State of New York

Department of Corrections and Community Supervision

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INMATE ESCAPE INCIDENTS

2008 - 2012

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INMATE ESCAPE INCIDENTS

2008 – 2012

This report provides descriptive information on incidents of inmate escape from New York State Department of Corrections and Community Supervision facilities from 2008 through 2012. The report presents information on demographic characteristics, as well as the legal history of escapees. The analysis uses a series of variables to compare escapees with the general inmate population. The report is preceded by a brief summary of the main findings.

December 2013

INMATE ESCAPE INCIDENTS

2008 – 2012

Table of Contents

Executive Summary

Number of Escapes

Between 2008 and 2012, there were nine inmates who escaped. In 2012, there was one escape incident involving a single inmate. In the previous four years, eight inmates escaped – none in 2008, one in 2009, three in 2010, and four in 2011. (See Table 1.1)

Location of Escapes

All escapes that occurred between 2008-2012 were either from minimum or medium security facilities, by inmates assigned to work details outside the security perimeter fence, or from secure custody while in transit. There were no escapes from within secure facilities during the last five years. (See Table 1.2)

Escapes by Facility Security Level Assignment

Between 2008 and 2012, one escapee was assigned to a maximum-security facility, two to a medium-security facility, and six inmates were assigned to minimum-security facilities at the time of the escape incident. (See Table 2.1)

Incarceration Offense

Six of the nine escapees between 2008 and 2012 were serving a sentence for burglary and three escapees were incarcerated for a drug offense. (See Table 3.1)

Age of Escapees

Escapees were younger, when compared to the overall inmate under custody population. Seventy-seven percent (77%) of escapees versus 36% of the under custody population were less than 31 years of age. (See Table 4.2)

Sentence Length

Most escapees were serving a relatively short prison term at the time of escape. Forty-four percent of escapees were serving an aggregate minimum sentence of less than two years. (See Table 7.1) None of the escapees were serving aggregate maximum sentences of more than 14 years.

Time Served Prior to Escape

From 2008 through 2012, 89% of the escapees had served less than two years of incarceration prior to escape. (See Table 8.1)

Duration of Escapes

Of the nine escapes between 2008 – 2012, 6 were apprehended within 6 hours, and all 9 had been taken back into custody within 1 day.

Introduction

The Department of Corrections and Community Supervision (DOCCS) maintains specific information on escapes and, together with data files on under custody inmates, produces an annual report on inmate escapes. The report profiles inmate escapees and the circumstances surrounding escape incidents for the previous five years. Characteristics of escapees are compared to the under custody population for the 2008 through 2012 period.

There were nine inmates who escaped during the last five years. All escapes involved minimum-security inmates, medium-security inmates who were assigned to supervised work crews located outside the facility perimeter, or were in secure custody while in transit.

When compared to the overall inmate population, escapees from 2008 through 2012 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. Appendix C describes the escape rate calculation method and also describes the under custody population figures used to compare the overall inmate population with the escapee population on a selected set of variables.

Section One: Number of Inmate Escapes

Table 1.1 presents data on the number and rate of escapes from 2008 through 2012. 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 from year to year, the use of a rate allows for standardized yearly comparisons.

There was one inmate escape in 2012. From 2008 through 2012, nine inmates escaped from (DOCCS) custody. The five-year total represents an average annual rate of .03 escapes per 1,000 inmates.

```
        Table 1.1, Frequency and Rate of Escapes
                    2008 - 2012


    Calendar          Number of           Rate per
      Year             Escapes         1,000 Inmates

      2008                0                 0.00

      2009                1                 0.02

      2010                3                 0.05

      2011                4                 0.07

      2012                1                 0.02

    Total                 9                 0.03
```

Escapes from Secure Custody

       Historically, most escapes in New York State occur at minimum-security facilities or from less secure areas outside the perimeter fence of medium or maximum-security prisons. Additional escapes occur while inmates are on supervised work details providing services to local communities, services at state parks, or services along state highways. Inmates assigned to less secure areas who escape from immediate custody by walking away are commonly referred to as 'walkways'. 'Walkways' do not have to use more elaborate methods necessary to escape from a higher security assignment.

       Secure assignments include housing that is inside medium and maximum-security prisons and those occasions when an inmate is escorted by correctional officers outside the facility for purposes of a court appearance or to a hospital. Table 1.2 shows that there was one escape from secure custody and eight escapes from minimum security or less secure settings from 2008 through 2012. An examination of escapes from less secure settings reveals that two were 'walkways' from medium security facility assignments outside of the perimeter fence and six involved inmates assigned to minimum security facilities.

