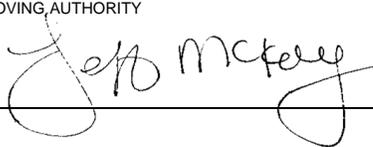


 <p>NEW YORK STATE Corrections and Community Supervision</p> <p>DIRECTIVE</p>	TITLE		NO. 4803
	Inmate Program Placement		DATE 2/29/2016
SUPERSEDES DIR #4803 Dtd. 5/26/2015	DISTRIBUTION A B	PAGES PAGE 1 OF 4	DATE LAST REVISED
REFERENCES (Include but are not limited to) Dir. #2612, #2614, #4040, #4401, #4802	APPROVING AUTHORITY 		

- I. **PURPOSE:** The purpose of this directive is to establish standard guidelines for assigning programs to inmates and establish the basic responsibilities of the Program Committee Chairperson in that individual's capacity as head of the Inmate Program Committee.
- II. **PHILOSOPHY:** Programs are designed to promote the rehabilitation of the inmate and their successful and productive reintegration into society. The Department will provide each inmate with a Program/Earned Eligibility Plan that identifies and addresses recommended program needs and will make every reasonable effort to meet those needs. Such program plans will focus on counseling, academic activities, occupational training, alcohol and substance abuse programs, sex offender programs, aggression replacement training, work assignments, and transitional activities.
Appropriate programming is essential to maintaining a safe and secure environment in correctional facilities for inmates, staff, and visitors. Inmates will be expected to accept assignments that serve to meet their program needs and facility operating needs as determined appropriate by the Program Committee.
- III. **DEFINITIONS:**
 - A. Master Job Organization Table (MJOT): listing of all work and program items established at a facility. Each item includes information about the grade, shift, and number of assigned hours per week.
 - B. Program Plan and Staffing Analysis (PPSA): a report that determines the number of inmates not available for regular programming, inmates available for regular programming, and inmates available for work assignments based on total population of a facility. This calculation factors staff to inmate ratio for designated programs.
 - C. Security Sensitive Assignments: inmate work or program assignments that may pose a potential concern based on the area of the assignment, require increased staff/inmate contact, or require inmate handling of tools or other sensitive material.
 - D. Preferred Assignments: assignments that are deemed desirable by inmate population based on rate of pay, perceived as influential, or perceived as a position of status. This may also include assignments related to preferred housing.
- IV. **STANDARDS:** A "Policy, Procedures, and Standards for Programming Offenders" manual shall be maintained by the Deputy Superintendent for Program Services (DSP) and the Program Committee Chairperson and shall also be available in the Law Library.

V. PROGRAM ACCESS: All program and work assignments shall be made without regard to an inmate's age, race, religion, national origin, sex, sexual orientation, disability, marital status, veteran's status, or nonviolent political views. An individual with a disability shall not be disqualified from participation in a program if that individual is otherwise qualified. The Department is required to make reasonable accommodations, including modifications to existing policies and procedures, in order to allow qualified inmates with disabilities the same opportunity as non-disabled inmates unless to do so would be an undue burden to the Department, cause a fundamental alteration to a program, or compromise the security of the facility. For procedures regarding reasonable accommodations, refer to Directive #2612, "Inmates with Sensorial Disabilities," and Directive #2614, "Reasonable Accommodations for Inmates with Disabilities."

VI. INMATE PARTICIPATION IN PROGRAMS

- A. Inmates will participate in programs as assigned. These assignments may include aggression replacement training, sex offender treatment, substance abuse treatment, transitional services programs, academic programs, vocational programs, industrial programs, and maintenance work assignments in any combination, and will be designed to meet individual inmate program needs and/or the needs of the facility and/or the Department.
- B. The Department will attempt to provide every general population inmate with a program assignment. When a program and/or work assignment is provided to an inmate, it is done so entirely at the discretion of the facility administration.

VII. PROGRAM/EARNED ELIGIBILITY - WORK PLAN: Each facility shall maintain a written Program/Earned Eligibility Plan for each inmate. This plan may consist of academic and vocational programs, facility maintenance and industrial assignments, community service programs, counseling/treatment programs, individualized transitional programs, and other program needs in appropriate combinations.

- A. An inmate shall be advised by his or her assigned Offender Rehabilitation Coordinator of any change to his or her Program/Earned Eligibility Plan. Changes shall be documented in the chronological entry section of the inmate's case folder.
- B. An inmate shall be notified by his or her assigned Offender Rehabilitation Coordinator and the Program Committee of the consequences of his or her refusal to address Program/Earned Eligibility Plan needs. Inmates will be asked to sign a "Program Refusal Notification," [Form #3617](#), indicating their refusal and an understanding of the possible consequences. Any refusal to address program plan needs shall be documented in the chronological entry section of the inmate's case folder.

VIII. INMATE ORIENTATION

- A. Each general confinement inmate should be assigned to Phase One of Transitional Services upon arrival at their first general confinement facility.
- B. Facility orientation must be provided to each general confinement inmate upon transfer to a new facility. The orientation must include an explanation of all programs and work assignments as well as the facility rules and regulations.
- C. Inmates transferred to a facility for special management purposes (long term discipline, therapeutic treatment, etc.) and subsequently transferred to general confinement shall be provided with an orientation explaining all program and work assignments and facility rules.

