



Corrections and Community Supervision

Division of Ministerial, Family & Volunteer Services

STANDARDS OF CONDUCT FOR CORRECTIONAL VOLUNTEERS & ALL APPLICABLE DOCCS POLICIES

Information for ALL Volunteer Applicants

“Volunteers Make a Difference”

The Harriman State Campus, 1220 Washington Avenue, Albany, NY 12226-2050 | www.doccs.ny.gov

Revised 7/12/2021 MMK

**STANDARDS OF CONDUCT FOR VOLUNTEERS
WITHIN THE NEW YORK STATE DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION**

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The New York State Department of Corrections and Community Supervision (DOCCS) welcomes and is fully supportive of members of the community who volunteer their time and talents to assist in providing meaningful, relevant programs and services to the inmate population.

Because these programs and services are provided within the confines of correctional facilities, the Department has certain expectations concerning the conduct of volunteers. As such, specific standards of conduct must be followed by all volunteers.

The following general guidelines and specific standards for volunteers must be complied with in order to ensure the safety and security of the facility staff, inmates and volunteers.

Questions or concerns related to these guidelines and standards should be presented to the appropriate facility staff person.

**GENERAL GUIDELINES FOR VOLUNTEERS**

1. As a volunteer, you must be registered prior to beginning your work within a correctional facility. If you meet the Department's requirements for annual Tuberculosis (TB) testing/screening, you must be tested if you enter a facility or combination of facilities for 8 hours or more, or if you enter a facility or facilities once a month or more. If you fail to have appropriate and timely TB testing/screening, you will not be allowed entry into a facility.
2. You must enter and exit the facility through the same gate, which will be designated by the facility. You must provide valid Government-issued photo identification each time you present yourself at the facility for volunteer service. Upon entering the facility, you will be directed to pass through a metal detector. You will be hand-stamped and you may be subjected to a search. The facility will provide you with an identification card, which you must wear while inside the facility. The identification card must be returned prior to your departure and retained on file at the facility. All items brought into the facility will be inspected.
3. You will be assigned a Volunteer Staff Supervisor to work with while in the facility. You will be escorted by either this staff member, a Correction Officer, or another staff member while in the facility.
4. It is expected that you will be dependable and punctual. If you are unable to provide your services at the appointed time, contact your Volunteer Staff Supervisor, the Volunteer Services Office, or the Watch Commander, as far in advance as possible.
5. Any change in address email address, emergency contact, or phone numbers should be reported to the Supervisor of Volunteer Services or your facility Volunteer Services Contact Person.

## **SPECIFIC STANDARDS FOR VOLUNTEERS**

1. **Personal Vehicles:** Parking of vehicles on State property will be permitted only in those areas designated by the facility. All vehicles will have windows closed, ignition off, doors and trunk securely locked with keys removed at all times. The vehicle will contain no firearms, ammunition, or any other weapons, alcohol, illegal drugs, explosives or excessive civilian clothing.
2. **Sobriety:** Persons under the influence of illegal drugs or alcohol will not be allowed into any of our facilities. Prescription medication must be brought to the attention of security staff upon arrival. Only that prescription medication absolutely necessary for the duration of your service will be permitted into the facility, on your person.
3. **Contraband:** Do not bring into the facility any items that might be defined as contraband. In a correctional facility, promoting prison contraband is a felony offense. Correctional Facilities often utilize K9 Units to screen for illegal drugs when being processed into the Correctional Facility. Contraband is defined as:
  - a. Anything in possession that would constitute an offense under the law applicable to the public;
  - b. Any article or thing that is readily capable of being used to cause death or serious physical injury, including but not limited to, a hand gun, shoulder gun, cartridge, knife, explosive, or dangerous drug (including marijuana);
  - c. Anything that is introduced into a correctional facility with the intent to transfer to an inmate without the permission of the Superintendent or designee;
  - d. Anything that is not specifically authorized to be possessed by an inmate in a State correctional facility according to the rules and policies of the Department or local policies of the facility. (i.e. Alcohol and money are among the items inmates are not permitted to possess).
4. **Appropriate Dress:** Clothing should be appropriate and in general, keeping with Department requirements for all visitors (i.e. no halter/tank tops, mini-skirts, shorts above the knee, see-through clothing, plunging necklines; T-shirts containing statements or references promoting crime, drugs, alcohol, or sadistic/violent, sexual, pornographic, vulgar, gang-related references, or ethnic slurs; shoes must be securely fitted to the foot (no flip flops, or sandals without a heel strap). No hoop or dangling earrings. If in doubt, you should not wear a questionable article of clothing/item because you will not be admitted to provide your service at the facility.
5. **Articles Brought Into the Facility:**
  - a. All personal articles must be brought in utilizing a DOCCS-issued clear bag. If you are not issued your own clear bag, loaner bags are available at the facility. If your program requires that you bring special material, clear the items in advance with your Volunteer Staff Supervisor.
  - b. The taking of photographs anywhere on facility property or inside the facility is prohibited, without specific prior approval from the Superintendent. Tape recorders, cassettes or cameras may be brought into the facility only with special permission of the Superintendent.
  - c. Cellular phones, pagers, Fitbits, personal digital assistants, cameras, recording devices, two way radios, laptop computers, or other similar electronic devices are not allowed into any area of the facility, including the front lobby, and should remain securely locked in your vehicle. If you are utilizing public transportation, lockers are available to secure these items.
  - d. Refer to the current "List of Allowable Items for Volunteers," Form 4750E, for additional items.
6. **Valuables and Handbags:** The maximum amount of cash you are permitted to bring into the facility is \$20.00. Do not wear expensive articles or jewelry while participating in programs at the facility. Handbags are not permitted inside the facility and should be secured in your vehicle, or in the lockers available at the facility.

7. **Items Given To or Taken From An Inmate:**
  - a. The exchange of any items, including money and/or gifts with inmates is strictly prohibited.
  - b. Do not bring in or take anything from an inmate that is to be carried outside of the institution.
  - c. As a volunteer, you are not to carry oral messages or written correspondence in or out of the facility for an inmate.
  - d. Do not bring in literature which has not been pre-approved by facility staff.
8. **Facility Emergencies:** In the event of an emergency of any kind, you will be required to immediately follow the direction of facility staff.
9. **Matters of Inmate Discipline:** Matters of discipline are the responsibility of the security staff. Under no circumstances should you interfere. Any questions of judgment should be discussed privately with staff and never in the presence of an inmate. Matters of inmate misconduct should be reported immediately to your Volunteer Staff Supervisor or to a security staff member, never an inmate.
10. **Confidentiality:** In your contacts outside the correctional facility, use discretion in revealing information you have acquired in the course of performing your service. Check with appropriate staff if you are doubtful about what requires confidentiality.  
Information gained that could adversely affect the safety and security of staff, inmate, or volunteers, should immediately be reported to a security supervisor.
11. **Relationship with Inmates:**
  - a. While working with inmates on a regular basis, a professional relationship must be maintained. Care should be taken to avoid becoming emotionally involved with inmates.
  - b. DOCCS has zero tolerance for sexual abuse and sexual harassment. Sexual abuse and sexual harassment violate Department rules and threaten security. All allegations of sexual abuse, sexual harassment, or retaliation for reporting such an incident or participating in an investigation will be thoroughly investigated. It is a crime for a volunteer or intern who provides direct services to inmates in a State correctional facility to engage in a sexual act with an inmate or parolee assigned to that facility, even if the inmate or parolee "willingly" participates in the act.  
Furthermore, any perpetrator of a sexual abuse or sexual harassment incident will be dealt with severely through discipline or prosecution to the fullest extent permitted by law, and will be reported to any relevant licensing bodies.
  - c. Any volunteer or intern who receives a report that an inmate or parolee is the victim of an incident of sexual abuse, sexual harassment, sexual threat, staff voyeurism, or retaliation for reporting such an incident or participating in an investigation must be aware of the sensitive nature of the situation. Any volunteer or intern who receives such a report shall immediately notify his or her Volunteer Staff Supervisor who shall immediately notify the Watch Commander or Supervising Parole Officer (Bureau Chief). If the Volunteer Staff Supervisor is not available, the report shall be made immediately to the Watch Commander or Supervising Parole Officer (Bureau Chief).
12. **Personal Information:** about yourself, such as information pertaining to your family, home address, phone number, and personal habits should not be revealed.
13. **Correspondence, Visitation, and Telephone Calls:** You are not permitted to correspond with, including secure messaging (email), send packages to, visit or accept phone calls from inmates at any of the facilities of the NYS DOCCS. Exemptions to this prohibition may only be granted by the Deputy Commissioner for Program Services or designee. If you wish to seek an exemption, you must submit a written request to the facility Superintendent, explaining the reason for your exemption request.

