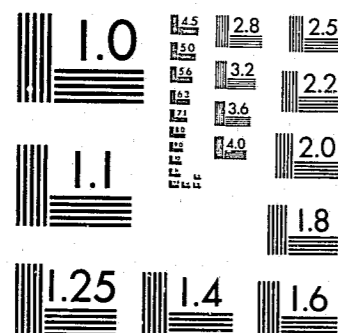


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# CRISIS MANAGEMENT The State of Corrections in New York State

## The Report of the Assembly Republican Task Force on the Corrections Crisis

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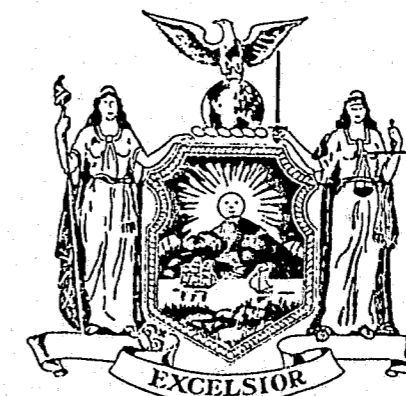
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MARCH 22, 1983



Clarence D. "Rapp" Rappleyea, Assembly Minority Leader

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CRISIS MANAGEMENT -- THE STATE OF CORRECTIONS IN NEW YORK STATE

The Report of the Assembly Republican  
Task Force on the Corrections Crisis

for

Claarence D. "Rapp" Rappleyea, Assembly Minority Leader  
March 22, 1983

Co-Chairman George Winner and Larry Lane would like to  
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Crisis Management -- The State of Corrections in New York State

The Report of the Assembly Republican  
Task Force on the Corrections Crisis  
March 22, 1983

EXECUTIVE SUMMARY

On January 11, 1983 Assembly Republican Leader Clarence D. "Rapp" Rappleyea announced the formation of a 10 member Task Force to investigate and make recommendations regarding the state of corrections in New York. Each member has a maximum security prison in his district or in close proximity. While the Task Force was formed less than 12 hours after the successful resolution of the Ossining incident, by no means was its scope restricted to that situation. Indeed, a similar Assembly Republican Committee surveyed the Corrections System almost three years ago and this new Task Force was charged with updating the prior report to see where the Department of Correctional Services (DOCS) had improved, failed, and/or still needed to make changes as well as taking a fresh look at the system.

To fulfill this mandate, the Task Force scheduled five visits during February 1983 to the maximum security facilities at Attica, Auburn, Downstate, Green Haven, and Ossining. They met with the Superintendents and their immediate staff, correction officers, program and support personnel, and inmate groups. Each facility was also toured by the Assemblymen to note its overall conditions and specific deficiencies.

The findings and recommendations of the Task Force are thoroughly discussed in the attached report. Briefly, they are:

1. Overcrowding and Inadequate Expansion

The system is currently at 113 percent of capacity and has been at a very high level for the past few years. The Department has continuously failed to adequately project the number of cells needed and inmate tensions have increased. The Task Force recommends that an immediate five year expansion plan be prepared for presentation to the Legislature and affected communities so that precious state dollars will not be wasted on inappropriate sites. Some new expansion of maximum security cells beyond that planned is also recommended.

2. Understaffing of Critical Positions

The Department has failed to provide enough program and support staff to keep up with the population explosion which has increased by almost 9,000 inmates in three short years. Essential program staff must be hired to provide adequate levels of programming for all inmates and to maintain records efficiently. It is recommended that all programs be evaluated to determine proper staff levels.

3. Inmate Idleness

A substantial number of all inmates have no programs, i.e. school, jobs, or vocational training to attend. It is crucial that enough programs be provided so that all inmates, including those in transit status, may participate in order to reduce tension and receive some sort of rehabilitation. The Task Force

recommends that the Department survey all staff and inmates to determine which existing programs are appropriate and what new programs should be provided. The industry program (known as Corcraft) should be expanded to continue to provide adequate job training for more inmates. If necessary, prefabricated modular housing should be used to provide immediate program space at facilities which have none or are deficient.

4. Concern about Classification of Inmates

The Task Force noted that many inmates are being classified or reclassified as medium security to fill the large number of new medium facilities which have been created. While these classifications may appear to be appropriate, the Department is cautioned to maintain strict standards to ensure that proper security is maintained. Also, it is recommended that New York State accept no than 150 "State-ready" inmates per week from New York City so that processing and classification remains orderly and complete.

5. Psychotic Inmates

This group of inmates is a continual cause for concern for staff and inmates alike. The Task Force recommends that additional Intermediate Care Programs be established at each maximum security prison. It is also recommended that a \$5 million, 175 bed facility, near Marcy be created to handle additional, so-called "psychotic," inmates who exhibit bizarre behavior.

6. Violent Inmates

Within each facility, there are a number of violent and disruptive inmates who refuse to obey prison rules and attack both staff and inmates. These inmates are currently placed in special housing units which were not really intended for such long term detention. Thus, the Task Force recommends that a super secure "optimum" security facility be created to incarcerate some 300-500 inmates which fall into this category. In the alternative, special housing units need expansion in all maximum facilities. This will create smoother running facilities with less tension once troublemakers are removed. Also, self-defense training and a new death benefit should be provided to civilian employees who have regular contact with inmates.

7. Correction Officers

Several problems specifically concerning the needs of correction officers were identified.

(a) Training. The Academy training they receive should be supplemented after two weeks of classroom teaching by sending all recruits out into a prison under direct supervision of a senior correction officer for one week, in order to get a proper orientation for their job. This will also help to weed out earlier those recruits who find that prison work is not what they expected.

(b) Age. The Task Force recommends that the current age 18 entry level be raised back to 21 in order to attract older and more mature candidates. The Task Force noted the large number of young correction officers compared to the average inmate age -- 87 percent of whom are 21 or older.

