eligibility have also continued to reduce the number of inmates arrested while in Temporary Release status. For example, there were 21 absconders arrested in 2009; 9 (43%) had been returned to DOCS custody by December 31, 2009. Drug related incidents continue to be the main reason for these arrests.

TEMPORARY RELEASE ARRESTS: (Temporary Release participants who are arrested): Of the 39 Temporary Release arrests in 2009, 27 (69%) were returned to DOCS custody by December 31, 2009.

The number of inmates arrested while in continuous Temporary Release programs was 60 in 2009. The number of participant violent crime arrest/convictions was 0 in 2009. A complete accounting of Absconders, TR ARR and Arrested Absconders from 1997 to 2009 is as follows:

<u>Year</u>	<u>Participants</u>	<u>Absconders</u>	<u>Arrested Absconders</u>	<u>TR ARR</u>
1997	11,934	1,120	218	365
1998	9,085	793	180	285
1999	7,162	551	124	142
2000	6,786	465	103	121
2001	5,895	396	82	103
2002	4,955	336	75	90
2003	4,833	319	68	76
2004	3,964	249	28	93
2005	3,071	115	28	67
2006	2,652	91	30	47
2007	2,498	86	33	57
2008	2,277	70	26	40
2009	2,175	59	21	39

WORK RELEASE REMOVALS

More than one quarter of the participants in the Temporary Release program are drug offenders. This corresponds directly to the reasons for most of the removals, absconding, and arrests in the Temporary Release programs. Inmates are regularly tested for drug use, which allows the Department to identify violators as soon as possible and to initiate intervention and therapy for these individuals so that their eventual return to the community can be positive.

Of the 2,175 participants in continuous Temporary Release programs in 2009, 218 were removed from the program. Of these, 183 (84%) were removed for disciplinary and programmatic violations (including 63 drug related removals), 6 (3%) for absconding, 14 (6%) for Temporary Release arrests and 15 (7%) for eligibility issues.

In 1994, the Relapse program was initiated to allow inmates in Work Release that tested positive for drug/alcohol use to waive a disciplinary hearing and agree to participate in a minimum 60 day Relapse program at various Work Release and general confinement facilities. After successful completion of the Relapse program, they would return to active, full-time Work Release participation. In 2009, 59 inmates chose to participate in this program and returned to Work Release. By the end of 2009, 49% were released to Parole, 41% were subsequently removed from Work Release on technical violations, and 10% were Temporary Release arrests and absconders.

ELIGIBILITY FOR TEMPORARY RELEASE

In order to be considered for Temporary Release, the Correction Law requires that an inmate must be within two years of his or her earliest possible release date on Parole. The inmate must also attain the requisite score on a point rating system, cannot be convicted of a homicide or sex-related crime or a violent felony, and must also survive a stringent casework review at several levels.

TYPES OF TEMPORARY RELEASE

The Correction Law currently authorizes the Department of Correctional Services to operate the following Temporary Release programs:

* **WORK RELEASE** Allows inmates to leave a facility for up to 14 hours in a day to work in the community.

* **DAY REPORTING** Allows inmates to leave the Work Release facility for reasonable and necessary hours to engage in activities reasonably related to their rehabilitation.

** **FURLOUGH** Allows inmates to leave a facility for up to seven days to maintain and strengthen family ties, or for other appropriate purposes.

* **INDUSTRIAL TRAINING LEAVE** Allows inmates to leave a facility for up to 14 hours in a day to obtain vocational training.

* **EDUCATIONAL RELEASE** Allows inmates to leave a facility to pursue academic goals for up to 14 hours in a day.

* **COMMUNITY SERVICES LEAVE** Allows inmates to leave a facility to do volunteer work or to attend religious or athletic events.

** **LEAVE OF ABSENCE** Allows inmates to leave a facility to receive medical or dental treatment when the treatment is absolutely necessary and not available within the correctional system. Also permits inmates to make deathbed or funeral visits when a close relative is sick or passes away.

Statistical information on the number of inmates who participated in each program may be found in TABLE V at the end of this report.

