

REPORT OF THE CHAIRMAN
OF THE SENATE STANDING COMMITTEE
ON CRIME AND CORRECTION

New York — HISTORY, FINDINGS & RECOMMENDATIONS REGARDING
THE STATE COMMISSION OF CORRECTION
FOLLOWING INVESTIGATION AND PUBLIC HEARINGS,
-ON APRIL 21 AND APRIL 28, 1975 -

27776

COMMISSIONER
RALPH J. MARINO
STATE OF NEW YORK

H I S T O R Y
and
S T R U C T U R E
of the
S T A T E C O M M I S S I O N O F C O R R E C T I O N

The Select Committee on Correctional Institutions and Programs¹ in its final monitoring report, recommended that this Committee continue the work of the Select Committee in monitoring the success of the recommendations of the Committee concerning both the Commission of Correction and the Department of Correctional Services. This recommendation is in conformity with this Committee's traditional role providing an on-going oversight into the operation of the correctional facilities in the state.

Pursuant to the traditional review function and the Select Committee's mandate the Senate Committee on Crime and Correction has undertaken to review the operation of the New York State Commission of Correction during the approximately 18 month period since it was reformulated pursuant to Chapter 398 of the Laws of 1973. This review commenced in November, 1974 with visits by the staff of the Committee to the Commission's offices, extensive interviews with Commission personnel, reviews of official reports by the Committee staff and recommendations of the Commission.² At that time it was anticipated that the review would be aimed at enabling the present Commission to more effectively fulfill its obligations by providing it with additional powers and duties. As the staff review progressed it became obvious that the Commission was not fulfilling its legislative mandate and significant changes in the Commission's basic structure were required.

In an effort to ascertain the extent of the Commission's activities, hearings were scheduled and the Commission was called upon to provide extensive documentation concerning its activities. This documentation was reviewed by the staff of this Committee. This documentation and the hearings held by the Committee on April 21, 1975 and April 28, 1975 together with extensive interviews with many Commission employees, former employees and the staff of various local correctional facilities, provided the basis for this report.

¹ Commonly known as the Jones Committee or Bartlett Committee. Until he was elected to the New York State Court of Appeals, the Committee was chaired by The Honorable Hugh Jones, then President of the New York State Bar Association.

² Traditionally, the staff of the Committee has reviewed reports of the Commission staff. A file of such inspection reports is available in the Committee offices.

HISTORY OF THE COMMISSION

The Commission of Correction is constitutionally formed pursuant to Article 17, Section 5 of the New York State Constitution which provides:

"There shall be a State Commission of Correction, which shall visit and inspect or cause to be visited and inspected by members of the staff, all institutions used for the detention of sane adults charged with or convicted of a crime."

This provision in the New York State Constitution derives from a provision contained in the 1846 Constitution which provided for state prison inspectors. Prior to the most recent amendment approved by the voters in November 1973, the Constitution provided that the Commissioner of Correction (later designated as the Commissioner of Correctional Services) would be designated as the Chairman of the Commission. The 1973 amendment to the Constitution was intended to insure that the Commission of Correction would operate independently of the Department of Correctional Services. This amendment to the Constitution arose out of the recommendations of the Select Committee on Correctional Institutions and Programs, Report No. 2, March 15, 1972 which recommended:

"The State Constitution should be amended so as to describe the State Commission of Correction and its powers and duties. This amendment shall constitute a brief description in broad terms and should not include the present requirement that the Commissioner of Correctional Services be Chairman of the Commission."

This recommendation was implemented by the 1972 and 1973 sessions of the Legislature and submitted to the people at the general election in November 1973.

In further compliance with the recommendations of the Select Committee, legislation was introduced during the 1973 session to restructure the Commission of Correction as a separate entity within the Executive Department. Previously the Commission had operated within the Department of Correctional Services (formerly known as the Department of Correction). This legislation initially proposed by Governor Nelson Rockefeller as Program Bill No. 36 was introduced as Senate 4051.³ The stated purpose of the measure was:

"To transfer the State Commission of Correction from the Department of Correctional Services to the Executive Department, reshape its administrative structure and to expand its powers,"

The bill provided that the Chairman of the Commission would continue to be the Commissioner of Correctional Services until such time as the constitutional amendment, which was to be submitted to the people for their approval that year, was approved. The office of the secretary of the Commission which previously existed was abolished and replaced by an administrator. Although as initially proposed, the administrator was to be appointed by the Governor, it was ultimately determined that the administrator was to be appointed by the Commission to insure that he would operate independently of the Executive. During the period of public debate which preceded the passage of Chapter 398 of the Laws of 1973 the then members of the Commission submitted a memorandum to the Senate Committee on Crime and Correction specifically urging that they be allowed to appoint the administrator citing the need for independence from the Executive Branch of government.

We point out that in the proposed Section 46 of the suggested legislation (page 5 of the draft circulated by the Governor's Office) it is provided that the Governor appoint an administrator who shall be the executive officer of the Commission, et cetera. While we have every confidence that the present Governor would appoint a very qualified individual

³ Senate 4051, 1973 legislative session, introduced by Senator Ralph J. Marino

to that post, we recognize that through appointments by the Governor the administrator might be changed rather regularly and could in the future be some less than a fully qualified person. We point out that under Section 16 (3) of the Correction Law the Commission appoints a Secretary who will be in the competitive class of the Civil Service and the Secretary shall, with the approval of the Commission, prescribe the duties of other subordinates and employees, et cetera. In our experience - and a majority of us have been on the Commission for a number of years - this provision has worked out very satisfactorily. The present Secretary has served in other posts with the Commission and prior to that in the correctional system of the state. He is extremely well qualified. We feel that it would be preferable to assure that the overall administrative work of the Commission had continuity and was carried on by a person thoroughly familiar with the general operation of lockups, city jails, county jails and other similar institutions throughout the State. We think that the appointment of someone from the Civil Service list has worked out well in the past and we have very sincere reservations about a change in that. The work of the Commission encompasses facilities of all kinds over all the state and its administrative head should have a very considerable amount of experience acquired over a period of years and should have the ability to advise the members of the Commission and carry out their instructions in all sorts of situations. Under all these circumstances we would urge that the proposed Section 46 of the suggested Act be reconsidered to take in the provisions now set forth in Section 16 (2).

The then existing functions, powers and duties of the Commission were substantially continued, principally including their power to visit and inspect correctional facilities.⁴ Additional responsibilities and duties were granted to the Commission including:

-- to advise and assist the Governor in developing policies, plans and programs for improving the coordination, administration and effectiveness of correctional facilities;

⁴The Select Committee recommended that the Commission of Correction be granted the following powers and duties:

"The visit and inspect all State and local correctional institutions and to examine into their programs."

(Select Committee on Correctional Institutions and Programs, Report Number 2, March 15, 1972)

- to make recommendations to administrators of correctional facilities for improving their administration, programs and effectiveness;
- to undertake research, studies and analyses with respect to correctional facilities; and
- to establish grievance machinery to hear complaints of inmates.

The Correction Medical Review Board which was established by the Legislature in 1972 was continued.

In signing Chapter 398 of the Laws of 1973 on June 6, 1973, Governor Rockefeller said:

"Irrespective of the efficiency and humane intentions of governmental administrators, a strong independent Commission with the specific function of visitation and inspection of correctional institutions provides a strong safeguard of public interest.

"This bill is designed ... to promote the independence of the State Commission of Correction from the State Department of Correctional Services, which is one of the agencies the Commission is constitutionally required to visit and inspect."

Within the last five years there has been a tremendous expansion of the Commission's activities. Most notable among these expansions is the implementation of legislation adopted by the Legislature in 1970 which provides for establishing a training program for personnel of local correctional facilities. This legislation which was effective July 1, 1971 was not implemented with budget support until 1972 when \$8,000 of a special \$12,000,000 correction package was approved. The fiscal committees of the Legislature disapproved similar requests for funding for the training program in 1972 for the 1972-1973 fiscal years.

In 1972 the Commission began efforts to develop the training program. Significant funding for the training program was not forthcoming until the approval of a federally funded grant pursuant to the Safe Streets Act funded through the Law Enforcement Assistance Administration and the State Crime Control Planning Board in the amount of \$276,307 effective January 1, 1973.

The Commission also established a Treatment and Rehabilitation Unit to evaluate programs in local correctional institutions. The Select Committee Report No. 4 reported that the unit consisted of one professional correction specialist who began work in January 1973. It is unclear whether the unit is still in operation.

The principal functions of the Commission have traditionally been the inspection unit and the plans and construction unit.

Commission Responsibilities:

Essentially, the Commission fulfills the mandate of the National Advisory Commission on Criminal Justice Standards and Goals that there be a state agency to formulate state standards for correctional facilities and operational procedures and state inspection to insure compliance.

Specifically, Standard 9.3 of the goals provides:

"State legislatures should immediately authorize the formulation of State standards for correctional facilities and operational procedures and State inspection to insure compliance, including such features as:

1. Access of inspectors to a facility and the persons therein.
2. Inspection of:
 - a. Administrative area, including record-keeping procedures.
 - b. Health and medical services.
 - c. Offenders' leisure activities.
 - d. Offenders' employment.
 - e. Offenders' education and work programs.
 - f. Offenders' housing.
 - g. Offenders' recreation programs.
 - h. Food service.
 - i. Observation of rights of offenders.
3. Every detention facility for adults or juveniles should have provisions for an outside, objective evaluation at least once a year. Contractual arrangements can be made with competent evaluators.
4. If the evaluation finds the facility's programs do not meet prescribed standards, State authorities should be informed in writing of the existing conditions and deficiencies. The State authorities should

be empowered to make an inspection to ascertain the facts about the existing condition of the facility.