(c) Regionalized Recruiting, Training, and Placement. Currently, there is a statewide pool of candidates who may be placed anywhere in the system upon completion of training. As soon as seniority is acquired, correction officers begin to transfer back to their hometown, thus creating massive transfers and

unstable staffs at facilities. It is recommended that the Department implement a form of regionalized recruitment, training, and placement in order to stabilize the workforce.

(d) Promotional Opportunities and Incentives. The Task Force recommends that the Department negotiate with the union to implement some form of financial incentive -- perhaps 10-15 percent of salary -- to encourage senior officers to remain in maximum security facilities and at posts where they have more contact with inmates. Currently, the least experienced correction officers are working in the maximum prisons and have the most inmate contact, while experienced correction officers are working at perimeter posts or medium prisons where there are generally fewer problems.

(e) Overtime. The Department has commendably reduced forced overtime at many facilities systemwide. Nevertheless, there still remains a need to provide adequate relief by deploying additional officers at facilities where excessive overtime still exists.

#### 8. Problems With Inmate Legal Action and Prisoners' Legal Services (PLS)

The Task Force noted that PLS often encourages frivolous inmate lawsuits which burden the Department and force it to defend its actions needlessly. It is recommended that the contractual ability of PLS to bring class action lawsuits be eliminated and their budget reduced as well, since they appear to have exceeded their legal mandates.

#### 9. Contraband

The ability of inmates to smuggle contraband into prisons -- particularly in mailed packages -- remains a problem. Since prison commissaries throughout the system stock over 3,000 types and varieties of food, toiletries, and other essential items, the Task Force urges the Department to prohibit inmates from receiving food packages and to require inmates to purchase all food items from the commissary. Not only will this save the inmate's family postage expenses, the commissary items are cheaper than at public markets since the state buys in bulk and must sell at cost less 10% for "inmate discounts." Each facility should also have access to a trained K-9 German shepherd at least once a week for contraband checks. Facilities should also arrest visitors with illegal contraband and turn them over to the district attorney's office for appropriate action. Although contact visits are mandated by court decisions, the Department should restrict them as much as possible for inmates who are caught with contraband. Also, DOCS should maintain enhanced scrutiny and supervision in visiting rooms.

#### 10. Discipline and Good Time

The Task Force noted that the ability of prison officials to discipline inmates adequately appears to have declined. As an incentive to encourage good behavior, the Task Force recommends that the Administration vigorously study the merits and feasibility of new versions of the Good Time Law. Also, the Department should review its inmate rules and regulations to determine their appropriateness and to insist on a statewide level of conformity and enforcement so that different facilities are not operating on different standards.

#### 11. Failure to Provide Service Payments to Localities

There is no doubt that a prison places a large burden on a municipality -- particularly its fire and police services. Thus, the Task Force will recommend

legislation to enable the Department to contribute toward defraying some of the costs it incurs.

There were many other problems which the Task Force noted but it has concentrated on these major items so that DOCS can move from a crisis-oriented management system toward a more routine, streamlined system. Much of the problem relates back to overcrowding and the Task Force encourages the Governor to move quickly to relieve this crisis. The Task Force members stand ready to assist the Governor and the Department in any way they can.

## Crisis Management -- The State of Corrections in New York State

### The Report of the Assembly Republican Task Force on the Corrections Crisis March 22, 1983

On March 31, 1980, the New York State Department of Correctional Services (DOCS) had 20,900 inmates. In three short years, that figure has risen to over 29,100 -- an increase of 39.2 percent or 13.1 percent per year. Only Texas and California incarcerate more criminals than New York State.

There has been a meteoric rise in the cost to run these prisons as well. In 1980-81, it was only \$277 million, while for 1982-83 it will rise to \$490 million and will nearly double to \$531 million by 1983-84. This is exclusive of the massive capital construction plans which are currently underway to add 7,000 new cells in the next three years by which time the population may be as high as 40,000 inmates at the current rate of expansion.

The administration has seemed to be able only to react to this situation by way of crisis management. It was not prepared after the proposal to acquire Rikers Island fell through; it was not ready to accept inmates within 48 hours pursuant to a federal court order; and, it has been unable to handle staff and inmate complaints about prison conditions satisfactorily.

Given this background, Assembly Republican Leader Clarence D. "Rapp" Rappleyea formed a 10 member Task Force -- each of whom has a maximum security prison in or very near to his district -- to investigate the problems facing the DOCS.

The Task Force was not formed to focus on the reasons for this tremendous influx of prisoners although it is certainly a valid concern and one which merits study beyond the mandates of this Task Force. Rather, this Task Force was charged with analyzing the impact of this phenomenal inmate surge on the operating procedures of DOCS and how it has reacted. Certainly, the fact that the system is presently at 113 percent of capacity and has been at greater than 100 percent level for the past three years indicates that there are serious problems -- both with conditions, planning, and sentencing procedures which have produced so many new inmates.

The Task Force is specifically concerned with the overcrowding impact on the conditions of confinement, the delivery of essential services such as programs, medical and psychiatric treatment, administrative, clerical, and support functions, and the level of security and working conditions for correction officers and staff personnel within the prison. None of these items are mutually exclusive since they all impact upon each other.

The ten member Task Force undertook this mandate on January 11, 1983, less than 12 hours after the successful resolution of the inmate uprising at Ossining Correctional Facility.

This uprising was an unfortunate, but not fatal, reminder of the problems which a similar Assembly Republican Task Force had discovered some 2½ years ago when it toured each of the state's maximum security facilities to determine the existing problems and to recommend solutions. While the Commissioner of the Department of Correctional Services and his staff are to be commended for

successfully negotiating a peaceful resolution to the Ossining incident, they and the Administration are nonetheless responsible for failing to rectify several key problems which the previous Republican Task Force as well as other groups had identified, and which ultimately contributed to what happened at Ossining. These problems will be identified in the body of the report which follows.

