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OFFICE OF
COMPLIANCE CONSULTANTS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JAMES BENJAMIN, et al.,

Plaintiffs,

75 Civ. 3073
(MEL)

- against -

BENJAMIN J. MALCOLM, et al.,

Defendants.
-----X

ERNESTO MALDONADO, et al.,

Plaintiffs,

76 Civ. 2854
(MEL)

- against -

WILLIAM CIUROS, JR., et al.,

Defendants.
-----X

CLASSIFICATION
WORK PLAN ORDER

DETAINEES OF THE BROOKLYN HOUSE OF
DETENTION FOR MEN, et al.,

Plaintiffs,

79 Civ. 4913
(MEL)

- against -

BENJAMIN J. MALCOLM, et al.,

Defendants.
-----X

DETAINEES OF THE QUEENS HOUSE OF
DETENTION FOR MEN, et al.,

Plaintiffs,

79 Civ. 4914
(MEL)

- against -

BENJAMIN J. MALCOLM, et al.,

Defendants.
-----X

-----X
IOLA FORTS, et al.,

Plaintiffs,

76 Civ. 101
(MEL)

- against -

BENJAMIN J. MALCOLM, et al.,

Defendants.

-----X
GUY ZEPH AMBROSE, et al.,

Plaintiffs,

76 Civ. 190 (MEL)

- against -

BENJAMIN J. MALCOLM, et al.,

Defendants.

-----X

The court has had jurisdiction, since 1979, over a set of Partial Final Judgments by Consent (Consent Judgments) in these cases that require, inter alia, that defendants have in place by January 1, 1980 a rational system which classifies detainees individually.

In 1981 plaintiffs brought a motion to hold defendants in contempt for numerous violations of the Consent Judgments, including the provisions regarding classification; the factual allegations of plaintiffs' motion were not substantially disputed by defendants.

Since 1982 the Office of Compliance Consultants (OCC), a neutral third party established by agreement of the parties to

monitor defendants' compliance with the Consent Judgments and assist the defendants in achieving compliance, has been monitoring defendants' compliance with the Consent Judgments and has found that defendants have not fully complied with the terms of the Consent Judgments regarding classification.

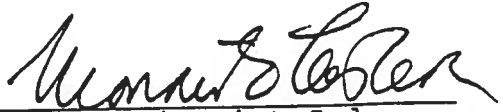
At the request of the court and working with the parties, OCC submitted a Work Plan to the court on April 19, 1991, which sets forth a schedule for the implementation of measures to bring defendants into compliance with the classification provisions of the Consent Judgments.

The court has reviewed the Work Plan, heard from OCC and the parties regarding its provisions, and determined that the measures and schedule set forth therein are reasonable and necessary in order to bring about compliance with the classification provisions of the Consent Judgments. Therefore,

IT IS HEREBY ORDERED that the Work Plan of April 19, 1991, attached hereto, be entered as an Order of this Court.

SO ORDERED

DATED: ^{May} April 30, 1991


United States District Judge

Classification Work Plan

Introduction

In 1979 the Court ordered that by January 1, 1980, "... on the basis of a rational system which classifies detainees individually, detainees shall be permitted to travel unescorted between housing areas and activity locations, except where, on the basis of that system, designated detainees are required to be escorted between designated locations." That is, a detainee has the right to move freely in the designated areas unless he/she has been classified a high risk, based on objective criteria that indicate whether the inmate should have an escort for security purposes.

Classification decisions are critical for running a safe and efficient jail system. When properly designed, the classification system identifies high risk inmates for placement in high security housing (cells) and low risk inmates for placement in low security housing (dormitories/sprungs). And, as alternative programs are implemented, careful classification helps to identify those inmates best suited for enrollment in community programs, liberating scarce beds and saving dwindling resources. To ensure that it is employed properly in the field, a classification system should also be simple in design.

The Department has had a classification system in effect for

some years, but implementing a rational system has proved elusive. Although it had tried different models, one of which was based on a prototype designed by the National Institute of Correction (NIC), the model was undermined by the considerable latitude given to facility staff to override the classification scores. As a result, the majority of inmates were being classified as "high risk," rendering the system ineffective.

