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TIME ALLOWANCE COMMITTEE DECISIONS
- CALENDAR YEAR 1985 -

The total number of Time Allowance Committee hearings held during calendar year 1985 was approximately 4.4% greater than the total number of hearings held in the previous year (i.e. 4,350 vs. 4,168). As in the previous year, only a small minority of inmates (i.e. 398 of 2,438 or 16%) lost "good time" as a result of final Time Allowance hearings held in 1985. Furthermore, a substantial number (i.e. 127) of those who did lose "good time" in 1985 had some of that lost time restored at subsequent reconsideration hearings. Overall, 95% of all possible "good time" available in 1985 was awarded by Time Allowance Committees.

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TIME ALLOWANCE COMMITTEE DECISIONS
- CALENDAR YEAR 1985 -

This brief report analyzes correctional facility Time Allowance Committee Decisions for calendar year 1985.

Role of Time Allowance Committees in State's Good Time System. This report focuses on the role the Time Allowance Committees play in the operation of the State's good time system.

In brief, the Committees have responsibility for reviewing an inmate's originally scheduled conditional release date with respect to subsequent facility adjustment. At the final hearing, the Committee may revise the conditional release date for reasons relating to institutional adjustment.

The interested reader is referred to the appended overview of the State's good time system for a summary of the statutory basis of this system, the governing State regulations and the role of the Committees in this system.

Date Source. This survey is based on reports submitted by the facilities to the Division of Special Housing.

Total Committee Decisions. A total of 4,350 Time Allowance Committee decisions were reported to the Division of Special Housing for calendar year 1985.

Types of Hearings. Of the 4,350 hearings reported for calendar year 1985, 1,694 (or 39%) were interim hearings, 2,438 (or 56%) were final hearings and 218 (or 5%) were reconsideration hearings. Table A displays the number of hearings of each type reported by each correctional facility.

TABLE A. TIME ALLOWANCE COMMITTEE DECISIONS:
TYPE OF HEARING AT EACH FACILITY
- CALENDAR YEAR 1985 -

<u>FACILITY</u>	<u>INTERIM HEARINGS</u>	<u>FINAL HEARINGS</u>	<u>RECONSIDERATION HEARINGS</u>	<u>TOTAL</u>
<u>MAXIMUM SECURITY</u>				
Attica	277	172	45	494
Auburn	331	91	36	458
Clinton Main	0	213	14	227
Clinton Annex	0	48	1	49
Coxsackie	88	63	1	152
Downstate	5	2	0	7
Eastern	153	41	3	197
Elmira	85	125	25	235
Great Meadow	0	97	23	120
Green Haven	0	41	1	42
Sing Sing '1/	0	302	10	312
Sullivan	0	7	4	11
Wende	8	4	0	12
SUBTOTAL	947	1,206	163	2,316
<u>MEDIUM SECURITY</u>				
Adirondack General	7	4	0	11
Albion	9	10	1	20
Altona	8	28	2	38
Arthur Kill	91	93	7	191
Collins	38	35	3	76
Fishkill	245	169	2	416
Greene	2	24	2	28
Groveland	23	59	4	86
Hudson	21	42	1	64
Long Island	29	12	2	43
Mid-Orange	2	63	1	66
Mid-State	15	35	2	52
Mt. McGregor	0	60	3	63
Ogdensburg	7	24	2	33
Orleans	21	30	2	53
Otisville	65	55	4	124
Taconic	38	43	2	83
Wallkill	0	39	0	39
Washington	0	33	1	34
Watertown	0	29	1	30
Woodbourne	0	108	3	111
Wyoming	46	52	4	102
SUBTOTAL	667	1,047	49	1,763

TABLE A. (continued) TIME ALLOWANCE COMMITTEE DECISIONS:
TYPE OF HEARINGS AT EACH FACILITY
- CALENDAR YEAR 1985 -

<u>FACILITY</u>	<u>INTERIM HEARINGS</u>	<u>FINAL HEARINGS</u>	<u>RECONSIDERATION HEARINGS</u>	<u>TOTAL</u>
<u>MINIMUM SECURITY</u>				
Fulton	1	51	1	53
Lincoln	7	2	0	9
Lyon Mountain	0	6	0	6
Rochester	6	4	0	10
Camp Beacon	0	11	0	11
Camp Gabriels	0	5	0	5
Camp Georgetown	0	3	0	3
Camp Monterey	0	5	1	6
Camp Pharsalia	0	7	0	7
Camp Summit	2	2	3	7
SUBTOTAL	16	96	5	117
<u>FEMALE FACILITIES</u>				
Albion Female	4	5	0	9
Bayview	13	31	0	44
Bedford Hills	47	53	1	101
SUBTOTAL	64	89	1	154
TOTAL	1,694	2,438	218	4,350