The purpose of this report is not to attach blame but to focus on existing conditions as identified by the administrators, correction officers, program and support staff, inmates, and the Assemblymen themselves at several representative facilities in order to prevent future incidents from developing. The maximum security facilities visited throughout February of this year were Attica, Auburn, Downstate, Green Haven, and Ossining. The ultimate goal of this report is to identify and encourage changes which need to be made in order to anticipate and resolve crises before they occur, in order to make our correctional facilities a safer place to live and work.

### FINDINGS AND RECOMMENDATIONS

The key items identified by the Task Force which will be discussed in detail include:

1. Overcrowding and inadequate expansion plans.
2. Understaffing of crucial positions.
3. Inmate idleness.
4. Concern about classification of inmates.
5. Psychotic inmates.
6. Violent inmates.
7. Correction officers' specific problems.
8. Problems with inmate legal action and Prisoners' Legal Services.
9. Contraband.
10. Discipline and good time.
11. Failure to provide service payments to localities.

#### 1. OVERCROWDING AND INADEQUATE EXPANSION PLANS

As previously indicated, the Department is at 113 percent of capacity which is far above the nationally recognized level of 80-85 percent. While this lower level may not be immediately realistic given the mandated sentences that the Legislature has enacted, it nevertheless remains the goal to strive toward. Instead, the Department has concentrated on maintaining an occupancy rate no worse than currently exists -- which has been consistent for the past two years. If it were not for the fact that as many as 500 inmates are in transit on buses on any given day (the equivalent of a single medium size facility), the actual overcrowding situation would clearly be much worse than it is on paper.

DOCS has continually failed to project accurately the number of inmates it must incarcerate. The Task Force recognizes that this is not an exact science yet, but the Department should realize that its estimates have consistently been

on the low side. It should revise its projections methodology in order to prevent the massive overcrowding resulting from an unexpected influx of inmates.

Has the Department learned anything from the crisis management situation it has had to contend with for the past three years? Clearly, the answer is no. As recently as February 22, 1983, at the DOCS Hearing before the Fiscal Committees of the Legislature, the Commissioner indicated that his proposed expansion for 1983-84 was not based on what was needed, but rather on what was the most economical expansion. Instead of preparing for an increase which will probably be at least 2,700 new inmates and may be as many as 4,000 inmates in the next year, he is only prepared to accommodate 1,300 inmates -- half as many as should realistically be expected.

Why should the Department's planned expansion be predicated on what is most economical? It should be based on what is most realistic in order to be prepared for what will really happen to the system. Instead of assuming a worst case scenario (2,700-4,000 inmates) which will result from a reduction in the felony backlogs as planned and emphasized by the Judiciary, the Department is assuming a best case scenario (1,300 inmates) which will only mean further crisis management and last minute prison plans in somebody's backyard without prior legislative approval.

The Task Force strongly recommends that DOCS immediately revise its expansion plans to anticipate a drastic rise in the inmate population -- not the "economical" increase. A five year plan to acquire, build or renovate new facilities should commence at once so that an orderly expansion process will result. This plan should provide not only additional housing space but adequate space for educational, recreational, vocational, and industrial programs. The Task Force noticed that the current expansion seems to have added only cell space and has created a large cadre of inmates with nothing to do all day long. An idle inmate can become a tense and dangerous person. Thus, it is essential that housing and program space become available simultaneously. Prefabricated modular units, steel-construction classrooms or masonry buildings which can be quickly and cheaply erected should be utilized wherever possible until more permanent buildings are designed and constructed.

The Task Force further recommends that future expansion plans should also consider traditional penal theory which recognizes that facilities should be located near urban centers in which most inmates reside. Nearly 65 percent of all of DOCS' inmates are from New York City -- yet the majority of the prison population is isolated in upstate New York. The location of new facilities near New York City would encourage family visitation and strengthen family ties which are crucial to an inmate's stability and success. It will also result in reduced inmate transportation costs for the state.

The proposed five year plan should be presented to the Legislature and to the immediate areas (particularly sites in or near New York City) where these proposed prisons will be located so that precious state dollars are not wasted on inappropriate sites which particular communities vehemently oppose. It is essential that a proper foundation for new prison construction be clearly laid out so that expansion plans are thoroughly prepared, discussed, presented, and approved by all affected parties.

Ideally, plans will be accepted with or without modifications and if sites are rejected, there will be adequate time to acquire alternative space rather than scrambling around the state in a musical chairs situation, as currently exists. If the prison population levels off or even drops sooner than antici-

pated, then the Department can begin to close its antiquated 150 year old facilities, such as Ossining, and other undesirable space which was quickly pressed into use due to the emergency overcrowding situation.

In regard to these antiquated facilities -- most of which are maximum security with decaying physical plants -- the Task Force specifically recommends that the two new 512 bed maximum security prisons under construction at Wallkill and Woodbourne be immediately revised for a 25 percent expansion of 128 beds at each, for a total additional 256 maximum security beds. This expansion was factored into the original design component for these facilities. While this recommendation will add about \$10 million to the cost of each prison, they are at a "reduced" rate of \$78,000/cell (compared to \$100,000/cell of the current construction) and will allow the Department to phase out some of the current undesirable maximum space.

The Task Force cannot too strongly emphasize that this recommendation be a top priority of the Department and the Executive Chamber.

## 2. UNDERSTAFFING OF CRITICAL POSITIONS

The Task Force could not help but notice that facilities have suffered from job freezes, transfers, and high attrition. This has created a situation where critical program, support, and security positions have become vacant and left unfilled. Fortunately, the proposed Executive Budget exempts correction officer (security) positions from the statewide personnel reduction policy which will allow new officers to be hired. These requests stem not from concern for inmates over other state programs suffering cutbacks, but relate to a concern that failure to fill these staff positions will create life threatening situations.