IX. PROGRAM CHAIRPERSON AND COMMITTEE DESIGNATIONS: The DSP, or equivalent, shall be responsible for all facility programs. The facility DSP may designate a staff person at SG-22 or equivalent, such as Education Supervisor or above, as the Program Committee Chairperson to oversee and administer the day-to-day operations of the Program Committee, approve committee policies, and resolve procedural or policy questions. This supervisory staff person will be responsible for ensuring that the committee is administered in accordance with this directive and the "Policy, Procedures, and Standards for Programming Offenders" manual.

Each facility administration shall designate staff members representing the various facility disciplines, as necessary, to serve on the Program Committee. See "Policy, Procedures, and Standards for Programming Offenders" manual for specific information on committee composition.

- X. RESPONSIBILITIES OF THE PROGRAM COMMITTEE CHAIRPERSON:** Under the direction of the DSP, the Program Committee Chairperson (or designee, as described in paragraph 1 of Section VIII) shall have the following responsibilities and authority:
- A. Chair the Program Committee: The Program Committee Chairperson shall convene the facility Program Committee as necessary to assist in the timely and judicious performance of the responsibilities listed herein.
 - B. Coordinate Program Placement (Assignment and Removal): The Program Committee Chairperson shall be responsible for all program assignments and removals (with the exception of Inmate Grievance Resolution Committee representatives who are covered by Directive #4040, "Inmate Grievance Program"). The Chairperson shall:
 - 1. Initiate program changes to meet the requirements of the Program/Earned Eligibility Plan and the facility work force;
 - 2. Receive, review, and act upon all program assignment and change requests submitted by staff members and inmates, document the reasons for such requests, and maintain a file record of requests, related documentation, and action taken;
 - 3. Prior to making or changing an inmate's assignment or program (except in cases in which an immediate removal for the safety and security of the facility is required and is approved by the DSP), review all records and recommendations regarding the inmate's specific program needs and consider the skills, aptitude, and custodial history of the inmate in conjunction with specific facility needs;
 - 4. Conduct first level review of inmates in work locations over six months that are considered security sensitive or preferred assignments to determine the appropriateness of the assignment and continued placement in that location, during their bi-annual MJOT/PPSA review. The Superintendent shall define the security sensitive and preferred assignments which will include all outside clearance positions. A further review shall be conducted by the DSP in consultation with the Deputy Superintendent for Security (DSS) and include the Deputy Superintendent for Administration (DSA) or the Industrial Superintendent, when the work assignment falls under their oversight. Recommendations will be forwarded to the Superintendent for final review and determination.

5. An inmate shall not remain in a work location or assignment beyond one year without a review being conducted by the Superintendent for appropriateness of the assignment and continued placement in that location. (The Superintendent may consider leaving the inmate in the current assignment or moving the inmate to another similar shop.) If the Superintendent approves the continued placement in the assignment or location, a written justification for such decision shall be submitted to the Deputy Commissioner for Correctional Facilities. The Deputy Commissioner for Correctional Facilities, Deputy Commissioner for Program Services, and the Deputy Commissioner with oversight of the assigned area will review justification for final determination.
6. During Program Committee, notify the inmate of the consequences of his or her refusal to address Program/Earned Eligibility Plan needs, make a record of the program assignments offered to the inmate and the reason(s) for the inmate's refusal, and file this documentation in the inmate's guidance folder. Additional documentation is not necessary if the "Program Refusal Notification," [Form #3617](#), has already been completed for the program and filed by the Offender Rehabilitation Coordinator.

C. Manage Placement Records: The Chairperson shall:

1. Review and update the Master Job Organization Table every six months and recommend appropriate changes to the DSP for their review. The DSP will review changes with the Superintendent for approval. The DSP will forward approved changes to the Director of Guidance and Counseling for review. The Director of Guidance and Counseling will advise the DSP the results of the Central Office review and inform if any changes are required.
2. Ascertain the rate of allowance for the program assignments and job duties within the facility in accordance with Directive #4802, "Inmate Payroll Standards," and the current Departmental pay scales;
3. Ensure that denied inmate requests for particular program assignments or changes are documented to show the reason(s) for the denial and that such documentation is kept on file in the inmate's case folder (see Section VII of this directive);
4. Upon request, advise inmates whose specific program or job requests have been denied of the reason(s) for the denial (an inmate appearing before the Program Committee will be orally informed; an inmate shall receive the reason in writing upon request);
5. Ensure that inmate program assignments are submitted for review as outlined in Section X-B-4 and 5 of this directive.
6. Ensure, as stated above, that staff requests for program changes are documented to show the reason(s) for the request and that such documentation is kept on file in the inmate's guidance folder (see Section VII of this directive); and
7. Use only the KIPY system for program assignments and for determining when inmates get placed in needed programs.

XI. LIMITED PRIVILEGE PROGRAM STATUS: Notwithstanding any other provision in this directive, the Program Committee Chairperson may place an inmate who refuses all assignments in limited privilege program status without a hearing.