Trends in Time Allowance Committee Decisions. Table B summarizes the number of interim, final, and reconsideration hearings reported for each of the last two calendar years.

TABLE B: TRENDS IN TIME ALLOWANCE COMMITTEE DECISIONS
- CALENDAR YEARS 1984 AND 1985 -

<u>Month</u>	<u>Interim</u>	<u>Final</u>	<u>Reconsideration</u>	<u>Total</u>
1st Quarter '84	345	606	78	1,029
2nd Quarter '84	289	668	65	1,022
3rd Quarter '84	363	543	104	1,010
4th Quarter '84	454	596	57	1,107
Calendar Year '84	(1,451)	(2,413)	(304)	(4,168)
1st Quarter '85	505	685	45	1,235
2nd Quarter '85	370	657	58	1,085
3rd Quarter '85	483	530	65	1,078
4th Quarter '85	336	566	50	952
Calendar Year '85	(1,694)	(2,438)	(218)	(4,350)

During calendar year 1985, there were 182 more total hearings than in calendar year 1984 (4,350 vs. 4,168).

As compared to calendar year 1984, the number of interim hearings increased by 17% (from 1,451 to 1,694). The number of final hearings also increased but only slightly from 2,413 to 2,438.

While the number of interim and final hearings increased the number of reconsideration hearings decreased from 1984 to 1985. In 1984, there were 304 reconsideration hearings reported while in 1985 the comparable number was 218. This represents a decrease of 28% (see Figure 1).

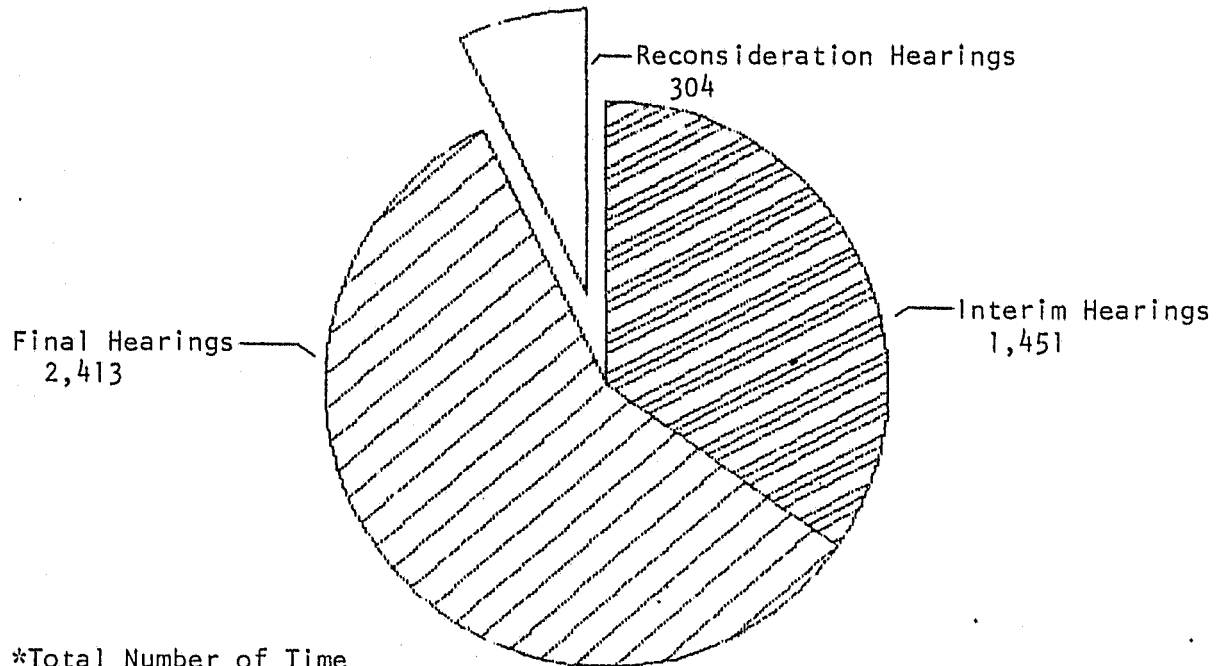
Focus on Final and Reconsideration Hearings. Interim hearings cannot result in any changes in the original conditional release date. The originally scheduled conditional release date may only be modified at the final hearing, which is held four months prior to the conditional release date or at a subsequent reconsideration.