Clerical and program staff positions simply have not kept up with the massive influx of new inmates. This has created tremendous backlogs and delays in inmate classifications, mail and package processing, visitation, commissary and other necessary programs. At the main reception and classification center at Downstate, complete inmate records were backlogged nearly six months despite over 200 hours per week in overtime by the unit personnel. They were unable to process incoming mail which often contained outstanding warrants from county jails which could have affected the security classification of certain inmates. For example, an inmate might initially be classified as Medium B based on incomplete information. Then two months later a warrant from a county is discovered indicating that he is also wanted on a rape charge which would have placed him in Maximum A classification. Clearly, backlogs of this nature compromise security and must be expeditiously reduced in order to retain the integrity of the classification system.

Other problems were brought to the attention of the Task Force. A staff member at one facility indicated that even though he was a \$30,000 a year counselor, he was required to spend half his time doing simple clerical work because of staff shortages. This drastically reduced his ability and time for inmate contacts to relieve tension which was his primary responsibility.

Other personnel stated that much of their time was devoted to documenting or preparing responses for frivolous inmate lawsuits and that adequate legal assistance was non-existent. Some even stated that they were reluctant to perform their actual job duties because they feared possible inmate lawsuits for which they might personally be liable and for which no departmental legal assistance would be available.

Academic and vocational teachers, counselors, mail clerks, and substance abuse personnel are several program positions which the Task Force noted have been consistently vacant. The failure to staff these critical positions negatively impacts upon facility operations and the ability to deal effectively with inmate problems and tension.

These vacancies have placed the Department in a position where it is forced to react to inmate situations rather than adequately planning programs to prevent them from occurring. As evident from the Ossining incident, program planning and staff personnel must be available to all inmates regardless of their classification, including those who are in transit status for whatever length of time.

The Task Force recommends that DOCS, the Governor's Office, and the appropriate unions undertake a thorough examination of programs currently available and determine the proper level of staffing for each and to fill all vacant items expeditiously. Clerical and support staff, and especially inmate records and classification personnel, must be fully staffed and new positions created where necessary to keep up with the population crunch. The Legislature has acted favorably upon DOCS operating budget requests in the past and would continue to support adequate staff levels.

### 3. INMATE IDLENESS

An inmate with time on his hands means only trouble for officers, staff, other inmates, and the facility. The Task Force is acutely aware that a substantial number of inmates -- about 10 percent of the population have no programs, training, or job participation. Even this figure is on the low side and is misleading since an inmate who has a job of any nature or duration, or is in school for only a few hours each day, is not classified as idle.

Hence, inmates who participate for only two or three hours each day -- not a full six or eight hours as is commonly assumed -- in work or schooling is considered by DOCS to be "programmed." Therefore, many inmates still have a considerable amount of free time which is filled only by watching television, reading, writing letters, or "hanging out." Clearly, these inmates cannot be considered to be fully occupied or programmed, and could represent a threat to the internal stability of a facility.

The Task Force investigated this idleness problem and identified three primary causes: a) understaffing; b) inappropriate programs; and c) lack of physical space to conduct programs.

a) The previous section on understaffing documents the need for additional personnel to conduct inmate programs.

b) While DOCS currently offers a variety of programs ranging from education (remedial to high school equivalency to college) to farming and industry, there is no overall sense of what programs are actually needed or desired by the inmates and staff. Consequently, DOCS may be providing useless programs that are inappropriate for preparing inmates for release and thus, are unattractive to them.

As a result, the Task Force recommends that the Department, the Executive Chamber, and the appropriate unions survey both staff and inmates to determine desirable programs of all types to be pursued. Naturally, the Department will have the overall authority to decide which programs are cost-effective and necessary for proper inmate populations. An overwhelmingly popular but

frivolous inmate program idea would not be approved.

An intensive investigation of Corcraft, the prison industry program which has suffered losses of \$16 million over the past two years, should be conducted to determine its effectiveness and contribution to the corrections system. It provides employment opportunities to only 2,200 inmates, or about 7.5 percent of the population. The Task Force believes that proper vocational and industrial training experience is necessary to prepare inmates for successful reintegration into society. However, many of Corcraft's programs may be outdated and provide little training to the inmate even though revenue may be generated for the state.

The Task Force, after examining profitable prison industry programs in other states, such as Minnesota, Arizona, and Kansas, concludes that the state can operate Corcraft on at least a break-even basis while still providing essential training to inmates. The Task Force further notes that DOCS has made many improvements in Corcraft in the past few years and urges it to continue its progress.

c) As noted in the first section on overcrowding, the recent capital expansion plans have concentrated purely on providing housing space for new inmates. It is again stressed that these new expansion plans must contain adequate space for classrooms, vocational training, recreation and industry programs. Also, existing facilities which may not be undergoing expansion nevertheless suffer from a shortage of physical program space. They should not be ignored at the expense of new expansion projects. The Department should inventory all facilities to determine the amount of program space and note deficiencies to be corrected in the near future with the use of modular units or even mobile home trailers for immediate classroom space.

### 4. CONCERN ABOUT CLASSIFICATION OF INMATES

There are several problems with current classification procedures as conveyed to the Task Force on its visits. One previously discussed involves the failure of the classification center to diagnose and classify new inmates properly due to staff shortages. In view of the fact that the large number of New York City state-ready inmates are swamping the system, it is recommended that DOCS accept no more than 150 inmates per week from Rikers Island irrespective of the 48 hour rule. It is essential that an orderly and accurate classification system be operated. Since the 48 hour rule was ordered by a federal court, the state has had to cut its classification schedule from 22 to 12 working days and at times it is even less. In essence, New York City is allowed to clear out its detention centers at the state's expense. Thus, a cap of 150 New York City inmates to be received according to the most expedient schedule is recommended.

A second concern regards psychotic inmates who exhibit abnormal behavior but who are not so severely disturbed as to warrant separate treatment outside the facility. This is discussed in a separate section following.

