

 Corrections and Community Supervision DIRECTIVE	TITLE		NO. 0001
	Introduction to the Policy and Procedure Manual		DATE 09/02/2015
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REFERENCES (Include but are not limited to)	APPROVING AUTHORITY 		

I. DESCRIPTION: Under the authority of the Commissioner, the Policy and Procedure Manual is the official compilation of directives which set forth the policies and procedures of the Department of Corrections and Community Supervision (DOCCS). This Manual covers a wide range of Departmental activities and functions, and serves as the Department's general reference and consistent direction source for staff and inmates. These directives are intended to implement and supplement various parts of Corrections and Executive Law, Title 7 and Title 9 of the Official Compilation of Codes, Rules and Regulations of the State of New York, and other pertinent laws and regulations. Title 7 of the New York State Codes, Rules and Regulations governs applicable Corrections and Community Supervision operations, and Title 9, Subtitle CC, governs the duties and responsibilities of the Board of Parole. It is important to note rules and regulations can be considered a higher source of legal authority than any corresponding Departmental directive.

Under the authority and oversight of the Deputy Commissioner for Correctional Industries, Compliance Standards & Diversity, the Bureau of Internal Controls (BIC), in direct consultation with the Central Office Executive Team and the Chairperson of the Board of Parole, is responsible for administration of the development of, and revisions to, the Policy and Procedure Manual (directives). BIC is also responsible for the publication and distribution of the Manual (directives), including oversight of the annual review process, maintenance of the associated history files, and when determined to be necessary, management of the Executive level (Central Office and/or local) clearance comments review process, as well as compliance monitoring.

Other topical manuals are published by various divisions and may be cited or referenced throughout the Policy and Procedure Manual. Maintenance, revision, and interpretation of these manuals are the responsibility of the issuing offices. Staff and/or inmate organizations (Inmate Liaison Committee, Inmate Grievance Resolution Committee, Law Library) may request copies of these manuals through the Superintendent or issuing office. Questions regarding security matters, operational content, or confidentiality issues associated with any of the information contained in these manuals should be addressed to the issuing office for resolution or clarification. Some of the manuals that are authorized by a specific directive are so noted in the following list:

1. Classification and Movement Manual
2. Data Processing Liaison Manual
3. Earned Eligibility Program Manual
4. Employees' Manual
5. Fire/Safety Officer's Manual

6. Food Service Operations Manual - #4310
7. General Housekeeping Manual - #3090
8. Governor's Office of Employee Relations Handbook on Employee Rights and Responsibilities
9. Guidance and Counseling Manual
10. Health Services Policy Manual - #4300
11. Infection Control Manual
12. Inmate Commissary and Accounting Manual
13. Inmate Grievance Program Training Manual
14. Intermediate Care Program Operations Manual
15. Manual for Inmate Record Coordinators
16. Manual of Policy, Procedures and Standards for Programming Inmates
17. Medical Nutrition Therapy Manual - #4311
18. NYSDOCCS Transportation Manual
19. Personnel Procedure Manual
20. Special Subjects & Recreation Program Operations Manual
21. Temporary Release Program Rules and Regulations - #7001
22. Training Office Manual
23. Transitional Services Manual
24. Unusual Incident System Manual
25. Work Crew Site Safety Program Manual
26. Youth Assistance Program Manual
27. Division of Parole Policy and Procedure Manual*

*Note: This manual is currently being revised. The manual items have been, or will be, incorporated into the Policy and Procedure Manual as Departmental directives, may be rescinded if determined to be obsolete, or may be converted to Community Supervision Operation Manuals.

II. POLICY

- A. Directives are promulgated by or on the authority of the Commissioner. Policy and Procedure Manual Items (directives) are signed by: the Commissioner, the Central Office Executive Staff Member(s) who exercises administrative oversight for the subject matter and functions associated with the directive, or the Chairperson of the Board of Parole.

Note: As determined by the Commissioner, some directives require the signature authority of more than one Central Office Executive Team Member and/or the Chairperson of the Board of Parole. In such cases, BIC works in consultation with the appropriate Central Office Executive Team Member(s) and/or the Chairperson of the Board of Parole in conducting the directive annual review/revision process.

