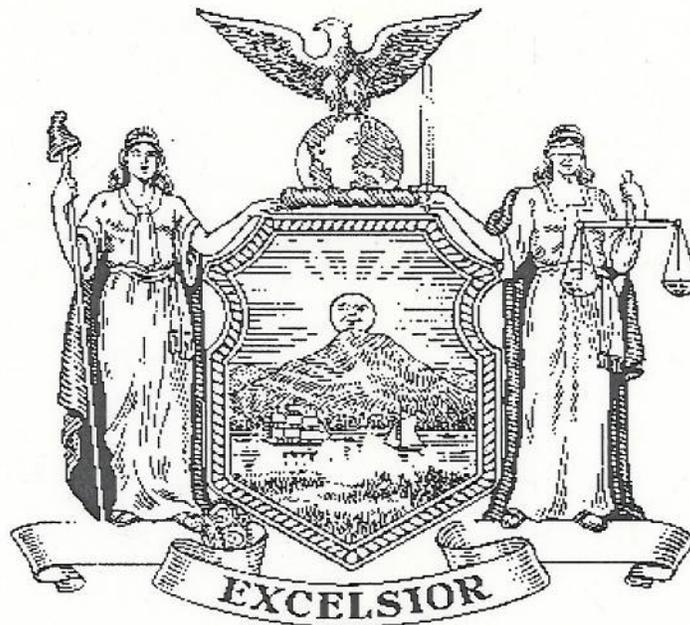


**DEPARTMENT OF CORRECTIONS AND
COMMUNITY SUPERVISION**

**BRIAN FISCHER
COMMISSIONER**

TEMPORARY RELEASE PROGRAM



2011 ANNUAL REPORT

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INTRODUCTION

Temporary Release programs continue to provide a viable and effective transition for offenders returning to their families and communities, while preserving public safety.

Executive Order 9 was signed by Governor Spitzer in March 2007, which continues to preclude offenders with instant offenses that are violent felony acts from participating in Temporary Release programs.

	<u>2011</u>
Participants	1,326
Absconders	27
Arrests (Absconders & TR ARR)	45
Violent Felony Arrests/Convictions	4
Violent Felony Participants*	1
Unemployment Percent	15.5%

*Offenders approved for Temporary Release before their instant offenses were excluded by Executive Order 9

Total applications received from offenders for Temporary Release programs decreased in 2011. There were 24,197 applications processed at the facility level in 2011 for all Temporary Release program types (Work Release, Furlough, Leave of Absence, Industrial Training Leave, Education Leave and Community Service Leave). Of that number, 23,467 applications were for Work Release and the remaining 730 applications were for other Temporary Release Programs. Facilities forwarded 1,865 Work Release applications to Central Office Temporary Release for final determination, 121 of those applications were approved. Of the remaining 730 applications, 308 were forwarded to Central Office Temporary Release for final determination and of those 55 were approved.

Total applications received from offenders for the Presumptive Work Release Comprehensive Alcohol and Substance Abuse Treatment (CASAT) program totaled 6,685 in 2011. Of the 6,685 applications, 651 were approved by facilities and forwarded to Central Office Temporary Release for final review. Central Office approved 228 of the 651 Presumptive Work Release CASAT applications received from facilities.

Central Office Temporary Release staff received 2,883 appeals of Temporary Release Committee and Central Office denials of all Temporary Release programs and Presumptive Work Release CASAT. Of those, 88 resulted in approval.

Despite the decrease in participation, Temporary Release offenders, specifically Work Release and Day Reporting offenders have earned \$151,799,474.45, paid \$41,919,896.71 in Federal, State and Local taxes, and offenders have been forced to save \$50,023,887.80 since 1995.

ABSCONDENCE AND ARRESTS

ABSCONDERS: The number of absconders from Temporary Release programs has continued to decrease. There were 27 absconders in 2011, of those, 22 have been returned to DOCCS custody. All 27 absconders were in Work Release. Therefore, 2.2% of the total Temporary Release participants for 2011 were absconders.