The Task Force heard a third complaint from many officers who believed that certain maximum security inmates were inappropriately being reclassified as medium security and were thus transferred to a medium security facility. Since DOCS has primarily expanded its capacity by providing some 3,500 new medium spaces over the past two years, the Task Force noted this concern for further investigation which follows.

Two key findings were discovered. One, the Department has instituted a new reclassification system which now allows certain inmates previously ineligible

for medium security to be considered for such transfer. DOCS reexamined its reclassification guidelines about two years ago and concluded that they were too strict. They were not allowing eligible inmates to flow properly through the system, i.e. entry into maximum, transfer to medium, transfer to minimum, and preparation for release into society. Thus, new guidelines were implemented and medium security facilities are in fact receiving more serious offenders than previously. However, they are no less desirable or appropriate than the previous inmates in regard to observation and obedience of facility rules.

The main indicator of the appropriateness of these new guidelines is what is known as the reverse transfer rate. This rate reflects those who were reclassified to lower security (medium) but subsequently ran afoul of the facility rules or could not conform to reduced security responsibilities and had to be sent back to a maximum security facility. This rate is currently 4.9 percent of those reclassified downward, which is basically the same rate as was produced before the new guidelines. Only 2.5 percent of these are for disciplinary reasons. Theoretically, while a new breed of inmates is being sent into mediums, they are no more of a threat than other inmates. If they are, immediate transfers back to a maximum security facility will be ordered.

Although the Task Force has no solid evidence that dangerous inmates are improperly placed, it is a critical area which must be continually monitored by the Department. Tight control over reclassification must be maintained so that no one slips through the system as Robert Garrow did several years ago. Since the overriding concern of the DOCS (and any prison system) is to provide a secure setting for all of its inmates and to prevent any escapes or riots, the Task Force trusts that the Department will not unjustly reclassify inmates purely to meet available space.

The Task Force urgently requests that the Department maintain strict control over classification and to be sensitive to substantive complaints of these officers who regularly deal with inmates that certain placements may be improper.

#### 5. PSYCHOTIC INMATES

Each facility visited indicated to varying degrees the problems posed by psychotic inmates. These inmates, sometimes referred to as "bugs," exhibit bizarre behavior yet cannot quite qualify for treatment at the Central New York Psychiatric Center (Marcy\*). Thus, they must remain within the general prison population where their unpredictable behavior is disruptive to both staff and inmates alike. One large facility the members visited indicated that there were almost 1,200 mental health contacts in one month alone.

The Department is pursuing one method to handle these problem inmates by the creation of Intermediate Care Programs (ICP) at various facilities. These are small units which are staffed by psychiatric professionals and are designed to deal with the "in-between" psychotic inmates who do not qualify for Marcy, yet cannot cope with general confinement.

\*Not to be confused with that section of the mental health facility which is separate and which DOCS is proposing to convert to a medium security prison.

Two of these facilities currently exist at Auburn (48 beds) and Bedford Hills (female - 20 beds) and have proven to be very successful. DOCS had requested that four additional ICP's be created during 1983-84 at Attica (72 beds), Clinton (50 beds), Elmira (50 beds), Green Haven (68 beds). However, the Governor chose to recommend the creation of the ICP unit at Attica only. The Task Force strongly chastises the Executive for this decision and encourages the entire Legislature to restore funding for the three other ICP's in the 1983-84 budget.

Moreover, the Task Force recommends that such ICP facilities be established at every maximum security facility, and further to consider the feasibility of constructing a new 175 bed correctional/mental health transition facility near Marcy to treat those inmates which Marcy cannot accommodate. This facility at a cost of about \$5 million would also facilitate the transfer of mildly psychotic inmates back to general confinement.

#### 6. VIOLENT INMATES

The Task Force did not expect to find particularly well-adjusted inmates at the facilities visited. However, on an individual basis these inmates may display traits which reflect exceptionally well-balanced and congenial attitudes to those which indicate outrageously bad and violent personalities. While most inmates prefer to be left alone to do their time, there is a group (unorganized) of vicious, violent, and depraved inmates who regularly assault and harass staff and other inmates, and threaten their safety as well as the overall security of the facility. These are not psychotic inmates; they are independent, disobedient, disrespectful, and disruptive inmates who exhibit uncontrolled, violent behavior. Inmates, officers, and staff alike all voiced their concern about this group which has the ability, if not strictly supervised, to disrupt the entire facility.

The current method to handle these "bad" inmates is to place them in special housing with limited privileges. Unfortunately, there are not enough special housing cells to handle all of these inmates as well as regular disciplinary cases in each facility.

The Task Force believes that there is merit in establishing a separate "optimum" security facility (super maximum) to accommodate the estimated 300-500 such inmates so that they can be isolated and individually treated. As an alternative, the special housing units at each facility should be expanded to separate these inmates. The argument may be made that there will be difficulty in enticing experienced officers to work at such a facility. However, by concentrating all of them in one facility where heightened security and control is strictly maintained, the chances of assault and violence will be severely curtailed. Moreover, assaults upon other inmates will probably decrease since there will no longer be any easy prey available.

In addition, it was pointed out to the Task Force that civilian staff who deal with inmates (teachers, nurses, counselors, cooks, etc.) are given absolutely no self-defense training whatsoever. The Task Force also observed that classrooms were managed by only a single teacher -- often a female -- with no officer nearby. Of course, it is impossible to have an officer in every classroom, kitchen area or office. Hence, the need exists for some self-defense training for civilians until an officer is able to respond, and for the employees' peace of mind if nothing else.

Moreover, under current federal guidelines, civilians are not eligible for public safety officer death benefits should they be killed while working within a

facility. Since they are exposed to similar dangers as the corrections officers, who are eligible, the Task Force supports legislation to include this benefit for civilian employees who regularly work with inmates.

## 7. CORRECTION OFFICERS -- SPECIAL PROBLEMS

The Task Force was naturally concerned with the opinions and observations of the correction officers since they are the thin blue line maintaining security in our correctional system. A host of concerns were addressed and the Task Force has narrowed them down to five areas (not necessarily prioritized).

