



NEW YORK STATE COMMISSION OF  
CORRECTION

ANNUAL REPORT  
2008

THOMAS A. BEILEIN  
CHAIRMAN

DANIEL L. STEWART  
COMMISSIONER

PHYLLIS HARRISON-ROSS, M.D.  
COMMISSIONER

*"TO PROVIDE FOR A SAFE, STABLE AND HUMANE  
CORRECTIONAL SYSTEM."*

## HISTORY

The State Commission of Correction is the current-day embodiment of the New York State Commission of Prisons, which was established in July of 1895. The Commission of Prisons was meant to function as an autonomous body for the sole purpose of monitoring all detention and correctional facilities within the State.

While the State Commission of Correction essentially functioned in its original capacity for almost eighty years, in the 1970's, the Commission underwent a series of administrative and legal changes which significantly affected its mission in the correctional field.

As the State Commission of Correction's autonomy and mission were expanded and made more credible, the Governor and Legislature also restructured the agency's administration. A full-time, three member Commission was established, appointed by the Governor with the advice and consent of the Senate. A Citizen's Policy and Complaint Review Council (CPCRC), consisting of nine gubernatorially appointed positions, of which seven are currently filled, was also established, and the Medical Review Board was reorganized.

## CORRECTIONAL OVERSIGHT-LEGAL AUTHORITY

Correctional facilities in New York State operate pursuant to a body of carefully formulated constitutional and statutory law and regulations. The State Commission of Correction's legal authority is derived from the following:

- County Law, Article 5, Section 217: "Each county shall continue to maintain a county jail as prescribed by law."
- Correction Law, Article 6: Management of state correctional facilities.
- Correction Law, Article 20: Statutory provisions governing New York State penitentiaries and jails.
- Article XVII, Section 5 of the New York State Constitution provides that there shall be a State Commission of Correction, which shall visit and inspect all institutions used for the detention of sane adults charged with or convicted of crime.
- Correction Law, Article 3, establishes the Commission and its oversight and regulatory powers. Section 45(6) of the Correction Law provides for the State Commission of Correction to promulgate rules and regulations establishing minimum standards for the care, custody, correction, treatment, supervision, discipline, and other correctional programs for all persons confined in correctional facilities for adults and correctional facilities for juvenile offenders.
- Title 9, Subtitle AA of the Official Compilation of Codes, Rules and Regulations of the State of New York contains the minimum standards and regulations for the management of correctional facilities, as promulgated by the State Commission of Correction.

## ORGANIZATION AND STATUTORY AUTHORITY

The New York State Commission of Correction is an Executive Department correctional oversight and technical services agency first established in the New York State Constitution (Article XVII) in 1895. The Commission's services are delivered to all state, county, and New York City correctional facilities, including police department detention facilities. Its organization, functions, powers and duties are set forth in New York State Correction Law, Article 3.

The Commission's duties include:

- advising the Governor on correctional policy;
- promulgation of rules and regulations establishing minimum standards for the care, custody, treatment, supervision and discipline for all persons confined in correctional facilities;
- ensuring compliance with minimum standards;
- monitoring, adjusting and enhancing prison and jail population capacity;
- reviewing all inmate grievances, complaints, and unusual incidents;
- overseeing new correctional facility development;
- providing staffing services;
- assisting in the implementation of new correctional technologies;
- review of inmate mortality;
- evaluation and development of health and mental health services;
- design and implementation of training programs for county correction officers; and,
- overseeing secure juvenile centers operated by the Office of Children and Family Services.

The Commission's mission is to provide for a safe, stable and humane correctional system and for the delivery of essential services therein.

The three deliberative members of the Commission are appointed by the Governor to statutory terms with the advice and consent of the New York State Senate. One commissioner serves as chair and chief executive officer. The other two commissioners are assigned to head the Medical Review Board and Citizen's Policy and Complaint Review Council respectively, members of which are also appointed to terms by the Governor.

The Commission is primarily a field services agency with 22 Correctional Facility Specialists in its Field Operations Bureau and Forensic Medical Unit. Legal and support services units complete the agency's staff complement of 35. The present staff represents a reorganized approach to the agency mission associated with a downsizing and streamlining of operations.

In summary, the Commission is a small, specialized criminal justice service agency supporting the statewide correctional community, working on behalf of the Governor to professionalize and enhance the quality of corrections in New York.

## **MEDICAL REVIEW BOARD**

The Medical Review Board (MRB) was established by the Legislature in 1972 to investigate deaths in correctional facilities within the state and to make recommendations for improving the delivery of health care to detainees and sentenced offenders.

Section 46 of the Correction Law provides for an organized Correction Medical Review Board within the State Commission of Correction. The Board must consist of two physicians who are board certified respectively in forensic pathology and forensic psychiatry, another physician, an attorney admitted to the New York Bar, and two at-large members, all appointed by the Governor to statutory terms with advice and consent of the Senate. Section 47 of the Correction Law empowers the Board to:

- “(1.) (a) Investigate and review the cause and circumstances of the death of any inmate of a correctional facility
- and,
- (1.) (e) Investigate and report to the Commission on the condition of systems for the delivery of medical care to inmates of correctional facilities and where appropriate, recommend such changes as it shall deem necessary and proper to improve the quality and availability of such medical care.”

