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April 29, 2014

Anthony J. Annucci  
Acting Commissioner  
New York State Department of Corrections and Community Supervision  
Building 2, State Campus  
Albany, New York 12226-2050

RE: NYS IG 1235-316-2011

Dear Acting Commissioner Annucci:

My office received a complaint alleging misconduct by [REDACTED], who, prior to her September 22, 2011 retirement from the Department of Corrections and Community Supervision (DOCCS), served as superintendent of the Buffalo Correctional Facility and Rochester Correctional Facility. Specifically, it was alleged that [REDACTED] abused her authority by directing staff to transport her and a companion to and from the airport for a personal trip, and coercing an employee to accompany her on a trip to New York City so [REDACTED] could take advantage of the employee's hotel discount.

Our investigation revealed that in approximately August 2011 [REDACTED] directed a Buffalo Correctional Facility employee to drive her and a companion to the Buffalo airport for a personal vacation. On the return trip, a different Buffalo Correctional Facility employee received an email from his supervisor to pick up [REDACTED] and the companion at the airport and drive them to the facility. Both trips occurred while the employees were on duty for DOCCS and used a state-owned vehicle.

The investigation also determined that [REDACTED] coerced a Buffalo Correctional Facility administrative employee to travel with her to New York City where [REDACTED] attended a January 27, 2009 awards event sponsored by the New York State Bar Association's Committee on Attorneys in Public Service. The employee worked part time for Marriott and received a discount at Marriott facilities. [REDACTED] wanted the employee to travel with her so she would receive a discount at the New York Marriott Marquis Hotel, where the event was held and where she lodged overnight. The employee

testified that she had no reason to make the trip because she was not attending the event, but agreed to go because she felt she could not refuse [REDACTED]. The employee paid for her own airfare and she and [REDACTED], using their own money, split the discounted \$104 cost of the room. Both [REDACTED] and the employee charged their leave accruals for the trip.

In another incident, a Buffalo Correctional Facility mechanic advised that he felt pressured by [REDACTED] into painting a room in her personal residence. The mechanic stated that at first he declined the work, but that [REDACTED] persisted and he eventually agreed. According to the mechanic, he refused [REDACTED] offer of payment when the job was completed. He stated that painting was not done on state time.

Due to [REDACTED] retirement, she is not subject to agency disciplinary action. However, we have referred our findings to the New York State Joint Commission on Public Ethics.

I recommend that DOCCS remind supervisors that directing subordinate employees to perform work of a personal nature, on or off state time, constitutes an abuse of authority. Even requesting subordinates to perform such tasks can be viewed as coercive.

Within 30 days of the date of this letter, please provide information concerning DOCCS' review and actions. If you have any questions regarding implementation of the recommendation or your response to this letter, please feel free to contact me at (518) 474-1010.

Sincerely,

[REDACTED]  
Catherine Leahy Scott  
Inspector General

Cc: New York State Joint Commission on  
Public Ethics  
Attn: Letizia Tagliaferro,  
Executive Director