### A. Training

Almost every corrections officer at each facility disagreed with the type of training that is being provided at the 12 week training academy, which consists of six weeks of classes, four weeks of on-the-job training, and two supervised weeks at the facility where one will be placed. The Task Force discounted some of these complaints since almost any graduate of a training academy, whether it be corrections, police, educational or other, will state that the theoretical training did not prepare them for their real job. What happens on the streets or behind the walls can never be taught -- it can only be experienced.

Nonetheless, these complaints have merit and the Task Force urges the Department to examine and revise its training courses and schedule. An examination of new officers with 15 months or less service showed that 64.6 percent left DOCS within their first four months.

As a means to better orient recruits to actual prison conditions and to identify future dropouts, the Task Force recommends that after two weeks of classroom training, the entire class be divided and assigned to various facilities to serve one week accompanying correction officers performing various duties on their rounds. Too many young, idealistic recruits have no idea of actual prison conditions and drop out after the state has invested six or twelve weeks of training. Plus, upon return to the Academy for four more weeks of classes, they will have more awareness and perception of the academic theories as well as questions of their own regarding their applicability. The Federal Bureau of Prisons currently utilizes a similar procedure and has found it to be very successful.

Another problem regarding training was the blatant omission of hostage negotiations which is particularly relevant after the Ossining situation. A course should be implemented for recruits as well as in-service training for current correction officers to deal with this issue in order to teach them how to react to such situations.

Finally, the Department continues to experience some problem with psychological screening of prospective correction officers. Every attempt should be made to screen them before appointment, but in no case should any correction officer be allowed to complete his/her probationary period without a psychological aptitude test.

### B. Age of Officers

The state recently lowered the entry age for correction officers from 21 to 18 in order to attract more applicants from all ethnic groups. They have successfully hired and trained over 2,000 new correction officers in the past year alone. Veteran officers voiced their concerns about these new, inexperi-

enced "kids" fresh out of high school who in many instances are not mature enough to deal with the street-wise and con artist inmates. While many of these young correction officers are no doubt good officers and most of them will become better officers as they acquire more experience, the fact remains that DOCS has a large number of 18, 19, and 20 year old correction officers while 87.3 percent of the inmate population is over 21 (65 percent are over 25 years). The Task Force believes that there is adequate cause for concern both for the safety of these young correction officers and other officers as well as for the overall security of the facility itself.

It should be noted that the only other statewide law enforcement agency -- the State Police -- has a minimum entry age of 21 years. Thus, it is recommended that the age level for correction officers be raised to 21 years.

### C. Regionalized Recruiting, Training, and Placement

Currently, all recruits are drawn from a statewide pool of qualified applicants. While they are trained at one of three academies (Albany, Altamont, or Harriman), they are placed at whatever facility has or will have vacancies due to senior officers exercising their bid privileges and transferring to another facility.

Thus, in reality, a correction officer recruit from Buffalo may go to Albany for training, request placement at Attica (since it is near his family), but end up at Ossining since he or she has no seniority. After acquiring some seniority he or she may eventually wind up at Attica but only after two or three prison stops in between and numerous relocation hardships are encountered along the way. The Task Force was told that it was not unusual for recruits to arrive at their new placement with little money and no leave time to find housing. Thus, as occurred at Ossining, they ended up sleeping in their cars until arrangements could be made.

The individual correction officer as well as the system suffers from this rapid turnover and transfers among facilities. Inmates suffer also since there is no stability or continuity of command as each new correction officer interprets and applies the rules differently. Inmate tensions and grievances rise as new officers learn the system. Also, with such rapid turnover, a situation is created where a correction officer with only six months experience may be supervising a correction officer fresh out of the Academy. A situation is thus created where the blind are leading the blind.

The Task Force recommends that regionalized training and placement -- to the extent possible -- be implemented in order to reduce attrition, turnover and transfers, and to increase the stability of the prison. Negotiations should be undertaken with the union to reach an agreement on employee transfers to produce a rational means of deployment of new correction officers and transfer of current correction officers.

### D. Promotional Opportunities and Incentives

Many correction officers complained about the lack of promotional opportunities. This exists in any organization, but the correction officers and the Task Force agree that new opportunities need to be presented to encourage officers to remain on the job and receive increased job satisfaction. There is some merit in creating a corporal's position for correction officers, but there was no clear consensus from the correction officers that the Task Force spoke with regarding this issue.

Also, as new correction officers are hired, more experienced correction officers first bid out of placement where there is inmate contact and eventually to lower security levels if such facilities are nearby. As a result, DOCS often has the least experienced correction officers in the maximum security facilities where they also have the most contact with inmates. Meanwhile, the experienced correction officers are often either on a wall post away from inmates, or at a medium or minimum facility where there are less hassles and pressure.

The Task Force sees no clear cut solution to this problem other than having the Department offer some form of incentive pay -- say 10-15 percent of current salary -- to experienced correction officers (five or more years of service) to remain in inmate-contact positions in maximum facilities. The Task Force urges the Department and the union to pursue this concept actively in order to ensure adequate and experienced supervision of inmates.

#### E. Overtime

Surprisingly, some facilities indicated that overtime was excessive while others indicated that there was not enough. The Department must be commended for reducing the enormous amount of forced overtime it faced as recently as two years ago. Nevertheless, some improvements still need to be made at various facilities. As long as overtime is optional, there generally is no opposition from the correction officers. The Task Force noted that some inmate programs such as ethnic festivals and visitation generated a lot of overtime, yet the advantages of such programs must be balanced against the disadvantages of forced overtime. It is recommended that the Department continue its efforts to reduce unscheduled forced overtime and to deploy new officers as needed for adequate overtime relief.