The Commission and the MRB pursue the following objectives:

- ▶ Conduct timely and thorough investigations of all mortality and serious incident cases in the correctional system;
- ▶ Develop and administer cost-effective plans, projects, and programs to address identified problems in the health care delivery of all correctional facilities; and
- ▶ Maintain continuous oversight of correctional health care trends by substantive response to inmate health care grievances and review of Medical Review Board recommendations.

Current members of the Board include: Phyllis Harrison-Ross, M.D. of New York City, Michael Baden, M.D. of New York City, John Rugge, M.D. of Glens Falls (resigned 4/29/09), Robert Muller, Esq. of Queensbury (resigned 12/31/08), David Barry, M.D. of Rochester, and Scott S. Coyne, M.D. of Huntington. The MRB meets on a quarterly basis.

## **CITIZEN'S POLICY AND COMPLAINT REVIEW COUNCIL**

The Council was established by the Legislature to address the need for increased public participation in the oversight and regulation of local correctional facilities. Its mandate includes: improving conditions in local correctional facilities, overseeing the inmate complaint and grievance process, and advising the Commission. The Council is comprised of nine members appointed by the Governor with advice and consent of the Senate. The statute requires that one member shall have been a Vietnam veteran, or a licensed mental health professional with expertise in Post-traumatic Stress Disorder, an attorney, a former inmate of a correctional facility, a former Office of Children and Family Services (OCFS) resident, and a former OCFS employee. Current members include Nicholas Troisi, Nicholas LaBella, Theodore Hilscher, Thomas Cross, Brian Cotter and Douglas Landon. The CPCRC meets on a monthly basis.

***FIELD OPERATIONS MANAGEMENT AND SUPERVISORY STAFF***

JAMES E. LAWRENCE  
Director

DONALD R. NADLER  
Deputy Director

STEVEN SAVOY  
Field Supervisor  
New York Metro Region

TERRENCE MORAN  
Field Supervisor  
Capital West Region

RICHARD KINNEY  
Field Supervisor  
Hudson Lakes Region

PEGGY LOFFREDO  
Field Supervisor  
Forensic Medical Unit

WILLIAM BENJAMIN  
Field Supervisor  
Central Region

ROBERT MASON  
Facilities Planning  
and Improvement

# **FIELD OPERATIONS**

## ***MISSION-DIRECTED PROGRAMS***

- **Monitoring-Facility Evaluations, Incidents, Complaints, Grievances**
  - **Capacity Management**
- **Facilities Development & Operational Transition**
  - **Staffing Services**
    - **Training**
  - **Technical Assistance**
- **Health, Mental Health & Suicide Prevention**
  - **Juvenile Justice**

## BUREAU OF FIELD OPERATIONS

The Bureau of Field Operations is responsible for performance of the Commission's agency functions. Among them are correctional facility evaluations, incident investigations, mortality investigations, health system evaluations, facilities planning and improvement, training, technical assistance, New Institution Transition Assistance Program (NITAP), inmate grievance and complaint review, and other undertakings.

The Bureau of Field Operations operates throughout the entire correctional system of New York State. This system includes all state, county, and New York City correctional facilities, including police department detention facilities. In 2008, the Bureau of Field Operations was organized geographically into four regions: Hudson Lakes, Central, Capital West, and New York Metro.

### *FACILITY EVALUATIONS-MONITORING THE SYSTEM: SITE VISITS, INCIDENTS, COMPLAINTS, GRIEVANCES*

Staff assigned to the field units, located in Albany and New York City offices, conducted on-site visits to various state and local correctional facilities to assess compliance with Commission minimum standards, monitor unusual conditions (disturbances, strikes, staff job actions, unstable conditions, etc.), evaluate the management of correctional facilities, prepare comprehensive reports and provide technical assistance to facility administrators to address areas of concern and/or non-compliance. In the event that problems remain unresolved, the Commission has recourse to the courts.

#### **Site Visits-Minimum Standards Evaluation**

Essential standards monitoring selects a cohort of essential minimum standards for annual compliance evaluation in every jail. Follow-up for compliance problems and technical assistance continues during the year. This assures that every jail will receive an evaluative visit at least annually. Additionally, staff is instructed to informally assess operational competencies, facility atmosphere, cleanliness and orderliness, staff and staff/inmate relations and general conditions of confinement. Problems and complaints are to be elicited from management.

During 2008, every county correctional facility (in all, some 63 upstate and Long Island facilities), in addition to selected New York City facilities and police department detention facilities, was evaluated to assess compliance with minimum standards. Priority was given to the following standards:

- 7002 Admissions
- 7003 Security & Supervision
- 7009 Food Service
- 7013 Classification
- 7015 Sanitation
- 7017 Personnel Standards
- 7022 Reportable Incidents
- 7024 Religion
- 7025 Packages
- 7031 Legal Services
- 7039 Fire Prevention & Safety
- 7040 Maximum Facility Capacity
- 7050 Variances
- 7063 Chemical Agents
- 7026 Printed Material - Publications

Instances of non-compliance were brought to the attention of the facility's chief administrative officer with recommendations for amelioration of problems. Technical assistance was delivered where needed.

The Commission also followed up on open issues from evaluations completed in 2007.