* Continuous Temporary Release programs available at facilities noted on page 7-9.

** Short-term Temporary Release programs available at all facilities except Shock Incarceration.

CONTINUOUS TEMPORARY RELEASE PROGRAMS

Continuous Temporary Release programs are defined as those programs, including Educational Release, Industrial Training Leave, Long-term Community Services Leave, and Work Release which involve the daily release of inmates into the community.

Of the 2,175 inmates in continuous Temporary Release programs in 2009, 2,032 inmates participated in the Work Release program. The following facilities offered one or more continuous Temporary Release programs in 2009:

<u>Albion</u>	Female	For female inmates from upstate New York. In 1979, Albion (at the time a co-ed facility) added a 10 bed female Work Release component to its existing 40 bed male Work Release program. In 1986, when the facility became an all female institution, the available space for women in Work Release was expanded to and currently has 54 beds.
<u>Bayview</u>	Female	For female inmates from New York City, Long Island, Mid-Hudson, Catskill and Capital District regions of the state. Current capacity is 56 beds.
<u>Buffalo</u>	Male	For inmates from Western New York who will be employed in the Buffalo area or surrounding counties. Current capacity is 132 beds.
<u>Edgecombe</u>	Male	For inmates from Manhattan and Brooklyn. Edgecombe, a Work Release facility in Manhattan, was expanded from 150 beds to 250 beds in 1981. Its capacity was again increased to 350 in 1983, and the facility reached a capacity of 404 in 1987. In September 2001, inmates from Manhattan and Brooklyn were reassigned to Edgecombe. On March 31, 2008, Edgecombe ceased its Work Release operation and currently handles technical parole violators.

<u>Fishkill</u>	Male	For inmates from the Mid-Hudson region of the state including Westchester and Rockland counties. The Fishkill Work Release program had only eight participants in 1979. By 1982, the program had been expanded to 35 beds. Current capacity is 76 beds.
<u>Fulton</u>	Male	For inmates from the Bronx. Fulton, a Work Release facility in the Bronx, was expanded from 138 beds to 250 beds in 1981. It was then increased to 310 beds in 1982 and to a capacity of 407 in 1987. Current capacity is 258 beds. In April 2008, New York County was added.
<u>Hudson</u>	Male	For inmates from the Capital District and Northeastern New York State. A Work Release program was developed at Hudson in 1981 with 30 beds to accommodate inmate from the Capital district who wanted to participate in Work Release in their home area. The program was increased to 40 beds in 1982 and to a capacity of 50 beds in 1984. Current capacity is 65 beds.
<u>Hudson IT</u>	Male	For inmates from the Capital District and Northern areas of the state who desire Industrial Training Leave and Community Services Leave programs. In 1982, Mt. McGregor took over the Industrial Training Leave program from Hudson C.F. The program was expanded from 20 beds to 30 beds in 1983, to a capacity of 74 beds. The men in this program travel to the DOCS warehouse in Menands where they work under the supervision of civilian employees. In September of 2000, this Temporary Release program moved to its new site at Hudson Correctional Facility, with a capacity of 55 beds.
<u>Lincoln</u>	Male	For inmates from Queens, Nassau, Suffolk and Richmond counties. Lincoln was converted from an Open Date Owned Program (ODOP) facility to a Work Release facility in 1989 with a capacity of 408. Current capacity is 283 beds. In September 2001, Queens, Nassau and Suffolk inmate were re-assigned to Lincoln. In April 2008, Kings County was added.

Rochester

Male

For inmates from the city of Rochester and the counties of Wayne, Ontario, Monroe, Livingston, Genesee and Orleans. The Rochester C.F. was expanded from 40 to 60 beds in 1983. Current capacity is 70 beds.

The above residence requirements are subject to change depending on population levels and the need to keep all facilities at capacity. All of the above facilities are also authorized to accommodate inmates who are approved to participate in the Educational Release program. In 2009, 11 Work Release inmates participated in the Educational Release program as either full or part-time students, taking courses as their schedules allowed.