As such, this report series concentrates on final and reconsideration hearings in its analysis of good time lost and restored and concomitant changes in original conditional release dates.

FIGURE 1

TIME ALLOWANCE HEARINGS

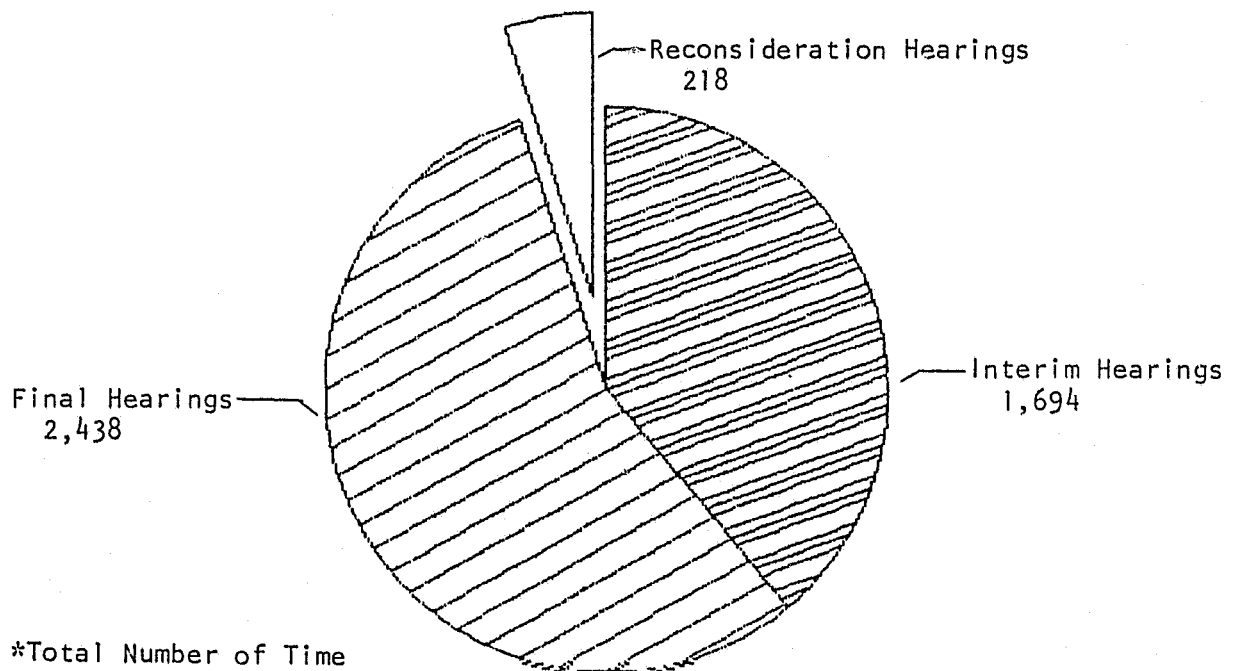
CALENDAR YEAR 1984



*Total Number of Time Allowance Hearings = 4,168

TIME ALLOWANCE HEARINGS

CALENDAR YEAR 1985



*Total Number of Time Allowance Hearings = 4,350

Percent of Inmates Who Lose Time Due to Superintendent's Proceedings. Of the 2,438 inmates who had final hearings in 1985, 76% (1,848) lost no good time due to Superintendent's Proceedings.

Conversely, 24% (590) lost good time due to Superintendent's Proceedings.

Amount of Good Time Lost. The 590 inmates who lost time due to Superintendent's Proceedings lost a combined total of approximately 223 years.