During 2008, the following New York City Department of Correction facilities were evaluated for compliance with minimum standards:

- Anna M. Kross Center
- Eric M. Taylor Center
- George Motchan Detention Center
- George R. Vierno Center
- Otis Bantum Correctional Center/Central Punitive Segregation Unit
- North Infirmery Command
- West Facility
- Manhattan Detention Complex
- Vernon C. Bain Maritime Facility
- Robert N. Davoren Center

New York Metro Region staff also conducted minimum standards evaluations in the Nassau County Correctional Center and the two Suffolk County Correctional facilities located at Riverhead and Yaphank, NY. Metro staff also conducted juvenile justice evaluations in a total of 44 police detention facilities.

## Incidents

In fulfilling its oversight and regulatory responsibilities, the Commission requires that all local correctional facilities report incidents of an unusual nature which endanger inmates or staff, or disrupt facility operations. The Commission received approximately 1,800 reported incidents from the county jail system this past year. Incident reports are received around the clock. Every incident report is screened by a Correctional Facility Specialist, logged, and assigned a file number. The reports are then reviewed daily to determine the necessary level of inquiry or other response.

**Table I** is a summary of incidents received during 2008.

<b>Table I: County Facility Incidents, By Category and Frequency 2008</b>	
<b>CATEGORY</b>	<b># INCIDENTS</b>
Assault	639
Disturbance	561
Maint./Service Disruption	3
Contraband	331
Attempted Suicide	139
Physical Injury	75
Escape	3
Miscellaneous	36
<b>TOTAL</b>	<b>1787</b>

## Complaints

On a daily basis, complaints from inmates, their families, advocates, and other state and local agencies are received by the Commission. During 2008 in excess of 3,800 complaints were received from, or on behalf of, state and county inmates. Beginning in 1984, the Commission developed a procedure for the centralized compilation of inmate complaints from state and local facilities. This procedure breaks down complaints into 23 discrete categories, and allows Correctional Facility Specialists to address specific problems and trends in a systematic fashion.

When complaints are received, they are classified, electronically logged, and screened for grievable issues. Many county complaints are grievable at the facility level, and such complaints are returned to the sender for filing with the facility grievance program. Those retained are referred to a Correctional Facility Specialist for response. Sensitive or seriously problematic complaints are referred directly to the geographic field supervisor for special handling. Health complaints are referred to the Forensic Medical Unit. Files are then followed at thirty day intervals until satisfactory closure is achieved. Electronic query reports of complaints by classification are used for preparation for site visits.

Table II lists complaints for the year 2008.

Table II: Complaints By Facility Type and Complaint Category 2008				
STATE			LOCAL	
CATEGORY	#		CATEGORY	#
Staff Conduct	829		Staff Conduct	205
Medical Services	619		Medical Services	180
Legal Services & Parole	129		Legal Services & Parole	79
Too Vague to Classify	131		Too Vague to Classify	52
Inmate Liaison & Grievance Program	143		Inmate Liaison & Grievance Program	135
Disciplinary Procedure & Special Housing Units	173		Disciplinary Procedure & Special Housing Units	76
Facility Transfer/Classification Designation	134		Facility Transfer/Classification Designation	15
Personal Safety	287		Personal Safety	48
Correspondence and Telephone Calls	74		Correspondence and Telephone Calls	27
Physical Jail Conditions	31		Physical Jail Conditions	0
Property and Package Room	178		Property and Package Room	15
Personal Hygiene, Grooming & Showers	24		Personal Hygiene, Grooming & Showers	13

<b>Table II: Complaints By Facility Type and Complaint Category 2008</b>			
<b>STATE</b>		<b>LOCAL</b>	
Visiting, Family Reunion Program, Family Day Events	28	Visiting, Family Reunion Program, Family Day Events	19
Food Services	24	Food Services	30
Programs and Counseling	130	Programs and Counseling	11
Recreation Activities	13	Recreation Activities	9
Commissary	15	Commissary	25
Security & Supervision	17	Security & Supervision	14
Religion	23	Religion	14
Work Program, Job Assignment & Pay Grade	36	Work Program, Job Assignment & Pay Grade	2
Inmate Housing	32	Inmate Housing	4
Inmate Records	19	Inmate Records	0
Inmate Organizations	0	Misc./Unclassified	34
<b>TOTAL</b>	<b>3089</b>	<b>TOTAL</b>	<b>1007</b>

## Grievances

According to the Commission's Minimum Standards, 9 NYCRR Part 7032, each county correctional facility is required to establish, implement and maintain a formal inmate grievance program. This program allows inmates a process to directly resolve a complaint regarding written or unwritten facility policies, procedures, rules, practices, programs, or the action or inaction of any person within the facility at the facility level. If a grievance is denied at the facility level, inmates have the option to appeal a grievance to the Commission within a specified time frame. Those appeals are forwarded to the Commission for review and disposition by the Citizen's Policy and Complaint Review Council (CPCRC). During 2008, the Commission handled 1742 grievances, which identified 2032 issues (See Table III). Although grievance filings and issues increased 65% and 77% respectively, the acceptance rate remains approximately 6%, approximately in line with prior years.