14. **Incarcerated Acquaintances:** Volunteers are required to notify the Supervisor of Correctional Facility Volunteer Services (SCFVS) if they know and/or recognize any inmate incarcerated at any of our DOCCS facilities.
15. **Comments and Presentation Content:** It should be kept in mind that presentations and/or materials presented during a volunteer program should be kept positive in nature and that in a correctional setting, statements may be misconstrued or magnified by inmates to the extent that they could jeopardize the safety and security of community guests, volunteers, staff, and inmates. To that end, profanity, vulgarity and comments that are critical of a particular agency or group of individuals will not be tolerated.
16. **Reentry:** Volunteers who choose to work with inmates upon release from the Department should only do so under a structured program whose focus is to assist formerly-incarcerated persons in their community re-integration process. Before beginning to work with formerly-incarcerated persons, the volunteer must communicate in writing their interest to the SCFVS. The Superintendent must review and approve all requests prior to the inmate's release and all correspondence must be placed in the volunteer's file.
17. **Criminal Charges:** A *Report of Criminal Charges* (see Directive #2112, "Report of Criminal Charges") must be filed if you are charged with the commission of a felony or misdemeanor. Violations which allege possession and/or use of a controlled substance must also be reported. If you are charged with the above you must report in writing the required information to the facility Superintendent or designee (not to fall below the level of Watch Commander) as soon as possible, but in any event no later than the first working day following the arrest.
18. **Use of Information Obtained While a Volunteer:** Information gained as a DOCCS volunteer may be used for an interview or publication only with the prior written approval of the Director of Public Information. This includes publishing information on the internet (e.g. blogging, social media web sites.) Any person working for any editorial or news department of any media or organization will not be allowed to serve as a volunteer without the specific approval of the Director of Public Information.



# Corrections and Community Supervision

ANDREW M. CUOMO  
Governor

ANTHONY J. ANNUCCI  
Acting Commissioner

## MEMORANDUM

TO: All Employees, Contractors, Volunteers and Interns

FROM: Anthony J. Annucci, Acting Commissioner

SUBJECT: Policy on the Prevention of Sexual Abuse and Sexual Harassment of Incarcerated Individuals and Parolees (Revised)

DATE: September 4, 2018

Today marks the 15-year anniversary of PREA, the Prison Rape Elimination Act — the landmark law that affirmed our duty to end sexual victimization in confinement or under supervision. On this occasion, I am again reminding all employees, contractors, volunteers and interns of DOCCS policy with respect to the prevention of sexual abuse and sexual harassment, and response to reports of sexual abuse and sexual harassment.

**The New York State Department of Corrections and Community Supervision has zero tolerance for sexual abuse and sexual harassment.** Inmates and parolees have the right to be free from sexual abuse and sexual harassment. Sexual abuse and sexual harassment violate Department rules and threaten security. All allegations of sexual abuse, sexual harassment, or retaliation against staff, an inmate, or a parolee for reporting such an incident or participating in an investigation will be thoroughly investigated. Furthermore, any perpetrator of a sexual abuse or sexual harassment incident will be dealt with severely through discipline or prosecution to the fullest extent permitted by law.

It has long been the policy of the Department that staff-on-inmate and inmate-on-inmate sexual abuse and sexual harassment will not be tolerated -- **all sexual conduct, including sexual contact, is against the Department's rules.** The Department's policy is in compliance with the National Standards to Prevent, Detect, and Respond to Prison Rape Under the Prison Rape Elimination Act (PREA).

### What is sexual abuse?

Sexual abuse is when an inmate or parolee is subjected to unwanted sexual contact with another inmate/resident or any sexual contact with a staff member. Under Section 130.05 of NYS Penal Law, an inmate or parolee cannot legally consent to any sexual act with an employee, contract employee or volunteer (i.e., "staff"). It is a crime for staff to engage in a sexual act with an inmate or parolee. A staff person who engages in sexual conduct, including sexual contact with an inmate or parolee, is guilty of

a sex offense even if the inmate or parolee “willingly” participates or manipulates the staff member. Note: Any incident of sexual assault on staff by an inmate or parolee will be immediately reported to the Office of Special Investigations and handled in accordance with established Department policy for investigation and criminal prosecution of inmates.



### **What is sexual harassment?**

Sexual harassment includes sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one person directed toward another. Staff-on-Inmate/Staff-on-Parolee Sexual Harassment also includes repeated verbal comments or gestures of a sexual nature to an inmate or parolee by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

### **Duty to Report**

Staff are required to report any allegation of sexual abuse, sexual harassment, sexual threats, or retaliation as reported by an inmate or parolee. In addition, all employees, regardless of title, are under a duty to report: 1) Any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not the facility is part of the Agency (e.g., a CBRP or a county jail) including: any sexual conduct (sexual intercourse, oral sexual conduct, anal sexual conduct, aggravated sexual contact, or sexual contact) between another employee and an inmate or parolee; any inappropriate relationship between another employee and an inmate or parolee; any act of staff voyeurism; or any allegation of retaliation for reporting an incident of sexual abuse, or for participating in an investigation of an allegation of sexual abuse; 2) Retaliation against inmates, parolees, or staff who reported such an incident; and 3) Any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.

Effective June 23, 2018, each of the Department's 54 facilities have passed their first PREA Audit under the applicable set of PREA Standards. Accordingly, DOCCS can now proudly represent that we are fully PREA Compliant. This accomplishment would not be possible without each and every employee's support of the Department's policy of zero tolerance for sexual abuse and sexual harassment. We must constantly and consistently maintain our zero-tolerance approach to sexual abuse and sexual harassment in order to maintain safe and secure facilities for all incarcerated individuals, other persons under the Department's jurisdiction, and to maximize the safety for all staff.

