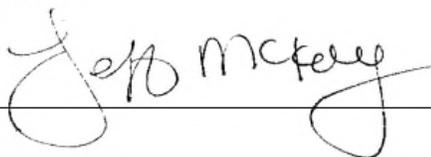


 <p>Corrections and Community Supervision</p> <p>DIRECTIVE</p>	TITLE Inmate Program Placement		NO. 4803
			DATE 09/30/2020
SUPERSEDES DIR #4803 Dtd. 05/26/15	DISTRIBUTION A B	PAGES PAGE 1 OF 6	DATE LAST REVISED
REFERENCES (Include but are not limited to) See Section III	APPROVING AUTHORITY 		

- 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 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 therapeutic programs, academics, occupational training, alcohol and substance abuse treatment, sex offender counseling and treatment, aggression replacement training, work assignments, and transitional services.

Appropriate programming is essential to maintaining a safe and secure environment in correctional facilities for inmates, staff, and visitors. Inmates are expected to accept assignments that serve to meet their program needs and facility operating needs as determined appropriate by the Program Committee.

III. REFERENCES

- ACA Expected Practices:
 - 5-ACI-2C-11, 5-ACI-3D-04, 5-ACI-5A-04, 5-ACI-5A-05, 5-ACI-5B-03, 5-ACI-5B-09, 5-ACI-5E-02, 5-ACI-5E-03, 5-ACI-7A-01, 5-ACI-7A-02, 5-ACI-7A-03, 5-ACI-7A-04, 5-ACI-7A-06, 5-ACI-7A-09, 5-ACI-7B-09, 5-ACI-7B-10, 5-ACI-7B-11
 - 2-CO-5A-01
 - 2-CI-2A-3, 2-CI-3A-1, 2-CI-4A-1, 2-CI-4A-9, 2-CI-5A-1, 2-CI-5A-3, 2-CI-5A-4
 - 1-ABC-2C-08, 1-ABC-3D-04, 1-ABC-4A-06, 1-ABC-4A-07, 1-ABC-4B-01, 1-ABC-4B-06, 1-ABC-5A-01, 1-ABC-5A-01-1, 1-ABC-5A-02, 1-ABC-5A-03, 1-ABC-5A-04, 1-ABC-5B-02, 1-ABC-5B-10, 1-ABC-5B-11
- Directives #2612, #2614, #4017, #4040, #4401, #4802
- Policy, Procedures, and Standards for Programming Offenders Manual

IV. DEFINITIONS

- A. Master Job Organization Table (MJOT): A computerized listing by facility and location of all the permanent and temporary program items.
- B. Program Plan and Staffing Analysis (PPSA): A report that determines the number of inmates available for regular programming and the number of inmates available for work assignments based on total population of a facility. The PPSA only includes permanent program items and requires bi-annual submission to, and approval of, the Director of Guidance and Counseling.

- C. Security Sensitive Assignments: Inmate work assignments that may pose potential concerns based on the area of the assignment, required increased staff/inmate contact, or required inmate handing of tools or other sensitive material.
 - D. Preferred Assignments: Assignments that are deemed desirable by inmate population based on rate of pay or perception of influence or status. This may also include assignments related to earned housing.
 - E. Racial and Ethnic Balance Report: Monthly report to assist in monitoring and tracking of racial and ethnic balance in identified work assignments.
 - F. Length of Stay Reports: Monthly reports that identify inmates assigned for over 36 months to non-industry and industry shops deemed to be security sensitive or preferred shop codes.
- V. 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.
- VI. 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. The monthly Racial and Ethnic Report and Length of Stay Report will be utilized when programming inmates. 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, compromise the security of the facility, or present risk to the individual. For procedures regarding reasonable accommodations, refer to Directive #2612, "Inmates with Sensorial Disabilities," and Directive #2614, "Reasonable Accommodations for Inmates with Disabilities."
- VII. INMATE PARTICIPATION IN PROGRAMS**
- A. Inmates will participate in programs as assigned. These assignments may include aggression replacement training, sex offender counseling and treatment, substance abuse treatment, transitional services, academic programs, vocational programs, industrial programs, outside clearance/community service and 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.
- VIII. PROGRAM/EARNED ELIGIBILITY PLAN:** Each facility shall maintain a written Program/Earned Eligibility Plan for each inmate. This plan may consist of academic and vocational programs, facility work and industrial assignments, community service programs, counseling/treatment programs, transitional services, and other program needs in appropriate combinations.
- A. Inmates shall be advised by the assigned Offender Rehabilitation Coordinator (ORC) of any change to their Program/Earned Eligibility Plan. ORCs will meet with inmates to have them sign a new Program Plan printed from KGNC, 6.2.1, when a need has been added/deleted from their original plan.