When grievances are appealed to the Commission, they are screened for proper form, classified, electronically filed, and converted into a working file. The grievances are then sorted by geographic region, and forwarded to a Correctional Facility Specialist. Health care grievances are forwarded to the Forensic Medical Unit. The grievances are then researched for acceptance by the CPCRC by Correctional Facility Specialists, the Deputy Director of Operations, and the Commission's Office of Counsel. Grievances are then placed on the CPCRC agenda for final disposition and written responses are rendered. As with complaints, query reports of grievances by classification are produced in preparation for site visits.

There are 23 discrete classifications for grievances. **Table III** shows grievances for 2008.

<b>Table III: County Facility Grievances, By Category 2008</b>	
<b>CATEGORY</b>	<b># GRIEVANCES</b>
Staff Conduct	509
Medical Services	260
Legal Services	178
Too Vague to Classify	0
Inmate Liaison & Grievance Program	99
Disciplinary Procedure & Special Housing Units	31
Classification Designation	0
Personal Safety	33
Correspondence and Telephone Calls	74
Physical Jail Condition	77
Property and Package Room	89
Personal Hygiene, Grooming & Showers	57
Visiting	30
Food Services	164
Programs and Counseling	81
Recreation Activities	60
Commissary	75
Security & Supervision	63
Religion	55
Work Program	20
Inmate Housing	25
Inmate Records	28
Not Under SCOC Purview	24
<b>TOTAL</b>	<b>2032</b>

### ***CAPACITY MANAGEMENT***

At the end of 2008, there were more than 88,000 persons incarcerated within New York State's prisons and county jails, including the New York City Department of Correction. As a result, inmate capacity management within various facilities can be problematic due to overcrowding. The Commission continually monitors the capacities of these facilities, via a daily electronic population reporting system for county facilities, and via facsimile for New York City and state prisons. The latter is also utilized to monitor the census of all county-sentenced inmates scheduled for transfer to a state facility.

When capacity issues arise, the Commission employs its statutory authority to move prisoners from overpopulated facilities to those with available housing. The Commission's authority to set facility prisoner capacities allows it to evaluate and approve temporary or interim space in crowded local facilities. This authority also authorizes double-bunking and double-celling programs in the Department of Correctional Services (DOCS).

#### **Double-Bunking, Double-Celling, and Special Housing in the New York State Department of Correctional Services-2008**

By the end of 2008, the double-bunks and double-cells among the facilities within DOCS consisted of a total of 337 beds in 8 facilities for double-bunking and 2,517 cells in 17 facilities for double-celling. In addition, the Commission has sanctioned the use of an additional 1,400 cells in total within seven 200-bed housing areas designated as S-Blocks or Special Housing Units, in which each cell is approved to house two individuals. During the 2008 reporting period, Commission staff conducted site visits to all 8 double-bunked facilities. These site visits involved inspecting all double-bunked housing areas and physical plant, equipment, and the services impacted by double-bunking such as medical, dental, food services, visitation, laundry services, programs (academic/vocational) and the overall facility environment. In addition, Commission staff also conducts annual site visits to the 17 facilities which utilize double-cells. In these facilities classified as 'maximum security,' double-celling is the housing of two inmates in a cell which was designed to house one inmate.

#### **Variances**

This aspect of the Capacity Management program primarily grants authority to state and local correctional administrators to safely and securely house inmates in excess of facility capacity. Variance relief also assists jail administrators with problems such as an inability to achieve compliance with certain minimum standards within a certain time frame, or a need to employ alternative methods of compliance not contemplated by Commission Minimum Standards. According to this procedure, facility administrators may apply for Commission approval for a variance from a specific standard. All such applications result in site visits to

evaluate applications. All variances are maintained and tracked by Correctional Facility Specialists assigned to Field Operations.

### **Variations-2008**

During 2008, Commission staff continued to evaluate areas which required variance relief, in addition to preparing written variance recommendations for Commission approval. For the year 2008, there were only two new variance requests for Maximum Facility Capacity (MFC), reflective of highly successful facilities development activity statewide. At year's end, there were 71 variances in effect throughout the state. The majority of variances provided correctional facilities relief with respect to their MFC, allowing them to house inmates in non-designated spaces over their design capacity in response to overcrowding.

### ***FACILITY PLANNING AND IMPROVEMENT***

The basic functions relegated to Facility Planning and Improvement are set forth in two areas of New York State Law. The first is under Correction Law, Section 45(10), which requires that the State Commission of Correction shall "approve or reject plans and specifications for the construction or improvement of correctional facilities." The second is found in County Law, Section 216 which states that "no site or location for any county jail shall be selected or acquired by such board of supervisors which shall not have been approved by the State Commission of Correction." The Commission provides technical planning, capital project development and construction plan review services for development of new correctional facilities. The Commission has viewed redevelopment of an aging and overcrowded local correctional infrastructure as a major priority.

The agency reviews and approves site selection and construction plans, monitors progress, and assists in problem identification and solution. In carrying out these responsibilities, the staff responsibility goes far beyond the simple review of blueprints and plans. Particular attention is directed to building code requirements, operational rules and regulations, and case law affecting conditions of confinement. Additionally, Commission staff provides decision makers with technical assistance to help assure the jurisdiction of satisfactory, safe and secure methods of incarcerating offenders in a cost effective manner.

During 2008, findings and determination reports relative to construction plans and specification were prepared by Commission staff and forwarded with recommended action on 38 projects variously submitted by county correctional facilities, police/court detention units, NYC Department of Correction and Office of Children and Family Services institutions.