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|  <b>NEW YORK STATE</b><br><b>Corrections and Community Supervision</b><br><br><b>DIRECTIVE</b>                                                                                  | <b>TITLE</b><br><b>Sexual Abuse Prevention &amp; Intervention - Inmate-on-Inmate</b>                             |                             | NO.<br>4027A             |
|                                                                                                                                                                                                                                                                  |                                                                                                                  |                             | DATE<br>11/29/2017       |
| <b>SUPERSEDES</b><br>DIR# 4027A Dtd. 03/04/2016                                                                                                                                                                                                                  | <b>DISTRIBUTION</b><br>A B                                                                                       | <b>PAGES</b><br>PAGE 1 OF 6 | <b>DATE LAST REVISED</b> |
| <b>REFERENCES</b> (Include but are not limited to)<br>Penal Law §240.50, §130, "Standards of Inmate Behavior" Rule Series 101; Prison Rape Elimination Act of 2003 (PREA) 42, U.S.C. 15601 <i>et seq.</i> ; Directive #0700, 4027B, 4028A; DOCCS Training Manual | <b>APPROVING AUTHORITY</b><br> |                             |                          |

**I. DESCRIPTION:** This Directive provides information concerning:

- The prevention of **inmate-on-inmate** sexual abuse, sexual harassment, and sexual threats;
- The prevention of, detection of, and response to allegations of **inmate-on-inmate** sexual abuse, sexual harassment and sexual threats, including prompt and effective intervention to address the safety and treatment needs of an inmate victim;
- The duty of all staff to report any allegation of sexual abuse or sexual harassment of an inmate, and to report any actual knowledge or reasonable belief concerning any incident of sexual abuse or sexual harassment;
- The duty of staff to report any allegation of retaliation for reporting an incident of sexual abuse or sexual harassment, or for participating in an investigation of an incident of sexual abuse or sexual harassment;
- The prevention of, detection of, and response to allegations of retaliation for reporting an incident of sexual abuse or sexual harassment, or participating in an investigation of an incident of sexual abuse or sexual harassment; and
- The discipline and/or prosecution of those who commit such acts of sexual abuse, sexual harassment, sexual threats, or retaliation.

**II. POLICY:** The New York State Department of Corrections and Community Supervision has zero tolerance for sexual abuse and sexual harassment. Inmates and parolees have the right to be free from sexual abuse and sexual harassment. Sexual abuse and sexual harassment violate Department rules and threaten security. All allegations of sexual abuse, sexual harassment, or retaliation against staff, an inmate, or a parolee for reporting such an incident or participating in an investigation will be thoroughly investigated. Furthermore, any perpetrator of a sexual abuse or sexual harassment incident will be dealt with severely through discipline or prosecution to the fullest extent permitted by law.

It is the policy of the Department that coercive inmate-on-inmate sexual conduct is sexual abuse and is not to be tolerated. All allegations of sexual abuse, sexual harassment, sexual threats, and retaliation concerning such an incident will be thoroughly investigated. Inmate Rule 101.10, "Standards of Inmate Behavior," prohibits inmates from engaging in, or soliciting others to engage in sexual acts. No victim of inmate-on-inmate sexual abuse shall be subject to discipline for engaging in sexual acts as a result of threats, intimidation, or other coercive actions. Other sexual contact and conduct of a sexual nature are also prohibited by rules found in Rule Series 101.



### III. DEFINITIONS

- A. Sexual Conduct means sexual intercourse, oral sexual conduct, anal sexual conduct, aggravated sexual contact, or sexual contact, and shall have the same meaning as set forth in Penal Law § 130.00.
- B. Sexual Contact means any touching of the sexual or other intimate parts of a person not married to the actor for the purpose of gratifying sexual desire of either party, and shall have the same meaning as set forth in Penal Law § 130.00.
- C. Sexual Abuse includes:
1. Inmate-on-Inmate Sexual Abuse: Inmate-on-Inmate Sexual Abuse is when one or more inmates engage in sexual conduct, including sexual contact, with another inmate against his or her will or by use of threats, intimidation, or other coercive actions. Inmate-on-Inmate Sexual Abuse is a form of "Prison Rape" under the Prison Rape Elimination Act of 2003, (PREA), 42 U.S.C. § 15609.
  2. Staff-on-Inmate/Staff-on-Parolee Sexual Abuse: Staff-on-Inmate/Staff-on-Parolee Sexual Abuse is when an employee, volunteer, intern, or outside contractor engages in sexual conduct, including sexual contact, with an inmate or parolee. Staff-on-Inmate Sexual Abuse is a form of "Prison Rape" under PREA.
- D. Attempt to Commit Sexual Abuse is when a person engages in conduct that tends to effect the commission of sexual conduct, including sexual contact.
- E. Sexual Threat means any spoken, written or other threat to engage in sexual conduct forcibly or against a person's will. A sexual threat is a type of sexual harassment.
- F. Sexual Harassment includes:
1. Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another; and
  2. Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, parolee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

### IV. PROCEDURE

- A. Training
1. In accordance with the Department of Corrections and Community Supervision Training Manual, all employees shall receive, during initial training and as in-service training, instruction that relates to the prevention, detection, response, and investigation of sexual abuse and sexual harassment in a correctional environment. Training includes: initial training, refresher training at least every two years, orientation training upon reassignment to another correctional facility, and annual refresher information.
  2. All contractors and contract employees, volunteers, and interns shall receive orientation and periodic in-service training consistent with their level of inmate contact relating to the prevention, detection, and response to inmate-on-inmate sexual abuse and sexual harassment.

3. All inmates shall receive during orientation at reception and at facility orientation after transfer, information which addresses sexual abuse and sexual harassment. The information shall be communicated orally and in writing, in a language clearly understood by the inmates. This information will address prevention, self-protection (situation avoidance), reporting sexual abuse, and sexual harassment, and the availability of treatment and counseling.
- B. Assessment and Classification
1. Reception: An initial assessment will be conducted of all inmates arriving at a Reception Center.
    - a. This assessment is intended to identify a number of classification concerns including a determination of an inmate's risk of being sexually abused by other inmates or sexually abusive toward other inmates. Inmates identified as being at high risk of sexual victimization or of being sexually abusive will be identified, such concerns shall be noted upon the inmate's security classification in accordance with the "Manual for Security Classification Guidelines," and appropriate measures will be taken to ensure that they are monitored.
    - b. A PREA Risk Screening (Form #115.41M or Form #115.41F consistent with the gender classification of the facility) will be conducted pursuant to facility-specific procedures adopted in accordance with the Facility Operations Manual (FOM) Template implemented by the Associate Commissioner for Prison Rape Elimination Act (PREA) Compliance.
    - c. Counseling services will be available to address concerns associated with a history of sexual victimization and/or a history of sexually aggressive behavior, as appropriate. This assessment will also be considered in assigning an inmate's location. The initial assessment must include a preliminary review by Security, Health Services and Classification staff within 24 hours of an inmate's arrival at the reception facility.
  2. Transfer: An inmate's risk of being sexually abused by other inmates or sexually abusive toward other inmates shall be monitored and any specific occurrence or information shall be noted and considered in connection with any transfer.
    - a. Upon arrival, each inmate will be screened using PREA Risk Screening Form #115.41M or Form #115.41F for any indication of current risk of being sexually abused by other inmates or sexually abusive toward other inmates.
    - b. Such screening shall be conducted pursuant to facility-specific procedures adopted in accordance with the Facility Operations Manual (FOM) Template implemented by the Associate Commissioner for Prison Rape Elimination Act (PREA) Compliance.
- C. Reporting and Investigation of Inmate-on-Inmate Sexual Abuse, Sexual Harassment, or Sexual Threats: An inmate or parolee may report an incident of sexual abuse, sexual harassment, sexual threats, or any act of retaliation for reporting such an incident or for participating in an investigation of such an allegation to any employee. The initial inmate or parolee report may be verbal or in writing. For reporting purposes under this Directive, "employee" includes any employee, contractor or contract employee, volunteer, or intern of the Department, or any employee, contractor or contract employee assigned to work in a Department correctional facility by any other State agency.