All changes shall be documented in the chronological entry section of the inmate's Guidance folder. The ORC will ensure the inmate is placed on the appropriate Required Program List (RPL) utilizing Inmate Incentive Payroll (KIPY).

- B. Inmates shall be notified by the assigned ORC of the consequences of their refusal to address Program/Earned Eligibility Plan needs. Inmates will be asked by the ORC to sign [Form #3617](#), "Program Refusal Notification," 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 Guidance folder at the time of the refusal and at each subsequent Case Plan interview.
- C. The Program Committee will review the inmate's program refusal during their appearance. The possible consequences of the refusal will be reiterated. Inmates will be informed that they may be subject to administrative action. Inmates will also be advised that if refusing educational, vocational, and/or therapeutic programs they will not be placed in work assignments earning more than Grade 1, Step 1 non-industry pay or Grade 1, Step 1 industry pay, based upon facility need.

IX. 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 overview of facility specific 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 within the same facility shall be provided a facility orientation as indicated in IX-B, if orientation was not provided upon initial transfer. The orientation must include a general explanation of all available programs.

- X. 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, enforce 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 the Policy, Procedures, and Standards for Programming Offenders Manual for specific information on committee composition.

- XI. 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 X) 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 an inmate's Program/Earned Eligibility Plan and the facility's operating needs;
 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 in the inmate's Guidance folder;
 3. 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, 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);
 4. Initiate Industry assignments and change requests or removals, as indicated in XI-B, in collaboration with the facility Industries Supervisor.
- C. Monitoring Program Assignments: The Chairperson shall:
1. Review and update the MJOT and PPSA minimally every six months and/or based upon required programming and work item changes and recommend appropriate changes to the DSP for their review. The DSP will review the changes and submit a request to the Central Office Program Committee Specialist to permit access to modify the MJOT in KIPY. The DSP will submit the MJOT and PPSA to the Director of Guidance and Counseling every six months for approval. The Director of Guidance and Counseling will advise the DSP of the results of the Central Office review and inform if any changes are required;
 2. The Racial and Ethnic Report will be reviewed monthly to ensure identified program assignments are reflective of the facilities' overall inmate population. A summary of the review and a corrective action plan, if applicable, will be submitted with the bi-annual review;
 3. The Program Assignment Review Report(s) for industry and non-industry will be reviewed monthly to monitor inmates in identified work locations to determine the appropriateness of the assignment and continued placement in that location. Status summary of the review will be submitted with the bi-annual review;
 4. The Superintendent will review and sign the Program Assignment Review Reports prior to submission to the Director of Guidance and Counseling. The Superintendent will be copied on all communication with Central Office regarding the MJOT and PPSA, the Racial and Ethnic Balance Reports, and the Program Assignment Review Reports;
 5. Work locations considered security sensitive and preferred assignments, including all outside clearance positions, can be reviewed as warranted for potential reprogramming of inmates;
 6. 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;

7. Ensure that denied inmate requests for particular program assignments or changes are documented to show the reason(s) for the denial and that associated documentation is kept on file in the inmate's Guidance folder (Section VIII);
8. 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);
9. Ensure that inmate program assignments are submitted for review as outlined in Section XI of this directive;
10. Ensure, as stated above, that staff requests for program changes are documented to show the reason(s) for the request and that associated documentation is kept on file in the inmate's Guidance folder (Section VIII);
11. Record program changes on [Form #2765](#), "Program Change Form Notification." Provide the original to the inmate, a copy to security staff, and file a copy in the inmate's Guidance folder when a program change is processed; and
12. Utilize the KIPY system for program assignments. All assignments will consider the inmate's Earliest Release Date (ERD) as reported on KIPY RPL.