Table 1.2, Frequency of Escapes from Secure and Less Secure Custody, 2008 - 2012		
Calendar Year	Escapes from Secure Custody	Escapes from Minimum Security or Walkaways
2008	0	0
2009	0	1
2010	0	3
2011	0	4
2012	1	0
Total	1	8

Section Two: Assigned Facility Security Level

DOCCS facilities are classified as maximum, medium or minimum security. Table 2.1 reveals the facility security level of inmates who escaped from custody. As indicated in the table, 11% (or one) of the escapees was assigned to a maximum-security level facility while 22% (or two) of the escapes were assigned to medium-security level facilities, and 67% (or six) inmates were assigned to minimum-security level facilities. See Appendix B, page 17, for details of the escapes that occurred between 2008 and 2012.

```
Table 2.1, Assigned Facility Security Level of Inmate Escapees
                        2008 - 2012
```

Security Level	2008	2009	2010	2011	2012	Total	
Maximum	0	0	0	0	1	1	11%
Medium	0	0	2	0	0	2	22%
Minimum	0	1	1	4	0	6	67%
Total	0	1	3	4	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 DOCCS is compared with escaped inmates in Table 3.2. During this period, the nine escapees were convicted of either burglary or drug crimes and compared to the under custody population, escapees were more likely to be convicted of burglary (67% vs. 12%) or drug offenses (33% vs.16%).

Table 3.1, Escapee Commitment Offense Type by Year of Escape
Inmate Escapees, 2008 - 2012

Crime	2008	2009	2010	2011	2012	Total	
Murder	0	0	0	0	0	0	0%
Other Homicide	0	0	0	0	0	0	0%
Sex Offense	0	0	0	0	0	0	0%
Robbery	0	0	0	0	0	0	0%
Assault	0	0	0	0	0	0	0%
Burglary	0	1	3	1	1	6	67%
Weapon Offense	0	0	0	0	0	0	0%
Grand Larceny	0	0	0	0	0	0	0%
Drug Offense	0	0	0	3	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 Offender	0	0	0	0	0	0	0%
Other Felony	0	0	0	0	0	0	0%
Total	0	1	3	4	1	9	100%

Table 3.2, Commitment Offense of Escapees and
Under Custody Population 2008 - 2012

Crime	Escapees	Under Custody Population
Murder	0%	16%
Other Homicide	0%	5%
Sex Offense	0%	9%
Robbery	0%	16%
Assault	0%	7%
Burglary	67%	12%
Weapon Offense	0%	7%
Grand larceny	0%	3%
Drug Offense	33%	16%
Stolen property	0%	1%
Forgery	0%	1%
DWI	0%	2%
Youthful Offender	0%	2%
Other Felony	0%	5%
Total	100%	100% *

*Percent does not add to 100% due to rounding.

Section Four: Age of Escapees on Date of Escape

Table 4.1 displays the age of escaped inmates when they escaped and Table 4.2 compares the age of escaped inmates with the under custody population during the 2008-2012 period. A larger percentage of escapees were younger than inmates in the under custody population; 77% of the escapees were under 31 years of age, while only 36% of the inmates under custody in general 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 37%, respectively).

```
           Table 4.1, Age of Escapees on Date of Escape
                          2008 - 2012
Age                2008   2009   2010   2011   2012     Total

< 21                 0      0      2      0      1       3    33%
21 - 30              0      1      1      2      0       4    44%
31 - 40              0      0      0      1      0       1    11%
41 - 50              0      0      0      1      0       1    11%
> 50                 0      0      0      0      0       0     0%

Total                0      1      3      4      1       9   100% *
```