1. An employee who receives a report that an inmate or parolee, is the victim of an incident of sexual abuse, sexual harassment, or sexual threats must be aware of the sensitive nature of the situation. The victim must be treated with due consideration for the effects of sexual abuse and sexual harassment.
2. Any employee who receives a report of sexual abuse, sexual harassment, sexual threats, or any act of retaliation for reporting such an incident, or for participating in an investigation of such an allegation, shall immediately notify his or her immediate supervisor as outlined below:
  - a. Any facility-based employee shall report the information immediately to their supervisor, who shall notify the Watch Commander. In the event the supervisor is not available, the employee shall immediately notify the Watch Commander directly.
  - b. Any community-based employee who receives a report involving an inmate or parolee, who is being supervised in the community has a duty to report such information to the Supervising Parole Officer (Bureau Chief) who shall immediately notify the Regional Director. In the event the Supervising Parole Officer (Bureau Chief) is not available, the employee shall immediately notify the Regional Director. In the event the Regional Director is not immediately available, the Assistant Regional Director shall be notified to avoid any delay.
  - c. The employee shall report the specific details, in writing, to the Watch Commander or Supervising Parole Officer (Bureau Chief) immediately, or as soon as possible after verbal notification, and no later than the end of the shift.
  - d. A medical practitioner who receives such information in the course of providing medical treatment to an inmate is required to report the minimum information necessary as set forth in the Department of Corrections and Community Supervision Health Services Policy Manual (HSPM) 1.60.
  - e. Immediate notification shall be made to the Office of Special Investigations in accordance with Directive #4027B, "Sexual Abuse Reporting & Investigation-Inmate-on-Inmate.
3. The Watch Commander shall initiate the sexual abuse protocols in accordance with the facility's Coordinated Response Plan to an Incident of Inmate Sexual Abuse, including securing the crime scene, where appropriate.
4. Reports of sexual abuse and sexual harassment are confidential and information, including but not limited to the identity of the victim, the identity of the person reporting the sexual abuse or sexual harassment, the identity of witnesses and the identity of the alleged perpetrator, is only to be shared with essential employees involved in the reporting, investigation, discipline and treatment process, or as otherwise required by law.
5. No retaliation of any kind shall be taken against an inmate, parolee, or employee for good faith reporting of sexual abuse, sexual harassment, or sexual threats.

6. A prompt, thorough, and objective investigation shall be conducted in all instances of reported sexual abuse, sexual harassment or retaliation concerning such an incident. As directed herein, and in accordance with Directive #0700, "Office of Special Investigations (OSI)," and other applicable department policies, this investigation shall be initiated promptly and shall be the responsibility of the Office of Special Investigations who shall determine the appropriate investigative response.

NOTE: Allegations of inmate-on-inmate sexual abuse may be reported to appropriate law enforcement officials and/or prosecutors by the Department's Office of Special Investigations. A person is guilty of falsely reporting an incident if it is proven beyond a reasonable doubt that, knowing the information reported, conveyed, or circulated to be false or baseless, he or she reports to a law enforcement officer or agency the alleged occurrence of an offense or incident which did not in fact occur (Penal Law § 240.50). A report made in good faith based upon a reasonable belief that the alleged conduct did occur does not constitute falsely reporting an incident or lying for the purpose of disciplinary action even if investigation does not establish evidence sufficient to substantiate the allegation.



D. Discipline and Prosecution

1. Whenever an employee ascertains facts that an inmate perpetrated an act of inmate-on-inmate sexual abuse, it is the Department's policy to report such incidents on Form #2171, "Inmate Misbehavior Report," and to seek discipline of the aggressor in accordance with the standards of behavior. Furthermore, whenever investigation substantiates an allegation of inmate-on-inmate sexual abuse, the matter shall be referred to the appropriate law enforcement agency and/or prosecutor, through the Department's Office of Special Investigations, for consideration of criminal charges against the aggressor.
2. Whenever an employee ascertains facts that an inmate engaged in sexual harassment or made a sexual threat, it is the Department's policy to report such incidents on Form #2171, "Inmate Misbehavior Report," and to seek discipline of the aggressor in accordance with the standards of behavior.
3. A victim of sexual abuse, including an inmate or parolee who engages in a sexual act as a result of threats, intimidation, or other coercive actions, is not subject to discipline absent proof of false reporting following a full investigation of the incident and after consultation with the Department's Office of Special Investigations.

V. **STAFF DUTY TO REPORT**

- A. An inmate or parolee may report an incident of sexual abuse, sexual harassment or an allegation of retaliation concerning such an incident to any employee. The employee shall immediately notify his or her supervisor pursuant to Section IV above. The initial inmate or parolee report may be verbal or in writing.
- B. In addition to reporting an allegation of sexual abuse, sexual harassment, sexual threats, or retaliation as reported by an inmate or parolee, all employees, regardless of title, are under a duty to report:
  1. Any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not the facility is part of the Agency;
  2. Retaliation against inmates, parolees, or staff who reported such an incident; and

3. Any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.
- C. Any employee having either knowledge or a reasonable belief of any sexual abuse, sexual harassment, or threat has a duty to report such information.
1. Any facility-based employee shall report such information immediately to their supervisor, who shall immediately notify the Watch Commander. In the event the supervisor is not available, the employee shall immediately notify the Watch Commander directly.
  2. Any community-based employee shall report such information to the Supervising Parole Officer (Bureau Chief) who shall immediately notify the Regional Director. In the event the Supervising Parole Officer (Bureau Chief) is not available, the employee shall immediately notify the Regional Director. In the event the Regional Director is not immediately available, the Assistant Regional Director shall be notified to avoid any delay.
- D. Any employee who receives a report of sexual abuse or sexual harassment, or has either knowledge or a reasonable belief of any sexual abuse, sexual conduct, sexual contact, sexual harassment, or any act of retaliation against an inmate, parolee, or employee for reporting an incident of sexual abuse or sexual harassment, or for participating in an investigation involving any of those acts, and who fails to report such information, may be subject to disciplinary action.

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|  <b>NEW YORK STATE</b><br><b>Corrections and Community Supervision</b><br><br><b>DIRECTIVE</b>                                                                                                  | TITLE<br><b>Sexual Abuse Prevention &amp; Intervention - Staff-on-Inmate/Staff-on-Parolee</b>             |                      | NO.<br>4028A       |
|                                                                                                                                                                                                                                                                                  |                                                                                                           |                      | DATE<br>11/29/2017 |
| SUPERSEDES<br>DIR# 4028A Dtd. 03/04/2016                                                                                                                                                                                                                                         | DISTRIBUTION<br>A B                                                                                       | PAGES<br>PAGE 1 OF 6 | DATE LAST REVISED  |
| REFERENCES (Include but are not limited to)<br>Penal Law §240.50, §130, "Standards of Inmate Behavior" Rule Series 101, Prison Rape Elimination Act of 2003 (PREA), 42 U.S.C. 15601 <i>et seq.</i> ; Directive #0700, 4027A, 4028B, 4910, 6910; DOCCS Training Manual; HSPM 1.60 | APPROVING AUTHORITY<br> |                      |                    |

**I. DESCRIPTION:** This Directive provides information concerning:

- The prevention of **staff-on-inmate/staff-on-parolee** sexual abuse, sexual harassment, sexual threats, and staff voyeurism;
- The prevention of, detection of, and response to allegations of **staff-on-inmate/staff-on-parolee** sexual abuse, sexual harassment, sexual threats, and staff voyeurism, including prompt and effective intervention to address the safety and treatment needs of an inmate victim of sexual abuse or sexual harassment;
- The duty of all staff to report any allegation of sexual abuse or sexual harassment of an inmate, and to report any actual knowledge or reasonable belief concerning any incident of sexual abuse, sexual harassment, or the existence of an inappropriate relationship between a staff member and an inmate;
- The duty of staff to report any allegation of retaliation for reporting an incident of sexual abuse or sexual harassment, or participating in an investigation of an incident of sexual abuse or sexual harassment;
- The prevention of, detection of, and response to allegations of retaliation for reporting an incident of sexual abuse or sexual harassment, or participating in an investigation of an incident of sexual abuse or sexual harassment; and
- The discipline and/or prosecution of those who commit such acts of sexual abuse, sexual harassment, sexual threats, staff voyeurism, or retaliation.