The Department is committed to apprehending absconders as quickly as possible. The cooperation between the Inspector General's Office, the DOCCS 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.

ABSCONDER ARRESTS: (Temporary Release absconders who are arrested): The changes in Temporary Release eligibility have also continued to reduce the number of offenders arrested while in Temporary Release status. For example, there were 7 absconders arrested in 2011; 7 (100%) had been returned to DOCCS custody by December 31, 2011. Drug related incidents continue to be the main reason for these arrests.

TEMPORARY RELEASE ARRESTS: (Temporary Release participants who are arrested): Of the 38 Temporary Release arrests in 2011, 32 (84%) were returned to DOCCS custody by December 31, 2011.

The number of offenders arrested while in continuous Temporary Release programs was 45 in 2011. The number of participant violent crime arrest/convictions was 4 in 2011. A complete accounting of Absconders, Temporary Release Arrests (TR ARR) and Arrested Absconders from 1999 to 2011 is as follows:

<u>Year</u>	<u>Participants</u>	<u>Absconders</u>	<u>Arrested Absconders</u>	<u>TR ARR</u>
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
2010	1,893	50	19	62
2011	1,316	27	7	38

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 program. Offenders 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 1,316 participants in continuous Temporary Release programs in 2011, 182 were removed from the program. Of these, 163 (90%) were removed for disciplinary and programmatic violations (including 30 (16%) drug related removals), 8 (4%) for absconding, 4 (2%) for Temporary Release arrests and 7 (4%) for eligibility issues (warrants, medical, time).

In 1994, the Relapse program was initiated to allow offenders 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. Offenders return to active full-time Work Release participation, after successful completion of the Relapse Program.

In 2011, 39 offenders chose to participate in this program and returned to Work Release. By the end of 2011, 4 were released to Parole, 16 were subsequently removed from Work Release on technical violations, 1 was a Temporary Release arrest/absconder and 5 remained in Work Release.

ELIGIBILITY FOR TEMPORARY RELEASE

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

TYPES OF TEMPORARY RELEASE

The Correction Law currently authorizes the New York State Department of Corrections and Community Supervision to operate the following Temporary Release programs:

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

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

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

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

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

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

** **LEAVE OF ABSENCE** Allows offenders 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 offenders to make deathbed or funeral visits when a close relative is sick or passes away.

Statistical information on the number of offenders 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 offenders into the community.

Of the 1,316 offenders in continuous Temporary Release programs in 2011, 1,217 offenders participated in the Work Release program. The following facilities offered one or more continuous Temporary Release programs in 2011:

<u>Albion</u>	Female	For female offenders 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 offenders from New York City, Long Island, Mid-Hudson, Catskill, the Capital District and surrounding Eastern New York regions of the state. Current capacity is 46 beds.
<u>Buffalo</u>	Male	For offenders from Western New York who will be employed in the Buffalo area or surrounding counties. Buffalo had a capacity of 132 beds. Buffalo closed in October 2011.
<u>Fishkill</u>	Male	For offenders 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 offenders 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. In April 2008, New York County was added. Fulton had a capacity of 258 beds. Fulton closed in October 2011.
<u>Hudson</u>	Male	For offenders from the Capital District and Northeastern New York State. A Work Release program was developed at Hudson in 1981 with 30 beds to accommodate offenders 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 offenders 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 DOCCS 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 offenders 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. In September 2001, Queens, Nassau and Suffolk offenders were re-assigned to Lincoln. In April 2008, Kings County was added. In October 2011, due to the closure of Fulton Correctional Facility, offenders from Bronx were added to Lincoln. Current capacity is 283 beds.
<u>Rochester</u>	Male	For offenders 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. In October 2011, due to the closure of Buffalo Correctional Facility, offenders from the Buffalo area and surrounding counties in Western New York, were added to Rochester. Current capacity is 90 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 offenders who are approved to participate in the Educational Release program.