5. The State agency should have authority to require those in charge of the facility to take necessary measures to bring the facility up to standards.

6. In the event that the facility's staff fails to implement the necessary changes within a reasonable time, the State agency should have authority to condemn the facility.

7. Once a facility is condemned, it should be unlawful to commit or confine any persons to it. Prisoners should be relocated to facilities that meet established standards until a new or renovated facility is available. Provisions should be made for distribution of offenders and payment of expenses for relocated prisoners by the detaining jurisdiction."⁵

Section 48 of the Correction Law outlines the Commission's functions, powers and duties:

"The Commission shall have the following functions, powers and duties:

1. Advise and assist the governor in developing policies, plans and programs for improving the administration, programs, effectiveness and coordination of correctional facilities.

2. Make recommendations to administrators of correctional facilities for improving the administration, programs, effectiveness and coordination of correctional facilities.

3. Visit, inspect and appraise the management of correctional facilities with specific attention to matters such as safety, security, health of inmates, sanitary conditions, rehabilitative programs, disturbance and fire prevention and control preparedness, and adherence to laws and regulations governing the rights of inmates.

4. Establish procedures to assure effective investigation of grievances of, and conditions affecting, inmates of local correctional facilities. Such procedures shall include but not be limited to receipt of written complaints, interviews of persons, and on-site monitoring of conditions.

5. Ascertain and recommend such system of employing inmates of local correctional facilities as may, in the opinion of said commission, be for the best interest of the public and of said inmates and not in conflict with the provisions of the constitution or laws of the state relating to the employment of inmates.

⁵ National Advisory Commission on Criminal Justice Standards and Goals
Corrections Standard 9.3. Page 294. (1974)

6. Promulgate rules and regulations establishing minimum standards for the care, custody, correction, treatment, supervision, discipline, and other correctional programs for all persons confined in local correctional facilities.

7. Close any local correctional facility which is unsafe, insanitary or inadequate to provide for the separation and classification of prisoners required by law or which has not adhered to or complied with the rules or regulations promulgated with respect to any such facility by the commission pursuant to the provisions of subdivision six; provided, however, that before such facility may be closed, the commission shall cause a citation to be mailed to the appropriate municipal official at least twenty days before the return day thereof directing the authorities of the municipality designated to appear before such commission at the time and place set forth in the citation, and show cause why such local correctional facility should not be closed. After a hearing thereon or upon the failure to appear, such commission is empowered to order such facility designated in the citation closed within ninety days, during which time the municipality may review such order in the manner provided in article seventy-eight of the civil practice law and rules, in the supreme court. Ninety days after the order to close has been served by a registered letter upon the appropriate municipal official if no court review has been taken, and ninety days after the order of such commission has been confirmed by the court, in case of court review, such facility designated in the order shall be closed, and it shall be unlawful to confine or detain any person therein and any officer confining or detaining any person therein shall be guilty of a class A misdemeanor.

8. For the purpose of providing for adequate care, custody, correction, treatment, supervision, discipline and other correctional programs for all persons confined in local correctional facilities, the commission shall establish, maintain and operate a basic correctional training program for such personnel employed by local correctional facilities as the commission shall deem necessary. Such program shall be completed by such personnel prior to their undertaking their duties or within one year following the date of their appointment; provided, however, the commission may exempt from such requirement (i) personnel employed by any local correctional facility which, in the opinion of the commission, maintains and operates a basic correctional training program of a standard equal to or higher than that established, maintained and operated by the commission, and (ii) such personnel employed by any local correctional institution as of the effective date of this section who, in the opinion of the commission, possess sufficient qualifications for the care, custody, correction, treatment, supervision and discipline of persons confined in local correctional facilities. The cost of such program shall be borne by the commission within the amount available therefor by appropriation; provided, however, that the salary and actual expenses of personnel engaged in such program shall be borne by the local correctional facility employing them.

9. Approve or reject plans and specifications for the construction or improvement of local correctional facilities.

10. Collect and disseminate statistical and other information and undertake research, studies and analyses, through the personnel of the commission or in cooperation with any public or private agency in respect to the administration, programs, effectiveness and coordination of correctional facilities.

11. Make an annual report to the governor and legislature concerning its work and the work of the board during the preceding year, and such further interim reports to the governor, or to the governor and legislature, as it shall deem advisable, or as shall be required by the governor.

12. Accept, with the approval of the governor, as agent of the state any grant, including federal grants, or any gift for any of the purposes of this article. Any moneys so received may be expended by the commission to effectuate any purpose of this article, subject to the same limitations as to approval of expenditures and audit as are prescribed for state moneys appropriated for the purposes of this article.

13. Enter into contracts with any person, firm, corporation, municipality, or governmental agency.

14. Adopt, amend or rescind such rules and regulations as may be necessary or convenient to the performance of the functions, powers and duties of the commission.

15. Do all other things necessary or convenient to carry out its functions, powers and duties expressly set forth in this article."

Under Section 50 the Commission has the additional powers allowing it to bring an action in Supreme Court to enforce its rules and regulations, issuing subpoenas, and inspecting correctional institutions at any time.

The powers contained in Section 48 represent a substantial increase in the powers of the Commission over those contained in the old Section 46 of the Correction Law. Under the old law the powers of the Commission included:

- aid in securing the just humane and economic administration of all institutions subject to its supervision;
- advise the officers of such institutions in control thereof in the performance of their official duties;
- aid in securing the erection of suitable buildings...and approve or reject plans and specifications for their construction or improvement;
- investigate the management of all institutions made subject to the visitation of the Commission and the conduct or efficiencies of the officers or persons charged with their operation;
- secure the best sanitary conditions;
- collect statistical information;
- ascertain and recommend such system of employing inmates of other than state correction institutions as may in the opinion of the Commission be in the best interest of the public;
- promulgate rules and regulations establishing minimum standards for the care, custody, correction, treatment, supervising discipline and other correctional programs for all persons confined in local correctional institutions;

- issue certificates of certification to reformatories;
- close any county jail.

Role of the Commissioners

Essentially, the Commissioners see their role as supervisory. The Commission meets once per month with the Administrator and a secretary who takes notes.

On several occasions the Commission met with the appropriate officials of counties which have provided particular problems (Ulster, Dutchess, and Herkimer) in an effort to find an appropriate resolution to the problems confronting these institutions.

In a statement submitted to the Committee and in testimony before the Committee, Chairman Berkowitz indicated that he did not have time as a part-time Commissioner to devote in excess of one or two days a month to the work of the Commission.

Organization of the Commission Staff

The activities of the Commission are divided into four main areas or bureaus:

- administrative
- Bureau of Correctional Facilities Review
- Bureau of Correctional Facilities Improvement
- Medical Review Board

Administrative:

The administrative responsibility for the operation of the Commission is delegated by statute to the administrator, who is appointed by the Commission. He serves as the executive officer of both the Commission and the Medical Review Board. The assistant administrator serves as the head of the administrative services groups which includes the administrative support and research analysis units.

The Research and Analysis Unit consists of a Senior Research analyst and a senior administrative analyst. The senior research analyst is responsible for research relative to the minimum standards, grants and carries out the mandated responsibilities to collect and disseminate statistical information and undertake research studies.

Bureau of Correctional Facility Review

This Bureau represents the bulk of the efforts of the Commission. 14 members of the Commission staff are assigned to this function. Essentially its function is to inspect correctional facilities in accordance with Section 48 of the Act. In addition, this Bureau is responsible for following up reports of unusual incidents received from the correctional facilities subject to the jurisdiction of the Commission as well as investigating grievances submitted by inmates and others and serves as the investigative arm of the correction Medical Review Board.⁶

The Bureau of Correctional Facility Review is headed by the Assistant Secretary⁷ who is responsible for supervision of the activities of the Bureau including coordinating and scheduling the work load of four organizational units:

⁶ Material submitted to the Committee by the Commission describes the Bureau's function as follows: The Bureau of Correctional Facility Review performs the basic data gathering and evaluation tasks required to keep the agency abreast of the status of the administration of correctional facilities. Their reports provide the Administrator with the requisite information with which they recommend what course of action should be taken with the individual correctional facility. The reports also provide input to the Research and Analysis Unit for the analysis of system-wide implications for further study and/or policy setting by the Commission of Correction. Similarly, investigation of deaths provide specific information on a case-by-case basis for the Medical Review Board and for further analysis for system-wide implications for more comprehensive action by the Administrator and the Commission of Correction.

⁷ Apparently, the title Assistant Secretary is a carryover from the pre-1973 Commission. By Chapter 398 of the Laws of 1973, the title of the Secretary was changed to that of Administrator. The Secretary's title was never changed. The staff has recommended that the title be changed to Principal Correctional Facility Review Specialist.

- Architectural Review and Special Programs;
- Municipal and County Correctional Facility Review Unit;
- the New York City and State Correctional Facility Review Unit;
- the Special Investigations Unit.

The Assistant Secretary is assisted by the Penal Institution's Correction Specialist.

Bureau of Correctional Facility Improvement

The Bureau of Correctional Facility Improvement carries out the Commission's mandate to provide training for local correctional officials.⁸ This Bureau is supervised by the Commission of Correction's training supervisor who provides overall guidance and direction of the Correctional Facility Improvement Unit. In addition the supervisor teaches courses in the basic and management programs.

The staff of the Bureau of Correctional Facilities Improvement includes a Commission Correction Training Supervisor, three Senior Training Technicians and three clerical persons.