**II. POLICY:** The New York State Department of Corrections and Community Supervision has zero tolerance for sexual abuse and sexual harassment. Inmates and parolees have the right to be free from sexual abuse and sexual harassment. Sexual abuse and sexual harassment violate Department rules and threaten security. All allegations of sexual abuse, sexual harassment, or retaliation against staff, an inmate, or a parolee for reporting such an incident or participating in an investigation will be thoroughly investigated. Furthermore, any perpetrator of a sexual abuse or sexual harassment incident will be dealt with severely through discipline or prosecution to the fullest extent permitted by law.

It is the policy of the Department that staff-on-inmate/staff-on-parolee sexual conduct is sexual abuse and is not to be tolerated. Every incident of staff sexual conduct with an inmate or parolee presents a threat to the security of the facility and the Department. All allegations of sexual abuse, sexual harassment, sexual threats, staff voyeurism, or retaliation concerning such an incident will be thoroughly investigated.

Under § 130.05 of NYS Penal Law, an inmate or parolee cannot legally consent to any sexual act with an employee, contract employee, or volunteer (i.e., "staff"). It is a crime for staff to engage in a sexual act with an inmate or parolee. A staff person who engages in sexual conduct, including sexual contact with an inmate or parolee, is guilty of a sex offense even if the inmate or parolee "willingly" participates or manipulates the staff member.

Sexual conduct with a person committed to the custody of the Department is a crime whether it occurs inside a correctional facility, during transportation outside a correctional facility, or while the person is a participant in a temporary release program. Any sexual abuse of an inmate or parolee by a staff member will be prosecuted to the fullest extent of the law.

NOTE: Any incident of sexual assault on staff by an inmate or parolee will be immediately reported to the Office of Special Investigations and handled in accordance with established Department policy for investigation and criminal prosecution of inmates (see Directive #6910, "Criminal Prosecution of Inmates").

### III. DEFINITIONS

- A. Sexual Conduct means sexual intercourse, oral sexual conduct, anal sexual conduct, aggravated sexual contact, or sexual contact and shall have the same meaning as set forth in Penal Law § 130.00.
- B. Sexual Contact means any touching of the sexual or other intimate parts of a person not married to the actor for the purpose of gratifying sexual desire of either party, and shall have the same meaning as set forth in Penal Law § 130.00.

NOTE: "Sexual Contact" does not include touching of the intimate parts of another person during the performance of a personal search in accordance with Department procedures as outlined in Directive #4910, "Control of and Search for Contraband," or during a medical examination by health care staff for a proper medical purpose.

- C. Sexual Abuse includes:
1. Inmate-on-Inmate Sexual Abuse: Inmate-on-Inmate Sexual Abuse is when one or more inmates engage in sexual conduct, including sexual contact, with another inmate against his or her will or by use of threats, intimidation or other coercive actions. Inmate-on-Inmate Sexual Abuse is a form of "Prison Rape" under the Prison Rape Elimination Act of 2003 (PREA), 42 U.S.C. § 15609.
  2. Staff-on-Inmate/Staff-on-Parolee Sexual Abuse: Staff-on-Inmate/Staff-on-Parolee Sexual Abuse is when an employee, volunteer, intern or outside contractor engages in sexual conduct, including sexual contact, with an inmate or parolee. Staff-on-Inmate Sexual Abuse is a form of "Prison Rape" under PREA.
- D. Attempt to Commit Sexual Abuse is when a person engages in conduct that tends to effect the commission of sexual conduct, including sexual contact.
- E. Sexual Threat means any spoken, written, or other threat to engage in sexual conduct forcibly or against a person's will. A sexual threat is a type of sexual harassment.
- F. Sexual Harassment includes:
1. Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another; and

2. Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, parolee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

- G. Staff Voyeurism means the intentional or surreptitious viewing, broadcast or recording of an inmate dressing or undressing or of the sexual or other intimate parts of such inmate for the purpose of sexual arousal or sexual gratification, amusement, entertainment, or profit, or for the purpose of degrading or abusing a person.

NOTE: "Staff Voyeurism" does not include the viewing of the sexual or other intimate parts of another person during a personal search in accordance with Department procedures as outlined in Directive #4910; or inadvertently or accidentally during rounds, while assigned to monitor Department security camera systems, during the performance of other official duties; or during a medical examination by health care staff for a proper medical purpose.

- H. Inappropriate relationship means any association with criminals or persons engaged in unlawful activities or any conversation, communication, dealing, transaction, association, or relationship with any inmate, former inmate, parolee or former parolee, or any visitor, friend, or relative of same in any manner or form which is not necessary or proper for the discharge of the employee's duties, and that has not been authorized in accordance with applicable policy.

- IV. **PURPOSE:** The purpose of this Directive is to provide guidelines for the prevention, detection, response and investigation of sexual abuse, sexual harassment or sexual threats, or any act of retaliation against an inmate or parolee for reporting such an incident or for participating in an investigation of such an allegation, including prompt and effective intervention to address the safety and treatment needs of a victim of sexual abuse or sexual harassment, and the investigation, discipline and prosecution of the aggressor(s).

## V. PROCEDURE

### A. Training

1. In accordance with the Department of Corrections and Community Supervision Training Manual, all employees shall receive, during initial training and as in-service training instruction that relates to the prevention, detection, response, and investigation of sexual abuse and sexual harassment in a correctional environment. Training includes initial training, refresher training at least every two years, orientation training upon reassignment to another correctional facility, and annual refresher information.
2. All contractors and contract employees, volunteers, and interns shall receive orientation and periodic in-service training consistent with their level of inmate contact relating to the prevention, detection, and response to sexual abuse and sexual harassment.
3. All inmates shall receive during orientation at reception, and at facility orientation after transfer, information which addresses sexual abuse and sexual harassment. The information shall be communicated orally and in writing, in a language clearly understood by the inmates. This information will address prevention, self-protection (situation avoidance), reporting sexual abuse and sexual harassment, and the availability of treatment and counseling.



