

THOMAS P. DINAPOLI
COMPTROLLER



110 STATE STREET
ALBANY, NEW YORK 12236

STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER

June 18, 2019

Mr. Allen Riley
Chairman
State Commission of Correction
Alfred E. Smith Building
12th Floor
80 South Swan Street
Albany, NY 12210

Re: Facility Oversight and Timeliness
of Response to Complaints and
Inmate Grievances
Report 2019-F-4

Dear Mr. Riley:

Pursuant to the State Comptroller's authority as set forth in Article V, Section 1 of the State Constitution and Article II, Section 8 of the State Finance Law, we have followed up on the actions taken by officials of the State Commission of Correction to implement the recommendations contained in our audit report *Facility Oversight and Timeliness of Response to Complaints and Inmate Grievances* (Report [2017-S-2](#)).

Background, Scope, and Objective

The State Commission of Correction (Commission) is responsible for the oversight of correctional facilities and local lockups and the timely response to complaints and inmate grievances. The Commission is composed of three commissioners appointed by the Governor. One commissioner serves as Chair and Chief Executive Officer, while the other two each serve as Chair of either the Medical Review Board or the Citizen's Policy and Complaint Review Council (Council). The Commission employs 30 staff to support its oversight activities, including 15 dedicated to inspection and review of facilities. Complaints are generally processed by Commission staff. The Council meets once a month to review inmate grievances.

The Commission is authorized by Article 3 of the State Correction Law to visit, inspect, and appraise the management of correctional facilities with specific attention to matters such as safety, security, health of inmates, sanitary conditions, rehabilitative programs, disturbance and fire prevention and control preparedness, and adherence to

laws and regulations governing the rights of inmates. The frequency of the inspections is to be determined by the Commission.

The Commission is responsible for oversight of all 511 correctional facilities throughout the State, including: 54 facilities operated by the New York State Department of Corrections and Community Supervision (DOCCS); 11 Office of Children and Family Services (OCFS) facilities; and 446 county and local facilities. Local lockups are used primarily for temporary detainment, and their daily population is very fluid. Throughout calendar year 2018, approximately 398,837 different individuals were detained in local lockups. The populations at DOCCS, OCFS, and county jails and New York City Department of Corrections facilities are relatively static. As of March 31, 2019, the total population at the various types of correctional facilities was approximately 67,820 persons.

The Commission staff inspect every local lockup once every three years. The Commission is also responsible for responding timely to complaints and inmate grievances. Once a complaint or inmate grievance has been received, the Commission has 30 business days to respond to complaints and 45 business days to respond to inmate grievances. The Commission received 2,984 complaints and 4,129 inmate grievances for the period January 1, 2018 to December 31, 2018.

We issued our initial audit report on January 19, 2018, covering the period January 1, 2014 through July 19, 2017. The audit objective was to determine if the Commission was fulfilling its responsibilities for the oversight of correctional facilities and for responding timely to complaints and inmate grievances. Our audit found that, although the Commission received data such as complaints and unusual incidents regarding various aspects of DOCCS facilities operations, it had not analyzed and tracked such information to identify any trends or patterns that may have warranted monitoring or review by the Commission. As a result, the Commission may not have identified patterns or trends, such as a significant increase in complaints at a specific facility or system-wide, in a timely manner.

In addition, our audit found the Commission could improve its tracking of complaints and inmate grievances to better ensure they are responded to in a timely manner. We noted that the Commission's management information system, which was in development during our audit, lacked the ability to produce reports on how complaints and inmate grievances were resolved and how long they took to process. Our audit also found that, although the Commission generally met its facility inspection cycle of local lockups and reviewed all of the required standards, 23 of the 369 facilities were not inspected within the three-year requirement.

The objective of our follow-up was to assess the extent of implementation as of March 29, 2019 of the five recommendations included in our initial audit report.

Summary Conclusions and Status of Audit Recommendations

We found that Commission officials have made significant progress in addressing the problems we identified in the initial audit. All five prior audit recommendations have been implemented.

Follow-Up Observations

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.