⁸ Material supplied to the Committee by the Commission staff describes the function of the Bureau of Correctional Facility Improvement as follows: The Bureau of Correctional Facility Improvement provides the impact upon the local correctional facilities for improvement in their operational effectiveness through an individually prescribed program of technical assistance in line and supervisory training and correctional program development. The improvement program is developed by the training and program development staff based upon the evaluation of the operations by the Correctional Facility Review Specialists and the Research and Analysis Unit, within the program achievement priorities established by the Administrator.

The Commission shares training quarters with the Division of Probation and the Department of Correctional Services. This permits interaction between the training programs of these agencies although each program is operated independently. New correctional officers are to participate in the training program unless they receive effective training at the local facility. Local correctional personnel are used to assist the staff of the Commission in developing these programs. The Commission's 1974 training program included:

Basic Training

1. Operated 25 basic training programs during 1974 at the Training Academy, graduating 635 local correctional officers as of December 31, 1974.
2. Developed 22 training handouts focusing on critical subject areas such as report writing, transportation of inmates, contraband, frisk and search, dealing with special prisoners, recognizing and assisting drug offenders, etc.
3. Produced a video film dealing with proper admission procedures.

In-Service Training

1. Provided technical assistance in the development of 9 regional in-service training programs. These programs were designed to meet the particular training needs of these specific areas.
2. Developed various standardized forms, rules and regulations, and model emergency plans for various local correctional facilities.

Management Training

1. Designed a curriculum directed towards correctional management skills to be offered to supervisory correction officers at local facilities.
2. Provided intensive training for 11 selected instructors to present the above described course during the next year period.

Other Programs

1. Conducted a seminar for all newly-elected sheriffs in the state.

2. Designed and administered a staff development workshop to improve communication among the staff of the Commission of Correction.
3. Provided technical assistance to local institutions in developing work release programs.
4. Conducted a seminar for local correctional administrators regarding problems associated with commitments and the proper commitment procedures.
5. Designed an orientation manual to assist in the training of the Commission of Correction staff.
6. Provided technical assistance in evaluating female inmate programs in three counties of the state.

A position paper prepared by the Commission training staff is attached as Exhibit A.

Medical Review Board

The Medical Review Board consists of a Chairman (who is Vice-Chairman of the Commission) and four other members, one of whom is designated by the New York State Bar Association. The functions, powers and duties of the Medical Review Board are as follows:

- a) Investigate and review the cause and circumstances surrounding the death of any inmate in a correctional facility;
- b) Visit and inspect any correctional facility wherein an inmate has died;
- c) Cause the body of the deceased to undergo such examinations, including an autopsy, to determine the cause of death;
- d) Upon review of the cause of death and circumstances surrounding the death of any inmate, the Board shall submit its report to the Commission and, where appropriate, make recommendations to prevent the recurrence of such deaths to the Commission and the administrator of the appropriate correctional facility.

The staff support and investigative backup for the Board is provided by the Bureau of Correctional Facility Review. Investigations are conducted by the Special Investigations Unit.

REVIEW OF THE WORK

of the

STATE COMMISSION OF CORRECTION

by the

SENATE STANDING COMMITTEE ON CRIME & CORRECTION

COMMISSION PERFORMANCE

Following initial interviews by the Committee staff, the Committee determined that the most effective means of determining the effectiveness of the Commission would be to review Commission activities in a few isolated areas. It was felt that these areas would be indicative of the Commission's activities.

COUNTY CORRECTIONAL FACILITIES

The Commission devotes the bulk of its attention to its responsibility to review the operation of the various county correctional facilities. This attention is certainly warranted as all inmates involved in the criminal justice system in New York State are either initially channelled through or serve out their sentences at county jails. Statistics compiled by the Commission indicate that there were 100,396 commitments to county facilities during 1973. The Committee staff reviewed the minutes of Commission meetings from the period since the effective date of Chapter 398 of the Laws of 1973 (September 1, 1974) and determined that the following institutions had occupied the Commission's attention:

Albany County Jail and Penitentiary

Dutchess County Jail

Herkimer County Jail

Ulster County Jail

ALBANY COUNTY JAIL AND PENITENTIARY

During the period of the Committee's investigation, the Commission received numerous reports of unusual incidents⁹ from the Albany County Jail. Most of these incidents were not followed up by the Commission staff.¹⁰ During the period of the Committee's review of the Commission's activities

⁹ Under the Commission's minimum standards, local correctional facilities are required to report unusual incidents to the commission immediately. A follow up written report of investigation must be submitted as soon as practical to the Commission but no later than thirty days subsequent to the telephone notification. The minimum standards define unusual incident as meaning:

- 1) all deaths
- 2) attempted suicides resulting in injuries to inmates which require hospitalization.
- 3) Assaults on employees resulting in injuries which require hospitalization
- 4) Injuries to inmates which require hospitalization
- 5) The following types of inmate disturbances:
 - (i) the taking of hostages
 - (ii) the taking control of any portion of a facility
 - (iii) the major destruction of institutional property
 - (iv) sit-down strikes
- 6) Escapes and attempted escapes
- 7) Any other type of occurrence which threatens the good order, discipline and security of the facility and its occupants.

¹⁰ The Assistant Secretary of the Commission testified at the Committee's hearing that he decided which unusual incidents are followed up by the assignment of a member of the staff. The Assistant Secretary did not provide information concerning the criteria as to the unusual incidents followed up except to explain that those involving the death of an inmate are always investigated.

a number of suicides occurred at the Albany County Jail. In each instance the Commission concluded that the suicide was facilitated by improper supervision despite the fact that the staff of the facility was unaware of unusual psychiatric problems. One of the inmates was housed in a section described by the staff of the Commission as follows: "...doors of plate steel with a small observation panel and ... a partition in front of the sanitary fixtures which somewhat restricts observation of the room interior, a detention far from ideal for housing prisoners whose mental condition warrants constant supervision.¹¹

In each investigation the Commission staff revealed that the jail staff either failed to perform the necessary supervisory "round" or failed to take proper action upon learning that the inmate had a psychiatric problem. A review of the minutes of the Commission fails to indicate any action taken by the Commission in this situation.

Segregation Area

The Commission received a letter of complaint from a local prisoners' rights organization alleging that four male inmates, two age 16, one age 19, and the fourth age 28, were placed in a detention area variously described as the "box" or the "hole." The Commission's report indicated that the "box" was an area located in the basement which consists of "three plate-steel cells with bar-grill rears and solid plate-steel doors equipped with an observation panel. All cells in this section measured 8' high, 7' long and 6' wide, which

¹¹ Special report to the Commission on the Albany County Jail dated December 17, 1973.

can be considered adequate for detention purposes. All are equipped with security light fixtures. However, only cell #1 is equipped with sanitary fixtures; the remaining two cells are devoid of any cell equipment."

The complaint also alleged mistreatment by jail personnel. The Commission's investigator reported to the Commission:

"The second area of complaint concerns alleged mistreatment by jail personnel and the unsanitary conditions of the isolation areas. The three inmates housed in the isolation area were first stripped in the head jailer's office, located on the first floor, then made to walk naked from this office to the isolation area in the basement. Alleged forms of mistreatment included verbal harassment by guard personnel directed to prisoners making requests and infrequent supervisory visits to the isolation area. The prisoners stated to the undersigned that it was necessary to urinate on the cell floor due to these infrequent supervisory visits. Additionally, they were allowed to shower only once while confined in this area and were not provided with the necessary hygienic articles."

Following receipt of this report, the Commission instructed the Administrator to send a "special letter" to the sheriff.

Subsequently, the Commission received a report of an assault on a female prisoner and a related arson incident. This incident was investigated by the Commission staff which concluded:

"These incidents contain racial implications. Both inmates who were assaulted were white and both were suspected by jail administrators of being mentally retarded. The inmates who did the beating all were black. The assault took place on June 17, 1974, at approximately 4:40 P.M. Inmate Heil's cell was set afire shortly after the assault, causing damage to her personal belongings. Inmate Heil had written a note to the matron which contained ethnic slurs against black female inmates. Interception of this note by the blacks was the precipitating factor.

"A relaxed degree of security was a contributing factor, there being only one matron on duty, where there are normally two. The one matron was not able to effectively control the situation when it arose."

Again the Commission directed the Administrator to send a "special letter."

Homosexual Incidents

Serious allegations have been made concerning alleged homosexual incidents at the Albany County Jail. The alleged incidents are said to have occurred on December 29, 1974. At that time the sheriff of Albany County initiated an investigation into the allegations that correction officers had forced inmates into committing homosexual acts. Initially, 13 officers were involved. Three officers have resigned, a fourth has been cleared due to a polygraph test. Although an investigation has been initiated there is no indication in the minutes of the Commission that the Commission has taken action. In testimony before the Committee, the Commission staff indicated that it had been thwarted in this investigation by the dismissal of Messrs. Byers and Rahavy. The staff acknowledged that it has not taken steps to follow up this investigation.

According to the material supplied to the Committee, a number of other unusual incidents have been reported to the Commission. These include attempted suicides, smuggling, a sit-down strike, a hunger-strike and other disturbances, and assaults on guards. Most of these incidents have not been

followed up by the Commission or its staff, but instead conclude the warden "has promised a detailed written report."¹²

The material submitted to the Committee by the staff indicates that in all but one instance cited, the sheriff failed to supply the investigative report within thirty days of the initial report of an unusual incident in accordance with the Commission's minimum standards. There is no indication, however, that the Commission or its staff took any action to follow up or require the sheriff to comply with the appropriate minimum standards.