Percent of Good Time Restored. At the final hearings, Time Allowance Committees restored approximately 26% of the good time lost by these 590 inmates (i.e. 58 of 223 years). (Additional good time was also restored at subsequent reconsideration hearing. For more details, see the discussion of reconsideration hearing below.)

Time Earned vs. Maximum Time Possible. The 2,438 inmates with final hearings in calendar year 1985 thus earned 95% of the maximum possible good time available to them as a group.

As indicated by Table C, these 2,438 surveyed inmates earned approximately 3,099 of the maximum possible 3,265 years of good time available.

TABLE C. TIME ALLOWANCE COMMITTEE DECISIONS SUMMARY OF
GOOD TIME LOST, RESTORED, AND EARNED AT FINAL HEARINGS
- CALENDAR YEAR 1985 -

	<u>Years</u>	<u>Months</u>	<u>Days</u>
Maximum Possible Good Time	3,264	8	9
Good Time Lost at Superintendent's Proceedings	223	4	18
Good Time Lost by Time Allowance Committees	-	-	-
Good Time Restored	57	11	2
Total Good Time Earned	3,099	2	23

Restoration of All Lost Time. Time Allowance Committees restored all lost good time to 192 of the 590 inmates who lost good time. These 192 inmates were scheduled for release on their original conditional release dates.

The following table indicates the number and proportion of cases in which lost good time was restored by the Time Allowance Committees.

TABLE D: TIME ALLOWANCE COMMITTEE DECISIONS
NUMBER OF FINAL HEARINGS WHERE LOST GOOD TIME WAS RESTORED
- CALENDAR YEAR 1985 -

	<u>Number</u>	<u>Percent</u>
All Lost Good Time Restored	192	32%
Some Lost Good Time Restored	70	12%
No Lost Good Time Restored	<u>328</u>	<u>56%</u>
TOTAL	590	100%

Change in Original Conditional Release Dates. As illustrated by Table E, there was no change in the originally scheduled conditional release dates in 84% (2,040) of the 2,438 surveyed final hearings.

The originally scheduled conditional release date was revised in 398 cases. Maximum security facilities accounted for 285 (72%) of these 398 cases.

Final Hearings are not Necessarily Final. It is important to note that inmates held beyond their originally scheduled conditional release dates may have additional hearings prior to their revised conditional release dates. A second or subsequent such hearing is referred to as a reconsideration hearing.

At this hearing, a portion of their lost time may be restored based on their improved disciplinary record. As such, there is an incentive for an inmate to improve his disciplinary record following his final hearing since he may have another opportunity to have time restored. On the other hand, additional time may be lost due to continued disciplinary problems.

TABLE E. TIME ALLOWANCE COMMITTEE HEARINGS
REVISIONS OF ORIGINAL CONDITIONAL RELEASE DATES AT FINAL HEARINGS
- CALENDAR YEAR 1985 -

	No Change In Original <u>CR Date</u>	Revised <u>CR Date</u>	<u>Total</u>
<u>MAXIMUM SECURITY</u>			
Attica	131	41	172
Auburn	64	27	91
Clinton	183	78	261
Coxsackie	35	28	63
Downstate	1	1	2
Eastern	36	5	41
Elmira	87	38	125
Great Meadow	66	31	97
Green Haven	36	5	41
Sing Sing 1/	275	27	302
Sullivan	3	4	7
Wende	4	0	4
SUB-TOTAL	921	285	1,206
<u>MEDIUM SECURITY</u>			
Adirondack General	4	0	4
Albion	10	0	10
Altona	27	1	28
Arthur Kill	74	19	93
Collins	28	7	35
Fishkill	160	9	169
Greene	17	7	24
Groveland	48	11	59
Hudson	39	3	42
Long Island	12	0	12
Mid-Orange	57	6	63
Mid-State	31	4	35
Mt. McGregor	56	4	60
Ogdensburg	22	2	24
Orleans	28	2	30
Otisville	55	0	55
Taconic	43	0	43
Wallkill	39	0	39
Washington	31	2	33
Watertown	27	2	29
Woodbourne	100	8	108
Wyoming	45	7	52
SUB-TOTAL	953	94	1,047