Status – Implemented

Agency Action – Since our audit, the Commission, working with the Office of Information Technology Services (OITS), implemented a system to receive, review, search and maintain DOCCS' Summary of Unusual Incidents Reported and the 24-Hour Unusual Incident Report (Reportable Incidents) received via a secured e-mail system. The Commission's recently formed Triage Unit has a primary responsibility to receive and review all new Reportable Incidents on a daily basis. Once Triage Unit staff have reviewed and processed the Reportable Incidents for DOCCS facilities, the information is saved to a shared drive. Commission officials informed us that they are continuing work with OITS staff to develop a dashboard using DOCCS' Reportable Incidents.

The Commission has also worked with OITS to incorporate DOCCS complaint data maintained in the eJusticeNY Integrated Justice Portal into the Commission's management information system. Commission staff use the Inmate Complaints Dashboard to analyze complaint data in order to identify specific facilities, patterns, and trends that may require further review. In addition, Commission officials demonstrated that staff have the ability to track and analyze the status of any complaint, including those referred to the Commission's Forensic units or other agencies.

Recommendation 2

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

Status – Implemented

Agency Action – The American Correctional Association (ACA) completes an accreditation audit report for each DOCCS facility once every three years, covering topics such as demographics, compliance, organization updates, significant incidents, outcome measures, and critical incident reports. Commission officials provided us with their review of an ACA accreditation report related to a DOCCS facility. Commission officials informed us that they review such reports for DOCCS facilities, specifically for information about facility compliance with mandatory and non-mandatory accreditation requirements and to compare significant and critical incident information to DOCCS' own data.

Recommendation 3

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

Status – Implemented

Agency Action – The Commission maintains an electronic system to monitor the scheduling and completion of local lockup inspections to ensure that the inspections are completed within the established three-year time frame. According to Commission officials, supervisors are automatically notified of the date by which local lockup inspections are to be completed.

We reviewed the Commission's records of scheduled local lockup inspections for the period September 1, 2017 through December 31, 2018 and noted all 153 local lockup inspections were completed within the three-year requirement. Commission officials explained that they can make adjustments to the schedule as necessary based on grievance, complaint, and reportable incident data. In addition, the system tracks facility responses to ensure that any cited violations are remedied in a timely manner.

Recommendation 4

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

Status – Implemented

Agency Action – Commission staff and OITS have continued to collaborate to design an interface system that monitors data generated from the complaints and inmate grievances and the Commission's management information system. In addition, the interface system now tracks reportable incident data from local and OCFS facilities.

Commission and OITS staff provided us with a demonstration of the Inmate Complaints, Inmate Grievances, and Reportable Incidents Dashboards (Dashboards). The Dashboards contain information such as: date received, status, region, category, staff assigned, and action taken. Commission staff are also able to use the Dashboards to identify any emerging issues or trends that need to be addressed. For example, Commission staff traced a recent spike in the number of food complaints to one facility's change in its food vendor. Commission officials further explained that they can use the Dashboards to generate reports. For example, the Commission can generate complaint, grievance, and reportable incident reports for specific facilities that can be shared with incoming sheriffs and facility administrators.

Recommendation 5

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

Status – Implemented

Agency Action – Subsequent to our audit, the Commission worked with OITS to improve the accuracy of grievance processing data by creating new fields within its management information system. The Commission uses the Inmate Complaints and Inmate Grievances Dashboards to track the volume of cases handled as well as the time taken to resolve each complaint and inmate grievance. This allows Commission management to redistribute workloads, ensuring the timely resolution of complaints and inmate grievances. According to Commission officials, the system modifications and procedural changes have reduced average response times to about 2.6 days for complaints and 23.6 days for inmate grievances, well within the established time frames of 30 and 45 days, respectively.

Major contributors to this report were Bob Mainello, CPA; Raymond Barnes; Mary T. Roylance, CIA; and Norris Wilson, CIA.

We thank the management and staff of the Commission for the courtesies and cooperation extended to our auditors during this review.

Very truly yours,

Stephen Goss, CIA, CGFM
Audit Director

cc: Division of the Budget