¹²On March 4, 1975 the warden of Albany County reported that an inmate was forced to submit to homosexual advances, no record of investigation by Commission. On March 4 another inmate escaped from the jail and was recaptured by Albany County police at the bus station; no record of investigation by the Commission. On January 17, 1975 an inmate attempted suicide by taking an overdose of pills. The report indicated that the jail authorities had located a quantity of pills and a note that the inmate intended to commit suicide; no investigation by the staff. October 2, 1974 the warden of Albany County reported an attempt to smuggle contraband into the jail; no investigation by the staff. On August 22, 1974 the Warden of Albany County reported that the inmates began a sit down strike and refused to leave the mess hall; no investigation by Commission staff. July 16, 1974 an inmate attempted to cut his wrists with a piece of tin located in the yard; no investigation by the Commission staff.

DUTCHESS COUNTY JAIL

An examination by this committee of the books and records of the Commission of Correction on the Dutchess County Jail in Poughkeepsie, New York, showed a continuing pattern of inaction and delay in connection with unsatisfactory conditions at that facility. During July, 1973, a federal court judge appointed an attorney to represent the inmates in an action against the county and the county Sheriff due to numerous inmate complaints and substandard conditions at the jail. This action was settled by a consent order which mandated the Sheriff to comply with the basic rules and regulations promulgated by the Commission to govern the operation of all New York State County correctional facilities. Therefore, as early as the summer of 1973, the Commission and the public was on notice that there were serious problems at the County jail.

On February 28th, March 1st, 4th, 5th, 6th and 7th of 1974, the Commission conducted an inspection of the Dutchess County Facility. The following are some of the conclusions and observations made in the report approved and submitted with that inspection: "Prisoners have little or no respect for the custodial staff and in effect, feel that they are in control of the facility", and "Several officers expressed an inability to enforce the rules and regulations because of day to day changes in policy and enforcement procedures". In addition to those observations, the report concluded that little had been accomplished in regard to recommendations stated in the last two earlier reports of inspections conducted at the jail, and this was particularly true with respect to poor maintenance and unsatisfactory housekeeping procedures. In

addition to those conclusions, the report contained fifteen additional recommendations, the last of which was a recommendation that the Commission cite the proper municipal officials to show cause why the jail should not be closed pursuant to the Correction Law.

After the first report, the Commission investigators continued with their special investigation and returned to Poughkeepsie and the Dutchess County Jail on a number of days during March, 1974. These special investigation reports were submitted in five parts and contained interviews with inmates, correction officers and others in connection with the activities being conducted within the jail. The reports showed that the investigators found evidence of the following:

1. That there is no adequate supervision or discipline of correction officers or inmates.
2. That illegal narcotics and dangerous drugs are available to the inmates.
3. That the present medical procedures are inadequate and unsafe.
4. Illegal hyperdermic needles are available to the inmates.
5. Correction officers are involved in the selling of illegal drugs to inmates.
6. Correction officers are gambling with inmates.
7. Correction officers are being brutal with inmates.
8. Sexual assaults on inmates are being committed.
9. Correction officers are paying cash to inmates so that they will not cause trouble.
10. That the inmates are in possession of homemade weapons.

11. That plans exist for a take-over and/or escape.
12. Correction officers are selling alcoholic beverages to inmates.
13. That the facility is unsafe and unsanitary for the housing of inmates.

It must again be pointed out that in the final part five of this continuing investigation report, it was again recommended by the investigators involved, that Dutchess County be cited to show cause why the jail should not be closed. In connection with this continuing investigation by the Commission of the Dutchess County facility during the months of March and April of 1974, it is to be noted that at the hearings held by the Commission, testimony and records substantiated the fact that on or about April 17th, 1974, at the home of the Sheriff of Dutchess County, at the direction of the administrator of the Commission, the administrator and members of the Commission investigation team went to the Sheriff's home to apprise him of their findings and to warn him that he would be called down in front of the Commission in Albany and questioned with respect to the deficiencies found in the jail. An examination of the minutes of the regular meeting of the Correction Commission show that on May 14th, 1974, the Sheriff of Dutchess County, along with other county officials, were in Albany at a meeting of the Commission.

The next inspection done by the Commission was on June 13th, 1974, by a single inspector from the Commission and a person other than the inspectors that conducted the initial inspections in March and April of

1974. This inspection of June 13th, did in effect give the Dutchess County Jail a clean bill of health. The unusual aspect of this report is that while the initial reports which disclosed all of the problems and contained numerous recommendations took several days, this report was accomplished on the same date that a similar report and inspection was done by the same inspector at the Ulster County Jail in Kingston. After the preparation of this June 13th, report, nothing was done in connection with the Dutchess County Jail with the exception of some correspondence between the administrator of the Commission and the County Sheriff. Pointedly, there was no further attempt by the Commission to conduct any follow-up inspections other than the June 13th inspection.

On August 21st, 1974, the Commission received a letter which was originally sent to Senator Jacob Javits and the Department of Correctional Services containing the signatures of fourteen inmates of the Dutchess County Jail complaining about conditions in the jail. While this letter was initially received by the Commission in August, nothing was done about it until November 15th, 1974, when a letter was sent to the Dutchess County Sheriff by the Assistant Secretary of the Commission containing the following language: "In view of the fact that the Senator has made inquiry, we are obligated to follow-up". This letter elicited a reply from the Sheriff dated November 18th, 1974, in which he indicated that the inmate complaints were ill-founded. Based upon this letter, the Commission replied to Senator Javits and told him the matter was taken care of. Again, there was never any effort to make any type of inspection at the jail to determine whether or not these inmate complaints had merit and the matter was dropped by the Commission.

On January 2nd, 1975, the Commission received a letter, signed

and sent by the father of a twenty-seven year old inmate, indicating that his son was suffering from a liver ailment and had and was receiving medical mistreatment at the Dutchess County Jail from October, 1974, to the date of the letter. Commission records disclosed no action or response taken in connection with that complaint forwarded by the father. The inmate involved, died while still in custody on January 15th, 1975. After the death on January 28th, 1975, a special report of the general evaluation of the medical services at the Dutchess County Jail was undertaken by the Commission. In connection with that report, the following language is contained near the end. "Past recommendations and stipulations have been ignored by the Dutchess County Jail authorities concerning improving medical services. It is therefore the opinion of the investigatory Commission staff that medical standards would be improved if constant monitoring is employed to insure implementation of the recommendations in this report." This report contained fourteen recommendations with respect to health and medical procedures at the jail with the fourteenth of such recommendations again recommending that the jail be closed. After the submission of this general evaluation and recommendations in January of 1975, the jail was again inspected by the Commission on March 3rd, 4th and 5th of 1975. Again in the summary of this report, eighteen conditions were shown to exist that were substandard and in violation of the minimum standard promulgated by the Commission. The report concluded by indicating that the general conditions in the jail have deteriorated to a point where its operation in no way fulfills the needs and requirements of the County. In addition, again ten recommendations were made, the first of which indicated that the responsible

authorities should be cited to show cause why the Dutchess County Jail should not be closed pursuant to the proper sections of the Correction Law. Again, no further steps were taken by the Commission in connection with this inspection report.

On Feb. 26, 1975, the Commission received a letter of complaint by an inmate at the Dutchess County Jail. Although the inmate's complaint cited numerous and serious problems at the jail, nothing was done in connection with it until it was turned over to two investigators who were told to speak to the inmate the next time they were at the Dutchess County Jail. These inspectors did in fact stop at the jail on the way to New York City on Wednesday, March 19, 1975, and spoke to the inmate. By this time, however, the damage had evidently been done, and on Thurs., March 20, 1975, this same inmate was found to have committed suicide in his cell. The following day, March 21st, 1975, a second inmate committed suicide by hanging at the Dutchess County Jail. On March 26th, 1975, certain personnel from the State Commission of Correction were at the jail to investigate the deaths of the two inmates. At exactly the same time, these inspectors were at the jail, an inmate disturbance erupted and the inmates in the word of the Commission's report were "breaking up the place".

To summarize, the Commission of Correction by virtue of its own reports, inmate complaints, and complaints from the parents and relatives of inmates, compiled a chronology of improper procedures at the Dutchess County Jail from February of 1974, through April of 1975. In spite of this continuing unsatisfactory situation, the Commission chose to do nothing other than send threatening letters and attempt to convince

and persuade the Sheriff and the County Legislature to do something about the situation as it existed. Never once was an attempt made to exercise the powers given to it by the Correction Law by citing the proper municipal officials with an order to show cause in an attempt to close the facility. While it may be true that after the two unfortunate suicide deaths and the riots in the latter part of March of 1975, the Commission did prepare a citation and serve it upon the County, there can be absolutely no excuse or reason for the Commission's lack of activity or its refusal to use the legal tools given to it.

HERKIMER COUNTY JAIL

The Herkimer County Jail was constructed in 1832; it was enlarged and renovated in 1898. It has been in continual operation with little or no renovation since that date.

The records of the Commission indicate that it has sought the closing or renovation of the facility since 1941. Since 1948, it has been a subject of discussion with the Commission.¹³ To date, the outdated facility has not been replaced.

Although the Commission has issued a "show cause order" and held a hearing, no definite steps have been taken to remedy the situation described by Commission personnel as "very unsatisfactory, and outmoded."

Correspondence between Herkimer County officials and the Commission indicate that the County has not complied with Commission regulations concerning training.

¹³ A chronology of activities is set forth as Exhibit B. of this report.

