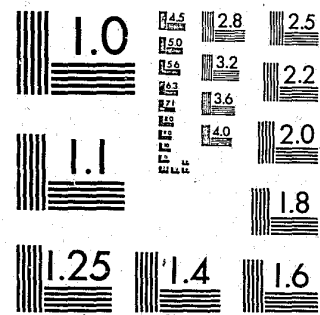


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NEW YORK STATE COMMISSION OF CORRECTION

SUMMARY ANALYSIS OF COMPLIANCE
FOR SEVEN MINIMUM STANDARDS

1979 - 1980

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ACQUISITIONS

Compliance with Commission of Correction Minimum Standards for Local Correctional Facilities is monitored by Facility Review Specialists from the Local Facilities Bureau. Sixty-two (62) local correctional facilities were reviewed during 1979 and/or 1980 for their efforts to meet requirements and/or recommendations set for within these minimum standards.

Program and Policy Analysis has provided comprehensive analysis concerning statewide compliance with seven (7) minimum standards. Local Correctional Facilities' compliance was examined for the following standards:

- 1) Admissions #7002 for 1980;
- 2) Classification #7013 for 1980;
- 3) Fire Safety #7039 for 1980;
- 4) Implementation and Operation of Treatment Programs #7000 to #7003 for 1980;
- 5) Legal Services #7031 for 1979 and 1980;
- 6) Sanitation #7015 for 1980;
- 7) Security and Supervision for 1979 and 1980; and

Each standard was analyzed for overall statewide compliance during the year(s) indicated with analysis of subsections and elements also given. Analysis of each standard was presented at monthly Commission meetings during 1981.

This paper shall present an aggregate analysis of the seven minimum standards examined by PAPA to date. Each individual standard shall also be examined to delineate Local Correctional Facilities' efforts towards compliance.

AGGREGATE STATEWIDE COMPLIANCE

Aggregate statewide compliance is computed as the mean of the mean compliance scores received by the local facilities on each standard. Table I indicates the 1980 statewide average compliance scores achieved on each of the seven standards analyzed by PAPA to date.

TABLE I

<u>Standard</u>	<u>Average Compliance 1980</u>	<u>Number Facilities Monitored</u>
Admissions	93%	60
Classification	91%	62
Fire Safety	59%	59
Legal Services	77%	61
Sanitation	90%	61
Security and Supervision	84%	61
Treatment	65%	62

The mean of the statewide mean compliance scores is 80% for 1980 concerning these seven standards. This figure indicates the average of the average compliance scores received by local correctional facilities.

Two of these standards, Legal Services and Security Supervision, were monitored for both 1979 and 1980. Analysis of compliance with these two standards indicated the average compliance rates for Legal Services improved from 71% to 77% and Security Supervision from 79% to 84% from one year to the next.

INDIVIDUAL STANDARDS COMPLIANCE

A synopsis of each of the seven analysis of minimum standards compliance shall be presented. Each standard's requirements, subsections, and compliance rates will be included.

1) Admissions #7002

Chapter One, Subchapter A, Part 7002 of the NYS Commission of Correction Minimum Standards for Local Correctional Facilities provides standards for Admissions to local facilities.

Section 7002.1 requires each local correctional facility to establish policies and procedures designed to ensure that all prisoners are admitted to such facility in accordance with law, and in a manner designed to protect the safety of all persons and the security of the facility.

The Admissions Standard includes eight subsections which cover discrete, substantive areas of policy and procedure where compliance is enforced. The subsections are:

- 1) Authority for Admission
- 2) Identification
- 3) Property Confiscation
- 4) Records
- 5) Medical Screening
- 6) Personal Hygiene and Clothing Issue
- 7) Admissions Phone Call
- 8) Facility Rules and Information

The following table depicts the level of compliance with the Admissions Standard elements among 60 facilities according to compliance score.