XII. DSP MANAGEMENT OF SECURITY SENSITIVE, PREFERRED WORK LOCATION IN COORDINATION WITH PROGRAM COMMITTEE

- A. Review monthly, inmates assigned to a security sensitive or preferred work location, or inmates assigned beyond 36 months without a change, for appropriateness of the assignment and continued placement in that location or referral of the inmate to Program Committee for removal.
- B. In order to assist with this review, Superintendents will receive two separate reports the first of each month, the Program Assignment Review Report – Non-Industry Shops and the Program Assignment Review Report – Industry Shops, identifying inmates who have been in specified program assignments for over 36 months.
- C. When retaining an inmate in the current assignment, written justification for continued placement shall be submitted on a monthly basis to the Superintendent.
- D. In conjunction with the MJOT and PPSA, the DSP will submit the status of the Non-Industry and Industry Program Assignment Review Reports to the Director of Guidance and Counseling every six months. The Director of Guidance and Counseling will forward the Program Assignment Review Report – Industry Shops to the Director of Industries/Corcraft for review and to address concerns with facilities.
- E. The Director of Guidance and Counseling will submit prepared reports for review to the Assistant Commissioners for Program Services. The Assistant Commissioners will address concerns with the DSP and/or Superintendent and will notify the Director of Guidance and Counseling of the outcome, at which time the bi-annual review will be completed.
- F. Once removed, an inmate cannot be returned to the Sensitive/Preferred Shop title for one calendar year. If an inmate is incorrectly returned to an assignment before the year has lapsed, an error report will be generated and sent to both the facility Superintendent and Central Office Guidance staff.

XIII. 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 as detailed in the Policy, Procedures, and Standards for Programming Offender Manual. During the Case Plan reviews, the ORC should discuss the importance of programming with an inmate in Limited Privilege Program status and encourage participation. At any time, if an inmate is willing to program, they may request to be seen by the Program Committee.

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NEW YORK STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

PROGRAM CHANGE NOTIFICATION

INMATE NAME: _____ DIN: _____ LOCATION: _____

CURRENT ASSIGNMENT:

<u>ITEM #:</u>	<u>SHOP/TITLE:</u>	<u>MODULE:</u>	<u>PAID/NON-PAID:</u>	<u>REMOVE OR CONTINUE:</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

NEW ASSIGNMENT:

<u>ITEM #:</u>	<u>SHOP/TITLE:</u>	<u>MODULE:</u>	<u>PAID/NON-PAID:</u>	<u>EFFECTIVE DATE:</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

FORM 2765 (09/20) DISTRIBUTION:

Original	Inmate
Yellow & Gold	Guidance & Program Committee
Pink	Security/Population Management

I certify the above to be true and correct.

AUTHORIZED – PROGRAM COMMITTEE CHAIRPERSON

PROGRAM REFUSAL NOTIFICATION

NAME: _____

DIN: _____

FACILITY: _____

I am refusing to participate in the following program:

- Academic
- Vocational
- Substance Abuse Treatment
- Aggression Replacement Training (ART)
- Sex Offender Counseling and Treatment Program
- Transitional Services Phase _____
- Other: _____

I understand that refusal to participate in mandatory programs may result in the denial of Parole, the loss of Good Time, denial of Limited Credit Time Allowance (LCTA), denial of a Merit Time, Presumptive Release, and/or Earned Eligibility Program certificate and ineligibility for an area of preference transfer. In addition, refusal to participate may affect placement in a program and/or reduction in pay/grade assignment, earned housing and the Family Reunion Program.

Signature of Inmate	Date	O.R.C./S.O.R.C. Signature	Date
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Inmate Refused to Sign

Distribution:

White	Guidance Unit File
Canary	Inmate
Pink	Community Supervision File
Goldenrod	Time Allowance Committee (IRC)