ULSTER COUNTY JAIL

The committees study of the events of the previous twenty months at the Ulster County Jail, while equally tragic in their content, are unique in one particular aspect. That is, that the physical plant at Ulster County is the newest and most modern county correctional facility in the State. The construction of this facility was only completed within the last year or two at great cost to the taxpayers of that county. For the purposes of this report, the chronological story of the Ulster County Jail begins on September 25th, 1973, at which time an inspection was done by an inspector from the Commission. Prior to this inspection, the record discloses that an inmate attempted suicide on August 27th, 1973 at the facility. The only recommendation that this report contained was with respect to prisoner classification as mandated by the Correction Law.

The following were reported to the Correction Commission: attempted suicide, October 31st, 1973; attempted suicide, February 25th, 1974; attempted suicide, March 6th, 1974; drug smuggling and mattress burning incidents, March 8th, 1974. Thereafter on March 21st and 22nd, 1974, an inspection was conducted by the Commission which included one Commissioner, the administrator and two senior inspectors. That report concluded, among other things, that "administrative procedures as observed by the undersigned were found to be lacking in many aspects essential for the satisfactory operation of the county jail." Additionally ten specific recommendations were made including the same recommendation made in the previous report of September, 1973.

On March 26th, 1974, a special report and investigation was initiated by the Commission in connection with numerous escape attempts, drug smuggling, and the swallowing of razor blades by inmates. Again, this investigation was done by two senior investigators of the Commission. In the conclusion of that report, it was pointed out that the mattress burning and razor blade swallowing demonstrations were done in an effort by the inmates to gain the attention of the Commission so that the conditions at the jail could be improved.

Following this March 26th, 1974, report, an examination of the Commission's own records disclose the following: two more attempted escapes by inmates, June 4th, 1974; escape of inmate from Hudson River State Hospital, memo of June 6th, 1974; and a report of possible uprising at the jail, memo June 6th, 1974. On June 13th, 1974, an inspection was conducted by a senior inspector at the Ulster County Jail. Interestingly enough, this inspection was conducted by the same inspector on the same day as the June 13th inspection at the Dutchess County Jail in Poughkeepsie. This same inspector, as he had done in the Dutchess County situation, concluded that the Sheriff and his staff were making a good effort to comply and that progress had been made. In his recommendations, however, he again carried the same recommendation with respect to classification of inmates as was recommended in the September 1973, and March 1974, inspection reports.

Thereafter, the Correction Commission records indicate the following: allegations of assault and sodomy, June 26th and 27th, 1974; attempted escape, July 9th and July 26th, 1974; disturbance resulting in property damage, correspondence August 5th, 1974; assault on inmate by another inmate, letter August 15th, 1974; razor blade swallowing incident,

September 19th, 1974; assault by inmate and inmate injuries, September 15th and 20th, 1974,

Further investigation of the Commission records indicate that an inspection was conducted on September 5th, 6th, 11th, 12th, 13th, 19th, 20th and 24th, 1974, by an inspector from the Commission. This report in its final form contains fourteen recommendations, conclusions and observations with respect to the failure of the Sheriff to properly operate the jail. It is to be noted that in connection with this report, the inspector who did it is still employed by the Commission and testified at a committee hearing that his initial report of inspection conducted on those days in September, had indicated that more severe conditions existed at the jail and upon submitting his draft, he was told by the Assistant Secretary of the Commission, to "tone the report down", and in fact, the Assistant Secretary deleted certain paragraphs of the report in connection with the inspector's observations and conclusions.

On October 2nd, 1974, a special investigation report was done by Commission investigators which indicated that the institution was not being run properly and that the Sheriff in charge was both uncooperative and untruthful with the Commission. In spite of these findings, on October 16th, 1974, at a special meeting of the Commission conducted in New York City, the Commission saw fit to grant the Sheriff another thirty days to comply with the fourteen recommendations of the inspections of September and October of 1974.

On November 25th, 1974, an inspection was conducted with respect to the Sheriff's compliance with the recommendations made in earlier inspection reports. This follow-up report indicated that in many aspects the Sheriff had still not complied with the original recommendations and recommended that further ongoing monitoring of the administration of the County facility be undertaken by the Commission. As a point of interest, it should be noted that during the ongoing inspections by the Commission from February of 1974, through the end of 1974, the attempted escapes, disturbances, and other occurrences going on at the county jail were constantly brought to the attention of the public through numerous editorials by the local radio station in Kingston, New York.

During the inspections and investigations conducted by the Commission at the Ulster County Jail during the summer of 1974, it was also disclosed that the then Sheriff had hired and sworn in as a Deputy, a man who at the time had outstanding warrants against him from other states in connection with the commission of felonies. It was further disclosed and discovered that at the time this man was on the county payroll as an employee of the Sheriff and the jail, the situation with respect to the outstanding warrants was known by the Sheriff. When an attempt was made by the authorities to execute the warrants against this individual, he left the jurisdiction and again became a fugitive from justice. The Sheriff did nothing with respect to this situation except sign the fugitive's pay vouchers. During this ongoing investigation, it was discovered and reported to the Commission that two inmates who were being held in the Ulster County Jail awaiting trial on the alleged homicide of a

state policeman, that during their period of detention, they were granted special privileges by the Sheriff which included, among other things, liquor and women in their cell, guitars, special furnishings and decorations, and the total and complete run of the jail.

In all fairness to the new Ulster County Sheriff, it must be noted that the records of the Commission and testimony at the hearings indicate that subsequent to January 1st, 1975, and upon the arrival of the new Sheriff, conditions are steadily improving at the jail and that the Sheriff is making every effort to run the facility properly and to make the changes recommended by the Commission.

By examining the events which occurred between February, 1974, and the end of the year, it again becomes evident that while the Commission made inspections and wrote letters, they did not attempt to exercise any powers given to them by the correction law to enforce the rules and regulations promulgated by them. The Ulster County situation points out, at least to some extent, the fallacy of the argument given by many local Sheriffs to the Commission that they cannot run a proper jail because their physical plant is not new or modernized. In Ulster, there is a brand new jail, but conditions are no better, and in some cases worse, than those existing in much older facilities, including Dutchess County.

RECOMMENDATION
FULL TIME COMMISSION

That the New York State Commission on Correction become a full time commission with three appointed commissioners. One commissioner to be appointed by his excellency, the Governor with the advice and consent of the Senate, one commissioner to be appointed by the Speaker of the New York State Assembly, and the third commissioner to be appointed by the President Pro-Tem of the New York State Senate. The commissioners would serve for a period of four (4) years. The terms of the three commissioners should not expire simultaneously.

The committee's investigation has clearly revealed that the work of the commission is too great to be entrusted to a panel of part-time commissioners. Commissioner Berkowitz, in his testimony before the committee, has called for the appointment of a full time chairman. Witnesses before the committee and those submitting statements for the committee's consideration have been unanimous in calling for the designation of a full time commission.¹⁴ Commissioner Beha, in material submitted to the commission, has called for the appointment of a full time chairman and suggested that consideration be given to the appointment of additional full time commissioners.¹⁵ Although we recognize the importance of maintaining community input into a program of this type, the workload involved clearly reflects the need for a full time effort.

¹⁴ The Select Committee on Correctional Institutions and Programs in its original report suggested the institution of a full time commissioner to serve as vice chairman of the commission. At the time of the Select Committee report, the chairman of the commission was, by constitutional mandate, the commissioner of the Department of Correctional Services. Subsequently the New York State constitution has been amended to remove the commissioner of the Department of Correctional Services from the commission.

¹⁵ Agencies calling for a full time commission or, at a minimum, a full time chairman, include The Society of Friends, The Community Services Society and the New York Legal Aid Society.

Regarding the "numbers game", it has been variously recommended that one, two, three or four commissioners be appointed to replace the present seven. This committee ruled out one as insufficient to do the job. We believe three would most logically afford for well-paid, focussed representation; divide the authority for appointment between the executive and legislative branches, and provide an odd-number balance necessary for decision-making in divisive matters.

RECOMMENDATION
BUREAU TO DEAL WITH GRIEVANCES

That there be created within the Correction Commission a separate bureau to be headed by a member of the commission to deal with inmates, correction officers and other grievances involving the correction system.

This recommendation arises out of the suggestions of nearly every organization concerned with the operation of the correctional system. The Select Committee on Correctional Institutions and Programs recognized the need for machinery to consider the impact of grievances within the system. A number of measures have been introduced into this session of the Legislature calling for the appointment of an individual or agency responsible for dealing with inmate grievances.¹⁶

This recommendation is in conformity with the recommendation of the National Council on Crime and Delinquency that every state correctional department establish a grievance procedure under which all grievances communicated by prisoners to the head of the department would be investigated by a person or agency outside of the department and a written report of the findings would be submitted to the department and the prisoner.¹⁷ A similar step has been taken in Maryland which recently created an Inmate Grievance Commission consisting of five members. Under the Maryland system, any prisoner may complain to the commission, which unless it finds his complaint "on its face" lacking in merit, will give him a hearing. At the hearing, the prisoner may call and question witnesses and, if he can afford it, be represented by an attorney. The Commission's order must include its findings of facts, its conclusions and its disposition of the complaint. If the decision is in favor of the complaint

¹⁶ S. 77 to amend the correction law, in relation to the creation of the office of ombudsman and making an appropriation therefor, and S. 2668 to amend the correction law, in relation to the creation of the office of ombudsman.

¹⁷ A Model Act for the Protection of Rights of Prisoners, Section 5.

in whole or in part, it is reviewed by the Secretary of Public Safety and Correctional Services.¹⁸ California is considering legislation to create an individual responsible to the Legislature to receive complaints from prisoners and attempt to resolve those found to have merit by recommending changes to the administrators involved or suggesting new legislation.¹⁹ Minnesota has a state official responsible to the Governor with the authority to investigate complaints from prison and jail inmates, their families, probationers, parolees and correctional staff. This agency is funded through the Law Enforcement Assistance Administration. On the Federal level, the Federal Bureau of Prisons has an Office of Review staffed by lawyers to investigate institutional complaints.