Throughout the year, continuous communication was maintained with officials in many

counties regarding the site selection, jail planning, and preparation of design for construction of new facilities within their respective counties.

### **New Institutions Transition Assistance Program (NITAP)**

Through its New Institutions Transition Assistance Program (NITAP), Commission technical assistance teams work closely with localities constructing new correctional facilities or additions to existing facilities. Such assistance includes policy and procedure reviews, staff training, reviews of moving logistics plans, on-site monitoring of inmate transfers and post-transition jail operations. During the new facility transition process, the Commission establishes formal liaisons with county executives and managers, legislative public safety committees, and county sheriffs. The Commission and its staff meet regularly with all involved officials, correctional facility executive teams and facility transition staff to assess transition-related progress to ensure that new institutions are opened and operated in a safe, efficient, and cost-effective manner.

### **2008 NITAP PROJECTS**

- Albany CJ** The county embarked on a jail expansion project which would see the construction of two housing areas (possibly 40 beds each) designated for mental health services. Commission staff met with the facility administration to discuss design schematics and transition-related issues. The Commission subsequently approved the project
- Herkimer CJ** The county continues its efforts in identifying sites for the construction of a new county correctional facility. The Commission provided technical assistance in granting the county a variance to the requirements of Part 7028, Exercise, and approved the construction of a new outdoor exercise area, which replaced an aging rooftop exercise area. The Commission surveyed and approved several prospective construction sites during 2008.
- Livingston CJ** Commission staff worked closely with the county in reviewing schematic plans for a new 113-bed jail expansion project, which also includes a new intake area and kitchen. The design process was completed and the Commission approved pre-cast plans in February 2008 and final plans in June 2008.
- Orleans CJ** The Commission continued to work with the county, as they plan a new 124-bed county correctional facility. Commission staff completed technical assistance reviews of capacity proposals. The Commission surveyed and approved several prospective construction sites for a new

Orleans County Jail.

- Rensselaer CJ** The county constructed a 192-bed jail expansion project which also saw the construction of a new kitchen, central control and program rooms. Commission staff worked closely with the county throughout the building process.
- St. Lawrence CJ** Construction was completed on a new 136-bed county correctional facility. Commission staff worked closely with the county during the planning and design process, attending numerous meetings with and delivering informational presentations to county officials. The Commission monitored and oversaw the opening and occupancy of the new facility and continued through 2008 to monitor new facility operations.
- Suffolk CJ** Construction continues on a 1200-bed jail expansion project. Commission staff has worked closely with the county and facility's administration on construction-related issues and overcrowding relief in the existing facility. The Commission has conducted extended meetings with the Suffolk County Transition Team on staffing, logistics and equipment requirements for the opening of the new facility when complete.
- Sullivan CJ** Sullivan County is in the process of planning for a new county correctional facility. The Commission approved a number of potential sites for the facility and the county continues work on determining a total capacity for the facility.

***STAFFING SERVICES***

Commission Minimum Standards, 9 NYCRR Part 7041, Staffing Requirements, provides that the Commission shall determine the minimum number of staff necessary to operate each correctional facility in New York. Upstate county jails and New York City correctional facilities are unique institutions with wide variation in size, age, and configuration. Each must be staffed at a cost-effective level which provides for adequate levels of inmate supervision and for staff and public safety. The Commission provides the correctional staffing services for all county correctional facilities and more recently, for the City of New York. Commission staffing specialists travel to facilities upon local government request, and to all newly constructed facilities. The staffing assessment is based on specific correctional functions, physical plant configuration, inmate population trends, and other factors unique to a particular correctional facility. Detailed guidelines direct staff in developing a facility staffing plan. A proposed minimum institutional position and staffing analysis is prepared, then negotiated to consensus

with county legislative officials, the county executive and the sheriff. The Commission affords timely security staffing expertise not available in localities, eases the local criminal justice budget process and promotes local government confidence in the safety of widely disparate facilities.

During the 2008 reporting period, 11 staffing analyses were conducted by Field Operations staff:

- Wyoming County Jail
- Rensselaer County Jail
- St. Lawrence County Jail
- Niagara County Jail
- Rockland County Jail
- Schenectady County Jail
- Westchester County Pen
- Westchester County Jail
- Chemung County Jail
- Oswego County Jail
- Oneida County Jail

### ***TRAINING***

The Commission is the statewide training authority for county and New York City corrections. Standardized training of correction officers is essential for the safe operation of correctional institutions. In order to augment its small staff of training consultants, the Commission has developed a field training network comprised of Commission-certified trainers in various county correction facilities throughout New York State.

#### **Training Development**

**Defensive Tactics:** The Commission facilitated six focus group meetings throughout the state in an effort to revise the *Defensive Tactics* portion of the Basic Course for Correction Officers.