- B. Reporting and Investigation of Staff-on-Inmate/Staff-on-Parolee Sexual Abuse, Sexual Harassment or Sexual Threats: An inmate or parolee may report an incident of sexual abuse, sexual harassment, sexual threats, staff voyeurism or any act of retaliation for reporting such an incident or for participating in an investigation of such an allegation to any employee. The initial inmate or parolee report may be verbal or in writing. For reporting purposes under this Directive, "employee" includes any employee, contractor or contract employee, volunteer, or intern of the Department, or any employee, contractor or contract employee assigned to work in a Department correctional facility by any other State agency.
1. An employee who receives a report that an inmate or parolee is the victim of an incident of sexual abuse, sexual harassment, sexual threats, or staff voyeurism must be aware of the sensitive nature of the situation. The victim must be treated with due consideration for the effects of sexual abuse and sexual harassment.
  2. Any employee who receives a report of sexual abuse, sexual harassment, sexual threats, staff voyeurism, or any act of retaliation for reporting such an incident or for participating in an investigation of such an allegation shall:
    - a. Any facility-based employee shall report the information immediately to their supervisor, who shall immediately notify the Watch Commander. In the event the supervisor is not available, the employee shall immediately notify the Watch Commander directly.
    - b. Any community-based employee who receives a report involving an inmate or parolee, who is being supervised in the community has a duty to report such information to the Supervising Parole Officer (Bureau Chief) who shall immediately notify the Regional Director. In the event the Supervising Parole Officer (Bureau Chief) is not available, the employee shall immediately notify the Regional Director. In the event the Regional Director is not immediately available, the Assistant Regional Director shall be notified to avoid any delay.
    - c. The employee shall report the specific details, in writing, to the Watch Commander or Supervising Parole Officer (Bureau Chief) immediately or as soon as possible after verbal notification, and no later than the end of the shift.
    - d. A medical practitioner who receives such information in the course of providing medical treatment to an inmate is required to report the minimum information necessary as set forth in the Department of Corrections and Community Supervision Health Services Policy Manual (HSPM) 1.60.
    - e. Immediate notification shall be made to the Office of Special Investigations in accordance with Directive #4028B, "Sexual Abuse Reporting & Investigation – Staff-on-Inmate/Staff-on-Parolee."
  3. The Watch Commander shall initiate the sexual abuse protocols in accordance with the facility's Coordinated Response Plan to an Incident of Inmate Sexual Abuse, including securing the crime scene, where appropriate.
  4. Reports of sexual abuse and sexual harassment are confidential and information, including but not limited to the identity of the victim, the identity of the person reporting the sexual abuse or sexual harassment, the identity of witnesses and the identity of the alleged perpetrator, is only to be shared with essential employees involved in the reporting, investigation, discipline, and treatment process, or as otherwise required by law.

5. No retaliation of any kind shall be taken against an inmate, parolee or employee for good faith reporting of sexual abuse, sexual harassment, or sexual threats.
6. A prompt, thorough, and objective investigation shall be conducted in all instances of reported sexual abuse, sexual harassment, inappropriate relationships, and retaliation for reporting such an incident. As directed herein and in accordance with Directive #0700, "Office of Special Investigations (OSI)," and other applicable department policies, this investigation shall be initiated promptly and shall be the responsibility of the Office of Special Investigations who shall determine the appropriate investigative response.

NOTE: Allegations of staff-on-inmate/staff-on-parolee sexual abuse or inappropriate relationships, may be reported to appropriate law enforcement officials and/or prosecutors by the Department's Office of Special Investigations. A person is guilty of falsely reporting an incident if it is proven beyond a reasonable doubt that, knowing the information reported, conveyed, or circulated to be false or baseless, he or she reports to a law enforcement officer or agency the alleged occurrence of an offense or incident which did not in fact occur (Penal Law § 240.50). A report made in good faith based upon a reasonable belief that the alleged conduct did occur does not constitute falsely reporting an incident or lying for the purpose of disciplinary action, even if investigation does not establish evidence sufficient to substantiate the allegation.

- C. Discipline and Prosecution: When investigation substantiates an allegation of sexual abuse and/or inappropriate relationships, it is the Department's policy to refer such incident to the appropriate law enforcement agency or prosecutor, through the Department's Office of Special Investigations, for consideration of criminal charges. Any conduct constituting sexual abuse, sexual harassment, staff voyeurism, inappropriate relationships or any act of retaliation against an inmate, parolee, or employee for reporting an incident of sexual abuse, sexual harassment, staff voyeurism, inappropriate relationships, or for participating in an investigation involving any of those acts may be the basis for disciplinary action whether or not prosecution or a conviction results.

## VI. STAFF DUTY TO REPORT

- A. An inmate or parolee may report an incident of sexual abuse, sexual harassment, sexual threats, or an allegation of retaliation concerning such an incident to any employee. The employee shall immediately notify his or her supervisor pursuant to Section V above. The initial inmate or parolee report may be verbal or in writing.
- B. In addition to reporting an allegation of sexual abuse, sexual harassment, sexual threats, or retaliation as reported by an inmate or parolee, all employees, regardless of title, are under a duty to report:
  1. Any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not the facility is part of the Agency including:
    - a. Any sexual conduct (sexual intercourse, oral sexual conduct, anal sexual conduct, aggravated sexual contact, or sexual contact) between another employee and an inmate or parolee;
    - b. Any inappropriate relationship between another employee and an inmate or parolee;
    - c. Any act of staff voyeurism; or

- d. Any allegation of retaliation for reporting an incident of sexual abuse, or for participating in an investigation of an allegation of sexual abuse.
  2. Retaliation against inmates, parolees, or staff who reported such an incident; and
  3. Any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.
- C. Any employee having either knowledge or a reasonable belief of any sexual abuse or sexual conduct, including sexual contact, taking place or having taken place between any employee and an inmate or parolee, sexual harassment, any inappropriate relationship between any employee and an inmate or parolee, or any act of staff voyeurism has a duty to report such information.
1. Any facility-based employee shall report such information to their supervisor, who shall immediately notify the Watch Commander. In the event the supervisor is not available, the employee shall immediately notify the Watch Commander directly.
  2. Any community-based employee shall report such information to the Supervising Parole Officer (Bureau Chief) who shall immediately notify the Regional Director. In the event the Supervising Parole Officer (Bureau Chief) is not available, the employee shall immediately notify the Regional Director. In the event the Regional Director is not immediately available, the Assistant Regional Director shall be notified to avoid any delay.
- D. Any employee who receives a report of sexual abuse or sexual harassment, or has either knowledge or a reasonable belief of any sexual abuse, sexual conduct, sexual contact, sexual harassment, inappropriate relationship or staff voyeurism between an employee and an inmate or parolee, or any act of retaliation against an inmate, parolee, or employee for reporting an incident of sexual abuse, sexual harassment, staff voyeurism, inappropriate relationship, or for participating in an investigation involving any of those acts, and who fails to report such information, may be subject to disciplinary action.

New York State Department of Corrections & Community Supervision  
Division of Ministerial, Family and Volunteer Services

**LIST OF ALLOWABLE ITEMS FOR VOLUNTEERS**

- Clear DOCCS issued bag (all other bag(s) are prohibited). Previously approved program related materials may be carried in a briefcase, file box, or file folder.
- Wallet with personal documents (e.g., identification cards, credit cards, driver's license, bank cards, etc.).
- Cash - no more than \$20 for food, ordered from an outside business, vending machines, and/or the employee facility culinary program, if equipped.
- Vehicle/personal keys
- Key clip(s)
- Food/drinks, if in the facility for an extended period of time or have dietary concerns:
  - Uncooked eggs, meats, poultry, and fish are **PROHIBITED**
  - Unprepared frozen food is **PROHIBITED**
  - Microwaveable prepared meals are permitted
  - Packaged in the original packaging, if store bought, or in see-through clear plastic containers
  - Metal and glass containers are prohibited with the exception of a Thermos
  - Tea
  - Coffee
- Plastic eating utensils
- Cold pack
- Feminine hygiene products
- Tissues
- One Chap Stick or lip balm
- Lotion (travel size only)
- Hand sanitizer (travel size only)
- Sunscreen (travel size only)
- Plastic comb or brush
- Umbrella (no golf size or pointed end)
- Watch (**PROHIBITED: Internet, Cellular, Bluetooth or Wi-Fi capable/enabled**)
- Rings
- Earrings (no hoop or dangling)
- Bracelet(s)
- Necklace(s)
- Tobacco products (maximum of one pack, can, pouch, or factory container of tobacco product)
- **Electronic Cigarettes are PROHIBITED**

New York State Department of Corrections & Community Supervision  
Division of Ministerial, Family and Volunteer Services