- B. Policy and Procedure Manuals shall be maintained and safeguarded as State property to which access is restricted. Accordingly, they shall be assigned to specific individuals, at specific locations, and shall be turned in to BIC, or the Superintendent, Regional Director, Bureau Chief, or Division Head designee (see Section III-E-4 below), upon transfer, relocation, or retirement.
- C. Directive Forms: A new form approved to be linked or attached to a Departmental directive will have the form number assigned by BIC, in consultation with the Elmira Print Shop and the appropriate Central Office Executive Staff or the Chairperson of the Board of Parole, to ensure that the form number does not already exist. Any division, bureau, unit, or facility that wishes to modify a directive related form for their specific use should outline their justifications in a request for variance and submit it to the Central Office Executive Staff with administrative oversight for the directive, as outlined in Section IV below.
- D. Non-Directive Forms: Any division, bureau, unit, or facility that is creating their own form that is not going to be linked or attached to a Departmental directive should review the Departmental directive website (<http://directives/>), choose the "Browse Forms" tab, and review the listing of forms to ensure they do not use a form number that already exists in the directives.

Note: In this instance BIC is not involved with the assignment of the form number. Therefore, the division, bureau, unit, or facility should consider using their own letter prefix in conjunction with a number, such as: "HS" for Health Services, "IND" for Industries, etc. It is also necessary to consult with the Elmira Print Shop to ensure that the proposed form number is not already in use.

- E. Facility Operations Manual (FOM)/Division, Bureau, or Unit Manual: Facility Executive Teams, Regional Directors, Division Heads, or Bureau Chiefs should ensure that their FOM, manual, or local policy statement contains the minimum amount of information necessary to explain how specific functions occur at their work locations. The FOM, manual, or local policy statement should avoid repeating the same information as provided in the corresponding Departmental directive and should not contradict or circumvent the requirements of the directive unless a variance has been issued to the facility Superintendent, Regional Director, Division Head, or Bureau Chief from the appropriate Central Office Executive Staff with administrative oversight for the directive in question. Each year, the Superintendent, Regional Director, Division Head, or Bureau Chief shall ensure and document that their FOM, manual, or local policy statement has been reviewed. Any revisions to a correctional facility FOM item, or new FOM items, shall be electronically transmitted to BIC for publication on the Internal Controls shared drive. It is the responsibility of each facility to ensure that all current FOMs are transmitted to BIC for this purpose.

III. RESPONSIBILITIES

- A. Central Office Executive Staff/Chairperson of the Board of Parole: Ensure, on an annual basis, that the directives and the corresponding rules and regulations which govern the areas and operations for which they provide executive direction are current and accurate. The Office of Counsel must be consulted when it is determined that a rule or regulation must be amended in order to determine the appropriate course of action with regard to the rule making activity.

For directives and regulations related to the functions and operations of the Board of Parole, the Office of Counsel to the Board of Parole will take the lead in determining the appropriate regulatory action, if any, that needs to be taken, and will notify the Commissioner's Office of Counsel accordingly.

The corresponding American Correctional Association (ACA) standards, if any, are also provided to Central Office Executive Staff by BIC as part of the directive annual review process. The ACA standard should be reviewed to determine if there is any inconsistency with the associated directive. Any noted inconsistencies between the ACA standard and the directive should be reviewed in consultation with the Assistant Commissioner assigned with oversight of the ACA Accreditation process to determine the appropriate action to be taken, if any.

Additionally, Central Office Executive Staff and the Chairperson of the Board of Parole should be knowledgeable of any State Commission of Correction (SCOC) regulation that impacts areas under their administrative responsibility. When considering a revision to a directive that has a governing SCOC regulation associated with it, the revision must be evaluated to determine if it is consistent with that regulation. Any questions regarding potential inconsistencies between an SCOC regulation and directive should be reviewed in consultation with the Office of the Counsel. The SCOC regulations are available on the Department of State's (DOS) Division of Administrative Rules (DOS) website @ <http://www.dos.ny.gov/info/nycrr.html> by choosing the *online NYCRR* Tab and navigating to *9NYCRR Executive Department, Subtitle AA State Commission of Correction, Chapter V Minimum Standards and Regulations for Management of State Correctional Facilities, Parts 7600 through 7695.*

B. Chairperson of the Board of Parole

1. Development of Board of Parole related directives, as deemed necessary, that shall outline the functions and operations that are in place to meet the Board of Parole's mission of: ensuring public safety by granting parole when appropriate under the governing standards, revoking community supervision when necessary, and discharging inmates from their sentence when it is in the best interest of society;
2. Establish and maintain written procedures for use in making parole decisions as required by law;
3. As Board of Parole related directives are promulgated, review the directives and associated regulations on an annual basis, as provided by BIC, for accuracy; and
4. Ensure that the Office of Counsel to the Board is notified when revisions to related directives or other written procedures as noted above are necessary to ensure that appropriate determination is made, and action taken if necessary, with regard to regulatory actions.