The grievance machinery should not be limited to grievances by inmates. At the present time, there is no machinery available for the investigation or adjustment of grievances submitted by guards or correctional officers. It is anticipated that the bureau within the commission would be authorized to investigate complaints submitted by correction officers as well as those submitted by inmates.

RECOMMENDATION
MEDICAL REVIEW BOARD

The Chief Medical Officer of the New York State
Department of Correctional Services should be
removed from the Correction Medical Review Board.

Under present law, the chief medical officer of the Department of Correctional Services serves as a member of the Correction Medical Review Board.²⁰ The presence of a high ranking member of the administration of the Division of Correctional Services raises a question in the minds of many inmates and others concerned with the operation of the Correction Medical Review Board concerning

¹⁸ Annotated Code of Maryland, Article 41, Section 204F.

¹⁹ California Assembly Bill Number 1181, Introduced March 25, 1971.

²⁰ Correction Law, Section 44

its independent nature. That committee, in its investigation, has seen absolutely no evidence of improper influence on the affairs of the Correction Medical Review Board by Dr. Ian T. Loudon. However, the committee concurs in the recommendation made by several observers that he be removed as a statutory member of the board to avoid any questions concerning the independence of the Correction Medical Review Board.

The legislation recommended by this committee calls for the inclusion of a minimum of two physicians on the Correction Medical Review Board, one to be a forensic pathologist and one to be a forensic psychiatrist.

RECOMMENDATION
MEDICAL REVIEW BOARD

That the authority of the Correction Medical Review Board be extended to advise the Department of Correctional Services and the administrators of local correctional facilities as well as the Legislature and the Governor concerning the delivery of health services within correctional facilities.

The Medical Review Board was created in 1973 by Chapter 398 of the Laws of 1973. Its primary function has been the investigation of the death of individuals in custody. This emphasis is based on the atmosphere out of which the board was created, great public concern over suicides within correctional facilities. Unfortunately, it has not, and is not in a position to eliminate the suicide problem in correctional facilities. In addition to its traditional role, the Correction Medical Review Board should use its expertise to monitor the delivery of health services within state correctional services and local correctional services. The National Advisory Commission on Criminal Justice Standards and Goals has emphasized the importance of state inspection of health and medical services at local penal institutions.²¹ The Medical Review Board because of its expertise is in a unique position to fulfill this objective.

The Legislature is aware that steps must be taken to insure the delivery of proper health care to individuals incarcerated in local and state correctional facilities. The New York State Department of Correctional Services under the leadership of Dr. Ian T. Loudon has taken steps in this direction....a program has been instituted to insure that all inmates receive regular physical checkups. Steps are being taken in an effort to raise the caliber of physicians employed by the correctional system. There is little

²¹ National Advisory Committee on Criminal Justice Standards and Goals Corrections, Page 294 (1974).

attention, however, to the delivery of medical services in local institutions. It is anticipated that the board's authority with respect to the delivery of medical services would be analogous to that of the commission with respect to the operation of correctional facilities.

It is hoped that the board would assist the Legislature and the Governor in their efforts to establish the most effective program for the delivery of medical services within correctional facilities.

RECOMMENDATION
ABOLISH ADMINISTRATOR

The Office of Administrator of the Commission of Correction should be abolished. The responsibility for the day to day administration of the commission should rest with the Chairman of the Commission of Correction.

The present law provides for the appointment of an administrator of the Commission by the Commission. As a practical matter, between meetings of the commission which have traditionally been held monthly, the administrator is the commission. The personnel of the commission report to the administrator.²² With infrequent exceptions the staff of the commission never meet with the commission.²³

The commission would have the authority to appoint assistants, deputies and other officials of the commission as necessary for the operation of the commission. These individuals would be responsible to the commission. Of course, individuals assigned to a particular bureau of the commission would

²² At the committee hearings the commission staff indicated that they reported to the administrator through the assistant administrator and the assistant secretary of the commission.

²³ The minutes of the Commission of Correction submitted to this committee indicate that several members of the commission staff meet with the commission in connection with a meeting held between the commission and officials of the Ulster County Jail. Normally, the only staff member present at the commission meetings other than the administrator is a stenographer.

report to the commission through the commissioner responsible for that bureau. With respect to functions of the commission that are not specifically assigned to a commissioner by statute, it is anticipated that the chairman would delegate responsibility to individual members of the commission.

RECOMMENDATION
CITIZENS ADVISORY COUNCIL

There should be created within the Commission of Correction a Citizens Advisory Council appointed by the Governor with the advice and consent of the Senate and should include individuals from all walks of life including: corporate executive, attorneys, labor union officials, and at least one individual with experience having served a sentence as an offender either in a county or a state facility. The council should have the right to visit correctional institutions.

The Commission of Correction traditionally has been thought of as a group of independent citizens interested in corrections programs. This concept had the distinct advantage of bringing to the commission diverse viewpoints from the fact that the members of the commission are engaged in various activities and bring diverse experience to their duties on the commission. As the work of the commission has grown it has become impossible for them to adequately perform the obligations imposed upon them.

It is anticipated that the Citizens Advisory Council would be helpful in developing training programs, release employment programs, strengthening the activities of Correction Industries and assisting the commission in developing a dialogue between the correction programs in both state and local correctional programs and individuals and organizations outside of the correctional system.

RECOMMENDATION
VOLUNTEER PROGRAMS

The Commission of Correction should encourage the development of volunteer programs within correctional programs. This program should include the coordination of and funnelling of volunteer efforts to state and local correctional facilities.

There is tremendous interest among an ever-increasing segment of the community to become involved in correctional programs as volunteers. To the extent that these programs do not interfere with the security necessary for the maintenance of a correctional facility, they should be encouraged. It has come to the attention of the committee that in some cases volunteer activities in local and state institutions are discouraged by correctional facilities.²⁴

The commission should take steps to bring the need for volunteers in correction facilities to the attention of the public. Model regulations and minimum standards should be established guaranteeing that local correctional facilities as well as those operated by the Department of Correctional Services utilize available manpower to the greatest extent possible.

In a number of states volunteer organizations have been allowed to develop machinery for handling inmate grievances. For example, the Center for Correctional Justice, a private nonprofit organization in the District of Columbia has a grant from the United States Office of Economic Opportunity to develop nonjudicial remedies for prisoners grievances. The Pennsylvania Prison society has a similar program.

²⁴ The New York State Department of Correctional Services has developed an extensive volunteer program. However, there are instances where the activities of volunteers have been discouraged by correctional facilities personnel.

RECOMMENDATION
STATE CORRECTIONAL FACILITIES

The authority of the Commission should be broadened to clearly identify its obligation to review the activities of the state correctional facilities as well as the activities of the New York State Department of Correctional Services.

Previously there has been some confusion over the authority of the Commission of Correction as applied to state correctional facilities. Any such concern should be resolved on the side of requiring the Commission to exert jurisdiction over the facilities operated by the Division of Correctional Services. Pursuant to a request from the Commission, the Attorney General has ruled that its authority includes all institutions operated by the Department of Correctional Services.²⁵

RECOMMENDATION
RELATIONS WITH LEGISLATURE

The Commission cooperates with the Senate Committee on Crime and Correction and the Assembly Committee on Codes concerning the regulation and operation of correctional facilities.

Traditionally the Senate Committee on Crime and Correction and the Assembly Committee on Codes through its subcommittee on correctional facilities have maintained an oversight responsibility with respect to the operations of the Department of Correctional Services, the Commission of Corrections and various

²⁵ A question had been raised concerning the Commission's jurisdiction over the New York State Correctional Facility at Fishkill because of a constitutional provision restricting the Commission's activities to institutions for sane adults. NEW YORK STATE CONSTITUTION, Article 17, Section 5. Opinion of the Attorney General, dated July 18, 1974.

correctional programs throughout the state. The Commission should be mandated to cooperate with these committees in fulfilling their oversight responsibility. In addition, the Commission should recommend legislation to the Legislature through these committees. Because of its unique function the Commission should not be required to comply with the traditional procedure of submitting legislation to the Legislature through the office of the counsel to the governor. In this way the independent status of the Commission is maintained.

RECOMMENDATION
UNUSUAL INCIDENTS

The sheriff, superintendent, or other chief administrative officer of every correctional facility should be required to submit reports concerning unusual incidents to the Commission immediately. Detailed investigatory reports should be submitted periodically as an investigation develops. The Commission should institute procedures to insure that such reports are submitted and followed up by the Commission staff.

Under the minimum standards issued by the Commission every "unusual incident" must be reported to the Commission immediately.²⁶ A follow up written report reflecting the investigation must be submitted as soon as possible but not more than thirty days following the incident. The files of the Commission indicate that this followup report is frequently not forwarded to the Commission or if forwarded, lacks sufficient information to be useful.

Testimony at the Committee hearings as well as interviews between the Committee's staff and the staff of the Commission indicate that there is no regular procedure for insuring that these reports are submitted in accordance with the minimum standards.

²⁶ Unusual incidents are defined to include deaths, attempted suicides resulting in injuries to the inmates which require hospitalization, assaults on employees resulting in injuries which require hospitalization, inmate disturbances involving the taking of hostages, the taking control of any portion of a facility, the major destruction of institutional property, sit down strikes, escapes or any other type of occurrence which threatens the order discipline or security of the facility of the inmates.