Industrial Training Leave is available at Hudson Correctional Facility. Currently 55 men commute daily to the DOCS warehouse in Menands where they work and at the same time learn about the distribution industry. Some participants in this program learn how to take inventory and complete bills of lading. Others learn how to operate forklifts and repair furniture, and some work with the civilian staff to learn business office procedures. Additionally, there are 3 Industrial Training Leave slots at Wyoming Correctional Facility.

Community Services Leave may include such programs as, inmates commuting daily to the State Fairgrounds in Syracuse where they assist the regular staff in the maintenance of the grounds and repair of the buildings, or reporting to a variety of job sites, where they work alongside civilians on municipal projects or for not-for-profit organizations.

INMATE EARNINGS

In 1982, 2,080 Work Release inmates earned \$2,334,666.00. In 2009, 2,032 Work Release inmates earned \$4,366,065.14. They also paid \$1,295,314.64 in Federal, State, and Local taxes. At the same time, they sent home \$276,361.18 in support of their families, thereby reducing the monetary amount needed from public support. A total of 140 inmates were Day Reporters in 2009. They earned \$683,756.70 and paid \$183,566.32 in taxes.

In summary, the 2,032 participants in Work Release/Day Reporting earned a total of \$5,049,821.84 and paid \$1,478,880.96 in Federal, State and Local taxes. In addition, \$2,404,353.40 in inmate wages were held in forced savings to be returned to each inmate when they are released from custody.

In 2009, at any time, 751 inmates participated in Work Release. As wage earners and taxpayers, Work Release inmates contributed to their community tax base, thereby alleviating some costs to taxpayers.

APPENDIX - Historical Development of Temporary Release Programs

The Temporary Release program of the New York State Department of Correctional Services began in 1970 as a pilot project to see if this concept had merit. The first inmates of the Department of Correctional Services were granted the privilege of Temporary Release in order to assist them towards a more gradual transition from incarceration to Parole. In 1970, 55 males and 15 females were released to employment in the community from the Attica, Auburn, and Bedford Hills Correctional Facilities.

In 1972, the Legislature reviewed the results of this experiment and decided to extend authorization for another two years. Educational release and furloughs were authorized as well. In 1974, the Temporary Release program was again authorized with Community Services Leave, Educational Training and Leave of Absence added to the list of Temporary Release programs.

The first minimum security community based facilities were offered in 1973 and were totally dedicated to the Work Release program which represented a radical departure from the traditional Work Release facility. Located in urban areas these facilities were geared to release - not confinement. By the end of 1974, there were seven such facilities in Bushwick (Brooklyn), Fulton (Bronx), Bayview, Lincoln, Parkside, Edgecombe (Manhattan) and Rochester.

In 1976, a grant was obtained from the VERA Institute for Justice, for a 16-week trial of a point score selection system for Temporary Release candidates. This system is still in place and is an effective way to objectively review applications in their initial stages.

In 1977, the New York State Legislature revised Article 26 of the Correction Law, which set strict eligibility criteria for Temporary Release selection and also mandated additional levels of application review. This resulted in a drastic reduction in the total Work Release population,

prompting the closure of two Work Release facilities which were subsequently converted to general confinement facilities.

In response to the corresponding low number of applications received from inmates for Temporary Release, a grant from the National Institute of Corrections (NIC) was secured which developed strategies for identifying suitable candidates for Work Release and encouraging applications.

In 1980, Fulton was reconverted to a Work Release facility and the populations of Albion Work Release and Fishkill Work Release were increased. In 1987, Queensboro was converted to a Work Release facility. Also during this year eligibility for Temporary Release was changed from 12 months to a Parole Eligibility Date to 24 months. As a result of these changes, the Work Release population subsequently grew from 2,736 in 1972 to 5,067 in 1987. In 1990, Lincoln Correctional Facility was converted to a Work Release facility with a capacity of 403. A 148 bed female Work Release program was implemented at Bayview in 1991. In 1992, the Orleans Work Release program (70 beds) was transferred to the newly opened Buffalo Work Release (132 beds). Also in 1990, the CASAT program was implemented wherein CASAT participants were to be reviewed for "presumptive" approval for Work Release since the CASAT program's Phase II component consists of Work Release participation.