- Medication – by order of a physician, may bring only the dosage which is required to be taken during their time in the facility.
- One Pad folio
- One Highlighter
- All consumable canned goods (e.g., beverages/soda, food that can be heated)
- One Ace bandage
- One Wrist wrap
- Six Band Aids
- Neosporin (small tube)
- Depends
- One breath mints retail package
- Facemask
- One bottle Contact lens solution
- Two packs of matches or lighter



STATE OF NEW YORK  
**DEPARTMENT OF CORRECTIONS  
AND COMMUNITY SUPERVISION**  
THE HARRIMAN STATE CAMPUS – BUILDING 2  
1220 WASHINGTON AVENUE  
ALBANY, N.Y. 12226-2050

ANTHONY J. ANNUCCI  
ACTING COMMISSIONER

CARL J. KOENIGSMANN, M.D.  
DEPUTY COMMISSIONER/CHIEF MEDICAL OFFICER

## MEMORANDUM

**TO:** All Volunteers

**FROM:** Carl J. Koenigsmann, M.D., Deputy Commissioner/Chief Medical Officer *[Signature]*  
Jeff McKoy, Deputy Commissioner *[Signature]*

**DATE:** May 13, 2014

**SUBJECT:** Suicide Prevention

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Due to a recent rash of inmate suicides, it is important to review the basics of suicide prevention in a correctional setting.

As you interact with the inmates, you may observe, overhear or gather information that an inmate may be contemplating suicide. Some common indicators to be aware of are:

- Expressions of feeling hopeless and helpless
- Withdrawal from normal activities and/or contact with family and friends especially during the holidays
- Giving away personal possessions, sending possessions home, organizing personal concerns
- Personal loss such as death of a loved one, divorce, ending of a personal relationship
- Changes in normal pattern of behavior which may include mood changes, emotional distress, isolation, irritability and expressions of fearfulness toward others
- Impact of changes in confinement such as admission to DOCCS reception, admission to SHU, admission to protective custody, return from Central New York Psychiatric Center to DOCCS
- Setback in legal proceedings or Parole Board denial
- Victim of physical or sexual assault

You should be aware that in most adult suicides, the act is a premeditated one, carefully planned, and not an impulsive spur-of-the-moment decision. Because of this, alert staff and volunteers can spot the warning signs and intervene before it is too late. Whenever you feel that an inmate may be potentially suicidal, a referral should be made to the Office of Mental Health clinical staff, a counselor, or Health Services staff. Additionally, volunteers should immediately report to supervisory staff any unusual or aberrant behaviors being exhibited. These emotions are not always directed toward themselves, but may be directed toward others. Any inmate who is threatening suicide should not be left alone until help arrives.

CJK/lb



# Corrections and Community Supervision

ANDREW M. CUOMO  
Governor

ANTHONY J. ANNUCCI  
Acting Commissioner

## MEMORANDUM

TO: All Employees

FROM: Anthony J. Annucci, Acting Commissioner

SUBJ: Reissue – NYS Department of Corrections and Community Supervision's Policy Statement on Sexual Harassment in the Workplace

DATE: March 3, 2015

It shall be the policy of the New York State Department of Corrections and Community Supervision to strictly adhere to the Statewide Policy on Sexual Harassment in the Workplace. The nature and orientation of the Department of Corrections and Community Supervision provides no latitude for the instigation of sexual harassment. Sexual harassment is an unlawful practice and a violation of the Civil Rights Act of 1964 as amended, the New York State Human Rights Law, and Equal Employment Opportunity in New York State-Rights and Responsibilities, A Handbook for Employees of New York State Agencies.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Sexual harassment occurs when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
2. submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment has devastating economic, psychological and physical effects, not only on the victim, but on the employer in both human and financial terms. There is no place in the agency for any form of sexual harassment, and it will not be tolerated.

Accordingly, sexual harassment is considered a form of employee misconduct, and individuals guilty of such conduct will be subject to appropriate disciplinary action. Similarly, sanctions will be enforced against supervisory and managerial personnel who knowingly allow such behavior to continue.

Employees who find themselves subjected to any form of harassment may seek redress through the chain of command as appropriate or directly with the Office of Diversity Management according to Directive #2602, "Diversity Management Complaints." Ultimately, all sexual harassment complaints must be reported to the Office of Diversity Management. Supervisory or managerial staff must not investigate sexual harassment complaints, but shall take prompt and immediate actions to address any immediate concerns with regard to the complainant's safety and well being. It shall be the responsibility of the Office of Diversity Management to expeditiously investigate and resolve the complaint and to follow up each case to ensure the behavior has been effectively stopped. The Office of Diversity Management shall advise the employee as to other available avenues of administrative redress.

Such complaints will be kept strictly confidential to every extent possible. Retaliation against any employee who, in good faith, files a sexual harassment complaint or participates in the investigative process, is illegal and constitutes a violation of the Agency's Sexual Harassment policy, Title VII of the Civil Rights Act of 1964, as amended, New York State Human Rights Law, and Equal Employment Opportunity in New York State-Rights and Responsibilities, A Handbook for Employees of New York State Agencies.





STATE OF NEW YORK

**DEPARTMENT OF CORRECTIONS  
AND COMMUNITY SUPERVISION**

THE HARRIMAN STATE CAMPUS – BUILDING 2

1220 WASHINGTON AVENUE

ALBANY, N.Y. 12226-2050

**ANDREW M. CUOMO**  
GOVERNOR

**ANTHONY J. ANNUCCI**  
ACTING COMMISSIONER

MEMORANDUM

TO: All Employees

FROM: Anthony J. Annucci, Acting Commissioner

SUBJ: Revised - Nondiscrimination in Employment Based on Sexual Orientation and Gender Identity

DATE: December 23, 2014

It shall be the policy of the New York State Department of Corrections and Community Supervision not to discriminate against any applicant or employee because of sexual orientation or gender identity in matters pertaining to employment. This policy is based upon the Human Rights Law, New York State Executive Law Section 296, and Executive Order No. 33, as continued by Governor Andrew Cuomo, which “prohibits discrimination based on sexual orientation and gender identity respectively in any matters pertaining to employment” by any state agency or department.

The Human Rights Law, specifically, subdivision (27) of Section 292 of the Executive Law, defines “sexual orientation” to mean “heterosexuality, homosexuality, bisexuality or asexuality, whether actual or perceived.” “Gender Identity” means an individual’s gender identity, self-image, appearance, behavior or expression, whether or not that gender identity, self-image, appearance, behavior or expression is different from that traditionally associated with the legal sex or gender assigned to an individual at birth. It is considered to be discriminatory when any conduct is engaged in which has the purpose or effect of making sexual orientation or gender identity the basis for an employment decision, or which interferes with the employee’s work performance, or which creates an intimidating, hostile, or offensive work environment.

Harassment based on an individual’s sexual orientation and gender identity has devastating economic, psychological and physical effects, not only on the victim, but on the employer in both human and financial terms. There is no place in this agency for any form of harassment, and it will not be tolerated. Accordingly, harassment perpetrated because of an individual’s sexual orientation and gender identity is considered a form of employee misconduct, and individuals guilty of such misconduct will be subject to appropriate disciplinary action. Similarly, sanctions will be enforced against supervisory and managerial personnel who knowingly allow such behavior to continue.

Employees who find themselves subjected to any form of harassment may seek redress through the chain of command as appropriate or the Office of Diversity Management according to Directive #2602, “Diversity Management Complaints.”