TABLE II

<u>Percent of Compliance</u>	<u>Number of Facilities</u>
95-100%	29
90-94%	17
80-89%	12
70-79%	2
Average = 93%	60

Two subsections, Property Classification, and Facility Rules and Information, contained elements that had from 10 to 39 facilities in non-compliance.

2) Classification #7013

Chapter One, Subchapter A, Part 7013 of the New York State Commission of Correction Minimum Standards for Local Correctional Facilities, based on Correction Law, Section 500 (c), provide standards for Classification of prisoners confined in local correctional facilities.

Section 7013.1 requires that each of twelve classes of prisoners must not be confined in the same room or allowed to co-mingle in the corridors with prisoners of other classes.

There are three basic categories of prisoners, with four identical subdivisions in each, providing for the following 12 Classifications:

- 1) Serving Sentence;
 - (i) Male Adults, ages 21 and over;
 - (ii) Male Minors, ages 16 to 20 inclusive;
 - (iii) Female Adults, ages 21 and over;
 - (iv) Female Minors, ages 16 to 20 inclusive;
- 2) Civil Process, Contempt or Material Witness;
 - (i) Male Adults, ages 21 and over;
 - (ii) Male Minors, ages 16 to 20 inclusive;
 - (iii) Female Adults, ages 21 and over;
 - (iv) Female Minors, ages 16 to 20 inclusive;
- 3) Criminal Process, Trial or Examination;
 - (i) Male Adults, ages 21 and over;
 - (ii) Male Minors, ages 16 to 20 inclusive;
 - (iii) Female Adults, ages 21 and over;
 - (iv) Female Minors, ages 16 to 20 inclusive.

The following table indicates the positive compliance rates with the Classification Standard achieved by the 62 facilities evaluated:

TABLE III

Positive Compliance with Classification Standard for 1980

<u>Percent of Compliance</u>	<u>Number of Facilities</u>
100%	44
90-100%	0
80-89%	4
70-79%	3
60-69%	6
50-59%	3
40-49%	0
30-39%	2
Average=91%	N=62

Of the 18 facilities not in full compliance with all the elements, there were up to 12 facilities evaluated in non-compliance with respect to separation of minors from adults and sentenced from unsentenced (criminal cases only).

3) Fire Safety #7039

Chapter One, Subchapter A, Part 7039 of the New York State Commission of Correction Minimum Standards for Local Correctional Facilities provides standards for Fire Safety at local correctional facilities.

Policy set forth in Fire Safety Standard, Section 7039.1 requires local correctional facilities to: "(1) be equipped with and maintain necessary fire detection, control and protection equipment; (2) establish in writing, procedures for the prevention of, control of, and response to fires; and (3) ensure that all facility staff members are trained in the use of fire detection, control and protection equipment."

Elements of the Fire Safety Standard are contained within eleven subsections as follows:

- 1) Fire Detection Equipment/Fire Alarm System;
- 2) Fire Detection Equipment/Fire and Smoke Detecting System;
- 3) Fire Control Equipment/Standpipe System;
- 4) Fire Control Equipment/Hydrant System;
- 5) Fire Control Equipment/Fire Extinguishers;
- 6) Fire Protection Equipment;
- 7) Fire Detection, Control, and Protection Equipment Specifications and Installation;
- 8) Exits;
- 9) Emergency Fire Flares and Procedures;
- 10) Staff Training; and,
- 11) Reporting of Fire Incidents.

TABLE IV

Percent of '+' Compliance with Fire Safety Standard #7039 by absolute frequencies plus relative and cumulative Percentages for Local Correctional Facilities for 1980 (N=59).

Percent '+' Compliance	#Corr. Facilities	Relative %	Cumulative %
100%	0	0	0
90-99%	3	5.1	5.1
80-89%	8	13.6	18.7
70-79%	9	15.2	33.9
60-69%	9	15.2	49.1
50-59%	12	20.3	69.4
< 50%	18	30.5	99.9
TOTALS	59	99.9	99.9
Average = 59%			

Non-compliance with the Fire Safety Standard was found to be mainly in the following six areas:

- 1) Fire Detection Equipment/Fire Alarm System;
- 2) Fire Detection Equipment/Fire and Smoke Detecting System;
- 3) Fire Control Equipment/Standpipe System;
- 4) Exits;
- 5) Emergency Fire Plans and Procedures;
- 6) Staff Training.

