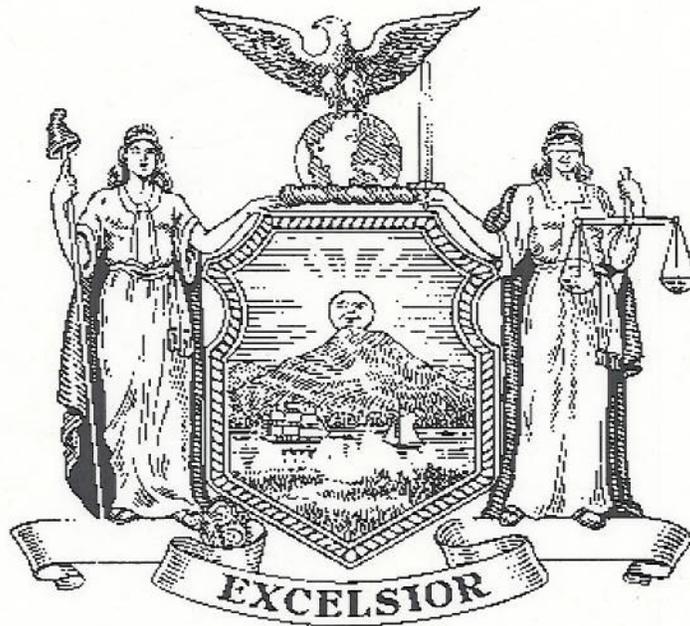


**DEPARTMENT OF CORRECTIONS AND
COMMUNITY SUPERVISION**

**BRIAN FISCHER
COMMISSIONER**

TEMPORARY RELEASE PROGRAM



2012 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.

2012

Participants	948
Absconders	8
Arrests (Absconders & TR ARR)	23
Violent Felony Arrests/Convictions	1
Unemployment Percent	13.8%

There were 23,641 applications processed at the facility level in 2012 for all Temporary Release program types (Work Release, Furlough, Leave of Absence, Industrial Training Leave, Education Leave and Community Service Leave). The progress/advancement of all applications is listed as follows:

<u>Total applications</u>	<u>Facility Approved</u>	<u>C.O. Approved</u>
<u>WORK RELEASE</u>		
22,936	1,409	96
<u>OTHER PROGRAMS</u> - Furlough, Leave of Absence, Industrial Training Leave, Education Leave and Community Service Leave		
705	158	43
<u>PWR/CASAT</u>		
6,185	588	179

Central Office Temporary Release staff received 2,310 appeals of Temporary Release Committee and Central Office denials of all Temporary Release programs and Presumptive Work Release CASAT. Of those, 90 resulted in approval.

ABSCONDENCE AND ARRESTS

ABSCONDERS: The number of absconders from Temporary Release programs has continued to decrease. There were 8 absconders in 2012, of those, 7 have been returned to DOCCS custody.

All 8 absconders were in Work Release.

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 4 absconders arrested in 2012; 3 had been returned to DOCCS custody by December 31, 2012. Drug related incidents continue to be the main reason for these arrests.

TEMPORARY RELEASE ARRESTS: (Temporary Release participants who are arrested): Of the 23 Temporary Release arrests in 2012, 19 were returned to DOCCS custody by December 31, 2012.

The number of offenders arrested while in continuous Temporary Release programs was 27 in 2012. The number of participant violent crime arrest/convictions was 1 in 2012. A complete accounting of Absconders, Temporary Release Arrests (TR ARR) and Arrested Absconders from 1999 to 2012 is as follows:

<u>Year</u>	<u>Participants</u>	<u>Absconders</u>	<u>Arrested Absconders</u>	<u>TR ARR</u>
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
2012	863	8	4	23

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 944 participants in continuous Temporary Release programs in 2012, 114 were removed from the program. Of these, 49 were removed for disciplinary, 35 programmatic violations, 20 drug related removals, 3 for absconding, 1 for Temporary Release arrests and 6 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 2012, 27 offenders chose to participate in this program and be eligible to be returned to Work Release. At the end of 2012, 5 remained in Relapse and 22 were returned to Work Release. Subsequently, of the 22 that returned, 8 were released to Parole, 5 were removed from Work Release due to technical violations, 1 was a Temporary Release arrest, and 8 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 944 offenders in continuous Temporary Release programs in 2012, 863 offenders participated in the Work Release program. The following facilities offered one or more continuous Temporary Release programs in 2012:

<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>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>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 ITL</u>	Male	For offenders who desire the Industrial Training Leave program. 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, Bronx 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 surrounding counties and also the surrounding counties of the cities of Buffalo, Watertown, Syracuse and Cayuga. 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 a variety of job sites, where they work alongside civilians on municipal projects or for not-for-profit organizations. They may assist in community beautification projects, arts festivals and special Olympics.