In 2008 Commission staff also provided the following training-related sequences:

Basic Course for Correction Officers	A total of 55 courses were completed in 2008. Commission staff reviewed and approved all course curricula and graded all final exams.
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Office of Fire Prevention and Control	SCOC training staff worked closely with the State Office of Fire Prevention and Control in arranging for the development of a training course for county jails that meet the requirements of 9 NYCRR, <u>Fire Prevention and Safety</u> .
SCOC Grievance Procedures	A total of two Grievance Procedure training sessions were delivered by SCOC staff throughout the state.
SCOC Police Lock-Up Training	A total of one Police Lock-Up course was delivered in 2008.
SCOC Facilitation Course	A total of three Facilitation courses were delivered in 2008. Completion of this course certifies instructors to teach certain specialized modules of the Basic Course for Correction Officers.
SCOC Instructor Development Course	Two IDC courses were completed in 2008. SCOC staff arranged county instructors to reach Master Instructor Status during this course.
SCOC Legal Issues TTT Course	One Legal Issues TTT course was delivered in 2008.
SCOC Effective Communication TTT	Two Effective Communication TTT's were delivered in 2008.
Sexual Harassment TTT	The Commission delivered one training session.
Sexual Misconduct TTT	The Commission delivered two training sessions.
Personal Awareness TTT	The Commission delivered one training session.
Suicide Prevention TTT	<ul style="list-style-type: none"> <li>- Westchester County 2/25/08- 2/29/08</li> <li>- Batavia 4/21/08- 4/25/08</li> <li>- Schenectady 12/9/08-12/13/08</li> </ul>
Suicide Prevention Training (Direct)	<ul style="list-style-type: none"> <li>- Newburgh PD 3/26/08</li> <li>- Albany PD 4/28/08</li> </ul>

Commission staff also attended training made available to them through the Commission itself, or by other criminal justice agencies. Commission staff are also able to participate in courses offered by the National Institute of Corrections (a program administered by the United States Department of Justice), and training offered by both the National Commission on Correctional Health Care and the Office of Juvenile Justice and Delinquency Prevention

### *TECHNICAL ASSISTANCE*

During the course of field evaluations, Commission staff frequently renders technical assistance to facility administrators in order to resolve any number of problems. Generally, the assistance involves policy and procedures review, standards interpretation, referrals to other agencies, training issues, development of operational procedures, modifications or improvements to physical plant and implementation strategies. Staff record significant technical assistance contacts so that the data can be used to identify future projects.

During 2008, five facilities/departments received technical assistance from Commission staff:

- Suffolk County Jail (five site visits)
- Erie County Holding Center
- Dept. of Correctional Services – Maximum Facility Capacity Adjustment Project
- NYC Department of Correction – PepperBall Project
- Oneida County Jail
- Wyoming County Jail

### *INFORMATION MANAGEMENT*

The Commission is the only central repository for local correctional information in New York State. The Commission provides electronic and retrospective management information to assist local correctional administrators. The Jails Daily Population Reporting System reports inmate population counts in all local facilities each day through the *eJustice* portal. The Commission also tracks New York City population levels, parole violators and "state-ready" inmates in jails. The Sheriffs' Annual Report provides comprehensive data to sheriffs on admissions, discharges and inmate characteristics on an annual basis. The agency stores, updates and retrieves automated information on the training status of every county correction officer.

*JUVENILE JUSTICE*

In 2008 Counsel's Office published the Commission's Administrative and Training Manual for the New York State Juvenile Monitoring Project.

The Commission surveyed local police departments as part of the on-going effort to accurately register all operating police lockups subject to monitoring under this project. Commission staff provided technical assistance to numerous police departments across New York State on issues related to the custody of juveniles.

In 2008 the Commission embarked on a major collaboration with the State of New York Police Juvenile Officer's Association for the purpose of delivering training to local police officers regarding the proper handling and processing of juvenile detainees. This joint training effort delivered 17 day-long field trainings, reaching more than 1,000 police officers, representing more than 140 police agencies.

*CHAIRMAN'S MEMORANDA*

The Commission is a key player in the delivery of salient correctional management information and education to county correctional facilities. The Chairman's Memorandum, a bulletin that is sent to all county sheriffs and administrators of correctional facilities and police departments, is an efficient vehicle for the delivery of such information. Some of the topics covered during 2008 included:

- Commission Standards Update
- Foreign State Commitments
- Reproductive Services for Women in Jail
- Use of Electronic Kiosks to Accept Inmate Account Deposits
- Health Advisory: Court Ordered HIV Testing of Defendants
- Chemical Agents
- Reissuance of Chairman's Memorandum No. 6-2007: Possession of medication by Inmates
- Appointment of Chairman Thomas A. Beilein
- Need for Family, Friends and Inmates to Report Knowledge of Inmates Threatening Self-Harm or Suicide

*SPECIAL INVESTIGATIONS*

At times, it becomes necessary for field staff to conduct investigations of incidents, complaints and other matters requiring intensive scrutiny. The following is a summary of

noteworthy special investigations conducted during the year 2008:

- Wyoming CJ: Allegations of assault by inmates while a Wyoming CJ inmate was held at the Erie County Holding Center
- Schenectady CJ: Continued working on an investigation surrounding inmate/inmate assault.
- Jefferson CJ: Allegations of assault by staff
- Tioga CJ: Allegations of excessive use of force
- Broome CJ: Alleged maltreatment by staff
- Oneida CJ: Alleged assault by staff/harassment
- Westchester CJ: Grievance Program
- Cayuga CF: Alleged harassment by staff
- Gouverneur CF: Alleged assault by staff
- (2) Clinton CF: Alleged assault by staff
- (2) Gouverneur CF: Alleged harassment by staff

