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Audit critical of prison oversight commission

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ALBANY -- The New York Commission of Correction is not meeting its responsibilities for overseeing prisons and jails and handling inmates' grievances, according to an audit released today by the state comptroller.

"In our opinion, as a result of this lack of oversight, any unsafe or inappropriate practices at state correctional facilities are less likely to be detected and corrected," state auditors wrote.

The commission defended its actions and oversight process, citing staffing reductions in the early 1990s that reduced its ability to inspect facilities. The agency had 66 employees in 1990-91 and 35 in 2006-07, the report said.

Findings include:

-- The commission stopped inspecting state Department of Corrections prisons regularly when its staff was cut. It shifted its focus to county jails and local police lock-ups because they posed a greater security risk than state facilities, and inspectors began visiting state prisons only in certain special circumstances, such as when there was inmate violence or death.

The agency did not do all the inspections it was supposed to and did not always follow up to make sure recommended changes were made, the audit said.

There are 62,000 inmates held at 69 state prisons, according to the state Department of Correctional Services.

-- The commission did not inspect four secure state facilities for youth (operated by the state Office of Children and Families) until 2007 even though a 1996 change in state correction law made the commission responsible for their oversight. (The commission said in response to the audit that regulations to govern inspection of the centers had been completed and were expected to be finalized this year.)

-- The commission inspects county and local jails regularly, but some are not done on schedule and the agency does not evaluate compliance with all regulations each year. The agency fell short on following up to make sure problems were fixed in a number of cases. There are nearly 400 county correctional facilities and local police lock-ups.

-- The commission does not always follow up with officials at correctional facilities when corrective action is needed based on grievances (formal written complaints) and informal complaints. Grievances are not always resolved within 45 business days, as required.

In inspecting jails and prisons, the Commission of Correction evaluates safety, security, the health of inmates, food service, rehabilitative programs and other areas.

The agency also approves construction and expansion of correctional facilities.

The commission changed certain procedures as a result of the report, such as updating its record-keeping system and developing an internal review process to ensure proper follow-up on grievances and complaints.

The new chairman of the Commission of Correction is reviewing the audit, as are staff at the state Department of Criminal Justice Services, said John Caher, a spokesman for both agencies.

Jack Beck of the Correctional Association of New York said the report's findings were not surprising. With the staffing reductions in the agency, its effectiveness has been reduced in terms of how rigorous its inspection process is, he said.

The commission doesn't appear to be doing a lot of monitoring when it comes to construction and renovation of correctional facilities, which is needed to ensure there are adequate services for inmates and security, Beck said. "I believe that they need more staffing to be monitoring what they're looking at and that they need to be more aggressive," said Beck, whose independent, non-profit group has authority from the Legislature to inspect state prisons and report findings to lawmakers and the public.