RECOMMENDATION
REPORTING UNUSUAL INCIDENTS

The Commission should either within its own office, or in conjunction with another agency of the government, such as the state police, establish a procedure whereby unusual incidents can be reported to the appropriate state official immediately.

At the present time the Commission has an arrangement with a commercial answering service in Albany whereby unusual incidents are reported to the answering service.

It is not appropriate to entrust this responsible function to an answering service. There are numerous agencies within the criminal justice system in the Albany area which must for one reason or another maintain a switchboard manned on a twenty-four hour basis with personnel sufficiently trained to recognize the importance of information reported. Procedures could be set up with such an agency whereby it would notify a responsible official of the Commission serving as "duty officer" available by telephone in the event an unusual incident is reported.

RECOMMENDATION
MINIMUM STANDARDS

Immediate steps should be undertaken to update the Commission's minimum standards.

The Commission's minimum standards do not adequately reflect the present law concerning the treatment of inmates in local or state correctional facilities. Within the past three or four years the courts, especially the federal courts have been active in defining inmate rights. The recent case involving the Tombs²⁷ in the Southern District²⁸ that was affirmed by the Court of Appeals for the Second Circuit as well as similar cases involving the correctional facilities at Dutchess and Albany County have clearly established

²⁷ Manhattan House of Detention for Men

²⁸ Rham et. al. vs. Malcolm 70 Civ. 3962 (Southern District of New York)

minimum standards greater than those set forth in the Commission's minimum standards.

The Commission obtained funding for the development of a revised minimum standards from the Law Enforcement Assistance Administration pursuant to the Safe Streets Act during the 1974-1975 fiscal year. A project director for this project was engaged in April 1975. It is hoped that this project will occupy a high priority on the Commission's agenda.

RECOMMENDATION
COMPLAINTS

Legislation be adopted requiring the chief administrative officer of any correctional facility to transmit to the Commission of Correction complaints by inmates of that correctional facility submitted for transmittal to the commission without any censorship or review, prior to transmittal.

Records submitted to this committee indicate that mail addressed to the commission from inmates is frequently intercepted. Material submitted to the committee by the Commission of Correction reveals instances of letters addressed to the Correction Commission, transmitted to the Correction Commission with a transmittal letter explaining the lack of merit of the inmate's complaint. This clearly reflects that the inmate's correspondence directed to the commission was opened in violation of the practice allowing the transmittal of legal mail without censorship.

Every correctional facility should have a procedure whereby correspondence addressed to the commission will be transmitted to the commission without review or censorship by the staff of the facility. In this manner inmates will not be concerned with the possibility of reprisal should improper or illegal activity on the part of facility personnel be reported to the commission.

RECOMMENDATION
SUPERVISE LOCAL CORRECTIONAL OFFICIALS

That the commission be given the authority to supercede the local sheriff, taking over the management of the jail. The commission should be allowed to place commission personnel in charge of the appropriate prison personnel where such action is deemed necessary. Provision should be made for swift judicial review of any such action by the commission. In an emergency situation, the commission should be allowed to act prior to a judicial determination where the commission has acted pending a judicial determination and prior to a judicial determination, the commission's activity should not be terminated until the judicial proceeding has been completed.

The committee's review of the activities of the commission has revealed that unrest or other unsatisfactory conditions in correctional facilities is frequently caused by poor administration and supervision. Generally this condition is readily identifiable to the commission staff. However in many cases the commission is helpless to take appropriate steps. In situations where the commission finds that the health and safety of the community or of the inmates is in jeopardy, because of lax administration or supervision in local facilities, the commission should be empowered to put its personnel in the institution in a supervisory role.

Expenses incurred by the commission in supervising the operation of an institution with its own personnel would be paid by the municipality involved.

The Commission should be allowed to take action to supercede a sheriff or other local correctional facility supervisor without court review only in instances where it has made a determination that the facility presents an imminent danger to the health, safety or security of the public, the inmates of the facility or the employees of the facility due to the lack of proper management or operation of the facility or the failure to adhere with the rules and regulations promulgated by the commission. Thus to supercede a sheriff the commission must determine the existance of an imminent danger which is the result of the lack of proper management or operation or the failure to adhere with the rules and regulations issues by the commission. An imminent danger caused by some other reason would not constitute grounds for superceding a sheriff or other official.

RECOMMENDATION
CIVIL PENALTIES

The Commission should be allowed to impose civil penalties on counties failing to comply with the lawful order of the Commission.

Under present law the Commission's power to enforce its regulations and rulings is limited. It may close the institution pursuant to section 48 of the Correction Law. It may seek an order in Supreme Court ordering compliance with its standards or ruling. Refusal to comply with an order of this type is punishable as contempt. Under present law obtaining such an order is a long drawn out proceeding. Frequently when there is a major violation of the standards which could result in unrest in an institution or could cause serious harm to inmates of the institution the commission is powerless to act quickly. This recommendation is designed to allow the Commission to impose civil penalties on the county or officials involved with the hope that the imposition of an appropriate civil penalty will have the effect of encouraging the local sheriff and other local officials to provide facilities, manpower and leadership needed for the effective operation of the facility.

Of course the imposition of civil penalties, although initially determined by the commission would be subject to judicial review.

RECOMMENDATION
PROSECUTION

The Commission should be authorized to request that the attorney general appoint a special deputy attorney general to impanel a grand jury and prosecute individuals charged with committing a crime within a correctional facility or in connection with the operation of a correctional facility.

Throughout its investigation the committee has been told that reports of improper activities involving correction officers or inmates have been reported to the District Attorney of the county within which the facility is located.

Invariably these reports have not resulted in an indictment. According to various members of the staff of the commission this inaction on the part of local grand juries frequently results in adversely affecting the morale of the commission personnel. Although never presented with concrete evidence, the committee has heard numerous accusations that local prosecutors are reluctant to prosecute for activities within correctional facilities because of the political nature of the office of Sheriff and in most counties the political nature of the deputies or keepers responsible for the operation of the facility. Constitutionally it is impossible to give the Commission of Correction the authority to impanel a grand jury or otherwise prosecute for the violation of laws relating to correctional facilities. However, the Attorney General has the prosecutorial power that can be implemented on a statewide basis. In cases where the commission feels a prosecution is warranted it should apply to the attorney general with the request that an assistant or deputy be named to carry on the prosecution.

RECOMMENDATION
PREFERENCES IN JUDICIAL PROCEEDINGS

The commission's authority to comply with its regulations should be strengthened by providing for preferences in judicial proceedings in cases where the Commission finds that the health and safety of the community, the employees within the institution and/or the inmates are in imminent danger.

Although the commission has the power to seek an order compelling compliance with its regulations or minimum standards it has never sought such an order. Interviews between the committee staff and the commission staff indicate that such orders were not sought because of the delay that would be encountered in that type of proceeding. There are many other instances in the law where trial preferences are granted in cases of judicial review of administrative activity.

RECOMMENDATION
MODEL RULES

The Commission should publish model rules for local and state correctional facilities.

The Committee has often heard complaints concerning the inadequacy of rules and regulations in both state and local correctional facilities. The Department of Correctional Services has been working on a set of uniform rules for its facilities for several years. Each local facility is required to have rules delineating its practices and operations. However, in many instances there are inadequate procedures to insure that these rules and regulations are made available to the inmates upon entering the system.²⁹

The Committee recognizes that it is not possible to write a single set of rules applicable to all facilities. However a set of model rules would facilitate the development of local institutional rules.

RECOMMENDATION
RULES

The Commission should be required to review and approve all rules of correctional institutions. Alterations and amendments to such rules should also be submitted to the commission for its approval.

Both state and local correctional facilities maintain regulations that must be submitted to the inmates. Because of the tremendous significance of these rules, those imposed by local correctional facilities should be reviewed before they are implemented. Rules imposed by state correctional facilities should be filed with the Commission of Correction.

²⁹ Legislation has been introduced to require the delivery of copies of the rules of the institution to inmates upon entering the correction system and upon being referred to a particular correctional institution. (See S 4668-A Marino, A. 6560-A Runyon, A 7550-A Brown)

RECOMMENDATION
MINIMUM STANDARDS FOR CORRECTIONAL PERSONNEL

Minimum educational and other standards should be established for personnel of local correctional facilities.

Minimum standards are now established for state correctional facilities. However, as the system of local correctional facilities normally represents a substantially greater number of inmates than those housed in state correctional facilities, steps should be taken to insure that the personnel of the local correctional facilities have qualifications similar to those of state correctional facilities.

Interviews with the staff of the commission and statements submitted to the committee for review reveal that the average educational level of correctional officers attending Correction Commission training programs is 12 years. Earlier in the program it was 11 years. The committee was advised during the public hearings that there have been instances where employees of the local corrections facilities sent to Albany to undergo the commission's training programs were not able to read or write. The commission could improve the training level of correctional personnel if it were to require all local correctional facilities' guards and supervisory personnel to have a high school education.³⁰

³⁰ Legislation mandating a minimum qualification for correctional personnel has been proposed. S. 5955. (Marino)

RECOMMENDATION
INSERVICE TRAINING

Local correctional facility personnel should be required to participate in supplemental inservice training programs either at the Commission of Corrections training center in Albany or at the appropriate local facility.

The basic training program required by the Commission of Correction is limited to a two week program at the commission's offices training center in Albany. This training deals with basic procedure, classification and methods. Correction officers working in state correctional facilities receive two weeks of training. Although it is not reasonable to mandate this type of training for the local correctional officials at this time, steps should be taken to insure local correctional personnel receive inservice training. The commission staff should provide personnel to coordinate and assist in training on a local level. Where appropriate, the commission should call upon personnel of other correctional facilities to aid in the training program.