Offenders who are placed in the Work Release program after successfully completing the Presumptive Work Release Comprehensive Alcohol and Substance Abuse Treatment program, are mandated to participate weekly in a community substance abuse treatment program on an outpatient status. Therefore, offenders are provided ongoing services to continue to address their treatment needs.

Work Release participants may be considered for the Day Reporting status when they are within six (6) months to their set date of earliest release to Parole status. Lincoln C.F. has been a Day Reporting site for males. In November 2012, Lincoln C.F. became a Day Reporting site for females due to the impact of Superstorm Sandy that caused the evacuation and relocation of offenders from Bayview to Taconic, Beacon and Bedford Hills Correctional Facilities. Rochester C.F. serves as a Day Reporting site for males and females. The merger of NYS Department of Corrections and NYS Department of Parole resulted in males and females reporting to area Community Supervision offices in the areas of the cities of Albany, Binghamton, Buffalo, Elmira, Poughkeepsie and Peekskill during 2012.

OFFENDER EARNINGS

In 1982, 2,080 Work Release offenders earned \$2,334,666.00. In 2012, 863 Work Release offenders earned \$2,282,537.21. They also paid \$676,352.49 in Federal, State, and Local taxes. At the same time, they sent home \$1,278,920.78 in support of their families, thereby reducing the monetary amount needed from public support.

A total of 63 offenders were Day Reporters in 2012. They earned \$220,513.52 and paid \$44,632.18 in taxes.

In summary, the 926 participants in Work Release/Day Reporting earned a total of \$2,503,050.73 and paid \$720,984.67 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 \$1,278,920.78. An offender's forced savings is returned to each offender when they are released from custody.

In 2012, at any time, 327 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.

Since 1995, Temporary Release offenders, specifically Work Release and Day Reporting offenders have earned \$154,302,525.18, paid \$42,640,881.38 in Federal, State and Local taxes, and offenders have been forced to save \$51,302,808.58.

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.

During 2012 there were 6 facilities offering Temporary Release Programs: Albany, Bayview, Fishkill, Hudson, Lincoln and Rochester. These facilities continue to offer the opportunity to assist for offenders to prepare for a successful transition from incarceration to their families and the communities they will reside upon release.

TABLE 1
2012 YEARLY WAGE AND EXPENSE SUMMARY

FACILITY	GROSS EARNINGS	MAINTENANCE PAYMENTS	SAVINGS	WEEKLY EXPENSES	TAXES	NET EARNINGS
ALBION	99,003.60	2,413.76	27,729.37	46,997.00	21,863.47	77,140.13
BAYVIEW	130,105.12	4,670.35	44,479.44	50,486.98	30,468.35	99,636.77
FISHKILL	207,015.95	29,144.13	86,592.61	45,516.63	45,762.58	161,253.37
HUDSON	473,329.76	108,762.66	179,671.41	80,234.33	104,661.36	368,668.40
LINCOLN	1,554,133.02	40,879.87	712,463.42	436,718.74	364,070.99	1,190,062.03
ROCHESTER	495,302.25	34,060.00	227,984.53	123,731.98	109,525.74	385,776.51
TOTAL	2,958,889.70	219,930.77	1,278,920.78	783,685.66	676,352.49	2,282,537.21

FIGURES FOR DAY REPORTING EARNINGS FOR 2012

	<u>GROSS</u>	<u>TAXES</u>	<u>NET</u>
UPSTATE DR	\$145,982.70	\$22,216.42	\$115,502.40
NYC DR	\$130,470.46	\$22,415.76	\$105,011.12
TOTAL	\$276,453.16	\$44,632.18	\$220,513.52

TABLE II
STATISTICS ON ALL TEMPORARY RELEASE PROGRAMS

YEAR	APPLICATIONS RECEIVED	PARTICIPANTS	ABSCONDERS	ARRESTED ABSCONDERS	TR ARR
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
2012	23,641	948	8	4	23

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
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
2012	23,586	944	8	4	23

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 8 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
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
2012	55	4	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, 2012- DECEMBER 31, 2012