TABLE E. (continued) TIME ALLOWANCE COMMITTEE HEARINGS
REVISIONS OF ORIGINAL CONDITIONAL RELEASE DATES AT FINAL HEARINGS
- CALENDAR YEAR 1985 -

	No Change In Original <u>CR Date</u>	Revised <u>CR Date</u>	<u>Total</u>
<u>MINIMUM SECURITY</u>			
Fulton	46	5	51
Lincoln	2	0	2
Lyon Mountain	6	0	6
Rochester	4	0	4
Camp Beacon	9	2	11
Camp Gabriels	5	0	5
Camp Georgetown	2	1	3
Camp Monterey	4	1	5
Camp Pharsalia	7	0	7
Camp Summit	0	2	2
SUB-TOTAL	85	11	96
<u>FEMALE FACILITIES</u>			
Albion	5	0	5
Bayview	31	0	31
Bedford Hills	45	8	53
SUB-TOTAL	81	8	89
TOTAL	2,040	398	2,438

Good Time Restored at Reconsideration Hearings. Time Allowance Committees restored some lost good time at the majority of reconsideration hearings held during 1985 (i.e. at 127 of 218 or 58%). At the remaining 91 hearings, no additional good time was restored nor was the revised Conditional Release changed.

At these 127 hearings, an aggregate total of approximately 32 years 6 months was restored.

These data, therefore, indicate that:

- 1) Only a small minority of inmates lose good time at Time Allowance Committee final hearings; and,
- 2) Even many of those who do lose good time get some of that time restored at subsequent reconsideration hearings.

APPENDIX

Overview of New York State Good Time System. Section 803 of the Correction Law provides that, "Every prisoner...may receive time allowance against the maximum term or period of his sentence not to exceed in the aggregate one-third of the term or period imposed by the court." Section 803 further provides that good time may be granted for good behavior, for willingness to perform required duties, and for involvement in programs. It may be withheld for violation of institutional rules and regulations.

Chapter V of Title 7 of the New York Codes, Rules and Regulations defines the operation of the State's good time system as statutorily authorized in Correction Law Section 803. Part 262 provides for the establishment of a Time Allowance Committee which consists of at least three members, one of whom serves as chairman, designated by the facility superintendent. The Time Allowance Committee meets monthly to consider the institutional records of inmates scheduled for review. The Committee conducts final hearings on inmates four months prior to their originally established conditional release date (two-thirds of the maximum term of imprisonment) and conducts interim hearings every three years for inmates not close to conditional release. For example, an inmate who is admitted in July 1982 and who has a conditional release date of July 1990 will be scheduled for interim hearings in 1985 and 1988 and a final hearing in March 1990. Interim hearings are held to periodically assess an inmate's conduct, to counsel him to continue satisfactory behavior or to improve unsatisfactory behavior for future good time considerations, and to inform him of the amount of good time credits available for consideration at his next scheduled hearing.^{1/}

Inmates may lose good time in two ways. First, and most commonly, the recommended loss of good time may be part of a disposition rendered at a Superintendent's Hearing. Superintendent's Hearings are conducted for serious violations of institutional rules. The recommended loss of good time, which will be considered by a subsequent Time Allowance Committee hearing, is one of several dispositions available in Superintendent's Hearings. Other dispositions include confinement to a cell or a Special Housing Unit for a specified period, loss of specific privileges, and/or restitutions. A second way of losing good time is the recommendation by the Time Allowance Committee that a portion of an inmate's good time be withheld even though the inmate may have never lost time as a result of a Superintendent's

^{1/} As a result of a regulatory change filed in December 1985, interim Time Allowance Committee meetings are no longer required. Future reports will not include information on the interim hearings.

Hearing. Part 261.4 of Chapter V defines the procedural requirements for the withholding of good time by the Committee. These include 48 hours notice, assistance by a facility employee, opportunity to present evidence in his behalf, appearance before the committee, and a written statement of the reasons for the Committee decision.

All decisions of the Time Allowance Committee are subject to review by the facility superintendent. Subsequent to the Superintendent's review, the record of Time Allowance Committee hearings are submitted to Central Office for review by the Director of Special Housing/Inmate Disciplinary Programs. Additionally, inmates may appeal any decisions effecting good time directly to the Commissioner within 30 days of receipt of such decisions.