In 1990, the Department gave priority to refining its classification system, reflected by the fact that some of the activities covered within this plan have been completed (See, e.g., Task I). With the assistance of a consultant, Department staff revamped the scoring system for placing inmates within categories (low, low/medium, high/medium, and high) that require increasing levels of security precautions. This model was pilot tested by the Department; the scoring instrument was reviewed by Legal Aid and OCC. (See Appendix.)

Predicting individual behavior is imprecise. But the Department's current revisions to the system are based upon national research indicating that two of the most consistent predictors of inmate misconduct are age and prior institutional conduct. (An analysis by the Department suggests that an additional predictor is prior history of violence within the community.)

Age - The younger the inmate, the more likely he/she is to engage in misconduct. At recent meetings to review the revisions, one of the key issues for discussion involved adolescents. Legal Aid proposed that greater weight be given to adolescents (aged 16-19) to reflect their propensity towards violent behavior. It is Legal Aid's position that, once properly classified and housed with appropriate security cautions, the incidence of violence among, e.g., low-risk adolescents should mirror that of low-risk adults.

The Department's consultant reviewed studies conducted by the Department and by the Board of Correction, and analyzed data provided by Legal Aid from the Fisher case. The consultant's determination was that there is insufficient evidence from that data to support an age-based distinction in classification scores between inmates aged 16 to 19 and those aged 20 to 25. The parties agreed to move forward with the current scoring system, paying close attention to adolescents. As data are collected, the Department will evaluate whether and how to refine the scoring system to break out one or more subcategories within the ages 16-25.

Prior Institutional Conduct - Although a key criterion, the Department is currently unable to take prior institutional conduct into consideration when classifying an inmate. The Department has not been systematically collecting data manually on prior institutional conduct, and the existing computerized Inmate

Information System is unable to produce this information. As part of this plan (Task V), the Department has developed a computer program to collect and store data on future infractions. Once it is implemented, the Department will use the infraction information (along with other information gathered during its evaluation period) to reclassify inmates (Task VIII). At Legal Aid's suggestion, the Department modified the score for prior institutional conduct to include a subcategory for violent incidents that involved injuries.

The major activities covered by the work plan include:

- Revising the initial classification scoring instrument (Task I) and modifying the inmate information system to incorporate the classification scoring instrument (Task II);
- Modifying the Department's policies and procedures to reflect the revised classification system (Task III) and training staff to use the system (Task IV);
- Implementing the newly developed infraction history system (Task V), including the issuance of an Operations Order on the inmate infraction cards (VI);
- Implementing the revised classification scoring system (Task VII), evaluating that system (Task IX), and determining the

staffing needs for managing the classification system (Task X);

- Developing a system for reviewing the institutional records of those inmates within the Department's custody for prolonged periods to determine whether reclassification is warranted (Task VIII);

- Finalizing plans to use the revised classification system in connection with special housing (Task XI); and

- Finalizing policies and procedures for Centrally Monitored Cases and for use of mechanical restraints (cuffing) for inmates with histories of violence (Task XII).

The work plan that follows is the result of carefully considered proposals presented by the Department and reviewed thoroughly by Legal Aid and OCC. The dates take into consideration the need to move ahead with as rigorous a schedule as possible¹ while respecting the Department's ability to comply and the City's

¹ In one case, OCC delayed a date by one week (Implementation - Task VII), to allow time for Legal Aid and OCC to review the Department's Institutional Orders. When the Department is promulgating policies and procedures, it issues Operations Orders, which describe these policies and procedures in general terms. The wardens take these Operations Orders and, in turn, draft Institutional Orders that tailor the general policies and procedures for the particular jails in which they are to be implemented. Given the importance of these Institutional Orders for the actual day-to-day practice of the procedures, OCC determined that the parties should have an opportunity to review and comment on the content of the Orders.

funding and personnel processes. The plan attempts to balance the need for resources that we believe critical to achieve compliance with the constraints on the City's fiscal resources.