### **FORENSIC MEDICAL UNIT**

The Forensic Medical Unit is a Field Operations unit within the State Commission of Correction. It is intended to fulfill the health care oversight mandate of the Correction Law, Article 3 by providing the SCOC and its Medical Review Board (MRB) with staff expertise in the investigation of inmate mortality, in evaluation of State and local correctional facility health care delivery, and in technical assistance to State and local correctional facilities for the improvement of health care delivery. Technical assistance is regularly provided in development of HIV precautions, tuberculosis control, occupational health and safety, health care staffing, health facility designs and handling of pharmaceuticals, among others. Each year, approximately half of New York's jails are visited by trained health care system evaluators. Health care delivery systems are evaluated in each facility, recommendations are made and technical assistance is rendered. The Forensic Medical Unit also presents its cases to the MRB, investigates medical grievances and complaints, and conducts various special investigations as directed by the Commission. This includes the following activities:

- Field mortality investigation;
- Health services evaluation;
- Standards development and compliance;
- Resolution of complaints and grievances;
- Collection and interpretation of data and statistics;
- Development and administration of technical assistance programs, and;
- Policy formulation and advice.

The Forensic Medical Unit also provides technical assistance in development of blood borne infectious disease precautions.

### *HEALTH SERVICES EVALUATION*

Technical assistance in the form of health services evaluations is usually requested from a county correctional facility, and can also be provided subsequent to repeated problems stemming from inadequate health care delivery. During 2008, the following facilities were evaluated for health services and/or offered technical assistance in the health care arena:

#### Health Services - Confinement Conditions Monitoring:

Nassau CJ: D2D (medical tier)  
 Nassau CJ: Weekly BHU Medical  
 Suffolk CJ: Weekly BHU Medical  
 Rensselaer CJ: Staffing (Health Care)

#### Medical/Mental Health Evaluations, Technical Assistance (TA), New Facility Operational Transition

- Tompkins CJ, TA, Medication Variance
- Orleans CJ, Health Services Evaluation
- Yates County, TA
- Genesee County, TA
- Clinton CJ, Medical Officer Post, TA
- Monroe County, TA
- Seneca CCF, Transition, TA
- St. Lawrence CCF, Transition
- AMKC, Transition (New Health Services Clinic)
- Albany CCF, Transition (BHU)
- Essex CJ, Transition
- Suffolk CCF, Transition
- Herkimer CJ, TA
- Ulster CCF, TA
- Nassau CCF Locked Unit at Nassau Medical Center, Liaison Svcs., Training.
- ECHC, Health Services Evaluation, TA
- Erie County Pen, Health Services Evaluation, TA
- Wyoming CJ, Health Services Evaluation, TA
- Orange CCF, TA
- Lewis CJ, TA

- Warren/Washington CJs, Mental Health TA
- Chautauqua CJ, TA

### ***MENTAL HEALTH AND SUICIDE PREVENTION***

During the 1970's and early 1980's, suicide was the leading cause of death in county jails and preventable suicide emerged as a major source of successful litigation against local government. The Commission, in conjunction with the NYS Office of Mental Health (OMH), researched, developed and obtained federal financing for a state-of-the-art suicide prevention program which has yielded a sustained annual reduction in suicide of more than 70%, despite extraordinary increases in local inmate populations. This program is wholly financed with federal dollars, is nationally recognized and won a statewide productivity award in 1988. The Commission and OMH deliver suicide prevention training to all incoming correction officers, either directly, or by offering training to established correctional staff, who in turn, train their own incoming correction officers. The training conducted for incoming correction officers is an intensive eight hour module.

During 2008, **three** regional Train-the-Trainer Programs were conducted. The training was provided at Westchester, Monroe and Ulster Counties. Approximately 90 people from county jails, police departments and mental health agencies attended the programs. Two Suicide Prevention programs were also conducted at the Orange County Sheriff's Department Lock Up and Newburgh Police Department.

### ***INMATE MORTALITY DURING 2008***

The following table lists the numbers and causes of death for inmates in all correctional facilities in New York State during the year 2008. The Commission receives notice of each of these deaths within 6 hours of occurrence. Each case is separately investigated by the Commission's Forensic Medical Unit. Problematic cases are investigated in the field, carefully documented, presented to the Medical Review Board and published. In 2008, the Board and Commission published **39** problematic cases in which recommendations to prevent similar recurrence and to improve medical and mental health care were made to correctional facility administrators.

**TABLE IV****INMATE DEATHS IN STATE AND LOCAL CORRECTIONAL FACILITIES, 2008**

	SUICIDE	AIDS	NATURAL	HOMICIDE	OTH/UNK	TOTAL
DOCS	10	8	108	1	7	134
COUNTY JAILS	4	0	6	1	0	11
NYCDOC	1	2	15	1	3	22
POLICE DEPT. LOCKUPS	2	0	0	0	0	2
NYCPD PRECINCTS	2	0	0	0	1	3
TOTAL	19	10	129	3	11	172

**COUNSEL'S OFFICE**

The Office of Counsel is responsible for the interpretation and analysis of all legal issues related to the work of the Commission. Part of this function includes the coordination of the Commission's legislative program, including the submission and review of legislation affecting the correctional and criminal justice system in New York State. Working with administrators, the Commission has successfully pursued legislation to reduce the number of mandated classification categories in local correctional facilities, to assist in the treatment of mentally ill inmates in local correctional facilities, to facilitate the rapid and accurate transfer of vital medical information between facilities and to add a former correction officer to the membership of the Citizen's Policy and Complaint Review Council. In addition, agency attorneys represent the Commission in litigation related to conditions of confinement such as overcrowding, civil rights, and medical care.

