

# STATE OF NEW YORK

4064--A

2017-2018 Regular Sessions

## IN ASSEMBLY

February 1, 2017

Introduced by M. of A. JONES -- read once and referred to the Committee on Correction -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the correction law, in relation to adequate staffing at correctional facilities

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 112 of the correction law, as amended by section 19  
2 of subpart A of part C of chapter 62 of the laws of 2011, is amended to  
3 read as follows:

4 § 112. Powers and duties of commissioner relating to correctional  
5 facilities and community supervision. 1. The commissioner [~~of~~  
6 ~~corrections and community supervision~~] shall have the superintendence,  
7 management and control of the correctional facilities in the department  
8 and of the inmates confined therein, and of all matters relating to the  
9 government, discipline, policing, contracts and fiscal concerns thereof.

10 He or she shall have the responsibility to ensure that adequate staffing  
11 exists at every correctional facility pursuant to subdivision three of  
12 this section. He or she shall have the power and it shall be his or her  
13 duty to inquire into all matters connected with said correctional facil-  
14 ities. He or she shall make such rules and regulations, not in conflict  
15 with the statutes of this state, for the government of the officers and  
16 other employees of the department assigned to said facilities, and in  
17 regard to the duties to be performed by them, and for the government and  
18 discipline of each correctional facility, as he or she may deem proper,  
19 and shall cause such rules and regulations to be recorded by the super-  
20 intendent of the facility, and a copy thereof to be furnished to each  
21 employee assigned to the facility. He or she shall also prescribe a  
22 system of accounts and records to be kept at each correctional facility,  
23 which system shall be uniform at all of said facilities, and he or she  
24 shall also make rules and regulations for a record of photographs and

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 other means of identifying each inmate received into said facilities. He  
2 or she shall appoint and remove, subject to the civil service law and  
3 rules, subordinate officers and other employees of the department who  
4 are assigned to correctional facilities.

5 2. The commissioner shall have the management and control of persons  
6 released on community supervision and of all matters relating to such  
7 persons' effective reentry into the community, as well as all contracts  
8 and fiscal concerns thereof. The commissioner shall have the power and  
9 it shall be his or her duty to inquire into all matters connected with  
10 said community supervision. The commissioner shall make such rules and  
11 regulations, not in conflict with the statutes of this state, for the  
12 governance of the officers and other employees of the department  
13 assigned to said community supervision, and in regard to the duties to  
14 be performed by them, as he or she deems proper and shall cause such  
15 rules and regulations to be furnished to each employee assigned to  
16 perform community supervision. The commissioner shall also prescribe a  
17 system of accounts and records to be kept, which shall be uniform. The  
18 commissioner shall also make rules and regulations for a record of  
19 photographs and other means of identifying each inmate released to  
20 community supervision. The commissioner shall appoint officers and other  
21 employees of the department who are assigned to perform community super-  
22 vision.

23 3. The commissioner shall establish a staffing plan for all uniformed  
24 and non-uniformed employees. With regard to uniformed staff, the commis-  
25 sioner shall establish a staffing plan which shall include, but not be  
26 limited to, the following factors:

27 (a) The number of total security posts that must be staffed by  
28 correction officers and correctional sergeants by correctional facility.  
29 These posts shall be delineated by those that are necessary five days  
30 per week and seven days per week.

31 (b) The staffing plan shall require that every post be staffed using a  
32 ratio of 1.75 correction officers for every seven day post and a ratio  
33 of 1.25 correction officers for each five day post. Nothing in this  
34 subdivision shall be deemed to authorize a reduction in the ratio of  
35 officers in facilities which already maintain a ratio of at least 1.75  
36 officers and 1.25 officers for seven day posts and five day posts,  
37 respectively.

38 (c) The commissioner shall provide a copy of such staffing plan to the  
39 chairs of the senate finance, senate crime victims, crime and  
40 correction, assembly ways and means and assembly correction committees  
41 by December thirty-first of each year. Such report shall also provide  
42 detailed information regarding how the staffing plan was implemented  
43 during the current fiscal year. This information shall include:

44 (i) the number of correction officers and sergeants by correctional  
45 facility that the staffing plan required as well as the actual number of  
46 correction officers and sergeants that were available by correctional  
47 facility during the current fiscal year. In the event the department  
48 deviated from the staffing plan, the commissioner shall provide details  
49 on why the staffing plan was not implemented as required pursuant to  
50 this section;

51 (ii) the number of posts included in the staffing plan for each facil-  
52 ity that have been closed on a daily basis, by correctional facility  
53 security classification (minimum, medium and maximum);

54 (iii) the number of security positions not filled and those elimi-  
55 nated, by correctional facility since two thousand one compared to the  
56 number of inmates incarcerated in each such facility; and

1 (iv) a breakdown by correctional facility security classification  
2 (minimum, medium, and maximum) of the staff hours of overtime worked, by  
3 year since two thousand one and the annual aggregate costs related to  
4 this overtime. In addition, such report shall be delineated by correc-  
5 tional facility security classification, the annual number of security  
6 positions eliminated, the number of closed posts and amount of staff  
7 hours of overtime accrued as well as the overall overtime expenditures  
8 that resulted.

9 4. The commissioner may require reports from the superintendent or any  
10 other officer or employee of the department assigned to any correctional  
11 facility or to perform community supervision in relation to his or her  
12 conduct as such officer or employee, and shall have the power to inquire  
13 into any improper conduct which may be alleged to have been committed by  
14 any person at any correctional facility or in the course of his or her  
15 performance of community supervision, and for that purpose to issue  
16 subpoenas to compel the attendance of witnesses, and the production  
17 before him or her of books, writings and papers. A subpoena issued under  
18 this section shall be regulated by the civil practice law and rules.

19 [4-] 5. The commissioner and the chair of the parole board shall work  
20 jointly to develop and implement, as soon as practicable, a risk and  
21 needs assessment instrument or instruments, which shall be empirically  
22 validated, that would be administered to inmates upon reception into a  
23 correctional facility, and throughout their incarceration and release to  
24 community supervision, to facilitate appropriate programming both during  
25 an inmate's incarceration and community supervision, and designed to  
26 facilitate the successful integration of inmates into the community.

27 § 2. This act shall take effect immediately; provided, however, that  
28 effective immediately, the addition, amendment and/or repeal of any rule  
29 or regulation necessary for the implementation of this act on its effec-  
30 tive date are authorized and directed to be made and completed on or  
31 before such effective date.