For one of the plan's elements (i.e., staff to implement infraction history - Task V), the City's Office of Management and Budget has already approved funding. The Department will attempt to identify and hire staff who have been or are scheduled to be laid off; if, however, this attempt is unsuccessful, the Department and City will need to move forward with its outside hiring procedure, so that staff will be on the payroll no later than the timeframe laid out in Task V.

In two other instances, it is likely that additional staff will be required: (1) to conduct the reclassification of inmates within the system for prolonged periods (Task VIII); and (2) to maintain the system within the Department's Central Office and at each of the jails (Task X). In each case, we will review the proposed needs carefully and submit our recommendations, when determined, to the Court for consideration.

Finally, we note the inclusion of Tasks XI and XII. In the case of Tasks I through X, the Department's Executive Director of Inmate Management assumed responsibility for developing plans for the classification system. But other issues, while related to inmate classification, do not fall within the jurisdiction of

Inmate Management. Tasks XI and XII require the parties to meet to discuss, respectively: (1) how the Department plans to use the classification system to designate special housing; and (2) the Department's policies and procedures pertaining to centrally monitored cases and mechanical restraints.

ACTIVITY PLAN
INMATE CLASSIFICATION
NEW YORK CITY DEPARTMENT OF CORRECTION

TASK I

REVISES THE INITIAL CLASSIFICATION SCORING INSTRUMENT

<u>Activity</u>	<u>Completion Date</u>
Draft a revised classification instrument;	11/90
Simulate classifying the population using the revised instrument. (The simulation was conducted July 1990, using a random sample of the inmate population. This sample was statistically weighted to represent adequately the variables of legal status, sex, age, etc.);	
Revise the Classification Instrument based on the above simulation;	1/30/91
Submit to Legal Aid and OCC;	2/4/91
Finalize instrument based on analyses and concerns raised by parties. (Copy of final instrument appended to this plan.)	2/8/91

TASK II

MODIFY THE CURRENT INFORMATION SYSTEM TO ALLOW AUTOMATION OF THE INITIAL SCORING INSTRUMENT

A database program has been designed for the Inmate Information System (IIS) to allow classification staff the capability to enter each individual scoring item for determining the inmate's classification level and the reasons for overrides.

- The IIS changes will be phased in according to the following schedule:

<u>Activity</u>	<u>Completion Date</u>
Total numerical score as well as the classification level on the Alpha printout (<u>i.e.</u> , printout of inmates and classification);	3/4/91
IIS prototype available for review by LAS and OCC;	7/1/91
Develop Classification Screen;	8/30/91
Develop computer-generated classification score and management reports.	9/30/91

TASK III

MODIFY DEPARTMENT'S CLASSIFICATION SYSTEM POLICIES AND PROCEDURES MANUAL

<u>Activity</u>	<u>Completion Date</u>
A. Revise Classification Directive	
Draft a revised Directive; this will include the development of "managerial override" guidelines and procedures. The revised directive will also detail housing guidelines for security classifications. Specifically, it will define each security classification by appropriate type of housing (i.e., cells, dorms, modular, sprungs). It will delineate the process for housing inmates after new admission processing, for notifying inmates of their classification, for reclassifying and, where appropriate, for re-housing inmates.	3/30/91
Review by Classification Policy Review Committee;	4/15/91
Redrafted directive to field staff, LAS and OCC;	5/1/91
LAS and OCC return comments on redrafted directive to Department;	5/15/91
Address comments and concerns of parties; complete final version;	6/15/91
Issue Interim Directive (awaiting final computerized version/instructions).	7/1/91

B. Revise Training Manual

Interim procedures on the revised Classification Screening Instrument have been issued; training for completing the revised form began in April 1991. The revised manual will be issued when all new policies and procedures, including computer procedures, can be incorporated.