There are a number of issues which cannot be dealt with during the initial two week training program either because of the lack of time or because of specialized rules or conditions which a correction officer will confront when he returns to his facility.

RECOMMENDATION
TRAINING FOR ADMINISTRATORS

The Correction Commission should develop specialized training programs for administrators and specialists within correctional facilities. On-going training and seminar programs should be developed for chief administrative officers (Sheriffs, wardens, head jailers) or correctional officers responsible for developing programs in particular areas as well as for correction personnel responsible for the maintenance of order and security, and the maintenance of physical facilities.

The business community has learned that it is frequently advantageous for individuals to meet with other individuals with similar responsibilities to exchange information concerning their activities. This type of dialogue would be particularly useful in the correction system. The Commission would be a natural catalyst to bring together personnel from various institutions to enable them to exchange information with their colleagues concerning issues of mutual interest. In addition, seminar training programs could be developed with experienced correctional personnel providing the basic cadre of instructors.

Where appropriate, joint training programs should be developed between the Commission of Correction and the New York State Department of Correctional Services. In this manner higher morale and a sense of professionalism will be encouraged.

RECOMMENDATION
TREATMENT PROGRAMS

That the Commission of Correction develop programs designed to assist local correctional facilities in formulating and establishing correction and rehabilitation treatment programs including, but not limited to educational programs, vocational training programs, religious programs, and recreation programs.

The standards for programs necessarily must vary from county to county. A large urban county with an inmate population of 8,000 can provide

a much greater and more varied program than the tiny county of Hamilton. Thus it is not possible for the Commission to prescribe a program applicable throughout the state.

However, the Commission could perform a useful function if it acted as a clearing-house of information and ideas concerning correctional programs in local institutions and acted as a liaison between local correctional facilities and other agencies of state government in the local correctional facilities' efforts to develop adequate educational and training programs.³¹

³¹ Training programs in local institutions are limited. Generally pre-trial inmates do not participate in such programs. Sentenced inmates confined in local institutions have short sentences. Extensive training programs can not be fit into short sentences.

RATIONALE FOR CORRECTIONAL TRAINING
COMMISSION OF CORRECTION

In recent years judicial activism, public scrutiny, and concern, coupled with inmate recidivism and a general failure of our criminal justice system to deal with the voluminous, ever changing aspects of crime and incarceration have created a great strain on correctional facilities and our community. Numerous solutions have been proposed to minimize this problem. However, few of these solutions have attacked the root of the problem.

The crux of the problem lies with the fact that our Criminal Justice System is administrated and operated by humans. The fact that there are human operatives limits the efficient and productive functioning of the system unless there exists an effort to develop in an organized and goal-oriented manner all functional components of the system. For this reason, the Commission of Correction has established a multi-faceted Training Unit to instruct local correction officers and administrators (the functional components) in the academics and practicalities of corrections. It is the Commission's belief that well-trained, professional officers and administrators are initial elements in the creation of an improved, productive, and efficiently operated Criminal Justice System.

The Commission's successful, continuous basic training program (mandated by Article 3, Section 48, sub (8) of the Correction Law) provides officer trainees with fundamental knowledge and skills which are necessary in working with incarcerated. It is imperative to stress here that only fundamental skills are taught the officer-trainees at the Albany-based Academy. To expand the training of the officers, in order that their new-learned skills and knowledge may be applied to their particular facilities, the Commission realizes the necessity of operating an In-Service Training Section within the Training Unit. The responsibilities of the In-Service Staff are numerous.

They must review and approve any existing In-Service Training Programs conducted by local correctional authorities (see Minimum Standards Section 5100.18, sub.(d)). If a county Sheriff or correctional administrator expresses a need and desire for an In-Service Program, the Commission's staff will provide the necessary technical assistance, instructor referral, equipment, etc., to make the program productive and successful. It should be noted that the before-mentioned technical assistance encompasses a wide-ranging and time consuming effort on the part of staff personnel. Initially, Commission staff arranges preliminary meetings with the correctional administrator, Sheriff, etc., and obtains his commitment to follow specific Commission requests. Staff then reviews and analyzes a particular facility's operation to determine what courses are necessary and appropriate. As a part of this review, unique characteristics of the facility are checked, corrected (if necessary), and approved so they too can be used as the focal point of certain classes. Once the program is underway, the assigned Commission staff member monitors the In-Service classes to insure a quality program. Such elements as trainee attendance, instructor

presentation, and class participation, are reviewed by the monitoring staff member. Upon completion of the phase, an evaluation of all aspects is made. This evaluation, In-Service Training forms, and lesson plans are compiled to provide reference for future planning in forthcoming In-Service Programs.

The above-described process is constructed to attain three specific goals:

1. To increase the effectiveness of personnel, thereby attaining greater efficiency and economy in operations.
2. To improve the capabilities of personnel for participation in the care, custody, classification, and treatment of prisoners (see Correction Law, Section 500-C).
3. To promote personnel capacity to recognize, understand, and solve the problems which occur in the correctional institutions.

These specific goals facilitate the accomplishment of the major goal of bettering the Criminal Justice System by training the functional operatives of the correctional segment. Specific evidence of attainment of the specific and major goals can be seen in improved officer attitudes, improved operations, reduced errors, reduced accident frequency, improved quality of supervision, development of officer versatility, and the maintenance of officer efficiency. Statistics prove that suicide prevention, improved inmate morale, and fewer unusual incidents (see section 5100.23 of the Minimum Standards) are further results of the Commission's In-Service Training Program.

Another justification for In-Service Training is the unifying and cooperative atmosphere created by Regional In-Service Programs. In these programs, officers from two or more adjoining county facilities are combined and instruction presented. This setting provides an atmosphere conducive to learning through the sharing of mutual knowledge and skills. Rapport among officers and administrators create a team effort in combatting the problems faced by all in the correctional field.

The goals, operations, and effects of Basic and In-Service Training have been described. However, some may still question the need for such a program. Why is it so important to have In-Service Training?

"At long last this nation is coming to realize that the process of justice cannot end with the slamming shut of prison gates.

Ninety-eight out of every hundred criminals who are sent to prison come back out into society. That means that every American concerned with stopping crime must ask this question: Are we doing all we can to make certain that many more men and

women who come out of prison will become law abiding citizens?

The answer to that question today, after centuries of neglect, is no. We have made important strides in the past two years, but let us not deceive ourselves: Our prisons are still colleges of crime, and not what they should be - the beginning of a way back to a productive life within the law.

To turn back the wave of crime we must have more effective police work and we must have court reform to ensure trials that are speedy and fair. But let us also remember that the protection of society depends largely on the correction of the criminal."

First National Conference on Corrections
12/6/71

Today's society complains about prisons, stating they are colleges of crime. We complain about the growing amount of inmate recidivism. Yet these conditions will persist unless those people who deal with the "inmate-students" most frequently are equipped to function in a professional and appropriate manner. How can we equip these officers (functional operatives) with these necessary talents? Answer--Basic and continuing In-Service Training. Why complain about inmate recidivism if we condone officer regression by not providing continuing In-Service Programs?

For those who still fail to see the necessity for In-Service Training, let us compare the training now available for county corrections officers to that received by Municipal Police and New York State Police. Municipal Police receive a minimum of 285 hours of training, a maximum of 600 hours, and an average of 400 hours. State Police receive 20 weeks of basic training and, at least, one week of in-service training every two years; an average of 800 hours. At present, county corrections officers receive only two weeks training, totaling only 80 hours. Very few counties have active in-service programs for their correction officers. The scales are obviously tipped dangerously toward the professionalism of those who arrest and away from those who incarcerate. Perhaps this fact is the overpowering reason for the perpetuation of our prisons being "colleges of crime."

Professionalism of our county corrections officers through training can go beyond the human aspects of involvement. To the business minded individual, more efficiency, and less cost to State and local governments, are realities if the functional components of our correction systems are trained. Since the operation of a county jail is one of the major legal duties of a Sheriff (Section 500-c of the Correction Law), it is logical that his men should have expertise in the care and treatment of inmates, in the purveying of legal documents, (commitment, etc.), in the complex field of public relations, in the technical field of fingerprinting and identification (CPL Section), food management,

and in all other laws and operations which compose jail operation. If the functional components (officers) have adequate training, less inmate law suits will be initiated and/or won; state and federal government agencies, being the recipients of fingerprint cards and other legal documents, will spend less time and money correcting mistakes caused by lack of knowledge and training, and the overall management of jail operations will be more efficient and economical.

It has become obvious that many counties (42) who desire and need in-service training do not have the staff, time, or expertise to organize, develop, and implement in-service training. Even those counties who operate In-Service Programs find Commission staff advice and assistance necessary. (Again note Minimum Standards, Section 5100.18 (d).

In conclusion, the Commission of Correction strongly feels that past practices of "give the man a key and a nightstick and he is a correction officer" are antiquated and self-defeating. Training is a necessity if the problems of our Criminal Justice System are to be solved. Mandated Basic Training for local correction officers is not sufficient to equip the human operatives of our local correctional institutions with the necessary tools of their trade." Further Basic Training will not stop regression by the officer unless his fundamental skills and knowledge are reinforced by continuous In-Service Training. The Commission's In-Service Staff (three), although small in number, have made great gains in improving facility administration, approving existing In-Service Programs, and implementing new In-Service sessions. The Commission believes the minimal cost of staff and services is a small price for the achievements and improvements being gained by local correctional facilities. Commission of Correction In-Service Training must be continued unless we are willing to regress and not progress toward the betterment of the Criminal Justice System in the State of New York.

EXHIBIT B

Available From The Committee Office Upon Request