#### 8. INMATE LEGAL ACTION AND PRISONERS' LEGAL SERVICES

Various administrators, staff members, and correction officers complained about the advocacy role assumed by Prisoners' Legal Services, Inc. (PLS). There is no doubt that inmates have a fundamental constitutional right of access to the courts which require the state to assist inmates in preparing and filing meaningful legal papers by providing them with adequate law libraries or adequate assistance from persons trained in law [See Bounds v. Smith 430 US 817, 97 S Ct 1491 (1977)].

The problem arises from the frivolous suits continually filed by inmates and PLS. While PLS may discourage (as it should) some inmates from filing such suits, it appears more likely, based on the Task Force visits, that PLS often encourages meaningless suits which only encumbers DOCS and the Attorney General's office. This forces them to detour precious resources (both personnel and money) from meaningful programs to defend against such frivolous cases.

It is the opinion of the Task Force that PLS has exceeded the mandates of Bounds v. Smith and in fact encourages inmates to allow meaningless suits entered in their name and to join meritless class action suits to attempt to force the Department to change conditions. While such legal action may be necessary in other less progressive states, New York has a good record of providing inmate services, correcting unsanitary conditions, and responding to inmate complaints without court action.

In general, the courts prefer that the states take whatever remedial action is deemed necessary without judicial interference. But, if the state fails to demonstrate a good faith effort on their part to correct deficiencies, the court

will then intervene. PLS seems to have adopted the opposite point of view -- that it will go to the courts first for relief rather than approaching the Department, the Governor or the Legislature. As a result, PLS has overburdened the Department with a wide variety of suits -- often after encouraging an inmate to allow them to file a suit on his behalf. Instead of screening frivolous cases, it appears that PLS in New York State is instigating them.

Class action suits by PLS are particularly burdensome and costly to DOCS without any particular benefit to inmates that could not be achieved by other means. The Task Force therefore recommends that the original PLS contract (dated April 26, 1978 and renewed annually since that time) be amended to delete the authority given to PLS to institute class action suits. A new contract should be drawn which specifically denies PLS the authority to institute class action suits. This will not prevent inmates who wish to institute class action suits from so doing; it only means that the state will no longer pay PLS to file them.

In general, PLS should restrict its activities to: obtaining proper credits for good time, criminal appeals, habeas corpus writs, divorces or annulments, disciplinary matters, denial of parole, and prison conditions. These are the most common inmate complaints and legal assistance from PLS would assist them in properly presenting and filing papers and eliminating frivolous suits.

PLS should not be allowed to bring suits (as the Task Force was recently told) for inmates such as: a suit advocating the removal of a severely disturbed inmate from protective isolation even though he thought he was a goat and swallowed objects of any nature -- for which we were told the state paid an enormous amount for their surgical removal; or a suit on behalf of an inmate to compel a facility to provide additional garlic in his food for medicinal benefits. These actions are clearly outside the boundaries of the services that PLS was envisioned to provide. If PLS has the time and money to spend on these types of cases, then their budget should be reduced to reflect their true workload and purpose.

#### 9. CONTRABAND

Once contact visits were mandated by the courts, correctional facility administrators began to experience a large increase in contraband -- primarily narcotics being smuggled in to inmates. It is also smuggled into prisons via mailed packages in which contraband has been ingeniously hidden so as not to arouse suspicion or detection.

Although the Task Force did not hear unanimous complaints regarding contraband -- it is considered more of nuisance and a cause of excessive overtime due to preventive efforts -- it is an area of concern.

Contraband weapons are a way of life within prisons, which administrators and officers realize, since these weapons are primarily intended for self-defense from other prisoners -- not for attacks on staff. Nevertheless, they too are a cause for concern.

The Task Force noted that prison commissaries are extremely well-stocked and offer for sale every item plus hundreds more than those that are allowed to be mailed to an inmate. Inmates can purchase all types of personal toiletries and essentials and can choose from 144 candies and candy bars, 43 brands of cigarettes, 31 brands of coffee, 23 kinds of beans, 64 flavors and sizes of soda, 89 types of cookies, plus such "essential" items as calamaries (squid), baby clams, octopus with olive oil, hominy grits, white clam sauce, baby oil,

fish food, and a fish tank thermometer. Judging by the 144 page listing of goods available to inmates with over 3,000 items available throughout the system, there is absolutely no need for inmates to receive packages from home -- except to receive contraband.

Moreover, these items are cheaper at the commissary than at a public market since the state buys them in bulk and must sell them to inmates at cost less a 10 percent discount. Thus, there is no reason why inmates should be allowed to receive packages of food and other items when their family can simply mail a money order to be credited to their account from which an inmate can spend \$50 every two weeks. This not only saves postage costs on a heavy box of foodstuffs, it also lets the inmates purchase it directly and at a lower cost at the commissary without fear of delivery damage.

The Task Force therefore recommends that no inmate be allowed to receive food packages and that all food purchases are to be made directly at the prison commissary. This policy will considerably relieve the package and mail rooms of the tedious task of thoroughly inspecting each package and will substantially reduce the chances of contraband entering a facility.

DOCS has begun to use trained German shepherds to assist in shake-downs for contraband and weapons. The Task Force thinks that this is an excellent idea and should be expanded so that each facility has access to a trained K-9 dog at least once each week.

The Department should encourage each facility superintendent to severely restrict contact visits for those inmates who have been caught with contraband. Enhanced security -- primarily more correction officers -- should be provided during visitation to scrutinize visitors to prohibit transfer of contraband.

Finally, the Department is encouraged to crack down on visitors who are caught with contraband by arresting them on appropriate charges and turning them over to the District Attorney's Office for appropriate action. The Department should also prosecute inmates who are caught with contraband and subject them to administrative penalties -- if not criminal charges. Once visitors realize that they will face criminal action for bringing in contraband, the number of incidents is predicted to drop substantially.

#### 10. DISCIPLINE AND GOOD TIME

The Task Force heard many complaints from officers and staff that discipline was lax, ineffective, and almost non-existent in most facilities. Officers had the best opportunity to observe this since many of them had worked in other facilities prior to their current deployment.