TYPE OF PROGRAM	APPLICATIONS RECEIVED	PARTICIPANTS	ABSCONDERS	ABSCONDER RATE	ARRESTED ABSCONDERS	TR ARRESTS	ARREST RATE
WORK RELEASE	22,936	863	8	0.01%	4	23	2.6%
EDUCATIONAL RELEASE	8	0	0	0.0%	0	0	0.0%
INDUSTRIAL TRAINING LEAVE	564	74	0	0.0%	0	0	0.0%
COMMUNITY SERVICE LEAVE - LT *	78	7	0	0.0%	0	0	0.0%
COMMUNITY SERVICE LEAVE - ST**	0	0	0	0.0%	0	0	0.0%
FURLOUGH GENERAL CONFINEMENT	45	0	0	0.0%	0	0	0.0%
LEAVES OF ABSENCE	10	4	0	0.0%	0	0	0.0%
TOTAL	23,641	948	8	0.01%	4	23	2.6%

* Long-term Community Services Leave

** Short-term Community Services Leave

TABLE VI
TOTAL PARTICIPANTS IN DAY REPORTING - 2012

FACILITY	MALE	FEMALE	TOTAL
ALBION	0	5	5
BAYVIEW	0	13	13
FISHKILL	1	0	1
LINCOLN	22	0	22
ROCHESTER	22	0	22
TOTAL	45	18	63

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 – 2012

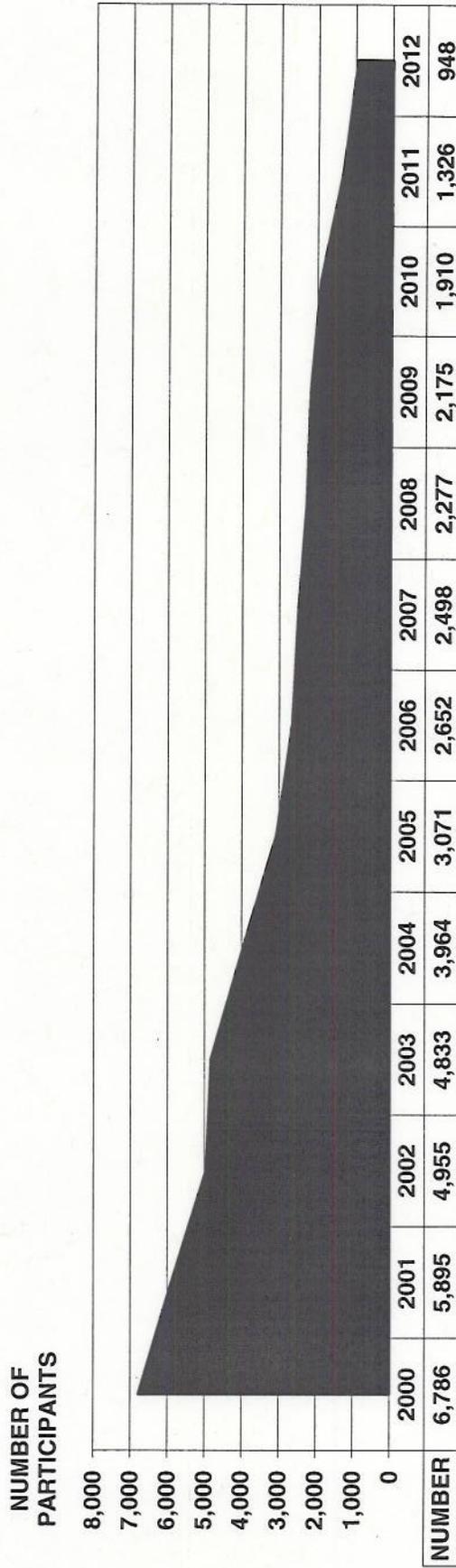
CRIME	ABSCONDERS	TR ARRESTS
DRUGS/ALCOHOL	1	10
PROPERTY OFFENSE	1	0
ROBBERY	0	0
BURGLARY	0	1
ASSAULTS	0	2
THEFT OF SERVICE	0	0
WEAPONS	0	0
MURDER	0	0
SEX OFFENSE	0	0
DISMISSALS	0	0
OTHERS	1	11

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.

TABLE VIII
WORK RELEASE REMOVALS – 2012

REASON FOR REMOVAL	NUMBER OF REMOVALS
ABSCONDERS	3
DRUGS	20
TR ARREST	1
UNEMPLOYMENT	4
PROGRAM	25
DISCIPLINARY	31
EXCEED BOUNDS	5
WARRANT	1
LATE RETURN	2
CASH CHECKS	4
MEDICAL	5
CONTRABAND	13
BECAME TIME INELIGIBLE	0