C. Bureau of Internal Controls (BIC)

1. Maintenance of the Policy and Procedure Manual, including the preparation, clearance, and issuance of all directives, directive revisions, and linked or attached forms;

2. Coordination of an annual review of all active directives, including the corresponding rules and regulations and ACA standards, to ensure that they are all reviewed by the appropriate Central Office Executive Team Member; and
3. Maintenance of the historical background, master checklist, and reference files on each directive.

Note: The codification of directives is determined by the Commissioner, the appropriate Central Office Executive Staff, or the Chairperson of the Board of Parole, in consultation with the Director of BIC.

D. Superintendents, Regional Directors, Division Heads, and Bureau Chiefs

1. Review the electronically transmitted e-mail from BIC which contains the published directive or revision notice. If the facility or unit is reporting partial or non-compliance, or is requesting an exemption or variance, respond via the e-mail from BIC directly to the Central Office Executive Staff Member(s) who has administrative oversight of the directive with a copy to BIC;
2. Determine what staff within the facility or unit are required to maintain Policy and Procedure Manuals and arrange for the distribution of revised directives or revision notices to the designated staff*; and
3. Designate an employee to control the assignment and maintenance of all manuals within the facility or unit.

*Note: This would not apply for employees who have access to the DOCCS directive website and are not required to maintain paper printed manuals.

E. Superintendent, Regional Director, Division Head, and Bureau Chief Designees

1. Control the assignment and maintenance of all manuals within the facility or unit;
2. Receive and distribute all directive revisions within the facility or unit;
3. Serve as liaison to BIC for all questions concerning directive printing, accountability, current status, etc.; and
4. Take possession of all turned in and unused manuals, and maintain them up to date for issue to new designated manual holders as needed.

F. Manual Holders

1. Maintain their manual, including filing directive revisions as received and updating the Table of Contents accordingly, reviewing each new issue of the Table of Contents to verify the accuracy of the directives in the manual, and taking corrective action as necessary if an outdated directive is discovered;
2. Provide the Superintendent, Regional Director, Division Head, and Bureau Chief designee with annual certification that his or her assigned manual is up to date; and
3. Turn in their assigned manual to the designee upon transfer, relocation, or retirement.

IV. REQUESTS FOR VARIANCE (WAIVER): A request for interpretation of a directive or for a variance from the direction or requirements set forth in a directive shall be submitted, in writing, to the member(s) of the Central Office Executive Staff with administrative oversight for the affected area or function, or to the Chairperson of the Board of Parole.

Only the appropriate Central Office Executive Staff or the Chairperson of the Board of Parole can issue a variance. If a variance is granted, it shall identify the specific section(s) of the directive from which the requesting facility or unit is being exempted.

A copy of the Central Office Executive Staff or the Chairperson of the Board of Parole's response to any request for an interpretation or variance shall be forwarded to the Director of BIC for inclusion in the directive history file, and for initiation of a revision if so directed.

V. DIRECTIVE PREPARATION, REVISION, APPROVAL PROCEDURES

A. Initiation/Proposal: Directive revision proposals may be submitted to BIC independent from the annual review process and may be submitted by staff at any level. In this case, the submission should be vetted through the supervisory chain of command at the employee's work location. If approved through the chain of command, it should then be submitted to the Central Office Executive Staff Member(s) who has administrative oversight of the directive or the Chairperson of the Board of Parole. If approved, the Central Office Executive Staff Member(s) or the Chairperson of the Board of Parole shall provide direction to BIC as deemed appropriate.

Information/instructions of an emergency nature may be provided by the Commissioner, Central Office Executive Staff Member(s), the Chairperson of the Board of Parole, or any (e.g., All Superintendents, Regional Directors, and Bureau Chiefs Memorandum, or Inmate Grievance Program Central Office Review Committee disposition), and will then be incorporated into the applicable directive(s), if deemed necessary, as expeditiously as possible. In this instance, BIC must be notified, in writing, by the Commissioner, Central Office Executive Staff Member(s), or the Chairperson of the Board of Parole of any of the required directives changes in order to accurately process the revision.

B. Impact on Corresponding Regulations: In cases where the directive has a corresponding regulation, it may be determined to be in the Department's best interest to amend the regulation in accordance with regulatory procedures before the directive revision can be published and distributed by BIC. Therefore, prior to submission to BIC, the Office of Counsel must be consulted to determine the appropriate action to be taken with regard to the directive revision and the regulatory procedure.