TABLE 1
2009 YEARLY WAGE AND EXPENSE SUMMARY

FACILITY	NET EARNINGS	SUPPORT/ MAINTENANCE PAYMENTS	SAVINGS	WEEKLY EXPENSES	TAXES
ALBION	117,268.98	2,412.70	24,664.45	90,191.83	33,243.56
BAYVIEW	261,417.85	3,696.75	157,703.77	100,017.33	79,927.61
BUFFALO	614,649.02	32,078.00	299,372.95	283,198.07	174,491.76
FISHKILL	344,293.39	25,912.69	215,500.20	102,880.50	97,729.63
FULTON	954,888.45	35,382.00	635,713.20	283,793.25	292,122.13
HUDSON	487,569.92	104,279.88	191,338.40	191,951.64	138,425.95
LINCOLN	1,321,341.46	50,803.24	727,435.52	543,102.70	404,238.28
ROCHESTER	264,636.07	21,795.92	152,624.91	90,215.24	75,135.72
TOTAL	4,366,065.14	276,361.18	2,404,353.40	1,685,350.56	1,295,314.64

FIGURES FOR DAY REPORTING EARNINGS FOR 2009

	GROSS	TAXES	NET
UPSTATE DR	\$270,413.56	\$ 59,797.63	\$210,615.93
NYC DR	\$629,001.52	\$123,768.69	\$473,140.77
TOTAL	\$899,415.08	\$183,566.32	\$683,756.70

TABLE II
STATISTICS ON ALL TEMPORARY RELEASE PROGRAMS

YEAR	APPLICATIONS RECEIVED	PARTICIPANTS	ABSCONDERS	ARRESTED ABSCONDERS	TR ARR
1997	61,505	15,034	1,153	222	368
1998	53,529	11,658	825	188	289
1999	52,875	8,395	565	126	145
2000	47,718	8,024	474	106	127
2001	44,857	6,930	406	87	106
2002	42,249	5,797	343	78	93
2003	45,227	5,125	320	68	76
2004	41,707	4,028	249	28	93
2005	36,911	3,100	115	28	67
2006	35,175	2,677	91	30	47
2007	34,798	2,515	86	33	57
2008	31,598	2,296	70	26	40
2009	27,635	2,191	59	21	39

These figures include statistics for all Temporary Release programs, including Work Release, Educational Release, Industrial Training Leave, Community Services Leave, Furlough and Leaves of Absence. All of these programs involved the ongoing daily release of participants to the community. These statistics are a composite of the figures in Table V.

=> The number of arrested absconders is included in the total absconders figure.

TABLE III
STATISTICS ON ALL CONTINUOUS TEMPORARY RELEASE PROGRAMS

YEAR	APPLICATIONS RECEIVED	PARTICIPANTS	ABSCONDERS	ARRESTED ABSCONDERS	TR ARR
1997	58,591	11,934	1,120	218	365
1998	51,175	9,085	793	180	285
1999	51,334	7,162	551	124	142
2000	46,535	6,786	465	103	121
2001	43,817	5,895	396	82	103
2002	41,410	4,955	336	75	90
2003	44,947	4,833	319	68	76
2004	41,462	3,964	249	28	93
2005	36,720	3,071	115	28	67
2006	35,031	2,652	91	30	47
2007	34,661	2,498	86	33	57
2008	32,642	2,277	70	26	40
2009	27,538	2,175	59	21	39

These figures include statistics for all long term continuous Temporary Release programs, including Work Release, Educational Release, Industrial Training Leave, and long term Community Services Leave. All of these programs involve the ongoing daily release of participants to the community. These statistics are a composite of the figures in Table V.

- The 59 absconders from long-term continuous Temporary Release programs all absconded from Work Release.
- The number of arrested absconders is included in the total absconders figure.