GRAPH I PARTICIPANTS - CONTINUOUS TEMPORARY RELEASE

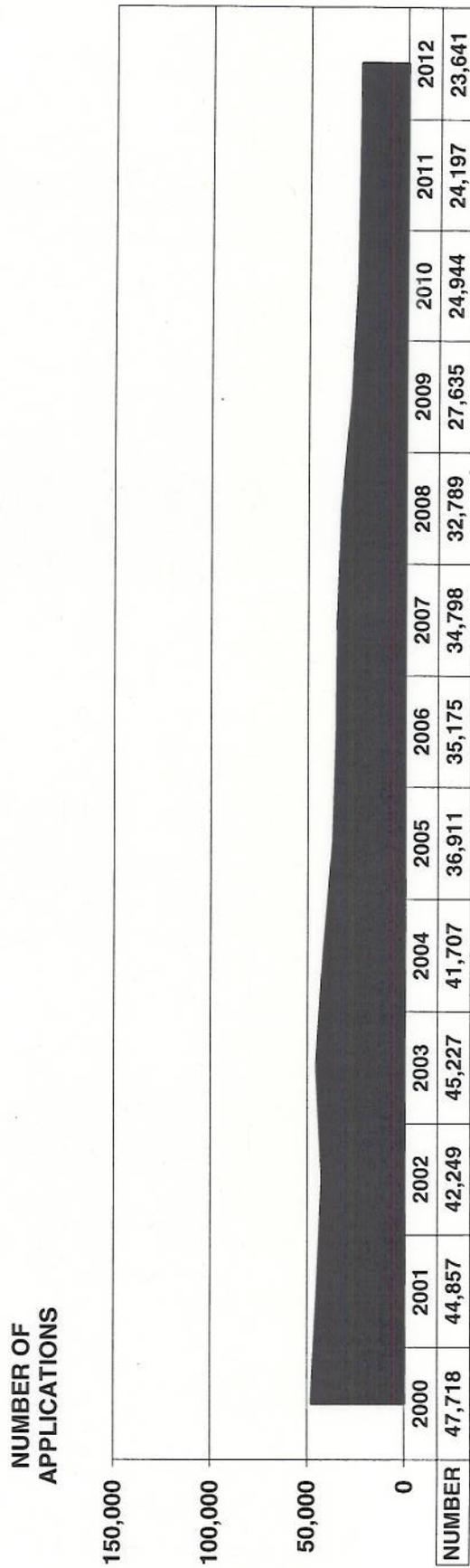


This chart shows the number of offenders entering the program each year, including the base population in the program at the start of the year.

Of the 948 participants, 863 participated in Work Release.