<u>Activity</u>	<u>Completion Date</u>
Draft of revised training manual to OCC and LAS	5/7/91
OCC and LAS return comments on revised training manual	5/21/91
Department issues final training manual	7/1/91

TASK IV

TRAIN ALL STAFF WITH DESIGNATED RESPONSIBILITIES IN THE NEW CLASSIFICATION POLICIES AND PROCEDURES

A training effort will be undertaken to ensure that all staff assigned to classification duties are properly trained in classification policies and procedures.

The approach will consist of two days of training in which staff receive instruction on the revised system and are given an opportunity to complete classification forms on actual cases in their facilities to ensure that they understand the scoring process. It will also include a one-day training session on policies and procedures for all supervisors and line staff.

Training effort will begin in April and will be completed by 6/30/91.

NOTE: Academy Training may be postponed should we be near completion of an IIS prototype which could be used at the training sessions. If not, an additional day at the Academy may be necessary in July to ensure each staff member responsible for classification is trained on the computer system.

As is currently the practice, a one-half day training session at the Academy will be scheduled regularly for all new recruits. Classification Staff will continue to train newly promoted Captains and Assistant Deputy Wardens.

TASK V

INFRACTION HISTORY SYSTEM

As described in this work plan's introduction, prior institutional behavior is a critical component of a classification system's ability to predict institutional misconduct. This portion of the plan outlines the dates by which an infraction history component will be implemented. The Department will evaluate and modify the infraction history component as it is integrated into the overall classification system.

Until the IIS system gains the capability of integrating the infraction history information into the classification scoring system, infraction histories will be entered into an independent PC database.

<u>Activity</u>	<u>Completion Date</u>
Design Infraction History System program for Personal Computer database;	12/90
Procure equipment (i.e., personal computers and printers) for the program;	12/90
Develop staffing proposal (including one C/O to supervise the 4x12 tour, two Office Associates and two Office Aides);	11/90
Submission to O.M.B. for January Financial Plan;	12/90
Staffing Proposal approved by O.M.B.;	1/91
Demonstration of Program to various users, LAS and OCC;	1/31/91
Complete the identification and training of staff. NOTE: These positions will be identified by the Vacancy Control Board to mitigate the effects of the Department's impending lay-off proposal. If, however, positions cannot be filled through the Vacancy Control Board, the Department	5/31/91

and all other City agencies will need to take all necessary measures to ensure that these staff are on the payroll no later than 7/1/91.

Draft Operations Order to LAS and OCC for review. (Purpose of this Order is to instruct facility personnel on data entry changes; remainder of scoring instructions will be delineated in classification directive.)

6/3/91

Comments returned by LAS and OCC

6/10/91

Infraction system to be implemented fully (all data entered into PC database)

6/17/91

TASK VI

OPERATIONS ORDER ON INSTITUTIONAL INFRACTION CARDS

<u>Activity</u>	<u>Completion Date</u>
Draft Operations Order on Institutional Infraction cards (to become part of inmate's permanent file);	4/1/91
Re-draft and circulate;	4/30/91
Returned with comments	5/15/91
Issue Operations Order	5/30/91

TASK VII

IMPLEMENTATION

The Department began employing the revised classification scoring instrument on April 1, 1991. Complete implementation of the system (by December 1991), including the use of inmate infraction histories, will mean that each inmate will be housed in a unit designated for persons of his/her classification score.

<u>Activity</u>	<u>Completion Date</u>
Implement use of revised Initial Classification Scoring Instrument, excluding history of prior institutional behavior;	4/1/91
This allows for the immediate development of a classification database to be used for further analysis required to refine housing plans and other related policies;	
Issue interim Classification Directive (See Task III);	7/1/91
Facilities to submit Institutional Orders to Central Office/Classification Division;	9/1/91
Institutional Orders submitted to LAS and OCC for review;	10/1/91
LAS and OCC return comments on Institutional Orders;	10/15/91
Central Office classification staff to complete review of all Institutional Orders;	11/8/91
Phase in of housing guideline as defined in the Directive; (process should be fully implemented within 120 days -- <u>i.e.</u> , inmates will be placed in housing designated for persons of that classification score);	beginning 8/1/91; completed by 12/1/91

Audit facilities as per See Task IX
schedule.