Industrial Training Leave is available at Hudson Correctional Facility. Offenders commute daily to the DOCCS 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.

Community Services Leave may include such programs as offenders 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.

OFFENDER EARNINGS

In 1982, 2,080 Work Release offenders earned \$2,334,666.00. In 2011, 1,217 Work Release offenders earned \$3,296,402.36. They also paid \$973,329.40 in Federal, State, and Local taxes. At the same time, they sent home \$298,883.20 in support of their families, thereby reducing the monetary amount needed from public support.

A total of 91 offenders were Day Reporters in 2011. They earned \$423,144.36 and paid \$90,051.72 in taxes.

In summary, the 1,217 participants in Work Release/Day Reporting earned a total of \$3,719,546.72 and paid \$1,063,381.12 in Federal, State and Local taxes. Deductions from a Work Release offender's net earnings are directly related to employment and administrative expenses. Therefore, offenders were forced to save a combined total of \$1,745,922.79. An offender's forced savings is returned to each offender when they are released from custody.

In 2011, at any time, 496 offenders participated in Work Release. As wage earners and taxpayers, Work Release offenders 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 Corrections and Community Supervision began in 1970 as a pilot project to see if this concept had merit. Offenders were granted the privilege of Temporary Release programs 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 of 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 offenders 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 Correctional Facility was reconverted to a Work Release facility. In 1982, Fishkill Work Release offender population increased. In 1986, the population of Albion Work Release facility increased when Albion Correctional Facility was converted to female only offender population. In 1987, Queensboro Correctional Facility 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.

In January 2011, there were eight (8) facilities offering the Temporary Release Program: Albion, Bayview, Buffalo, Fishkill, Fulton, Hudson, Lincoln and Rochester. However, due to an overall decrease in the NYSDOCCS offender population, Buffalo and Fulton were closed in October 2011, which reduced the number of facilities offering the Temporary Release programs to six (6).

TABLE 1
2011 YEARLY WAGE AND EXPENSE SUMMARY

FACILITY	NET EARNINGS	SUPPORT MAINTENANCE PAYMENTS	SAVINGS	WEEKLY EXPENSES	TAXES
ALBION	81,570.46	6,335.00	38,987.46	36,248.00	23,124.76
BAYVIEW	124,255.49	11,269.80	55,422.31	57,563.38	37,999.77
BUFFALO	294,996.74	12,004.23	158,548.97	124,443.54	83,744.42
FISHKILL	215,790.80	25,280.33	122,724.97	67,785.50	61,245.49
FULTON	450,965.20	16,840.00	278,324.81	155,800.39	137,956.44
HUDSON	504,560.94	146,010.21	223,945.80	134,604.93	143,246.99
LINCOLN	1,129,288.54	23,666.24	580,082.37	525,539.93	345,473.23
ROCHESTER	494,974.19	57,477.39	287,886.10	149,610.70	140,538.30
TOTAL	3,296,402.36	298,883.20	1,745,922.79	1,251,596.37	973,329.40

FIGURES FOR DAY REPORTING EARNINGS FOR 2011

	<u>GROSS</u>	<u>TAXES</u>	<u>NET</u>
UPSTATE DR	\$61,542.90	\$9,084.73	\$49,315.65
NYC DR	\$461,043.72	\$80,966.99	\$373,828.71
TOTAL	\$522,586.62	\$90,051.72	\$423,144.36

TABLE II
STATISTICS ON ALL TEMPORARY RELEASE PROGRAMS

YEAR	APPLICATIONS RECEIVED	PARTICIPANTS	ABSCONDERS	ARRESTED ABSCONDERS	TR ARR
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
2010	24,944	1,910	50	19	62
2011	24,197	1,326	27	7	38

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
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
2010	24,876	1,893	50	19	62
2011	24,142	1,316	27	7	38