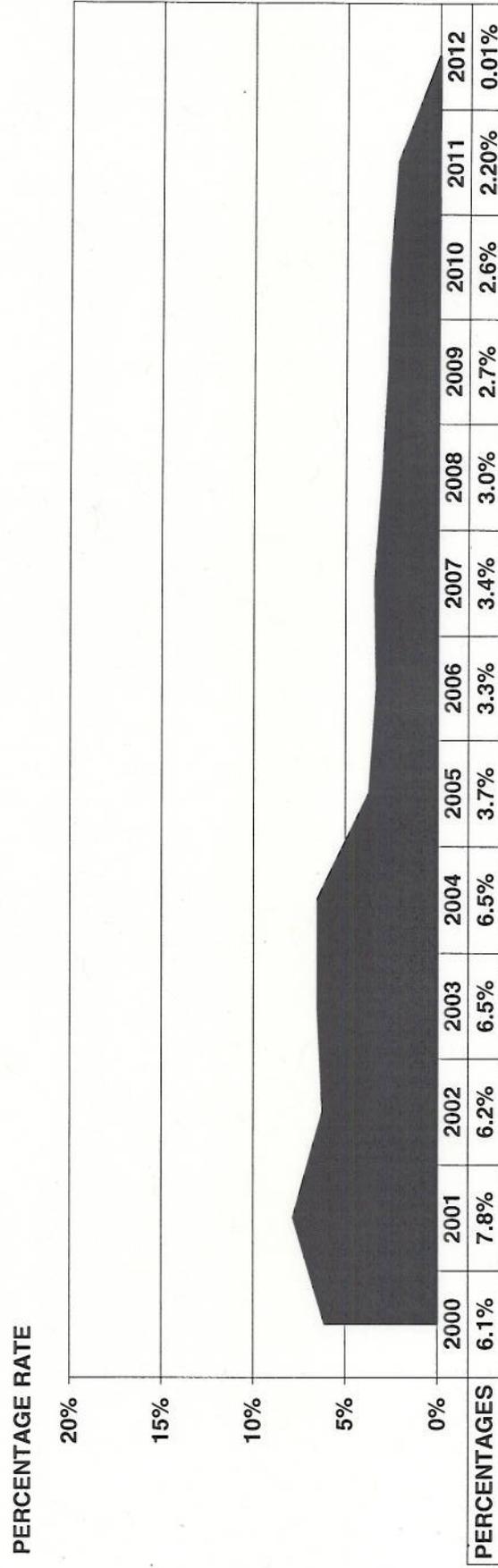
GRAPH II

TOTAL APPLICATIONS RECEIVED BY FACILITIES



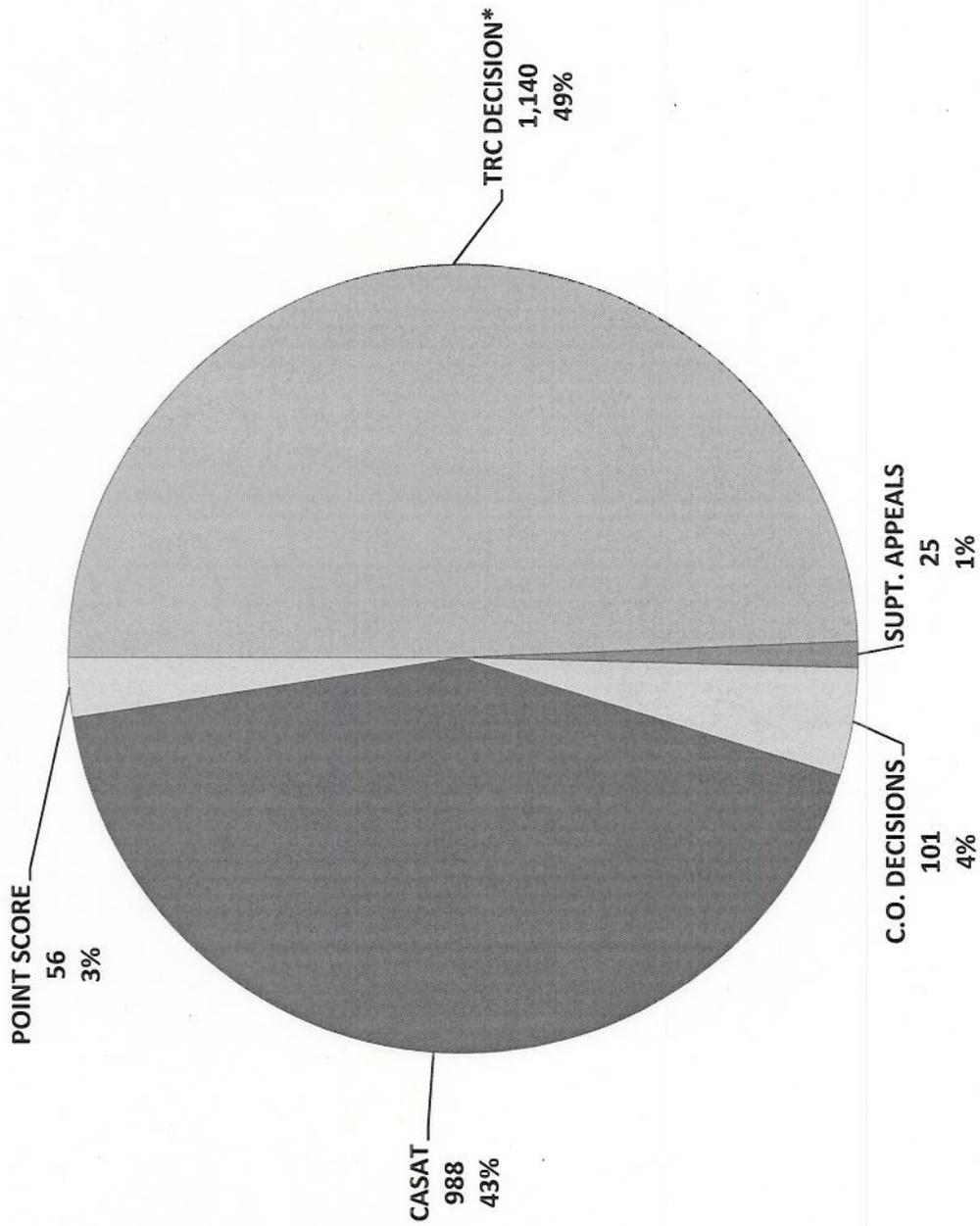
Total applications received by facilities include continuous Temporary Release and Furloughs.

GRAPH III ABSCONDER PERCENTAGES



Absconder percentages are based on total participants in short term and continuous Temporary Release programs
 Short-term: GC Furlough, LOA, CSL
 Continuous: WR, ITL, CSL, ED, Rel. Leave

GRAPH IV 2012 APPEALS RECEIVED BY CENTRAL OFFICE



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