



## Commission of Correction

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**THOMAS J. LOUGHREN**  
Commissioner

April 19, 2018

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State of New York  
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State Capitol Building  
Albany, New York 12224

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Hon. Bob Oaks  
Ranking Minority Member, Ways and Means Committee  
New York State Assembly  
Rm. 444, State Capitol  
Albany, New York 12248

Re: Response to Office of the State Comptroller's Report 2017-S-2:  
*Facility Oversight and Timeliness of Response to Complaints  
and Inmate Grievances – State Commission of Correction*

Dear Governor Cuomo:

The New York State Commission of Correction ("the Commission") is in receipt of the above-captioned report dated January 2018, from the Office of the State Comptroller ("OSC"). Pursuant to Executive Law section 170, this constitutes the Commission's response to that report. Included is a compilation of the actions taken by the agency to implement the recommendations contained within the report, and/or the planned corrective action designed to address those recommendations not immediately implemented. Please find the Commission's response set forth below.

**OSC Recommendation #1**

*Implement a system to retain and analyze information for DOCCS correctional facilities, such as incidents, complaints, and other issues to identify patterns or trends that may warrant monitoring or targeted reviews.*

### **SCOC Action**

As cited in the audit report, the Commission receives a daily "24 Hour Report" from the Department of Corrections and Community Supervision (DOCCS) that provides a list of incidents occurring at all DOCCS facilities during the previous 24 hour period. This report does not provide granular information such as the specific location where an incident occurred, the identity of involved inmates and staff, or a description of the incident itself. Consequently, the Commission sees little oversight and monitoring value in developing a system which uses the "24 Hour Report" as a basis for data. Nevertheless, the Commission is collaborating with DOCCS and the Office of Information Technology Services (ITS) to explore various options by which DOCCS could report significant facility incidents through the eJusticeNY Integrated Justice Portal. Since 2016, the Commission has utilized this system to receive incident reports from police lockups, county jails and the New York City Department of Corrections, which has proven to be an effective means to receive, review, search and maintain such a quantity of records.

With regard to complaints, the Commission continues its collaborative efforts with ITS to incorporate complaint data (maintained in the eJusticeNY Integrated Justice Portal) into the Power BI Analytical Tool. As noted in the report, this system was "in development" at the time of the audit. System modifications have been recently implemented which provide the Commission a greater ability to analyze complaint data for the purpose of identifying specific facilities, patterns or trends that may warrant further monitoring or review. Additionally, the Commission now has greater capability in tracking and analyzing the status of any complaint, including those referred to the Commission's Field/Forensic unit or another agency for investigation.

### **OSC Recommendation #2**

*Monitor the DOCCS accreditation results to identify relevant information for its own oversight.*

### **SCOC Action**

Although true that the "accreditation process also includes capturing facility data such as escapes, disturbances, homicides, suicides, and significant court interventions," it should be noted that such incidents are reported by DOCCS to the Commission no later than 24 hours after occurrence. Although the elements of the American Correctional Association's (ACA) standards do not wholly align with its oversight objectives, the Commission does agree that there may be value in reviewing the accreditation reports, and will coordinate with DOCCS to obtain the same.

### **OSC Recommendation #3**

*Monitor the scheduling of local lockup inspections to ensure they are scheduled and completed within three years.*

### **SCOC Action**

The Commission shall continue every effort to ensure that all police lockup inspections are completed on a triennial basis. As discussed with OSC auditors, clerical errors resulted in the delays of inspections for a relatively small number of police lockups. An electronic system is used to track the scheduling and completion of lockup inspections, and supervisors are automatically notified of the date by which lockup inspections must be completed. Further, the Commission has improved its system of tracking facility responses to ensure that cited violations are remedied.

### **OSC Recommendation #4**

*Capture and analyze the data generated from complaints and inmate grievances to identify emerging issues and trends that need to be addressed.*

### **SCOC Action**

As noted in the audit report, staff from ITS and the Commission conducted a demonstration to OSC auditors of an interface system (Power BI Analytical Tool) designed to enable the analysis of complaint and inmate grievance data. At the time of this demonstration, the system had only recently been presented to Commission staff by ITS, and had not been significantly tailored to meet the Commission's operational needs, thus resulting in the deficiencies noted in the audit report. As noted below, the Commission and ITS have since collaborated to design the interface system to more effectively monitor data generated from complaints and inmate grievances, and will continue to identify additional features that will improve the Commission's efficiency in tracking correctional facility trends and patterns.

With regard to inmate grievances, the interface system has been modified to support Commission surveillance of:

- Status of Grievance
- Gender of Grievant
- Category of Grievance
- Council determination (sustained, denied, etc.)
- Number of business days elapsed from receipt to determination

With regard to complaints, the Commission and ITS recently finished modifying the interface system to allow tracking of:

- Status of complaint, to include:
  - a. Open
  - b. Closed
  - c. No response necessary
  - d. Response closed by the Commission
  - e. Closed and forwarded to the Commission field operations unit for investigation

- f. Closed and forwarded to the Commission forensic unit for investigation
- g. Closed and referred to outside agency
- Gender of individual to which complaint pertains
- Category of complaint
- Number of days elapsed from receipt to closure

Unlike inmate grievances, complaints are not presented before a review board for determination. Further, complaints are often referred to a correctional facility administrator or another law enforcement agency for investigation or disposition. Consequently, it should be noted that whether or not a complaint has been found to be "valid" is usually unknown to the Commission, if such a determination is even rendered.

### **OSC Recommendation #5**

*Using the analysis of complaint and inmate grievance data, identify ways to further improve timeliness of responses.*

### **SCOC Action**

Prior to the audit, the eJusticeNY Integrated Justice Portal did not capture occurrences in which grievance appeals were returned to a facility, nor the date of the Citizen's Policy and Complaint Review Council's (CPCRC) determination. Unable to take this information into account, data concerning the number of days taken to complete the grievance review process at the Commission appears to be skewed. Subsequent reviews of 2014-2017 data revealed that the review process was more consistently completed within the 45 business days required by Commission regulations.

Nevertheless, to improve the accuracy of grievance processing data, the Commission, working with ITS, created new fields within the eJusticeNY Integrated Justice Portal that:

- Added a *Returned to Facility* option to the *CPCRC Action* field. There are instances whereby a grievance is returned to a facility for a myriad of reasons, including a lack of facility determination, missing forms, raising non-grievable issues, etc.
- Once information is entered into the *CPCRC Action* and *CPCRC Decision Date* fields, the portal now automatically calculates and displays the number of business days that transpired from the date the Commission received a grievance to the date the CPCRC rendered its decision.

The above changes now provide a more accurate accounting of completion times associated with the processing of county jail grievances, and enables the Commission to identify related trends. Additionally, Commission staff are now issued a list of specific dates by which grievance write-ups must be submitted for review by the CPCRC. Such due dates, which are dependent on the date SCOC receives a grievance, and the scheduled monthly CPCRC meetings, help assure that grievances are processed by staff and reviewed by the CPCRC within 45 business days of receipt.

Should you require further clarification of any of the information contained in these responses, or if you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Allen Riley".

Allen Riley  
Chairman