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 27 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
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
2010	68	17	0	0	0
2011	55	10	0	0	0

These figures include statistics for all short-term Temporary Release programs, including Furloughs and Leaves of Absence which allow offenders 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, 2011 – DECEMBER 31, 2011

TYPE OF PROGRAM	APPLICATIONS RECEIVED	PARTICIPANTS	ABSCONDERS	ABSCONDER RATE	ARRESTED ABSCONDERS	TR ARRESTS	ARREST RATE
WORK RELEASE	23,467	1,217	27	2.2%	7	38	3.1%
EDUCATIONAL RELEASE	11	0	0	0.0%	0	0	0.0%
INDUSTRIAL TRAINING LEAVE	594	98	0	0.0%	0	0	0.0%
COMMUNITY SERVICE LEAVE - LT *	70	1	0	0.0%	0	0	0.0%
COMMUNITY SERVICE LEAVE - ST**	0	0	0	0.0%	0	0	0.0%
FURLOUGH GENERAL CONFINEMENT	37	1	0	0.0%	0	0	0.0%
LEAVES OF ABSENCE	18	9	0	0.0%	0	0	0.0%
TOTAL	24,197	1,326	27	2.2%	7	38	3.1%

* Long-term Community Services Leave

** Short-term Community Services Leave

TABLE VI
TOTAL PARTICIPANTS IN DAY REPORTING - 2011

FACILITY	MALE	FEMALE	TOTAL
ALBION	0	1	1
BAYVIEW	0	9	9
BUFFALO	9	0	9
FULTON	11	0	11
LINCOLN	44	0	44
ROCHESTER	17	0	17
TOTAL	81	10	91

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 - 2011

CRIME	ABSCONDERS	TR ARRESTS
DRUGS/ALCOHOL	3	16
PROPERTY OFFENSE	0	1
ROBBERY	0	2
BURGLARY	0	0
ASSAULTS	0	4
THEFT OF SERVICE	0	0
WEAPONS	0	2
MURDER	0	0
SEX OFFENSE	0	0
DISMISSALS	0	0
OTHERS	4	13

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.

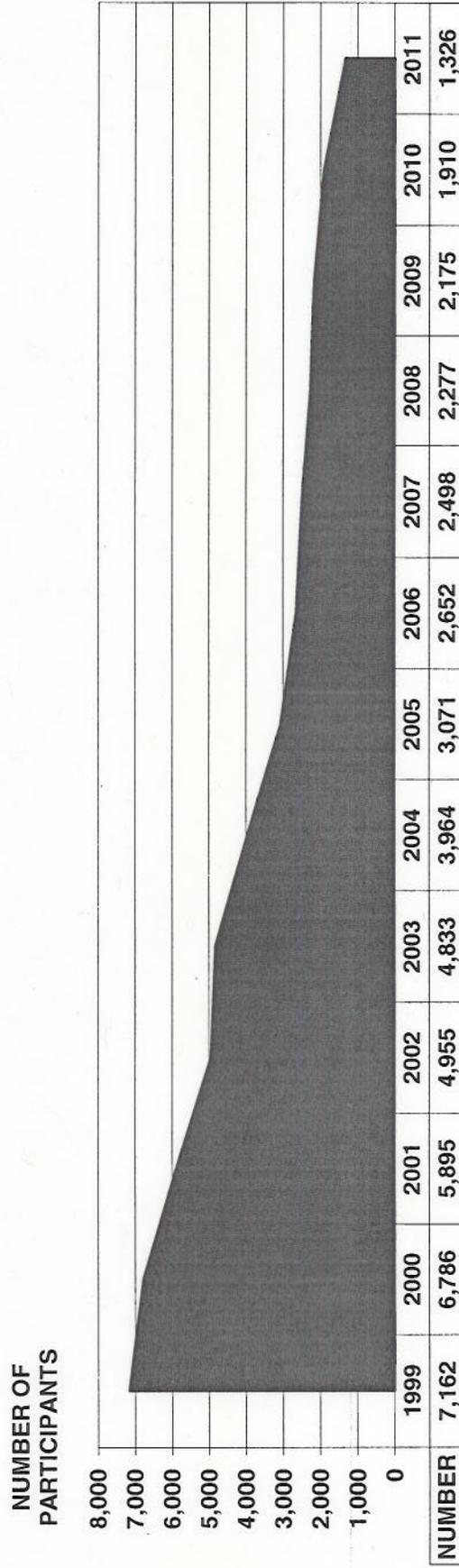
*This Table replaces Graph VIII in previous Annual Reports.