In the case of Board of Parole directives and any corresponding regulations, the Office of Counsel to the Board of Parole must determine the appropriate action to be taken with regard to the directive revision and regulatory procedure. Reference Section III-B of this directive.

C. Draft Preparation: BIC shall review all proposals for logic, clarity, and consistency with existing Department policy, assign a new directive number if necessary, and coordinate any necessary preliminary reviews with other offices.

BIC shall then prepare a draft revision notice or revised directive and, when necessary, revise or prepare forms linked or attached to the directive. BIC shall return the draft to the Central Office Executive Staff Member(s) or the Chairperson of the Board of Parole for pre-clearance approval, unless directed to proceed with clearance comments.

- D. Clearance Comments: When directed, BIC shall submit the draft for review and comment to the other Central Office Executive Staff Members, the Chairperson of the Board of Parole, Supervising Superintendents, Regional Directors, and/or other divisions or units whose areas of responsibility may be affected by the proposal. Comments received are then referred to the Central Office Executive Staff Member(s) or the Chairperson of the Board of Parole for resolution.
- E. Resolution: The Central Office Executive Staff Member(s) with administrative oversight or the Chairperson of the Board of Parole reviews all comments received, resolves any remaining issues, makes changes as appropriate, and provides any further editing instructions to BIC.
- F. Central Office Executive or Chairperson of the Board of Parole Signature and Approval
BIC, as directed, shall prepare a final draft of the revision notice or revised directive and forward it to the Central Office Executive Staff Member(s) or Chairperson of the Board of Parole for signature. Upon return of the signed original, BIC shall forward a final copy to the Deputy Commissioner for Correctional Industries, Compliance Standards & Diversity for review and submission to the Commissioner for final approval. If the Commissioner is the signatory, the unsigned notice or directive will be forwarded to the Deputy Commissioner for Correctional Industries, Compliance Standards & Diversity for review, and then to the Commissioner for approval and signing.

Note: If a directive is being revised that has a corresponding regulation, BIC will review the packet to ensure that the Office of Counsel or the Office of Counsel to the Board of Parole has been consulted prior to publication. If there is no indication in the revision instructions that this has occurred, BIC will return the packet to the appropriate Central Office Executive Team Member or to the Chairperson of the Board of Parole so that an appropriate determination can be made.

- G. Publication and Distribution: Upon notification of approval by the Commissioner, BIC shall date the revision notice or revised directive and publish it to the directives website.* BIC will then distribute the revised directive or revision notice via e-mail to all Central Office Executive Team Members, the Chairperson of the Board of Parole, Division Heads, Regional Directors, Superintendents, Bureau Chiefs, and other appropriate Central Office staff. BIC shall maintain records of the distribution.

* NOTE: "D" directives are not published to the website, see Section H below.

BIC shall forward any new or revised forms that are linked or attached to the directive, and will be needed in quantity by facilities or units, to the Corcraft Print Shop at Elmira Correctional Facility. Forms that have been designated by the appropriate Central Office Executive Staff Member to be "reproduced locally" will have that designation noted on the form.

- H. Codification: Each directive shall be coded (as noted in the “Distribution” box in the printed directive heading) for distribution and security purposes by one of the following:

Codes Distribution

- A To all staff who hold a Policy and Procedure Manual. At the discretion of facility Superintendents, Regional Directors, and Bureau Chiefs copies may be distributed to other staff when the contents are relevant to their duties. Distribution, however, shall not be made to inmate libraries.
- A B To all staff who hold a Policy and Procedure Manual and to all inmate libraries. Distribution to inmate libraries shall be authorized when the directive contains material of interest to the inmate population and does not contain material to which the inmate should not have access because of security or other reasons.
- At least one “A B” set shall be maintained in each inmate general library, law library, special housing unit, and by the Inmate Grievance Resolution Committee at every facility.
- D Security Material: Directives containing information affecting the safety and security of correctional facilities or community supervision operations shall be distributed to Central Office holders of the manual, facility Superintendents, Regional Directors, and Bureau Chiefs. Each Superintendent, Regional Director, or Bureau Chief shall have copies prepared and delivered to personnel who, in the opinion of the Superintendent, Regional Director, or Bureau Chief, must be familiar with the contents of the directive. “D” directives shall be handled as confidential material and restricted from unauthorized access. “D” directives are not available on the DOCCS directive website. For employees who have access to the DOCCS directive website and are authorized to have access to “D” directives, they will be required to maintain their “D” directives as a paper printed manual or some other approved alternative method.