Non-compliance with elements of the Fire Safety Standard was as high as 61%, that is 36 of 59 facilities, when it came to providing sufficient fire exits.

4) Legal Services #7031

Chapter One, Subchapter A, Part 7031 of the New York State Commission of Correction's Minimum Standards for local correctional facilities provides standards for Legal Services with the facilities.

Section 7031.1 sets forth policy whereby each prisoner confined in a local correctional facility is entitled to legal services for the purposes of legal preparation to any civil or criminal action or proceeding; and, except as otherwise provided in subdivision (d) of the section, legal preparation with respect to matters including, but not limited to, disciplinary charges and complaints or grievances.

The Legal Services Standard covers five areas of policy and procedures:

- 1) Access to Legal Counsel;
- 2) Mutual Prisoner Legal Assistance;
- 3) Access to Legal Reference Material;
- 4) Notary Public;
- 5) Limitation on Legal Services.

The following table represents Legal Services Compliance for the 61 facilities evaluated in 1979 and 1980:

TABLE V

Percent of Compliance	LEGAL SERVICES COMPLIANCE FOR 1979 AND 1980					
	1979		1980			
	Number of Facilities	Rel. %	Cum. %	Number of Facilities	Rel. %	Cum. %
100%	11	18%	18%	10	16.4%	16.4%
90-99%	8	13.1%	31.1%	12	19.7%	36.1%
80-89%	5	8.2%	39.3%	13	21.3%	57.4%
70-79%	10	16.4%	55.7%	7	11.5%	68.9%
60-69%	9	14.8%	70.5%	6	9.8%	78.7%
50-59%	10	16.4%	86.9%	5	8.2%	86.9%
< 50%	8	13.1%	100%	8	13.1%	100%
	N= 61	100%		N=61	100%	
	Avg. =71%			Avg. = 77%		

The 1979 and 1980 evaluations of statewide compliance, by local correctional facilities, with the Legal Services Standard #7031 showed average compliance rates of 71% and 77%, respectively.

Evaluation of the Legal Services Standard, for 1980, indicate notable deficiencies in compliance concerning access to Legal Reference Material. Additional deficiency in facilities' compliance focused on undeveloped written administrative guidelines and procedures for Legal Services within the facility.

5) Sanitation #7015

Chapter One, Subchapter A, Part 7015 of the New York State Commission of Correction's Minimum Standards for Local Correctional Facilities, provides standards for Sanitation within the facilities.

Section 7015.1 requires each local correctional facility to establish and implement policies and procedures designed to ensure that the facility is maintained in a sanitary condition.

The Sanitation Standard includes four parts which cover the following areas of policy and procedures:

- 1) Facility Sanitation Equipment;
- 2) General Facility Sanitation;
- 3) Food Service Sanitation;
- 4) Insect and Rodent Control.

The following table depicts the level of positive compliance with the Sanitation Standard elements among the 60 facilities evaluated in 1980.

TABLE VI

Sanitation Standard Compliance For 1980

Percent of Compliance	Number of Facilities	Relative Percent	Cumulative Percent
100%	21	34%	34%
90-99%	21	33%	67%
80-89%	5	8.5%	75.5%
70-79%	13	21%	96.5%
60-69%	2	3.5%	100%
Average = 90%	N=61	100%	

The 1980 evaluation of Local Correctional Facilities' Compliance with the Sanitation Standard #7015 seems to indicate meaningful compliance with this standard, especially in the section concerning Facility Sanitation Equipment. Further suggested in the evaluation is that, for those facilities evaluated, elements within the sections concerning General Facility Sanitation, Food Service Sanitation and Insect and Rodent Control were complied with fully by most facilities.