TASK VIII

RECLASSIFICATION SYSTEM

The Classification Directive, scheduled for completion by 7/01/91, will include policies and procedures for reclassifying inmates to account for current institutional behavior and changes in legal status, and will be subjected to the time frames noted within Task III.

The remainder of this section of the Work Plan is to detail the steps necessary to implement a systematic and comprehensive ninety (90) day re-classification review. The purpose is to insure a systematic review of every inmate remaining in custody for a prolonged period.

<u>Activity</u>	<u>Completion Date</u>
Draft Reclassification Instrument to be submitted by Department's consultant;	5/15/91
Review of Instrument by Classification Policy Review Committee;	5/30/91
R e v i s i o n o f Instrument/simulated piloting;	7/30/91
Re-submission to Classification Policy Review Committee;	8/1/91
Finalized instrument for submission to OCC and LAS;	9/1/91
Staffing analysis completed ;	9/1/91
Submission through Department of Correction's Management Analysis Unit to OMB for the FY'92 January Financial Plan;	9/30/91
All City agencies to take all necessary measures to ensure staffing required to conduct reclassification are on payroll, in order to begin pilot of proposed reclassification instrument;	2/1/92

TASK IX

EVALUATE THE IMPLEMENTATION PROCESS AND MAKE APPROPRIATE CHANGES AS REQUIRED

As implementation begins, an evaluation will be undertaken to ensure that the system is being properly implemented. This assessment will consist of auditing a sample of classified cases at each facility to verify proper scoring of the cases and proper bed assignment. Interviews will be conducted with staff to elicit problems they may be having with the revisions. Based on this information, modifications will be made to correct these identified deficiencies. Classification staff will conduct these audits.

<u>Activity</u>	<u>Completion Date</u>
Begin audits of new admission facilities;	8/1/91
Each new admission facility audited within 30 days of implementation of the revised Classification Directive;	9/1/91
Begin audits of housing facilities;	9/15/91
Audits for compliance with housing guidelines and classification procedures completed for each permanent housing facility;	12/15/91
Upon completion of these "phase-in" audits, new admission facilities will be audited every 30 days and housing facilities every 60 days to ensure ongoing compliance with all classification policies and procedures;	
The Department will conduct a comprehensive evaluation (based on the computerized database) similar to the conversion simulations done prior to revising the classification instrument. This will be conducted six months from the implementation of the revised instrument. This evaluation will test the validity/predictability of each criterion of the revised	2/92

instrument (e.g., age, history
of the institutional behavior);

Data available for discussion 4/92
with all parties;

The review/evaluation of the
system, including all
modifications, will be
completed within 12 months of
conversion. The Department will
schedule regular review
meetings with OCC and LAS
during this 12-month period.

TASK X

DETERMINE THE STAFFING NEEDS AND RESPONSIBILITIES FOR MAINTAINING THE CLASSIFICATION SYSTEM AT EACH DEPARTMENT FACILITY

Two of the key factors in a successfully implemented and maintained classification system are: (1) ensuring that decision-making power is invested in a strong central unit; and (2) having adequate numbers of staff with appropriate training on board.

The Department plans to engage the services of Dr. James Austin of the National Council on Crime and Delinquency (the consultant who helped redesign the classification scoring instrument) to evaluate present classification staffing patterns at both the Central Office and facility levels. This analysis will be conducted in conjunction with the Executive Director of Inmate Management.

The analysis will determine what type of staff will be required to operate the system at both the Central Office and facility levels. Although the consultant will examine the extent to which existing staff might be redeployed to handle classification, it is possible that additional staff will be required.