Granted, the days of solitary confinement (i.e., the "box"), and bread and water with no light or running water for disciplinary cases are over, yet some semblance of order needs to be maintained. We are not implying that facilities are being operated slipshod or that inmates are running amok. We do wish to point out that courts have recently allowed inmates various liberties and privileges while restricting the ability of administrators and officers to deal with problem inmates -- hence our previous recommendation to establish an optimum security facility for the most troublesome and dangerous inmates.

Yet, there remains the lack of disciplinary measures allowed to be meted out for various infractions of facility rules. At times, the correction officer who initiates a punishment, which often is no more than denying an inmate one hour per day of additional recreation time, is overruled by his commanding

officer (sergeant or lieutenant) so that less paperwork will be generated and more "cordial" relationships between staff and inmates will be created. The end result is a total breakdown of rules since officers may not write up inmates because they believe their superiors will overturn them anyway and the inmates now realize that they can get away with more frequent and serious violations of the rules.

In this regard, two steps are recommended. Immediately, the Department should examine its statewide rules and regulations pertaining to inmate behavior and make them as realistic, enforceable, and strict as possible. Each administrator, officer (commissioned and non-commissioned), and staff member should be instructed in their interpretation and application so that there is statewide uniformity for inmate behavior and enforcement of sanctions. With so many new facilities and officers and inmates alike being frequently transferred between them, it is absolutely essential that behavioral guidelines remain consistent throughout. Otherwise, internal turmoil among staff and tension among inmates will increase to a breaking point where another crisis breaks out over some petty, unrealistic rule that was properly enforced or a standard rule that was inappropriately handled. All inmates in each facility should know the behavior expected of them and likewise, the officers and their supervisors should uniformly apply these rules.

Second, the Task Force recommends that revision of the so-called Good Time law be considered. Currently, every inmate is automatically allowed one-third off his maximum sentence which may be taken away (days added back to his sentence) for disciplinary reasons. As a result, there is little incentive for inmates to strive toward "model behavior" to reduce their sentence.

Inmates, administrators, staff, and correction officers almost unanimously told the Task Force that a revision of Good Time is essential. The Task Force agrees, although the members could not reach a consensus on a specific recommendation to improve the current Good Time law. Several suggestions by those interviewed at the facilities (including inmates) are: taking good time off the minimum sentence; enabling inmates to earn a certain number of days per month (say ten days) for good behavior, subject to revocation for rule infractions; allowing earned good time to vest during each year of incarceration (cannot be taken away except for very serious rule infractions); and allowing a certain number of days off their sentence for strict adherence to and participation in rehabilitative programs (school, vocational education, substance abuse, etc.).

The Task Force believes that good time changes are essential to restoring proper management and authority to the Department as well as giving inmates fresh incentive to obey rules and regulations and actually improve their attitude. Since many inmates resent authority no matter what form it takes, the current good time law will make no difference to them, but if they realize that new good time rules may allow them to help themselves, perhaps they will improve their behavior regardless of their adverse attitudes.

#### 11. FAILURE TO PROVIDE SERVICE PAYMENTS TO LOCALITIES

As state facilities, prisons are exempt from paying local taxes. Despite the job opportunities they may provide, they still produce a drain on the local municipality for the provision of fire and police protection as well as maintaining roads, sewers, water lines, and other essential services -- all at no cost to the state.

The Task Force noted the lack of adequate fire safety provisions (i.e., fire trucks, and smoke and fire detection equipment) at the facilities and were told that the community would respond to any major fire. However, we were also informed at one facility (Downstate) that the local volunteer fire department would under no circumstances respond to a fire since the state refused to pay a small contractual fee for services. The state's position is that it believes the local fire department would nevertheless respond out of moral conviction if a fire occurs. The Task Force is unaware as to how widespread this problem is, but it suspects that Downstate is not the only facility with such a problem.

Municipalities should not be forced to assume the additional service burdens place upon them by large state prisons without adequate compensation. Thus, the Task Force will recommend legislation to mandate that proper fire, police, and other services are maintained for each facility and an appropriation will be made to provide payments to localities for the cost of such services.

### CONCLUSION

The Task Force realizes that the short period of time during which it visited these facilities did not allow the members to visit every facility that they desired. Nevertheless, we feel that these facilities were representative of the major problems facing the DOCS, the Executive Chamber, and the Legislature regarding incarceration of inmates and facility operations.

In comparison with the previous report issued in 1980, the Task Force noted that many of the same problems remained and that no corrective action had been taken. Granted, the Department has been scrambling about for additional beds for the past few years and perhaps it has not had the opportunity to address problems other than overcrowding. Indeed, this is the crux of the problem -- lack of adequate long range expansion plans for housing and programming of inmates. These two priorities must be simultaneously addressed as one; otherwise we create only a warehousing situation where inmates must constantly be bused around the state akin to a mobile facility in order to keep tensions from boiling over.

The Task Force has not specifically addressed the need for alternatives to incarceration for this is a major topic in its own right. It is recommended that the Department, the Governor, and the Legislature meet with interested private groups of concerned citizens to address their alternative plans. However, such changes will not occur overnight and the Task Force chose to focus on the immediate problems facing the Department of Correctional Services so as to avoid future crises at state prison facilities. It is hoped that the topics and recommendations for change addressed in this report will assist the Department to improve management from crisis/reaction oriented to smooth, routine, and normal operations.

The Task Force hopes to meet with the Commissioner and staff at his discretion to discuss this report and attempt to resolve mutually the problems that the Department -- despite its good faith efforts -- still faces.

Finally, the Task Force wishes to thank the superintendents, correction officers, administrative, clerical, program, and support staff and inmates that it met with at Auburn, Attica, Downstate, Green Haven, and Ossining for their candor, insight, recommendations, cooperation, and hospitality; for without them, this report would not have been possible.

**END**