6) Security and Supervision #7003

Chapter One, Subchapter A, Part 7003 of the New York State Commission of Correction's Minimum Standards for Local Correctional Facilities, provides standards for Security and Supervision at local correctional facilities.

Section 7003.1 sets forth policy whereby, consistent with the requirements of this part, each local correctional facility shall develop and employ policies and procedures designed to ensure that proper facility safety, security and supervision is maintained.

Subsections of the Security/Supervision Standards focus on the following:

- A) Supervision Within Facility Housing Areas;
- B) Supervision Outside Facility Housing Areas;
- C) Population Counts;
- *D) Requirements of Staff Prior to Assuming Prisoner Supervision Responsibilities;
- E) Prisoner Transportation;
- F) Firearms Control;
- G) Key Control; and
- H) Locks & Locking Devices.

TABLE VII

Percent of '+' Compliance With Security/Supervision (#7003) Standard By Absolute Frequencies Plus Relative And Cumulative Percents for Local Correctional Facilities in 1979 and 1980.

Percent '+' Compliance	# of Corr. Facilities	1979		# of Corr. Facilities	1980	
		Rel. %	Cum. %		Rel. %	Cum. %
100%	1	1.6%	1.6%	9	14.8%	14.8%
90-99%	11	18.0%	19.6%	17	27.9%	42.7%
80-89%	22	36.0%	55.6%	14	23.0%	65.7%
70-79%	13	21.3%	76.9%	16	26.2%	91.9%
60-69%	12	19.7%	96.6%	1	1.6%	93.5%
50-59%	0	0%	96.6%	3	4.9%	98.4%
50%	2	3.3%	99.9%	1	1.6%	100%
	N=61			N=61		
	X=79%			X=84%		

Five subsections contains elements that had deficient full compliance rates. The five subsections were:

- 1) Mechanical or Electrical Time Recording Devices;
- 2) "Active Supervision";
- 3) Firearms Control;
- 4) Key Control;
- 5) Locks and Securing Devices.

Analysis of local correctional facilities for compliance with the Security and Supervision Minimum Standard for 1979 and 1980, has indicated a systemwide improvement in meeting the required elements. However, there were five groupings of elements within this standard that improved less than the other elements.

In general, these deficiencies focused on: a) lax "active supervision" when prisoners are confined in the housing areas, but not secured in their individual housing units, b) failure to establish written procedures for some operations, and c) failure to maintain written records of some operations at local correctional facilities.

7) Treatment Programs #7100-7103

Chapter One, Subchapter B, of the New York State Commission of Correction's Minimum Standards for Local Correctional Facilities, provides recommendations for Implementation and Operation of Treatment Programs.

Section 7100.1 indicates the background for the Commission's promulgating standards for correction treatment lies in Correction Law, Section 45, Subsection 6. Furthermore, Section 7100.1(d) (1) considers, "...that correction treatment consists of any institutional activities or services which would help prisoners develop a more favorable attitude toward authority, better ability to get along with others, and more acceptable ways of making a living."

Implementation and Operation of Treatment Programs, Part 7102, suggests utilization of available resources from within the institution and the community, as well as development of a general planning for treatment. Utilization of a citizens' committee and correctional staff "grass roots" organizations is also suggested.

Treatment areas recommended within this standard are in four general areas as follows:

- 1) Recreation;
- 2) Libraries;
- 3) Instruction (vocational and academic) and;
- 4) Counseling and Guidance.

The following Table VIII depicts the efforts, in 1980, by local facilities (except NYC) to implement and operate treatment programs as per guidelines set forth in Parts 7102 and 7103 of the New York State Commission of Correction's Minimum Standards for Local Correctional Facilities.

TABLE VIII

Percent of Recommendations employed	Number of Facilities	Rel. %	Cum. %
100%	1	1.6%	1.6%
90-99%	6	9.7%	11.3%
80-89%	10	16.1%	27.4%
70-79%	9	14.5%	41.9%
60-69%	9	14.5%	56.4%
50-59%	13	21.0%	77.4%
40-49%	12	19.4%	96.8%
30-39%	2	3.2%	100%
Avg. = 65%	N=62	100%	

Institutional Resources utilized by local facilities during 1980 were in the form of available areas for treatment program services. Available areas for treatment program services were found more often in the areas of: indoor recreation, outdoor recreation, regular library, education and counseling.