***TABLE VIII**
WORK RELEASE REMOVALS - 2011

REASON FOR REMOVAL	NUMBER OF REMOVALS
ABSCONDERS	8
DRUGS	30
TR ARREST	4
UNEMPLOYMENT	5
PROGRAM	32
DISCIPLINARY	64
EXCEED BOUNDS	7
WARRANT	3
LATE RETURN	6
CASH CHECKS	1
MEDICAL	3
CONTRABAND	18
BECAME TIME INELIGIBLE	1

* This Table replaces Graph VII in previous Annual Reports.

GRAPH I PARTICIPANTS - CONTINUOUS TEMPORARY RELEASE

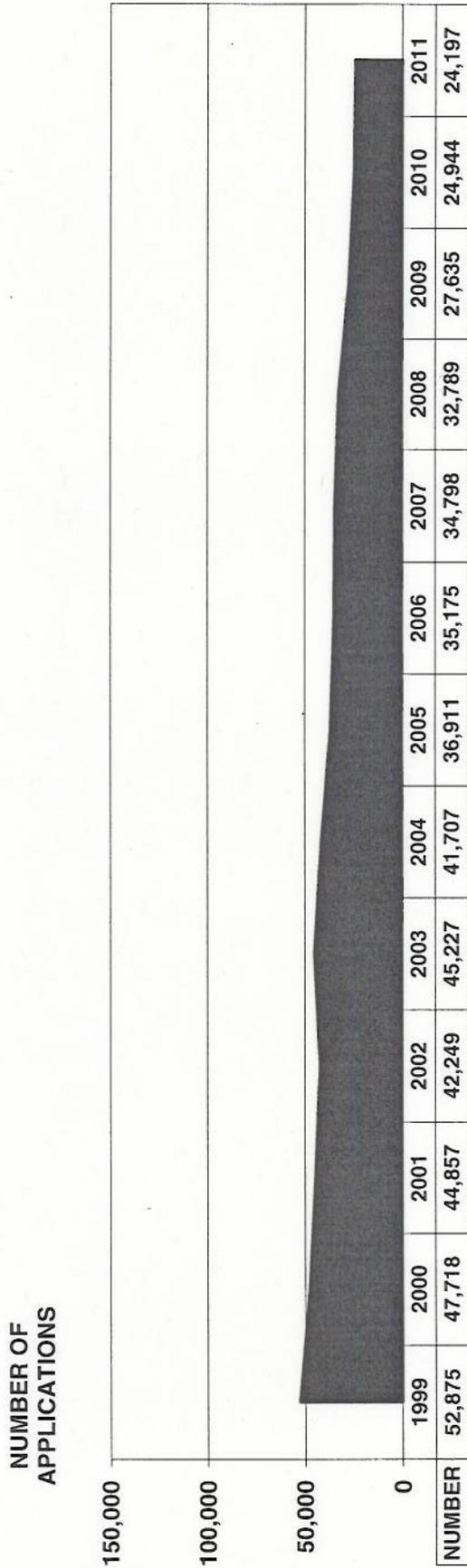


This chart shows the number of offenders entering the program each year, including the base population in the program at the start of the year.

Of the 1,326 participants, 1,217 participated in Work Release.