*Percent does not add to 100% due to rounding.

```
            Table 4.2, Age of Escapees and
                Under Custody Population

 Age              Escapees          Under Custody

 < 21               33%                  5%
 21 - 30            44%                 31%
 31 - 40            11%                 27%
 41 - 50            11%                 24%
 > 50                0%                 13%

 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 ethnic status of escapees and the under custody population. Comparisons between race/ethnicity of escapees and under custody population reveal that 56% of escapees were White compared to 22% of the total inmate population; 44% of escapees were African-American compared to 51% in the under custody population; and none of the escapees were Hispanic compared to 25% of the under custody population. Escapees in this period were more likely to be White when compared with the overall under custody population and less likely to be Hispanic or African American when compared to the overall under custody population.

Table 5.1, Race/Ethnicity of Escapees by Year 2008 - 2012							
Race/Ethnicity	2008	2009	2010	2011	2012		Total
White	0	1	1	2	1	5	56%
African American	0	0	2	2	0	4	44%
Hispanic	0	0	0	0	0	0	0%
Other	0	0	0	0	0	0	0%
Total	0	1	3	4	1	9	100%

Table 5.2, Race/Ethnicity of Escapees and Under Custody Population, 2008 - 2012		
Race/Ethnicity	Escapees	Under Custody
White	56%	22%
African American	44%	51%
Hispanic	0%	25%
Other	0%	2%
Total	100%	100%

Section Six: Prior Adult Criminal Record

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 78% of the escapees had been convicted of at least one prior felony offense.


```
        Table 6.1, Most Serious Prior Adult Criminal Conviction
                    Inmate Escapees, 2008 - 2012
Prior              2008   2009   2010   2011   2012      Total
Conviction


None                 0      0      1      0      1     2    22%

Misdemeanor          0      0      0      0      0     0     0%

Felony               0      1      2      4      0     7    78%


Total                0      1      3      4      1     9   100%
```


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. For twenty-two percent (22%) of escapes, prison was the most serious prior commitment and for 44% of escapees, jail was the most serious prior commitment. The remaining 33% had no prior adult convictions.

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┌─────────────────────────────────────────────────────────────────────┐
│         Table 6.2, Most Serious Prior Criminal Commitment           │
│                  Inmate Escapees, 2008 - 2012                        │
│  Prior          2008   2009   2010   2011   2012     Total          │
│  Commitment                                                          │
│                                                                      │
│  None             0      1      1      0      1       3     33%      │
│  Jail             0      0      1      3      0       4     44%      │
│  Prison           0      0      1      1      0       2     22%      │
│                                                                      │
│  Total            0      1      3      4      1       9    100% *    │
└─────────────────────────────────────────────────────────────────────┘
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*Percent does not add to 100% due to rounding.

Table 6.3 compares prior adult criminal record for escapes with the overall under custody population. Escapes are substantially less likely to have served a prison term (0%) when compared to under custody inmates (34%). When compared to the overall inmate population escapees are more likely to have no prior conviction (22% for escapees, 8% for under custody) or conviction but no jail time (44% for escapees, 18% for under custody).

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┌─────────────────────────────────────────────────────────────────────┐
│       Table 6.3, Most Serious Prior Adult Ciminal Commitment and    │
│             Under Custody Population, 2008 - 2012                    │
│                                                                      │
│  Prior                     Escapees          Under Custody          │
│  Commitment                                                          │
│                                                                      │
│  No Prior Arrest             11%                 16%                 │
│  No Prior Conviction         22%                  8%                 │
│  Conviction No Jail          44%                 18%                 │
│  Jail                        22%                 25%                 │
│  Prison                       0%                 34%                 │
│                                                                      │
│  Total                      100%                100%                │
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Section Seven: Sentence Length

The New York State Penal Law stipulates that either an indeterminate sentence or determinate sentence be imposed upon inmates 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 DOCCS. 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 inmates convicted of a violent felony offense committed after October 1, 1995; first felony inmates convicted of a violent felony offense committed after September 1, 1998; drug inmates for an offense committed after January 13, 2005; and non-violent sex inmates after April 13, 2008. The determinate sentence consists of a specified number of years and, in general, the inmate 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

Table 7.1 reveals that most prison escapees were serving relatively short aggregate minimum sentences. Forty-four percent (44%) of the inmates who escaped had an aggregate minimum sentence of less than two years, and 66% were serving an aggregate minimum sentence of less than four years.