Community Resources with whom local facilities had established personal contact were clergy and mental hygiene. Additionally, most facilities had also established contact with social services and schools.

While most facilities did provide various forms of correction treatment programs, there appears to be efforts by only 14 local correctional facilities, 22% of those surveyed, to institute overall planning and evaluation of treatment programs by a program coordinator and a citizens' committee during 1980.

Recreation within local correctional facilities during 1980 appears more frequently in the form of television, passive games and radio. Individual and competitive physical activities, and arts and crafts are less frequently available programs within local facilities.

Library facilities were maintained at most local correctional facilities during 1980 and were assessed as possessing adequate facilities, collections and distribution of materials. Public libraries and donations were the major sources of supplying local facilities' libraries.

Academic instruction was provided at most local correctional facilities during 1980 while very few local facilities provided vocational instruction during the year. Educational needs, determination, high school equivalency testing, and E.S.E.A Title I tutorial programs were provided at local facilities.

Counseling and Guidance was provided to prisoners at most local facilities during 1980 with clergy and social workers providing most of the services; while drug counselors, psychiatrists and psychologists provided services to a lesser extent. Group counseling was available most often in the form of alcoholic anonymous.

To date, local correctional facilities' compliance with minimum standards have been analyzed for seven of the existing thirty-five standards. The preceding synopsis have indicated the results of those analyses.

Discussion of the results of the analyses shall follow along with comment as to minimum standards compliance data methodology.

DISCUSSION

Local Correctional Facilities' average statewide compliance with the seven (7) Minimum Standards analyzed to date, ranged from 59% for Fire Safety to 93% for Admissions.

Substantively, the monitored compliance of these seven standards indicated local facilities' difficulties in meeting some written procedural requirements within the standards, as well as difficulties in providing adequate facility structures as mandated. Analysis of compliance with the Legal Services Standard indicated roughly 40%, 24 facilities, of the local correctional facilities monitored had not established written guidelines for daily and equal access to legal reference materials and supplies. Fire Safety standard compliance analysis indicated 36 local facilities, 61%, did not possess the mandated minimum of two exits from each facility housing area.

The degree of difficulty in complying with various minimum standards appears to influence the average compliance rate achieved by each county and hence the statewide average compliance rate. Whether compliance with a standard or any of its elements requires procedural modifications, monetary expenditures or some combination of both seems to influence compliance rates. Construction of exits to meet the requirement of the Fire Safety element mentioned earlier is a more difficult compliance situation to achieve than maintenance of the requirements within the Sanitation Standard. Not one local facility achieved a 100% compliance rate on the Fire Safety Standard for 1980 while 21 local facilities, one-third of those monitored, achieved a 100% compliance rate with the Sanitation Standard.

Two standards, Legal Services and Security/Supervision, were analyzed for two consecutive years. Analyses indicated an increase in the statewide average compliance rates from year to year; Legal Services compliance improved by 6% and Security/Supervision by 5% from 1979 to 1980. While a five or six percent improvement might appear modest, it should be noted that such improvement reflects efforts by 55 counties statewide to come into compliance with mandated minimum standards; a system-wide improvement.

Reporting statewide compliance with minimum standards as the arithmetic means of compliance rates achieved by all local facilities may not convey the fullest knowledge of what indeed is the substantive nature of that compliance. For example, reporting statewide compliance with the Legal Services as 77% does not, in itself, indicate specifically what aspects of the standard were or were not met. While this summary measure, the arithmetic mean, does provide a measure against which an individual facility may compare its compliance rate, the comparison may lack concrete meaning as to which elements of the standard were complied with by the individual county and which elements the average compliance rate represents. This aspect of the measurement of standards compliance is not unusual in a statistical manner because this summary description statistic, the mean, substitutes a single measure for many numbers, and certain information is inevitably lost. Cautious interpretation is necessary when utilizing summary statistics and individual comparisons to those statistics.