TABLE IV
STATISTICS ON SHORT TERM TEMPORARY RELEASE PROGRAMS

YEAR	APPLICATIONS RECEIVED	PARTICIPANTS	ABSCONDERS	ARRESTED ABSCONDERS	TR ARR
1997	2,914	3,100	33	4	3
1998	2,354	2,573	32	8	4
1999	1,541	1,233	14	2	3
2000	1,183	1,238	9	3	6
2001	1,040	1,035	10	5	3
2002	839	842	7	3	3
2003	280	382	1	0	0
2004	245	64	0	0	0
2005	191	29	0	0	0
2006	144	25	0	0	0
2007	137	17	0	0	0
2008	147	19	0	0	0
2009	97	16	0	0	0

These figures include statistics for all short-term Temporary Release programs, including Furloughs and Leaves of Absence which allow inmates to leave a general confinement facility for a specified period of time to accomplish a specific purpose. These statistics are a composite of the figures in Table V.

=> The number of arrested absconders is included in the total absconders figure.

TABLE V
COMBINED STATISTICS FOR ALL TEMPORARY RELEASE PROGRAMS
JANUARY 1, 2009 – DECEMBER 31, 2009

TYPE OF PROGRAM	APPLICATIONS RECEIVED	PARTICIPANTS	ABSCONDERS	ABSCONDER RATE	ARRESTED ABSCONDERS	TR ARRESTS	ARREST RATE
WORK RELEASE	26,845	2,032	59	2.9%	21	39	1.9%
EDUCATIONAL RELEASE	6	0	0	0.0%	0	0	0.0%
INDUSTRIAL TRAINING LEAVE	522	91	0	0.0%	0	0	0.0%
COMMUNITY SERVICE LEAVE - LT *	165	52	0	0.0%	0	0	0.0%
COMMUNITY SERVICE LEAVE - ST**	0	0	0	0.0%	0	0	0.0%
FURLOUGH GENERAL CONFINEMENT	64	0	0	0.0%	0	0	0.0%
LEAVES OF ABSENCE	33	16	0	0.0%	0	0	0.0%
TOTAL	27,635	2,191	59	2.9%	21	39	1.9%

* Long-term Community Services Leave

** Short-term Community Services Leave

TABLE VI
TOTAL PARTICIPANTS IN DAY REPORTING - 2009

FACILITY	MALE	FEMALE	TOTAL
ALBION	0	14	14
BAYVIEW	0	10	10
BUFFALO	16	0	16
FISHKILL	0	0	0
FULTON	14	0	14
HUDSON	0	0	0
LINCOLN	72	0	72
ROCHESTER	14	0	14
TOTAL	116	24	140

NOTE: All Day Reporting statistics were supplied by the Division of MIS/Research.
 These numbers have already been listed as participants in the total Work Release figures as shown in Table V.

***TABLE VII**
ARRESTS BY CRIME – 2009

CRIME	ABSCONDERS	TR ARRESTS
DRUGS/ALCOHOL	5	28
PROPERTY OFFENSE	1	1
ROBBERY	2	0
BURGLARY	2	0
ASSAULTS	1	1
THEFT OF SERVICE	1	0
WEAPONS	3	2
MURDER	0	0
SEX OFFENSE	0	0
DISMISSALS	0	0
OTHERS	6	7

Others include: Arrests for Domestic Issues, Motor Vehicle Violations, Criminal Trespass, Disorderly Conduct, Harassment, Criminal Mischief, Resisting Arrest, Fraud, Loitering, Prostitution, Forgery, Menacing, Shoplifting and Reckless Endangerment.

*This Table replaces Graph VIII in previous Annual Reports.