```
        Table 7.1, Aggregate Minimum Sentence of Escapees by
                   Year of Escape, 2008 - 2012
```

Aggregate Min. Sentence	2008	2009	2010	2011	2012	Total	
< 2 Years	0	0	2	2	0	4	44%
2 Years	0	0	0	0	0	0	0%
3 Years	0	1	1	0	0	2	22%
4 - 5 Years	0	0	0	1	0	1	11%
6 - 9 Years	0	0	0	1	1	2	22%
10 - 14 Years	0	0	0	0	0	0	0%
15 - 19 Years	0	0	0	0	0	0	0%
20 Years +	0	0	0	0	0	0	0%
Total	0	1	3	4	1	9	100% *

*Percent does not add to 100% due to rounding.

13

Table 7.2 compares the aggregate minimum sentence of escaped inmates with the under custody population for the years 2008-2012. While 44% of escapees were serving an aggregate minimum sentence of less than two years, only 15% of the under custody population had minimum sentences of less than two years.

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┌─────────────────────────────────────────────────────────────────┐
│    Table 7.2, Aggregate Minimum Sentence of Escapees and          │
│          Under Custody Population, 2008 - 2012                     │
│                                                                   │
│     Aggregate             Escapees          Under Custody          │
│     Minimum                                                        │
│                                                                   │
│     < 2 Years                44%                 15%               │
│                                                                   │
│     2 Years                   0%                 13%               │
│                                                                   │
│     3 Years                  22%                 11%               │
│                                                                   │
│     4 - 5 Years              11%                 13%               │
│                                                                   │
│     6 - 9 Years              22%                 15%               │
│                                                                   │
│     10 - 14 Years             0%                 10%               │
│                                                                   │
│     15 - 19 Years             0%                  8%               │
│                                                                   │
│     20 Years +                0%                 16%               │
│                                                                   │
│     Total                   100%                100%   *           │
└─────────────────────────────────────────────────────────────────┘
```

*Percent does not add to 100% due to rounding.

Aggregate Maximum Sentence

Table 7.3 shows the aggregate maximum sentence of inmate escapees from 2008 through 2012. The aggregate maximum sentence for escapees is compared to the under custody population in Table 7.4. Among the escaped inmates, 33% had aggregate maximum terms of less than four years compared to only 23% of the under custody population; and no escapees had aggregate maximum sentences of 15 years or longer, while 33% of under custody inmates were serving a similar sentence.

A partial explanation for the difference in aggregate minimum sentence and the aggregate maximum 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 maximum-security prisons. Eight of nine escapees were housed in medium and minimum-security facilities where inmates may have shorter sentences.

```
        Table 7.3, Aggregate Maximum Sentence of Escapees by
                 Year of Escape, 2008 - 2012
```

Aggregate Max. Sentence	2008	2009	2010	2011	2012	Total	
< 4 Years	0	0	1	2	0	3	33%
4 Years	0	1	2	0	0	3	33%
5 Years	0	0	0	1	0	1	11%
6 - 9 Years	0	0	0	1	0	1	11%
10 - 14 Years	0	0	0	0	1	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	0	0	0	0	0	0	0%
Total	0	1	3	4	1	9	100% *

*Percent does not add to 100% due to rounding.

```
        Table 7.4, Aggregate Maximum Sentence of Escapees and
                 Under Custody Population, 2008 - 2012
```

Aggregate Minimum	Escapees	Under Custody
< 4 Years	33%	23%
4 Years	33%	10%
5 Years	11%	8%
6 - 9 Years	11%	17%
10 - 14 Years	11%	9%
15 - 19 Years	0%	6%
20 - 24 Years	0%	3%
25 to Life	0%	24%
Total	100%	100%

Section Eight: Time Served to Date of Escape

During the five-year period of this report, 89% percent of escapees had served less than two years incarceration prior to escape. Forty-nine percent (49%) of under custody inmates had served less than 2 years in custody (see Table 8.2). However, while only 11% of escapees had served four years or longer, 35% of the under custody population had served four years or longer. As noted earlier, inmates who have a long period of time to serve before release consideration are housed at medium and maximum security facilities.