Counsel also acts in an enforcement capacity in regard to facility compliance with minimum standards.

In addition to all the above listed functions, Counsel's Office has developed a technical assistance approach to correctional jurisdictions by providing legal opinions to sheriffs and jail administrators.

***REGULATORY REFORM***

Where rule making is necessitated by emergent and compelling issues, the Commission has engaged in a "negotiated rule making" procedure with the three primary parties it oversees, the State Department of Correctional Services, the Office of Children and Family Services, and county jails. This procedure has resulted in the promulgation of rules, in accordance with the Commission's enabling legislation, that codify legal requirements and generally accepted correctional practices

In 2008, the Commission, pursuant to State Administrative Procedure Act §207, carried out the required regulatory review of all rules adopted in the calendar years 1998 and 2003. After publishing notice and an invitation for public comment, said rules were continued without amendment. Additionally, Counsel's Office continues to lead the Commission's effort in developing minimum standards for the operation of OCFS secure facilities, with the goal to begin the promulgation process in early 2009.

***LEGISLATION SUMMARY***

The following legislative proposals were made to the Governor's Counsel's Office for the 2008-2009 session:

- 1.) Amending Mental Hygiene Law §33.13(c)(5) to allow the Medical Review Board of the State Commission of Correction to obtain the clinical records of living mental health patients that are inmates of a correctional facility.
- 2.) Enacting a new Correction Law §505 and Penal Law §70.20(2) to provide a mechanism for providing consent for inmates less than 18 years old committed to the custody of sheriffs and other persons in charge of local correctional facilities for routine medical, dental and mental health services and treatment.
- 3.) Amending Correction Law §508 to permit civil and pretrial inmates to receive medical diagnosis and treatment in outside hospitals without a court order.
- 4.) Amending the Correction Law, in relation to excluding certain investigative materials from disclosure under the Public Officers Law.
- 5.) Amending section 500-b of the Correction Law to allow local correctional facilities more flexibility in co-mingling minors and adults in the event of an overcrowding emergency.

6.) Amending section 500-a of the Correction Law to allow county jails to use space in the jail for obtaining electronic identification of non-arraigned prisoners.

### *LITIGATION*

In the course of the year, nine (9) new cases were opened, two (2) were closed, and forty one (41) were pending as of the end of 2008.

### *LEGAL OPINIONS*

In 2008, Counsel's Office rendered 145 legal opinions by telephone and 24 legal opinions in writing.

### *TRAINING*

On October 7 and 8, 2008, Counsel's Office conducted a Legal Issues "Train the Trainer Course" for correctional facility staff from various county sheriff departments. The seminar was held in Ontario County, New York.

### *JUVENILE JUSTICE*

In 2008, Counsel's Office continued to conduct legal research and gather other information for the Commission's Administrative and Training Manual for the New York State Juvenile Monitoring Project. Counsel's Office assisted Commission staff in the development and delivery of training to assist local correctional facilities in the handling and processing of juvenile detainees. Further, Counsel's Office participated in the statewide audit conducted by the Office of Juvenile Justice and Delinquency Prevention from October 20-24, 2008.

### *STANDARDS DEVELOPMENT FOR JUVENILE SECURE FACILITIES*

In 1994, the Commission was charged by the New York State Legislature with responsibility to evaluate the management and operations of secure facilities operated by the then NYS Division for Youth, now the Office of Children and Family Services (OCFS). The evaluation was completed and the Commission's report was published in January of 1995. The

report was well received throughout State government, and serves as a resource that assists the Governor and the Legislature in planning new juvenile justice initiatives. The Commission's Juvenile Detention Program visits all New York State adult jails and lockups bi-annually to assist them in compliance with federal requirements for juvenile detention in adult facilities. The Commission also monitors longer term juvenile offender placements in adult facilities on behalf of the Office of Children and Family Services.

In 1996, the Governor recommended, and the Legislature enacted, amendments to the New York State Correction Law, bringing secure facilities operated by the OCFS under the oversight mandate of the Commission. All aspects of the Commission's authority now apply to these facilities, their staffs and their residents. The Commission is also charged with promulgation of rules and regulations establishing minimum standards for the care, custody and treatment of residents of secure centers operated by the OCFS

In 2008, the Standards Development Unit completed its work in development of rules and regulations establishing comprehensive standards for the Office of Children and Family Services' (OCFS) Secure Centers. Part 7400, 9 NYCRR of the State Commission of Correction's Minimum Standards has become the section under which enacted regulations will fall. Promulgation activities will be completed by the Commission's Office of Counsel in 2009.

### ***MISCELLANEOUS***

In 2008, the Office of Counsel participated in the drafting of two Chairman's Memoranda, relative to the care of pregnant inmates and newborn children, and the possession of medication by inmates.

## *EPILOGUE*

The Commission continues to strive toward its mission-directed goals. The facility evaluation cycle for 2008 is on track, and the next evaluation cycle is slated to begin in early 2009. The Commission will persevere in its role in fulfilling New York State's public protection mandate.