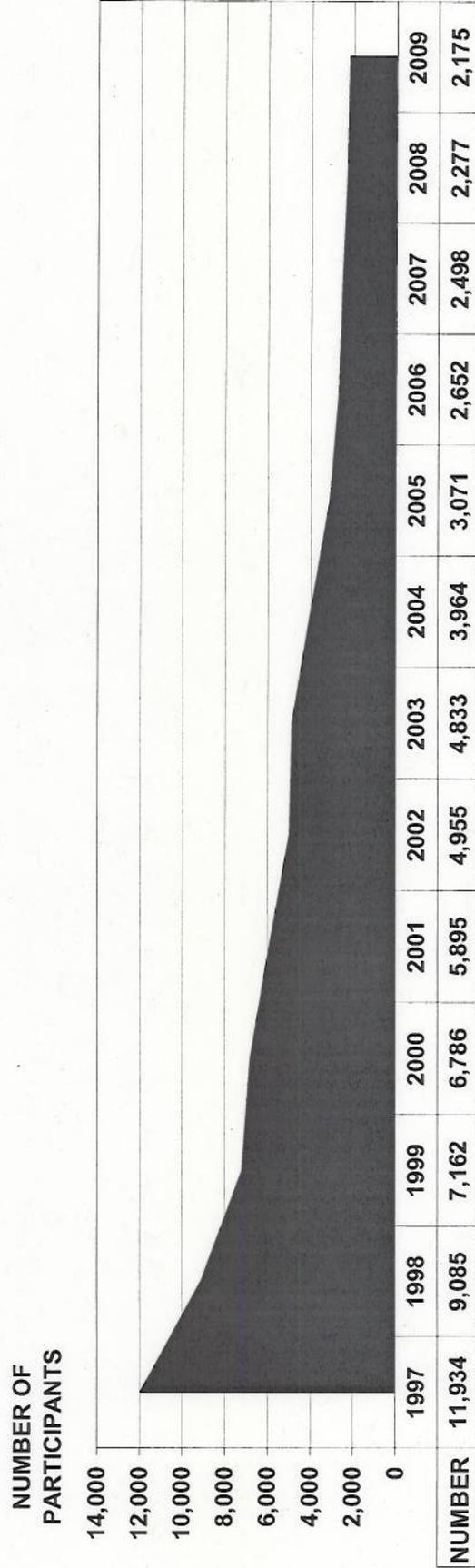
***TABLE VIII**
WORK RELEASE REMOVALS – 2009

REASON FOR REMOVAL	NUMBER OF REMOVALS
ABSCONDERS	6
DRUGS	63
TR ARREST	14
UNEMPLOYMENT	19
PROGRAM	27
DISCIPLINARY	32
EXCEED BOUNDS	17
WARRANT	6
LATE RETURN	1
CASH CHECKS	7
MEDICAL	9
CONTRABAND	17
BECAME TIME INELIGIBLE	0

* This Table replaces Graph VII in previous Annual Reports.