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**ANTHONY J. ANNUCCI**  
ACTING COMMISSIONER

**JEFF MCKOY**  
DEPUTY COMMISSIONER  
PROGRAM SERVICES

## **POLICY ON WRITING LETTERS OF RECOMMENDATION FOR INMATES**

**March 26, 2014**

Please be advised that, on occasion, a volunteer will be asked to write a letter of recommendation for an inmate. If you believe you have specific information pertaining to a particular inmate who participates in an approved program for which you are a volunteer, and you wish to provide information which relates to the inmate's participation and progress in that particular program, you are not to give any such correspondence to the inmate. The only approved avenue is to submit a letter to the Deputy Superintendent for Program Services (DSP) at the facility where the inmate is incarcerated. The DSP will review the letter to ensure it is appropriate as outlined in these guidelines.

This letter is not to be of a personal nature, and is to be limited to information regarding the kind of contact you have had with the inmate, and the observations which you have made regarding the inmate's participation in the program, and specific skills he or she have attained through the program.

If approved, the facility will forward the letter to the appropriate person(s) and/or agency and will place a copy of the letter in the inmate's Guidance folder. As a volunteer, you are not authorized to write such letters without following the above guidelines. Any violation of this procedure could result in your services as a volunteer being suspended.

Any questions regarding the above procedures are to be directed to the Office of Volunteer Services at the facility where you volunteer.



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**ANDREW M. CUOMO**  
GOVERNOR

**ANTHONY J. ANNUCCI**  
ACTING COMMISSIONER

MEMORANDUM

TO: All Employees

FROM: Anthony J. Annucci, Acting Commissioner

SUBJ: Language Access

DATE: September 25, 2013

In October 2012, Executive Order 26 issued by Governor Cuomo went into effect. Approximately two and one-half million New Yorkers do not speak English as their primary language and have limited ability to read, speak, write, or understand English. This presents potential barriers when trying to access important government benefits or services.

Executive Order 26 is known as the "Statewide Language Access Policy." Its purpose is to assist individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English. This is referred to as Limited English Proficient, or "LEP." Language access makes services provided by state government agencies available and useful to individuals who are Limited English Proficient.

As a resident of New York State, a person with LEP is eligible to receive language access services at all state agencies, if needed. Such a person has the right to receive all services and vital documents from state agencies in the language he or she is most comfortable using.

As an employee of the Department of Corrections and Community Supervision, while on duty, you may encounter an LEP individual. This individual may be an inmate, a parolee or a visitor. You should make every effort to assist the LEP individual. Procedures are in effect to provide telephonic interpretation services and translation of vital documents. If you encounter an LEP individual and you are unfamiliar with these procedures, please contact your supervisor immediately and advise the individual that assistance will be provided.



# Corrections and Community Supervision

ANDREW M. CUOMO  
Governor

ANTHONY J. ANNUCCI  
Acting Commissioner

## MEMORANDUM

**TO:** All Visitors and Volunteers

**FROM:** Joseph H. Noeth, Deputy Commissioner for Correctional Facilities  
Jeff McKoy, Deputy Commissioner for Program Services *JM*

**SUBJECT:** Visitor/Volunteer Processing-Cannabis Prohibition

**DATE:** April 8, 2021

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**Post conspicuously at the front gate, visit processing, visitor centers, and visiting rooms.**

Due to the recent enactment into law of legalized adult-use cannabis, it is necessary to ensure all visitors and facility volunteers are made aware of the restrictions that remain in effect, when seeking entry into a Department facility.

All visitors and volunteers entering a correctional facility are prohibited from possessing, consuming or being under the influence of cannabis, for the entire duration of their visit to or time within a correctional facility. Cannabis, like alcohol, is still considered contraband within our facilities and will not be permitted under any circumstances. Visitors are not allowed to provide incarcerated individuals with cannabis during visits, in packages, through the mail, or by any other means.

In addition, like alcohol, visitors and volunteers are prohibited from storing cannabis in their cars.

Any person visiting an incarcerated individual who is found to be in violation of this policy will be subject to a suspension of their visiting privileges, in accordance with Directive #4403, "Inmate Visitor Program." Misconduct by volunteers will result in a suspension/dismissal, as set forth in Directive #4750, "Volunteer Services Program." Additionally, violation of these rules may result in an arrest.

The Department continues to strive toward maintaining a drug and alcohol-free environment for the safety of all staff, the incarcerated population and visitors.




# Corrections and Community Supervision

ANDREW M. CUOMO  
Governor

ANTHONY J. ANNUCCI  
Acting Commissioner

## MEMORANDUM

To: All Superintendents

From: Joseph F. Bellnier, Deputy Commissioner for Correctional Facilities 

Subject: Wrist Watches/Devices-Revised

Date: September 3, 2015 (revised from March 27, 2015)

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Recent advances in technology have resulted in the commercial production of wrist watches such as the Apple Watch, and other electronic devices which have cell phone, Wi-Fi, internet access, recording and numerous other capabilities. These devices are no larger than a standard LED-type watch and are difficult to detect without close examination. This emerging electronics market will likely involve numerous manufacturers marketing their own versions and styles of units.

Items with these capabilities as previously described, including electronic bracelets such as Fitbit activity trackers, are not permitted inside correctional facilities under any circumstances. They may not be possessed by staff, visitors, or received in packages.

All staff should be aware of this latest technology when processing visitors and packages into our facilities. Staff should also be aware of these devices when frisking inmates and searching inmate property or living areas.

Questions regarding this matter may be addressed to Gary Waldron, Technical Security Specialist in Special Operations, at 518-457-2006.



# Corrections and Community Supervision

**ANDREW M. CUOMO**  
Governor

**ANTHONY J. ANNUCCI**  
Acting Commissioner

## MEMORANDUM

To: All Superintendents

From: Joseph F. Bellnier, Deputy Commissioner for Correctional Facilities

Subject: Contraband – Smartglasses

Date: April 8, 2016



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Smartglasses such as Pivothead are wearable computers that look like a pair of sunglasses. These devices are capable of capturing and storing audio, video and large amounts of data, as well as having all the features of a smartphone.

Items with these capabilities are not permitted into our facilities under any circumstances. They may not be possessed by staff, visitors, or received in any packages.

Staff are reminded to be aware of advanced technology items such as this and other similar devices when they process visitors and/or packages into our facilities and when frisking inmates and searching inmate property or living areas.

Any questions concerning this matter should be addressed to Gary Waldron, Technical Security Specialist in Special Operations at (518) 457-2006.

Attachment



# Corrections and Community Supervision

ANDREW M. CUOMO  
Governor

ANTHONY J. ANNUCCI  
Acting Commissioner

## MEMORANDUM

To: All Superintendents

From: James A. O’Gorman, Acting Deputy Commissioner for Correctional Facilities

Subject: Contraband Electronic Device – Smart Rings

Date: September 19, 2017

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Recently, the Department was made aware of wearable jewelry such as Smart Rings which also contain advanced electronic components. These devices, marketed under such trade names as Ringly, JAKCOM, NFC and others, combine the features of a mobile device with other uses such as activity tracking. Smart Rings can communicate directly with smart phones or personal computers through a variety of applications and websites, and have the ability to operate without a smart phone.

Items with these capabilities are not permitted into our facilities under any circumstances. They may not be possessed by staff, visitors, or received in any packages.

Staff is reminded to be aware of advanced technology items such as this and other similar devices when processing visitors and/or packages into our facilities. Staff should also remain diligent when frisking inmates and searching inmate property or living areas.

Please read at all lineups for 72 hours.

Any questions concerning this matter should be addressed to Gary Waldron, Technical Security Specialist in Special Operations at (518) 457-2006.

Attachment