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┌──────────────────────────────────────────────────────────────────────┐
│              Table 8.1, Time Served of Escapees by                     │
│                  Year of Escape, 2008 - 2012                           │
│                                                                        │
│  Time Served       2008   2009   2010   2011   2012      Total         │
│                                                                        │
│  < 1 Year            0      1      2      3      1      7    78%        │
│  1 Year              0      0      1      0      0      1    11%        │
│  2 Years             0      0      0      0      0      0     0%        │
│  3 Years             0      0      0      0      0      0     0%        │
│  4 Years             0      0      0      1      0      1    11%        │
│  5 Years             0      0      0      0      0      0     0%        │
│  6 + Years           0      0      0      0      0      0     0%        │
│                                                                        │
│  Total               0      1      3      4      1      9   100%        │
└──────────────────────────────────────────────────────────────────────┘
```

Time Served	2008	2009	2010	2011	2012		Total
< 1 Year	0	1	2	3	1	7	78%
1 Year	0	0	1	0	0	1	11%
2 Years	0	0	0	0	0	0	0%
3 Years	0	0	0	0	0	0	0%
4 Years	0	0	0	1	0	1	11%
5 Years	0	0	0	0	0	0	0%
6 + Years	0	0	0	0	0	0	0%
Total	0	1	3	4	1	9	100%

Table 8.2, Time Served of Escapees and Under Custody Population, 2008 - 2012

Time Seved	Escapees	Under Custody
< 1 Years	78%	32%
1 Years	11%	17%
2 Years	0%	10%
3 Years	0%	7%
4 Years	11%	5%
5 Years	0%	4%
6 + Years	0%	26%
Total	100%	100%

*Percent does not add to 100% due to rounding.

16

Section Nine: Duration of Escape

Of the nine inmates who escaped from custody between 2008 and 2012, five were apprehended within six hours. All escapees were taken into custody within one day. The 2012 escapee was apprehended within five minutes, details follow:

During the escape incident in March 2012, a maximum-security inmate was being returned to the facility from a court trip. The vehicle was stopped outside the facility perimeter. An officer opened the van door. The inmate had broken his leg irons, jumped out and began running down the driveway toward the street. The escapee was apprehended by DOCCS staff within five minutes.

Table 9.1, Duration of Escape
Inmate Escapees, 2008 – 2012

Escape Duration	2008	2009	2010	2011	2012	Total	
< 6 hours	0	0	0	4	1	5	56%
6 - 12 hours	0	0	0	0	0	0	0%
13 - 23 hours	0	1	3	0	0	4	44%
1 day	0	0	0	0	0	0	0%
2 - 3 days	0	0	0	0	0	0	0%
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	0	1	3	4	1	9	100%

APPENDIX A: SUMMARY OF ESCAPES BY FACILITY

Number of Inmate Escapes by Facility
2008 - 2012

Maximum Security	2008	2009	2010	2011	2012		Total
Elmira	0	0	0	0	1	1	11%
Total Maximum Secutity	0	0	0	0	1	1	11%
Medium Security							
Lakeview Shock-M	0	0	2	0	0	2	22%
Total Medium Security	0	0	2	0	0	2	22%
Minimum Security							
Fulton	0	0	0	2	0	2	22%
Hudson	0	0	0	1	0	1	11%
Lyon Mountain	0	1	0	0	0	1	11%
Rochester	0	0	1	1	0	2	22%
Total Minimum Security	0	1	1	4	0	6	67%
Grand Total	0	1	3	4	1	9	100%*

Note: Facilities are shown only if there was an escape during the 2008
to 2012 time period.

APPENDIX B: ESCAPE INCIDENT DETAILS

<u>Escapes - 2008</u>

Facility	Date	Method of Escape
No Escapes		No Escapes

<u>Escapes - 2009</u>

Facility	Date	Method of Escape
Lyon Mountain	8/2009	Walk away from facility

<u>Escapes - 2010</u>

Facility	Date	Method of Escape
Lakeview Shock Male	1/2010	Walk away from outside work detail
Lakeview Shock Male	1/2010	Walk away from outside work detail
Rochester	12/2010	Walk away from facility

<u>Escapes - 2011</u>

Facility	Date	Method of Escape
Hudson	4/2011	Walk away from outside of dormitory
Fulton	6/2011	Ran out front door while on inside work detail
Fulton	7/2011	Ran away from facility while on outside work detail
Rochester	12/2011	Kicked front door and ran out

<u>Escapes - 2012</u>

Facility	Date	Method of Escape
Elmira	3/2012	Escape from secure custody outside of facility while in transit returning from court trip

APPENDIX C: METHODOLOGY

RATE CALCULATION METHOD

The determination of an annualized rate of escapes per 1,000 inmates is a two stage process. First the population of inmates and incarcerated parolees for each year is combined and divided by the number of years being examined. In this report that average annual population is (N=58,636). Average annualized rates are calculated as the average number of escape incidents per 1,000 inmate population per year. For example, in Table 1.1, the average offender population for years 2008 through 2012 (N=58,636) is divided by the average number of escapes during the same period (N=1.8) and multiplied by 1,000 to yield 0.3 incidents per thousand offenders.

COMPARISON OF CUSTODY POPULATIONS

Characteristics of escapees are compared to the under custody population of each year for the 2008 through 2012 period. These comparisons include commitment offense, age, race/ethnicity, most serious prior criminal commitment, sentence length, and time served. Calculations of age and time served for under custody population are defined for each year for comparison to age of escapee at the time of the incident, and aggregate minimum and aggregate maximum sentences, also at the time of the incident.

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