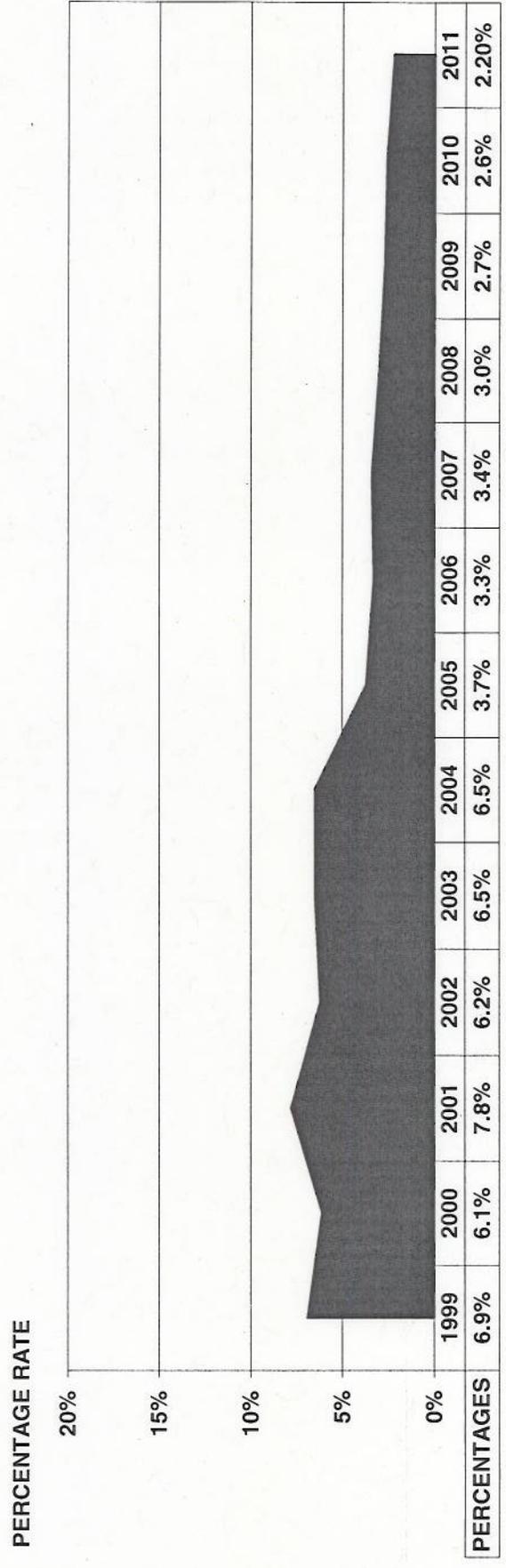
GRAPH II

TOTAL APPLICATIONS RECEIVED BY FACILITIES



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

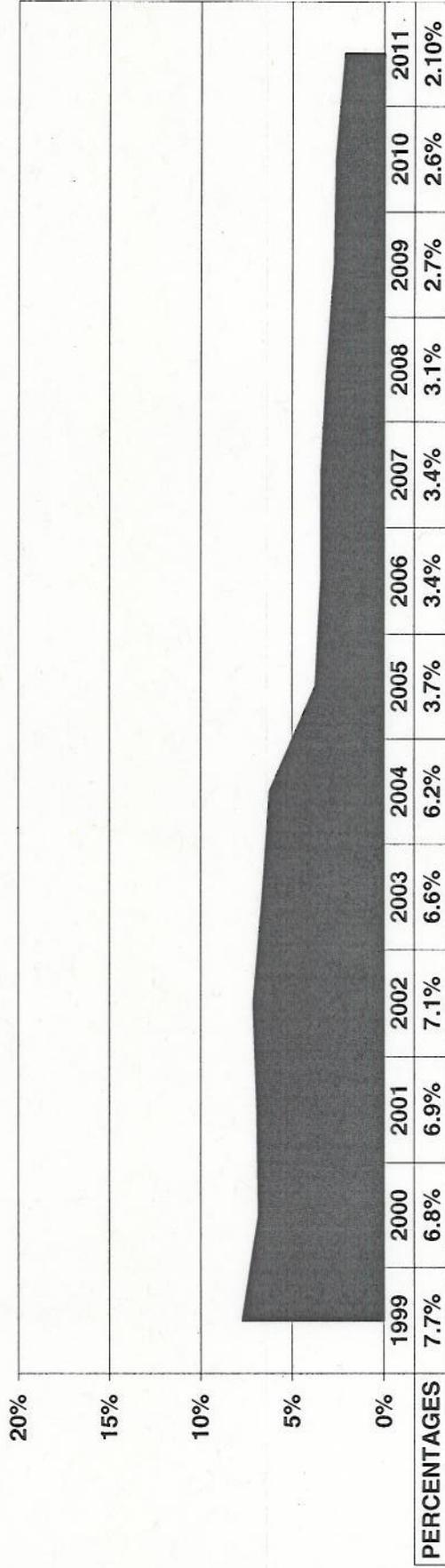
GRAPH III ABSCONDER PERCENTAGES



