



# Department of Corrections and Community Supervision

Anthony J. Annucci, Acting Commissioner

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## **Analysis of NYSCOPBA's Press Release on Assaults on Staff** *DOCCS remains committed to ensuring safety for all*

ALBANY -- Contrary to the implication of the NYSCOPBA press release that DOCCS under-reports assaults on staff, "any attack by an inmate on a staff member that is classified as an assault on a misbehavior report," constitutes an assault for purposes of the Department's statistical compilations. Hence, when an inmate grabs, pushes or deliberately bumps into an employee, these scenarios are considered assaults. The attack need not result in injury or in the use of a specific weapon.

By contrast, physical injury is a necessary element of every penal law assault crime and is defined as "impairment of physical condition or substantial pain." Hence, numerous inmate acts in a prison setting are classified as assaults that would not rise to the level of being charged as a criminal assault.

NYSCOPBA claims DOCCS reported zero serious assaults in 2014. Although DOCCS does not classify different grades of assault, it does classify degrees of injury, if any, that have resulted from an assault. In 2014, according to the definition that was then in effect, DOCCS reported that there were two serious injuries from an inmate assault.

Furthermore, as part of the budget adopted by Governor Cuomo, DOCCS, as of September 30, 2014, switched to a new system that relies on four graduated categories of physical injury from assaults: minor, moderate, serious and severe.

While there has been an uptick in the rates of assaults on staff, there is no correlation to any of the prison closures. In 2011, Governor Cuomo closed a total of seven prisons. In that year there were 563 assaults on staff. The following year, there were only 534 assaults on staff. DOCCS presently has over 1,000 staffed vacant general confinement beds in the system.

Contrary to NYSCOPBA's contention that assaults are occurring statewide, approximately 80% of the assaults on staff take place within the Department's 17 maximum security facilities. The other 37 facilities are either medium or minimum security. In the previous 12 month period, 13 medium security facilities each experienced less than five assaults on staff.

Acting Commissioner Anthony J. Annucci said, "The safety of our employees is a primary focus of mine. I remind everyone that any act of violence in a state prison will be aggressively investigated and, if warranted, prosecuted to the fullest extent of the law."

DOCCS has implemented the following proactive initiatives to increase overall system safety and security:

- The Commissioner established the Security Management Assessment Response Team in December of 2013, to thoroughly examine the increase of assaultive behavior on the part of inmates. The Team has made 11 facility site visits, including two follow-up visits. Site visits include obtaining input from local NYSCOPBA representatives.
- As part of the budget adopted by Governor Cuomo and pursuant to an Article VII bill, DOCCS is conducting a review of security staffing levels at each facility to develop a three-year plan to enhance facility safety and security, which may include increases in security staff. DOCCS entered into separate MOUs with NYSCOPBA (correction officers and sergeants), and Council 82 (lieutenants), which establish a review process that will allow for their ample input at both the local and statewide level. To date, there have been 12 facility reviews conducted. Three more are scheduled to be completed by the end of November, 2014.

As part of each MOU, DOCCS agreed to make every reasonable effort to make sure that each facility is appropriately staffed prior to the commencement of each shift. These MOUs also recognize that there are circumstances where post closures may be necessary. Thus far in 2014, we have had 11 correction officer classes approved for the Training Academy. Subject to DOB review, we anticipate seven more classes being approved.

- In February of 2014, the Commissioner and his executive staff agreed to meet regularly with NYSCOPBA's leadership on the issue of prison violence, with a focus on staff safety.

The cumulative effects of these initiatives have resulted in the following measures:

- Enhanced the scope, frequency and reach of security supervisor training.
- Enhanced communication with facility superintendents for dissemination to line staff regarding significant incidents which occur statewide.
- Instituted the ongoing review of post closures which has led to an overall reduction statewide.
- Developed illicit drug identification training.
- Increased case referrals to District Attorneys for outside criminal prosecution, which, when successful, lead to consecutive sentences of imprisonment.
- Offered Gangs and Unauthorized Groups Identification training to NYSCOPBA leadership.

In addition, the facility specific security enhancements that are planned or underway include the following:

Marcy

- Enhanced lighting of inmate walkways.
- Construction of an additional walkway to reduce congestion and enhance visibility in response to increased violence.

#### Attica

- First Deputy Superintendent added to facility executive team to assist in management and oversight of facility operations.
- Commissioner approved project which will provide video camera coverage for all yards and corridors.

#### Elmira

- First Deputy Superintendent added to facility executive team to assist in management and oversight of facility operations.
- Inmate movement patterns were modified and security equipment was added.

At 15 maximum and medium security correctional facilities, as well as the Food Production Center:

- Allocated additional security equipment (walk-through metal detectors, Body Orifice Security Scanner (B.O.S.S.) chairs, binoculars, etc.).

Lastly, it is to be noted that an unprecedented search of Green Haven Correctional Facility, a maximum security prison, was directed by the Commissioner to be conducted by 10 Correctional Emergency Response Teams, comprised of more than 300 staff. This large scale action was necessitated by the discovery of a Green Haven Correction Officer who admitted to systematically smuggling in large amounts of illegal drugs, alcohol, multiple cell phones and clothing for inmates. As a result of the search, 12 NYSCOPBA members were issued Notices of Discipline for misconduct such as being in possession of homemade weapons, a cell phone, and various medications and controlled substances; two NYSCOPBA members were terminated on probation, three NYSCOPBA members were counseled and one remains under internal investigation. While the vast majority of our staff do the right thing, misconduct of this nature represents a clear and unacceptable risk to the safety of staff and inmates and overall facility security.

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