GRAPH I

PARTICIPANTS - CONTINUOUS TEMPORARY RELEASE

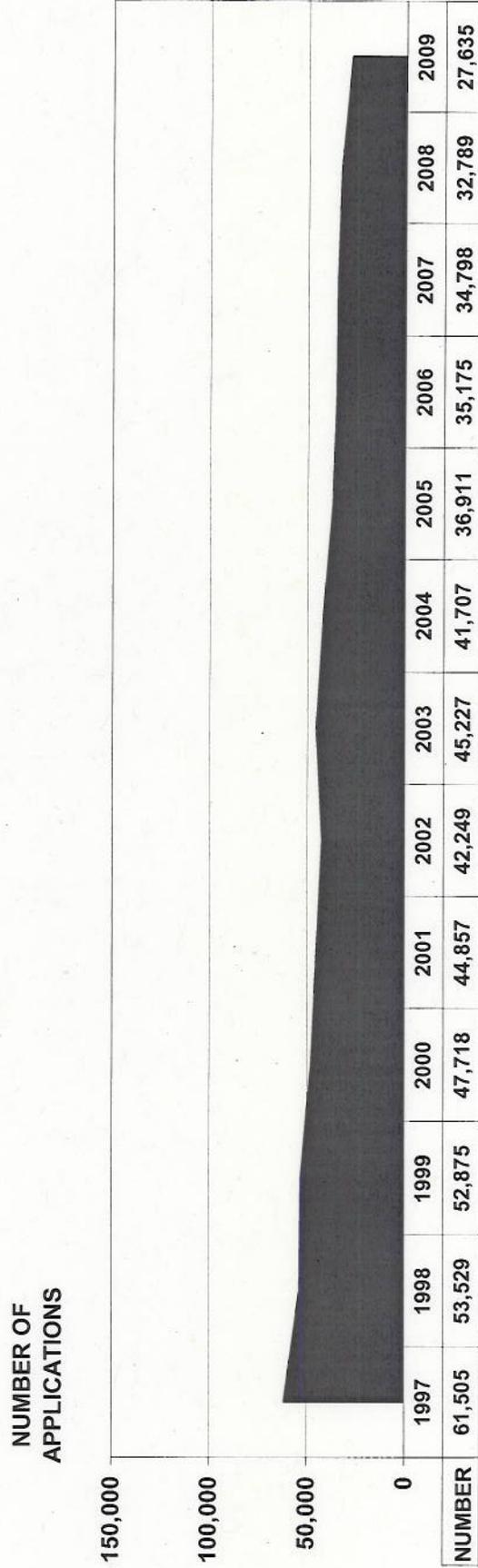


This chart shows the number of inmates entering the program each year, including the base population in the program at the start of the year.

Of the 2,175 participants, 2,032 participated in Work Release.

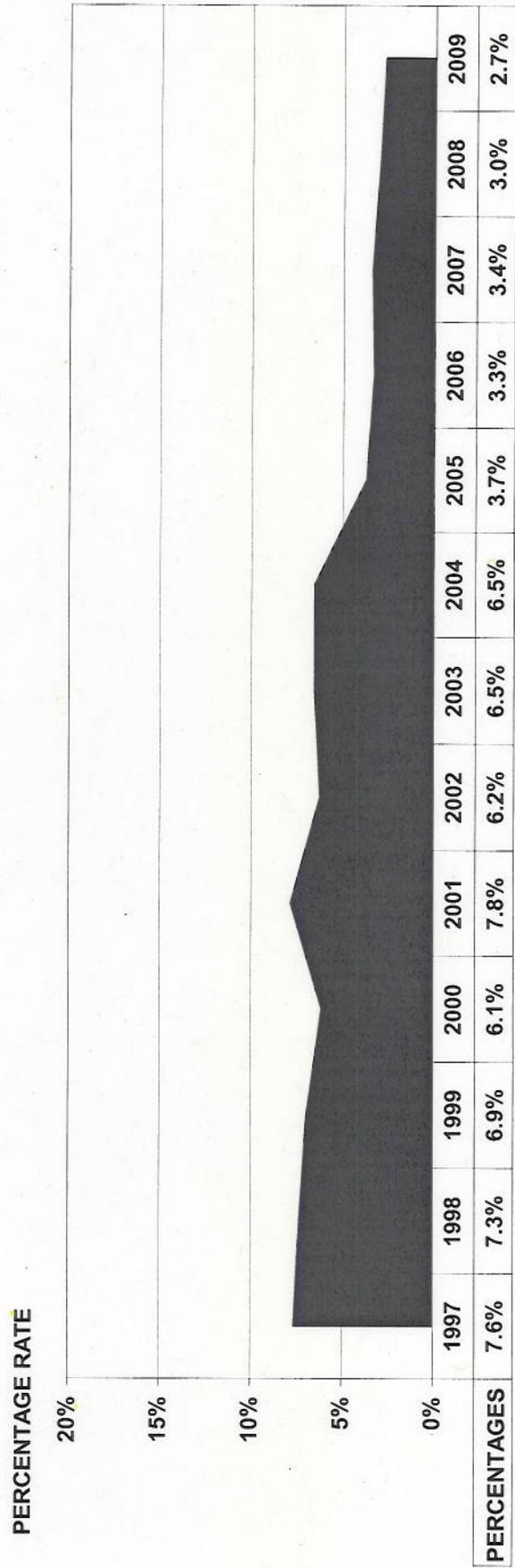
GRAPH II

TOTAL APPLICATIONS RECEIVED BY FACILITIES



Total applications received by facilities include continuous Temporary Release and Furloughs.

GRAPH III ABSCONDER PERCENTAGES



Absconder percentages are based on total participants in short term and continuous Temporary Release programs.

GRAPH IV

ABSCONDER PERCENTAGES CONTINUOUS TEMPORARY RELEASE ONLY