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

GRAPH IV
ABSCONDER PERCENTAGES
CONTINUOUS TEMPORARY RELEASE ONLY

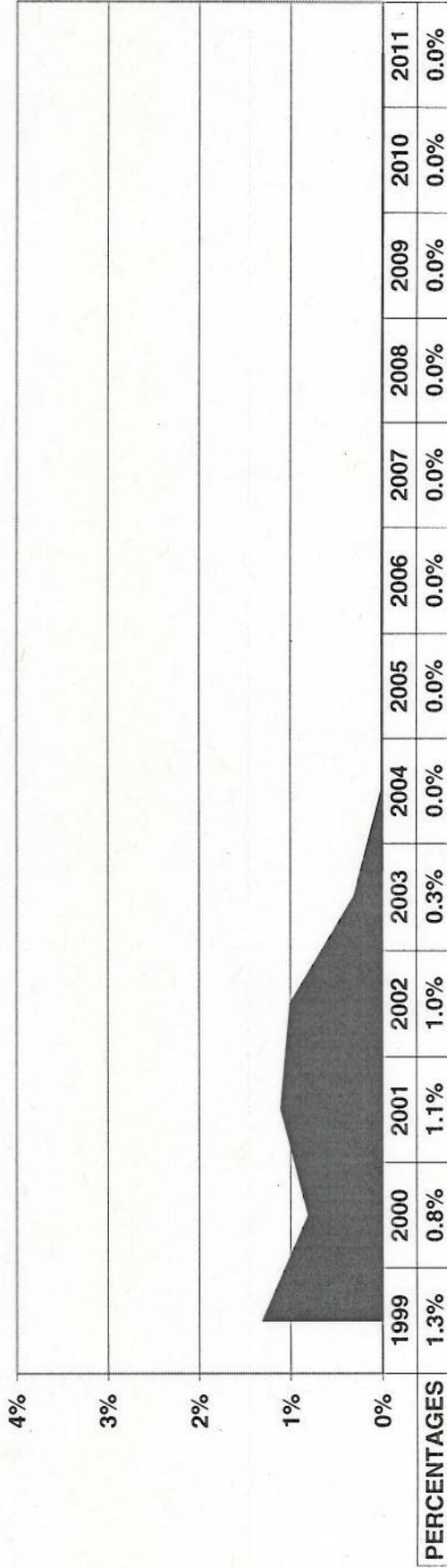
PERCENTAGE RATE



GRAPH V

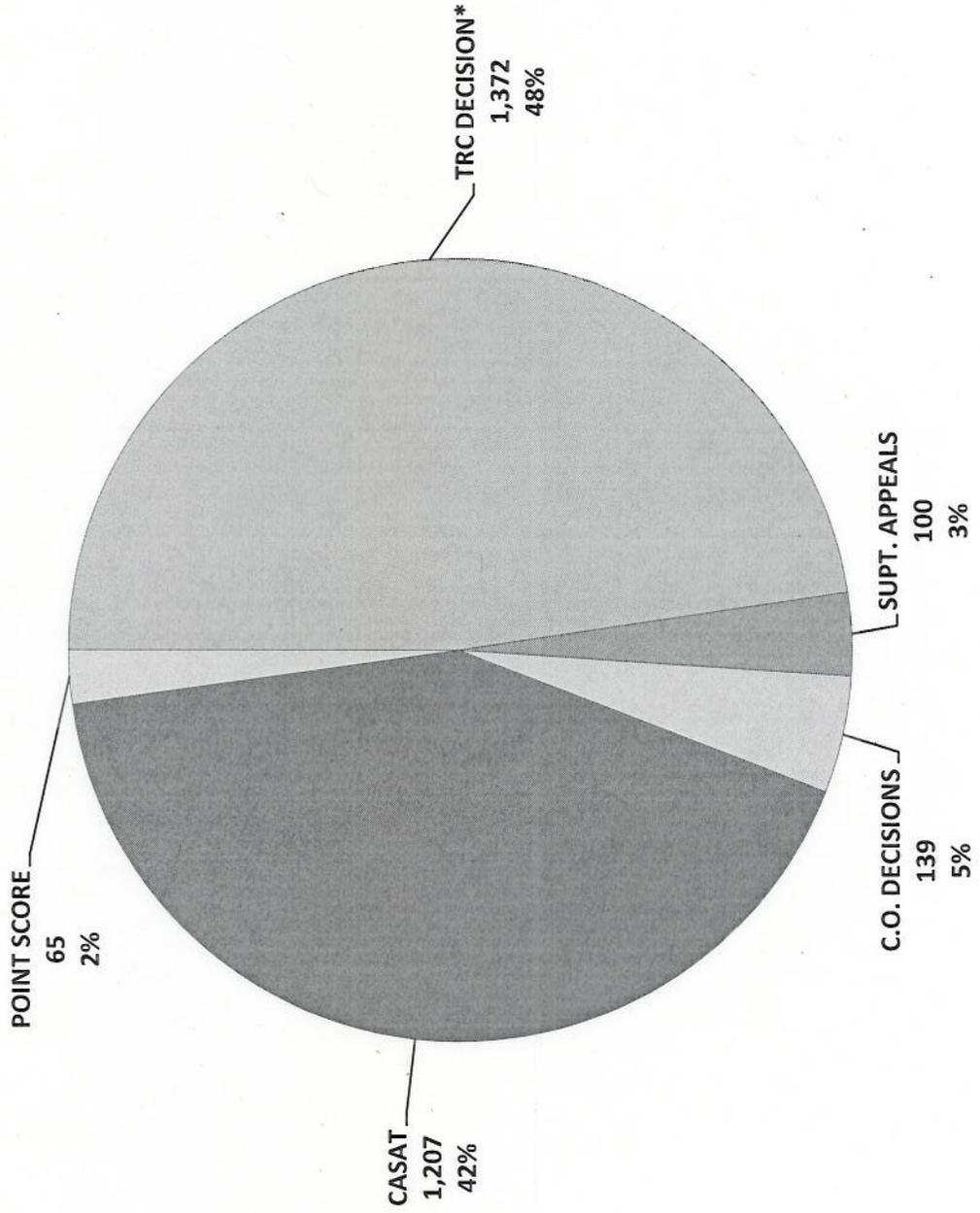
ABSCONDER PERCENTAGES SHORT TERM TEMPORARY RELEASE PROGRAMS

PERCENTAGE RATE



PERCENTAGES

GRAPH VI 2011 APPEALS RECEIVED BY CENTRAL OFFICE



*Includes appeals for Work Release, Furlough, Leave of Absence, Industrial Training Leave, Education Leave, and Community Service Leave