Standards compliance by any single local correctional facility is reported as the relative percent of positive (+) scores achieved for all elements on the standard's checklist. This measure allows equal weight to be given to each element within the standard. The relative importance of individual elements can be illustrated within the Security and Supervision Standard.

One element is rated for maintaining "active supervision" and another maintaining duplicate facility keys. A full compliance rating with the duplicate keys element is given the same weight in the standard compliance evaluation as full compliance with maintaining "active supervision." The lack of "active supervision" as a basic custodial mechanism can effect the substantive nature of Security and Supervision to a greater degree than maintenance of a duplicate filing cabinet key. Elements within a standard should not be evaluated as if they were all of equal substantive value. Reporting compliance rates in this form may over-shadow problematic areas within a standard and may not accurately indicate a facilities compliance with a standard in the most meaningful manner.

Additionally, a statistical rule of thumb is that one should not compute a percentage unless the number of cases on which the percentage is based is roughly 50 or more. However, the Classification Standard, with thirteen elements, utilizes a reported percentage as a compliance score. This score may not reflect fully the substantive nature of a facilities' compliance and as a summary measure requires careful interpretation.

The Minimum Standards checklists utilizes the following trichotomous ordinal scale:

- + Condition(s) is/are fully satisfied;
- There is some variation or omission of the required items within the element; and
- 0 The essential factors are missing or so limited as to be ineffective.

This scale provides scores that are rank ordered as to the relative degree to which a local correctional facility has complied with any element.

Scores within this ordinal scale do not follow normal mathematical sequence. In mathematics + is greater than 0 and 0 is greater than - providing for a rank-ordered, highest to lowest, sequence of +, 0, and -. As it stands, the checklist ordinal scale may be confusing.

By definition, an ordinal scale does not supply information about the exact magnitude of the differences between scores. However, the checklist scale measures compliance by relative degrees and yet one does have some interpretation as to the relative size of the difference between scores, namely, + is full compliance, - is partial compliance and 0 is no compliance making the scale appear as an ordered-metric scale. Moreover, ordinal and ordered-metric relations do not translate easily into mathematical operations and provide less exacting scores than an interval scale. Once again, cautious interpretation of any data collection efforts must be employed.

Some elements contained in the minimum standards' checklists are worded such as not to provide objective criteria by which to measure compliance with that element. For example, Treatment Programs Standard element 51 calls for the review specialist to ascertain if the quality of a facilities' library selection is appropriate without an operational definition of "quality" nor an objective measurement scale of "appropriateness." The review specialist is left to make a subjective judgement as to whether the quality of selection is appropriate.

Discussion has indicated the substantive nature of the seven minimum standards analyzed to date; facilities trend towards improving compliance scores from year to year; and some issues concerning data methodology. While it appears that the monitoring of local facilities has improved their compliance with the minimum standards, the Commission should examine further the data methodology.

Data methodology, concerning the monitoring of local correctional facilities' compliance with minimum standards, should be such that the recorded compliance information and rates reveal the substantive nature of the situation under scrutiny as fully as possible. Reported summary rates of statewide compliance should be cautiously interpreted. Individual facility reported compliance scores, reported as a percentage, should include some consideration for the relative weighing of elements within a standard. Reported percentages for standards with less than 50 elements should be carefully analyzed. The trichotomous ordinal scale, utilized on the compliance checklists, ought to follow normal mathematical sequence and some consideration might be given to producing an interval level of measurement for standards' compliance. Measurable objective criteria should be established for those elements that may be deficient of such criteria.

In fulfilling obligations of its legislative mandate, the Commission promulgates and enforces minimum standards for local correctional facilities. Data methodology, utilizing in assessing local correctional facilities' compliance with these standards, should be statistically sound in order to produce reliable, valid and revealing measurements.

END