<u>Activity</u>	<u>Activity Date</u>
Contract language/completion of consultant's extension completed;	5/15/91
Initial analysis completed;	8/30/91
Review of analysis by Classification Policy Review Committee;	9/30/91
Submission of analysis to OCC and LAS for review;	10/15/91
If determined that needs exceed Department's ability to redeploy staff, submission of additional staffing needs through Department of Correction Management Analysis Unit for inclusion in FY'92 January Financial Plan to OMB;	10/31/91
City to take all necessary measures to ensure that these additional staff are on payroll	2/1/92

TASK XI

SPECIAL HOUSING

Activity

Completion Date

OCC and LAS to meet with Deputy Chief for Facility Operations to set schedule for finalizing movement policies for placement of inmates in special housing (e.g., homosexual, punitive segregation, administrative segregation, protective custody)

5/3/91

TASK XII

CENTRALLY MONITORED CASES

USE OF MECHANICAL RESTRAINTS

Centrally monitored cases involve those inmates who, based upon particular criteria (e.g., previous history of escape), are subjected to intensified monitoring and other security precautions. The Department has recently revised its directive addressing centrally monitored cases.

The directive outlining criteria and procedures for use of mechanical restraints ("cuffing orders") is also under revision. Both directives fall within the jurisdiction of the Deputy Warden for Security Operations.

The Department, LAS and OCC will meet by 5/10/91 to agree upon schedules for reviewing these two directives. These schedules will include dates by which the Department will draft -- and the parties will review -- Institutional Orders for implementation in the jails. Once agreed upon, these schedules will be submitted to Court as supplemental components of this Work Plan.



NEW YORK CITY DEPARTMENT OF CORRECTION CLASSIFICATION SCREENING FORM

BOOK & CASE # _____

CMC: YES ☐ NO ☐

CMC # _____

SEPARATION: YES ☐ NO ☐

OSU# _____

INMATE'S LAST NAME _____

FIRST NAME _____

M.I. _____

NYSID # _____

INS # _____

CHECK OFF ANY OF THE CHARGES LISTED BELOW IF INDICATED BY THE IIS SYSTEM AS A CURRENT OR PRIOR CHARGE (INCLUDE ATTEMPTS).

☐ 105.17 CONSPIRACY 1ST☐ 120.11 AGGR. ASSAULT/P.O.☐ 205.05 ESCAPE 3RD☐ 130.35 RAPE 1ST☐ 125.27 MURDER 1ST/P.O.☐ 200.04 BRIBERY 1ST☐ 205.15 ESCAPE 1ST☐ 205.10 ESCAPE 2ND☐ 263.15 PROM. SEX
PERF/CHILD☐ 240.06 RIOT 1ST☐ 200.45 BRIBE PUB. OFFICIAL☐ 263.10 PRO. OBS SEX.
PERF/CHILD

IF ANY OF THE ABOVE CHARGES ARE CHECKED, PRINT THE NAME, RANK, AND SHIELD NUMBER OF THE SUPERVISOR NOTIFIED:

NAME _____ RANK _____ SHIELD # _____

PREPARER'S SIGNATURE _____ RANK _____ SHIELD _____

IF THIS CANNOT BE COMPLETED FOR ANY REASON CHECK HERE []

Reason: _____

INDICATOR	HIGH CHARGE	SCORE
1. SEVERITY OF CURRENT CHARGE: GREATEST 7 HIGH 5 MODERATE 3 LOW 1		
2. SEVERITY OF WARRANTS, DETAINERS OR HOLDS: FELONY 5 MISDEMEANOR 3 LOW 1		
3. HISTORY OF PRIOR CONVICTIONS: FELONIES 5 MISDEMEANORS 3 VIOLATIONS 1 NONE 0		
4. HISTORY OF ESCAPE: WITHIN 5 YEARS PRIOR TO 5 YEARS NONE SERIOUS- 7 5 0 MINOR- 4 3 0		
5. HISTORY OF VIOLENCE: WITHIN 5 YEARS PRIOR TO 5 YEARS NONE SERIOUS- 7 5 0 MINOR- 4 3 0		
6. INMATE'S AGE UNDER 26 0 26-30 0 31+ -3		
7. IF PREVIOUSLY INCARCERATED-HISTORY OF INSTITUTIONAL CONDUCT PAST 5 YEARS NONE 0 1-2 1 3+ 2 VIO. WO/INJ 5 VIO. W/INJ 7		

☐ Low (Score 1-5)☐ Low Medium (Score 6-10)